

A Regular Town Board meeting was held on June 13, 2016 at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Joseph Saraceni, Supervisor
Roman Diamond, Councilor
Robert Ellis, Councilor
Peter Moore, Councilor
Robert Geraci, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Anthony Rivizzigno, Town Attorney; Al Yager, Town Engineer; Gene Dinsmore, Highway Superintendent; David Rahrle, Comptroller; Parks and Recreation Supervisor Tony Burkinshaw; Dina Falcone, Town Clerk; Plumley Engineering Planner/Developer Julian Clark; and several residents.

Supervisor Saraceni called the meeting to order at 7:01 p.m. with the Pledge to the Flag.

PUBLIC HEARING: A Public Hearing will be held this evening regarding the adoption of the Incentive Zoning Project for the Whispering Oaks Subdivision Section 4 for the year 2016.

There was a presentation by Julian Clark of Plumley Engineering for the Incentive Zoning Project for the Whispering Oaks Subdivision Section 4 for the year 2016 as follows:

Cabbage Patch Partners, LLC, is proposing a residential subdivision on a 26-acre property located at 8185 Emerick Road in the Town of Lysander. The property consists of wooded and agricultural land, and is currently zoned Agricultural/Residential – 40,000 (AR-40). The subdivision was initially laid out by Cabbage Patch Partners, along with Plumley Engineering, staying within the maximum allowable development under current zoning regulations.

PUBLIC COMMENTS PERTAINING TO THE PUBLIC HEARING:

Resident John Corey of Irene Drive expressed concern that he only had one day's notice for public hearing.

Supervisor Saraceni said the legal notice was published in the Post Standard. He stated that technically the Town is not required to send a mailer to the public. However, the legal notice was provided to the Post Standard and was published in the Sunday paper on 6/17/16 (see attached).

Mr. Corey stated that according to the map, there will be two houses behind her home, and in front of her home. She is concerned about the view around her home, and how the development will affect her property.

Engineer Julian Clark, explained that it is part of another incentive, which is to have a 100 foot buffer along Emerick Road, a "visual screening greenspace" from Emerick, which will be owned by lot owners and will not be disturbed, as this is "forever wild".

Mr. Corey asked where the proposed trees are going and how they will affect her well, and had concerns about sewage use.

Engineer Julian Clark stated that trees along the street will not affect her well.

Mr. Corey stated that his concern is also water runoff, as his backyard and basement floods. His home has issues with water runoff. He questioned as to what the reason is to not have deeper ditches so that the water will run down and will not come toward his home. He stated that he spoke with a former Town Highway employee and had asked about digging a ditch from Irene drive down the hill.

Town Highway Supervisor Gene Dinsmore stated that he did not see grade elevation and did not see an issue there.

Supervisor Saraceni said the problem might be from Irene Drive. The resident of Irene drive agreed, but stated that more homes may cause an issue. He said that the Town would make sure that the resident's situation will not get any worse.

Engineer Julian Clark stated that all drainage and tree installation must be approved and must meet DEC requirements. There will be swales and pipes which will take discharge offsite through natural drainage. The engineers will concentrate on that area.

Supervisor Saraceni explained to the audience that this meeting is only a step in the process. All of the concerns raised by residents will be covered in the planning process. He also stated that Highway Superintendent Dinsmore will to take a look at the area as well to look at the current problem.

Tom Collins of the corner of Penfold and Rubicon had questions regarding infrastructure, and if everything is going to be put in at one time, and where a construction entrance will be. His concern was with the construction, as he asked how the Town can maneuver equipment without crossing properties, and will everything run through existing development since construction vehicles may not be able to make the turns. Mr. Collins expressed that even if it is done in phases, it does not instill confidence that development will be complete. He also expressed that he does not think this development is a win for Whispering Oaks residents, as he believes it will reflect on the values of the property as he has been there over 12 years.

Engineer Julian Clark stated that there will be three phases, the first coming off of Rubicon, and secondly, a connection to Emerick Road. He also stated that Plumley can evaluate (the turns and the size) without crossing properties. He also stated that the Town has a process where securities are set for each phase, so if the developer does get halfway through, bonds are secured so that Town can finish the work.

