

**A regular meeting of the Lysander Town Board was held at 7:00 p.m. on June 24, 2013 at 8220 Loop Road, Baldwinsville, New York.**

**MEMBERS PRESENT:** John A. Salisbury, Supervisor  
Melinda Shimer, Councilor  
Andrew O. Reeves, Councilor  
Arthur C. Levy, Councilor

**MEMBERS ABSENT** Russ W. Johnson, Councilor

**OTHERS ATTENDING:** Anthony Rivizzigno, Town Attorney; Ann Smiley, Park and Recreation Director; David Rahrle, Town Comptroller; Gene Dinsmore, Highway Superintendent; Al Yager, Town Engineer; Frank Costanzo, member of the ZBA; Fred Allen, Member of the Planning Board; Lisa Dell, Town Clerk and several residents.

---

**PUBLIC HEARING**  
**PROPOSED LOCAL LAW NO. 3**  
**PROPERTY MAINTENANCE LAW**

**Notice of said Public Hearing was duly published in The Post Standard on June 16, 2013 with same being posted on the Town Clerk's sign board at the Town Hall and on the Town's website on June 11, 2013, for the purpose of hearing all persons for or against the adoption of a Local Law No. 3 of the Town of Lysander for the year 2013 which would establish Chapter 100 of the Town Code entitled "Property Maintenance" for the Town of Lysander, New York.**

*Supervisor Salisbury opened the public hearing at 7:03 p.m. and asked for anyone wishing to comment.*

**Brian Licourt, Connell Terrace,** Is this law being enforced in the Town of Van Buren currently?

**Supervisor Salisbury:** Yes

**Brian Licourt:** So this is what they operate with?

**Supervisor Salisbury:** Yes

**Brian Licourt:** Has there been any dealings the Town said they had to deal with? Any problems with it?

**Supervisor Salisbury:** Not that I know of but maybe Tim knows.

**Supervisor Salisbury** then asks **Tim Wolsey, Deputy Code Enforcement Officer**, if he knows of any problems Van Buren has had with enforcing this law?

**Tim Wolsey, Deputy Code Enforcement Officer:** I don't believe they have. The Town of Van Buren, Cicero and Clay all have laws that are pretty close and the Town of Geddes and they enforce it. They are more rigid property maintenance laws.

**Brian Licourt:** Don't get me wrong, I commend you for taking the step in the right direction. There are some eyesores out there that need to be cleaned up. Now I don't know if this is the proper language or where to go but I think we are headed in the right direction. That is just my opinion.

**Supervisor Salisbury:** I guess the way we are going to find out is if it doesn't work we will change it.

**Brian Licourt:** I mean there was correspondence with Councilor Johnson and he was afraid it would infringe on people's 4<sup>th</sup> amendment rights which is search and seizure which I don't quite follow. But I believe this is a step in the right direction of taking care of some of the eyesores in this Town.

**Supervisor Salisbury:** Thanks Brian.

**Brian Licourt:** Thank you.

**Supervisor Salisbury:** There was some discussion in our work session last week with Mr. Johnson concerns about the 4<sup>th</sup> Amendment and I think that was cleared up.

**Councilor Reeves:** I think he took a tour for the first time with our Codes Enforcement Officer and got a good education.

---

**Mark Harrison, Gerald Lane:** For these rules and laws that is something been for the Town lacking for a long time. We have had the situation across from my house and Town Codes has been very well informed of. Now that this law starts to come in effect and all that, will it, how long will these people have to start cleaning things up? What type of consequences and everything else will they be getting? We have had a situation across from my house for about 10 to 15 years and it keeps getting put on the burner, put on the burner, and I love the idea of these new rules and regulations and everything else coming up. Will they be enforced and what type of penalties? Is it something that they just pay the fine and move on or what are some of these consequences cause that is what has happened in the past.

**Attorney Rivizzigno:** The time limit is in the law. I don't have it in front of me but I believe it is a 10 day notice you give to the homeowner and then if he doesn't clean up the property in that time he can be cited in court. He goes to court and one of two things can happen or both. A, he can be fined, B the court can be asked to issue an order directing the Town to clean up the property. Certainly it will not take years.

**Mark Harrison:** We have had that situation where he has come into Town and had fines and he will pay the fines and then that's it. It stayed how the property is right now.

**Supervisor Salisbury:** We didn't have the ability for us to clean up the property and charge it back on his taxes.

**Mark Harrison:** Okay.

**Supervisor Salisbury:** Am I correct Tim?

**Supervisor Salisbury:** Absolutely.

**Mark Harrison:** If he doesn't clean up property cause if like for him trying to find this gentleman he does not live at the house. So how do you get in contact with the gentleman if you give him a summons for 10 days how do you give him the summons in the first place? How do you find him if he doesn't live at the residence?

**Attorney Rivizzigno:** Well there is a process for substitute service.

**Mark Harrison:** Okay.

**Attorney Rivizzigno:** If you can't find the person, you have to do substitute service and there are situations where there are people not living there and that is usually what happens. Once he gets served and he doesn't show up in court you can continue on in the process as though he was standing there.

**Mark Harrison:** Okay. That's it. Thank you Sir.

**Jim Stirushnik, Dinglehole Road:** I am opposed to the adoption of this regulation. I don't think it is necessary. I think it is rather vague.

**Kit Thompson, Patchett Road:** Just wanted to know if there were provisions or exemptions for agricultural properties. I dint have a chance to read the law.

**Councilor Reeves:** Agricultural is always a separate deal.

**Kit Thompson:** Okay.

**Kevin Rode, Ashington Drive:** I just have a question about enforcement. So it gets put on someone's taxes if the Town goes in and cleans up the property? Now, they don't pay their taxes does the County make us whole on that?

**Attorney Rivizzigno:** Yes. It won't cost the Town any money because we will get reimbursed.

**Kevin Rode:** Okay, thank you.

*Supervisor Salisbury closed the Public Hearing at 7:10 p.m.*

---

**PUBLIC HEARING**

***Lysander Town Board regular meeting  
June 24, 2013***

**PROPOSED LOCAL LAW NO. 4**  
**REPEAL LOCAL LAW NO. 8 OF 2008**  
**A LOCAL LAW ESTABLISHING A TRANSFER OF DEVELOPMENT PROGRAM**

Notice of said Public Hearing was duly published in The Post Standard on June 16, 2013 with same being posted on the Town Clerk's sign board at the Town Hall and on the Town's website on June 11, 2013, for the purpose of hearing all persons for or against the adoption of a Local Law No. 4 of the Town of Lysander for the year 2013 which would REPEAL Local Law NO. 8 of 2008 entitled, "A Local Law Establishing a Transfer of Development Rights Program to Preserve Agricultural Lands and Open Space in Areas of Agricultural Residential AR-40 Zoning District in the Town of Lysander, New York.

*Supervisor Salisbury opened the public hearing at 7:010 p.m. and asked for anyone wishing to comment.*

**Bill Chambers, Camerondale Road:** I been a resident at Camerondale Road for thirty years and very proud to be a resident here in Lysander but I have some concerns regarding the action the Board is contemplating with repealing this law. And having sat through a lot of the previous hearings and listening to the presentations and understanding the benefits such as farmland protection, increased liquidity for farmers to enhance their viability, providing us a plan for development of the peninsula, helping to create jobs, helping provide food. The list of positives from an effective TDR program is very long. What I don't understand is after looking at that list of positive things that can happen from an effective TDR program why the Board is considering repealing it today and what the alternatives be for planning and developing the peninsula. Just looking at the information that came from Onondaga County we have, this was in 2007, 30 years we went from close to 900 farms to fewer than 700 farms and the acreage decreased appropriately. My belief is that an effective TDR program as it has been in mid-Atlantic states and other places in the country would be a true benefit for the Town of Lysander and especially the peninsula. I think it was very well thought out, some improvements could always be made and I am hoping that you do not repeal the law.

