

A regular meeting of the Lysander Town Board was held at 7:10 p.m. on September 14, 2015 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John A. Salisbury, Supervisor
Melinda Shimer, Councilor
Andrew O. Reeves, Councilor
Robert Geraci, Councilor
Roman Diamond, Councilor

MEMBERS ABSENT: None

OTHERS ATTENDING: Tony Rivizzigno, Town Attorney; Lisa Dell, Town Clerk; Al Yager, Town Engineer; Pac-B and several residents.

PUBLIC HEARING
PROPOSED LOCAL LAW
AMEND THE TOWN OF LYSANDER VEHICLE AND TRAFFIC LAW
TO ADD TWO STOP INTERSECTIONS

Notice of said Public Hearing was duly published in The Baldwinsville Messenger on September 2, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on August 25, 2015 for the purpose of hearing all persons for or against the adoption of a local law of the Town of Lysander for the year 2015 which would amend the Vehicle and Traffic Law of the Town of Lysander to add two "stop" intersections at Springwoods Circle entering NYS Route 370 and at Mercer Street entering Giddings Trail.

At 7:10 p.m. Supervisor Salisbury opened the floor for comments and there were none.

All persons, desiring to be heard, having been heard, the public hearing was closed at 7:11 pm.

SUPERVISOR'S COMMENTS:

Supervisor Salisbury: We had a long work session. We had a request to reduce the speed limit in Collington Pointe which is a 30 mph speed limit reducing it down and on legal advice NYS would probably not look at anything less than 25 mph. We are going to see what we could do there. We did talk about the Lamson Road Water District and we will have a resolution that will be added here to authorize the Town Engineer to do a Map, Plan and Report for a reduced Lamson Road Water District which would be primarily if not entirely east of Route 48. We talked about the new race that is going to be run at the park. The Willett Pond Dam we got a report that shows we are not in compliance and the Engineer is working on that. Another resolution the Fest-ravaganza the fee will be changed. The town park walking path reconstruction the Engineer will follow up on that but right now what we are going to have to pay the highway out of the general fund because of the work they did exceeds what we expected so we have to look at how we are going to construct that path. We are going to have a discussion under Department Heads about a public hearing regarding the override of the tax cap. The Board was given tonight a new proposed dog law control which the Board will react to for the next meeting then we will have to set a public hearing. I want to thank Melinda Shimer, Al Yager, Tony Burkinshaw and Martha Stevens, Melinda's mother, for volunteering to plant bushes around the town sign and in front of the building but that part is not completed yet. We really appreciate doing that. We hoped to get other volunteers but that did not work out.

TOWN BOARD COMMENTS:

Councilor Diamond: Thank you everyone that is attending tonight. John I am glad that you mentioned at the next work session you want to discuss the solicitation and peddlers law. I also like to ask you consider putting on the agenda a Whistleblower policy. I continue to ask about this and you have told me several times that you would add it to the agenda.

(Crosstalk)

Councilor Diamond: You did.

Supervisor Salisbury: I said I would consider it. But anyways it doesn't matter.

Councilor Diamond: I'm still speaking. I would like to present everyone (the Board) with a copy of a solicitation law and I would like to introduce a resolution tonight to set a public hearing for the 28th to adopt this

proposed law. Any amendment that the Board has could be introduced at a later date. This is the same local law that the Board has had months, to my knowledge, to see. There is nothing new here. So there is going to be a discussion at the next work session and there may be some items that may want to be amended. I would like to introduce a resolution this evening to set a public hearing for the 28th of September. That is the only announcement that I have. I think that it is time that the town board took action on this. I have had several residents reach out to me and say that they have public safety concerns and I think that this is something that the town board definitely needs to implement.

Supervisor Salisbury: There is still a lot of work to be done on this one of which is the involvement of our State Police and our Sheriff. Also this was a law that was thrown together so to speak.

Councilor Diamond: This was put together by Dan Boccardo and this is copy of several different towns' peddler and solicitation laws. There are 6 towns in Onondaga County that have a peddler and solicitation law. As I said any amendment that the Board has or any Board member has can be added. But I think it is important that we set a date for a public hearing to give residents an opportunity to plan their schedule accordingly to attend this meeting.

