

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, March 27, 2013 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
Tim Burtis, Councilor

Others Present: Tracy Cosilmon, Town Clerk
Christopher Woznica, Highway
Robert Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer

Absent: Joseph Snell, Police Chief

Supervisor Corl 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 silence your cell phones and if you can not hear the discussion amongst the board members please indicate so and they can make any necessary modifications.

The meeting was opened at 6:30 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 harms way.

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

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes- 0. *Motion carried.*

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the March 13, 2013 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

Ayes- 4 and Noes – 0. Abstained – 1 Councilor Burtis
Motion carried.

REQUEST THE STATE OF NEW YORK TO PASS BILL NUMBER S.2673/A.587 –
ENCOURAGING THE STATE OF NEW YORK TO CREATE A CENTRAL VETERAN'S
WEBSITE AND TO PASS BILL NUMBER S.553/A.2174 – PROVIDING TAX EXEMPTIONS
FOR THOSE SERVING IN THE NATIONAL GUARD AND RESERVISTS

Supervisor Corl stated that at the last town board meeting Bill Meyer was present and he had pointed out that there were two important bills that New York State was passing to help veterans within our state.

One of the bills is to create a Veteran's website, which the Town of Cicero has compiled some information on (it can be viewed on the Town's website). But, what they are looking to do is create a more state-wide, comprehensive website, so the Town has a proposed resolution to support and encourage the state to do that.

Secondly, there is pending legislation to provide tax exemptions for those serving in the National Guard and the Town has a proposed resolution to encourage or help the state along so that they will pass them in a timely manner.

Councilor Jennings moved the adoption of a resolution to approve the following:

REQUESTING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT S.2673/A.587 RELATED TO PROVIDING VETERANS WITH INFORMATION REGARDING VARIOUS HEALTH AND SUPPORT RESOURCES THROUGH A STATE-SPONSORED INTERNET WEBSITE

WHEREAS, Veterans returning from service may require and benefit from a variety of governmental health and support resources, including those resources available to assist Veterans experiencing problems and special needs related to mental health, substance abuse, and physical disabilities; and

WHEREAS, to facilitate access to such resources, it is the sense of this Legislature that the New York State Division of Veterans' Affairs would be an appropriate place to house information about such programs and to provide useful links to other governmental websites; and

WHEREAS, placing such information on the State's website is a visible means of publicly demonstrating support for the returning Veterans and a recognition of the sacrifices made by such Veterans for the citizens of this country; now, therefore be it

RESOLVED, that the Town of Cicero hereby memorializes its support for adopting legislation that would require information regarding various health and support resources for returning Veterans to be housed on a State-sponsored internet website, as provided for in Bill Number S.2673/A.587, presented to the State Legislature; and, be it further

RESOLVED, that the Cicero Town Clerk is hereby directed to cause a copy of this resolution to be transmitted to the Governor's Office, to the offices of the various legislators representing portions of Onondaga County at the state level, and to the New York State Division of Veterans' Affairs.

Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes- 0. *Motion carried.*

Councilor Jennings said that at the last meeting, one of the residents brought up the fact that what they were looking at was for the veteran to have 20 years of service before they can apply for the tax exemption, which according to them is 5%. He said that doesn't equate to a lot, but it's something.

Councilor Jennings said that while they read the following, he would like them to take note that Cicero is expanding the exemption to **decrease** the necessity of having the 20 years of service, and they consider it very valuable.

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Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

RECOGNIZE THE NORTH SYRACUSE FIRE DEPARTMENT'S
100th YEAR ANNIVERSARY

Supervisor Corl said that in early April, he will be attending the North Syracuse Fire Department's Installation Banquet and they will be celebrating their 100th Year Anniversary. He wanted the Town Board to be able to present to them a Certificate of Recognition and an Official Citation memorializing their achievement and contributions to the community.

This resolution will also go in our records, so he will be able to tell them that it will always be with our records and that the Town recognizes them.

