

**A Regular Town Board meeting was held on February 2, 2017 at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.**

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Anthony Rivizzigno, Town Attorney; Town Engineer Al Yager, Town Comptroller David Rahrle; Theresa Golden, Assessor; Dina Falcone, Town Clerk; Gene Dinsmore, Highway Superintendent; PAC-B, and several residents.

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

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**Continuation of Public Hearing: “Adoption of a Local Law of the Town of Lysander for the year 2016” Regarding Onsite Use Solar Energy Systems**

**RES#35/2017**

**Supervisor Saraceni** moved to open the Public Hearing at 7:03 pm.

*No comments were made for or against the proposed solar law.*

**Supervisor Saraceni** stated that in the Work Session certain areas of the law were defined and complexes and additional areas of the town were discussed. Changes are going to be made and the Town Attorney will review same. The changes will be posted on the website for the public to view.

**Supervisor Saraceni** moved to adjourn the Public Hearing at 7:05 pm.

**Continuation of Public Hearing: “Collington Pointe Incentive Zoning Application”**

**RES#36/2017**

**Supervisor Saraceni** moved to open the Public Hearing at 7:03 pm.

**Supervisor Saraceni** stated that the Board heard a number of comments from the last meeting. He said that if there are new comments which the Board has not heard before, they will hear, and the Board has made a note of all of the concerns and comments from the previous meeting. He said anything from this meeting will be added to that list. **Supervisor Saraceni** stated that the Board has received written responses which will be added to the public record as well. He noted that one of the residents who submitted something in writing is in the audience this evening. He said that the Board will make written comments available to the public [in addition to comments which are made at the public hearing]. **Supervisor Saraceni** told Town Clerk Dina Falcone that this is something new that was discussed in Work Session. He said that moving forward, written comments related to the public hearing will be made available on the website.

**Brian Bouchard of CHA** handed out a new addition to the previous packet dated January 30, 2017. **Mr. Bouchard** said that they made updates based on comments they received at the last meeting. He said at the last public hearing they had received a lot of feedback including discussion with the Board, the staff, and the public. He said the Incentive Zoning application is specifically a mechanism that the Town has adopted for the desire to have developers pay for certain benefits and amenities in exchange for the Town offering certain incentives to go along with that development.

In this specific application, the developer is requesting the incentive to develop the parcel with 122 lots. **Mr. Bouchard** continued by referring to the January 30, 2017 update which was brought with him that evening and handed out prior to the meeting. (The updated application is currently available on the website).

Per **Mr. Bouchard**, the update includes offsite improvements to include the Patchett Road shoulder widening and re-grading of the ditches, (between River and Collington Pointe) and a sewer fund contribution of \$1,500 per lot which totals \$183,000, and providing walking trails and tree plantings within the actual development itself for the onsite amenities. He continued by stating that the benefits directly paid will have indirect benefits as well. He mentioned the infrastructure cost reduction, (as it was asked what the dollar and cents would be based on taxation that would be foreseen for the 122 lot subdivision versus the 45 lot subdivision).

Per **Mr. Bouchard**, one thing CHA has added, [to the January 30, 2017 letter], is the dollars and cents that would go along with the highway tax. **Mr. Bouchard** stated that the road is going to be paid for and built by the developer. Once it is built and paid for by the developer, it will be turned over to the Town. Once the houses are built, there is a Town tax that would be generated with the 122 lots versus the 45 lots.

CHA worked with the Town Engineer to develop a life cycle cost analysis on what the revenue generated from these 122 lots would be over 50 years, and the amount is \$2.7 million in revenue that it would be receiving based on the current highway tax rate. The life cycle goes through all of the appropriate costs for the Town to maintain the road both incrementally year by year with things like crack sealing, mill and overlay, and also includes (at year 50) a full replacement of the road. With the \$2.7 million in revenue generating from the 122 lot condition, the expenses of the 50 year life cycle is \$1.7 million, so every year the 122 lots are actually going to be generating more revenue for the highway tax fund than is even necessary to maintain this road.

**Mr. Bouchard** stated that with the 45 lot scenario, revenue is actually much less and it could actually in that case cost the Town more to maintain the road than what it would be receiving under the 45 lot subdivision within the AR-40 zoning. He said there is definitely a benefit to providing the 122 lot subdivision. Specifically, this concerns the existing Collington Pointe users, as related to the sewer and other taxes Collington Pointe has within its own sewer district. There is a pump station that was installed by the developer when he did the existing subdivision, and there is currently between the existing users in Collington Pointe and Talamore, about 100 users on that pump station that are fully responsible for the maintenance and operation of that pump station. If something was to fail, those 100 users are solely responsible for the cost of maintaining it or up- keeping it. The 122 lots would be adding 122 users doubling the amount of users that would be contributing to the ongoing maintenance and eventually replacing (if need be) for the sewer district. That would be less if there were only 45 lots. It is going to reduce the sewer tax for those users.

**Mr. Bouchard** said that some of the other indirect benefits that were discussed with the sewer fund contribution can be used throughout the town and benefit water quality, and take some of the septic off-line, the recreation and open space, and preserving the wetland and offering the trail and tree plantings. There were a lot of issues raised at the last public hearing and some of them have very specific comments related to where the lots are going to be developed, how the roads are going to be aligned, and he wanted to make it clear that this is not the last stage in approving this subdivision. This meeting is solely to approve the incentive package, versus the benefits the Town will be receiving to allow those incentives.

