

**A regular meeting of the Lysander Town Board was held at 7:00 p.m. on April 28, 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:** John Klucsik and Tony Rivizzigno, Town Law Firm; Al Yager, Town Engineer; Dan Boccardo, Dog Control; Timothy Wolsey, Director of Planning and Development; Elaine McMahon, Deputy Town Clerk; Pac-B and several residents.

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**APPROVAL OF MINUTES**

**RES. #70/2014**

**Motion by Shimer, seconded by Reeves** to approve the minutes of the April 14, 2014 regular Board meeting.

**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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**TOWN BOARD COMMENTS**

**None**

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**SUPERVISOR COMMENTS**

Supervisor Salisbury reported that after a discussion he decided to create a board member liaison between the Town Board and Toomey Residential to help facilitate any questions the residents might have regarding the Project. Town Councilor Melinda Shimer has agreed to be the liaison and her email address can be found on the website.

Supervisor Salisbury also reported that he met with the Town of Van Buren Supervisor and the Village of Baldwinsville Mayor to discuss consolidation. He went on to say that the first area they are looking at is Parks and Recreation and a committee is being formed with 2 representatives from each municipality. Bob Geraci and Bob Ellis will be the represent the Town of Lysander.

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**DEPARTMENT HEAD REPORTS**

**None**

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**CITIZEN COMMENTS ON AGENDA ITEMS**

**Jim Stirushnik, Dinglehole Rd:** On New Business D, I am interested in the 42 trees that are going to be planted and I would like more information in the future. I understand it is not available at this time. There's a great difference in trees, and not every tree belongs every place. Boards like this tend to just buy the cheapest thing available and plant them.

On New Business F, the Town received comments from the Town's Engineer in the work session prior to this session. I totally agree with those. Essentially this system should be left as it is. New Business G, I would like some flushing out of that comment. It's pretty vague what you are going to do or want to do. (unclear) when it comes time.

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**OLD BUSINESS**

**None**

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*Lysander Town Board regular meeting  
April 28, 2014*

**NEW BUSINESS**

**2014 Summer Day Camp Staff**

**RES. #71/2014**

**Motion made by Geraci, seconded by Shimer** to appoint the following list of persons for the 2014 Summer Day Camp Program per the recommendation of Ann Smiley, Parks and Recreation Director, effective May 1, 2014 with their rates of pay. All but Marty Bullis has changed because of the minimum wage increase. Morgan Hartley and Ryan Sparkes are accepting supervisor responsibilities so their increase is larger. (All currently Lysander residents)

**New Hires:**

- Bartlett, Nicole Counselor, \$8.00/hr.
- George, Kyle Counselor, \$8.00/hr.
- Oemcke, Jessica Counselor, \$8.00/hr.
- O’Neil, Brianna Counselor, \$8.00/hr.
- Smiley, Karl Counselor, \$8.00/hr.

**Returning Staff:**

- Bullis, Martin Assistant Director \$13.50/hr.
- Chad McArdell Counselor \$8.00/hr.
- Fiaschetti, Sydney, Counselor \$8.00/hr.
- Hartley, Morgan Arts & Crafts Counselor, \$8.00/hr.
- Hartley, Morgan Ext. Counselor, Mornings \$9.00/hr.
- McMahan, Alyssa, Counselor \$8.00/hr.
- Sharpstene, Leona-Marie Counselor, \$8.00/hr.
- Sparkes, Ryan, Music Counselor, \$8.00/hr.
- Sparkes, Ryan Ext. Counselor, Mornings \$9.00/hr.
- Weeks, Justin, Counselor \$8.00/hr.

**VOTE:**

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

**All Ayes, motion carried and adopted.**

**RESOLUTION OF THE TOWN OF LYSANDER, NEW YORK, ADOPTED APRIL 28, 2014,  
 APPROVING THE ESTABLISHMENT OF WEST GENESEE SEWER DISTRICT, EXTENSION NO.2  
 IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO  
 PERMISSIVE REFERENDUM**

**RES. #72/2014**

**Motion made by Reeves seconded by Geraci**

**RECITALS**

WHEREAS, the Town Board of the Town of Lysander (herein called “Town Board” and “Town,” respectively), in the County of Onondaga, New York, has heretofore duly caused Allen J. Yager, P.E. , competent engineer duly licensed by the State of New York, to prepare a map, plan and report for the proposed establishment of WEST GENESEE SEWER DISTRICT, EXTENSION NO.2 (the “District”) in the Town, consisting of the furnishing and installation of approximately 2170 lineal feet of new 2-inch HDPE force main pipe and appurtenances for sewer laterals within the right of way, furnishing of approximately 2100 linear feet of HDPE sewer lateral pipe and furnishing of 21 sewage grinder pumps and electric controls tracer wire for grinder pump connection, together with appurtenances thereto within the proposed sewer district, 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 \$400,567.50, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order Calling Public Hearing (“Order”) duly adopted on March 10, 2014, the Town Board determined to proceed with the proposed establishment of the said District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included

***Lysander Town Board regular meeting  
 April 28, 2014***

therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the said Sewer Improvement, in connection with the District, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying April 14, 2014 as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, the Town Board has determined this to be a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Section 617.5 requiring no further environmental review, and WHEREAS, certified copies of such Order were duly published, posted and filed pursuant to the provisions of article 12-A of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on the April 14, 2014, commencing at 7:01 at the Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LYSANDER, IN THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the Notice of Public Hearing was published, posted and filed as required by Law, and it is otherwise sufficient;
- (b) all the property and property owners benefited included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed District; and
- (d) it is in the public interest to establish the District.