Councilor Shimer: As a scientist and educator I do a lot of listening and I do a lot of observing and a lot of gathering my thoughts and when I have them all prepared then I will tell you what I think. So I want to address my comments tonight to my colleague, Councilor Diamond. Unfortunately, I find myself using that word colleague somewhat loose because when you ran for this position, I assume that you did so claiming to want to work cooperatively on a board of councilors toward the betterment of the Town. Indeed, in past two years, I have heard you state that what you are looking for from the rest of the Board is that they listen to you and give you the chance to have input in the decision making process. Communication and respect. Intrinsic in the definition of these words is a two-way relationship. Oddly enough, I find that sorely missing in your dealings with and on this Board. During your tenure as a Town Councilor, you have claimed to have been ignored, harassed, and even bullied. Roman, you have never initiated an interaction with me, in person, after a meeting, or on the phone, or by email to discuss an issue before the Board. During Work and Open sessions of the Board, any input you offer is taken into consideration and discussed. I fear that you are interpreting any disagreement as harassing. When you and Councilor Reeves for example don't see an issue from the same perspective, your exchange may get "intense", but your points are always acknowledged and addressed. Discussion that includes disagreement, compromise, and concession is how issues are addressed and decisions are made by a board and by families and people. I am sure you witnessed this on the School Board. Councilor Geraci and I have reached out to each other to discuss issues and clarify viewpoints, and I know that Councilor Reeves and he do the same. Listening goes on behind the scenes as well as in the public eye. Respect. Roman, you ask for it, but I want to let you know that your lack of it for this position, the rest of the Board and this community is why I feel compelled to say any of this. For two years, you have become increasingly divisive. You have attacked me personally in the media and distributed misinformation about my statements to the community. You have publicly and falsely accused me, Councilor Reeves, and Supervisor Salisbury of illegal meetings and you continue to vilify us on Facebook. To this point, I have just swallowed all this, and I am keeping calm and quite, because in the interest of avoiding confrontation and trying to work together and maintaining at least one sided civility between us. Last week, you went too far. I resent and am tired of you using your position as a Councilor and our Town Board meetings as a pulpit for your political agenda. You've pushed the 'us versus them' button way too often already, but your actions last week at the Conservative Primary election are totally outside the realm of "manners and civility" you and those that you support claim are lacking. Legally, you have the right of free speech, which includes political speech, but in your position, especially, ethics and integrity should also guide you. As a sitting Town Board member, you stood on Town property waving a sign and actively campaigned against fellow Board members. You stopped voters in their cars and told them that Andy and I are Democrats which is not true, suggested that we are, the challenging candidates are more deserving of the position than Town Councilor than the two who we are voted with for more than 95% of the time that we make votes you voted with us. Still you refer to us openly as your position as you sit on the board with us. Enough, vitriol and hypocrisy, Roman. The community and your constituents deserve way better. They elect you to represent and work for them, not yourself and the LRC.

Councilor Diamond: Councilor...

Supervisor Salisbury: No. This is for... we will go down through the rest of...

Councilor Diamond: No I am responding to these accusations right now. Please. Because there was a lot of attacks, there were a lot of myths, there were a lot of mistruths.

Supervisor Salisbury: If they were attacks I would have stopped her.

Councilor Diamond: No you wouldn't because you have voted with Councilor Shimer and Councilor Reeves for four years.

(Crosstalk)

Councilor Diamond: Please let me respond to those accusations.

Councilor Reeves: As in 95 percent of the other two board members.

Councilor Diamond: First of all there are a lot of mistruths in that statement. It is very sad that you have taken this position at a town board meeting to personally attack me.

(Crosstalk)

Councilor Diamond to Supervisor Salisbury: You allowed Councilor Shimer to read a prepared statement that was very derogatory directed towards myself and there were a lot of lies and slanderous misstatements.

Councilor Diamond: And Councilor Shimer I am really ashamed of you because how many times have I talked to you outside of this board meeting?

(Crosstalk)

Councilor Shimer: Never.

Councilor Diamond: How many times have we had breakfast?

Councilor Shimer: Twice. I invited you to breakfast.

Councilor Diamond: No, it was the other way around.

(Crosstalk)

Councilor Diamond: I am very embarrassed. I am very embarrassed.

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Councilor Reeves: Solicitation law I'll give you a little history on it. We had, there's a board meeting at Radisson this spring and this is after the committee was broken up here that was working on the solicitation law. Melinda and I and John had a good long discussion with the board and we all brainstormed and came up with the idea of not only just talking about Radisson with solicitation but also Seneca Estates and also building a solicitation law that will grow with future home owners associations. We had a meeting and we had representation from Seneca Estates and we had the new chairman of the Board over at Radisson was there. We discussed the solicitation. We were all given a folder with these different proposals from different towns. We were also given the copy that Dan put together and the way we left the meeting is after we reviewed these, which we have, but we have had pretty busy schedule between Lamson Road and budget coming up, and I don't think any of the agendas have been that light and this morning John scheduled a work session for the 21st for this issue. Now tonight we got a resolution and what we tell Radisson and what do we tell Seneca Estates. We said once the board reviews these we are going to bring it back and brainstorm what we have concerns with and then after running two homeowner associations then we will schedule a public hearing, put it out there and try to bring the groups that have to work with it on board so we are all running on one direction. This surprises me because the announcement was this morning, maybe you didn't get the email that this was on the agenda for the 21st, a work session. It was suggested by me first thing this morning because I thought Roman, I had dog catcher on here, Roman wants a solicitation law and I suggested to John, John just like that what about the 21st. Bob said fine and I said fine and everyone said fine except Roman. Now tonight we are getting a force feed down our throat to basically say forget about the management there, Seneca Estates forget about the management there, Roman Diamond has got the issue already taken care of. That's not how I as a Councilor do things.

