

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on December 16, 2013 at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

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

APPROVAL OF MINUTES*

November 7, 2013, November 18, 2013 and December 2, 2013

RESOLVED that the minutes from the regular Town Board meetings of November 7, 2013, November 18, 2013 December 2, 2013 be approved.

**Tabled*

TOWN BOARD COMMENTS

Councilor Reeves expressed his appreciation to Councilor Johnson and Councilor Levy for their service to the taxpayers of the Town.

Councilor Levy commented that it has been an honor to serve and thanked the community for their support of him and is confident that Lysander will remain a great place to live.

SUPERVISOR COMMENTS

Supervisor Salisbury expressed his appreciation to **Councilor Levy** for his eight (8) years of service to the Town and to **Councilor Johnson** for his one (1) year of service and for their commitment.

Supervisor Salisbury expressed his appreciation to **Highway Superintendent Gene Dinsmore** for the department's snow clearing efforts.

Supervisor Salisbury reported that he attended a seminar with other Town personnel the past week dealing with difficult people and the training was very informative.

DEPARTMENT HEAD REPORTS

Deputy Code Enforcement Officer Tim Wolsey presented a monthly report for October and November, 2013. The report is on file in the Code Enforcement Officer for public view.

CITIZENS' COMMENTS ON AGENDA ITEMS:

Kevin Rode, Ashington Drive, addressed the Board and referred to the budget transfer of \$7900 asking what work did Ron Patchett do that was not budgeted for this year.

Supervisor Salisbury explained that this was time Mr. Patchett worked during the interim of when Owen Denski retired and Tim Wolsey was hired.

Mr. Rode asked the Board to explain what the costs of the McLane settlement were for. **Comptroller Rahrle** explained that this was a refund to the business as they were over assessed after the settlement of the Tax Certiorari.

OLD BUSINESS:

None

NEW BUSINESS:

JUSTICE COURT
APPROVAL TO OPEN NEW BANK ACCOUNT

RES. #251/2013 Motion by Shimer, Second by Johnson

RESOLVED that Town Justice Charles J. Mantione Jr. be authorized to close the Bail Account and Fine Account with M&T Bank and open a Bail Account and a Fine Account with NBT Bank.

VOTE:

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

All Ayes, Motion Carried and Adopted

JUSTICE COURT
APPROVAL TO OPEN NEW BANK ACCOUNT

RES. #252/2013 Motion by Levy, Second by Reeves

RESOLVED that Town Justice Elect Michael M. Bryant be authorized to open a Bail Account and a Fine Account with NBT Bank with the condition that deposits or withdrawals not be made until such time as he officially assumes office on January 1, 2014.

VOTE:

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

All Ayes, Motion Carried and Adopted

PARKS AND RECREATION COMMISSION
APPROVAL TO AMEND NUMBER OF MEMBERS AND LENGTH OF TERM

RES. #253/2013 Motion by Reeves, Second by Levy

RESOLVED to change the Parks and Recreation Commission structure, and reduce the number of members on the commission from 7 (seven) to 5 (five) members, and also reduce term of appointees to the commission from 7 (seven) years to 5 (five) years.

VOTE:

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

All Ayes, Motion Carried and Adopted

2013 BUDGET
APPROVAL OF TRANSFERS

RES. #254/2013 Motion by Johnson, Second by Reeves

RESOLVED to approve the following 2013 Budget Transfer Requests put forth by the Town Comptroller David Rahrle:

Budget Modification Requests

Fund: GENERAL

Acct. # to Credit	Acct. # to Debit	Account Description	Amount to Credit	Amount to Debit
01220-200		Supervisor Equipment	140.00	
	01220-402	Mileage/Misc Expense		140.00
01330-200		Tax Collector Equipment	225.00	
01330-402		Tax Collector-Supplies	50.00	