Section 2. The establishment of the proposed District is hereby approved, as hereinafter described, and said District shall be designated and known as West Genesee Sewer District, Extension No.2 in the Town of Lysander, and shall be bounded and described as follows:

Schedule A

Boundary Description

West Genesee Sewer District Extension No. 2  
Town of Lysander, Onondaga County, New York

The Town of Lysander West Genesee Sewer District Extension No. 2, situated in the Town of Lysander, Onondaga County, State of New York, being more particularly described as follows:

Commencing at a point of beginning, said point being the northeastern property corner of parcel 048.-01-03.1; thence proceeding southerly along the eastern property boundary of parcel 048.-01-03.1 to its southeastern property corner; thence proceeding generally northeasterly to the northeastern property corner of parcel 048.-01-04.1; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-05.1; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-06.1; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-07.0; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-08.0; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-09.0; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-10.1; thence proceeding northeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 048.-01-11.0; thence proceeding southeasterly along the eastern boundary of said parcel to the southeastern corner of parcel 048.-01-11.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-10.1; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-09.1; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-08.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-07.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern corner of parcel 048.-01-06.1; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-05.1; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 048.-01-04.1; then proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05.10.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05-09.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05-08.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05-08.0; thence proceeding southwesterly along the southern boundary of

said parcel to the southeastern property corner of parcel 049.-05-07.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05-06.0; thence proceeding southwesterly along the southern boundary of said parcel to the southeastern property corner of parcel 049.-05-05.0; thence proceeding southwesterly along the southern boundary of said parcel to the southwestern property corner of parcel 049.-05-04.0; thence proceeding northerly along the western boundary of said parcel to the southwestern property corner of parcel 049.-05-03.0; thence proceeding northerly along the western boundary of said parcel to the southwestern property corner of parcel 049.-05-02.0; thence proceeding northerly along the western boundary of said parcel to the southwestern property corner of parcel 049.-05-01.1; thence proceeding northerly along the western boundary of said parcel to the northwestern property corner of parcel 049.-05-01.1; thence proceeding southeasterly along the northern boundary of said parcel to the northeastern property corner of parcel 049.-05-01.1; thence proceeding southeasterly across the blue ridge circle right-of-way to the northwestern property corner of parcel 049.-05-13.1; thence proceeding southeasterly along the northern boundary of said parcel to the northwest corner of parcel 048.-01-03.1; thence proceeding easterly along northern boundary of said parcel to the northeastern corner of said parcel, said point also being the point of beginning, encompassing all parcels within said boundary.

The above described boundary is in accordance with the map entitled Town of Lysander West Genesee Sewer District Extension No. 2 Petition Plan prepared by Allen J. Yager, P.E., Town of Lysander Engineer dated March 2014.

Section 3. The maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$400,567.50, and the plan of financing includes the issuance of Serial Bonds and Bond Anticipation Notes of the Town as well as a Water Quality Improvement Project grant from the New York State Department of Environmental Conservation to finance said cost, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, Town Clerk has filed a certified copy of the Order with the State Comptroller as required by the Town Law. The Town will apply to the State Comptroller for permission to establish the Proposed District.

Section 5. This resolution shall be subject to a permissive referendum in the manner provided by law.

**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 reported that the support is right at 50 percent and this would be subject to a permissive referendum and a Comptroller’s audit because it is above the first year fee threshold of \$768.00. A referendum is required if more than 5 percent of the population request it. In this instance of only 20 homes, only one person would have to request a referendum and it would be subject to the referendum.

Attorney Rivizzigno added that for the Board to pass this resolution the Board would have to find the following four things. One is that the notice of public hearing was published and posted and filed as required by law. Secondly, that all the property and the property owners benefited included within that proposed district refer to and (unclear) thereby. Thirdly, that all the property and property owners benefitted that are included within the limits of the proposed district. Lastly, that it is in the public interest to establish the district. The maximum amount proposed to be expended for the construction of the sewer improvement is \$400.567.00 and does require permission of the State Comptroller. This resolution is subject to a permissive referendum.

Councilor Geraci wanted the audience to understand what permissive referendum is and asked for clarification from the Town Attorney. Councilor Geraci asked that even if the Board passed this tonight a petition can be sent to the Town Board and a majority would have to be in favor of the proposed action without a majority the action would not take place. He commented that if the Board votes for this it is the idea of doing something good for the community where more residents than fewer seem to want this and in the long run perhaps it would be a major improvement to that whole area.

Supervisor Salisbury added that getting 85 percent of the costs paid for by the grant is also a one- time chance here and there are 21 properties that are being affected by this.

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**Suburban Green Infrastructure Program**

**RES. #73/2014**

**Motion made by Shimer, seconded by Reeves** to authorize the Supervisor to sign the Suburban Green Infrastructure Program – Indian Springs Manor Grant with Onondaga County in the amount of \$400,000 to be used for slip lining 5,160 lf of sanitary sewer, epoxy coating 23 manholes and planting of 42 new street trees in the portion of the Indian Springs subdivision tributary to the Village of Baldwinsville sanitary sewer system.

**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 Geraci commented that after being part of the Labor Day clean up in 1998 there was a great protocol established through Onondaga County to pick trees that would not blow over quite as easily and he hopes that the Town would be looking to plant the right kinds of trees after consultation with Cooperative Extension and Onondaga County.

Councilor Reeves added that Brian May was instrumental in getting this grant and wanted to thank Brian for his work and getting this money to take care of this situation.

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**Collington Pointe Lighting District**

**RES. #74/2014**

**Motion made by Reeves, seconded by Shimer** to authorize the Supervisor to notify National Grid to proceed with the Collington Pointe Lighting District Improvements for the installation of sixteen (16) 100w HPS Traditional Luminaires and 3 utility pole mounted overhead lighting fixtures with an estimated first year cost of \$59.00 for a home assessed at \$300,000.

**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 explained that this lighting district was formed when Collington Pointe was being built, and subsequently we got a request from 65% of the residents that the lighting district be functional and operating. We went to National Grid to get a proposal that would cost a home assessed at \$300,000 \$59/yr.

In response to a question about using LED lighting, Engineer Yager explained that currently the PSC has not approved large scale LED fixtures for use within lighting districts. As soon as the PSC approves them, National Grid will be retrofitting all of the fixtures within all of the Town lighting districts.

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**Authorization to sign a Petition for Local Control of Speed Limits**

**RES. #75/2014**

**Motion made by Salisbury, seconded by Reeves** authorizing the Town Supervisor on behalf of the Town of Lysander to join with the New York State Association of Towns, and the New York Conference of Mayors requesting the Governor support legislation that would provide more local control over speed limits on local roads.

**VOTE:**

Supervisor Salisbury	No	Councilor Shimer	No	Councilor Geraci	No
Councilor Reeves	No	Councilor Diamond	No		

**All Noes, Motion Defeated**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury reported that this was discussed at the work session and that the Board feels that this type of decision should not be made at the Town level. He added that the Town normally asks the NYS DOT to look at this and determine if a reduction in speed is appropriate.