**Mr. Bouchard** stated that there is a long process with the Planning Board, where CHA has to dissect the proposed grading, what the disturbed areas are going to be, what the alignment of the road will be, and the drainage patterns. He said this is all going to be reviewed in great detail subject to more public hearings at the Planning Board level. There are also other things that need to be discussed with the Planning Board, such as the wetland impacts [it is not directly related to the incentive package]. CHA has completed wetland delineation and they have flagged them. This includes the pond, which is a designated wetland and will be avoided as part of the subdivision. There are wetlands at the north of the site and those will also be avoided as part of the subdivision. CHA has done its diligence. That was included for the public's information as well as part submitted through the SEQR process. The wetland impacts will be further discussed with final design and how they are going to be protected.

**Mr. Bouchard** stated that regarding the traffic impact, as CHA went through the SEQR process with the Planning Board, they asked for a traffic study and had an independent consultant who specializes in traffic count the trips on October 6, 2016 during the school year, which is a requirement for proper cycle of traffic. He said that Patchett is a minor local road, and they looked at existing operations and trips on Patchett. They counted the trips during the school year on Patchett: 50 traveling eastbound and 44 traveling westbound in the morning peak hour, and 83 traveling eastbound and 61 traveling westbound during evening peak hour. When traffic is analyzed it is done at the busiest times, or peak hours of 7 am to 8 am and 5 pm to 6 pm (or

worst case scenario that is existing) in the evening. This equates to 1 to 3 vehicles per minute entering or exiting off of Patchett Road. Generally this is a minor traffic volume for a modern local road, as noted in the report. There are available gaps (as it's not a heavily congested road) more than enough to allow additional vehicles to come and go off of Patchett Road, (both off of driveways and connector Roads).

**Mr. Bouchard** said CHA took traffic counts, and there is approximately 80% of traffic in the morning peak hour that heads towards 370 and also returns in the evening peak hour from 370. The next step is site distances, (adequate) and there are no issues with looking left or right as you're going to be leaving from proposed driveway gaps and site distance has been addressed with no concerns. From the existing traffic CHA then dissected the trip generation, with point of connection showing approximately 23 entering in morning and 69 exiting in the morning with 77 entering in the evening peak hour with 45 exiting in the evening peak hours. These are minor traffic generators. CHA took those trips and distributed them based on a percentage of who is going which way on Patchett Road. The conclusions are that the overall development is expected to add approximately one vehicle per minute travelling towards 370 and that has a minor traffic increase that has no significant impact on the area of traffic operations and will not be noticeable to existing motorists in the area. 370 currently carries an average daily traffic count of 7,400 trips per day. He said there is a small noticeable increase for what is out there.

**Mr. Bouchard** stated that no offsite mitigation measures were recommended. [per the SEQR process as reviewed by Board] **Mr. Bouchard** said that if there are more specific concerns as CHA gets into the design of the roadway, and there are additional studies, [there was a traffic signal study analysis done but it did not warrant a traffic signal], as things come up they may have to elaborate. He said there are no documented concerns with regard to traffic.

**Mr. Bouchard** said that CHA submitted the proposal to the State Historical Preservation Office [part of SEQR] to document that there is no historical significance on the site [and has received a letter from them], and a letter was sent to the Natural Heritage and the DEC, (rare endangered species) both letters were sent with findings, all of which SEQR shows a negative impact.

**Councilor Geraci** asked for clarification from Mr. Bouchard as to if these are the new roads in the development for 122 homes, and if that is what CHA is proposing through Incentive Zoning. **Mr. Bouchard** said the R40 would allow for approximately 45 homes. **Councilor Geraci** asked if CHA did an analysis of what the cost would be as to how many homes in a cluster development. **Town Engineer Al Yager** said it would be the same amount in R40, or 45 homes; just half of the land and half would be dedicated back. It's the same analysis.

### **PUBLIC COMMENT RELATED TO COLLINGTON POINTE PUBLIC HEARING**

**Kevin Rode** of Greymoor Way stated that regarding Incentive Zoning, with planning the Town may lose homes and should consider a value, but if the town is expected to get 122 it may want to put in a dollar amount if it loses 18 homes. He said it is something for the Board to consider.

**Jon Roppel** of Patchett Road read from a statement (to be provided to the Town Clerk and made part of the minutes as an attachment). He expressed that he and his family have lived in Baldwinsville all of his life, and he enjoys the character and open space. He likes that Baldwinsville is far enough from the city, but he is concerned that it is starting to change. He likes that it has more open space and farmland, but says it is beginning to feel like Liverpool; and he doesn't want to live in Liverpool. He said Baldwinsville has become a sea of houses and apartment complexes. He had no idea that Collington Pointe was going to expand. He is not against building or development. He recently built his home. He said the town should consider or meets the 1 acre lot requirements. Mr. Roppel is concerned about the traffic pattern, and density. He said putting additional traffic lights on 370 would not be attractive to most residents. He said it takes 15 mins to get to 690. He is concerned for the safety of his children and others with traffic possibly encroaching on his property (as a danger for kids playing in the front yard). He said his commutes have gotten longer, and has witness countless acts of bad driving, and speeding is an issue on Patchett Road. He said that even without development, the speed limit needs to be reduced. He has seen increased traffic since the YMCA was built. He noted that widening of Patchett would make people drive faster, and sewers would encourage more building. He said that taxes would be raised with regard to water and sewer. Has talked to neighbors, and has not heard one single person in favor of the proposed development. Regarding sewers, Mr. Roppel stated that if people want them they can form a sewer district themselves. He doesn't think a sewer district should fall on community. If all 122 lots are built out, he says that total doesn't go far. He questions who the incentive would benefit and who is impacted the most. (He also referred to the Red Rock sewer issue in this regard). There are a few

