

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, May 25, 2011, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
James Corl, Jr. Councilor
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Joseph Snell, Police Chief
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Linda Losito, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Douglas R. Wickman, PE, C&S Companies, Town Engineers

Absent: Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Sharon Edick, Receiver of Taxes

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.

A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harm's way, and those in tornado alley.

Ms. Boyke indicated where the fire exits were and read the following statement:

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn off your cell phones and be sure to speak clearly into the microphones to enable all to hear.

S.E.Q.R.
(State Environmental Quality Review Act)

Motion was made by Ms. Boyke, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Corl: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Ms. Boyke: Yes

Ms. Boyke stated that she would like to congratulate Ed Zaluski as he is approaching his first anniversary of Ed Zaluski Day, which is May 29th. Everyone in the audience gave Ed a round of applause.

APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve the minutes of the May 11, 2011 town board meeting.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon requested approval for a Fireworks Permit to be held at Lakeshore Yacht Club, July 3, 2011 at 9:00 p.m. All of the appropriate paperwork has been submitted and the fee of \$75.00 has been received.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize the Supervisor to sign the necessary paperwork granting a Fireworks Permit to be held July 3, 2011 at 9:00 p.m. at Lakeshore Yacht Club, subject to the payment of \$75.00.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

Tracy Cosilmon requested approval for a Parade Permit to be held in Brewerton from the Brewerton Elementary School North to the Waterfront Restaurant, June 4, 2011 at 10:30 a.m. All the necessary signatures and information have been received.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to approve the Parade Permit to be held in Brewerton (Brewerton Elementary School, north to Waterfront Restaurant), June 4, 2011 at 10:30 a.m.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

Tracy Cosilmon reminded everyone that the Memorial Day Parade will be Monday, May 30, 2011 at 9:00 a.m., at the Cicero Cemetery on Route 11 proceeding south on Route 11 to Route 31 where it will head west ending at the American Legion Post on Legionnaire Drive. She also reminded everyone who speaks this evening to please speak clearly into the microphones.

Highway - None

Police – Chief Snell stated that he gave the board a copy of a memo regarding the need for repair for vehicle C-1 as it needs a new transmission. He has received two quotes, one for \$1,305.00 to repair to the transmission, which is only good for 12 months or 12,000 miles which equates to about 6 months. Full replacement would be \$2,595.00 and would be for 3 years with an unlimited mile warranty. We intend on keeping this vehicle well into 2013 so, I would recommend that we replace the transmission assembly for the \$2,595.00.

Motion was made by Mr. Jennings, seconded by Mr. Conway to replace the transmission assembly which includes a 3 year unlimited mileage warranty in the amount of \$2,595.00.

Ms. Zambrano asked Chief Snell when he replaces his vehicles.

Chief Snell stated that he has already stripped down 2 vehicles that we've taken off the street and we're waiting for two new ones to come in. We are purchasing two new cars, downsizing by four cars. This car was a car that was intended on being kept and therefore we have to replace the transmission.

Ms. Zambrano stated that this car has 115,000 miles. Don't you take cars off the road when they have 125,000 miles on them?

Chief Snell replied that he would like to but we do not have the money to purchase more cars. I wanted to purchase more cars last year, but, we had to agree on two.

The motion was approved as follows:

Mr. Conway: Yes
 Mr. Corl: Yes
 Mr. Jennings: Yes
 Ms. Zambrano: No
 Ms. Boyke: Yes

Comptroller – None

Assessor – None

APPROVAL OF ABSTRACT #10 OF 2011

Motion was made by Ms. Zambrano, seconded by Ms. Boyke, to approve Abstract #10 of 2011 as follows:

General Fund Voucher #883 to Voucher # 958 In the amount of \$696,073.66
 Highway Fund Voucher #275H to Voucher #303H In the amount of \$ 87,691.93

The motion was approved as follows:

Mr. Conway: Yes
 Mr. Corl: Yes
 Mr. Jennings: Yes
 Ms. Zambrano: Yes
 Ms. Boyke: Yes

BUDGET MODIFICATIONS

Budget Modifications 2011
 Town Board Meeting 5/25/2011

AMOUNT	FROM CODE		TO CODE
\$ 383.63	B312046T	POLICETRAILER-UTILITIES	B31204 POLICE-BRIDGEPORT UTILITIES

Motion was made by Mr. Corl, seconded by Ms. Boyke, to approve the following budget modifications as follows:

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

PUBLIC HEARING TO ADOPT LOCAL LAW PURSUANT
TO 278 OF THE TOWN LAW

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

Proposed Notice of Public Hearing: Town of Cicero PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 25th day of May 2011, at 7:00 P.M. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero New York to consider the following: A local law that amends Section 185-26 of Chapter 185 of the Town Code of the Town of Cicero regarding cluster development. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk's Office.

Attorney Mr. Rivizzigno stated that the previous public hearing on Section 278 and due to my failure to include the necessary districts to which this amendment applies, we have to do it over again. Currently the law provides that this passage would apply to all residential districts. The purpose of cluster development shall be to enable and encourage the flexibility of design and development of land in such a manner to preserve the natural scenic qualities of open land. In order to accomplish the clustering of development, a Town Board may authorize the Planning Board to approve an alternate development which deviates from minimum side yard and rear depth, frontage and similar requirements. However, in permitting such modifications, the overall or average density of the tract must comply with the requirements of the applicable zoning regulations and may not be increased above that which would be permitted in a conventional subdivision of the property. The current code of the Town of Cicero provides under Section 185-26 when the zoning regulations are amended to so permit, the Planning Board may approve plans for lot dimensions below the minimum area standard normally required in the zoning district, provided that equivalent additional land is set aside as open or recreational space or that portion of the proposed development that is designated for lower density development. In either case, the average density for the entire place may not exceed the maximum density permitted by the zoning regulations. Open or recreational space in such plans may be public or adequately secured for such purposes or by private deed restrictions acceptable to the Planning Board. Hazards of this local law would in effect allow our Planning Board to do what is currently in our code under 185-26.

Tony Rivizzigno explained that about 12 years ago, there was a report done for the whole county, which was a plan for development for residential and commercial, etc. One of the big issues in the report was the encouragement of keeping open space to avoid the sprawl of urban areas. Clustering fits in with that idea.

Ms. Boyke asked if this goes along with the County's recommendation.

Tony Rivizzigno – The City and County Planning Board supports clustering in as many situations where it can be done.

The public hearing was opened at 7:15 p.m.

Speaking for - None

Speaking against:

Chet Dudzinski, 7169 Island Rd. Cicero stated that as he was in the past, remains against clustering and wanted to know if the Town Board is willing to give up their rights to the Planning Board as far as clustering is concerned.

Ms. Boyke – We're not giving up our rights.

Chet Dudzinski asked if that was not the intent at the last meeting. Isn't that true?

Ms. Boyke stated, no.

Chet Dudzinski asked if that was what they were trying to do now.

Ms. Boyke stated that they are allowing the Planning Board to make the decision, as they would in any other development, as to whether or not it is clustering.

Chet Dudzinski - Yes, but I believe the Town Board did have that right previously. Didn't it?

Mr. Rivizzigno stated that he did not believe that clustering is allowed by anyone other than the Planning Board and he didn't know of any provision in the town law that allows the Town Board to approve clustering.

Chet Dudzinski asked where this green area will be.

Ms. Boyke stated that she thought this green area would be on Island Rd.

Chet Dudzinski - It's Island Hollow and I am familiar with that. I'd like to know where this green area is going to be.

Ms. Boyke – It was presented during the last public hearing showing where the green area was set aside near an already approved plan for apartments. It is designated right beside that.

Chet Dudzinski underneath the high tension wire lines? Is that where it is?

Ms. Boyke – It did not indicate that on the plan.

Chet Dudzinski – There are high tension electrical wires that run parallel to where the apartments are going to be, which is right next door to Vector and there is also wetlands in the back section of that property. My question is where is this green area going to be? Does anybody know?

Mr. Rivizzigno stated that this has to go back to the Planning Board. The developer has to go to the Planning Board with a request for the clustering and there will be a Public Hearing with the Planning Board to bring up the issues you're talking about.

Chet Dudzinski stated that it would be interesting if the Town Board also knew. He might be in favor of clustering if he knew where this green area was going.

Tony Rivizzigno read - In accordance with Town Law 278C to the extent that the Town Planning Board establishes a condition or conditions of ownership, use or maintenance of open lands as a condition to the approval, such conditions shall be subject to the Town Board approval.

