

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on February 10, 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; Gene Dinsmore, Highway Superintendent; 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 topic was discussed:

- Abbotts's Landing drainage easement sink hole.

At 6:42 p.m. a motion was made by Reeves, seconded by Shimer to adjourn to Executive Session to discuss matters relating to possible litigation and transfer of property. At 6:53 p.m. a motion was made by Shimer, seconded by Diamond to adjourn the Executive Session and return to the work session.

VOTE:

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

All Ayes, motion carried and adopted

TOWN BOARD COMMENTS

None

SUPERVISOR COMMENTS

None

DEPARTMENT HEAD REPORTS

None

CITIZEN COMMENTS ON AGENDA ITEMS

AMENDMENT OF APPROVED RESOLUTION
WHISPERING OAKS SEWER DISTRICT
WATER QUALITY IMPROVEMENT PROJECTS AND
NON AGRICULTURAL NONPOINT SOURCE PROJECTS

Chris Patrick, Ashington Drive: Can you just, G, what that entails, why is that there?

Supervisor Salisbury: Yes that's there because the original one was passed in 2011 and now I have to sign another one, David is not here.

Engineer Yager: We got a contract extension to include West Genesee Sewer District Extension No. 2. Because of the contract extension we have to have a new Town Board resolution to amend the contract.

Supervisor Salisbury: They sent it back and they said if there has been any changes in the Board so that's why we have to do that.

OLD BUSINESS

None

NEW BUSINESS

PARKS AND RECREATION
APPROVAL TO INCREASE WAGES
PART TIME SEASONAL POSITIONS

RES. #33/2014

Motion made by Diamond, second by Shimer to increase the wages of the following Part Time Parks Personnel hourly rate to keep even with the new minimum wage. The following part time or seasonal positions will increase to \$8.00 per hour from \$7.50 per hour.

Basketball Supervisor	\$ 8.00
Day Camp Specialty	\$ 8.00
Day Camp Group Counselors	\$ 8.00
Day Camp Lifeguard	\$ 8.00

VOTE:

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

All Ayes, motion carried and adopted.

NYS RETIREMENT SYSTEM
ESTABLISHING WORK DAY FOR TOWN COUNCILOR*

Motion made by Diamond, seconded by Reeves that effective January 1, 2012 the Town of Lysander hereby establishes the standard work day for the title of Town Councilor at 7 hours per day. Effective January 1, 2014 the title of Town Justice will have a standard workday set at 7 hours per day. The Town will report days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this Body.

***Motion was withdrawn. No vote by the Board.**

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: Are there any questions?

Councilor Geraci: Actually I do and I apologize for not bringing it up at the work session I guess I just don't understand what it means to say (unclear) a town councilor is set at seven hours per day. I mean it doesn't apply to me because I'm not going to be part of any retirement system but that means we are getting credit for seven hours a day.

Supervisor Salisbury: For one day.

Councilor Geraci: For one day a week, one day a month, one day a...

Supervisor Salisbury: I think its one day every time there is a meeting.

Councilor Geraci: Okay do we need to specify that?

Supervisor Salisbury: Actually and I apologize not having David here because I do not know.

Attorney Rivizzigno: I think this is strictly for the retirement system reporting, the credit you get toward your retirement because you are not full time employees, 40 hours a week. This is the reason they have you do this so that towards anyone that is on the retirement system you are going to credit. I don't know from David whether this is per day, per meeting or what.

Councilor Geraci: I guess I would like to know that and again I don't want to be, its boiler plate stuff, I really don't have a problem with this but I just want to make sure that , again it doesn't apply to me, that we are not getting credit for time, we are getting, whatever's happening here is fair.

Supervisor Salisbury: Oh no this is required, this is I think the tier that's whatever tier this comes under and I do not know that because under Tier 1 you got credit for wasn't by meeting days, it was every day. This is like I think we are up to tier 6 and so you get one day credit for those days where there is a meeting. Because I asked

David that how that worked. I think that what happened that he did tell me this a new Board member has to keep a diary for three months I think if you are going to be, if you are in the retirement system. Roman are you...

Councilor Diamond: I'm not, no.

Supervisor Salisbury: Okay.

Councilor Reeves: We did that... Anytime you spend on Town business you had to document it on a daily basis.

Town Clerk Dell: I received yours, you submitted it.

Councilor Reeves: First year?

Town Clerk Dell: Yes, first year.