	01330-401	Postage		275.00
01410-200		Town Clerk Equipment	350.00	
	01410-402	Town Clerk -Other		350.00
01220-405		Auditor Expense	3,575.00	
01420-400		Attorney-Contractual	11,425.00	
	01990-400	Contingency		15,000.00
01355-101		Assessor	3,644.00	
	01355-110	Grievance Board		788.00
	01355-401	Contractual		2,856.00
01440-100		Engineer	10,000.00	
	05010-101	Deputy Hwy Spt		10,000.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
01220-200	Shelving unit purchased for Supervisors Office
01330-200	HP Printer purchased for Tax Office, replace broken unit
01410-200	Olympus recorder/transcriber unit for Town Clerk
01220-405	Auditing expense for Testone, Marshall & Discenza
01420-400	Legal fees above the retainer amount for tax matters
01355-101	Assessor expenses for 2013 shared with Van Buren
01440-100	Engineer Salary for 2013 originally budgeted to two appropriations
<u>Budget Modification Request</u>	

Fund: GENERAL

<u>Acct. # to Credit</u>	<u>Acct. # to Debit</u>	<u>Account Description</u>	<u>Amount to Credit</u>	<u>Amount to Debit</u>
01330-102		Depty Tax Receiver	239.00	
	01330-103	Clerk		239.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
01330-102	Year end adjustment to estimated actual

Fund: DRAINAGE DISTRICTS

<u>Acct. # to Credit</u>	<u>Acct. # to Debit</u>	<u>Account Description</u>	<u>Amount to Credit</u>	<u>Amount to Debit</u>
08540-401		Radisson Expense	33,000.00	
	00599-001	Unappropriated Fund Balance		33,000.00
08540-402		Dutchmans Park Expense	750.00	
	00599-002	Unappropriated Fund Balance		750.00
08540-403		Rivermist Expense	15.00	
	00599-003	Unappropriated Fund Balance		15.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
08540-401	Repair work done in district not budgeted
08540-402	Repair work done in district not budgeted
08540-403	Year End Adjustment

Fund: GENERAL

Acct. # to <u>Credit</u>	Acct. # to <u>Debit</u>	<u>Account Description</u>	Amount to <u>Credit</u>	Amount to <u>Debit</u>
01620-200		Buildings Equipment	1,300.00	
	01620-401	Buildings-utilities		1,300.00
01620-402		Buildings-Other	34,000.00	
	01620-401	Buildings-utilities		6,000.00
	01910-400	Unallocated Insurance		4,000.00
	01990-400	Contingency		24,000.00
01620-404		Website Account	650.00	
01620-405		Information Technology	600.00	
01670-402		Printing Expense	110.00	
	01950-400	County Water-Sewer Assessments		1,000.00
	01910-400	Unallocated Insurance		260.00
01930-400		Judgments & Claims	2,500.00	
	01010-400	Town Board-Contractual		2,000.00
	01220-104	Secty To Supervisor		500.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
01620-200	New signage for front of building
01620-402	Ice arena inspection, Security system, Carrier HVAC repairs
01620-404	Rebuild of Town Website added expense
01620-405	Identify wiring infrastructure project
01930-400	McLane court ordered judgment

Fund: PART TOWN

Acct. # to <u>Credit</u>	Acct. # to <u>Debit</u>	<u>Account Description</u>	Amount to <u>Credit</u>	Amount to <u>Debit</u>
01930-400		Judgments & Claims	475.00	
	01989-400	Other Govt Support		475.00
08010-104		Codes/Zoning Clerk	7,955.00	
	01989-400	Other Govt Support		7,955.00
08010-403		Schooling	140.00	
	08010-401	Mileage		140.00
08010-406		Legal Fees	950.00	
	08010-401	Mileage		950.00
09040-800		Workers Comp	280.00	
	09010-800	NYS Retirement		280.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
01930-400	McLane court ordered settlement
08010-104	Additional hours for R. Patchett in Codes office
08010-403	Schooling for Deputy Codes Enforcement Officer
08010-406	Legal fees for Codes research
09040-800	Workers Comp year end adjustment to actual

