

**A regular meeting of the Lysander Town Board was held at 7:03 p.m. on May 28, 2015 at 8220 Loop Road, Baldwinsville, New York.**

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

**MEMBERS ABSENT:** None

**OTHERS ATTENDING:** Tony Rivizzigno, Town Attorney; Elaine McMahon, Deputy Town Clerk; Al Yager, Town Engineer; and several residents

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**PUBLIC HEARING**  
**REVISED COMPREHENSIVE LAND USE PLAN**

**Notice of said Public Hearing was duly published in The Baldwinsville Messenger on January 21, 2015 and the Post Standard on January 25, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on January 6, 2015 for the purpose of hearing all persons for or against the adoption of the revised Comprehensive Land Use Plan.**

*The Supervisor re-opened the public hearing at 7:11 pm. The public hearing had been adjourned from the February 9, 2015, March 9, 2015, March 23, 2015, April 13, 2015 and April 27, 2015 regular town board meeting.*

At 7:03 p.m. Supervisor Salisbury opened the floor for comments.

The following persons spoke:

Councilor Geraci: In the amount of work that went into the CLUP (Comprehensive Land Use Plan), it was impressive. We began to talk a little bit about trying to stay consistent in terms of making sure that we preserve the capacity of sewer systems where ever they may be. We were pretty adamant in the plan making sure the folks along Hayes Road, along the river, will be able to tap into a sewer system as new development takes place. I began to think about the development along 370 west of the village that is slated to tie into the Whispering Oaks sewer system. The only point I want to make here is that we ought to put something in the CLUP that don't forget, that even though they may not tie into tomorrow or even the next day or even a few years from now, we got Seneca Estates, we got other housing developments along the river out west and to remain consistent in terms of making sure that we remain cognizant that not impact the river negatively with septic systems that fail. We want to make sure that whoever is around as new development is talked about that we always provide the capacity for those who are potentially are tying in those existing houses. That is what I wanted to make sure was understood and part of the direction that we want to move in.

Supervisor Salisbury: One of the things that the CLUP has addressed is the pollution of the river. The pollution of the river is primarily east of Lock 24 but the potential west of the river is there also. So we want to make sure the CLUP does cover that. Bill (Lester) and Al (Yager) have agreed to write that in and when we look at next meeting which is June 8<sup>th</sup> that we will have that adjustment in there.

*All persons, desiring to be heard, having been heard, the public hearing was closed at 7:07 p.m.*

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**PUBLIC HEARING**  
**PROPOSED LOCAL LAW**  
**AMEND ZONING LAW**  
**PROPOSED ZONE CHANGE**  
**9386 OSWEGO ROAD**

**Notice of said Public Hearing was duly published in the Baldwinsville Messenger on May 6, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on April 28, 2015 for the purpose of hearing all persons for or against the adoption of a Local Law of the Town of Lysander for the year 2015 which would amend the Town of Lysander's Zoning Ordinance as follows:**

**The following property situate on 9386 Oswego Rd, in the Town of Lysander presently located in a General Business District as defined in the Town of Lysander Zoning Ordinance, is hereby rezoned and designated Agricultural District under said ordinance, subject to all regulations created and established relative to said Agricultural District.**

**The Tax Map Number of the Parcel is 018-01-22.2. The reputed owner is David E. Hayes**

At 7:07 p.m. Supervisor Salisbury opened the floor for comments.

The following people spoke:

Kevin Rode, Greymoor Way: Is it currently surrounded by business? I thought there was business across the street next to it.

Supervisor Salisbury: I thought it was agricultural around there.

Mr. Rode: I thought I read in the comments from the County that you should look at changing the other zone around it.

Engineer Yager: There are some businesses existing there.

(Crosstalk)

Supervisor Salisbury: You are right as far as the comments.

Engineer Yager: Actually his neighbors to the north are residential and the land to the south are residential.

Mr. Rode: Agricultural.

Engineer Yager: Yes, agricultural.

