

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on August 8, 2011 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Barry W. Bullis, Supervisor
Brian F. May, Councilor (Arrived at 7:23 p.m.)
Jack F. Krisanda, Councilor
Arthur C. Levy, Councilor
Edward T. Reed, Councilor

MEMBERS ABSENT: P. David Twichell, Town Attorney

STAFF ATTENDING: Michelle Borton & Keith Ewald, Barton and Loguidice, Town Engineers; Hugh Kimball, member of the Planning Board; Frank Costanzo; member of the Zoning Board of Appeals; Ron Patchett, Deputy Code Enforcement Officer and Lisa Dell, Town Clerk

OTHERS ATTENDING: County Legislator Richard Lesniak, 3302 Patchett Road; Jim Stirushnik, 8961 Dinglehole Road; Bob Edgett, PAC TV; Norm Ashbarry, 3128 Hidden Lake Drive; Billy Palmer, 104 Melvin Lane; Fred Burtch, 8865 Plainville Road; Andy Reeves, 997 Reeves Road; Brian Licourt, 2166 Connell Terrace; Jeff Dack, 8389 Twin Flowers Road; Kevin Rode, 6278 Mourning Dove; Chris, Lynn and Taylor Patrick, 8243 Ashington Drive; Fred and Jeanie Kenyon, 440 Hourglass Lane; Steve McMahon, 8411 Filaree Circle; Paul Ashbarry, 3111 Samantha Drive; Michelle Arthur, 15 E. Oneida Street and Erin Wisneski, Eagle Newspapers.

APPROVAL OF MINUTES

July 25, 2011

RES. #109/2011 Motion by Bullis, Second by Levy

RESOLVED that the minutes from the regular Town Board meeting of July 25, 2011 be approved.

VOTE:

Supervisor Bullis	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

SCHEDULED CITIZENS' CONCERNS

None

REPORTS

Town Engineer:

**WHISPERING OAKS SEWER DISTRICT
IMPROVEMENT PROJECT
STATUS/UPDATE**

Engineer Michelle Borton reported that the contractors have both submitted their bonds and insurance and they have been approved after being reviewed by Barton and Loguidice and the Town Attorney. The plan is to sign the contracts on Monday, August 15, 2011 and also hold a pre-construction conference on that date.

**TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
STATUS/UPDATE**

Engineer Keith Ewald, reported the following:

- The Town has received preliminary approval for the conservation easements and land plan for the Abbotts' properties.
- The Town is now authorized to proceed with the project file which is the last remaining file, containing a compilation of documents that make up the project file. The file includes a boundary survey, property description, draft appraisal, title and insurance commitment, baseline documentation report, Form B – Budget for Disbursement and Coordination and Preparation of the Monitoring Plan.

August 8, 2011

- The project file will be submitted to NYS Department of Agriculture and Markets for review and approval. The project file has to be submitted with the recently extended contract with the Town by November 30, 2011 in its draft form.
- The NYS Department of Agriculture and Markets will review the file and will then notify the Town of any comments of any items that the Town will need to address. After this, the Town will be able to close on the conservation easement and have it recorded with Onondaga County and New York State. The Town's Transfer of Development Rights Program will be implemented.

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Town Clerk:

WEST GENESEE SEWER DISTRICT, EXENTION NO. 1
EXPIRATION OF PERMISSIVE REFERENDUM

Town Clerk Lisa Dell reported that the permissive referendum period expired for the establishment of the West Genesee Sewer District Extension No. 1. No petitions were filed and the Board was presented with a Certificate of No Referendum.

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Town Board:

DEXTER PARKWAY IMPROVEMENT PROJECT
STATUS/UPDATE

Supervisor Bullis reported that the project is moving along well and there were some minor glitches with some Village of Baldwinsville water mains that appeared in locations where the Town or Village did not know where they were at. Some catch basins had to be moved and the project may involve a small change order. The Town thought that some water services had to be relocated but realized that some did not have to be relocated so this has saved some cost. There will be a net swap out and some savings in water service relocations and some extra for having to move around some of the catch basins. It is unknown at this time what the actual cost will be and it is anticipated by the next regular Town Board meeting that he will have these figures. Within two to three weeks it is expected that the road restoration portion of the project will begin.

CITIZENS' COMMENTS ON TONIGHTS' LISTED AGENDA ITEMS

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
(TDR)

Andy Reeves, Reeves Road, asked if the Transfer of Development Rights (TDR) farm is Abbott's farm and **Supervisor Bullis** said it was.

Mr. Reeves asked if the entire acreage was what was originally agreed upon. **Supervisor Bullis** replied no, only the south portion. **Mr. Reeves** asked for the approximate amount of the acreage and **Engineer Ewald** said approximately 204 acres.

Mr. Reeves asked what was the amount of cash that was going to change hands to the Abbott family. **Supervisor Bullis** that that will be determined by the final appraisal. **Mr. Reeves** asked for an approximate number and **Supervisor Bullis** said he did not have one adding that he has no idea of what real estate values are in the agricultural community.

Mr. Reeves referred to a FOIL request that he reviewed and stated that to date \$230,000 has been spent on the TDR program. **Supervisor Bullis** replied that over the last six years that is a close estimate. **Mr. Reeves** asked where the money came from and **Supervisor Bullis** said a vast majority of the cost will be reimbursed by the grant. **Mr. Reeves** said that originally it was 500 acres and a million dollars was going to go to the Abbotts. **Supervisor Bullis** explained that a million dollars was never scheduled to go to them. The entire amount of the grant was \$1,023,000 and at the original time there were three farms involved. Two of the farms have withdrawn and the Abbotts farm is the only one left. Because of the recent decision made by Warren Abbott to subdivide three lots, the north portion of his farm has been removed by NYS Department of Agriculture and Markets and what is left is the remaining south portion and estimated 204 acres.

Fred Burtch, 8865 Plainville Road, asked what was the name of appraiser and if it is a local company. **Supervisor Bullis** replied it is Pomeroy Appraisal Associates located in Syracuse, New York.