Councilor Burtis moved the adoption of a resolution to approve the following:



(6)

LEGISLATIVE RESOLUTION commending the North Syracuse Fire Department upon the occasion of their designation for special recognition after 100 years of dedicated service to the greater Cicero community; and

WHEREAS, Volunteer firefighters and fire departments not only provide the critical service of fire protection but also engage in other activities of great benefit and importance to the communities they serve; and

WHEREAS, it takes a special dedication, a strong desire to help others and a tireless sense of community to forsake precious time with family and friends to respond to the signal that a neighbor is in need; and

WHEREAS, the members of the North Syracuse Volunteer Fire Department are renowned throughout Central New York and Nation as their reputation is synonymous with excellence in the field of fire protection, prevention, and response to emergencies; and

WHEREAS, since the early days of the two hand drawn chemical fire engines purchased by the North Syracuse Fire Department in 1913, the volunteer firefighters of North Syracuse have spared us from the ravages of fire and other such disasters, and the North Syracuse Fire Department has been doing so for the last One Hundred Years; and

WHEREAS, this Legislative body is proud to commend the North Syracuse Fire Department on their achievements; and

IT IS HEREBY RESOLVED, that this Legislative body pause in its deliberations to commend North Syracuse Volunteer Fire Department for 100 years of distinguished service to our community

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CICERO, NEW YORK

Jim Corl
Supervisor

Jessica Zambrano
Deputy Supervisor

Lynn Jennings
Councilor

Vern Conway
Councilor

Tim Burtis
Councilor

Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

APPROVE THE CODE ENFORCEMENT PROCEDURE PLAN

Supervisor Corl stated that Mr. English, who has been involved with the Codes Department for several months, has put together a Code Enforcement Procedure which will be a formal procedure that the Codes Office will follow on a regular basis for handling complaints. It will make their job easier. The procedure has been reviewed by the Codes officers and they are in agreement with it.

Supervisor Corl wanted a formal adoption of the procedure to show their support behind this and what they are accomplishing in that department.

Supervisor Corl solicited any board comments.

Councilor Jennings commented that the document was not dated and that whenever they receive a document, he thinks it needs be dated and also, maybe the author of the document if need be or have the Supervisor sign it. But, it should have a date.

Supervisor Corl stated that if was adopted that evening they could date it.

Councilor Zambrano moved the adoption of a resolution to Recognize the Code Enforcement Procedure Plan as written, effective March 27, 2013:

Town of Cicero Building and Planning Department Code Enforcement Procedure

Introduction:

- This procedure is issued to provide a consistent approach to complaints received and to achieve code compliance where violations are found.
- The goal of code enforcement is compliance, not punishment.

Complaint:

1. The Code Enforcement procedure is a complaint-driven process.
2. The complaint may be received from a resident, business representative, or Town staff member via e-mail, letter, or by an appearance at Town Hall.
3. The information collected during an on-going investigation is information that is subject to the New York State Freedom of Information Law. The complainant's name is generally information that may be withheld, as is any inspection data, inspection result's, letters, phone calls, emails, or photos concerning the case investigation. Only upon closing a case through compliance or issuance of a citation for prosecution of a case does select case information become public data. The complainant's name, however, remains information that does not need to be released.
4. To file a complaint, contact Town Code Enforcement Staff through the Building and Zoning Office.
5. Detailed information regarding the complaint is documented and an inspection of the property is conducted to determine if a compliance order should be issued.

Inspection:

- Property complaints are inspected in a timely manner, with consideration of seriousness of the violation from a health, safety and welfare standpoint.
- The subject property is inspected from the public right-of-way, public area of a commercial building, or with permission, from the complainant's property. The findings from the inspection are then documented in an inspection record.
- The inspection is conducted discreetly and with respect for the property and privacy of others.

Notification:

- Once a complaint has been verified by inspection, a notification letter is issued to the property owner and, if applicable, to the occupant of the premises.
- The notification letter is a brief letter stating property conditions and references requirements of Town Code and/or the State Uniform Fire Prevention and Building Code.

Town of Cicero Building and Planning Department Code Enforcement Procedure

- A brief description of methods to alleviate the violation, and a requested compliance date is given.
- Occasionally, other information may be included with the letter such as a copy of the Town Code Section or helpful preprinted information such as the Refuse Removal Guide or a Composting Guide.