considerations and questions he asked the Board to consider. The houses that border the McArdell property, there is no (as he understands the plan) buffer between their land and several adjacent homes. He asked: are these people going to try and change the zoning, as the land is zoned for agricultural? Are people going to be open to having farm equipment and livestock just feet from their yards? Will the Town be responsible for the paths? He questioned if the Town will be responsible for maintenance of the trails. Mr. Roppel said that if a neighborhood wants trails it should have dues like Radisson. He questions the trail being located near swampland. Regarding Patchett, he wants construction details and a timeline. Is it going to make mowing up to the road more of a challenge? He is not interested in having drainage in the front yard. He asked if the trees would be protection from reckless drivers. He asked about utility work regarding the width of the road. He asked the Board to strongly consider limiting development and preserving farmland.

**Fred Burtch** of Plainville Road asked about the traffic study and clarified with Mr. Bouchard that it was conducted October 6<sup>th</sup>. Mr. Burtch suggested a better study be conducted (rather than a one-day traffic study). He suggested a canvas of the residents who live in the area. He has noticed [vehicle] waits to get out to 370 and to get out of Abbott's Landing. He suggested asking people who live near Abbot's or Patchett to perhaps get a better idea of what the daily traffic [pattern] is.

Mr. Burtch referenced the previous meeting about inquiring as to a rough estimate of what the existing taxpayers in the community can expect for a tax reduction regarding the two different buildouts. [He stated one being 45 with the added value of \$22 million, as opposed to the 122 with the estimated value of \$39.5 million]. He asked what the two different reductions would be for the average citizen. He asked to have an answer at the next meeting.

Mr. Burtch mentioned that one incentive was for planting the trees, and he asked Mr. Bouchard if it is something that the builder would do in conjunction with the homeowner, or would the homeowner choose what they want? **Mr. Bouchard** stated that it would be a requirement of the homeowner to plant the trees once they move into the house. They would choose their own type.

**Joe Alfieri** of Patchett Road read from a statement (to be provided to the Town Clerk and made part of the minutes as an attachment). He stated that traffic is a concern, as he has young kids and he doesn't let them play in the front yard. He said there was a rollover crash previously that hit the hydrant. There was another incident where a vehicle nearly struck a home, as it drove across the middle of the property. He stated the road is dangerous. Mr. Alfieri referenced the incentives are offsets that don't benefit the people and the path is a half-hearted attempt. He mentioned the physical, social, and cultural land use policy. He questioned the process and who the lead agency is. He referred to the SEQR, and if the process can be spelled out better. He asked if the Planning Board could weigh in on this [proposed plan] with the Board. Mr. Alfieri said he would prefer that it be coordinated with both Boards. He questioned the build out, as the Town has developments that aren't built out. [Talamore just recently and Timber Banks] He said he didn't know if a market analysis has been conducted to show if properties will be sold. If not, no incentives go back to the Town. Regarding schools/class sizes, he asked if there are 122 families will there be more kids in kindergarten, and does Palmer Elementary have the capacity? Mr. Alfieri mentioned school busses on Patchett Road [with regard to narrowness of the road and how one rolled over in the past]. Since the road doesn't have ditches, he questions if it is widened, how drainage, water main, and hydrants have to be moved (all on road's edge). The land use plan mentions Cold Springs and additional development looking at intersections all around. The land use mentions traffic volume, and he believes it says that for additional development to look at all intersections in the area [Hicks/370]. The CLUP sites the higher than average rate of accidents on that corridor. There should be an intersection study at Collington as well.

**Kelly Spagnoletti** of Patchett Road read from a statement she prepared (provided to the Town Clerk and made part of the minutes as a separate attachment). She stated in her letter the following: *"I was able to better familiarize myself with the ramifications of the potential zoning change. While I understand that expansion is inevitable, taking the allotment of 45 lots and asking to increase it by almost three times the original number is extremely greedy. The homes that will be built on these lots will be much smaller which means the buyers for the most part will be short term residents. As their families increase in size they will be moving into larger homes to accommodate their growing needs. Keeping the original lot sizes would allow for larger home and lots meaning people will be more vested in their homes, yards and communities. Most of the people on Patchett are established residents and have lived in the vicinity for 20 or more years."*

*As for the incentives and I use this term loosely because I see these so called amenities as bribes! Trees, walking trail, widening of the road and oh yes the monetary amount for each home sold. Would not be necessary if you stayed with the original plan of 45 homes. People would not need a tree or walking trail because they would be able to walk around their own yard! As for installing shoulders on Patchett road would only be a temporary solution to a rural road with twist, turns and an inappropriate speed limit.*

*I now have a better understanding of how the Onondaga Nation must have felt when they were offered shiny beads and trinkets in exchange for the land around Onondaga Lake. We all know how that turned out in the name of expansion and progress. The City of Syracuse is known for having the most polluted lake in America! I wonder what Lysander will be known as decades from now!*

*Incentives aside, I also think it is important for us to consider the overcrowding of classrooms at Palmer Elementary, the increase of traffic on Patchett Road and in our village and the additional demands it is putting our police, fire departments and sewage treatment plant.*

*Land is becoming more precious than gold. People will come and go but the land will be here forever, unless we continue to pave it over in the name of expansion and progress. I believe that the negative consequences in changing the agricultural/residential zoning far outweighs any benefits we have been offered.*

*In closing I would ask the Board to consider three things before making the final decision in changing the zoning on this piece of land: greed, bribery, and preserving the land.” \**

**Nick Spagnoletti** of Patchett Road asked to submit a letter to the Board and asked the Board to review the process [from here on out]. **Councilor Geraci** said the Town Clerk would make copies of the letters for all of the Board members.

