

A Regular Town Board meeting was held on July 11, 2016 at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Joseph Saraceni, Supervisor
Roman Diamond, Councilor
Robert Ellis, Councilor
Peter Moore, Councilor
Robert Geraci, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Anthony Rivizzigno, Town Attorney; Gene Dinsmore, Highway Superintendent; David Rahrle, Town Comptroller; Dina Falcone, Town Clerk; PAC-B; and several residents.

Supervisor Saraceni called the meeting to order at 7:04 pm with the Pledge to the Flag.

PUBLIC HEARING: A continuation of the Public Hearing was held this evening regarding the adoption of the Incentive Zoning Project for the Whispering Oaks Subdivision Section 4 for the year 2016. The proof of publication of the original Public Hearing which was published in the Post Standard on Sunday, June 17, 2016, was read by **Town Clerk, Dina Falcone.**

Supervisor Saraceni stated that at the last meeting residents were making comments from their seats and it was difficult to determine who was speaking in order to put the minutes together. As such, he said if the public is going to speak, that they should come up to the microphone. He said that typically as a matter of record, if the resident made a comment at the last meeting, he asked that it not be repeated as the Board has considered it. **Supervisor Saraceni** then opened the public hearing.

PUBLIC COMMENTS PERTAINING TO PUBLIC HEARING NO. 1:

Resident Joe Kurat of Ashington Drive said that the main entrance should not be through Ashington, or the other streets. It should be through Emerick Road. He stated that it is a nice quiet family neighborhood and this proposed project is not something “we” want. He continued that he thinks there is going to be a lot of traffic from workman, and it is not to the residents’ benefit. He mentioned [runoff] the swale goes along side of his house and water runoff is a concern. The runoff should be taken down through Emerick and not Ashington. He said that retaining ponds may not work and it’s up to the Town to take care of them. Mr. Kurat stated that he does not like it [proposed development] being called a subdivision. He said that smaller lots are not to the resident’s benefit and he does not want to see smaller homes in there.

Resident Tom Collins of Penfold Way stated that he was at the last meeting and had voiced concerns over the traffic going through Ashington, and wanted to know what the findings were regarding traffic on Rubicon. **Supervisor Saraceni** stated that he and Mr. Moore looked at the swale and turning radius of Rubicon, including a number of other issues brought up after the last public hearing. He stated that he will make comments before there’s a vote on this, as he has to confer with the Town Engineer, as he does not have the expertise there. **Mr. Collins** continued with concerns regarding the condition of the roads to accept construction traffic. **Supervisor Saraceni** said it will weigh in on decision with the Board members.

Resident Joe Aiello of Penfold Way questioned if there is a guarantee from the developer if and when lots do not sell, he asked if there would be another developer if lots don’t sell. He stated that this is not a construction process; it is going to take over a year [one house in one year – as current houses are taking that long] and he is not certain how long it will take to build seven or eight homes. He said the least the builder/developer can do is use Emerick Road for the construction entrance.

Resident Ed Kirk of Ashington Drive has issues regarding drainage, and concerns regarding the swale in the back of his yard. He asked about sewer being put in through the swale. The swale was flooded [about ten years ago] and his basement became completely flooded and asked what the capacity of the swale is. His major concern is [houses along Ashington] have drainage back-up issues. **Mr. Kirk** said that timing of the project is going to take a long time to build, and he said they [developers] are just finishing a second to last house, and it has been 24 years. His other concern is traffic related to the Ashington area, in particular when drivers come west from 370 and make a turn [it’s a hard turn to make] if [you have] bigger vehicles, because of weeds and the curve, the sight line is a challenge. In that regard he said Emerick seems to be a better location for construction vehicles than Ashington.

Resident Dan Fiaschetti of Ashington stated concerns regarding French drains and houses flooding. He wants to make sure it is done the right way. He said that construction vehicles through a residential area does not make sense, Emerick Road is a better option. If it's done the right way – he doesn't have a problem with it. Mr. Fiaschetti stated that the sewer issue was a big deal as [taxpayers] bore the cost, and there was no way to fix it, and it was a sensitive issue. The other issue Mr. Fiaschetti mentioned is that the roadways are 20 plus years old and construction vehicles are not going to help.