Attorney Rivizzigno: Can the Board members opt out of the retirement system? Aren't you automatically part of the system once you're...?

Councilor Diamond: No.

Councilor Geraci: You can opt out opted out.

Attorney Rivizzigno: You can opt out?

Councilor Geraci: Yeah, I'm already part of the NYS Retirement System I couldn't even be a part of this if I wanted to so you can opt out.

Supervisor Salisbury: Well actually I can't be I can't get any credit even though I work full time for it. Because I was on a retirement system I worked for NYS and the School District so I get a tiny little retirement so and in this position since you're on a retirement unless fire and policeman are different.

Councilor Reeves: Actually the only person this applies to is me. So this is just me lets table it and wait.

Town Clerk Dell: I think the law requires that the Town has to establish this.

Supervisor Salisbury: He did say that because and this is according to must be whatever tier you are on is the requirement.

Councilor Reeves: This is a result of the basic diary that I had to keep before and this actually should have been done a year ago.

Councilor Geraci: For the record I have no issue with this if this is boiler plate. If we could table it just to get clarification of what David wants to do here I would feel comfortable with that and I'm going to guess Melinda that you can actually apply this time to your already accruing retirement so you might want to look into that.

Councilor Shimer: Okay.

Councilor Geraci: But that's just a guess on my part and if you could table it that would be terrific.

Councilor Diamond and Councilor Reeves agreed to withdraw their motion.

Supervisor Salisbury: I apologize I didn't get more information on this.

WHISPER RIDGE SUBDIVISION
RELEASE PUNCH LIST SECURITY

RES. #34/2014

Motion made by Geraci, seconded by Shimer to release the \$6,300 punch list security currently held for the Whisper Ridge subdivision, as the developer has provided the Town with the required as-built drawings and placement of the survey monuments as recommended by the Town Engineers Letter dated February 3, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

TIMBER BANKS
REDUCE PUNCH LIST SECURITIES

RES. #35/2014

Motion made by Reeves, seconded by Diamond to reduce the punch list securities required for the Timber Banks subdivision Section 1A, 1B & 2A to \$33,000, as the developer has completed a large portion of the remaining punch list items, as recommended by the Town Engineers Letter dated February 3, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

CRIMSON RIDGE DEVELOPMENT
PHASE 5
APPROVAL TO SIGN COVER SHEET/CONTRACT DRAWINGS
APPROVAL TO SIGN WASTERWATER DISPOSAL SYSTEM

RES. #36/2014

Motion made by Shimer, seconded by Geraci so that the Supervisor be authorized to sign the cover sheet of the Contract Drawings, prepared by Plumley Engineering with a final revision date of February 3, 2014, and the NYSDEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for The Crimson Ridge Phase V Subdivision as recommended by the Town Engineers letter dated February 7, 2014.

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: This has got to be contingent upon the preliminary plat approval by the Planning Board. And remember Lisa the problem we had with waiting for somebody else's approval this we will have at our next meeting, once this is done we are going to put that in the minutes. Will that help that it was approved?

Town Clerk Dell: Yes.

Supervisor Salisbury: So contingent upon preliminary plat approval by the Planning Board.

Engineer Yager: The public hearing is on the 20th of this month.

AMENDMENT OF APPROVED RESOLUTION
WHISPERING OAKS SEWER DISTRICT
WATER QUALITY IMPROVEMENT PROJECTS AND
NON AGRICULTURAL NONPOINT SOURCE PROJECTS

RES. #37/2014

Motion made by Shimer, seconded by Geraci to amend Resolution #19/2011 to read:

WHEREAS, the Town of Lysander after thorough consideration of the various aspects of the problem in the Whispering Oaks Sewer District and study of available data, has hereby determined that certain work, including improvements to the existing West Genesee Sewer District, proposed West Genesee Sewer District Extension No. 1 and proposed West Genesee Sewer District Extension No. 2, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Town deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Lysander,

1. That the Supervisor is authorized to act on behalf of the Town Board of the Town of Lysander in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The Supervisor is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Town Board in all matters related to the Project and to State assistance;
2. That the Town agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. That this Resolution takes effect immediately.

VOTE:

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

All Ayes, motion carried and adopted.

CRIMSON RIDGE SUBDIVISION

APPROVAL TO RELEASE ABANDONED WATER LINE EASEMENT

RES. #38/2014

Motion made by Reeves, seconded by Shimer to authorize the Town Supervisor to sign the necessary documents to release an abandoned water line easement running parallel to Route 31 in the remaining portion of the Crimson Ridge subdivision to Radisson Association, LLC.

