

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, May 8, 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
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Joseph Snell, Police Chief
Sharon M. Edick, Receiver of Taxes
Neil Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer

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 cannot 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 harm's 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 April 24, 2013 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

BUDGET MODIFICATIONS

TOWN BOARD MEETING
05/08/2013

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications as follows:

2013
BUDGET MODIFICATIONS

FROM		\$		TO
A10104	TB Contractual	5000.00	A13154	Comptroller Contractual
DB511255	Capital Paving	144,475.00	DB99509	Transfer to Capital Fund
DB514241	Snow/Salt	7000.00	DB511041	Equipment Rental
A162040	Buildings Contractual	70.00	A1620480	Landscaping

Motion was seconded by Councilor Jennings.

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

RECOGNITION OF TRACY COSILMON, CICERO TOWN CLERK ON HER RECENT
ACHIEVEMENT OF BEING AWARDED THE NEW YORK STATE CLERKS
ASSOCIATION CERTIFICATION AS A REGISTERED MUNICIPAL CLERK

Supervisor Corl wanted to bring to everyone’s attention and recognize our Town Clerk, Tracy Cosilmon. Tracy was just recently recognized by the New York State Clerks Association, and was certified as a Registered Municipal Clerk. He received a letter personally, from the New York State Clerks Association. He read the first paragraph just so everybody knows the hard work, dedication and commitment that it takes to become a Registered Municipal Clerk. It takes many years, it takes many classes, it takes many hours of dedication and fortunately Tracy, our Town Clerk is dedicated and takes the extra effort to achieve this goal and we appreciate that. The letter read as follows:



FIRST VICE PRESIDENT
Christian G. Sampson, RMC
Town of Ramapo
237 Route 59
Suffern, NY 10901

SECOND VICE PRESIDENT
Linda M. Gilbert, RMC, CMC
Town of Caroga
PO Box 328
Caroga Lake, NY 12032

THIRD VICE PRESIDENT
Lisa Cooper, RMC, MMC
Town of Sterling
1290 State Rt. 104A
Sterling, NY 13156

SECRETARY
Susan A. Haag, RMC, MMC
Town of Austerlitz
PO Box 238
Spencertown, NY 12165

TREASURER
Bambi L. Avery, RMC
Town of Dryden
93 East Main Street
Dryden, NY 13053

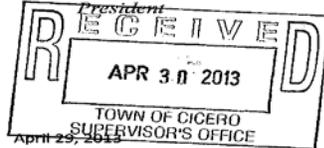
EX-OFFICIO
Tina Ward Stuart, RMC, MMC
Town of Cobleskill
PO Box 327
Cobleskill, NY 12043

DISTRICT DIRECTORS
#1 Leslie C. Gross
Elizabeth A. Neville
#2 Florence T. Santini
Linda Doherty
#3 Lisa A. French
Kimberly A. Pinkowski
#4 Anna K. Haikowich
Donna A. Combs
#5 Debbie L. Payne
Lisa M. Goodwin
#6 Jane M. V. Ike
April L. Scheffler
#7 Judy W. Gravino
Mary M. Farmer
#8 Maureen Beach
Teresia M. Morasco
#9 Donna Hamel
Connie Maguire
#10 Carol J. Brandon
Patricia Dashnaw

New York State Town Clerks Association, Inc.

Cindy L. Goliber, Town Clerk

Town of Potsdam
PO Box 389
12 Elm Street
Potsdam, NY 13676
Phone: 315-265-3430
Fax: 315-265-3931
Email: townclerk@potsdamny.us



Mr. Jim Corl, Supervisor
Town of Cicero
8236 Brewerton Road
Cicero, NY 13039

Dear Mr. Corl:

On behalf of the New York State Town Clerks Association, it is my honor and pleasure to inform you that Tracy M. Cosilmon, Town Clerk, has been awarded this Association’s certification as a Registered Municipal Clerk. This prestigious award recognizes the professional competency of Ms. Cosilmon in fulfilling the responsibilities of her office. Certification is granted only after an applicant has demonstrated that they have met the stringent education and experience requirements established by NYSTCA.

The New York State Town Clerks Association was founded in 1982 and is dedicated to promoting the professional development of Town Clerks across the state as administrative leaders. Membership offers Town Clerks and their Deputies encouragement, specialized assistance and continuing education relevant to professional and personal improvement that will enhance their ability to serve their constituency.

We are very pleased to have Tracy as a member of our Association and deeply appreciate your encouragement of her involvement with the Association and the Registered Municipal Clerk program. It reflects your understanding of the purpose of our Association and your commitment to professional growth and development.

We have notified your local newspaper of this award. An article on this accomplishment is a great opportunity to make your residents aware of the hard work and dedication that makes local government successful, and I hope you will encourage them to find out more about the people that make that happen.

Congratulations to the Town of Cicero on having your Town Clerk, Tracy Cosilmon, achieve the prestigious designation of “RMC”.

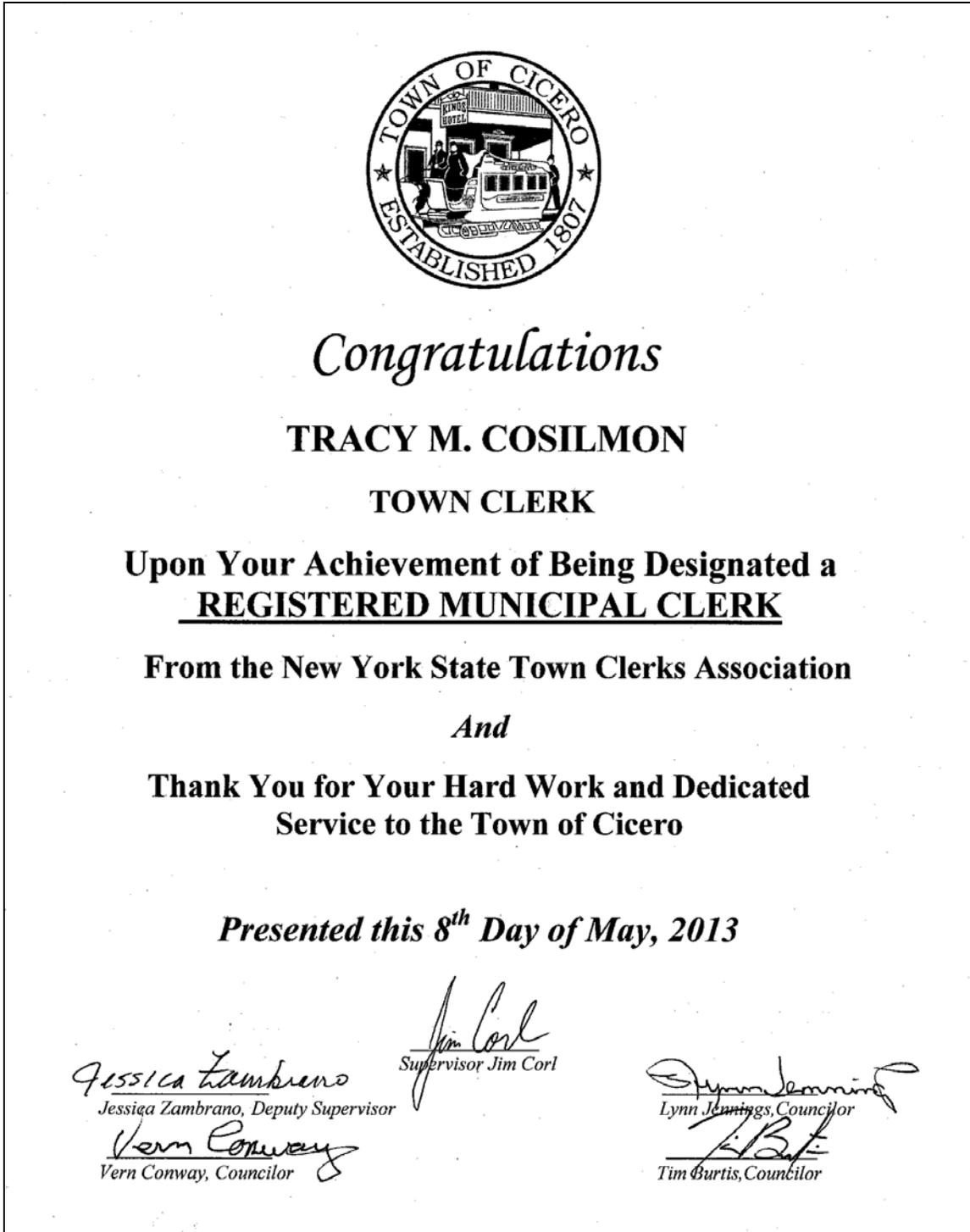
Very truly yours,

Cindy Goliber, RMC
NYSTCA President

Supervisor Corl Tracy's achievement the Town Board does have a Certificate of Recognition for all of her efforts. They greatly appreciate all of her work, every day.

Tracy Cosilmon thanked Supervisor Corl.

Supervisor Corl presented Tracy with the following plaque:



Supervisor Corl asked if anyone would like to say anything in regards to Tracy.

Councilor Burtis told Tracy congratulations, that it was great.

Councilor Jennings said there was not much to say. He talks to Tracy almost every day and she is by far one of the finest Town Clerks that he has ever had the honor to work with. He told Tracy congratulations.

Supervisor Corl said they did have Deputy Town Clerk, Bonnie Smith with us tonight and Barb Chiarizia, who works with Tracy every day in our Animal Control department. He wanted to recognize them too for all their efforts.

Tracy thanked everyone and said it meant a lot to her.

SET PUBLIC HEARING DATE FOR MAY 22, 2013 TO CONSIDER A ZONE CHANGE FROM MULTIPLE RESIDENTIAL 10 TO NEIGHBORHOOD COMMERCIAL FOR THE PROPERTY LOCATED ON LAKESHORE RD, TAX MAP NO. 082.-05-02.0

Supervisor Corl moved the adoption of a resolution to Set a Public Hearing Date for May 22, 2013, beginning at 6:30 p.m. to Consider a Zone Change from Multiple Residential 10 to Neighborhood Commercial for the property located on Lakeshore Rd., Tax Map No. 091.-01-39.1. Motion was seconded by Councilor Jennings.

Ayes – 5 and Noes – 0. Motion carried.