Resident Pete Smith of Ashington stated that the sewer line is behind his house, and wanted to know how deep it is. He had discussed dredging. **Engineer Julian Clarke** said that it is 4 feet deep, and Mr. Smith noted the drainage situation is "horrible". **Supervisor Saraceni** stated that the Town Board takes all of the comments to heart, and that he went out in person with the engineer to view the area. There should be an access road built.

Councilor Geraci stated that the next step in the proposal goes to the Planning Board. He said the reason the Town Board is involved is that the developer is asking to build more homes than what would normally be allowed in conventional zoning for that area, and that's part of the incentive zoning. Whether it was 22 homes, or now 35, that's what the Board is deciding. Even if the Board says 'yes' to this proposal, it still has to go to the Planning Board and they make the determination. If the Board gives the approval for the incentive zoning, it means it is the Board who is approving those extra houses.

Resident Robert Diamond of Emerick Road questioned if all of the properties are at least one acre in size. He said it is not right. Everyone in Whispering Oaks has one acre or more of land and for [the builder] to come in and build smaller lots, he says it will devalue the property. Mr. Diamond also owns the property across from Emerick and Irene. He says there is no [construction] access, and the traffic would have to go through Whispering Oaks. He questioned the engineer's reports, specifically the impact on traffic, water, and fire department access. He said Station 3 cannot handle the houses that area has now.

Builder Ron Merle stated that house he is building now in that area started November 6, and it has been seven months, which is normal construction for a custom built house. He said that the Town wants smaller lots. Regarding traffic, half of the traffic on Emerick is from Byrne Dairy. As far as the turnaround on Penfold, Mr. Merle has a video of a flatbed that made the turns and a computer module that shows it can make the turns. He stated that he travels down that street early in the morning, and travels at 20 mph, as he has instructed his men to do. He said more than half of the people who live there and have kids there travel more than 30 mph. As for the value of homes, Mr. Merle stated that the first house in that subdivision will be as much as the least amount valued home in the existing subdivision. They will be \$350K to \$400K homes. The builder's engineer will be designing swales around all of the properties that are existing there, and he is sure that most of drainage problems will be taken care of. The ones that won't are the ones that exist from what that the previous developer did not do correctly.

Resident Jim Stirushnik of Dinglehole Road stated that there will be a public hearing held by the Planning Board, which is a seven member Board who can answer a lot of questions. He said that one of the previous speakers said the Town wanted small lots, but [if he was not mistaken] the developer could go forward and develop 40,000 square foot homes on that lot if they wanted to without this procedure. Mr. Stirushnik says he is not in favor of the concept. He sees it as only benefitting financially on sewers. He says the developer should build the sewers. He thinks the older system proposed was better and a good quality plan, and that the Town needs to preserve agricultural land. He said the Town is making a poor decision, and it should be a benefit to all people, not just a few dozen. He also had concerns about who would replace the sewers in 20 years.

Councilor Geraci stated that a developer can build on a 40,000 square foot lot which is one acre, and the Board can say "that's fine". He said that what is not going to happen as part of the comprehensive land use plan, [that was adopted by the Town which he supported] is that the Town will not accept the roads in a 40,000 square foot lot development because the roads can't pay for themselves. **Councilor Geraci** stated that what the Town is trying to do from a fiduciary standpoint is: any new development has to pay for itself in terms of operating ongoing capital construction costs. What that results in is telling the developer if it wants the Town to accept its roads, the developer will have to build on a smaller configuration; on a cluster development [half acre lots]. The Town will accept those roads because the same amount of houses are sitting on fewer lengths of roadway and they can pay for themselves. The Planning Board will have a say on how that's done, but the Town owns the roads. It is in the interest of all of the taxpayers. The Town doesn't want to accept roadways it can't pay for.

