

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on December 29, 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; Lisa Dell, Town Clerk; David Rahrle, Comptroller, Pac-B; Gene Dinsmore, Highway Superintendent; Al Yager, Town Engineer; Tony Burkinshaw, Parks and Recreation Director and several residents.

RES. #241/2014

APPROVAL OF MINUTES

Motion by Shimer, seconded by Diamond to approve the minutes of the regular Town Board meeting of December 1, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

SUPERVISOR COMMENTS:

Supervisor Salisbury thanked the public for coming tonight and wished them a belated Merry Christmas and hope that they all have a great new year in 2015.

TOWN BOARD COMMENTS:

Councilor Diamond stated he echoes Supervisor Salisbury's comments and thanked everyone for showing up tonight.

Councilor Diamond continued and said that on December 17, 2014 the Town of Lysander lost a lawsuit with the former Dog Control Officer. He stated he sent an email out on the 17th asking at the time if the town is going to appeal that decision or what the status of that was. He said he has not heard a response yet and thought this would be an appropriate time to ask the question.

Attorney Rivizzigno replied that he hasn't even discussed with any Board members the possibility of an appeal and the judgment hasn't been filed yet so the time to appeal has not even begun.

Councilor Diamond said okay.

Attorney Rivizzigno said they will probably file a notice of appeal and then decide.

Councilor Diamond asked in order to file a notice of appeal does there have to be a board vote.

Attorney Rivizzigno said no, it is always filed as a matter of course and the Board can do whatever they want.

Councilor Diamond continued and said that he will be introducing two resolutions this evening. He stated the first one is what he brought up at the last town board meeting and that is to record the audio of every town board work session and have it uploaded to the town's website within a week of the meeting. He said he is more than willing to bring a recorder to the work session and make sure that these meetings are recorded. He stated he thinks openness and transparency is something the Board wants to strive for. He said it shows the community that they are invested in being open to the public. He said he thinks it also provides a historical record for the town as well. He stated sometimes the Board has conversations in work sessions and it goes back to he said, she said. He said having the conversation recorded; having some accountability there helps the Board and helps the community as well.

Councilor Diamond said the second resolution he will be proposing tonight is to have every draft agenda for the town board meeting emailed to the Town Board and the Town Clerk within 4 business days prior to the

meeting. He stated he thinks this is important because it gives Board members an opportunity to go through the agenda in detail and to make sure everything is on the up and up and if there are any corrections or changes that need to be made, that everything is in place. He said right now, typically that is standard policy, but by having this on the agenda this helps the town board and the public have a better idea of what goes on. He stated sometimes they have a situation like today they didn't have the agenda published and sent to the Board until about 12 o'clock this afternoon. He said this is not the first time this has happened and he thinks it makes it better for the board and for the public. He stated he hopes that his fellow colleagues on the Board vote for these resolutions.

Councilor Diamond continued and said it was disconcerting that they had to have a lawsuit going for three years and he guess now is not the appropriate time to talk about appeal but he doesn't think that the Board should entertain the option but they will have that conversation later.

Attorney Rivizzigno said that the town was sued for \$134,000 and they ended up with a verdict of \$27,000. He stated he would like to see zero but in effect they saved \$134,000 so he is not terribly disappointed with the decision. He stated whether they appeal it or not is entirely up to the Board and that he will provide the Board with some legal background as to what he thinks their chances would be on appeal within the next couple of weeks.

Supervisor Salisbury said that there will be another agenda item whether or not to open proposals they have received for the sale of the ice rink and he will comment on this as he moves through the meeting.

DEPARTMENT HEAD REPORTS

DISPOSAL OF CHRISTMAS TREES

Gene Dinsmore, Highway Superintendent, stated that Onondaga County Resource Recovery Agency (OCRRA) have been sending out emails and literature as they are campaigning to get the entire county to send old Christmas trees to OCRRA to be turned into mulch in the spring. He said it suits him fine if they follow through what they say they are going to do. He stated they don't really have a good track record as this point but he trusts them. He said this winter as soon as people get their Christmas trees down, real trees, not the artificial ones, they can bring it to the town garage Monday through Friday, 7 am to 3pm, and the highway department will cart it to the OCRRA site in Amboy and recycle them. He stated this is the plan and the official announcement OCRRA gave out county wide. He said people can take it to the OCRRA site themselves or people can bring it to the town highway garage and they will haul it to the OCRRA site. He stated one thing in particular is people must remove all of the decorations, the lights, wire and tinsel in particular. He said that OCRRA will not accept any trees with tinsel on them because they are turning the trees into mulch and people will not want to buy the mulch with tinsel in it. He said that it has to be a clean tree and if it is not clean the town will not be able to take it. He said essentially if people bring their clean tree over to the highway garage they will take the trees over to OCRRA for them.