Supervisor Salisbury: What they said is the town may wish to explore to update the town's zoning ordinance to restore agricultural zoning to other business owned parcels. So it is not saying it has to. It just suggests that we may wish to and at this time we may wish not to.

*All persons, desiring to be heard, having been heard, the public hearing was closed at 7:10 pm.*

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**PUBLIC HEARING**  
**PROPOSED LOCAL LAW**  
**NEW SUBDIVISION REGULATIONS**

**Notice of said Public Hearing was duly published in the Post Standard on May 17, 2015 and the Baldwinsville Messenger on May 20, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on May 12, 2015 for the purpose of hearing all persons for or against the adoption of a Resolution ratifying new subdivision regulations which have been adopted by the Planning Board of the Town of Lysander on May 7, 2015.**

At 7:10 p.m. Supervisor Salisbury opened the floor for comments.

The following people spoke:

Engineer Yager: We should make sure we do document the County's comment letter in the public hearing for this ordinance in the minutes.

Supervisor Salisbury: The new subdivision regulations and the new zoning code are all a result of the Comprehensive Land Use Plan which took a year and a half to two years to do and to effect the subdivision regulations and the zoning.

*All persons, desiring to be heard, having been heard, the public hearing was closed at 7:11 pm.*

**(Correspondence from Onondaga County Planning Board will be attached to these minutes.)**

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**PUBLIC HEARING**  
**PROPOSED LOCAL LAW**  
**NEW ZONING CODE**

**Notice of said Public Hearing was duly published in the Post Standard on May 17, 2015 and the Baldwinsville Messenger on May 20, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on May 12, 2015 for the purpose of hearing all persons for or against the adoption of a Local Law of the Town Of Lysander for the year 2015 which would create a new zoning code for the Town and replace the existing zoning code.**

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At 7:11 p.m. Supervisor Salisbury opened the floor for comments and no one spoke for or against.

*All persons, desiring to be heard, having been heard, the public hearing was closed at 7:12 pm.*

(Correspondence from Onondaga County Planning Board will be attached to these minutes.)

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**SUPERVISOR'S COMMENTS:**

**Zoning Board of Appeal Opening**

Supervisor Salisbury: In tonight's agenda we have a resignation of one of our Zoning Board of Appeals members. There will be an opening on that board. Zoning Board of Appeals members are paid \$50.00 per meeting. The Zoning Board of Appeals meets the first Monday of the month as needed. In 2014 they met 6 times and in 2015 they met 3 times so far in five months. Resumes should be submitted to my attention by email to [supervisor@townoflysander.org](mailto:supervisor@townoflysander.org). I need these submitted by June 15<sup>th</sup> so they can be reviewed and have it for the next board meeting on June 22<sup>nd</sup>.

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**Water Chestnuts**

Supervisor Salisbury: I just wanted to talk about the water chestnuts that are in the river. Onondaga County Health Department is going to be spraying for water chestnuts. In the Jack's Reef area they are going to do in the vicinity of buoy 375. The Seneca River from west of the route 690 overpass to the Baldwinsville Dam which is 55 acres, the Seneca River between the Route 31 bridge and Onondaga Lake outlet, which is 5 acres and Seneca River north of Route 31, Belgium Bridge, they will be covering 12 acres. They do this periodically and most of the growth has been on the VanBuren side of the river. They will be spraying and they did not give a date. It is a chemical treatment but they don't say there is any problem with that.

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**River Road  
Change in Speed Limit**

Supervisor Salisbury: We had a notice that the speed limit had been changed on River Road and now we received the final documentation that they sent to all the people concerned. River Road from Hicks to 370 has been reduced from 45 mph to 40 mph. That is from what we call the five corners which is Hicks, Patchett, River and then following River Road from there to 370 is where the speed limit has been reduced from 45 mph to 40 mph.

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**TOWN BOARD COMMENTS:**

Councilor Shimer: I want to thank Ashley (Baldwinsville Messenger) for doing a nice job with an update on the Toomey project in the paper and online. I hope everybody gets to read it because she did a nice job as usual.