**Supervisor Saraceni** stated prior to this, there was a lot [of information] that came before the Board. He stated that some time ago, [seven or eight months ago] the developer approached the Town with an interest in submitting an application for the Incentive Zone in that area. One of the first things the Board did was familiarize themselves with the area [the Board walked the land with Planning Board members and the Town Engineer to get a feel for scope of the proposed project].

**Supervisor Saraceni** stated that the Town has a committee [which reviews such applications], and that before a letter is submitted to the Town [The Committee is comprised of the Supervisor, Councilor Geraci, Al Yager, and two Planning Board members, Bill Lester and Jack Corey], meet with the developer to get an idea of the scope of the proposed project. The reason the Town Board includes Planning Board members and the engineer, is because the Town Board doesn't typically get involved in development issues. The Incentive Zone is an exception.

**Supervisor Saraceni** stated that if the Town is going to participate in the process, it wants people who have the experience in looking at development so that they can forecast things that should be looked for. The Town has the engineer providing guidance on infrastructure issues that might be of interest in the area that can be negotiated, so the group does its best to sit down with the developer and negotiate these incentives. He said for example, if the developer came in and presented a proposal with no [Town Board] feedback - that wouldn't be accurate; the Board is a participant in that process. [In this case] the developer put a letter of intent together and submitted it to the Town. Even prior to this process, and upon his taking office, he thought it was important that the Board define the process, so the Board had a joint meeting with the Planning Board and Zoning Board of Appeals to explain to the public how applications would be reviewed by the Town. An application was submitted to the Planning Board and ZBA for their feedback as well as to Onondaga County. ZBA reviewed it; there were two members for and two members against, which is a default 'no'. The Planning Board reviewed it and helped with the SEQR and made a recommendation. County denied it on a number of different grounds. That document is available for review.

**Supervisor Saraceni** stated that the Board is now at a point where it is three or four months later, and it is time they determine that the public needs to be heard by public hearing. This is the public's first opportunity to review the project, where the engineer (in this case CHA) presents the project and the Board listens to public comment. The first opportunity for public comment was two weeks ago. **Supervisor Saraceni** said that he watched the whole meeting, and spoke with some of the residents on the road as well. From this point the Board will make a determination as to whether to keep the public hearing open for additional comments, or close

the public hearing. Once the Board closes the public hearing, from that point, the clock basically starts at 62 days to make a determination as to what it is going to do. Whether it is to deny it, approve it, or go back into it to try to address some of the concerns raised by the residents.

**Supervisor Saraceni** stated that eventually the Board will have to make that determination. If they approve it, it will go on to the planning process [Planning Board], where another public hearing will take place. Also, in order for this to proceed because the County denied the application, four out of five Town Board members would have to approve it because there must be a super majority. He said the Board has done everything it could to make sure the process has been an open process, and that the community has had an opportunity to express concerns, reservations or support, and that the Board is rushing into this at all. He said the Board may be inclined to keep this open even after this meeting. He said the Board wants to give opportunities to everyone to be heard. He said the Board had a recommendation to have the letters submitted to the Board posted on the website so that people can read those letters as well. It is a very unique process because it is in an incentive zone which allows for this type of negotiation.

**Councilor Geraci** provided context as to why the Town is doing this [the process]. He said the CLUP is an incredible piece of work entailing anything and everything dealing with development in this Town, not just residential but everything, and part of that plan that was developed and approved by the previous Board, and he was on that Board, [He said he had nothing to do with the CLUP but there were some people in the room this evening who were part of that plan]. The context in that plan is something called Incentive Zoning, it falls upon the Town Board to accept applications by any developer that wants to make an application under that guideline, that doesn't mean we have to approve it, it means we have to at least accept it and sit down with that developer in good faith, and work out some parameters of how that development is going to take place. He emphasized that public input is incredibly important in that regard, and that is why public hearings are absolutely the most important part of the process.

**Councilor Geraci** continued by stating that Incentive Zoning isn't the only vehicle for development. Some people have pointed out that if a developer wants to come by and develop in an R40 or on a one acre configuration [which has been the history of development throughout the community and the state], they can do that, but the only perimeter for that is that through the CLUP, the Town will not accept the roadways that are created in those developments, which means the taxpayers are not responsible for any upkeep of those roads including snow plowing. He stated that the alternative that is Incentive Zoning, or something else, he wanted to remind people is a cluster development which is also a zone change, which has to come back to the Town Board for approval, which is just an option, and allows the for that developer to propose (not a guaranteed yes) the same amount of homes that would be built in an R40 configuration. In this case the Board is talking about 45 homes, but on half of the property. The Board is taking all of this in, and there is going to be some serious thinking about what this community really wants.

**Joe Alfieri** of Patchett Road said that he appreciated the background, and asked if Incentive Zoning allows for a Town to independently make a decision despite ZBA or County denials.

**Supervisor Saraceni** stated that the home rule allows for a super majority of the Board to overrule County if they so choose.

