

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on March 25, 2013 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John A. Salisbury, Supervisor
Melinda Shimer, Councilor
Andrew O. Reeves, Councilor
Russ W. Johnson, Councilor
Arthur C. Levy, Councilor

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony P. Rivizzigno, Town Attorney; Al Yager, Town Engineer; Eugene Dinsmore, Highway Superintendent; Frank Costanzo, member of the Z.B.A.; Hugh Kimball and Fred Allen, members of the Planning Board; Lisa Dell, Town Clerk, Pac-B and several residents.

APPROVAL OF MINUTES*

RESOLVED that the minutes from the regular Town Board meeting of March 11, 2013 and special Town Board meeting of March 15, 2013 be approved.

*Tabled to next meeting on April 8, 2013.

TOWN BOARD COMMENTS

None

SUPERVISOR COMMENTS

Supervisor Salisbury welcomed Agrana Fruits US, Inc. to the Town of Lysander and hopes that they will be able to build their plant. If a sewage treatment facility is devised and built, other food processing companies can come to the Town which will create jobs and also be a benefit for the assessed valuation for the Town. Onondaga County Industrial Development Agency will be holding a public hearing regarding the Agrana Fruits US, Inc. project on March 27, 2013 at 9:00 a.m. at the Lysander Town Hall.

Supervisor Salisbury announced that work sessions will also be held on Mondays, the week before a regular meeting beginning at 6:00 p.m. If the work session is not needed, they will be canceled on the Friday before and to check the website or contact the Supervisor's Office or Town Clerk's Office to see if the session has been canceled.

DEPARTMENT HEAD REPORTS

None

CITIZEN COMMENTS ON AGENDA ITEMS

DOG CONTROL

Kevin Rode, 8243 Ashington Drive, addressed the Board and asked if the current Dog Control Officer (DCO) transports dogs.

Supervisor Salisbury explained that Richard Billings, DCO, main responsibility is to pick up dogs. Dan Boccardo, DCO, main responsibility is for the enforcement of dog laws.

OFFICIAL BLANKET UNDERTAKING

Mr. Rode addressed the Board and asked for an explanation of an official blanket undertaking.

Attorney Rivizzigno explained that Town Law requires a municipality to obtain an insurance policy and instead of obtaining individual ones for elected officials and department heads, the Town can obtain a blanket policy to cover all.

OLD BUSINESS

None

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NEW BUSINESS

CRIMSON RIDGE DEVELOPMENT
APPROVAL OF STOP SIGN

RES. #67/2013 Motion by Shimer, Second by Levy

RESOLVED to authorize the Highway Superintendent to install one (1) Stop Sign in the Crimson Ridge Subdivision Phase 3A-1 Subdivision on Twilight Court at the intersection of Samantha Drive.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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MELIA PARK SUBDIVISION
RELEASE OF PUNCH LIST SECURITY

RES. #68/2013 Motion by Johnson, Second by Levy

RESOLVED that punch list security, in the amount of \$2,000, for Melia Park section A2 be released as the required monuments have been placed per the letter from Applied Earth Technologies dated September 27, 2011 as recommended by the Town Engineer.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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APPROVAL TO SIGN PROPOSAL
SYRACUSE TECHNOLOGIES
DISASTER RECOVERY PLAN

RES. #69/2013 Motion by Reeves, Second by Shimer

RESOLVED to authorize the Town Supervisor to sign the proposal from Syracuse Technologies in the amount of \$1,820 to assist the Town of Lysander in the preparation of a Disaster Recovery Plan, per the recommendation of the NY State Comptrollers Report.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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LYSANDER ICE ARENA
APPROVAL TO SIGN PROPOSAL

RES. #70/2013 Motion by Reeves, Second by Levy

RESOLVED to authorize the Town Supervisor to sign the proposal from Davis Mechanical Services, Inc. in the amount of \$3,840 to inspect and evaluate both ice rink floors at the Town of Lysander Ice Arena.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

2013 SUMMER CONCERT SERIES
PAPER MILL ISLAND
APPROVAL TO SIGN AGREEMENT

RES. #71/2013 Motion by Johnson, Second by Shimer

RESOLVED to authorize the Parks Director to sign the 2013 Summer Concert Series Agreement on Paper Mill Island with the Village of Baldwinville, Town of Van Buren, and the Baldwinville Library.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

APPROVAL TO SIGN
VILLAGE OF BALDWINVILLE
PAPER MILL ISLAND RESERVATION FORM

RES. #72/2013 Motion by Levy, Second by Salisbury

RESOLVED to authorize Parks Director to sign the Paper Mill Island Reservation form.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

APPROVAL OF TOWN OF LYSANDER
BACKGROUND CHECK PROTOCOL

RES. #73/2013 Motion by Shimer, Second by Johnson

RESOLVED to approve a Background Check Protocol for the Town of Lysander.