Fred Burtch of Plainville Road commented on the engineering projects regarding the stamp of approval, as during the last meeting Supervisor Saraceni mentioned a situation that if something failed, the developer would be held accountable. Mr. Burtch asked if any of those clauses would be included to protect existing homeowners because he was not sure anything was in place when the septic system failed. He said it would be debt incurred by homeowners. He asked if there is a clause included where in the event the drainage fails the homeowners aren't going to have to incur the cost for fixing that.

Supervisor Saraceni moved to close the public hearing at 7:38 pm, and it was moved by **Councilor Diamond** seconded by **Councilor Ellis**. **Supervisor Saraceni** said the Board will have every opportunity to go out and see for themselves the area, walk the roads, ask pertinent questions, and reach out to developers and engineers. He did not want to put the vote on this agenda. He proposed the Board place it on the next Board meeting's agenda so the Board can consider this proposal properly. It will be on as the next agenda, and it will be on the work session as well. The work session is open to the public and will start at 5:30 pm on July 25, 2016 in the auditorium. The Board will make the announcements and it will show on the calendar and the Agenda.

PUBLIC HEARING No. 2: A Public Hearing was held on July 11, at 7:00 pm to consider the adoption of a local law adopting an interim application process for wireless telecommunications facilities. The proof of publication of the original Public Hearing was published in the Post Standard on Sunday, June 17, 2016, and was read by **Town Clerk, Dina Falcone**.

Councilor Geraci asked if the Town is leaving the Messenger out of publication. **Town Clerk Falcone** advised Mr. Geraci that it is not; however, due to the publishing calendar the Messenger follows, and due to the holiday, legal notices would not be published in a timely fashion for the public. **Supervisor Saraceni** stated that we sent out a mailer regarding Whispering Oaks, which goes above and beyond the Town's rules. **Councilor Geraci** stated that he would like the Town to take advantage of the Messenger when calendar dates permit.

Resident Jim Stirushnik of Dinglehole Road wanted to clarify where the Clerk indicated [legal notices] are published. **Town Clerk Falcone** stated they were published in the Post Standard. **Supervisor Saraceni** stated that the Messenger is one of the Town's official newspapers. He said we can make a phone call and ask them to attend more meetings as they have been noticeably absent. **Supervisor Saraceni** then opened the public hearing.

PUBLIC COMMENTS PERTAINING TO PUBLIC HEARING NO. 2:

Resident Kevin Rode of Greymoor Way questioned if the tower that is currently at the WSEN site is a new tower. **Supervisor Saraceni** said that there is a new cell tower there. **Town Attorney Tony Rivizzigno** stated that the Town does not have anything in its code that governs cell towers. The idea of doing what the Town is doing is: the Town didn't want to create a moratorium to stop any applications, but the Town will have an interim process so that between now and three months from now the Town will develop a telecommunications part of its code so anything in the future will apply to that. What has gone in in the past has gone without the benefit of the code. As long as the Town creates the law, [any proposed tower] that comes after this has to abide by the law. Mr. Rode asked about the process as to the formality pertaining to height, distance, and right of ways. **Supervisor Saraceni** stated that is a process and the public will have input on it and there will be a public hearing.

Resident Jim Stirushnik of Dinglehole Road asked for clarification regarding the work session reference to a procedure for additional towers. **Town Attorney Tony Rivizzigno** stated this is the case. **Supervisor Saraceni** stated that included in the legislation [the law] will cover any towers that were put in before it. Mr. Stirushnik said there would be fees, and Supervisor Saraceni said there would be fees associated with cell tower projects.