CONTINUATION OF PUBLIC HEARING TO CONSIDER A CHANGE OF ZONE FROM MULTIPLE RESIDENTIAL TO RESIDENTIAL PUD (PLANNED UNIT DEVELOPMENT) FOR PROPERTY LOCATED AT 5533 STATE ROUT 31, CICERO, NEW YORK – TAX MAP No. 091.-01-39.1

Supervisor Corl said he had proof of publication and posting, which was presented to the Town board by Town Clerk.

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application to consider the application of JoLu Development Company for a Change of Zone from Multiple Residential to Residential PUD (Planned Unit Development) for property located at 5533 State Route 31, Cicero, New York – Tax Map No. 091.-01-39.1.

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the 8th day of May, 2013, commencing at approximately 6:30 P.M., local time, at which time all interested persons will be given an opportunity to be heard.

DATED: April 11, 2013

TOWN BOARD OF THE TOWN OF CICERO,
COUNTY OF ONONDAGA, NEW YORK
BY: TOWN CLERK

Supervisor Corl said before he continued the public hearing they did have the Developer present who would further explain their project, as he knew that recently that they had been to our Planning Board.

Hal Romans stated he was the Surveyor and Planner for the applicant. He was there that evening with James Trasher and Amy Franco from CHA Companies. As a continuation of the public hearing, what happened since the last town board meeting was they were finishing up the review of the Town Planning Board for their proposed zone change to the PUD (Planned Unit Development). It required basically a full site plan approval process with the Town Planning Board. They got a positive referral back to the Town Board subject to a couple of items, which he would go over.

The first one, they had asked about access for Phase 2 and Phase 3, which are Lots 4, 5, and 6. On the plan, they are basically the lots to the North, behind the main portion of the project there and what it was is they wanted to make sure that Pareti Place, which is the drive along the border or the boundary between the Town of Clay and the Town of Cicero, was built and accepted by the Town before those phases were allowed to go under construction. So, a note to that affect was added stating that access for Phase 2, Lot 4 and Phase 3, Lots 5 thru 10 shall not be developed until Pareti Place has been accepted by the Town of Clay as a Town roadway.

The second thing was a cross easement for access between those northern sections through Section 1. Section 1 is what you see on the lower left, right on Legionnaire Drive. Cross easements were prepared by John Langey, who is the Developer's attorney, and submitted to Robert Germain for his review and approval.

The third thing was that they wanted to make sure that the lighting fixtures were consistent with the development on the Clay side of the project, which that has been agreed to – that was the intention all along.

With that, the Planning Board finished up the review of the full Site Plan that they had provided to them. They got the positive referral and they are back here, hopefully, for this Board's approval.

He asked if there were any specific questions that they would like him or the representatives from CHA to answer.

Supervisor Corl asked if Hal would just discuss in detail what the different phases are; there are apartment complexes and the amount of units for each of them.

Hal explained that if they looked at the map (that was shown on the overhead), they would see that Section 1 is the first two lots on the lower part of the plans, (just on the North side of Legionnaire Drive), it's basically Lots 2 & 3. Lots 2 would have 20 apartments and Lot 3 would have 21 apartments. Section #2, is the next lot to the North of Lot 4 and that would have 22 apartment units and then going North of that you have Lots 5, 6 & 7 on the east side of Alberici Drive. Alberici Drive is the drive going to the North of the plan, coming off of Pareti Place. He apologized and said he was reading the wrong unit numbers on Lots 2, 3 and 4. It is actually 36 units on each of those lots there. That lot number count that he had given was something that was determined as far as an unencumbered lot area.

Amy Franco said lots 5 thru 10, in the back along Alberici, are all 6 units each.

Hal explained that there is a different style of apartment building on the northern lots there, so they have less per lot. Basically, Phase 1 would go under construction right away, with Phase 2 coming up on board after Pareti Place was extended and accepted by the Town of Clay.

Supervisor Corl asked where that process stands with the Town of Clay – that portion.

Hal replied that it was fully approved at the Town of Clay.

Supervisor Corl explained that Clay doesn't consider it a PUD(Planned Unit Development), but it's something similar.

Hal said Clay calls it a PDD (Planned Development District) and explained that basically the same process was followed in Clay, as Cicero. It started out the same way with coming to the Town Board with a project plan, then you were sent to the Planning Board, for a Full Site Plan Review and then back to the town board for the actual decision on the zone change. It's a very similar process, almost, with the same kind of steps and everything. Basically, you have to go through Full Site Plan showing all improvements such as landscaping, lighting, drainage, sanitary sewer service, and water. In Cicero, they went a little farther; they had sidewalks that were added as part of Legionnaire Drive (Clay didn't want any sidewalks on their side).

Supervisor Corl said he thought that at the Planning Board level, the Chairman included the American Legion (he thinks he had some correspondence and discussions with them to include their input).

Hal said there was early on conversations with the post office at one time, so this project has really been going on now for probably 4 or 5 years now. Both towns have had meetings together and separate. It's really involved, but it has maintained the general character and layout that it has always had.

Supervisor Corl asked about the condition of Legionnaire Drive and what the Developer was currently offering to do, to obviously bring it up to make some improvements on that.

Amy Franco replied that was part of the discussions that came up about the condition of Legionnaire Drive, as it is now, how it was never fully completed. So that was something that was asked of the developer and go above and beyond, kind of, his property line in addition to approving Legionnaire, adding the sidewalk.

Supervisor Corl said when she says "improve", that means topcoat and he believes Chris Woznica was involved with some of the discussions regarding the gutters, and potentially a joint effort between the two.

James Thrasher, CHA, said the existing road, going through the planning process is a dedicated road, never received top course on it. As part of the process, based on the trips and the desire of the Town to get this back to where it should be, the Developer agreed to come in and take out all the existing asphalt, re-compact the sub-base and work hand and glove on the drainage improvements with the Town highway, to bring this road into the current Town standards that match everything all the way through the project. Also, as part of this, people can see that there are improvements along State Route 31. He was part of the improvements to Route 31, with the project on the south side of the road, so a million dollars has been spent on Route 31 and some additional monies are going to be put in place to improve Legionnaire Drive which should have been done previously by the previous developer, but because this project is now ready to go, Mr. Alberici and JoLu Development is ready to do that as part of this project.

Councilor Jennings said that somewhere it mentions that they mention widening Legionnaire Drive, and asked where the extent is.

James Thrasher replied that the existing width coming off of Route 31 will be maintained where you will have the ability for a left and a right hand turn out one end and as you get to the portion across from the proposed apartments where they have the commercial portion on the South, it actually goes to a center-turn lane so folks could pull into the turn lane and make a left hand turn in the future into the proposed commercial portion. That is going to be constructed now as well, so everything is done, dedicated and up to Town standards.

Councilor Jennings asked regarding some talk he had heard about recommending that Phase 2 and Phase 3 should not be developed until Pareti Place has been approved by the Town of Clay.

Hal replied that they've added a note to the plans that say exactly that. It says "Access for Phase 2 and Phase 3 shall not be developed until Pareti Place has been accepted...."

Councilor Burtis asked, "So, that was all put in that?"

Hal replied answered that he had added to the plans that were submitted for this meeting.

Councilor Burtis asked about the other things too, talking about Lot 5 & 6 and...

Hal replied that Lots 5 & 6, as far as the elevation for the lower floor plan for the proposed apartment building along Alberici Avenue on Phase 3, which is Lots 5 thru 10 have been revised to include a railing around the patios for the first floor. The lower floor railing will be the same as the proposed on the upper floor. That was basically decided upon at the Planning Board meeting as the fix to allay any safety concerns. Typically, you might not see a railing on a ground-level patio, but you will here.

Supervisor Corl addressed Ron DeTota and said he knew that they had had some discussions regarding this easement prior to the board meeting and asked Ron to explain, exactly, the infrastructure because he had some concerns relative to the easements and the close proximity to the building and what not.

Ron DeTota explained that it was his understanding, that tonight, what the applicant was looking to seek was the zone change, (the PUD), which also grants them Site Plan Approval because they went through the Planning Board process. However, there are still the other matters and that's with the public infrastructure that's done through the Contract Drawing Approval process, as well as the Stormwater Pollution Prevention Plan, which was also reviewed by the Planning Board and Engineer in a preliminary fashion. Those two items will still have to be submitted and appear before this Board for their consideration and ultimately, review and approval. So that's something that's still yet to progress and the matters with the retention facilities, their final layout, the grading, there will be some opportunity, if you will, to kind of tweak that to maybe alleviate a potential concern by basically moving it one way and shifting it another and that will be refined and finalized through the next step. Ron asked Hal Romans if he concurred with what he was saying.

Hal replied that was exactly, typically, what happens. When they were at the Planning Board, the Planning Board Engineer, Mark Parrish said that he had looked at drainage

from a preliminary standpoint, recognizing that Ron DeTota or the Town Board Engineer would review that with the contract documents for the construction of those and there was the anticipation that there would be the ability to adjust and modify slightly in order to make certain situations a little bit better. But basically, what Mark Parrish does is he looks at it to make sure that the stormwater is shown, the Site Plan works and you are able to construct it according to that. That doesn't mean that there's not going to be slight geometric changes in maybe a structure or contouring in order to get the approval of the Town Engineer.

Supervisor Corl asked Ron DeTota and Neil Germain if that would come back to us.

Ron DeTota replied that was correct. They are currently working with the Developer's representatives to finalize those documents and when they come to a level of comfort, they will then appear before this board, along with the applicant, to seek the Board's approval on those documents and at that time they can have more detailed discussions on those types of situations and matters.

Councilor Burtis asked if that's what they were talking about, the safety benches for stormwater.

Ron DeTota answered yes. Those are items that can be better refined, and then this board would have the opportunity to review those items in greater detail at a future date; hopefully, a lot sooner than later.

Councilor Zambrano asked if that area they were talking about is a water detention area.

Ron DeTota replied yes. It acts as a stormwater management facility, both to store the water, as well as also provide some water quality measures.

Councilor Zambrano asked if part of the concern was the depth of that detention area.

Ron DeTota said the main concern that he got from Mark's letter was the incline; the proximity to the structures themselves. The depth, it depends on the outcome of what the pond is – what sort of pond are they trying to create. Certain ponds require certain depths of water in order to act in its design. So that's stuff too that they can look at and discuss with the Board whether or not that makes sense. That type of stormwater management facility makes good sense for that location, but there's a lot of different ways this could be presented.

