

OneLyons receives Court Decision in *Bailey, DeWolf vs Village of Lyons Board and Clerk*:

OneLyons has lost its Article 78 Petition seeking to overturn the Village Clerk's Certification of a December 18, 2013 petition. As a result, the onus is now on the New York State Legislature and New York State Governor Andrew Cuomo to take note of and address the problems the electors have encountered during the dissolution process. Village residents will now vote March 18, 2014 on whether to continue forward with the Dissolution Plan, adopted by the Village of Lyons Board of Trustees on September 30, 2013 and amended November 4, 2013; which projects a tax savings of \$9.21 per *thousand* and maintains all current services, or reject the plan and trust that the Village will follow through on their "alternatives", which are projected to save only \$1.74 per *thousand*.

Acting Supreme Court Judge John Nesbitt completed his decision February 19, 2014 and we received it February 20, 2014. In this case, the Judge granted standing to us, which was a major victory for citizens and taxpayers in New York State. We believe his decision on standing was well researched and explained.

Regarding the merits of our case against the Village Clerk's certification, however, Judge Nesbitt applied current statutory law as given to him by the legislature, reviewed conflicting Appellate Decisions, and ultimately chose to defer to the Village Clerk Affidavit. The court both previously and currently has established for us that in the Judiciary, deference is given to public officials and public entities, and that short of obscenely egregious behavior on the part of those public officials the courts will continue that deference.

In this case, the court did ignore more recent and contradictory Appellate Division rulings, while also deferring towards a greater principle of ensuring that, short of fraudulent activity, electors always have the right to ballot.

To our dismay, Judge Nesbitt has decided to grant deference to the Village Clerk, and affirm that she followed the proper processes and properly certified the petitions as the law required. The Court declined to perform a fresh review of our allegations, and instead decided that the clerk utilized the proper data set to determine both the sufficiency of the petition and the eligibility of the signatures, and therefore no reason existed to overturn the Clerk's certification. Judge Nesbitt declined to rule on the obvious conflicts of interests present in this case by both the Village Clerk and Village of Lyons Board of Trustees, and instead deferred all credibility back to the affidavit under oath, though we challenged its validity and truthfulness.

Finally, the Court ruled that there was not enough evidence presented to show fraud or intimidation because no one in the community came forth under oath to allege they were intimidated into signing the petition during this process.

Thus, we at OneLyons now ask our community to send a message on March 18, 2014 that the Village government is answerable for its questionable behavior. The Dissolution Plan adopted by the Village of Lyons Board of Trustees on November 4, 2013 saves money, keeps necessary services, and simplifies the process of government in Lyons. Lyons will still be Lyons; a better Lyons, a unified Lyons, one Lyons. Read the dissolution plan and the facts of this court case, and **VOTE YES on March 18, 2014.**

One Lyons.
One Community.
One Government.

On behalf of all Village Residents:

Jack Bailey, Andrew & Kirsta DeWolf, Stephen & Brenda VanDuyne, Stephen & Donna Corcoran, John Murtari, Peter & Paige Stoepp, Jeff Hayes, Pete Mastracy, Gerry Clingerman & many more.