

A regular meeting of the Lysander Town Board was held at 7:00 p.m. on April 13, 2015 at 8220 Loop Road, Baldwinsville, New York.

**MEMBERS PRESENT:** John A. Salisbury, Supervisor  
Melinda Shimer, Councilor  
Andrew O. Reeves, Councilor

**MEMBERS ABSENT:** Roman Diamond, Councilor  
Robert Geraci, Councilor

**OTHERS ATTENDING:** John Klucsik and Kevin Roe, representing Town Attorney; Lisa Dell, Town Clerk; Al Yager, Town Engineer; Gene Dinsmore, Highway Superintendent; PAC-B and several residents

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**PUBLIC HEARING**  
**REVISED COMPREHENSIVE LAND USE PLAN**

Notice of said Public Hearing was duly published in The Baldwinsville Messenger on January 21, 2015 and the Post Standard on January 25, 2015 with same being posted on the Town Clerk's sign board at the Town Hall and the Town's website on January 6, 2015 for the purpose of hearing all persons for or against the adoption of the revised Comprehensive Land Use Plan.

*The Supervisor re-opened the public hearing at 7:03 pm. The public hearing had been adjourned from the February 9, 2015, March 9, 2015 and March 23, 2015 regular town board meeting.*

Supervisor Salisbury opened the floor for comments and there were none.

*All persons, desiring to be heard, having been heard, the public hearing was adjourned at 7:04 pm to the April 27, 2015 regular meeting of the Lysander Town Board.*

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**DEPARTMENT HEAD REPORTS**

Dan Boccardo, Dog Control Officer, presented the 2014 Dog Control and NYS Ag & Markets report to the Board. The report is on file in Dog Control Office for public review. Mr. Boccardo said that the Department of Agriculture and Markets did recommend a cap be placed on the pick-up truck that transports dogs for their protection from extreme weather. Mr. Boccardo also provided an update on a recent animal abuse case in the town advising that the dog was adopted out to a good home. He also said in his opinion that something positive came out of this situation as people may be hesitant to abandon animals in the town as dog control has not picked up a stray within the last two months.

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**TOWN BOARD COMMENTS:**

None

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**SUPERVISOR'S COMMENTS**

Supervisor Salisbury welcomed a pack of Boy Scouts that were present to the town board meeting.

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**CITIZEN COMMENTS ON AGENDA ITEMS**

Kevin Rode, Greymoor Way, asked if there is a dollar amount for the settlement with Timber Banks that the town is going to reimburse or settle with Timber Banks for over the last three years assessment.

Attorney Roe explained that the town's portion of the refund back is about \$3500 for the town in total town and highway refunds.

Mr. Rode asked is that per year?

Attorney Roe replied that is total for the years that have passed. He also said that there will be a stipulated assessment going forward for a period of time that reduces the assessment at cost to the town of approximately \$1600 a year.

Supervisor Salisbury asked as we move forward that is \$1600 per year based on this year's tax rate that we will lose per year?

Attorney Roe said yes.

Supervisor Salisbury said this was a lawsuit that the town joined with the school district and because the school district has a tremendous amount of money that they have to give back versus the town's \$3500.

Supervisor Salisbury asked how much the town had to pay for the expenses for the lawsuit.

Attorney Roe said one-third of the cost.

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**OLD BUSINESS**

**None**

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**NEW BUSINESS**

**RES. #75/2015**

**Lysander Day Camp Appointments**

Motion made by, Reeves, seconded by Shimer to appoint the following list of persons for the 2015 Summer Day Camp Program for the Parks and Recreation Department effective the start of the summer day camp program with their rates of pay:

Returning Lysander Day Camp Staff:

