

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on September 23, 2013 at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony Rivizzigno, Town Attorney; Gene Dinsmore, Highway Superintendent; Al Yager, Town Engineer; Timothy Wolsey, Code Enforcement; Lisa Dell, Town Clerk and several residents.

WORK SESSION

A discussion ensued among Board members and staff regarding the following topics:

- Indian Springs Sewer District Grant
- Budget Calendar
- Discussion regarding request by Ed Fostveit to consider a utility audit the Town's electrical bills; commission rate, and credentials
- Clarification regarding FOIL requests and participation by other Lysander town offices

APPROVAL OF MINUTES
September 9, 2013

RES. #192/2013 Motion by Shimer, Second by Levy

RESOLVED that the minutes from the regular Town Board meeting of September 9, 2013 be approved

VOTE:

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

All Ayes, Motion Carried and Adopted

TOWN BOARD COMMENTS

None

SUPERVISOR COMMENTS:

Supervisor Salisbury reported the following:

- The dates of the tentative budget work sessions will be put on the Town's website.
- The receipt of a \$400,000 grant for the Indian Springs Sewer District with the assistance by County Legislature Brian May. As a part of the requirement of the grant, 40 trees will be planted in the district.
- West Nile Virus has been detected in Onondaga County
- The receipt of a thank you note from an individual assisted by a Town of Lysander Park Attendant during a ball game.

DEPARTMENT HEAD REPORTS:

Lisa Dell, Town Clerk reported that the 2014 tentative budget was filed in the Clerk's office on this date and was presented to the Town Board at this meeting.

CITIZENS' COMMENTS ON AGENDA ITEMS:

None

OLD BUSINESS:

None

Lysander Town Board regular meeting
September 23, 2013

NEW BUSINESS

WHISPERING OAKES SEWER DISTRICT IMPROVEMENT PROJECT
APPROVAL OF FINAL PAYMENT
CONTRACT NO. 1-PUMP STATION

RES. #193/2013 Motion by Levy, Second by Shimer

RESOLVED that final payment for Contract No. 1-Pump Station Construction for Whispering Oaks Sewer District Improvements in the amount of \$1,500 be made to Blue Heron Construction Co. LLC., Per Barton & Loguidice's recommendation.

VOTE:

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

All Ayes, Motion Carried and Adopted

WEST GENESEE SEWER DISTRICT
WEST GENESEE SEWER DISTRICT EXTENSION NO. 1
APPROVAL OF PAYMENT
CONTRACT NO. 3- GRINDER PUMP EQUIPMENT

RES. #194/2013 Motion by Levy, Second by Johnson

RESOLVED that payment request No. 2 for Contract No. 3-Grinder Pump Equipment purchase for West Genesee Sewer District & West Genesee Sewer District Ext. No. 1 be made in the amount of \$17,651 to Environment One Corporation, per Barton & Loguidice's recommendation.

VOTE:

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

All Ayes, Motion Carried and Adopted

POMPO WOODS SECTION II PROJECT
APPROVAL TO SIGN CONTRACT DRAWINGS
PLANS FOR WASTEWATER DISPOSAL SYSTEM

RES. #195/2013 Motion by Johnson, Second by Reeves

RESOLVED that the Supervisor be authorized to sign the cover sheet of the Contract Drawings, dated September 2013, and the NYSDEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for The Pompo Woods Section II Project.

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

All Ayes, Motion Carried and Adopted

AUTHORIZE TO ADVERTISE PUBLIC HEARING
PROPOSED LOCAL LAW TO OVERRIDE TAX LEVY LIMIT

RES. #196/2013 Motion by Shimer, Second by Salisbury

RESOLVED that the Town Clerk be authorized to advertise for a public hearing at 7:00 p.m. on October 21, 2013 at the Lysander Town Hall, 8220 Loop Road, for the purpose of adopting a local law to authorize the Town Board to override the tax levy limit by the adoption of a resolution approved by vote of sixty percent of the Town Board.

VOTE:

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

Lysander Town Board regular meeting
September 23, 2013

All Ayes, Motion Carried and Adopted

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HIGHWAY DEPARTMENT
APPROVAL TO PURCHASE TRUCK*

RES. #197/2013 Motion by Reeves, Second by Salisbury

RESOLVED to authorize the Supervisor to enter into an agreement to purchase an International truck from the Onondaga County bid in the amount of \$ 94,786.

ROLL CALL VOTE:

Supervisor Salisbury	Aye	Councilor Levy	No	Councilor Shimer	Aye
Councilor Reeves	Aye	Councilor Johnson	Abstain		

Four Ayes, Motion Carried and Adopted

** Supervisor Salisbury asked each Board member to make a recommendation as to the type of highway truck to purchase. Both Councilor Johnson and Councilor Levy recommended purchasing the Western Star. Supervisor Salisbury, Councilor Reeves and Councilor Shimer recommended purchasing the International. Bob Carson, Salesperson for International trucks, was present and addressed the Board with his recommendations as to why he felt the International should be purchased.*

After a lengthy discussion, Councilor Johnson made a motion to table the vote on the purchase of a highway truck to allow other vendors the opportunity to come before the Board to make a presentation regarding their respective trucks as Mr. Carson did. Councilor Levy seconded the motion. A roll call vote was taken. Supervisor Salisbury, Councilor Reeves and Councilor Shimer voted no, Councilor Johnson and Councilor Levy voted yes. Motion failed.