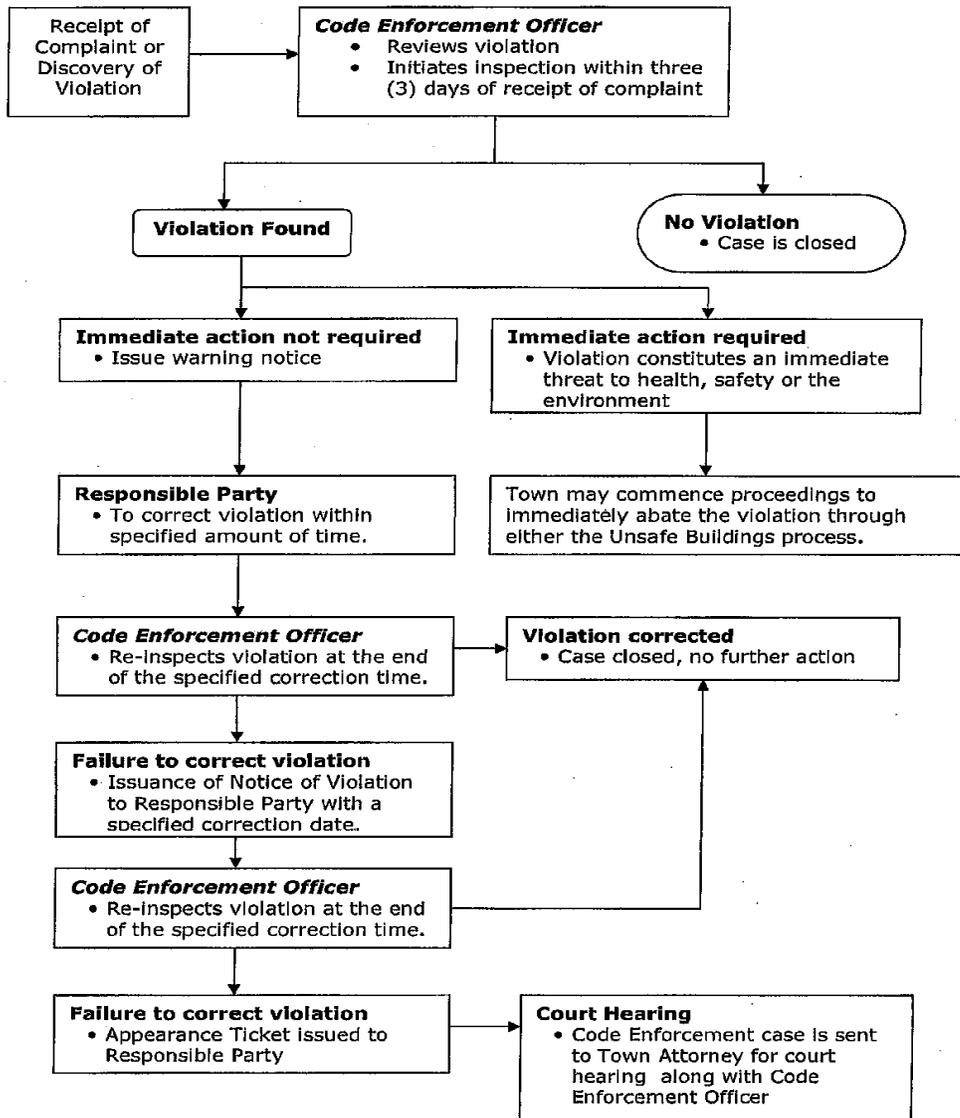
Compliance:

- Conditions that are quickly and easily remedied are requested for compliance within 3 to 10 days.
- Conditions that may require a more involved resolution are given a compliance request date in keeping with the situation and its complexity, however usually not more than 30 days.
- The property owner may contact the inspector in person or by phone for further information regarding the Town Code, the enforcement process, or to seek an extension on the compliance date.
- Compliance dates are subject to change if the property owner requires additional time to bring the property into compliance and is making significant progress towards compliance.
- The ideal outcome is complete compliance within the requested time.
- If there is no compliance obtained, an Order to Remedy Violation notice is necessary to encourage compliance.

Prosecution:

- If a complaint cannot be satisfactorily resolved by the Department and there is reason to believe that codes violation(s) exist then the Department shall initiate prosecution steps pursuant to standard departmental procedures including, as appropriate, informal notices from the Department and attorney's office. Once formal steps have commenced, the Department shall pursue prosecution to conclusion.
- An Appearance Ticket will be issued, and the case details will be forwarded to the Town Attorney for assistance through the court system.
- On the date of court appearance, another inspection is conducted to determine if the violation has been corrected.

**Town of Cicero Building and Planning Department
Code Enforcement Procedure**



Motion was seconded by Councilor Jennings.

Ayes – 5 and Noes – 0. *Motion carried*

APPROVE ANNUAL FIREWORKS PERMIT FOR THE GREATER CICERO CHAMBER OF COMMERCE, TO BE HELD ON SATURDAY, JUNE 8TH, 2013 AT 10:00 P.M., AT SACRED HEART CHURCH

Councilor Jennings stated that he had received a memo from Tracy Cosilmon stating that she had acquired all the necessary signatures and all the information from the Fireworks Coordinator for American Fireworks Display, LLC and she was requesting approval for the Fireworks Permit and for the \$75.00 permit fee to be waived (not-for-profit organization).