Chet Dudzinski - When you do clustering isn't that for the good of the general public?

Tony Rivizzigno – Sure and the whole idea is to preserve open land.

Chet Dudzinski stated that his question is where the green area is going to be and if it's for the good of the general public, we should know and should know right now. I may be in favor of it, if I knew where it was.

Ms. Boyke stated that right now what we are speaking to is to approve clustering in the Town to allow the Planning Board to do so. As far as the development itself, that is the Planning Boards purpose to do that, not the Town Board.

Chet Dudzinski asked Mr. Rivizzigno if this should have gone back to County Planning.

Mr. Rivizzigno stated he believed so.

Chet Dudzinski stated that he sits on the Onondaga County Planning Board and checked with the Chairwoman and she said it should have come back.

Tony Rivizzigno – If they would have entertained this clustering as part of their procedure they would have sent it to the City and County Planning Board assuming it qualifies for the referral.

Chet Dudzinski – I just want to make sure. It hasn't come back yet and hasn't shown up on our agenda.

Tony Rivizzigno - When this development was presented everyone said it fit clustering, but, there was no provision to approve clustering. They came back to us and said if you allow us to do this we'll go back to the Planning Board and present a clustering situation. I think we're kind of in the middle of that whole process.

Chet Dudzinski, I am curious if anyone contacted the North Syracuse Fire Department?

Ms. Boyke stated that they have been called in by the Planning Board and sat in on it.

Chet Dudzinski – Why wouldn't they be here tonight?

Ms. Boyke – Because we're not discussing the development, we're just discussing clustering.

Chet Dudzinski – Right, but, when I checked with them, they were against it. You would think that they would be here. Did anyone notify them?

Ms. Boyke – It's a public hearing and notices are out there.

Chet Dudzinski – Did you notify them, call them or write them a letter?

Mr. Corl stated that he called the Chief of North Syracuse Fire Department and they were aware of the Public Hearing this evening.

Don Snyder stated that he hoped that when we approve clustering we don't allow the developer to take a piece of land that could support 6 houses the way our regular codes are written, but because he calls it a cluster and he puts the public land somewhere under power lines or in the wetlands, that is not for the benefit of Town, or the people that are going to live in this clustering effect. I think we need to be very careful how this gets interpreted by the Planning Board. We have to make sure that we are not giving the developer a new way to put more houses in a smaller area based on the current codes.

Ms. Boyke stated there are now fewer homes. Originally there were to be 120 houses and now there is 69 and the lot size is 70 ft. wide which is a lot wider than most lots we live on today. As I understand this, it would allow for less infrastructure in general and will still maintain some green area. Obviously, it is the Planning Board's scrutinizing of each developer that comes in to make sure the areas that are set aside are suitable as green recreational areas as opposed to swamp or under power lines.

Ms. Zambrano stated that this local law will allow the Planning Board to have some authority in asking some questions as to how that green area is used or designated. I do not believe the Planning Board process on this property has not been finalized yet and that we're only at the start of it now that the footprint of the development has changed from 100 home sites to 69.

Tony Rivizzigno – That's correct. As I was saying, Chet, we're in the middle of the process and if we approve this, then ultimately the developer has to go back to the Planning Board for them to say okay for them to consider a cluster development project.

Tom Beaulieu apologized for not being here to speak in favor of the clustering. As former Chairperson of the Planning Board, stated that if you will only be able to build so many houses if there are R-10's, R-12's or R-15's depending on the size of the development. They are basically going to move the houses to half the size of the lot and will look for green areas and other areas that they may want to keep forever green and make it more of an urban setting. What we've had here are basically 15,000 ft. lots and have always developed like that in Cicero. This will be a little different concept and have one similar to this in Camillus. The houses will be closer together and the people will want to live in that type of community. Depending on how well it sells will tell you how well it will do in the future. I have full confidence in the Planning Board that they would follow through with every procedure to insure that the green area would not be under a power line or in a wetlands or some area that is not acceptable. The development will be scrutinized to the best of their ability and I'm sure Mark Marzullo will do a great job handling it.

The hearing was closed as 7:28 p.m.

Board Comments:

Mr. Conway stated that we used to have R-8 lots that consisted of 50 foot frontage. We disposed of R-8's and everything went to R-10, which was a 75 foot wide lot. With this clustering, we are only taking 5 foot off of each lot. He felt that adopting this isn't going to bother anything at all.

Mr. Corl stated that his only comment against the legislation was that clustering sets its own classification and to change this zone classification you would have to come before this board as we have the authority to determine what parcels are zoned within the Town. This could be considered and looked at, as a separate zone classification. If we wanted to grant that in a particular area, we would want that person to come before the board and we would determine if that was an appropriate land use for that area for clustering. I think that is really the question that the board has to look at, which is relinquishing that type of authority.

Tony Rivizzigno – A clustered development is not a zone change. It's still a residential zone.

Mr. Corl – I'm just saying that's the argument that could be used against this. It's almost like a separate zone classification. At the last board meeting there were also arguments in favor of it as we're trying to encourage this type of development for future development to cut down on infrastructure and those kinds of costs for the town. You can look at it both ways. It may promote clustering in the future, if potential developments want to come in. If this is adopted this way, I think it would. There are arguments both ways.

Tony Rivizzigno – The bottom line is if it doesn't work, at some point you can always change the legislation. I feel it is worth doing to encourage the development and if it doesn't happen it doesn't happen. You can always change it. Unfortunately there's not a whole lot of land left in Cicero to develop.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, that the Town of Cicero adopt a code that provides Section 185-26 of Chapter 185 to allow clustering in the town with the Planning Board's discretion and approval, setting aside the green area which

would come before the Town Board for determination of who would maintain that green area and to adopt all of the provisions set forth in the memorandum provided by Mr. Anthony Rivizzigno, to be known as a local law.

The motion was approved as follows:

Mr. Conway: Yes

Discussion:

Mr. Corl – If you look at this, I think weighing both sides I think it encourages this kind of development and out weighs the fact that potential developers would have to come before the Town Board. This way, I think it would streamline the process a little bit for the potential of developing clustering.

Continuation of the vote:

Mr. Corl: Yes

Mr. Jennings: Yes, I think this is a good test to see what clustering actually does.

Ms. Zambrano: Yes

Ms. Boyke: Yes

PUBLIC HEARING TO CONSIDER A LOCAL LAW THAT AMENDS SECTION
210-25(B) (2) OF THE TOWN CODE FOR THE TOWN OF CICERO REGARDING
RECONSTRUCTION WHERE THERE IS NON-CONFORMING USE
DEFERRED

Mr. Corl stated that he has spoken to our Counsel about this and there are some new developments with our lenders to further help those people that live in commercial areas within our town who are having difficulty in selling their property because lenders won't give them a mortgage. Right now, what we have in commercial areas within the town and they are very residential in features. However if the structure is damaged it can't be rebuilt, so there are problems for those who are trying to sell their property in commercial areas that have residential features. There have been some new developments as to what lenders may be agreeable to, to allow these people to get mortgages and perhaps we could incorporate them into the current language. I've spoken to Counsel about that and I think we want to put this on hold for this meeting and look at potentially revising our current proposal that is on the table.

Motion was made by Mr. Corl, seconded by Mr. Conway to defer the decision regarding the public hearing to consider a local law that amends section 210-25B of the Town Code relative to reconstruction where there is non-conforming use.

The motion was approved as follows:

Mr. Conway: Yes

Mr. Corl: Yes

Mr. Jennings: Yes

Discussion:

Ms. Zambrano – Point of order, we have a public hearing.

Tony Rivizzigno – You can just pull it or you can go ahead with the public hearing and close it. I think if we do this again, it will not be this exact legislation and the wording will be changed to comply with the lending institutions. If we do that, we will have to advertise another public hearing.

Continuation of the vote:

Ms. Zambrano: Yes

Discussion:

Ms. Boyke stated that she has been involved with the understanding of this situation. Approximately 40 people are involved with this, which consists of the corridor between Route 31 and Route 11 to Mud Mill Road. Over the course of the last two years and due to the consequences to the folks selling, the banks and insurance people are being scrutinized, which has caused this situation to come to us. In years past, property has sold and has gone on its merry way without any scrutiny from the banks. Now with our situation of the economy and the overseeing of all of the banks, this is what has caused this to happen.

