

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, August 10, 2011, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor
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
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Steve Procopio, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Linda Losito, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers

Absent: Jessica Zambrano, Councilor

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 off your cell phones and be sure to speak clearly into the microphones to enable all to hear.

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

Motion was made by Ms. Boyke, seconded by Mr. Jennings, 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: Absent
Ms. Boyke: Yes

APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve the minutes of the July 13, 2011 Town Board Meeting and the Special Meeting of August 5, 2011.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon stated that she received a proposal from Code Munkeys, for a full redesign and one year of website maintenance for ciceronewyork.net. The website design includes all graphic production, coding and testing. The proposal also includes migrating all data to the word press content management system. It also includes migrating the site to a more robust server, if necessary. Cicero is responsible for maintaining its own domain name and website hosting package.

This is a flat-rate proposal, based on feedback from Cicero staff and our understanding of the town's needs. It may be modified at a late date upon discussion with town offices, to accommodate changes in the project. The redesign of ciceronewyork.net is \$3,000.00 and maintenance for one year is \$500.00, for a total of \$3,500.00. This is a budgeted item. I would like authorization from the board to move forward with this if they wish.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize an expenditure of \$3,000.00 to Code-Munkeys, to update the town's website and \$500.00 for annual maintenance.

Discussion:

Mr. Corl asked Tracy if it will come out of the Building line item.

Tracy Cosilmon – Yes

Mr. Corl asked Shirlie if this expense comes out of the IT Account and also asked Tracy when the budget was put together, was this specifically earmarked for website redesign or did this just come about?

Tracy Cosilmon - This will fall under the building category that I have set up. Was that specifically marked for that at that time, no.

Mr. Corl – Perhaps it should come out of the IT Account and I think there may be \$50,000.00 in that.

Shirlie Stuart – It's the Reserve Account and would require a special board resolution to take it out of there. It could be taken from the budgeted IT line, but, there is \$5,000.00 left inn that line.

Ms. Boyke – We aren't done with the IT part of it yet, which incorporates the whole town hall.

Tracy Cosilmon stated that she could take the money out of her building and put it into the IT.

Mr. Corl – My point, is that you have enough for the remainder of the year. Maybe, it could be taken from another account.

Ms. Boyke asked Shirlie if she had discussed this with Tracy, before hand.

Shirlie Stuart – Of Course and we also talked about it at budget time. Code Munkeys usually comes out of building and Mr. Corl asked if it could come out of Computer and the answer is yes.

Ms. Boyke – Yes, it could.

Shirlie Stuart - It wasn't planned to come out of there.

Mr. Jennings- That money has been earmarked for IT for the entire town facilities. So we don't want to take something out of there and then have a shortfall that we have to replace.

Shirlie Stuart – As Tracy said, you can do a budget modification. When we're doing budgeting for next year, we could consider moving it into the Computer Line.

Mr. Corl – The Capitol Account can be rolled over to next year?

Shirlie Stuart - Yes

Continuation of the vote:

The motion was approved as follows:

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

Tracy also requested approval for the Cicero Falcons, to hold their annual Fireworks display on September 10, 2011 at Central Park. All the necessary paperwork has been received.

Motion was made by Ms. Boyke, seconded by Mr. Corl, to approve the Fireworks Permit for the Cicero Falcons, to be held September 10, 2011 at Central Park and to waive the fee as the organization is not for profit.

The motion was approved as follows:

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

Tracy announced that hunting licenses go on sale on Monday, August 15, 2011.

Highway – None

Police

Chief Snell congratulated Jody, her staff and the volunteers for their participation in the Gus Macker. It was another success and I had a good time as did all the others.

Park & Recreation

Jody also thanked Chris Woznica and Chief Snell and their departments for assisting us and also Wayne Dean for his assistance in putting on this large event. We added about 25 teams and there were about 600 athletes. Over 3,000 people were there over the weekend. I'm sure we had 25 or more hotel rooms over the weekend with people who came from well out of the area, which I'm sure was an economic boost to our community. It was a great event and we're looking forward to next year.

Jody – Oneida Shores was closed because of their water quality. We are not shut down. I did get a call from the Health Department today, but, they did not return the call, so we're still open, but could fall into that category. Our beach facility closes on Sunday. I may find out something different tomorrow, but, at this point, we're still open.

Jody Rogers requested approval to go forward with the Lease Agreement for the CanTeen and to authorize the Supervisor to sign the necessary paperwork. The CanTeen's new home will not be completed before the start of the new school year, so we have secured a location at the Country Max Plaza formally known as New Country Plaza. We will be renting on a month to month basis for \$1,750.00 monthly. Our lease is set to begin in September and we will probably be there until December or January.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize the Supervisor to execute a Lease Agreement for the CanTeen.

The motion was approved as follows:

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

Jody also asked permission for a lease payment to Marketplace Mall of Cortland LLC in the amount of \$3,500.00 for security and the first months rent for the CanTeen.

Motion was made by Mr. Jennings, seconded by Mr. Conway to authorize an expenditure of \$3,500.00 to Marketplace Mall of Cortland, LLC., for the CanTeen to rent space at the facility located at the Country Max Plaza on a month to month basis beginning in September to come out of the CanTeen Budget.

The motion was approved as follows:

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

Tax – None

Assessor – None

Zoning - None

Ms. Boyke stated that the board would be going into Executive Session on a Personnel issue.

APPROVAL OF ABSTRACT #14 and #15 OF 2011

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve Abstract #14 and #15 of 2011 as follows:

General Fund Voucher #1296 to Voucher #1409 In the amount of \$439,577.80
 Highway Fund Voucher #398H to Voucher #433H In the amount of \$182,020.15

APPROVAL OF ABSTRACT #15 OF 2011

General Fund Voucher #1410 to Voucher #1500 In the amount of \$ 650,311.93
 Highway Fund Voucher #434H to Voucher #476H In the amount of \$ 249,715.94

The motion was approved as follows:

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

BUDGET MODIFICATIONS

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

**Budget Modifications 2011
 Town Board Meeting 8/10/2011**

2011	AMOUNT	FROM CODE		TO CODE
	\$ 1,250.00	B31202	Equipment	\$ 750.00 B312056 New Vehicle Conversion
				\$ 500.00 B312057 New Vehicle Striping
	\$ 500.00	A14204	Attorney Contractual	A142041 Atty. Union Negotiations
	\$ 4,000.00	DB513057	Body Maintenance	DB513041 Brakes/Parts/Repairs
	\$ 5,000.00	DB511242	Roadside Drainage	D511042 Runner Crush
	\$ 5.00	B714010	Personal Services	B714040 Supplies
	\$ 1,500.00	A711040	Supplies	A711045 Improv./Rehab

The motion was approved as follows:

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

PUBLIC HEARING FOR THE LANDINGS AT MAPLE BAY

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 10th day of August, 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 approves a zone change from R-10 Residential District to Planned Unit Development District with respect to certain property owned by MLSC Development, LLC located at 8514-8518 Lakeshore Road in the Town of Cicero for a project known as the Landings at Maple Bay. 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.

