

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, August 24, 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
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers

Absent: Linda Lojito, Secretary to Supervisor

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: Yes
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 August 10, 2011 town board meeting and the Special Meeting of August 15, 2011.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	<u>Yes</u> for the minutes of August 10, 2011 and <u>Abstain</u> for the Special Meeting Minutes of August 15, 2011
Mr. Jennings:	Yes
Ms. Zambrano:	Abstain
Ms. Boyke:	Yes

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon wished everyone a very nice safe Labor Day and also reminded everyone that the 10th anniversary of 9/11 is September 11, 2011 and asked people to remember that, with a moment of silence.

Highway

Chris Woznica requested an emergency purchase of a catalytic converter for truck #57 in the amount of \$1,800.00 from United Auto.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an emergency expenditure of \$1,800.00 to United Auto for a catalytic converter for truck #57, Code DB513046.

The motion was approved as follows:

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

Chris also asked for an emergency expenditure in the amount of \$2,000.00 for assorted risers from Crossroads Highway, for the Crabtree Lane area.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an emergency expenditure of \$2,000.00 to Crossroads Highway for assorted risers for the Crabtree Lane area, Account Code DB511049.

The motion was approved as follows:

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

Chris also asked for approval to purchase 155 yards of topsoil from Gerber Topsoil in the amount of \$3,000.00.

Motion was made by Mr. Conway, seconded by Ms. Boyke, to authorize an emergency purchase of \$3,000.00 to purchase 155 yards of topsoil from Gerber Topsoil, Account code DB511242.

The motion was approved as follows:

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

Chris stated that they needed an additional \$41,979.51 for a PO to Suitkote as too much was taken out on the Lan Co PO when they first did the paving a couple of months ago, so, we're taking that money off the Lan Co deal and are putting it on the Suitkote deal.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to authorize an additional \$41,979.51 PO for Suitkote, to be taken off the Lan Co deal.

The motion was approved as follows:

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

Police – None

Comptroller - None

Tax

Sharon Edick stated that the school tax bill warrant is being signed and she should be in receipt of them soon and she will be collecting Village bills from now till November.

Assessor - None

Zoning

Wayne Dean thanked everyone that helped his department out during his absence and wanted to especially thank Steve Procopio, who filled in for him at the meetings. I hear he did a great job.

Wayne Dean stated that he has completed his annual inspection of the five Junk Yards in the town and would like approval from the board for Tracy to reissue their licenses. They are Featherly, Brewerton Junk Yard, Battles, Adessa Lot on Rt. 11 and the Repo lot on Route 11.

Ms. Zambrano asked Wayne if he had a report.

Wayne Dean explained that he didn't but, goes and inspects the sites, but, if this isn't enough, he could prepare a memo.

Ms. Zambrano stated it would be good to have that for the record that inspections were done on certain days and that you signed off on all of them.

Wayne Dean agreed to do that.

Motion was made by Ms. Boyke, seconded by Mr. Jennings to approve reissuing Junk Yard licenses to the establishments listed above.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Corl: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes, with the contingency that we get a written report.
- Ms. Boyke: Yes

APPROVAL OF ABSTRACT #16 OF 2011

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve Abstract # 16 of 2011 as follows:

- General Fund Voucher #1501 To Voucher # 1634 In the amount of \$509,103.33
- Highway Fund Voucher #477H to Voucher #495H In the amount of \$163,553.52

The motion was approved as follows:

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

BUDGET MODIFICATIONS

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

BUDGET MODIFICATIONS 2011

2011 Modifications	AMOUNT		FROM CODE	TO CODE
	\$ 5,500.00	DB513057	Body Maint	DB513042 Tires
	\$ 4,000.00	DB511041	Equipment Rental	DB513042 Tires
	\$ 635.00	A13554	Assessors Contractual	A13551 Assessor Pers. Srv.
	\$ 400.00	A715045	Misc.	A715042 Pk. Imp. Rehab
2011 Amendment	\$ 925.00	A2680	Insurance Recoveries	
		A711045	Improv/Rehab. Parks (Fence)	
	\$ 6,696.00	A71454	Parks - Contracts	

The motion was approved as follows:

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

Discussion:

Ms. Boyke asked Shirly what the \$635.00 for Assessor’s Contractual is for.

