

**A regular meeting of the Lysander Town Board was held at 7:00 p.m. on April 22, 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  
Arthur C. Levy, Councilor

**MEMBERS ABSENT:** None

**OTHERS ATTENDING:** Allen Yager, Town Engineer; Eugene Dinsmore, Highway Superintendent; Frank Costanzo, member of the Z.B.A.; Hugh Kimball and Fred Allen, members of the Planning Board; Lisa Dell, Town Clerk, Pac-B and several residents.

---

**PUBLIC HEARING**

**Notice of said Public Hearing was duly published in The Baldwinsville Messenger on April 10, 2013 with same being posted on the Town Clerk's sign board at the Town Hall and on the Town's website on March 15, 2013, for the purpose of conducting a public hearing upon a proposal to dissolve the existing Smokey Hollow Fire Protection District pursuant to a Proposed Dissolution Plan, at which time and place said Town Board will consider such proposal and hear all persons interested in the same.**

**Supervisor Salisbury** opened the public hearing at 7:04 p.m.

No one spoke for or against the proposed dissolution of the Smokey Hollow Fire Protection District.

**Supervisor Salisbury** closed the public hearing at 7:05 p.m.

---

**APPROVAL OF MINUTES**  
**APRIL 8, 2013**

**RES. #87/2013** Motion by Shimer, Second by Levy

**RESOLVED** that the minutes from the regular Town Board meeting of April 8, 2013 be approved.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**TOWN BOARD COMMENTS**

**Councilor Levy** addressed Supervisor Salisbury and referred to a statement the Supervisor read at the last board meeting referencing a report made by Councilor Johnson and sent to Onondaga County Department of Personnel (Civil Service). **Councilor Levy** asked if there should be a revision made in his statement.

**Supervisor Salisbury** explained that he initially said that Councilor Johnson's report is not subject to disclosure under the Freedom of Information Law (F.O.I.L.) and reported that the report can be disclosed and any employee names will be redacted.

---

**SUPERVISOR COMMENTS**

None

---

**DEPARTMENT HEAD REPORTS**

**Dan Boccardo, Dog Control Officer**, provided a 1<sup>st</sup> quarter activity report for this year. The report is available for review in the Town Clerk's office.

---

**ANNOUNCEMENTS**

**Supervisor Salisbury** announced the following:

*Lysander Town Board regular meeting*  
**April 22, 2013**

- Expressed his appreciation to the residents for their efforts who participated in cleaning up highways on Earth Day and in the future will make attempts to coordinate volunteers with the Highway Department so the Highway Department knows where to pick up collected trash.
- Because of a recent tragedy at Great Northern Mall in the Town of Clay where a woman was killed and a young girl attacked, Canton Woods Senior Center will offer a personal safety awareness class sponsored by the Baldwinsville Police Department on April 25, 2013 at 12:45 p.m. The Town of Lysander Parks and Recreation Department will also be holding a similar class at the Town Hall on May 11, 2013 at 6:30 to 7:30 p.m. with guest speakers from the Onondaga County Sheriff Department and Impact Martial Arts studio. Both classes are free to the public.
- Parks and Recreation will be having their second annual "Junk in the Truck Sale" on May 11, 2013 from 8:00 a.m. to 2:00 p.m. in the parking lot of the Town Hall.
- Mid Lakes Navigation applied to renew their liquor license.

---

**CITIZEN COMMENTS ON AGENDA ITEMS**

**None**

---

**OLD BUSINESS**

**None**

---

**NEW BUSINESS**

**UNDERTAKING  
FOR THE BENEFIT OF  
THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
IN CONNECTION WITH WORK AFFECTING STATE  
HIGHWAYS**

**RES. #88/2013** Motion by Levy, Second by Shimer

**WHEREAS**, the undersigned Town of Lysander, herein after referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within rights of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

**WHEREAS**, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway law Sections 52,1031 203 and/or 234,including the conditions that Permittee assume all responsibility for (a) temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations,(b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

**NOW, THEREFORE**, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency condition: or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right of way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules. Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and1 within a reasonable time, restore State property damaged by its work/activities or substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance NYSDOT shall not be liable for any damage or Injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or their agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NVSDOT, and their agents from and against! all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

**FURTHERMORE**, Permittee hereby warrants that the obligations of this undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

**IN WITNESS WHEREOF**, Town of Lysander agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

**VOTE:**

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

All Ayes, Motion Carried and Adopted

.....  
**RESIGNATION**  
**JUSTICE COURT**

**RES. #89/2013** Motion by Reeves, Second by Levy

**RESOLVED** to accept the resignation of Sandra J. Grants-Nieva, with regret, from her position as Clerk to Justice Patrick Mullin, effective at the close of business on May 23, 2013.