Councilor Geraci commented that he thought the Board had consensus that the Board thought the best folks to make the determination for road speeds would be those in NYS DOT and that putting control at local level might open up the process to problems based on reasons other than sound DOT analysis. Councilor Geraci explained that he submitted a speed limit request he had made years ago for Dinglehole Road as an example of the process working: the Town submitted the request to State DOT, they reviewed the situation, and the speed limit was duly changed. This consensus to not change the protocol is reflected in unanimous no votes. He added that it would be so tempting to call up the Town Supervisor and ask if they can make it happen which is really what the problem is with the idea of local control it has the potential, unfortunately, to get politically motivated or done politically. He will be voting against this resolution because he thinks the professionals ought to be the ones to determine the speed limits on our area roads.

Councilor Diamond also commented that he believes in local control and as many things you can control locally, the better. He added that our Town can handle some things a lot better than the State, or D.C. for that matter, but he will defer to the experts in this case and vote the resolution down.

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**State Law regarding establishment of Group Homes\***

**Motion made by Reeves, seconded by Diamond** to write a letter to our NYS Representatives regarding local input into the establishment of Group Homes.

**\*Tabled**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury reported that they received a suggestion on how the Town might react to the establishment of a group home is to try to get the law changed at the State level. There is no letter done at this time and there is a resolution to write a letter to the New York State representatives, Senator and Assembly, regarding local input into the establishment of group homes. The letter would be drafted by one or two of the Board with input from the Town attorney regarding this.

Councilor Geraci commented that he was the person who proposed writing this letter and after sitting through the informational meeting last week, he is a new member of the Town Board, coming on board in January of this year, we all got an incredible education about the protocols about placement of group homes. He got really frustrated in terms of what the law is on the books and what has happened across this country in terms of eliminating local input and local control over the sites of group homes. In the last two weeks he learned about this process he proposed that Town Board might want to send a letter whether the law stands as it is and even if these things happen there should be an opportunity for people to say what's on their minds about the placements of these things without being made to feel like they are doing something wrong. It is not going to say we will prevail in every instance but at least our voice will be heard. What he found out was that our hands are tied. The State law on the books with regards to the placement of these homes stipulates that except for proposing an alternative location, in which case it will be in someone else's backyard perhaps, or proving, and the ability to prove in this case, that the impact of this group home is going tip the scales because there are already so many in terms of in the community, it's going to tip the scales in terms of adverse effect, has never been won ever in the course of when this law was established.

Councilor Geraci then read aloud a portion of a study submitted in March 28, 2012, given to him by Councilor Shimer that indicated that according to the Department of Justice no longer can residents protest the establishment of group homes in their neighborhoods and they can be sued. Councilor Geraci also read a letter that was given to the Town Board from a citizen where it stated that obviously the Board and the Town Attorney did not research the Mental Hygiene Law because if they did they would realize that the home can be built and there is little that that Town can do about it. The anger directed at the Town of Lysander and Toomey could have been placed where it really belongs and that is on the State.

Councilor Geraci added that he wished the Town Board acted a year ago because it would have given the people the opportunity to say what was on their minds then as opposed to saying that 40 day window

disappeared. He wouldn't have bet that it would have made any difference but at least they would have heard from all of the folks who live in the Town of Lysander, about what is there that we can do as opposed to having the anger directed at the Board which he feels is legitimate because we should have brought it to the Board. He added that there are so many things that are wrong here in terms of asking us to keep our mouths shut again without saying we are against group homes. We want nothing more than for kids to be taken care of and to be made healthy again. He doesn't know if a letter to Albany is the right thing to do that says that you ought to consider a little more generosity when it comes to hearing from citizens and folks that are in communities without making them feel like they have no rights. One of his concerns was that Toomey didn't get input from the residents about the placement of the site but did ask for input from the parents. Councilor Geraci then moved to table this resolution explaining that tabling it would allow them to revisit it and does not know if a letter will do any good.

Councilor Diamond commented that he is a newly elected Councilor and he became aware of this issue with in the last several weeks when he started receiving emails and phone calls from residents. He agrees with Councilor Geraci that he doesn't know if any difference would have been made if the residents had been made aware but the residents have the right to know. He added that when the letter came out from Toomey in March of last year there should have been an informational meeting in March or sometime last year and that it should not have been last week. He added that maybe a situation could have been different but Toomey may have still dug their feet in the ground and want to be at that site. He said the residents had a right to know and the Board made an oversight.

*A discussion ensued among the Board regarding withdrawing the motion or tabling it to the May 5 meeting. Councilor Geraci made the motion to table the motion, Councilor Diamond seconded it. Motion passed.*

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#### **ANNOUNCEMENTS:**

Supervisor Salisbury made the following announcements:

- The next Town Board meeting is May 5<sup>th</sup> and there will be at work session before it at 5:00 pm.
- At the May 19<sup>th</sup> and June 9<sup>th</sup> Board meetings the work sessions will start at 6:00 p.m.

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#### **OTHER BUSINESS:**

**None**

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#### **RECOGNITION OF CITIZENS:**

##### **DOYLE ROAD** **TOOMEY RESIDENTIAL GROUP HOME**

William Penn, Doyle Rd: We live on what is the corner of Doyle Rd and Olive Dr. My wife Caroline and I have lived there since 1961 in the same house. We have always considered ourselves very lucky to live in such a wonderful neighborhood. I will take the opportunity to call it an upscale, middle class neighborhood. So I regard myself as very lucky having spent most of my life here. I see this problem as somewhat of a threat to the character of the neighborhood. I would tell you that sometimes I feel like that I am the last to learn what is going on down the road. I didn't learn about the Toomey project, I had no inkling of it until the weekend before the meeting last week. Some independent person had put a notice in my daughter's mailbox and I read it and I thought my heavens what is this all about? And of course the meeting was really raucous and probably justifiably so. I was angry when I went to that meeting. In the quieter atmosphere of a Town Board meeting I hope we can do this in an orderly way. So I will remind everyone here of the 40 day stipulation which we lost that and a year has passed in all that time I as a citizen was never informed about any of this. It was just a happenstance that I learned about it before last week's meeting. I'm sure I would have heard about it from other neighbors. Also I quarrel with the idea that this is a group home in the normal sense. It seems to me if there is a group home that covers all ages, in fact it is listed that in the statement as ages from 00 to 99, and we are trying to help people who are down and out perhaps, who are disabled or one thing or another like that, that is fine. This is different. I call this an institution that is being proposed. In fact I would call it a temporary prison. What is going to happen are transient young people are going to be brought into this, who are uncontrollable apparently budding delinquents. It does represent a danger to the community. I think this is a different question than a group home and it shouldn't be labeled as a group home. I am very appreciative of you Sir with your initiative in going to DeFrancisco (Senator) and Mr. Barclay (Assemblyman) in trying to get something going and rewriting that law. By what normal rational thought can a Commissioner of Mental Hygiene in this State have so much authority that he can bypass the normal procedures for getting a building permit. I find that outrageous. This State has gone too far there. This is an example of what can happen under those conditions. So I entreat you to please follow up on what you are talking about, I appreciate that. I think it is exactly what you should do and in the mean time there are a number of us that are prepared to do whatever

we have to do to make some progress in reassessing this whole thing. I have gone around and talked to a number of people in our neighborhood and in the area even near by, in the peninsula and everyone I talked to is opposed. I can say that I am speaking for almost a unanimous part of this part of the Town, the population there. I would like to end with a statement and my statement is we want this project stopped. I know there is a number of people that want to speak to this so I think it is time for you to raise your hand and volunteer to come up here and talk and be mindful of the three minute stricture.