Tony Rivizzigno – The request for the Landings at Maple Bay is to approve a planned unit development, which technically is a zone change. I understand that Mr. Hal Romans is here for the applicant.

Mr. Romans stated he had a CD.

Ms. Boyke – We aren't prepared for that, as it wasn't given to us in advance.

Mr. Romans – The project area is 2.68 acres located on Lakeshore Road at the old marina next to Cooper's property. The proposal is going from the existing R-10 residential zone to a PUD for 13 residential units and one common area. The application went to the Planning Board for its review and we got a positive referral to this board. The only change that we have made since that time is that the plan that went to the Planning Board was for a condominium association, but we're now going to do a traditional HOA. It would only require us strike out the condominium language on sheets 3 and 4 and replace it with HOA. It then would go to NYS for approval. It will still have common areas but, instead of it being a condominium association we would go back for a zone change for a sub division, where you would have 13 residential lots, plus one HOA lot. HOA is a homeowners association. The differences get into some of the approval processes and taxing issues. The roadway is proposed as a private driveway. There are two units that front on Lakeshore Road and the rest are on a private drive. The only thing the Planning Board left up to this board decision is whether the sanitary sewer would be public or private. We show that it can be either and would be constructed as a public sewer, even if it was private due to the design. The units are attached units and will be three stories. The first story would be garage and some living space with living space on the second two stories. We listed the set backs for the side and back and the proposed height is 49 ½ feet. The proposed square footage would be 5,000 or less base on all three floors. The maximum coverage for the site is 25% based upon the potential maximum foot print. The actual buildings were submitted as part of the application and are very residential looking buildings. With the HOA we will have a boxed lot around the unit as opposed to the condominium association, would be the outline of the building. The HOA would be responsible for the driveway, stormwater management areas and the common area, some of the exterior finishes on the building, any insurance on the HOA and the sanitary sewer if it is private. We've gone through the geometrics with the Planning Board. We submitted additional information.

Ms. Boyke asked if this was the original plan of the town houses.

Hal Romans – Correct, nothing has changed as far as the layout of the buildings or roads or type of buildings. The only thing that has changed is instead of condominium association, it will be an HOA.

Ms. Boyke – What is the price range for each of these.

Mike Lopresti, Developer for the site stated that based on the boards comments at the last meeting we elected to reduce the size of the units, but the footprint is going to remain the same to target a price range in the high \$200,000.

Ms. Boyke – What is the square footage?

Mike Lopresti – I don't want to commit to an exact size, but, they would be somewhere around 1,800 square feet depending on the units.

Ms. Boyke – Hal, you said they were going to be 49 ½ feet tall.

Hal Romans – That's incorrect.

Mike Lopresti – I didn't put that in my communication, but, with the reduction, we're actually going to be doing these in two story instead of three, so the height would be substantially less.

Ms. Boyke – The plans that were presented originally, were three story and now your looking at two story.

Mike Lopresti - Correct

Ms. Boyke – This is all new information.

Mr. Corl asked when they decided to go with an HOA instead of condominiums.

Mike Lopresti – We decided that there was a lot of opposition from the board and some of the residents and we made the decision that if the town felt it was better to not go with the condominiums that we would comply and try and make this a win for everybody.

Mr. Corl stated that he understood that when the Planning Board gave their approval, it was for condos.

Hal Romans – Yes and after I talked to my client, Tony Rivizzigno, Neil Germain and Mark Marzullo, to tell them the change that was going to occur. Tony didn't seem to see a problem with the zone change, because we need the zone change to go back to the Planning Board for the subdivision. I talked with Mark Marzullo and he said he didn't see it as an issue for the Planning Board, because it's just the regulatory entity that's going to own and maintain the open space. It's definitely not a geometric change going from one association to another, but, it's only a difference in how it goes to the Attorney General's Office and a taxing difference at the end of the day.

The public hearing was opened at 7:26 p.m.

Chief Snell stated he wished to remind the board of an issue we have with a certain establishment on Brewerton Road, regarding a noise issue. It seems like we're doing the same thing again, but is in the reverse, because the location that creates a noise is already there.

Ms. Boyke – I appreciate that, and that has been brought up.

Speaking against:

Ray Shader asked if this change would negate the 50% assessment. That is what he was against.

Brad Brennan – My understanding under the new ownership, where they own their own lots would be taxed at market value as other properties are. So, it would actually change the approach that they could take.

Ms. Boyke – It isn't a condominium, it's an actual town house homeowner.

Speaking for:

Tom Beaulieu asked the developer why we would become a PUD when it's basically multiple residential and everything around them is R-10. If there isn't mixed uses like neighborhood commercial, why would you want to do a PUD?

Hal Romans explained that it is a residential PUD and in this town and other towns you could have a full PUD or a PUD where you have both, but, this is a true residential PUD. We looked at it as a conventional zone change to our townhouse and it would allow more units. We didn't feel it was smart that to provide another public street for the town to eventually take over and it impacted the green space more. A residential PUD seemed to be the way to go and also gives us a mechanism to help pay for the upkeep and maintenance of the marina. It will have to be drudged as part of the process. We have made contact with the Army Corp of Engineers, but, have been waiting for this to progress, so that we could actually submit drawings.

Tom Beaulieu – Is that already in place, or does that have to be built out.

Hal Romans – That marina is there. The rip rap showing on our plan is in place, so all we would be doing is upgrading a couple of sections that are in disrepair. The marina outline is not going to change and the dockage may change, but, we did submit a plan to the Planning Board that shows post dockage.

Tom Beaulieu – I see a chain link fence to the west. Is that the only buffer you're going to have between these houses and the other properties that are there now?

Hal Romans – To the north there are existing trees and an existing driveway there. The fence along the property is a stockade fence and is actually owned by the people to the north. That driveway is a gated driveway and is only going to be used by the people within the development, to take their car to the marina or for emergency access.

Tom Beaulieu – The business is already there, so, the requirement will be to put some type of fencing there.

Hal Romans stated that they proposed a 6 foot high stockade fence and landscaping with evergreen trees. They also recognize that there is a business there and that the town's Master Plan actually spells out this property and another property that is existing, which is a non conforming use that should go through some kind of a change. It is important to get it into its use with its surrounding property, which is zoned R-10.

Tom Beaulieu – That building is outside of the perimeters so, it's owned by another individual then.

Hal Roman explained that it was and didn't know if it was for sale.

Tom Beaulieu asked what the height elevation would be.

Hal Romans - 29 to 30 feet max.

Tom Beaulieu – The Chief brought up a legitimate issue that when we build these houses next to a place that has music and good times, he's going to go out there and enforce and lay down the rules to people who have been there forever. I know there are neighbors down the street and next to this building and now there will be 13 new ones. If they're spending a half million dollars for their home, they're not going to want to listen to honky-tonk music until three o'clock in the morning. You'll be creating an issue for the chief that he'll have to deal with and not you, or I.

The hearing was closed at 7:34 p.m.

Board Comments:

Ms. Boyke asked for board comments.

Mr. Conway stated he had nothing at this time.

Ms. Boyke – Do you need more time?

Mr. Conway – Are we going to vote on this?

Ms. Boyke – If we're comfortable with it. I know that it was just brought to us, regarding a change in their site plan.

