

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on November 16, 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: John Klucsik, Town Attorney; Lisa Dell, Town Clerk; Al Yager, Town Engineer; Pac-B and several residents.

SUPERVISOR'S COMMENTS:

PUBLIC HEARING
Proposed Local Law
Amend Chapter 55 of the Code of the Town of Lysander

Notice of said Public Hearing was duly published in The Post Standard on November 8, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on November 6, 2015 regarding the adoption of a Local Law of the Town of Lysander for the year 2015 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, New York".

At 7:06 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 7:07 p.m.

PUBLIC HEARING
Proposed Local Law
Rescind Local Law No. 8 of 2015

Notice of said Public Hearing was duly published in The Baldwinsville Messenger on November 4, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on October 16, 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 to rescind Local Law No. 8 to override the tax levy established in General Municipal Law 3-c.

At 7:07 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 7:08 pm.

PUBLIC HEARING
Whispering Oaks Phase IV, Cabbage Patch Partners
Incentive Zoning Application

Notice of said Public Hearing was duly published in The Baldwinsville Messenger on November 4, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on October 16, 2015 for the purpose of hearing all persons for or against approving the Whispering Oaks Phase IV, Cabbage Patch Partners, Incentive Zoning Application.

At 7:09 p.m. Supervisor Salisbury opened the public hearing and explained that he will be immediately adjourning it as they have to amend the incentive zoning application and resend it to the planning board. The public hearing will be adjourned until December 28, 2015.

Councilor Geraci asked Supervisor Salisbury to explain to the public why they had to do this new process.

Supervisor Salisbury said that they received a recommendation from Onondaga County Planning Board and from the Lysander Planning Board that stated that in the original incentive zoning application the developer was going to pay approximately \$50,000 for the town to apply that against the purchase of equipment in the Highway Department. He explained that this is not allowed under the town's comprehensive land use plan (CLUP) so the \$50,000 will be used in the new submission for extension of sewers to Seneca Estates stating that this is allowed under the CLUP.

Supervisor Salisbury adjourned the public hearing until the December 28, 2015 regular Town of Lysander Board meeting.

SUPERVISORS COMMENTS:

Supervisor Salisbury said that a motion will be made to table item F, the approval of the Whispering Oaks Phase IV, Cabbage Patch Partners incentive zoning application.

TOWN BOARD COMMENTS:

Councilor Diamond: I would like to thank everyone for attending tonight. Voting on the town's budget is one of the most important things our board does each year. Roughly twenty years ago back in the Town of VanBuren, the town supervisor and the majority of the board after the election voted to drain the fund balance of the Town of VanBuren. After the board did that twenty years ago it caused a severe hardship for on coming boards. It's a little bit different in the Town of Lysander. The board is not voting to drain the fund balance in the Town of Lysander but this board inherited a 20 percent fund balance going into 2011. It championed a 20 percent fund balance for four years. Twice they raised taxes and they still maintained a 20 percent fund balance. The budget that we had and worked on for the last couple of months was an amazing budget. It was strategic long term planning. We were addressing issues. We set aside money for the cemeteries. We gave raises to employees that have not seen raises in years. There was a lot of great things in this budget. What I liked about this budget it was that we were remaining under the tax cap. We were not going to exceed the tax cap. We were staying flat. After the election, I don't know what changed, but the board decided to drop the fund balance from 20 percent to 14.62 percent. Now there will be a conversation later on tonight about where the fund balance should be. I believe in cutting taxes and right now the fund balance is north of 20 percent. We have had conversations in budget work sessions and there have been many different recommendations brought up such as maybe we want to use some of the money to purchase a new truck. Other proposals that were brought up was maybe we can paying on the bond on two of the trucks that we are leasing and we found out we could not do that. I think that it is great that we are in the opportunity where we can give a tax break to the community. I am concerned that draining the fund balance down to the level of 14.62 percent is irresponsible. I think this is possibly politically motivated based on the fact that we haven't discussed this prior to the election. There was no discussion about cutting taxes prior to the election. After the election we are cutting taxes significantly. In fact we are not just cutting taxes we are cutting our fund balance. This isn't something that this board has done. I'm not going to get into a back and forth debate with any of my colleagues on this board. This is a serious problem for me and I'm not going to be able to support this budget even though there is so many wonderful things in it. I can't get passed this.

Supervisor Salisbury: Thank you Roman. I wished you would have saved that for the budget but I guess we heard it now. I'm asking for town board comments not related to agenda items.

DEPARTMENT HEAD REPORTS:

Theresa Golden, Town Assessor provided the following report:

September 2015 - October 2015 Assessors' Report

Basic Star reregistration will be conducted this fall by the NYS Department of Taxation and Finance. Mailings will be sent to all property owners with a new Basic Star exemption on either the 2014 or 2015 Assessment Roll only. They will be required to register with DTF by December 31st. (tentative deadline)

Renewal applications for Enhanced Star, Senior Citizen and Disability exemptions were mailed in early September. The exemptions are being processed and entered as received. The deadline is March 1st, 2016 for all exemptions. (new or renewal)

All other exemption renewals (agricultural, firefighter, and nonprofit) are being processed and will be mailed in December.

The Town received 2 Small Claim filings for 2015. The hearings were scheduled for August 26th. The decision by the hearing officer was no change, petitioner did not prove case and dismissed petitioner failed to file with the Town Clerk.

A review of sales/assessments is being completed to determine reappraisal work for 2016. Initial analysis has indicated that all vacant land requires reappraisal in 2016. In addition 4 commercial used as types will also be reviewed. (diner, row retail, cold storage, and body shop)The final residential analysis will be completed and compared to the ORPTS review, to determine residential reappraisals. (by neighborhood) Reappraisal work for 2016 will begin in late November or early December.

Inventory updates and assessment changes (physical) are being completed as received for 2016. Building permits are being reviewed as weather permits. Final review for 2016 will occur the week of March 1st. (taxable status date)

The Assessor attended the NYSAA Annual Meeting and Seminar on Assessment Administration from October 4 – 7 at Honor's Haven in Ellenville, NY. Sessions attended include:

General Session/NYS DTF Update and Assessor/County Director Forum

Hot Topics in recent court decisions

Constitutional issues affecting real property taxation

Analysis of purchase and sale contracts

All were very informative and well presented. Many handouts were received for the office library.

The Assessor completed recertification in the Institute of Assessing Officers (IAO) by September 30, as required and received a 5 year certificate at the Annual Meeting.

QUESTIONS:

Hugh Kimball, Dexter Parkway: Are you saying that the basic STAR people are going to have to reapply?

Assessor Golden: Only if they have a new exemption on the 2014 or 2015 assessment roll. The ones that did it prior will not have to do it again unless they have moved.

CITIZEN COMMENTS ON AGENDA ITEMS:

2016 Town of Lysander Budget

Gene Dinsmore, Highland Drive (Town of Lysander Highway Superintendent): I would like to speak about item G, the budget, and do you want to hold that...