**Supervisor Salisbury:** Thank you Mr. Chambers but you do realize that when this was adopted there was 500 and some acres in the TDR program in what we call the sending areas which would have been preserved for agricultural and three farms, two farms were actually removed from the program because they wanted to split part of their property into a develop a house. So the State wouldn't allow them to stay in there. So now we are down to 205 acres and economically it didn't make sense. We have gone through all the numbers and for us to keep only 205 acres is not feasible and we are going to.. The TDR program when it was thought out was supposed to develop a revolving fund where the Town would not have to spend any money. We have already spent a couple of hundred thousand and also there is not enough acreage for us to recover even the \$783,000 that was supposed to be coming here.

**Bill Chambers:** With that said I am not going to disagree with anything you said but one of the features that I think is most attractive being a free market, a person myself believing in free markets, there is a free market option that is included in the law and if I want to make an offer to someone who is a sending area I could make that offer whether they participated in that original program or not. It has no restraints. Your discussing and your comment is about the program as I understand it from the grant money and the revolving fund. I think this program can be effective if there was no grant and no revolving fund. I believe in free markets as I believe as Mr. Reeves does believe in free markets.

**Supervisor Salisbury:** As do I do. I believe it can be done through free market though planning and zoning.

**Bill Chambers:** I am a free market person who believes in government and I think the TDR program is an effective way and I too like you, am a CPA, so I look at numbers and spent my professional career looking at numbers as you have. So I disagree the numbers don't work. I think the numbers can work, I think we have to define it a little differently than you defined it.

**Supervisor Salisbury:** You understand the TDR program? I don't think I have seen you at a lot of our meetings when we discussed the financial aspects.

**Bill Chambers:** I was here before when Mr. Levy was here as a member and as Warren (Abbott) can say I have been to pretty much every meeting probably starting more than 10 years ago.

**Supervisor Salisbury:** Well I have to agree that back 10 years this might have looked like a promising program but as the economy has changed and we look at the money that is going to be spent on it, that's already been spent on it.

**Bill Chambers:** That is the sum cost, that doesn't mean anything to me. The money has been spent. Let's get back some of that investment. You don't understand economics. That's the sum cost.

**Supervisor Salisbury:** I understand but when we looked at it we had a hard time even thinking we could get part of that back cause we are down to 200 acres Sir and we have receiving areas much bigger than 200 hundred acres so there is not enough land to buy development rights. I am not arguing with you.

**Bill Chambers:** If the market worked it's will , there may be more participants. If the market works it's will, a willing buyer and a willing seller can arrive at a fair price.

**Supervisor Salisbury:** If this were such a good program wouldn't you think that other areas in New York State would be doing it?

**Bill Chambers:** I think in the mid-Atlantic states it's been fairly successful.

**Supervisor Salisbury:** I'm talking New York State.

**Councilor Reeves:** Here is one problem I have with it is we had the bank,, we had the grant option and two parcels were pulled out because and they were asked to leave the building lot it we won't let you. Two of them did it and they said no we are going to leave the building lot in. Ag and Markets wouldn't allow them in the grant because they kept building lots in. The third parcel, which was the largest one, sold some lots, had some lots for sale in a section of theirs. Ag and Markets said we are going to drop that section out if you are going to sell lots there and they said, well we are going to sell lots there, so that got dropped out. The problem is Ag and Markets wouldn't accept them in the grant because of those issues. Now, like you are saying, I am a free market guy, but the problem I have is we've got only 204 acres that Ag and Markets said that they would accept in the grant in the beginning that was claimed no houses because the whole intent of this is not to have houses around the farmland.

**Bill Chambers:** Correct.

**Councilor Reeves:** And so now if you leave it on the books the way it is and I am a developer I can go to the two people that were taken out of the grant by Ag and Markets and buy developmental rights from them and technically if d you look at the sending areas on the peninsula there's according to Ag and Markets on the grant, which we have to go by the grant, not by what end up being a sending area and a receiving area according to them there is only 204 acres consider clean and that was Warren's farm. The way it's on the books now because all three of them are still in the sending area and any one of those three with the law on the books right now could sell developmental rights and the only legitimate one actually if you look at the actions of Ag and Markets would be the 204 acres of Warren Abbott. So it doesn't really work the way it is on the books right now. How do you say, okay we know you didn't qualify for the grant, Ag and Markets said no, but you are in a sending area so you can negotiate. Is it fair to Warren Abbott, he's really the only clean acres there if you look at the way the grant is, that if someone wanted to buy developmental acres they can so well no I am going to the other two parcels cause chances are good I may be able to buy them from us. Really I doubt the law even as it stands on the book is defensible.

**Bill Chambers:** Just in response to that, my understanding is not as deep as yours, as the Board, but I believe that there still, you are looking at it very narrowly and if you look at it more broadly there would be more participation in the sending areas if you stepped away and looked at the private market side of it, which I believe is in the law, the private market is part of that law, the private purchasing of development rights. Outside of anything to do with the grant, you know, I don't care about the grant, others may, I care about protecting farmland.

**Councilor Reeves:** Fortunately even with this program you have to follow the criteria that the State gives us and the State has a county agency, and I'll admit my brother is the Chairman down there, and I want farmland preserved and I think anyone that anyone who was in the work session can tell there is nobody who wants farmland preserved more than I do. The point is that it has to be legitimate, it has to be by the books, it has to be legal and right. I have a tough time how do you tell somebody you don't qualify for a grant in a program by Ag and Markets but yet after Ag and Markets walks away its look almost like well now it's in our control we can do it. If they went to the County program through the State program it wouldn't be accepted either with the lots.

**Bill Chambers:** So you may not disagree with the concept you just don't think it is drafted appropriately.

**Councilor Reeves:** I don't disagree with any concept that preserves farmland. I don't disagree with any concept that preserves farmland. And right now here's an example and you can shut me off John, here's an example they went down they had a farm down in Tully the same way. Recently back three years ago he wanted to sell his developmental rights for \$1800 an acre which is below market value but he says I want to sell my developmental rights and I want to keep that farmland forever. The State had no money just like with this grant and everything they had none of that money. None of it was available and none of its available now.

Well recently they approached the County and said hey we are interested again so they went down and did a reappraisal, this is the difference between 2006 and 7 and 2013. The appraisal came back for farmland versus development, identical price. He said farmland, good farmland is worth its weight in gold right now and the developmental market has slowed up one, number two, with all the regulations and everything with compliance, it is not as attractive as it was. So the economy has totally changed.

**Bill Chambers:** I understand but if we look over the next thirty years economies go in cycles, they come back and your job is to plan for the future, for my children's children and not just for you and me.

**Councilor Reeves:** I agree, it's a roll of the dice and what you are saying is housing is definitely going to be more valuable down the road with the baby boomers where there at right now and feeding people. Now where is my bet going to be, it's going to be with feeding people and the farmland is going to be more valuable than the developmental.

**Bill Chambers:** I want to protect farmland. Thank you.

**Supervisor Salisbury:** We also have one more thing that's in the, that I looked at, that we all looked at. The New York State Department of Transportation is slowing us down development on the peninsula.