(Crosstalk)

Councilor Reeves: I find this offensive that you did this tonight.

Supervisor Salisbury: I also in preparing an agenda I give the Board one Thursday night and one Friday morning an opportunity to come to me with any agenda items.

Councilor Diamond: John you don't put them on the agenda though.

(Crosstalk)

Supervisor Salisbury: Will you stop doing that.

Councilor Diamond: I'm trying to respond. You continually put these things out there John. I'm just saying that you give board members an opportunity to add items to the agenda but you don't. Board members send you things and you refuse to put them on the agenda.

Supervisor Salisbury: That's not true.

Councilor Reeves: That is not the same agenda that was submitted to us on Thursday (unclear) so to make a statement like that if you seen the one Thursday this is much larger and there is a lot added on to it so there is no merit to...

Councilor Diamond: Maybe when Roman Diamond introduces something it doesn't get on the agenda.

Councilor Reeves: What have you introduced?

Supervisor Salisbury to Councilor Diamond: I think every time you always waited until you get out here before the camera and then you introduce. You never tell us in our work session when I say is there anything on the agenda that is a problem. I never hear anything and when we get out here, we have the television camera there, and then I hear it. I would just ask for your full cooperation and some respect to how we put this together.

DEPARTMENT HEAD REPORTS:

None

CITIZEN COMMENTS ON AGENDA ITEMS:

David Rahrle: One of the things that was discussed briefly in the work session the fall fest fee change I would just like us to take a look. This will be the third one and if we are only getting \$5.00 per vendor, I am sure that we are not covering the cost the town is bearing in these events because obviously we have staff at them as well and time is spent preparing for them. So if there are 20 vendors and we are only getting \$5.00 from them I will guarantee you that we are spending more than a \$100.00. I would just like us to maybe in the future if it doesn't make sense to do something then don't do it.

Councilor Reeves: Point well taken. I think one thing that may be even better like Tony said that this is the last year it's going to be here if I am not mistaken.

Mr. Rahrle: They are moving it to the park and it is still town property.

Councilor Reeves: We will have a plan together that will make Mr. Samoraj much lighter in the pockets at the next one.

Supervisor Salisbury: Well one of the things the spring festival was so bad that and we charged them \$5.00 in the spring that the person in charge of this felt that we needed to reduce it to \$5.00 for the vendors. We have considered this. I think that David brought out we don't take in a lot of money on this but I think Mr. Samoraj they do a great job at cleaning up anyways, and the only thing we have to do is move tables. We have you and Ann here.

Councilor Reeves: They are paying for electricity separate.

Councilor Geraci: John I don't want to screw up the protocol but we can talk about this when we do item B which is what we are talking about or we can address it right now. I may surprise you in what I am going to say next in terms of how rigorous I have been with the promotor, Mike Samoraj, in terms of opening up his books to us, but I don't necessarily have a problem with losing money on an event. We are in the business of doing events. It may very well be to serve our purposes to allow a private promotor come in and do the work that we couldn't do. Ultimately this event is a public recreational event. There is no formula to use. It's a fine line between someone making money on public property and serving no public recreational objective where this one if you ask the public who comes to this event what they think it is a recreational program put on by the town. I'm not saying that we should always make money or we should always lose money every event is unique but in this case I really don't have a problem philosophically with not making money or ending up in the black if it is a good public program.

Proposed Lamson Road Water District

Supervisor Salisbury: One of the things before I open it back up to the audience is that we are adding a resolution to authorize the town engineer to prepare map, plan and report for a proposed Lamson Road Water

District east of route 48. Most of the work has been done and the Engineer would be just revising the old one. What we looked at in our work session was how many people signed the petition east of 48. Once we look at the map, plan and report if we decide we can move ahead then we will explain how the whole thing would work. There will be a lot of input, there can be, it depends on if they get up and speak, in the future. If we pass the resolution authorizing the town engineer to prepare a map, plan and report there is a 30 day waiting period because that is subject to a permissive referendum so that there can be a permissive referendum to block us from doing that. We anticipate that it is going to cost approximately \$2000 and it is \$2000 of the Engineer's time. It is not money that we are spending out of the general fund.

Jim Stirushnik, Dinglehole Road suggested that the Board consider a new name for the new water project, something different to designate as a new project, as he feel that some people may become confused.