Mr. Conway – That's other than changing from condo's to town houses.

Mr. Corl – What is your construction period look like and will you be starting this, this year or not.

Hal Romans explained that the changes are minor and if the board was looking favorably on this he hoped they'd get some type of approval, subject to those changes to be reflected on the plan.

Ms. Boyke asked if they had DEC approval for the dredging and all that as well.

Hal Romans stated they didn't have it for that, but, they didn't need it to actually start doing some of the site work. The Planning Board looked at everything and we have their approval. Nothing geometrically is changing. The units are going to be two story and about 30 feet high verses, three story and 49 ½ feet high and the entity will maintain the open space. If they could get some type of conditional approval, that would be great and if they have to go back to the Planning Board for anything other than the subdivision, they could make the next meeting.

Mr. Corl – Last time, you had Counsel here from a firm in Rochester. I had some questions relative to the condos and infrastructure, should there be problems with the roads and sewers and the liability that the town could potentially be on the hook for if there was a default by the developer or if everything didn't come to fruition. I don't know if Tony had any responses to those questions.

Tony Rivizzigno – I haven't received anything.

Ms. Boyke – I don't think it pertains to it now that we aren't looking at condominiums and are now looking at townhouses and R-10.

Ms. Boyke asked if the fire department were involved with the site plans.

Hal Romans – Actually, the fire department was involved during the Planning Board process and they were the ones who wanted to make sure there was access to that driveway on the north. We told them it would be gated and we would provide them with a key. They treated the private road as a driveway and didn't see any issues with the turn around. In talking with Wayne Dean, there is certain criteria per State Building Code that is required with that turn around and we showed it according to that and it was approved. There is proper fire department turn around at the end of the driveway even though the fire department looks at it as just a driveway. It is built to public road width but, doesn't have gutters. It would be like a public/commercial driveway in a plaza. The HOA will take care of how trash was going to be done.

Ms. Boyke – Is there going to be a right of way for the property that is going to be developed across the street?

Hal Romans – The Planning Board said it would be a nice situation to allow access from across the street and we agreed to try and make that work based on plans and depending on the units and how everything lines up laying out. That was our intention. Whether the logistics are ever going to work, that's another story. Our true intention is to try and give access to across the street, but, I am not 100% sure that it will work out. It would depend on how the HOA is set up and how things end up at the Attorney Generals Office.

Ms. Boyke – Would that be clear to anyone who is looking to purchase in that area?

Hal Romans – We're obligated by the NYS Attorney General's Office to disclose everything that's included in the association. It tells everything you can and can't do, what you're entitled to, what your rights are and what you don't have rights to. All of that is out of the developers control and is mandated by the State of NY. That is what every person will get a copy of, prior to contracts and approvals. Their attorneys' will require that typically in any HOA.

Ms. Boyke – I brought this up because there are so many right of ways to the lake from various properties along there and have in the past it has created some major issues. I wanted to make sure that is clear.

Hal Romans- Absolutely.

Mr. Conway asked Chris Woznica if they have asked him for the specifications for the roads up there.

Chris Woznica – No

Mr. Corl – Would you be willing to adhere to the town specs for your roads?

Hal Romans- Actually, I think we are. The only thing we would not want to do, is the concrete valley gutter because of the expense to the Homeowner Association. Our pavement is 24 feet wide which is more than adequate for a private road. We really don't want to go wider than 24 feet. We have a cross section included and reviewed at the Planning Board that shows were doing six inches of gravel and 3 inches of asphalt. That can be modified. We just wouldn't want to do the concrete gutters.

Mr. Corl – You don't have to worry about that as it isn't on the books any longer.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, that the town accept the request to re-zone the specific area from an R-10 residential to a Planned Unit Development District, to the properties located at 8514 to 8518 Lakeshore Road in the Town Of Cicero.

Discussion:

Tony Rivizzigno – Let me also say that as part of that development resolution, which I will draw up formally afterwards, that we have reviewed the SEQR determination and documents and it is our belief that there is a negative impact on the environment in regards to the SEQR and that that should be incorporated into the resolution.

Ms. Boyke – That is incorporated in my motion.

The motion was seconded by Mr. Jennings

The motion was **denied** as follows:

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

Ms. Boyke asked that they go back and review this with Mark Marzullo and the Planning Board as part of the problem are the problems we have with noise. We grant something and then it creates a major problem. That's my opinion and I am asking that you go back to the Planning Board and discuss this with Mark Marzullo and come up with a resolution.

Hal Romans – If we're going to go back and see Mark Marzullo and his board, what should we be talking to him about?

Ms. Boyke stated that her suggestion would be to be looking at possible residential as opposed to town houses. Her- fear is the right of way for 100 units across the street having a right of way to the lake, where you are proposing a private road and a private facility when you're going to have the possibility of having 100 units going through there.

Hal Romans – That's on an (if), of a lot of things.

Ms. Boyke - I understand.

Hal Romans – If that's the sole issue or one of the issues, we can talk about that.

Ms. Boyke – You need to re-group.

Hal Romans – Okay.

Mr. Corl – The only comment I have is the last time you were here, the person from Phillips Lytle, LLC, spoke to the board and said he would provide something to the board about liability.

Hal Romans – We provided an entire package and report and we have made several presentations about condominiums. We've exhausted the understanding of this and I don't know what else we could have provided. We provided a full blown budget which nobody does at this level. We've provided all kinds of information that was asked for by the Planning Board level, which could have easily been conveyed to this board that included full blown packages with a full blown budget with explanations. What else could we have provided?

Mr. Corl – My concern would be in the event of a default by the homeowners. If there are infrastructure, sewer and road issues, it will come back to the town.

Hal Romans explained that the default issue is no different than anyone defaulting out here, across the street, or in any subdivision. The town has the same liability and in this case has less liability, because you don't have to do anything on the private road. You have to plow in front of it and that's it. You're not obligated but, if you morally or politically decided to do something and it's not anymore than you would do for them then you would do for any other resident. It's the same thing. If they go broke and can't afford to pay, the bank who owns the property and whoever winds up with it and if it goes into auction, it will be auctioned off at the County Clerk's Office and somebody buys it. It's that simple. There is no entity that goes broke and is no different than any residential property. Other than that, I don't know what we can do, to prove that to you. Do you want me to get something from the Attorney General's Office that says that?

Ms. Boyke stated that she thought part of the problem is, because we were expecting the condominium package and that changed.

Hal Romans – We discussed this before we showed up here tonight. We made calls to Mr. Marzullo and to the attorney and we wouldn't be here, if there was any other issue that you had. If you needed more time to make your decision, all we would have needed was to know that and we wouldn't have wasted your time tonight or our time to find out you just needed to be more comfortable with the changes. Everybody knew about the changes before we came in here tonight. If there are issues beyond, what we're talking about, I'd like to at least have a heads up, to know what they are, so that we can go back. If you're requiring us to go back to the Planning Board, to work out the height issue and square footage, we're willing to do that to comply. We're not trying to cut corners. We were told that wouldn't be an issue and that's why we're here tonight. We were told to come here and get your approval, contingent on us getting approval from the Planning Board.