Chris Patrick, Ashington Drive, asked if Pomeroy was the same appraiser that Anheuser Busch used and that the Town rejected. **Supervisor Bullis** replied that the Town did not receive anything from Pomeroy but heard that they did work for the brewery.

Jim Stirushnik, Dinglehole Road, asked if the Town does not use the full amount of the grant for the TDR program will it still be available for future use. Supervisor Bullis replied probably not and there may be the opportunity to submit for future grants.

Billy Palmer, Melvin Lane, asked why the other two farmers bailed out from the TDR program. **Supervisor Bullis** explained it had to do with conditions put on the conservation easements by Ag and Markets and basically the requirements of Ag and Markets was unacceptable to them. Both farms have not closed the door totally and depending on once the program is in place and the Town has development rights to market. The Town sells the development rights to developers and any funds that are received; the Town may be able to purchase additional development rights from the farmers that were not interested under the Ag and Markets rules.

Chris Patrick, Ashington Drive, asked what has the \$260,000 been spent on so far. **Supervisor Bullis** explained that it has been mostly for engineering, legal and some preliminary appraisal fees over a six year period.

Andy Reeves, Reeves Road, asked if the Town absorbed the \$30,000 cost for Abbott's application process through the County Program. Mr. Reeves said it was his understanding that the Town paid for or absorbed the cost for the filing of Abbott's' application. **Supervisor Bullis** replied that there has been no application from the Abbott farm that he is aware of stating this program is totally different from the County program. The County does have to approve it, which they did, however all of the funding and the administration and dealings the Town has had for the last six years has been with Ag and Markets.

Mr. Reeves said that the Abbots did have an application, it was reviewed and okayed by the County and members of that committee are the ones who related to him that they questioned whether the Abbots paid for that application because anyone who goes through the County program fills out the same application, goes through the same process and the approximate cost is \$30,000. Mr. Reeves said from what he understood the \$30,000 was absorbed by the Town of Lysander, it did not come from the Abbots because the Town wanted this program. **Supervisor Bullis** said that he could not agree with this, that he was not sure where Mr. Reeves was getting this information and said he believed it was not accurate and that the Town has not paid the County anything. **Mr. Reeves** said that the Town does not pay the County anything, that the Town would pay the legal fees to do it and then asked who drew up the paperwork for the TDR program. **Supervisor Bullis** said that this was done under the grant the Town received and if there was an expense involved it will be reimbursed by the grant from Ag and Markets, not taxpayer money. **Engineer Ewald** also explained that the original application included three farmers so it would have been appropriate for the Abbots to do this. **Mr. Reeves** asked who drew up the original application and **Engineer Ewald** believed it was a combination of the Town and Barton and Loguidice. **Supervisor Bullis** added that this would be reimbursed by the grant and **Mr. Reeves** replied that it is still taxpayer's money.

OLD BUSINESS

None

NEW BUSINESS

A conversation ensued among Board members regarding the necessity, advantages and disadvantages of joining the Coalition and the expected additional costs of implementing green technology.

AMENDMENT TO THE MEMORANDUM OF AGREEMENT CENTRAL NEW YORK STORMWATER COALITION

RES. #110/2011 Motion by Bullis, Second by Levy

This is an AMENDMENT TO THE MEMORANDUM OF AGREEMENT, that was approved by owners and operators of small Municipal Separate Storm Sewer Systems (MS4s) listed on the attached signature page, hereinafter referred to as "Coalition Members" that agreed to create the Central New York Stormwater Coalition. This document amends the agreement that commenced on January 1, 2011 and that will terminate on December 31, 2012 unless extended, renewed, amended, or superseded by adoption of a new Agreement.

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has designated municipal entities within the Syracuse, New York Urbanized Area as Municipal Separate Storm Sewer System (MS4) communities required to maintain coverage under the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Small MS4s; and

WHEREAS, as a condition of obtaining and maintaining coverage under the General Permit, the owners and operators of MS4s must develop and implement a stormwater management program which addresses six minimum control measures designed to protect the quality of stormwater runoff and which must also include a reduction of any pollutants of concern as specified in the 303(d) list and/or TMDLs; and

WHEREAS, the owners and operators of MS4s in Central New York recognize that, because watersheds and separate storm sewer systems cross municipal boundaries and because there are opportunities to reduce duplication of services, take advantage of economies of scale, better coordinate regulatory requirements and enforcement actions, secure state grants for regionally supported projects, improve water quality, and reduce flooding by working collaboratively to identify and analyze options for meeting the requirements of the General Permit and the State of New York, has indicated that collaboration in these efforts is advisable; and

WHEREAS, the MS4 owners and operators who have adopted this Agreement support the creation of a storm water organization entitled the Central New York Stormwater Coalition (Coalition) comprised of signatories to this Agreement including designated MS4 communities in Central New York as well as the Central New York Regional Planning & Development Board (CNYRPDB); and

WHEREAS, it is the intention of the owners and operators of MS4s in Central New York that the CNYRPDB provide administrative support services necessary to advance the role of the Coalition; and

WHEREAS, it is the intended purpose of the Coalition to foster the exchange of information, identify and promote discussion of issues of mutual concern, foster cooperation, propose recommendations and make reports which identify mutually beneficial solutions, seek funding sources and/or sustainable funding mechanisms which may help to accomplish the goals of the Coalition, and provide a mechanism for coordinating the implementation of regional solutions by and on behalf of the participating MS4 communities in Central New York.