Supervisor Salisbury suggested the new proposed Lamson Road East Water District.

Jim Stirushnik, Dinglehole Road: On new business E, the running dead race, I totally agree with what Councilor Geraci said in the work session. I think with any private businessmen that is using town facilities for profit that there should be a total report made to the town and then it should be public. Councilor Geraci's comments here that losing money is not necessarily a bad thing as a tax payer and a citizen the government should not be in the business of losing money for recreational projects. Parks are great but they have their limitation.

OLD BUSINESS:

None

NEW BUSINESS:

RES. #172/2015

APPROVAL OF LOCAL LAW NO. 6 OF 2015
AMEND THE TOWN OF LYSANDER VEHICLE AND TRAFFIC LAW
TO ADD TWO STOP INTERSECTIONS
SPRINGWOODS SUBDIVISION
MERCER STREET AND GIDDINGS TRAIL

Motion made by Diamond, second by Geraci:

A LOCAL LAW AMENDING CHAPTER 129 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWN OF LYSANDER.

Section One (1). PURPOSE AND INTENT.

This Local Law provides for an amendment to Chapter 129 entitled "Vehicles and Traffic" relative to the installation of stop signs on (1) Springwoods Circle entering NYS Route 370 and (1) Mercer Street entering Giddings Trail. The Town Board accordingly desires to amend Section 129-36 of the Town of Lysander Code, to adopt and approve the same pursuant to its authority to rule or regulate the same under (NYS) Vehicle and Traffic Law Section 1682 and/or under its Home Rule Authority.

Section Two (2). STOP SIGNS. Section 129-36 of the Town of Lysander Code is hereby amended to require the placement of a stop sign on (1) Springwoods Circle entering NYS Route 370 and (1) Mercer Street entering Giddings Trail.

Section Three (3). SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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RES. #173/2015

Approve agreement with M & M Marketing to co-sponsor the Fall FEST-ravaganza

Motion made by Reeves, seconded by Geraci to enter into an agreement with M & M Marketing to hold the Fall FEST-ravaganza on the 8220 Loop Road Building grounds on September 20, 2015 from 11 am until 5 pm.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury: One of the things that I like about this is, actually it is thousands of people from the town that come to this and the kids, if you come and see what a fun time the kids have, and I think that is what Bob is alluding to. We are providing for fun for people, adults and children. We don't provide it. M & M Marketing does. We provide the property.

Councilor Reeves: Let's not forget it is down in conjunction with our Parks and Rec Department. Tony has a large part of this.

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RES. #174/2015

Highland Meadows Phase II Subdivision
Acceptance of Official Town Road

Motion made by Salisbury, seconded by Shimer that the following street, sanitary sewers and associated drainage utilities included in the Highland Meadows Phase II Subdivision be accepted as an official town road.

Street	Length
Giddings Trail	0.263 miles

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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RES. #174/2015

Motion by Reeves, second by Shimer:

A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF LYSANDER
AUTHORIZING THE ADOPTION OF THE
ONONDAGA COUNTY MULTI-JURISDICTIONAL
ALL-HAZARD MITIGATION PLAN

WHEREAS, all of Onondaga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Onondaga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Onondaga County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF LYSANDER:

1) Adopts in its entirety, the Onondaga County Multi-Jurisdictional All-Hazard Mitigation

- Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
 - 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
 - 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
 - 5) Will help to promote and support the mitigation successes of all participants in this Plan.
 - 6) Will incorporate mitigation planning as an integral component of government and partner operations.
 - 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

RES. #175/2015

Approval of the "Running Dead" 3k race proposed by M & M Marketing

Motion made by Reeves, seconded by Shimer to approve the agreement with M & M Marketing to sponsor a 3k race on Saturday October 24, 2015 from 1:00 pm – 5:00 pm at the Lysander Park.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

Supervisor Salisbury: This is another thing that is a fun time for our children.

Councilor Geraci: What I said in the work session I am in favor of these types of programs and I think they are terrific. The promotor in his description of the event says that 30 percent of the profits are going to go to some not-for-profits, not the Pop Warner football, he hasn't really said for sure. My concern with that is that the public will be marketed to come to this event because it is a fundraiser for some not-for-profit. It's a good thing and again that is terrific. What I asked the promotor to do though was to share the financials on this. I really do not need to know how many cups of water he buys or what he pays for this or what he pays for that. I just want to see some gross numbers such as how much money did you bring in and what is your net profit on the event and how much of it is in fact going to charity. Because if you are going to give that money away and you are going to promote your event and market it as a charitable event then the public has every right in the world to know that information. Again it's a fine line if you were a private promotor putting on a race and you were not giving any money to charity what I would suggest that this board do is then charge that promotor \$100.00 or \$500.00 some number that makes sense in terms of using our facilities. But he is not. He is doing some kind of cooperative thing here. It's a terrific thing and I just want to see some transparency. I'm going to support this but what we said at the work session was we will go through this year but for next year we will see what kind of money really did get doled out to the charity and we will go from there.