Unknown citizen asked what happens if trees are dropped off with tinsel on them.

Superintendent Dinsmore said that he hopes that the people of Lysander will not carelessly violate OCRRA's rules and if people drop off a tree at the garage when no employees are there, and if the person leaves the tinsel on it and without the person's name on it, the Town of Lysander is going to be stuck. He said he hopes no one would do that.

Councilor Geraci asked if this has been a long term practice of the towns.

Superintendent Dinsmore said that for a long time, several years at least, the town attempted to chip the trees up using their own tree chipper, before his time with the town. He stated they attempted to chip the trees and found out that they needed a different kind of chipper, one with a wide mouth, because Christmas trees are typically dry, the stems break off in the chipper.

Councilor Geraci asked if this was the first year that the Town is bringing trees to OCRRA.

Superintendent Dinsmore said that it is the first year.

Councilor Geraci stated this is the first time he is hearing about this and it is great customer service but he is not sure it is the best practice in the world. He said he doesn't know why they wouldn't just let residents, encourage them, to bring the trees to OCRRA just like anyone else would do.

Supervisor Salisbury said that for years people have been bringing trees to the park so the town has provided that service.

Councilor Diamond said maybe the town should set a \$2.00 or \$3.00 fee or something to kind of regain the cost of doing this.

Superintendent Dinsmore said then the town would have to put an employee there to collect the money so it would be counterproductive if they charge a \$2.00 fee it would probably cost the town \$3.00 to collect that \$2.00 fee.

Councilor Reeves said that OCRRA has a cutoff date of January 10th and asked Superintendent Dinsmore if he was using the same cutoff date.

Superintendent Dinsmore said that he is following OCRRA completely and he does not want to have a separate program then they do. He stated it is really kind of a limited period if they are going to accept them. He said hopefully they will get the bulk of the trees collected by then and get them over to them by then. He stated if the Board desires they can cut it off and let the people be responsible to get the trees there themselves.

Councilor Geraci stated that he would just encourage all of them to think about it over the next year and it is one of the items that the Superintendent should bring up in the summer to talk about.

Superintendent Dinsmore asked if he should put this OCRRA program in place.

Supervisor Salisbury said that they have done it for so many years and actually this is more restrictive than what the town had before.

Superintendent Dinsmore stated what he had determined when he took office was that the highway department was not recycling them, they were dumping them. He said first they were dumped in Radisson and then they got ahold of a local farmer and there were a couple of different dumping areas. He stated that he and Councilor Reeves both came to the conclusion that this is really not recycling, this is dumping, and they are not accomplishing anything. He said when OCRRA came out with this idea it gets him off the hook as they are in fact going to recycle the trees. He stated that he is just a little concerned as to whether OCRRA has actually thought through all of associated details of this program.

Councilor Geraci said to let's see how it goes this year.

Superintendent Dinsmore said okay, they will follow the OCRRA program and see how it works out. He stated if anyone has a question they are more than welcome to call the garage.

Nina Covelski, Radisson, asked if this was ever made public knowledge to the people of Lysander and was it ever advertised.

Superintendent Dinsmore said it's been all over the county.

Ms. Covelski stated this is the first time she ever heard of it.

Supervisor Salisbury said this is the first time the town is doing it as before the trees were collected at the park. He said they will put this new information on the website tomorrow.

Superintendent Dinsmore stated that OCRRA has been publicizing this all over the county and shows how much good their advertising has done. He said he doesn't think they thought through all the associated issues but anyone can call him anytime at the highway department and he can fill them in on what the details are. He stated his objective is to try to follow the directions through their program and provide the service to the taxpayers.

ANNOUNCEMENTS:

Supervisor Salisbury said that the Board will be holding a work session on Friday, January 2, 2015 at 2:00 p.m. He explained that they interviewed candidates for Planning Board tonight in their executive session and hopefully the Board will be able to make a decision on January 2nd. He said there may be other items that they may be discussing at the work session and as they know those items, it will be put on the website. He asked the Town Clerk to post this information on her bulletin board and he will send the information to the papers tomorrow.

