

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on August 10, 2015 at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

OTHERS ATTENDING: Tony Rivizzigno, Town Attorney; Lisa Dell, Town Clerk; Al Yager, Town Engineer; Pac-B and several residents.

PUBLIC HEARING
PROPOSED LOCAL LAW NO. 5 OF 2015
AMEND THE TOWN OF LYSANDER VEHICLE AND TRAFFIC LAW
TO ADD FOUR STOP INTERSECTIONS
TIMBER BANKS SUBDIVISION
CRIMSON RIDGE SUBDIVISION

Notice of said Public Hearing was duly published in The Post Standard on July 26, 2015 with the same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on July 14, 2015 for the purpose of hearing all persons for or against the adoption of a local law of the Town of Lysander for the year 2015 which would amend the Vehicle and Traffic Law of the Town of Lysander to add four "stop" intersections as follows: Bramble Run entering Forest Ridge Lane; Forest Ridge Lane entering Timber Banks Parkway; Forest Ridge Lane entering Long Shadow Drive; Verona Court entering Villa Ridge Court.

At 7:00 p.m. Supervisor Salisbury opened the floor for comments.

No one spoke for or against the proposed local law.

All persons, desiring to be heard, having been heard, the public hearing was closed at 7:01 pm.

SUPERVISOR'S COMMENTS:

Supervisor Salisbury: We had a request by the Lions Club of Baldwinsville to use the park and some of the surrounding roads in the area on May 29, 2016 for a race. They will also be doing testing of eyes for children and we will have more on that because we have some questions. If we approve it, it will be done probably at our next meeting.

We also had a discussion regarding our possible town law if we want to create one for peddlers and solicitors. We gathered information from a variety of towns and we are still getting information as to how the police would work with us on that. Before such a law is proclaimed we do have a public hearing so more will be coming on that.

We had a short discussion on the proposed Lamson Road Water District. Right now we have certified 130 names on the list and that is only those who have signed it. The Assessor will then go back and will update the assessments. If we do not have 50 percent or over of the assessed valuation of the proposed water district then the matter is dead. There were actually 136 signatures. Three of the signatures were discounted because they were not owners and three signatures were outside the proposed district. So we hope to have the updating of the assessments by the end of this week and again if the assessments do not reach 50 percent or over then the proposed water district is finished. There are other options, not for the proposed water district, but other options of a smaller district that can be looked at further on down the line.

TOWN BOARD COMMENTS:

Solicitation/Peddler Law

Councilor Diamond: I wanted to thank John for putting the solicitation, peddler law on the agenda for the work session tonight. I thought we had a really fruitful conversation. At the next work session or the work sessions to come I hope that the Board is able to put a piece of legislation together that we can present to the public and the Board will unanimously support it.

Toomey Residential Children's Community Residence

Councilor Shimer: This past Wednesday Toomey Residential had an open house for their new children's community residence on Doyle Road and the Board was invited. Unfortunately Councilors Diamond and Geraci were not able to make it but John, Andy and I went and there was quite a nice event. Several neighbors came in, some bearing gifts, and they showed us around the group home. It was very nice. The children were not there at the time. They were at an event at Longbranch Park. We got to speak with the people who work in the home from Toomey Residential and some of the neighbors. It was a very good turnout.

Proposed Lamson Road Water District

Councilor Reeves: Just a couple things on transparency. The people with the Lamson Road Water District, we have been looking over different records, numbers and things and it is important as a board member knowing that you should know presently there is a spread sheet with approximately \$26,000 of charges against it. It had been paid by the Town of Lysander. It dates back to I think 2007, 2009. When and if any water district is formed that \$26,000 charge will one, be used in the calculation of the cost, and two, will go against whatever water district is formed, should there be one formed down the road. This Board has charged \$1300 against it. Over \$600 being for postage to send things out to you folks. The big charge seems to be I guess the previous engineering firm did \$23,000 worth of engineering work trying to put a district in at one time for the Town of Lysander. That \$23,000 engineering charge is the big portion of it.