Continuation of the vote:

Ms. Boyke: Yes

Mr. Corl stated to follow up on that, he had a letter from Bank of America where one person was denied a mortgage for this type of property because they specifically would need a written letter from the town zoning to verify that the property may be rebuilt to the original footprint if destroyed. This proposal that we're working on would basically remove that provision and allow the lender to move forward and give the money out to the potential buyers.

Ms. Boyke stated she also received one from SEFCU. We will defer this.

PUBLIC HEARING TO ADOPT A LOCAL LAW APPROVING A PLANNED UNIT
DEVELOPMENT DISTRICT FOR THE LANDINGS AT MAPLE BAY
CONDOMINIUMS

Discussion:

Hal Romans, surveyor and planner for the applicant stated that he was here with Mike LoPresti, who is the representative for the applicant and also Al Mercury, his attorney and Mark Marzarki. We are here tonight for a PUD on Maple Bay. It has 13 residential units. It has one private drive for access for the majority of the lots with 2 units having a separate driveway. The marina would be dredged out and maintained by a condominium association, as this project would be a condominium association project. The condominium association would be responsible for the plowing and maintenance of the private roadway. The storm water facilities would be on that property. The Planning Board recommended that the proposed sewer be privately maintained or it could become public. We show buffering on the plan and we've met all of the questions and changes that the Planning Board would like to see us do and we presented the declaration of the condominium association and we got a unanimous positive referral back to this board for this project. The project plan that we have is ready to build and is basically a site plan for the project. Included in our submittals was a budget for the condominium association, OCWA, who would be providing water as it was decided that the water facilities would stay public. Trash service would be done through the condominium association, so that trash would not have to be left out for any length of time and would be a private trash service for the project. We submitted a short form EAF to the board and we have a copy of a Phase I, that we can give to the board. The executive summary says that they can not find any issues in the investigation of Phase I and I can have the applicant provide that for you.

Ms. Boyke asked if they dug on Phase I.

Hal Romans - I'm not sure.

Ms. Boyke – The reason I ask that, is because this was a Marina and it is a known fact that gas tanks were buried in the ground there.

Hal Romans introduced Mike LoPresti who stated he had a letter dated August 14, 2006 from the Environmental Conservation to the previous owner stating that there was some mitigation done on the property and that everything is satisfactory to them at that point.

Ms. Boyke – The reason I bring that up, is because there was another situation of a gas station in the Town of Cicero and the previous owner, before it was sold had done mitigation as well and when the digging was started to renovate the property, they uncovered more buried gas tanks. It bothers me. Do you know how many tanks they took out of there?

Rep. – I have another letter from Natures Way that described the work that was done and that is who worked with the DEC to mitigate the problems and the letter was generated based on what they did.

Ms. Boyke – Does it say they removed tanks?

Rep. – Read from a letter that on May 16, 2006, Nature's Way was retained to conduct permanent closure of one 1,000 gallon gasoline UST, located at the above referenced site. Closure activities commenced on June 2, 2006 and were completed on June 22, 2006. The following is a summary of the activities completed during closure activities. By utilization of a vacuum truck the residual gasoline was removed from the tank prior to excavation and once excavated the tank was monitored for atmosphere to facilitate cutting and cleaning. Petroleum impacted soil noted during removal activities was staged on polyethylene sheeting and covered with the same for disposal at a later date. Upon completion of the UST cleaning activities, 380 gallons of gasoline and wash water were excavated and the tank was properly disposed of at an industrial oil tank service in Oriskany, NY. A soil sample was collected and sent to ELS laboratories located in North Syracuse, NY, to be analyzed for lead, benzene and for disposal approval. A total of approximately 80.19 tons of impacted soil was excavated and transported to the Ontario County Landfill in NY.

Tony Rivizzigno – There was a spill there and all the work that was done by Natures Way according to the DEC was a result from the spill. They came in, cleaned it up and the DEC said okay, you did it. It doesn't talk to the removal of tanks or not.

Ms. Boyke – It doesn't talk about any buried tanks.

Ms. Zambrano – That letter was dated in 2006.

Rep. – This is actually dated July 2006 and it would make sense that the DEC letter was issued after this one when it was completed.

Ms. Boyke – If this is correct, it speaks to a spill and does not speak to any buried fuel tanks, which was the reason for the spill in the first place.

Rep. – If there was something there that needed to be mitigated in the future, that doesn't relieve us. Because we're changing the use of the property doesn't change the fact that if we dug up a tank that it would have to be mitigated in the same manner it was previously. We're not exempt from having to fix anything.

Ms. Boyke – We're not saying that. My purpose for asking the question is because we know that it was a Marina and we know there were gas tanks that were buried.

Rep. – There is a line in here that says the tank was disposed of as scrap along with the fuel pipe and vent pipe at Matlow Co. Inc. in Solvay, NY, and the disposal documentation has been attached. The permanent closure of a 1,000 gallon underground tank says, not only did they clean the site, they removed the tank and everything else.

Ms. Boyke – We'll need a copy of that.

Tony Rivizzigno – Did the Planning Board receive that?

Rep. – I believe they did.

Tony Rivizzigno – Who was the Lead Agency?

Rep. – In your PUD process, I would assume that it was this board.

Tony Rivizzigno – It could be, but, it could be the Planning Board. Somebody had to declare Lead Agency, we didn't do that I'm sure.

Rep. – They might have, at one of the earlier meetings. I will give a copy of this to the attorney and if you'd like additional copies of Phase I, we can give you that too.

Ms. Boyke stated that would be necessary. In any type of situation or development of this sort going to this type of land which use is well known, it's obvious that we need those reports.

Rep. – We can give you that. It shows Phase I in the executive summary, which is on the first couple of pages clearly states that after all of their investigative work that it did not detect any problems.

Ms. Boyke asked if there were any other questions.

Mr. Corl stated he had some questions relative to the infrastructure and the roads and sewers and they are in protection for the town if the project were to move forward.

Rep. – Are you talking about legal questions about ownership and questions like that?

Mr. Corl – Yes

Rep. – We can address those now. So that we're clear the way the Planning Board process went, we always said that the driveway or private roadway would be private. The sanitary sewer and what is happening, is that you're actually building mainline sewer in order to serve the 13 units. It's set up in such a way that they can have a town easement and be dedicated to the town or, following the Planning Board's recommendation, they could remain private. I know that this board is the board that will determine that.

Mr. Corl – How do you expect to address if it's held privately, the road and the other infrastructure? If the project isn't properly funded or there is no money in the condo units. The recourse then is going to be back on the town if we don't have an entity there that is funded, or somehow insured or what not. That is a concern that was brought up at the last meeting and wasn't really clarified 100%. I know that will be coming up and may be worthy to address it now as opposed to after the public hearing.

Rep. – I do know that maintenance of all that was covered in the budget line items and show up in the first years of operating expenses was taken into account. The reserves would be put aside for those projects and for the eventual replacement of the roads, or for rehabilitation of the sanitary sewers. The Planning Board Engineer jumped in a little on the sanitary sewer and said they aren't probably looking at any kind of maintenance for 30 years or longer. Even though it's going to be private, we're building it to public standards, so because it's private, we're not going to be cutting any corners. It's fully going to be built as if it were a public sanitary sewer because it is basically a main line sewer.

Al Mercury, Attorney stated that he is the person who is drafting the condominium offering plan and the declaration and bylaws and so on. Ultimately, once the parameters

of the project are determined by the developer, the sponsor and the town, then we'll put them into the condominium documents and send them to the NYS Attorney General in NY City and they will approve the condominium at that level. We can't put that together until all of the parameters that are going to be required as part of the project, for instance, whether the water and sewer will be public or private. On that particular question and once it's determined by the board, whether the sewer will be private, and is so determined then, the condominium regulations, will require that the sponsor draft into the declaration the obligation for the owners to fund a maintenance reserve based on an established useful life, so that the components, such as roofs, will be assigned a useful life and the sewer and so on. There will be a budget which projects the cost of the replacement within 30 years or 10 years, what ever it is. Then the board is required to maintain a reserve and those reserves will be established in the offering plan, so that homeowners and purchasers can review them. They will be required to be maintained by the Attorney General and will be maintained. The values in there are not established by the sponsor. The sponsor is required to hire an independent budget expert to come up with those numbers. So, if there were 200 squares of roofing, an independent budget expert would decide and get third party costs for the roof and replacement of those roofs. Those third party costs are established by bid and are printed bids where you get a quote from a company. This would also be done for grass cutting, snow plowing, insurance, and all components of that budget. Those letters would be in the form of bids and are attached to the offering plan materials that go to the Attorney General and certified by an independent budget expert. All of those issues are fully described and flushed out in the offering plan and are approved by the Attorney General.

