

A Regular Town Board meeting was held on August 15, 2019 at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: Roman Diamond, Councilor

OTHERS PRESENT: Dina Falcone, Town Clerk; Tony Rivizzigno, Town Attorney; Al Yager, Town Engineer; David Rahrle, Comptroller; Tony Burkinshaw, Parks and Recreation Supervisor, and several residents.

Supervisor Saraceni called the meeting to order at 7:00 PM with the Pledge to the Flag.

Supervisor Saraceni noted that there will be a motion modified, and a motion added to regular agenda items. The first is a modifying motion “B” to remove a portion of the motion where it mentions ‘expenditures from the reserve account’. The portion to be removed is the \$307 for wheelchairs for the spray pad because there is money in the equipment line. Item “J” will be added which will authorize the Comptroller to transfer funds so that the HW Superintendent can spend up to \$50K for mill and fill.

CITIZENS COMMENTS:

Gail Tosh of Emerick Road asked about the wheelchair expenditure, as she knew they were donated. **Supervisor Saraceni** said they were donated, but there was a difference between the money that was donated, and the final cost of the chairs. That will be covered by the reserve account that was established for donors, which basically is what the benches cost times the number of dollars. TOL sold those to donors for ‘x’ number of dollars more; the difference was going to go the reserve account for expenses towards equipment and that was going to be utilized for that, but now it doesn’t need to be done.

Michael Kempisty (Mother owns property on Chaucer Circle) spoke about the Board of Assessment of Review (BAR) and not getting a hearing and then a delayed hearing. He said he read the law, and after that [last] meeting he said no one from the Board came to him to inquire about his issues. He referenced the Pledge of Allegiance, and he mentioned oaths of office, and referenced the Town Attorney with regard to his oath to the Constitution, as he was denied a hearing. Mr. Kempisty said that he filed a FOIL and found that according to the Assessor, said it was an “inconvenience” even though it’s the law, and written in state law, that he have an alternate hearing date. She said it was an “inconvenience” for the BAR to have him come in later. He filed another FOIL, and found that BAR met again, which he said and they could have given him notice so that he could have attended. He said he had his right to a hearing while he referred to Russia, Afghanistan, and how [we are] in America... He said he didn’t want to lecture the Board but asked, “*How this could happen in America?*” Mr. Kempisty also mentioned that when he saw the Supervisor [he was told] it wasn’t in his hands. He said that since they are the Town Board, as town leaders who oversee the BAR, they appoint and pay them. He said they violated his rights and the law. He said he would expect the Board to do something about it and this shouldn’t happen in today’s day and age. (Expletive directed toward the Board).

Kevin Rode of Greymoor Way asked about the Collington Pointe payments and signed agreements between the developer and TOL, as he quoted town law and payments to be made before the start of construction. He hadn’t heard as to where TOL stands. He found that in looking through the records TOL is still owed for In Lieu of Parks fees; the Comptroller sent a letter to the developer last November. To his knowledge and the Clerk’s knowledge, that has not yet been paid. He said it is \$290K at this point. He asked the status. **Supervisor Saraceni** said he doesn’t necessarily walk these projects from beginning to end, as these projects can take years to complete; but he conferred with the attorney (two attorneys (Town and Planning Board) and raised his concerns to them and basically the agreement that TOL has in place satisfies both attorneys and he feels it protects TOL in this development. TOL hasn’t accepted any roads and has no exposure on this matter. He said it is up to the developer to complete payment so that he can move forward on his project. There is a lot of incentive for [the developer] so he is leaving it in the hands of the attorneys and the developers’ attorneys to make sure this project moves forward lawfully, and he believes at this point it is taken care of. Mr. Rode asked about the \$17K that the Comptroller has asked for since last November regarding Collington Pointe Phase II. Whatever it is, there is \$17K owed and the letter was sent for In Lieu of Parks fees that haven’t been paid. He asked about prior approval of plats and what has been approved now. He asked if TOL has received the money owed. He said he doesn’t care if it is 15 years old – TOL didn’t get the money.

Supervisor Saraceni said that was In Lieu of Parks fees that weren't collected/paid. Discussion ensued regarding money being owed to TOL and the Phase that the payments should have been allocated to. Mr. Rode said there was never a signed agreement between the developer and TOL. **Supervisor Saraceni** said the attorneys were not concerned.

Mr. Rode asked about the employee termination that occurred a couple months ago. **Supervisor Saraceni** said that is a personnel matter. He said he has no comment on the matter.

