

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, April 13, 2011, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

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

Others Present: Christopher Woznica, Highway Superintendent  
Sharon Edick, Receiver of Taxes  
Jody Rogers, Director of Parks & Recreation  
Wayne Dean, Director of Planning & Development  
Diane Cellucci, Comptroller's Office  
Brad Brennan, Assessor  
Linda Losito, Secretary to Supervisor  
Anthony Rivizzigno, Town Attorney  
Ronald DeTota, II PE, C & S Engineers

Absent: Shirlie Stuart, Comptroller  
Joseph Snell, Police Chief

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

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

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

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

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

The motion was approved as follows:

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

## SPECIAL RECOGNITION – KAYLA McKEON

Ms. Boyke introduced special guest, Kayla McKeon and her parents Patty and Mark, her Godmother Julianne and family members. This amazing young lady has served as an inspiration, not only to those with special needs, but to all individuals who have aspired to reach lofty goals. Her persistence and ability to overcome obstacles for the past 23 years have served her well and achieving what few of us can boast of accomplishing in a lifetime. Kayla is a global messenger for the Special Olympics. Her credentials are very impressive, but none more amazing than the latest honor that has been bestowed upon her, to represent the United States in the 2011 World Games. They are being held in Athens, Greece from June 24 – July 4, 2011. Kayla has a presentation this evening that she would like to share with all of you. Please welcome Kayla McKeon.

Kayla McKeon stated that she was invited here tonight and would like to tell you a little about herself. She explained that she has Downs Syndrome and celiac disease, which means she can not eat anything that contains wheat, oats, rye and barley and needs to watch her diet closely all the time. She lives with her mother Patty and her father Mark and her puppy, Bella. She entered a program called Circle of Determination. Her dream has been public speaking and working in an office. Kayla is currently attending Onondaga Community College taking American Sign Language 102. She has spoken at schools in Onondaga, Oswego and Madison Counties about her abilities. She has lobbied in Albany about budget cuts, for those with disabilities and has been to Washington, DC and lobbied for the Able Act, which stands for Achieving a Better Life Experience. This Act enables those with disabilities to put more money into our savings accounts without losing our Supplemental Social Security, so that we do not have to live at a poverty level like we do now. Kayla is currently working at Papparazzi's Day Spy in Liverpool and has been there several years and loves working there as she receives discounts on my hair and nails which is very important to her. She is a communicant of Sacred Heart Church in Cicero and volunteers at Anna's Pantry and makes sandwiches for the poor as she loves helping people. She also serves as a Eucharistic Minister and volunteers at the YMCA in Liverpool at the front desk. While attending Junior High School she won some awards for Algebra and for commitment and courage and got 94 on her Algebra exam. She credited the teachers who believed in her and who were the best and stated that was why she did well in school. They took everything step by step and taught with love, or she wouldn't be where she is now. Kayla also passed the Math and English Regents Exam. While attending High School it was hard for her to keep up with her classmates during sport, so she joined the Special Olympics and was able to keep up with all my friends and have fun. Kayla is an active member of the Downs Syndrome Association of Central New York and volunteers and walks to raise money for awareness about Downs Syndrome. She is also a member of the YMCA and likes to work out as much as she can. Kayla is a global messenger for the Special Olympic's and is their public speaker representing them at events as a public speaker, which is what she loves to do. Kayla participates in sports and wants to be a good role model and show other people what she, as well as other people with Downs Syndrome, special needs, or people who don't have disabilities can do, if they can set high standards for themselves, as this should apply whether you have a disability or not because everyone is equal. Kayla is a SOP advocate and belongs to the group in Syracuse. It is important to her to be semi independent and say what is on her mind and likes to do things on her own, but, will ask for help when she needs to. Some of the accomplishments I've attained this year are, winning a scholarship from the National Downs Syndrome Society to take classes at OCC. Recently I had an article published in the CNY Sports and was selected to represent Cicero, NY to compete in the 2011 Special Olympics Summer Games in Athens, Greece in June.

A power-point presentation will be put on the town's website and is available on YouTube showing many of Kayla's accomplishments. Again, she will be participating in the 2011 Special Olympics to be held in Athens and is an inspiration to all of us.

Ms. Boyke presented Kayla with a Certificate of Special Recognition, for representing the United States in the 2011 Special Olympics World Games, which has been signed by all of the Town Board Members.

## APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Mr. Conway, to approve the minutes of the March 23, 2011 town board meeting.

The motion was approved as follows:

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

## DEPARTMENT HEAD INPUT

## Tax

Sharon Edick – I just turned in my Town and County Reconciliation to the County Finance Department for auditing. On Thursday I will be paying the Supervisor the final amounts I have collected.

Interest, Penalties, Miscellaneous and bounced check fees will provide a bonus of almost \$30,000.00. This amount is above and beyond the warrant amount paid in January. Friday we will begin updating the information to start the Village Tax Cycle.

Assessor - None

## Zoning

Wayne Dean stated that he had distributed to the board a pamphlet regarding the stormwater program and felt it was well written. It was put out by the County Regional Planning Board and tells you, what you are supposed to be doing.

## Town Clerk

Tracy Cosilmon reminded everyone that Earth Day is will be on Friday April 29<sup>th</sup> and Saturday April 30, 2011 and that the town will be participating on April 30<sup>th</sup> from 8:30 a.m. to 11:00 a.m. Interested Town Board Members and town employees should meet at the Town Hall on Saturday. Anyone, who would like to participate by cleaning up their own areas, can bring their bags to the Highway Department until 11:00 a.m. Stickers are available at the Town Clerk's Office. The more people that work together, the more trash we can remove from the streets, highways and parks in our community.

Tracy also announced that the American Cancer Society sent the Supervisor a letter stating that they have raised over \$166,000.00 in the Central and Northern, New York Regions for their Daffodil Days campaign. Judy graciously purchased daffodil plants for every office and the bulbs will be planted on the town's property.

Thirdly, I am in receipt of a letter from Joan Kesel, President of the Historical Society who has requested that their web site address be put on our site. Should anyone wish to visit their site the address is [www.ciceronyhistorical.org](http://www.ciceronyhistorical.org). The museum and school will be open the second Sundays in April thru September from 11:00 a.m. until 4:00p.m, with the exception of May 8<sup>th</sup>, which is Mother's Day. They will be open on May 15, 2011 and have their regular open house and plant sale. They are welcoming any and all contributions of perennials from their friends.

Tracy requested approval to pay the Historical Society \$1,500.00 to provide assistance for the old school house located at the Route 31 Historical site and for their museum and log house, subject to the town attorney reviewing their request. This is a budgeted item.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$1,500.00 to the Historical Society to provide assistance for the old school house, museum and log house, subject to the Town Attorney's review.

The motion was approved as follows:

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

Tracy stated lastly that there was an article in the Post Standard, Neighbors North section, about pet oxygen masks being made available for people to buy and donate to their local fire departments to insure that animals can receive the necessary care in the event of an emergency situation. The kits are being made available from the company at a reduced cost and if anyone is interested in donating them to their fire department. For information, feel free to contact me.

Highway - None

Comptroller - None

Park & Recreation

Jody requested approval for the town to have a USTA Tennis Membership in the amount of \$100.00. The reason for us joining the USTA is to make us eligible for grants. We run a large program for youth and adults and the grants allow us to buy equipment such as rackets, tennis balls, and pays for additional staff to help John Wojac, who is our tennis instructor. In the past, we've gotten about \$700.00 each year for the last couple of years. So, for \$100.00 it would be a good return for our money.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an expenditure of \$100.00 to become a USTA member, to make us eligible for grants from USTA for equipment and staff for the town tennis program.

The motion was approved as follows:

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

Jody stated they are still taking reservations for the Robins Egg Hunt that will be held this Saturday. It is for residents and people just need to call our office and give us the names of your children. This is for children ages 3 – 9. Also on Sunday, at the VFW in North Syracuse, there will be an Easter Bunny Breakfast. The proceeds from that will go to fund the North Syracuse Family Festival.

#### APPROVAL OF ABSTRACT #7 OF 2011

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #7 of 2011, with the correction that was submitted deducting \$800.00 as follows:

General Fund	Voucher #563 to Voucher # 699	In the amount of \$ 901,390.80
Highway Fund	Voucher #175H to Voucher #214H	In the amount of \$ 70,112.48

The motion was approved as follows:

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

NO BUDGET MODIFICATIONS

PUBLIC HEARING ON LOCAL LAW 485–a OF NEW YORK  
 REAL PROPERTY TAX LAW

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

The public notice read as follows:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 13<sup>th</sup> day of April, 2011, at 7:00 p.m. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York, to consider the following: a local law pursuant to New York Real Property Tax Law, Section 485-a, entitled Residential-Commercial Urban Exemption Program. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk's Office.

Mr. Corl explained that several meetings ago, he brought up legislation that was enacted by the County of Onondaga. For the 485-a, to be effective within the Town of Cicero, the Town Board and other municipalities would need to adopt it. That is the purpose of this public hearing. It will allow for an exemption from real property taxes for commercial properties that converts to a mixed used property and encourages that type of development within the town. It would allow certain improvements to be made on your commercial property making it mixed use and would entitle you to a reduction of taxes on your assessed value. So, if there was \$100,000.00 of increased value associated with your investment, in mixed use property, that would be exempt on a basis set forth in a local law on a 12 year basis gradual sliding scale. The first 8 years would be exempt 100% and by the 12<sup>th</sup> year a 20% exemption and filter out from there. The main purpose is to allow for these type of developments, especially, if we target areas such as Brewerton, North Syracuse, or any hamlet, to encourage developments, where you have businesses and residential, all in one building. We went over the code with Wayne, and there is a certain provision that would fit nicely in Brewerton to encourage this type of development.

Ms. Zambrano asked how many potential properties would be impacted.

Ms. Boyke – There are only two mixed use areas right now. One is in Brewerton and the other is North Syracuse, within the town. Any other use or purpose that someone would like to take advantage of this exemption, they'd have to first have a zone change to have it mixed use.

Mr. Corl – Exactly, or if a proposed development comes in and they want to do a mixed use, we'd obviously have to go through a site plan and say the town would approve that.