NOW, THEREFORE, in consideration of the provisions hereinafter set forth, the parties hereto mutually agree as follows:

1. **PURPOSE.** To authorize the work of the Central New York Stormwater Coalition, whose scope of work shall include collectively providing for the development and delivery of the following activities and services to participating municipalities:

- a. Submit a single MS4 annual report form documenting compliance activities jointly undertaken on behalf of the Coalition;
- b. Identify and make available opportunities for participating municipalities to pool resources related to stormwater pollution prevention;
- c. Develop agreements for sharing of equipment and facilities by participating municipalities;
- d. Provide coordination of services for participating municipalities to comply with stormwater program requirements, that will avoid duplication of effort, and to save money and time;
- e. Serve as a clearinghouse to provide information to participating municipalities concerning the MS4 program and stormwater management;
- f. Identify issues of growing concern related to stormwater management and recommend approaches to participating municipalities that will enable them individually or jointly to investigate and address them;
- g. Identify and pursue funding mechanisms and opportunities that will enable participating municipalities to collectively accomplish the goals of the MS4 stormwater program;

2. **MEMBERSHIP.** Coalition Members are MS4 communities (voting members) and the Central New York Regional Planning & Development Board (non-voting member), that are signatories to this Agreement, or non-MS4 communities that are signatories to this agreement and that are admitted to this Coalition at its discretion as voting members.

- a. **Representatives.** Each voting Coalition Member shall designate a representative and, if desired, one alternate to serve on the Coalition. The representatives shall be responsible to attend at least 50% of regular Coalition meetings within the calendar year, transmit information from meetings and other communications to the Member municipality, obtain opinions from the municipality concerning stormwater issues and matters subject to Coalition vote, share such opinions with the Coalition membership, and vote in accordance with municipal intent. No one person may act as the representative of more than one Member municipality. Representatives shall be either

Chief Elected Officials or an individual authorized to act on behalf of the Chief Elected Official.

Each voting Member of the Coalition shall have one vote at all meetings on matters properly submitted for a vote.

No voting member of the Coalition shall receive compensation from the Coalition for services performed as a Member or officer serving on the Coalition. However, Member communities may be reimbursed for expenses previously authorized

by the Coalition pending availability of funds.

- b. **Majority and Supermajority Vote.** 50% of the voting membership shall constitute a quorum for action at all meetings. The Coalition shall endeavor to develop a consensus in all decision making. A majority of the quorum shall approve all actions except those for which a supermajority is required. A supermajority of 66% of the Coalition membership shall be required for approval of capital budgets and annual work plans, suspension and reinstatement of membership, and termination and reinstatement of membership. For actions requiring a supermajority, voting may be permitted by facsimile, electronic mail, or teleconference according to criteria established and agreed to in advance of the vote. Under no circumstance shall any action taken by the Coalition be construed to obligate any member to undertake individual projects or activities without their consent.

3. ELECTION, TERMS, AND DUTIES OF OFFICERS AND DUTIES OF TREASURER

- a. **Officers.** The Coalition shall elect a Chairperson (Chair), a Financial Officer, and a Vice Chairperson (Vice Chair). Each of these officers shall be a Chief Elected Official or their Authorized Agent from among the Member municipalities.
- b. **Elections.** Officers shall be elected by the Coalition at the first meeting of every even numbered calendar year. A list of nominations for officers shall be prepared at the meeting prior to that in which officers are elected. Only one officer may be elected from anyone Coalition member. Each officer shall serve a term of two years, or until the first meeting of the even numbered calendar year. Officers may serve consecutive terms.
- c. **Duties of Chair.** The Chair shall preside at all meetings of the Coalition, convene special meetings of the Coalition in accordance with this agreement, represent the Coalition in its relations with elected officials and other official bodies, groups and organizations, and carry out additional duties as may be assigned by the Coalition as necessary to advance the purposes of the Coalition.
- d. **Duties of Vice-Chair.** The Vice-Chair shall, in the event of absence or disability of the Chair, perform the duties and exercise the responsibilities of the Chair and carry out additional duties as may be assigned. by the Coalition *as* necessary to advance the purposes of the Coalition.
- e. **Duties of Financial Officer.** The Financial Officer shall be responsible for reviewing financial reports and documentation provided by the CNYRPDB.
- f. **Duties of Treasurer.** The Treasurer of the Coalition shall be the Central New York Regional Planning and Development Board (CNYRPDB). The CNYRPDB shall be a nonvoting member of the Coalition. The CNYRPDB shall have care and custody of the funds of the Coalition; sign all checks; keep full and accurate books and records of all financial matters; prepare and provide quarterly financial reports; and carry out additional duties as may be necessary to advance the purposes of the Coalition.
- g. **Vacancies.** In the event of a vacancy in the office of Chair, the Vice-Chair shall become the successor and serve the balance of the term. Vacancies occurring in the offices of Vice-Chair or Financial Officer shall be filled for the balance of the term by a majority vote of the Coalition as expeditiously as possible.

4. **MEETINGS.** Regular meetings of the Coalition shall be held at least four times per year. A schedule of meetings shall be adopted at the beginning of each calendar year and may be amended during the course of the year. Special meetings may also be called at the discretion of the Chair, or upon the request of five or more Members of the Coalition.

The time, date, and location of meetings shall be announced at least fourteen days in advance, and agendas for the meetings shall be released at least seven days in advance. The CNYRPDB shall notify Coalition Members of routine and special meetings by e-mail. Prior notification may be given to -local newspapers. Meetings may be conducted by teleconference or videoconference.

Meetings shall be conducted in accordance with the requirements of the General Municipal Law of New York State, and shall be open to the public.

5. **EXECUTIVE COMMITTEE AND SUBCOMMITTEES.** The Coalition shall establish an Executive Committee and subcommittees. as it deems appropriate to examine specific issues and report their findings to all Members.

- a. **Executive Committee.** The Executive Committee shall consist of the Coalition Chair, Vice-Chair, Financial Officer, Treasurer, one representative from a Village, one representative from a Town, and two at-large members. Representatives from the Village and Town and the two at-large members shall be elected at the first Coalition meeting of every even numbered calendar year. Members of the Executive Committee shall serve two-year terms.