Introduction and Purpose

The Town of Lysander is committed to protecting the security, safety, and health of our employees, residents and others, safeguarding the assets and resources of the Town and assuring individuals in responsible positions are worthy of the trust they are given. Therefore the Town of Lysander has adopted a protocol regarding Pre-Employment Background Checks (BGC).

Protocol

This protocol requires that all employees (Part time, full time, seasonal and contractual) including competitive and non-competitive class employees, union employees and in particular all employees and volunteers that work with our children, youth, senior citizens or other vulnerable populations must have a BGC done. At a minimum, all employees and volunteers will have a nationwide criminal background and sex offender check. In addition, all individuals or groups using Town of Lysander facilities for child/youth related activities (fields, buildings etc.) must sign an indemnity and insurance clause verifying that all of their coaches and volunteers have successfully completed a background check, including a sex offender check status

All job notices should include that there will be background checks done.

Procedures

Each department must have an approved application using the terminology stating the following or utilize the

Employment Screening Form (See addendum A):

- That the BGC consist of a nationwide criminal check and a Sex Offender Registry Check
- That the offering of a position will be contingent on the results of the BGC
- A statement of authorization for the BGC to include permission to run the check, and that they understand they may be denied a position as a result of the check
- If the position being applied for requires a resume, then you must utilize an Employment Screening form as well, to cover the authorization aspect (See addendum A)

Once an application/resume has been received and you are ready to consider hiring, the hiring authority (Parks & Recreation, Highway, Assessor's office etc.) must do the following:

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- Have the candidate fill out an Employment Screening form (unless covered on an application form)
- Notify candidate that job approval is subject to a successful background screening and the job offer is a conditional offer of employment
- Check references
- Have necessary paperwork filled out (W4, IT-2104, retirement etc.) and submit as needed
 - See note below on record keeping.
- Submit paperwork for background check to Accurate Background Investigations – (See Addendum B)
 - Indicate what to check for in addition to the criminal and sex offender status – i.e. All persons working with money should have a credit check; anyone driving a municipal vehicle should have a DMV check.
 - Be sure results are returned in a confidential manner – results should not be faxed to the main fax machine in the copy room, as confidentiality is critical.
- If applicant has previously been checked and approved by Accurate Backgrounds Investigation within the past 12 months, then a duplicate background check will not be required – this also applies to if they worked for another municipality. Applicant should request a copy from the municipality of their completed/approved BGC
- Review results of background checks
 - If there is a successful report that is returned, Department Heads may continue the hiring process by having employees submitted for approval to the town board, including rate of pay, position and projected starting date.
 - If there is a negative report, there must be a determination made
 - All candidates with a sex offender, child/senior/disabled abuse, or a violent offense will not be considered for any positions.
 - All others will be considered on a case by case basis - Department Heads should review results with Comptroller, Town Supervisor (and Town Attorney if needed).
 - Candidate will be notified of the results of the BGC if there is a negative result regarding disqualification from consideration for the position.
- Storage and recording of results
 - It is important to make sure that all documentation on employees, in particular social security numbers and background check results are kept confidential. That being said:
 - Results for Day Camp are recorded on a spreadsheet – (See Addendum C). Copies of the BGC and Sex Offender reports are kept in a locked file in the Town Comptroller’s office.
 - All other employees if full time, part time or seasonal are kept in the employee files in the Comptroller’s office.
 - Volunteers and contractual employees will be stored in a general file (locked in the Comptroller’s office, once it has been recorded on the appropriate spreadsheet).
 - Field/facility users will be kept with their paperwork (as it is only a verification of completion and not any personal information See Addendum D).

All Background checks will be valid for one year.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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TOWN CLERK
APPROVAL OF TRAINING

RES. #74/2013 Motion by Shimer, Second by Levy

RESOLVED that Town Clerk Lisa Dell attend the New York State Town Clerk’s conference April 28, 2013 to May 1, 2013 to be held in Buffalo, NY. Total cost not to exceed \$600.00. The amount has been properly budgeted and the Town Clerk has been awarded a \$250.00 scholarship to help defray the cost of attending the conference.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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**APPROVAL TO AUTHORIZE SIGNER
CODE ENFORCEMENT BANK ACCOUNT**

RES. #75/2013 Motion by Shimer, Second by Johnson

RESOLVED to authorize new Code Enforcement Officer Tim Wolsey to become a signer on the code enforcement bank account held at M & T Bank.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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**REVISION OF RESOLUTION
MARCH 12, 2012
REGULAR TOWN BOARD MEETING**