Shirly Stuart – It’s from the personal services line. They were short \$635.00 in their calculations to the end of the year.

Continuation of the vote:

- Ms. Boyke: Yes

PUBLIC HEARING TO CONSIDER A STOP SIGN ON THE CORNER OF JANE
LANE AND WAYFARER DRIVE

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

The public notice read as follows:

Proposed Notice of Public Hearing: Town of Cicero

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 24th 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 amends Section 198-3 of the Town Code to add a one-way stop sign at the intersection of Jane Lane and Wayfarer Drive. 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.

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

Speaking for - None

Speaking against - None

The hearing was closed at 7:15 p.m.

Board Comments:

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the installation of a stop sign on the corner of Jane Lane and Wayfarer Drive on the South corner, 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

BID AWARD FOR MAINTENANCE AND IMPROVEMENT OF DRAINAGE
FACILITIES, CONTRACT NO. 2

Doug Wickman stated that this is a bundle of projects that includes 7 projects. Only one bid was received and it is reasonable and it was from LaFleur Constructors, Inc. in the amount of \$138,000.00. We recommend awarding the bid to them.

Ms. Boyke – The areas are Electric Railway in the Pastures, Gulfstream, Asa Eastwood, Rita Lane, Lang Manor, Hesslers Farm Path in The Crossings, LeBeau Road in LeBeau Acres and Disraeli Path.

Motion was made by Mr. Conway, seconded by Ms. Boyke, to award the bid to LaFleur Constructors, Inc. 6814 Kingdom Road, Memphis, NY 13112 for maintenance and improvement of Drainage Facilities, Contract No. 2 in the amount of \$138,000.00.

The motion was approved as follows:

Mr. Conway: Yes
 Mr. Corl: Yes
 Mr. Jennings: Yes

Discussion:

Ms. Zambrano stated she was concerned that we had only one bidder for this. Were other people made aware? I know it was published, but, it seems like we're not getting competitive bids. One of the reasons we adopted this was to get competitive bids and that is not happening. The estimate was for \$120,000.00 and the bid came in at \$138,000.00. This doesn't seem to be working.

Doug Wickman – We did advertise this as required and we were contacted by a couple of agencies that actually post the notice, so that it goes to all of the contractors. In addition, we put together a list of contractors that we are familiar with and mailed them a copy of the advertisement after the ad appears in the paper. There were three contractors who took out a book and only one, decided to bid.

Ms. Zambrano – When you contacted them, what kind of feed back did you get as to why they weren't interested?

Doug Wickman – We haven't requested any feedback. My only sense is that these projects are small and there is a small margin and you're dealing with working in people's back yards, so there are some risks and there are only a few contractors, who are willing to do that.

Mr. Corl – I believe in the last bundle, there was a limited amount of bidders.

Doug Wickman stated that all 3 of the bids this year have had only one bidder.

Ms. Boyke – That's something we've encountered before. Because it is small and time consuming, it isn't profitable.

Ms. Zambrano – That's why we went to a single contractor last year. The larger amount would be more attractive to contractors.

Doug Wickman – Last year, we had 4 or 5 bidders on one contract and that certainly would have been competitive. We believe this is reasonable, under these circumstances as these projects are needed. The Drainage Committee has gone through this process and we have a reasonable bid, but, I can't say it's competitive, because we only have one. It is for work that has been anticipated and we have followed the process that everyone agreed on. We have learned from this and would suggest next year, that we revisit this before using the same process.

Ms. Zambrano asked how many of the first bundle of projects, have been completed?

Doug Wickman – None, but, one will be started tomorrow. It takes awhile to get these things going. I believe one is being started on Orangeport Road tomorrow.

Ms. Zambrano – Will there be another bundle after the second one?

Doug Wickman – No. If the contract is awarded tonight it takes a month to sign the contract document. It always takes a month for the contractor to put together the security and insurance and it will take a week after that, to get started. We're talking about 5 weeks out, which will be October, before he can start this.

Continuation of the vote:

Ms. Zambrano: Yes
 Ms. Boyke: Yes

SET BID DATE FOR MOWING CONTRACT AND VEGETATION CONTRACT

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set September 23, 2011 at 10:00 am. at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date to receive bids for both mowing and vegetation control for one, two or three years with the Town Board having the option to select one.

