

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on June 23, 2014 at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony Rivizzigno, Town Attorney; Al Yager, Town Engineer; Timothy Wolsey, Code Enforcement; Lisa Dell, Town Clerk; Pac-B and several residents.

APPROVAL OF MINUTES

RES. #102/2014

Motion by Shimer, seconded by Reeves to approve the minutes of the regular Town Board meetings of June 9, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

SUPERVISORS COMMENTS:

Supervisor Salisbury announced items under new business that were being tabled and or removed from the agenda and not being voted on in this meeting. He also announced the presence of a feral cat found in the Town of VanBuren that had rabies information was being put on the Town of Lysander's website of what to do if a person encounters one.

TOWN BOARD COMMENTS

Councilor Diamond said that the Town had a very busy week last week although there was no town board meeting. He said that on June 16, 2014 the Board held an informational meeting for the proposed creation of a water district on Lamson Road. He stated that it was not a public hearing but the Board received a lot of opinions and it was very interesting to see the process from the creation. He said that in the work session today he found out that there are a few individuals that are passing a petition and he is interested to see if the petition is going to be presented to the Town. He said there were a lot of people that were very much for it and that there is also some people who are not in favor of the creation of the district. He stated that if the Town is served with the petition the Board will be holding a public hearing and the Board will then make the determination on whether to create the district or not.

Councilor Diamond stated that on June 19, 2014 a committee meeting was held on governmental affairs attended by committee members Chairman Tim Wolsey, John Salisbury, Lisa Dell and himself. He said that it was the first meeting of the year and it was very informative. He stated that they went over a couple of subjects, there were no decisions made and the next meeting is scheduled for the end of July. He said that hopefully that the committee is able to bring back some good recommendations.

Councilor Diamond said that at the last Board meeting Councilor Shimer asked for an update on his investigation into an illegal meeting that allegedly took place several weeks back. He said after reviewing 36 hours of security footage he could not see Councilor Shimer on the recordings. He stated that he apologizes to Councilor Shimer if she felt personally slighted as it was never his intention. He said he received information and he wanted to do his due diligence to make sure that meetings are not going on behind closed doors and he hopes that moving forward they can continue to have conversations in the public and that town business is discussed at the town hall in the public.

Councilor Shimer expressed her congratulations to all the graduates of 2014.

DEPARTMENT HEAD REPORTS

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None

CITIZEN COMMENTS ON AGENDA ITEMS

None

OLD BUSINESS

None

NEW BUSINESS

Extend Moratorium on Zone Changes

RES. #103/2014

Motion made by Shimer, seconded by Diamond to extend the temporary moratorium on AR 40 zone changes adopted in Local Law 4 of 2013, and extended in Resolution 56 of 2014 from June 30, 2014 to September 30, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury reported that the Town previously had a 6 month moratorium on any zone changes in the AR-40 zoning district and that was extended to June 30, 2014. He said that it now needs to be extended again until September 30, 2014.

Councilor Geraci said that the moratorium was put in place while the comprehensive land use plan is being put together. He said his impression is that the plan might not be ready for another 6 months. He asked if the Board is going to find themselves extending the moratorium again after September.

Supervisor Salisbury said he believes they would have to have another public hearing.

Attorney Rivizzigno stated that it could only go another six months and yes regarding having another public hearing if they want to extend it beyond September.

Supervisor Salisbury said that they are waiting for the report from the Syracuse Metropolitan Transportation Council and they will not be done until October.

Councilor Geraci asked if they are going to have to do another extension and Attorney Rivizzigno said most likely.

Hiring of Summer Staff - Parks Department

RES. #104/2014

Motion made by Diamond, seconded by Reeves to appoint the following list of persons for the 2014 Summer Day Camp Program for the Parks and Recreation Department effective June 30, 2014 with their rates of hourly pay noted below:

Returning Staff:

Maar, Sean	Counselor,	\$8.00	Hired in 2012
Pitcher, Chelsey	Counselor,	\$8.00	

New Staff:

Fiello, Madeleine	Counselor,	\$8.00	
Hartley, Taylor	Sports Counselor,	\$8.00	
Hartley, Taylor	Extended Supervisor,	\$9.00	

VOTE:

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

All Ayes, motion carried and adopted.