Supervisor Salisbury: The three minutes must be adhered to Mr. Penn. I was not going to interrupt your statement. That, for example, took over 5 minutes. So if everyone is going to speak we need to keep to the limit. One of the things that I think need to be said is that a building permit is required and in that permit all State and local zoning laws have to be met and fire codes.

Councilor Reeves: If they were to build on a land..., say they bought ten acres in the middle of anywhere right now they would be starting from scratch and it wouldn't be just come and get a building permit. Due to the fact that this was subdivided that what took care of the perk, took care of everything other than the building permit during the subdivision portion of this project. Am I correct?

Tim Wolsey, Director of Planning and Zoning: Correct.

Henry Gellert, Olive Drive: I want to echo Mr. Penn's comments but unfortunately I think everybody in this room sadly is going to hear that there is probably nothing that you can do to stop this. So what I propose is an alternate parallel path is to make sure that this institution, for lack of a better phrase, is properly structured so that we, the residents, are number one safe because we got three low paid attendants that are going to keep these inhabitants under control. The possibility, the probability of something happening is unfortunate. Studies done in California illustrate the majority of complaints involve facilities that serve youth or individuals with mental illness and individuals with drug or alcohol addictions. Not much this State or any State can do to stop this. So we can try. I don't think we will be successful. So we better make sure number one, we make sure this facility has got the safeguards in it both physical and personnel to ensure our safety. And number two that you all are prepared for a day when it comes for re-doing our assessments. Our assessments, whether it is perceived or real, are going to be impacted by this facility. Make no mistake.

Bob Smith, Spike Horn Path: It seems that our Lysander Supervisor Mr. Salisbury has not performed his due diligence. His forgetfulness with regard to the Toomey letter a year ago and subsequent non-action has placed the Baldwinsville School District, its students, and the property owners in the Town of Lysander in jeopardy. It took God 40 days to create something beautiful. It took Mr. Salisbury 40 days of non-action to create a real mess. It's now time for the Board to step up and fix the mess for all of us. Can you do it in 40 days? Furthermore, I hope that all of you had had a chance to read the initial Toomey letter dated March 20, 2013 and its attachments in detail. In it you can see the arrogance of Toomey. You can also see its attachments provide some disturbing information. The extreme size of the home which does not fit the current residential, rural palate. The inferred drug control of children that will attend our schools. The severe emotionally disturbed nature of the children that will reside there, attend our school and ride our buses. Note the Toomey website currently describes these children as dangerous to themselves and others. The sprinkler system which may or may not function with the local water supply. The fenced yard with no description of the height of the fence or security matters. The two Toomey vehicles along with its support staff and visitor vehicles. The lack of street lighting on a now county road. The distinct absence of the site evaluation from the supplied information it's now known that the realtor and the building architect are related. Was this the independent architect that performed the site evaluation? If so, how independent was it? In closing I ask each of you to consider to fix this mess as your top priority. Ask Toomey to look for another property. I also ask you to consider asking Mr. Salisbury to resign his post so that a more diligent individual can lead the Town of Lysander into the future. We the people have equal rights under the protection under the law. A 40 day entry into a letter should not have the power to negate our rights via default. It may come down to litigating the matter with Toomey or litigation with the Town. I'm sure all of those involved will do whatever it takes. Thank you.

Dorothy Alessio, Doyle Rd: I lived there for 20 some years. I made a very careful investigation into this whole situation. It is regrettable and the impact because of the failure of our elected officials who took an oath of office to represent us have failed us either by neglect or indifference. And the impact of this is going to be on the community on Doyle Road and the surrounding area for a long time to come. Let's look at Toomey. Toomey is a non-profit organization, a corporation that is formed to carry the mental health. The mental health department apparently called Toomey and said they needed a residence for very severely handicapped emotional behavior young males between the ages of 7 to 14. If I understood from that informational meeting on Wednesday night, the direct question I put to the Executive Director of Toomey, did you proceed with this project because the Town did not respond within that 40 days? And she said yes. So that letter March the 20<sup>th</sup>

2013 when the Town Administrator was informed of this proposal on 3493 Doyle Road at 40 days in May I have this document. In May of 2013 Toomey put an offer to purchase on that lot 3 of the minor subdivision of Nancy Abbott. So what happened between May of 2013? From what I can gather they went ahead. There is a real estate agent who doesn't know a blasted thing about sites, but who has been to my home and is familiar with Doyle Road, apparently saw this on the computer and made a dash for that with Toomey because they have been searching, from what I understand, four years for a suitable spot. They were trying to sell something if you ask me. Toomey was trying to sell a spot for this particularly if you want to call it a group home, I don't. I call it more of a correctional institution. They were trying so they probably engaged the service of this real estate agent who doesn't know a blasted thing about it and went ahead because oh this is a farm field this is what we want. There is 2.7 acres. We are going to have a playground there. We are going to make it great. So they went ahead with it. And so, who is going to suffer? We are. Because, this will be my last point, we are responsible and it is written right down in that letter Toomey sent to the Town Supervisor. That the community is responsible for community resource service requirement which means they are going to put this house, this structure, on probably the worst road in the Town of Lysander. No street lights. Its pitch dark over there. There is 22 acres on the eastern end of Abbott's farm field there that are fresh water wetlands. If there is an escape of a younger person from the group home well they got plenty of places to go and hide. There is no place for recreation on that site that they chose. But they went ahead because we finally found something. And they have been looking and we have to suffer the consequences. I am going to ask the Board one question. How many of you are familiar with the architects drawing of this particular dwelling? How many of you have seen it? How many of you know what's going in there? How many of you know what the complexity of the septic system on that site is? The land licensed surveyor probably been up night and day trying to fix a commercial septic system that will fit that spot. How many of you have seen it? How has the Town Engineer looked it over? How is the highway superintendent? There are three highways there. There is county.