Mr. Corl – Conceptually, it is a great plan. In the event that the properties don't sell, or things don't go as planned, the infrastructure is put in and the units don't sell, or they're just not constructed, because the market doesn't call for these type things, what will happen at that point? What would happen if there were a sewer break or the road needs repair and things of that nature? That is my long term concern. What will happen if the project doesn't fulfill as anticipated because there is no money in there because they haven't sold?

Rep. – Not selling, in the first instance is a different dynamic and play out and then years down the road having a sewer break. They are two very different things. They can be talked about at length, but, should be talked about separately. Let's talk about it in chronological order. Say the sponsor is approved by the board and gets his building permit and starts his construction. Until the offering plan is filed, with the Attorney General, you can't sell them or offer them for sale to the public. The board decides the parameter of the project and approves it, you give the approval and we finish the offering plan and the Attorney General approves it, then the sponsor can then start advertising in the newspaper and selling. That's when you know if it's going to sell or not. We could have had a market study where someone would predict if it will sell, but you still won't know until you start selling. What happens in a condominium format of ownership, it's all fee simple. There are only 13 interests in this project, so, there are 13 ownership interests and at the beginning on day one, the sponsor owns 13 of them. If he sells one, then he owns 12 and the new owner owns one. In order for the offering plan to become effective and to allow closing, you have to have a 15% minimum under contract of good faith purchasers anyways. 15% of 13 units would be like two units. You couldn't just sell one. So the first two would be under contract and sold, so the sponsor would own 11 and the homeowners would own two. It's fee simple. As opposed to some third party not for profit association, owning all of the common areas, which could have a problem and file bankruptcy and cause the sorts of problems you're thinking of, where nobody would be in charge and then the town would have to come in, all of it would be owned in fee simple by somebody. It's either the homeowners who have closed, so say, 10 have closed and three haven't, then the sponsors still own three. If one of those 13 owners or the sponsor fails financially, or files bankruptcy, the sponsor will have a 4 million dollar building loan or more on the thing and the bank will take it over and sell it to the next developer who is better capitalized. The fee ownership never goes away and there is never a time when nobody owns the land. There is never a time more importantly to your point, when the town owns the land, unless your town's jurisdiction is a foreclosing jurisdiction. In the worse case if the taxes weren't to get paid the county would foreclose as there would be the tax lien jurisdiction and they would sell it at a tax auction and

somebody else would buy it and then they'd own it. Whoever owns it is financially responsible. Its private property, but, I suppose the phone could ring at town hall and the owner could say the association didn't call a snowplow, so we want the town to come and plow the streets. I don't know if you would have the legal authority to plow the snow on somebody's private property. I know you couldn't come on my property to plow.

Ms. Boyke – That's correct.

Rep. – You'd have to check your list and you'd find it was private property so you wouldn't remove the snow, and the thirteen owners will have to figure it out and pay for it.

Ms. Boyke – We've pretty much discussed a lot of that. I have a couple of questions. The cost for one of these units is going to be what?

Rep.- Around \$400,000.00.

Ms. Boyke – What is the condominium fee.

Rep. – It will be a monthly fee and will be about \$350.00 a month per the current budget of which about \$286.00 is for the buildings and grounds and \$66.00 would be for the Marina.

Ms. Boyke stated as a Licensed Realtor she is well aware of what is selling and not selling in the Town of Cicero. She was involved with Harbour Village which is in Fisher Bay and they had four mini Parade of Homes and range from \$389,000.00 up to \$500,000.00. They set on the water and have their own private docks. They own property and it is on public infrastructure.

Rep. – It's a subdivision

Ms. Boyke – No, it is private single residential homes, with public sewer and water. With that, they're having a heck of a time because of the economy of today. When this whole project was set forth, it was at the peak of real estate and waterfront being a hot commodity. Since that time, they are really in trouble and those are the words that have been said to me. I am just amazed that in that specific area, which is a nice residential area, that you would put in 13 units that are going to be costing in the tune of \$500,000.00 a piece, that you guys are going to be in a lot of trouble to sell these.

Rep. – I think the level is \$400,000.00 which is still a lot of money and not \$500,000.00, but is there an association involved with the other project that you're referencing?

Ms. Boyke – It's a subdivision and it is not an association that has been formed, but, that doesn't mean that they can't form it.

Mr. Jennings – We all know in 2012 we're losing about \$600,000.00, will this project as a condominium receive major tax breaks and will we benefit anything?

Brad Brennan – It's not a tax break that they will received, but, the approach we have to do in an assessment may result in an assessment less than the purchase price. Until we see the project and I sit down and do that work, I can't tell you exactly what it would be.

Mr. Jennings – We could lose some money there.

Brad Brennan – The tax base will not be enriched by the full value, that's really what it will come down to. There is no credit that we will be giving them, it's just the approach.

Response - Inaudible

Mr. Corl - I don't think that's a consideration for this board. It shouldn't be relative to this particular project.

Rep. asked Ms. Boyke if they finished speaking about her examples.

Ms. Boyke – I just wanted to make a statement because of my position and having access to this information. The price range amazes me.

Mark Omarzakis stated that he was familiar with the project the supervisor was speaking about. A developer came in and subdivided the lots and built some infrastructure and build two or three model homes. They aren't selling and I want the record to reflect that they're not selling because there is no sewer to the site. There is no sewer whatsoever.

Ms. Boyke – It's a septic system that has been approved with an aerobic septic system. This was one of the problems because sewers were promised to that area and unfortunately, they have not made it there. You are correct.

Mark Omarzakis – The Developer went in with the idea sewers were going to be brought to the site. They were not and as I understand it, there has been some contemplation of adding some septic, but, that hasn't occurred yet. That's the reason those lots are not selling and I want that made clear.

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

Proposed Notice of Public Hearing: Town of Cicero PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 25th day of May, 2011 at 7:00 P.M. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero New York to consider the Following: A local law approving a Planned Unit Development District for the Landings at Maple Bay Condominiums. The extent of the amendment will be reviewed by the Town Board at the Public Hearing. This local law will be available for review at the Town Clerk's Office.

The public hearing was opened at 8:06 p.m.

Speaking for:

Ms. Gardner stated she was in favor.

Speaking against:

Les Cooper, Cicero NY stated he was opposed to this project for a number of reasons, but, first of all to set the record straight, these gas tanks were pulled out of the ground by Land Corporation, which I believe is one of the partners who have something to do with the new project. He was caught by the DEC and that's when the spilled unit came in at which time they were fined. There is still contamination there and when you go to start moving dirt in there, it's going to come up. I watch the Marina, and there is yellow ice as there is contamination over there. The pipes are still in it. The gas tank was pulled out, but, the pipes were left. Something is wrong here. I urge the board to look at this unit. Our School Board is on a contingency and our assessments are 100%, so are we really going to give anyone a tax break? I'm paying 100% so should everyone else.

Ray Shader stated he was opposed due to the assessment reduction. Everyone else pays 100% in the town and all of a sudden they're going to build 13 units down there at 50%. I'm against any condominiums in the Town of Cicero, because of the assessment deal that they have.

The hearing was closed at 8:10 p.m.

Board Comments:

Mr. Conway – I just do not want to see the Town get stuck with the sewers, water and road. I feel that this is not our responsibility to cover this if something happens and this

could be very expensive to the town. I don't feel we should take over someone else's problems in the future.

Mr. Jennings – Does this type of development conform to the Master Plan?

Mr. Conway explained that he worked on the Master Plan but that he has not seen it in at least 8 years and couldn't remember what is in there. He requested that this be deferred so that the original Master Plan can be looked at that was put together 10 – 12 years ago.

Hal Romans stated that this was brought up at the Planning Board. Mark Parrish, who is the Engineer for the Planning Board supplied comments stating that it did follow it because the old public marina property that was there, is an existing non-conforming use. The Master Plan says that this board should look to bringing the non-conforming uses into more compliance with the surrounding uses. It's a residential PUD, so it makes sense that something like this could occur. The Planning Board actually asked about this and it should be in the meeting minutes about that.