**Bill Chambers:** Well, as of today, it is really slowing it down cause you can't cross the bridge. Thank you.

---

**Warren Abbott, Cold Springs Road:** I'm that farmer they refer to. I guess I failed to understand this Board's logic. You turned down a grant even for the 200 acres that could of gotten back eventually your \$275,000. So this Board has already given away \$500,000 of State money it could have eventually if as it worked its way through the program come back and gotten their investment back even in a smaller diminished state of owning 205 acres, or whatever the number actually is, that's still a 2 to 1 payback. I think the number is actually \$565,000. But that I guess is water under the bridge at this point. The Abbott's have about \$75,000 invested in this program. And if it were to be repealed we would definitely be asking for that money back. Based on the memorandum of understanding that we have with the Town we think we have some legal ground to ask for that back. First we would be asking and then we would move on from there. I completely disagree with the 205 acres is the only land that is viable for TDR. All of the land was viable even as the other two farmers removed from the program and part of our acreage was removed from the program the State was very clear that after we are gone, after the grant process is done, it is a local program. The contracts I signed were with the Town and the State but any contracts after the grant would be signed only with the Town that was my understanding. So if this is not true, enlighten me, let me know. But it was designed to be Town run, a Town based, a Town protected program and the State was incredibly interested in this program so much so that they changed their rules to allow it. And all the information we have nobody was saying, well even though your grant is a year past due, we can't guarantee you that we are going to find the money but we really like this program and we really want to see it succeed. In fact we had the preliminary. They had looked at all of the documentation that was sent in November of 2010 and given us back feedback that said you are basically there. The engineering firm had agreed to make any necessary changes without any further cost to the Town and we could have had the plan except for this Board not ratifying those contracts. And we could have it in place right now today.

**Supervisor Salisbury:** The contract you are talking about was the one that was signed in December without Board approval?

**Warren Abbott:** Correct, that normally would be ratified by the Board.

**Supervisor Salisbury:** Normally it is ratified by the Board before they are signed and executed.

**Councilor Reeves:** It was actually November 28 I think.

**Supervisor Salisbury:** The deadline was November 30<sup>th</sup> before we even took office. It's not that we refused to take \$783,000.

**Warren Abbott:** \$565,000.

**Supervisor Salisbury:** That's what you would have gotten in the beginning and then the rest you would have gotten at the end because you were going to be paid \$3838 an acre.

**Warren Abbott:** The \$565,000 was the money from the State and the \$565,000 is the money that the Town would have ended up with when the program was over, was done.

**Supervisor Salisbury:** That's the things we worked through Mr. Abbott that we could never see it coming back.

**Councilor Reeves:** The problem we saw with it and I understand what you are saying and nobody here is against preserving farmland.

**Warren Abbott:** Could have fooled me.

**I Councilor Reeves:** It would have been a sweet deal for anybody west side of Town, east side of Town, center. But the problem is there were too many inconsistencies and I'm not going to say you know as much as I do about this and the difference is you are a little misleading with your information. I'm not going into detail on this.

**Warren Abbott:** Where am I misleading?

**Supervisor Salisbury:** The main thing is that you said this Board turned down receiving a grant from the State. We did not have that opportunity.

**Warren Abbott:** You had the opportunity to ratify the contracts.

**Councilor Reeves:** When we talked to the State, the State Ag and Markets said they had a fully executed purchase offer and it wasn't a fully executed purchase offer it was submitted as a fully executed purchase offer. I know unbeknownst to you it was not ratified, it was past the November 30<sup>th</sup> date, granted they had letters to the engineering firm stating everything's good, we just have to make a few corrections. Unfortunately they sent those letters before they realized they had a contract that wasn't fully executed and it was never sent through the Board, sent through the proper channels and voted on. It was signed two days before the deadline and submitted and when we asked if there ever was one we happened to find out by chance from the engineering firm. They said no, it was only a draft. You tell me how a draft gets to Ag and Markets with your signature, your father's signature and notarized by the Town Attorney. And it's only a draft when it states right there in the paperwork it had to be a fully executed contract by November 30<sup>th</sup> which is an extension you signed and said if it isn't fully done by November 30<sup>th</sup> with a fully executed purchase offer, that the grant is null and void after November 30<sup>th</sup>.

**Warren Abbott:** A year later, November 30<sup>th</sup>, a year later.

**Councilor Reeves:** November 30<sup>th</sup> that year when you submitted it, 2011.

**Warren Abbott:** If you had taken a clean sheet of paper and rewrote the contracts and submitted them to the State you are standing here telling me that they would not have accepted it? They are looking at this program as they get to take...

**Councilor Reeves:** What would you do in our shoes if the most important document that puts over \$500,000 in your hand was not legal. Was not legal. Wouldn't you go back through and dissect the whole program? You are saying no, just draw another paper up and let's go. If we saw that the document, the key document puts \$580,000 dollars in your hands was not legal and binding, what would you do. We just came on, we have to dissect this whole thing. That's why we hired an attorney to do it, that's why another agency also went through the whole thing. And Ag and Markets did one of these, we would really like to see it go through but here's your paperwork back. They sent the whole package back and said we want nothing to do with it.

**Councilor Reeves:** They did not realize that the contract that was submitted was not approved.

**Warren Abbott:** To me that's all contract stuff that can be worked out. When the State wants a program they can multiply their dollars. For one dollar of tax money you're gonna get four or five times the bang for the buck in that program.

**Supervisor Salisbury:** Let me ask you something. In this economy, if we paid you \$3800 an acre your saying to me that we can sell to a developer what \$7000, \$10,000?

**Warren Abbott:** The way the law is written...

**Supervisor Salisbury:** All we are selling is developmental rights.

**Warren Abbott:** Are you done? Can I? Okay. To answer your question you start out by selling it at \$3800. You don't start out by selling it at \$7000.

**Councilor Reeves:** You sell it at the same rate minimum of what he gives per acre. You sell it at the same rate that it is purchased for. They bid on it and they decide what they are going to do. The whole idea of the grant was it removed the time delay, which there always is a time, in a time when the prices are low the farmer wants to sell. When land prices are low, we love to sell development rights. When the ag value is low and development is strong. You flip that around and now he doesn't want to sell because it wants to sit on it and hold it for a higher price. So what the revolving fund and the grant from the State did was take that time delay out of having a willing buyer and willing seller. When the seller is willing the fund buys then when the developers are willing the fund sells. And that can be 10 years apart. There is no secret to that time shift. That time shift was deemed as one of the beauties of this program. All the other programs don't have that time shift in them that are currently in use in New York State. And that's why it has been so effective in Pennsylvania and the mid-Atlantic seaboard is because it takes care of that time difference.

**Supervisor Salisbury:** If the program were as good as you presented it why aren't there more in New York State than just one, which is this Town?

**Warren Abbott:** Cause it took us 4 years of haggling out legal language which had never been done before.

**Supervisor Salisbury:** What is the matter with Pennsylvania language..

**Warren Abbott:** It doesn't apply to New York laws. New York property laws are not the same. And Ag and Markets have specific specifications. In fact one of the reasons we missed our three year deadline is because they changed the target. They changed the specifications on the appraisal. They changed the specifications on the easement and so we had to go back to square one and re-write it.