Whispering Oaks Sewer District

Councilor Reeves: When they put the sewer in up there I don't know if you remember the service was enlarged for future development. A larger line was put in and the original cost estimate was \$180,000. I remember we were not sitting on the Board then, we were told that the grant would pay that \$180,000. Well that was not true, it was not possible. Then we were told that the taxpayers were going to pay the \$180,000. Since we have come in to office and work has been done on this our Engineer significantly reduced the cost because his time is a lot cheaper than the outside firm. The final tally looks like it is somewhere around \$90,000 was the hard cost for the enlarged line. There was no place to put that cost except it went against the Whispering Oaks Sewer District so the people in Whispering Oaks are paying on that \$90,000 for a line that we put in for future expansion. As we talk down the road about development on Emerick Road, development over in Melvin Farms in Cold Springs, this is probably one of the driving forces that will drive my direction on it. These people need some relief. As a tax payer, I am apologetic, I'm upset with it, but I'm apologetic also that this would ever end up on somebody's tax bill and they didn't know the whole situation and how it got there and the same with the Lamson Road water people. No one should be tagging a \$20,000 charge in there that you are unaware of or ever existed and not knowing where it came from or how it got there. In the name of transparency I want to share that information with you.

DEPARTMENT HEAD REPORTS:

None

ANNOUNCEMENTS:

Supervisor Salisbury announced the following:

- Item B in New Business, the SEQR resolution, is going to be moved to a future date possibly on the second meeting in August or the first meeting in September.
- The Board will be having a work session on Monday, August 31, 2015 at 5:00 pm to discuss the two comprehensive land use proposals.

CITIZEN COMMENTS ON AGENDA ITEMS:

Cindy Todd, Dinglehole Road: I have a comment on this extra fee the \$26,000. Would that require a new map, plan and report anything like a new petition to go out since the cost is changing?

Councilor Reeves: That is not an agenda item.

Supervisor Salisbury: That's a moot point right now.

OLD BUSINESS

None

NEW BUSINESS

RES. #152/2015

APPROVAL OF LOCAL LAW NO. 5 OF 2015
AMEND THE TOWN OF LYSANDER VEHICLE AND TRAFFIC LAW
TO ADD FOUR STOP INTERSECTIONS
TIMBER BANKS SUBDIVISION
CRIMSON RIDGE SUBDIVISION

Motion made by Diamond, second by Reeves:

A LOCAL LAW AMENDING CHAPTER 129 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWN OF LYSANDER.

Be it enacted by the Town Board of the Town of Lysander ("Town Board") as follows:

Section One (1). PURPOSE AND INTENT.

This Local Law provides for an amendment to Chapter 129 entitled "Vehicles and Traffic" relative to the installation of stop signs on (1) Bramble Run entering Forest Ridge Lane, (2) Forest Ridge Lane entering Timber Banks Parkway, (3) Forest Ridge Lane entering Long Shadow Drive, and (4) Verona Court entering Villa Ridge Court. The Town Board accordingly desires to amend Section 129-36 of the Town of Lysander Code, to adopt and approve the same pursuant to its authority to rule or regulate the same under (NYS) Vehicle and Traffic Law Section 1682 and/or under its Home Rule Authority.

Section Two (2). STOP SIGNS. Section 129-36 of the Town of Lysander Code is hereby amended to require the placement of a stop sign on (1) Bramble Run entering Forest Ridge Lane, (2) Forest Ridge Lane entering Timber Banks Parkway, (3) Forest Ridge Lane entering Long Shadow Drive, and (4) Verona Court entering Villa Ridge.

Section Three (3). SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

VOTE:

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

All Ayes, motion carried and adopted.

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RES. #153/2015

Approve Transmittal of Amended Zoning Map to Planning Board

Motion made by Salisbury, second by Shimer to refer the Amended Zoning Map to the Lysander Planning Board and Onondaga County Planning Board for review and recommendation.

VOTE:

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

All Ayes, motion carried and adopted.