Supervisor Salisbury: G is not a public hearing.

Mr. Dinsmore: I know it is not a public hearing but if you would rather hold my comments.

Supervisor Salisbury: No that's fine because I said that we are not opening up when we get to G we are not opening it up to the public.

Mr. Dinsmore: I would like to talk about item G, the budget. First of all I would like to tailgate what Councilor Diamond with the fund balance. The fund balance has been comfortably riding along within a point of two of 20 percent for 25 years. We just heard the Comptroller give that advice to the board at the work session the other night. Twenty five years the town has been running within a point or two of 20 percent. No one seemed to object to that and it seemed to do very well for the town. It would provide a good safety cushion if we were to have a truck blow up or a roof collapse. If the Elizabeth Street barn, which we know has a rotten roof, if it collapsed on that three quarter of a million dollar fire equipment that is down there we might have a problem on our hands. If we have an accident on one of our roads and we get sued it might be common to have 3 or 400,000 lawsuits. We need that fund balance. We have had it for twenty five years. I don't know what all of a sudden as driven us to think that we should reduce it. I do know that last year at budget time when I asked for a new snowplow and a new patrol truck for the highway we were just coming off of the ice rink, kind of tangled up in the ice rink sale process, and I was told that we just simply did not have any money last year and we would not be able to buy any highway trucks in 2015. I accepted that as bitterness that that we have to have once in a while in order to (unclear) better the next year, okay. Now here we are the year after you told me that and you did the same thing. You said I could not have the new snowplow that I needed. I can't have the new patrol truck that I need, again no money. Now here we are a few weeks later we find out that we actually do have some money that is not dedicated to anything. Councilor Geraci made some suggestions in the work sessions that maybe we can give the cemetery people a little bit of money to help them or maybe we can buy a truck or maybe we can do a few of the things that we liked to do with that money. But now all of a sudden we are not only going to do the few good things that we need or would like to do, we are going to go even further than that and strip the fund balance with has been at 20 percent for twenty five years. It suddenly is imperative that we strip that fund balance down to less than 15 percent. I don't know what happened in the last couple of weeks that is any different than what's been the case for twenty five years. What do you expect me to do to plow snow when next year in June fifty percent of my fleet will be over 10 years old? 50 percent. The truck that I had to come to you for special permission to get fixed so it could get a NYS inspection for \$4300.00 that truck has cost us, I went back, and you think that I don't have any records. I told you that over and over. I have logs of every single nickel that I have spent in the 3 1/2 years that I have been your Highway Superintendent. That truck cost us \$21,000 from May of 2012 to this week. That's \$21,000 we spent maintaining that truck that

should have been replaced two years ago. The way that the leasing company, the way everybody explained, the depreciation curve goes down, starts high, goes down. The repair costs start low then eventually curve up high. Where those two curves cross is the sweet spot where anybody with any common sense would get rid of the vehicle. You will find Hertz and Avis and those people leasing ten year old trucks. They lease late model trucks that are dependable and economical to operate. They don't lease ten year old trucks. I don't even have 10 year old trucks. The truck that I have that is the Stadium is 11 years old and will be 12 in June of 2016 which is what we are budgeted for. I have got three older trucks than that. The oldest is 22 years old. I have a very old and rapidly aging fleet. There are ten large pieces of class A trucks, pretty simple, but I (unclear) over the course of ten years they will all be the proper age. Actually most leasing companies today are replacing those kind of heavy trucks at 7 or 8 years is where their economic cross is, their sweet spot. I would be happy if we could at least hang at 10 years. At any rate we have an opportunity here where we have discovered after working hard, build a budget, made it level and found a way to get it our end together without going over the tax cap and you found you had some money that was not accounted for. One Councilor suggested maybe doing some good things with it. Another Councilor wants to whack the fund balance back to less than 15 percent and give the money back in a tax cut. I frankly don't understand that at all. I strongly recommend that you revisit those negotiations.

Incentive Zoning Applications

Bill Lester, Whisper Ridge Circle & Chairman of CLUP: I want to preface my comments by commending Councilor Geraci's for his analytic mind in his persistence quest for due diligence. The many questions he raised during the CLUP process when it was under development helped immensely. In regard to the Cabbage Patch project currently before the board I also want to commend the County Planning Board for their comments especially where they concluded that using the cash benefit to buy a truck is not consistent with the goals of the incentive zoning element of the CLUP. The original negotiations with Dr. Clark were closely related to the findings of the town's planning board when it reviewed the plan sent to it by the town board for recommendation. Basically the planning board resolution said to put the cash aside to facilitate future extension of sewers to current communities who do not have sewers along the Seneca River. I therefore strongly support the board's decision to not move forward with allocation of funds to the Highway Department for this project but rather to extend those funds which are \$59,200 for the future extension of sewers to those communities who do not have sewers along the Seneca River. Once again I would like to thank the board for giving me the opportunity to serve the Town of Lysander in chairing the all-volunteer CLUP committee and for the tremendous input all of you provided into the development of the comprehensive land use plan. I also want to recognize the citizens of Lysander who strongly contributed to the development of that plan through surveys, through attendance at bi-weekly meetings, then monthly meetings for almost a two year period. The plan incorporates not only what the board wanted to see but also what the citizens wanted to see in such a plan. Now that we have two very attractive CLUP compliant projects before the board it is time for the board to recognize the exhaustive efforts not only on the CLUP committee but the town citizens who have offered what I believe to be very attractive forms of residential development while at the same time providing lucrative benefits to the town which prior to the CLUP never occurred. The TDR failed miserably without an application in more than seven years that included none of the applied had never been applied. I can't think of a more positive way in which to increase the town's tax base and reduce our current citizen's tax exposure while at the same time we guard against further pollution of the town's rivers, improve traffic law and retain farm and open land. Mr. Supervisor and Councilors I implore you to stop the paralysis by analysis and to move forward with the necessary approvals.

2016 Town of Lysander Budget

Hugh Kimball, Dexter Parkway: Where does the budget propose to leave the fund balances?

Supervisor Salisbury: It is in the resolution. You mean what is going to be left after it is appropriated?

Mr. Kimball: Yes.

Supervisor Salisbury: There is going to be \$486,000 left in the general fund and this is if we adopt what is presented tonight. \$33,000 in part town and \$211,000 in highway for a total of \$730,000 which represents not 14.2 percent but 15.3 percent.

Mr. Kimball: Thank you. Everybody likes a tax decrease, especially me, but not necessarily where it depletes fund balances below the levels and the level of what our own Comptroller recommended. The board has done a great job getting us into a fortunate position and is being (unclear) to selling the ice rink among other things but I urge you not to make the cut in the fund balance so great that it leaves in jeopardy what could happen if he get hit with a major storm or some of the other items that others have mentioned. Please make the cut smaller and save more for future problems.

