

A Regular Town Board meeting was held on August 4, 2022, at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT:

Robert A. Wicks, Supervisor
Robert Geraci, Councilor
Peter Moore, Councilor
Jeffrey Kudarauskas, Councilor
Kevin Rode, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Dina Falcone, Town Clerk; Anthony Rivizzigno, Town Attorney; Ken Svitak, Highway Superintendent, Kevin Merrill, Parks and Recreation Director, Jennifer Fricano, Comptroller, Al Yager, Engineer, and several guests and residents.

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

Adoption of Minutes

RES#100/2022

Motion by Councilor Rode seconded by Councilor Geraci to adopt the July 14, 2022 Town Board Meeting minutes.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Abstain	Councilor Rode	Aye		

All ayes, motion carried and adopted

**MOTION TO OPEN THE PUBLIC HEARING REGARDING
A BLOCK PARTY ON GLEN ABBEY TERRACE**

RES#101/2022

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to open the public hearing at 7:01 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

Supervisor Wicks stated that regarding block parties, TOL has to have the Superintendent of Highways post regulations for the closing of streets [and issue permits] prior to commencing the event. Officials are required to walk up a portion of the street to vacate traffic except for emergency hazard vehicles and to post detour signs.

**MOTION TO CLOSE THE PUBLIC HEARING REGARDING
A BLOCK PARTY ON GLEN ABBEY TERRACE**

RES#102/2022

Hearing no public comments, motion made by Councilor Moore seconded by Councilor Kudarauskas to close the public hearing at 7:02 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

Citizens Comments

Chuck McFadden of Hayes Road spoke about the safety concerns regarding traffic and parking issues on Hayes Road from traffic at the Tiki Bar. **Supervisor Wicks** stated that there will be another public hearing regarding NO PARKING signs. He also advised that he will be working with County DOT as to exact placement of the signs and distance markers. He said he is going to drive along the road with the HW Superintendent to view the areas where the proposed signs will be placed.

Liz Schmitt of Hayes Road read a statement regarding concerns related to the traffic and parking issue on Hayes Road. Her concerns include but are not limited to her interpretation of Section 1660 of V&T Regulations, *“The Board has the authority to initiate a lower speed limit on Hayes Road without a study, to enforce no parking regulations, and to install a pedestrian cross walk, with a crossing signal, which may be called for on a road where a business and its parking are on opposite sides of the roads. Additionally, the Board should consider that during the months of April to October, on Hayes Road, the Winds of Cold Springs Harbor Marina and Tiki Bar will have hundreds of customers parking in a third party leased lot, and they are currently crossing a 55-mph road, often after dark. This is a significant public safety issue, and the Board has the authority to implement measures to enhance public safety.”* The statement will be made part of these minutes.

Councilor Geraci asked to clarify the traffic study as DOT has the authority to regulate those speeds, not a town. **Attorney Rivizzigno** concurred. (Crosstalk occurred during this conversation). He said the state isn't going to change the zone (speed limit) without a study. **Councilor Geraci** stated that in the town's experience DOT never immediately lowers a speed limit.

Holly Magdzick: Asked about the upcoming public hearing regarding the updated zoning map. She asked if the map would be available to the public. Mr. Yager stated that the map would be on the website the next day. He noted that the zoning map would reflect past zone changes. The last zoning map was updated in 2016. Per **Mr. Yager**, it is a Local Law that is subject to permissive referendum if it were to be challenged, but it is simply an updated map showing zone changes [so there is no merit to challenge it]. There would be nothing to contest per **Attorney Rivizzigno**.

Councilor Rode stated that these zone changes were changed years ago, they are just not reflected on the current map (from 2016).

Ed Schmitt of Hayes Road asked if any of the zone changes pertain to Hayes Road. **Mr. Yager** said no.

Ms. Falcone advised that if the public needs copies of any maps, they would be available in the Town Clerk's Office.

Town Board Comments

Councilor Geraci spoke about the Golf Tournament to benefit Canton Woods on September 12th. It is \$50 per person. He spoke about B'Ville Express for those who need assistance going to doctor's appointments. Canton Woods needs drivers. Please call 315-638-4536 for information on any programs. **Councilor Geraci** thanked Kevin Merrill for organizing Chess for kids.