The motion was approved as follows:

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

**AUTHORIZE THE SUPERVISOR TO EXECUTE THE FUEL AGREEMENT
 BETWEEN NORTH SYRACUSE CENTRAL SCHOOL DISTRICT AND
 THE TOWN OF CICERO**

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize the Supervisor to execute the Fuel Agreement between North Syracuse Central School District and the Town of Cicero.

The motion was approved as follows:

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

**AUTHORIZE THE SUPERVISOR TO EXECUTE THE CONTRACT BETWEEN
 NATIONAL GRID AND THE CICERO CLAY SNOW OWLS**

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the Supervisor to execute the annual contract between National Grid and the Cicero Clay Snow Owls.

The motion was approved as follows:

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

**YOUTH BUREAU PARKS AND RECREATION PURCHASES
 Staff appointments**

Motion was made by Ms. Zambrano, seconded by Mr. Corl, to approve the appointment of Chris Chrinos as a Recreation Attendant, Center monitor at the pay rate of \$10.00 per hour effective September 6, 2011, budget code B7310.1, and Sean McCarthy, as a Recreation Attendant, at the pay rate of \$7.25 per hours effective September 24, 2011, budget code B7020.11.

The motion was approved as follows:

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

Use of School

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$6,696.00 to the North Syracuse Central School District for use of the Cicero Elementary School for Summer Day Camp Gymnasium at \$25.49 per hour and the Cafeteria at \$19.15 per hour, Budget Code B7140.54 and paid via fees.

The motion was approved as follows:

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

Gazebo William Park

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize an expenditure of \$57,000.00 as the partial payment to CNY Sealing and Plowing for the Gazebo Project at William Park, which is part of the Valesky Grant, Budget Code A7110.459

The motion was approved as follows:

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

HIGHWAY PURCHASES

Motion was made by Mr. Conway, seconded by Ms. Boyke, to authorize an expenditure of \$8,466.52 to Commercial Tire, to purchase 4 loader tires for truck #25, Account Code Db513042.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn into Executive Session for a personnel issue 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 7:27 p.m.

The meeting reconvened at 7:44 p.m.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the payment of \$113.58 to resolve a grievance for Lynette Wood.

The motion was approved as follows:

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

Chief Joe Snell requested that the Town Board authorize the Comptroller to contact County Personnel requesting a promotional exam to the rank of Sergeant for the Cicero Police Department.

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize the Comptroller to contact County Personnel requesting a promotional exam to the rank of Sergeant for the Cicero Police Department.

The motion was approved as follows:

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

PUBLIC INPUT

Deborah Gardner asked what the board just voted on.

Ms. Boyke explained that it is a Civil Service test for Sergeant's level and since it is an open test, the Chief has requested that we authorize this and it is at no cost to the town to set up the test for our officers.

Ms. Zambrano asked if it obligates the County to do this.

Chief Snell stated that he believed that they are obligated to do it, although they could hold off and do it when other agencies have a request. Traditionally the exam is held every three years in June, but, they could hold one sooner if they had other agencies requesting them. If I don't put the request in, we'll never get it.

Nicholas Curro, 109 Kopp Ave. stated that he was at the meeting regarding the Noise Ordinance and the noise coming from Lucien's Bar and Grill and Entertainment. The noise in the evening is too loud. His wife has e-mailed Ms. Boyke in the middle of the night several times, when the noise has awakened her. It is becoming a very bad concern as it doesn't allow us to go to sleep until 3 or 4 a.m., when the entertainment club clears. We've had the police at the house several times and at one time, after they came to my house they issued him a ticket and we signed the papers for that to be issued. About a month ago, there was a meeting and Mr. Lucien Ali was there and we talked to him outside and he said he'd work with me regarding the noise if too loud and he'd turn it down. For the first couple of weeks, he did that, but two weeks ago, I called him, because it was too loud. He came to the back of the fence and said, he heard nothing but the road noise. My house is the last house on the dead end and you do hear the road noise, but our master bedroom is the closest room to his bar and not to the highway. He said at the time, that they were given their permanent permit and that they could run their

operations and do whatever they wanted. My wife wrote that in the e-mail at that time and she is terminally ill and has just been released from the hospital again. She has little time left to live and when she is able to sleep, she needs her sleep. I believe the Noise Ordinance states that it is to be 50 feet away from the building and that noise isn't supposed to be heard. My property is more like 175 feet. If the Noise Ordinance can not empower them, then why do we have it in this town?