Joe Saraceni, Oswego Street: I want to ask a couple of items on item G, the adoption of the budget. Not too long ago I was in your seat John as Mayor of the Village of Baldwinsville and I understand budgets very well and the impacts that a budget can have not only for the next year but for years to come. It seems to me that prior to the election anyways there was a budget that was fully supported by the board. It was a healthy budget and it was going to give a fair amount of money back to the residents as far as a tax cut.

Supervisor Salisbury: When was that?

Mr. Saraceni: Prior to the election.

Supervisor Salisbury: It had not tax cut back then.

Mr. Saraceni: I'm sorry it was neutral.

Councilor Reeves: It was posted before the board knew what was in the fund balance.

Mr. Saraceni: But it had a 20 percent fund balance.

Councilor Reeves: No it didn't. It had 34.what?

Mr. Saraceni: I think the goal was to have a 20 percent fund balance to issue money back because of the sale of the ice arena.

(Crosstalk)

Mr. Saraceni: I was given three minutes and I would be happy to have this interaction if you will give me more time because I would love to ask you a lot more questions than three minutes would allow for. I guess my concern...

Supervisor Salisbury: This one does not have a three minute limit.

Mr. Saraceni: Good. I guess I got a concern that we dropped a fund balance that has been historically 20 percent down to 15 percent and you whacked 21 percent off the tax rate in an era where you have a two percent tax cap. That's a dangerous thing to do. That will have implications for decades. I struggled as the Mayor of the Village of Baldwinsville to get a two percent tax cut knowing what the challenges were going to be long term for the municipality. Now I'm not saying, I just mentioned the elections as a time frame of when the budget was first proposed which was unanimously supported from where we are right now where there are true concerns on the board and there are concerns by your Town Engineer. There are concerns all over the place. This budget totally abandons everything you tried to accomplish in your highway improvement plan. I don't understand that. I hope when you get to the point...

Councilor Reeves: I think you are standing up here and really saying some false statements. I heard it from Gene tonight, I heard it from (unclear) tonight, I heard it from you.

(Crosstalk)

Mr. Saraceni: I'm just asking questions.

Supervisor Salisbury: You know what...

(Crosstalk)

Supervisor Salisbury: When we get to the budget agenda item I have a lot to say about it and we will cover all of the items especially the fund balance.

Mr. Saraceni: I specifically remembered a presentation by Al Yager prior to the election where he articulated the need for 1.1 million dollars in road improvements That was going to increase over time. This budget that you are proposing doesn't even come close to addressing your Town Engineer's concerns. It seems as though and I can't wait for the explanation. It seems as though...

Councilor Reeves: I won't even embarrass you with the explanation.

Mr. Saraceni: I'm sure you will provide those to us during the budget time. We are not allowed to ask questions during that time so I'm asking them now.

Supervisor Salisbury: We had a public hearing on the budget.

Mr. Saraceni: This is different. The changes that you made were not even published.

Supervisor Salisbury: Alright what is your question Joe?

Mr. Saraceni: I would like you to address those questions and my concerns. Not just for me...

Supervisor Salisbury: I am. I'm going to.

Mr. Saraceni: John because this budget is not about me, not about you or Roman or Andy or anybody else on this board. It's about people who are in this room and who are going to be watching that TV screen in the next week or so. A 21 percent tax cut is significant.

Councilor Reeves: Do you believe we cut the budget?

Supervisor Salisbury: We didn't cut the budget Joe.

(Crosstalk)

Mr. Saraceni: I'm sure you will explain it.

Supervisor Salisbury: Let me get to that item to explain it. Okay. Go ahead.

Mr. Saraceni: That is pretty much it. I was hoping for an extension explanation when it comes time to either pass or even possibly table the budget because you got five more days to work on it.

Councilor Reeves: If you look at the fund balance over the past 6 years or the 4 years that I have been here, the fund balance that we were presented at the budget time, last year we dealt with 18 percent that was the number the board was given at budget time. We said 20 percent is what we would like to get to. 18 was the actual that we were told at budget time last year. Now if you go and look at the numbers that were out there as how we started 2015 the fund balance was 8 percent higher than what we were told then. If you look at the fund balances that we were told at budget time, it was only an estimate, the last four years historically each one has been anywhere from 4 to 7 percent higher than the fund balance number we were given at budget time. Looking at that at a 15.3 fund balance and looking at what has happened because we do have a great Comptroller and he does do the number conservatively. We still are anticipating January 1 there is probably going to be a 20 percent fund balance there because going by history, the way he has done it every other year, we have been given a number, anywhere from 3 to 400,000 dollars lower than what the actual is January 1st because he has to give us tight and conservative numbers. We are in the situation we are in now because we had 8 percent...

(Crosstalk)

Mr. Saraceni: I understand that, fund balances fluctuate, but that is a big gamble. Three or four percent is a big gamble and you haven't gambled the last three budgets. Now you are gambling that it is going to come in. You also put in additional revenue for a \$70,000 assessment increase or PILOT increase for Anheuser Busch. That is a significant increase. If that doesn't come through it is a \$70,000 hole in the budget.

Councilor Reeves: But we also left 50 on the table. 20 in engineering and 30 in roads.

Mr. Saraceni: There is \$70,000 in expected revenue from the expansion of Anheuser Busch. If that doesn't come to fruition that is a huge gaping hole. I'm just saying...

Supervisor Salisbury: Do you know where that expansion amount is in the budget?

Mr. Saraceni: I do not.

Supervisor Salisbury: The building permits and they are going to build a 100,000 square foot building ten stories high. So that is pretty good because they have already been discussing plans with our I believe in touch with... (interrupted)

(Crosstalk)

Mr. Saraceni: My concern is this. I have seen projects and I hear what you are saying. It is anticipated revenue but if the project gets delayed at all, I mean that is a major project. I was looking at three projects as Village mayor, Lock Street redevelopment and Tri County Mall. They are just breaking ground on Tri County Mall and

we talked about three years ago. All I am saying is that when you anticipate those type of revenues as high as you have you are exposing the municipality to risk.

Councilor Reeves: Actually John considerably lowered it than what we anticipated.

Mr. Saraceni: I am sure you will give us a good explanation Andy when it comes up at item G.

Councilor Reeves: (unclear) public hearing.

Mr. Saraceni: I just hope that politics did not have anything to do with this.

Councilor Reeves: Politics seem to be having something to do with this right now.

Mr. Saraceni: Politics has nothing to do with this.

Councilor Geraci: Point of order. It has nothing to do with it and he...

(Crosstalk)

Supervisor Salisbury: Stop please. Is there somebody else who wishes to speak?

Mr. Stirushnik: On what agenda item?

Supervisor Salisbury: The public asking to speak on agenda items.

OLD BUSINESS:

None

NEW BUSINESS:

RES. #211/2015

Designation of Lead Agency – Melvin Farm Residential Development Project

Motion made by Salisbury, second by Reeves that the Town Board having followed the prescribed SEQR procedures and determined the project to be a type 1 action requiring coordinated review, hereby designates itself as Lead Agency for the Melvin Farm Residential Development 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 would designate ourselves as the lead agency.