Mr. Rode asked for the additional spray park transfers. He asked if there was a total cost of the project. **Supervisor Saraceni** said he would have to ask the Comptroller for Phase I numbers. The grand opening is tomorrow and he said TOL is going to submit for the \$100K grant that Senator DeFrancisco provided for reimbursement which is forthcoming. Mr. Rode said that some of the work on motions G and H isn't being done or is being done now.

Mr. Kempisty came back to the microphone and referred to Mr. Rode's question about arbitration. He referenced public funds and arbitration as public knowledge. He said he FOILED something 30 days ago and he still doesn't have it. **Supervisor Saraceni** said TOL provided information for him a month ago and it sat [in the office]. He said he wasn't going to get into it crosstalk, but the Town Clerk said half of it is unavailable. Mr. Kempisty said he was referring to two of the issues that were not complete. He is appealing it now. **Supervisor Saraceni** said there is a process for appeals. **Supervisor Saraceni** said if he wanted to appeal the FOIL there's a process for that. Mr. Kempisty said he "just did verbally".

TOWN BOARD COMMENTS:

Councilor Geraci said he is thrilled that years of hard work is coming to fruition regarding the spray park. He thanked everyone involved and especially the Town Engineer, Al Yager. He said he can't think of a better thing to do in a community than doing things for kids.

Supervisor Saraceni mentioned an email about talented photographers in the Baldwinsville Community. He sees a lot of pictures posted on Facebook and he said there is an opportunity to showcase some of that talent on the Erie Canal Way, it's called Capturing the Erie Canal Way Contest. It's an annual contest that he suggested photographers take pictures and submit. Anyone who wants to submit to the contest has until August 30th to do so. He will be participating in a countywide shared services opportunities as well.

Supervisor Saraceni thanked everyone for their hard work with the spray park project. It will mark 2.5 years of effort into what is a special park improvement. He thanked the following with remarks:

- Al Yager – who has put more time and dedication in the project from the very beginning
- Tony Burkinshaw, Petrina Meyers, and the spray park committee: Charla Roth, Melissa Del Guercio, Kim Lane, Yvette Francis, and Aimee Nash Reinagel, who embraced and supported the project from the beginning
- Dedicated vendors who worked with TOL on pricing, etc.: Tarolli, Riccelli, Town Mechanical, and Quinn Construction
- Parks Staff: Mary Lathrop, Jim Lee, and David Sitar
- John White from Gypsum, who provided fireworks
- Donors: Radisson Community, Rotary, Women's Charitable, and other donors who have purchased bricks.
- Local businesses: The Deli, Pizza Man, Sweet Dream Candy Shop. He said there are several others he will mention at the grand opening.

ADOPTION OF MINUTES

RES#151/2019

Motion by Councilor Geraci seconded by Councilor Moore to adopt the August 1, 2019 Town Board Meeting minutes.

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

All Ayes, one Abstention, (one absent) motion carried and adopted

DEPARTMENT HEAD REPORTS:

Town Engineer Al Yager said that the swale clearing will begin the 26th: Radisson, Brickwalk and Chatham Woods. Letters will be sent to homeowners.

Dina Falcone, Town Clerk reported on the letter received from NYSDOT regarding a speed study request for a lower speed limit on Smokey Hollow Road as follows:

“Based on the existing roadside development, accident analysis, and test drives, our investigation determined that lowering the speed limit would not be appropriate at this time. Studies conducted throughout the country have shown that drivers are influenced more by the appearance of the highway itself and prevailing traffic conditions rather than by the posted speed limit. If speed limit signs are posted for a lower limit than is needed, many drivers will simply ignore the signs. At the same time, other drivers will stay within the posted speed limit. This increases the conflicts between faster and slower drivers, reduces the gaps in traffic, and increases the difficulty for pedestrians and other vehicles to judge the speed of approaching vehicles.”

Ms. Falcone also noted that she hosted a luncheon for Onondaga County Town Clerks at Angry Garlic in the Village of Baldwinsville. She said that part of the discussion entailed zone changes. She learned that it is not the function of the Town Clerk to administer zone changes, as it is a Planning Board function. She also noted that most, if not every town, collects fees for zone changes that range from \$200 to \$500. In that regard, she suggested the Board look at fees for zone changes, and asked that the Planning department administer the zone changes in the future. In addition she noted that every department who has fees associated with it be responsible for the collection of their fees. **Supervisor Saraceni** agreed and stated that he would do some research and look into a fee schedule. He appreciated the comments and said that those fees would be a good revenue source for TOL.

Councilor Geraci asked Ms. Falcone if her department collects driveway permit fees. She said yes. **Supervisor Saraceni** said that they are going to look into other options for collection of those fees.