Councilor Jennings moved the adoption of a resolution to Approve and for the Supervisor to Execute the Annual Fireworks Permit for the Greater Cicero Chamber of Commerce, to be held on Saturday, June 8th, 2013 at 10:00 p.m., at Sacred Heart Church, 8229 Brewerton Rd., Cicero, NY. Motion was seconded by Councilor Burtis.

Ayes – 5 and Noes – 0. *Motion carried*

APPROVE PAYMENT OF \$1,832.33 TO ONONDAGA COUNTY FINANCE DEPARTMENT
FOR THE 2010 DELINQUENT TAXES ON PARCEL #092.-01-03.7

Robert Germain stated that this parcel was part of a roadway and a part of an easement that were taken by the town years ago. There was an unpaid balance at the time and that balance has continued on. We owe this to the Onondaga County Finance Department. It should have been resolved years ago when it was taken over; but he wasn't sure why it wasn't, but it is due and owing now.

Councilor Zambrano asked if Robert Germain recalled how far this went back.

Robert Germain replied that he thought it was about six or seven years ago.

Supervisor Corl stated that he thought that the bills started coming in about 2010 and that Robert's recommendation was to pay it.

Robert Germain stated that he did.

Councilor Zambrano moved the adoption of a resolution to Approve \$1,832.33 to the Onondaga County Finance Department for the taxes on Parcel #092.-01-03.7 and that tax parcel is on/or along Meltzer Court. Motion was seconded by Councilor Jennings.

Ayes – 5 and Noes – 0. *Motion carried*

PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis moved the adoption of a resolution to approve the following purchase approvals for the Highway Department:

- A. \$5,200.00 to Commercial Truck Tire Center, Inc. for (8) tires, dismount, mount, stems, Disposal for truck #31
- B. \$3,500 (Not to Exceed) to EPS Environmental Product & Services for cleaning of center garage trench and oil water separator of waste debris
- C. \$4,500.00 to Winter Equipment Company Inc. for cutting edges for the plows

Chris Woznica stated that he had one more Emergency Repair for truck#93. The pump let go on it the day before. It is a truck that they use all the time for cleaning pipes and catch basins. The estimate is approximately \$3,100.00 to Tracy Road Equipment.

Supervisor Corl said they would include that in the motion.

Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

YOUTH BUREAU, PARKS & RECREATION

Staff Appointments (Full Time)

Councilor Jennings moved the adoption of a resolution to approve the following Full Time Staff Appointments for the Youth Bureau, Parks & Recreation Department:

With the retirement of Tim Richards as Park Labor Crew Leader, Jody Rogers had recommended the following:

William Alley (7 year employee) to be promoted to the position vacated by Mr. Richards and assumes his responsibilities effective April 8th, 2013.

Hire Title: Park Labor Crew Leader
Date Effective: April 8, 2013
Salary: \$45,801.60
Budget Code: A7110.1

To fill the position vacated by William Alley, Jody Rogers asked for approval to hire:

Brett Wood, 5315 Jillian Lane, Brewerton
 Hire Title: Park Laborer
 Hire Date: April 15, 2013
 Hire Rate: \$32,240.00
 Budget Code: B7110.1

Motion was seconded by Councilor Zambrano.
 Ayes - 5 and Noes - 0. *Motion carried.*

Supervisor Corl announced that Bill Alley was in attendance and acknowledged that Bill has done a great job for the town over the years and congratulated him.

Supervisor Corl also welcomed Brett Wood and told him that Jody Rogers had highly recommended him.

Staff Appointments (Part-time)
 Recreation Attendants – Fall-Winter-Spring Staff

Councilor Jennings moved for the adoption of a resolution to Approve the following Staff Appointments (Part-time), Recreation Attendants – Fall-Winter-Spring Staff:

Tia Mannise, 7629 Thompson Road, N. Syracuse
 Brianna Shaffer, 6070 Owlwood Dr, Cicero
 Samantha Weigner, 6947 Island Road, Cicero

Start Date: April 1, 2013
 Rate of Pay: \$7.25/hour
 Budget Code: B7020.11

Motion was seconded by Councilor Burtis.

