

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on August 25, 2014 at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony Rivizzigno, Town Attorney; Elaine McMahon, Deputy Town Clerk;
Gene Dinsmore, Highway Supervisor; Pac-B and several residents.

RES. #126/2014

APPROVAL OF MINUTES

Motion by Diamond, seconded by Reeves to approve the minutes of the regular Town Board meetings of July 14, 2014 and August 11, 2014.

VOTE:

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

Three Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Councilor Geraci and Councilor Shimer stating that they were abstaining from voting as they were not present at one of the meetings.

SUPERVISORS COMMENTS:

Supervisor Salisbury stated that he saw an interesting program about the American flag and the pledge to the flag. He said it hasn't been that many years that there has been a pledge to the flag. He stated that Betsy Ross, not to shoot down any stars, was not the designer of the American Flag.

Supervisor Salisbury said that that the Town Board went into Executive Session to discuss personnel matters at 6:23 p.m. and concluded at 6:47 p.m.

Supervisor Salisbury announced that the first two items on the agenda are being held until Thursday and when they adjourn the meeting tonight it will be until August 28th at 6:00 p.m. He said after that short meeting the Board will go into their regular work session.

Supervisor Salisbury said that Ann Smiley, Director of Parks and Recreation, retirement was last Friday and he will be adding a proclamation for her to the agenda.

TOWN BOARD COMMENTS

None

DEPARTMENT HEAD REPORTS

None

CITIZEN COMMENTS ON AGENDA ITEMS

None

OLD BUSINESS

None

NEW BUSINESS

*Lysander Town Board regular meeting
August 25, 2014 (continued to August 28, 2014)*

Recreation Program Director - Parks and Recreation

RES. #127/2014

Motion made by Geraci, seconded by Diamond to appoint Anthony Burkinshaw temporarily to the position of Recreation Program Director, effective 8/25/14, at an annual salary of \$45,000 pro-rated until 12/31/14, and also increase his work week as follows:

April 1st thru September 30th - 40 hours per week
October 1st thru March 31st - 35 hours per week

VOTE:

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

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury said that any appointments that they are making have been cleared through Civil Service.

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Acceptance of River Knoll Contract Drawings

RES. #128/2014

Motion made by Shimer seconded by Diamond to authorize the Town Supervisor to sign the cover sheet of the Contract Drawings, prepared by Plumley Engineering and the NYSDEC Application for Approval of Plans for a Wastewater Disposal System (Formally BSP-5) for The River Knoll Phase III Project as recommended in the Town Engineer’s approval letter dated August 21, 2014.

VOTE:

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

All Ayes, motion carried and adopted

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Proclamation for Ann Smiley

RES. #129/2014

Motion by Shimer, seconded by Reeves to accept the proclamation to designate August 21, 2014 as Ann Smiley Retirement Day.

VOTE:

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

All Ayes, motion carried and adopted.

Proclamation

**Town of Lysander
County of Onondaga
State of New York**

**Office of the Supervisor
John A. Salisbury, Supervisor**

WHEREAS, Ann M. Shudt was born in Troy, New York, on May 14th in the 20th century to Bob and Marge Shudt. She is one of four children and third in line,

WHEREAS, Ann graduated from Catholic Central High School and Hudson Valley Community College where she received her Associate Degree in Applied Science in Recreation Supervision, all in Troy, N.Y. She continued her education at Russell Sage College also in Troy, N.Y. Finally leaving Troy, Ann continued her education at the State University of New York at the Oswego Campus. She did all of this also in the 20th century,

WHEREAS, Ann met Jim Smiley and they got married on August 11 in Troy, N.Y. and in 2014 celebrated their 35th wedding anniversary. During those 35 years they had two children, Jennifer and Robbie, moved to Phoenix in 1979 and to Lysander in 1982,

WHEREAS, Ann worked five years as a Recreation Specialist for the city of Troy. As you can see, Ann loved Troy but finally she left the beautiful city of Troy and came west to Onondaga County,

WHEREAS, Ann then went to work for the Town of VanBuren where she stayed for eleven years. The first year she was the Recreation Supervisor and then became the Director of Parks and Recreation for the Town,

WHEREAS, Ann left VanBuren and came to the Town of Lysander as the new Director of Parks and Recreation on September 2, 1991 where she remained until August 21, 2014,

WHEREAS, Ann Smiley was influential in the growth of the Lysander Town Park and the development and expansion of the outstanding recreation program for children and adults that is now enjoyed by the residents of the Greater Baldwinsville area,

WHEREAS, Ann has not only been active and effective in the Town of Lysander but also in community activities of Greater Baldwinsville, Onondaga County and New York State,

WHEREAS, Ann Smiley's legacy will live on for years to come.

NOW THEREFORE, I, JOHN A. SALISBURY, Supervisor of the Town of Lysander, do hereby proclaim August 21, 2014, to be remembered as the:

"ANN SMILEY RETIREMENT DAY"

in the Town of Lysander and join with the residents, the elected and appointed officials of the Town of Lysander in recognizing the retirement day of Ann Smiley and wish her good health, much happiness and many prosperous retirement years.