Mr. Corl stated that he still has outstanding concerns about the liability issue to the town and this particular project and that's his main issue. He expressed that he was appreciative of the explanation provided earlier and was interested in seeing more documentation on this project.

Ms. Zambrano explained that she wanted to add that there is a lot of unanswered questions and she would like to pursue this and get additional documentation.

Mr. Rivizzigno stated that he would like to look into the SEQR question a little more closely as he wasn't sure that we have received anything regarding SEQR on this. I know that we were not the Lead Agency and assume the Planning Board was, but, I'd like to see what they've done on that to make sure we've covered our bases. As the board knows, you don't have to make a decision tonight.

Ms. Boyke – Correct and that was going to be my comment as well. It's obvious that we still have questions and concerns.

Mr. Rivizzigno – Do you want to close the public hearing.

Ms. Boyke – Yes, I believe I did.

Tracy Cosilmon – You did at 8:10 p.m.

Rep. If we close the hearing we're tabling it for further information and documentation the sponsor would be happy to supply whatever you need, but, the way we're leaving it here, we don't know what that is.

Ms. Boyke – Let us proceed with this and then I'll have the attorney speak to that for us.

Mr. Corl – The SEQR issue is going to be looked into and if you could potentially look at having a discussion regarding the liability and providing your thoughts on that, Tony.

Tony Rivizzigno - Okay

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to **DEFER** this for further discussion and investigation.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

2010-2011 NYSDEC PHASE II MS4 ANNUAL REPORT

Doug Wickman a representative from C & S Engineers gave the following report:

Each year the Town needs to submit a report to the NYSDEC describing what efforts have been made relative to water quality. Efforts during the past reporting year included informing the public of the importance of water quality and encouraging public involvement, eliminating discharges that contaminate the environment, construction and storm water runoff control, storm water management after construction, pollution prevention efforts that are made by the Town. Copies of this report will be available in the rear of the room and this report will be maintained in the Town Clerk's office. This report needs to be submitted by June 1st. and will require the signature of the Supervisor. If appropriate, I would ask for board approval for the Supervisor to execute this report, so that we can get it submitted.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize the Supervisor to execute the 2010-2011 NYSDES PHASE II MS4 annual report, so that it can be submitted.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

I.T. ADVISORY COMMITTEE REPORT

John Winters gave the following summary. The committee consists of 3 people being Kevin Coyne, David Kirk and myself and we have met 3 times. The plan was to get a handle on where the IT is in the Town currently and to develop plans for the future of where we need to go. We have put an RFP out for support and received responses from three vendors and Computer Outlet was the lowest bidder. They are now providing great fix support for the Town. We are looking at realigning the network and the server operation based on issues that we have had and issues that we as a committee feel are something that could be a problem for the future. We need to have a better server environment. Right now it's a closet in the Policy Department and because it's in a secured environment, the service people can't get to it unless the Police are there and there is no place for them to work as it is literally a closet. There is also no room for a table and it is disruptive to the Police when they are there. Our recommendation is that the room next to the server could be used for that purpose and it would require some remodeling, such as outside entrance to the room so that we are not dependant on the presence of a police person to escort people to the server. Also a redesign of the network potentially is a possibility for the future.

Board comments

Ms. Zambrano stated that it seems that we need to move forward to get space for the server. Does everyone agree on your recommendation, John?

Mr. Winters stated that there were agreements within the committee.

Ms. Boyke asked if we have proposals from Computer Outlet in regards to this that the committee needs to look at.

Mr. Winter – No, one proposal is for hardware and software inventory.

Mr. Jennings asked if Department Heads have been interviewed to discuss the hardware and software.

Mr. Winters – We need to know this level setting.

Ms. Zambrano – I thought all of those interviews have been done.

Mr. Winters - Not, to my knowledge.

Mr. Corl asked if Police Chief Snell has been consulted relative to the issue that Jessica brought up about the usage of this additional area.

Ms. Boyke – I have spoken with Joe.

Chief Snell – I heard at one time, a 30 second conversation regarding the area adjacent to where the closet is. I'm opposed to that, as it currently an office to interview suspects, witnesses etc. The area I had recommended was back by the furnace area and there is a door that I showed to Mike Frasier and his technicians and I said that has electronic entry into that. All we'd have to do is put in a more secure door that goes from the furnace room into the main area and then they'd have that whole area to themselves and could go in and out as they please.

Ms. Boyke – That was our last discussion.

Chief Snell offered to show John the furnace room to see if it's acceptable or not. That would also save money for renovations.

John Winters – The policies and regulations for IT and internet acceptable use have been drafted and I believe they have gone to the board for review and I would strongly recommend that you implement those based on the experience we had a year and a half ago.

Ms. Zambrano stated that there was a lot in the report and we're at mid year in 2011 and we have to move forward on this.

Motion was made by Ms. Zambrano, seconded by Ms. Boyke, to make a decision on the server location and to consider the policies and procedures that were submitted months ago for implementation on computer use by the next Town Board Meeting.

The motion was approved as follows:

Mr. Conway: Yes

Mr. Corl: No, I don't think we could potentially take a vote by the next meeting.

Discussion:

Ms. Zambrano stated this was also to establish a server area and the server issue has been discussed a great deal and it is now the end of May and we need to move.

Mr. Corl – Are you going to come back at the next meeting to talk about that. Are you going to talk to Chief Snell about that?

John Winters – Certainly

Chief Snell – I agree with Ms. Zambrano and I've been very concerned about a catastrophic event with the old server we have. I think it is time that we do move forward doing something, to avoid that happening.

Ms. Zambrano – You're willing to work together with the committee so we have a recommendation?

Chief Snell – I always have been.

Mr. Jennings – I need clarification of what the motion was.

Ms. Zambrano restated the motion that was on the floor: The motion was to make a decision on the server location and to consider the policies and procedures that were submitted months ago for implementation.

Mr. Jennings: Yes
 Ms. Zambrano: Yes
 Ms. Boyke: Yes

Discussion:

Ms. Zambrano stated that there are two proposals for Computer Outlet.

Ms. Boyke – Those are at the Committee level for review.

Mr. Jennings – John, we have dated May 11, 2011 from Computer Outlet two proposals. One is an estimate to inventory the process which will take between 10 and 20 hours, not to exceed \$2,500.00 and an estimate to interview, process to take between 10 and 15 hours, not to exceed \$2,000.00. Now, if we're looking for a room, would it not make sense that we act on this, so Mike Frasier could at least start doing what he wants to do?

Ms. Boyke asked John if those were in review.

John Winters explained that those two proposals have not been reviewed by the committee and I can not speak as an individual for the committee.

Mr. Jennings – They'll review this as well.

Mr. Winters – My goal is for you to act on everything you have in front of you at the next meeting.

Mr. Jennings – Thank you.

**APPROVAL TO RELEASE PARTIAL SECURITIES FOR
 WALLINGTON MEADOWS SECTION NO. 7**

James Fensken of Bryant Associates, the alternate Town Engineer for the Town of Cicero and we are overseeing this project. I would like to give to the board some background information for their consideration regarding the reduction of some erosion and sediment securities for Wallington Meadows Section 7 project. In August of 2010, the erosion and siltation agreement was signed and the developer, Combat Construction put up \$50,000.00 as security for the agreement. They have since progressed the site and have a few things to finish up. They are looking to build homes there shortly. One of the provisions in that erosion and siltation agreement is that from time to time the developer may apply for partial release of those funds and they have to apply to the Town for those funds. They have made a request for a reduction of the \$50,000.00. I've been monitoring the site this year once the snow cover was gone bi-weekly. In a letter my company submitted on May 8th, we recommended that reduction in the amount of \$35,000.00 may be eligible for release and the amount of \$15,000.00 should be retained until the project is completed.

Ms. Boyke stated that Steve Procopio from the Codes Office also went out and walked around and verified exactly what you said and agrees that it would be appropriate to release the funds.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize release of a partial amount of Securities in the amount of \$35,000.00 for Wallington Meadows, Section No. 7 to Combat Construction.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

DISCUSSION ON EAST CIRCLE DRIVE – DARLENE’S CREEK

Discussion:

Jim Morrissey stated he would answer any questions the board may have regarding East Circle Drive and would give a summary of the project that includes Federal and State Funding. Since that time, there was a question as to how the project was initiated and it was cleared up by the previous engineer who had applied for a Grant. Since we got together the application and the in depth data that has been provided which confirms all of the information within the State Transportation Improvement Project which confirms the information we shared with you. The next step if you were to consider moving forward with the project is to apply by letter to the NYS Department of Transportation, in the form of a request for a master agreement. I talked on that briefly in the presentation and that would initiate the DOT, obligating funds for the preliminary design, the final design and incidentals. Once that step is completed you would select an engineer to proceed with the initial preliminary design and phase of the project.