Ms. Boyke asked Tony Rivizzigno what the recourse is for them.

Tony Rivizzigno – They would have to reapply for something, whether it's a PUD or something different.

Ms. Boyke - If it wasn't a PUD and they applied for residential and it was left as an R-10 and developed as an R-10 they could do that?

Tony Rivizzigno – They could do that.

Mr. Conway – At one of the previous meetings, someone was asked to get the spec's from Chris and no one has gotten the spec for the roads.

Hal Romans stated that with all due respect sir, we aren't going to build the road without having his approval. He has to sign the drawing and I understand that. We wouldn't

build the road improperly. Secondly, the road has to meet the towns requirements, that's a given.

Rep – When we went to the Planning Board and they looked at the fact that it's a private road and because it isn't being turned over to the town to be plowed, it doesn't need to adhere strictly to the town's specs.

Mr. Conway – If something were to happen, the town has got to take the road.

Mike Lopresti – No you don't. It's just a private driveway that has multiple uses and is the same as a driveway going into an apartment complex. We don't want to waste the public's time with this. We can discuss this with the Planning Board and we'll redesign our project and make sure we have everything in order before we come back and waste any more time.

SET A PUBLIC HEARING FOR CONSIDERATION OF A STOP SIGN ON THE
CORNER OF JANE LANE AND WAYFARER DRIVE

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set August 24, 2011 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a Stop Sign on the corner of Jane Lane and Wayfarer Drive to be known as a Local Law.

The motion was approved as follows:

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

SET A PUBLIC HEARING FOR ZONE CHANGE ON CORNER
OF ROUTE 11 AND MUD MILL ROAD EAST

Motion was made by Ms. Boyke, seconded by **NO SECOND**, to set September 28, 2011 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a zone change from General Commercial to General Commercial Plus, for the corner of Route 11 and Mud Mill Road East, to be known as a local law.

Discussion:

Ms. Boyke asked Steve Procopio to explain GC verses GC Plus.

Steve Procopio explained that GC Plus expands allowable uses in General Commercial that are a light industrial use and some of those applications. He read the section of the code pertaining to that contained in subsection 210-12 Commercial District, subsection G.

Tony Rivizzigno stated that he understood that the proposed zone change is for one parcel and that parcel being asked to be changed, as they are proposing to have a rental type facility similar to a Taylor Rental where they will be renting heavy duty equipment to the general public. Going to General Commercial Plus would allow them to do that. The other parcels that are included are only included because the Planning Board suggested that they get other properties so it wasn't a spot zone. The other areas have no intention of doing anything other than what they're doing right now.

Ms. Boyke explained that this area is part of the commercial zone area from Route 31 to Mud Mill Road and some of the residential properties could not be sold because of them being in a commercial zone. We could not spot zone them, to make them residential, so they could sell their properties. She stated that she hasn't seen the proposed use and asked if anyone has gone to the planning Board?

Tony Rivizzigno explained that they went to the Planning Board initially, but, he didn't know if they presented a site plan. All we got was an application for a zone change but there wasn't anything on the environmental assessment or the application for the zone change that indicated what they were doing. I had to call Mr. Romans and ask him what the project is and why they are seeking a zone change. I received an e-mail type document saying what they intended to do.

Mr. Corl – After we set the public hearing, the Planning Board will take up the issue and make a recommendation to the Town Board and the County will also have to take a look at it. Once we set the public hearing, those boards will kick in and do what they need to do to get back to us.

Steve Procopio – It may be before the town now.

Tony Rivizzigno – No, we sent it to the County and they don't have the project description either and are looking for that as well. I have somewhat of a description, but, I don't know if it will be satisfactory or not. We can certainly get it expanded, but they're going to need to know what's going there before they make a recommendation.

Mr. Corl – It is really a land use issue too, as opposed to what the project potentially is.

Ms. Boyke stated that the people who are looking for this zone change have a mail order business there and it has turned into a major business. Tractor Trailers are there all of the time. I would like to set September 14, 2011 for a public hearing to give us an opportunity to understand more about the specifics of the property.

Tony Rivizzigno explained that nothing can be done unless the paperwork is received and suggested moving that time frame to the next meeting on September 28.

Motion was seconded by Mr. Jennings:

The motion was approved as follows:

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

**AUTHORIZE ADVERTISING FOR BIDS FOR THE MAINTENANCE AND
IMPROVEMENT OF DRAINAGE FACILITIES CONTRACT NO. 2
WITH BIDS TO BE RECEIVED AUGUST 22, 2011**

Doug Wickman, C & S Engineers, explained that this project is for six locations and are all underdrains. One is in the street and the other are in yards and will help provide better drainage for rear yards. The locations are on Electric Railway, Gulfstream, Asa Eastwood, Rita Lane, LeBeau Acres, LeBeau Road, Hessler Farm Path and Disraeli Path. These are recommended by the Drainage Committee.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize advertising for bids for the maintenance and improvement of drainage facilities, Contract No. 2, with bids set to be received by 11:00 a.m. on August 22, 2011 at Cicero Town Hall, 8236 South Main Street, Cicero, N.Y.

The motion was approved as follows:

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

YOUTH BUREAU AND PARKS & RECREATION SEASONAL STAFF
APPOINTMENTS/DELETIONS PART-TIME SEASONAL

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize the following seasonal staff appointments and deletions of part-time staff as follows:

Staff Appointment/Deletions

Add:

Brianna Echols
Address: 221 Church St.
Title: Recreation Attendant
Rate of Pay: \$7.50
Hire Dates: July 21st – August 6th

Remove: Jake Copani

The motion was approved as follows:

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

YOUTH BUREAU AND PARKS & RECREATION PURCHASE APPROVALS

Tree removal William Park

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$1,350.00 to Sam's Native American Tree Service to remove trees at William Park, due to safety issues, which includes cutting, hauling and grinding stumps of 3 large ash trees, Account Code A7150.42.

The motion was approved as follows:

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

Replace fencing along East Taft Road at Taft Settlement Cemetery

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an expenditure of \$3,400.00 to Butler Fence Co., Inc., to replace 128' of fencing along East Taft Road at Taft Settlement Cemetery, Budget Code A8810.4.

The motion was approved as follows:

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

Truck repair to 2004 Chevrolet Dump Truck

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure in the amount of \$3,918.00 to Burdick Chevrolet to repair the 2004 Chevrolet Dump Truck due to salt damage and to replace the engine oil pan, trans oil cooler lines and flush, replace brake lines (fabricate from bulk) and bleed, Budget Code A7110.46.

The motion was approved as follows:

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

HIGHWAY PURCHASES AND REQUESTS

Chris Woznica requested approval from the board to put out to bid for a new sweeper, and new asphalt re-claimer. Specs will be available at the Town Clerk's Office.

Mr. Corl stated that he had spoken with Shirlie this morning and thought he was putting out for an additional piece of equipment. He felt they should all go out as one package.

Chris Woznica – Right, but, the two pieces of equipment are the dump truck that we need to order and the payloader that we want to replace and they have a set price per state bid. I have to get a price for these two items I'm asking for, because they're not under State Bid, so that is why we have to go out for bid for these. Once the bids are open we'll have a package as to what to go out for as far as funding.