**Jim Stirushnik** of Dinglehole Road asked for clarification regarding SEQR. **Town Engineer Al Yager** said that the Town Board declared itself as lead agency. They referred (in this instance) Part Two of the SEQR to the Planning Board for review. This did not meet the threshold for a coordinated review. He said he believes the threshold is 250 homes for coordinated review requirement so a coordinated review was not a done in this instance as a requirement. The Planning Board reviewed significant documentation provided by the developer included it in the questions in the SEQR, and went through a detailed analysis in Part Two and made a recommendation back to the Town Board that a negative declaration would be appropriate. The Town Board acted on that recommendation from the Planning Board and set a date for the public hearing. By State SEQR regulations, SEQR is only preformed once for each project by the lead agency. (Per Corey/Yager) **Supervisor Saraceni** said there will be a public hearing by the Planning Board if this project goes through. He said by keeping the public hearing open it gives the public a chance to be included. Any modifications to the Incentive Zoning and amenities will be made known to the public.

**Andy Reeves** of Reeves Road read from a statement of points he prepared (provided to the Town Clerk and made part of the minutes as a separate attachment). He referred to his statement as follows:

1. *“The Comprehensive Land Use Plan paths will be the responsibility of a Certified Home Owners Association, or the developer.*
2. *If the town took over maintenance of the paths, would it be a whole or part town function?*

*Cash Payments*

1. *Illegal to use the money anywhere where a district may be formed.*
2. *Town Law in Lysander states the cash payment could only be put into a trust and used exclusively on one of the amenities listed in Lysander’s Law.*
3. *Town Law states: Trust to be used by Town Board exclusively for specific community benefits.*
4. *I would suggest you change the Town Law to correspond with the State Law on the use and procedure for cash payments.*
5. *I would use the \$183,000 for Highway Equipment, or the highway Building you proposed this Spring.*
6. *I would add the amenities stated in state law, which the County has championed and you have dismissed, affordable housing. Lysander is an inclusive not exclusive when it comes to housing. This also will have an impact on a possible discrimination lawsuit, and whatever you do will impact the school district. You need to revisit this portion of the state law.*

*Schools*

*Nowhere is the impact on our school taxes, school capacity, or our school quality included in this proposal.*

*No one has had any conversations with the Baldwinsville School District on this development or the proposed new housing on the Peninsula.*

*Section 261-B states under 3(c): each incentive zoning district must be found, by the Town Board, to have adequate resources, environmental quality, and public facilities. This includes schools, highway buildings, and parks. I believe you need to perform a review with the Baldwinsville School District.*

*West Side*

*This Board plans to change the Incentive Zoning Law on the west portion of Lysander. It appears there are several issues which need addressing with the Incentive Zoning Law. At the same time, I believe the town needs to follow the recommendations of the Onondaga County Planning Board. None of their requests are unreasonable. Working together is important for Lysander and the other Towns presently looking at Incentive Zoning.*

*I would recommend you realize the Incentive Zoning Law needs to be changed after you decide exactly where. It will no presently work with Collington Pointe or on the west side of Lysander. Remember, development falls under the part town model.”\**

\* (Typographical errors in letters submitted to the Town Clerk have not been corrected.)

During the reading of Mr. Reeve’s notes, **Supervisor Saraceni** interjected and asked Mr. Reeves if this language he was speaking of exists in the CLUP, and is he comparing existing language in the CLUP. Mr. Reeves said they are not the same, and he said the first [portion of his statement] is in the CLUP. Mr. Reeves said the Town has to go through and include a lot more of the state in with the local [law].

**Supervisor Saraceni** interjected and asked Mr. Reeves in regard to Lysander Incentive Zone, is that language in the CLUP? Mr. Reeves said that in the Lysander Incentive Zone, it states that money has to be paid before any permits are issued or any ground is broken.

In regard to the proposed changes on the west side of town, Mr. Reeves suggested taking a good look at Incentive Zoning. He said that when he was on the committee it was their intent to put the money towards sewers in certain areas and knew that couldn’t happen. He said the Town needs to go back and tweak it and follow the state a little better than the Town did after reading the state’s [law] and what its intent was, as to affordable housing; availability of senior housing which is affordable housing. He referred to Hayes Road, and when the County following the state didn’t like that affordable housing was isolated. They wanted it inclusive. He said the Town needs to go back through and look at state [law] and better incorporating it into the local Incentive Zone, then focus on Collington Pointe.

**Supervisor Saraceni** stated that this public hearing will remain open for additional comment. He said comments may be submitted in writing as well.

## **RES#37/2017**

**Supervisor Saraceni** moved to adjourn the Public Hearing at 8:05 pm

### **PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS:**

**Supervisor Saraceni** clarified the public comments portion of the meeting. He stated that the Board is allowing a five minute one-time comment period regarding agenda items. At the end of the agenda, there will be another five minutes for comments on any additional town related topics minus personnel issues. He said he will not necessarily cut off the speaker at five minutes, but will let the speaker know that if he or she is over the five minutes, he will ask for the comments to be wrapped up.

**Supervisor Saraceni** stated that he wasn't at the last meeting. He said that when he took office, he believes he made a comment that 'this timer' (held up the timer) that was used previously would never leave his bookshelf. He said there's nothing ruder than when in the middle of a statement one hears an alarm go off and he or she is cut off. What he tried to do was manage public comments from his seat. He said that for the most part, residents were able to make comments within a reasonable time period. Some people couldn't, and as a result the Board lost control of the meeting. He is reluctantly reinstating a time limit. It will be done with his phone, but he asks that with regard to the first comments, to stick to agenda items and then later in the meeting residents will be able to make general comments related to town activities minus personnel issues.

**Melinda Shimer** of Elizabeth Street stated that as an educator she is glad to see professional development regarding continuing education, as the Board will be attending training in New York in February [per motion A in the agenda]. She asked for an estimate of what that the cost will be for the Town, and asked which workshops they will be attending. **Supervisor Saraceni** stated that it is a budgeted item. He said they budget for it on an annual basis. He said he will get her the exact figures.