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RES. #154/2015

Whitetail Woods Section B-2
Contract Drawing Approval

Motion made by Reeves, second by Geraci that the Supervisor be authorized to sign the cover sheet of the Contract Drawings, prepared by TDK Engineering Associates with a final revision date of July 24, 2015 and the NYSDEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for The Whitetail Woods Subdivision Section B-2 as recommended in the Town Engineer's letter dated August 5, 2015.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #155/2015

Whitetail Woods Subdivision
Section B-1 and B-2
Authorize Supervisor to Sign OCWA Permit

Motion made by Shimer, second by Reeves to authorize the Supervisor to sign the OCWA permit for the installation of two (2) hydrants in the Whitetail Woods, Section B Subdivision in the Cold Springs Water Supply District.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #156/2015

Whitetail Woods Subdivision
Section B-1 and B-2
Approve OCWA Permit to Install Water Main

Motion made by Salisbury, seconded by Diamond to approve the OCWA permit to install 845' of 8" DICL water main at Whitetail Woods, Section B Subdivision, with no pavement to be cut and all costs to be paid by the developer.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #157/2015

Radisson Drainage District
Maintenance Project

Motion made by Reeves, second by Shimer to authorize the Town engineer to complete the Radisson Drainage district maintenance projects for the rear yard swales on Quaker Lady Circle, Holly Ridge and Aletta Circle using the county bid for excavator with operator rental. (Necessary due to the heavy work load faced by the highway department in completing the Town Park trail reconstruction project.)

VOTE:

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

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Councilor Geraci asked if there was an estimate of cost and is it budgeted.

Attorney Rivizzigno explained that he was informed by the Engineer that there is enough money in the district for the maintenance.

RES. #158/2015

Clinton Heights Drainage District
Maintenance Project

Motion made by Salisbury, second by Shimer to complete Clinton Heights Drainage District maintenance project including the excavation of the sink hole in the rear yard drainage easement at 4513 Ballygar Road and mowing of the rear yard drainage easement adjacent to the Baldwinsville Seneca Knolls Sewage Treatment Plant using various county bid item contracts. (Necessary due to the heavy work load faced by the highway department in completing the Town Park trail reconstruction project.)

VOTE:

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

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: We have been undertaking for the last couple of years to really work on the drainage districts within the town. Some have been ignored for years and trees have grown up in them which causes flooding and so we are making a real effort to get these done.

RECOGNITION OF CITIZENS:

Cindy Todd, Dinglehole Road: During the work session meeting you mentioned that there were 130 signatures that were received on the petition. Is that from the entire district as defined by the map, plan and report?

Supervisor Salisbury: Yes.

Ms. Todd: So the entire district is being considered for the assessed value 50 percent plus.

Supervisor Salisbury: We have to do that.

Ms. Todd: Okay. Same question, \$26,000 for the project. If the petition passes and it is approved that \$26,000 is going to get tacked on to the project, does that require a new map, plan and report and petition?

Attorney Rivizzigno: No. It is an expense that has already been incurred. It wasn't for the map, plan and report. It was a previous expense.

Ms. Todd: So then the dollar amount that we were presented with are not accurate for the cost.

Attorney Rivizzigno: They were accurate for our cost. This is not part of our cost. This is cost that was incurred years ago. It goes on to the district no matter how it is formed or when it is formed.

Ms. Todd: Are there any other costs that we are unaware of?

Attorney Rivizzigno: That is it we know of as far as I know.

Councilor Geraci: To Cindy's point, I'm not sure we are all thinking the same thing but that page that estimated all the costs of this district it should have been on there that this is going to be tacked on whether it is a new cost or not, and it wasn't. It is causing me to have some consternation about the actual petition. Maybe we will see what happens when they are finally tabulated it is moot, but I don't know if it is. I am just registering my concern that echoes what Cindy is saying. We never told people about the \$26,000.

Ms. Todd: Thank you. At one of the previous meetings, Tony you had indicated that we really couldn't verify each of the signatures on the petition and I believe the quote was "there are 500 signatures" so now we know there is 130.

Attorney Rivizzigno: I might have said 500 parcels I thought.

Ms. Todd: You said 500 signatures, I could be wrong.

Supervisor Salisbury: It doesn't matter, there is 130.

Ms. Todd: Is there a reason why now that we know there is 130 we couldn't validate and ensure for the residents of this town that it was all done properly and it was presented to those people as it was intended to be, upfront and fair, and they knew what they were signing.

Councilor Reeves: I think it is being validated right now.

Supervisor Salisbury: It has been validated that they own the property and the people who obtained the signatures signed an affidavit that they were done properly. I mean after an election we can't go and ask the people that voted if they really voted.