Ms. Boyke stated that she has received e-mails and has shared them with the Town Board and with the Planning Board. We've been in contact with the Liquor Authority. They fine them first and because it is a Noise Ordinance, it is something that falls back onto the town.

Wayne Dean explained that when they opened up, they were given a conditional operating permit and was there when they first opened on two or three evenings around midnight. When he was there, the band wasn't playing and he only heard noise. He also knew that the Police have been there as they handle the enforcement after hours.

Chief Snell explained that last weekend we issued him an appearance ticket and arrested him under the local law. He stated that he wished to clarify that there are only two ways that he could be literally shut down, and one is by the State Liquor Authority revoking his license to sell alcohol, and the other is by the Planning Board decision to terminate their right to do what they are doing. The Noise Ordinance in no way, allows us to shut them down. If we arrest him, he has the right to appear in court and answer to those charges and that can take months.

Mr. Curro invited anyone to come to his house to listen for a while and explained that the Police Officer that came to the house couldn't hear the noise from the lower level, so, he invited him to go up stairs to the bedroom where you can hear it clear as day, because I am higher than the fence and trees. He refused to do that. I called the State Troopers and had them come and he made a report and said it was unbearable at times. I don't want to shut them down, but, I just want the noise to stop so that it doesn't interrupt our sleep and doesn't interrupt my wife living life the way that it is.

Ms. Boyke stated that they anticipate having the Town Board sit with the Planning Board and Lucien Ali, to discuss this.

Mr. Curro stated that he believed the conditional permit says they have to follow all of the laws and they're not and this board changed the law in January.

Wayne Dean – That's my understanding, but, I can't speak for the Planning Board.

Ms. Zambrano - Wayne was at the meeting when they got their contingent approval of the site plan.

Wayne Dean – Right

Ms. Zambrano – The Planning Board does have the authority to close them down.

Wayne Dean – That's my understanding.

Ms. Zambrano – Our Attorney, Tony Rivizzigno is saying yes, so the Planning Board can close them down based on these continuing complaints and based on non-compliance per the agreement that they signed.

Tony Rivizzigno explained that in this case, the applicant entered into an agreement with the Planning Board and was drawn by them and the Planning Board agreed to it. That agreement provides that they will obey the law and that they won't do anything where there are any issues, or the Planning Board could revoke their permit. That's what gives the authority to the Planning Board to pull the plug, so to speak.

Ms. Zambrano asked if there was an expiration time frame.

Tony Rivizzigno – It expires a year from the date they receive their certificate of compliance and it is my understanding that they have not received their final certificate of compliance, but have a conditional certificate.

Ms. Zambrano – Is that the same as a Certificate of Occupancy?

Tony Rivizzigno – Yes

Ms. Zambrano – There's leverage here since they haven't received their final certificate of compliance. The Planning Board could take action.

Tony Rivizzigno – Yes

Mr. Corl asked if the arrest this past weekend was the first for violation of the Noise Ordinance, or have there been other ones?

Chief Snell stated that there have been two arrests. One was Mr. Ali himself, and this weekend, it was Lucien Ali, Jr. The father is the principal on the State Liquor License and since this was done the next day, the LLA says whoever is managing the establishment that evening, is the one who gets arrested, as they are the one's responsible for the noise.

Ms. Zambrano asked Mr. Curro if he was at the Planning Board Meeting when Mr. Ali appeared.

Mr. Curro stated that he was.

Ms. Zambrano stated that one of the responses from a Planning Board Member was that the Planning Board does not have an obligation to enforce the Noise Ordinance of the Town. As far as I was concerned, that was not the issue. The issue is that there have been complaints and they have been non compliant with what was agreed upon between them and the town, if there were issues to be addressed. That night, the Planning Board said, they needed to give them more time to comply, so that he could get sound proofing up, buy a decibel meter and various things. They abrogated their responsibility in their opportunity to close this establishment down.

Mr. Curro – The Noise Ordinance doesn't have anything in it, about a decibel meter reading, it is just how far away from his building the noise should be heard.

Ms. Zambrano explained that this board actually changed that Noise Ordinance, so that we wouldn't have to go through the trouble of having a decimeter and it would be based on what people were hearing. We thought that was an improvement, but, obviously, it isn't working.