**Supervisor Saraceni** said that the Board had the opportunity to attend last year. He mentioned that he had never attended training (as this) as a mayor, and in all of those years as mayor he did not attend the training. He said his municipality may have missed out on opportunities. He stated that last year when he went to training, there was a big focus on solar, and he said it was an opportunity for him to learn about it more, as the Town was exploring a solar field in Lysander. **Supervisor Saraceni** said that he learned that based on regulations and proximity away from three phase power it was not to be. He also learned about grant opportunities at that time. He said that he gave a report last year when the Board returned, and it was well worth it, and is an opportunity to take an outside look at the community. He said that training occurs morning until closing as they will be in the classroom learning about any number of things.

**Andy Reeves** of Reeves Road asked a question (seated in the audience) as to how many nights the Board is staying for the conference. **Supervisor Saraceni** stated that they leave Sunday and come back Wednesday. Mr. Reeves questioned the timing of some of the classes, and stated that the previous Board did not choose to attend as some of the classes would not have been beneficial (four years ago). He mentioned that he reviewed the schedule and questioned what classes the Board might attend. Mr. Reeves said he has a problem spending that much money with five people going at one time with the cost of hotel and using the federal rate for travel. He says (according to his calculations) he is looking at a \$1200 to \$1500 dollar bill per Councilor. Mr. Reeves stated that training happens every year, and it is the Board's prerogative if they want to go. **Supervisor Saraceni** said the training runs from 8:00 am to 5:00 pm. Mr. Reeves asked why the money isn't in budget. Mr. Reeves says it was not in the budget for five people to attend training. He mentioned past items regarding transferring funds, and how the monies should be transferred, and the contingency fund [regarding the Sheriff and the HR agreement] which he said were not in the budget. **Supervisor Saraceni** stated that he would get him the figures for the conference, and Mr. Reeves said no as he has them figured out.



**Kevin Rode** of Greymoor Way asked if the Town advertised for the Zoning Board of Appeals position. **Supervisor Saraceni** said that it did not. Mr. Rode said he knew someone resigned and that time was an issue. He asked that in the future he hopes that the Town Board would put it advertise so that people know of the opening.

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**BOARD MEMBERS COMMENTS:**

**Councilor Diamond** thanked everyone who attended this evening. He said that public comments on any issues before the Board are important.

**Councilor Moore** thanked everyone who came to the meeting and thanked those who watch the meeting on PAC-TV as well.

**Supervisor Saraceni** thanked Councilor Geraci for covering for him at the last Town Board Meeting. He stated that he watched the meeting on PAC TV, there was a lot to absorb and he did a great job. He spoke about the passing of Art Levy, and offered his condolences to his family. Joe served with Art on the Canton Woods Board. Art was passionate about his community. He was generous and will be missed by the community.

**Supervisor Saraceni** said he made a mistake four weeks ago regarding his comments about PAC-B TV. He stated that he sat on the negotiating team that worked on the franchise agreement with PAC-B and Verizon. He made a comment that PAC-B was funded with tax payer dollars. In the heat of the moment I chose the wrong word. They are not tax payer dollars they are franchise fees that are generated through Verizon and Time Warner operating in the Town’s right of ways. The fees were negotiated and a portion of those fees come in to the Town as revenue but we also provide some of those fees to PAC-B’s operation. They are not funded by taxpayer dollars.

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**ADOPTION OF MINUTES**

**RES#38/2017**

**Motion by Councilor Diamond seconded by Councilor Geraci** to adopt the January 19, 2016 Town Board Meeting minutes.

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

**All Ayes, motion carried and adopted**

*Discussion:*

*Councilor Geraci asked the Town Clerk if she had made one of the changes that were suggested. She said yes, and he stated that it was a technical issue.*

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**DEPARTMENT HEAD REPORTS:**

**Theresa Golden, Town Assessor**, gave the October 2016 through January 2017 Assessors’ Report as follows:

**STAR CHANGES:**

*The 2016 State budget has eliminated all new Star exemptions (Basic and Enhanced) starting with the 2016 assessment roll. Star exemptions are “grandfathered” for existing property owners with exemptions in place prior to 2016. New owners will register with DTF online or by phone for the Star Income Tax credit / check. Property owners will be required to pay their school bill in full and will receive the Star savings by check from DTF. The Assessor’s office can no longer accept new Star applications. All effected property owners have been notified by the Assessor’s Office.*

*The State reports that more than 2 million combined tax freeze/tax relief checks and Star credit checks have been issued as of January 9, 2017. We continue to receive calls from property owners, who are still waiting for their checks. DTF has 2 phone numbers 518-457-2036 for Star Credit and 518-453-8146 for Tax freeze/Tax relief.*

*The Assessor's office is continuing to notify all new property owners as deeds are received of the changes to the Star Program.*

*All exemption renewals for 2017 have been mailed. The deadline to apply/renew is March 1<sup>st</sup> 2017.*

*Post cards for property owners registered with the State Income Verification Program have been mailed.*

*Reminder post cards will be mailed the middle of February for property owners with Enhanced Star/Sr citizen exemptions that have not renewed for 2017.*

*Commercial valuation report for 2017 has been completed and submitted to ORPTS by the February 1<sup>st</sup> deadline. Residential reappraisals for 2017 include review of 8 neighborhoods. (2949 properties)*

*The NYSAA has reported that Auditing by the NYS Comptroller has begun in at least 2 Assessment Offices. The commitment is to audit all Assessment Office's statewide.*

**Highway Superintendent Gene Dinsmore** stated that with ten weeks of winter behind them, the department is managing fine, and they have been plowing and salting, sometimes twice in one day. He stated that if anyone has any problems with the plow services to please call the Highway Department.