Ayes - 5 and Noes - 0. *Motion carried.*

Youth Board Membership Approvals

Councilor Jennings stated that the Greater Cicero Community Connection for Youth Board recommends the following individuals for inclusion on the Youth Board:

Deidre Keefe, CHES, MS. Health Education Specialist
 Reach CNY, 1010 James St., Syracuse, NY 13203
 term through 12/31/14

Stephanie Parody
 8501 Chinkapin Circle, Cicero, NY 13039
 term through 12/31/13

Councilor Jennings moved the adoption of a resolution to approve the Youth Board Membership appointments as listed above. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

Road Closure Permit

Councilor Jennings moved for the adoption of a resolution to approve the Road Closure Permit for Hogan Drive, for the Cicero Gus Macker Basketball Tournament from Thursday, August 8th 7AM until Sunday, August 11th 7PM. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

Disposal of Equipment

Councilor Jennings moved the adoption of a resolution to Declare the mobile radios and miscellaneous accessories surplus and allow them to take them to Onondaga County Auction. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

Purchase Approvals

Councilor Jennings moved the adoption of a resolution to Approve the following purchases:

- A. \$2,167.20 to Sherwin Williams (CNY Co-op pricing) for Aerosol field marking for Cicero Youth Soccer
- B. \$4,916.90 to Scholastic Sports Sales, Ltd. For goal posts and padding for Central Park
- C. \$2,750.00 to Wild Goose Chasers of CNY for Goose Control Contract at William Park

Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL TO HIRE ROLF BECKHUSEN DEPUTY CODES ENFORCEMENT OFFICER
AT A PAY RATE OF \$15.56 PER HOUR (NOT TO EXCEED 1040 HOURS PER YEAR),
EFFECTIVE MARCH 28 2013, ON A TEMPORARY, PART-TIME BASIS

Supervisor Corl stated that Rolf Behusen came highly recommended by Mr. English to come into the Codes office and provide some assistance as a Deputy Codes Enforcement Officer. Rolf is retired from other agencies and he has a very impressive record. He will be helpful to the department as they move forward.

Supervisor Corl solicited any questions from the board.

Councilor Zambrano explained that this position is being filled on a temporary basis because they had a recent resignation of a part-time code enforcement officer. So, it's to lend a hand with the work load that has built up. She did speak with Mr. Beckhusen and he is quite experienced. He has retired and he understands that this is a temporary position for a few weeks and he seems delighted to want to help out.

Councilor Zambrano moved for the adoption of a resolution to Employ Rolf Beckhusen as a Deputy Codes Enforcement Officer on a temporary, part-time basis, at a pay rate of \$15.56 per hour (not to exceed 1040 hours per year) effective March 28, 2013. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

EMERGENCY PURCHASE APPROVAL FOR POLICE DEPARTMENT

Supervisor Corl moved the adoption of a resolution to approve the following Emergency Purchase for the Police Department:

- A. \$1,416.50 to Computer Outlet to replace the #2 battery back-up

Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVE C&S ENGINEERS, INC., TO PROVIDE ENGINEERING SERVICES FOR THE PREPARATION OF THE NYSDEC SPDES (NEW YORK STATE DEPARTMENT OF CONSERVATION STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM) PHASE II ANNUAL REPORT AND ASSOCIATED SERVICES FOR PERMIT YEAR MARCH 10, 2012 TO MARCH 9, 2013, AS REQUIRED BY THE NYSDEC (NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION) AND AUTHORIZING THE SUPERVISOR TO EXECUTE THE SUBMITTED CONTRACT

Supervisor Corl stated that he had been asked to defer this because Ron DeTota had said that he wanted to make some modifications to it.

APPROVE C&S ENGINEERS, INC. TO PROVIDE ENGINEERING SERVICES FOR THE PREPARATION OF AN APPLICATION TO FEMA(Federal Emergency Management Agency) FOR THE CORRECTION OF ERRORS IN THEIR FLOODPLAIN MAPPING FOR THE PINE GROVE WATERSHED AND AUTHORIZE THE SUPERVISOR TO EXECUTE THE SUBMITTED CONTRACT

Ron DeTota said in regards to the FEMA issue, Floodplain mapping, that they found that for the 100 Year Flood in the north branch of Pine Grove Brook, that there's a calculated difference as shown on the map of 9 feet between the upstream, which is on the upstream side of South Bay Road and the downstream side where it connects with Route 81. The model shows a calculated water surface elevation of 395 feet which extends to the shoulder of Route 81, on the upstream side of South Bay Road, and the calculated water surface elevation of 386 immediately downstream of South Bay Road, which extends across Route 81 into Driver's Village. Ron said it should be noted that these areas are approximately 200 feet from one another. To travel this stretch of highway, they find it highly unlikely that there exists a difference in elevation of 9 feet between these two areas during a flooding event.