Mr. Curro – That's correct. What are we going to do now with this issue as it is an ongoing weekend issue? I'm not using her as an excuse, but, it is the truth. I can bring you her records. It's just unfair. I'd hate to see any business go away or be shut down as we own a small business, but, it's totally unacceptable as to how loud the noise is. At times you can literally feel the base bouncing you. You may laugh about it, but, I'm serious.

Mr. Jennings explained that as the Supervisor said, we need to have a joint meeting with the Planning Board and interested parties to discuss the issues we've received face to face and I think we'd get better results.

Mr. Curro – I would be happy to sit down with everybody in an effort to resolve this issue.

Ms. Zambrano – This is unfair to the residents of Kopp Ave. as to what they've had to put up with that organization and given the numerous complaints and now the arrests, It's unconscionable. Unfortunately, our hands are tied at the Town Board, and this rests with the Planning Board.

Ms. Boyke – Our intentions will be to set up this meeting immediately with the Planning Board and Town Board for the purpose of discussing what is going to be done.

Ms. Zambrano asked if there is any obligation to issue the final certificate.

Wayne Dean - They haven't contacted us. Usually, the Certificate of Occupancy pertains to the building itself, to be sure it is safe to the public. We were holding it off, because there were some sprinkler issues that were not addressed. I believe they're addressed now and that should be on record that is when everything starts and I will check with my staff. We gave them a 3 month temporary CO that expired in May, while I was away. I will check into it to see if we should issue the permanent one, but, they have never requested it from when I was gone.

Ms. Zambrano - If Wayne is correct and they can apply for the final CO, can the board make a motion to withhold it?

Tony Rivizzigno – No, the CO would be up to Wayne's Department. In a way, it's good that it hasn't been issued yet because it has extended the time for the Planning Board to do something.

Ms. Boyke asked Tony, if the recommendation would be for the Town Board to sit with the Planning Board to discuss this.

Tony Rivizzigno - I would think the Planning Board should hear directly from the Town Board, what you've heard from the residents and let them know that these things are on going and they have an obligation and an agreement that they agreed to and wasn't anything that was forced upon them. There are certainly issues with the agreement and I've read it. There are grounds in my opinion for the Planning Board to revoke that permit.

Ms. Boyke – For the record, I did invite all of the Planning Board to come this evening. We have one member, Mr. Roscito who is here and the Chairman indicated that he had to work this evening. I did not hear back from any of the other board members. They were invited, to come tonight, because I knew you were coming in.

Tony Rivizzigno – Maybe the best time to meet with them is an hour before a regular meeting.

Ms. Zambrano – When is the next meeting?

Ms. Boyke – September 14, 2011.

Mr. Jennings suggested that a letter be sent to every member of the Planning Board with the Supervisor's signature which will give us something in hard copy.

Ms. Zambrano – September 14th is three weeks away.

Tony Rivizzigno – You can have it sooner.

Ms. Boyke - I think if we set up a meeting, first thing in the morning or whatever.

Ms. Zambrano – I'm not for waiting until September 14th and would suggest that we try to get a meeting as soon as possible. They took the position that night, that the Planning Board was not an enforcement agency of the Noise Ordinance of the Town. It simply was not the issue and they abrogated their responsibility on the CO to pull that approval.

Mr. Corl – Tony, you're interpretation is that they're in violation of the agreement. Is that right? Have you had an opportunity to speak with the attorney for the Planning Board to see if they're on board with that same interpretation or agreement?

Tony Rivizzigno - I think he has already sent an e-mail.

Ms. Boyke – He did.

Tony Rivizzigno explained that he got the impression that what he was saying was the Planning Board could do something if they so chose and he thought he agrees that there are issues. They are not enumerated in the agreement specifically as the agreement doesn't say noise, it just says other issues involved in operation and this happens to be an issue in regard to their operation. They've agreed that there are other issues and they would do whatever they had to do, including letting the Planning Board revoke their permit.

Pat Tortora, KoppAve., stated that he attended the meeting and Mr. Ali said he was going to insulate the place and he wanted to know who inspects the insulation.

Wayne Dean explained that isn't something that would necessarily require a permit or for us to go out and inspect, but, we could certainly go down there. This is the first time I heard that he was going to install insulation.

Pat Tortora – At the second Planning Board meeting, he was asked if he had gotten the sound meter and he said no and that they were going to insulate the doors.