Engineer Yager: This just starts the coordinated review process so that the SEQR (State Environmental Quality Review) can be sent to involved agencies.

Councilor Geraci: Is there any other way of doing it or is it typical and appropriate that the municipality acts as the lead agency and is there any downside to doing that?

Engineer Yager: Typically this would be handled at the planning board level so the planning board would be the lead agency. Being that this is an incentive zoning application we have to address SEQR before the town board can give approval for it. The town board in this instance would be the lead agency.

Councilor Geraci: It's the municipality that takes the lead agency? If we did not do this what happens? There is no alternative for the development?

Engineer Yager: We are the ones that give the approval so we would be the lead agency.

Councilor Geraci: By definition is what you are saying? There is no alternative is what you are saying?

Engineer Yager: You can hand it off to the planning board.

Councilor Geraci: Its one of the divisions of the municipalities.

Engineer Yager: Yes.

Councilor Geraci: I'm just looking for clarification that's all.

Supervisor Salisbury: You don't see a problem with that.

Councilor Geraci: No, I was just asking for clarification.

RES. #212/2015

Fairways North Section D Subdivision - Release of Punch List Security

Motion made by Salisbury, seconded by Shimer to release the punch list security of \$5000.00 required for the Fairways North Section D Subdivision 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.

RES. #213/2015

Extend Engineering Intern Appointment

Motion made by Reeves, second by Shimer to extend the appointment of Engineering Intern Mr. Colin Cusick through January 2016 on a part time basis to assist the Town Engineer with drafting work associated the drainage district mapping projects which were completed this summer. All expenses for this work will be paid for by the various drainage districts in which mapping was completed this summer.

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: How many hours a week does this gentleman work?

Engineer Yager: He is available right now Tuesday's after 10:00 am and Friday afternoons. He is a college student, like 8 to 10 hours a week, and over Christmas break he said he will work a couple days a week. There are three weeks over Christmas break so maybe 16 to 20 hours a week.

Councilor Geraci: Is it his schedule that is determining what you get or are you getting what you need out of him in an engineering aid?

Engineer Yager: In this instance he is appropriate for the job in that he did the mapping and is familiar with the file format. There is no training involved and it is something that I have on my "to do" list to do. Its engineering work and its really is drafting. It is putting text on maps. Its formatting maps so that they can be legible and to scale.

Councilor Geraci: I get that Al and I'm not going anywhere except that I just want to make sure that you are getting what you need. Supposedly this person said you know I can only work 2 hours a week.

Engineer Yager: This is a big step in the right direction for getting this done. It makes sense at this point and time to use Colin. It worked out really well for u. Like I said he is familiar with the file formats that we are using and it makes it a pretty easy transition with little or no time for me for actual instruction. He can pick up from where he left off.

RES. #214/2015

APPROVAL OF LOCAL LAW 9 OF 2015
AMEND CHAPTER 55
DOG LICENSING AND CONTROL LAW

Motion made by Salisbury, second by Diamond:

A LOCAL LAW AMENDING THE LYSANDER TOWN CODE, CHAPTER 55, "DOG LICENSING AND CONTROL LAW OF THE TOWN OF LYSANDER, NEW YORK"

Section 55-1 Title

This chapter shall be known and may be cited as the "Dog Licensing and Control Law of the Town of Lysander, New York."

§ 55-2 Purpose.

The purpose of this chapter is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage, and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

§ 55-3 Authority.

This chapter is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

§ 55-4 Applicability.

This chapter shall apply to any dogs, whether or not tagged or licensed, harbored in the Town of Lysander.

§ 55-5 Definitions and word usage.

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

DOG CONTROL OFFICER - Any individual or incorporated humane society or other municipality appointed by the Town Board to enforce the provisions of this chapter.

CLERK - The Town Clerk, or Deputy Town Clerk, of the Town of Lysander or his or her agent.

DOG - Any member of the species *Canis familiaris*.

HARBOR - To provide food or shelter to any dog.

IDENTIFICATION TAG - A tag issued by the Lysander Town Clerk that sets forth an identification number, as required by the provisions of this chapter.

IDENTIFIED DOG - A dog carrying an identification tag imprinted with the Town of Lysander.

OWNER - Any person, alone or jointly, who harbors or keeps any dog.

PERSON - Any individual or corporation, partnership, company, association, other organized group of persons or other legal entity.

RUN AT LARGE - To be off the premises owned or leased by the owner and not restrained by an adequate leash, cord, chain, rope or other restraining device of reasonable length. No dog shall be deemed to be "running at large," unless the dog is:

A. A guide dog actually leading a visually impaired or other disabled person.

B. A police dog in use for police work.

C. Accompanied by its owner or other responsible person and under such person's full and immediate control by voice command.

TOWN - The Town of Lysander, including incorporated areas.

§ 55-6 Dog licensing requirements, procedures and fees.

A. License Requirement - No person shall own or possess a dog within the town unless such dog is duly licensed pursuant to this chapter.

B. License Application

(1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective society.

(2) Application for a dog license shall be made to the Lysander Town Clerk and shall be accompanied by the appropriate license fee.

(3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of owner, and such other information as deemed necessary by the Lysander Town Clerk.

(4) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Lysander Town Clerk.

(5) The application shall be accompanied by a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Lysander Town Clerk shall make or cause to be made from such statement a record of such information and keep such record, electronically or otherwise, along with a copy of the license.

C. License fees. The fees for a dog license shall be as set by resolution of the Town Board. Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs and therapy dogs, all as defined in the Agriculture and Markets Law shall be exempt from license fees.

D. Upon validation by the Lysander Town Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund of license fees shall be made.

E. The Lysander Town Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.

F. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one year and shall not exceed three years, based on the validation term of the rabies vaccination.

G. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall make application for a license for such dog within 10 days after the transfer.

H. No dog can be released from the SPCA without first obtaining a license from the Lysander Town Clerk or license from appropriate municipal clerk.

I. Purebred licenses. An application for a purebred license may annually be made by the owner of one or more purebred dogs registered by a recognized registry association, describing the location of the premises where the dogs will be harbored, and identifying by sex, breed, and registry name and number each dog over the age of four months to be harbored on the premises. Fees for purebred licenses shall be set by resolution of the Town Board.

J. Any dog harbored within the Town that is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of this chapter.

§ 55-7 - Identification of dogs.

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.

B. The identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee set by resolution of the Town Board.

D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

E. The identification tag shall be imprinted with the words "Town of Lysander" and "State of New York", a unique identification number, and the telephone number of the Lysander Town Clerk's office.

§ 55-8 Change of ownership, lost or stolen dogs.

In accordance with the provisions of § 112 of the Agriculture and Markets Law:

A. In the event of a change in ownership of any dog that has been assigned an identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Lysander Town Clerk.