Ms. Todd: I think it is different because we brought up several times that there was, I witnessed it myself, we had another resident speak to the fact that it wasn't present to him property, that they were not telling them what the expenses were and they were simply presenting it. This is not the first time I brought it up.

Supervisor Salisbury: If those people who wanted their names removed they would have had it done.

Ms. Todd: But they are not aware.

Supervisor Salisbury: Cindy, you can't do that.

Ms. Todd: I would just speak to the residents then that the town doesn't care. Thank you.

Supervisor Salisbury: Thank you Cindy and that is not true.

Councilor Reeves: I would suggest that everyone let the system work. I don't think anybody is going to be disappointed if you let the system work. The problem is when you try to force the system or second guess the system or manipulate the system or think some is manipulating the system, then the system doesn't work. What I have seen so far and I have been right out of it just like the four other people up here is the system is working, it is running on eight cylinders, its taking its time and I don't think that there is going to be an unhappy person on either side when this is all done. But you got to let the system work.

Whitetail Woods Section B-1 and B-2
Approve OCWA Permit to Install Water Main

Jim Stirushnik, Dinglehole Road, asked if there will be one or more fire hydrants installed.

Supervisor Salisbury explained that the board approved the installation of two hydrants in this development just before this resolution.

Proposed Lamson Road Water District

Jim Stirushnik, Dinglehole Road, asked if charges for the current petition passed, work being done, will be added to the district in the future.

Supervisor Salisbury said they will be and there is not a lot of those charges. He said Councilor Reeves mentioned the current charges so far.

Mr. Stirushnik asked if the charges included the Town Engineer and Assessor's hours.

Supervisor Salisbury said he would think so but stated for the Assessor's hours she does not charge as it is part of her job.

Proposed Lamson Road Water District

Scott Bogardus, Dinglehole Road: First off Mr. Reeves thank you for explaining some of those dollars because we didn't know about it and that is much appreciated. Hopefully that kind of transparency and understanding between everybody as we all work together to keep Lysander going and make it a better place. I do appreciate that. That was good because now I understand it. There are some questions behind that but it may not be necessary to even talk to and address those questions until we find out what the deal is with the Assessor and the petitions and all that. But I still have a couple of questions towards the town. Again, it is hypothetical, but if the water district goes through is the water is supplied by the Metropolitan Water or is that Onondaga County Water?

Supervisor Salisbury said the Onondaga County Water Authority supplies it.

Mr. Bogardus: If that happens is there any remuneration that comes back to the town from that? Are there any dollars, any financial back and forth or benefits to the town in order to put that through?

Supervisor Salisbury: No. The benefits are to the people who receive the water.

Mr. Bogardus: But there is no kind of surcharge or tax or anything like that that would come in.

Supervisor Salisbury: No.

Mr. Bogardus: Thank you. The other thing on the verifying of the signatures I understand, and I also understand when it comes to the property, the values of the property and things like that, the question is it will be interesting to see, the petitions, are they public yet where I can get a copy of the petitions that were signed, what neighbors, how does that work?

Attorney Rivizzigno: They will probably be available by Friday.

Mr. Bogardus: Okay. Whether it passes or not, right?

Attorney Rivizzigno: Once we determine, if it passes, you can certainly get a copy and if it doesn't pass, I don't know what you want to do with it, but you can certainly get a copy.

Councilor Reeves: I for one as a board member, I don't think Bob has, I don't think any of us have, I haven't seen any of it and that's the way it should be.

Mr. Bogardus: That is fine, again (unclear) process but being new to this kind of thing I also I guess want to be ahead and not get blindsided, not on purpose, but there are a lot of things that happen in the process of local town governments, are kind of not necessarily public knowledge all the time.

Supervisor Salisbury: Well Sir, this would have to have a public hearing so nothing is underhanded here.

Mr. Bogardus: No, no, I wouldn't even accuse any of the people here. I wasn't going there. The one thing I do find interesting though, just to think about it, and I'll leave you with this just to consider at this point the amount of signatures is 37 percent of the landowners in that proposed district.

Supervisor Salisbury: I don't have that information.

Mr. Bogardus: I just did the math based on the two things. I'm just throwing that out there.

OTHER BUSINESS:

None

ADJOURNMENT:

At 7:27 p.m. Supervisor Salisbury adjourned the meeting.

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

Lisa Dell, Town Clerk