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Court allows OneLyons' appeal to continue

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LYONS — The Appellate Division of the state Supreme Court has allowed OneLyons' appeal of an earlier, dissolution-related ruling to continue.

The village of Lyons' motion to dismiss OneLyons' appeal has been denied. In a ruling issued Dec. 6, five of 10 justices in the Fourth Judicial Department stated that the pro-dissolution group's appeal has merit and can move forward.

The dispute started during the summer, when OneLyons argued the village didn't meet the required 180-day deadline to submit an approved dissolution plan. OneLyons filed an Article 78 petition.

State Supreme Court Judge John Nesbitt granted the village a 60-day extension Aug. 20, after which OneLyons appealed.

The village approved a dissolution plan within the 60 additional days it was granted, but OneLyons proceeded with its appeal, prompting village Attorney Art Williams to request a dismissal.

"You can't go back and redo what the court has already done," Williams said. "Even if the judge was wrong, you can't take it back."

The village can argue for a dismissal in a respondent's brief that must be submitted by Jan. 6. If the village does, OneLyons will have an opportunity to submit a reply or further documentation by Jan. 21.

If the case continues, the Fourth Judicial Department is likely to review the case in April, and a ruling could come in May.

"If we succeed, there is a chance this could progress to the full Court of Appeals in Albany, or we could lose the case," OneLyons representative Andrew DeWolf said in an email to the Times.

DeWolf said OneLyons replied to the village's motion for dismissal with a brief stating:

- There is a likelihood that future dissolutions will take place, giving precedence to the ruling Nesbitt made in August.
- The issues involving the village ignoring statutory deadlines and obtaining leniency are still present and worthy of being addressed.
- The novelty of the case; it's the first test case under General Municipal Law Article 17-A.

"There is now a significant effort by a pro-village government group named 'Save the Village of Lyons' to obtain the 25 percent threshold of signatures needed to force another vote on dissolution," DeWolf said in OneLyons' brief to the court. "This entire process has received significant media coverage and engagement by this community and many others. Its decision will have long-standing implications to the residents throughout New York state and to those contemplating dissolution in the future."

Pro-village effort

LYONS — A grassroots organization called "Save the Village of Lyons" is continuing efforts to gain the 491 signatures necessary to force a second referendum on dissolution.

The number of signatures represents 25 percent of registered village voters, the minimum needed on a petition to send dissolution back to the polls. The petition must be turned into the village clerk's office by Dec. 18, after which the clerk has 30 days to validate signatures.

"I am confident that we will get enough," stated Helen Weimer, one of the "Save the Village" organizers.

Weimer declined to say how many signatures have been obtained so far.

If the petition is successful, the village board can set a date for the new referendum 60 to 90 days after the clerk's confirmation.

Petitions are available at Greco Jewelers & Clock Shop and Denise Eaton's Hair Loft, both at 8 Canal St.

Residents may contact Weimer at 946-4390, Connie Rios at 946-4069 or Denise Eaton at 573-2757 if they need more information or want the petition brought to their home.

— *Julie Anderson*