

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on January 3, 2013 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John A. Salisbury, Supervisor

Melinda Shimer, Councilor
Andrew O. Reeves, Councilor
Russ W. Johnson, Councilor

MEMBERS ABSENT: Arthur C. Levy, Councilor

OTHERS ATTENDING: Anthony P. Rivizzigno, Town Attorney; David Rahrle, Town Comptroller; Eugene Dinsmore, Highway Superintendent; Ann Smiley, Parks and Recreation Director; Fred Allen and Hugh Kimball, members of the Planning Board; Frank Costanzo, member of the Zoning Board of Appeals; Elaine McMahon, Deputy Town Clerk; Lisa Dell, Town Clerk, Pac-B and several residents.

TOWN BOARD COMMENTS

Councilor Johnson expressed his appreciation to the electorate and to former Councilor James Hickey for his service to the Town.

SUPERVISOR COMMENTS

Supervisor Salisbury again informed the audience that cameras are to be placed in the back of the room and to remain stationary as not to distract the meeting or people speaking.

DEPARTMENT HEAD REPORTS

None

CITIZEN COMMENTS ON AGENDA ITEMS

Kevin Rode, Ashington Drive, addressed the Board and asked what is the advantage of combining the fire district and the fire protection district into a larger fire district.

Supervisor Salisbury explained that all the fire districts in Lysander had a consultant come in and do a very thorough analysis of each department. They looked at the ability to man the equipment and to provide proper fire service within the area. Their recommendation was that Baldwinsville, Lysander and Plainville actually consolidate. Lysander Fire District and Baldwinsville Fire Company pursued this on their own. The next step is a joint public hearing before Lysander and Van Buren, changes have to be made, and it will probably take about three months to do this.

Councilor Reeves explained that nothing is final but it is intended to bring everyone together and possibly bringing the tax rate down for fire service. Any current debt in the Lysander Fire District will remain and have to be paid off.

Mr. Rode asked who sets the fire district lines. **Councilor Reeves** explained he believed that the two districts have to agree to change them. He believes that the boundaries were formed and approved by the districts.

Fred Burtch, 8865 Plainville Road, addressed the Board and asked if the Board met with each of the individual fire districts that will be doing consolidating or has the Board just met with village fire departments and discussed this consolidation process.

Supervisor Salisbury commented that that they met primarily with Lysander and Baldwinsville and did speak with Plainville.

Councilor Reeves added that Plainville is their own entity and it is their decision to consolidate or not.

Mr. Burtch asked if the Board have any indication for the public as to how the fire commissioners feel regarding this consolidation.

Supervisor Salisbury replied that the majority is in favor of it adding that they are providing what they feel is safer fire protection for the Town in that area.

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Mr. Burch expressed his concerns that he sees districts being isolated and not joining with the others and his house is located in that area.

Chris Patrick, 8243 Ashington Drive, addressed the Board and pointed out that there are two different classifications of the fire areas with a private fire company serving one of them. **Mr. Patrick** asked what would be the end result,, a fire protection district or fire district.

Councilor Reeves explained that the proposal that has been made is to take all those protection districts, except Phoenix north, and make them all part of the Lysander Fire District. Baldwinsville Fire Company will become part of the fire department with the Lysander Fire District.

Mr. Patrick asked if this would make them subject to the laws of the fire district regarding having open meetings and financial records for public review. **Councilor Reeves** said yes they would be.

OLD BUSINESS

None

NEW BUSINESS

PUBLIC HEARING
PROPOSED EXTENSION OF LYSANDER FIRE DISTRICT

RES. #15/2013 Motion by Reeves, Second by Levy

WHEREAS, Town Law §170 authorizes town boards acting jointly to extend an existing fire district, provided that the fire commissioners of such adjoining fire district consent in writing to such addition to the fire district; and

WHEREAS, the Town Board of the Town of Lysander has previously established and subsequently extended the Smoky Hollow Fire Protection District within the Town of Lysander; and

WHEREAS, the Town Board of the Town of Van Buren has previously established and subsequently extended the Northern Fire Protection District within the Town of Van Buren; and