Resident Pete Smith, who lives [where the proposed development is going to cross] on Ashington [new lot 6] to the corner of his lot, asked if his land is going to get flooded, as his sump pump already runs twice. He asked how the developer plans to move water. He also mentioned that Emerick Road would be a good entrance to use for construction. He stated that he bought the land because it was spacious, and that is why he moved there.

Engineer Julian Clark stated that there are natural wetlands and a swale in back that the Town used to clean. There will be storm water drainage behind lots 10 and 11. Mr. Clark stated the water will not be in the residents' backyard, and if it needs to be cleaned out, the developer we will work with the Town. **Resident Tom Collins** noted that the Town used to clean that swale, and that the proposed development is a higher elevation.

Supervisor Saraceni says that he is aware of the residents' situation, and he stated that sometimes problems can go away with development, although he has seen it go the other way as well.

Resident Pete Smith stated that if a pond is put in, his sump pump will run more.

Engineer Julian Clark said that the swale will move down, and there should not be an issue with that.

Mr. Collins asked the proposed time for this and **Engineer Julian Clark** stated that they would want to start infrastructure in the fall, and there is a Planning Board process to go through. **Mr. Collins** expressed that we are over assessed and this is not a win for the residents.

Resident Sylvia Cleveland [of the south border of proposed area; borders lot 11] has concerns that if a pond is put in how would they keep it from overflowing, and is there a way for keeping the pond not-swampy. **Engineer Julian Clark** stated that the flow will be no more now than when it is complete. He said that's what the 4 foot pool is for [mandatory], to keep algae at bay, and the easement is to keep in maintained. It can be mowed and maintained.

Dr. Clark and Builder Ron Merle discussed that originally the eastern edge of the property there was supposed to be a swale, but it was never put in. There will be a swale, and any water will go into swales away from property.

Dr. Clarke explained that they started the process with acre lots, but the economics of the acre lots was not able to maintain infrastructure. Although that concept is no longer valid, they had an option to move forward with incentive zoning with .5 acre lots, or to do cluster homes with smaller lots.

Supervisor Saraceni when the board considers increased density [there is a method to that theory as it is shown that with more residents living on infrastructure, there's more of a tax base to support the use of it]. There's a benefit for the community. It takes the burden [it is supposed to] protect the taxpayer and it is proven that R40 housing doesn't support the infrastructure. The Town is charged with trying to come up with a happy medium, because the Town would have preferred to start from higher dense area, related to those principles. Dr. Clarke's concern was for the existing residents of Whispering Oaks. He felt that smaller lots would distract from that area.

Mr. Collins stated that the project does not benefit the residents. And that the development will destroy natural habitat, and decrease the value of the homes as well.

Dr. Clarke stated that the concept for smaller lots will be homes of nice quality; these homes will not be cheap. It is their concept that they are homes for people who are moving out of large homes but looking for nice homes and amenities. They are not inexpensive homes. **Mr. Merle** clarified that they are ranch homes not patio homes.

Mr. Corey asked what was going to be done about traffic and is concerned that there is going to be twice the amount of traffic on Emerick Road. **Dr. Clarke** stated perhaps some residents saw people sitting there reviewing traffic in the area, and the state study said that the area doesn't qualify for a light. It does provide another entrance in the event that there is an emergency.

Resident Tim McDermott of 8120 Emerick Road [across from proposed lot 1] stated that he does see the benefits and he understands the proposal, however, it is a \$15,000 concession that doesn't mean anything because there's no plan. His concern is that it is proposed as a benefit, but he doesn't see it. Mr. McDermott asked if there is a main line (for sewer) that the residents can hook up into. **Supervisor Saraceni** explained that it's a dead end at Emerick, so it is not a benefit to existing residents, but **Engineer Julian Clark** explained they can extend it 200 feet. **Supervisor Saraceni** stated that when the Town talks about infrastructure, it doesn't necessarily benefit everyone and that if anyone on Irene Drive wanted a sewer service it is right across the street. **Town Engineer Al Yager** explained how special districts are formed. **Dr. Clarke** stated that the developers didn't want to force people into a sewer system.

