

**A regular meeting of the Lysander Town Board was held at 7:00 p.m. on October 15, 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; David Rahrle, Town Comptroller; Pac-B and several residents.

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**SUPERVISOR'S COMMENTS:**

Supervisor Salisbury: I want to thank the Pomeroy Foundation who donated a historical marker in Radisson on Willett Parkway. It talks about the so called, "Project", which was built in this area in about 1943 when all the farms from River Road to Smokey Hollow Road were purchased and everybody had 30 days in which to vacate. The federal government came in and they built an ammunition manufacturing plant here. Near the marker, up the hill, is one of the bunkers where they stored some of the material. They also have the cement holders that held some tanks that gravity fed down through to some of the buildings. It was only in operation for a year and a half then the government left. It then sat idle from about 1945 about 1971. This is when the Urban Development Corporation had been formed and bought this piece of property. This was the largest piece of property in NYS under one ownership. Urban Development Corporation was building new communities throughout the state and Lysander was one of the sites that was chosen. I was involved as I was working at the school at that time and was involved in getting input into this development. Originally it was planned to be about 20,000 people and it ended up at approximately 12,000 people. When it was first talked about everybody in Lysander and the Baldwinsville area were afraid that all of the people from New York City were going to come up here and live in this cold weather and it was all going to be low income housing. As it has turned out it is far from low income housing. It is a real asset to this community. This historic sign, Pomeroy, was contacted by our Historian and they actually have done maybe over 200 signs throughout the area. In fact the number is right on our sign. Like 267 or something like that. This is a great service because now hopefully for 200 or more years that sign will be there showing what was here during the 40's.

There will be a new agenda item marked item K to authorize the Town Clerk to advertise for a public hearing regarding Whispering Oaks Phase IV Cabbage Patch Partners incentive zoning application.

There is also a change on the agenda for the resolution for item G, appointment of Recreation Supervisor, and make it subject to a probationary period of October 16, 2015 to December 11, 2015.

We sent to the Onondaga Planning Board our request for their review of the Cabbage Patch incentive zoning plan. We sent it on time for them to move on it in October but they did not. They requested a 30 day extension so they can look at it at their November 12<sup>th</sup> meeting and the Board has agreed to grant the extension.

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**TOWN BOARD COMMENTS:**

None

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**DEPARTMENT HEAD REPORTS:**

None

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**CITIZEN COMMENTS ON AGENDA ITEMS:**

Jim Stirushnik, Dinglehole Rd: During the work session the Town Board I believe authorized the change to cover funds that the Historian exceeded her budget.

Supervisor Salisbury: Yes, \$50.00.

Mr. Stirushnik: Can you identify what she exceeded her budget for?

Supervisor Salisbury: I think it had to do with the Memorial Day parade.

Comptroller Rahrle: I think it was for the pictures.

Councilor Reeves: Frames.

Supervisor Salisbury: Yes we bought three maps, one of Lysander and two of the hamlets, and we already had one of the Village of Baldwinsville. It is to add to our historical display that we have and so we must have gone over by \$50.00.

Mr. Stirushnik: But at the same time the Town Board (unclear) transfer of funds for the highway department regarding signage which is required by State law and involves the safety, health and welfare of the citizens. The town would be responsible if somebody had an accident if the signage was incorrect and you did not replace it. You had a considerable period of discussion and seemed to make an emphasis that the Highway Superintendent make his budget before he spends money.

Supervisor Salisbury: I don't think that, I appreciate your comments, but I think what we were trying to get across is that no one should exceed their budget without getting prior approval.

Mr. Stirushnik: I agree. No one in the town should exceed their budget without getting prior approval and it is the responsibility of this board to see that this is done.

Councilor Geraci: Not to be argumentative and I agree with it fundamentally with one caveat. If there is an emergency we are going to spend money to fix an emergency. Any government would be responsible in doing that. I would expect any of our department heads to do what needs to be done if there is a bonafide emergency and come back to the Board and say this is what I did.

Councilor Reeves: We have done it with phone polling where John has called the board members and said we have an emergency here and do you have a problem if we transfer the money. We give him the okay but we put it in resolution form at our next meeting and make it formal. The board members have approved it even verbally before it happens.

Councilor Geraci: It's not binding it's basically a sense of...

Councilor Reeves: Communication.

Supervisor Salisbury: The thing is as with a major purchase I never thought \$50.00 was a major purchase.