Supervisor Salisbury: First of all we haven't received any plans and so our Codes Officer will be the first to see these plans. Another thing is that NYS working with Toomey has been looking for a site for a few years. NYS had already approved this site and a purchase offer was made on March 5, 2013, not May. I have requested a copy of the purchase offer because I have conflicting comment on what is included in that purchase offer. Whether there was one restriction or two restrictions. I requested a copy today and I have not received it. But it was made on March 5<sup>th</sup>, thirteen days before the letter was even written. The purchase offer was made and supposedly accepted by the Abbott Family Trust. I'm not sure what the formal name is but I'm investigating it.

Bob Ruff, Doyle Road: I have asked to speak to the Town Board on an important subject, namely the Toomey Residential Services. By Mr. Salisbury's lack of action we may be stuck with a group home in our neighborhood. Cold Springs is a small, quite community of hard working residents and the elderly. To be saddled with this home is quite a catastrophe. I was told these children's parents or guardians wanted them to be in a country atmosphere. These children will not see the outside of this building until they go to our schools. So why put this monstrosity here? When they go to school they will be on the school bus with our children. Put a burden on our teachers due to their behavioral problems. Now they are in Baldwinsville schools with the entire Baldwinsville area involved. As of now, just from a 2010 census, there are 9000 people involved in this mess. Mr. Salisbury I agree with what was said before due to your neglect you may have to live with this mess therefore I respectfully ask that you tender your resignation. I thank the Town Board.

Allen Robbins, Doyle Road: I wasn't sure how this meeting was going to go tonight but I can say, and I probably speak for the rest, I'm deeply disappointed in the position that the Board has taken from compounding the negligence already committed. So rather than taking a pro citizen stance against this with Toomey we are folding our hands and saying that there is nothing we can do. There is absolutely nothing we can do. Obviously we are paying this guy, I don't know what, to do nothing. So you know it doesn't seem even common sense to think that this is an oversight. Leaving my glasses on the kitchen counter is an oversight, right? This is a tragedy of titanic proportions. I don't think you guys quite understand that. This is going to have huge consequences in this community. Not only for the resident of Doyle Road. Do you know how much it takes, how much it costs for a teaching assistant? I can almost guarantee as an educator that each one of these little darlings is going to require a teaching assistant or one to one. That's about 50 grand a pop a year. Okay has anyone even informed the school board that they have this wonderful bus load of children soon to be arriving at their door step? No, I don't think so. Secondly it is absolutely absurd and insulting to think that you can sit here with a straight face and say there is really nothing that we could have done about it. When you were given three clear options. Two of which you could have acted upon. Number one, you could have found lots of alternate locations. I can do a thirty second google search for Baldwinsville land and come up with many, many more alternate locations that would have been much more suited, not only to our needs, but to the clients of this home. Many, many more. Secondly, the third option was you could have made a case that this home did indeed concentrate resources in this small community. Baldwinsville is a small community. Toomey operates twelve group homes in Onondaga County. Five of which are already in Baldwinsville. So let's add another one to the mix. And you know why they like it here? Because it is a nice town with great schools. They get to come in tax free and take advantage of and us citizens have to take the burden of that. And so two

of those points you could have made a case on but instead you sit here call it an oversight, oh there is nothing we could have done anyways, let's get really hard and draw up a letter that ought really do a lot of good. And just sit here and say oh well, we really feel bad for you guys but it's really big bad New York State. No it's not big bad New York State, it's your negligence and incompetence that has got us to this place where we are today. And you should fix it and you should take a position and support of the people that you were elected to represent. And not sit and fold your hands and say that's it, there is nothing we can do. That's wrong. You should try and correct your mistake.

Councilor Reeves: Mr. Robbins. I have question for you. What we did, what we transpired up here, I'm not justifying, never would. Hindsight is 20/20. And what I have been wrestling with for the last few days is why, why people didn't go to the public hearing on this subdivision. You were sent an invitation. You were at the meeting. No one spoke except that gentleman right there from Dinglehole Road. This is where the public hearing....I'm not finished. Why did you not go? You were sent an invitation.

Allen Robbins, Doyle Road: A subdivision with four houses. This is not a group home by the way so you should stop calling it a group home.

Councilor Reeves: This was a subdivision that allows anything along the lines of a group home to go in.

Allen Robbins, Doyle Road: Don't try to turn the table and point the finger at us.

Councilor Reeves: I'm not trying to. I'm just asking why.

Allen Robbins, Doyle Road: That is your job. That's what you are hired to do. To look out for us.

Councilor Reeves: Why went it went across from your house a subdivision and you were sent a notice did you not attend? I'm just asking.

(crosstalk from the audience)

Supervisor Salisbury: We have to keep order here. You have to wait to be recognized.

Councilor Reeves: All due respect we will let you speak again.

Dorothy Alessio, Doyle Road: We would support single family dwelling with nice people living in them and ordinary, everyday citizens. We were not excited about that subdivision even though a SEQR study wasn't done, there was no environmental impact. That was a very poor meeting that night. We did not object to it. So now, when we are getting all of this coming to us we are not comfortable with that subdivision up there. I would have been there.

Councilor Reeves: It took five minutes.

Supervisor Salisbury: We have people that have raised their hand and need to be recognized. I'm sorry. We have people that need to be recognized. Thank you.

Councilor Geraci: The last thing I want to do is be a part of anybody's disappointment but let me read to you what I read today. Finally the court correctly held, and this is all about the Padavan Law, that's what set this up with Willow brook in Staten Island, superseded the local village ordinances noting that the State's police power can be invoked to override the local ordinance where substantial State concerns such as this. The other thing it said was one of the few benefits of the statute to sponsoring agencies is that a community residence establishment pursuant to the Padavan Law is deemed a family unit for the purpose of local laws. This is all case law. It's all been settled. Yeah, we can sue but what good would it do to spend our money? I'm sitting here thinking I wish we could do something. But I can't. I don't want to defend what happened. To Roman's point perhaps this kind of ire and this kind of anger could have been seen by Toomey a year ago and they may have picked up and said you know maybe we ought to go someplace else. The whole what if scenario, we don't know.

Councilor Reeves: No one on this Board disagrees with that. Unfortunately right now we have to play the hand we are dealt with.

