

A Regular Town Board meeting was held on October 5, 2023, at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** None

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

Supervisor Wicks called the meeting to order at 6:30 PM with the Pledge to the Flag.

---

**Adoption of September 21, 2023 Minutes**

**RES#168/2023**

**Motion by Councilor Geraci seconded by Councilor Moore** to adopt the September 21, 2023 Town Board Meeting minutes.

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

**All ayes, motion carried and adopted**

The Town Clerk formally presented the proposed 2024 budget to the Town Board.

---

**MOTION TO OPEN THE PUBLIC HEARING  
TO OVERRIDE THE TAX LEVY LIMIT**

**RES#169/2023**

**Motion made by Councilor Geraci seconded by Councilor Kudarauskas** to open the public hearing at 6:31 PM.

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

**All ayes, motion carried and adopted**

*(Some comments have been edited as they were unintelligible).*

Comments:

Ed Schmitt: *You know I don't care if you override that, I don't care if you have a good reason. The way this is written, it sounds like a blank check to me. You're not saying how much you're going to override by... and if you're just saying I can override, whatever - and that doesn't seem appropriate. I think you should have an idea how much.*

Supervisor Wicks: *Is there anybody else wishing to speak regarding specifically the override?*

Fred Burtch: *This is because we've done this before, right? This just the same thing that we do pretty much every year?*

Attorney Rivizzigno and Supervisor Wicks stated yes.

Fred Burtch: *Is there other changes to it this year than it has been in previous years, or it's the same?*

Attorney Rivizzigno and Supervisor Wicks stated it's an adopted law every year.

MOTION TO CLOSE THE PUBLIC HEARING  
TO OVERRIDE THE TAX LEVY LIMIT

RES#170/2023

Hearing all comments, motion made by Councilor Moore seconded by Councilor Kudarauskas to close public hearing at 6:33 PM.

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

All ayes, motion carried and adopted

---

Citizens Comments

**Rob Helfrich** spoke about the CLUP, in particular the issue surrounding industrial lot usage and industrial lot usage law. The statement will be attached to these minutes. Portions of the statement are redacted, as they are political comments.

**Fred Burtch** of Plainville Road spoke about new property at the park and his issues with the industrial lot usage and improving the property area alongside the industrial park area. He mentioned aesthetics and how it would affect people in and around that area. In addition, he mentioned the rules of procedure as stated regarding the agenda, said the entire piece of paper is the agenda and addressed the citizens comments section, and his displeasure of those items having been changed. He said it would be nice if people could express their thoughts at the meetings. He has concerns he'd like to discuss.

**Councilor Rode** added that the driveway area on Hencle Boulevard had to go through the County.

**Ed Schmitt** of Hayes Road saw the agenda online and brought up the industrial lot usage and that it boils down to a quality of life issue and the increased density and how it affects traffic, aesthetics and future growth.

(Crosstalk occurred during comments).

**Councilor Geraci** stated that is not in the CLUP, and all that is in the CLUP is a recommendation for changes on density.

(Page 63 noted the increase of density. The town engineer wasn't in attendance, and could not explain why the density was not changed in the draft document, as it was supposed to have been. Because of this, the motion was tabled). The appendix was not supposed to be posted.

**Jack Corey, Planning Board Chair** stated that acreage use is not part of the CLUP, and that comes under a separate letter for changes to the Town Code. The arguments are related to when and if TOL gets to it, the CLUP only demonstrates the fact that the CLUP committee is asking the Town Board to consider increasing the acreage, because even at 50% TOL has the lowest acreage coverage in New York, and Radisson is at 80%. **Mr. Corey** said he has seen the emails from residents, and noted that there is no recommendation to change any laws in the CLUP. The CLUP is an overview document that lays out a vision and plan for TOL to operate and preserve, and they try to make sure it is consistent with the codes to achieve that vision.

**Councilor Geraci** stated that he would not have voted on the CLUP as it is presented currently.

**Ken Landon** of Gates Road stated that he is attending the meeting to talk about his concern with the 30 to 50% coverage. He was confused about it and wanted clarification.

---

Town Board Comments

**Councilor Rode** noted that the budget work sessions would be posted, and mentioned the override on the tax levy. He stated that it is a procedural issue that if the Board decides to increase taxes over the 2% that allows them to do that. It is a standard motion that is done every year.