CITIZEN COMMENTS ON AGENDA ITEMS

None

Lysander Town Board regular meeting
December 29, 2014

OLD BUSINESS

None

NEW BUSINESS

RES. #242/2014

The Timbers General Project Plan Amendment

Motion made by Geraci, seconded by Reeves to accept The Timbers General Project Plan Amendment #4 dated November 24, 2014 prepared by Clough Harbor Associates.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #243/2014

Agreement with MuniPAY Nationwide Payment Solutions

Motion made by Diamond, seconded by Reeves to authorize the Town Supervisor to sign an agreement with MuniPAY Nationwide Payment Solutions to provide credit card services for the payment of Tax Receipts in the Tax Office.

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 stated that when a credit card is used there is a charge to the vendor but when using a credit card with a municipality the individual who is making the charge pays that percentage which is 2.45 percent of the transaction. He said this will be the first time it will be allowed to charge for paying of taxes. He stated they had a few people request this and there is no cost to the town.

Councilor Geraci said it is good to point out the reason for this is you can't pay anything less than 100 percent of the taxes that are assigned to the person. He stated so if you didn't have to pay the fee and the town absorbed it you would be actually paying less taxes and this is why this is done this way.

Supervisor Salisbury stated he believes the town is not allowed to absorb any of it because in the Town Clerk's Office if you pay for a dog license you have to pay the fee.

Councilor Geraci stated the municipality can't absorb it so that's why a person is paying the extra fee.

RES. #244/2014

Onondaga County Youth Services Inter- Municipal Agreement

Motion made by Shimer, seconded by Reeves to authorize the Town Supervisor to execute the 2014 IMA for Youth Services with the County of Onondaga for the provision of services to youth in the Central New York region.

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:

Parks Director Tony Burkinshaw explained that this is a reimbursement for their expenses up to \$2500.

RES. #245/2014

2014 Budget Transfers

Motion made by Shimer, seconded by Diamond to approve the list of Budget Transfers for 2014 as put forth by Comptroller David Rahrle.

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 the biggest item is for the ice rink and if anyone has any questions not answered on the website to contact the Comptroller.

RES. #246/2014

Punch List – Timber Banks Section 3 Phase 1

Motion made by Reeves, seconded by Shimer to that the punch list security for the roadway, sanitary sewer and drainage utilities included in Timber Banks Section 3 Phase 1 project is set at \$48,000 as recommended in the Town Engineer’s letter dated December 17, 2014.

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 asked if this is to complete work if the developer does not do it and Engineer Yager said yes.

RES. #247/2014

Maintenance Guarantee Security – Timber Banks Section 3 Phase 1

Motion made by Shimer, seconded by Geraci that the maintenance guarantee security for the roadway, sanitary sewer and drainage utilities within the Timber Banks Section 3 Phase 1 project be set at \$138,458 for a period of three (3) years as recommended in the Town Engineer’s letter dated December 17, 2014.

VOTE:

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

All Ayes, motion carried and adopted.

RES. #250/2014

**Approval to Record
Work Sessions**

Motion made by Diamond, second by Geraci to record the audio of every Town board work session and upload the audio to the town’s website within a week of the meeting.

ROLL CALL VOTE:

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

Motion defeated.

BOARD DISCUSSION BEFORE VOTE:

Councilor Diamond said at their last board meeting they had a pretty good response from the public and he has heard a lot of people in the community ask him why the work sessions are not recorded. He stated the people said they are public meetings, the board is discussing town business and, why is there no record of any of the discussions and conversations that are taking place in the work sessions. He said this is a great point and he thinks by putting this in place they are giving the community an opportunity to hear and partake in the conversations as not everybody can attend the meeting. He stated that he is more than willing and happy to bring a recorder to the work sessions and record these meetings and he thinks this is something the Board should definitely invest in and he hopes that his colleagues pass this resolution.

Councilor Geraci said he just wants to make sure if this passes that they have the technology to do this.

Councilor Diamond said that he had a conversation with Mr. Boccardo who maintains the town's website and Mr. Boccardo felt comfortable with this and Mr. Boccardo said depending how big the files get the town may have to invest \$100.00 at some point into the website but Mr. Boccardo thought this can be more than capable of moving forward.

Councilor Shimer said she was not sure if she was comfortable with one of them doing the recording.

Councilor Diamond asked why not. He said they have someone recording the meeting and the recording is uploaded to the website.