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**OLD BUSINESS:**

**None**

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**NEW BUSINESS:**

**RES. #183/2015**

**Approval of Budget Transfers by Town Comptroller**

Motion made by Diamond, second by Reeves to approve the attached list of budget transfers indicated by account codes as recommended by the Town Comptroller.

**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 had a person who we had budgeted for in the Assessor's Office who left her employment early last year and we reassigned other people so we had to move some money around for that. We had contractual for our attorney because there was some lawsuits dealing with assessments that went back more than two years. We had to transfer \$40,000. We had a labor relations attorney which we also under budgeted and that transfer was \$4000.00. The rest of the transfers are not minor, \$1500 for signage and cemeteries, contractual, which has to do with Chase cemetery, we had to transfer \$2200.00 into that. I think they mowed Chase cemetery about 15 times.

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**RES. #184/2015**

**Town Clerk To Advertise for a Public Hearing**  
**Proposed Local Law**  
**Amending Chapter 55 of the Town Code of the Town of Lysander**

Motion made by Geraci, second by Shimer to authorize the Town Clerk to advertise for a public hearing to be held on October 26, 2015 at 7:00 p.m. to hear all those in favor of or against amending the Lysander Town Code, Chapter 55, "Dog Licensing and Control Law of the Town of Lysander, NY".

**VOTE:**

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

**All Ayes, motion carried and adopted.**

**RES. #185/2015**

Motion by Geraci, second by Diamond

**BOND RESOLUTION OF THE TOWN OF LYSANDER, NEW YORK, ADOPTED OCTOBER 15, 2015, APPROPRIATING THE AMOUNT OF FOUR HUNDRED THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$400,568.00) FOR THE CONSTRUCTION OF A SEWER SYSTEM IN THE WEST GENESEE SEWER DISTRICT EXTENSION 2 IN THE TOWN, INCLUDING EXPENSES INCURRED FOR THE ESTABLISHMENT OF SAID SEWER DISTRICT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS FOUR HUNDRED THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$400,568.00) AND AUTHORIZING THE ISSUANCE OF FOUR HUNDRED THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$400,568.00) SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.**

*Recitals*

WHEREAS, following submission of a petition in due form and properly executed and accompanied by a general map, plan and report prepared by Alan J. Yager, P.E., requesting the establishment of proposed West Genesee Sewer District Extension 2 in the Town of Lysander (herein called the "District"), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection, and, after a public hearing duly called and held, the Town Board of the Town has determined, pursuant to the Resolution and Order duly adopted on July 14, 2014, that the Notice of such Public Hearing was published and posted as required by law and is otherwise sufficient, that all property and property owners within the proposed District were benefited thereby, that all property and property owners benefited were within the limits of the proposed District, that it is in the public interest to establish the District, and approved the establishment of the District therein designated as Sewer District Extension 2 in the Town, and ordered the construction of the sewer system therein at a cost not to exceed Four Hundred Thousand Five Hundred Sixty-eight Dollars and No Cents (\$400,568.00).

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LYSANDER, IN THE COUNTY OF ONONDAGA, NEW YORK (BY FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL MEMBERS OF SAID BOARD) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of Four Hundred Thousand Five Hundred Sixty-eight Dollars and No Cents (\$400,568.00) for the construction of the sewer system in the District, including expenses incurred in connection with the establishment of the District, heretofore authorized pursuant to the Resolution and Order hereinabove referred to in the Recitals hereof, pursuant to the said map, plan and report prepared by Alan J. Yager, P.E., on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town, all as hereinabove referred to in the Recitals hereof. The estimated maximum cost of said construction, including said expenses of establishing the District is Four Hundred Thousand Five Hundred Sixty-eight Dollars and No Cents (\$400,568.00) and the plan of financing includes the issuance of Four Hundred Thousand Five Hundred Sixty-eight Dollars and No Cents (\$400,568.00) serial bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of Four Hundred Thousand Five Hundred Sixty-eight Dollars and No Cents (\$400,568.00) are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- (a) The period of probable usefulness of said specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of section 11.00.a.4 of the Law, is forty (40) years.

- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation section 1.150-2 of the United States Treasury Department.
- (c) The Town Board has determined that pursuant to the applicable provisions and regulations of the State Environmental Quality Review Act (SEQRA), the construction of a sewer system in Sewer District Extension No. 2, in the Town, including expenses incurred for the establishment of said District, will not result in any significant adverse environmental impact.
- (d) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity prescribed by section 54.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds herein authorized or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of the law which should be complied with at the date of the publication of such resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting the validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

**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 said that this is being paid for by the residents in the West Genesee Sewer District Extension No. 2.