Last	First Name	Position	2015 Pay Rate
Belliboni	Nicholas	K-Counselor	\$ 8.75
Fenzl	Renee	Counselor	\$8.75
Fiaschetti	Sydney	Counselor	\$8.75
Fiaschetti	Sydney	Ext. Supervisor	\$9.00
Fiello	Madeleine	Counselor	\$8.75
George	Kyle	Counselor	\$8.75
Hartley	Morgan	K- Supervisor	\$10.00
Hartley	Taylor	Asst. Director	\$10.00
McArdel	Chad	Sports Counselor	\$8.75
McMahon	Alyssa	Counselor	\$8.75
O'Neil	Brianna	Counselor	\$8.75
Pitcher	Chelsey	Arts & Crafts Counselor	\$8.75
Smiley	Karl	Counselor	\$8.75
Sparkes	Ryan	Music Counselor	\$8.75
Sparkes	Ryan	Ext. Supervisor	\$9.00

**VOTE:**

Supervisor Salisbury    Aye                      Councilor Shimer    Aye                      Councilor Reeves    Aye

**All Ayes, motion carried and adopted.**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury said that the pay rate was adjusted for the new minimum wage. He stated that the employees were hired back from last year. He explained that it is a very popular program for the town and it is a self-paying program. He said that the cost have gone up significantly since the town has to pay more rent for the school property. He stated that the number of people signing up for the program are not up to the expectations of the Parks and Recreation Department and they hope that will change.

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**RES. #76/2015**

**Approve Stop Sign Installation**

Motion made by Salisbury, seconded by Shimer to set a public hearing on April 27th 2015 at 7:00 p.m. in the Town Hall Auditorium to hear all persons for or against placement of a traffic "Stop" sign on Talamore Way at the intersection of Patchett Road and the "T" intersection with Talamore Way.

**VOTE:**

Supervisor Salisbury    Aye                      Councilor Shimer    Aye                      Councilor Reeves    Aye

**All Ayes, motion carried and adopted.**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury explained that the town recently adopted a new traffic law to install stops signs. Councilor Reeves asked if this just gives the approval to advertise for a public hearing and Supervisor Salisbury said yes.

**RES. #77/2015**

**Approve Road in Talamore Subdivision - Accept as Official Town Road**

Motion made by Shimer, seconded by Reeves that the following street and associated sanitary sewer & drainage facilities included in the Talamore Subdivision project be accepted as official town roads.

Street	Length
Talamore Way	0.330 miles

**VOTE:**

Supervisor Salisbury **Aye**      Councilor Shimer **Aye**      Councilor Reeves **Aye**

**All Ayes, motion carried and adopted.**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury said that this has been approved by the Engineer and the Highway Superintendent.

**RES. #78/2015**

**Approve Timber Banks Tax Assessment**

Motion made by Salisbury, seconded by Shimer to approve the Timber Banks tax assessment settlement agreement and stipulations.

**VOTE:**

Supervisor Salisbury **Aye**      Councilor Shimer **Aye**      Councilor Reeves **Aye**

**All Ayes, motion carried and adopted.**

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury said that the lawsuit goes back to the 2010 tax year.

Councilor Reeves asked if Attorney Roe could make a presentation.

Supervisor Salisbury asked Attorney Roe to explain for the Boy Scouts present what is involved and what the town has to go through, the type of lawsuit it is and so forth.

Attorney Roe: This happened to be a very complicated tax assessment case compared to others. This complaint involves a challenge to how much the property is valued for purposes of determining how much taxes the property owner has to pay to support town finances, county finances and school district finances. The county, town and school district all base their revenue on real property owned by the residents. In this case the Timber Banks property consists of a golf course and some development land. Some of which has been developed and a lot of which is pending development. The property owner challenged the valuation that was put on that property so he felt that he was paying more than his fair share of taxes to support the schools, town and county. It is a fairly common lawsuit in New York. To defend that lawsuit it involves typically having property evaluation experts, appraisers, each side gets their own appraiser, they file a report and if necessary then they end up going to trial where those experts testify. A judge has the final determination as to what the proper valuation of the property is. Along with the school district, we were on the same side of the school district, we had an appraisal report prepared and the property owner had an appraisal report prepared. They came to somewhat different conclusions but close enough, or at least there was enough common ground we felt we could come to an agreement that both took care of the past years that were challenged and also developed a formula for how the property will be valued going forward as some of these development parcels are sold off. That is the structure of it and the details are outlined in the attachment to the agenda. It involves a reduction over the past years which will result in refunds from the town in about \$3500 in taxes. There is an additional amount from the fire district which is equivalent on top of that but the town and highway taxes is about \$3500. The \$1600 is based upon how it is going to be reduced going forward which is really a combination of town, highway and fire district together. There is a formula where the property is already subdivided and is going to be sold off and as it is sold off the assessment of that parcel will be reduced by \$7000 an acre. Any additional development property other than the golf course, as any of those acres are sold off, the assessment will be