Resident Fred Burtch of Plainville Road asked questions regarding zoning and mentioned windmills and covering distance of the cell tower located at WSEN. He stated that it has more structure to it, but said that if it falls in the right direction it would fall on Smokey Hollow Road or hit the building. He asked if commercial application has the same type of setback from the property line or the building that residential would have. **Supervisor Saraceni** said it is included in the legislation [as to those types of items] which will be addressed. He believes so, but he does not know if the structure has certain breakpoints. **Supervisor Saraceni** stated that he doesn't want to comment if the poles have those features or not, [as he is not an engineer] but those issues would fall under the new legislation that the Town is proposing. Mr. Burtch said

that one [of the towers] is the closest to a roadway, and others he noted are more setback. **Supervisor Saraceni** said that fees were mentioned earlier in the meeting, and the fact that the Town does not have an ordinance in place this is more of a public safety issue, as the Town has to generate fees for services it provides, but this is not a huge revenue stream for the Town. Mr. Burtch stated that last week the Board talked about the solar pods that go up, and that they are huge, and if there is anything to consider as far as aesthetics for certain homeowners [and being] set back from the roadway. **Supervisor Saraceni** said that it will be discussed in future work sessions. Mr. Burtch also mentioned a cell tower on Church Road that can barely be seen, but there's a distinction between that one and the one at WSEN.

Supervisor Saraceni moved to close the public hearing at 7:50 pm, and it was moved by **Councilor Geraci** and seconded by **Councilor Ellis**.

CITIZENS' COMMENTS:

Resident Melinda Shimer of Elizabeth Street had questions regarding the motion to appoint Haylor Freyer & Coon (HFC): Has the Board spoken to previous Board members regarding why the previous contract was terminated with HFC; what other providers the Town Board received quotes from; why there is no number value on resolution; is the quote for insurance every two years; why there is no contract in the attachment; and why is the Town paying for this [an] extra service?

Supervisor Saraceni stated that he will reach out to Comptroller David Rahrle for assistance if need be. There was a change to the Town's current vendor because of concerns with the service as far as recommendations made, and he believes one of the issues was regarding liability for Board members and he's done a little bit of research there. He has tried to focus on the needs of the Town moving forward, and some of the issues it faces in the future. Supervisor Saraceni stated that the Town is looking to bring on board a firm that had the resources to cover a wide breadth of considerations as far as liability insurance. The town did put together an RFP and received two proposals back; one from its current provider, and one from HFC. They are both very well respected organizations, and the Town put together an ad hoc committee to come up with a recommendation. He said two people from the previous administration sat on the committee and the Town's Comptroller who has over 25 years of experience, and who is familiar with many brokerage firms who have this expertise, so the Board had perspective. The Board did not rush this process. The recommendation was made, and the Board talked about it at the last work session. He stated that as far as money goes, the Town is not going to be paying a brokerage firm any set fee for their expertise. The brokers make commission as far as a product line. What the Board is asking the broker to do is give the Town choices to address for liability concern. The Board is going to have to make these decisions.

Comptroller David Rahrle stated that there is no [brokerage firm] contract, and there are no existing contracts with any brokers. He said the Town did not have contracts with Eastern Shore or HFC before, it just appointments them as the broker for its insurance needs. **Supervisor Saraceni** stated that the Board tries to be as open and transparent as possible [regarding insurance brokers], as it is a professional service. **Comptroller Rahrle** stated that he checked with Salina, VanBuren, and Geddes, and they don't use contracts [in this regard] either. **Supervisor Saraceni** said that as far as the two year contract, he used the same terminology; Councilor Geraci was interested in reviewing the Town's insurance broker every few years to make sure the services from the broker are up to par. **Comptroller Rahrle** stated that [the broker] comes in once a year and the Board goes through the process to make sure things have not changed. He said that what the Town means to say is that it wants to "renew" [the broker's services] every two years to see if the Town wants to stay with them.

Councilor Geraci said it is just to avoid complacency, and it's a reminder that every two years the Town is going to take a look at it [coverage] years to make sure the Town is getting the services it should be getting. **Comptroller Rahrle** stated that the Town is not changing the insurance company right now, as it is still going to be NYMR for the rest of the year; this will change the insurance broker who represents the Town.