Supervisor Salisbury said that is fine but he agrees with Councilor Shimer and he does not believe that this should be part of the duties of a town board member and he will be voting against it.

Councilor Diamond addressed Supervisor Salisbury and said he can't understand how he can vote against open and transparent government.

Supervisor Salisbury said he is not voting against open and transparent government.

Councilor Shimer said anybody can come to the meetings and that the media was at the meeting.

Councilor Diamond stated that they have a work session in a small room and they are at 6:00 at night. He said it is great that the media is here but he thinks there is nothing wrong with being open and transparent.

Councilor Diamond requested a roll call vote.

RES. #251/2014

Town Board Meeting Agendas
Approval to set a Protocol

Motion made by Reeves, seconded by Diamond to have a draft agenda of a regular and/or special town board meeting submitted to the Board and Town Clerk within four business days of a Town Board meeting.

ROLL CALL VOTE:

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

Motion defeated.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury said this means that the agenda would have to be done on the Tuesday before the meeting.

Councilor Diamond asked how so.

Supervisor Salisbury said four business days, that is what Councilor Diamond's proposal says.

Councilor Diamond stated the meeting is on Mondays.

Supervisor Salisbury said that Saturday and Sundays are not business days in most people's minds.

Councilor Diamond said he thinks Tuesday is fine.

Supervisor Salisbury said he has a problem with getting the department heads and himself to get all the resolutions done by Wednesday or Thursday. He stated they send out a proposed agenda to all the Board which

they try to do on Thursday. He said they respond to him on Friday if there are any changes. He stated it is very important that the proposed agenda goes to the Board and to the department heads so they can look at what the Board is recommending to put on the agenda and they can respond. He stated on Friday he sends the final agenda to the board members, the department heads, the Messenger, the Post Standard and the County Legislator.

Councilor Diamond said that he will compromise and move that forward and change it to two or three days but he thinks it is important that they have something on the books and give board members time. He said there was a situation today when the agenda wasn't out until noon.

Councilor Reeves said that they should vote on the resolution the way it is.

Supervisor Salisbury said that on the 19th of December he sent Councilor Diamond and email that he failed to read.

Councilor Diamond said that he did read it and it did not say anything about the board meeting. He stated the email said an agenda for a work session and there was nothing in the email about an agenda for the town board meeting. He stated he did not want to get into a back and forth with Supervisor Salisbury. He said that he is proposing this resolution and his point is well taken. He stated he wants to take out the four business days and turn it into two business days.

Supervisor Salisbury said that to hand tie the Supervisor and try to get an agenda is not a good idea.

Councilor Diamond said he is not trying to hand tie the Supervisor.

Supervisor Salisbury addressed Councilor Diamond and said he is.

Councilor Diamond stated he thinks that it important that they have information in an accurate time and on more than one occasion the board members have not been given that information.

Councilor Reeves said he thinks that they vote on that resolution and they owe it to Councilor Diamond to vote on the resolution.

Supervisor Salisbury said he wants to and asked for a motion.

Councilor Reeves said he will move on the resolution.

Councilor Geraci asked if the resolution is for two days or four days.

Councilor Diamond said it is for two.

Councilor Reeves said no, it is four and that is what they agreed to vote on.

Councilor Diamond addressed Councilor Reeves and told him if wants to continue with four days that is fine.

Councilor Geraci told Councilor Diamond to make an amendment.

Supervisor Salisbury said he has not heard a second yet.

Councilor Diamond said he will second it and he is going to amend the resolution.

Supervisor Salisbury said that Councilor Diamond cannot and Councilor Reeves has to if he want to.

Councilor Reeves said he does not want to.

Supervisor Salisbury said that they will vote on the motion that has been moved and seconded.

Councilor Diamond requested a roll call vote.

Councilor Geraci voted no and said it was only because it was four days.

After the roll call vote was taken, Councilor Diamond stated he thinks it is disappointing that we have a Town Supervisor that doesn't want board members to be apprised of what is going on. He said he thinks it is disappointing. He stated it is disappointing that they had two resolutions tonight to give the public the

opportunity to be more engaged with what is going on and it was voted down, pretty much without discussion, by the majority of the Board members.

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RES. #252/2014

Lysander Ice Rink
Open Proposals Submitted to Purchase

Motion made by Salisbury, second by Reeves to open the proposals submitted today to the Town Comptroller for the possible sale of the Lysander ice rink.

VOTE:

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

All Ayes, motion carried and adopted.