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APPROVAL TO ENTER INTO AGREEMENT WITH HENDERSON TRUCK EQUIPMENT
PURCHASE BODY, PLOW AND SANDER

RES. #198/2013 Motion by Reeves, Second by Shimer

RESOLVED to authorize the Supervisor to enter into an agreement to purchase from Henderson Truck Equipment, NY a Body, Plow and Sander in the amount of \$81,909 to be put on the International truck chassis as stated in the Resolution # 194 of the meeting of September 23, 2013.

ROLL CALL VOTE:

Supervisor Salisbury	Aye	Councilor Levy	Aye	Councilor Shimer	Aye
Councilor Reeves	Aye	Councilor Johnson	Abstain		

Five Ayes, Motion Carried and Adopted

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APPROVAL TO ENTER INTO AGREEMENT WITH HENDERSON TRUCK EQUIPMENT
PURCHASE OF A DICKEY JOHN SALT CONTROL SYSTEM

RES. #199/2013 Motion by Shimer, Second by Reeves

RESOLVED to authorize the Supervisor to enter into an agreement to purchase two (2) Dickey John Salt Control system from Henderson Truck Equipment, NY in the amount of \$14,000.

VOTE:

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

All Ayes, Motion Carried and Adopted

APPROVAL OF LOCAL LAW NO. 4 OF 2013
IMPOSE TEMPORARY MORATORIUM ON ZONE CHANGES
AR-40 ZONING DISTRICT

RES. #200/2013 Motion by Reeves, Second by Levy

**A LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF LYSANDER, NEW YORK,
TO IMPOSE A TEMPORARY MORATORIUM ON ZONE CHANGES IN THE AR-40 ZONING
DISTRICT.**

WHEREAS, traffic, drainage and agricultural land protection concerns in the AR-40 zoning district and particularly on the Cold Springs Peninsula have been raised; and

WHEREAS, the Town Board proposes to consider possible changes to the Zoning Law and the Comprehensive Plan for the Town of Lysander in respect of the AR-40 zoning district; and

WHEREAS, the Town Board of the Town of Lysander believes it is in the public interest to temporarily halt zone changes for property in the AR-40 zoning districts in the Town of Lysander while the Town Board considers new legislation and changes to plans for the AR-40 zones in the Town;

NOW, THEREFORE,

BE IT ENACTED by the Town Board of the Town of Lysander as follows:

Section 1. The Zoning Law of the Town, of Lysander is amended to add a new Section as follows:

139-148 TEMPORARY MORATORIUM ON ZONE CHANGES FOR PROPERTY IN THE
AR-40 DISTRICT

(1) From the effective date of this amendment until March 31, 2014, no zone change applications shall be considered, and no zone changes shall be granted for properties in the Agricultural-Residential AR-40 zoning districts in the Town of Lysander pending a study of changes in zoning regulations and planning documents relating to the AR-40 zoning districts. The Town Board may extend the moratorium in three (3) month intervals for not more than a total of an additional six (6) months by adopting a resolution before the expiration of the moratorium or extended expiration which includes a finding that additional time is necessary to complete the study or adopt changes.

(2) Upon a written application, and after a public hearing held upon (ten) 10 days advance notice by publication in the official newspaper of the Town of Lysander, and upon evidence to be submitted by the applicant of severe economic hardship, the Town Board of the Town of Lysander may grant a temporary or permanent variance, with or without conditions, from the provisions of subsection (1) above. This subsection, in granting variance authority to the Town Board of the Town of Lysander for the purpose of this section of the Zoning Law of the Town of Lysander, New York only, shall supersede the provisions of Sections 267,267-a and 267-b of the Town Law, otherwise known as Chapter 62 of the Consolidated Laws of New York, and shall also supersede the provisions of §139-63 and §139-64 of the Zoning Law of the Town of Lysander adopted October 16, 1995 as Local Law No. 2 of 1995.

Section 2. This local law shall take effect upon filing with State.

VOTE:

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

All Ayes, Motion Carried and Adopted

RECOGNITION OF CITIZENS

HIGHWAY DEPARTMENT
PURCHASE OF HIGHWAY TRUCK

Gene Dinsmore, Highland Drive and Town of Lysander Highway Superintendent, expressed his appreciation to the Board for buying a highway truck tonight and his concerns that the truck was not the one he

Lysander Town Board regular meeting
September 23, 2013

recommended, that the process was improper and was that other vendors did not have the same opportunity to make a presentation before the Board as Mr. Carson did.

INDIAN SPRINGS
SEWER DISTRICT IMPROVEMENT PROJECT

Hugh Kimball, Dexter Parkway, addressed **Al Yager, Town Engineer**, and asked him where the 40 trees will be planted in the Dexter Parkway Sewer District. **Engineer Yager** said that they will be planted in right-of-ways where there are no existing trees and will also keep them away from the power lines.

FREEDOM OF INFORMATION (F.O.I.L.) REQUESTS

Hugh Kimball, Dexter Parkway, addressed the Board and asked if a resident comes in and wants to see a document that is already public, is the FOIL process necessary?

Supervisor Salisbury replied that they need to look at what the proposed law would be. If a person comes in and wants a copy of their own record, for example a copy of their marriage license, they don't have to submit a FOIL request.

Mr. Kimball stated that there are people who don't have computers and if someone wants to come in and look at minutes of Board meeting will that require a FOIL request?

Councilor Levy replied that this matter has been discussed by the Board and that the Board will have to think about what type of documents that may want to be excluded from a formal FOIL request.

Attorney Rivizzigno commented that if a person wants a copy of a Town record that this would require a FOIL request.

Supervisor Salisbury replied that the Board is not trying to make it difficult to obtain records and that they have the same questions and do not want to move ahead too quickly before all of this is discussed.

OTHER BUSINESS

None

ADJOURNMENT

At 8:53 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