WHEREAS, it may be in the public interest to extend the Lysander Fire District into the whole of the area of the Town of Lysander currently designated as the Smoky Hollow Fire Protection District and into the whole of the area of the Town of Van Buren currently designated as the Northern Fire Protection District (the "Fire Protection Districts") by joint action of the Town Boards of the Towns of Lysander and Van Buren; and

WHEREAS, such extension may be in the public interest, and a public hearing on the extension of the Lysander Fire District should be held for such purposes, pursuant to Town Law §170(2);

NOW THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Lysander shall convene and conduct a joint public hearing with the Town Board of the Town of Van Buren on January 30, 2013 at 7:00 p.m. at the Baldwinsville Volunteer Fire Company, Inc., 7911 Crego Road, Baldwinsville, New York for the purpose of considering the extension of the Lysander Fire District into the whole of the area of the Town of Lysander currently designated as the Smoky Hollow Fire Protection District and into the whole of the area of the Town of Van Buren currently designated as the Northern Fire Protection District upon the dissolution of the Fire Protection Districts, so that the Lysander Fire District shall be extended, effective January 1, 2014 and upon the dissolution of such Fire Protection Districts, and that notice thereof shall be given by the Town Clerk as required by law, including one or more conspicuous locations within the Town of Lysander, and the Village of Baldwinsville as the Town Clerk determines.

VOTE:

Supervisor Salisbury	Aye	Councilor Levy	Aye	Councilor Shimer	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, motion carried and adopted.

PROPOSED RADISSON ZONE CHANGES
SEQR DETERMINATION

RES. #16/2013 Motion by Reeves, Second by Shimer

WHEREAS in connection with a proposed amendment to the General Project Plan-Radisson New Community, the New York State Urban Development Corporation, now doing business as Empire State Development ("ESD") has, as Lead Agency, conducted and completed a coordinated review of the proposed amendment and

has found that the proposed action would not result in significant adverse impacts on the environment. Said findings were incorporated in a resolution adopted by ESD on September 20, 2012.

Now therefore be it:

RESOLVED that the Town Board of the Town of Lysander hereby adopts the findings of the ESD as its own.

VOTE:

Supervisor Salisbury Aye Councilor Levy Aye Councilor Shimer Aye
Councilor Reeves Aye Councilor Johnson Aye

All Ayes, motion carried and adopted.

APPROVAL OF LOCAL LAW NO. 7/2012

RES. #17/2013 Motion by Reeves, Second by Shimer

A LOCAL LAW APPROVING THE LAND USE CONTROLS IN THE RADISSON GENERAL PROJECT PLAN AS AMENDED BY THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a/ EMPIRE STATE DEVELOPMENT

Section 1. The plan amendment made by the New York State Urban Development Corporation d/b/a Empire State Development, changing the permitted land uses as shown in the schedule below, is hereby approved by the Town Board of the Town of Lysander.

<u>Property</u>	<u>Tax Map ID</u>	<u>Acreage</u>	<u>Current Land Use</u>	<u>New Land Use</u>
1.	057.-02.32	9.14	Commercial/Office	Residential
2.	058.-06-09.2	4.96	Industrial	Residential
3.	073.-01-04.1	13.05	Industrial	Commercial/Retail
4.	057.-02-11.8	4.05	Commercial/Office	Commercial/Retail
5.	057.-02-04.0	3.3	Industrial	Commercial/Retail
6.	P/0 057.-02-11.1	easterly most 78 of 120.82	Industrial	Commercial/Retail
7.	057.-02-18.0	15.44	Industrial	Residential
8.	005.-02-04.1	4.45	Industrial	Residential

Section 2. This local law shall take effect upon filing with the State.

VOTE:

Supervisor Salisbury Aye Councilor Levy Aye Councilor Shimer Aye
Councilor Reeves Aye Councilor Johnson Aye

All Ayes, motion carried and adopted.

A conversation ensued among Board members regarding the modifications expressed by the Onondaga County Planning Board resolution and Attorney Rivizzigno advised that they will be addressed by the Planning Board when an applicant appears before them with a project.

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MCLANE VS. TOWN OF LYSANDER
APPROVAL OF APPRAISAL

RES. #18/2013 Motion by Shimer, Second by Hickey

RESOLVED to approve the expenditure of \$3,700 for an appraisal of the McLane property that is currently in litigation, the Town of Lysander paying 35% (\$1,295.00) and the Baldwinsville School District paying 65% (\$2,405.00) of the total cost.