Councilor Diamond: I would like to thank everyone for coming and I will stick to the agenda.

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**DEPARTMENT HEAD REPORTS**

**None**

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**CITIZEN COMMENTS ON AGENDA ITEMS**

**Proposed Lamson Road Water District**

Cindy Todd, Dinglehole Road: I just have a question in regard to the water district proposal and the petition that will be going around. I know that there was I guess concern, is not really the proper word to use, but some reassurances that will be presented in a manner that was informative to the people who are being asked whether or not they supported it. My question is whether or not there could be additionally people that will be going around with that petition as a checks and balances to make sure it is being presented in a fair manner and an informative manner.

Attorney Rivizzigno: That is not part of the Town. We don't get involved in that. If someone wanted to go with the people that pass the petition.

Ms. Todd: Is there a way to know who those people are?

Supervisor Salisbury: We will give that to you after tomorrow if you will just give me your name and telephone number. Or you can call me. My information is on the website and you can leave me a voice mail message.

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**OLD BUSINESS**

**None**

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**NEW BUSINESS**

**None**

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**RES. #111/2015**

**Approve The Agreement with M & M Marketing to Hold "Spring FEST-ravaganza"**

Motion made by Reeves, seconded by Diamond to authorize the Town Supervisor to enter into an agreement with M & M Marketing on behalf of Lysander Parks & Recreation to use 8220 Loop Rd. grounds for the Spring FEST-ravaganza on Sunday, May 31, 2015 from 11:00 am thru 5:00 pm.

**VOTE:**

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

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

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury: This is new this year because we outlined all of the specifics of things that are going to occur that day such as how we provide electricity, how we provide picnic tables, etc.

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**RES. #112/2015**

**Parks and Recreation Surplus Equipment Disposal**

Motion made by Shimer, seconded by Reeves to declare a Mini-Refrigerator Inventory Number "2003" as surplus and dispose of due to a compressor failure and not worth fixing.

**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: In order to dispose of any equipment we have to declare it surplus and then we can dispose of it. Sometimes we try to sell it. This one will just be junked.

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**RES. #113/2015**

**Purchase and Installation of Water Heater at Lysander Park**

Motion made by Salisbury, seconded by Geraci to award Town Mechanical the quote of \$1,085.00 to add an instant hot water heater to the maintenance building at Lysander Park.

**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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**RES. #114/2015**

**Accept Resignation of Zoning Board of Appeals Member**

Motion made by Salisbury, seconded by Diamond to accept the resignation of Christopher Patrick as a member of the Lysander Zoning Board of Appeals effective immediately.

**VOTE:**

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

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

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**RES. #115/2015**

**Purchase Landscaping Hardscape Supplies**

Motion made by Geraci, seconded by Diamond to purchase the landscaping hardscape supplies for the Town Office Building from Mill Creek Earth Products in the amount of \$1,576.75.

**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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**RES. #116/2015**

**Purchase Landscaping Nursery Supplies**

Motion made by Salisbury, seconded by Shimer to purchase the landscaping nursery supplies for the Town Office Building from Ballentyne Gardens in the amount of \$671.50.

**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: We had quotes from two people and the previous resolution we also had two quotes.

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**RES. #117/2015**

**Accept Revised Lamson Road Water District Map and Plan Report**

Motion made by Salisbury, seconded by Reeves to accept the revised Lamson Road Water District map, plan and report prepared by the Town Engineer dated May 7, 2015 with a final revision date of May 27, 2015 which contains revisions requested by the Town Attorney outlined in the Town Engineers letter dated May 27, 2015.

**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: There were some minor revisions to the proposed Lamson Road Water District Map and Plan Report.

Attorney Rivizzigno: There were no substantive changes just editorial changes basically.