**VOTE:**

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

All Ayes, Motion Carried and Adopted

.....  
**APPROVAL TO SUBMIT GRANT APPLICATION**  
**ONONDAGA COUNTY SAVE THE RAIN PROGRAM**

**RES. #90/2013** Motion by Levy, Second by Reeves

**RESOLVED** to submit an application for the Onondaga County Save the Rain Suburban Green Infrastructure Program Grant to complete a sanitary sewer inflow and infiltration project in the Brown Track Subdivision. Grant funding covers 100% of all construction costs with engineering costs being counted as in-kind services towards the grant.

**VOTE:**

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

All Ayes, Motion Carried and Adopted

.....  
**APPOINTMENT**  
**JUSTICE OFFICE**

**RES. #91/2013** Motion by Reeves, Second by Shimer

**RESOLVED** to appoint Shannon L. Priest, residing at 78 Chaucer Circle, to the position of Court Clerk at a rate of \$15.55 per hour for a maximum of 25 hours per week; effective May 1, 2013 at the request of Town Justice W. Patrick Mullin.

VOTE:

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

All Ayes, Motion Carried and Adopted

---

**FINDINGS AND DETERMINATIONS RELATING TO THE DISSOLUTION OF THE  
SMOKEY HOLLOW FIRE PROTECTION DISTRICT**

**RES. #92/2013** Motion by Johnson, Second by Reeves

**WHEREAS**, pursuant to General Municipal Law §773, the Town Board of the Town of Lysander (the “Town Board”), as the governing body of the Smokey Hollow Fire Protection, a local government entity pursuant to General Municipal Law §750, previously received and considered a proposed Dissolution Plan for the Smokey Hollow Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

**WHEREAS**, that the Town Board convened and conducted a public hearing on April 22, 2013 at 7:00 p.m. at the Lysander Town Hall in the Town of Lysander for the purpose of considering the proposed Dissolution Plan of the Smokey Hollow Fire Protection District and that notice thereof was given by the Town Clerk as required by law.

**NOW, THEREFORE**, Town Board of the Town of Lysander hereby **FINDS AND DETERMINES** as follows:

1. That a proceeding for the dissolution of the Smokey Hollow Fire Protection District to GML 773(2)(a) was commenced on March 15, 2013 by resolution of the Town Board, that being the governing body of the Smokey Hollow Fire Protection District, a local government entity as defined by GML 750(13).
2. That a copy of the proposed Dissolution Plan, along with a descriptive summary thereof, was displayed and readily accessible to the public for inspection in a public place within the Smokey Hollow Fire Protection District as required by General Municipal Law.
3. That the proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Smokey Hollow Fire Protection District where a copy thereof may be examined, was displayed on the website maintained by the Town of Lysander.
4. That a descriptive summary of the proposed Dissolution Plan and a reference to the public place or places within the Smokey Hollow Fire Protection District where a copy of the Proposed Dissolution Plan could be examined, was published at least once each week for four successive weeks in a newspaper having a general circulation within the Smokey Hollow Fire Protection District.
5. That, pursuant to notice, the Town Board convened and conducted a public hearing on April 22, 2013 at 7:00 p.m. at the Lysander Town Hall in the Town of Lysander for the purpose of considering the of the proposed Dissolution Plan of the Smokey Hollow Fire Protection District and that notice thereof was be given by the Town Clerk as required by law.
6. That public hearing was held not less than thirty-five days and not more than ninety days after commencement of dissolution proceedings pursuant to GML 774.
7. That all interested persons were given a reasonable opportunity to be heard on any aspect of the proposed dissolution.
8. That the proposed Plan of Dissolution was considered by the Town Board after all persons were heard at the Public Hearing as aforesaid.
9. That the Smokey Hollow Fire Protection District upon its dissolution shall continue to be governed as before dissolution until the effective date of the dissolution specified in the dissolution plan, pursuant to GML 778.
10. That that upon the successful completion of these dissolution proceedings, the Town Board shall wind-down the affairs thereof, dispose of its property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, if any, and if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution, pursuant to GML 787(1).
11. That in furtherance of its duty to wind down the affairs of the local government entity, the Town Board shall cause notice to be given, in the same manner as notice for a proposed dissolution plan pursuant to GML 775, requiring all claims against the dissolving local government entity, excluding any of its outstanding securities, to be filed within three months of the date of such notice and all claims not so filed shall be forever barred, pursuant to GML 787(2).