reduced by \$2300 an acre: To make things a little easier going forward we are going to create a separate tax parcel for the golf course and combine the others into one tax parcel.

Supervisor Salisbury said that this is not an uncommon thing for large cities and large towns to have happen. He stated that they have settled suits with Anheuser Busch, McLane's and now Timber Banks.

*The settlement agreement is attached to these minutes.*

**RES. #79/2015**

**Transmittal of Proposed Subdivision Code Changes – Planning Board**

Motion made by Reeves, seconded by Shimer to authorize the Town Supervisor to refer the proposed subdivision building code changes and final revisions of 3/26/2015 to the Lysander Planning Board for review and approval.

**VOTE:**

Supervisor Salisbury Aye                      Councilor Shimer Aye                      Councilor Reeves Aye

All Ayes, motion carried and adopted.

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury said that this has been a monumental task that has been undertaken and the last revision was in 1993.

**RES. #80/2015**

**Transmittal of Proposed Subdivision Code Changes – ZBA**

Motion made by Shimer, seconded by Reeves to authorize the Town Supervisor to send the proposed zoning code changes, final revision date of 4/7/2015, to the Zoning Board of Appeals and for review and comment.

**VOTE:**

Supervisor Salisbury Aye                      Councilor Shimer Aye                      Councilor Reeves Aye

All Ayes, motion carried and adopted.

**RES. #81/2015**

**Zone Change Request**

**David Hayes**

**9386 Oswego Road**

Motion made by Salisbury, second by Shimer to refer the petition for zone change from General Business to Agricultural for 9836 Oswego Road to the Lysander Planning Board and Onondaga County Planning Board.

**VOTE:**

Supervisor Salisbury Aye                      Councilor Shimer Aye                      Councilor Reeves Aye

All Ayes, motion carried and adopted.

**BOARD DISCUSSION BEFORE VOTE:**

Supervisor Salisbury explained that the owner of the property is petitioning for a zone change so he can build a house on the property.

**ANNOUNCEMENTS**

Supervisor Salisbury announced that the town board meeting on May 28, 2015 will be on a Thursday and not a Monday due to the Memorial Day holiday.

**RECOGNITION OF CITIZENS:**

Norm Ashbarry, Hidden Lake Drive: Some questions about a posting on Facebook that was from Lysander First, your account on Facebook, your three pictures appear there and it occurred in the middle of March this year. Several comments were made about DPW employee's performance, on the job performance, Mr. Reeves you wrote it, I don't know that for a fact, all I know it was on the Lysander First account. He, I won't mention

his name, this particular employee is accused of, I won't say one of the words here because of the Boy Scouts, basically substandard work, taking advantage of the tax payers, that type of thing. My question is, two questions, but my first one is do you think it is really appropriate to be making public comments on a social network about DPW employees?

Councilor Reeves: I thank you for your concern and I think the facts of what happened will come out and I am very confident that nothing wrong or improper was done on my part, Lysander First part and I am totally confident that anything that was exchanged between two people was totally innocent.

Mr. Ashbarry: My question is though do you think it is appropriate to put it on a social network, personnel matters,

Councilor Reeves: I think that you are probably a little inaccurate of what you are talking about. I think the best thing for me to do is not respond.

Mr. Ashbarry: Let me quote so that I am accurate.

Supervisor Salisbury: Well on social media do you really think...

Mr. Ashbarry: That is what I am asking, is it really appropriate. It is social media and here is a public employee making comments about a town employee on this social media. And let me quote, "Are we generating tax payer's expenditures to increase your salary which increases your pension all with substandard work, production (unclear)."