Supervisor's Comments

Supervisor Wicks noted that Mr. Yager submitted his resignation. He thanked him for his time with TOL and stated that he has done an exceptional job for the Town of Lysander.

Department Head Reports

Kevin Merrill, Parks and Recreation Director stated that the parking lot is coming along and that the park has been busy with updates. Additionally, they will be placing boulders along the area where the accident occurred. He noted that all of the programs are on the website.

Theresa Golden, Assessor:

- Preliminary Assessment Notices were mailed in mid-March to 8593 property owners.
- Informal meetings with the Assessor were scheduled during March and April. A total of 307 informal meetings were scheduled with property owners.
- May 2 the Tentative 2022 Roll was filed and an additional 210 Change of Assessment Notices were mailed to property owners.
- Grievance Day was held on Tuesday June 7, and Tuesday June 14, 241 property owners filed a grievance complaint.
- The Final 2022 Assessment Roll was filed with the County and State on June 30.
- The NYSORPTS has reviewed and verified the 2022 Equalization Rate/Level of Assessment at 100%.
- The Cornell Seminar on Appraising held July 17 thru July 21 was very informative. Classes attended were Valuation of Utilities and The Changing Face of Retail. Continuing education credits earned were 24, and paperwork has been submitted to the State for reimbursement. Reimbursement applications must be submitted to the State within 30 days to be considered.
- The Town of Lysander has received 6 Small Claim filings and no new Supreme Court filings to date.

Councilor Rode asked about an article that he read in the Messenger which he said seemed to be aimed at low income seniors in the Town of Salina regarding the IRA capital gains in an Assessor’s application. **Ms. Golden** noted that there are specifics for each exemption and this is called the “Senior Citizen Limited Income Exemption”. She said that Salina gives seniors benefits for unreimbursed medical expenses, but it’s an option that Lysander has not adopted.

Jennifer Fricano, Comptroller stated that they are gearing up for budget time. They have completed the West Phoenix Sewer issue and finished an analysis that was provided to the Board. She is looking to digitize some older documents.

Regular Agenda Items

TABLED

Motion made by _____ seconded by _____ to adopt a Local Law to Amend Vehicle and Traffic Law Section 295, Article IV §295-28 relative to the installation of “NO PARKING” signs .5 miles from the NYS Route 370 intersection to 3653 Hayes Road.

MOTION TO APPROVE A BLOCK PARTY ON GLEN ABBEY TERRACE

RES#103/2022

Motion made by Councilor Geraci seconded by Councilor Rode to approve of a block party on Glen Abbey Terrace on August 27, 2022 at 4:00 PM

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode			

All ayes, motion carried and adopted

MOTION TO HOLD A PUBLIC HEARING TO ADOPT A LOCAL LAW TO UPDATE THE TOL ZONING MAP

RES#104/2022

Motion made by Councilor Moore seconded by Councilor Kudarauskas to hold a public hearing on Thursday, August 18, 2022 at 7:00 PM to adopt a Local Law to update the Zoning map for the Town of Lysander.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode			

All ayes, motion carried and adopted

MOTION TO ADVERTISE FOR BIDS FOR THE 2022 TOL SWALE CLEARING AND POND MOWING CONTRACT

RES#105/2022

Motion made by Councilor Rode seconded by Councilor Moore to advertise for bids for the 2022 Town of Lysander Swale Clearing and Pond Mowing Contract. Bids will be due in the Town Clerk's Office by Wednesday, August 17, 2022 at 10:00 AM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

MOTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE AGREEMENT DATED JULY 14, 2022 WITH BONADIO & CO. LLC

RES#106/2022

Motion made by Councilor Geraci seconded by Councilor Moore to authorize the Town Supervisor to sign the agreement dated July 14, 2022 with Bonadio & Co., LLP.

Supervisor Wicks	Aye	Councilor Kudarauskas	No	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		No	

Two no's three ayes, motion carried and adopted

MOTION TO APPROVE BUDGET MODIFICATION FORMS AS SUBMITTED BY THE TOWN COMPTROLLER

RES#107/2022

Motion made by Councilor Moore seconded by Councilor Kudarauskas to approve the budget modification forms as submitted by the Town Comptroller.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

Discussion:

Councilor Rode asked if [Comptroller] could break up each modification and what it's paying for – but he'd like them separate for the public to see – the accounts crediting and debiting so the public can see. (one page for each item that is related).