John A. Salisbury, Supervisor

OTHER BUSINESS:

None

RECOGNITION OF CITIZENS:

ELECTRONIC RECYCLING

Gene Dinsmore, Highway Superintendent, stated that he wanted to report what is happening with televisions in Lysander. He said a lot of people depend on the Highway Department for running an electronic waste recycling program for the last five years. He stated it has been very successful and people bring in their televisions and computers. He said the Federal government stopped their funding of that program back at the end of 2013. He stated it has taken until July of this year for the NYS Department of Environmental Conservation (DEC) to come out with their regulations for this year. He stated basically they told the municipalities that they cannot be stored outside and they can't do this and they can't do that. He said that there is no longer a market for used televisions. He stated that the leaded glass that is present in the type of television tubes and computer monitor tubes are very costly to dispose of. He said that the amount of recoverable metals in the televisions and the value are less than the cost to dispose of that glass. He stated that Onondaga County Resource Recovery Agency (OCRRA) said for the Town to just stop taking them.

Superintendent Dinsmore continued and said that they have to provide an alternative to the people to get rid of the televisions. He stated the DEC says that they cannot be put in a landfill and the EPA says that they cannot be stored on any property. He explained that if they are outside rainwater would get in and wash the toxic substances off of the television parts. He stated that they can't not be put in a landfill, they can't store them and recyclers do not want them. He said that the recycling company that the Town used which is based in Rochester, New York has come back and offered to take these televisions for .35 cent a pound. He stated that the Town can resume the recycling program if the Town is willing to pay .35 cents a pound to get rid of them. He said he estimated it would cost the Town approximately \$300.00 a month if they received the same rate of donated televisions that they have been getting. He stated that they can put their heads in the sand like OCRRA is doing but in the meantime the residents who have televisions to get rid of are just supposed to just put them in their garage or basement and wait for something to happen.

He said he would think that the Town might want to be proactive if the Town has the money to resume the program so the people have a place to take these things instead of throwing them in a roadside ditch where he used to find a lot of them. He stated it is something for everyone to consider and will talk about it with the Board. He said he did take it on himself to call Senator DeFrancisco's office and alert him of the problem because all of the Town Highway Departments have the same problem. He stated they are piling up and calling each other asking what are they going to do. He stated that he made Senator DeFrancisco aware of the problem in hopes of him finding a solution. He said the other solution that is available right now is to simply pay to dispose of them however the Town doesn't really have a budget for that. He stated that two people came to the Highway Department today with televisions despite the Town's website has been changed to say that the Town temporarily cannot accept them. He said that there are still people filtering in to try to dispose of them. He stated it might be a mundane thing to a lot of people but to him he is being inundated with televisions and is looking for help from the Board and forbearance from the residents. He said it is not that he doesn't want to recycle them; he doesn't have the ability right now.

DOG CONTROL

Norm Ashbarry, Hidden Lake Drive, stated he recently learned about another issue with the Dog Warden and he did a little research talking to a Deputy Dan Butler who responded to a residence on Lamson Road. He said two loose dogs had been called in by a resident and the resident was an off-duty Deputy. He stated the off-duty Deputy called the number that is on the Town website for the Dog Warden and left a message and there was no answer at that phone number. He said that the off-duty Deputy waited two hours and then called the Sheriff's department. He stated that Deputy Butler did respond and he called the same phone number on the website. He said that this incident occurred during a week day and it was around lunch time. He stated that Deputy Butler also left a message on that phone number. He said that Deputy Butler put both dogs in his car to bring them down to the vet across the street. He stated he didn't know why but this is what Deputy Butler said. He said that Deputy Butler thinks he got a call back from the Dog Warden or called the Dog Warden number again but either way he ended up talking to the Dog Warden. He said that the Dog Warden arranged to meet the Deputy at the Town Hall and the Deputy had almost arrived at the Vet.

Mr. Ashbarry continued and said he asked Deputy Butler what his opinion was of the service he got from the Dog Warden and the Deputy told him it was not very good, poor, as what he described it as. He stated in fact Deputy was kind of testy about it and was a little bit concerned that he would be turned in for a personnel complaint by the way he talked to the Dog Warden. He said the Deputy was very upset in other words. He said that he brings this to the Board's attention because it's another one he told the Board he thinks a year or so ago. He stated the Troopers they had a similar situation and that was at night time where it took them quite a while to get ahold of the Dog Warden. He said feel free to call Deputy Butler or Trooper Dieter Hunt who was the other officer involved in the previous case to get it firsthand.

Supervisor Salisbury asked Mr. Ashbarry if either of the Officers made a complaint.

Mr. Ashbarry said no.

Supervisor Salisbury asked if Mr. Ashbarry was making the complaint on their behalf.

Mr. Ashbarry said he was not making a complaint. He said he was only telling him what they told him.