**Councilor Geraci** mentioned the tax levy motion as well, and that every town in New York State passes it as a matter of principal [for all towns].

**Councilor Moore** apologized for any confusion regarding the CLUP. He said he would not approve the CLUP as it is now, and appreciated the comments, and the same comments for the tax levy. He mentioned that the Board is frugal and they try to keep the tax rate down.

---

Supervisor's Comments

**Supervisor Wicks** recognized the State Police regarding the 9-year-old girl who was abducted and found. He said the efforts of the State Police should not go unnoticed. Most people don't understand what a tremendous job it is by a police agency.

**Supervisor Wicks** stated that there are always two sides to an issue. As Board, they need to make decisions and some people will be happy and others not. He says everyone on the Board tries to do the best they can for the most amount of people in TOL. Sometimes people are impacted negatively from their perspective, and he understands that. He said the Board tries to look at both sides of an issue, and if it benefits the Town much more than it doesn't, and they have to decide one way or another, he is going to be in favor of that when it impacts a majority of the people in a positive way. He said the Board is sensitive to issues but they have to make decisions based on what is best.

**Supervisor Wicks** stated that as far as he knows, there is no warehouse going into that (Hencle) area at this time. He spoke with the owner of the property who told him that he has no plans to build a warehouse. He did not give an answer as to why. He still owns the property, but at some point, he will probably do something with that property. **Supervisor Wicks** stated that the other Board members previously explained that if any modifications were to happen on that property, such as an entrance and exit from Hencle, it would have to go before the Planning Board in order to make those modifications. If there was to be a change in any type of coverage, there would have to be a public hearing.

**Supervisor Wicks** spoke about the budget. Regarding the tax rate, it was down 18.3% and the tax levy was down over \$200,000. The first year it was a little bit over 9% with a reduction last year, which was 6% and a little less than 2% the prior year. Last year the budget was at 8.6%, which overall would bring the decrease over four years to 17.4%. He met with the department heads regarding needs and wants, and not every department head got what they asked for. Contract negotiations were also mentioned, and that is where contingency comes in, as well as maintenance costs for roads, etc.

---

Department Head Reports

**Kevin Merrill, Parks and Recreation Director** noted that there are many programs available on the website and is gearing up for closure of the park.

**Dina Falcone, Town Clerk** read the results of the RFP that she placed on the website and sent to vendors on September 6, 2023. The RFP was for the plowing and salting of the Trooper's Barracks as follows:

*JMI Snowplowing  
Randy Cramer  
AML Properties  
Garry Schneider  
Mosher's Landscaping  
P. Miller's Snowplowing  
Ryan's Plowing (phone call)*

*Bids were opened on October 5, 2023 at 10:00 AM, and submitted as follows:*

*Broadwell Industries: \$20,000  
Mosher's Landscaping: \$10,560  
Flat Rock Hardscapes: \$8,000*

*In 2022, the RFP was sent to Flat Rock, Randy Cramer, and Mosher's. Only Mosher's bid came back and we accepted that bid.*

*Flat Rock Hardscapes is owned by David Middlemore, a relative of the Town Supervisor. As such, the Supervisor will abstain from tonight's vote. Supervisor Wicks is not involved in the advertising, drafting of the RFP, or the bidding process. Upon further investigation, it was noted that Flat Rocks' RFP was incorrectly submitted, and therefore would not be considered.*

**Dina Falcone, Town Clerk** read the following statement regarding the website:

*This morning I received several calls regarding the website being down. I spoke with our Town Councilor, Jeff Kudarauskas, who found that the domain was not working correctly. Upon learning that, I called our website provider, who informed me that the invoice was past due, and our domain service had been suspended. I called our domain provider to update our credit information and to get the domain reinstated. According to the Customer Service Rep Sean, two weeks ago an email was sent to the email address of a person who is no longer with TOL, that the credit card on file was expiring and needed to be updated. That was on 9/21, when a two-week grace period was given. That grace period expired this date. As such, the domain was shut down, which affected the website, and some incoming and outgoing emails. I provided the administrator with our current credit card information and renewed our domain for another ten years.*