MOTION TO AUTHORIZE TOL TO DECLINE PARTICIPATION IN THE NYS NON-REAPPRAISAL REASSESSMENT PROGRAM

RES#108/2022

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to authorize the Town of Lysander to decline participation in the New York State NRR Program. (Non-Reappraisal Reassessment, maintaining 100% assessment.)

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		No	

One no, four ayes, motion carried and adopted

Discussion:

In talking with Ms. Golden, we're looking at between 14 and 15% increase for next year, based on the sales from last year. Correct? So then we also took a look because the different towns that don't have 100%, and the reason we have to, and I checked with our Legislator, Brian May, and because it's the fairest way to do things, if everybody's houses are being assessed for what it's valued. They're paying their fair share of taxes to go towards keeping in town in the school and everything else. But what's happening is - she actually brought in as an example of a neighboring town that isn't at 100% but she compared a \$200,000 house in that town, a \$200,000 house and in the town of Lysander are very comparable. If you looked at them, they looked almost exactly alike. Both appraised at the same price. But when you looked at the school tax, the town of Lysander was paying \$1,000 more in school tax. Well, why is that? Well, the state is supposed to come into the town is not at 100% appraisal, they're supposed to come in and equalize that. So theoretically, they're supposed to bring that up. So if you look at and I don't I don't have a good example here, but houses are at a curve. We're probably at the peak of where houses are selling at now. And I think we talked about it in 2019 is when this housing market went our way. So people are paying and I'll use an example that I know of in Radisson. When you go to sell your house you bring in a realtor and they know what the houses that are valued at so this one house in Radisson was valued by the realtor and they were valuing it at \$449K because the market was hot so that's what they said this house was worth. Well, that house sold for 539,000 - \$90,000 more than what the professionals in that market believed that house was worth - why is that? There's a number of reasons why that was happening. But funny. People in the town that are selling their houses, or maybe even for a windfall but the majority of the people, especially the people that are fixed income, they're going to stay in the house. They are getting murdered by this financially and devastated by the inflated cost of these houses. So when we looked at it, and I talked to the other board members, we want to be at 100% but right now it's peaked. If we left it the way it is we be looking at another 15% increase even though the housing market is coming down. So I suggested that we ride it out for a couple of years because even if next year we'll have 100%, say comes in and does their equalization, while people probably make out better than they would if we were at 100% Anyway, so it's not hurting anybody to do that. But by the following year, the second and third year, we should be back to an equilibrium where houses are selling for what they shouldn't be selling for. Now. If a house in 2019 was valued at \$200,000, they're probably not going to be two or three years from now - they're probably going to be at \$230,000 but they certainly aren't going to be selling for \$275,000 or 300,000 like they are now, and who really gets hurt? Most people that are younger - and there are still people working or they have good jobs. Do they like the inflated taxes? They can absorb it but I know of at least one individual that is living on a fixed income of a small patch of carpenter's patch in a small social security check and his wife just recently passed away. So he lost that income. Those are the people on the lower end economic spectrum that are really getting devastated by this inflated housing market. So my suggestion to the board and hopefully we pass it tonight was that we ride it out for a couple of years. Let that housing market come back to where it should be and stabilized again before we look at going back to 100% assessment.

Question: What happens is worst case scenario, prices keep going up and up and up. After the second year. We're going to do increases 40-50% - It would depend on the market. But if the market went up, if the market continued to go up, you know that is a possibility.

Ms. Golden: But what is happening right now because as the Supervisor spoke to - this valuation date is set by law and it says for each assessment roll. It's as the property exists on March 1. So that's why the exemption deadline is March 1. If your house is done and finished on March 1, you get a full tax bill. If it's not you probably get a partial tax bill for that year because taxable status date is March 1 every year, but the kicker is it's valued based on the previous July 1. So we're almost when we send notices out in April or May we're a year behind what's actually happen in the market. And in there's no way around it that's what the law requires. So the last four years, prices have gone up this past year. This assessment rule saw increases that assessors that have been in the business for 20 or 20 plus years have never seen the problem is where we are right now in where we're going to be next year. You know roughly a year ahead I think are going to be very extreme. Interest rates have gone are going up they've gone up twice already. And but the full impact of that has not shaken out. So I think it would be almost a perfect storm if we decided to keep the assessments at 100%. Knowing that a year from now, nobody has a crystal ball. We don't know how bad it will get or how much those interest rates are going to cool the housing market down or how fast but where I'm coming from with this. So that's my that's the main concern for me. That valuation date being a year back. That's going to be it's always very hard to explain to property owners and they don't want to hear it especially when interest rates have gone up. And I started the conversation with the supervisor about this because of the fact that when I considered everything the town board does typically you have a public hearing and you get that you get that input from the public. If you consider what the assessor's office survived and went through from the middle of March until the third week in June this year as a public hearing on our assessment practices. The resounding answer was they're fed up with it. They don't want it anymore. They don't want to understand why we do it. And they're basically just