Supervisor Salisbury: I think if people were interested they would probably read those sites I mean I have to say I don't go on those sites.

Mr. Ashbarry: It's your site. It's Lysander First's site. Your picture is on it.

Supervisor Salisbury: Right.

Councilor Reeves: A gentlemen came to my site, which is the individual you are talking about, our site, and made some derogatory remarks which I'm sure you are not going to show them. Remarks, one of the remarks, that was on the site, and I do have a copy of that and I'm sure you have that one to the one where (unclear).

Mr. Ashbarry: I just have the Lysander First comments.

Councilor Reeves: On Lysander First a remark, the incompetent team here, and also referred to the Highway Superintendent as incompetent, and this was done him coming over to the Lysander site when my remarks were taken strictly from information I got from the Highway Superintendent. The Highway Superintendent, I asked him about some reflectors, and the Highway Superintendent told me that it took these two guys six and a half hours to put up four road reflectors. I consider that excessive. But the Highway Superintendent (unclear).

Mr. Ashbarry: By the way I agree with you, if that happened that is excessive. But my question which still hasn't been answered, and I will ask all of three of you, is it appropriate to make these comments on a social network. A town employee and a town officer making those comments.

Councilor Reeves: I think you have to take the statements made by the individual you are talking about which I wouldn't expect you to do and (unclear).

Mr. Ashbarry: (Unclear)

Councilor Reeves: Then where are they.

Mr. Ashbarry: This is all I got.

(crosstalk)

Mr. Ashbarry: I didn't see the one you are talking about.

Councilor Reeves: Maybe you should get those.

Supervisor Salisbury: I don't think this is proper, we don't have to be arguing about this. It's a social network that (unclear).

Councilor Reeves: That has nothing to do with the town.

Mr. Ashbarry: If you are a town official and you are making comments on it, a social network. You're making my point. You're making my point.

Councilor Reeves: And just as you can stand here and make accusations against me about things that I supposedly said which I don't know, I would have to go back to my site to see if I said them, but what is really convenient that you showed up without any of the statements that this individual, or more than one individual, made at the Lysander First site which you are fully aware of, just as that individual is and our attorney is aware of it. I suggest you just wait and see how this falls out and your answers will just flow right to you.

Mr. Ashbarry: I will not condone making comments about this topic.

Councilor Reeves: And you should (unclear) under remarks and step up to the microphone again.

Mr. Ashbarry: But this person you are talking about is not a town official, you are. The follow up question, which I don't think I will get an answer, do we have something to be concerned about our DPW employees doing sub- standard work because that is what this implies.

Councilor Reeves: I would say that it took 6 ½ hours which the Highway Superintendent told me it took two guys to install four reflectors that is an area of concern.

Mr. Ashbarry: So we have witnesses that saw this? It took that amount of time?

Supervisor Salisbury: This is not the proper thing to be talking about at this meeting.

Mr. Ashbarry: Let me simply say my opinion I don't think it is appropriate for any of you to make comments of this type on a social network such as Facebook. Just one man's opinion.

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**LYSANDER ICE RINK**

Bob Braun, Quaker Lady Circle: When are you going to release the numbers on ice rink, the final numbers?

Supervisor Salisbury: We actually haven't got the final numbers yet because we are still paying bills.

Mr. Braun: Do you know when you will have them? I just know at the last meeting you said you would have them in the first meeting in April.

Supervisor Salisbury: I wanted them in fact, we are still, even on the income, down to hours it (unclear) the new people or whether it belongs to us. So we are still working on it.

Councilor Reeves: We are taking it down, dissecting it, part of its here, part of its there.

Mr. Braun: You don't have an idea of how much we are in the plus on that?

Supervisor Salisbury: No. I really don't have an idea on all of the expenses. I think income is like within (unclear) thousand dollars but I don't know about the expenses.

Mr. Braun: Is there more expenses that what is listed in the minutes?

Supervisor Salisbury: Yes because we got some more that came in and now we have to argue with whether it is really owed by us, the new people or the really old people. So we are fighting all of those things. I'm not trying to mislead you.