Gary Gordon, Doyle Road: My wife and I have lived at 3648 Doyle Road since 1976. We have asked very little of the Town other than normal services. I had a few things prepared to say but other people have said it already. But I'm thinking something else. I have a two part question. First part is there any reason why

Toomey can't withdraw their request right now and if that is possible, is the Board able to represent us to help convince them to do that?

Councilor Reeves: I think they made it pretty clear, quite clear, that is not an option as far as they're concerned.

Supervisor Salisbury: I actually asked that question.

Councilor Reeves: That question has been asked. The State funds are approved and attached to that property.

Supervisor Salisbury: This property was picked out prior to the letter being sent and the purchase offer was made and I don't think there was any going back on that. Because they had taken so long to find a property that the State was interested in and Toomey.

Gary Gordon, Doyle Road: How vigorously has anybody tried to convince them otherwise?

Supervisor Salisbury: We got a letter from Toomey's attorneys. We hope that the Town Board will resist... Can I read this? Okay. We hope that the Town Board will resist any pressure to try to stop or frustrate this project. Consequences of doing so for everyone involved will be very serious.

Councilor Reeves: There are two attorneys. Do you think it's an empty threat?

Supervisor Salisbury: No Ma'am you have spoken up a number of times but you haven't raised your hand. Do you wish to speak once our attorney gets done I will be glad to have you come up and speak.

John Klucsik, Attorney, Town Law Firm: I recognize some of you from the information session on this matter from last week. My recollection is Toomey provided the answer to this question and the sense of that answer was along the lines of what follows. The State Office of Mental Health has been deeply involved in the search for a suitable site along with Toomey. That process has consumed, I believe they said three years, and the Office of Mental Health approvals now attached to that site which has been the subject of a financial investment by the Office of Mental Health. That is what is involved. That is asking what you are asking to unravel which suggestions that we go back to Toomey and try to convince them to start all over again. I don't consider it be a threat. But clearly Toomey has engaged its counsel to advise it and clearly if there were litigation either initiated by the Town or by Toomey in defense of Town action that would cost the residents of the Town. Funds to sustain litigation either to attack or defense that you don't currently face.

Councilor Reeves: A question that I have. Would you anticipate involvement by New York State Mental Health also on the Side of Toomey if there were litigation?

John Klucsik, Attorney, Town Law Firm: I wouldn't want to speculate Mr. Reeves but my guess is yes. Mental Health would be deeply involved in any such litigation.

Supervisor Salisbury: I believe that litigation in the past has never been successful.

Attorney Rivizzigno: That is correct. The initial hearing that is held is held before the Mental Hygiene Commissioner. They are the people who sited this place. So the likelihood winning that is next to nothing. To my knowledge there has been no challenge or citing that has been successful by a municipality. That is why the law is the way it is. Unfortunately a lot of people don't like it. If the State is the one that made the law then they are the only ones that can change it. People say litigate but litigate... What you are entitled to is nothing but a hearing in front of the Mental Hygiene Commissioner. If you think you are going to convince him to do something that he has already made up his mind to do its wishful thinking. It's not going to happen in reality. So you can talk about how much you are paying me. I'm not going to advise the Town Board to commence litigation that is going nowhere and not spend their money on things that we know what the result is ahead of time. I understand your frustration. I have been an attorney for almost 40 years and seen the same thing happen in many towns and it's never been a successful challenge. Once they make up their mind where they want to go and by the way let me say, we talked about group homes, this is not a group home, that's a whole separate issue under the Social Services Law, that's the law that deals with putting people like juvenile delinquents in homes. This is not a group home. This is what was described in the letter a home for mental hygiene. So there is two different things but either one the State has provided the mechanisms for those agencies to site those homes where they feel they need to be sited.

Gary Gordon, Doyle Road: I wasn't talking about litigation. I was talking about requests, protests and so forth. What is the possibility of doing that? Not litigation but saying we really don't want this, your right, an important agency that does good in this case part of which you are doing is not to be good will you reconsider? I'm talking about petitions; I'm talking about things like that standing in front of their offices. Just like that.

Supervisor Salisbury: I have already asked that question. I was told that the State agency already approved the site which they had done more than a year ago. They have put forth the funds and they will not reconsider.

Gary Gordon, Doyle Road: No matter what we or...

Supervisor Salisbury: They understood fully from last Wednesday and I had asked that question before that. That's their stand; they're not going to back down.

Henry Gellert, Olive Drive: Again there seems to be a lot of momentum in trying to stop this as our attorney has stated, and I think everybody agrees on the Board, and I happen to agree with it that I don't think there is going to do much to stop this. But this Town has a lot of power in its Code officials. If there is one iota of this construction that is not to plans, not to local specs, this Town certainly has the capability to stop construction. I heard this young lady talk about there wasn't a proper site or perk test done on the property. Why has that not stopped progress? I'm going to suggest in the interest in making life difficult for this particular firm so they don't build a seventh one in Baldwinsville we do everything we can within the Town's capabilities to make the construction and the administration of the construction of this facility as difficult as possible within the letter of the law and respective codes in this Town. And I think everybody here for the Town has that capability to exercise that option. That's what we can do to make Toomey maybe not look at Baldwinsville for a seventh facility.

Councilor Reeves: On the perk test that was part of the plan when they did the subdivision. Each lot went through a perk test and just to give you a little information I know the sewer system size had some of you bothered. I have a site, our sewer system on our farm approved and drafted by the Health Department for 45 workers and let me tell you and that and the housing is on an acre and a half. And what it requires after the perk test is very minimal and to think that with eight kids there and residents and everything this is going to change the size of the system and everything it may go, it may end up with a 1500 gallon tank. I've got two 1500 gallon tanks on my system with dual pumps and dual leach fields. The sewer system is no big deal at all in a facility this size. It's not much more than a house. I just wanted to make it clear. The perk test was done and approved with the subdivision. There is no more perk testing. The system is not a big deal with 12 or even 20 people. I've got 40, 45 and it's not that big of deal. It's just there a system to put in it and it works well.

Bob Scherfling, River Road: Been here since 1947. I work for the school part time. We run kids like this to Cortland and back. You think that's safe going down 81 almost 50 miles and back and then back and picking them up every day and these people pay for it. On that bus there's a bus driver, there's two attendants and I think there three kids right now. That's just one school. When you get eight more kids, how many more buses, because you can't group them together and you are paying for it and you. That's true, that's the money. So why don't we think before (unclear) And another thing they got \$75,000 invested what if we come up with \$75,000 and buy that lot back?

Supervisor Salisbury: I don't know.

Bob Sherfling, River Road: Well bring it up to them.