Fund: LIGHTING

Acct. # to Credit	Acct. # to Debit	Account Description	Amount to Credit	Amount to Debit
01930-407		Judgments & Claims (Radisson)	1716.00	
	05152-407	Radisson Street Lighting Expense		1716.00

Explanation for Request:

Account No.	Reason
01930-407	McLane court ordered settlement

Fund: GENERAL

Acct. # to Credit	Acct. # to Debit	Account Description	Amount to Credit	Amount to Debit
03310-400		Traffic Control Contractual	1,600.00	
	01220-104	Secty to supervisor		800.00
	01315-101	Comptroller Clerk		800.00
03510-200		Dog Control Equipment	180.00	
03520-400		Control of Other Animals	458.00	
	03510-100	Dog Control Personal Services		638.00
05020-100		Engineer Intern	5,400.00	
05020-400		Mileage	75.00	
	09010-800	NYS Retirement		5,475.00
07020-105		Adm Assistant Parks & Rec	400.00	
07020-200		Recreation Equipment	150.00	
07110-103		Park Attendants	1,660.00	
07110-401		Parks-Contractual Projects	140.00	
	07110-102	Parks Maintenance-Personal Svcs		2,350.00

Explanation for Request:

Account No.	Reason
03310-400	Traffic sign replacements
03510-200	dog control equipment
03520-400	CNY-SPCA 2013 Contract
05020-100	Summer intern Engineer Personal Services
05020-400	Mileage reimbursement for intern
07020-105	Year end adjustments
07020-200	Year end adjustments
07110-103	Year end adjustments
07110-401	Year end adjustments

Fund: HIGHWAY

Acct. # to Credit	Acct. # to Debit	Account Description	Amount to Credit	Amount to Debit
01930-400		Judgments & Claims	3,385.00	
	09060-800	Medical Insurance		3,385.00
05110-400		Training	510.00	
	05110-401	Fuel		510.00
05110-402		Road Maintenance	1,250.00	
	05112-400	Road Improvements		1,250.00

05130-401		Parts	6,750.00	
05130-402		Repairs	36,000.00	
	09785-600	IPC-Principal		36,000.00
	09785-700	IPC-Interest		6,750.00
09010-800		NYS Retirement	5,330.00	
	09040-800	Workers Comp Insurance		2,000.00
	09060-800	Medical Insurance		3,330.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
01930-400	McLane court ordered settlement
05010-400	Various training sessions attended by Highway Personal
05110-402	Year end adjustment
05130-401	Parts necessary for fleet repairs
05130-402	Repairs necessary for fleet repairs
09010-800	Year end adjustment to actual

Fund: GENERAL

<u>Acct. # to Credit</u>	<u>Acct. # to Debit</u>	<u>Account Description</u>	<u>Amount to Credit</u>	<u>Amount to Debit</u>
07310-406		Day Camp Transportation Expense	1,150.00	
	07310-102	Summer Programs-Personal Service		1,150.00
08810-400		Cemeteries-Contractual	3,950.00	
08810-200		Cemeteries-Equipment	500.00	
	01990-400	Contingency		4,450.00
09030-800		Employers Social Security Tax	3,800.00	
	09040-800	Workers Comp Insurance		1,100.00
	01315-101	Clerk Comptroller Personal Svcs		1,800.00
	01620-401	Building-utilities		1,000.00
09060-800		Medical Insurance	2,310.00	
	01990-400	Contingency		2,310.00
09050-800		Un-employment Insurance	3,750.00	
	09010-500	NYS Retirement		2,663.00
	01990-400	Contingency		1,087.00

Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
07310-406	Year end adjustment to actual
08810-400	Emergency tree removal in cemetery
08810-200	Signs& post for Chase Cemetery
09030-800	Employers share of FICA tax year end adjustment
09060-800	Medical premiums due as result of Health Fund audit not budgeted
09050-800	Unemployment insurance for Parks employee not budgeted