Councilor Zambrano said that the slope for that detention area was brought up as an issue, just reading the Planning Board Meeting minutes and discussing with some of the Planning Board members the depth on the slope, the result on the safety issues. Whatever they sign off on tonight, if anything, those issues will still be addressed at a later date.

Ron DeTota replied that was correct. That's still a separate item because it is within a Town easement, only this Board can approve that and those specific documents and that's not what is here before the board this evening. Those are things that they will look at and work with them to come up with something that works for the community. They have to take into consideration not only the functioning of the pond itself and the way it addresses engineering concerns, but health, safety and welfare issues as well.

Councilor Jennings said he had read in the Planning Board minutes that these were two-story units. They have a veranda coming out of the back of the Upper Floor Plan and there's a patio that comes out of the lower floor. He asked what they have, in the interest of safety for fire, if they are on that second floor. How many exits are there? Is there just one door going out the front?

James Thrasher pointed to an area on the map and explained that with the upper buildings, each apartment is a little bit different; they have garage units that attach to the lower and upper floors where they come in with access points, all buildings have sprinklers throughout the entire facility. So from a fire standpoint they have access out, just like any apartment building and it goes through the review at the Code office.

Supervisor Corl said that with the back portions that were looked at by the Planning Board, he thinks the only concerns were Lots 5&6 and that easement. He asked if there were any other configurations that were looked at to accommodate those concerns.

Ron DeTota asked if he meant stormwater being jockeyed around or moved.

Supervisor Corl replied that was correct.

Hal Romans answered not at that point. Because realistically they knew that it was going to have to come to Ron DeTota and the Town Engineer (he would be the one that would give the final okay on that). So in that respect, it's typical to any subdivision or residential project that they do. They get Preliminary Plan approval, but then the actual contract documents for such things as: roadways, sewers, and stormwater, the contract documents are actually provided to this board for their engineer to review and he actually recommends any changes or tweaking or requests like that. To do that at the Planning Board level, you are kind of defeating the purpose of and have to do it all over again for Ron DeTota and he may have a different outlook on what he wants changed or moved.

Councilor Zambrano asked if those were not under consideration at this time.

Hal Romans replied that at least they knew what they have to do. When they get the zone change tonight, they fully understand that they have to make the Town Board and the Town engineer happy with the stormwater design and they'll have to do what they'll have to do to accomplish that.

Supervisor Corl solicited any further questions from the Board.

Board questions – None.

Supervisor Corl said what he would consider doing is making an approval, but conditioned upon what the Planning Board, the four factors they've done, along with addressing the infrastructure and the easement issue that they just discussed will be reviewed; the road repairs and the other outlining factors in O'Brien & Gere's letter (a copy of their letter is shown as part of the Decision for this zone change).

Supervisor Corl said at that point they would continue the public hearing and solicit any comments.

Public Hearing was opened at 7:05 p.m.

Mark Venesky, Rosewood Circle, said he had taken a look at that. He attended the Planning Board meeting and he thinks we have a good project here and he would recommend with the stipulations over the drainage and that the recommendations of the Board be followed. He suggested that we approve that. He thinks it's a good project for the Town of Cicero and he thinks it's a good one for the residents. He has heard many good things about Mr. Alberici and his properties and how they are maintained. He recommended that they go ahead with this.

A resident said a big question he had, for those of them sitting in the back of the room, (he wasn't sure, he knew the area that they were doing this in), but where's Route 31, where's Legionnaire Drive? Just to orient some of them that are in the back, nice picture, but they aren't really sure how it orients to the Town and to the various points. Where's the post office shown? Is there some way that they can be kind of connected to that drawing (being shown on the overhead screen)?

James Thrasher pointed out Route 31 and Legionnaire Drive. Legionnaire Drive, existing, comes back to the VFW which is on that property and the assisted living facility in the rear closed off. Here's where the road work was completed and the future.....

Someone in the audience said in other words it's behind the American Legion.

James Thrasher replied that it was to the left of the American Legion, to the left of the medical center. If you drive down Route 31, you'll see a right in, right out, that's already been constructed on the north side. That is the curb cut that the New York State Department of Transportation approved and the Town of Clay for that property on the north and just on the south side is a right in, right out for Lawton Valley.

Supervisor Corl said he thought that all those contract drawings are on line prior to the board meeting as attachments, just so everyone was aware.

Paul Becallo, Stone Arabia Road, asked what the total number of units were, are they 3bedroom units, 2bedroom units, just a total and also the total number of parking lots at the facilities in total.

James Thrasher replied that there were 144 apartment units, of those 36 would be 1bedroom and the remaining are 2bedrooms.

Supervisor Corl asked what the full build-out was, over the course of how many years.

James Thrasher answered that Year 1 would be one building in the Town of Cicero. The first 36 units, which would be 12 1bedroom apartments and 24 2bedroom. Then it would be the extension of Legionnaire Drive, to the Town of Clay and the construction of Pareti, and then there's a clubhouse in the Town of Clay, which would be constructed because that is the rental office. Phase 2, would be the construction of another 36 units in the Town of Cicero and 26 units in the Town of Clay and as fast as they build them and they get rented, the buildings would continue. He pointed to the map and showed the areas of Phase 1 and Phase 2 and explained that as the market takes them, they will build them. This is what they do day in and day out, so they are waiting, anxious and ready to build.

Councilor Zambrano reminded James that the second part of the question was the number of parking spaces there would be.

James Thrasher replied 2 to 1 in the Town of Cicero, and the same in the Town of Clay. He didn't know the ratio, but they have garage units and in the Town of Clay. The proposed buildings in the center actually have garages in the building, so there's a mixture of different types of units, but typically they are 2 to 1. They started out at 1 ½ to 1, but the planning board requested 2 to 1 and they upped the number of parking spaces.

Judy Boyko asked about the traffic study that was done. Approximately how many cars were anticipated when the full project was complete?

James Thrasher replied that they did 3 different traffic studies for this project, but he didn't have them on him. But in terms of the access, the DOT (Department of Transportation) approved the access, the road widening, full access with the proposed traffic signal, and the right-in, the right-out. He said he couldn't give her the true numbers that evening, but said the traffic study has been reviewed and approved by the DOT. The DOT has offered letters to the planning board on when the construction of the traffic signal would be completed because that was the one concern of the planning board. That is supposed to be left this spring, and the traffic signals are supposed to be operational this summer.

Councilor Zambrano asked James if the DOT Traffic Study information was presented to the planning board.

James Thrasher replied yes.

Councilor Zambrano commented that it must have been a while ago.

James Thrasher replied that this project, (and think of the history, because they had to do it for Onondaga County for the sewer), started 11 years ago. The traffic study for the DOT and the contract drawings are 5 years old; it took two years for the DOT to approve it, a year to construct and it's been operational for a year and that was for full build out of this entire area; both in the Town of Clay and the Town of Cicero, with the commercial properties because there's commercial property in the Clay side on the south side of the road and all the commercial property on the north side, so this is well less than what the Traffic Impact Study showed.

Supervisor Corl said he thought last year they also did a zone change for about an 8 acre parcel right in the front of there to Commercial, to potentially develop that.

James replied yes. That was correct.

Judy Boyke asked why is there not approved, further down in the Clay area, another entrance/exit, not a right-in, right-out, but an actual road to offset the traffic that is going to totally congest between the post office and the Rt. 31 and Rt. 11 corridor, which is

already now overly taxed. She also asked if we have full approval from the Oak Orchard sewer situation and the pumping station.

James Thrasher replied yes. They love full access. The New York State DOT controls Route 31. When they started the project the south side, Barcaldine was a full access road, it was proposed full access and a single access there. The DOT wanted the re-aligned intersection to be the main access point for both the Lawton Valley Hunt project and the project to the north; that's why the road widening and the traffic signal. The Barcaldine entrance was in and if she went out there she'd notice that the asphalt was placed and it was painted a nice yellow. They are right-in, right-out on the south side and a right-in, right-out on the north side. So that was the wisdom of the New York State DOT. We would like full access, but that is what the DOT wanted and permitted. As it relates to Oak Orchard, the Town of Clay, and the Town of Cicero, everyone was copied on a letter from the Onondaga County Department of Water Environment Protection that says our project is approved to connect, that we are *not* part of the moratorium. It should be in their mail today. He repeated that we are not subject to that moratorium.

A resident said she thought she figured it out, but was not too sure and asked them to explain what a right-in, right-out is.

James Thrasher explained that he could take a right in, and a right out. So if you are leaving the site you can't take a left hand turn. If you are coming out of the site, so you're heading south the only way you can take a turn is a right heading westbound towards the Town of Clay. If you're coming down Route 31 from the east, you have to come to the traffic signal and make your left hand turn into the site. If you're heading westbound you can go past the traffic signal and take a right in. It sort of looks like a pork chop in the middle of the road so it restricts people from making left hand turns.

Thomas Beaulieu had a couple of questions, particularly on the traffic stud. Can he assume the traffic study is available in the Clerk's office, for this project?

Neil Germain replied that it would be on file at the Codes office because it's part of the determination by the Planning Board which relied on the traffic study and he believes that there was more than one.

Thomas Beaulieu asked if it was available for them to do a FOIL (Freedom of Information Law) on. He said he believed the road, and not ever having been finished, top course, goes back probably four administrations now.

Supervisor Corl replied probably around 2000, 2003.

Thomas Beaulieu said they have gone through four administrations before this road has actually been completed. He said he guessed the question is if they are talking about removing the binder course, which is probably pretty shot by this time, he thought he heard that recommended by the developer. He asked if that was correct.

James Thrasher replied that was what they agreed to do.

Thomas Beaulieu said if that's the case and they are going to use the new spec, and they are going to be putting 8 inches of blacktop down, does that mean they are going to be taking it down so they can have a foot of gravel underneath it?

James Thrasher answered that they have the road section layed out per the conversation with the Highway Superintendent and the Planning Board and what they wanted done in that area.

Thomas Beaulieu asked if they were on the record that it's going to be built as per our new specifications per the Town.

James Thrasher replied that their statement is, on the record, that it is being built per the approved plan that will be approved by the Town Board and the Town engineer when the contract drawings are submitted for their approval.

Thomas Beaulieu said they already had those specifications in place, so there are no additions. Either build it to that or don't.

James Thrasher said he thought Mr. DeTota could step in and answer the question.

Ron DeTota stated that he thinks his questioning goes to whether or not the specifications of the Town are going to be in place and going to be taken care of and it's a concern but the Town engineers will look over it and they say they are going to comply to it during the Contract Drawing stage. He's sure that Town engineers, (even though he doesn't want to speak for them), will know what the specifications are and they'll take care of that.