*The cost for the ten-year plan is \$1,457.59, which includes the following:*

*Reinstatement fee: \$35.99*  
*Domain and Privacy Protection: \$119.90*  
*Domain Expiration Protection: \$9.99*  
*Site Lock Premium: \$958.80*

*(Site lock premium protects the domain from malware, blacklisting, (blacklist is a list of unsafe URLs, IP addresses, or domain names that are removed from the search results by authorities, and spam) Site Lock Premium boosts performance with content delivery network (CDN) and streamlines PCI compliance.*

---

Regular Agenda Items

MOTION TO ADOPT A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c

RES#171/2023

**Motion made by Councilor Geraci** seconded by **Councilor Kudarauskas** to adopt a local law to override the tax levy limit established in General Municipal Law 3-c.

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

**All ayes, motion carried and adopted**

TABLED

**Motion made by \_\_\_\_\_** seconded by \_\_\_\_\_ to adopt the revised Comprehensive Land Use Plan of 2023 (CLUP).

MOTION TO ACCEPT THE BID FROM MOSHER'S LANDSCAPING FOR PLOWING AND SALTING OF THE TROOPER'S BARRACKS IN THE TOWN OF LYSANDER FOR 2023/2024 SEASON

RES#172/2023

**Motion made by Councilor Geraci** seconded by **Councilor Kudarauskas** to accept the bid from Mosher's Landscaping for plowing and salting of the Trooper's Barracks in the Town of Lysander, at a cost of \$10,560 per the contract.

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

**One abstention, four ayes, motion carried and adopted**

**MOTION TO AUTHORIZE THE BUDGET MODIFICATION FORM SUBMITTED BY THE TOWN COMPTROLLER FOR COMPLETION OF SEALING OF THE PARKING LOT AND CURB REPAIR AT THE TROOPER'S BARRACKS AND THE ADDITION OF THE COMMERCIAL CYBER INSURANCE POLICY**

**RES#173/2023**

**Motion made by Councilor Moore** seconded by **Councilor Geraci** to authorize the Budget Modification Form submitted by the Town Comptroller for completion of sealing of the parking lot and curb repair at the Trooper's Barracks, and the addition of the Commercial Cyber Insurance Policy for TOL.

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

**All ayes, motion carried and adopted**

---

**ADJOURNMENT**

**Motion made by Councilor Rode** and seconded by **Councilor Kudarauskas** to adjourn the Town Board Meeting at 7:03 PM.

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

**All ayes, motion carried and adopted**

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

Dina Falcone, Town Clerk

The reason stated in the CLUP for changing the industrial lot usage is that it will "maximize the development potential of these parcels, which should help reduce the potential commercial and industrial sprawl". This is an opinion which is not supported with any facts. The SEQR process reviews the impact a project will have on its environment. Currently, the bar is high since a SEQR for industrial projects in Lysander reviews the environmental impact a project would have to agricultural land and a wildlife management area. Once you allow high-density industrial projects, future SEQR's only need to compare its impact to areas around existing industrial sites. That would promote "industrial sprawl", not prevent it. That is an opinion supported by facts.

The facts would further indicate that the real reason to change the industrial lot usage law, which had been on the books for over 20 years, is to support the United Auto Supply's 1 million square foot warehouse proposal. On February 4, 2021, Supervisor Wicks and the Town Board with the exception of Bob Geraci and Kevin Rode, voted to unlawfully change the industrial lot usage from 30% to 50%. Citing several violations of law, a group of concerned citizens sued the Town which reverted the law back to 30%. The United Auto Supply application to the Lysander Planning Board was dated on the same day the Town Board changed the law, February 4, 2021. Incredible coincidence. After on the books for over 20 years, our Town Supervisor did not suddenly wake up one day and decided to change the law.

[REDACTED]

The recommendations in the CLUP to change the industrial lot usage law are not simply benign suggestions. When the town was sued in 2021, the first cause of action was that the change in the Code was not considered in the 2015 CLUP. Therefore, the first step to change the industrial lot usage law would be to have a recommendation written into the CLUP to do so.

Current industrially zoned land extends down Hencle Bld to across from Lysander Town Park. If the Town Board changes the industrial lot usage law, the woods across from the Lysander park soccer fields could become a large, high-density industrial complex. I doubt the citizens of Lysander would enjoy that.