The Executive Committee shall meet at least four times per year on a schedule established by the Chair. Between scheduled meetings of the Coalition, the Executive Committee shall take action on matters determined by the full Coalition, including but not limited to setting meeting agendas and identifying and examining issues of concern, and shall report back to the full Coalition. The Executive Committee shall also make recommendations to the full Coalition regarding the Work Plan, projects, fees and use of funds and shall determine the need for Coalition subcommittees. Recommendations of the Executive Committee shall be based on a majority vote of those present.

- b. **Subcommittees.** The Coalition Executive Committee will have the authority, by majority vote, to establish

subcommittees assigned to examination of specific issues and concerns at its discretion. Participation in such subcommittees shall be voluntary. Subcommittees shall report back to the Coalition on their proceedings, findings, and tasks.

6. STAFFING AND RECORDS.

- a. **Role of the CNVRPDB.** The Coalition shall be staffed by the CNYRPDB. The CNYRPDB shall:
- i. Retain sole administrative and financial responsibility for the NYS Environmental Protection Fund grant according to the contracted work scope in effect at the time of this agreement;
 - ii. Assume the role of Coalition Treasurer;
 - iii. Assist with the research and application for grant funding and assist in the development of a sustainable funding mechanism to further the Coalition's long term programs, compliance initiatives, and the attainment of common goals;
 - iv. Administer, on behalf of participating municipalities, grants related to the MS4 program;
 - v. lead development of requests for proposals and guide the selection process;
 - vi. Execute subcontracts and provide contract administration and oversight;
 - vii. Assist with local match documentation when appropriate;
 - viii. Facilitate communication and the flow of information among all relevant entities including calling and holding meetings, preparing meeting notices and agendas, preparing meeting summaries and member updates and other written materials, assist the Coalition Chair in attending to official correspondence of the Coalition, and additional responsibilities that advance the objectives of the Coalition;
 - ix. Assist in the development of annual work plans and budgets;
 - x. Serve as liaison to the NYSDEC.

Staff may have additional roles within the defined scope of responsibilities as necessary to fulfill the purposes of the Coalition.

b. **Records.** The CNYRPDB shall keep written records of meeting attendance; maintain the records of the Coalition and serve as the Coalition's Records Management Officer; and prepare information regarding Coalition activities for MS4 annual reports. The CNYRPDB shall maintain records in a central location and respond to requests for information from any interested person or organization under standard FOIL procedures. All records of the Coalition are subject to the Freedom of Information law (FOIL).

7. **CONTRACTS.** Through the CNYRPDB, the Coalition shall be authorized to contract for services with other agencies, entities or organizations on behalf of all or some of its Members.

8. **NON-VOTING PARTICIPANTS.** Other agencies and organizations, such as municipal engineering consultants, may participate in the discussions and proceedings of the Coalition at the discretion of its Members. However, the aforementioned participants shall not be entitled to vote on behalf of a Coalition member.

9. **TERM OF AGREEMENT.** This amendment is for the Agreement that commenced on January 1, 2011 and will terminate on December 31, 2012 unless extended, renewed, amended, or superseded by adoption of a new Agreement. Any Member may withdraw from this Agreement upon sixty days written notice to the Chairperson of the Coalition.

10. **AGREEMENT TERMS AND CONDITIONS.** This amended Agreement may be modified or amended only in writing duly executed by all Coalition Members, which shall be attached to and become a part of this Agreement. Each Member shall be solely responsible and liable for its own activities under this Agreement, including but not limited to obtaining and maintaining coverage under the current permit, and for the preparation and implementation of its own Stormwater Management Program in accordance with the current permit.

Each Member shall indemnify and hold harmless the other Members, their officers, agents and assigns, and CNYRPDB from all liability arising as a result of its own acts and omissions regarding the activities under this Agreement.

This Agreement is established pursuant to Article 5-G of the General Municipal Law of the State of New York, and shall be governed by and construed in accordance with the laws of the State of New York.

11. SUSPENSION AND TERMINATION OF MEMBERSHIP.

Attendance by any Member at less than 50% of meetings within a calendar year may, upon a majority vote of the Coalition, result in suspension of membership and loss of voting privileges. Upon suspension for non-attendance, the Member may appeal the suspension and request to be reinstated. Reinstatement of membership and voting privileges following suspension for insufficient attendance shall require a majority vote by the Coalition.

If a Member whose membership has been suspended has not submitted an appeal within ninety days of the suspension, their membership shall be considered terminated for all record keeping and administrative purposes. A municipality may terminate its membership upon adoption of a resolution by the legislative body of that municipality.

12. **SEVERABILITY.** If any provision, paragraph, sentence, or clause of this Agreement shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed and enforced as if such invalid or unenforceable provision, paragraph, sentence or clause had not been contained herein.

13. **EXECUTION.** In consideration of the foregoing, the governing bodies of each of the following have duly authorized the execution of this Agreement by the signatures below.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	No
Councilor Levy	Yes
Councilor Reed	No

Three Ayes, Motion Carried and Adopted

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RES. #111/2011 Motion by Bullis, Second by Krisanda

WEST GENESEE SEWER DISTRICT
BOND RESOLUTION DATED AUGUST 8, 2011

A RESOLUTION AUTHORIZING IMPROVEMENTS TO THE WEST GENESEE SEWER DISTRICT AT A MAXIMUM COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE TOWN OF LYSANDER TO PAY THE COST THEREOF

WHEREAS, at a public hearing noticed and conducted pursuant to Town Law Section 202-b on June 13, 2011, the Town Board proposed certain improvements to the facilities of the West Genesee Sewer District, consisting of the furnishing of sixteen (16) individual simplex grinder pumps and electric controls, the furnishing and installation of sixteen (16) sewer laterals, and the furnishing of approximately 1500 linear feet of 1.25 inch sewer lateral pipe, together with appurtenances and related costs, at a maximum estimated cost of \$200,000, and

WHEREAS, at its regular meeting on June 27, 2011, the Lysander Town Board adopted a negative declaration pursuant to the State Environmental Quality Review Act with respect to the proposed improvements, and

WHEREAS, it is now desired to authorize the expenditure of funds for the aforesaid improvements, and to provide for the financing thereof.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lysander, Onondaga County, New York (the "Town") as follows:

Section 1. The making of improvements to the facilities of the West Genesee Sewer District, consisting of the furnishing of sixteen (16) individual simplex grinder pumps and electric controls, the furnishing and installation of sixteen (16) sewer laterals, and the furnishing of approximately 1500 linear feet of 1.25 inch sewer lateral pipe, together with appurtenances and related costs, is hereby determined to be in the public interest and is hereby authorized at an estimated maximum cost of \$200,000.