Supervisor Salisbury: Bob and I are going to meet regarding this and look at what is a reasonable approach when a for-profit group wants to use town facilities and they are donating funds for a not for profit.

RES. #176/2015

Town Clerk To Advertise for Public Hearing
Proposed Local Law
Approve Revised Zoning Map

Motion made by Salisbury, seconded by Reeves to authorize the Town Clerk to advertise for a public hearing to be held on September 28th at 7:00 pm for a local law to approve the revised zoning map depicting the Incentive Zoning Overlay.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

*Lysander Town Board regular meeting
September 14, 2015*

All Ayes, motion carried and adopted.

Supervisor Salisbury stated that this has been approved by the Onondaga County Planning Board and the Town of Lysander Planning Board.

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RES. #177/2015

Incentive Zoning Application to the Planning & Zoning Board's and County Planning Board

Motion made by Salisbury, seconded by Shimer to refer the Whispering Oaks Phase IV incentive zoning application to the Town of Lysander Planning, Zoning Board of Appeals and County Planning Board for incentive zoning review.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	No
Councilor Reeves	Aye	Councilor Diamond	No		

Three Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE

Councilor Geraci: We have been discussing two developments and it has been a lot of fun listening to proposals that have been made. This one, Cabbage Patch, is just the west side of Emerick Road just up from 370. It is a small development and what this developer has asked is part of the incentive zoning overlay that he be allowed to develop in a more concentrated fashion and basically develop edge to edge as opposed to I think 22 units originally and we are up to 37 I think. It doesn't sound like a big number change but basically the development is edge to edge. I had a problem with this because this whole idea of incentive zoning resided in Article 27 of the Comprehensive Land Use Plan (CLUP) which is really a wonderfully written document in which gives the rationale for why the Town of Lysander would extend that privilege of development in a more dense fashion. I also and we all did had the advantage of hearing the Melvin Farm development proposal which hasn't been decided yet and there are a lot of details that have to be worked out. Its apples and oranges thing in terms of scale. The Melvin Farms development south of the village on Route 370 is several hundred acres and lots of houses. That developer wants to develop in a much more concentrated fashion than what regular zoning would allow but he came back to us with following the guidelines for Article 27. For the sake of the folks who are not familiar with the CLUP and Article 27 the purpose and intent of incentive zoning is to preserve farmland and open space as well as promote the extension of roadways, sewers and other such amenities. The objectives were these and I didn't write these:

- A. The preservation and enhancement of natural and cultural features.
- B. The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning, but which would further the land use conservation and development goals of the Town.
- C. The creation of usable open space and recreation lands and trails.
- D. The preservation of farmland, scenic view sheds, water resources, forests, meadows, geologic features, environmentally sensitive areas, significant plant and animal habitats, and important ecological resources.
- E. The provision of a more desirable environment than what would be possible through the strict application of existing zoning regulations.

Now the Melvin Farm application did all of that. There are miles of walking trails. There are acres and acres upon green space that has been preserved. The trade off or the quid pro quo for the developer is, we haven't signed off on it, but we would allow that developer to develop in a more dense fashion. I compare this in my head as to what has been proposed for Emerick Road, Cabbage Patch, and there is no green space in the development. There are no walking trails. There is nothing about preserving aspects of the environment that is laid out in Article 27 of the CLUP. I was perfectly and willing and still am to come up with some compromise between the existing development which under current zoning would have allowed 22 homes end of story and some number in between that the maximum number which is 37 if some green space could be set aside. Now why is this so important to me? It is only 37 homes. It is only 24 or 25 acres because it is the principle. It's the track record and the precedent that we are going to be establishing for all future development in this incentive zoning overlay. The next developer is going to say you let them develop edge to edge. You didn't require anything but extensions of sewers and things like that and cash on the barrel head I think we are going to require in the proposal of \$60,000. It was \$1500 or whatever it was per home. It's not the money. The whole incentive zoning thing wasn't about money. Its preservation of open space. I can't support this until the developer comes back and says I hear you and here is the plan that incorporates open space development or preservation in conjunction with allowing me to develop. Because if you don't do that you might as well just develop a cluster development there which says you can develop in a higher dense fashion but you don't develop on all your property. There is nothing about this that is incentive zoning. Nothing. End of story.