Wayne Dean – It could probably be done under a planned unit development. The way that this is written, it would apply to all commercial properties, but, right now it can only be done in Brewerton or North Syracuse as that is what the zoning currently allows.

Ms. Boyke - I believe there is a specific part in this for the Assessor, because he would have to assess values on this property. Is that correct?

Brad Brennan – Yes, the application would have to be filed with the Assessor's Office by the March 1<sup>st</sup> deadline as other exemptions are. In a scenario where a property owner spent \$200,000.00 to make this change and it's already assessed at \$300,000.00, only that \$200,000.00 for the improvement would be exempt. That is how it's split out.

Ms. Boyke – If it's already assessed at \$300,000.00 the value would be \$300,000.00 plus and the \$200,000.00 would be the exemption.

Brad Brennan – Yes

Ms. Boyke – How many other towns have already adopted this?

Mr. Corl – I think Cicero would be the first in the County. Travis Glacier from the County is here tonight and may know the answer to that.

Travis Glacier stated that right now, only the City of Syracuse has a 485-a exemption within its municipality. Statewide there are only three other counties that have passed 485-a. This is very new. It came about because in June 2010, the Empire Zones expired and within the Empire Zones Law, there was 485-e legislation, which provided similar components for mixed use to try and promote this sort of development. With the expiration of that, the State amended the NYS Real Property Tax Law for the 485-a, legislation, which is now in Buffalo, Rochester and Albany and in the counties of Albany, Monroe, and Erie as well as within the municipalities that do the actual assessment. To the best of my knowledge, unless something has happened in Monroe, this would be one of the earliest townships that will actually provide 485-a, legislation, and from a county wide standpoint, you're going to see that on a larger scale. When the County passed the 485-a, legislation, it put it on the local municipality to establish the 485-a designation at the local level. That means, within the towns development, you will make the assessment from your codes standpoint of what qualifies for 485-a. The county property tax will actually follow suit with assessment. As an example, if you have a property that is assessed at \$300,000.00 and there is \$200,000.00 of investment, not only would the local property taxes hold that assessment through the life of the 485-a, but so would the county. You would be able to bundle a nice economic development tool for potential developers.

Ms. Boyke – Asked how this would affect school tax.

Mr. Gracier deferred to legal.

Tony Rivizzigno - I think the school district has to pass their own per my understanding. I also believe that is how 485-b worked too. I think the school board has to adopt it as well, to exempt the school tax.

Mr. Gracier asked if that would include the village.

Tony Rivizzigno was not sure about the village adopting their own, but may very well have too as well. I think it applies to all the municipalities in the taxes. If you don't adopt it, your Municipalities taxes, would not be exempt.

Mr. Gracier – One nice thing about this is because this is an exemption on an investment, there is no loss in tax revenues. This is a way to provide incentive for investment.

Ms. Boyke asked if there was a window.

Mr. Corl and Mr. Gracier - It has to be a minimum of a \$10,000.00 investment.

The public hearing was opened at 7:43 p.m.

Speaking for - None

Speaking against:

Loris Sager stated that since the taxpayers are really going to be paying for this by the exemption, somebody is going to make up the difference in the tax base. What benefit will this be to the town? Is it just for the beautification of Brewerton and trying to get investors?

Mr. Corl – If you get mixed use property and let's say hypothetically, Brewerton, it fits with the schematics of the Brewerton project and design of the streetscapes work. It will encourage a commercial developer to come in and say this would be perfect to open a store with residential on the top portion. It would encourage that type of development and will help the tax base once you get them in there. It would also be a future investment because you have a gradual decline on that assessed value exemption over the years.

Lori Sager – The town wouldn't receive the full benefit in additional tax revenue for 12 years for the improvement.

Mr. Corl – Correct, they aren't going to pay on that improvement to the property.

Lori Sager – For 12 years?

Mr. Corl – For 8 and then it drops down.

Lori Sager – This law is asking the taxpayer to assist in the development of Brewerton by putting property on a tax exempt basis.

Ms. Boyke – Not just Brewerton. Anyone who wishes this would have to apply for a zone change to mixed use, first. The only two areas this applies to now, is Brewerton and the Village of North Syracuse.

Lori Sager – This would be an incentive to try and improve Brewerton to revitalize it?

Ms. Boyke – No, this has nothing to do with Brewerton specifically. It's to encourage development for any other areas. Those two areas are the only areas right now that are zoned mixed use.

Helen Carroll stated that the law should be adopted as it will benefit the economical growth in small communities such as hamlets of Brewerton, Bridgeport and North Syracuse. It is practiced in some of the buildings in Brewerton right now and as you know, there are vacant buildings now and hopefully, we'll be able to get people to come in and this will help them out.

Ms. Zambrano asked if this mixed use fits in the plan for Brewerton. We also have a comprehensive plan for the entire town.

Ms. Boyke – This will encourage those who have vacant buildings in Brewerton, as they are zoned as a mixed use. Any other areas in Bridgeport, Cicero, where it is commercially zoned or residential, and are looking for mixed use, will have to apply for a zone change.

Ms. Zambrano asked what area is included.

Wayne Dean stated that without looking he believed it's the core area from Guy Young Road, North to the River where there are 2 and 3 story buildings.

Ms. Boyke stated it consist of about 2 blocks.

Mr. Corl – It is that separate code that was developed just for Brewerton which is 210-84.

The hearing was closed at 7:50 p.m.

Board Comments:

Mr. Corl stated he was hopeful that the board will consider this and approve this. The reason why he brought this up a couple of months ago when he saw the county enacting it, I thought it was a good opportunity to be right on top of this. Potentially it could bring in a few businesses and I feel we should do what we can and hopefully this tool will be utilized by some developers.

Motion was made by Mr. Corl, seconded by Mr. Conway, to adopt and enact a local law pursuant to New York Real Property Tax Law, Section 485-a, entitled Residential-Commercial Urban Exemption Program, which provides for an exemption from real property taxes for qualified residential-commercial urban Real Property as authorized by section 485-a of the New York Real Property Tax Law.

The motion was approved as follows:

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

PUBLIC HEARING TO CONSIDER ADOPTING A LOCAL LAW PURSUANT TO  
TOWN LAW SEC. 185 OF TOWN CODE – REGARDING CLUSTER  
DEVELOPMENT

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

The public notice read as follows:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 13<sup>th</sup> day of April, 2011, at 7:00 P.M. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York, to consider the following: a local law that amends Section 185-26 of Chapter 185 of the Town Code of the Town of Cicero regarding cluster development. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk's office.

A power point presentation was given by Art Humble, affiliated with Ianuzi & Roman discussed NYS Section 278 cluster development law. The Town Board by local law or ordinance may authorize the Planning Board to approve a cluster development. The primary definition of cluster is the alternate permitted method for layout and configuration and design of lots, buildings, structures, roads and utilities and other infrastructure to preserve the natural open land. The Court of Appeals summarized it by saying the economic flexibility and scenic beauty, are all appropriate reasons for permitting this clustering. Density is set by applying the conventional zoning restrictions that are over the property, and excluding any unbuildable land, such as wetlands, transmission easements, drainage and storm facilities and stormwater basins. Density can not be exceeded once determined by the density plan. So, the maximum number of lots you come up with is what you use and it can't be changed after that. The ownership of the open space is then determined by the Planning Board and the Town Board as they desire. This would also include the use and maintenance of this property as well of this open space. The dimensional control, such as the structure type, such as semi attached, detached, or attached buildings, is determined by the Planning Board, Typically towns utilizing this do not exceed the use allowed by the current zoning. A public hearing would be required for plat approval. Typically, towns will struggle with the ownership of the open space. It can be in fee, it can be owned by public or private entity, such as a homeowners association, or condominium association. The open space can also be set, by a conservation easement encumbering the open space, using part of the lot for lots in the subdivision providing the open space and does not mean a development is excluded from typical park plan fees or donations of park land.

Tony Rivizzigno explained that the town's current code allows for cluster development. Section 285 provides that the town can let the Planning Board make those determinations. That's the sole purpose of doing this. We allow cluster development in our code provided that the town board gives that authorization. The DEC has come up with some new regulations recently, which will put a lot more emphasis on open space and that type thing. Cluster development gives you great flexibility in terms of your designs in subdivisions.

Art Humble explained while he showed a picture of a subdivision that was done on Island Road, zoned RM, which allows for single family detached/attached town houses and multiple family apartments. The density plan shows 100 lots consisting of two unit townhomes. They are attached, but, would be single family attached. The density plan shows one apartment lot that could have 87 units, but only shows 72. The 278 cluster plan allows for 69 detached residential lots and the apartments still shows the 72 units. The reduction in the number of 31 lots reduces the pervious areas, like driveways, pavement for the roads and those types of things. It also reduces utility laterals and sewer capacity. The open space would be designated as both the wetland and appropriate upland areas, to secure the natural look of the portions of the apartment lot. This conservation and open space easement would be on the land owned by the apartment lot, thus providing the private entity to own and maintain the same thing, so the apartment would be the owner of the natural area. Basically, that is the reason for clustering and it's primarily to reduce the impervious area and to reduce the stress on the environment.

Ms. Zambrano requested that Mr. Humble point to the open land.

Mr. Humble did so and stated the apartment area would be the entire lot.

Tony Rivizzigno – I think that with the DEC Regulations, we're probably going to see more of these, not only here, but, throughout all of the towns, because of the requirements for the water, drainage and all that.

Ms. Zambrano asked who makes the determination of maintenance for that open land.

Tony Rivizzigno – The Planning Board would put those conditions and the Town Board would have to approve them.

Wayne Dean – Right now, the subdivision includes all those open lands in the parcel the apartment is on, so, they would be responsible.

The public hearing was opened at 8:02 p.m.

Speaking for:

Charles Abby stated that he wished to voice his opinion for the cluster grouping as it will be a plus for the town. Anytime we can preserve nature and land, it's a plus for the town. As a Member of the Planning Board, I think it would be a good thing for the board to address directly.