Mr. Braun: I'm not saying you are. I'm just curious, I understand it has only been a month, you closed on the 5<sup>th</sup>.

Councilor Reeves: And we have a part time Comptroller so that is taking a little more time.

Mr. Braun: Okay, (unclear) numbers and we are somewhere about \$200,000 ahead, but I could be wrong.

Supervisor Salisbury: As soon as we get it done I will ask him tomorrow if we can have it in two weeks because I really think that all the income, except a couple thousand is resolved and the expenses we just have to look at one more thing.

Councilor Reeves: That was one of the hold ups the last time we talked about it is we haven't resolved the one big income.

Mr. Braun: The what?

Councilor Reeves: One of the large income portions we hadn't resolved that completely and we have gone back through and that has been resolved.

Mr. Braun: What was the big income?

Supervisor Salisbury: For ice time but it was from the high schools, Liverpool and Baldwinsville. They are all paid but who gets the money.

Mr. Braun: I would hope we would get all the money through the 5<sup>th</sup>

Supervisor Salisbury: Well we are, but we are actually down to hours where we have questions.

Jim Stirushnik, Dinglehole Road: I also are waiting for final figures on the ice arena and I'm glad someone else raised the question besides me. In the past it has been the practice that the Highway Department would go along town roads and pick up the trash in the spring when the snow is gone. I was wondering if the town is still doing that practice.

Highway Superintendent Gene Dinsmore: Well we picked up a couple of old televisions last week if that is what you are referring to. Every time we see something, tires or odds and ends, we don't make a practice of a sweep. In our travels if we see something we pick it up.

Mr. Stirushnik: I take that to mean we are not taking a general sweep of the highways.

Supervisor Salisbury: I never knew we ever did.

Superintendent Dinsmore: I didn't know we ever did either.

Mr. Stirushnik: Maybe one or two Highway Superintendents back used to do it. In that regard I would like to comment that Mr. and Mrs. Susan and Thomas McCarthy of Dinglehole Road made the effort of going out and picking up all the trash the entire length on Dinglehole Road between Church Road and Lamson Road and I think they did a very good job. It is a good representative of the type of people we have living in this town.

Supervisor Salisbury: Thank you for bringing that up because if you go around many communities, many volunteer and you even see signs that they keep a road clean.

Mr. Stirushnik: These are neighbors that are not publicizing, not getting signs put out, not doing anything. This is not the first year they have done it and they did a very good job.

Superintendent Dinsmore: I think they did that because Earth Day is next weekend. OCRRA solicits groups (unclear) and bring it to the town and highway takes it to OCRRA. They can start collecting as soon as the snow is gone. It may be that these two families maybe participating in that. I don't know. We don't usually get a notice from OCRRA until the day before of what families we can expect to bring in trash. We generally get a pretty fair amount, tires, odds and ends, on Earth Day. I don't know if they have a connection to that or if they are totally separate.

Mr. Stirushnik: I believe they were participating. They mentioned something about getting stickers and so forth.

Superintendent Dinsmore: That's it, that is Earth Day and I thank them very much for that.

Mr. Stirushnik: I may be speaking out of turn but I believe the Baldwinsville Fire Department is looking for used vehicles to use in a training program. If anybody out there has a vehicle they would like to donate to the Baldwinsville Fire Department so their men can be trained in rescue. I think it is a good project.

Tim Wolsey: It may be for their open house.

Mr. Stirushnik: I don't remember the details but they were looking for quite a few vehicles.

Tim Wolsey: I would suspect it is for the open house in April.

Larry Schuler: They just need them for training coming up. I don't know how many they need, like four or five, maybe eight vehicles.

Assistant Scoutmaster Mike Hulchanski, Baldwinsville Boy Scout Troop 107, brought his scouts forward to address the Board.

Mr. Hulchanski said that the scouts are working on a citizenship in the community merit badge and one of the requirements is to come to a town board meeting or a school board meeting and see how local government works. He stated that this is more for them to find out how local government works, what the process is, how laws are passed and how problems are solved.

Supervisor Salisbury explained the different type of positions in the town including elected officials and appointed ones.