Supervisor Salisbury: Thank you Bob but I would like to comment when Bob says there is nothing for cluster housing, incentive zoning. Those 37 houses, and Al (Engineer) you are going to help, those 37 houses will help to reduce the per house cost of the sewer system that has been put in there. I think by \$200.00 a house per year for the next 20 or 30 years. It is a big benefit to the people who reside in this sewer district. Also not to contradict you (Councilor Geraci) the Melvin Farm, I think what I heard, that they would set aside space for walking trails and they would not build them.

Councilor Reeves: They said they would build two miles of walking trails, originally 6 feet, and we got them at 8 or 9, and the problem is most of them are located in wetlands so he has to work around that. I am not found of two miles of trail at \$150,000. He thinks he can put two miles in across partial wetlands for \$150,000 and I think that the homeowners are going to say in two years that they didn't think that they had to mow the trail.

Supervisor Salisbury: For 37 houses we really don't need trails.

Councilor Geraci: Again don't take my words as saying that the trails are the most important thing. In fact if Melvin didn't even put a single foot of trails in I would still be really pleased with the proposal because there is a 1000 foot setback off of 370 that will never get built upon. All of the land west and north of his development is going to stay green forever. That is what I am talking about. The trails are ancillary and a nice benefit but are not the most important thing. The preservation of open space.

Councilor Reeves: Another thing we did in Whispering Oaks is the line was enlarged. Bob and I agree on a lot of things but how to do it is different. We disagree on how to do it. Neither one of us like the fact that there is roughly 150 units supposed capacity up there now to be built and a 150 home capacity was set aside for possible future hook up with Seneca Estates and as far west as Riverbend Dr. When they did this the enlarged line was originally estimated to cost \$180,000 and that was with the outside engineer doing it. The final cost ended up being \$90,000 which when you figure the engineering cost he saved us \$90 grand by doing it instead of putting it outside. That \$90,000 had no home. It went right on the Whispering Oaks sewer district charge. I happen to be one person who thinks these guys really took a hard hit and the only reason they got their sewer is because the transfer of development rights (TDR) required sewers at the time if you do the history on it. I would do anything to get some relief to some of the people in the West Genesee Sewer District. It's going to affect Good fellow Lane also isn't it? It is going to affect Rivermist. It is going to affect them all. If we can put 15 more homes in there and reduce the burden on some of these homeowners. We are talking about Lamson Road water. Its ridiculous at \$900 those people are paying that for sewer now. We have to do something to help everybody.

Supervisor Salisbury: One of the things that has to be understood this CLUP which we hope will last way into the future, 2050 or whatever, but one of the things that is a problem is the Seneca River is polluted especially south of the dam or east of the dam whatever. We need to extend sewers to developments that are built already on the river, or houses that are built on the river that do not have sewers. So everything we look at is how does this affect Gidding sewers, especially west of 690. We got them in Whispering Oaks and we have enough capacity to probably go into Seneca Estates, and that is not going to happen tomorrow. This is planning. It's called planning into Seneca Estates and Riverbend which is going to help the river there. We have a natural resource that we are trying to preserve. When the CLUP was put into effect everything was geared towards how are we going to help the river which is a natural resource that we can't afford to let go down the tubes. I think that anything that we can do to reduce the cost of the sewers that we currently have in that area is fantastic. These 37 houses will be the first step in that regard. Now by having 37 houses versus say 12 or 15 helps significantly.

Councilor Geraci: For the record though if and when we ever reach Seneca Estates or Riverbend which would be terrific it is absolutely not contingent upon this development. The sewer line is there. It will be a major expense to reach those two developments. For the record we are talking about 22 homes in the original proposal on one acre lots up to 37 homes on I think smaller lots. It is just edge to edge development. We don't have to do this just because we have the capacity. To Andy's point he is absolutely correct. The more houses you put in the lessor the charges for the existing homes. I really do feel bad for the folks up in Whispering Oaks. They bought into a development that didn't have sewers to begin with. They had a community septic system. It didn't work apparently. Unfortunately things were laid out the way they were before this existing board was there. If you want to do it for those purposes then say it. Just don't call it incentive zoning in terms of Article 27 because it is not correct. It is not appropriate. I said in general I can't speak for everybody on the board. We got a blessing everything west of 690 and 48. We somehow magically preserved green space and open space without the public owning it and we will never have to own it. The private landowners west of 690 own all of that land and it will stay like that with our existing zoning and the CLUP in effect. There is not another town in Onondaga County that can boast what we have been able to accomplish without spending a nickel of public dollars to preserve that land. Cicero didn't do it. Clay didn't do it. Onondaga didn't do it. So many communities gave up green space. Once it is gone, it is gone forever. We don't have to worry about that if we follow the guidelines that are in our CLUP which I think is terrific.