Speaking against:

Chet Dudzinski, Island Road stated he didn't see any advantage whatsoever in clustering in Cicero. The excuse is green areas. There are plenty of green areas in that area of the town and the only advantage I can see for clustering this project, especially, this project, is number one, Mike Bragman. Secondly, all you do is shoehorn more profit into the smaller area for any developer. Has anyone ever thought about the fire load for the houses that are going to be much closer? Are they going to have sprinklers, because they are going to be that much closer? Those are the questions that we have to ask. There is absolutely no reason why any Town Board should give up their right to question another board. That would be a huge mistake on the part of this Town Board. If you give the right to the Planning Board or to make decisions on something like that, I would strongly encourage this board not to go forward with this. You should have the right to question anything that they do. If you give up that right, you'll never get it back.

Joan Kesel, Brewerton Road, stated she saw no reason to change it either. First of all, it's a check and balance. You'll be watching what the Planning Board is recommending and they'll have to have your approval. If it's not broken, why do we have to fix it? I think it should be left exactly as it is for many of the same reasons Chet has. I don't agree at all with changing it.

Lori Sager, Cicero, NY stated she wanted her comment put down in history. Tonight is probably the first time ever, that I agree with Chet Dudzinski. He made a very good point, especially taking control from the Town Board and putting it strictly on the Planning Board. I also am very familiar for many, many years that Mr. Ianuzi has promoted cluster development in other areas of the state. I'm not quite sure if it was this county, or Madison County where he's been a strong proponent of it. I don't think this is necessary for the town and I am really concerned. I know the fire department will get involved with spacing between the properties to make it safe. To cluster and impact a certain area which heavily impacts road structure, etc., I'm not quite sure that is where this town should be going. That is just my opinion.

The hearing was closed at 8:06 p.m.

Board Comments:

Mr. Conway – I would think that we need more space and I believe in life safety and with Chet, when he talked about fires and everything being closed in. When there is clutter, there is more chance of losing a life if there were a fire, with houses being that close. I would oppose it.

Mr. Jennings – I also agree with Vern and those who spoke against clustering, for the same reasons that were mentioned. I did live in some of these in Ct. and they are scary. I would be against them as well.

Mr. Corl - The Planning Board is the planning entity of the town and they oversee all the development, make zone change approvals. They are the experts that go to all of the training, research the project and something like this, is something they do their homework on. They always invite and involve the fire departments, whether it's a hotel, a housing development that's going in. They are cognizant and aware during their planning process. They involve the fire departments and if they are not, it becomes a town board issue and we direct as to what we anticipate the process should be for the Planning Board. In the past, the Planning Board has always been very diligent in making sure these entities have been included. For all intense and purposes, this is basically something we have on the books, within the town for cluster development. Like any other development, they go through the Planning Board stages. I don't see a reason, why this should be something different.

Ms. Zambrano – Clustering is already allowed in the town. Tony, will you state again exactly what this particular local law addresses.

Tony Rivizzigno – Clustering is allowed in the town provided the Town Board gives the Planning Board the authority to grant the cluster. Section 285 gives that authority, either blanket, or a case by case basis. The Planning Board can't do anything with clustering unless the Town Board approves it.

Mr. Corl asked if this would be compared to a PUD that comes before every time.

Tony Rivizzigno stated it's similar. If there was a development that went before the Planning Board, and they decided clustering would be a good idea, they would have to come back to the Town Board and the Town Board would have to adopt a local law for that development in order for the Planning Board to approve it. In some towns they blanketly give the Planning Board the authority to do clustering. You can do it either way.

Mr. Jennings – You're saying that if we voted in favor of this they have the right to do it and it's not going to come back to the Town Board.

Tony Rivizzigno – Except for the condition they put on stating who controls the open land.

Ms. Boyke – We would still have the availability for clustering, but, the Planning Board would have, after going through the site plan and everything, come to us.

Tony Rivizzigno - Only if they put conditions on the control of the open land and who is going to maintain it. They would have to come back to the Town Board for that approval of those conditions and not for the clustering. If you don't approve it, they can't do clustering without coming back to the Town Board.

Ms. Zambrano asked how far along is the planning on this project. Have the issues regarding access for the fire departments been addressed yet?

Chuck Abby stated they haven't gotten to that phase yet. They've seen one set of plans and are working on the second set of plans. (Inaudible response)

Ms. Zambrano stated that all of these things still could be addressed by the Planning Board.

Ms. Boyke – Yes, it's just that we're relinquishing any authority. The development can go forward, but, it needs to come back to the Town Board. That's my understanding. Is that correct?

Tony Rivizzigno – It's for the conditions.

Ms. Zambrano stated that would be for the conditions of maintenance of the open land.

Tony Rivizzigno – Yes. Let me explain again: If you were to grant clustering tonight, let's say, just for this development, the Planning Board could then go back and approve all of the stuff they have to approve, fire, etc. and they could say that the owner of the apartment building will control the open land. That part would have to come back to the Town Board for you to say whether the Town Board agrees with that. If they do, the thing is done.

Ms. Boyke asked what happens if we don't agree with this tonight.

Tony Rivizzigno – The cluster isn't going to happen in this development.

Mr. Corl stated that they would come before us instead of the Planning Board.

Tony Rivizzigno – Yes, if you want to become the Planning Agency.

Mr. Corl – Right.

Tony Rivizzigno explained that the reasons most towns give it to the Planning Board is because it's the Planning Board's function. They deal with site plans and all those things on a day to day basis, where the Town Board doesn't. If you get a site plan for a subdivision in front of you, you'd have to make all the determinations that they couldn't make.

Ms. Boyke stated that is something that we aren't qualified to do. Is that correct?

Tony Rivizzigno – That's correct.

Ms. Zambrano – The original site plan came in with 100 homes and is down to 69.

Tony Rivizzigno stated that he wasn't sure as he wasn't involved in it at all. It is his understanding that there was a site plan that came in with 100 lots and is now down to 69 lots.

Ms. Zambrano stated there were 100 lots and they are down to 69 lots.

Ms. Boyke stated that she understood the lots were for patio homes.

Mr. Corl – This particular project isn't relevant to the legislation. It's the legislation we should be talking about and not the development.

Ms. Boyke – He’s right and actually, the project doesn’t matter.

Tony Rivizzigno – The question is, does the Town Board want to give the Planning Board authority to grant clustering development and whether it’s on a case by case basis or as a blanket. This just happens to be one which explains what the cluster is.

Ms. Zambrano – In this particular project, we’re going from 100 potential properties, to 69.

Ms. Boyke – Again, the lot size is for a single family residential as opposed to two patio homes on the lot.

Ms Boyke asked if anyone wanted to make a motion on this or if they wanted to defer decision.

Tony Rivizzigno – If you want further information on this, I will be happy to do whatever I can do to provide that information.

Ms. Boyke – I think in my opinion, I would like to really have this made a little more clear.

Ms. Zambrano also felt it would be a good idea to table this and get more information and think about it a little more. I think I’d like to know a little more about the impact of this particular project and would not be opposed to holding off on the vote.

Mr. Jennings - It’s not specific to Island Hollow and that is what is confusing. It doesn’t have anything to do with that. We’re going from here to the Planning Board and they do it, or they come back to us. I agree that we need to look at it and talk a little more. I will make a motion to table this until the next meeting.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to **table** the decision relative to a local law pertaining to amending Section 185-26 of the Town Code, regarding Cluster Development, until May 11, 2011.

The motion was approved as follows:

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

#### APPROVAL OF ENGINEERING SERVICES, DESIGN PHASE REFUSE COLLECTION

Ron DeTota stated that the board has a proposal from C& S for them to redo the bid for refuse collection services that exists within the Town of Cicero. The services included within their proposal would be to meet with the towns designated representatives for this contract to discuss what possible changes might be incorporated into this new contract to prepare the new contract document and actually bring it up to more current specifications that exists today. The one that exists today has old specifications and the new specifications are a little more detailed. We will furnish two copies of the documents for review by the town and at that time it will be finalized. We will assist the town in advertising for bids and answer questions from prospective bidders during the bidding process, along with the receipt of those bids, reviewing the bids and then making a recommendation of award to a specified individual for the services. Our cost for these services will not exceed \$7,200.00.

Ms. Zambrano stated that the reason we are considering this, is because the current contract with Feher is up at the end of June.

Ron DeTota – The current contract as it exists today, was a 3 year contract with two one year extensions. At the option of the town and with the willingness of the contractor holder, the contract that would terminate as of July 1, 2011, could be extended for two additional one year terms, if the town opted to take that route. If not, at that time it can be terminated and a new contract let for the services or rebid.

Mr. Corl – The town itself, as opposed to bidding it out again, could just extend the current contract.

Ron DeTota – That's correct and it is written into this existing contract that the town has that option. I believe, Feher, would also have to agree with the extension based on the rates applied within the contract itself and then go forward.

Mr. Corl asked if they would still have to go forward with the bidding on it.

Ron DeTota – No, not the way it is. If you exercise your right to extend that, then there would be no further bidding this year. The town could say they extend it another year, or they can extend it for another two years, but, they could also choose to terminate the contract as of July 1, 2011 and obtain a new one.

Ms. Zambrano – Even in an extension Feher, may want an increase.

Ron DeTota – I can't answer for Feher.

Ms. Zambrano explained that what she is saying is that it would be reasonable for Feher to negotiate for an increase.

Ron DeTota stated they may not. You have the tipping fee to OCRRA that everyone is paying, it's a prevailing wage contract, so there is a prevailing wage rate and they are obligated to pay it, so it would be whatever overhead costs that they have built in the contract itself. There is a clause in there as far as the fluctuation of gas, which is standard in most of these term contracts and that's covered too. The risk with Feher, if they're looking to re-negotiate with the town to a higher rate, the town can certainly deny that, and the risk would be that maybe they aren't the low bidder next time and the risk would be that they would lose the contract to somebody else. I can't speak for Feher, but, if I was in those shoes, I'd be concerned about rolling those dice. I'm not saying they wouldn't be the low bidder, but there's always the chance you're not.

Mr. Corl asked if anyone has reached out to Feher to see how amicable they are to extending this, as to us going through the bidding.

