

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on January 27, 2014 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John A. Salisbury, Supervisor
Melinda Shimer, Councilor
Andrew O. Reeves, Councilor
Robert Geraci, Councilor
Roman Diamond, Councilor

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony P. Rivizzigno, Town Attorney; David Rahrle, Town Comptroller; Eugene Dinsmore, Highway Superintendent; Timothy Wolsey, Director of Planning and Development; Theresa Golden, Assessor; Lisa Dell, Town Clerk, Pac-B and several residents.

WORK SESSION

A work session of the Town Board convened at 6:00 p.m. and the following topics were discussed:

- “Violence in the Workplace” Policy
- Spring Fest
- Ice Rink plumbing problems
- Policy for Town board meeting decorum

At 6:25 p.m. a motion was made by Councilor Shimer, second by Councilor Diamond to adjourn the work session and enter into Executive Session to discuss personnel matters. At 7:00 p.m. a motion was made by Councilor Diamond, second by Councilor Shimer to adjourn the Executive Session and return to the regular meeting.

TOWN BOARD COMMENTS

None

SUPERVISOR COMMENTS

Supervisor Salisbury reported that he along with Village of Baldwinsville Mayor Joseph Saraceni and Town of VanBuren Claude Sykes contacted the NYS Department of Transportation as well as Assemblyman Magnerelli regarding the poor road conditions on the main roads through the village (Route 31, Route 370 and Route 48). **Supervisor Salisbury** said that Assemblyman Magnerelli also contacted the NYS DOT to see how the conditions can be remedied.

DEPARTMENT HEAD REPORTS

Theresa Golden, Town Assessor, presented her November/December Assessor Report. The report is on file in the Assessor’s office for public review.

Tim Wolsey, Director of Planning and Development, presented a monthly report for the Code Enforcement Office. The report is on file in the Code Enforcement Office for public review.

CITIZEN COMMENTS ON AGENDA ITEMS

WHISPERING OAKS SUBDIVISION
SALE OF TOWN OWNED LOTS

Kevin Rode, Greymoor Way, addressed the Board and asked why Ron Merle is getting first chance at the properties in Whispering Oaks.

Supervisor Salisbury replied that he is getting a chance to buy them without paying the commission because he had called him earlier, was interested in them and he was taken out of paying a commission on them.

Mr. Rode then asked why the Town just doesn’t want to list them rather than pay the fee and asked if they could sell it for less than what the Town could list it at and the Town would have to approve that?

Supervisor Salisbury asked who is they.

Mr. Rode explained that if Ron Merle doesn't take up the offer on the two properties could Coldwell Banker get an offer for \$40,000 and then the Town Board can approve to sell it?

Supervisor Salisbury replied that they would look at all offers and this is purely a real estate transaction to take him out, that he requested that he would not have to pay the fee and he has ten days from the date the agreement was signed within which to make an offer.

Councilor Reeves added that it is not first chance because if someone came along two days after the agreement is signed and bought them he is out of luck explaining that Mr. Merle does not have right of first refusal.

LYSANDER ICE ARENA
RESOLUTION AUTHORIZING THE SALE OF TOWN PROPERTY

Mr. Rode referred to the agenda item regarding selling the ice arena and asked for explanation of "subject to permissive referendum".

Attorney Rivizzigno replied that this means that if the general public objects to the sale of the ice arena they have thirty (30) days in which to file a petition to put the question of the sale on a referendum for a vote.

Mr. Rode asked how many people would that take for a petition?

Attorney Rivizzigno and **Town Clerk Dell** explained that it is five (5) percent of the voters that voted in the last gubernatorial election.

Mr. Rode said he read that if it is sold to the ice association it has to stay an ice rink.

Attorney Rivizzigno said that they agreed to this, that is what they wanted.

Mr. Rode asked if there is a sale clause for a certain amount of years and can they turn it around and sell it?

Attorney Rivizzigno and **Councilor Reeves** explained that the Radisson Association states it has to remain recreational.

Bob Braun, Quaker Lady Circle, addressed the Board and asked why is the Town so quick to sell this and why is it not being offered to private investors?

Attorney Rivizzigno explained that there is a 25 year lease that goes along with it between the YMCA and a sublease to the Greater Baldwinsville Ice Arena. The lease doesn't expire until 2026 and the return on the investment is minimal. The property with the leases is not worth a lot of money to an investor because of the leases. The Town is selling it to someone who is a lease holder so when they take title; his lease goes away and merges into the fee. If an investor would come in and buy that property they would have to buy it subject to those leases. He can show the numbers and no one is going to want to do that.