VOTE:

Supervisor Salisbury Aye Councilor Levy Aye Councilor Shimer Aye
Councilor Reeves Aye Councilor Johnson Aye

All Ayes, motion carried and adopted.

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OTHER BUSINESS

None

RECOGNITION OF CITIZENS

RECORDS ACCESS OFFICER

Hugh Kimball, Dexter Parkway, addressed the Board and made a clarification for the public that in the Town Code it indicates that anyone who had previously released documents in the past are not prohibited from doing so if even if they are no longer the appointed Records Access Officer.

Lisa Dell, Town Clerk, addressed the Board and clarified for them and the public the current FOIL process that had been implemented in the Town Clerk's office and time constraints per NYS Public Officer's Law for responding to requests and for disclosure of records.

STATUS/ UPDATE REPORT

TDR PROGRAM

AUDIT

ICE RINK

DOG CONTROL OFFICER LAWSUIT

Chris Patrick, Ashington Drive, addressed the Board and asked the status of the Attorney General investigation regarding the TDR program and if any action has been taken. **Supervisor Salisbury** explained no action has been taken as of this time and he cannot discuss any further information at this time.

Mr. Patrick asked if the report for the second audit was complete. **Supervisor Salisbury** said that Mr. Patrick received the total cost of this building, figures that came from the audit and anything else they are working on cannot be discussed at this time.

Mr. Patrick asked if there is a report for the YMCA ice rink study and **Supervisor Salisbury** said there has been movement and discussions but because of the contractual nature of it any information cannot be discussed at this time.

Mr. Patrick, Ashington Drive, asked for a status regarding the dog control lawsuit and **Attorney Rivizzigno** reported that there was a recent court conference held and depositions were scheduled.

Mr. Patrick referred to the appointment of Dan Boccardo and asked if his resume was submitted before the deadline and **Supervisor Salisbury** said it was.

DOG CONTROL OFFICER POSITION

Fred Burtch, Plainville Road, addressed the Board and asked Supervisor Salisbury if any of the public reached out to the Board regarding him applying for a position with the Town. **Supervisor Salisbury** said he did receive emails on Mr. Burtch's behalf. **Mr. Burtch** asked if Supervisor Salisbury shared that information with the committee that interviewed him. **Supervisor Salisbury** commented that information that was necessary was shared with the committee that interviewed him. **Mr. Burtch** asked who was responsible for selecting Councilor Johnson to be on the interview panel and **Supervisor Salisbury** said it was his decision.

Mr. Burtch then addressed **Councilor Johnson** and referred to a phone conversation he had with Councilor Johnson. **Councilor Johnson** interrupted Mr. Burtch and said to Mr. Burtch that during that conversation, Mr. Burtch had made sexually explicit comments to him and because of that he told Mr. Burtch he lost his ability to contact him anymore.

TOWN BOARD MEETING AGENDA

Jim Stirushnik, Dinglehole Road, addressed the Board and expressed his concern that the agenda was not publicized in a timely manner.

Supervisor Salisbury reported that he was out ill and it did not get finished until this morning and offered his apologies.

ZONING BOARD OF APPEALS

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CHAIRPERSON

Kevin Rode, Ashington Drive, addressed the Board and asked if the chairperson is paid per meeting and if he has other duties that are required outside of attending meetings.

Supervisor Salisbury said the chairperson pay is divided by 12 over the year and the position does entail other responsibilities outside of scheduled meetings.

TOWN BOARD

Mr. Rode addressed the Board and suggested that the Town Board be increased by 2 more Board members.

Brian Bixby, Crego Street, addressed the Board and reminded Supervisor Salisbury that he is allowing citizens the opportunity to speak at a meeting and that citizens should not take it for granted.

Supervisor Salisbury commented that the agenda is also provided as a courtesy and he is not required by law to provide one and that proper decorum is needed in the town hall during meetings.

ADJOURNMENT

At 8:18 p.m. The Board moved to Executive Session and returned at 9:29 p.m. No action was taken.

At 9:29 p.m. a motion was made by Councilor Levy, second by Councilor Johnson to adjourn the meeting. Motion Carried.

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

Lisa Dell, Town Clerk