Ms. Boyke – They are amicable to that, but, because their contract is up and the fact that it needs to be brought before the board to make that decision on whether or not to extend it, or go out for bid. That is why we're discussing this. The decision would be to accept the proposal and go forward with the bid, or to ask Feher if they would like to extend the contract for one year.

Ron DeTota – That's correct and there wouldn't be a proposal from C & S.

Ms. Boyke – There would not be a proposal for this year.

Mr. Jennings stated this would save the town \$7,200.00.

Mr. Corl – If I recall correctly, when Feher came in last time they were quite a bit lower from the next highest bidder.

Ron DeTota explained that the Town of Clay, let their contract out in 2010 because their five year term had expired and their extension were depleted, and Feher was the qualified low bidder for that contract and were substantially lower than others.

Mr. Corl – Most of the problems we had initially, have been worked out and they've been receptive to some residents concerns, when I've reached out to them.

Ms. Boyke stated that in the beginning there were some issues, but, they have since subsided and have really gone above and beyond to make sure that any corrections have been made. Obviously, there are some situations, that are missed, but, overall their service has improved tremendously.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to extend the contract with Feher Rubbish for one year, subject to Feher accepting the town's proposal.

The motion was approved as follows:

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

Tony Rivizzigno - You said one year, but, in negotiations with Feher, would you consider two years if the negotiations with Feher are favorable, if he's willing to give you a price that goes for two years.

Ron DeTota – It can be up to two.

Ms. Boyke asked Tony and Ron to take a look at that and advise the board.

Ron and Tony agreed.

#### REPORT ON LANDFILL

Ron DeTota stated that they submitted a copy of the report to the Town Clerk and the Supervisor and have an electronic copy with the town at the request of Councilor Zambrano. I am not an environmental scientist or landfill specialist, but, I did speak with the individuals who prepared the report and was told that this is part of the post closure environmental monitoring effort that's required by NYS DEC, with the closing of the landfill itself. The work that was done as part of this is that there was actual site reconnaissance to physically inspect the landfill itself and to inspect the wells that have the water within them to inspect for sampling. The water samples were taken and submitted to the laboratory for analysis to see what is in the water. The findings were right along with the last report that was done in 2008. There were no noted increases in anything that was identified at that time. The only thing that we found was a couple of cracked gas vent pipes that are in need of repair. Our recommendation is that the pipes be fixed and believe it can be done with PVC. I haven't spoken with Chris, but, will volunteer his effort and go out and fix them.

Ms. Boyke asked Chris to take a look at this and he agreed to.

Ron DeTota – The report was sent to the DEC for their records, and our evaluation shows that the Town of Cicero is looking good as far as the landfill.

Ms. Boyke – So, we're in compliance.

Ron DeTota – Yes

Ms. Zambrano – Your letter does talk about things that exceeded, but you said it was consistent with what was there before.

Ron DeTota explained that certainly aren't going to want to drink the water as there certainly are contaminants there with the former operation of that facility. We found that there are certain thresholds utilizing historical data, of what was kept there. What was recently done, shows that it's complying with what was historically has been there. If there was a spike in a certain volatile chemical, or some other cadmium or the different chemicals that are in there, there would be a concern. Of what we found, everything was

identified within the samples that were collected and evaluated by the laboratory were right in line with what has been identified in the past.

Ms. Zambrano asked how many more years will be required for testing of the samples.

Ron DeTota deferred to Mr. Corl.

Mr. Corl believed that this needs to be done for two more years for monitoring purposes, since it closed.

Ms. Zambrano in reading the document, she noticed that due to snow, C& S was unable to inspect erosion, vegetation, etc. and wanted to know if they would be going back.

Ron DeTota explained that as for the vegetation, they cleared the snow from the cap and could tell, whether or not there was adequate vegetative cover. We can go back to verify that.

Ms. Zambrano stated that the report says they couldn't answer the question because there was 2 or 3 feet of snow.

Ron DeTota stated he agreed that there would be no way they could accurately determine that, but within the small sample areas that that he did identify and it was only for those that he could. Clearly a determination could be done across the whole cap at that time.

Ms. Zambrano asked why it was done in December when there is a potential for snow.

Ron DeTota – That's when it was realized that it wasn't done.

Ms. Boyke – It was done then, to be compliant.

Ms. Zambrano – Since this need's to be done on an annual basis, do you think we could get out there before there is snow on the ground?

Ron DeTota – Yes, definitely.

#### DISCUSSION TO ADOPT APPLICATION PROCEDURE FOR PLANNING BOARD AND ZONING BOARD MEMBERS

Ms. Zambrano stated that she could speak to this from a ZBA prospective. They met a week ago Monday and there was a recommendation made, by the ZBA Board, to fill one or two ad-hoc positions. I'm not sure exactly, if the number of ad-hoc positions, is specified, but there was this discussion to petition the board, or request from the board that the ad-hoc position be filled. It had been this board decision, not to fill the ad-hoc positions, thinking that they wouldn't be necessary and we would save some money with that lack of appointment, however, as I said, it was a unanimous decision that the ad-hoc position be filled. My question to the board is as follows: Should we fill the ad-hoc position at this time and secondly, how do we do that? One of my concerns in the past has been the lack of an application process. We put together a quick application process that asks for basic information, asking for their place of residence and why they were interested in joining either the Planning Board or the ZBA and give some background as to how some of their experience might have a positive influence on the ZBA or Planning Board. We tested it and we have had an applicant come in. That is another issue of how to go about and making these appointments. Do we fill an ad-hoc position at all, do we fill one position and do we establish an application process? I believe everyone has gotten a copy of the application I put together with the help of Jim's input and feel it serves the purpose. It asks for a resume to be submitted and we did get a resume on the one that was submitted.

Mr. Corl stated that he knew that Jessica put together the application and had no objection to it. My question is that this application was disseminated and given to individuals to use as an application, without the board even approving it. That's

somewhat troublesome that we're handing out applications, for this type of appointment when the application itself hasn't been approved by the board.

Ms. Zambrano – As you know, we had made appointment without any kinds of information from applicants in the past, so at least, this is an improvement.

Mr. Corl – Last year at the end of a meeting we would receive notice of who was being appointed without any notice. It's not the application itself it's the process and what it's going to be. We have an application that was received on April 11<sup>th</sup> and today is the 13<sup>th</sup>.

Ms. Boyke stated that John Winters had a resume from Donald Bloss and he brought it to the town. I received a copy of the application which is obviously a pretty simple application just stating their intentions, so I gave him a copy of it. As long as we have a resume he may as well be the first to use the application. If it's wrong, he can fill out another one. That was the only purpose of it and it wasn't to supersede anything. I believe everyone was given a copy of the application and the resume. That was the only purpose of it, to be in compliance with what you were trying to put together.

Ms. Zambrano stated she was glad to have had it tested as it gave us basic information for what we were looking for. I don't know Mr. Bloss, but, I understand that he had expressed interest in joining the ZBA some time ago and have been hearing his name for sometime. I am the Liason to the ZBA, because the board had decided not to fill the ad-hoc position. Once we became aware that it was a recommendation from the ZBA to fill that position, I thought it was appropriate to go ahead and get some formal information on this particular candidate.

Ms. Boyke stated she saw nothing wrong with the application as it is plain and simple.

Mr. Jennings – Is there a need for an ad-hoc and why.

John Winters – I think there is need and we discussed it at our board meeting and it would be potentially beneficial under certain circumstances to have an ad-hoc available.

Ms. Zambrano – Terry Kirwan talked about other towns having two ad-hoc members.

John Winters – He talked about them having one, but, most of them have two.

Ms. Boyke – I believe we've only had one ad-hoc.

John Winters - That's right. Quite frankly, I wasn't in favor of having an ad-hoc at all in the beginning of this year, because I saw no advantage of it. With 3 people you still have a quorum. There are circumstances where you need a super majority, which requires 4 and that was really the tipping point for me, that said we do need an ad-hoc. I still don't believe that we need 2. You're asking somebody to come to a meeting and go through some level of training and not get paid and maybe not be able to participate in meetings unless someone is absent. The pool of candidates is probably going to be pretty small.

Mr. Corl asked John if he had encountered a problem where he needed this ad-hoc or if he has had a meeting where this has become an issue.

John Winters – No, but it could have been at the meeting prior to our last one. We had a situation where we had only 4 members and had to override the State on a driveway issue. On the other side of that, the worse thing we could have done would have been to defer and wait for more people to attend.

Mr. Conway - We used to have 7 members on the ZBA and the same for the Planning Board. We always had an ad-hoc just in case. Years ago, we used to get a lot of people who would go to Florida in the winter and you'd be lucky to have 3 people at a Zoning Board Meeting. That's the reason we had ad-hoc members and they only got paid when somebody wasn't there.

John Winters stated he has the same situation and has a member that is going on a two month vacation. Those things do come up, but, we don't have ad-hoc's, for the Town Board.

Mr. Jennings – Perhaps we should go with one and if it warrants more, we'll look at it again. If an individual applies and they understand the ground rules, I would go with the recommendation of one.

Mr. Conway – I would too.

John Winters – I think that is in line with the board's discussion and their motion.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to add one ad-hoc position to The ZBA.

The motion was approved as follows:

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

Ms. Zambrano stated that as Jim said, we just got this application on Mr. Bloss of Mud Mill Road, who has a contracting background. We asked for contact information and he did submit a resume. I know he is known to other ZBA Members, so I think he would be a fine candidate.

Motion was made by Ms. Zambrano, seconded by Ms. Boyke, to appoint Mr. Bloss as the ad-hoc Member to the ZBA.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	No, we need more notice. I just got this application yesterday and haven't had a chance to speak with Mr. Bloss.
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

Mr. Jennings – Do we need a motion to approve the application form itself?

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to require an application for appointment for the ZBA and Planning Board Members and to establish some time frame for approving candidates in the event a Town Board Member wants to interview them and to approve the basic application form and requirements which should be the minimum we require from candidates for the ZBA or the Planning Board.

Tracy Cosilmon asked what the procedure was going to be. Will they be coming to my office for me to distribute to the board members? Who will have a copy of the applications?