ANNOUNCEMENTS:

Supervisor Salisbury announced that there will be a work session held on June 30, 2014 to discuss the purchase of a new highway truck.

OTHER BUSINESS:

EXECUTIVE SESSION

RES. #105/2014

Motion by Shimer, second by Diamond to adjourn to Executive Session to discuss matters relating to proposed sale and transfer of real estate and pending litigation.

VOTE:

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

All Ayes, Motion Carried and adopted.

The Board entered into Executive Session at 7:20 p.m. and at 7:35 p.m. it was realized that the purpose of the Executive Session was not given before the vote. At 7:35 p.m. the Board returned to the open meeting and made another motion to go into Executive Session stating the purpose. A vote was held and the motion was carried. Upon a motion by Councilor Shimer, seconded by Councilor Diamond the Board returned to the open meeting at 7:47 p.m. and the meeting was then adjourned by Supervisor Salisbury at 7:48 p.m. No action was taken during or after the Executive Session.

RECOGNITION OF CITIZENS:

Michael Kempisty stated that he was just in the work session and he looked at the site plan presented by Mr. Cummings and he was sort of surprised that it was so negative on the part of the Town for the use that it was and what it can potentially be. He said that the Town is going through the master plan for this...

Supervisor Salisbury interrupted and asked Mr. Kempisty if he gave his address. Mr. Kempisty said no and Supervisor Salisbury asked if he could provide it. Mr. Kempisty said no and Supervisor Salisbury said to speak they want his name and address. Mr. Kempisty stated it was a public hearing and he does not need to give it. Supervisor Salisbury said it is not a public hearing, it is a board meeting, and it is their rules to give a name and address because he feels it is important for people to know that he does not live in the Town of Lysander.

Supervisor Salisbury asked Mr. Kempisty again to give his name and address.

Mr. Kempisty said he gave his name and would not give his address that he was sorry, and asked if Supervisor Salisbury was going to stop him from speaking.

Supervisor Salisbury said yes.

Mr. Kempisty asked Supervisor Salisbury if he was sure and Supervisor Salisbury referred to Attorney Rivizzigno.

Attorney Rivizzigno addressed Mr. Kempisty and said that what he is saying will have very little relevance if he is not a resident.

Mr. Kempisty said that should not be the case at all. He stated he is a property owner and asked if that made a difference.

Attorney Rivizzigno said he was not going to argue, he was just making a comment.

Mr. Kempisty asked if he was wasting his three minutes and Attorney Rivizzigno said he probably was.

Attorney Rivizzigno said that if the Board wants to listen to his comments they can but understand that the Board does not have to allow anyone to speak and the Board can set their rules.

Councilor Diamond stated that he is here and to let him speak.

Councilor Reeves said that he disagrees. He stated if he is refusing to give his name and address which is protocol in this meeting then he shouldn't speak. He said if he wants to give his name give his address and speak then he could speak. He stated the rules are the same for every citizen, anybody that lives in Lysander and he is not special, nobody is special.

Mr. Kempisty stated that is the point.

Councilor Reeves said that is one of the rules of the meeting.

Supervisor Salisbury replied that everybody does it.

Councilor Reeves said to Mr. Kempisty to either do it or sit down.

Mr. Kempisty said okay, he will sit down.

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Chris Patrick, Ashington Drive stated he wanted to clarify that the alleged illegal meeting never happened.

Councilor Diamond said that in this particular case it did not.

Mr. Patrick said he was addressing the Supervisor.

Supervisor Salisbury said that they do not have illegal meetings.

Mr. Patrick said as it was discussed at the last meeting the three of them could meet if they wanted to because they are a political committee as a caucus similar to the previous Board did for fifty years.

Supervisor Salisbury stated that was what he was told.

Councilor Diamond said he wanted to read a paragraph that was from the Committee on Open Government. He stated that he did not want to read it. He said he wants to clarify Mr. Patrick's statement.

Supervisor Salisbury said that the Committee on Open Government is not the law.

Councilor Diamond said no it was an advisory opinion.

Supervisor Salisbury said it is an advisory opinion and he doesn't think it is necessary at this time.

Councilor Diamond said he will share it later.

ADJOURNMENT:

At 7:35 p.m. the Board adjourned to Executive Session and returned to the open meeting at 7:48 p.m. with the meeting being adjourned by Supervisor Salisbury.

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

Lisa Dell, Town Clerk