tired of it. So that's when we started having the discussion about do we want to continue do we want to take a break where do we want to go from here?

Councilor Geraci: I'm going to chime in at this point. I can't think of a more patently unfair way to raise taxes and property taxes. It is the most unfair way to do things. So I have the full support of passing this thing together with full value assessment because let me explain why I just said those words. There were members of Congress this year who actually proposed taxing on unrealized gains on your capital investments. Like how dare you? I have money that I've invested? I haven't done anything with it and you're going to tax me on unrealized gains. Well guess what happens in the housing tax market. Your every time we raise assessments or any municipality raise assesses. We're basically saying you've sat in your house for 20 years, you haven't sold it. Your house value has gone up Guess what? You're going to pay more money, but I didn't get that money that must be worth twice what I came for. So the whole property tax equation, in my opinion is so unfair to people who have been in their houses for any length of time. If you buy a house at \$500,000 and you're willing to take that money, and you've got the money to pay for it, then you should pay taxes on \$500,000. But 30 years from now, all you could have afforded today was \$500,000. And you're now retired. How dare you say that? You know, get yes why you should pay taxes on a house that's worth \$750,000 But I'm not making my kids may have ended up selling that house. I'm not going to sell it. So I support this because I am so thoroughly upset with the way America taxes people in their communities to raise money. I think there's a much better way it's certainly not through property tax taxes. We're not going to change that. All we are is a little town of Lysander in the state of New York is obviously not going to change this but for the record. I hope what I just said makes sense in terms of a philosophical approach to why it's inappropriate to keep raising assessments. on people who are not going to realize the gain and the value of their house. Also, so what does this cost the town of Lysander if we're not at 100%?

Ms. Golden: Nothing, nothing. Just to give you a little bit of background without keeping us here all night. When the town of Lysander first started the 100% assessment. I believe it was 1999 or 2000. They did the they were at 10% They did a town wide reboot. Reevaluation. They brought everyone up to 100%. And from that time going forward so the past 20 plus years, the town of Lysander has been in 100% assessment for the first 10 years of that roughly, the state basically said we if you maintain your assessments, it's the right thing to do. At 100% we're going to give you \$5 A parcel for doing that for the expenses and you know, the additional costs and all of that, roughly 10 years ago that money went away. No one gets it anymore. So at this point there is no incentive for a town to remain at 100% because that money has gone away. And because if you looked at that assessor's report that had the equalization rate page that said we were at 100% If you look at the other towns in the county, they range from a little over 1% to 100%. And there's only I think six or eight of them now. And two of them are van Buren and Lysander that are in 100% Everyone else has thrown in the towel and said you know we've had enough of this. So it will not cost the town of Lysander anything not to be at 100% because the state will use their equalization rate process to equalize across you know, for school across boundaries for school taxes, and for county taxes. That's the only thing that the equalization rate affects the people in town of Lysander pay their taxes. It doesn't have to be equalized because everybody's in the same township. So it doesn't really cost the town anything. Now if you if you were to go, you know along the longer you go without maintaining assessments, the more out of whack your assessment role can become. And you've seen some articles about the city of Syracuse in how their assessments are, you know, need a little work. The longer you go without doing a reevaluation or updating your assessment role, the more out of whack it can be in an equitable that it can become. And if it gets to the point that it's out of whack then the state says the only way that you can fix it is to do what town wide rebound, then then that would be an expense for the town to bring everyone up. To 100%. That's the only cost.

Question: Okay, so how does this change? If we vote out this how does this change how your department runs?