***Lysander Town Board regular meeting  
April 22, 2013***

12. That, no action for or against the Smokey Hollow Fire Protection District shall abate, nor shall any claim for or against it be affected by reason of its dissolution, pursuant to GML 788(1).
13. That upon the dissolution of the Smokey Hollow Fire Protection District, all its records, books and papers, if any, shall be deposited with the Town Clerk of the Town of Lysander, being the town in which such entity is wholly situated, and that such records, books and papers shall thereupon become a part of the records of the Town of Lysander, pursuant to GML 788(2).
14. That upon dissolution of the Smokey Hollow Fire Protection District the outstanding debts, liabilities and obligations of the Smokey Hollow Fire Protection District, if any, shall be assumed by the Town of Lysander, being the town in which the dissolved entity was situated and shall be a charge upon the taxable property within the limits of the dissolved entity, collected in the same manner as town taxes. The Town Board shall have all powers with respect to the debts, liabilities and obligations as the governing body of the dissolved entity possessed prior to its dissolution, including the power to issue town bonds to redeem bond anticipation notes issued by the dissolved entity, pursuant to GML 790.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

.....  
**RESOLUTION DISSOLVING THE**  
**SMOKEY HOLLOW FIRE PROTECTION DISTRICT**

**RES. #93/2013** Motion by Reeves, Second by Shimer

**WHEREAS**, pursuant to General Municipal Law §773, by resolutions of the Town Board of the Town of Lysander, as the governing body of the Smokey Hollow Fire Protection, a local government entity pursuant to General Municipal Law §750, previously endorsed a proposed Dissolution Plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law on March 11, 2013; and

**WHEREAS**, the Town Board of the Town of Lysander, as the governing body of the Smokey Hollow Fire Protection District, has previously received and considered a proposed Dissolution Plan for the Smokey Hollow Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

**WHEREAS**, the Town Board of the Town of Lysander convened and conducted a public hearing on April 22, 2013 at 7:00 p.m. at the Lysander Town Hall in the Town of Lysander for the purpose of considering the proposed Dissolution Plan of the Smokey Hollow Fire Protection District and that notice thereof was given by the Town Clerk as required by law; and

**WHEREAS**, that the Town Board of the Town of Lysander, following such Public Hearing adopted certain Findings and Determinations Relating to the Dissolution of the Smokey Hollow Fire Protection District; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the proposed Plan of Dissolution dated March 15, 2013 is hereby adopted as the Plan of Dissolution for the Smokey Hollow Fire Protection District, and it attached hereto as Schedule A, and it is further

**RESOLVED**, that the Smokey Hollow Fire Protection District is hereby dissolved on June 1, 2013 pursuant to the Plan of Dissolution so made and adopted, and it is further

**RESOLVED**, that the Clerk of this Municipality is authorized and directed to cause a certified copy of these Resolutions to be duly recorded in the office of the Clerk of Onondaga County and shall further, within 10 days cause a certified copy of these Resolutions to be filed with the state department of audit and control at Albany, New York, all pursuant to Town Law 173(1).

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

.....  
**AUTHORIZE TO ADVERTISE**  
**PUBLIC HEARING**

**RES. #94/2013** Motion by Johnson, Second by Shimer

**RESOLVED** to authorize the Town Clerk to advertise Notice for Claims against the Smokey Hollow Fire Protection District.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**RESOLUTION SETTING PUBLIC HEARING  
FOR AMENDING FIRE PROTECTION CONTRACT**

**RES. #95/2013** Motion by Levy, Second by Johnson

The Town Board of the Town of Lysander (the "Town"), duly convened in regular session, does hereby resolve as follows:

**WHEREAS**, there has been duly established in this Town a fire protection district known as the "Smokey Hollow Fire Protection District" (the "Fire Protection District") embracing territory in the Town and portions of the Village of Baldwinsville as such territory is more fully described by Chapter 379 of the laws of 2002 and resolution of the Town Board of the Town; and

**WHEREAS**, the Town of Lysander currently contracts with the Baldwinsville Volunteer Fire Company, Inc. for fire protection and emergency services within the Fire Protection District pursuant to a contract dated the 1<sup>st</sup> day of January 2013 for services through December 31, 2013, and