**Councilor Reeves:** You changed your land also more than once.

**Warren Abbott:** We changed ...

**Councilor Reeves:** And the Town paid for that.

**Warren Abbott:** No, we paid for it.

**Councilor Reeves:** We paid for the re-appraisal. We paid for two appraisals.

**Warren Abbott:** That's for the appraisal. But we paid for the subdivision, we paid for the survey, we paid for the filing fees. We have about \$75,000 wrapped up in it.

**Councilor Reeves:** And we only have \$270,000 wrapped up in it.

**Warren Abbott:** So if this is way the Town chooses to go, we will choose our action. We did have a letter in the works before this hearing was made public that was gonna ask the Town to decide what they were going to do so then we could decide what we needed to do. Thank you.

**Supervisor Salisbury:** I guess I have never had such a blatant threat.

**Councilor Reeves:** Last time he was here he did to.

---

**Kevin Rode, Ashington Drive:** So if the law does get repealed where does the Town go from here? What's our plan for planning the development on the peninsula?

**Supervisor Salisbury:** Anybody can come before the Planning Board and the Board to ask for a zone change. And we have identified receiving areas on the peninsula and west of 690. And if someone's wants to look at changing the zoning within the sending area then we would look at it. It would be the same as we would do with the TDR program.

**Councilor Levy:** I will refer to our Town Attorney, John. but I do not believe the Planning Board has the authority to do a zone change.

**Supervisor Salisbury:** Then us.

**Councilor Reeves:** One thing we are looking at is we think the Town needs a comprehensive plan.

**Attorney Rivizzigno:** Update the comprehensive plan.

**Councilor Reeves:** Yes. It's long overdue.

**Kevin Rode:** So, I mean is this, is there going to be another stipulation or a moratorium or anything when, if this does get repealed?

**Councilor Reeves:** I hate moratorium, I hate the word. 5 members of the Board. I guess a moratorium I look at myself personally and I am speaking for myself, it's a foot drag. If we need to do something, I think we got to have work sessions and expedite by using more of our time and getting it done. Moratorium tends to be a delay.

**Kevin Rode:** I am sure there are developers waiting, or wanting to do something.

**Councilor Reeves:** Yes.

**Kevin Rode:** But we have been waiting for 12, 13 years and there is other fruition.

**Councilor Reeves:** There is a big imbalance also on the peninsula right now with the reduction of the acreage in the sending areas they never reduced any of the receiving areas. So you got a massive amount of acres receiving and technically a few acres of sending.

**Kevin Rode:** Okay, thank you.

---

**Kit Thompson, Patchett Road:** About 10 years ago news that the Melvin Property was to be developed in the same manner as Holly Hill, Abbotts Landing and Clinton Heights brought many citizens to the Town Board demanding something be done to preserve open space on the Cold Springs Peninsula. There was standing room only at the old Town Hall on Lock Street. The Town Board addressed these concerns about the TDR program. This innovative program to preserve open space had been highly publicized over the years. I believe that the same citizens who are going about their business assuming that the TDR program is in place and will continue to be in place. This hearing has not been publicized in the news media other than the required legal notice. Interested citizens or residents are not aware that the Town Board is moving in the direction of repealing the TDR law. I believe the program has merit. The Thompson Farms was one of the original three in the initial discussions and was involved in the grant process but left the program due to Ag and Markets continuing demands and changes. Just because we left the program doesn't mean that it is not a sound and viable solution to preservation of open space. What will the repeal of the TDR law mean to the established sending and receiving zones. And what will the repeal of the TDR law mean to housing, density and traffic problems on the peninsula. Many years of involvement of engineers, lawyers, farmers and Town officials have been spent to develop the TDR program. Why rush to repeal a program that is in accord with farmers, land owners and developers to preserve open space not only on the peninsula but the rest of the Town.

**Supervisor Salisbury:** One of the comments, the Melvin Farm was the pivotal point. The Melvin Farm was going to be part of the sending area until it was determined that they wanted to develop part of it. So that was pulled out of the program so that was never going to be preserved under the TDR program because it had been changed.

**Councilor Reeves:** The development, the land that started this whole thing is the Melvin Farm.

**Kit Thompson** Right that was the catalyst.

**Councilor Reeves:** The Melvin Farm is a receiving area for dense houses and the farmer that was the driving force behind it all you would think that would be the farm that would be a sending area and we are going to preserve it cause that's all the people that came and said we can't have this density on the Melvin Farm. Well after all this money, all this time the Melvin Farm was on the books for dense housing.

**Kit Thompson:** My point was that it was the catalyst that started the whole thing and there were a lot of people who came and registered their opinions and how they felt about it.

**Supervisor Salisbury:** What their opinion was to keep the Melvin Farm agricultural.

**Kit Thompson:** No, their opinion was to do something to preserve farmland on the peninsula. That is what I got out from that night. Do something to preserve the farmland or open space.

**Supervisor Salisbury:** Thank you.

**Leslie Morelli, Rania Road:** I hand delivered a letter to your office Mr. Salisbury

**Supervisor Salisbury:** Yes.

**Leslie Morelli:** Did you receive it? Have you shared it with the Board?

**Supervisor Salisbury:** Yes.

**Leslie Morelli:** And your decision was?

**Supervisor Salisbury:** There is no conflict of interest.

**Leslie Morelli:** Okay, would you explain that.

**Supervisor Salisbury:** I'll let our Attorney explain it.

**Attorney Rivizzigno:** I am not sure I read the letter but it was directed towards Mr. Reeves specifically and Mr. Reeves doesn't own the farm so I don't know where the conflict of interest would apply.

**Leslie Morelli:** Okay. You have no interest in the farming Reeves?

**Councilor Reeves:** No, they are my brothers. They own all the land. I own nothing.

**Leslie Morelli:** And you do not earn your living with that farm or that land?

**Councilor Reeves:** I do and I want to preserve farmland. I read the letter and I don't understand it in the least bit as to why someone would try to construe my opinion as a Board member, my ability to represent the taxpayers in Lysander who have footed the bill for \$270,000 for a program that I agree could work if it is done right. Here me out because we didn't accept a grant which was another \$583,000 of tax payer money to go into this program and you are saying that me as a tax payer, me as a homeowner I have a conflict of interest because all I'm doing up here, I'm not trying to shut down Warren, I'm not trying to shut down Kit or anything, I'm trying to represent the taxpayers that put me here in this chair and I want to preserve farmland. But the one thing I can tell you is it has to be fair, it has to be right and it has to be legal.

**Leslie Morelli:** I am not arguing where your heart is. I held elected office in another state. And I did recuse myself from hearings where there could be a perceived conflict of interest and that is what I said in the letter.

**Councilor Levy:** Ms. Morelli, if you should have a copy of that letter with you tonight I would appreciate seeing it.

**Supervisor Salisbury:** I have a copy.

---

**Hugh Kimball, Dexter Parkway:** I am here as a citizen who followed the process toward the TDR from its inception. I plan to talk more about density and traffic . Kit already stole my first paragraph so that will shorten it a bit. Speaking about those residents that came to the meeting back when, while they bemoaned the potential loss of farmland and of the vista along 370, their main concern for most of them was density and the anticipated traffic. Since then, even without the development has gotten worse. Traffic has gotten worse with continued home building in Radisson, Collington Pointe, Timber Banks, and elsewhere. This has been confirmed recently by the traffic expert employed in connection with the proposed next phase of Timber Banks as well as the Y proposal at the PUD. In preparation for those changes, as you know, Timber Banks has agreed, at least until a future traffic study, to give up the development of almost 200 lots and all of the 25,000 sq. ft. of the commercial development that was in the original plans for the Y. This was done in conjunction with concerns expressed by State and County Departments of Transportation over the capacities of the roads and particularly the two bridges to handle all the traffic from the Cold Springs Peninsula in the future.