Thomas Beaulieu replied so Ron was speaking on the engineer's behalf, but the engineer is going to guarantee that the new specs will be applied to this new road section?

Ron DeTota said he was not ready to comment on that. He didn't know what discussions happened previously, but he did know that Mr. Alberici is not constructing this road new. He thinks that it's out of his generosity by taking an unfinished product and trying to make it better. He doesn't know if there was any discussions made on what the final design would be but that is something they will research and go within meeting minutes and discussions and come back and discuss them.

Supervisor Corl said he thought that there were some discussions, early on, that they were agreeable to make any necessary road improvements that the Town requested. He said Chris Woznica might have been at one of those meetings, but he had some concerns or questioned if that could even be accomplished because of the facilities or the infrastructure that is already there, can it be brought to that level or not.

Chris Woznica said that they have their utilities in there that are not pre-existing in new road construction, so at this time both Ron DeTota and himself are not ready to comment on this.

Thomas Beaulieu said his understanding is that this town board is not committed to actually building this road to the new specifications and asked if that was correct.

James Thrasher replied that the new road will be constructed by the new specifications, but the existing road will be constructed under

Thomas Beaulieu added in under the old existing, the previous.

Supervisor Corl explained that the existing road is there. The developer has agreed to make whatever improvements that the Town has requested. We are working with our Highway department and our engineer. The question is whether or not those are current specs that we passed last March; whether that can be accomplished because of the existing utilities.

Thomas Beaulieu said he thought he understood when he heard the comment made that we were going to remove the existing blacktop, which brings us down to a foot of gravel now. If you put the new spec into place you'd still have to go down another 4 inches to get the 8 inches of new top course, binder and base on and that's what he would anticipate this Town Board would make sure that gets done. It sounds like we're kind of trying to cut a deal to get the top course on that and if we got to go with the existing pavement thickness to put a top course on it we'll do that just to get it done. We've seen the results in the rest of the town, if you don't put the right amount of blacktop underneath that pavement it's going to break up in six/seven years. They've accomplished nothing but a short-term fix in that case.

Supervisor Corl asked Ron DeTota if it was correct that when the Contract Drawings come back those specifics will be fleshed out like the easements.

Ron DeTota replied that was correct. The Contract Drawings will incorporate the road reconstruction and the different elements attached to that.

Supervisor Corl asked if potentially between now and then it could be determined as actually what road improvements can be made there without disturbing the existing utilities. But, he is sure that Chris Woznica is already committed to working with James and Ron to make sure we have the best possible road improvements for that area.

Thomas Beaulieu commented that he was sure that the utilities were probably placed below the gravel subgrade so he was sure that's not going to be a serious issue, but he hopes to see it happen that way.

Mike Becallo asked if there was a relative cost per unit, for the 1&2 bedroom apartments.

James Thrasher asked if he meant rent.

Mike Becallo replied yes.

James Thrasher explained that they will be starting at \$1000 and going up to \$1500 per month for the original units, based on different unit types.

Mike Becallo asked what the amenities would be.

James Thrasher replied granite, tiles, etc.

Mike Becallo asked for that price what would be included for water, heat or electric.

James Thrasher said he couldn't speak on that, it differs.

Public Hearing was closed at 7:24 p.m.

Supervisor Corl solicited any comments or discussion from the Town Board.

Board Comments – None.

SEQRA: Councilor Zambrano moved the adoption of a resolution that the application of JoLu Development Company for a Change of Zone from Multiple Residential (RM) to Residential PUD (Planned Unit Development) for the property located at 5533 State Route 31 (Tax Map No. 091.-01-39.1) is an Unlisted Action with a completed EAF (Environmental Assessment Form - long form). The proposed project involves no other permit granting agency outside the Town with respect to lands located in the Town of Cicero. The proposed project **will not** have a significant effect on the environment and therefore **does not** require the preparation on an EIS (Environmental Impact Statement).

Motion was seconded by Councilor Conway.

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

Supervisor Corl stated that the decision has several conditions and asked Neil Germain if he could potentially take some notes and if anything that needs to be modified or corrected he would appreciate that.

DECISION: Supervisor Corl moved for the adoption of a resolution **approving** the application of JoLu Development Company for a proposed Change of Zone from Multiple Residential (RM) to Residential PUD (Planned Unit Development) for the property located at 5533 State Route 31 (Tax Map No. 091.-01-39.1) To be known as Local Law 3 of 2013. As proposed with the following conditions:

1. Phase 2 and 3 of the project should not be developed until Paroti Place has been accepted by the Town of Clay.
2. Cross access easements for Lots 2,3 &4 should be provided to the Town Board's attorney for review and approval prior to final approval of the project.
3. Lighting fixtures should be consistent with those installed on the Clay side of this project.
4. In view of the grade and elevation of units on Lots 5&6, the Planning Board recommends that appropriate safety measures such as railings be installed to ensure the safe use of these units.
5. The Infrastructure and Review Contract Drawings shall come back before this Town Board for approval and specifically, review of the easements on Lots 5&6 shall be looked at by our Town engineer and the Town Board and that there should be a final, detailed, Stormwater Design report for the Town Board to consider upon coming back to the Board for approval and consideration.
6. The necessary road improvements shall be made and outlined in the Infrastructure Contract Drawings that come back before this Board and that the Highway Superintendent, along with our Town engineer shall work with the Developer in seeing what necessary measures can be implemented to ensure the necessary and best road improvements to be made to that portion of Legionnaire Drive.

7. That the O'Brien Gere recommendations and their letter set forth April 22, 2013 also be addressed:



April 16, 2013

Town Board

Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517
Attention: Jim Corl, Jr., Supervisor

Planning Board

Town of Cicero
8236 Brewerton Road
Cicero, New York 13039
Attention: Robert Smith, Chairman

RE: Tocco Villagio Planned Unit Development

FILE: 0101/25439.449

Dear Board Members:

We have reviewed the following in regard to the above referenced project for conformance with Town Code requirements for Preliminary Plans and effect on Town utilities and roads:

- 1) Legend and General Notes dated February 12, 2013 last revised April 2, 2013
 - 2) Existing Conditions Plan (2 sheets) dated February 12, 2013 last revised April 2, 2013
 - 3) Proposed Zone Change dated April 1, 2013
 - 4) General Layout Plan dated February 12, 2013 last revised April 2, 2013
 - 5) Site Layout - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 6) Site Layout - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 7) Site Layout - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 8) Utility Layout - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 9) Utility Layout - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 10) Utility Layout - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 11) Grading Plan - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 12) Grading Plan - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 13) Grading Plan - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 14) Landscape Plan - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 15) Landscape Plan - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 16) Landscape Plan - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 17) Photometric Plan - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 18) Photometric Plan - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 19) Photometric Plan - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 20) Erosion Plan - Phase 1 dated February 12, 2013 last revised April 2, 2013
 - 21) Erosion Plan - Phase 2 dated February 12, 2013 last revised April 2, 2013
 - 22) Erosion Plan - Phase 3 dated February 12, 2013 last revised April 2, 2013
 - 23) Erosion Control Details dated February 12, 2013 last revised April 2, 2013
 - 24) Details (2 sheets) dated February 12, 2013 last revised April 2, 2013
 - 25) Stormwater Pollution Prevention Plan (SWPPP) dated March 2013
 - 26) Residential Planned Unit Development Plan Narrative dated March 21, 2013.
- CHA prepared the Items 1 to 2, 4 to 26 and Ianuzi & Romans Land Surveying, P.C. prepared Item 3.

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The 18.3-acre site is bounded on the south by Legionnaire Drive, on the west by the Town line and on the north and east by adjacent properties. The site is zoned Residential R-M and the Planning Board recently granted Preliminary Plan approval for the site. The above information has been submitted for approval of a Planned Unit Development (PUD) zone change for the site. A PUD provides the Developer the flexibility to deviate from the Town standards as may be deemed appropriate by the Boards. As such, the comments herein include information noting where the proposal does not conform to the typical Town requirements for site plan, subdivisions and Town sanitary sewer, drainage and highway construction standards. This information is provided for the Boards to consider when making their recommendation or approval for the project.

The site generally consists of brush and woods. It is proposed to construct a total of 144 apartment units on nine lots. The apartment units will be three 36-unit and six 6-unit buildings. The development is proposed to be completed in three phases, with Phase 1 consisting of Lots 2 and 3 with two 36-unit, 2 ½ story apartment buildings, Phase 2 consisting of Lot 4 with one 36-unit, 2 ½ story apartment building, and Phase 3 consisting of Lots 5 to 10 with six 6-unit, 2 story apartment buildings. The 36-unit buildings will contain twelve 1-bedroom units and twenty-four 2-bedroom units. The 6-unit buildings will contain three 2-bedroom units and three 3-bedroom units. Our comments are as follows:

- 1) The site has frontage on Legionnaire Drive, which is a Town highway and will serve as the main access to the site. Issues associated with the overall traffic impacts from the project and improvements to and along Legionnaire Drive were addressed during approval of the Preliminary Plan. Compliance with the requirements of that approval must be provided. The site access, circulation and parking should be reviewed with the Applicant and the following are additional comments relative to these issues:
 - a) Access to Phase 1 is to be provided by an extension of Legionnaire Drive, access to Phase 2 is to be from Pareti Place and access to Phase 3 is to be from Alberici Avenue. Alberici Avenue is proposed to be a Town of Cicero highway. Pareti Place is proposed to be a Town of Clay highway and will connect Alberici Avenue with Legionnaire Drive. A note has been placed on the Plan indicating Phases 2 and 3 are not to be developed until Pareti Place has been accepted by the Town of Clay. However, the note does state that if Phase 2 is developed prior to construction of Pareti Place, access will be through Phase 1. The acceptability of this should be determined during the review process considering issues such as the amount of traffic utilizing the single access onto Legionnaire Drive, emergency access and utility service.
 - b) Cross access is provided between Lots 2, 3 and 4. The cross access easements as shown do not address access through the lots or the entrance onto Legionnaire Drive. The easements should be amended to address this and it should be confirmed that the cross access easements or agreements have been reviewed and approved by the Town or Planning Board Attorney.
 - c) Parking for each of the 36-unit buildings includes 60 surface parking spaces and 24 garage parking spaces. This provides for 1.6 surface parking spaces per unit or 1 space per bedroom. In addition to the surface parking 24 garage spaces will be provided for Lots 2 and 4 and 18 garage spaces will be provided for Lot 3. A note has been placed on the Plan indicating the garage spaces are only for use of tenants. Parking for the 6-unit buildings includes 2 surface parking spaces stacked in the driveway in front of a 1-car garage for each of the units. This provides for 2 surface parking spaces per unit or a minimum of 0.67 surface parking spaces per bedroom.
- 2) The site is located within the Cicero Sewer District. Sanitary sewer service will be provided by extension of laterals from the Town sanitary sewer facilities to be constructed as part of the subdivision. Issues related to the preliminary design, capacity and inter-municipal agreements for construction of the Town sewer facilities were noted during approval of the Preliminary Plan. Final design of the sanitary sewer system is to be addressed during approval of the Contract Drawings for the project by the Town Board. Compliance with the requirements of those approvals must be provided.