Councilor Shimer added that the Board holds work sessions before the town board meeting where they work stuff out, research and make decisions stating that this is where they do all their work.

Supervisor Salisbury explained that resolutions are done in the board meeting and not in the work session. He also explained that the Board holds public hearings and people get to speak for or against what the Board is proposing and then they vote on it. He said one of the big items that the Board is looking at is a new water district in the Lamson Road area that will have 72,000 feet of water main. He explained that there are a lot of people who really have poor water and they are looking at forming a water district and the people in the water district will have to pay for it.

Mr. Hulchanski asked the Board members if any of them had any advice on how the scouts can be better citizens in the community.

Supervisor Salisbury advised the group to vote.

Councilor Reeves advised the group to take an interest in their town government. He said the Village of Baldwinsville has a separate government and actually the fire districts are a separate government like the town. He advised them to get involved if they have an opportunity. He said to them that if they like fire protection they should join their fire department as it is a good opportunity to not only learn how the system works and how a municipality is run but it is an opportunity to serve their community. He said the key thing is not to take the government for granted because it is theirs. They will be paying for it for the rest of their lives and have a major impact on their lives so take an interest in it and understand it as best as they can. He said to speak up about it if there is something that they don't like.

Councilor Shimer added that they can also speak up about something they like or don't understand as well.

Supervisor Salisbury invited the group to come into the office if they have other questions and like to see the operations of the town.

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**OTHER BUSINESS:**

**None**

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**ADJOURNMENT:**

At 7:43 pm Supervisor Salisbury adjourned the meeting.

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

Lisa Dell, Town Clerk



STATE OF NEW YORK  
SUPREME COURT COUNTY OF ONONDAGA

In the Matter of the Application of  
THE TIMBERS LLC,

Petitioner,

**STIPULATION OF  
SETTLEMENT &  
ORDER**

Vs.

Index # 2010-4088  
Index # 2010-4089

Index # 2011-4405  
Index # 2011-4404

TOWN OF LYSANDER ASSESSOR, BOARD OF  
ASSESSMENT REVIEW OF THE TOWN OF  
LYANDER AND THE TOWN OF LYSANDER,  
COUNTY OF ONONDAGA, NEW YORK,

Respondents,

Index # 2012-3975  
Index #2012-3976

And

Index # 2013-3818  
Index # 2013-3817

BALDWINSVILLE CENTRAL SCHOOL DISTRICT,

Intervenor-Respondent.

Index # 2014EF2892  
Index # 2014EF2891

WHEREAS, pursuant to Real Property Tax Law, Article 7, Petitioner duly commenced the above-captioned tax assessment review proceedings for the tax years in issue; and

WHEREAS, negotiations for settlement were entered into regarding such proceedings;

NOW, THEREFORE, IT IS HEREBY stipulated, consented to and agreed by and between the attorneys for the respective parties herein that the above-captioned proceedings challenging the assessments of Petitioner's property identified as Tax ID Nos.: 072.-01-08.1, located at 8184 River Road; and 071.-01-50.1, located at 3699 Patchett Road; and 072.1-03-36.0 and subsequently known as 072.1-03,36.1, located on Long Shadow Drive, in the Town of Lysander, Onondaga County, New York (the "subject properties") be settled and that an Order

and judgment to that effect be entered into without further notice to either party on the following terms:

1. The above-captioned proceedings shall be consolidated for purposes of this settlement.
2. The assessment on property identified as Tax ID No.: 72.-01-08.1 located at 8184

River Road (the "River Road Parcel") shall be reduced as follows:

Tax Year	Current Assessment	Current Taxable Value	Stipulated Reduced Assessment	Stipulated Reduced Taxable Value
2010/11	\$3,250,000	\$3,250,000	\$2,320,200	\$2,320,200
2011/12	\$3,250,000	\$2,291,065	\$3,124,499	\$2,165,564
2012/13	\$3,250,000	\$2,295,192	\$2,964,882	\$2,010,074
2013/14	\$3,250,000	\$2,299,744	\$2,864,300	\$1,914,044
2014/15	\$3,250,000	\$2,300,735	\$2,862,029	\$1,912,764

3. The assessment on property identified as Tax ID No.: 071.-01-50.1 and located at 3699 Patchett Road (the "Patchett Road Parcel") shall remain unchanged on the 2010, 2011, 2012, 2013 and 2014 assessment rolls.