B. If any dog that has been assigned a municipal identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Lysander Town Clerk.

C. In the case of a dog's death, the owner of record shall so notify the Lysander Town Clerk, either prior to renewal of license or upon the time of such renewal.

§ 55-9 Seizure and impoundment.

In accordance with § 117 of the Agriculture and Markets Law:

A. The Dog Control Officer shall seize:

(1) Any dog which is not licensed, whether on or off the owner's premises.

(2) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.

(3) Any dog which poses an immediate threat to the public safety.

(4) Any dog in violation of any of the provisions of § 55-10 of this chapter which is off the owner's premises.

B. The Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

C. Promptly upon seizure of any identified dog, the owner shall be notified of such seizure and informed that the dog may be redeemed by the owner upon payment of the impoundment fee as set by resolution of the Town Board. If prompt notification to the owner cannot be made the dog will be transported to the CNY SPCA and may be redeemed by obtaining a release from the Town Clerk and Dog Control Officer after impoundment fees are collected and the dog is properly licensed in the Town of Lysander. Each dog seized in accordance with the provisions of this chapter shall be transported to the SPCA on Taft Road in accordance with the Town's Contract with said SPCA.

D. Each dog which is not identified shall be transported without delay to the CNY SPCA for further disposition and kenneling by that agency.

E. The seizure of any dog shall not relieve any person from any violation provided for by Section 55-10 of this chapter.

§ 55-10 Violations

It shall be a violation, punishable as provided in section 55-11 of this chapter for:

- a. Any owner who fails to license any dog.
- b. Any owner that fails to have any dog identified by this chapter
- c. Any owner or person to knowingly affix to any dog any false or improper identification or special identification tag for identifying a guide, service, or hearing dog.
- d. Any owner to permit or allow any dog to Run-At-Large
- e. To allow or permit any dog to engage in habitual and continuous loud howling, barking, crying, or whining, so as to unreasonably annoy other persons.

§ 55-11 Penalties for offenses.

A violation of this chapter shall be punishable upon conviction by a fine of not less than \$25.00, nor any more than \$250.00, for each subsequent conviction.

§ 55-12 Additional powers of Dog Control Officer and peace officers.

In addition to any other powers prescribed by statute or the laws of the Town of Lysander, the Dog Control officer and any peace officer authorized to act as such within the Town of Lysander may issue an appearance ticket pursuant to the New York Criminal Procedure Law or, in lieu thereof, a uniform appearance ticket or, in lieu thereof, a uniform appearance ticket and simplified information, for any violation of this chapter, or of Article 7 of the New York Agriculture and Markets Law.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #215/2015

APPROVAL OF LOCAL LAW NO. 10 OF 2015
REPEAL OF LOCAL LAW NO. 8 OF 2015

Motion made by Shimer, second by Reeves:

A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 8 OF 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Section 1: Legislative Intent. This Local Law shall be known as "Local Law Number 10 of 2015". It is the intent of this Local Law to repeal Local Law Number 8 of 2015, and to thus reinstate the limits on the amount of real property taxes that may be levied by the Town pursuant to General Municipal Law §3-C.

Section 2: Effect. This Local Law thus repeals in its entirety said Local Law Number 8 of 2015, and declares that same of no force or effect, and thus the Town repeals the prior tax cap override local law of the Town and reinstates the tax levy limits imposed by General Municipal Law §3-C.

Section 3: Severability. If any portion of this Local Law, or the application thereof to any person, entity or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities or circumstances.

Section 4: Effective Date. This Local Law shall take effect immediately upon its filing in the office of the New York State 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. #216/2015

Table Approving Whispering Oaks Phase IV - Cabbage Patch Partners Incentive Zoning Application

Motion made by Salisbury, second by Diamond to table approving the Whispering Oaks Phase IV, Cabbage Patch Partners, Incentive Zoning Application to the December 28, 2015 regular Town Board meeting.

ROLL CALL 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. #217/2015

Revised Whispering Oaks Phase IV Incentive Zoning Application

Motion made by Salisbury, second by Reeves to refer the revised Whispering Oaks Phase IV incentive zoning application to the Town of Lysander Planning Board, Zoning Board of Appeals and County Planning Board for incentive zoning review and recommendation.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	No
Councilor Reeves	Aye	Councilor Diamond	No		

Three Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: We got the new incentive zoning application tonight. This will be sent to the boards by Friday and we will be able to deal with that on our December 28th meeting.

Councilor Geraci: Just for the benefit of all we are referring it back to the three planning boards with the understanding that there was a problem with the original resolution which was going to take the funding that was going to be made available through the project. You can't use it for highway vehicles or transfer it to the Department of Transportation but it can be used for something to be related to the project. That is all well and good except I don't think that is the only problem with the project. It seems to me it is a waste of time to refer it back to those three entities before this town board takes whatever time is necessary to do the diligence that is required to answer the questions that were raised by at least the Onondaga County Planning Board. On November 10th of this year, 6 days ago, just 6 days ago, we received; all of us did in the town at large, from the Onondaga County Planning Board a rejection of the Cabbage Patch application. The reasons they cited were not just the funding to be used for the purchasing of trucks, was one of the items, but they had four other items. I'll read them because I think it is significant because if we send it right back to them if I was them I would ask why you didn't address these other things. "The proposal as described does not appear to achieve stated objectives of the incentive zoning regulations". That is a pretty general statement. "The project does not reflect open space, view shed or farmland protection or other prescribed benefits. Further the proposed allocation of payment in lieu of funds appears to be inconsistent with the comprehensive land use plan" That's what we have been talking about. "While the board recognizes the potential financial benefits to some existing sewer repairs the board continues to advocate for more detailed consideration and long term capital and maintenance costs of the proposed development patterns and the ability to finance desired capital expenses. The cited maximum

anticipated revenue to allocated new sewer extensions which would likely necessitate a pump station made leave a sizable funding gap in State and Federal sources to offset remaining costs or increasingly limited. The board also encourages consideration of a more comprehensive environmental review under SEQR” And today, I will tip my hat to our Code Enforcement Officer, we all received an email from him saying, wait a second with all of this new development I don’t have the resources in the zoning office to take care of inspections that need to be done. Before the town finds itself between a rock and a hard place we need to consider that. One of the considerations I would have is that any of these new developments we ought to consider them paying for some of the needs. Bottom line here is there is a lot of answered questions and not only in this development but probably additional developments coming up. I am not at all against development. I want that to go on the record. I want it to be done right however and I don’t want to waste peoples time. So if we are going to refer this back to planning I sure as he would like to spend the time over the next several weeks or months or however long it takes to answer these questions and then we send it back. I don’t want to be embarrassed by sending something back that we haven’t answered a question. Al you said at the work session that you think it’s just the money. Unless you have some insight information that I don’t have I don’t know where you are getting that from. So with that I can’t support sending it back to the three planning boards without us doing the work that is necessary.