While some 70 residents who spoke at that meeting back then at the old Town Hall, they overflowed the building, they did not ask for a TDR, but it was clear that they did expect some kind of solution to uncontrolled development. The Town Board assisted by an ad hoc committee made up of two members of each of the three Boards in the Town moved to place a moratorium on zoning changes while working toward a solution. We can probably agree that the process took too long and cost too much. My view is that some of this was caused by the State Department of Agriculture and Markets who seemed to keep changing the rules and moving the goal posts back. Regardless, the Town Board went through all the proper steps to create the TDR and something, as written in the code that would "ensure a long-range growth management strategy." An additional goal was to keep green space and agriculture part of the area and on some of the best farmland in the county. The Town

Board completed a Generic Environmental Impact Statement and adopted Amendment No. 1 to the Town Land Use Plan on July 12, 2007. When the Board changed the Town Zoning Law in October 2008, the result was floating overlay zones over much of the AR-40 land in the Town. I believe the Board followed proper procedures with referrals to the Planning Board, County Planning, SEQRA review, etc. I would also point out that there was a corridor study done on Route 370 which cited the TDR as a way to mitigate future density and traffic. Looking ahead, we know that there are problems at River Road, 31, and the Belgium Bridge. We know there are problems at the five corners of Rivers, Hicks, and Patchett, at River and 370, and at the intersection with 370 and John Glenn in the Town of Salina. If the TDR is to be totally erased, what will replace it or will the situation revert to what it was before the zone change moratorium with no guidelines on this or future Boards as far as controlling density and granting or denying requests for zone changes? Remember that the TDR does at least provide a framework to hold density to what would exist if the peninsula were fully developed under present zoning and does not preclude landowners from developing at the current AR-40 regardless if they are in sending or receiving. County and State DOTs as well as the Timber Banks/Y traffic expert seem to be saying even at that level of development it might be too much for the bridges and intersections to reasonably handle at times of peak traffic. I am not totally opposed to removing the TDR, but I do feel that before it is removed some kind of a framework is needed to control density and future development in the peninsula. I would also remind you that Attorney Chatfield, who this Board hired to review the current status of the TDR, did indicate that the TDR could continue with the open market option. I am pleased that you are not going to vote tonight. Looking at the process is my opinion that to simply eliminate the TDR by repealing the law that created it is to change a significant element of zoning in the Town and that such a change would constitute a Type I or an Unlisted Action under SEQRA either of which would require the following: Lead Agency declaration with a thirty day notice to involved and interested agencies including both DOTs and the Towns of Salina and Clay. There are probably more but those are the ones I thought of. Referral to the Town Planning Board, Referral to Onondaga County Planning due to the impacts on two State highways. Completion of a long form Environmental Assessment Form after reviewing the Land Use Plan, the GEIS done prior to the use plan amendment 1, the 370 corridor study, the Parks Master Plan, and consultation with County and State DOTs. The Land Use Plan would certainly need to be amended before the TDR were to be stricken from the Town's Zoning Code otherwise it would be inconsistent. The other documents may also need changes.

The County Planning Board (SOCPA) has offered to assist the Town when it made comments in three letters to the Planning Board in regards to the Timber Banks second phase subdivision, the Y subdivision, and the Y site plan. (The Planning Board has approved Y subdivision, conditionally approved the Y site plan, and we are waiting for input on the Timber Banks second phase Mr. Pooler's full agreement. The two comments I mentioned comments from County Planning are as follows: It shows up in all three of these letters. The New York State Department of Transportation notes that the intersection of River Road and Route 31 has capacity constraints, and with limited mitigation options, the ability to accommodate future development on the peninsula may be impacted. The other comment: The Town is encouraged to continue to study and plan for land use on the Lysander peninsula, taking into consideration development pressures, limited transportation routes, availability and proximity of services, agricultural land preservation and avoidance of costly expenditures for infrastructure. The Syracuse-Onondaga County Planning Agency is willing to facilitate a discussion between the Town, State and County agencies to further explore conditions and options. I am not a lawyer, but I am of the opinion that you really need to do those steps to avoid the potential of an Article 78 and I think all those steps are advisable anyway to do the job that needs to be done however you come down. Thank you.

.....  
**Abe Morelli, 7572 Rania Road:** First of all I would like to give a little bit of my qualifications. I come from Connecticut. I have been here for thirteen years. I spent a lot of time in Connecticut in Town Government. From your Board, a couple of years, Supervisor's chair, a couple of years and as a Treasurer of the Town for a number of years. And your actions contemplated tonight are definitely against anything I knew of at that time because we spent 5 years developing a program just like this and it works. How you can consider doing away with it is way beyond my concept. First of all the many benefits just take a look at Route 370. There is a great road, beautiful views, everything, and you want to screw that up. The Town's ecological impact that you are talking about doing away with all of the beautiful cornfields, growing of food that we all need. This is silly what you are contemplating. I just can't believe it. The property values, when you come into the Town of Baldwinsville people look at that, this is the place to be. This is a nice Town to live in. That is why we live here. You want to screw this up. The benefits of a PRD, a Planned Residential Development, which is what you are talking about here when you are transferring development rights. You got fewer miles of roads per household hold. You got fewer miles of sewers, drainage per house so the cost to the Town is down. Why would you want to screw that. Shorter and safer bus rides, you want to screw that up to? Not just one time, but that's year after year after year. So you want to screw that up. Now I know that Mr. Abbott here has done a lot of work and he has trained all the crows and turkeys and everybody. They are all home schooled now. Okay what are the benefits of dropping this program? Financially you spent your money. You got a little bit more to spend. Abbotts have spent their money. They are going to have to spend a little bit more too. But otherwise you are going to throw that money away. And instead you can go and have all of this built out. Cost you a lot more money long run. To do away with this is silly. Now the Town I came with, as I said, we installed a

program like this and it works, and it works privately. The State is not involved at all. Zero, zilch. No bucks. It is totally self-supporting and people donate money to the program because it works so well. That's how the programs work. This is a working system and if you do away with it it's just an abomination and you should be ashamed of yourselves. And probably the only ones benefitting from the program would be the other regional farmers and the other Towns trying to do a little better than we are because we are attracting people here and you are trying to change the way.

---

**Mark Tivnan, Highland Drive:** Good evening. Life time resident of 7500 Highland Drive. This is where the corners where River Road and route 370 speedways come together and I have thought I would so delighted to see the bridge going under construction. I remember as a young boy when it was built and over the years the traffic just kept coming and coming and coming. I enjoy the peace and quite so I am in favor of the TDR to preserve, prevent further development for my own selfish reasons with some of the worst development land that I have ever encountered as far as drainage and septic systems. So put me down for the TDR.

**Supervisor Salisbury:** Thank you. I have to say this again. The Melvin Farm which started all this remember was taken out of the TDR. The people that have speaking say that the Melvin Farm is very relevant that's why it all started. But I wanted to say that if the Melvin Farm had stayed in with a number of acres that were there, had stayed in the program, this would have been viewed probably more as a viable program. But went we went from 500 acres down to 200 acres.