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- 3) Stormwater runoff from the site is generally tributary to two proposed wet pond stormwater management areas to be constructed as part of the development of the subdivision. As the project will disturb greater than 1-acre of area a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES Permit for the project is to cover construction of both the subdivision and site development activities. Review of the preliminary design of these facilities was completed during approval of the Preliminary Plan. Review of the final design of the stormwater management areas, the SWPPP, and erosion and sediment control for the SPDES Permit is to be addressed during approval of the Contract Drawings by the Town Board. Compliance with the requirements of those approvals must be provided. The SWPPP includes a discussion of Green Infrastructure (GI) and Runoff Reduction Volume (RRV) measures that are to be provided. The measures to be provided on the apartment sites include the use of pervious pavement, rooftop disconnection and vegetated swales.
- 4) The site is located within the Cicero Water District Extension No. 4. Water service is to be provided by extension of services from water mains constructed as part of the development of the subdivision. The Applicant should coordinate provision of water service with the Onondaga County Water Authority (OCWA).
- 5) The site is not located within a flood plain as identified on the 1994 FEMA Flood Insurance Rate Maps.
- 6) There are no wetlands located on the site according to the National Wetland Inventory Map and New York State Freshwater Wetland Map.
- 7) The Boards should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are some comments for the Boards consideration regarding these and other miscellaneous issues:
 - a) Lighting is provided both on the site and along the adjacent roads. Approval for the lighting within the roads will need to be obtained from the Town Board along with the formation of a lighting district, if necessary. The light levels provided are reasonable but it is recommended the light fixture be a fully enclosed, full cut off type fixture. The proposed fixture will result in significant glare.
 - b) Signage consist of a 24 square feet monument sign adjacent to the entrance to Lots 2 and 3.
 - c) As noted herein the PUD zoning allows for variance from typical zoning requirements. The following is information comparing the provided bulk regulations with those for R-M multi-family zoning:
 - i) The Town Code requires lot area be calculated excluding the area encumbered by easements for stormwater management areas, wetlands, and utility easements for transmission lines not directly serving the subdivision. Significant portions of Lots 2, 4, 5, 6 and 7 are encumbered by easements for stormwater management areas. As a result the typical requirements for R-M zoning are not met for the following:
 - (1) The R-M multi-family zoning requires a minimum lot area per unit of 5,445 square feet. Only Lot 7 meets this requirement with the lot area per unit on the remaining lots varying from 2,101 square feet on Lot 6 to 4,673 square feet on Lot 10.
 - (2) The building coverage of 43.9% and 46.9% on Lots 5 and 6, respectively, exceeds the 30% required for typical R-M multi-family zoning. It is noted on these lots that essentially no area is provided outside the drainage easement except for the building area and front yards directly in front of the buildings, which include the paved driveways.
 - ii) The 34'-7" height of the buildings on Lots 2, 3 and 4 exceed the 30' height required for typical R-M multi-family zoning.
 - iii) The provided building line, minimum lot depth, and front, rear, and side yard setbacks meet or exceed the setbacks required for typical R-M multi-family zoning.

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If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
 Managing Engineer

cc: Steve Procopio, Code Enforcement Officer - Town of Cicero
 Toni Mosley, Code Enforcement Office - Town of Cicero
 Chris Woznica, Superintendent - Town of Cicero Highway Department
 Neil Germain, Esq. - Germain & Germain
 James Trasher, P.E. - CHA
 Hal Romans, L.S. - Ianuzi & Romans, P.C.
 Ron Detota, P.E. - C&S Engineers, Inc.
 Gary D. Cannerelli, P.E. - O'Brien & Gere

Motion was seconded by Councilor Zambrano.

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

**RESOLUTION FINDING THAT THE APPLICATION OF HANCOCK FIELD
 DEVELOPMENT CORPORATION FOR A DEMOLITION PERMIT TO DEMOLISH
 APPROXIMATELY 79 RESIDENTIAL STRUCTURES (2 single family and 77
 multifamily) IS AN UNLISTED ACTION WITH A COMPLETED EAF
 (Enviromental Assessment Form - Long Form)**

Councilor Zambrano moved the adoption of a resolution Finding that the application of Hancock Field Development Corporation for a demolition permit to demolish approximately 79 residential structures (2 single family and 77 multifamily) is an Unlisted Action with a completed EAF Long Form (617.20). The proposed action involves no permit granting agency outside the Town. The Town of Cicero was declared Lead Agency for the purpose of SEQRA compliance by previous action of this Board and Lead Agency Notices were sent pursuant to accepted procedure. The proposed action will not have a significant impact upon the environment, and does not require the preparation of a Draft Environmental Impact Statement. A copy of this resolution will be filed with the Town Clerk, provided to the applicant and the Dormitory Authority of the State of New York. Motion was seconded by Councilor Jennings.

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

Supervisor Corl stated that the Town has been working with Hancock Field Development Corporation. We've actually taken Lead Agency, we did that a few months ago on this project and this is the SEQRA Determination. An application for a demo permit has already been filed with our Codes office, so they are going to be moving forward on that and that will clear the way for potential expansion of Hancock Development Field.

ENTER INTO CONTRACT WITH C&S COMPANIES FOR ENGINEERING
SERVICES FOR SANITARY SEWER MAINTENANCE, IMPROVEMENT, AND
EMERGENCY REPAIR

Ron DeTota stated that what was before the Board was a contract by C&S to perform engineering services, as related to sanitary sewer maintenance, improvement and emergency repair. The contract amount is \$8,000.00. It is the same amount that was presented and ultimately approved last year. What that includes, basically it's their estimate for a fee assuming six (6) typical repairs and what that means is sometime the need requires emergency services to break a broken lateral or to address a situation that cannot wait for the proper design actions.

He reviewed some of the following Scope of Services:

1. Coordinate work with the Town's contractor and obtain available background information from the Onondaga County Department of Water Environmental Protection (OCWEP).
2. Review the nature of the problem with OCWEP and the property owner and plan a course of action.
3. During the repair we will be present in the field to determine the likely cause of the problem and confirm the extent of the repair advisable. If a utility company has caused the damage, we will contact the company involved so that they can observe the conditions.
4. Thereafter, we will provide spot checks of the work progress, assist with any changing condition, review invoices submitted, and certify to the Town that the changes are appropriate.
5. Provide assistance to the Town associated with on-going maintenance issues and infiltration and inflow removal as agreed with OCDWEP.

Supervisor Corl explained that the contract is also paid for out of the Sewer District.

Ron DeTota said that was correct. It's part of the Special District Fund that the district contributes to in order to provide these services.

Councilor Zambrano asked if there are no emergency sewer repairs that are necessary then this won't be billed.

Ron DeTota replied that was correct and apologized for the timing of this. He said to be truthful this probably should have been done at the beginning of the year. Because there's actually already been at least one that he was aware of with a complaint from a tenant/resident and C&S was called to the scene, along with OCWA (Onondaga County Water Authority) and what the evidence showed was that there were knives, toys and various debris that was being placed by the tenant of the property into the sewer cleanout and the lines that are televised by OCWA showed that. So it was their recommendation that the Town should not be liable for this work because it was not through natural occurrences that it happened. So, they recommended that the tenant/property owner call a plumber to remedy this situation, but it was a property renter who was performing this work so the property owner was notified. He doesn't know if that tenant is still there or not, but that was certainly a cost that they were there to look out on behalf of the Town to ensure that it wasn't just done and billed to the Town accordingly.

Councilor Burtis asked if this was No.1.

Ron DeTota replied that it was one down.

Supervisor Corl said he thought there was three or four last year.

Ron DeTota said it was probably closer to six and explained that their estimate is just

That - it's an estimate and it depends on the complexity.

Councilor Jennings moved for the adoption of a resolution to Enter into a contract with C&S Companies for Engineering Services for Sanitary Sewer Maintenance, Improvement and Emergency Repair not to exceed \$8,000.00 and Authorize the Supervisor to sign the necessary documents. Motion was seconded by Councilor Conway.

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

APPROVE NEW BACKGROUND CHECK POLICY

Supervisor Corl stated that Robert Germain and Neil Germain have been working on this policy for some time.

Neil Germain said that was correct. He and Robert have gone in and done an investigation on the Background Check Policy and there are a number of administrative agencies and jurisdictional concerns that go into this and a lot of thought went into the actual resolution check policy that they have provided to the Town. For example: You have to consider the Humans Race Law, the Corrections Law and there are a number of issues that the Town will encounter in the Perspective Employment Process Form with the Background Check that will go along with it. They have prepared the policy for the Town and recommend it.

Supervisor Corl said he knew that there were several drafts and that they actually had meetings with certain agencies.

Neil Germain replied that was correct. This went through several drafts and he gave thanks to the Citizens for Community Alternatives who did have some input and helped them along with this and provided their input. He said it really was a collaborative process.

Councilor Zambrano asked if the Citizens for Community Alternatives signed off on this.

Neil Germain replied yes.

Supervisor Corl thanked Neil for all of the efforts that went into this and said it was certainly a model for others to use.

Councilor Jennings asked if what they have now is the final document and did they want to do that this evening or should they have a chance to look at it.

Neil Germain said that certainly could be placed on a future agenda or it could be voted on that evening; it was completely up to the Board.

Councilor Jennings said he would defer it, because the one he had originally had seven or eight pages and forms and maps, so he just wondered if that was included.

Councilor Zambrano said what she was looking at was dated May 3rd and asked if that was the final one.

Neil Germain said that was the final one.