Mr. McDermott stated that he loves living in the area, and enjoys his view and decorative shrubbery and trees, but he said it is not great if you're sitting in an \$185,000 home and you've lost the sunset and what [they've] grown up around. He's going to have a tree wall across the street from his house. There's a reason he moved there. He said it's going to impact everyone differently. His concern is also dust and dirt up and down Emerick Road. He said there has got to be something done with traffic enforcement/ speed zoning. He says the proposed development can't accommodate all that traffic and pedestrian traffic will be at risk. His concern was also how long he would have to live with the repercussions of construction. He said he has never seen the water as bad as the last couple of years; he installed a backup sump pump and has seen a neighbor's yard with a foot of water in the yards because the ground can't accept it. He fails to see how it can support 35 basements. He asked "where are we five years from now when you have a ton of water; we're sorry – it can't accommodate anymore runoff."

Supervisor Saraceni explained we are going to try to address all of the issues, and we have the Highway Superintendent who can see what can be done. It's a current issue, and what's been explained by the developer is to not make it worse. **Supervisor Saraceni** explained that there is a whole planning phase which will show the residents on paper, with a stamp, that their situation will not get any worse.

Resident Jim Stirushnik of Dinglehole Road wanted to know where the sump pumps will discharge. **Engineer Julian Clark** said that there would be an underground swale, or they can go out the backyards with backyard swales. **Town Engineer Al Yager** said they can discharge through a storm water pond.

Supervisor Saraceni stated that the Town can address those concerns regarding the swale with the stamp guarantee. He stated that under his administration, when a plan comes before the Board, and it does not live up to what is stamped, there will be ramifications as it is the Town's responsibility.

Bob Baum of Emerick Road said that the Town is supposedly getting a big win but asked what that win is, when he says that most of the money goes to school and county, and wanted to know what the town getting.

Supervisor Saraceni stated that the big win is all relative, as to the size of development, and what a development can provide. It has to make sense. Every zone is going to have different implications.

Councilor Geraci says that the developer owns this property and he can build 22 homes, or he can build on acre lots, or cluster, provided all concerns are taken care of. He said that there is something coming back to the town in a marginal increase in tax dollars. He explained that he would take into account all operating costs and he will insist there has to be a net zero cost to the town. The 22 homes have not been approved yet.

Supervisor Saraceni explained that what the Board is trying to communicate is to "sum up" incentive zoning, where the developer had options that he could either cluster develop on half of the property, and make smaller lots, or he could do one acre lots, similar to what we have in Whispering Oaks now. Both of those situations don't necessarily benefit anyone in this room, where we can negotiate is in the incentive zoning areas we can say "we have issues here, what are we going to do to help residents in this area, how are you going to improve the tax base to support the infrastructure" That's what we are going to do. My words are not going to address your concerns of losing your streetscape. But that could change anyways. Instead of looking at pear trees, you could be looking at someone's front porch, but this board is not dismissing [residents' concerns]. What Bob is saying is that the developer had options in this area. What we are charged with is if the developer wants to increase density, he needs to negotiate the best deal he can because of the size parcels that it is, and the best deal that we can negotiate with the parties. I'm trying to be as liberal as possible, I'm trying to present a more open option here and I hope you understand that regardless of which way the board goes it's not the end of addressing the residents' concerns.

Mr. Collins asked how many people were made aware of the proposal, and **Supervisor Saraceni** confirmed that residents within 500 feet were made aware of the public hearing by mail. It was confirmed by **Town Clerk Dina Falcone** that over 45 letters were sent to residents. Mr. Collins also asked about construction traffic. He said "you can't put construction traffic down that road [Rubicon]." His question was directed to **Highway Supervisor Gene Dinsmore**, and he stated that he personally hopes that construction traffic will not go through there. **Supervisor Dinsmore** personally stated [as the Town can't say no] but he doesn't think there should be construction traffic on those two particular roads, as they are not in a condition to handle it at the present time. The Town can change that.