BOARD DISCUSSION BEFORE VOTE:

Supervisor Salisbury said the Board has been working for months on talking about selling the ice rink. He stated that over the last couple of weeks they have received interest from three different parties. He said he believes about a week ago it was suggested to those three parties that they present sealed bids to the Town Comptroller for tonight's meeting.

Councilor Reeves said sealed proposals, not bids.

Supervisor Salisbury stated in their work session the Board went into a discussion of whether we should open those proposals or not. He said they have at least one or two board members who want to make a public statement in the paper that the town is taking proposals for the sale of the rink. He said it has been put in the Messenger before that they are trying to sell the ice rink so some of them feel that they don't need to wait anymore. He stated it is not a formal bid, it is a proposal so if they don't like the proposals, they do not have to accept them. He said that they have an ice rink that is bleeding to death and they need to get it sold. He stated two parties have submitted proposals understand the problems of the ice rink and has still made proposals. He said they would like to look at those proposals. He stated that they are going to have a proposal tonight that there be a motion made and seconded to open the proposals submitted today to the Town Comptroller for the possible sale of the Lysander Ice Rink.

Supervisor Salisbury asked the Town Attorney and the Board if the wording for the resolution was okay and they said it was.

Supervisor Salisbury moved the resolution and Councilor Reeves seconded.

Councilor Diamond stated he agreed with what Supervisor Salisbury stated in having to act. He said the ice arena is bleeding and the town is spending more and more money on it. He stated this is something that none of the board members, himself included, feel they can continue to do for much longer. He said proper procedure is important. He stated past precedent is important. He said although there may have been stories in the Messenger talking about the board looking at selling the ice rink nothing has been put in stone. He stated he feels that it is important that the board at least do one more attempt and go out to the Post Standard and the Messenger and have a written response saying they are selling the ice rink and if anyone is interested respond within two weeks, three weeks, and the board can make a decision in January. He said he understands that not everyone agrees with him on this but he just doesn't want to be accused of playing favorites. He stated he thinks that it is important that they be open with the public and he doesn't believe that two or three weeks is going to make a lot of difference. He said it could and none of them have a magic ball in front of them to make a prediction but he thinks it is important to do due diligence and wait a little bit longer. He said he respects the differences of his colleagues on this issue, this is a hard decision, and he doesn't believe anyone has an ulterior motive, he just thinks that there is proper procedure that needs to be followed. He said this was the first time he heard of this even being presented tonight. He stated he received a phone call this morning from an individual and was told that tonight requests were supposed to be turned into the town and that the board was going to make a decision tonight. He said he was kind of shocked because this was the first time he heard about any of this. He stated that the board has been talking about it but he had no idea that anything was going to be brought up or voted on or discussed or anything tonight. He said that is why he feels that he needs to do his due diligence as a town councilor to spend a little bit longer and just wait. He thinks that they need to do their due diligence and there might be one other person out in this community that is interested in purchasing the ice arena, maybe there is two.

Councilor Shimer told Councilor Diamond his time is up.

Councilor Diamond stated he is a town councilor he doesn't need to be timed.

Councilor Reeves asked the town attorney if this was improper what they are doing.

Attorney Rivizzigno stated that there is no requirement that they have to advertise for bids or proposals.

Councilor Reeves said so noted, it isn't improper.

Supervisor Salisbury said that everybody must understand that we open them tonight we can't vote on whether to accept anything until the January 5th meeting. He stated if they accept any of them there is a 30 day period for a permissive referendum could be called for. He said if that is called for then they have to wait for the vote. He stated all the time they put off doing this the potential buyers are losing time to sell ice for the summer and for next year. He said so they are not rushing they are just being good business managers of selling a property that needs to be sold. He stated the ice organizations have been involved in this and they appreciate their help with this and he thinks they are ready to move on it. He said again it's not going to be sold in 30 days. He stated January 5th if they decide to accept one of the proposals, they accept it, that's January 5th, then you got until February 5th to see if there is a permissive referendum and then you can move forward with the sale. He said they asked vendors, there were three of them that started out, only two of them followed through with it that they present us sealed packages so that we cannot bid one against the other. He said that is not what they are going to do. He stated they are going to open these and then see what they have to offer and will discuss it on January 2nd and decide whether or not they are going to move ahead. He said they do have a resolution on the floor and he would like to...

Councilor Reeves asked if there was a second to the motion and said he wanted a roll call vote.

Councilor Geraci said he did not get a chance to say anything.