Resident Fred Burtch, of Plainville Road, asked if the Town would be deciding at the end of the year who would be the insurer. **Supervisor Saraceni** said that the Town will choose a provider. What the Board is determining is who it is taking advice from. Mr. Burtch asked if there is a contract, and if there are there fees regardless of what they [broker] do for the Town. **Supervisor Saraceni** clarified that the Town pays for insurance, they [broker] doesn't protect the Town, the insurance company protects the Town, like NYMR protects the Town, what the broker does is come in and determine what the Town's needs are, and based on the analysis they will provide insurance products to choose from and we will make that determination and make sure we are properly covered.

Mr. Burtch asked questions regarding the water operator. He asked if the Town sent out RFQs or RFPs for water operators other than Chuck McAuliffe. **Supervisor Saraceni** said no, but he did ask Onondaga County for information, but they wanted a FOIL regarding that project, and the process is lengthy. **Supervisor Saraceni** also called Mr. Geiss who is second in command at OCWA and who is familiar with Chuck who is the Water Foreman for the Village of Baldwinsville. **Supervisor Saraceni** stated that time is of the essence and the Town has forms that need to be signed. The Town has discussed penalties, delays, and other issues it is concerned with. The Town brought Chuck on and it is adhering to policies and procedures for Onondaga County Personnel. As far as rate, Mr. Geiss indicated [in his vast knowledge of the industry] this is a reasonable rate for a licensed Class B Water Operator to sign off on the Town's district reports. He said he believes there are a number of test sites where Chuck will go to take samples, and make sure the Town doesn't get false positives, and he will analyze results and work with the Town engineer and act as a consultant. He has the knowledge of the Town's facility and he has done this for years. This is a formality where there's a benefit for the Village and the Town, **Supervisor Saraceni** said he sees it as a benefit where [Mr. McAuliffe] can bring resources to the table, and if need be he can help our engineer.

Mr. Burtch asked if the Town ever had an experience or a situation where a Town employee [through work that was done in the Town of Lysander] used an asset from a neighboring or differing municipality, and what the process is for that and if an agreement is drawn up and signed. **Supervisor Saraceni** stated that inter-municipal cooperation happens often. **Highway Superintendent Gene Dinsmore** stated that it happens all the time every week. **Supervisor Saraceni** stated that it depends on what service it is. He said as an example, when he was the Mayor of the Village of Baldwinsville, it was common to see trucks from VanBuren or Lysander, as there may have been an inter-municipal agreement in place. He said that the better the towns/villages work with each other the more they work with each other. Mr. Burtch asked if he was aware if any agreements have been made between two municipalities for usage of one's asset and then capacity for another township that's been drawn up long term. **Comptroller David Rahrle** said that we had an agreement with the Village of Baldwinsville for the [cleaner/sucker]. Both the Village and the Town purchased the truck in that instance. That was a contract.

Resident Melinda Shimer of Elizabeth Street asked about Haylor Freyer & Coon, and if the Town asked for quotes from both HFC and Eastern Shores? **Supervisor Saraceni** said they are not quotes. They are services provided.

Resident Kevin Rode of Greymoor Way asked the Board why the Village of Baldwinsville couldn't charge us for the use of Chuck McAuliffe [as water operator] and is it because of liability. **Supervisor Saraceni** stated that Chuck is a Village of Baldwinsville employee. The water districts don't belong to the Village; Chuck is a village employee, his work [for Lysander] is not covered by the Village because he is operating outside of Village infrastructure. A lease agreement like the Town has with OCWA for some of the other water districts allow OCWA to go in and be the water tester. Chuck doesn't have that protection because the Village doesn't own those systems. Depending on what long term agreement the Town has with the village, for chuck to continue with the way he was signing off on water reports, he wasn't protected as an individual for liability.

Supervisor Saraceni stated that as an employee, Chuck will be covered by the Town's insurance, and he needs to have the license that requires him to do the job we need him to do. **Mr. Rode** asked about the water, and where the water is tested from. **Supervisor Saraceni** stated that the Town owns the specs. They were given to the Town not the Village. The water is tested from certain points in the district. The water flows through our infrastructure and is impacted by The Town's system. If the Town's infrastructure breaks down, it's the Town's [infrastructure], that's why our water district generates surplus funds [water main breaks]; the Town pays for it. Chuck is just making sure that the village water that is flowing through our infrastructure when it gets to the tap is clean. Mr. Rode says that he knows the Town is trying to

work on something with the Village to get the water issue off of the Town's hands. **Supervisor Saraceni** clarified that services will be provided by the water operator.