**Councilor Reeves:** The problem we have had with this. It isn't the concept at all. I would love to have. I hope when this is all done we can come up with a way to have that farmland stay there in a viable way. But everywhere we went on this TDR we found another little problem with. There is one on the west side of town for example. What did they do out there? There's a new sewer going to Whispering Oaks. They increased the size of that. Why? Well down the road, future development. Then when you go through the documents and see what happened since 2007 in Albany the only presentation for trying to get sewer out there was for expansion on the west side of town. It didn't have anything to do with Whispering Oaks. They were trying to put sewer out for an area they had designated a sending area for TDR and the taxpayers are going to pay the \$200,000 more to enlarge the sewer line so that there is sewer out there in the TDR section they put in the west side of town. Every time we looked at this TDR it had a different odor to it and it wasn't good. And it got to a point where like is there anything in this thing that was done legitimately and that's the reason were backing away from it. I know it's a terrible thing to say let's try to build something that works it doesn't cost us any money to do it and come up with a plan that works. Right now how can it work on the peninsula when you got over twice as many acres in receiving then sending.

---

**Bill Chambers:** I think that some of the people here are recognizing that there is a communication breakdown. The issue I'm trying to say if the free markets worked there would be more farms that could be designated, more participation. If the private option was there initially maybe we are talking three farms, that's because of the grant.

**Councilor Reeves:**

No we are talking a bigger program. We are talking three areas of TDR in the Town. We are not just talking about the peninsula. There are three areas in the Town of Lysander.

**Bill Chambers:** And you're saying there is only 205 acres.

**Councilor Reeves:** In the sending area in one of the three sections.

**Bill Chambers:** If the market would work its will privately as was just pointed out then I would think you would be looking at it differently. And to your point Mr. Reeves, if the past was problem, we have to look forward. Nobody can change the past. So we have to look forward and you throw out everything that was the good and the bad, let's look forward and keep working towards that goal of protecting farmland, planning the development appropriately and don't go back to the way it was in 1980 when the peninsula was over run.

**Councilor Reeves:** What do you say to a developer when they come to us and says, hey I want to buy this plot of land and I want to buy 100 units from TDR, developmental units. What answer do we give them?

*Several from the audience stated, "Why not?"*

**Bill Chambers:** I am not so sure, maybe Mrs. Thompson can answer it. If somebody want to offer her the 25 acres I think is the minimum, purchase of unit, lot size of TDR. Is it one per 25 acres? Isn't that right? If she wanted to sell 25 acres I think I can buy them. I think I can buy them tomorrow from her.

**Supervisor Salisbury:** Mr. Chambers we talked about the free market for many weeks and I can tell you that the majority of us felt that the free market could work without TDR. I would assume that through zoning, planning and the free market you are going to preserve agricultural land.

**Bill Chambers:** I like the concept of forever free and the structure and framework is there to work with and to the point of one of the earlier speakers why now, why do away with it?

**Supervisor Salisbury:** But I want to tell you, the Melvin Farm, someone else talked about the vista, looking across, when you drive down 370, it's the Melvin Farm that has the big view, and it's the Melvin Farm that was taken out of this program.

**Bill Chambers:** I'm not so sure that today, at the right price, it would have been purchased today, the rights wouldn't have been purchased.

**Supervisor Salisbury:** No that was a sending area, that would have been forever agricultural and it was taken out of it because of the development. The State did that.

**Bill Chambers:** Moving forward, looking forward, I think that the free market side of this hasn't been given enough consideration from what I am hearing. That is my perception and I think it is the perception of many of the people here and I don't hear a lot of people standing up and saying, go ahead, you're right, stop it. I haven't heard anyone say that.

**Supervisor Salisbury:** No cause I always say we never here from the silent majority. We only hear from the (inaudible) minority.

**Bill Chambers:** The silent majority, was in 1968, Spiro Agnew. I think that the people here today are involved because we care about protecting farmland and open spaces and the...

**Supervisor Salisbury:** I take exception to the comment to say that we don't care about farmland and we do, we just don't think the TDR is the only way to do.

**Bill Chambers:** So you have already made up your mind as to how you are going to vote.

**Supervisor Salisbury:** No, me, I'm expressing my thought. I don't know how...

**Councilor Reeves:** There is another thing. Okay we have too much receiving, not enough sending. What if we took the Melvin Farm now and said, Hey that's no longer a receiving area, let's make that a sending area and call him and say, look, you know can sell developmental rights same as Warren can, same as Kit and everybody else.

**Bill Chambers:** Okay, thank you for letting me speak, I appreciate it.

**Supervisor Salisbury:** Glad to have you. Any other comments?

.....  
**Windsor Abbott, Cold Springs Road:** We are always talking about the expense of this and I being a Scotsman don't want to spend any more money than I have to. But let's kind of think about it a little bit. Three parties were in this. Our Town, the State and the farmers or landowners. Everything was going along pretty good until we thought we could get some extra money from the State. We asked the State and once we asked the State now you do as the State tells you. If they give you the money, you are going to do as they tell you. One little example when they surveyed the back of our farm only you got to do to find out how much land we have is from that point to that point a straight line, that's it. Instead of that they put down every place, every (inaudible) slot that came along that line. And I suspect a surveyor gets so much money for every stake he puts in the ground. So that's just one little example there's more money spent there than the Town of Lysander and the (inaudible) people would have, so let's (inaudible). Another thing that I think that hasn't been mentioned here, there's a lot of planning, yes we have mentioned that, but what has that planning, it wasn't all just on the land. We've got places now where sewer lines are gonna go because remember this is forever. It sounds like the Abbotts or Thompsons or anybody else that gets this is getting a tremendous amount of money. They are but it is forever on their deed that they can only sell that land in a certain way forever. So you got to think a little bit before you sign that but way in the very beginning before you even realize anything like this would ever happen, I have been a farmer all my life, that's all I knew but I do know what good dirt looks like. We don't have the best in Central New York. There are some other places in the country certainly have better than we do. But right where we live in Lysander we've got some of the best in the County. And I think that certainly goes by soil maps and so on. So I been the thought I want to pass the farm on to the next generation but it doesn't have to be an Abbott it can be somebody else, in fact it will be because Warren doesn't have any sons. SO that's okay. Let's save that land, that's what's important. So anyways what I was bringing up was

that there's been more money spent on not just the land but making provisions on what is going to happen to this land as time goes on. And I mentioned sewer lines, water lines. We got a map and I can show you where they've got a bicycle track, I don't know if I can call it a bicycle track, but a walking trail kind of down along the river and up through a valley kind of maybe into Palmer school. All of this has been laid out. In that time it took expense. So that's something I think we want to remember. And when you speak about the farmland, and Melvin Farm being taken out or taken in, to my knowledge it was never put in anyways. And I'm letting you know a little bit about my inner secret, my inner thinkings and I will put my hand on the Bible for this, if we were to get, my wife and I, a big sum of money from the State and I will look you all right in the eye, if at all possible we would buy (inaudible) Melvin Farm and save it. Probably half of the Melvin Farms is good lands to farm. There's another half that's trees and wooded and not quite as nice and that can be developed. So I'll tell you right here so there's a lot in this program that is beneficial to everyone here and whether you really realize it or not. And it's taken so much time to develop. Warren should have been home on the farm but he was up here working. I'm not bragging but I put in 10, 11 hours a day 6 days a week and if he was home I might have only had to put in 8.

*(Laughter from audience)*

**Windsor Abbott:** Anyway it was worth it folks and I thank you for your time. If there are any questions you have for an old guy like me ask me.