Supervisor Salisbury: This report that we got from the County, we had to give them a 30 day extension in order to get our report. We are talking about 37 houses in an area that was designated by the Comprehensive Land Use Plan for incentive zoning. That is exactly what we are doing. I am sorry I do not agree with Bob. I think that this is something that needs to move forward. It’s not changing significantly that area at all.

Councilor Diamond: I wish I would have had more time to see this. I just wanted to put that on the record.

Supervisor Salisbury: There is only one change.

Councilor Diamond: It doesn’t matter. Don’t you think that the board should be given it before they vote on it?

Supervisor Salisbury: We did.

Councilor Diamond: Right before.

Supervisor Salisbury: We have been talking about this for months. Nothing is new except that the change of the money we requested is going for sewer which personally I am very much in favor of instead of to the highway which was not allowed under our comprehensive land use plan.

Councilor Reeves: I remember way back when they increase the sewer line. This is where Bob and I wish we were not even arguing over this. The demon in the whole thing is when they increased the sewer capacity going out to the west side of town. We both agree that we hate it and we don’t see why it ever happened. I was at the vote at the board meeting the night they gave that project to the engineering firm for some \$300 and some odd thousand dollars and I ask a question. Why are you oversizing it? The only thing that is going to happen is that you are going to put new houses out there. The answer I got from Brian May or Jack Krisanda, Brian May said the reason why we are doing it is down the road should Seneca Estates ever have a need or want for sewer the capacity will be there for Seneca Estates. This complies what the original supposed intent was of the oversized line and all these houses are on the river. Sooner or later someone is going to come up and say, hey Lysander, you got these houses down here on the river, the river is the most polluted river in New York State, what is your plan.

Supervisor Salisbury: One of the things that these 37 homes will help all the people in the West Genesee Sewer District, Whispering Oaks Sewer District to pay for the bond.

Councilor Reeves: And talking about saving farmland, 37 homes and supposedly there is a capacity for 150 new homes total, as a farmer I like seeing that 37 there because if there is only 30 there or 26 now you got quite a few more home capacities and the only thing can happen is that it is going to go on farmland somewhere. So if you do dense housing as the overlay says you can that is what is going to save farmland because the only other thing that is going to happen is it is just going to be spread out.

Supervisor Salisbury: Dense housing is good for our highway. Our engineer has shown that houses built on one acre tracts do not pay enough in their highway taxes to pay for the repair of the road and the plowing of the road. Dense housing does that. This is a fiscally responsible move.

Councilor Reeves: It also affects the sewer and the water and the drainage.

Councilor Geraci: If I may I wasn’t going to debate the project. If you want to spend another couple of hours we can debate the project. I have no desire to debate the project. All I am saying for the record and for the viewers is that Onondaga County Planning rejected this and the Lysander Zoning Board of Appeals rejected it,

it did not pass, and I'm not here to talk about the pros and cons of the project. All I'm saying we ought to respect the people who replied to us and address their concerns before we even talk about the merits.

Supervisor Salisbury: We are not sending it back with the same program. We are sending it back with a change and we are waiting to see what they say about that. It's not like that we are voting that the building is going to start tomorrow. The building is very far from here.

Councilor Geraci: Just let the record show that Onondaga County Planning sent us this and we are not addressing their concerns.

Councilor Reeves: We have discussed this many times and the reason it is going is because as a board we disagree. The disagreement is Bob's position is either cluster 26...

Councilor Geraci: Don't tell me what my position is.

Councilor Reeves: That's what your position is. That is what you said it is.

Councilor Geraci: Don't tell me what my position is. Don't ever do that Andy.

RES. #218/2015

**WHISPERING OAKS PHASE IV, CABBAGE PATCH PARTNERS
INCENTIVE ZONING APPLICATION
AMENDMENT TO RESOLUTION TO ADVERTISE FOR PUBLIC HEARING**

Motion made by Geraci, second by Diamond to approve the Town Clerk to advertise for a Public Hearing to be held on December 28, 2015 at 7:00 p.m. to hear all people for or against the revised Whispering Oaks Phase IV, Cabbage Patch Partners, Incentive Zoning Application by sending a notice via U.S. Postal Service to the residents within the proposed area of the Cabbage Patch Partners incentive zoning application.

VOTE:

Supervisor Salisbury	No	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

Four Ayes, motion carried and adopted.

RES. #219/2015

**WHISPERING OAKS PHASE IV, CABBAGE PATCH PARTNERS
INCENTIVE ZONING APPLICATION
AUTHORIZE TOWN CLERK TO ADVERTISE FOR PUBLIC HEARING**

Motion made by Shimer, second by Reeves to approve the Town Clerk to advertise for a Public Hearing to be held on December 28, 2015 at 7:00pm to hear all people for or against the revised 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.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: When I closed the public hearing on that I adjourned it until December 28th so I don't know if we have to advertise for another public hearing. The public hearing has been adjourned.

Town Clerk Dell: I would to do due diligence.

Attorney Klucsik: That would be the most conservative position to re-advertise but I don't believe it would be legally necessary since you advertised the original hearing and simply adjourned it to continue on a different date.

Supervisor Salisbury: How about we advertise for the adjourned public hearing.

Attorney Klucsik: I don't think it makes a lot of difference what you call it as long as residents have notice of what is happening.

Supervisor Salisbury: All right, we will leave it as us.

Councilor Reeves: If we vote to advertise it again and it doesn't go in the paper. What if it doesn't go in the paper?

Supervisor Salisbury: I think it is sent to two papers.

Town Clerk Dell: I will send it to both papers.

Supervisor Salisbury: The Messenger and the Post Standard.

Councilor Reeves: But if it didn't go into the papers what would happen.

Attorney Klucsik: You fall back to the position where the question becomes has it been properly advertised at any time. If it was properly advertised for tonight's hearing the answer would be yes it has been properly advertised, properly convened and adjourned. I don't think you would suffer a legal deficiency.

Town Clerk Dell: Even if no one was allowed to speak for or against it tonight?

Attorney Klucsik: Reconvening at the adjourned date so they will have their opportunity to speak.

Supervisor Salisbury: And it is advertised in the minutes that it was adjourned.

Attorney Klucsik: Advertising the original hearing date satisfies the legal requirement and it will be advertised. If you adjourn you can adjourn it to a date certain, you can adjourn to a date indefinite and there are lots of opportunities. The original publication and the original advertisement is good.

Supervisor Salisbury: That is what I did. I adjourned it to the 28th.

Councilor Geraci: For the record I think it is terrific that we are adjourning it; we are discussing how we should let the community know about it. I don't really care if we are bound to do it legally or not. It seems the right thing to do in all of these cases and not just for the Cabbage Patch development but any of the ones that come up. I heard today that because it is incentive zoning it is not a zone change so we don't have to alert the residents via mail, U.S. Postal Service. In my opinion, what are we being secretive about? Let the world know and if it takes us a few bucks to send out a mailing to the folks who live in the area let us do that to. My recommendation is to advertise it again in the two papers and send out a mailing to the folks in the nearby community whatever the parameter is. I don't know what they are.