Dr. Clark stated that the original design was also in three phases, and the phases start at Rubicon because that's where the utilities are, that's where the sewer is, and in that first design, the last phase was entrance to Emerick. What we did was for more than one reason, so that the second phase goes to Emerick, so that as quickly as possible, we could get that traffic off of Rubicon off of Whispering Oaks, and to limit the number of lots on that first phase.

Mr. Collins asked how many years the time frame is for the three phases. **Dr. Clarke** said it depends on how nice our houses look, and how the market is.

Supervisor Saraceni stated that the Board will keep the public hearing open for another two weeks for additional public comment. This public hearing will be tabled. He said that he has heard concerns regarding drainage and as long as there are concerns will be hear them. The public hearing will be closed after two weeks. Supervisor Saraceni stated that the Board represents the greater good of Lysander.

Planning Board Member Hugh Kimball said that all the comments are good comments, and all of this will go in front of the Planning Board. He said the Town will have engineers before them where residents will have a chance to ask all the questions to people who have dealt with these issues for years.

Mr. Corey said he thought this meeting was about re-zoning taking it from agricultural to residential. **Supervisor Saraceni** said no, that this is an incentive zoned area. This is a negotiated increase in density that's allowable in the incentive zone. It is already zoned it is not a re-zoning.

Resident Fred Burch stated that he is a landscaper, and takes care of as many as 15 properties in that development. He said that about 1/3 of the year, half of the backyards he can't get into as they are soaked. He said the one thing to keep in mind for the Board and the residents standpoint, is that Barton & Loguidice gave stamp on the sewage system in Whispering Oaks at one time.

Supervisor Saraceni said when he was the Mayor of Baldwinsville, they didn't have sewer, and he wasn't happy. He learned a lesson with that. Supervisor Saraceni said a stamp from an engineer means something. He also said to email him with his your concerns and he will forward whatever is sent to him to the Board members.

CITIZENS' COMMENTS:

Ruth Troy from Canton Woods came to bring positive information about what's going on at the Senior Center as follows:

In April, Canton Woods was awarded a Community Health Award from Excellus Blue Cross Blue Shield. Canton Woods received one of 7 grants from a pool of over 180 applicants. The Grant is for a Hydration Education program and improves general wellness through improved hydration. Step one was the installation of new hydration station with bottle fill capacity.

Canton Woods received a \$1000.00 donation from Stewart's Shops at the Grand Opening on June 10. These funds will be used to modify an existing space to create a private meeting area for confidential topics.

The Village of Baldwinsville was awarded a \$50,000 Onondaga County Community Development Block Grant to make improvements to the roof ventilation and insulation.

In July, Canton Woods will participate in Assemblyman Magnarelli's Community Resource Road Show at Ray Middle School July 13th from 12:00 pm to 6pm.

The Cannon Ball 5K run will be held on Sunday, July 17th at Van Buren Park to benefit Canton Woods.

The Rotary picnic will be held on July 27th at the Senior Center from 4:00 pm to 7:00 pm. Please call 638-4536 for reservations.

Melinda Shimer of Elizabeth Street had concerns regarding the Meeting Minutes and the Agenda. Regarding the Minutes, she stated that when she was on the Board they [Board] discussed [Minutes] and had implemented a system with a draft on it and posted them quickly and [Minutes] were approved at the next meeting. She stated that it is hard for people to participate to see what was going on with the Board if they can't see what was done at the meeting. **Supervisor Saraceni** stated her concerns are noted. Ms. Shimer stated that with

regard to the Agenda, as it is up on Friday before the Monday meeting, she [and the previous Board] liked to get them up by Wednesday. Ms. Shimer continued to state that the media has abandoned “us” in the Town of Lysander, Town of VanBuren and Village of Baldwinsville, and included PAC B for this evening as well. Ms. Shimer stated that she wants to make sure people get the information and participate to the best of their ability.