Ms. Zambrano – That is a very good point and I will amend my motion to say they will go to the Town Clerk for distribution to the whole board.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	No, if we're going to implement an application and a process we should have a written policy as to who it goes to. If the Town Clerk is to distribute it to the town board it, should be five days in advance of a Town Board meeting. Those things should be set down before we approve it.

Ms. Boyke asked Jim if he would like to write that.

Mr. Corl – There is a motion pending right now, so no.

**Continuation of the vote:**

Mr. Jennings: Yes, for the format  
 Ms. Zambrano: Yes and I recommend that Jim write the procedure and have it available at the next meeting.  
 Ms. Boyke: Yes and I agree that the procedure should be written by Jim for the next board meeting.

Mr. Corl – I will do that.

#### DISCUSSION AND ADOPTION OF IT PROCEDURES

Ms. Boyke stated that this agenda item is for discussion only as she has received comments from Department Heads of their concerns, which need to be looked at and evaluated. I spoke with Computer Outlet in regards to a couple of them already, but because of lack of time, that's why this will be a discussion only. At this time I will ask the board for discussion regarding IT Procedures, which definitely have to be put into place. We want to make sure the integrity and protection of the town and its contents and employees are referenced.

Mr. Corl – All of the Department Heads have very valid comments from what I've seen. I feel we should defer this to see how their concerns can be implemented into the policy before we move any further. All of them made great comments. The Chief of Police is very concerned about criminal investigations and that information being accessed as the policy is written. There is a lot that needs to be done on it.

Ms. Boyke – I agree.

Ms. Zambrano stated she felt this was very well written and she thought we needed to move forward in adopting this at some point after some more discussion. I would like to see discussion with Department Heads as well as with the Advisory Committee and your selves. There are certain things in here that I think might be objectionable to some departments that have specific confidentiality or security issues. On the first page, under privacy rights, it says the Town Supervisor or designee may access all such files and communications in the town to insure system integrity and to be sure employees are complying with the requirements of Town Board Policy and regulations. I'm not sure that designating the Supervisor as the lead person of this is appropriate. I don't know who would be appropriate and maybe it becomes a function of whoever we have a contract for support with. I feel that needs more discussion. The Town Employees auditing technology is to monitor all activity on the town, and maybe I misinterpreted it, but its not just e-mails, but all activity and I think there are some confidentiality issues with that. It's those kinds of things that need a much broader discussion.

Ms. Boyke asked Jessica to get those to her, so that she can compile them with all of the other inquiries or concerns and we'll put it together and compile a list and be able to discuss it and get it to everyone. I would ask that of all of the other board members, to provide your list of concerns, so that we can put them with the Department Heads concerns and then go forward and defer this until the next Town Board Meeting.

The board agreed.

#### DISCUSSION OF TOWN CODE DEALING WITH NON-CONFORMING USES AND LOTS, PARTICULARLY SECTION 210-5

Ms. Boyke stated that the board received a letter regarding this particular matter.

Mr. Corl stated that he provided a letter to the board on March 23, 2011 relative to 210-5. As the codes reads right now, it is presenting an issue for folks who live in a commercial area, where they have a residential home, but, the zone is commercial. Pursuant to our code, if the property were to burn down they would not be allowed to rebuild the property or rebuild the home because it would be a non-conforming use. What's happening is when these folks in these homes are trying to be sold in these commercial areas, the purchaser can not obtain mortgages for the property because they see that our town code reflects, that if the property is burned, or destroyed, they can not resurrect the home. Obviously, a lender will not grant that mortgage. So, the people that live in certain areas

in the Town and there are a few on Route 11, are having major issues with trying to sell their home because they live in a commercial area and people are submitting purchase offers on them, but when they go to the bank to obtain a mortgage, the bank says absolutely not, because if your property burns, we have no secured interest in the property. I've done some research on that and specifically in the Town of Clay, they have a very similar statute which deals with this problem and it allows as I've cited in my letter, that if such occurrence happens, they would allow the homeowner to rebuild the home in the same exact character and footprint as it is destroyed in, if that were to happen. It would satisfy the bank to say, ok, we will allow a mortgage for their property because we know if something happens, you will be able to rebuild your structure and their interest and security is preserved. I wanted to bring that to the Town Board as it has presented a problem for some time and for the people in the town. Obviously, we don't want to create a hardship for individuals to sell their home and that is not the intent of our code, but, this is how it has become problematic for some individuals. I wrote the letter in hopes that the town may consider revising the code as I've set forth here to address this. I don't know how the board members feel, but, I've talked with Wayne about it.

Ms. Boyke asked Wayne to speak to this.

Wayne Dean stated that his understanding is that this has always been on the books and the town has a policy that they created. If non conforming uses are allowed to continue, I don't see any use for the zoning. What you're trying to do is not necessarily force, but, you're trying to get all those properties within that area to designate and conform to the zoning you had anticipated for that area. This works against that, by allowing a non-conforming use to be established. The Clay statute allows for it. Our code says that if a structure is damaged by more than 50% it can not be re-established. Clay uses, 75% for the value if it is damaged by more than 75% it can not be re-established.

Mr. Corl – That's correct, but, it goes on to say that the Clay model says that if it's destroyed by accidental fire, tornado, or act of God, the same homeowner may rebuild the residence to its original type and size or structure. That's the key language.

Ms. Boyke – Part of that language that says accidental fire, tornado, or other act of God. Accidental fire is not an act of God. I believe that is incorrect and should say other act of God. Would that be considered spot zoning, if we make it continue?

Wayne Dean - Yes, if you were to allow it to continue on that one property and do it by zone change, it would be.

Mr. Corl – Spot zoning is when you change zone classifications. This has nothing to do with changing zone classifications.

Wayne Dean – It's allowing a non-conforming use not to continue.

Mr. Corl – Right. It would still be zoned commercial.

Wayne Dean – I agree with you.

Ms. Boyke – Does this require a public hearing if we do this?

Tracy Cosilmon – Any change requires a public hearing.

Mr. Corl stated that he would propose that the Town Board hold a public hearing to amend the code per my letter, under the B2 Section. I could put that in a separate resolution and put that to the board and we can address it at the next meeting and then set the public hearing.

Tony Rivizzigno – The only thing you need to decide before a public hearing is what the language is going to be. Once we publish it, that's what it's going to be. That is why we're having a discussion and once you have agreed upon that then we can set it.

Ms. Boyke – As some more background on this, this corridor between Route 31 and Mud Mill Road, properties have been sold over the course of 40 years and in 1965 the commercial zone was actually established. The reason for this veering its ugly head so to speak is because of the bank situation where they are being scrutinized for their giving out mortgages. In this particular case, when the bank appraiser did the appraisal on this particular piece of property he did pick up on the fact that it was a commercial zone and came to the town. I believe he verified that with Brad or his department. That is actually where the background has started, because of banks scrutinizing mortgages on properties. Unfortunately, that particular situation of this one particular home has fallen into the hardships of that particular situation. Ms. Boyke asked Jim if he would put the verbiage together.

Mr. Corl stated that he would put that together for the next meeting in the form of a second resolution. Hopefully, at that point, the board can set a public hearing for perhaps the first meeting in May and see where it goes.

Mr. Jennings – Cicero's code since 1965 stated 50%. Are we looking at maintaining that or are we raising that.

Ms. Boyke – We're changing it to 75%.

Mr. Jennings – Will your verbiage get rid of the accidental fire and such?

Mr. Corl – It will still have the words destroyed by accidental fire, as that is the intent here. It says accidental fire, tornado, or other act of God, but, should say act of God. That will be included in that.

Ms. Boyke – Do you know if the bank will then accept it. It really isn't so much the bank, this has to do with putting insurance on the property. They can't get insurance in order to get a mortgage. Have you verified that the insurance companies will in fact accept the 75%?

Mr. Corl stated that he didn't know if the banks or insurance companies will. He knew that in the Town of Clay that they haven't had a problem with this. If we adopt something of this nature, we would have at least done our part for these residents. They are tied up and having these problems and I think this will resolve some. We will have put it out there and I think it would satisfy the insurance companies. Also each lender is going to be different though.

Ms. Boyke stated it isn't necessarily so in this particular situation and along with what you're doing I will also follow up and make sure of that, as there would be no point in making changes if it's not going to satisfy the problem.

Mr. Corl – I understand and I will present it at the next meeting.

Ms. Boyke – Thank you.

#### DISCUSSION OF THE LANDINGS AT MAPLE BAY Power Point Presentation given

Art Helmbold, Ianuzi and Roman Land Surveying introduced the owner/developer of the property Michael Lopresti, MLSC Development, LLC and Attorney Ryan Lown.

Art Helmbold explained that about a year ago, we came in for a PUD zone change and tonight they have been sent back here by the Planning Board for referral from the Town Board on this PUD zone change. The property consists of a 2.7 acre piece of the old Maple Bay Marina along Oneida Lake. It is currently vacant and it was a consistent non-conforming use. As per the existing Cicero Master Plan, these parcels should come into conforming use, via a zone change as they are re-developed which uses, will compliment the existing surrounding zoning. North and South of the property is R-10. If we sought a traditional zone change to the RM zoning, it would allow us 17 units. Pictures of the property were shown via power point presentation. The applicant is proposing 13

townhouse condominium units which will cost around \$400,000.00 per unit and are all high end units. Each unit would own 1/13<sup>th</sup> of the condominium area, open space and the marina. There will be a private marina for each of the units and for any visitors, who may come and visit them by boat. All of the existing buildings and the marina are going to be removed and the marina will be dredged. It will be necessary to supply dockage in the marina for the owners and their visitors. The stormwater and grading was done by WM Engineers and there is an infiltration basin, rather than an open stormwater basin, so they can have more access to green area and the marina. This has been fully reviewed by the Planning Board Engineer and so now we're back here before the Town Board. You have seen sheet one, which was the existing survey before the development and sheet two, is just the demolition plan. These are all in your package. Sheet three, shows the reconfiguration of the boat slips and shows the proposed private road that they're going to maintain. This road is going to stay there as the fire department uses it presently as access to the lake, but, it's going to have a proposed gate across it and the fire department will be provided a key. There is also a private road, driveways and walks, lighting, landscaping a new fence along the property line, a turn around which is primarily for the fire department so they will have an area to turn around, though it will be a private road. Everything is going to be private including utilities, storm sewers, sanitary sewers and the only thing that will probably be public, is the water line because OCWA wants to retain an easement over there. There will be a pavilion and a beach for the condominium owners, a fire pit. This package that is before the board was unanimously referred back to the Town Board by the Planning Board with the condition that the sanitary sewer and all the utilities except the waterline remain private. However, this is a Town Board decision. I can answer question anyone has to do with the plan. I will turn this over to Mr. Ryan Lown to answer questions to do with the Condominium Association.