Wayne Dean – I'll check on it.

Mr. Corl – To answer your question, if it is the Planning Board's requirement for him to put up additional insulation, you're saying that Wayne should go out there and enforce it.

Ms. Boyke - It wasn't a requirement. I was at that meeting as well and he volunteered to do that along with the fact that he didn't get the decimeter yet.

Pat Tortora stated that on August 5th, he called Mr. Ali and spoke with his son and asked him to tone the band down and was told it wasn't a band, but was a DJ. He said that he went out and didn't hear any sound from the building. I asked him, if he would like to come to my house and he said he didn't have to and then stated that he had a special permit from the Planning Board that they should be like a Church. I don't know what that means. This week they put in two dumpsters and that mean's it's going to be a long weekend. Does that mean we have to get Joe? Officers issued tickets this past weekend as they agreed with the noise. We're awake until 3:00 a.m., before we can go to sleep.

Ms. Boyke – We are going to notify the Planning Board and we are going to do something about it.

Carol Pardee, McKinley Road asked what a Junk Yard is.

Wayne Dean stated that he didn't have the definition with him, but per the history of the town, there has been certain areas designated as junk yards and I think they were in effect when the zoning law or the ordinance went into effect. It's an accumulation of cars, that are scrap and person deals with it.

Carol Pardee – Why isn't the one on McKinley Road included?

Wayne Dean – It's wasn't acting as a junk yard.

Carol Pardee - It is now and they've been putting fill in there and adding to it for the last 5 or 6 years and it's gotten quite large.

Wayne Dean – It is more or less a contractor that is collecting junk.

Ms. Boyke – Is it Whittaker's?

Wayne Dean – Yes

Carol Pardee – I'd like this checked out.

Ms. Boyke – We'll check into it.

Mike Sears, Brigadier Drive stated he is concerned that things aren't getting done. We've had IT issues for a long time that have been talked about and nothing ever happened. We also have an audit being done for the Brewerton Project which started in February and nothing is being done. Jessica tried to call the accountant to get information and she was denied access. This is to find out where taxpayers money went. Taxpayer's money is being paid for the audit and this is being kept secret and nothing is getting done. I think you need to address it immediately. Originally, it was going to be two weeks, and now its six months. When other municipalities want audits they ask the County or State Controller to do this and it's done for free, yet we paid money to do the same thing. The audit is supposed to be done by August 31st, so will that be available the 1st of September?

Ms. Boyke – Absolutely.

Mike Sear – Will I be able to pick it up.

Ms. Boyke – It will be online.

Mike Sears – Lucien's has been going on for months, so, a simple resolution from the board could say that the board recommends that the Planning Board shut them down. Then you're on the record saying, it's wrong, rather than having these poor people go round and round. Make a motion to recommend to the Planning Board officially that you believe they should be shut down, because they aren't following the law and force the Planning Board to do something. These people have come to you for help and so far, they have gotten nothing. This weekend, they're going to be there again and Joe will be there again and hopefully, somebody will get arrested.

Ms. Zambrano – I thought they could just be there on Friday and Saturday night.

Wayne Dean - They had special events at anytime and that is what the final resolution was.

Ms. Zambrano – What is the process for them to have a special event? It's just wide open?

Wayne Dean – Yes

Motion was made by Ms. Zambrano, seconded by **NO SECOND**, that the Town Board recommend to the Planning Board that they close down Lucien's Entertainment.

Discussion:

Ms. Boyke – Can we do that.

Tony Rivizzigno – You can make the recommendation.

Mr. Corl – Based on the fact that we have a legal interpretation, saying they're violating the agreement, why not?

Ms. Boyke - It was their own written agreement.

Mr. Corl seconded the motion.