**WHEREAS**, for reasons of efficiency and economy and pursuant to the authority conferred by Section 184 of the Town Law of the State of New York, the Town Board of the Town of Lysander desires to amend such contract, discontinuing such fire protection and emergency services by the Baldwinsville Volunteer Fire Company, Inc. on May 30, 2013 and transferring such responsibility for fire protection and emergency services to the Lysander Fire District effective and through May 31, 2013, together with apportionment of the cost thereof as between such municipalities pursuant to and consistent with the Plan of Dissolution of the Smokey Hollow Fire Protection District; and

**WHEREAS**, the provisions of Town Law 184 require a public hearing prior to the amendment of such contract;

**NOW, THEREFORE**, be it

**RESOLVED**, that pursuant to the provisions of Section 184 of the Town Law of the State of New York, that a public hearing be held at the Lysander Town Hall, 8220 Loop Road, Lysander, New York on May 20, 2013 at 7:00 PM prevailing time with reference to the amendment of the current contract for the furnishing of fire protection for the Town of Lysander in the Smokey Hollow Fire Protection District by discontinuing the current contract for fire protection and emergency services by the Baldwinsville Volunteer Fire Company, Inc. on May 30, 2013 and transferring such responsibility for fire protection and emergency services to the Lysander Fire District effective and through May 31, 2013 and apportioning the cost thereof as between such entities pursuant to and consistent with the Plan of Dissolution of the Smokey Hollow Fire Protection District with no additional cost or expense to the Town of Lysander and therefore; and it is further,

**RESOLVED**, that the Town Clerk give notice of such hearing be published in the Baldwinsville Messenger, a newspaper having a general circulation in said fire protection district once at least ten days prior to the day specified for the hearing, and that such notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract amendments.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**OTHER BUSINESS**

**EXECUTIVE SESSION**

**RES. #96/2013** Motion by Johnson, Second by Shimer

**RESOLVED** to adjourn to executive session to discuss matters relating to real estate and personnel matters.

**VOTE:**

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

***Lysander Town Board regular meeting  
April 22, 2013***

*Councilor Johnson asked Supervisor Salisbury what was the nature of the personnel matters and Supervisor Salisbury responded that it involved Town positions.*

---

**RECOGNITION OF CITIZENS**

**LAMSON/OSWEGO ROAD WATER PROBLEMS**

**Janine Werchinski-Yates, Oswego Road**, addressed the Board and said she and the area residents have been trying to get a water district established for several years as there are some homes that have contaminated water. She explained that she feels that the Town does not consider them a priority, that she is aware that several emails are sent to the Town weekly and feels that this issue is not a priority and they are being ignored.

**Supervisor Salisbury** explained that they have sought help and advice from Local, State and Federal representatives to try to establish a Lamson Road water district at low cost and have not found a way to do so. The average medium income of the residents affected does not qualify for any past or current available grants. It is a constant issue that the Board discusses and the Town Engineer has been addressing it. The Board knows that they need water and they can't not find a way to fund it for the residents so the costs won't be so exorbitant.

**Councilor Reeves** added that on behalf of the Board he apologizes if they have not communicated to them as to the status of this issue, that they are always discussing this problem hoping that they would find an answer and then be able to notify the residents with a solution.

**Supervisor Salisbury** agreed to set up a meeting with residents to further discuss this issue.

---

**TIMBER BANKS GOLF AND RESIDENTIAL COMMUNITY  
PROPOSED AMENDMENT NO. 3 TO PLANNED UNIT DEVELOPMENT**

**Steve Darcangelo, Patchett Road**, addressed the Board and expressed his concerns that drawings still show a roadway leading out onto Patchett Road from the Timber Banks Development. Mr. Darcangelo said it is apparent from the conversations according to the minutes taken at Board meetings held in September of 2006 and April of 2007, including from the developer, that there was not a need for a roadway onto Patchett Road, adding one would only be put in if there was a need by emergency services. Mr. Darcangelo feels that adding the road would deplete the quality of life for those residents living on that dead end portion of Patchett Road. Mr. Darcangelo presented a petition to the Board containing 34 signatures from residents living in that area requesting that a connecting road not be permitted.

---

**ADJOURNMENT**

At 7:38 p.m. the Board adjourned and moved to Executive Session. At 8:15 p.m., the Board returned. No action taken.

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

Lisa Dell  
Town Clerk