Ms. Boyke stated that the original plan was for town houses. Is that correct?

Art Helmbold – Yes, these are single family attached units.

Ms. Boyke – When was the plan changed to condominiums?

Art Helmbold – The RM calls for townhouses, but, these are going to be a condominium association and have always been single family attached.

Ms. Boyke – What is the advantage or disadvantage of a condominium?

Art Helmbold – I'd have to refer that to Mr. Lown.

Ms. Zambrano – Why the change? We're going from townhouses to condominiums.

Art Helmbold – The units are townhouses and are single family attached, but, it is a Condominium Association.

Ms. Boyke asked if the cost was the same at \$400,000.00 per unit as in the previous plan.

Mr. Lown explained that they're still townhouses, but we're making a distinction here as to how the common areas are owned. Previously, it was submitted as a HOA and how that operates is, each homeowner owns their unit and are a member of a non profit incorporation which owns all the common land in the area. With condominiums, each homeowner owns the interior of the unit. The Condominium Association are all the unit owners as tenants in common and own all the shells and all the land. So really for all the land you have 13 owners rather than a non profit corporation owning the land. The distinction is the type of ownership, not the type of house.

Ms. Boyke asked what the condominium fee would be after the unit is purchased at \$400,000.00.

Mr. Lown – Right now it's estimated at \$350.00 a month.

Ms. Zambrano asked why they changed.

Mr. Lown explained that the ownership structure is more beneficial because you have 13 different owners of everything and it's a safety net. When you do it in HOA form, you have a separate entity that owns all of the land and everything and if something goes wrong there, you have an entity that may not have members or something that doesn't own all the land in this area. This way every homeowner has an ownership interest in the real property.

Ms. Boyke – What happens if there was only one owner?

Mr. Lown explained that there can't be one owner. If the developer sells one, he owns 12/13ths of the rest and as he sells them, he gives up a little of his common interest and remainder of the land.

Ms. Boyke – If he eventually didn't sell them, what happens?

Mr. Lown – He would continue to own it.

Ms. Boyke asked if he would be responsible for it.

Mr. Lown - Yes

Ms. Boyke asked Brad how the assessed value works on this property.

Brad Brennan explained that under condominium ownership, we have to do an income approach in assessing it and that usually gives us a value that is less than the actual purchase price of the units. State Law dictates that we assess it in that manner.

Ms. Boyke stated that this is sizable and several millions of dollars. If its \$150 million dollar assessed value, what does that mean to the town?

Brad Brennan – Do you mean in tax dollars?

Ms. Boyke – Yes

Brad Brennan stated that without a calculator he couldn't tell her. Normally, it would be about \$33.00 per thousand. What I've found with condominiums in Salina, is the assessment is 50% to 70% of what market value is, so you would be losing substantial tax dollars on condominium ownership. Association ownership as they're describing it might qualify also as that same income approach, but, I'm not positive. I'd have to work with Tony on that. The main difference is if it were to be townhomes with underlying land, then I can clearly assess as individuals. Under the Association, we might have the same situation.

Mr. Conway stated that the utilities are all private, but what happens if for some unforeseen reason that this should fold up. What happens with the sewer lines, the water lines and the roads?

Rep - It can't fold up, that's the thing with the condominium as everybody has a piece of it. You'd have to have 13 homeowners declare bankruptcy or go away for no one to be responsible for anything. Even if that happened, the banks took over, they'd become members and own 1/13<sup>th</sup> of the common areas and be responsible for all of the common charges. It runs with the land and is not like an HOA where you can dissolve it and get rid of it. A condo is there and it runs opportune to the real property interests.

Mr. Conway asked Chris if the road meets town code.

Chris Woznica – didn't know, as he hadn't seen the plan.

Wayne Dean stated that his understanding is that all the utilities and the road will be designed and will meet town standards.

Rep. – That's correct. That is something that can be designed to the towns' standards.

Ms. Boyke believed that the design has been approved.

Rep. stated that they have and the road will remain a private road and it would not be the town's responsibility.

Mr. Corl – What if the Condo Association is no longer an entity.

Rep. - There's no separate entity with a condo unit as you will have 13 owners that own everything as Tenants in Common and they all have an interest in all the land in this area.

Mr. Corl – I feel the most dramatic thing that could happen, would be to have a sewer break with huge repairs.

Rep- This board would have the authority too decide whether or not the sewers should be private. We didn't want the sewers to be private we wanted them to be public. The Planning Board had us make them private to alleviate the County from the maintenance responsibility, which is within their jurisdiction.

Ms. Boyke –Absolutely, and we wouldn't be receiving the full revenue from the property if we're looking at a condominium in the first place. So, the responsibility would encumber on the town more expense, for providing maintenance and provisions for the road for repairs. We don't want that responsibility.

Rep - Reserves have been worked into the budget for the condominiums for major expenditures, like that.

Rep – Everything has been approved by the Attorney General's Office.

Ms. Boyke – When this started out, it was for Townhouses.

Rep. – Correct

Ms. Boyke - ¾ of the way through it, you decided to go to condominiums.

Rep – We were informed that the condominiums were a better idea structurally and a better function for the project and there would be less liability. This idea makes it easier for you and the vendors. You're concerned about it folding, but with an HOA, it can fold, with this, there is no if. It can't go bankrupt.

Ms. Boyke – With individually owned townhouses, the HOA is within them and it doesn't necessarily mean anything, should they fold. There are several housing developments within the town that form an HOA as a new development. Once that development is in place, and you don't have someone within that development continue an HOA, it folds anyway. The developer can step away and they are no longer responsible.

Rep - With a condominium, the developer can not step away, because he owns what ever is left over.

Ms. Boyke asked if they had that kind of money in case they don't sell all of these.

Rep – Whatever we do would be financed through a bank and obviously would be secured by the bank and they are going to protect their interest in projects like this. They'd be first in line if something doesn't go right, and to pay the association dues and say we're going to find someone else to finish the project.

Ms. Boyke asked if they feel the area they have selected is appropriate land use for individual \$400,000.00 condominiums.

Rep – We feel there is a demand for this. What does a 25 year old home on the lakefront go for?

Ms. Boyke stated that if they were updated and depending upon the size could go for \$200,000.00 to \$300,000.00.

Rep - These will be 2,500 square feet plus a garage, basement with and ultra modern design.

Ms. Boyke – You're putting basements in?

Rep – They will be above ground.

Ms. Boyke – When you started this, you planned for 15 docks and had one dock per unit and two for guests. Now we're up to 22 docks.

Rep – I can't speak to that.

Ms. Boyke – It has increased substantially.

Rep – I believe we reduced the number of docks at the Planning Board's request and stipulated what the docks were for. There was one for each unit and a couple of guest docks and some

floating docks. Whatever that number is at this time has been gone over by the Planning Board. The idea here is not to have more docks than we need, but it isn't to have less than we need.

Ms. Boyke – None of these docks will be sub-leased to anyone else.

Rep – Our intention is to have this be a completely private marina and is not for use by anyone outside the association.

Ms. Boyke – How will you keep the snowmobilers out of there?

Rep – I don't know.

Ms. Boyke – Do you have any interest in the acreage across the street?

Rep – We have a contract on the property across the street.

Ms. Boyke – Are you considering water right of way possibly?

Rep – There is an access road and we have considered allowing access through that access road as part of the project.

Ms. Boyke – You're also considering condominiums over there as well?

Rep – We have not. We don't know what we're going to be doing there and need a feasibility study as to what usage is available as there are some wetlands to contend with. We don't know how much usable property there is at this point.

Mr. Corl asked how many acres there are.

Rep – I believe there are 26 acres.

Mr. Conway asked Chris Woznica if anyone has asked him for what the road specifications are.

Chris Woznica – No

Mr. Conway stated that we sure don't want a road that doesn't meet our standards.

Rep – We wouldn't build one that doesn't meet your standards. Whatever is required will be installed. That's how we operate.

Wayne Dean – At this time the site has been designed and approved, not the actual road. We don't have contract drawings for the roads and that hasn't been scrutinized yet. The marching orders were that they had to be designed to the town's specifications.

Ms. Boyke asked if they have had any interest from anyone in buying one of these.

Rep – We haven't done any advertising and don't want to tell anyone anything until it is official.

Ms. Boyke – There was also a recommendation from the Planning Board of a sunset provision of two years.

Rep – Yes

Ms. Boyke – Meaning that, you would have to start within two years from the time that it's approved, if not, you'd have to come back for site plan approval.

Rep – Yes

Tony Rivizzigno – Have you received the condominium approval from the State?

Rep - We have not prepared them officially. The budget has been done and they are being prepared.

Ms. Boyke asked Tony Rivizzigno if he had anything he wished to add at this time.

Tony Rivizzigno - No, in terms of the condominium itself, it is obviously an ownership and tax question and the town will get less taxes than if they were townhouses. They do have to get approval from the State before they get the condominium approval in any event.

Mr. Corl – This has been approved by the Planning Board, but, do we need a public hearing relative to the project?

Tony Rivizzigno – Yes, I think in the application back to us, we do have to have a public hearing because it will be a zone change. This is just discussion tonight, not approval.

Ms. Boyke – Are we comfortable to move forward and schedule a public hearing or do we need more time?

Mr. Jennings suggested that a public hearing be scheduled for the second meeting in May to give the board time to get everything ironed out.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set Wednesday, May 25, 2011 at 7:00 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider The Landings at Maple Bay Condominium Project and zone change, to be known as a local law.

