

A Town Board meeting was held at Town Hall on August 19, 2021, in Baldwinsville, New York.

MEMBERS PRESENT: Robert A. Wicks, Supervisor
Peter Moore, Councilor
Robert Geraci, Councilor
Jeffrey Kudarauskas, Councilor

MEMBERS ABSENT: Roman Diamond, Councilor

OTHERS PRESENT: Dina Falcone, Town Clerk; Anthony Rivizzigno, Town Attorney; Al Yager, Town Engineer, Kevin Merrill, Director of Parks and Recreation, and several residents and guests.

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

MOTION TO ADOPT MINUTES

RES#118/2021

Motion by Councilor Geraci seconded by Councilor Kudarauskas to adopt the August 5, 2021 Town Board Meeting minutes.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Absent		

All ayes, motion carried and adopted

Citizens Comments

Rob Helfrich, of Hourglass Lane, read the following statement:

"I would like to make a public statement for the record regarding a recent Freedom of Information Request (FOIL) dated July 19, 2021. The request was for "All records prepared or received in connection with Ranalli ALA, LLC proposal to build a 360,000 SF warehouse at the corner of Rte. 48 and Hencle Blvd in Lysander, NY." This language was similar in context to my FOIL request of June 21, 2021 which read, "All records prepared or received by the Town of Lysander Planning Board in connection with controlled site use case 2021-002 Ranalli ALA LCC". That FOIL request which was less specific, was honored by the Town of Lysander.

On July 20, 2021, I received a letter from Dina Falcone, Town Clerk asking to be more specific with my FOIL request. I responded with an email dated July 20, 2021 that the language for the request was provided by our attorney and that I cannot be more specific since I don't know what documents have been prepared or received regarding the 360,000 SF warehouse.

On July 21, 2021, I received a letter from Dina Falcone advising me that my FOIL request was denied as it fails to reasonably describe the records sought. On July 22, I submitted a FOIL appeal addressed to Supervisor Robert Wicks and copied Dina Falcone. Within that appeal I explained that the developer materially changed their proposal from a 1 million square foot warehouse to 360,000 square feet. I was requesting all materials prepared, received, revised or modified as a result in the material change in the project.

The Town of Lysander did not follow the proper procedures following a FOIL appeal. Under New York Public Officer's Law § 89, the Town was required to submit a letter of determination to the New York State Committee on Open Government within 10 business days of receiving our FOIL appeal dated July 22. I called NY-COOG and they never received any documentation from the Town of Lysander. We could easily pursue another Article 78 and once again file a lawsuit against the Town, and we would not have settled. Under New York Public Officer's Law § 89 Paragraph (3) c, if we prevailed, which we likely would, the Town of Lysander would have been required to pay our legal fees.

As a Lysander citizen, I am particularly dismayed at the apparent lack of respect for the rule of law by the Town of Lysander. I would direct this in particular to Bob Wicks. With the Ranalli Warehouse Project, the Town repeatedly ignored legal procedures. Of note, the SEQR process for February 4 change of the industrial lot usage law and now ignoring a FOIL appeal. I certainly hope this behavior is not common with every Lysander project. For the best interests of our Town, if this behavior continues, I believe we

need to replace our Town Supervisor and/or Town Attorney. Most notably if the Town Attorney is advising the Town Board not to follow proper SEQR procedures and ignore FOIL appeals which I would suspect is not the case.

As a result of ignoring my FOIL appeal of July 22, the Citizens against Lysander Mega-Warehouse never had an opportunity to challenge any of the documents prepared for the revised warehouse proposal before the Lysander Planning Board voted to approve the project on August 10, 2021. I would certainly hope the intent of the Town of Lysander was not to hold access to the relevant documents prior to the August 10 Planning Board Meeting. On August 17, I received an email from Dina Falcone that my FOIL request was now being completed and the documents will be available. This is despite the FOIL request for the documents was denied and under appeal.”

Fred Burtch of Plainville Road asked the Board if they had an intent to reach out to the public and ask people to come to the meetings so that more people would attend. He also referenced the shape and direction of the town as far as moving forward with businesses, and asked if Town Law precluded any members from proactively going out and pursuing new businesses or agencies to locate to Lysander. **Supervisor Wicks** said no, and said that in regard to business development, that is part of what the County does. Mr. Burtch said that he has talked with many people and gets an idea of what they are looking for in the future.

Mr. Burtch thanked the Town Clerk for sending a care package as he was very ill with COVID. He said it was very thoughtful and restored his faith in local government.

Supervisor Comments

Supervisor Wicks asked specific questions directed to Ms. Falcone as follows:

Supervisor Wicks: *I believe that we have had some FOIL requests recently, right Ms. Falcone? And we met the time frame on all of the FOIL requests right?*

Ms. Falcone: *That is correct.*

Supervisor Wicks: *Right, just like the law says, and all the documentation was sent in that was supposed to be sent in?*

Ms. Falcone: *Yes.*

Supervisor Wicks: *And there is no time limit on when we send it in, it just says it has to be sent in. There's time limits on other things, when somebody files a FOIL request, we have five days to respond, and we have done with that with every FOIL request that has come in, and then if we get an appeal, we have, I have, ten days to respond to that and tell anybody whether I am denying it or make those records available. Correct?*

Ms. Falcone: *Correct.*

Supervisor Wicks: *And, we have done all of that in the time frame, and we have kept in touch with the Committee on Open Government, and to ensure that we are doing things correctly right?*

Ms. Falcone: *Yes that is correct.*

Supervisor Wicks: *Alright I just wanted to make sure we had that straight in my head.*

Supervisor Wicks said that there was a lot of flooding in the community, and he and Mr. Yager addressed some of the residents affected by it. One particular resident on Connell Terrace had at least three feet of water in his basement. **Supervisor Wicks** advised him to call 911 and the Fire Department. Upon doing so, the basement was pumped out. **Supervisor Wicks** said that sometimes fire personnel don't get the accolades that they should. [Although this particular instance] might seem mundane to some, he is sure that the residents on Connell Terrace were extremely grateful for it, and he thought it was worth noting we appreciate our firefighters.