Supervisor Corl said he didn't think there was any necessity to pass it that evening if Councilor Jennings wanted another opportunity to look at it.

Councilor Jennings said he would like it deferred.

Supervisor Corl deferred it until the May 22nd meeting.

ACCEPT COMMUNITY DEVELOPMENT GRANT MONIES FROM THE COUNTY OF ONONDAGA IN THE AMOUNT OF \$30,000 FOR IMPROVEMENTS TO CICERO SENIOR CENTER (ROOF REPAIRS AND IMPROVEMENTS TO PARKING AREA)

Councilor Jennings moved the adoption of a resolution to Accept Community Development Grant monies from the County of Onondaga in the amount of \$30,000 for improvements to Cicero Senior Center (Roof Repairs and Improvements to Parking Area) and to Authorize the Supervisor to sign the contract. Motion was seconded by Councilor Zambrano.

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

APPROVE DRAINAGE EXPENDITURES IN DESIGNATED AMOUNTS CONSISTENT WITH THE DRAINAGE IMPROVEMENTS AND MAINTENANCE STANDARDS OF PRACTICE ADOPTED BY THE TOWN BOARD ON APRIL 25, 2012

Supervisor Corl said Ron DeTota had some modifications that he wanted to discuss.

Ron DeTota said the item that appears on tonight's agenda was their attempt to try to convey a message and he believes it fell short. It was their attempt to provide the Board with an overview of the proposed drainage expenditures for the upcoming year. Unfortunately, the way they presented this information it made it unclear whether or not engineering costs were also included in the proposed dollar amounts.

At the beginning of the year, C&S received a contract, he believes, for \$44,786 to assist with the design, the construction observation and progress the Town's 2013 drainage improvements. This amount covers the engineering services required for the 2013 program. No additional C&S fees are proposed as part of the resolution this evening.

He apologized for the confusion with the way it was presented, but having said that and after receiving additional input, C&S is proposing to modify this resolution before this Board this evening as follows: Consistent with the Board approved Drainage Standards of Practice,

- Appropriate an expenditure of \$150,000 towards open channel improvements. The intent of this work is to improve and restore the conveyance capacity of larger open channels that provide flood control and convey overland runoff away from town roads.
- Appropriate an expenditure of \$50,000 towards the improvements of rear yard swales, and overland flood routes.

Ron DeTota said he was certain that everyone is aware that there is a small group that works on drainage, consisting of representatives from planning and codes, C&S, Councilor Conway and Supervisor Corl. They meet regularly to review drainage complaints and consider maintenance and improvement needs. If this new approach is approved by the Board, Councilor Conway and Supervisor Corl would decide on actions to take within these established budgets.

This reviewed approach would save considerable time between complaints and action, alleviating the long waiting time experienced now, and taking better advantage of our very short season doing this work.

Ron DeTota concluded that was the revised resolution, the dollar amounts, and the intent for the Board's consideration that evening and their explanation on why they feel that this will be a better, more streamlined, efficient program to follow.

Supervisor Corl told Ron DeTota that typically, Chris Woznica was there or somebody from the Highway department also at the meeting and at the last meeting that they had Councilor Conway and himself, along with the other members and were talking about ways to make things a little more efficient. What they ran into last year was some things that they wanted to accomplish, that didn't get done because of having to keep coming back to the Board and it just became problematic. Councilor Conway and himself were looking for ways to make things more efficient and this idea come up, especially with the short season that they do have to work with. He thinks that this approach will be a little bit easier and they will be able to accomplish more for the Town.

Ron DeTota said he thought it was a good idea.

Supervisor Corl asked Councilor Conway if he had any input on that.

Councilor Conway replied no. Other than that they divided it all up so they have "x" number of dollars for doing little things and so on, so he thinks it will work out very well.

Councilor Burtis asked about the \$5,000 for the under drains, do they take that off?

Councilor Conway replied no, they left that in.

Supervisor Corl asked Ron to clarify that.

Ron DeTota explained the way that was originally worded, it was for identifying engineering services. That \$5,000 is part of the \$50,000 and it could have been implied as far as a cost with theirs and that's where he thinks some of the confusion lay. It's not an additional, assistance wasn't going to them with their resolution.

Supervisor Corl said the Board budgeted \$300,000 for drainage this year and this is basically taking \$200,000 of it and allocating \$150,000 for the main swale/main drainage courses and \$50,000 for backyard swale projects that need to be done. Will that be all? If potentially they may come back in the year if that money is all utilized, maybe not though. Last year, he knows that they were under budget on some projects, so there was no necessity to come back.

Ron DeTota said that was correct. Circumstances can change where it warrants an emergency service, if you will, but that will leave you the flexibility to have those funds and the balance coming in under what their goal and object was.

Supervisor Corl moved the adoption of a resolution to Approve drainage expenditures in designated amounts consistent with the Drainage Improvements and Maintenance Standards or Practice adopted by the Town Board on April 25, 2012, appropriated as follows: \$150,000.00 towards open channel improvements/maintenance and an expenditure of \$50,000 towards the improvements of rear yard swales, and overland flood routes.

Councilor Burtis asked Supervisor Corl if what they were saying was "improvements" or "maintenance."

Councilor Jennings replied "maintenance."

Supervisor Corl said probably "improvements" and "maintenance", and asked Ron DeTota if that was correct.

Ron DeTota said their goal is to improve the existing situation, while performing general maintenance so it's interchangeable.

Motion was seconded by Councilor Conway.

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

APPROVE FUNDING FOR RE-SURFACING OF TOWN HALL PARKING LOT
AND STRIPING (LAST DONE IN 2004)

Tracy Cosilmon said they had been working for several years now to try and put together, in front of the Board, the resurfacing of the Town Hall parking lot and at this time, after reviewing it and discussing it with the Highway department, she is proposing tonight, with a quote from Suit-Kote.

The material that is going to be used is a Type II Slurry Seal. It is used on the actual roads, it is used at schools and it is County Bid #7458, which was the lowest bid. She asked how long that would last and the representative told her around 5 to 7 years. It is what the representative from Suit-Kote quoted her. So after careful consideration, after speaking with a lot of people, they actually came to the conclusion that the parking lot needs to be addressed. There are large holes. It's definitely a safety issue and then they need to get that proper striping back on there also. They are not going to be doing it, another company that she will bring before the Board, that recommendation on the striping that they had in the past, she would like to stay with that same company. She will propose that to the Board for their decision.

Tracy said at this time she had before them a quote and she has spoken to the Comptroller's office and the Highway department. They do have it budgeted, and there is the proper amount of money. It is \$50,321, which was estimated from Suit-Kote. This is estimated from Suit-Kote and this is to go from Route 11, all the way back behind the Salt shed to Route 81. It is going to cover almost 20,000 square yards, is the estimation on it. Of course the other thing that has to be taken into consideration, of course, that they said to her is that there's a lot of labor. It's labor intense because of the amount of buildings in this parking lot and they would have to do this on a Saturday, due to the amount of vehicles that are in this parking lot, the Highway, the Police, and Parks & Recreation vehicles. To put those off-site someplace they have to do this in two stages.

Tracy said if there were any questions she could try and answer them. It's taken a while to have this project completed.

Supervisor Corl said he knew that she has been working on this awhile.

Tracy said she does have it broken down. She does also have a couple other quotes from Suit-Kote that wouldn't go as far back as the Salt shed, it would just go to the end of the Highway building. She also mentioned that other companies don't have the same material so there's nothing you can compare it to get another quote, like LanCo wouldn't have the same thing as one company or other companies. This is strictly a Type II Slurry and it's a lot rougher texture.

Tracy asked Chris Woznica to add something.

Chris Woznica explained that what this is like when you seal your driveway, but an aggregate is used with a polymer oil that they go down with and all you're doing is preserving your blacktop for another 7 years without having to do any major repairs to it. They will be doing this to a number of roads this year. Most highway departments around the county use this same method, so he believes it's an investment in your blacktop for the whole complex. It will do nothing but preserve your blacktop for even longer.

Supervisor Corl asked if 2004 was the last time that it was actually surfaced. He knew that they did some crack-sealing there a while ago and that made a little bit of a mess. But, other than that there really hasn't been any maintenance.

Tracy said the striping was maintained and that they would need the help of the Highway department to clean the area and they would be working to patch any of the holes, and they would be cleaning all of it and preparing it. They would do all of the prep-work in our Highway department because she thought if they could do any cost savings on that...so they're going to be working with them to accomplish that.

Councilor Burtis asked who was going to do the re-striping.

Tracy said she has a company called A-Stripe-A-Lot and he is the one that she is considering, that she will bring back before the Board. He does an excellent job and he's been very good pricewise for us. He's going to come out, if the Board goes forward with this, to evaluate the whole property as it is right now, so that the striping will be maintained the same way as it set up now. She said she talked with all the departments on this too and they all agree that the way it is set up is fine.

Supervisor Corl said they also talked about if this is approved; he knows that there's going to be a meeting later this month at which they can coordinate and make sure that everybody's on board with how they are going to shift the vehicles on the weekend.

Councilor Burtis asked if Tracy had a time that they thought they can do it.

Tracy replied late May.

Supervisor Corl said that they would have to move up their meeting then.

Councilor Burtis asked if they think they need to do the whole thing.

Chris Woznica replied yes.

Councilor Burtis said he didn't agree. He thinks they should do up front for sure.

Councilor Jennings explained that there was a lot of heavy traffic on the back-end; they have all the trucks and loaders. If anything he would do the back and let the front go.

Chris Woznica commented that he would do it all.

Tracy said it could be maintained and the maintenance of it too could all be done at the same time instead of saying "okay in 2013 we did the front and in 2014 we can do the back," this way they can just say the whole thing was done in 2013 and have a plan on how they maintain it 5 to 7 years from now.

Supervisor Corl said that was a lot of money, but like Chris said it is an investment and he doesn't foresee the Town Hall moving anytime soon.

Councilor Burtis said that there were roads out there that need \$50,000. He has a hard time with it.

Tracy said a couple of things were brought up. She said to believe her, because she discussed this with a lot of people. They have to look at the time frame, how long it's going to last, break it down that way, its how many years that you wouldn't have to maintain it. This way here, we've got to put some money into it, the way it is right now. Jody Rogers did want her to make mention that her tennis courts, just for one of them is going to be \$17,000. So Jody thought it was a very good price and told Tracy she could use that for an example.

Tracy said it is an estimate and hopefully we don't go to the \$50,000.