It is their opinion that an error exists within this model that is affecting the results. It appears from driving, that the channel, once its capacity has been exceeded, will flow underneath the overpass, (which is South Bay Road along 81 that points downstream). In referencing another federal document, the USGS (U.S. Geological Survey) mapping, it shows an elevation according to their mapping of approximately 390 at that location. So, they find it partly concerning that there would be a 5 foot difference; that the water would actually elevate 5 feet at that section and not flow downstream – it seems highly improbable.

If an error is found in FEMA's analysis, the result in change then would lower the water surface elevation on the upstream side of South Bay Road. This change would have a domino affect on the areas upstream of that. Because, by lowering that water surface elevation in affect, they also lower the water surface elevations of points upstream. By doing this and finding this result, this may remove the requirement for some of the property owners alongside this brook to obtain flood insurance.

It's their proposal for the board's consideration to provide the services required to better evaluate this condition. To determine whether or not an inaccuracy exists in FEMA's modeling that would warrant a change in the corresponding water surface elevations.

Ron told the board that what was before them that night was their Scope of Services that would be required by FEMA, from any petitioner, the town, village or city to make any changes to their mapping. He said FEMA has always taken the approach that they are right until you prove them wrong, so that is what they are looking to do – to validate that map, therefore, having the potential to remove some of the town residents out of the flood insurance program.

What C&S would like to do, as far as their proposal too, is there are different steps involved and one of the first steps is requesting and obtaining the data model for that section of the watercourse. They propose to convert it to what is now the acceptable Hydraulic Modeling program and software and then at that point what they would do is compare it to the LYDAR Radar, which is more detailed. Its radar that's generated through remote sensing, through lasers. It actually provides contours of land; it can be very accurate, within a foot, which is very good for the purposes that they are looking to serve here and at that point they will make a determination whether or not further analysis is warranted. If they feel in their professional opinion that it is not, then they will stop at that point and they won't continue any further as far as the contract and they would hopefully be reimbursed for their services; which would certainly be less than what is the contract amount that night.

Ron DeTota solicited any questions.

Supervisor Corl told Ron DeTota, that he believes that there are 20 properties that are adversely affected. He said, "Once again, here you have the federal governments come in and inaccurately place these individuals within the flood zone which adversely affects them." He understands the residents concerns and this map is, in his mind, so deficient, it's just incredible. He thinks in one of the maps, it doesn't have Route 81 going over South Bay Road.

Ron DeTota stated that one of the original FEMA maps, that was part of what they called the Firm Program actually shows Route 81 going over South Bay Road.

Supervisor Corl said he believed it did.

Ron DeTota said that was the archaic nature of some of these maps. Unfortunately, FEMA says they are right until you prove them wrong and a lot of times, once you identify these situations that have such obvious flaws; it's usually easy to do that. But if you do prove FEMA wrong then they find that there is no charge to modify our maps.

Supervisor Corl stated that he did receive a signed petition.

Ron DeTota said that they could not speak to the number of homes, but they could certainly say that if there is a reduction in the water surface elevation then certainly some homes will be displaced from that requirement and be in a more beneficial situation.

Councilor Burtis asked, in regards to the Scope of Services, No.5- where it says to respond to FEMA's comments, if that means that they will respond to all of FEMA's comments.

Ron DeTota said that was correct. They've done a number of these, most recently the City of Syracuse, and the burden that was placed upon them with properties along Onondaga Creek. C&S worked with the city, and with FEMA to modernize, or to further refine their analysis that actually assisted in taking a number of people out of the flood program. They will send stuff in with a tremendous amount of supporting documentation. He said he couldn't imagine too many comments that FEMA would send back.

Supervisor Corl moved the adoption of a resolution to Approve C&S Engineers, Inc. to provide engineering services for the preparation of an application to FEMA (Federal Emergency Management Agency) for the Correction of Errors in their Floodplain Mapping for the Pine Grove Watershed and Authorize the Supervisor to execute the submitted contract and the amount not to exceed \$4,850.00. Motion was seconded by Councilor Burtis.

Ayes - 5 and Noes - 0. *Motion carried*

Councilor Zambrano asked Ron DeTota how long the study would take.

Ron DeTota replied that once they get the data then it should move along fairly swiftly. However, they can not promise when FEMA will provide them deliverables. Usually, it's been pretty swift - he would anticipate a few weeks.

Councilor Zambrano asked if there were other areas that were in jeopardy of the same situation.