Supervisor Salisbury: Are you making a motion?

Town Clerk Dell: 300 feet.

Councilor Geraci: I am making this as an amendment to this resolution that is on the table.

Supervisor Salisbury: Do we have a second to Bob's motion.

Councilor Diamond: Ill second it.

Supervisor Salisbury called for a vote on the amendment. Councilor Diamond, Councilor Shimer, Councilor Reeves and Councilor Geraci voted yes. Supervisor Salisbury voted no.

Supervisor Salisbury: I think that this has been advertised so many times.

Town Clerk Dell: Just once in the Messenger.

At 8:03 p.m. Supervisor Salisbury announced a recess and reconvened the meeting at 8:06 p.m.

RES. #220/2015

AMENDMENT TO 2016 TOWN OF LYSANDER BUDGET

Motion by Geraci, second by Diamond to amend the 2016 Town of Lysander budget by using 20.02 percent to leave a fund balance of \$955,000 with an approximate 14 percent tax cut.

ROLL CALL VOTE:

*Lysander Town Board regular meeting
November 16, 2015*

Supervisor Salisbury	No	Councilor Shimer	No	Councilor Geraci	Aye
Councilor Reeves	No	Councilor Diamond	Aye		

Three Noes, motion defeated.

RES. #221/2015

Adopt Adjusted 2016 Budget

Motion made by Salisbury, second by Shimer that the 2016 Preliminary Budget for the Town of Lysander be adopted containing the following highlights with Expenditure adjustments: of \$900 being added to Chase Cemetery for mowing and \$100,000 being added to Highway Fund for the establishment of a reserve fund.

Expenditures:

General -	\$2,221,790
Part Town -	\$197,456
Highway Pt. Town	\$2,352,002
Total	\$4,771,248

Appropriated Fund Balances:

General -	\$600,000
Part Town -	\$ 50,000
Highway Pt. Town	\$310,000
Total	\$960,000

Tax Rates: Inside the Village-----\$0.3902 a decrease from 2015 of \$0.3945 (43.83%)

Outside the Village:

General-----\$0.3902 a decrease from 2015 of \$0.3045 (43.83%)

Part Town-----\$0.0450 a decrease from 2015 of \$0.0459 (50.50%)

Highway----- \$1.2109 a decrease from 2015 of \$0.0920 (7.06%)

Total Decrease of (21.18%)

ROLL CALL VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	No
Councilor Reeves	Aye	Councilor Diamond	No		

Three Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: I would just wish to make a few comments which will answer some of the questions that were raised during our public session. At our public hearing we have changed the expenditures from \$4670, 348 up to \$4,771,248. We put a \$100,000 more into highway and \$900 more into Chase Cemetery. The \$900 was in general and the \$100,000 was in part town. So in relating to comments we took funds out of the budget, we did not, we added to them. That budget as was presented to the public at that time used a fund balance of \$215,000 which was a tax rate change increase of .01 percent. We had a fund balance remaining of 31.58 percent or \$1,475,000. Some of us feel that this year we sold the ice rink. We had some other unusual income or expense items or lack of some of expense items so we felt that a fund balance should be increased and we should reduce taxes. Certainly you can't say we haven't taken our hits on increasing taxes which we had. But every time we do something it is for the betterment of the town. So we have looked at fund balances of 10 percent leaving for next year. Fund balance of 10 percent and these are based on estimated dollars. These are not from figures. 15.3 percent, 17.56 percent and 20.02 percent. I think the majority of us have felt that 15.3 percent is the magic number. That means that we will be using a fund balance of \$960,000. That would leave \$730,000 for next year. That is not a small amount of money. But it would be a tax reduction of 21 percent. We got how everybody wants to reduce taxes but now that we have reduced it we are getting lots of complaints that we should not reduce taxes that much. If we kept a 20 percent fund balance the decrease would move from 21 percent to 13.7 percent. If we left 17.56 percent that would reduce the reduction in taxes of 17 percent. We are elected to do what we feel is best for the town. I think we have done that over the last four years. We have done a lot of things that have been good for this town. This year we had a particularly good year and we are willing to give back in a fund balance.

Councilor Shimer: No.

Supervisor Salisbury: Fund balance?

Councilor Shimer: Yes.

Supervisor Salisbury: Yes. So when you appropriate dollars in a fund balance that is applied against your amount to be raised by taxes. So we reduced the amount to be raised by taxes. So we have before us if you have the agenda you got what the expenditures are, you got what the appropriated fund balance that is going to be applied and you got the tax rates and how they changed from one year to the next, from last year to this year.

Councilor Diamond: Last Thursday we had our last budget meeting and our Comptroller said we could survive probably with a 14.62 percent fund balance but his recommendation was to maintain a 20 percent fund balance. Now just like our Supervisor said even with a 20 percent fund balance this year we could still cut taxes 13.7 percent, that is almost 14 percent. Why not do that?

Supervisor Salisbury: I would turn the question around to you and why not do it.

Councilor Diamond: Because our Comptroller made a recommendation at the last budget meeting that we should have a 20 percent fund balance. And like it was already stated we have historically always been close to a 20 percent fund balance for the Town of Lysander.

Councilor Reeves: The comptroller was asked a question by me. What would be your number? He said we could live with the 15, it was 14 something then and we are up to 15 now and we added \$100,000 in a capital reserve account for highway equipment so he can buy a truck down the road. He said I would rather have 20. I said well as a Comptroller that is what I would expect. He chuckled and said the same thing but he didn't say I recommend 20.

Councilor Geraci: Actually he did recommend 20.

Councilor Reeves: No he didn't. He said I would prefer 20.