Resident Jim Stirushnik of Dinglehole Road asked if there was going to be a public hearing on the issue at some point, and **Supervisor Saraceni** said yes, and Tony said that it doesn't require a public hearing, but information will be provided.

Resident Fred Burtch of Plainville Road asked questions about the maintenance of water lines, and what is owned by Lysander and serviced by the Village. **Supervisor Saraceni** stated that they [Village] will take ownership of the pipes and there is more information coming in that area. Further discussion on the water issues will be discussed in the future.

TOWN BOARD COMMENTS:

Councilor Diamond thanked everyone for attending, and mentioned two highlights from the work session. Going forward the Board invites the public to the work sessions. The Board is trying to include comments from the public. He stated that the work sessions are going to be accessible via audio on the Town's website as the Board will be recording the sessions.

Councilor Diamond wants the residents who cannot be at the work sessions to hear them. In addition, he said there's going to be a committee that will be reviewing the employee handbook, since it hasn't been updated since 2007.

Councilor Moore thanked everyone for coming tonight and those who stayed as well.

SUPERVISOR COMMENTS:

None.

ADOPTION OF MINUTES

RES #100/2016

Motion by Councilor Ellis seconded by Councilor Diamond to adopt the June 27, 2016 Town Board Meeting minutes.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

Discussion:

Supervisor Saraceni complemented the Town Clerk on the completion of the previous meeting minutes. Councilor Ellis said job well done. Supervisor Saraceni stated that PAC-B wasn't there, and they are a good resource to go back to and see who is making the comments. The Board only had an audio recording, so it took extra time and effort to go through the meeting, as some people didn't identify them, and people made comments from their seats. This put the burden on the Clerk in preparing the minutes. Supervisor Saraceni said the Town Clerk did an excellent job of deciphering who said what and making sure it was properly recorded.

DEPARTMENT HEAD REPORTS:

Highway Superintendent Gene Dinsmore stated that the Highway Department is finishing a 46,000 square yard road project from Cold Springs to Abbott's Landing and completing paving. He said they are not 100% selectively paving. It is the largest project of the Town on record that it has ever attempted with the same nine-man workforce. He stated that he's proud of what his men have accomplished as he has a dedicated force who has been working on this project since mid-May.

Town Comptroller David Rahrle stated the Town received its first payment on the mortgage tax. He said it is down a little bit from last year. The Town received \$203,890 as opposed to \$209,049 from last year. As a matter of history, the first payment is always lower than the second payment. As a point of reference, the Town budgeted \$425,000 for 2016. **Mr. Rahrle** said that he is confident the Town will get the \$425,000 or a little more but not as strong as last year. To clarify, he explained mortgage tax: whenever a new house is sold or refinanced, part of the closing costs are computed based on the sale of the house and the Town gets a piece of that revenue.

Town Comptroller David Rahrle spoke with the Town's Workers' Compensation carrier, as they offer HR services and training. He said the Town Supervisor has contacted them, as the Town hasn't done any [training] in a few years. It is of no cost to the Town; it is a service to us. The carrier will conduct HR training with a tentative date set for September 14, 2016. The individual will come in to the Town to conduct sexual harassment training and workplace violence training. It will be done in two sessions.

Town Clerk Dina Falcone mentioned the ice cream social that the Parks and Recreation Department has scheduled for July 17, 2016. Stewart's Shops is providing the ice cream which is free to the public from 11:00 a.m. to 1:00 pm at Lysander Park.