Councilor Reeves said to go ahead.

Councilor Geraci stated he is very uncomfortable with this and the way it was rolled out. He said he wished that they had said something to this community that they were entertaining these things and he is going to offer a suggestion. He said since this was not a formal bid there is nothing magical or definitive about December 29th in terms of accepting proposals. He stated fine, lets accept those proposals, lets open them up, but they can also say hey you know what if there is anybody else interested send your information to the town. He said he just doesn't want to be put in the position that the town precluded anybody that didn't know that they had set December 29th because as a town board member he didn't know they set December 29th as a cutoff date. He stated he needed help from the town attorney and asked him if this is not a formal bid they can do just what he said and continue to accept proposals for the next couple of days to see how they come in.

Supervisor Salisbury said he doesn't think that is morally right because if they open them tonight they can't be sure...

Councilor Reeves (unclear)

Councilor Geraci stated then don't open them. He said this is what he is saying if proposals came into this town here and there and a letter was written to the Town Supervisor saying we would like to make a proposal to buy the ice skating rink and we are going to buy it for so much money there is no requirement for that letter to be confidential. He said if another letter came in two weeks later saying something similar there is no confidentiality breach in those circumstances so he is trying to say to the Board that he thinks they have an opportunity here to have your cake and eat it too but if they don't want to hear what he is saying then vote on what they are doing.

Attorney Rivizzigno said that the only way that would work if the proposals were opened and the information remained confidential.

Councilor Geraci said than keep them confidential.

Attorney Rivizzigno said that you can still discuss it on the side.

Councilor Geraci stated sure, absolutely.

Supervisor Salisbury said that they can open them in their executive session that he is proposing but you know that things that are said in executive session are not always kept in executive session.

Councilor Geraci stated to Supervisor Salisbury that again he is going to give him the opportunity here to say that if you didn't set a December 29th date and make it quasi formal you would have had that situation anyways. He stated letters would have come in, proposals would have come in, so consider these as proposals just coming in and open them confidentially in executive session and then through the Messenger and maybe even the Post Standard and let it be known that the town is interested but don't wait 30 days, just say we are going to be accepting more proposals for the next week or so.

Supervisor Salisbury said that they only have certain days for meetings but he is going to put a couple of people on the spot (in the audience) but they have two people that represent two different groups regarding the ice arena.

Supervisor Salisbury then asked a question to the audience stating hasn't this been widely known that the town is trying to sell the ice arena and hasn't it been out there in the public.

Mike Carni, Vermillion Circle and President of Lysander Youth Hockey, stated it is funny that you said that he thinks that everyone makes great points up there and he understands them all and they are all valid points. He said his one concern would be is exactly what Councilor Reeves said that they turn around and open them and it gets public. He said he doesn't think it is fair to the people that put sealed ones in and for that right there he agrees. He stated this has been out there for a long time. He said that lots of people have known and it's out there in the community for a long time that this rink is troubled and is for sale. He stated he can't imagine by now in the 12th hour that there is people out there that didn't know that the rink was for sale and they are going to jump in. He said the rink is hurting, it was shut down this weekend again because of a compressor problem, they almost didn't have ice and it can go anytime now. He stated he had the chance to talk to almost all parties that were interested in doing it, they all have great proposals, and he doesn't know how much they are for. He said they have great visions to move forward with this rink even though they are dynamically different possibly they are both good visions. He stated he thinks we need to move forward. He said it has been a long time and it's been out there in the public and he cannot imagine that no one knows this rink is for sale. He stated he doesn't know what another week will do. He said that the rink can go down tomorrow and it's time to start thinking about moving forward with the summer ice and the fall ice. He stated that there are some stuff that has to be done with that rink and to get the rink up and ready for next year or to get one rink ready for next year or whatever it is going to be, it's going to take time. He stated he is not sure what another week is going to do.

Councilor Reeves stated they had a purchase offer for how many months. He said it's not like nobody knew and they had a purchase offer from GBIA and the organization couldn't get the financing. He stated to him it is totally crazy to say that they didn't know, that not enough people didn't know about it out there, it has been in the Messenger, it has been set up here and how many times has he been over there and the first thing is do you have any bites yet, is it going to be a soccer field, what going on they are hearing this. He said anywhere you go in any of the circles, this is for sale, and it is an accident waiting to happen because the town is going to get to a point if they keep the ice rink and have another repair like they just approved tonight, \$85,000 to fix the leak in the rink, it's not going to happen. He stated if they get another \$85,000 repair maybe even in the next two days they are not going to get any quotes.