Mr. Braun replied that if someone purchased it they have the right to renegotiate the leases.

Attorney Rivizzigno said they do not.

Mr. Braun said the YMCA would have to agree to it but you can negotiate with them.

Supervisor Salisbury explained that they have been working on this for about a year and they talked to other investors and there is no way that they are interested because of the lease with the ice arena people.

Mr. Braun replied that if someone did purchase the property they can go back and work with the YMCA and see if they can renegotiate the lease.

Supervisor Salisbury explained that they are buying it from the Town, the YMCA has already gotten out of their lease and the Town still has the lease with the ice arena.

Attorney Rivizzigno added that there would be no reason whatsoever for the YMCA to renegotiate that lease with a new owner asking why would they want to pay more than they are paying now and it doesn't make sense. They are not going to do that because they don't have to do that.

Mr. Braun asked as soon as someone purchases it wouldn't they immediately have to pay county and sales taxes as stated in the lease.

Attorney Rivizzigno said no.

Mr. Braun said they have to pick up all the taxes and if a private investor bought it they would have to pay the Town taxes.

Councilor Reeves explained that the investor would but it is not the obligation of the YMCA.

Mr. Braun explained it is in the lease and asked the Board if they were sure it was not.

Attorney Rivizzigno explained that there is nothing in the lease that provides that the YMCA pays the taxes and if a new owner takes over, it is not going to change it.

Supervisor Salisbury explained that they have explored this every which way for about a year because if the Town didn't have the leases the building would be worth more. The Town could go through litigation and it would probably go until the end of the lease and the Town would be paying off all the rest of the bond, any interest, and maybe still end up with an ice arena. This way the Board feels is the best for the Town. These people have been running it for the last twelve years and there willing to pay the price that the Town put on it after the evaluation was done and after talking to one or two other possible buyers, this is the best deal the Town can make.

Councilor Reeves added that it is \$50,000 a year with principal and interest over the next ten years that the Town is paying. Last year the Town paid up the back taxes and now the Town is paying approximately \$80,000 a year through last year or through 2012. **Councilor Reeves** explained that he believed that to date the total revenue the Town has received is just over \$30,000.

Supervisor Salisbury said that this is what the Town received from the YMCA and the YMCA received no payment from the ice arena.

Mr. Braun explained that he understood this and he knew that someone could buy it and could work with it and they don't have to unless you can prove that they violated the lease or it violated State Constitutional law like giving them such a good deal which would be a lot of litigation.

Supervisor Salisbury replied that the people that have looked at this, as soon as they look at the leases they don't want anything to do with it and now the Town is selling it to the person who has the lease.

Mr. Braun commented that the person buying it is on a sublease as the primary lease is with the YMCA. They can work with the YMCA, renegotiate the lease and probably sell it to the YMCA after they were done.

Councilor Reeves said that the YMCA has first refusal on it for \$650,000 and wanted no part of it.

Mr. Braun commented that he believed it was for \$750,000 minus their one dollar rent.

OLD BUSINESS

None

NEW BUSINESS

CORRECTION TO JANUARY 2, 2014 ORGANIZATIONAL MINUTES

RES. #23/2014 Motion by Shimer, Second by Reeves

RESOLVED to correct the 2014 stipend amount for Karen Rice from \$1,050.00 to \$1,400.00.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Councilor Reeves expressed his appreciation to Karen Rice and to acknowledge her publically for her time and efforts spent on assisting the Comprehensive Land Use Committee and she has never asked for any additional compensation.

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CANTON WOOD SENIOR CENTER
APPROVAL OF 2014 CONTRACT

RES. #24/2014 Motion by Geraci, Second by Diamond

RESOLVED to authorize the Supervisor to sign the 2014 agreement between Canton Woods Senior Center, the Town of Lysander (\$66,950) and the Town of Van Buren (\$66,950).