Section 2. The maximum cost of such specific object or purpose is \$200,000 and the plan for financing thereof is by the issuance of a maximum of \$200,000 of serial bonds (the "Bonds") of the Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. The Bonds shall be signed in the name of the Town of Lysander, Onondaga County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of the Town Clerk. The powers and duties of advertising the Bonds for sale, conducting the sale and awarding the Bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the Bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale the Bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of the Bonds, who shall not be obliged to see to the application of the purchase money. All other matters, except as provided herein relating to the Bonds, including prescribing whether manual or facsimile signatures shall appear on the Bonds, prescribing the method for the recording of ownership of the Bonds, appointing the fiscal agent or agents, if any, for the Bonds, providing for the printing and delivery of the Bonds (and if the Bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the

consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that if the Bonds are registered, it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring the Bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. The Bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is 40 years pursuant to subdivision 4 of subparagraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the Town of Lysander, Onondaga County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds and any bond anticipation notes issued in anticipation of the Bonds as the same shall respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within the West Genesee Sewer District, which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on such obligations as the same become due, but if not paid from such source, all of the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due.

Section 6. Pursuant to Section 107.00(d)(3)(l) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of the Bonds.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 9. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this resolution, no monies are reasonably expected to be received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The Town Supervisor, as chief fiscal officer of the Town, is further authorized to sell all or a portion of the Bonds or any bond anticipation notes issued in anticipation of the Bonds to the New York State Environmental Facilities Corporation ("EFC") in the form prescribed in one or more agreements ("Loan Agreements") between the Town and the EFC; to execute and deliver on behalf of the Town one or more Loan Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Loan Agreements from EFC by executing and delivering one or more Term Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans and/or grants from the EFC for all or a portion of the costs of the expenditures authorized by this resolution, and perform the Town's obligations under its Bonds or any bond anticipation notes issued in anticipation of the Bonds delivered to the EFC, the Project Financing Agreement, and the Loan Agreements.

Section 11. Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into undertakings for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. The validity of the Bonds and any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(1) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) the provisions of law which should be complied with as of the date of publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or

(3) such obligations are authorized in violation of the provisions of the constitution.

Section 13. This resolution, which is subject to a permissive referendum, shall take effect in accordance with the provisions of Section 91 of the Town Law and after satisfaction of the requirements of Section 81.00 of the Local Finance Law.

Section 14. The Clerk of the Town of Lysander is hereby authorized and directed to post, and to publish, a Notice of the adoption of this resolution in substantially the form provided in Section 90 of the Town Law.

Section 15. Following the date upon which this resolution becomes effective in accordance with Section 91 of the Town Law, this resolution, or a summary hereof, shall be published, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

WEST GENESEE SEWER DISTRICT, EXTENSION NO. 1
BOND RESOLUTION DATED AUGUST 8, 2011

RES. #112/2011 Motion by Bullis, Second by Krisanda

A RESOLUTION AUTHORIZING IMPROVEMENTS TO THE WEST GENESEE SEWER DISTRICT, EXTENSION #1 AT A MAXIMUM COST OF \$364,000 AND AUTHORIZING THE ISSUANCE OF \$364,000 SERIAL BONDS OF THE TOWN OF LYSANDER TO PAY THE COST THEREOF

WHEREAS, following the filing of a Map, Plan and Report detailing the formation of a new Sewer District pursuant to Article 12-A of the Town Law, the Lysander Town Board adopted an Order providing for a public hearing on the establishment of the proposed new sewer district, and conducted a public hearing noticed pursuant to Article 12-A of the Town Law on June 13, 2011, and on June 27, 2011 adopted a negative declaration under the State Environment Quality Review Act and a resolution establishing the new sewer district, to be known as the West Genesee Sewer District, Extension No. 1, subject to a permissive referendum, and

WHEREAS, following due publication of the resolution establishing the new sewer district with permissive referendum notice on July 6, 2011, more than 30 days expired from the adoption of the resolution and no petition was submitted requesting that a referendum on the formation of the sewer district be conducted, and

WHEREAS, the Town Board proposed certain improvements be constructed in the West Genesee Sewer District, Extension No. 1, consisting of the furnishing and installation of approximately 1460 lineal feet of new 1.25-inch HDPE pipe and appurtenances for sewer laterals within the public right of way, furnishing of approximately 4100 linear feet of HDPE sewer lateral pipe for grinder pump connection and furnishing of 26 sewage grinder pumps and electric controls, together with tracer wire and other appurtenances thereto within the proposed sewer district as described in the report of Barton & Loguidice, P.C. to provide sanitary sewer service and the availability of sanitary sewer service to properties within the proposed sewer district, at a maximum estimated project cost of \$364,000, and

WHEREAS, it is now desired to authorize the expenditure of funds for the aforesaid improvements, and to provide for the financing thereof.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lysander, Onondaga County, New York (the "Town") as follows:

Section 1. The making of improvements to the West Genesee Sewer District, Extension No. 1 consisting of the furnishing and installation of approximately 1460 lineal feet of new 1.25-inch HDPE pipe and appurtenances for sewer laterals within the public right of way, furnishing of approximately 4100 linear feet of HDPE sewer lateral pipe for grinder pump connection, and furnishing of 26 sewage grinder pumps and electric controls, together with tracer wire and other appurtenances thereto within the proposed sewer district as described in the report of Barton & Loguidice, P.C. to provide sanitary sewer service and the availability of sanitary sewer service to properties within the proposed sewer district, at a maximum estimated project cost of \$364,000 is hereby authorized.