Kevin Rode of Greymoor Way directed a question to **Comptroller Rahrle** regarding premiums going up 12%. Mr. Rahrle said he would get the information to him. In addition Mr. Rode also asked about Workers’ Compensation, and if it is normal for it to [go up that much] from year to year, and if the Town had claims. Mr. Rahrle answered that it is not [normal], but there have not been any claims, it’s based more on payroll. While claims experience does factor into it the Town has been lucky they haven’t had any [claims]. The Town received a certificate which was awarded at the last May meeting Mr. Rahrle attended, where the Town went one year without claims. He stated that while that is a good thing, it is not the reason why the premiums went up.

Fred Burtch, of Plainville Road asked if there is a contingency plan regarding the water operator if he became incapacitated. **Supervisor Saraceni** said he would have to be “pretty incapacitated” in order to not sign a form. If something did happen, the Town would be able to look into it. In addition, Mr. Burtch read a prepared statement and mentioned ongoing concerns about Lysander employee(s)/personnel matters and referenced the Town of Lysander Employee Handbook. Mr. Burtch supplied an envelope containing a thumb drive with a video on it to the Supervisor. Mr. Burtch asked the Board to provide him the time and place to discuss his concerns [in the packet] and to take action.

TOWN BOARD COMMENTS:

The Board thanked everyone for coming and noted that they would like to continue with the Agenda.

SUPERVISOR COMMENTS:

None.

ADOPTION OF MINUTES

RES #95/2016

Motion by Councilor Ellis seconded by Councilor Diamond to adopt the June 13, 2016 Town Board Meeting minutes.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

DEPARTMENT HEAD REPORTS:

Highway Superintendent Gene Dinsmore stated that they have completed extensive preparatory work in contemplation of completion phase. Doyle Road was paved from 370 to the dead end by the river, and ditches were cleaned and shoulders were reshaped. In addition, three cul-de-sacs off the end of that subdivision have been done including: Poplar Field, Haylage and Greenbough Roads. Paint seal will begin. Once that is complete the Highway Department will be addressing water problems in the Landings [swale that needs to be cleaned]. The Highway Department has completed the last of the concrete work and extensive repairs in Clinton Heights, Abbots Landing, and Holly Hill. They will be paving work on Ballygar, Brannockbyrne, Cortina, Hiltonwood, Killoe, and Warriors Path. The Highway Department will be working on Melia Park, roads: Fatti, Nabil, Newha and Rania. The roads have not been worked on as of yet. **Superintendent Dinsmore** thanked the Board for getting these roads done. Once those roads are completed, work will begin in Industrial Park, which will be the first time that anything has been done there in 15 years. He noted that a great deal of money is being spent wisely. He said

the taxpayers are getting a “fair shake” and The Town is seriously upgrading its infrastructure. He said he is grateful the Town has a Board who wants to get it done.

Tony Burkinshaw, Parks and Recreation Supervisor stated that the Tuesday Night Concert Series continues on Paper Mill Island at 6:30 pm, Country act Thunder Canyon will be playing; there will be Movie Night on July 3rd at Lysander Town Park; rain date will be July 10; The Lego Movie will begin at 8:00 (or dusk). The Parks Department is still taking registrations for all six weeks of Lysander Day Camp.

Town Comptroller David Rahrle stated that he had a meeting with the Town’s health insurance consultant where they discussed renewal as of July 1st. He said there was a 12 percent increase in the premium and they told him he was looking at another option that he is going to bringing forth to the Town Supervisors upcoming meeting to review. **Mr. Rahrle** is continuing to work on the review of the internal audits for the departments. He is currently working on the Justice Department and then he will move on to the Tax Receiver, and report on those. He mentioned that he has a meeting scheduled with a copier representative, as the Town currently leases the copiers in the building. There is a 66 month lease which will be ending in September. The meeting will entail going over needs if anything has changed, and if what the Town has is adequate. **Mr. Rahrle** is setting up another meeting with a different vendor to review the Town’s needs which will give him some comparisons to work with. In the last process he noted that the Town’s current vendor was much cheaper. In addition, the Town recently went out for a BAN (Bond Anticipation Note) for the West Genesee Sewer District Extension 2, for \$377,000, and the Town also renewed the BAN for the Water District Project when it replaced the meters, and the Town was awarded the bid BANs to Solvay Bank, for an interest rate of 1.45 %. It was (approx.) 2.3% before. Our main bank is M&T, but their rate was 2.34%, and NBT gave the Town a rate of 2.13%. The Town has never done business with Solvay Bank, but they came in at 1.45%. That is a good thing for those in the West Genesee Sewer District. **Mr. Rahrle** stated that causes the Town to do a review of all of its existing debt and see if maybe the climate is right at this time for refinancing some of the long term serial bonds.