Supervisor Salisbury: I really think with the involvement of the State they have decided. And they decided more than a year ago. But I'll bring it up.

Bob Sherfling, River Road: And that school bus runs year round all summer. Last week it ran when the kids were off, it ran all the time.

Ruth Lurette, Doyle Road: My husband built our house 27 years ago. I just got a couple of things I want to say then I want to ask a question. First of all let's not have a defeatist attitude. Let's keep fighting this as long as we can fight it. I just want to say something. You are dealing with a group of older people. They are not on the website, they don't have computers, they need to see the page in front of them. I've never received any notice of anything. Our neighbor told us about this. Okay? I have a question maybe the lawyer can answer. Nancy Abbott sold that land. Did she know who she was selling it to? If she did could she have reneged, taken the sign down, it's not for sale anymore. We are going to put corn back there like there's always been. We live right next door to the fields. I want to know for my own information if she knew she was selling that land to that corporation. To me if I'm selling a piece of land and sign a contract I know whose buying it.

Attorney Rivizzigno: I can't tell you what she knew or what she didn't know. I have no idea.

Ruth Lurette, Doyle Road: If she did know could she have just taken that sign down.

Attorney Rivizzigno: If she knew she signed the contract.

Ruth Lockette, Doyle Road: She knew who she was selling it to.

Attorney Rivizzigno: I assume.

Ruth Lockette, Doyle Road: Abbotts knew they were selling this piece of land to this corporation. I'm just assuming now so they knew exactly what they were doing to the neighbors.

Supervisor Salisbury: I'm still trying to get a copy of the purchase offer.

Bob Ruff, Doyle Road: Last Thursday I was speaking to the secretary for Senator DeFrancisco and she said at the moment they are checking with the Health Department about what can be done. They are not sure but they are trying. Maybe if everybody gets together and writes to him and even maybe the Board gets going with something to him maybe it will all help. What do we have to lose?

Brian Holz, Cold Springs Road: Correct me if I'm wrong but they still have to pull a permit for this?

Supervisor Salisbury: Building permit, yes.

Brian Holz, Cold Springs Road: A building permit through the Town. Just say no.

Supervisor Salisbury: You can't do that.

Brian Holz, Cold Springs Road: Yes you can.

Supervisor Salisbury: No you cant.

Brian Holz, Cold Springs Road: You would tell me no if I wanted to build an addition on my house. It's that simple.

Supervisor Salisbury: No its not. It is zoned R40 if they meet all of the State and local laws regarding building on R40 and the fire codes they can build.

Brian Holz, Cold Springs Road: Here is one thing that is really confusing the hell out of me. This is a corporation. Correct? How can a corporation throw up what they want to call a residential home that is going to be manned 24/7 by paid employees, a paid staff in a house that is twice as big as anything, at least twice as big as anything, maybe three times as big as anything in that area?

Supervisor Salisbury: I'm not going to argue with you about that.

Brian Holz, Cold Springs Road: You need to fight it. It is commercial.

Councilor Reeves: The law says they can and its very clear that says they can. That's the reason why they written the law the way it is. From the way I understand is that they want to make sure people don't have the ability to say I don't want this here go build it someplace else. That's why the law was changed. That's why as Bob read earlier the Justice Department has gone after municipalities and individuals that try to block this.

Brian Holz, Cold Springs Road: Then fight it. That's what we do. We fight for what's right. And you, I want to reiterate, you need to step down.

Butch Tipper, Homestead Drive: It seems like to me everybody up here has got a negative attitude. In other words you have a defeatist attitude. It's like you are not fighting for us. That's the impression I get. Okay this is just coming from me. And secondly how do we find out when your meetings are? I'm computer illiterate. Nothing is in the Messenger. Can you tell me how? How do we find out?

Supervisor Salisbury: You can call the Town Clerk.

Butch Tipper, Homestead Drive: Do you understand what I'm saying?

Councilor Reeves: I understand. Throw us a suggestion. What can we do?

Butch Tipper, Homestead Drive: You're on the Board.

What can we do to help? This is not a pointed question. What would help?

Butch Tipper, Homestead Drive: What would help is put it in the Messenger.

Councilor Reeves: Tami, can we do that?

Tami Scott, The Messenger: If I have space I'll put it in there. I come to the meetings and I put it at the end of the articles.

Butch Tipper, Homestead Drive: Because a lot of us last Thursday we did not know about this whole deal until the Tuesday before that. So that's what I'm saying. Number two, when the Supervisor got this letter. The letter that he forgot. Is he the only one that gets that letter?

Supervisor Salisbury: It was received in the Clerk's office, signed for in the Clerk's office.

Butch Tipper, Homestead Drive: Okay, in the future, if there is something like this again, cant every Board member get a letter and then we won't forget. That's all I'm saying. You already made one mistake.

Councilor Reeves: Most of the time things are distributed to the whole Board.

Butch Tipper, Homestead Drive: I'm just saying I don't want this to happen in the Town of Clay or anyplace.

Councilor Reeves: How many people think we want this again? How many people think we want this to happen again? Let me tell you point blank. I need a good night's sleep because I don't think any one of us has had a good night's sleep in two or three weeks. We deserve it. I'm not saying we don't deserve it but to think that we are taking this lightly and it doesn't bother us. Our job up here is to act like professional as much as we can but we are no different than anybody here. We hurt when you hurt. But we do hear you. We don't want it to happen again. We didn't want this to happen the first time.

Butch Tipper, Homestead Drive: Last thing I want to say is in my own personal opinion. I think the Supervisor is non caring and arrogant. He shows no remorse. I forgot and I feel that he should be held accountable. And I would advise you to resign from your position for the Town and everyone's interest for forgetting. Because this wouldn't have happened if you didn't forget.

Marie Robinson, Cold Springs Road: Basically I just have a comment for the Board. Quite frankly I'm disgusted by what happened last week. I think by calling this an informational meeting with Toomey you put them in a bad place. If you had taken the time to notify the residents in person, called a Board meeting, let us know what was going on, you made us look bad, you made the Town look bad and this whole thing has been blown up out of proportion if somebody had done their job last year. I think what happened is absolutely disgusting and I'm embarrassed by what's gone on in the last week. It should have went out to us before you called Toomey in and you put them on, basically you put them in a firing squad. And then you turn around, yes we are heated, we are mad, and then you turn around and there were Sheriffs behind us. There was no reason for that last week and I'm disgusted.