Ron DeTota replied that there very well may be. This was brought to their attention by the residents that live along that watercourse and by the administration, so that's not to say there are not other outlying areas that would have the same potential situation, but they haven't reviewed that on a town-wide basis.

Councilor Zambrano stated that the cost could become prohibitive if there are other areas like this.

Ron DeTota replied that certainly if there are, that would be beneficial to the residents that are impacted by that.

Councilor Zambrano commented that she did not think that they are going to give us the difference in their savings to their insurance.

*A copy of the report and permit can be viewed on the Town's website and is on file at the Town Clerk's office.

APPROVE AN AMOUNT NOT TO EXCEED \$3,000.00 TO THE UNITED STATES POST OFFICE FOR POSTAGE FOR THE MAILING OF THE 2013 BRUSH POSTCARDS

Supervisor Corl moved the adoption of a resolution to Approve an amount not to exceed \$3,000.00 to the United States Post Office for postage, for the mailing of the 2013 Brush Postcards.

Councilor Jennings asked why this amount isn't factored into the bid for the contract instead of the town flipping the bill. He said it seems ironic that the town is paying the \$3,000.00 when it could have been factored into the bid for the contract.

Supervisor Corl replied that last year Altman reduced the rate. They had contacted Altman because their contract was still in place. This is the last year of the 5 year contract, and Altman had dropped their contract by about \$14,000, and part of the agreement was that the town would do the postage. So last year, it was a net savings of about \$11,500 to \$12,000. The new contract will be bid later this year, early next year and obviously they will have to consider it then.

Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried*

PUBLIC INPUT

Mark Venesky, Rosewood Circle, addressed Ron DeTota regarding FEMA, and his company taking a look at the elevation. He said that it is huge for the taxpayers. They had the same problem on Rosewood Circle and he took on FEMA at his own expense and won. But, for Ron's company to be able to do that for the town and for potentially a hundred residents, for \$4,800.00 – that is a huge savings.

Mark Venesky asked about the \$2,750.00 cost for the Wild Goose Chasers of CNY. As he recalled, that was a 10% increase from what they charged the town last year and asked if they had given a reason for it.

Supervisor Corl told Mark Venesky that they would look into it.

Bob Sesenko, Vernon Road South, said that the comment about the Flood insurance give back from the residents bothered him. He said when the town went through full reassessment the people had to give. He explained that it was more than 20 families that were being affected.

Councilor Zambrano was apologetic and said that this was an expenditure that they did not anticipate. She explained that she was concerned about the cost because of town finances and the possibility of it raising the tax levy.

A resident asked about the back-up battery replacement. She asked if the battery expired or if it simply stopped working.

Supervisor Corl told the resident it was his understanding that the back-up battery just failed.

The resident then asked if all changes to codes are subject to public hearings.

Supervisor Corl replied that they were. If you change the Town Code, you have to amend the code, and you have to have a public hearing and it is subject to public comment.

The resident questioned the procedure, asked about the open cases, and asked if the complainant has to file a new complaint to start this new procedure?

Supervisor Corl replied no. Those should be filed internally within the office and you don't have to file if it's an open case and it's still pending. It should be handled "as is", you are not going to have to come in and file a new complaint to get the process going. Going forward, this is a systematic approach and how internally/administratively the office is going to handle things. It's more or less the board reaffirming their administrative process.

The resident asked the Supervisor if he could explain Section 3, under the Complaint. She said it sounded to her like the residents can get no information during the process, only after compliance or issuance of a citation and if that was true is there no way to find out what the standing is on a case. Her concern was that there have been complaints that have been filed over and over again, over the years. There have been complaints that have been outstanding for 10 years and if she

files a complaint and doesn't see anything happening, she would like to be able to come in and say, "Where does this stand?" or "What has been done?" She said that's not what she gets out of Section 3.

Supervisor Corl advised her that he would follow up with her and get further clarification from Mr. English and explained that his understanding was that because potentially it was something that could end up in the courts, and their litigation. In an attorney's lifetime, they use that information so they can prepare; that's why that clause is in there.

The resident commented that was always an easy out. She said she was nervous.

Robert Germain explained that it was an out, but it was not one that they always or easily take. What they have been doing, and he knows because he's answered a bunch of calls where presidents call up and ask where a complaint stands – and they tell them. They don't often make it public; they certainly don't publicize the complainants, or their names, or who complained. That's their policy, they don't put that out. It comes up in discovery sometimes in the court process, but the court process has its own set of rules that they have to follow too. When they get the calls from the residents they do explain where the complaint stands, (sometimes they have to say that it's in the justice courts and that there's nothing that they can say about it), but they do tell them.