Section 2. The maximum cost of such specific object or purpose is \$364,000 and the plan for financing thereof is by the issuance of a maximum of \$364,000 of serial bonds (the "Bonds") of the Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. The Bonds shall be signed in the name of the Town of Lysander, Onondaga County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of the Town Clerk. The powers and duties of advertising the Bonds for sale, conducting the sale and awarding the Bonds, are hereby delegated to the Supervisor, who shall advertise the Bonds for sale, conduct the sale, and award the Bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of the Bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of the Bonds, who shall not be obliged to see to the application of the purchase money. All other matters, except as provided herein relating to the Bonds, including prescribing whether manual or facsimile signatures shall appear on the Bonds, prescribing the method for the recording of ownership of the Bonds, appointing the fiscal agent or agents, if any, for the Bonds, providing for the printing and delivery of the Bonds (and if the Bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that if the Bonds are registered, it is to the financial advantage of the Town not to impose and collect from registered owners of the Bonds any charges for mailing, shipping and insuring the Bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. The Bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is 40 years pursuant to subdivision 4 of subparagraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the Town of Lysander, Onondaga County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds and any bond anticipation notes issued in anticipation of the Bonds as the same shall respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within the West Genesee Sewer District, Extension No. 1 which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on such obligations as the same become due, but if not paid from such source, all of the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due.

Section 6. Pursuant to Section 107.00(d)(3)(l) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of the Bonds.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 9. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this resolution, no monies are reasonably expected to be received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The Town Supervisor, as chief fiscal officer of the Town, is further authorized to sell all or a portion of the Bonds or any bond anticipation notes issued in anticipation of the Bonds to the New York State Environmental Facilities Corporation ("EFC") in the form prescribed in one or more agreements ("Loan Agreements") between the Town and the EFC; to execute and deliver on behalf of the Town one or more Loan Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Loan Agreements from EFC by executing and delivering one or more Term Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans and/or grants from the EFC for all or a portion of the costs of the expenditures authorized by this resolution, and perform the Town's obligations under its Bonds or any bond

anticipation notes issued in anticipation of the Bonds delivered to the EFC, the Project Financing Agreement, and the Loan Agreements.

Section 11. Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into undertakings for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. The validity of the Bonds and any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (1) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (2) the provisions of law which should be complied with as of the date of publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or
- (3) such obligations are authorized in violation of the provisions of the constitution.

Section 13. This resolution, which is subject to a permissive referendum, shall take effect in accordance with the provisions of Section 91 of the Town Law and after satisfaction of the requirements of Section 81.00 of the Local Finance Law.

Section 14. The Clerk of the Town of Lysander is hereby authorized and directed to post, and to publish, a Notice of the adoption of this resolution in substantially the form provided in Section 90 of the Town Law.

Section 15. Following the date upon which this resolution becomes effective in accordance with Section 91 of the Town Law, this resolution, or a summary hereof, shall be published, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
APPROVAL OF AGREEMENT
POMEROY APPRAISAL ASSOCIATES, INC.

RES. #113/2011 Motion by Reed, Second by Levy

RESOLVED that the Supervisor be authorized to sign an Agreement with Pomeroy Appraisal Associates, Inc., for appraisal services relating to the Transfer of Development Rights Project in the amount not to exceed \$7,700.00.

VOTE:

Supervisor Bullis	Yes
Councilor May	No
Councilor Krisanda	No
Councilor Levy	Yes
Councilor Reed	Yes

Three Ayes, Motion Carried and Adopted

WEST GENESEE SEWER DISTRICT IMPROVEMENTS
and
WEST GENESEE SEWER DISTRICT EXTENSION NO. 1
APPROVAL OF ENGINEERING SCOPE OF SERVICES

RES. #114/2011 Motion by Krisanda, Second by Reed

RESOLVED that the Supervisor be authorized to sign the Engineering Scope of Services for Amendment No. 2 – Final Design, Bidding, and Construction Phase Services for the West Genesee Sewer District Improvements and Proposed West Genesee Sewer District Extension No. 1 not to exceed \$57,000.00.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

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TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
APPROVAL OF EXPANDED SCOPE OF SERVICES

RES. #115/2011 Motion by Reed, Second by Levy

RESOLVED that the Supervisor be authorized to sign the Expanded Scope of Services for Transfer of Development Rights Implementation for the Transfer of Development Rights Program not to exceed \$18,900.00.

VOTE:

Supervisor Bullis	Yes
Councilor May	No
Councilor Krisanda	No
Councilor Levy	Yes
Councilor Reed	Yes

Three Ayes, Motion Carried and Adopted

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Supervisor Bullis reported that after the Town approved the BSP-5 and construction drawings, the developer had changed his mind on how to construct the connections to the existing system and the developer has acquired easements from individual property owners to be able to connect in a way that will require less piping. Town Engineers have reviewed the drawings and have no issues with them. The two resolutions adopted on July 11, 2011 and July 25, 2011 have to be voided and a new resolution is on the agenda to authorize him to sign a new cover sheet and BSP-5.

RESCISSION OF RESOLUTION #98/2011
CRIMSON RIDGE PHASE III
APPROVAL OF CONSTRUCTION DRAWINGS

RES. #116/2011 Motion by Bullis, Second by Reed

RESOLVED that resolution #98/2011, adopted July 11, 2011, authorizing the Supervisor to sign the construction drawings for Crimson Ridge Phase III be rescinded and that the Town Clerk notify all interested and involved agencies.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

RESCISSION OF RESOLUTION #101/2011
CRIMSON RIDGE PHASE III
APPROVAL OF PLANS FOR A WASTEWATER DISPOSAL SYSTEM

RES. #117/2011 Motion by Bullis, Second by Levy

RESOLVED that resolution #101/2011, adopted July 25, 2011, authorizing the Supervisor to sign the NYS DEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for Crimson Ridge Phase III be rescinded and that the Town Clerk notify all interested and involved agencies.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

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CRIMSON RIDGE PHASE III
APPROVAL OF PLANS FOR WASTEWATER DISPOSAL SYSTEM

RES. #118/2011 Motion by Krisanda, Second by Levy

RESOLVED that the Supervisor be authorized to sign the construction drawings and the NYS DEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for Crimson Ridge Phase III upon the recommendation of the Town Engineer by letter dated August 8, 2011, subject to receipt of easements over property owned by others and the approval of the Town Attorney.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

OTHER BUSINESS

EXECUTIVE SESSION

RES. #119/2011 Motion by Bullis, Second by Krisanda

RESOLVED to adjourn to executive session to discuss matters relating to proposed, pending, or current litigation.