Fund: WATER Districts

<u>Acct. # to Credit</u>	<u>Acct. # to Debit</u>	<u>Account Description</u>	<u>Amount to Credit</u>	<u>Amount to Debit</u>
08310-401		Clinton Hts Expense	4200.00	
08320-404		Clinton Hts Source	6000.00	

	00599-001	Un-Appropriated Fund Balance		10200
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Explanation for Request:

<u>Account No.</u>	<u>Reason</u>
08310-401	Master meter replacement
08320-401	Water usage

VOTE:

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

All Ayes, Motion Carried and Adopted

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CRIMSON RIDGE DEVELOPMENT
REDUCE PUNCH LIST SECURITIES

RES. #255/2013 Motion by Shimer, Second by Levy

RESOLVED to reduce the punch list securities required for the Crimson Ridge Phase I & Phase II subdivision to \$9,000 because the developer has completed several of the remaining punch list items, other than installation of the monuments, preparation of as-built drawings, cleaning of the closed drainage system and cleaning the forebays in storm water management areas # 1 & #4 per the Town Engineers Letter dated December 12, 2013. In addition the Town clerk is authorized to release the existing letter of credit held by the Town once the developer has made a cash escrow deposit in the amount of \$9,000 with the Town Comptroller.

VOTE:

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

All Ayes, Motion Carried and Adopted

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APPROVAL TO ADOPT
REVISED ZONING MAP

RES. #256/2013 Motion by Reeves, Second by Levy

RESOLVED to adopt the revised Town of Lysander zoning map as prepared by Barton & Loguidice, P.C. with a final revision date of November 2013. This revised map depicts all zone changes made By the Town Board after April of 2002. (See attached)

VOTE:

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

All Ayes, Motion Carried and Adopted

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WHISPERING OAKS SUBDIVISION
APPROVAL OF SALE OF LOTS

RES. #257/2013 Motion by Reeves, Second by Levy

RESOLVED to authorize the Town to list for sale two (2) lots that originally was part of the Whispering Oaks Sewer District as appraised by James Wheeler of Coldwell Banker on November 18, 2013.

VOTE:

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

All Ayes, Motion Carried and Adopted

Russ interest of disclosure that I will not be involved in transitions or buying it.

ANNOUNCEMENTS:

Supervisor Salisbury announced that the Town will be holding an informational meeting on January 16, 2014 at 7:00 pm at the Lysander Town Hall for residents in the Lamson Road area to find out if there is interest in forming a water district.

RECOGNITION OF CITIZENS:

Norm Ashbarry, Hidden Lake Drive, addressed the Board and asked Councilor Levy and Councilor Johnson if they had any suggestions for the new Town Board in 2014 on how to improve the way they operate and function to save money and represent the taxpayers in a better way.

Councilor Johnson explained that there should be regular communication with Board members and that he has been guilty of sometimes not staying in communication.

Councilor Levy added that he would like to see the new Board exercise reluctance on major spending outside the budget and short of an emergency situation he believes it important to follow the budget.

Mr. Ashbarry thanked both Councilors for their service.

Supervisor Salisbury commented that communication between the Supervisor and Board members go both way that the communication that he sends out as Supervisor goes out to all board members and that no one on this board is receiving more information than what he is sending out. Supervisor Salisbury continued and explained that as far as restricted spending if an item is not budgeted the Town would still have no fire alarm protection, security system and the heating and cooling system would not have been fixed. Supervisor Salisbury added that all of the spending was necessary and the other board members would not have voted on the expenditures if it was not necessary.

OTHER BUSINESS:

TOWN ROAD REPAIRS
STATUS/UPDATE

Councilor Johnson asked **Highway Superintendent Gene Dinsmore** for a ball park report as to how many miles of roads were paved and repaired this past year.

Highway Superintendent Dinsmore gave a detailed explanation as what repairs and/ or paving was done to the following roads:

All roads in the Seneca Estates development, Rabbit Lane, Kibby Road, Glacier Ridge Road, Town Center Road, Loop Road, Upper Dexter Parkway, all roads in the Valley View development as well as culvert repair on Stanford Drive and Drakes Landing Road.