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DOG CONTROL LAWSUIT

Mr. Ashbarry asked when was the date, time and location of the upcoming trial of the dog control lawsuit.

Attorney Rivizzigno explained that the trial was scheduled for September 29, 2014 however the Judge has another trial on that date. He said if the other trial goes on the 29th than the Town's will go sometimes after that. It may be earlier than the 29th as the Judge is trying to schedule it in between September 15th and the 29th.

ADJOURNMENT:

RES. #130/2014

Motion by Reeves, seconded by Diamond to adjourn the Town Board meeting of August 25, 2014 until August 28, 2014 at 6:00 p.m.

VOTE:

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

All Ayes, motion carried and adopted

This regular meeting of the Town Board of the Town of Lysander was continued on April 28, 2014 at 6:00 p.m. in the Conference Room at 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: None

OTHERS ATTENDING: Anthony Rivizzigno, Town Attorney; Lisa Dell, Town Clerk; Gene Dinsmore, Highway Supervisor; and one resident.

NEW BUSINESS

Receiver of Taxes Position

RES. #131/2014

Motion made by Salisbury, seconded by Reeves to appoint Nancy Mott to the position of Deputy Receiver of Taxes, permanently, effective 9/2/14 at a salary of \$16.08 per hour.

VOTE:

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

Four Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Councilor Geraci stated he thinks he (Supervisor Salisbury) is doing it correctly by appointing her permanently but he presumes she is on probation for a period of time.

Supervisor Salisbury stated that she has worked in that for years.

Councilor Geraci said well it is a new title and when you move into a new title you go on probation. He said he doesn't know what the protocol is within the Town and this is why he is asking.

Supervisor Salisbury asked if Civil Service told him, stating he had called today.

Councilor Geraci said no he talked to Beth Mortas yesterday but he didn't ask her that question. He said he just wanted to make sure they were all on the same page.

Supervisor Salisbury stated that she can be fired at will, New York State says at will employee, but he has no concern about it.

Attorney Rivizzigno said she may be probationary by law anyway.

Councilor Geraci said that's what he is thinking, it's a law thing, it's a legal thing, a Civil Service thing. He stated that it doesn't change the resolution. He said when you hire someone permanently normally they go on probation for a number of six months but it can be a year.

Attorney Rivizzigno stated that he thinks what it applies to basically is within that six month period you can just terminate her, she has no rights under Civil Service to contest it. He said once she becomes a permanent employee termination becomes more difficult.

Councilor Geraci said that is exactly right.

Councilor Reeves stated he thinks the six months part is right.

Councilor Geraci said he is just bringing it up just to remind everybody that you have that option and he is sure that you wouldn't have to exercise it with this individual but you have that option.

Supervisor Salisbury stated well they got the same information as Councilor Geraci and Councilor Diamond. He said we are aware that both of you called.

Councilor Diamond stated he did.

Councilor Geraci stated his question to her, was his second question, and he just wants the minutes to reflect, and again he is supportive of this, he just wants the minutes to reflect so the Town Attorney has advised us that appointing a Deputy Receiver of Taxes is an okay protocol without having a Receiver of Taxes. He stated he just wants the minutes to reflect that this is under the advice of the Town Attorney.

Attorney Rivizzigno stated yes, that is correct.

Councilor Geraci said even though it sounds strange he is okay with it as long as that's reflected.

Supervisor Salisbury stated he doesn't think it is a bad thing to have in the minutes because we did all the

checking before we proposed this and the only thing that has bothered me is why two Board members did the same thing as we did but you did it.

Councilor Geraci said it should not bother him.

Councilor Reeves stated the question that Councilor Geraci just asked the Town Attorney he was going to ask it. He said he thinks it is a good question and he thinks it's prudent.

Councilor Diamond stated he just wants the minutes to reflect that he respectfully disagrees with the title and he thinks that they should be appointing a Receiver of Taxes so he is going to be voting no to that resolution but he wanted the minutes to reflect this.

Supervisor Salisbury asked him if was voting no because what Councilor Diamond thinks is a wrong title.

Councilor Diamond stated that he thinks it is inappropriate to be appointing a Deputy in this case and they should be appointing a Receiver of Taxes.

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Authorized Signatory for Tax Receiver Account

RES. #132/2014

Motion made by Salisbury, seconded by Shimer to authorize Nancy Mott to be a signer on the Tax Receiver account at NBT bank.

VOTE:

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

Four Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury asked Councilor Diamond if he didn't want her (Nancy Mott) to sign checks after Councilor Diamond voted no to the resolution.

Councilor Diamond stated that the only reason why he is voting no to the resolution is because he voted no to the last one and he thinks that the two of them are connected.

Supervisor Salisbury said it's a good thing that he doesn't pay taxes then because she has to deposit his check.

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Adjournment of the August 25, 2014 Meeting

Motion made by Reeves, seconded by Diamond that meeting of August 25, 2014 be adjourned as of 6:06 p.m., August 28, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

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

Elaine McMahan
Deputy Town Clerk

Lisa Dell
Town Clerk