Councilor Diamond said he agrees with Councilor Reeves and he understands the situation they are in and he voted for that repair like Councilor Reeves did so he understands what Councilor Reeves is saying. He stated money scares him as well as it scares Councilor Reeves. He said his hesitation is that people might know that the board is looking at selling it but they still may be waiting for a deadline. He stated there still might be people on the edge and are still waiting. He said he would rather do his due diligence and wait a little bit longer and give them two more weeks.

Councilor Reeves asked the audience when they start scheduling ice for next season.

Supervisor Salisbury said the summer programs are first.

Councilor Reeves stated that they push it out three or four weeks then the town is forced to negotiate these contracts for next season.

Councilor Diamond said it would have been nice if they did this a long time ago and that they would have put the letter...

Councilor Reeves said he has been working on it along time.

Councilor Diamond told Councilor Reeves that he wished he kept the board apprised.

Councilor Reeves said the board has been aware of it.

Councilor Geraci addressing the Supervisor stated that the only thing he should have not done is pick December 29th. He said that he did that unofficially and he wished he didn't do it because it would have been...

Supervisor Salisbury asked Councilor Geraci what date would he have liked.

Councilor Geraci said that he should have said to the papers that they will accept proposals by such and such time, he didn't do it.

Supervisor Salisbury stated that Councilor Reeves said by the end of the year. He said Councilor Diamond indicated that people will just come off the street and make a proposal. He stated if people are going to make a true proposal on this rink they want to look at financials, they want to look at equipment, they want to look at the rinks, and they want to see how much the town has scheduled for the next 5, 6 months. He said there is a lot that goes into this and it's not going to be done, oh well lets go in and bid on the ice rink, that's not how it happens. He stated in a business way there is a way to do it properly and the people who made their proposals have done that.

Councilor Diamond said that there is also proper procedure and he told Supervisor Salisbury that he may be absolutely right and he is not going to be accused of playing favorites and he wants the public to at least have that time. He said there is a chance that they could have another situation something else happened and they might decide not to accept any of the bids that come in tonight. He stated so in the same situation they are still going to have to wait. He said if the board is not going to accept one of the two bids they are going to be in the same situation as they are in now. He stated he is just saying let's just hold off a little bit longer and wait. He said he can't change any of their minds.

Councilor Reeves said lets vote.

VOTE:

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

Three Ayes, motion carried and adopted.

RECOGNITION OF CITIZENS:

TOWN BOARD MEETING AGENDA

Jim Stirushnik, Dinglehole Road, said on his count the board just made three motions and they did not designate them as to where they were in the agenda and it makes it difficult for the public to identify them.

Supervisor Salisbury said they are I, J, and K but if you take out G and H they come out to G, H and I

Councilor Reeves asked Mr. Stirushnik if he got that G and H came out anyways.

Mr. Stirushnik said yes plus three more and where we are in the agenda.

Supervisor Salisbury said the minutes don't record the letters they only record the resolutions and comments.

LYSANDER ICE RINK

Mike Carni, Vermillion Circle, said he hears what Councilor Diamond is saying but if it means anything he understands that maybe another week something could come in and this and that and he understands Councilor Diamond's point. He stated it is almost like they are splitting hairs over a week or two. He said but the people that people looked at this rink, him spending a lot of time at the rink, or anyone here spending a lot of time at the rink or has kids there knows that these people who are bidding on it have spent months looking at the rink, pouring over the books, questioning him, questioning other organizations, so the odds of someone coming in and making a bid out of the blue without looking through all of this stuff and knowing what this rink is about its hardly going to happen. He said he gets what Councilor Diamond is saying but he is amazed that they are fortunate to have a couple of people that stepped in and saw the vision with this debilitating rink because it is in really bad shape.

Kevin Rode, Greymoor Way, asked how did these proposals come in and who was contacted from the town.

Supervisor Salisbury said Councilor Reeves and himself and Councilor Diamond have been contacted over the months. He stated that they came in here, there have sat down with them many times, they have taken tours of the facilities, the Engineer have been involved so they showed them some financial information received is not very good, so they are looking at pretty much for what the town has signed up for the next six months. He said it is pretty much like Mike said a many month process.

Mr. Rode asked would this be the town's third or fourth time selling the rink.