The motion was approved as follows:

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

Engineer Comments

Doug Wickman stated that we have a maintenance contract with Charlie Mattes and he has completed a number of projects. He has committed to maybe \$40,000.00 - \$50,000.00 of work so far and there is about \$95,000.00 available. The next two projects that we would like to have him work on, is on Vollmer Creek by removing some of the debris. There are a number of large trees in various sections of Vollmer Creek that we inspected earlier that need to be removed. I think we could get a pretty good start and get most of it done for \$10,000.00. I would recommend that we proceed with that. We have also been having discussions with Seth Nels and Vistula Path, which is an issue that has been going on for quite awhile. Mr. Nels, wants to pipe a relatively large ditch that goes around his property and has been working on getting that done for some time. We have been talking with him and he has agreed that it would be reasonable to just re-grade it and make it less of a hazard for him and his family and in exchange the town would get the drainage easement. Right now, you don't have a drainage easement there and it is a fairly significant location. Drainage from Vistula Path and from Day's Inn comes down through there as do a number of properties drain through that drainage easement. It is a good idea to have them open and functioning and for the town to have the ability to keep them open and functioning. We think that easement is valuable and they are willing to go through the expense of preparing this easement and offering it to the town in exchange for this re-grading, in an effort to make this less offensive to them. The cost will run \$8,000.00 to \$10,000.00 and we feel it is a worthwhile expense for these two items.

Ms. Boyke – Are we going to have the easement in time to do that?

Doug Wickman – If the board agrees with this tonight, then I will call him tomorrow and he could get going on getting those documents started. It will probably take two or three weeks to get that done, so there should still be time left this year.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize Charlie Mattes to make the improvements in Vollmer Creek and Vistula Path area, regarding Seth Nels property subject to him giving the town the easement.

Discussion:

Ms. Zambrano asked if a dollar amount is being put on this, not to exceed \$10,000.00.

Doug Wickman – We have talked with the contractor and there is a limit of \$10,000.00 on it.

Ms. Zambrano – The motion should include, not to exceed \$10,000.00.

Ms. Boyke added to the motion, **Not to exceed \$10,000.00.**

Continuation of the vote:

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes
Attorney Comments -	None

Board Comments

Mr. Conway stated that he had received some letters of complaint about some of the buildings on Route 11. So, that everyone knows, they have condemned the Sports Page and they have 14 days to take it down.

Mr. Jennings also received a letter and stated that he attended the Parks & Recreation Commission Meeting a few nights ago, and had spoken with Julie Raddell and as far as the Farmer's Market, it is proceeding along. Immediately, after distributing the surveys they've had 500 plus surveys dropped off, e-mailed or faxed in. They also received many e-mails in favor of the idea. They dropped off 50 surveys at one of the libraries and the library made an additional 150 of their own. They have talked with three people as to where this might go and will come up shortly where it will end up. Everything looks very favorable and is a wonderful thing. Julie, Jody and the rest of the staff are doing a good job. Also, the Gazebo at William Beach is beautiful.

Mr. Corl asked how the dogs are working out at William Beach.

Jody Rogers – We have had in influx of geese, but, by using a live dog it has kept them at bay and I feel it has been money well spent. Oneida Shores had some problems with geese, but, during our beach season we had no problems with our water clarity or quality. It was a great opportunity for us. At the end of the month, we stopped using the live dog for harassment of geese. It has worked very well.

Mr. Corl – That's great as that has been one of the big issues down there for a number of years. I'm glad it paid off.

Jody Rogers – We did surveys of people who used the beach this year and the majority of comments were that it was extremely clean compared to previous years. It really came down to Anita Joss and the dogs policing the area. Unfortunately, it's a continuing problem and I'm sure you all have heard or read about what Camillus is doing at Gilley Lake. We have the same concerns, if we just let the geese inhabit that facility, as it would be terrible.

Mr. Corl – Since the last board meeting, I attended a local government efficiency program hosted by the County Executive, promoting and talking about various programs that are available for local municipalities regarding government efficiencies, grants that are available and opportunities to work with the State and the County as to where we can maximize our efficiency and how it can be more cost effective. There is a lot of information and those are things we need to follow up on as a town.

Mr. Corl stated that he'd like to give a brief update as to the Infrastructure Committee. We have met since the last Town Board Meeting and we have a follow up meeting scheduled for Monday morning at 8:30 a.m. We're moving along and two of the main issues are improving the specifications for the town, which Chris has been advocating for some time. We have a draft and will have follow up drafts and comments that were discussed at the last meeting. We have also moved forward on the local roads program. There has been some initial investigation by some of the Committee Members. There is some software that is going to be coming and we can utilize, which is something that Chris is looking forward to and being a part of.