REGULAR AGENDA ITEMS

MOTION TO APPOINT HAYLOR FREYER & COON AS THE TOWN'S INSURANCE BROKER

RES #101/2016

Motion made by Councilor Diamond seconded Councilor Ellis by to appoint Haylor Freyer & Coon as the Town of Lysander's insurance Broker, and to review the Town's insurance needs every two years.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

MOTION TO APPOINT CHUCK MCAULIFFE AS THE TOWN'S LICENSED WATER OPERATOR

RES #102/2016

Motion made by Robert Geraci seconded by Robert Ellis to appoint Chuck McAuliffe as the Town's licensed water operator with a rate of pay of \$500 per month effective June 1, 2016, subject to Onondaga County Department of Civil Service.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

MOTION TO ADOPT A LOCAL LAW/ORDINANCE ADOPTING AN INTERIM APPLICATION PROCESS FOR WIRELESS TELECOMMUNICATION FACILITIES

RES #103/2016

Motion made by Councilor Diamond seconded by Councilor Geraci to approve Local Ordinance/Law adopting an Interim Application Process for Wireless Telecommunications Facilities.

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

Local Law Number 1 of 2016

A Local Ordinance/Law Adopting an Interim Application Process for Wireless Telecommunications Facilities

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated continued substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction and impact of such facilities within the Town of Lysander; and

WHEREAS, there are significant shortcomings with respect to the Town's current regulatory mechanism regarding wireless facilities, especially as regards the impact of the facilities on the community and controlling and minimizing such impact and assuring the safety of towers and wireless facilities; and

WHEREAS, the Town wishes to implement, revise or replace an ordinance to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, for reviewing and analyzing an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for the Town to complete its aforementioned review, and for the Town to enact any required legislation resulting therefrom is deemed to be three months from the date such Local Law/Ordinance enacting said Interim Application Process is adopted; and

WHEREAS, the Town has no pending formal applications for wireless telecommunications facilities that it has formally accepted; and

WHEREAS, this interim Application Process is not meant to be prohibitive or exclusionary in nature, during the pendency of the adoption of the new/revised/updated regulations, applications for a building permit, special use permit or site plan approval, or use variance or other necessary Town approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular/PCS antennae installations, shall be accepted and processed by the Town. However, in initiating an application during the period of this Interim Application Process any applicant must submit an escrow deposit of \$8,500.00 for consulting costs to assist the Town in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Town Code and that any unexpended balance of the deposit shall promptly be returned at the conclusion of the application process. BE IT ENACTED by the Town as follows:

Section 1.

A three month Interim Application Process, effective upon the date of adoption of this Local Law/Ordinance.

There is hereby enacted a three month Interim Application Process for the issuance of permits by the Town of Lysander on applications for the construction of wireless telecommunications towers, facilities and related facilities.

Section 2.

The new Local Ordinance/Law will include requirements covering the filing of an application to include: pre application meeting and site visit, proof of need, fees, proof of location and height of facility, meeting of RF emission requirements, SEQR, setbacks, aesthetic considerations, insurance requirements and removal bond.

Section 3.

Effective Date: This Local Ordinance/Law shall take effect immediately upon passage.

ANNOUNCEMENTS

1. Town Board Meeting, Monday, July 25, 2016, Work Session at 5:30 pm
Regular Town Board Meeting at 7:00pm (both held in the Auditorium).
 2. Planning Board Meeting, Thursday, July 14, 2016 at 7:00 pm (in the Auditorium).
 3. Planning Board Meeting, Thursday, August 11, 2016 at 7:00 pm (in the Auditorium).
 4. Parks and Recreation Department Activities:
 - Summer Concert Series continues at the Amphitheatre in the Village of Baldwinsville on Tuesday evenings at 6:30 pm
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EXECUTIVE SESSION

RES #104/2016

Motion made by Councilor Diamond seconded by Peter Moore to adjourn the regular Town Board meeting at 8:36 pm and enter into Executive Session to discuss matters related personnel. (Not anticipating any action).

Supervisor Saraceni	Aye	Councilor Ellis	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted

ADJOURNMENT

A motion was made by Councilor Ellis and seconded by Councilor Moore to adjourn the Executive Session at 9:05 pm.

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

Dina Falcone, Town Clerk