Councilor Reeves: I agree with Bob on the west side. The only thing is that we differ on how to go about it. Bob likes the green area and such. I like the green area but I also know if somebody comes in and develops on the east side of Emerick Road it's going to cluster homes. If they have 100 acres they are only going to build 100 homes and there is going to be all kinds of open space and green space. They can't do dense housing there. If you go west of Dunham Road it is going to be cluster housing. You got 100 acres you can build 100 homes you can put them on one acre lots or half acre lots and the rest has to be green space. To me my philosophy is I'm not happy that this extra capacity ever went to the west side. Since it is there I have to look at two things. One is what is the quickest way to use up this 150 capacity if it is there and stop the development on the west side. Number two is how do we do this and get where down the road if Seneca Estates wants to hook up into sewers how can they do it? The only way you are ever going to do it is you are going to have to develop to Dunham Road because they are not going to afford to run a main down through from Whispering Oaks to Seneca Estates unless you develop to Dunham Road. That is my philosophy on it and we both agree that neither one of us wanted to have this discussion. We never wanted the housing out there. It is there and I just want to use it up as quickly as possible.

Supervisor Salisbury: We need to vote. Do you want a roll call vote?

Councilor Reeves: Let's make one thing clear. This is strictly to move it to the boards and get more eyes to look at it. I don't think any one of us is against moving it to the boards. That is when we have the public hearing and when we get into the meat and potato discussion.

Councilor Geraci: I understand what you are saying and maybe I am being too strict in my interpretation. I wouldn't move it because it is in our hands right now the responsibility to move it or not. I wouldn't move it unless there is some give on what I have been saying. I am going to vote against this even though we are not voting to approve the subdivision.

Supervisor Salisbury: Actually the movement is asking the opinion of the Town of Lysander Planning Boards, the Zoning Board of Appeals and County Planning. That is all we are asking.

Councilor Geraci: Is that correct? All we are doing is asking an opinion.

Councilor Reeves: It may come back to us and we might end up meeting with them again.

Councilor Geraci: If the minutes reflect that all we are doing is asking for an opinion and we are not suggesting that...

(Crosstalk)

Supervisor Salisbury: Well that's in the resolution for the Whispering Oaks Phase IV that it will be sent to the Board for their reviews and they will come back with their recommendation.

BOARD DISCUSSION AFTER THE VOTE:

Councilor Diamond: I'm going to put on the record that the only reason why I am voting yes is because we are getting the opinions from the planning board, zoning board...

Councilor Reeves: That's in the resolution.

Councilor Diamond: Actually that's not in the resolution. It says to refer Whispering Oaks Phase IV and nowhere does it say we are asking for their opinion.

Councilor Reeves: Their opinion is their review.

Councilor Diamond: I just want the record to state that the only reason why I voted for this is because we are seeking the opinion.

Supervisor Salisbury: Normally people don't vote with a resolution attached thereto. Do they Tony? I mean when we have a resolution we vote yes or no.

Councilor Reeves: Yes or no on a resolution.

Councilor Diamond: Then that's fine, it is a no vote, it's a no vote.

Supervisor Salisbury: Then it is three to two.

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RES. #178/2015

Proposed New Lamson Road Water District

Motion by Shimer, second by Salisbury to authorize the town engineer to prepare a map, plan and report for a new proposed Lamson Road Water District east of Route 48 at a cost of \$2500.00 subject to permissive referendum.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE THE VOTE:

Councilor Diamond: During the work session I brought up concerns we spent a substantial amount of money in my opinion on this water district. I am going to vote yes for the map, plan and report but I want the record to show that I have some serious concerns. The Board already tried to create a water district and it did not succeed. I am concerned on how much money the Board is spending and the Board has not budgeted this.

Councilor Reeves: I would like to correct that statement. The Board did not try to form a water district. The Board followed the law and allowed them to try to get enough signatures to form one or not. The Board did not try to form a district. They followed the law and followed the procedures.

Councilor Diamond: I am not saying that we did do anything illegal.

Councilor Reeves: It was dumped into the hands of the public and they followed the system. You are implying that we tried to form a district and we didn't.

Councilor Geraci: I am very much in favor of doing this because there are some people who desperately need water and there are some people who absolutely don't need water. We need to let the system work its way through this thing. The folks that really want this have been wanting it for well over a decade, close to two decades. It is an opportunity for them to take the parts of the original district that would have never supported it and now we are going to find out if there is still support for this type of thing. The amount of money we are going to spend is our Engineer's time. It is not extra cash we are spending. We have come this far and let's give the community their last chance to say they really do want this district formed.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
Councilor Reeves	Aye	Councilor Diamond	Aye		

All Ayes, motion carried and adopted.