Mr. Corl – Does that make sense, Shirlie?

Shirlie Stuart – Yes

Mr. Corl – Once these bids come in, we can determine what the whole package would be.

Mr. Conway – Chris, you told me this reclaimer can be filled at night and it is ready in the morning.

Chris Woznica – Yes, it's like hot blacktop anytime of the year.

Mr. Corl – Once we get the price, it doesn't mean we're going to move forward and purchase it, we'll just see what they are and determine financing options.

Motion was made by Mr. Corl, seconded by Mr. Jennings, to set September 14, 2011 at 11:00a.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date to receive sealed bids for a new sweeper and a new asphalt re-claimer.

The motion was approved as follows:

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

Pallet of traffic glass beads

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$1,136.00 to Crossroads Highway to purchase a pallet of traffic glass beads, budget code A3310.2.

The motion was approved as follows:

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

Runner Crush

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an expenditure of \$10,000.00 to T.H. Kinsella to purchase runner crush, account code DB511042.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn into Executive Session to discuss a Personnel issue, with the Town Board, Shirlie Stuart and the Town Attorney and to reconvene.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 8:10 p.m.

Tracy, a motion was made by Mr. Jennings, seconded by Ms. Boyke, to return to the regular meeting and no decision was made.

The regular meeting reconvened at 8:20 p.m.

PUBLIC INPUT

Ms. Gardner thanked Councilman Corl's friend for running her camera for her which gave her the opportunity to watch both of the meetings. She also stated that Tracy made an incredible deal at \$3,500.00 with the website for the town. She also felt the budget was difficult for the average citizen, so including the website in an expense line would make more sense. When you include it as a building expense, people get confused and we don't see the true cost of IT. She hoped in the future that we are more customer friendly and put items in the account where they make logical sense. Lastly, I got an e-policing notification but was relative to a Farmers Market survey, which I had already filled out at the library. I forwarded an e-mail to all five of the board asking why e-policing was being used for something other than e-policing. I thought it was only to be used for Police business.

Mr. Jennings stated that he answered the e-mail, but in the past we put the rabies clinic on e-policing. Since we have so many people signing up for e-policing, it's in my opinion the towns Amber Alert and is something going out to the residents that will effect the residents. E-policing is there and is a fine tool that people appreciate.

Ms. Boyke – The Market Place survey will be benefitting the town as this is a project we're looking at bringing to the town residents next year. This takes a lot of effort to get it out to the people. Obviously, it has a large viewing and I agree with Lynn.

Mr. Corl asked if there have been any complaints from residents about these notifications.

Response – There has only been one complaint.

Mr. Jennings – We've had 175 replies on the Farmer's Market. I think it's a fine move.

Lou Bersani stated he delivered an official complaint regarding the Marina at South Bay and Lakeshore Road to the Zoning Department. The sign is illegal, the garage that is back there, never had a building permit in four years. I want to know, what is going to be done and when. It is an official complaint.

Ms. Boyke – We did receive it and it's in the Zoning Department.

Lou Bersani wanted to know what was going to happen.

Ms. Boyke – We've only had it for two days.

Lou Bersani – I've been bringing this up for two years.

Ms. Boyke – Yes, and I told you to put it in a formal complaint.

Lou Bersani – It's written and in.

Ms. Boyke – Yes, it is.

Lou Bersani stated that he expected an answer in a relatively short time. He also sat in on a portion of the trial and felt it was a travesty as that person is making a fool of this town. Something needs to be done to enforce the rules as it has been going on for 15 years.

Resident stated that she looks forward to receiving e-policing information, but, would not compare and Amber Alert to a Farmers Market. If you're going to spend all that money on IT, you should create a news letter, but leave the e-policing to alert the residents.

Tom Beaulieu stated that Asa Eastwood was mentioned for some drainage issues and sump pumps as well on Hessler Farm Path. He thought that the town has spent \$25,000.00 in The Crossings which is coming out of our pockets when it should be coming out of the developer's pocket. He felt Mike Bragman Associates should be paying for this. He asked Doug Wickman the process for this.

Doug Wickman explained that the process is if a resident complains about a situation involving drainage in their rear yard or in the area of their home, we typically make an inspection to see if there is something that would be appropriate to consider. We discuss it before the Drainage Committee and if the Drainage Committee agrees it's a reasonable effort, then we move forward with getting that into a bundle of improvements that would be included as a package, like it was tonight and then the Town Board decides whether to authorize us to design those improvements. The final step would be to put those out to bid to get prices from contractors to actually do the work. This is the last step. All of this has been going on for several months getting to this point. Each of these project involves installing an underdrain in their rear yards with the exception of Disraeli Path, which goes to the street to pick up sump pump water where the sump pumps are active and causing a lot of water to be in the rear yards. The rear yards are so flat, it's not draining. This has been the policy of the town, to try to address those issues when they're brought to the town's attention.

Tom Beaulieu stated that there is something wrong with the site plan process, that we're not finding these problems as that isn't that old that we should have to go in there and pay for it with taxpayers money to fix it. If we're so concerned about sump pumps, as

Mr. Bersani brought up relative to the garage being built without permits, a sump pump should be easy to handle. The garage should have been easy to spot, as well as the sign. Why does that take so long to deal with out of the Zoning Office? Why does a citizen have to point out your job, when it should have been taken care of? Let's take action instead of formally going through it and a time frame has to go by, and then we have to act on it. Why does it take that long?

Ms. Boyke – Obviously, the development of that one particular area has been going on for some time and that goes before the Planning Board and their engineers, where it initially starts.

Tom Beaulieu stated that we have a couple of older neighborhoods and now have a newer huge developments where we've been fixing problems for 6 or 7 years that should have been handled under site plan. The engineers aren't doing their jobs for sure. The problem at Cody's Corners where we fixed sump pump problems is a drainage problem that drained to the house. If you put a sump pump pipe there, guess where all of the water is going? It's going downhill back to your house and should never have been allowed to be built like that, but we did. The developer put it in and should have known it wouldn't work and then somebody has to go back in later and fix it which is foolishness as we're paying for it over and over.

Doug Wickman believed the subdivision regulations have been changed, but, they could check into that. If it hasn't been changed they could easily do that if it were necessary and to require french-drains and for rear yards to have sump pumps in every case. So far the town has allowed the projects to proceed and if it develops into a problem it allows them to put in a french drain. You could put in french drains from the onset of every project if you chose to. The subdivision regulations may already have that.

Ms. Boyke stated that subdivisions are being looked at as to how they are built, gutters and specific drainage of that area, but wasn't sure this specific drainage problem was being addressed. We'll look into it.

Tom Beaulieu suggested suing the engineers on our behalf as there's something wrong here. If you're not seeing it, we have the wrong people sitting on the board.

Mr. Corl – We've been on the infrastructure committee and one of the things we're looking at is increasing the specs. Obviously, it will cost more to pass along to the developer.

Tom Beaulieu – It wouldn't be coming out of the taxpayer's pocket, so I agree.

Mr. Corl stated that Doug is going to look at the problems with the drainage in the subdivision requirements so we can look at it and make it stricter.