The motion was approved as follows:

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH BENN & COMPANY FOR  
AUDIT SERVICES FOR THE YEARS, JANUARY 2006 TO DECEMBER 31, 2009 – TOWN  
OF CICERO BREWERTON REVITALIZATION PROJECT

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize the Supervisor to sign an agreement with Benn & Company for Audit Services for the years January 2006 to December 31, 2009 for the Town of Cicero, Brewerton Revitalization Project.

Discussion;

Mr. Corl – As a result of the last Town Board Meeting I've been contacted by several individuals regarding this particular audit which has been in the works for a while. In particular the concern we discussed at the last meeting is relative to the procedure that was followed for the bid and the process for obtaining this particular CPA Firm to do the audit. I had some questions relative to that. At the last meeting it was specifically said that these were bids and I don't think proper procedure has been followed. We don't know when the bids were open, were they sealed bids, why we didn't have a publication for bids for this particular project. Those are the questions that have been arising over the last couple of weeks, since the last Town Board Meeting. I would like the Supervisor to answer those questions as a concern for the residents.

Tony Rivizzigno stated that he would answer those questions. They are not bids and this was a Request for Proposals and they are two distinctly different things. A bid is a low bid pursuant to 103 of General Municipal Law and a Request for Proposal, is pursuant to 104B of General Municipal Law and they are treated differently. When it's a bid under 103, you do have sealed bids and they are opened at a specific time. Under a Request for Proposal, you can have any procedure you want. You do not need to publish it and can send them out to individuals, firms or whatever you care to do. But, they are not bids. When a company makes a proposal, he gives you a number and you can certainly consider that. You do not have to take the low bid as it's just a factor in your consideration. There are two distinct things. There's a bid and a Request for Proposal and this was a Request for Proposal.

Mr. Corl stated it was interesting to find that out now because on the March 23, meeting, you specifically said, if you want to, you can review the bids and the Supervisor also referred to this as bids.

Tony Rivizzigno – Then I misspoke. I should have said, you can review the proposals.

Mr. Corl stated that he felt with this magnitude of a project, I thought the proper procedure is a bid.

Tony Rivizzigno explained that professional services are excluded from a bidding procedure under General Municipal Law.

Mr. Corl stated that this project has been discussed for several months and years now and it's crucial we remove any cloud of suspicion from the audit process. The process that has been followed is that these bids went into the Supervisor's Office they, were not sealed and were opened without Town Board members present.

Tony Rivizzigno – Stop using the word bid, because you're confusing it, because they were not bids. They didn't have to be sealed. If I misspoke at the last meeting, I apologize, they are proposals and they are not bids. We're not looking at the low bidder here and we asked for proposals to do an audit and that is what we received.

Mr. Corl stated that he thought the Supervisor should answer those questions as to what was received in her office and why were Board Members excluded and why they weren't sealed.

Tony Rivizzigno - They don't have to be as they were Request for Proposals and that they do these all the time in their office.

Mr. Corl – Wouldn't you think with the magnitude of this project and with what has been going on and the questions being asked, that the proper procedure should have been a bid?

Tony Rivizzigno – No, the magnitude of the project has nothing to do with it. It's a question of whether it is a professional contract or not. Professional Contracts are excluded from the bidding procedures under General Municipal Law. They don't go by the size of the money. They go by whether it's a Professional Contract or a Regular Public Works Contract. They are two different things.

Mr. Corl stated this was for board discussion and appreciated Mr. Rivizzigno's input.

Ms. Boyke explained that at the original meeting when the request for the RFP was proposed, someone stepped forward and asked to have an audit done. During that process a motion was made to submit an RFP and I have that in front of me. Ms. Boyke read the following: For a qualified public accountant to conduct an audit of legal disbursements and expenses for the years 2006, 2007, 2008, 2009, with particular emphasis on those fees and expenses and so on, for the Brewerton Rivitalization Project. The town's intention was to enter into an agreement upon procedure engagement requiring successful individuals or firms to issue the reports and finding based upon the finding. With that, questions and answers were made in regards to how it was going to be handled, who it was going to go to and if you were going to have the privilege of the list of the accountants. That was all provided to you and is all in the minutes and everyone on the board voted yes. It was unanimous to do that under those procedures at that time.

Mr. Corl – I appreciate that information, but, I still don't know when the bids arrived at your office.

Ms. Boyke – It stated in there March 21, at 1:00 p.m. and you agreed that they would come to my office. Every proposal that came in was stamped and dated when it was received.

Mr. Corl stated that if we're going to spend \$10,000.00 of Taxpayers money, why are we clouding this particular audit with political overtones? The Political overtone is that the firm that was awarded this particular project was the former Cicero Chairman of the Democratic Party and former Democratic Councilor. We have to remove any cloud of suspicion that may be out there for this project. This only muddies the water. If we're going to spend money, it needs to be done without coming out of it with any suspicion and that's my point.

Mr. Jennings stated that Jim has referenced many time, individuals in the last couple of weeks. I see we have the news media here, so I think again, we're making another stage presentation in front of the cameras. I don't think it's needed. If your saying people are coming forward, who, when and how many? You have said that 10 times tonight that people have asked in the past for the past two weeks.

Mr. Corl- They have.

Mr. Jennings – Who are they?

Ms. Zambrano – I haven't gotten any questions.

Mr. Jennings – Nor have I.

Ms. Boyke – Mike Benn was on the list. He was a Councilor in 1998 to 2001. Regardless of his political position, it has nothing to do with this. There are so many people who have their own

personal political agendas. If you had a problem with Mr. Benn, why did you not bring this up when the contract was awarded?

Mr. Corl – I voted no on that and today we're voting on the authorization for you to sign the agreement.

Ms. Boyke – You knew who it was, so why didn't you challenge us on that, then?

Mr. Corl – Because two weeks have lapsed and I have been asked by individuals,

Ms. Boyke – You're not representing yourself but, are representing individuals. Is that what you're saying?

Mr. Corl – Taxpayers of the community want to know why the project is being awarded in this fashion and if we're going to do it, we need to make sure that coming out of it, we have absolutely no issues or suspicions.

Ms. Boyke – Taxpayers have come forward and asked for an audit from 2006 to 2009. We have spent \$1.4 million dollars for attorneys' fees. Of that \$850,000.00 is what we're looking at right now and that is the reference of this audit. The public has requested to do this audit and they stepped forward and asked and we are complying. They are looking to find out what happened to the \$850,000.00.

Mr. Corl explained that the true cost for the Brewerton Project, as we've talked about it, was about \$385,000.00. Take away a couple hundred thousand dollars of grants and it's about \$125,000.00 of Cicero Taxpayers money.

Ms. Boyke – We're going to find that out in this audit.

Ms. Zambrano stated that we're having it because there are questions about the amount of expenditures towards Brewerton Revitalization. Ms. Zambrano asked Tony, if he read the list of who the RFP's were being sent to, and believed there were 8 or 9 names.

Tony Rivizzigno – Correct

Ms. Zambrano – How many responses did we get?

Tony Rivizzigno – I think we had four. Several called me and said they weren't going to respond. The letter went out under my signature so they called and said they didn't do municipal stuff, the project was too small, or it was tax season.

Ms. Zambrano – Of the four responses, my recollection is that the Benn Company was the lowest.

Tony Rivizzigno – Correct

Ms. Zambrano – I don't have a problem with Mike Benn, even if he was on the Town Council. As a matter of fact in my opinion, the fact that he was a former Councilor, to me gives me confidence that he knows what he's talking about when he looks at the money spent by the town because he has dealt with that in the past. Of those four applicants, how many of them besides, Benn, are from Cicero?

Tony Rivizzigno and Ms. Boyke responded by saying none of them.

Ms. Zambrano explained that Mr. Benn is someone who has a business in our community and that's to his favor. You may find objections to it, because of concerns from citizens, but, it was citizens who brought the issue to us in the first place to take a look and find out exactly what has been expended and that is what we're trying to do.

Mr. Jennings – I also think if you look at the time frame that we're talking about, being January 2006 to December of 2009, Mr. Benn was not on any position, elected or appointed to this town board or to the town. I don't see a problem there at all and there is a motion on the floor.

#### **CONTINUATION OF THE VOTE**

The motion was approved as follows:

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

AUTHORIZE SUPERVISOR TO SIGN VALESKY GRANT –NYSOPRHP \$20,000.00  
SKYWAY PARK IMPROVEMENT PROJECT

Jody Rogers explained that the North Syracuse Little League, (NSLL) has planned an improvement project for Skyway Park, E. Taft Road, North Syracuse. The project is a joint effort between the Town and NSLL to construct public restrooms, open air pavilion, and septic system with leech field. The Town will be providing materials like, stone, sand, pipe, topsoil, lumber etc., which will be county or state contract items for the project. The overall project cost is \$80,000 - \$100,000. This is the first expense from the 277 fund for a major improvement to Skyway Park since the funds inception in 1987.

Other revenues for the project are:

\$20,000 from Senator Valesky Legislative Initiative  
\$50,000 - \$60,000 cash and in-kind from NSLL

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$20,000.00 as the Town's share for the Skyway Park Improvement Project which is a budgeted item from Budget Code A7110.459 Park Development Fund 277.

The motion was approved as follows:

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

AUTHORIZE SUPERVISOR TO SIGN YOUTH BUREAU  
PROGRAM FUNDING FOR 2011

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize the Supervisor to execute a contract with Syracuse/Onondaga County Youth Bureau Funding and Town of Cicero in the amount of \$13,067.00 for the contract period of 2011 with the funding coming from Syracuse/Onondaga Youth Bureau and NYS Office of Children and Family Services.