Ms. Golden: We won't be sending out change of assessment notices based on market driven values explained to him. Okay. So basically, we won't we won't be analyzing the assessment role in determining which neighborhoods are below 100%. The state will equalize the town physical increases all the new construction if you put in a pool, if you add a garage, all of those things are still going to happen. We're still going to administer the exemptions. Every everything remains the same. We just won't be chasing that 100% target with the state along with this before, if we pulled out before you well, actually, actually it can it can be because you're just you're just making the resolution to not participate in that non-reappraisal reassessment program. You can revisit it annually if you decide to. It's entirely up to you. I mean, so that everybody understands. School districts still got the same nut to crack the towel still is the same number. Yes. So your tax rate might change. Yes. Yes.

Question: How come condos aren't 100% assessment?

Ms. Golden: Condos are not in 100% assessment. Condos are not because of the law that was passed I believe in the 70s that came out of a situation downstate particularly New York City. And so what the condo law actually says is a condo is not a building. So it can look like a house. It can it can look like a

townhouse. It can look like an apartment building. It's the form of ownership is a condo. And so they had the situation and other parts of Onondaga County a few years ago where they actually built houses, single family houses. They got a roughly 40% tax break because they were owned. They were in a condo ownership situation and the way it works and how did that last? Since then, well, actually, they have actually it's on the governor's desk right now. And we're hoping after 20 years of fighting that she's going to pass it, but it will not affect condos that already exists. It's a local option. As soon as I hear that it's passed. I will let you know but it will affect condo ownership properties going forward not for the existing properties. And what it says is whatever is in their condo ownership, one or two, you value it based on the income that their whole complex can generate. And then you divide that amongst the percentage of the ownership. So if an apartment had 5% of the ownership, you would add all those apartments up. You would value them based on the income approach as a whole and then apartment would get 5% of that value. So that's basically how it works. The problem and it works pretty good with apartments because apartments are pretty much normally rented. But when you get into townhouses and single-family homes, you can't generate enough income to offset the difference between the sales comparison approach to value which means the market value driven so that's where you get that that's where you get that difference between what the market says it's worth and what the income says it's worth.

MOTION TO ACCEPT THE RESIGNATION OF AL YAGER AS TOWN ENGINEER

RES#109/2022

Motion made by Councilor Rode seconded by Councilor Geraci to accept the resignation of Town Engineer Al Yager, effective Friday, September 9, 2022.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

MOTION TO ACCEPT THE RESIGNATION OF MELISSA MACCONAGHY AS ASSESSMENT AIDE

RES#110/2022

Motion made by Councilor Moore seconded by Councilor Geraci to accept the resignation of Melissa MacConaghy as Assessment Aide effective Friday, August 5, 2022. With benefits and salary consistent with the labor agreement.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

MOTION TO APPOINT MELISSA MACCONAGHY AS ASSESSMENT CLERK

RES#111/2022

Motion made by Councilor Kudarauskas seconded by Councilor Geraci to appoint Melissa MacConaghy as Assessment Clerk effective Friday, August 5, 2022. With benefits and salary consistent with the labor agreement.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

Discussion:

Supervisor Wicks stated that the reason for this change is because Ms. MacConaghy was appointed as an Assessment Aide year ago, and there was not a test for it. The test that came up did not have any study material, so she didn't pass the test. Ms. MacConaghy's real job is Assessment Clerk, which [Civil Service] doesn't have a test for. That's the job she actually does day to day. Supervisor Wicks said she is a very good employee and TOL wants to keep her. She will have to pass the test.

**MOTION TO ACCEPT THE RESIGNATION OF
AMANDA RILEY AS COURT CLERK**

RES#112/2022

Motion made by Councilor Kudarauskas seconded by Councilor Moore to accept the resignation of Amanda Riley as Court Clerk effective Friday, August 26, 2022.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode		Aye	

All ayes, motion carried and adopted

Discussion: Ms. Riley is leaving due to family obligations.

ADJOURNMENT INTO EXECUTIVE SESSION

RES#113/2022

A motion was made by Councilor Moore and seconded by Councilor Kudarauskas to adjourn the regular Town Board Meeting and enter into Executive Session to discuss legal advice regarding potential litigation and to discuss past history of an employee at 8:14 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

ADJOURNMENT OF EXECUTIVE SESSION

RES#114/2022

A motion was made by Councilor Kudarauskas and seconded by Councilor Moore to adjourn the Executive Session at 8:44 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

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

Dina Falcone, Town Clerk