Attorney Rivizzigno: It is a relatively high number but it has been approved by the State Comptroller.

Supervisor Salisbury: Another thing is when Cabbage Patch development goes in those 37 homes will be paying part of that so it reduces by I think we estimated it at a couple of hundred dollars per year.

Councilor Geraci: You used the word, when, John. Maybe you should use the word, if.

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**RES. #186/2015**

**Dispose of Highway Surplus Equipment**

Motion made by Salisbury, second by Diamond to declare the following two (2) town assets as surplus and authorize them to be offered for sale at the Onondaga County Area Municipal Surplus Auction to be held on October 24, 2015:

- 1 International 1999 Dump Truck and Snowplow (truck 14).
- 1 Cushman 1990 Diesel Riding Lawn Mower (equip #17)

**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: These two items will be taken to the Onondaga County municipal surplus auction which will be held on October 24, 2015 at the NYS Fairgrounds.

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**Town Clerk To Advertise for a Public Hearing – 2016 Town Budget\***

*\*A discussion ensued among the Board, Town Clerk and Town Comptroller and it was determined that there was not sufficient information for the legal notice to be published at this time and the resolution was removed from the agenda. The Board decided to hold a special meeting on October 22, 2015 at 7:00 pm to authorize the Town Clerk to advertise the public hearing for the 2016 Town budget to be held on November 5, 2015.*

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**RES. #187/2015**

**Town Clerk To Advertise for a Public Hearing**  
**Rescind Local Law to Override Tax Cap**

Motion made by Salisbury, second by Geraci to authorize the Town Clerk to advertise for a public hearing to be held on November 16, 2015 at 7:01 p.m. to hear all those in favor of or against rescinding Local Law No. 8 Overriding the Tax Cap Limit.

**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. #188/2015**

**Appointment of Recreation Supervisor**

Motion made by Salisbury, second by Diamond to make a permanent appointment of Anthony Burkinshaw to the position of Recreation Supervisor from the Civil Service List No. 161 dated September 4, 2015 effective October 16, 2015 at his current salary of \$45,000 per year subject to probationary period from October 16, 2015 to December 11, 2015.

**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: What Tony Burkinshaw has done and what this Town Board has done is that one individual is doing the work when the previous Director retired we never filled that position and there is no intention of filling it. One person has been doing the work that two people use to do. All we are doing tonight is putting him in a permanent position for that work.

Supervisor Salisbury: He was on the list and we had to canvas the list because you have to be in the top three. When you canvas the list people send in whether they are interested or not and it ended up only three people were interested so we were able to hire Tony. Not that we didn't want Tony we were very pleased to be able to do that.

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**Payment Request For Crego Street Reconstruction and Drainage Project**

**RES. #189/2015**

Motion made by Salisbury, second by Diamond to authorize payment request No. 1 for the Crego Street Reconstruction and Drainage Improvements Project to be made in the amount of \$116,291.69 to JK Tobin, Inc., per the Town Engineers 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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**Award Snow Removal Contract For Trooper Barracks - 2015/2016**

**RES. #190/2015**

Motion made by Shimer, second by Diamond to award the contract for snow removal for the 2015/2016 winter season at the NYS Trooper Barracks to Clinton Pierce in the amount of \$1,500.

**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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**Fairways North Section D  
Punch List Security Reduction**

**RES. #191/2015**

Motion made by Salisbury, second by Shimer to reduce the punch list security required for the Fairways North Section D Subdivision to \$5,000 per the Town Engineer's recommendation.

**VOTE:**

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

**All Ayes, motion carried and adopted.**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury reported that all the items that we were previously holding money on have all been taken care of and we are just down to this one item.

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**RES. #192/2015**

**Town Clerk To Advertise for a Public Hearing  
Whispering Oaks Phase 4 Incentive Zoning Application**

Motion by Salisbury, second by Reeves to authorize the Town Clerk to advertise a public hearing to be held at 7:00 p.m. on November 26, 2015 to hear all people for or against the Whispering Oaks Phase IV Cabbage Patch Partners incentive zoning application.

**VOTE:**

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

**All Ayes, motion carried and adopted.**

**ANNOUNCEMENTS**

Supervisor Salisbury announced that there will be a special Town Board meeting on October 22, 2015 at 7:00 pm.

**RECOGNITION OF CITIZENS:**