**Supervisor Salisbury:** Thank you very much. Anybody else?

**Bob Brussell, River Road:** This has been a learning experience for me to sit here tonight. You, and the previous Board have put in a tremendous amount of effort, time and expense into this TDR situation. I hear you say John there is all kinds of inconsistencies in this thing and that have occurred in the past. At this point wouldn't it be simpler to clean up these inconsistencies and continue on with the TDR program rather than scrapping everything? Question for you.

**Supervisor Salisbury:** We are considering that also. That's the public hearing (inaudible). That is an option.

**Councilor Reeves:** I would like to make one thing clear also. There is another option with the County, I don't know if you ever applied to the County to the State for farmland preservation.

**Warren Abbott:** They do not pay 100 percent which is one of the sweet deals for the farmer is eventually you would get 100 percent of your value. The State program that extinguishes the rights will only pay a maximum of 75 percent. In fact that is why the way our law is written the farmer gets the 25 percent later, much later.

**Councilor Reeves:** Seven years.

**Warren Abbott:** Seven years. Originally it was when the right was sold but apparently...

**Councilor Reeves:** But even if he right isn't sold, the Town has to cough up the other 25 percent.

**Supervisor Salisbury:** That happened...

**Warren Abbott:** Let me finish what I was saying, please. That was originally written, I know it got changed, but as it was originally written, and it was originally okay with me that the farmer would not get that 25 percent until the right was sold and so that was because the State could only fund 75. That's the way their rules were set up.

**Councilor Reeves:** But if, that's, you guys want to preserve your farmland, I assume, correct?

**Warren Abbott:** We are still interested in it.

**Councilor Reeves:** I think Hourigan, a lot of them that do it, that 75 percent is well worth it to them to be able to preserve that farm land. And I guess, the question I have, the 75 percent is good for most of the farmers that apply and use it, but, it's not, you need the 100 percent. There is a program that is 75 percent of the developmental rights that you probably qualify for in a minute.

**Warren Abbott:** The chance to do a ground breaking program that can be applied to more areas in the State is very intriguing to me. Forever is a long time and to get paid less than the full value to commit to something forever, who wants a 100 acres in the middle of Manhattan? Right now a 100 acre farm in the middle of Manhattan would not be viable in my opinion.

**Councilor Reeves:** But there are options for you to preserve your farmland and programs, not only this one through the Town.

**Warren Abbott:** Semantically true, you are correct.

**Supervisor Salisbury:** One of the things that this Board had to consider was, well first of all, we weren't, the grant was, if it became part of this program, which the State told us they had no money, but the Town would have been on the line for the 25 percent. So that would have been another \$200 and some thousand that the Town would have to pay without getting reimbursed for the State and we would only get that money back if we sold the development rights and to repay the \$260,000 we would have already paid out. So we are talking about a half million dollar cost here. And we, sorry Mr. Chambers, but looking at the economics we could not see how the Town could recover their costs. So we said it was not fair to the rest of the residents in the Town to do that when you can turn around and through zoning you can take care of preserving farmland. Is there anybody else that wants to comment?

.....  
**Jim Stirushnik, Dinglehole Road:** In case there is any question I am with I think the unified voice out here that I do not want repeal of this law. I think the gentlemen from Connecticut at it very right, you are acting silly. Others have spoken far better than I have and I agree with most of what was said here tonight. I think that the Board, or certain members of the Board are missing is that this is a balanced program the agricultural community receives something, the developers receive something and the Town and the community of the Town receives something. I do think and always anticipated that there is going to be some tweaking needed. None of the people proposing this or setting it up were perfect and I still think there will probably need to be some tweaking need. I think that is the way to go rather than repealing it.

**Supervisor Salisbury:** Thank you Jim. Anybody else?

.....

*Supervisor Salisbury closed the Public Hearing at 8:17 p.m.*

---

**APPROVAL OF MINUTES**  
**MAY 30, 2013, JUNE 10, 2013 and JUNE 17, 2013**

**RES. # 135/2013** Motion by Shimer, Second by Johnson

**RESOLVED** that the minutes from the special Town Board Meeting of May 30, 2013, the minutes from the regular Town Board Meeting of June 10, 2013 and the work session of June 17, 2013.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**TOWN BOARD COMMENTS**

**None**

---

**SUPERVISOR COMMENTS**

**Supervisor Salisbury** reported that the bids that were received for the mowing of Chase Cemetery were rejected.

---

**DEPARTMENT HEAD REPORTS**

**Tim Wolsey, Deputy Code Enforcement Officer,** presented the May report and is on file in his office for public review.

---

**CITIZENS' COMMENTS ON AGENDA ITEMS**

**None**

---

**NEW BUSINESS**

**PROPOSED LOCAL LAW NO. 3**  
**PROPERTY MAINTENANCE**  
**SEQR DETERMINATION**

*Lysander Town Board regular meeting*  
**June 24, 2013**

-----  
In the Matter of the Application of Town Board of the Town of Lysander for an Environmental Assessment Pursuant to State Environmental Quality Review Act (SEQR)  
-----

DETERMINATION OF NON-SIGNIFICANCE

1. Town Board of the Town of Lysander, has proposed to Adopt Local Law No. 3 of 2013, Chapter 100 of the Town Code entitled Property Maintenance a copy of which has been filed with the Town Clerk.
2. On June 11, 2013, notice was duly published and posted on the Town sign board and was duly published in The Post Standard on June 16, 2013 that said proposed Local Law would be reviewed at a public hearing to be held on June 24, 2013 at 7:00 P.M. at the Town Hall located at 8220, Loop Road, Baldwinsville NY 13027 and that all persons interested would be heard. A copy of the affidavit of posting and affidavits of publication thereof are attached hereto and made a part hereof.
3. It is hereby determined that the action proposed constitutes a Type II action pursuant to 6 NYCRR section 617 and requires no further environmental review.  
Law.

Dated: June 24, 2013

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

-----

**APPROVAL OF LOCAL LAW NO. 3**  
**ESTABLISH CHAPTER 100 OF THE TOWN CODE**  
**ENTITLED "PROPERTY MAINTENANCE"**

---

**A LOCAL LAW TO ESTABLISH CHAPTER 100 OF THE TOWN CODE ENTITLED, "PROPERTY MAINTENANCE" FOR THE TOWN OF LYSANDER, NEW YORK**

---

Section 1. Chapter 100. PROPERTY MAINTENANCE

**§ 100-1. Declaration of purpose and application.**

A. It is hereby declared to be the policy of the Town to provide for the proper use of land to prevent unhealthy, hazardous, or unsightly conditions due to the accumulation of brush, grass, leaves, rubbish, or weeds in order to protect the public health, safety and general welfare of the residents of this Town.

B. By this chapter, the Town seeks to remove such threats to health, life and property by requiring owners of land to take remedial action to cut, trim or remove brush, grass, rubbish and/or weeds and to further refrain from placing such items in a public right of way for prevention from being carried away or disrupted by animals and the elements.

C. All structures and premises located within the Town, whether occupied or vacant, shall be maintained in conformity with the Property Maintenance Code of New York State and the standards set out in this chapter so as to assure that none of these structures or premises will adversely affect their immediate neighborhoods or the larger community.

**§ 100-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BRUSH**

Uncultivated woody shrubs and/or immature trees.

## **GARBAGE**

Animal and vegetable waste resulting from the handling, storage, and sale, preparation, cooking and serving of foods.

## **GRASS**

Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering. May also be used as ground covering for the establishment of drainage swales, flood routes or water detention basins.