Supervisor Salisbury said actually the town never sold it they bought it twice. He stated the first time they had guaranteed bonds and when the people that ran the rink went defunct, the town was responsible for the payment of the bonds. He said the town paid so long on that then the town decided to quit paying. He stated that the town's credit rating went in the toilet and then there was a referendum to float a bond to buy the rink. He said the town bought it again from the people who had got it out of the bank. He said the town has spent approximately two million dollars on the rink so far.

Mr. Rode asked if the town is looking to secure the bond for the next buyer.

Supervisor Salisbury said he isn't even sure if it was legal the first time, no. He stated they also want to make sure they sell it to somebody who is going to run it so that the town has a rink but the town doesn't want it back.

Mr. Rode said it has to stay recreational.

RECORDING EXECUTIVE SESSIONS/WORK SESSIONS

Mr. Rode asked in an executive session who records the minutes.

Supervisor Salisbury said that there are no minutes taken in an executive session.

Mr. Rode asked the Supervisor why he wouldn't be comfortable with a recorder on the table during work sessions from a board member, asking if the board member is going to alter it.

Supervisor Salisbury said it is a responsibility that someone takes upon themselves and asked Mr. Rode if he has ever been on a committee in an organization where someone says lets write a weekly newsletter and it lasts about three weeks and then it is not written anymore. He said this time there is a responsibility that he doesn't think that a board member should undertake to make sure that the recording is done, it is transferred and so forth.

Mr. Rode said PAC-B can be contacted to see if they would be interested in helping out with it.

Councilor Reeves said he would be more than happy...

Mr. Rode said because it doesn't even have to have a moving camera because the board members are (unclear).

Supervisor Salisbury said they have nothing to hide about the work session he just doesn't like the idea of making it the responsibility of a board member.

Councilor Diamond said maybe they want to look into that and maybe they want to start having work sessions in the auditorium and have a conversation with PAC-B television.

Councilor Diamond said to the Supervisor that he can start that conversation if he likes.

Supervisor Salisbury said no he thinks he can handle it.

LYSANDER ICE RINK

Mr. Rode said he knew that the town was in discussions with GBIA over the summer and asked when did those discussions start with GBIA.

Supervisor Salisbury said he thinks it was in January or maybe February. He stated they wanted six months to get financing and then they asked for a two month extension, we are now eight months and he thinks...

Attorney Rivizzigno said it might have been August or September.

Mr. Rode said right, it was the beginning of real hockey season when it all fell apart. He asked at that time was the town asking other people for proposals or were they were hoping that GBIA was going to be the town's hail

Mary. He said it seemed like, he attended the summer work sessions, the ice rink came up quite a bit and it seemed like they were the only ones that were playing the game at that time. He said it seemed like the town was trying to corral it towards GBIA which he was not happy about. He stated now the town is stuck with bills, expenses and income and the town is ready to get out. He asked if the town entertained anybody else at that time or did the town put themselves in this situation.

Councilor Reeves stated that actually they couldn't because of the lease agreement between the YMCA and GBIA.

Mr. Rode said so once you got the YMCA to sign off on the lease the town entertained (unclear).

Councilor Reeves said that Lysander Youth Hockey came and met with the town and they were going to try to work a deal afterwards with GBIA and come in jointly and purchase it. He stated then the rink went down and that just stopped all interest.

Mr. Rode said it goes to the last 14 years of the town being absentee landlords. He said until the new board came along no one even went in there to check on things.

Supervisor Salisbury said his fear a year ago was that they would never get anybody interested in it. He stated it requires so much upgrading and so the people who have submitted proposals know full well all the problems and are still willing to make a proposal. He said the town still owes about \$300,000 on the last mortgage.

Mr. Rode said right and he hopes the town can get more than that.

DOG CONTROL LAWSUIT

Mr. Rode said that the town attorney said the original lawsuit was for \$134,000 and stated that in the paper (unclear)

Attorney Rivizzigno said don't believe everything you read.

Mr. Rode said he just wanted to make sure.

OTHER BUSINESS:

RES. #218/2014

EXECUTIVE SESSION

Motion made by Shimer, seconded by Diamond to adjourn to Executive Session to discuss matters relating to negotiations and a personnel appointment.

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:

Councilor Diamond asked the Supervisor if Tony Burkinshaw can attend the executive session and Supervisor Salisbury said yes.

ADJOURNMENT:

At 8:05 p.m. the Board entered into Executive session and returned at 8:47 pm. Supervisor Salisbury then adjourned the meeting.

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

Lisa Dell, Town Clerk