**Town Engineer Al Yager** stated that the Town received a Bridge New York (New York State Grant) grant to slip-line culverts on Willett Parkway in the amount of \$445,000 and he and the Supervisor will be meeting with DOT to find out what the contract requirements will be. (The Town gets reimbursed 100% of what it spends to fix the problems). **Mr. Yager** is working on the FEMA maps revision for the following areas: Vermillion, Esprit Glade, Royal Scarlett, Crimson King, and southern end of Marco Lane, where there seems to be a discrepancy in new flood plain boundaries. **Mr. Yager** said he did receive a notification from the President regarding the freeze on regulations, which may affect and delay some map revisions and requests. As he get updates from FEMA he will keep homeowners up to date. A letter will be going out which may delay some requests.

**Town Comptroller David Rahrle** stated that he is close to closing the books from 2016, and will be doing that in the next week or so. He has asked the department heads if they have any outstanding invoices, and will be wrapping that up within the next week or two and preparing the statement that goes to the State Comptroller's Office.

**Supervisor Saraceni** stated that once the annual report is sent to the state, he will give a State of the Town address similar to what was done last year to give the public an idea of where the Town stands on a number of different issues.

**Town Clerk Dina Falcone** stated that her office is in the process of setting up the online dog licensing payment system. It should be up and running within the next couple of weeks.

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**REGULAR AGENDA ITEMS**

**MOTION TO ALLOW BOARD MEMBERS TO ATTEND THE ASSOCIATION OF TOWNS 2017 TRAINING AND APPROVE EXPENSES**

**RES#39/2017**

**Motion made by Councilor Geraci seconded by Councilor Moore** to allow Town Supervisor Saraceni, and Town Board Members Geraci, Moore, Ellis and Diamond, to attend the Association of Towns 2017 Training School and Annual Meeting, held at the Marriott Marquis, in New York City, February 19<sup>th</sup> through February 22<sup>nd</sup>, and approve the costs and expenses associated with the Association of Towns 2017 Training School and Annual Meeting.

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

**All Ayes, motion carried and adopted**

**MOTION TO APPOINT STEPHEN JORDAN  
AS ZONING BOARD OF APPEALS MEMBER**

**RES#40/2017**

**Motion made by Councilor Diamond seconded by Councilor Ellis** to appoint Stephen Jordan as Zoning Board of Appeals member with a term expiring December 31, 2021.

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

**All Ayes, motion carried and adopted**

*Discussion:*

*Councilor Diamond asked Supervisor Saraceni to clarify to the public what the role of a ZBA member entails.*

*Supervisor Saraceni stated that the Zoning Board of Appeals hears from constituents who want a variation from the code as it applies to them. For example, (he used the village of Baldwinsville as an example: there is not an ordinance for fences in the Town of Lysander, but in the Village they heard many cases where people want a higher fence than what is in the Code). They hear any number of cases where people want an exemption of the law as it applies to them. The ZBA Board of Appeals meets five or six times a year. It does not get a lot of activity, as sometimes the Town's code doesn't fit every situation and people ask for an exception to the Code. It is a very important Board, and there are people who do ask for exceptions to the Code.*

**MOTION TO APPOINT RICHARD JARVIS  
AS CHAIR OF ZONING BOARD OF APPEALS**

**RES#41/2017**

**Motion made by Councilor Geraci seconded by Councilor Ellis** to appoint Richard Jarvis as Chair of Zoning Board of Appeals effective February 2, 2017.

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

**All Ayes, motion carried and adopted**

**MOTION TO AUTHORIZE SUPERVISOR TO SIGN  
CONTRACT WITH DAVIS ULMER SPRINKLER**

**RES#42/2017**

**Motion made by Councilor Moore seconded by Councilor Diamond** to authorize the Supervisor to sign a three year contract with Davis Ulmer Sprinkler for fire sprinkler inspection at the Lysander Highway Garage in the amount of \$300 annually.

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

**All Ayes, motion carried and adopted**

*Discussion:*

*Supervisor Saraceni stated that Mr. Yager found savings in the cost. The Town originally had an estimate of \$1200 a year, and it was going to be inspected quarterly. Adhering to state law, it only needs to be inspected once a year, so there is savings there.*

**MOTION TO ADOPT A RESOLUTION CALLING FOR A PUBLIC HEARING  
TO CONSIDER A LOCAL LAW OPTING OUT OF THE TAX EXEMPTION AND TO  
AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR SAID PUBLIC HEARING**

**RES#43/2017**

**Motion made by Councilor Geraci seconded by Councilor Ellis** to adopt a resolution calling for a Public Hearing to consider a local law opting out of the tax exemption provided for in Real Property Tax Law Section 487, (Public Hearing to be held on February 16, 2017 at 7:00 pm in Lysander Town Hall Auditorium) and to authorize the Town Clerk to advertise for said Public Hearing. (Resolution provided by Town Attorney).