Ms. Falcone said the spray park committee is collecting donations for the backpack program at the grand opening on Friday.

Tony Burkinshaw, Parks and Recreation Supervisor, said the spray park committee is hosting a raffle for a brick and if people choose to donate an item to the Backpack Program, they are entered into the raffle as well. He mentioned the grand opening of the spray park. The water will be turned on at noon. The ribbon cutting will occur at 6:00 PM. Regarding Motion “B”, he said they transferred money for the benches and plaques, and put that money into a reserve account. Because there was a motion to make that account possible, they are now withdrawing from that account. This was explained previously by Supervisor Saraceni.

REGULAR AGENDA ITEMS

MOTION TO DECLARE ITEMS FROM LARGE GROUP ROOM AS SUPRLUS

RES#152/2019

Motion made by Councilor Geraci seconded by Councilor Moore to declare the following items surplus: *(These items have been stored in the large community room for years and are not in use).*

- Three drawer metal filing cabinet: tag 0324
- Four drawer metal filing cabinet: tag 0323
- Four drawer metal filing cabinet: tag 0539
- Metal coat rack: tag 0293
- Two drawer hanging file cabinet tag 145
- Two drawer hanging file cabinet tag 146
- Lenovo Model M72e Computer tag 1207

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

All Ayes, motion carried and adopted

**MOTION TO AUTHORIZE
EXPENDITURES FROM THE SPECIAL PARKS RESERVE ACCOUNT**

RES#153/2019

Motion made by Councilor Geraci seconded by Councilor Moore authorizing the following expenditures from the Special Parks Reserve account:

Sign-A-Rama plaques for benches and chairs: \$562.00

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

All Ayes, motion carried and adopted

**MOTION TO OPEN A CHECKING ACCOUNT AT SOLVAY
BANK FOR THE PURPOSES OF DEPOSTING FEES COLLECTED
BY CODES, ZONING, AND PLANNING DEPARTMENTS DESIGNATING
TIMOTHY WOLSEY AS AUTHORIZED SIGNER**

RES#154/2019

Motion made by Councilor Geraci seconded by Councilor Moore to authorize Timothy Wolsey, Code Enforcement Officer, to open a checking account at Solvay Bank for the purpose of depositing fees collected by the Codes, Zoning and Planning Departments, and further designate Timothy Wolsey as the authorized signer on such account.

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

All Ayes, motion carried and adopted

**MOTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE 2019
MEMORANDUM OF AGREEMENT FOR THE CNY STORMWATER COALITION**

RES#155/2019

Motion made by Councilor Ellis seconded by Councilor Moore to authorize the Town Supervisor to sign the 2019 Memorandum of Agreement for the Central New York Stormwater Coalition.

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

All Ayes, motion carried and adopted

**MOTION TO AUTHORIZE SUPERVISOR TO SIGN 2019
POST CLOSURE MONITORING ASSISTANCE &
ANALYTICAL PROPOSAL FOR CLOSED TOL LANDFILL**

RES#156/2019

Motion made by Councilor Moore seconded by Councilor Ellis to authorize the Town Supervisor to sign the 2019 Post Closure Monitoring Assistance & Analytical Proposal for the Closed Town of Lysander Landfill.

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

All Ayes, motion carried and adopted

**MOTION TO ADD THE CYBER POLICY
PREMIUM TO THE TOL INSURANCE POLICY**

RES#157/2019

Motion made by Councilor Geraci seconded by Councilor Moore to add the cyber policy premium to the Town of Lysander insurance policy in the amount of \$2,120.00 annually.

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

All Ayes, motion carried and adopted

**MOTION TO AUTHORIZE SPRAY PARK PLUMBING CONTRACT
CHANGE ORDER FOR \$2,655 TO RELOCATE BACKFLOW PREVENTER**

RES#158/2019

Motion made by Councilor Geraci seconded by Councilor Ellis to authorize the spray park plumbing contract change order with Town Mechanical in the amount of \$2,655 to relocate the backflow preventer into to the above grade mechanical cabinet per OCWA and the Onondaga County Health Department requirements.

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

All Ayes, motion carried and adopted

**MOTION TO ALLOW DE TAROLLI TO WORK
ONE ADDITIONAL DAY OF LABOR FOR THE SPRAY PARK
PROJECT IN THE AMOUNT OF \$4,500 FOR FORCE MAIN AND RUNOFF PUMP**

RES#159/2019

Motion made by Councilor Ellis seconded by Councilor Moore to allow D.E. Tarolli one additional day labor for the spray park project to install a 4" HDPE force-main from the spray park runoff pump to the Village manhole in the amount of \$4,500 and the purchase of the required pipe and fitting in the amount of \$3,700.