The motion was approved as follows:

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

YOUTH BUREAU PARKS & RECREATION SEASONAL STAFF APPOINTMENTS

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the following staff appointment as follows:

Staff Approval:

1. Hire Title: Recreation Attendant (FWS –Club Rec)  
Budget Code: B7020.11  
Hire Date: April 18, 2011  
Hire Rate: \$7.25/hour

Julia Davidson, 219 Willey Road, Bridgeport  
Zachary Maurer, 33 Church St, Parish  
Alan Novitzki, 4878 Dahlia Circle, Liverpool

2. Hire Title: Lifeguard  
Budget Code: A7150.1 (B7150.1 during WSI)

Hire Date: June 6, 2011  
 Hire Rate: \$8.50/hour (\$9.50 during WSI)

Mackenzzy Nutter, 6272 Gulfstream Path, Cicero

The motion was approved as follows:

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

#### YOUTH BUREAU PARK AND RECREATION PURCHASE APPROVALS

(Town's Share of Skyway Park Project)

Jody Rogers requested approval from the park fund, which is their 277 Fund. This is going to be the town's share of the Skyway Park Improvement project. She was requesting \$20,000.00 from that fund to be expended as the town's share. The North Syracuse Little League has planned an improvement project for Skyway Park, which is on East Taft Road. The project is a joint effort between our department and the Little League to construct a public restroom, an open air pavilion and a septic system with a leech field. The town is going to be providing materials, such as sand, stone, pipe, topsoil, lumber through County and State Contract., backed with our funds. The overall project cost is between \$80,000.00 and \$100,000.00. This is the first expense that I've asked for out of the 277 Fund for a major project at Skyway Park since the inception of the 277 Funds in 1987. The other revenues for the project are the \$20,000.00 that you just approved by authorizing the signing of the Valesky Legislative Initiative, and then between \$50,000.00 and \$60,000.00 cash is in kind from the North Syracuse Little League Program. I think it is a great venture for us to enter in and will definitely improve that park for many years to come.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$20,000.00 as the town's share for the improvements for Skyway Park Improvement as presented.

The motion was approved as follows:

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

#### Purchase Approval for Field Marking Paint for lining baseball and football fields From participant fees

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an expenditure of \$1,057.95 to Lowes to purchase field marking paint for lining baseball and football fields to be taken from Budget Codes: A7110.45Cl \$235.10 (Cicero Little League Participant Account) A7110.45NL \$235.10 (North Syracuse Little League Part Acct) and A7100.459CF in the amount of \$587.75 (Pop Warner Participant Fee Account).

The motion was approved as follows:

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

#### BREWERTON REVITALIZATION COMMITTEE REPORT APRIL 13, 2011 PRESENTED TO JUDY BOYKE AND TOWN OF CICERO TOWN BOARD JODY ROGERS TOWN OF CICERO PARKS AND RECREATION DIRECTOR

Helen Carroll, Chairman of the Brewerton Revitalization Committee read the following:

The Brewerton Revitalization Committee met on April 28, 2011 at the Brewerton Fire Department.

38 Committee Members attended.

Brewerton Fire Department will handle the funds needed for the Riverfront project by Town of Cicero Parks and Recreation. Kevin Dailey from Dailey's Pourhouse will over see the Brewerton Fire Department.

Buzz McKeever –Co-Chair

Joyce Lindsley

Helen Carroll

Since the meeting on April 8, 2011, the fundraising committee has raised \$12,800.00 from local businesses. This is the total amount the Town of Cicero Parks and Recreation needs to move forward with the Riverfront Project.

The next Revitalization will be April 28, 2011 at the Brewerton Fire Department at 6:30 p.m.

#### EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to enter into Executive Session for the purpose of discussing a specific personnel matter with the Town Board, Town Attorney, and the Comptroller and to reconvene.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 9:56 p.m.

The meeting reconvened at 10.07 p.m.

Tracy - Motion was made by Ms. Boyke, seconded by Ms. Zambrano to return to open session.

#### PUBLIC INPUT

Resident stated her comments were directed to Councilor Corl, who she had been agreeing with a lot, but, this evening she disagreed. She asked Mr. Corl, if he determined his level of professional services based on ones political party and if he would suggest that Democrats not avail themselves to the job services if needed because he is a Republican Town Councilor, especially if they had been on the Cicero Democratic Committee. Accountants, like attorneys, have a professional code of ethics and she had every confidence that Mr. Benn, who she does not know, will not jeopardize his reputation by not conducting this audit in a purely professional manner.

Ray Shader asked Brad Brennan, if the town is going to be assessed at 100%, why the condominiums that were discussed tonight are assessed at 50%?

Brad Brennan stated that what he was saying was the 50% number was just a rough estimate and that was based on what he's seen in the 24 years that he has been working in Salina. The reason it isn't at full market value where I can't put it at the sale price of \$400,000.00 is because the State Law requires under condominium ownership, you do an income approach, which means I would have to estimate the rental of those units as they were rented out. Do the income approach, subtracting vacancy, expenses, and using a cap rate. That number is lower than what the market value is. As I said, it is a State Law that we've been trying to repeal for many years, through the State and County Associations. We got close a few times, but, right now this is what we have to do.

Ray Schader asked if this applies to apartments in the same way.

Brad Brennan – Yes, all commercial properties are done on income approach and sales.

Ray Schader – I don't think we should build anymore apartments in this town anymore.

Brad Brennan – It isn't up to me.

Helen Carroll asked if Saratoga has handed in their contract that needs to be approved.

Ms. Boyke – They rushed in here today in hopes of getting on the agenda, unfortunately, it was a little late. I haven't even looked at it as I have been preparing for our meeting. It will be on the next agenda.

Joe Ruscitto asked a question regarding agenda item #14 which was a discussion of the Town Code Dealing with Non-Conforming uses. He wanted to know if the board is trying to change this law so that the banks will loan the money, or the insurance will pay out should a house burn down. If he bought a house, the bank says they aren't going to give me the money unless he had flood insurance, so he purchases flood insurance. If a flood takes my house away, I'm not going to get all of the money but, the bank will probably get a big chunk of it. Wouldn't the same scenario apply if I owned a house and it was non-conforming and it burns to the ground? If I'm insured I'm going to get the money from the insurance company and whatever the bank has a lien against, will receive their's. Each of us would get our portions and we'll all be satisfied.

Ms. Boyke explained that the way it's written they can't get insurance as they won't insure it because of the way the code reads. If the house burns more than 50% or is destroyed more than 50% it can not be rebuilt. So you can't get insurance.

Joe Ruscitto – Don't they have insurance at some point. At one time I didn't have flood insurance on my particular house and the owner carried the mortgage, so there wasn't a reason to have it. When I got a mortgage, it was required.

Ms. Boyke explained that you can't get a mortgage if you can't get insurance. The mortgage company will not give a mortgage out on a sale. They have existing now, but, it's going forward for a new owner. First of all, they can not mortgage because they can't get insurance, so the bank won't get any money if it burns down because there wouldn't be any mortgage.

Joe Ruscitto – If it's accepted by the town, its conforming. I could sell mine to anybody as long as it hasn't burned down yet.

Ms. Boyke - It's not transferred to the next owner, because of it being commercially zoned and it's a non conforming lot. The only reason that I know this is because it's a Realtor's question as well and that is part of what we run into, because of the stringent requirements that have been put on the banks and the insurance companies.

Mr. Corl explained that a potential purchaser made an application to the Bank of America and they denied the loan and in their denial letter, they specifically put that the issue could be rectified if there was a written letter from the Town Zoning Board, verifying that the property could be rebuilt as its original footprint. They're saying our town code doesn't allow it, but, if you could provide something from the Zoning Office, they'll grant the mortgage. I don't think Wayne wants to do that. That's why we have to go this route and consider amending the code.

Ms. Boyke – There are approximately 30 other houses between Route 31 and Mud Mill Road, where this corridor is, which is specific to this.

Wayne Dean – There are also other parcels around the town too.

Ms. Boyke – Right, they fall under the same aspect.

Joan Kesel – I want to talk about this, because I'm one of those houses. I've lived there and owned that house since 1962. I never knew this law existed even when I sat in an office here. I received the same phone call that Jim received and mine was from Florida. I came up here and pretended that I was going to sell my house and Steve was wonderful. He told me that I could apply for a use variance which would allow the sale and the mortgage. He also told me, if the house burned and I wanted to rebuild it, I could plead financial hardship to rebuild it. My question to him was and to you is that Dave and I have been insuring our house for full value since 1962. Am I wasting money on my Homeowners Insurance because I can't get 100% and can't rebuild? Those are all questions I have and I don't agree with what you're trying to do.

Mr. Corl – There are two separate issue. One is the Insurance issue and you probably would have recourse on them, but, the real issue as to why I'm bringing this up is strictly to help someone sell their house. The supervisor brought up the insurance issue and my perspective on this is that people are being denied mortgages.

Joan Kesel – But, I can't rebuild if my house burns down by this law right now. We've spent a lot of money on that house, so I can't rebuild. I've been spending money all these years on house

insurance just as everyone else. The other thing you need to be aware of is if a house is vacant for over a year or it can't be sold for residential use. You really need to look at the entire law. I had a good education here with Steve and I have to commend him because he spent a lot of time with me. Did you know that if a home is in a commercial zone, used for residential use is vacant for more than a year, it can't be rented? Next door to me is where they were going to have the hotel. I would have loved to see him rent it so that it's not vacant. If you're looking at it, you need to look at everything. If I were to move out of my house for a year, I couldn't sell it to some one to live in it.

Mr. Corl – Our argument is if you abandon your house and it isn't used as a home anymore then it's commercial.

Joan Kesel – That's another issue. Another issue I think you need to look at is the ad-hoc person for zoning. Vern and I did that when I was here because we had issues with people not getting to meetings. At that time we had seven and then you went to five, which I can never understand. You need more people than five on there and I don't care what it costs you. An ad-hoc doesn't cost you any money because they only get paid if they're filling a vacancy. Did we not do that through a Local Law?

Mr. Conway - The State Code at that time said you could have a seven person board with an ad-hoc.

Joan Kesel stated that there was a resolution to create the ad-hoc position and I remember doing it. I'd like to know if it was done by local law.

Mr. Conway – I do know that they changed the State Code to drop it down to five or three now.

Joan Kesel – That's terrible.

Mr. Conway – Any existing board could still have a seven member board, but, any new board would only be five or three.

Joan Kesel – That aside, some town board decided to go from seven to five, probably to save the money. You know that you need more people to make these very important decisions.

Mr. Conway – Years ago, we used to have a lot of problems with half of the boards going to Florida. You had seven people on the board and weren't here.

Joan Kesel – They shouldn't have been on the board.

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

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 10.21 p.m.

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Tracy M. Cosilmon  
Town Clerk