## **OWNER**

Includes an individual or individuals, society, club, firm, partnership, corporation or an association of persons, and the singular number shall include the plural number.

## **RESIDENTIAL DISTRICTS**

Includes zoning districts designated as "R" districts in the Town of Lysander, but not including the AR-40 District.

## **RUBBISH**

A. Includes the following:

- (1) Lumber, junk, debris, building materials, or any other deleterious materials.
- (2) Any abandoned, discarded or unused objects or equipment, such as, but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers or vehicle tires.
- (3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas, or attract rodents, vermin or other disease-carrying pests, animals or insects.
- (4) Any unsanitary matter or materials.
- (5) Solid waste and garbage.
- (6) Tree trimmings, brush, or shrubbery trimmings, leaves, grass clippings, trees, brush or shrubbery or portions thereof severed from their roots, or uprooted trees, brush or shrubbery.

B. However, for purposes of this chapter, the term "rubbish" shall not include any of the foregoing if stored in closed containers.

## **SOLID WASTE**

Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing, and as defined in § **112-2** of the Town of Lysander Code.

## **WEEDS**

Wild and uncultivated plants growing at the whim of nature in locations not specifically intended.

### **§ 100-3. Duty of owner.**

A. It shall be a violation of this chapter for the owner of any real property in the Town of Lysander to permit, maintain, deposit or scatter rubbish on or over any premises or to violate the Property Maintenance Code of New York State.

B. It shall be a violation of this chapter for the owner of any lot within the Town to permit or maintain on any such lot or land, inclusive of the land between the curb line and lot line, any growth of brush, grass, or weeds higher than 10 inches on the average.

C. It shall be a violation of this chapter for the owner of any real property in the Town of Lysander or an agent of such owner to place any rubbish in a public right-of-way.

D. Each violation of this chapter shall be punishable by a fine not to exceed \$250, imprisonment up to 15 days, or both. Each day's violation shall be considered a new and separate offense subject to a separate penalty.

E. The Code Enforcement Officer, or such other title as may be given by the Town Board, is empowered to enforce the provisions of this chapter and to issue and serve appearance tickets and such other process as may be required and/or authorized by these regulations or the Criminal Procedure Law in the course of such enforcement proceedings. Any enforcement action or proceeding may be commenced upon the

personal knowledge of the Code Enforcement Officer or upon the sworn statement of another individual.

**§ 100-4. Exception.**

The provisions of this chapter related to the growth of brush, grass, or weeds shall not apply to any lots or land which are under cultivation in a good or husbandry-like manner; from which crops are regularly grown for actual use; to drainage areas or natural open space areas, or to a section of a subdivision which is actively under construction and is less than 75% complete.

**§ 100-5. Notice of failure to comply.**

A. If any of the provisions of this chapter are not complied with, the Code Enforcement Officer shall serve written notice and an order to remedy such violation personally upon the owner of the property; or send it by certified mail, return receipt requested, and by regular mail addressed to the last known address of the owner; and/or post in a conspicuous place on the property.

B. Service of notice upon any owner of land, or the designated person to receive process as provided by law, shall suffice for the purposes of this section. Service of such notice shall not, however, be a required prerequisite to the prosecution of any violation of this chapter in any court of competent jurisdiction.

**§ 100-6. Work done by Town; costs to become lien.**

A. If the owner upon whom the notice is served fails, neglects or refuses to comply with said notice within 10 days after the service of such notice, or if such notice was served by posting upon the premises, then within 15 days after such posting:

- (1) The Town shall cause such noncompliance to be remedied; and
- (2) All expenses incurred in such work shall:
  - (a) Be certified by the Town officer or employee overseeing the work to the Assessor; and
  - (b) Thereupon become and be a lien upon the property on which such work was performed; and
  - (c) Be added to and become part of the taxes next to be assessed and levied upon such lot or land; and
  - (d) Bear interest at the same rates as taxes and shall be collected and enforced by the same officer and in the same manner as Town taxes.

B. This remedy is available to the Town in addition to such penalties and enforcement proceedings as are otherwise authorized under this chapter.

**§ 100-7. Authorization to remedy unsafe conditions; expense.**

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe condition is immediately remedied, removed or repaired, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the remedy, removal or repair of such unsafe condition. The expense of such remedy, removal or repair shall be a charge against the property on which it is located and shall be assessed, levied and collected as provided in § 100-6.

**Section 2.** This Local Law is effective upon filing with the Secretary of State.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**STATE ENVIRONMENTAL QUALITY REVIEW**

**NOTICE OF ESTABLISHMENT OF LEAD AGENCY**

**RES. #138/2013** Motion by Salisbury, Second by Reeves

**WHEREAS**, the Town Board of the Town of Lysander (“Town Board”) wishes to repeal Local Law No. 8 of 2010 entitled “Transfer of Developmental Rights” and

**WHEREAS**, a long-form Environmental Assessment Form has been filed pursuant to pursuant to 6 NYCRR part 617.6(b) and (c) of the implementing regulations pertaining to article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

**WHEREAS**, the Town Board has determined that it shall be the lead agency for all environmental review of the proposed action described below pursuant to article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Town Board declares itself lead agency for purposes of repealing Local Law No. 8 of 2010

NAME OF ACTION: Repeal of Local Law No. 8 of 2010

SEQR STATUS: Type 1     X      
Unlisted           

DESCRIPTION OF ACTION: Repeal of Local Law No. 8 of 2010

**REASONS SUPPORTING THIS DETERMINATION:**

- (i) This agency has the broadest governmental powers for investigating the impact of the proposed action; and
- (ii) This agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

PLEASE TAKE FURTHER NOTICE that this determination, subject to agreement of the agencies involved, shall become effective thirty (30) calendar days from the date hereof.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

.....  
**ASSESSOR’S OFFICE**  
**APPROVAL TO HIRE**  
**PART TIME DATA COLLECTOR**

**RES. #139/2013** Motion by Levy, Second by Shimer

**RESOLVED** that the Town Assessor hire Gregory B. Payne to fill the part-time data collector position in the Lysander Assessors office. He or she will work 3 days per week, a maximum of 20 hours per week, at the pay rate of \$14.55 per hour, for the months from July through December.

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

.....  
**TOWN HALL SECURITY/FIRE SYSTEM**  
**APPROVAL OF CHANGE ORDER**

**RES. #140/2013** Motion by Reeves, Second by Shimer

**RESOLVED** to authorize the Town Supervisor to accept the change order from Chuck Padula System Design & Consulting for the removal of abandoned security and fire alarm wiring from building and installation of two (2) smoke detectors and one (1) heat detector, and inspection and testing of fire alarm system.

**VOTE:**

***Lysander Town Board regular meeting***  
**June 24, 2013**

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

**All Ayes, Motion Carried and Adopted**

---

**LYSANDER ICE RINK**  
**APPROVAL TO OBTAIN APPRAISAL**

**RES. #141/2013** Motion by Salisbury, Second by Levy

**RESOLVED** to authorize the Town Supervisor to get an appraisal of the Lysander Ice Rink facility at a cost not to exceed twenty-five hundred dollars (\$2,500.00).

**VOTE:**

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

**All Ayes, Motion Carried and Adopted**

---

**RECOGNITION OF CITIZENS**

**None**

---

**ADJOURNMENT**

At 8:27 P.M. Councilor Levy made a motion to adjourn the meeting, second by Councilor Shimer. Motion carried.

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

Lisa Dell  
Town Clerk