Ms. Boyke – It is my understanding tonight that we’re approving to go forward with the process. Is that correct?

Jim Morrissey – Yes

Tony Rivizzigno – If the board approves to request the Master Agreement, the DOT will provide the Master Agreement and coincidentally, I was with Doug Mills, today, of the DOT and he suggested that we get started with this process as quickly as possible, so that we can have the funds set aside. At the meeting the other day, Jim indicated that there is no commitment by the town to do anything, but, you can’t do anything until you start the process. All this is doing is starting the process and once the Master Agreement comes in, we’ll see the numbers. Jim also indicated and there is no guarantee, but if the numbers were higher than what we anticipated, that there may be other projects from us to kind of steal from to get the money to complete our project, but initially, he said we should get this process started.

Mr. Corl - Did you ask him to take that full responsibility? From Route 11 up to four feet short of that culvert is State owned. It just so happens they’re saying we own it.

Tony Rivizzigno – That was an issue when the application was made.

Mr. Corl – It was.

Tony Rivizzigno – The good thing is from the time O’Brien & Gere made the application there was a 20% match by the town. It is now down to 5%.

James Morrissey – You’re talking about Marchiselli money and it’s true, so that this is spelled out in the Master Agreement, by the State to match or at least to provide additional funds from the State to reduce your 20% local share to 5%. This is for the preliminary design and phases and is not guaranteed yet for the construction phase.

Mr. Conway – That was 5%?

James Morrissey – 5% would be the town’s responsibility for the preliminary phases. Normally these projects are funded and the sponsors, being the towns, accept these projects at a 20% level. It is very common to see that. Marchiselli money is stretched to a

point where it usually runs out and it could be because the project has been delayed. I really don't know why the Marchiselli was applied. It is a big project for the town, but a small project for the State to support by doing that. It's a hunch, but, I feel that's how this evolved.

Mr. Corl – It's not an acknowledgement that they own that?

James Morrissey stated that the local share will be 5% for the design phase and it may or may not be the same for construction. We would also advocate Marchiselli for the construction phase and the larger portion of the project is traditionally construction and was originally developed to reduce the burden to the sponsors for the larger cost of construction. There is a benefit to the town because you have to apply for the design also.

Ms. Zambrano asked Tony if we have to get a response from the Master Agreement before we designate an engineering firm.

Tony Rivizzigno – You can do things at the same time. We can apply for the letter and you can also go through the process that Doug had outlined before, which is to send letters out to 14 engineering firms, asking for their interest. So, we can do that at the same time and won't have to wait for the letter.

Motion was made by Ms. Zambrano, seconded by **NO SECOND**, to start the process on East Circle Drive, with the NYS DOT and send out letters to engineers able to work on this project to see if they have any interest in the project that must be off of the list of the 14 pre-qualified by the County Highway Superintendents Conference from Region 3.

Discussion:

Ms. Zambrano – Some of these are out of town.

Jim Morrissey - There are some, but, some are not.

Ms. Zambrano – I'd like to limit the list to the county.

Jim Morrissey – The process is such, if the town did not review the 14 applications or experiences that the engineers had submitted to the County Highway Superintendents, for a three year term, and if you did not review that, which I don't think you did, you are supposed to. You are supposed to have a committee and make good reasoning behind your decision and you could be challenged on that if you decide without going through the process, you could be challenged in many ways. Being your seconded Federal project, I would think you would want to follow the process.

Ms. Zambrano – Thank you Jim, I withdraw my statement to limit it to those in Onondaga County and to send it to 14.

Tony Rivizzigno suggested the resolution be read.

Ms. Boyke read the following resolution and the motion was restated as follows:

Motion was made by Ms. Boyke, seconded by **NO SECOND**, to adopt a resolution that East Circle Drive over Darlene Brook, as follows:

WHEREAS the Town of Cicero, has prepared and submitted a 2006 initial project proposal to the Syracuse Metropolitan Transportation Council for funding and rehabilitation, replacement of triple 84 inch pipe culverts under East Circle Drive at Darlene's Brook that is considered by NY State DOT as a bridge due to the combined spans of the three culverts exceeds 20 feet and recognized as bridge identification number 2268400.

WHEREAS the NY State DOT has listed the project on the current statewide transportation improvement program as project identification number 375471, listing the Town of Cicero as the sponsor at a total project cost of \$410,000.00 that is eligible for reimbursement under the Federal and State Transportation Program.

BE IT RESOLVED TO authorize the town to prepare a letter requesting NY State DOT prepare a Master Agreement between them and request NY State DOT commitment to funding the \$410,000.00 that includes \$75,000.00 for scoping, preliminary design, design and right of way incidentals that are estimated to be reimbursable to the town at 80% Federal, 15% State and 5% Local Town responsibility.

BE IT RESOLVED to authorize C&S Engineering, Inc., to prepare an expression of interest for the Town to send a list of 14 engineering firms that are pre-qualified by the Statewide, County Highway Superintendents Organization and requesting professional qualifications of interest of firms to perform engineering and inspection services for the rehabilitation replacement of triple 84 inch pipe culverts under East Circle Drive at Darlene's Brook.

Discussion:

Mr. Conway – We never went up to Route 11 with the rest of Circle Drive. Will the State finish the blacktop from where the culverts are going in up to Route 11, because, that's still State Highway?

Jim Morrissey explained that he was out there recently and there is a short distance between the culverts and where the State left off their paving and would estimate that it is probably less than 50 feet. If the project ends up to be a slip line where we do no work on the pavement and we're not doing any paving work, then, I'd say it's somewhat unlikely. However, I'd also say that if that's the interest by the Town, and you raised this question, last time, that you purposely did not pave over those culverts in anticipation of open cutting and replacing culverts and if the funds are available within this existing Grant, I think the town could advocate quite heavily that you would like this pavement to be part of this project and this will all depend on the balance of the funds.

Ms. Boyke – That can be included after the process is initiated.

Jim Morrissey – Yes, that's the final design and coordination with Doug Mills their, liaison. It is eligible, but, depends on many factors.

Shirlie Stuart – I want to make sure that you understand that this was 2006 in the amount of \$410,000.00. So, that number could change and could double. I just want you to understand that.

Ms. Boyke – By going forward with this project, we will find that out at that point then make the decision from there. Thank you for bringing that up Shirlie.

Ms. Zambrano – The Resolution says it wants them to commit to \$410,000.00.

Shirlie Stuart – It says the project cost is \$410,000.00 and the total cost of the project is \$410,000.00 and that's true. It's exactly, what the State said in 2006.

Ms. Zambrano – The point is it could be more than that.

Shirlie Stuart – I don't want this to be misleading.

Ms. Boyke – If it comes back as more, then obviously, it will have to be readdressed. I made the resolution.

The motion was **SECONDED** by Ms. Zambrano

The resolution was adopted as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

USER AGREEMENT BETWEEN FRIENDS OF CANTEEN INC. AND TOWN

Tony Rivizzigno, speaking for Jody Rogers explained that approval was needed from the board for the Supervisor to execute a Usage Agreement for the CanTeen between Friends of the CanTeen, Inc. and Town of Cicero Youth Bureau, Parks & Recreation, which comes out of the Grant money for snow plowing and grass cutting, etc.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize the Supervisor to execute a Usage Agreement for the CanTeen between Friends of the CanTeen, Inc. and Town of Cicero Youth Bureau, Parks & Recreation.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

HIGHWAY PURCHASES Asphalt paving and materials

Motion was made by Mr. Corl, seconded by Mr. Jennings, to authorize an expenditure of \$400,000.00 to Barrett Paving and Materials for asphalt top and binder through State Bid, a budgeted item, Account Code DB5112.55.

Discussion:

Ms. Zambrano read an agreement from the law, which stated there is an agreement between the Town Highway Superintendent and the Town Board that the majority of the Town Board Members will sign on to a road repair plan. You and I talked about this before and I would like to see something.

Chris Woznica – I do have a list, didn't you get it.