*A copy is on file in the Town Clerk's Office for public review.*

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**RES. #118/2015**

**Advertise For Bids – Crego Street Reconstruction and Drainage Improvements**

Motion made by Salisbury, seconded by Diamond to authorize the Town Clerk to advertise for bids for the Crego Street Reconstruction and Drainage Improvements project to be opened on June 19, 2015. (Final plans and advertisement will not be available until June 4, 2015)

**VOTE:**

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

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All Ayes, motion carried and adopted.

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**RECOGNITION OF CITIZENS:**

**Proposed Lamson Road Water District**

Cindy Todd, Dinglehole Road: I am just wondering if you can explain to me how after the petition goes through how that works with the water district. If the petition has enough signatures, what happens after that?

Attorney Rivizzigno: The petition, once it is turned in, has to be verified that the people who signed is (unclear) total assessed value of the whole district.

Ms. Todd: How is that verification done?

Attorney Rivizzigno: By our Assessor. So when you sign, you put your address on. We will check your address with the assessment of your property. We add up all the people who signed. If that assessment is more than half of the total assessment of the area then the petition will be deemed valid.

Ms. Todd: And that counts businesses as well?

Attorney Rivizzigno: Just property owners. From that point in time the Board would then...

Supervisor Salisbury to Attorney Rivizzigno: Wait a second, her question, your answer, she asked if it included businesses and your answer was property owners. A person might live in the area of where the business is. Does the business count towards assessed value.

Attorney Rivizzigno: The property that the business is on, if there is a business in the area, is the property. I don't care if it is a house or a business.

Ms. Todd: No I was just thinking more of the value of the property. For example, if on Church and Dinglehole you got Timber. Timber is a very large business. They are going to be assessed a lot more than my house is. So it is weighted a little bit heavier than it is for me.

Attorney Rivizzigno: That is just the way the law reads.

Ms. Todd: Okay.

Attorney Rivizzigno: So whatever their assessment is if they sign the petition in favor it is going to count towards the total. Once everything gets done, the Town Board would then accept the petition as having been properly done. They would then call a public hearing. At the public hearing both sides will be able to get up and say why they want it or why they don't want it. The Board then has to determine three things. Basically that everybody in the district is benefitted and that the district is benefitted by the water, but most importantly that it is in the best interest of the public to do this. If the Board makes that determination they can approve the district and the district is formed. After that it still has to go to the State Department of Audit and Control to approve because the rates are going to be higher than the State sets as a limit for each year. If the State approves, that is the end, the district is formed.

Ms. Todd: So at that point there is no recourse at all?

Attorney Rivizzigno: Right.

Ms. Todd: Okay, thank you.

Councilor Geraci to Attorney Rivizzigno: Just a point of clarification. When you met with me you said the residents...

Attorney Rivizzigno: It is not the end of the line. Theoretically a resident can bring what is called an Article 78 proceeding against the Town of its decision. They would have to prove, among other things, that the decision was arbitrary and capricious. So there is another avenue.

Ms. Todd: Okay. Thank you.

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Bill Lester, Chairperson of the Comprehensive Land Use Committee: I want to thank the Board for their attention to that plan and the hard work that all of you put in and helping us develop that plan and adopting. I

also wanted to thank the Committee, one member who is here, Hugh Kimball, the Zoning Board of the Appeals and the citizens of the Town who participated quite actively in the development of the plan. I also work on the Planning Board and I look forward to implementing that plan as well as I think a number of developers do as well. I also want to thank Ashley and the Messenger and the support they gave in the development of the plan and reaching out to the community.

Supervisor Salisbury: Thank you Bill for all your hard work and the many, many meeting of that committee.

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**ANNOUNCEMENTS:**

Supervisor Salisbury announced that they had to have a short executive session during their work session because of a pending lawsuit. The next town board meeting will be on June 8<sup>th</sup> and then on June 22<sup>nd</sup>.

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**OTHER BUSINESS:**

**None**

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**ADJOURNMENT:**

At 7:27 pm Supervisor Salisbury adjourned the meeting.

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

Elaine McMahon, Deputy Town Clerk

Transcribed by:

Lisa Dell, Town Clerk