Tom Beaulieu – Why don't we hang on to securities for three years for drainage issues? We can't wait to give these people their money back. I understand they have the right to have it back, but, how about holding some of that money back once in awhile. I came in on Abbeyshire if you recall and those gutters were frozen. They were poured in sub freezing weather. Do you know what that does to concrete? We've put three years on it, and it's holding up and we're hoping they'll last 25 years. If they had broken up within two years, we had it covered. We have to do those types of things in the future.

Chris Woznica stated that he'd like to say something in regards to rear yard swales. Since I came in 2000, I've been trying to get the engineers to change some of the standards. In 2005 we did change the standards to include underdrains and sump pump hook ups in rear yard swales. By then, The Pastures had already been built.

Tom Beaulieu – The Crossings wasn't.

Chris Woznica – No it was not.

Tom Beaulieu – Why do we have the same problem? That's something that needs to be looked into.

Chris Woznica – As far as The Pastures, that's pre 2005 standards.

Tom Beaulieu stated it was a design mistake and the engineers didn't spot it and they approved the plans. It's not up to the Planning Board to know how water flows. They're supposed to approve the footprint and that's fine. It's the engineers that say that the water is flowing uphill and they should change it.

Secondly, they come in for a PUD approval and not site plan because that has already been through the Planning Board and jumped through small hoops to make that happen. Why would you turn down putting 13 new properties on the tax roll? Is it because of the driveway?

Mr. Corl – At the last meeting as I indicated to the developer, I requested that they put in writing from their attorney something guaranteeing some issues relative to the infrastructure and the town's liability. They were talking about the sewers being owned by the developer and not by the town. So, if there's a problem, with one or two of the home sold, there's a problem with the sewers or some type of infrastructure, who are they going to come after in the town? I requested that be in writing and I received nothing. Actually, I spoke with the developer who indicated that something would be forthcoming and I still haven't received it.

Tom Beaulieu – That doesn't sound insurmountable to me. Why wouldn't the town board be interested in finding out how much blacktop I'd be putting I was putting in my driveway or somebody else's. Why would they be so concerned about the sewer when it's going to be private use and is not going to be the responsibility of the town? If it runs off the town highway, where the jurisdiction ends for the town, where it's picked up by private property.

Hal Romans – The discussion was whether it would be a private or public was really not answered. If you have a number of private property owners using a sewer it has to be public in New York State, so it would have to be a public sewer. The road could be private, but the sewer would need to be public.

Tom Beaulieu – It sounds to me like we're holding this development hostage because we want right of way to the lake for potential development in the future. Why would you even ask that question because it has nothing to do with the PUD zone change? I don't understand how you can ask that question.

Tony Rivizzigno stated that we were recently told that.

Tom Beaulieu – Being told that does not mean that he is responsible to provide it.

Tony Rivizzigno – We were told that he had an interest in the property across the street, it wasn't going to be somebody else doing that as it was going to be Hal. That's why the question came up in the first place.

Tom Beaulieu – What does that have to do with building 13 condos?

Ms. Boyke stated she wished to address the reasons for her concerns. One of them is because your standing up here tonight, challenging us on things that we didn't do, couldn't do, didn't ask or weren't paying attention to. The Chief brought up something credible about the noise. We're dealing with a horrendous situation about noise. You also brought up the use of the property. When they came in tonight, the use of the property had changed from what it was. We have no plans or no notification. The fact that he said it was 49 feet and then said, oh, by the way, it isn't. There were too many questions. Part of the problem is when he went before that Planning Board, he proposed town houses. Three quarters of the way through, the developer suddenly decided that he wanted to have condominiums. There are too many questions that I could not be

comfortable with. We are not denying the use. He still has an opportunity and I suggested that he make them residential homes.

Tom Beaulieu – He can't.

Ms. Boyke – Yes he can.

Tom Beaulieu – He can only put 4 houses on that.

Ms. Boyke – So what. Four houses at \$500,000.00.

Tom Beaulieu – Who's going to put a marina in for those four homes?

Ms. Boyke – The marina is already there.

Tom Beaulieu – It has to have infrastructural work done on that and you know that.

Ms. Boyke – Regardless, the use was questionable and there were too many questions in my mind and that's why I said no. I was not comfortable with the presentation as it was. As far as right of ways to the lake, I'm putting on my realtor hat. Dealing with property on the lake, or any other area where there is a right of way and you buy a piece of property and you have a right of way, what is it? Is it a carry in or a carry out? Can you go down and use the dock? Do you have a right to hang out on these peoples property?

Tom Beaulieu – No

Ms. Boyke- What do you mean, no?

Tom Beaulieu – I appreciate that you work in real estate, but that real estate hat should be left at the door when you have to make a decision on somebody's PUD zone change.

Ms. Boyke – It was a question in regards to my experience and my ability to understand this project and the fact that there is 100 and some homes to be built across the street, which I know he intends to do. That was the question.

Tom Beaulieu – That would be his problem at that point.

Ms. Boyke –No, it would not be. It would be the town's problem and the chief's problem.

Tom Beaulieu – How is it the Chief's problem?

Ms. Boyke – Trespassing

Tom Beaulieu – I guess this is all half --- backwards, but, we put an entertainment facility in a neighborhood that we had to have assumed that we're going to have problems with it. Now the bar is there, which is Cooper Marina. Do you know that is a non-conforming use in an R-10 zone.

Ms. Boyke – Yes, we know that.

Tom Beaulieu – You could probably close that, couldn't you?

Ms. Boyke – No, you can not. It's grandfathered.

Tom Beaulieu – It's grandfathered, but, it's a non conforming use in an R-10. They're not being allowed at this point, though you said, they made some changes. The footprint is probably the same whether they were townhouses or condos. Am I correct?

Ms. Boyke - Yes

Tom Beaulieu – Except for the height. I would never have wanted to see somebody put a 50 foot building on those lots as it would have been out of place.

Ms. Boyke – You can't anyway, because of the view and the fire department.

Tom Beaulieu – I don't understand how they came in with that. My understanding was that it went through site plan and the Planning Board didn't have any questions on it and I guess this has all come up within the last week or so. Why would that be? Haven't you talked with the Planning Board about any changes that might have been made?

Ms. Boyke – They have not gone back to the Planning Board other than the change to go from condominiums to a PUD. That's the only information we received.

Tony Rivizzigno – If you were to approve it they'd have to go back to the Planning Board.

Tom Beaulieu – It would only be to modify the height and a couple of minor things.

Tony Rivizzigno – Inaudible response.

Tom Asked Mr. Conway what problems he saw.

Mr. Conway stated the roads and the sewers were the problems he saw and at this point, the way the economy is, with no money and in case this went belly up it reverts back to the Town of Cicero. All of us would have to pay for it.

Tom Beaulieu – This seems to be pointed at one particular development and not everyone else. It's not a road, it's a private drive and I'd hope he'd put it in substantially enough so that it wouldn't have to be replaced every two years.

Mr. Conway – Why would the town want to take over a private driveway?

Tom Beaulieu – It shouldn't have to. The bank would take it over.

Mr. Conway – You have another development in Bridgeport that is just sitting there and from what I understand they haven't sold one.