Ms. Zambrano – I have this list, but, I don't consider it a formal agreement. So, I'm looking for a more formal process. I think we need this information sooner than now.

Chris Woznica – Other than, you could fill in the blanks those are the roads we're planning on doing. I could get more formal, but, in my line of business, I come up with a list of those and give them to you.

Ms. Zambrano – I think you should put it on your letterhead.

Chris Woznica – I can do that.

Ms. Zambrano – Thank you

Ms. Boyke – These are recommended and are based on of the most critical.

Chris Woznica – It is a very preliminary list and these are the roads I’m going to start with. If we have money left over we’ll continue on and I’ll give you a new list of roads, but these are the ones we’ll be starting with for this year.

Ms. Boyke read the list of possible roads to be paved this year. 2011

(train)

Crabtree Lane (approx. 740’)

New St. (approx. 1010’)

Factory St. (approx. 740’)

Lawton Rd. (1584’)

Tartan Rd. N. & S. (approx. 2, 218’)

Welland Lane (approx. 898’)

If any remaining time and or money:

(overlay)

Mudmill Rd. (approx. 5280’)

Muskrat Bay Rd. (7233’)

Continuation of the vote:

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Corl: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Ms. Boyke: Yes

Milling, tack, operators and Equipment

Motion was made by Mr. Conway, seconded by Mr. Corl, to authorize an expenditure of \$100,000.00 to Lan-Co Paving to purchase milling, tack, material and the use of their Operators, Account Code DB5112.55.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Corl: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Ms. Boyke: Yes

Train Crew

Chris Woznica explained that they may not spend half of the money he is requesting for Suit-kote and we can always close the PO out at a lesser amount. I want to get the full amount out, or if we need more money in asphalt and less for the Train Crew we can close the PO out and I’ll come to the board with another number. Don’t think we’re going to spend \$100,000.00 for Suit-Kote or \$100,000.00 to Lan Co. These are rough figures depending on how much paving we get done.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an expenditure of \$100,000.00 to Suit-Kote, for the use of a train and crew, Account Code DB5112.55.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Corl: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Ms. Boyke: Yes

PUBLIC INPUT

Resident complained that Vernon Road South was not on Chris's list. I've been asking for two years. Also, Mr. Conway shared with me that he checked out a couple of the decrepit buildings I had discussed. I'd like to know what he found out and what the next step is.

Mr. Conway stated that he spoke with Widewaters today and their going to get back to him tomorrow on the Sportspace. The building is rotted and it should come down. The one on Thompson Road other than having a lot of shrubs growing around it, there's, no broken windows or doors and the roof is good and the grass is cut.

Resident – There was a building between Sun Chevrolet and Niagara Car Wash.

Mr. Conway – That's the old Cady Brothers Building, which was an old gas station. Evidently, they pulled out the old gas tank 8 or 10 years ago. I don't know what we're going to do about that. You have to remember, to take and condemn a building, you have to have a life safety incident. In other words, you have to have a call there. You can't just go in on private property and condemn it. The only way a Fire Chief can go in to get a building taken down is that you must have a life safety call.

Resident – So, we're out of luck on that one until I go over there and make a call. Also a few meetings ago there was some discussion that the Department Heads were going to review the policy and procedures for IT. Has that been done?

Ms. Boyke – That was done, data was collected and was turned over to the advisory committee.

Resident – I'm going to make the assumption that some type of policies and procedures will be implemented.

Ms. Boyke – Yes

Resident – Can you tell us, who will be the designated IT Person, responsible to be sure each employee complies to these policies and procedures?

Ms. Boyke – We have not done that yet.

Resident – You will be designating someone I trust.

Ms. Boyke – Absolutely

Roy Mallette stated he was concerned about information going out to people before meetings. No one knows anything about the public hearings unless they look in the papers or the town hall. I think more information should be on the agenda to tell them about it. You had an IT discussion and people don't know what you're talking about. There was an article in the Star Review that he read. He was concerned about the Assessors salary.

Mr. Corl stated that Mr. Brennan's salary is \$46,000.00 plus benefits which would bring him up to \$64,000.00 to \$65,000.00, somewhere in that area. He shares his time between both municipalities and if you were to take a full time Assessor in that office, you would probably pay on the lower end of things in the amount of \$65,000.00 to \$67,000.00.

Mr. Mallette didn't agree.

Mr. Corl – It's very hard to find a qualified Assessor. You're looking at the mid 60's plus all those benefits. You're up to the 90's with the benefits you pay.

Mr. Mallette asked if anyone had looked at the article and stated that we're paying over \$128,000.00 with benefits, training and clothing allowances, which is a lot of money.

Mr. Corl – We're looking at it from the Town of Cicero's perspective as to what Mr. Brennan costs us.

Mr. Mallette stated the town is in financial crisis. He also got his assessment and it went from \$240,000 to \$300,000 and his attorney talked with them and they reduced it back to 270,000 because that is what the court ordered. I have sewer districts that are unlawful and illegal.

Tom Beaulieu complimented Judy Boyke and Tracy Cosilmon on how wonderful the outside of the building looks with the bunting and flowers. It's refreshing to see this and assume it's for Memorial Day and for the 4th of July. He also commented on the new dog licenses that are shaped like a bone that have the Town Clerk's number on them. He wondered what happens after hours.

Tracy Cosilmon explained that we have the capability to check in to our answering machine to get messages and can do that from home.

Tom Beaulieu stated that he spoke with Mark Marzullo, briefly about Maple Landings and being a PUD and the Town Board would be the Lead Agency and not the Planning Board because the Town Board would have final approval. They only bring the site plan in for your final acceptance, so they couldn't be your Lead Agency, nor could the County, even though the county has a road that intersects down at Lakeshore and South Bay. Tom was also pleased to see that Mud Mill Rd., might get some resurfacing this year. The County section of that road is in very nice condition and is good for bicycling. The towns section is a little rough.

Ms. Boyke – Chris has been very adamant in doing the surveying of the roads and you're correct.

Tom Beaulieu stated that it's a connector road and the neighborhood roads need a lot of attention. He was down on Farm Gate and Catspaw and if the Town Engineers went out there and cored the pavements, you could tell by the way the top is unraveling that the top course couldn't have been anymore than a half inch and doesn't meet the town's specifications. It's a wonder the road has held up as long as it has. The Greens has been there 20 years or more and any road that last 15 years here and haven't broken up, you've gotten their life out of them. I used to live on Diffin Road and that's also falling apart. My other comment is relative to the cluster development. I think that's a great concept for the town, but, whether people want to move into that kind of community because the homes will be much closer needs to be seen. If anyone is interested there is a development in Camillus up on the hill that is basically an urban type setting. It took a while to sell that. I was chagrined that someone from County Planning didn't have the knowledge of how that cluster development would work and that you wouldn't be putting green areas under high power lines or in the wetlands.

Don Snyder asked if we're going to pull the Bridgeport Police Substation and have the utilities been taken out of it.

Chief Snell – I don't believe we have had any discussion on it.

Don Snyder – I think we should discuss it. Also, one of the earlier discussions was about grant money. Nothing makes my blood boil quicker, then when someone talks about grant money because grant money isn't free. If you ever look when someone is talking about grant money and you look around the room, you find out, you're the only person in the room. What we did was take money from one pocket and put it in the other. Jody does a great job, but, all the grant money she gets does not pay for her total budget. Every time I turn around, I heard someone else say we're covering it with grant money.

Ms. Boyke stated that we're getting some of that money back in some form or another. Whether we can weigh it or not, is beside the point. It's better than giving it to somebody else.

Board Comments

Ms. Zambrano stated that she had a complaint regarding noise, from the people that live around WalMart and I am wondering if anyone has spoken with the WalMart Management.

Chief Snell stated they had two complaints in one evening and this was not related to the machine that cleans the parking lot, but was related to WalMart doing electrical contracting and another contractor in there, making noise with a jackhammer at 9:30 to 10:00 p.m. at night. We reminded them of the Noise Ordinance and they said they didn't know anything about it, but, they would cease. The complainant requested a deposition, but didn't desire to give us a deposition at that time, so we weren't able to cite the violators. Again, this is an issue that needs to be taken up with WalMart, due to the fact that they do not seem to be acting as a good neighbor and they haven't for a couple of years.

Ms. Zambrano - We have a new Noise Ordinance.