VOTE:

Supervisor Bullis	Yes
Councilor May	Yes
Councilor Krisanda	Yes
Councilor Levy	Yes
Councilor Reed	Yes

All Ayes, Motion Carried and Adopted

RECOGNITION OF CITIZENS

ANHEUSER BUSCH
PROPERTY TAX ASSESSMENT

Brian Licourt, Connell Terrace, referred to the status of the Anheuser Busch property tax assessment and asked if this issue is going to end up back in court. **Supervisor Bullis** explained that he is not at liberty to discuss any details but stated that it is possible it could end up back in litigation. **Supervisor Bullis** said that there is an arrangement between the school district that the school district pays for 70% of the legal fees and the Town pays 30%.

Mr. Licourt stated that he would hope for some kind of settlement. **Supervisor Bullis** said it is the Board's intention not to incur any more legal expenses as it relates to the brewery and depending on what the brewery does, if they bring an action, than the Town may have no choice but to defend it. Supervisor Bullis continued to say that the Town Board is

working very hard to try to reach accord on a P.I.L.O.T. and are hopeful that an agreement can be reached short of some legal action.

Councilor Levy then informed Mr. Licourt that Anheuser Busch was granted a 22.4% decrease in their property taxes and at the same time as individuals there was an increase in our taxes. **Councilor Levy asked Mr. Licourt** what he would like the Board to do regarding this issue. Councilor Levy said that with legal expenses aside, there was a large settlement to Anheuser Busch's satisfaction.

Mr. Licourt responded that he is not privy to the negotiations and it was his understanding that there was an agreement in place for 3 years for 75 million dollars and now Anheuser Busch shows up on Grievance Day and wants to reduce their assessment more. **Councilor Levy** said that under the terms of the settlement, the Town and Anheuser Busch are charged in negotiating in good faith with to see if a P.I.L.O.T. can be reached. **Supervisor Bullis** added that there was no time limit placed on this. **Councilor Levy** said that a P.I.L.O.T. agreement does not necessarily mean a lower payment. It could be an extension for those three years or to some longer term. One of the questions facing the Board is when is enough, enough. If a referendum could be held then the taxpayers could decide what they want the answer to be.

Councilor May added that if one looks at the whole equation and the fact that year to year the Town represents 3 1/2 % to 4% of the total tax bill, how much leverage does the Town really have in this situation when you consider where the money is coming from.

Mr. Licourt replied that he doesn't know the answer and can't offer one.

Councilor Krisanda added that basically the Town does not hold all the cards and that the Town has a small part of this and that the school board is giving Anheuser Busch what they want.

Supervisor Bullis replied that he knows that the school board is wrestling with this as well.

Councilor Krisanda continued to say that an agreement was made with Anheuser Busch and the agreement keeps going in the wrong direction. He told the Board previously that Anheuser Busch would get what they wanted and they would be back at the trough adding that the minute you give into a negotiation, it is back to the trough. Councilor Krisanda said hypothetically that lets say that Anheuser Busch sticks with 75 million and for the next 20 years, no matter what Anheuser Busch does, they will have no increase in their taxes then they could build 4 million, forty million or 400 million square feet over there and not a dime will be added to their taxes. Councilor Krisanda continued to say if a person adds a porch to their house, the Town will add taxes to the property and the property owner will not get away with not paying. If the school board says they are going to lower Anheuser Busch taxes more, who is going to pay for it? The taxpayers will pay for this and it will not be long before that the residents have the highest school taxes in the County, if not in Upstate New York. Councilor Krisanda added that the Town Board has no control over this and suggested to the audience that they go to the newspaper and also attend school board meeting and ask them why they are settling. The difference between 75 million and 35 million is a big number. From 95 million to 75 million was a huge chunk and everyone saw their school taxes go up and now take it from 75 million to 35 million because once they get what they want, Anheuser Busch will go back to the trough.

Billy Palmer, Melvin Lane, asked if the Town is getting any help from Onondaga County. Supervisor Bullis said yes, that they are involved in the negotiations.

Councilor Levy added that this Board is not unanimous in thought that the Board cannot go to the negotiating table and possibly do something other than what others are going to do.

Fred Burtch, Plainville Road, asked if three separate P.I.L.O.T.S. are being worked on or is just one. **Supervisor Bullis** said that they have never been working on three separate P.I.L.O.T.S. What is being worked on is what is commonly referred to as a disproportionate P.I.L.O.T. which means the level of incentive offered might be different for the school, Town and County, but it has to be one document.

Mr. Burtch asked if Pomeroy Appraisal Associates is the firm that trains Assessors. Supervisor Bullis said no, that assessors are trained by NYS Office of Real Property Services.

Mr. Burtch asked Councilor Levy if he could elaborate on what Councilor Levy meant when he said the Board was not unanimous regarding the brewery assessment issue.

Councilor Levy replied that if he researched the minutes, he would find that he voted no on the settlement with Anheuser Busch.

DEXTER PARKWAY IMPROVEMENT PROJECT

Mr. Licourt then complimented the Town for doing the Dexter Parkway improvement project and ask if there was a deadline. **Supervisor Bullis** said he was not sure what it is at this time but anticipates the contractors finishing well

August 8, 2011

within their contract terms and the surface restoration will be taken care of by the Highway Department. The plan is to put a binder on this year and the top coat on in the Spring of next year.