Town Board Comments

The Councilors thanked everyone for coming to the meeting and chose to focus on the agenda. **Councilor Moore** and **Councilor Kudarauskas** thanked Ms. Falcone for her kindness in helping Mr. Burtch.

Department Head Reports

Kevin Merrill, Director of Parks and Recreation said the Pickleball Tournament is September 11. There are applications on the website or in the Parks and Recreation office.

Al Yager, Town Engineer said that the Public Service Commission approved TOL’s purchase of street lights from National Grid. Hopefully there will be a closing date by the third week in September. [For the LED conversion].

Dina Falcone, Town Clerk advised that according to Chapter 257-3 of Town Code, trash haulers must be licensed in the Town of Lysander. **Ms. Falcone** read the list of the licensed trash haulers for 2021-2022 as follows: Butler Disposal, Chuck-It Haulers, Dependable Disposal, Discount Dumpster Rental, Morgan Rubbish Removal, Superior Waste Removal, Robinson Roll-Off, Waste Management, and Syracuse Hauler’s Waste Removal.

Regular Agenda Items

MOTION TO AUTHORIZE THE TOWN CLERK TO REQUEST AN AREA/TRAFFIC SPEED STUDY FROM THE LIGHT AT 690 TO THE STOP SIGN AT SMOKEY HOLLOW ROAD

RES#119/2021

Motion made by Councilor Moore seconded by Councilor Kudarauskas to authorize the Town Clerk to request an area traffic/speed study from the light at 690 to the STOP sign at Smokey Hollow Road (west 1/8 of a mile to the STOP sign).

Supervisor Wicks	Aye	Councilor Kudarauskas	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 DEEDS TRANSFERRING PROPERTY BETWEEN THE TOWN OF LYSANDER AND MR. RICHARD WHITNEY

RES#120/2021

Motion made by Councilor Moore seconded by Councilor Kudarauskas to authorize the Town Supervisor to sign the deeds transferring property between the Town of Lysander and Mr. Richard Whitney, subject to permissive referendum.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Absent		

All ayes, motion carried and adopted

Discussion:

Mr. Yager advised that this squares off the western park boundary, and TOL has land that goes out to Smokey Hollow Road, and there’s a slope that goes off the shoulder that makes a big part of that land unusable for the park. The land that TOL is receiving from Mr. Whitney is dry and flat and aligns with long term goals of a nature trail in that area of the park. Mr. Whitney desires to have a buffer between his house and the parklands and this accomplishes both goals. This is called a movement of a lot line.

MOTION TO AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR BIDS FOR THE TOWN OF LYSANDER STREET LIGHT MAINTENANCE CONTRACT

RES#121/2021

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to authorize the Town Clerk to advertise for bids for the Town of Lysander Street Light Maintenance Contract, with all bids to be submitted to the Town Clerk’s office no later than September 15, 2021 at 10:00 AM.

Supervisor Wicks	Aye	Councilor Kudarauskas	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 2021
POST CLOSURE MONITORING ASSISTANCE & ANALYTICAL PROPOSAL
FOR THE CLOSED TOWN OF LYSANDER LANDFILL WITH
BARTON & LOGUIDICE IN THE AMOUNT OF \$3,600**

RES#122/2021

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to authorize the Town Supervisor to sign the 2021 Post Closure Monitoring Assistance & Analytical Proposal for the closed Town of Lysander landfill with Barton & Loguidice in the amount of \$3,600.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Absent		

All ayes, motion carried and adopted

**MOTION TO ALLOW THE HIGHWAY SUPERINTENDENT TO ENTER INTO AN
AGREEMENT WITH NYE FORD FOR THE TRADE IN OF HIGHWAY VEHICLES**

RES#123/2021

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to allow the Highway Superintendent to enter into an agreement with NYE Ford for the trade-in and order of two 2022 F150s to replace two HW F150 Ford trucks. The vehicles being traded in will cover the cost of the two new vehicles with no cost to the town.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Absent		

All ayes, motion carried and adopted

Discussion:

Supervisor Wicks said this is part of the vehicle replacement program. TOL is trading in year old vehicles for brand new vehicles, and because we are able to buy them off of the state bid we get a good price on them and resale value on them is very high. It gives us a new vehicle every year, and we have a three year thirty six month maintenance plan.

There was an executive session that followed the work session. They entered at 6:22 PM and adjourned at 6:52 PM.

AJOURNMENT

A motion was made by Councilor Kudarauskas and seconded by Councilor Geraci to adjourn the Town Board Meeting at 7:23 PM.

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

Dina Falcone, Town Clerk