Tom Beaulieu – It's been over two years since they put that road in, when are they going to put some top course on it, so we won't have to rip the whole thing out again?

Someone asked where the location was, that he was talking about.

Tom Beaulieu – Off Oneida Trail. Has that developer been in to extend his time frame?

Chris Woznica – The development has to be built out 75%.

Tom Beaulieu – What if that were to take 20 years? You'll have to rip the road out. We have a catch 22, that we've created.

Resident of Miralago sent an e-mail.

Ms. Boyke stated that Mr. Procopio walked the gentleman's property and she drove by it as well. This is in regards to placing a shed in the drainage easement.

Steve Procopio – I was out there and the code says no structures in the easement and that's our position. I know that in cases in the past you have asked the zoning office if there were any special circumstances that would say this would not affect drainage and I could not say that in this case. This would be placed in the middle of the drainage easement and my recommendation is no.

Ms. Boyke asked if the gentleman had applied for a permit.

Resident - No

Mr. Corl – There is no process for him to apply for a permit. Typically, this is the protocol.

Steve Procopio – He wanted to put this in the easement and I feel he has ample room in his yard outside of the easement to place his shed.

Mr. Corl – He followed the protocol back in April or May that we approved, where people come into the office and then come to the Town Board.

Steve Procopio – I haven't been involved with those, but I understand that has occurred.

Mr. Corl – You were told the processes and you came in and talked to codes and it comes before the board.

Resident – That's right.

Mr. Corl – At the last meeting we talked about a policy being adopted and I know that Doug has provided one. A month has gone by and the board has not adopted any type of policy and it will probably be some time before one is adopted. I don't see why he should be held up on his application that's before the board.

Ms. Boyke – He's just asking to put a shed in an easement and the town does not allow sheds, fences or anything to go in an easement. Regardless of past practice, we had an applicant come before us on Jane Lane and they decided to put it where it was supposed to go and not in the easement. A couple of questions, that they ask when you go for a variance is this a hardship for you that you would have to put this shed in the easement?

Resident – It's the most logical spot for it if you were to see the layout of my property.

Ms. Boyke – This is not a hardship for you if you were to put it on either side of your yard.

Mr. Corl stated that we've talked a lot about this and until a form or policy is adopted, he didn't think he should be precluded from approaching the board. For the last 4 or 5 years we've approved 15 of them. Whether you agree with that or not, and I know codes has never agreed with it, but, it's typical protocol until we adopt something more formal. I don't have a problem with you putting it in there and don't think this board should.

Resident – There are other properties in my development that have the same thing that I'm seeking.

Ms. Boyke – No one has come before the board from your area to place something in an easement. So, they're illegal. I am going to go along with Mr. Procopio's recommendation not to place in the easement.

Resident asked if they were clear on the facts that they talked about last time regarding the side and that he would sign a letter stating he would move it if it was needed.

Mr. Corl – You would sign an indemnification agreement prepared by the attorney, like everyone else has.

Resident – Yes

Ms. Boyke – I understand that, but, I still say we can not continue to put anything in the easements, because of the drainage situations that we are encountering. There were several other things that were brought to our attention that we're doing wrong. So, I say, no, I don't think so. I would recommend that you place it right in front of it, which looks to be 10 feet forward.

Mr. Corl – That’s fine. Just so that you can have some finality because I know you want to move forward and there sounds like there is going to be a policy set up in the next month, I would ask this board to make a motion to approve the shed in the easement as proposed on the survey and that you sign the appropriate indemnification agreement as others have had to do up until April of this year.

Motion was made by Mr. Corl, seconded by **NO SECOND**, to approve the shed in the easement as proposed on the survey and for the resident of Miralago, to sign all the appropriate indemnification agreements as others have had to do, up until April of this year.

Discussion:

Ms. Boyke – You’re saying its okay for him to put the shed in the easement.

Mr. Corl – As he has proposed and by signing the indemnification agreement, like others have in the past.

Ms. Boyke – There’s a motion on the floor. Would anyone like to second it?

There was no second.

Ms. Boyke – You made a motion and no one has seconded it, so the **motion is dead.**

Mr. Conway explained that in looking at the survey, you’ve got a lot of land on the east side of your house. Four or five years ago we went out there and on our map there are wetlands between the two properties but, on the county map they disappear. There were wetlands on the line of those two properties.

Resident – They disappeared means what?

Ms. Boyke – Convenience.

Mr. Conway – They disappeared, but, the wetlands are still on our map.

Resident – Okay.

Mr. Corl stated that since there is **no second** to the motion, the resident’s options are to put it somewhere else, or he can wait until the Town Board has a formal application process where it can be reconsidered, but, he didn’t know when that would be. As of tonight, you may want to look for some other place to put your shed.

Resident - Okay.

Mr. Jennings stated the he has a letter dated July 8, 2011 which is a draft from our engineers regarding a drainage policy and believed everyone on the board had a copy. He thought that we need to look at that and have a discussion about this at our next meeting.

Mr. Corl – It could be an agenda item.

Ray Shader disagreed with what Mr. Corl wanted to put in there stating that we already have a rule against putting buildings in an easement. He wanted to know what sense there was in changing something we already have for some buddy to put something on his easement.

Mr. Corl stated that he didn’t know this gentleman.

Ray Shader – Why put something in an easement?

Mr. Corl explained that over the course of five years, the town board has had a policy and we’re in the process of setting up a new policy and this gentleman shouldn’t be precluded.

Ray Shader stated that we didn't need a policy as there is one already that doesn't allow anything to be put in an easement and he wanted to know why we would want a new policy.

Mr. Corl explained that there should be exceptions.

Ray Shader didn't agree and felt drainage easements should be for drainage. He also wanted to know why we are putting french drains behind all these houses to take care of someones sump pump.

Engineer Comments

Doug Wickman stated they received a copy of the report on Vollmer Creek. The portion goes from Lakeshore Road near Torchwood, north towards Oneida Lake to Mud Mill Road. We walked that and took pictures and looked at the conditions of the creek. This report reflects our opinion of the condition of the creek and we make some recommendations. There are piles of debris in a number of locations where we are suggesting they be cleaned up and removed. We propose to use the maintenance contract that Charlie Mattes has to make that work to get this cleaned up. There are two other things that are mentioned. There are a number of locations along Vollmer Creek that have relatively steep banks that is close to a residential area. It is our opinion, that the town at some point needs to do something with those. I am not certain, it needs to be done at this point but in the future may need work, as those banks continue to erode. The third thing, we notice some locations for making some wetland enhancements. There is quite a bit of water and sediment that is accumulating, that is blocking drainage. There is a process you can go through, to make it a nicer looking area and serve drainage purposes as well as more water quality purposes along Vollmer Creek. Those are our recommendations for going forward.

Ms. Boyke – You will also bring this to the drainage committee?

Doug Wickman – Yes

Attorney Comments - None

Board Comments

Mr. Conway stated he talked to Widewaters on Monday night regarding the Sports Page. We have to come up with condemnation and so they'll tear it down and it will probably be done in the next couple of weeks.