Luke Carswell, Leslieanne Path, said that they also have changed the FEMA map out in Brewerton, along the river on Telford Road. He stopped in and talked to Steve Procopio and they expanded the Flood Zone in that area too. He wondered if there was any way that they could maybe jump on board with this and have someone take a look at some of the houses out in that area, (on Oneida Trail and Telford Road). He said that FEMA's new map that just came out seemed to move the flood zone back probably 40 to 50 feet back from the river; which the river is pretty much controlled by several dams and he doesn't know why they did that.

Supervisor Corl said that these maps were actually developed in 2008, and asked Ron DeTota if that was correct.

Ron DeTota replied that was correct.

Supervisor Corl added that FEMA hasn't approved them, and that they are just sitting there. So it was back in 2008, when they obviously revised this. It's nothing that happened last year so these maps have been just hanging out there. He will check with Steve Procopio to see if he has gotten an intake form from him.

Luke Carswell said he had a form. He didn't actually get all the neighbors, but he was sure that it has probably affected several neighbors in that area. He said he didn't know that if the town was going to start something like this that they could incorporate this area too.

Supervisor Corl told him that they would take a look at what he has.

Councilor Zambrano asked Luke Carswell how he was affected and did he have to get flood insurance, where as before he didn't have to?

Luke Carswell replied that he did and said he was sure that there were other residents in the area that the same thing has happened to. It's a new map that expanded probably 50 feet from the shoreline and it has affected all the neighbors up there also.

Councilor Burtis asked him how much approximately did the flood insurance cost.

Luke Carswell replied that it was \$1400.00 per year.

Councilor Zambrano asked if this was a new cost.

Luke Carswell replied yes.

Bob Sesenko suggested that maybe something the town would want to consider on the engineering recommendation is to go out and purchase, lease, or go in with another town on a GPS unit (Global Positioning Unit). It could give them immediate elevation readings and that could say "go" or "no go" on these types of complaints. He explained that GPS elevation can get you down to a ¼ of an inch, so they are expensive but if they got three or more towns together and buy it or lease it they could use it. It would avoid the expense.

Councilor Burtis asked Ron DeTota if that's what it's about or was it about the town challenging FEMA in a formal way from an engineering background.

Ron DeTota replied that it could be a multitude number of errors, but what they are banking on for this one is the topography that they are utilizing in order to reflect the cross sections that are put into the model itself. But, there are many things that compile and actually form these data models. But, in this particular case, looking at the lay of the land - the physical characteristics, they feel that it's inaccurate representation that points upstream.

Judy Boyke said in regards to the flood situation, with her experience in the real estate business, that any property that is near water or a stream, drainage ditch, if it's in the flood zone in order to purchase the property, (if you want to avoid or get a reduction on your flood insurance), all one has to do is when they have the survey done is to have an elevation done at the same time. With a elevation certificate all one would have to do is present it to the bank and that would be their arguing point. She said it works and continues to work.

Judy Boyke said when the budget was originally accepted; she challenged B1171 Gross Receipts Tax for \$40,000 and a letter was sent on August 30th, requesting the town's portion of sales tax in cash and authorizing the supervisor to execute all necessary documents. She asked if we got that money.

Supervisor Corl said he had not gotten a response back and asked Robert Germain if he had heard anything because he knew that Robert had sent a letter too.

Robert Germain replied that he was not sure.

Ed Zalewski said he comes in Oneida Lake at Cleveland and maybe a week ago it was 367 or 368ft. above sea level and in the summertime it's around 374. He recommended that anyone that has anything close to the shores should pull them up because they may get heavy rains. He also said that the ice was around 10 inches thick, which was unusual at this time. Also, Ed said if we get a north east wind then there's going to be a lot of damage.

A resident asked in regards to the \$1,832.33 to Onondaga County Finance Department, for past taxes, if there was any way that they could negotiate it with the county and see if they could waive the late charges or the late fees.

Supervisor Corl said he would do that.

EXECUTIVE SESSION

Supervisor Corl stated there was no necessity for the executive session that evening.

ADJOURNMENT

Councilor Jennings made a motion to adjourn the Town Board Meeting. Motion was seconded by Councilor Burtis.

Ayes- 5 and Noes- 0. *Motion carried.*

There being no further business before the board, the meeting was adjourned at 7:35p.m.

Tracy M. Cosilmon
Town Clerk