RES. #76/2013 Motion by Johnson, Second by Reeves

RESOLVED to rescind Resolution #49/2012, "Impoundment Fees for Dog Control"

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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**CHAPTER 55/DOGS
APPROVAL TO SET NEW IMPOUNDMENT FEES**

RES. #77/2013 Motion by Shimer, Second by Salisbury

RESOLVED that in accordance with Chapter 55 of the Code Town of Lysander, the impoundment fees levied pursuant to section 55-9 (G) shall hereafter be set as follows:

- A. Fifty dollars (\$50.00) for impoundment and release of the dog to the dog owner by the Town Dog Control Officer
- B. One hundred fifty dollars (\$150.00) for impoundment and release of a dog seized and subsequent transfer to the Central New York SPCA or other animal shelter.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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**APPROVAL TO AMEND
RESOLUTION NO. 2/2013
SALARIES AND HOURLY RATES FOR 2013**

RES. #78/2013 Motion by Reeves, Second by Johnson

RESOLVED to amend Resolution 2/2013, "Salaries and Hourly Rates for 2013" to include, Richard Billings, Dog Control Officer, \$125.00 per dog pickup and transport to the SPCA.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

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RESOLUTION OF THE LYSANDER TOWN BOARD AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT APPLICATION AND MEMORANDA OF UNDERSTANDING WITH THE LYSANDER FIRE DISTRICT AND THE TOWN OF VAN BUREN TO CONSOLIDATE FIRE SERVICES.

RES. #79/2013 Motion by Shimer, Second by Levy

WHEREAS, the Town of Lysander, New York (the "Town") plans to functionally consolidate fire services with the Lysander Fire District (the "District") and the Town of Van Buren to improve the efficiency of fire services provided and reduce taxpayer costs pursuant to one or more Memoranda of Understanding;

WHEREAS, currently, the Town contracts with the Baldwinsville Volunteer Fire Company, Inc. to provide fire services to its residents in the Smokey Hollow Fire Protection District via an Agreement dated October 22, 2012.

WHEREAS, Town residents currently pay general municipal taxes for these fire protection services;

WHEREAS, to achieve a functional consolidation of fire services the District understand that the project components include 1) elimination of the Smokey Hollow Fire Protection District and the Northern Fire Protection District thereby eliminating both the Towns participation in the provision of fire services and the collection of general municipal taxes to pay for those services; 2) expanding the geographic area of the Lysander Fire District to serve residents in the Smokey Hollow Fire Protection District and the Northern Fire Protection District once they are eliminated; 3) purchasing turn-out gear, personal protective gear and inter-operable communications equipment to standardize operations within the expanded district to comply with NFPA mandates 4) making infrastructure improvements within the expanded fire district to facilitate the functional consolidation of services thereby reducing the cost in the long term while improving efficiency of fire services; and 5) unifying operations and administration within the consolidated district pursuant to one or more Memoranda of Understanding between the applicant and co-applicant's;

WHEREAS, the Town authorizes the District, as lead applicant, to make application for funding on behalf of the Town, co-applicant to the New York State Department of State 2012-2013 Local Government Efficiency Implementation Grant Program in an amount not to exceed \$1,100,000;

WHEREAS, the Town, as co-applicant, authorizes Jack Kline, Chairman of the Lysander Board of Fire Commissioners to execute all financial and administrative processes related to the grant program;

WHEREAS, the Town, also authorizes the District, as lead applicant, to classify the action in accordance with the State Environmental Quality Review Act (SEQRA) and to make the necessary determination for the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town, John Salisbury, is hereby authorized and directed to file a joint application on behalf of the Town and together with the District and the Town of Van Buren for funds from New York State as part of the Local Government Efficiency Implementation Grant Program 2012-2013 administered through the New York State Department of State in an amount not to exceed \$1,100,000.

VOTE:

Supervisor Salisbury	Aye	Councilor Shimer	Aye	Councilor Levy	Aye
Councilor Reeves	Aye	Councilor Johnson	Aye		

All Ayes, Motion Carried and Adopted

TOWN OF LYSANDER
OFFICIAL BLANKET UNDERTAKING

RES. #80/2013 Motion by Johnson, Second by Reeves

RESOLVED that an official blanket undertaking be procured instead of individual undertakings covering the Town Supervisor, Deputy Supervisor, Town Clerk, Collector and Receiver of Taxes, Town Justices, Town Superintendent of Highways, Comptroller, Budget Officer, Town Zoning and Code Enforcement Officer, Director of Parks and Recreation, and that such undertaking contain provisions indemnifying against losses, Through the failure of the officers, clerk and employees covered there under to faithfully perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and Through fraudulent or dishonest acts committed by the officers, clerks and employees and covered there under.