Councilor Jennings said his last question before he made a resolution, was that it says that the price may vary at time of project due to asphalt escalation and de-escalation, which we understand. However, once they enter into the current contract is it locked in at that current price?

Chris Woznica replied not necessarily, because like it says if the asphalt goes up then they are going to adjust the price.

Tracy said the gentleman did say that because they could do it on a Saturday, the Saturday material is more costly. She did bring back before him and said what if they did

it during the weekday, but the cost factor is not that much for them having to move the numerous amounts of vehicles that they have off site.

Supervisor Corl said what he was hearing was if the Town Board does approve this they should probably try to get this done sooner rather than later; certainly before Memorial Day.

Chris Woznica said this company was a very good company and they have worked with them for a number of years.

Supervisor Corl replied sure and said it's a County Bid.

Councilor Burtis said at this point they don't have an estimate of what the striping was going to be and asked if they had an idea of how much it was going to be.

Tracy replied that the last time we did the striping, we had 70 spaces, plus we had 2 arrows, the 4 handicaps that were designed by the zoning and codes to make sure that we were in regulation of those and we had 2 of the hashouts. The last time we had that done it was \$395.00, but we are going to have a lot more spaces because we are going to do a larger amount in the back, but it's very reasonable.

Councilor Zambrano asked Tracy is she budgeted for the striping.

Tracy replied that it was definitely budgeted, because it needs to be addressed.

Councilor Jennings moved the adoption of a resolution to Contract with contact Suit-Kote for Type II Slurry Seal in the amount not to exceed \$50,321.00 on County Bid No.7458 unless we have an escalation/de-escalation to do the entire lot from Route 11 back to Route 81. Motion was seconded by Councilor Conway.

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

ENTER INTO A LEASE AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS
FOR A TOSHIBA e-STUDIO 456 DIGITAL COPIER IN THE AMOUNT OF \$153.00
PER MONTH FOR 39 MONTHS

Councilor Jennings said he had a memo from Tracy on the lease for the Town copier (located in the Town Hall Court Room) and currently, the Town is paying ComDoc \$239.31 per month. The proposed quote is a Onondaga County Bid Quote which includes a wireless upgrade capability, a Total Quality Service Plan and a savings in the amount of \$86.31.

Councilor Jennings moved for the adoption of a resolution to Enter into a Lease Agreement with Toshiba Business Solutions for a Toshiba e-Studio 456 Digital Copier in the amount of \$153.00 per month x 39 mos. and for the Supervisor to execute the agreement (subject to Attorney review). Motion was seconded by Supervisor Corl.

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

TAX RECEIVER'S OFFICE APPROVALS

Appointments`

Supervisor Corl said he had a memo from Sharon Edick, who wanted to acknowledge that Sharon Hollenback who was a Seasonal Part-Time Clerk in the Receiver's office has started a business which has taken off quite rapidly and unfortunately she can no longer share her time with the Town. Sharon Edick says she will be greatly missed.

Supervisor Corl said obviously Sheri always has a friendly smile and does a fantastic job for the Town. With that departure, they have a recommendation to employ Jacquelyn Purdy as a replacement.

Supervisor Corl moved the adoption of a resolution to Employ Jacquelyn Purdy, in the Tax Receiver's Office, as a Seasonal Part-Time Clerk effective May 13, 2013 at a pay rate of \$13.77/hour (Not to Exceed 800 hours). Motion was seconded by Councilor Zambrano.

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

ASSESSOR'S DEPARTMENT APPROVALS

Reappointments and Appointments

Councilor Zambrano stated that they have recommendations from our Assessor, Brad Brennan to reappoint Harold Naumann who has served nobly and he needs to be reappointed because his term is up.

Councilor Zambrano moved for the adoption of a resolution to approve the following from the Assessor's Department:

- A. The reappointment of Harold Naumann to the Board of Assessment Review for a term beginning June 4, 2013 through June 30, 2013
- B. The appointment of Toni Mosley as Clerk/Receptionist to the Board of Assessment Review for Grievance Day (June 4, 2013), for a total of 6 hours at a pay rate of \$10.00 hour.

Motion was seconded by Councilor Burtis.

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

HIGHWAY DEPARTMENT APPROVALS

Councilor Burtis announced that after 33 years at the Cicero Highway Department, and 17 of them as Foreman, Rick Mutter has retired and we all wish him the best. Steven LaRochelle, a 33 year employee has been moved to Foreman, retro-active from April 29, 2013 at a pay rate of \$24.80/hour.

Purchase Approvals

Supervisor Corl moved the adoption of a resolution to approve the following purchase approvals for the Highway Department:

- A. \$6,000 to 3M Traffic Safety for assorted sign transfer material
- B. \$26,300 to Crossroads Highway Supply for traffic paint and glass beads
- C. \$4,000 to Stadium International for a new computer for Truck #10
- D. Employ full-time Machine Equipment Operator vacant position with Christopher Prevost, effective May 13, 2013, at a pay rate of \$23.78/hour, in agreement with the CSEA amendment agreed upon at the January 12, 2011 Town Board Meeting

Motion was seconded by Councilor Zambrano.

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

APPROVE AMENDMENT TO THE 284 AGREEMENT (ROAD IMPROVEMENT
PROJECTS FOR 2013) BETWEEN THE TOWN OF CICERO AND THE
HIGHWAY SUPERINTENDENT

Supervisor Corl said Chris Woznica had provided an amended 284 Agreement and circulated it that afternoon to the Board. It's pretty much consistent with the original one that Chris had provided; however, there were a couple of modifications and he asked Chris to highlight them for the Board.

Chris Woznica said after going and looking at the roads after the winter season, they determined that they were going to drop Gulfstream Path, Orangeport Road, Torchwood Lane and Chestnut Street and add the entire length of Smith Road and a portion of Vernon Road South. Chris said that was the only amendment.

Supervisor Corl noted that on the final calculations it comes up to \$804,000, which is a little bit over budget, however, earlier Chris had said that they already saved about \$10,000.

Chris Woznica said that was correct. They've finished the crack/seal and the final bid hasn't come in but they are estimating that they are under budget on the crack/sealing about \$10,000. They added an entire neighborhood and they still came in under \$10,000.

Councilor Burtis asked how much was that entire neighborhood.

Chris Woznica replied that he did not have that figure in front of him, but it was all of Val Park in Bridgeport.

Councilor Zambrano asked if this amendment takes about a mile off of the original agreement.

Chris Woznica said he didn't add it up, he couldn't tell her.

Councilor Zambrano said she just added it up.

Supervisor Corl said he was fine with it. It was consistent with what they discussed and what Chris wanted to accomplish to do some of the roads while he was in the area to avoid a lot of transportation costs and issues.

Councilor Zambrano asked if Smith Road was being added in the cost listed as \$35,000 and the new estimate was \$174,000.

Chris Woznica replied that was right. There was only a short section that the Cornell Roads plan had in their project plan and it was a section in the middle and with transportation costs it didn't make sense to come back year 2 and year 3 to do the main road; they are right there, so get it all done and save the costs of the equipment movement and pave the road.

Councilor Jennings said he knew that when he spoke with Chris earlier that day, and he knows because he lives over there and he's driven Smith Road from one end to the other and he mentioned Leroy and another road over there and it makes Smith Road seem like a highway. So he thinks they need to relook at some of those areas, one is a pot-hole and one is almost half the length of the road where the topcoat has gone.

Chris Woznica told Councilor Jennings that if he wanted to compare roads then to take a ride through Gulf Stream, Wickham North up in Brewerton, or Eldan Meadows.

Councilor Jennings said he was just saying that Smith Road doesn't appear to be in such dire straits.

Chris Woznica explained that they were trying to stay in conjunction with the Cornell Roads Plan that the Board paid \$20,000 to have done.

Councilor Zambrano said Smith Road went from \$35,000 to \$174,000 because of the additional distance that they were going to add. Beach Road went down from \$100,000 to \$93,000 and asked if these figures all reworked based on new information about what the road materials were going to cost.

Chris Woznica replied yes.

Councilor Zambrano said the roadwork comes to \$721,000 and then asked where the mill and fill patching, was going to take place. Is that as his crew sees fit to do that?

Chris Woznica replied yes.

Councilor Zambrano asked if it was \$36,000 for the crack/sealing.

Chris Woznica said that had already been completed, they don't have the final bill but they are somewhere around \$25,000 for the final bill for that.

Councilor Zambrano asked if they already had the crack/sealing done already, because they were going to do a lot of miles of crack/sealing.

Chris Woznica replied that it was all done.

Councilor Zambrano said that was great. She asked if that's where he said his whole new estimate came in at \$804,000.

Chris Woznica replied yes.

Councilor Burtis said if the crack/sealing has already been done and it was approximately \$25,000, do they still need the \$36,000 listed or can they change it?

Chris Woznica said he has to wait for the final bill.

Councilor Zambrano moved the adoption of a resolution to Approve the amendment to the 284 Agreement (Road Improvement Projects for 2013), between the Town of Cicero and the Highway Superintendent as proposed tonight. Motion was seconded by Councilor Conway.

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

STAFF APPOINTMENT APPROVALS FOR YOUTH BUREAU, PARKS & RECREATION

Staff Appointments

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

Recreation Attendants – Day Camp (New)

Emily Campbell, 301 Church Street, North Syracuse

Hire Date: June 17, 2013

Hire Rate: \$7.25/hour

Budget Code: B7140.1

Motion was seconded by Councilor Zambrano.

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

Concerts by the Bay Series

Councilor Jennings announced that the Greater Cicero Chamber of Commerce this year is helping the Town bring back our Concerts by the Bay Series. The Chamber is sponsoring three (3) concerts at Williams Park. The Chamber and Parks & Recreation department are working together to provide music for the entire community. Listed below are the bands and their scheduled concert dates:

1. June 25th – Soul Mine
2. July 9th – Better than Bowling
3. July 23rd – Custom Taylor Band

He said the food will be provided by the Greater Cicero Chamber of Commerce.

Also, he said that they have a new President, John Annabel of Karate Johns and the Vice President is Mike Aregano. There are some changes and new stuff coming and bringing some old times back.