4. Likewise, the assessment on property identified as Tax ID No.: 072.1-03-36.0 on the 2012 assessment roll and subsequently identified as Tax ID No.: 072.1-03-36.1 on the 2013 and 2014 assessment rolls and located at Long Shadow Drive (the Long Shadow Drive Parcel") shall remain unchanged on the foregoing assessment rolls.

5. With respect to the 2015, 2016 and 2017 assessment rolls, the parties agree as follows:

- a) The assessment on the Long Shadow Drive Parcel (Tax ID No.: 072.1-03-36.1) shall be \$116,830 (i.e. 16.69 acres x \$7,000/acre) on the 2015 assessment roll and shall remain

unchanged on the 2016 and 2017 assessments rolls except insofar as land is sold off before each of the applicable status dates, in which case the assessment shall be reduced at the rate of \$7,000 per acre for each acre sold.

b) The total assessment on the 2015 assessment roll for the River Road Parcel and the Patchett Road Parcel (Tax ID Nos. 072.-01-08.1 and 071.-01-50.1, respectively), inclusive of the golf course, shall be established at \$2,578,200, allocated as follows:

Tax Map ID No.	2015 Assessed Value (Land)	2015 Assessed Value (Total)	2015 Agricultural Exemption	2015 Taxable Value
072.-01-08.1 (River Road Parcel)	\$668,886	\$1,494,486	\$145,159	\$1,349,327
071.-01-50.1 (Patchett Road Parcel)	\$1,083,714	\$1,083,714	\$248,427	\$835,287
Total	\$1,752,600	\$2,578,200	\$393,586	\$2,184,614

For purposes of computing the agricultural exemption applicable to these parcels, the assessed value of each acre eligible for an agricultural exemption is deemed to be \$2,300, so that the amount of the agricultural exemption is the difference between \$2,300 and the applicable agricultural assessment ceiling for each eligible acre. A copy of the Agricultural Assessment Worksheet for each parcel, showing the eligible acreage and the applicable agricultural assessment ceiling for each soil group for tax year 2015/16 is attached hereto as Exhibit A.

c) For the 2016 and 2017 assessment rolls, the Patchett Road Parcel and the River Road Parcel (inclusive of the golf course) shall, upon timely application by the Petitioner, be combined to form a new tax map parcel (hereinafter "New Tax Map Parcel") and from the New Tax Map Parcel, a new sub-parcel consisting of 228 acres shall be created for the golf course (hereinafter "Golf Course Sub Parcel"). The assessment on the Golf Course Sub-Parcel shall be \$1,350,000 on the 2016 and 2017 assessment rolls.

d) The assessment on the New Tax Map Parcel, exclusive of the assessment on the Golf Course Sub Parcel, shall not exceed \$1,228,200 (534 acres x \$2,300/acre) on the 2016 and 2017 assessment rolls; provided, however, that if any of the land (currently 534 acres) is sold or subject to subdivision as set forth in paragraph 5(e) below before any of the applicable status dates, then the assessment shall be reduced by \$2,300 per acre for each acre sold or subject to subdivision. For purposes of computing the agricultural exemption applicable to the New Tax Map Parcel, the assessed value of each acre eligible for an agricultural exemption shall be deemed to be \$2,300, so that the amount of the agricultural exemption shall be the difference between \$2,300 and the applicable agricultural assessment ceiling for each eligible acre.

e) If Petitioner files a final subdivision map with the County which affects any portion of the River Road Parcel, the Patchett Road Parcel or the New Tax Map Parcel created under Paragraph 5(c) above (lands exclusive of the golf course) and if the County creates a new tax map parcel or parcels in connection with such subdivision, then the Assessor, on the next applicable tentative assessment roll, can assess such new tax map parcel(s) and Petitioner is free to challenge the assessment on any new tax map parcel(s) created.