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VOTE:

Supervisor Salisbury Aye Councilor Shimer Aye Councilor Levy Aye
Councilor Reeves Aye Councilor Johnson Aye

All Ayes, Motion Carried and Adopted

PARKS AND RECREATION
REVISION OF EXTENDED DAY CAMP FEES

RES. #80/2013 Motion by Johnson, Second by Reeves

RESOLVED to revise the 'Extended Day Camp' fees on behalf of Parks and Rec as follows:

Early Registration -Town of Lysander Resident	\$120.00	includes field trip
Early Registration - Non Resident	\$135.00	includes field trip
Late Registration – Resident	\$130.00	Includes field trip
Late Registration – Non Resident	\$145.00	includes field trip

VOTE:

Supervisor Salisbury Aye Councilor Shimer Aye Councilor Levy Aye
Councilor Reeves Aye Councilor Johnson Aye

All Ayes, Motion Carried and Adopted

OTHER BUSINESS

None

RECOGNITION OF CITIZENS

Ann Horan, Edgewood Drive, addressed the Board and conducted a presentation on her concerns regarding hydrofracking. (**Presentation is attached to these minutes.**)

Hugh Kimball, Dexter Parkway, addressed the Board and commented that brine from hydrofracking has been banned for use on roads in four counties in New York State. Mr. Kimball also expressed his concern that there is a hydrological connection between the Baldwinsville Doan well and the Seneca River and the well can be affected if the Seneca River is tainted by hydrofracking fluids.

Jim Stirushnik, Dinglehole Road, addressed the Board and asked if the Dog Control Officer (DCO) picks up a dog and a litter of pups would the DCO be paid \$125.00 per dog.

Councilor Reeves replied that it was his opinion that there would not be a separate charge of \$125.00 per dog.

Kevin Rode, Ashington Drive, asked if the final expenditure costs for the Whispering Oaks Improvement Project and sewer extension project are available.

Engineer Yager explained that the financing has not closed yet and expects final numbers to be available in June of this year.

ADJOURNMENT

At 7:57 p.m. Councilor Levy made a motion to adjourn the Executive Session, Second by Councilor Shimer. Motion carried.

At 8:43 p.m. the Board returned from Executive Session. No action taken.

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

Lisa Dell
Town Clerk

Concerned Citizens on Fracking at Lysander Town Board Meeting March 25, 2013

In respect to all the Lysander residents who in good faith signed these petitions to ban fracking in our town, I give you these copies (Lysander residents highlighted in yellow) as items of public record. This shows that people are concerned.

Although Joel Plumley has shown that for now we are not likely to see horizontal shale gas drilling in our area, there are several related issues which could affect us. The magnitude of the shale gas production industry and the frequent new developments in the processes of the industry should cause us to be vigilant.

Current related issues which are worth our attention:

- **Use of fracking wastewater on roads.** (The industry refers to this as "produced water" & "brine". These fluids still contain the chemical additives, heavy metals and radioactive materials. Of course, anything spread on roadways will then be present in runoff which will damage the environment and threaten our health. The towns of Stafford and Oakfield, by Batavia, and some areas of Chautauqua County do use fracking fluids on roadways. We would like to know that you do not and will not in the future use these fluids on the roads.
- Bulk water sales to the shale gas industry. In Painted Post, bulk water sales have been made to a subsidiary of Shell Oil for use in hydrofracking in PA. At this time, some residents are seeking an injunction on the sales.
- Support facilities, such as compressor stations and pipelines, as are presently being built in Minisink, NY, where there are 190 homes within a ½ -mile radius from the Lenape Company compressor station.
- Storage of liquefied gas and chemicals. At the present time, there are plans for the expansion of liquefied petroleum gas on the site of the salt caverns on the west shore of Seneca Lake.
- Dumping or burying of radioactive drill filings, as is happening in Chemung County.

Unfortunately, we cannot be sure that we will not soon have horizontal shale gas drilling in our Southern Tier. The State Assembly did pass a moratorium on this activity in our state for a two year period, but the State Senate has not.

If drilling does begin in the Southern Tier, we could find our area providing some of these support services and exposing our residents to serious health and environmental threats.

Two actions we ask of the Town Board:

We would request that the Lysander Town Board take a stand against these mentioned fracking-related actions to protect our future.

We would ask that the board pressure the Auburn wastewater facility not to resume accepting fracking fluids at their site. The chemicals, heavy metals and radioactive materials present in the fluids are not removed by standard cleaning methods. They flow out with the discharge into the Seneca River and make their way to Baldwinsville and beyond.