APPROVAL FOR ASBESTOS AIR MONITORING, NOT TO EXCEED \$1,484.00
REQUIRED FOR THE DEMOLITION OF THE PROPERTY LOCATED AT
8095 McCAMIDGE DRIVE

Supervisor Corl said they did order and awarded the bid for 8095 McCamidge Drive and during the process Steve Procopio has been working with the individual who was awarded the bid and at this point they need to obtain some Absbestos Air Monitoring for the project; which he has received one quote in from Atlantic Testing in the amount of \$1,484.00 and he is in the process of obtaining some other quotes, but they wanted to get moving on this right away so he wanted to add this to the agenda so they could get an approval on an amount not to exceed \$1,484.00 and Steve Procopio will make the final call on who they are going to award that to.

Councilor Jennings asked who was responsible for the monies for that, was it the contractor?

Supervisor Corl replied that it would be put on the Tax Roll.

Supervisor Corl moved for the adoption of a resolution for Asbestos Air Monitoring, not to exceed \$1,484.00 required for the demolition of the property located at 8095 McCamidge Drive. Motion was seconded by Councilor Zambrano.

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

TOWN OF CICERO PARADE PERMIT APPROVAL FOR THE
AMERICAN LEGION POST 787, MEMORIAL DAY PARADE

Councilor Jennings moved for the adoption of a resolution to Approve the Town of Cicero Parade Permit for the James H. Spire American Legion Post 787, Memorial Day Parade, to be held Monday, May 27, 2013 at 9:00 a.m. The route of the procession will start at the Cicero Cemetery on Route 11 and proceed south to the American Legion Post on Legionnaire Drive. Motion was seconded by Councilor Zambrano.

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

Councilor Jennings stated that the parade would start at 9:00 a.m. but the line-up for anyone in it is 8:30 a.m. and at 8:45 a.m. there will be a ceremony at the Cicero Cemetery and the parade at the termination there will be a brief ceremony at the Legion Memorial followed by an Open House.

Supervisor Corl encouraged all to attend and said it was a fantastic ceremony.

Councilor Jennings also announced that there was the 8th Annual Family Festival, Saturday, May 25th in North Syracuse, Lonergan Park and it starts at 12 noon. He said they have lots of good food.

PUBLIC INPUT

Deborah Gardner asked for clarification on the Background Check Policy that's now on the Town's website. Is that the one that they were considering that evening, and will it be the one that they will vote on May 22nd?

Supervisor Corl replied yes and said that there wouldn't be any further amendments.

Deborah Gardner asked why does the Highway department not do the parking lot repair and why do they hire out somebody else.

Chris Woznica explained their walk-behind machine is obsolete. They can't get parts for it anymore, it doesn't work and he doesn't have the manpower. They have too many other major projects that need to be done in a very short amount of time. They are down to 15 men and they've got vacations and they'd have to pay them overtime on the weekend and they can't do it.

Supervisor Corl said the Highway department doesn't apply the Slurry Seal because they don't have the equipment available.

Chris Woznica said they do not apply the Slurry Seal, that's specialized equipment.

Bill Adams, Ferstler Road, said the last meeting that he attended was November 28th and he was looking for an update on 7199 Ferstler Road.

Supervisor Corl said he knew that the Codes department had investigated that.

Neil Germain stated that it was an ongoing investigation with the Codes department and that's where it sits right now, as far as he knows.

Supervisor Corl said that they would look into it, but he thought that the matter was closed.

Neil Germain apologized and said he was not versed in that.

Supervisor Corl said they certainly could look at it but he thinks it was closed.

Bill Adams asked closed meaning?

Supervisor Corl replied investigated and the Codes officer closed the investigation because the situation was rectified.

Bill Adams asked in what way. He said they were still living in the illegal dwelling and have never moved out of it so how is it rectified.

Supervisor Corl said the Codes department did look into it.

Councilor Burtis asked what was the last thing, because Bill said the last time he was there... what was said then when he asked.

Bill Adams replied that they told him that they were doing some painting work or something in the upstairs apartment of the farmhouse and when that was done they were going to move into it. He knows, speaking with a couple of the neighbors that live right next to him on both sides say that it appears that their son has moved into the upstairs apartment but the owners of the property still reside in the illegal residence.

Supervisor Corl said as far as he was aware it was closed, but they certainly could look into it.

Neil Germain said it was something they could look into, but at this time he didn't have an answer for him regarding this situation.

Bill Adams asked if he comes back in two weeks he should possibly have something to tell him.

Supervisor Corl replied sure.

Thomas Beaulieu said he would also like to piggy back on Bill Adam's comments, it was five months ago and it was his last meeting and he thinks Bill came in expecting some answers. If it's been closed out by Codes and if there is still illegal tenants in that building then why isn't the Zoning office doing their job and applying the ordinances that cover that? Why is the Town Board saying they'll give him another answer in a couple of weeks? When is he going to get an answer to that, it's been five months and Bill's been coming in for at least 8 or 9 months prior to that.

Supervisor Corl asked Neil Germain wasn't there a Violation Notice on it. Like he said, he believed it was closed but they could look into it.

Neil Germain said he believed there was another Violation Notice sent. Tom's question presupposes that it's an illegal dwelling and he really.....

Thomas Beaulieu said he appreciated that part of it.

Neil Germain said that he would get him an answer.

Thomas Beaulieu had questions regarding Agenda Item no.8 and Item 20. Item no.20 was the \$1,484 regarding the air monitoring for asbestos. Yet, they passed an unlisted SEQRA determination that it shouldn't have an environmental impact and tear down 79 buildings at the airbase? How do they know what's out there? There could be asbestos, mercury and all kinds of things and they are not going to do any monitoring of that? They are talking about 1 building in town and 79 structures on the air force base. He's been through there and those structures have

been there since World War II he believes, and there's got to be stuff out there that's hazardous, who's doing the monitoring on that, the dormitory authority?

Supervisor Corl said Lori Dietz was here and they're talking. Although the Town is doing the SEQRA determination and acting as Lead Agency, they filed the application for a Demo permit....

Thomas Beaulieu asked if they were going to do any monitoring.

Supervisor Corl replied no. Because the application that was filed was a partial application which our Attorney has spoken with Mr. Procopio and that was the appropriate way to do it. You file a partial application first, you make the SEQRA determination, then Ms. Dietz (who was here earlier) is going to complete the application and take care of those issues.

Thomas Beaulieu said he didn't think that was going to be a Full Impact Statement. He did see a long form done, which was about 20 pages. But, as a Board are they going to see any of the work that's going to be undertaken before they actually go out there and start ripping buildings down?

Supervisor Corl said he knew that Robert Germain has been working with Lori Dietz on this issue.

Neil Germain said he was trying to understand the question. Was Tom suggesting that the Board is going to take an active role in the demolition?

Thomas Beaulieu said no, of course not. He said that they just signed off that there was not going to be any environmental impact with this project; it's classified Unlisted Action. They are assuming it's not going to have any environmental impact, they don't know what's out there.

Neil Germain said that it could be mitigated.

Thomas Beaulieu replied that he didn't see anything that said it would be. Because he doesn't see any money being proposed that would be spent to make sure that there was proper monitoring. There's got to be something out there that would be hazardous to this environment, even if people dump stuff there after the buildings were abandoned.

Neil Germain said Tom's question presupposes that there's definitely something out there.....

Thomas Beaulieu said he thinks that most people would probably say over 40 or 50 years there probably is and he doesn't see any action plan that the Town is interested in pursuing to make sure that they don't have environmental problems out there.

Neil Germain said he believes they have the asbestos survey to get the permitting ... (inaudible). They are going to have to go through the whole permitting process anyways.

Supervisor Corl said that would probably take place when a Final Demo Permit is issued. They just have an application right now.

Thomas Beaulieu asked if the application process is on file with the Zoning office and was it foible.

Supervisor Corl replied yes.

Bill Adams said he felt the need to refresh everyone's memory here. The structure in question is listed as a barn 36ft. x 86 ft. grade listed as average, condition listed as poor, year built 1900. If you took a look at that barn it's not the barn that was built in 1900, that barn burnt in the mid 90's. They rebuilt this barn without a permit and then they converted it into a home; 36ft. x 86 ft. that's a large square foot home. It's listed as a barn, if it's not an illegal structure why doesn't say it say "dwelling" instead of a barn?

Neil Germain said he had no reason to disagree or agree with the facts that Bill just said. But, what he said was that we will look into it and hopefully give him an answer at the next meeting.

Judy Boyke commented on Agenda Item no. 20 and said any home that's built from 1978 and before requires lead paint and also asbestos, so mitigating it before or just by wetting it down before they tore it down. They wouldn't have to do any air quality. If you wet it down you could put it in the garbage bag and put it out to your road. Two weeks ago she asked about the \$202,000 that was found revenue and no one has gotten back to her, which they said they would do. Did they have an answer that evening?

Supervisor Corl said the easiest way to determine that issue, if she looked at the Annual Report, each line item is depicted as to what was budgeted and then what was the additional revenue. It's probably about 50 line items or more. He doesn't have the report in front of him, but it is online if she wants to look at it. If she wants him to go over it with her he has no problem.

Judy Boyke said she just asked if he would have that answer and he said he would. She asked about the \$40,000 for the revenue that was included in the budget.

Supervisor Corl said Robert Germain had looked into that and the County, despite their over-objection utilized that as a credit off of the County Bill as opposed to a cash reimbursement to the Town. Although they disagree with that, they talked about pursuing it further, with the costs and what not; he doesn't think that they are going to do that at this time.

Judy Boyke said she did make that statement that they'd never get it and it would go to credit.

EXECUTIVE SESSION

Supervisor Corl moved the adoption of a resolution to Enter into Executive Session to discuss issues relative to Public Employee Collective Bargaining Negotiations and the employment history of a particular individual pursuant to Public Officers' Law Section 105. They will first invite the Highway Superintendent, along with the attorney in, followed by our Police Chief. Motion was seconded by Councilor Zambrano.

Supervisor Corl said they would reconvene.

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

The meeting adjourned into Executive Session at 8:40 p.m.

The meeting reconvened to Regular Session at 9:17 p.m.

Supervisor Corl said he had made the motion to reconvene. Motion was seconded by Councilor Zambrano to return to open session.

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

Supervisor Corl moved the adoption of a resolution to Approve Steven LaRochelle, as Foreman, retro-active to April 29, 2013 at a payrate of \$24.80 hour. Motion was seconded by Councilor Zambrano.

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

ADJOURNMENT

Motion was made by Supervisor Corl to adjourn the Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

There being no further business before the board, the meeting was adjourned at 9:19 p.m.

Tracy M. Cosilmon
Town Clerk