REGULAR AGENDA ITEMS

MOTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE STATE AND MUNICIPAL FACILITIES PROGRAM PRELIMINARY APPLICATION FOR PROPOSED HIGHWAY STORAGE FACILITY

RES #96/2016

Motion made by Councilor Moore seconded by Councilor Ellis to authorize the Supervisor to sign the State and Municipal Facilities Program Preliminary Application for the proposed Highway Storage Facility.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

Discussion:

Councilor Geraci said he believes it is a great idea.

MOTION TO APPOINT HAYLOR FREYER & COON AS TOWN’S INSURANCE BROKER

Motion made by _____ seconded by _____ to appoint Haylor Freyer & Coon as the Town of Lysander's insurance Broker, and to review the towns insurance needs every two years.

TABLED

MOTION TO APPROVE BUDGET TRANSFERS PROVIDED BY COMPTROLLER

RES #97/2016

Motion made by Councilor Diamond seconded by Councilor Ellis to approve the budget transfers dated June 22, 2016 as provided by Comptroller David Rahrle.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

MOTION TO APPROVE SUPERIVSOR TO SIGN A CONTRACT PROVIDED BY MSC, AS IT RELATES TO LEGAL SERVICES RELATING TO TOWERS AND TELECOMMUNICATIONS FACILITIES

RES #98/2016

Motion made by Councilor Geraci and seconded by Councilor Diamond to approve of the Supervisor to sign a contract provided by MSC, which is the Center for Municipal Solutions as it relates to Legal Services relating to towers and telecommunications facilities contingent on review of the Town attorney.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

MOTION TO CONSIDER ADOPTION OF A LOCAL LAW TO CALL A PUBLIC HEARING ON JULY 11, 2016 TO CONSIDER ADOPTING AN INTERIM APPLICATION PROCESS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

RES #99/2016

Motion made by Councilor Diamond and seconded by Councilor Ellis to call a public hearing on July 11, 2016 at 7:00 pm to consider the adoption of a local law adopting an interim application process for wireless telecommunications facilities.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

ANNOUNCEMENTS

1. Town Board Meeting, Monday, July 11, 2016, Work Session at 5:30pm
Regular Town Board Meeting at 7:00pm (both held in the Auditorium).
 2. Planning Board Meeting, Thursday, July 14, 2016 at 7:00 pm (in the Auditorium).
 3. Town Board Meeting, Monday, July 25, 2016, Work Session at 5:30pm
Regular Town Board Meeting at 7:00 pm (both held in the Auditorium)
 4. Planning Board Meeting, Thursday, August 11, 2016 at 7:00 pm (in the Auditorium).
 5. A Work Session to be held in conference room of Town Hall, July 6, 2016, at 5:30 p.m. and it is open to the public. No action will be taken at the work session.
 6. Parks and Recreation Department Activities:
 - Summer Concerts Series, Tuesday June 28th, Thunder Canyon will be playing on Paper Mill Island, Concert starts at 6:30 pm.
 - Movie in the Park, Sunday, July 3rd (Rain Date July 10th) The Lego Movie: show starts at Dusk and the fun starts at 8 pm.
 - Still accepting Lysander Day Camp Registrations for all weeks K – 6th grade.
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ADJOURNMENT

A motion was made by Councilor Ellis and seconded by Councilor Diamond to adjourn the Town Board Meeting at 8:36 pm.

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

Dina Falcone, Town Clerk