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

All Ayes, motion carried and adopted

**MOTION TO EXTEND THE 2018 DRAINAGE EASEMENT CLEARING
AND MOWING CONTRACT WITH DISTINGUISHED
LANDSCAPES FOR ADDITIONAL 15 DAYS FOR \$1,992 PER DAY**

RES#160/2019

Motion made by Councilor Moore seconded by Councilor Ellis to extend the 2018 Drainage Easement Clearing and Mowing contract with Distinguished Landscapes for an additional 15 days at a rate of \$1,992 per day for work in the Radisson, Brickwalk and Chatham Woods Drainage Districts.

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

All Ayes, motion carried and adopted

**EXECUTE A BUDGET TRANSFER/HW SUPERINTENDENT TO SPEND UP TO
\$50,000 FOR MILL AND FILL ROADWORK TO BE DONE ON DRAKE'S LANDING
AND WELL AS UNDERDRAIN INSTALLATION**

RES#161/2019

Motion made by Councilor Moore seconded by Councilor Ellis to authorize the Comptroller execute a budget transfer to allow the HW Superintendent to spend up to \$50,000 for mill and fill roadwork to be done on Drake's Landing as well as underdrain installation.

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

All Ayes, motion carried and adopted

Discussion:

Councilor Geraci: On behalf of the public, there's \$198K in the Highway Improvement account which we all know about. What I would like to see for the remaining \$148K is a plan. This is the first I'm hearing about this Drake's landing project, and I have all the faith in the world because of Al Yager and his credibility, I'll vote for this tonight and I'm sure lots of things have to get done and I'm also sure the remaining 148K will not make a dent in all the things that need to get done. Be that as it may, I'd like to see a plan, as to what's the most important thing to do not only in 2019 but within the next five years, and we should hear about all the projects; and this is the HW Superintendent speaking, in addition to all the roadwork that needs to be done. I asked months ago about barrier fences in the deep culverts on the back roads, and to this day I haven't seen a plan. I'm not trying to be argumentative here, I just think for the job that we have to do as Town Board members to spend money very appropriately and judiciously on behalf of the public, let's see a plan. We knew we had this \$198K from the spring, and it would have been nice in June and July to have this plan presented to us – 'here's what we'd like to do', and keeping in mind and accepting the fact there are always last minute changes, and emergencies, but it would be nice to have the HW Superintendent present it to the public, not just to the people in the room, but to those on PAC-B.

Supervisor Saraceni: I am approving this expenditure because there was some detail attached to it, and there was consensus of those who previously worked on the project, and had concerns about the project. But certainly, \$190K is a big chunk of change, and I'd like to see some detail in how that work fits into our overall highway plan. We for a long time have been working on this Cornell Road Plan, and I think that's something that this Board has adopted as procedurally important when it comes to analyzing our roads and I think we need to stick to that and I don't think it's a lot to ask for when you're talking about \$190K of how that money is to be disbursed and how that works into the plan and if the HW Superintendent doesn't like it, he should come to the board with a different plan and explain to the public how we are going to address our road issues.

NEW BUSINESS (TOWN BOARD):

Work session: zone change fees and culverts for driveway permits.

ADJOURNMENT INTO EXECUTIVE SESSION

RES#162/2019

A motion was made by Councilor Moore and seconded by Councilor Geraci to adjourn the regular Town Board Meeting and enter into Executive Session to discuss a personnel matter at 7:53 PM.

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

All Ayes, motion carried and adopted

MOTION TO EXIT EXECUTIVE SESSION

RES#163/2019

A motion was made by Councilor Geraci and seconded by Councilor Moore to exit Executive Session to discuss a personnel matter at 8:23 PM.

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

All Ayes, motion carried and adopted

MOTION TO ADJOURN EXECUTIVE SESSION

RES#164/2019

A motion was made by Councilor Moore and seconded by Councilor Geraci to adjourn Executive Session at 8:25 PM.

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

All Ayes, motion carried and adopted

MOTION TO APPROVE THE TERMS OF THE TERMINATION AGREEMENT BETWEEN KATHERINE KISSELSTEIN AND TOL

RES#165/2019

A motion was made by Councilor Moore and seconded by Councilor Geraci to approve the terms of the termination agreement between Katherine Kisselstein and the Town of Lysander.

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

All Ayes, motion carried and adopted

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

Dina Falcone, Town Clerk