Chief Snell - Yes we do and it requires that we get a deposition complaint. If we receive a complaint, you have to get a signed statement from the complainant because the Officer can't testify or attest to the fact that this disrupted their peace, so we have to get that from the complainant.

Ms. Zambrano asked if a squad car goes out when there is a complaint, if they needed the statement right then.

Chief Snell - Yes, that's the best time to get it from them, but, we can go back later and get it. WalMart has been an issue for several years and needs to be addressed.

Ms. Boyke asked the town attorney what the procedure would be. Would we send a letter? What should we do?

Tony Rivizzigno – Certainly, there is no harm in sending a letter to their management or even sitting down with them and explaining that there have been a lot of violations and that we expect it to stop, or they're going to be cited for them. I think they've appeared before, but, there is no reason not to call them again.

Ms. Zambrano asked the Town Attorney if he could send a letter with a copy of the new Noise Ordinance.

Tony Rivizzigno asked if there have been any other things other than noise that is relative to WalMart.

Ms. Boyke – It's been more about noise, the jackhammers, leaf blowing, the contractors, beepers on trucks backing up which are all noise related.

Tony Rivizzigno stated that he could send them a letter and the Noise Ordinance and tell them, that we expect it to cease.

Ms. Zambrano – Joe is right, this has been going on for a long time.

Ms. Boyke – I did follow up with a phone call and talked to Jody Hoover on her request to discuss it, which I did. I told her, it required a signed complaint.

Chief Snell – My concern is, if WalMart is hiring these contractors, and we're citing the contractors who are being told by WalMart, to do that at that time of the night, we're citing the wrong person.

Ms. Boyke – Exactly

Ms. Zambrano – That is why we need to go to the WalMart Management, they are the ones who should be responsible.

Ms. Zambrano stated that we were also supposed to get a report on Cobblestone. I have passed out a copy of my note to Wayne Dean from April 2010 about the issues that were identified at that time. I was lucky enough to have one of the residents remind me of this and give me a copy. I want it put on the record that Cobblestone has been brought up before and also needs to be addressed.

Mr. Corl – I think we received an e-mail from Steve, today.

Ms. Boyke stated that both she and Steve are working on this. It was received on Tuesday, May 24th. Ms. Boyke read the following: I just wanted to update you and the Board Members on the concerns brought up by the neighbors adjacent to the maintenance area of Cobblestone Apartments. I met the Manager of the apartments Deanna Johnston, today, and she is aware of the concerns and is in the process of addressing them. Cobblestone has a contract with Butler Fence Company who installs screening slats in the chain link to obscure the contents of the area. The mattresses, furniture are the undesired result of managing of approximately 400 apartments. The items are abandoned by tenants and illegally dumped by others, not associated with the complex. Their trash hauler no longer allows these items in the scheduled trash collection. They are required to collect them until they have enough for a separate pickup. The current contents should be gone soon as there is nearly enough for a full load. Some months have little or none of this type of material while others have more. Cobblestone is trying to address this matter with the tenants as they do not want to incur the additional work and expense. The concrete left over from the replacement of the patios last year is going to be used this season to fill in the pool. A contractor is slated to do this work and Ms. Johnston is awaiting his arrival. There was some question regarding the fence behind the maintenance garage. In talking with Ms. Johnston, the fence does not belong to Cobblestone. This was signed by Steve Procopio.

Ms. Zambrano asked if anyone knew who the fence belonged to.

Ms. Boyke – We didn't get that far, this just came yesterday.

Inaudible question

Ms. Boyke – The property owners adjacent to Cobblestone.

Inaudible question

Ms. Zambrano stated that she told her a year ago that the concrete blocks would be dealt with, so I'm just saying, there's a little bit of a credibility issue there.

Ms. Boyke - We have it documented and we will follow up.

Mr. Conway explained that at Monday's Drainage Committee Meeting they discussed the maintenance money that was put in for this year, which we've never done before. There is tree in Vollmer Creek and we want to see if we can use the maintenance money to have the tree taken out of the creek as it will plug up Vollmer Creek if left there. It has never been discussed as to how we would use the maintenance money, but, this is something that is a maintenance problem.

Doug Wickman - I think the discussion was about having a contract set up on time and materials that would be just for maintenance. Our firm has already been authorized to put that contract together, but, there was some concern about having a contract on time and materials involving both maintenance and improvements. So, what Vern suggested at that meeting was to have a contract for maintenance and not improvements, but, that improvements be done on a per individual basis and in a bunch.

Mr. Conway – That's the way we had set it up. You would have a bunch, for expensive jobs.

Doug Wickman – Right

Mr. Conway – We have the maintenance contract for going in, where you would have one problem.

Doug Wickman - Right and it would be done on time and materials. It is very difficult to predict and you don't want to be waiting months for a contract to be put out specifically for dealing with those. I thought that was a good suggestion and I actually did go down and sit with Wayne and talked to him about this and he thought it would be a reasonable thing to do, to differentiate between the maintenance items and the improvements.

Mr. Conway – We felt we would not do any digging. This would be clearing and not putting in drain pipes etc., under the maintenance.

Doug Wickman - I thought it would be brush and tree removal and maybe some re-grading in some locations, where that was felt to be appropriate, but, no improvements such as sewers, underdrains or catch basins.

Ed Zaleski asked why the Highway Department isn't used for this.

Mr. Conway – This is off road and you have on road and off road situations and if you don't have easements, you're not going to get in there anyways, because it's private property.

Ed Zaleski – The people in that area want that drained.

Ms. Boyke – That's the purpose.

Mr. Conway – You have to remember, a tree laying in a brook stops the flow and then you get build up and then you have to go in and dig.

Mr. Corl stated that he knew Doug had gone out there.

Doug stated that there are a number of locations, but, this is the one that was discussed at Monday's Meeting. They also walked Vollmer Creek and there are locations that have debris along sections of the Creek that would apply to the same thing where you would have a contractor go in and remove all that debris. There are other locations that would benefit from this by doing some re-grading, but, those will all be discussed with the Drainage Committee. What is a little variation is differentiating between maintenance and improvements.

Ms. Zambranao – The work on Vollmer Creek is all party to maintenance?

Doug Wickman – The brush removal is maintenance, but, there is also a couple of large trees on Vollmer Creek that should probably be removed, that would also be maintenance. There are banks that are very steep that we've been having discussions about, that should be improved by re-grading those and putting something along those banks to stabilize them. In my mind, that's an improvement and would require a contractor.

Mr. Corl – We need to take care of our maintenance issues first.

Doug – That would be the higher priority.

Mr. Corl – Absolutely.

Mr. Corl asked Vern if he was going to bring those to the board, or where are we on that?

Doug Wickman – Earlier in the year, the board approved a contract for our firm to put specs together to put bids out for maintenance items, which wasn't differentiated between improvements and maintenance. It was just called maintenance. We didn't finish it, because of this concern about identifying various improvement projects. What Vern is

suggesting, is having that time and materials contract and just doing maintenance with it and bring it to the board with other bundles of projects that would be improvements.

Shirlie Stuart – Will you separate the budget?

Doug Wickman – No, it’s all the same budget, we’re just separating what we’re doing.

Shirlie Stuart – I know it’s the same budget, but, you’d have two different things going on.

Mr. Conway – We’d have one amount for one and one amount for the other.

Ms. Zambrano – We increased it by \$100,000.00 just for maintenance.

Shirlie Stuarts comments inaudible.

Mr. Corl -When will the potential maintenance issues that Vern is bringing up, be addressed?

Doug Wickman – The process would involve, if the board agrees, going out for bids for time and materials and having that contract in place and then using the contractor at the Drainage Committee’s direction to go out and do the brush and tree removals and re-grading in some locations if the committee agrees in accordance with that contract. None of that would be separately identified or priced out, but the improvements would be. The Board is going to approve the contract and separate from that would be improvements that would be identified and cost estimates would be presented and would be a separate bid.

Mr. Corl – I understand but, want to make sure Vern’s concerns are addressed on the maintenance stuff, so that there are no potential problems.

Ms. Boyke – The Drainage Committee meets every Monday morning prior to a board meeting.

Mr. Jennings told everyone to enjoy the holiday and drive carefully.

Ms. Boyke stated that he would see Ed after the Parade and hoped everyone will enjoy their nice long weekend.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn the Town Board Meeting.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Corl: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Ms. Boyke: Yes

There being no further business before the board, the meeting was adjourned at 9:30 p.m.

Tracy M. Cosilmon
Town Clerk