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:

Engineer Yager: Previously the Town, we had another Town water district in the Valley View Subdivision which was service by Town owned infrastructure. With the creation of the Radisson water district they extended, they included the Valley View Subdivision in the Radisson Water District sometime in the late 70's I believe. All the easements from the old Town water district are still on the maps, they were never, a quit claim deed was never filed, when the Town discontinued the use of the infrastructure. So right now it is just an abandoned 6 inch (unclear) pipe in the ground that crosses this property which to avoid questions at closing when the lots are sold the developer would like to take that easement off of the map.

Supervisor Salisbury: So they have another easement for Onondaga County Water?

Engineer Yager: That actually comes in off of the other side through Clare Park whatever it is into Valley View.

HIGHWAY DEPARTMENT

APPROVAL TO PURCHASE USED SNOW PLOW ASSEMBLY

RES. #39/2014

Motion made by Diamond, seconded by Reeves to purchase a used snow plow assembly from the Town of Clay in the amount of \$2,500.00.

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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BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: This is to fit on an existing truck?

Highway Superintendent Gene Dinsmore: Yes.

APPOINTMENT OF LABOR LAW FIRM

RES. #40/2014

Motion made by Shimer, seconded by Reeves to appoint the firm of Bond, Schoeneck & King, PLLC as the Town Labor Law Firm to provide outside labor counsel services to the Town in accordance with their response to the Town’s Solicitation of Qualifications for Labor Law Legal Services at hourly rates listed ranging from \$100 per hour up to \$250 not to exceed the budgeted amount without prior Board approval effective February 11, 2014.

VOTE:

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

Four Ayes, motion carried and adopted

BOARD DISCUSSION BEFORE VOTE:

Councilor Diamond: I’m going to recuse myself from this vote. I was not present for the interview so I am not going to vote on this.

Supervisor Salisbury: The four of us were present I think on January 30th we interviewed three law firms that submitted proposals and chose Bond, Schoeneck & King law firm.

OTHER BUSINESS

EXECUTIVE SESSION

RES. #41/2014

Motion by Shimer, Second by Reeves to adjourn to Executive Session to discuss matters relating to personnel.

VOTE:

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

All Ayes, motion carried and adopted

RECOGNITION OF CITIZENS

Supervisor Salisbury: It is now a 3 minute time limit instead of 5.

Norm Ashbarry, Hidden Lake Drive: I have been checking the Town’s website specifically the meeting minutes. I noticed that for several of the meeting minutes there hasn’t been approval. Dates are 7/30/12, 8/13/12...

Supervisor Salisbury: We have all those.

Norm Ashbarry: I count 7, actually on 12/16/13 I don’t even see a draft so I am wondering what the reason is and I did look at the text of the minutes, the drafts and I noted that they are particularly contentious meetings such as budget issues as well as opposition to the Town’s Board’s view. I’m wondering if that is just an oversight.

Supervisor Salisbury: No it was intentional because we found what we felt were things that couldn’t be approved on the minutes, we have the right to do that.

Norm Ashbarry: Couldn’t be approved for what reason?

Supervisor Salisbury: Various.

Norm Ashbarry: Was there something that was wrong or incorrect?

Supervisor Salisbury: We think so but...

Norm Ashbarry: Could it be corrected?

Supervisor Salisbury: We are taking it under advisement.

Norm Ashbarry: Thank you.

Supervisor Salisbury: Thank you.

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Chris Patrick, Ashington Drive: Mr. Diamond, are you currently still a school board member?

Councilor Diamond: I am not.

Chris Patrick: When did you resign?

Councilor Diamond: I submitted my resignation tonight.

Supervisor Salisbury: One of the things, Chris, and I should have... questions at this time, recognition of citizens are to be addressed to the total Board not the individual Board members. So from now on we will be making a point of that.

.....

Jim Stirushnik, Dinglehole Road: Regarding item X on the agenda I think it's arbitrary that you reduced the time from 5 minutes to 3 minutes. I see no justification. I don't feel it was abused in the past.

Supervisor Salisbury: Thank you for your input.

ADJOURNMENT:

At 7:22 p.m. the Board entered into Executive Session and at 7:55 p.m. a motion was made by Councilor Reeves, seconded by Councilor Shimer to return. Meeting adjourned.

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

Lisa Dell, Town Clerk