TOWN OF LYSANDER EMPLOYEES
INSURANCE INCENTIVE BUY OUT
STATUS/UPDATE

Councilor Johnson referred to a resolution passed by the Board on January 3, 2013 that gives employees an incentive if they choose not to take health care and can be given fifty percent of the premium depending on the value of what the premium was. He explained he learned a short time ago that there may be an issue with respect to the Town's agreement with the Teamsters because they cover the Town's healthcare. He said not only is the Town giving an incentive to up to six people at fifty percent of the premium but that the Town may be legally responsible to pay to the Teamsters by way of this contract not only that fifty percent that the Town is giving employees to opt out but also the full cost of the premium. **Councilor Johnson** then asked what the status is on this issue.

Attorney Rivizzigno explained that that he talked to the Teamsters and the Town is sending a letter to the Trustees to see if they can appeal or reduce the amount of money that they claim the Town owes them.

Councilor Johnson asked was the expenditure for the approximate \$10,000 and the \$2600, and was that part of the cost of the latest abstract. He then asked if the Town is all up to date for paying for health care.

Comptroller Rahrle replied yes except for the amount that the Teamsters say is due in the audit.

Councilor Johnson explained that there were two or three individuals that didn't appear to be covered under the Teamsters health insurance yet still received the incentive. He said one of whom, in the interest of disclosure, is Supervisor Salisbury who received \$5000 year to date maybe \$6900 of taxpayer dollars and added that the Supervisor's position is not named on this contract.

Supervisor Salisbury then asked who were the other people who got it in the interest of full disclosure.

Councilor Johnson then held up a document stating that this is a public record; he is not hiding anything and it is here for the public. He continued to say that the Supervisor is not eligible and that the Supervisor received \$5000 of taxpayer dollars.

Supervisor Salisbury replied that he is eligible for insurance and he wasn't required to take the insurance from the Teamsters.

Councilor Johnson asked under what authority is he eligible for the insurance?

Supervisor Salisbury said that he is a full time employee.

Councilor Johnson asked if there was a resolution to cover the Supervisor?

Supervisor Salisbury replied that the Clerk got the same thing and she is an elected official and full time employee as he is along with the highway superintendent.

Councilor Johnson said that the Clerk is an eligible employee on the contract and that the Supervisor is not.

Supervisor Salisbury said thank God he is not on it because the Teamsters would have said that the Town owed money on him.

Councilor Johnson that that his concern is that the Supervisor made the inaccurate comment that he does not want to spend money willy nilly but yet the Town may be paying 1.5 times more for health insurance premiums under this obligation that the Board should have known in advance before entertaining that January resolution.

Attorney Rivizzigno stated for clarification purposes that contract has been in effect since 2009 and some people are not included on that contract, the Supervisor is one of them. People that they are asking the Town to pay for are people who are on that contract that choose not to take that insurance but they still have to have it.

Councilor Johnson explained that his point is that this needs to be cleaned up because the Town is paying cash to people we don't know who is covered on this and that the Teamsters are saying they want our money.

Councilor Reeves asked if this was ever authorized through a resolution or through negotiations.

Attorney Rivizzigno explained that that contract was part of the Teamsters contract that has been in effect since 2009. Under the Teamsters contract its part of the contract and the Town has to comply with this participation agreement. The Town has no choice, it is part of the contract, part of the Teamsters contract. Part of the Teamsters contract is this (insurance) contract; it's like a sub contract. The Town has to enter into this as part of the Teamsters contract. This will all be renegotiated this year because the contract is up in June. And whether the Town wants to participate in Teamsters health insurance or not is an issue the Town needs to discuss need to discuss.

Councilor Johnson added that then the Town may want to look at a different insurance option and **Attorney Rivizzigno** said that the Town can.

ADJOURNMENT:

At 7:53 p.m. Supervisor Salisbury adjourned the meeting.

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

Lisa Dell, Town Clerk