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RES. #179/2015

Town Clerk to Advertise for Public Hearing
Proposed Local Law
Override the Tax Cap

Motion by Salisbury, second by Reeves to set a public hearing to hear all persons for or against the override of the tax cap on September 28, 2015 at 7:01 pm at the Lysander Town Hall, 8220 Loop Road, Baldwinsville, NY

Attorney Rivizzigno: A couple of years ago the State passed a tax cap that prohibited towns and other municipalities from going over the tax limit. In the past it started out as 2 percent and they were promised rebates by the State and I have not seen them yet. If you do exceed the limit you get penalized by the State unless you adopt a local law allowing you to exceed the limit. This really in my opinion is like an insurance policy. Are we going to try to stay under the limit, of course, but for some reason we have to go over we are not going to be penalized for it if we pass this law. The limit this year is .73 percent so it started off at 2 percent and my understanding next year it is going to be zero or close to it. Most municipalities have already passed this. I think it is wise for us to do it and we stay under the limit we can just disregard the law and repeal it but it has to be done before the budget. We are getting closer and closer.

Supervisor Salisbury: Hopefully our budget will be presented the 28th if not it is October 1st.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Geraci	Aye
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Councilor Reeves

Aye

Councilor Diamond

Aye

All Ayes, motion carried and adopted.

Town Clerk to Advertise for Public Hearing
Proposed Local Law
Peddler and Solicitation Law

Motion by Councilor Diamond to set a public hearing to hear all persons for and against a proposed Peddler and Solicitation Law to be held on September 28, 2015 at the Lysander Town Hall, 8220 Loop Road, Baldwinsville, NY.

There was no second to the motion. Motion died.

ANNOUNCEMENTS

Supervisor Salisbury announced that the board will be having a work session on September 21, 2015 at 5:00 pm in the Conference Room at the Town Hall. The topics that will be discussed are the solicitation and peddler law, truck traffic and what can be done on West Entry Road and Willett Parkway and a discussion on the Public Safety Meetings regarding the use of the Elizabeth Street Highway Barn.

RECOGNITION OF CITIZENS:

None

OTHER BUSINESS:

None

ADJOURNMENT:

At 8:07 p.m. Supervisor Salisbury adjourned the meeting.

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

Lisa Dell, Town Clerk

I want to address my comments tonight to my colleague, Councilor Diamond.

Unfortunately, I find myself using the term colleague in the loosest sense. Roman, when you ran for this position, I assume that you did so claiming to want to work cooperatively on a board of councilors toward the betterment of the Town.

Indeed, in past two years, I have heard you state that what you are looking for from the rest of the Board is that they listen to you and give you the chance to have input in the decision making process.

Communication and respect. Intrinsic in the definition of these words is a two-way relationship. Oddly enough, I find that sorely missing in your dealings with and on this Board.

During your tenure as a Town Councilor, you have claimed to have been ignored, harassed, and even bullied. Roman, you have never initiated an interaction with me, in person, on the phone, or by email on an issue before the Board. During Work and Open sessions of the Board, any input you offer is taken into consideration and discussed. I fear that you are interpreting any disagreement as harassing. When you and Councilor Reeves don't see an issue from the same perspective, your exchange may be "intense", but your points are acknowledged and addressed.

Discussion that includes disagreement, compromise, and concession is how issues are addressed and decisions are made by a board. I am sure you witnessed this on the School Board. Councilor Geraci and I have reached out to each other to discuss issues and clarify viewpoints, and I know that Councilor Reeves and he do the same. Listening goes on behind the scenes as well as in the public eye.

Respect. Roman, you ask for it, but I want to let you know that your lack of it for this position, the rest of the Board and this community is why I feel compelled to say any of this. For two years, you have become increasingly divisive. You have attacked me personally in the media and distributed misinformation about my statements to the community. You have publicly and falsely accused me, Councilor Reeves, and Supervisor Salisbury of illegal meetings and you continue to vilify us on Facebook. To this point, I have "swallowed" all this in the interest of avoiding confrontational interactions and maintaining at least a one-sided civility between us.

Last week, Councilor Diamond, you went too far. I resent and am tired of you using your position as Councilor and our Town Board meetings as a pulpit for your political agenda. You've pushed the 'us versus them' button way too often already, but your actions last week at the Conservative Primary election are totally outside the realm of "manners and civility" you and those that you support claim are lacking.

Legally, you have the right of free speech, which includes political speech, but in your position, especially, ethics and integrity should also guide you. As a sitting Town Board member, you stood on Town property waving a sign and actively campaigned against fellow Board members. You stopped voters in their cars and told them that Andy and I are Democrats (not true), and said that the two candidates challenging us are more deserving of the position of Town Councilor than we are. Roman, you have voted with us greater than 95% of the time for the past two years, yet still refer to as your "opposition". (Are you running this year, Roman?)

Enough, vitriol and hypocrisy, Roman. This community and your constituents deserve better. They elected you to represent and work for them, not yourself and the LRC.