Councilor Geraci: It's really too bad that David Rahrle is not here because in all of the years in talking he has recommended 20. What is disturbing me and making me uncomfortable about this is that I will use me as an example. I came in, I was elected in 2013, and brash Bob Geraci said how come we can't do what Onondaga County does and keep our fund balance much less than 20 percent. How about 10, how about 15, what is so magic about 20. Yes, I said 10. Guess what you did John. You convinced me. You absolutely overwhelming along with David Rahrle that 20 percent for a small municipality like Lysander. Its apples and oranges when you compare Lysander to a County budget at 1 billion dollars. You convinced me and what is proof of the pudding here I fully supported with my vote for 2015 budget was my first and only budget vote on this board. Going into the discussions of 2016 all along there was never a conversation, never a question that we would take to debate whether we would have a 20 percent fund balance. You have preached this. Here is the thing that really got to me John, and I am going to direct this to you. It's kind of a back handed compliment to you. You took a lot of heat for what you thought was the right thing to do by raising taxes in 2014 and put money into the highway construction and maintenance budget. You took a lot of heat for that. I thought you raised taxes way too much. You raised them 37 percent but you did what you thought had to be done. But guess what you also did. You kept your fund balance at 20 percent. You could have had such an easier time by raiding the fund balance then and not raising taxes as high as you did. But you didn't do it because you were a man and you saw I'm sure a principle sticking to that 20 percent. 2016 we got no worries to worry about in terms in unexpected things but guess what we have \$300,000 of unanticipated revenue for 2015. We are never going to sell an ice skating rink again. We had money coming in so this is a double whammy. Not only are you spending money that will never come in again but you are taking it lower than this town has ever done in its history as long as I know its history. Furthermore to Roman's point as I said to you I came into your office on November 6th when we got the news, I call them pleasant problems, that we had more money in the fund balance than we originally anticipated. I asked you what you think we should do about it and your first comment to me was well the first thing is to keep the fund balance at 20 percent. You said that to me on November 6th and the remaining dollars we should give back as a tax cuts. I said you would get my total support on that except I want you to consider one thing. Do something also innovative that has never been done before John and that is to propose a capital acquisition account and see that some money, now that we are in this pleasant problem area of having more money than should be kept. I don't think we should keep 21 percent in the fund balance. I think 20 is right number anything higher than that belongs to the tax payers. Somehow, I don't know what happened, but by November 13th you dropped it down to 15 percent for no reason what so ever we never discussed this at any of the budget discussion and deliberations that we had. Incidentally I thought they were great discussion, we did some good stuff and I was all willing and happy to be able to support the 2016 budget for the numbers that we originally had when we found out we had extra money. Give it back but keep the 20 percent fund balance that you inherited when you took office.

Supervisor Salisbury: During your pleas to me to change my vote you also said you were agreeable to a 17.5. You could be persuaded to do that right?

Councilor Geraci: Reluctantly John I said that because I was wondering where are these folks coming from? Why are you doing this? You have more money than you need. Give it back but keep the basis there at 20

percent and you will still be able to give back a 20 percent tax cut. Incidentally if I am understanding this correctly it is close to 30 percent out of the general fund, 37 percent part town and the highway goes down 3.5. The average is 13 or 14 percent, 13.7. I don't think that there is a taxpayer in this town that would not be happy about that. What gets me about all of this and I am sorry to say but I think it is political because you can get away with this stuff in Albany, you can get away with it in D.C. but my goodness these are our friends and neighbors we are doing this to and we have no right to saddle an incoming administration with a cloud over its administration in terms of how we are going to pay basic bills when we know we are going to have expenses we haven't even anticipated.

Supervisor Salisbury: Bob is political when I am repeatedly requested to reduce the amount of fund balance we are using when I feel that this is the year we made the extra money and the year taxes should be reduced. I voted for a tax increase and now I am voting for a tax decrease. I think that is pretty good.

Councilor Reeves: I want to make clear that this is 20 percent that you guys have thrown out there is ridiculous. 18 percent even last year it was 18 percent. You have always wanted 20 percent and this board has never given you 20 percent. Now when you go back and look at what we started the year with, actual fund balance, back over the last four or five years, you turn around and say my God there is 5, there is 4, there is 6. Last year 8 percent more than what we were told at budget time was an estimate. It is always estimated considerably lower than what the actual is and that is part of the reason the situation we are in now.

(Crosstalk)

Councilor Geraci: Why didn't we discuss this in the two months we talked about the budget? Why all of a sudden magically...

Councilor Reeves: We did not know the numbers until this year.

Councilor Geraci: You are calling into question the credibility of our Comptroller. There is always going to be unanticipated revenue.

Supervisor Salisbury: How we requested it and what we did with it and the analysis that I decided I would do.

Councilor Geraci: It is to everybody's credit that a budget comes in with even more money at the end of the year than what was anticipated. Having worked for Onondaga County for all those years they always proposed a fund balance by December 31st. Magically there was always a couple of hundred thousand dollars more there. That is what you want.

Supervisor Salisbury: Bob I have never seen a board argue about how much of a tax decrease you are going to get.

Councilor Geraci: You are doing something irresponsible that is not going...

Councilor Reeves: That is not irresponsible. (unclear) there is plenty of money there...

Supervisor Salisbury: Bob if you went to 20 percent you would have another \$225,000 added to the fund balance that we are leaving. Now what would you do with that \$225,000.

Councilor Diamond: How about put it aside for another truck.

(Crosstalk)

Supervisor Salisbury: You think if we put it in the fund balance we can do that?

(Crosstalk)

Councilor Reeves: We just sold a truck and got \$4500 for it (unclear) investment. He doesn't need a truck.

Supervisor Salisbury: And we added an extra \$100,000 in expenditures.

Councilor Geraci: You asked me what I would do with it. You are leaving \$730,000 in the fund balance. Let me tell you what you did last year. You left \$1.4 million. The year before that you left 1.1 (unclear, interrupted)

Councilor Reeves: That is correct but those were not the numbers we got at budget time. We never had a million dollars at budget time (unclear).

Councilor Geraci: The fund balance was 1.3 (unclear, interrupted)

Councilor Reeves: That's right that is the first year we have seen those actual numbers. That shows you how the money disappears a little bit if you are not careful.

Councilor Geraci: (unclear, interrupted) as opposed to 1.4. It's just about half... (unclear, interrupted)

Councilor Reeves: This is the first time that sheet has been shown to this board was this year.

(Crosstalk)

Councilor Reeves: But at budget time there was 4 or 5 hundred thousand dollars less than the actual and probably... (unclear, interrupted)

(Crosstalk)

Councilor Geraci: I would like to propose an amendment to this budget since I can do this at this point. I propose that we use your 20.02 percent, your middle number here you changed to as to reflect the new budget for the Town of Lysander which leaves a fund balance of \$955,000 with an approximate 14 percent tax cut. That is what I propose in my amendment.

Councilor Diamond: I will second it.

A roll call vote was called for and Councilor Diamond and Councilor Geraci voted yes, Councilor Reeves, Councilor Shimer and Supervisor Salisbury voted no. The amendment failed.

Councilor Diamond: This would have cut taxes almost 14 percent. Mr. Supervisor I just wanted to add that comment.

Supervisor Salisbury: Okay let me add my comment. Did you and your running for office say anything about a 38 percent increase in taxes?

Councilor Diamond: I have a problem with you when you raise taxes and I have a problem with you when you drain the fund balance as well.

Supervisor Salisbury: We are not draining anything.

Councilor Reeves: I would be willing to bet that your fund balance at the end of the year will exceed a million dollars.

Councilor Diamond: Our Comptroller made a recommendation.

Councilor Reeves: Do you want to make that bet?

Councilor Diamond: Our Comptroller made a recommendation.

Councilor Reeves: Do you want to make that bet?

Councilor Geraci: Andy do not make bets about municipal budgets.

RECOGNITION OF CITIZENS:

None

OTHER BUSINESS:

None

ADJOURNMENT:

Supervisor Salisbury adjourned the meeting at 8:30 p.m.

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

Lisa Dell, Lysander Town Clerk