Paul Pacelli, Homestead Drive: Just a couple points I would like to make. First I'm very disappointed this letter was copied to four people that we voted that would support us in this community. I believe Barclay, DeFrancisco, was two of them and there were two others, Moynihan. And none of them said a word about this letter. They all got the same letter that was sent to the Supervisor, none of them spoke out about it, either for or against it. Did they get the letter? The other point I would like to make is Lysander is one of the fastest growing areas in Onondaga County. If fourteen months ago it was leaked out there was going to be a group home I can tell you right now that progress would have slowed down dramatically. So I know that the Principal of the elementary school didn't know a thing about this until he got back from the spring break. Now I would have thought that Toomey would have had much responsibility of not only contacting the Board but also contacting the Board of Education to let them know about this, that this is coming. Were they just going to pop these kids into the system? When were they going to tell the Board of Education that they are going to have eight more kids in their system?

Supervisor Salisbury: Let me respond to that because I did ask where the children were being educated. And I was surprised as you were. I was told that most of them would be educated in Syracuse and only maybe one or two would go to the Baldwinsville schools. They can go to BOCES or to Hutchings.

Paul Pacelli, Homestead Drive: They would go to Hutchings and come back here? Okay thank you very much.

Rob Geiger: I will be living at the lot next door to the Toomey home. I am not here to make enemies although I will not make friends I'm sure.

Supervisor Salisbury: Is that a statement you would like read?

Rob Geiger: Yes. I will read it.

Supervisor Salisbury: You want to read it?

Rob Geiger: I'm going to try. I'm obviously a little nervous.

Supervisor Salisbury: Absolutely, I understand.

Rob Geiger: I will say to the one question that was asked about the Abbotts under the Freedom of Housing Act they would have been sued like one other gentleman said. The question before was could the Abbotts refuse to sell. The answer would be no, they would have been sued under the Freedom of Housing Act.

Attorney Rivizzigno: Probably correct.

Rob Geiger: You cannot discriminate under about most about anything. It didn't matter... If you disliked Italians you could have not sold to an Italian. It doesn't matter what the reason is. There is no discrimination in selling the property. So I wrote this letter, it's not a letter, its information based upon my experience in obviously in buying the lot over the last year. I'm not writing to dispel anyone's fears but to argue that fear is not justification for opposing this project. Taking your position on an issue requires careful thought and investigation of evidence, not manipulation of data, misrepresentation of facts or unsupported allegations of unknown future residents. To paraphrase Daniel Patrick Moynihan you are entitled to your own opinion, but not your own facts. To a matter of finding another suitable lot in Onondaga County. My wife and I tried to find a lot over one acre in a number of areas of Onondaga County. We considered only three school districts. Jamesville –Dewitt, Fayetteville- Manlius and Baldwinsville. We did not find a lot in FM or JD. We found the lot on Doyle Road to exist. There are some lots that can be near the size but they do not have the same utilities. These lots require propane and a well. In JD we found a location where we could have bought three adjacent lots to make it a total of one and a half acres. Previously they were a half acre. And while a house could have been built on the lot, the lot was not very functional for outdoor activities. It was sloped; one of the building lots was useless. Also it would have cost me twice what we paid for the lot on Doyle Road. So compared to other lots in Onondaga County we do not believe that the four lots on Doyle Road are overpriced. Additionally there was a half-acre lot on Olive Drive for sale for \$34,000 currently. It's about one sixth of the size of the Toomey lot and just under price of the Toomey lot. To matter of finding fault for the lot purchased by Toomey on Doyle Road. The allegations of overpriced. Since I have purchased one of the lots on Doyle Road I can tell you that I offered \$50,000 versus the \$59,000 asking price. But was not disclosed in the listing for the lots is that to become a residential lot as opposed to a farm land there is a state mandated tax penalty that must be paid. In my case the penalty was about \$7000.00. So the prior owner agreed to pay the penalty if I raised my offer by that amount. Toomey and the Office of Mental Health would have likely have gone through the same steps in their purchase. To address the allegations of the wetlands it has been said the Doyle Road backs up to a wetland. I currently live on a four acre lot that is 3 ¾ wetlands and I can only build on a ¼ acre. While the Doyle Road lot is near a wetland, it is not a wetland and has no building restrictions due to a 100 foot barrier of the nearby wetland. To a matter of finding another suitable lot elsewhere in Lysander. As for other lots in Lysander or in the Baldwinsville School District there were none comparable for sale last year or I would have considered one of them for purchase. The approximately 50 acre lot on Hayes Road that had been brought up at least once that has been identified by someone as a better, cheaper lot and not any cheaper lot may not be buildable especially for a home of this size. This lot is almost entirely wetlands as identified by the NYS map wetlands map in the Onondaga County Real Tax Property detail for the property. I looked into that when I considered that one initially and I checked again last night and that is true. For informational purposes there is also a bar near this site and according to law enforcement history reported some unsavory characters and requires frequent police attention.

Supervisor Salisbury: Please no comments and as far as time goes I let Mrs. Alessio go over five minutes and this gentleman can take as long.

Rob Geiger: There is no one in the New York State Office of Mental Health and Toomey that did not find that lot ideal. To the characterization of the Toomey home size as being out of character in the area. The Toomey home has been called a 4000 square foot behemoth, 4000 square foot whatever by half the people here tonight and everybody else being completely out of character with its surrounding residences. I found out it is to the contrary. There is a 3977 square foot home four lots away from the Toomey site. Three lots past that is another 4056 square foot home. Also further down the road an even larger home exists at 4072 square feet. And addition the neighborhoods of Doyle and River offer many more homes of similar size to the Toomey residence. Poplar Field, Bucks Trail, Haylage Circle.

Supervisor Salisbury: Please. You were all given a chance to speak and if people were talking I would have stopped it. I ask you please let this gentleman speak.

Rob Geiger: And Green Bough Circle. And the other side of Route 370 many other large homes exist. Melia Park and Brickwalk. Given that the proposed Toomey home has bedrooms for eight kids and always has at least two staff members on site that comes to about 400 square feet per person. Well I do believe the facility of the type that Toomey Residential Services has proposed is necessary in today's society I am neither for or against the construction at the proposed location on Doyle Road next to my lot. If it is built I will do my best to be a good neighbor. So if the Town can find another suitable lot which I would believe they would have had to have done within 40 days of receiving the letter so be it. However residents in opposition of the project using only opinions and half-truths based on fears and frustration to plead their case is irresponsible at best.

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**ADJOURNMENT:**

At 8:34 p.m. Supervisor Salisbury adjourned the meeting.

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

Elaine McMahan, Deputy Town Clerk