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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COLLINGTON POINTE DEVELOPMENT
APPROVAL TO SEND OUT MAILING

RES. #25/2014 Motion by Diamond, Second by Shimer

RESOLVED to authorize the Town Clerk to send out a mailing to parcel owners in the Collington Pointe development to determine their interest of establishing a lighting district including the installation of street lights, per a proposal by National Grid dated December 13, 2013.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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WHISPERING OAKS DEVELOPMENT
APPROVAL TO LIST/SELL TOWN OWNED LOTS FOR SALE

RES. #26/2014 Motion by Reeves, Second by Diamond

RESOLUTION to authorize the Supervisor to sign an agreement with Coldwell Banker to list for sale two (2) lots in the Whispering Oakes development, one for \$59,900 and the other for \$49,900 with 8% commission fee. There is an exclusion that is included in the agreement which allows Ronald Merle to buy one or both lots within 10 days of the Supervisor signing the agreement without paying a commission.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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2013 BUDGET
APPROVAL OF TRANSFERS

RES. #27/2014 Motion by Reeves, Second by Diamond

RESOLUTION to approve 2013 year-end budget adjustments as put forth by Comptroller Dave Rahrle.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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PARKS AND RECREATION DEPARTMENT
WINTER/SPRING PROGRAM
APPOINTMENTS

RES. #28/2014 Motion by Shimer, Second by Diamond

RESOLVED to approve the hiring of the following individuals for the Winter/Spring programs at the Parks and Recreation Department:

Pay Roll Winter & Spring Employees

Youth Wrestling	Dan Allen & Matt McGivney	\$10 per hr.
Beginner Guitar	Judy Herbs	\$14.25 per hr.
Mixed Media	Michelle Ekross	\$10 per hr.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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RESOLUTION AUTHORIZING THE SALE OF TOWN PROPERTY

RES. #29/2014 Motion by Geraci, Second by Reeves

WHEREAS, the Town of Lysander is the owner of certain property located at 2725 West Entry Road in the Town of Lysander, New York, and referred to as the Lysander Radisson Community Arena (the "Property"); and

WHEREAS, the Property is comprised of 8.12 acres and contains a 72,687 square foot building containing two ice arenas; and

WHEREAS, the Property is not presently needed for Town purposes and the Town has no further need for use of the property; and

WHEREAS, the Greater Baldwinsville Ice Arena has offered to purchase the Property from the Town for Six Hundred Thousand Dollars and No Cents (\$600,000.00) and continue the use of the Property as an ice arena; and

WHEREAS, the Town has received an appraisal of the Property and hereby determines that the offer of \$600,000.00 is fair and adequate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the conveyance of the Property and further authorizes the Town Supervisor to sign any and all documents necessary to effectuate such conveyance; and **BE IT FURTHER RESOLVED**, that this Resolution is subject to permission referendum.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury reported that this is the sale of the Baldwinsville YMCA Ice Arena building located off of Sixty Road and West Entry Road for a total amount of \$600,000. There is a \$10,000 deposit, non-refundable as part of this agreement.

Attorney Rivizzigno said the Board has spent a lot of time on this, it is a good thing for the community to keep the ice rink and it is good for the Town to get out of the debt service for the next 10 years.

Councilor Geraci expressed that he echoes what Attorney Rivizzigno said and that if one has been a resident of Lysander for any length of time this ice rink has been problematic in the sense that the Town has spent a significant amount of money and he is glad to see that the Town is relieving themselves of that responsibility if the sale goes through as planned.

Supervisor Salisbury commented that a cost analysis was done last year and if the Town kept the bond through the termination of 2022 the Town would have spent \$1, 835,000 on the ice arena which includes the bond payment on the first purchase. With taking the bond out, the Town will save about a half million dollars so it will be \$1,300,000 that the Town has spent on the ice arena to date.

HIGHWAY DEPARTMENT
APPOINTMENT

RES. #30/2014

Motion made by Diamond seconded by Shimer to appoint Jeffrey Weller as a highway on-call supplemental laborer at \$13.54 per hour as requested by Gene Dinsmore effective immediately.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

APPOINTMENT OF TOWN ATTORNEY

RES. #31/2014

Motion made by Salisbury seconded by Shimer to appoint the firm of Gilberti Stinziano Heintz & Smith, P.C. as Town Attorney to provide outside counsel service to the Town for the period January 1, 2014 through December 31, 2014 in accordance with their response to the Town's Solicitation of Qualifications for Legal Services at the annual amount of \$60,000 payable at 1/12th per month.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

OTHER BUSINESS

None

RECOGNITION OF CITIZENS

None

ADJOURNMENT:

At 7:28 p.m. the Supervisor adjourned the regular meeting.

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

Lisa Dell, Town Clerk