Mr. Jennings – At the Special Meeting on August 5th, one of the items was the purchase of a Crown Victoria police car. We approved an open purchase order, so that he could look at that if one came available, so that he could act upon it. At this point, there are no black 2011 Crown Victoria, out there, so we're down to the possibility of a used car. If we had acted a little sooner, we would have had a better chance. It's the last year, they're going to be made and they've proven themselves and they are looking at going to a Ford Taurus. Joe is looking and he is trying to work with a couple of places. This is going to be paid out of partial insurance money from the car that was demolished and the DWI Fund from Onondaga County.

Mr. Corl – We had an infrastructure committee meeting recently and the next is set for August 18, 2011 at 8:30 a.m. Many things were discussed including the specs of the road. Chris has been working very diligently and will be continuing with Doug on those. Some of the committee members are involved with the process, so that we can make the roads of the future in the town more durable and longer lasting. The second thing is the committee adopted a mission statement and also lastly, the committee would like to move forward with the Cornell Local Road Program. I discussed that at the last town board meeting and they would like to get started in moving forward. Chris has no objections to that and has been talking with everybody. It would involve evaluating all of the roads within the town at no cost to the town by utilizing the committee members and Doug

would be involved with that process. I want to be sure the board has no objections to that. The committee wanted me to run this by the Town Board before they start their work.

Ms. Boyke – Do we have a report from your committee?

Mr. Corl – This is it. From our last meeting, I'm reporting.

Ms. Boyke – No, I mean a written report from the advisory committee, so that the Town Board has something to follow along. If you don't could you please provide that from now on with past notes?

Mr. Corl – Sure

Mr. Jennings – We discussed the Cornell issue and I've talked to Jim. I don't have a problem with doing it. I'd like to ask if these meetings are closed meetings, or are they open to the public to sit in on with no comment, the same as our drainage committee. What kind of a committee is it and what are we actually doing?

Mr. Corl – At the committee level, they're typically in the conference room. One time we had to have it in Shirlie's office, but the door is open and the conference room door is open to anybody who would like to sit in and listen if they'd like to. It has been attended by our engineer and another board member, myself, Shirlie, Mr. Beaulieu, Mr. Hill, Chris Woznica, and Mr. Ricoff. I don't have a problem with anyone coming and I don't believe any of the committee members do either.

Mr. Jennings told Jim, he was in favor of going forward with the Cornell Program.

Ms. Boyke stated she didn't have a problem as long as there is no cost to the town.

Mr. Corl – No and that's the report on the infrastructure. I also wanted to bring up and have spoken to Shirlie about this. We were supposed to have a report from the Justice Court, and at the Special Meeting, we did kind of a bandaid thing, where we approved some money to get us through until now, because of their situation with the Bailiff. I didn't know if there was any report on that and didn't know if there were any potential problems till the next board meeting.

Ms. Boyke – Jim, I would ask that you ask me instead of Shirlie.

Mr. Corl – I think it was a Comptroller issue where we left it up to her.

Ms. Boyke – The Attorney and I were going to meet with Mr. Aregano to see where we are with the Bailiff situation. The meeting is this Friday, that's why there is no report. I have also spoken with both Judges and they are meeting on Friday with their staff and are also discussing the situation. I'm sure at the next Town Board Meeting, we'll have something to talk about, but, I'd appreciate it, when you're asking Shirlie something, if you would ask me the same thing.

Mr. Corl – I know we approved the \$2,500.00 to get us through until today, but, whether there are going to be funds left in there until the next Town Board Meeting, has to be determined.

Ms. Boyke – Shirlie will come to me with it and we'll discuss it and if there isn't, we'll bring it before the board.

Mr. Corl - Good

Ms. Boyke – Do you have anything else?

Mr. Corl – Yes, I know it has been some time since the Brewerton Audit, which I keep bringing up for the past several meetings. The letter that was issued by Mr. Benn, originally said that the project would be done by May 31th. Then there was a subsequent

letter that said it would be done by June 15th. Here we are at August 10th and still no response. Although we do have a letter, indicating that there's going to be a request...

Ms. Boyke – I'll read the letter. It's to my attention, so I'll read the letter.

Mr. Corl – No

Ms. Boyke – I'll read it and then we can comment on it. All the Town Board Members received this as it came to us this morning.

Mr. Benn's letter is as follows:

Re: The Town of Cicero Brewerton Revitalization Project Update

Dear Supervisor Boyke:

The new time table for the completion of the Town of Cicero Brewerton Revitalization Project work has been moved to August 31, 2011. Additional time beyond the established completion date is required to ensure adequate completion of the originally approved project. This additional time is necessary due to the voluminous extra billings. Some invoices lack detail description and there are numerous special charges; more than anticipated. Each line item is being evaluated. There will be no additional cost to the town for this work.

Please feel free to contact me with any concerns you may have.

Sincerely,

Michael Benn
President

Mr. Corl – I appreciate that. My question is, that we are at August 10th and we were originally promised May 31st and then June 15th and still there is no response on it. I think the town should have an answer very quickly. We could have asked for one of the State Agencies to come in and do an audit at no cost to the town.

Ms. Boyke – We allocated the money and he's doing the job and I really don't see the hurry. It will be done correctly and it will be done thoroughly. Unless there's a reason that you want this hurried up, it won't be done until the end of August, just like he said.

Mr. Corl – We've had a contract since June 15th.

Ms. Boyke - He has explained why. After he got into it, there seems to be more to this and he wants to make sure that the information that is brought back to the town is correct.

Mr. Corl – We'll see.

Ms. Boyke – Is there anything else?

Mr. Corl – I've been talking to Sharon Edick this week about some issues regarding a computer and I want it put on the record that the concerns that she has with taxes coming up that she's down to one computer.

Sharon Edick's response is inaudible.

Ms. Boyke – You're not down to one. You are lacking one.

Mr. Corl stated that Sharon Edick is down by one, where she collects the taxes. She has one where people pay in increments and one where people pay in full if I understand correctly. With tax time coming due, she is going to have to collect taxes pretty soon and

has concerns about not having a computer and she has been trying to obtain one for some time.

Sharon Edick – I e-mailed the Supervisor the other day and she responded that things are in the process.

Ms. Boyke – We're working on it.

Mr. Corl – I hope it's a priority.

Sharon Edick – Thank you for your concern.

Ms. Boyke – Is there anything else.

Mr. Corl – Nope, I think that's it.

Ms. Boyke – Great.

Ms. Boyke – On a fine note, I'd like to speak to the Gus Macker and the excellent job in planning that it takes to get to the point where it was a very successful and fun event for all. For those who were there and for those who volunteered, it was greatly appreciated. For those who missed it, you missed a great time. The enthusiasm of the players and the folks who come there and the vendors, who were there realizing there is a lot of effort that goes into it. I'd like to compliment Jody Rogers and Julie Raddell.

However I was disgusted that the media did not give us time of day and that's very sad. I contacted them and I know that the committee had contacted them and for such a great community situation that we had going on, and the folks who came here to enjoy and spend money within our town, and the fact that there was no media coverage. With that, I appreciate everyone coming this evening.

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

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 9:15 p.m.

Tracy M. Cosilmon
Town Clerk