6. The officials of the Town of Lysander, the Baldwinsville Central School District, County of Onondaga and any and every other taxing entity, district or municipal corporation

having custody of or levying taxes upon the basis of said assessment rolls or any copy thereof, be and hereby are directed and so ordered to make or cause to be made on the proper books and records the entries and changes, if any, necessary to correct said assessments pursuant to the provisions of paragraph 2 above.

7. Refunds for taxes levied and collected in excess of the corrected and reduced assessments shall be made by the Town of Lysander, the Baldwinsville Central School District, the County of Onondaga, the affected Fire, Water and Sewer districts and any other affected taxing entities.

8. Refunds from the Baldwinsville Central School District shall be made, without interest, in two equal installments, with the first payment made on or before May, 1, 2015 and the second payment made on or before May 1, 2016. Refunds payable by all other taxing jurisdictions shall be without interest, provided that payment is made within forty-five (45) days after service on each such taxing jurisdiction of a demand for refund, together with a fully-executed copy of this Stipulation of Settlement and Order.

9. All refund payments shall be made payable to Sidney Devorsetz, as attorney for Petitioner and mailed to 307 South Townsend Street, The Hamilton White House, Syracuse, New York 13202.

10. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible

11. The parties shall have the right to seek specific performance of the terms of this Stipulation of Settlement, and of any Order thereupon entered, and to otherwise enforce such terms by whatever means provided by law.

12. The parties acknowledge that this Stipulation of Settlement and Order is entered into for good and valuable consideration on the part of and received by all parties hereto and constitutes the entire agreement among the parties and there are no costs or allowances awarded to, or against the parties and that upon compliance with the terms of this Stipulation of Settlement and Order, the above-captioned proceedings shall be and the same hereby are settled and discontinued.

13. This Stipulation of Settlement and Order shall be filed among the records of the Assessor of the Town of Lysander.

Dated: April \_\_, 2015

SIDNEY DEVORSETZ PLLC

By: \_\_\_\_\_  
Sidney Devorsetz, Esq.  
Attorney for Petitioner  
307 South Townsend Street  
The Hamilton White House  
Syracuse, NY 13202  
(315) 422-6600

Dated: April \_\_, 2015

GILBERTI STINZIANO HEINTZ & SMITH, PC

By: \_\_\_\_\_  
Kevin G. Roe, Esq.  
Attorneys for Respondent Town of Lysander  
Office & P.O. Address  
555 East Genesee Street  
Syracuse, New York 13202  
(315) 442-0100

Dated: April, \_\_, 2015

BOND SCHOENECK & KING, PLLC

By: \_\_\_\_\_

Kathleen M. Bennett, Esq.  
Attorneys for Baldwinsville Central School District  
One Lincoln Center  
Syracuse, NY 13202  
(315) 218-8000

**SO ORDERED:**

Dated: \_\_\_\_\_, 2015

\_\_\_\_\_  
Hon. Deborah H. Karalunas  
Justice of the Supreme Court

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### AGRICULTURAL ASSESSMENT WORKSHEET

Parcel ID: 072-01-00-1  
Area: 243.41

City: 009 - Loveland  
EX: 000 - 11720

MINERAL SOILS	
Acres	Assessed Value
.00	1038
.00	52
.63	523
.00	86
.00	10,840
12.96	21
18.27	70
.00	707
.13	80
.00	58
.00	48
.00	48
.00	39
.00	84
.00	22
.00	18
.00	2

ORGANIC SOILS	
Acres	Assessed Value
.00	107
.00	151
.00	143
.00	77
.00	103
50.00	12,000
.00	
.00	
.00	

- AGRICULTURE
- WOODLAND ACRES (PASTURE)
- WOODLAND ACRES (STABLE)
- NEWLY PLANTED VINEYARDS
- NEWLY PLANTED ORCHARDS

Eligible Acres: 11.80  
Current Assessed Value: 14,312

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MINERAL SOILS				ORGANIC SOIL	
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13.71				.00	
.00				.00	
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.00				.00	
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7.71				.00	
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