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

**All Ayes, motion carried and adopted**

*Discussion:*

*Councilor Geraci stated that this is what the Town is in the midst of debating about: what the town ought to be doing with regard to solar energy installations. By opting out of it, (the existing law provides that the owner operators of these installations) do not have to pay taxes. The Town is opting out of that tax; therefore an installation would be no different than any other commercial establishment. You put it in the ground, you pay. The Town wants to opt out because of that.*

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**CITIZENS COMMENTS ON TOWN RELATED BUSINESS:**

**Andy Reeves** of Reeves Road read from a statement and stated that at the last meeting he addressed the Board and asked if they would consider posting minutes in draft form on the Town's website so 'they' could access it before the next meeting and have a guide as to what transpired. He said that residents must wait four weeks to ask any questions until the minutes are posted and available. Mr. Reeves said that Melinda [Shimer] sent an email regarding minutes [to Supervisor Saraceni] and received an answer back from Dina Falcone, Town Clerk. Mr. Reeves said "Ms. Falcone said email", but Mr. Reeves has a problem emailing and asking for things. He said that he lives in the rural part of Lysander, and he doesn't have FIOS or Time Warner Cable. He has broadband and it costs him money every time he goes to PAC-TV or to listen to the recording from the Work Session. He said posting the minutes on the website would be an advantage to 'us', and he doesn't care about the quality of the minutes, but that it would work for him and 'other people' in Lysander. He went on to state why he thinks minutes should be posted unapproved ahead of time.

**Supervisor Saraceni** said he would take Mr. Reeves' comments into consideration and told him that is the first request the Board he has had in a year. He stated the Town is all about transparency, and he said that he will defer to Dina Falcone, Town Clerk, as she runs a very streamlined operation. **Supervisor Saraceni** stated that there are two people in her office who handle the [Clerk] needs of 22,000 people in this town. He said just to give [Mr. Reeves] and the audience an idea, 'this' is 9 pages, (he held up the previous minutes from the last Town Board meeting) and said it is a lot of work. **Supervisor Saraceni** stated that the Board will do its best to accommodate everyone it can within reason, but he will still defer to Dina regarding the minutes.

**Fred Burtch** of Plainville Road stated that it had come to his attention that at least two Town citizens, (perhaps 4) have gone to the Highway Department recently and had conversations with some of the Highway workers about their intention to run for Highway Superintendent this year. He asked if anyone on the Board has knowledge of that. **Supervisor Saraceni** said that he was told that an individual had been there. Mr. Burtch asked if the person was persuaded by anyone, or did that person go there on his own? He said that normally if a seat comes up there is an announcement in the newspaper or the Town website and he did not see anything like that. He asked if someone in the community who might have an interest [in a position] and they [were to] meet all the qualifications, if they waited for an announcement to come up, they might be two or three months behind others who might have inside knowledge of what is going on. Mr. Burtch said that he wanted to make it known to the Board or an by open election to get the word out to the community so that everyone will have an equal opportunity; getting more people involved in the process would be of benefit to the Town.

**Jim Stirushnik** of Dinglehole Road spoke regarding the activity by the Town to increase security at the meetings and the comments during the budget work sessions regarding increasing security in the Town Hall building. [Inaudible regarding Highway/weapons/guards/vehicles]. He said it seems to him it would be the responsibility of an employee in the Town to be able to deal with the public in a competent fashion. He said he was not sure if this would be covered by Civil Service, but it should be covered any time a person is considered for a position with the Town. He said it would be worthwhile for the Town if training sessions in dealing with the public would be an expense to incur rather than creating physical and other barriers. Mr. Strusnik said "there will always be an oddball that can't be controlled", but he doesn't like to create the atmosphere of a state that is going to be governed 'by the weapon'. He referenced the last meeting where a woman had spoken about her background in a less democratic nation, and this concerned her. He said he can see where it would concern others.

Mr. Stirushnik asked what the status is of removing and planting dead or damaged trees.

**Councilor Geraci** said he and **Councilor Ellis** are working on this, as the plan is not to remove anything, the goal is to plant trees in the park that would take over for the white ash trees (which are dying) in the park. He said they will be talking to the College of Forestry and Cooperative Extension as to when to plant the trees. He clarified that "a forest will not be created overnight." The best way to approach this is to plant smaller trees. **Councilor Geraci** said the Town is going to get more trees for the dollar that is budgeted, and it will be done over time there.

**Supervisor Saraceni** stated that Parks and Recreation Supervisor Tony Burkinshaw has applied for a grant to offset those costs. Mr. Strusnik asked if the Highway Department has a fund for that. **Supervisor Saraceni** said the Town does not have anything specific. **Highway Superintendent Gene Dinsmore** said the Highway Department removes dead trees.

Mr. Stirushnik asked if the Town has expended any cemetery funds. **Councilor Ellis** answered not yet. He asked if the Town plans to remove trees from the cemeteries or if the Town needs a fund. **Councilor Ellis** said there needs to be a meeting with the Cemetery Committee in that regard.

### **ANNOUNCEMENTS BY SUPERVISOR SARACENI**

1. **Town Board Meeting:** Thursday, February 16, 2017, 7:00 pm, Work Session begins at 5:30 pm in the Auditorium.
2. **Town Board Meeting:** Thursday, March 2, 2017, 7:00 pm, Work Session begins at 5:30 pm in the Auditorium.
3. **Public Hearing:** Thursday, February 16, 2017, 7:00 pm regarding “**Incentive Zoning Map Change Application**”, Work Session begins at 5:30 pm in the Auditorium.
4. **Planning Board Meeting:** Thursday, February 9, 2017, 7:00 pm in the Auditorium.
5. **Lysander Park Pavilion and Community Room Registrations** continue in the Parks Department.
6. **Father/Daughter Dance:** Tickets still available for February 18, 2017 at Mohegan Manor. (Sold out as of 2/8/17)

### **ADJOURNMENT**

A motion was made by Councilor Diamond and seconded by Councilor Moore to adjourn the Board Meeting at 8:44 pm.

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

Dina Falcone, Town Clerk