SALE OF EQUIPMENT TO THE TOWN

Supervisor Bullis asked **Mr. Burtch** if he was going to provide him with an inventory of printer cartridges he spoke about at a previous meeting. **Mr. Burtch** replied that he does have a list of everything he has and arrangements were made for him to bring it to the Town Comptroller. **Mr. Burtch** said he could do so tomorrow or on Wednesday and that he knew that both **Owen Densk** and **Karen Rice** have printers in their offices that use the cartridges he has.

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LYSANDER PLANNING BOARD

Billy Palmer, Melvin Lane, asked if the Town Board had any influence over the Planning Board's decisions about the YMCA. **Councilor Krisanda and Supervisor Bullis** responded no. **Supervisor Bullis** added that the law is pretty clear about prohibiting elected officials being involved with any of the appointed boards such as Zoning, Planning and Board of Assessment Review. **Supervisor Bullis** said that he did not lobby or attempt to influence the Planning Board one way or another and even avoided the discussion with Planning Board members.

Mr. Palmer then asked why didn't the Planning Board listen to the majority of the people, the taxpayers in the Town of Lysander and since he can't ask the Planning Board these questions, he is asking the Board this.

Councilor Krisanda explained that having being a past Chairman of the Planning Board, the difficulty is that you don't have a constituency that shows up at your door step every day and starts talking to you. The Board has people call or directly talk to Board members and the Planning Board does not have that. All and all the Planning Board is going by what the law says, not by what the constituency says. If you stray outside the bounds of the law, you get sued, either in a good way by the developer or by a bad way by the client. So one way or another the Planning Board is going to be sued. They have to follow what the law says and he believes that the Planning Board did this.

Mr. Palmer commented that he feels the Town missed a great opportunity by dismissing the YMCA. **Councilor Krisanda** said it was not dismissed, the Planning Board asked for a long form for the environmental impact survey and he had requested long forms four or five times when he was a Chairman for different projects. The long form gives the Planning Board the ability to look a little deeper into environmental impacts and that is really what the Planning Board is looking for.

Councilor Levy added that one cannot measure the Planning Board against the Town Board. The Town Board has a lot of discretion on a lot of things, for example whether or not to fund a boat launch. The Planning Board is very restricted by law as to what they are allowed to do or what they can consider. In many cases they may argue that their hands are tied which is not to say that they are not satisfied by any survey or anything else that may have been presented to them.

Supervisor Bullis replied that many in the community, himself included, would love to see the YMCA somewhere in the area and he believes there is an inherent danger if you go down the path of allowing projects to either be approved or disapproved based on popular opinion. A legal process has to be followed and the door is not closed on the YMCA.

Mr. Palmer commented that this process has been drawn out for a long time and he has seen other developers get approval quicker. **Councilor Krisanda** responded and stated that it is not all the Planning Board's fault that there was a lot of engineering that had to be done by the YMCA and it took longer than expected. **Councilor Krisanda** said, referring to **Mr. Palmer's** comments about other developers, he participated in lengthy meetings with them where developers just didn't come in and get approval. **Councilor Krisanda** said when he was Chairman they required approximately 5 long forms because of issues dealing with traffic or issues involving environmental impact on water. In the situations he was involved in he requested the long forms because he felt he needed more information environmentally.

Mr. Palmer commented that no matter what is put where, there will always be an environmental impact. **Supervisor Bullis** replied that is why there is MS4 programs, why there is engineering review and why one may see detention ponds in the area to mitigate those impacts.

Fred Burtch, Plainville Road, asked the Board if they could explain how a citizen becomes a Planning Board member. **Supervisor Bullis** said that members are appointed by the Town Board. **Mr. Burtch** asked if **Supervisor Bullis** appointed all five members of the current Planning Board and **Supervisor Bullis** said he believed he did.

Andy Reeves, Reeves Road, stated that the members of the Planning Board are interviewed by the Lysander Republican Committee and got through that selection process before the Town Board votes.

Councilor Levy replied that this is not a requirement and added that as far as he can recall since being on the Town Board, not one person has expressed an interest.

Councilor Krisanda told Mr. Reeves that this is not a bad thing because that process is how Mr. Reeves was able to have Councilor Krisanda appointed to the Planning Board. Councilor Krisanda said the opening is advertised because that is how he became a member.

Fred Burtch, Plainville Road, commented that everybody on the Planning Board was appointed by Supervisor Bullis. **Supervisor Bullis** replied that the law requires that the Town Board appoint Planning Board members. The law speaks about only one member being appointed every year, for a five year term, and the reason for this is so the Town Board cannot come in and replace them all at one time adding that this a form of checks and balance dictated by law.

Chris Patrick, Ashington Drive, asked if there is anyone on any of the Boards who is not a Republican. Supervisor Bullis said he did not know the answer at this time.

Andy Reeves, Plainville Road, asked if the current Board can clean up the process on how appointments are made so all citizens have an equal opportunity to apply for these positions and said that Supervisor Bullis controls the entire Republican Committee and can have the committee appoint him as Highway Superintendent if he does not win the election.

Supervisor Bullis interrupted Mr. Reeves and said he took offense that Mr. Reeves said that the Board does not have a clean system and said that Mr. Reeves is politically grandstanding for public office, adding that a public meeting is not a place to campaign for office as it is to conduct the business of the taxpayers and said Mr. Reeves was campaigning and editorializing.

Supervisor Bullis then ended the public discussion portion of the agenda.

ADJOURNMENT

At 8:03 p.m. the Town Board moved to Executive Session and returned at 8:58 p.m. No action was taken.

As there was no further business, at 8:58 p.m., the Supervisor adjourned the meeting to 7:00 p.m. on August 22, 2011. There was no dissent.

This is a true and complete recording
of the action taken at this meeting.

Lisa Dell, Town Clerk