Ms. Zambrano stated that Oswego County is being sprayed due to the death of a child, from EEE. They sprayed Saturday and Monday and will spray one more time. Cicero will also be sprayed probably as early as the weekend and it will be a one time spraying. The death in Oswego has included not only the child, but also several horses and the first recorded death of puppies from triple EEE. Other animals and birds can contract this. As everybody knows, there is a West Nile Virus also, that is transmitted by mosquitoes. We need to be vigilant about stagnant water. All of the hospitals have been notified to watch out for triple EEE symptoms. They attack your nervous system, and result in headaches, fever, stiff neck and it can go on where a patient develops encephalitis, brain swelling and becomes a fatal disease. Diagnosed cases are reported to the Health Department. Veterinarians in Oswego and Onondaga Counties have been asked to monitor horses and other animals. I wanted to mention that and like I said, we will be sprayed here. There is a risk. I do know, from an expert that works in our office who has been on this issue night and day for several months now, that triple EEE and West Nile Virus and the mosquitoes that carry them will not breed in pools that are maintained. They will breed however, in pools that are not maintained and not chlorinated. That brings me to a particular complaint that we got and I sent a copy to everybody. The complaint was from

someone in my neighborhood. There is a particular property on McCamidge Drive, where the grass isn't being mowed and at one time the property owner brought in some cows and put them in the yard to cut the grass. There is a pool in the back yard that isn't being maintained, so there is stagnant water there. I want to make the board aware of this situation and I would like Wayne's Department to look into this and see if there are any violations of stagnant water there and see what can be done, to maintain the mowing and whatever.

Wayne Dean explained that they can not go on a property unless they have a complaint. If someone files a complaint with our office, it allows us to go on to the property. These pools are hard to catch, because they're in backyards usually behind a fence, making it hard to find those.

Ms. Zambrano – It is my understanding that a complaint has been filed.

Wayne dean – I will check on that. I don't know if it is a complaint about the cows or the pool.

Ms. Boyke – It was about the cows.

Ms. Zambrano stated that she could e-mail it to Wayne, and asked if he would consider her e-mail a formal complaint? She will not provide the name, but, would give that to Wayne separately as the individual is afraid of retaliation. That is why the name was redacted.

Jody Rogers asked when the spraying was being done.

Ms. Boyke – It's this weekend and we got the call today and is one time in the Taft Road area and is based on the weather.

Wayne Dean and Jody said they heard Monday and that was confirmed on the news.

Jody stated that they needed to know as Pop Warner is out that day and they'd need to notify them that the park is closed if they're spraying in that general area.

Ms. Boyke – I have the number and the gentleman who called and will give that to you.

Ms. Zambrano asked if there has been an update on Cobblestone, because we're still getting complaints. I believe Jim has received a complaint.

Mr. Corl – Yes, I did get an e-mail from a complainant of Cobblestone and I'll pass it along to Wayne as I just received it a few days ago.

Ms. Zambrano – I know that Steve Procopio has been working on that.

Ms. Boyke asked what the complaint was, because we have attended to the mattress and standing water issues.

Mr. Corl – I believe it is the rubble there.

Mr. Jennings – Tom Beaulieu gave a report and I went over there and the mattresses were gone and a lot of the items that were in the caged fence were gone. The water has evaporated, so the standing water can't be there.

Mr. Corl – The concrete was an issue.

Mr. Jennings – They also talked about fill.

Mr. Corl – They told us in the spring that was going to be used for fill.

Ms. Zambrano – They told us that last year and the year before that.

Wayne Dean – I'll look at it.

Mr. Corl - I'll provide that information.

Ms. Zambrano – In my reading of the minutes, money was allocated to try and get the Justice Office funded for a certain period of time, but, it seems to me that it's more than a one time thing. \$2,500.00 was the amount, so where are we with that?

Shirlie Stuart – Currently, we're alright for another pay period. When the payroll comes in Friday, I'll be able to check on that, but, I know we have enough for another payroll, other wise I would have sent another e-mail out.

Ms. Zambrano – I will be taking up this issue again at the next Town Board Meeting. What if any measures are being taken regarding the letter from Judge DeMarche'? What has been done to manage the situation to keep them within their budget? I think you said, we'd be running out before the end of the year. Not only the overtime funds have been obliterated but, the contractual.

Shirlie Stuart – No one has advised me to what their measures are. Maybe they have come up with something.

Mr. Corl - At the last meeting there was going to be a meeting with the Chief and Mike Aregano.

Ms. Boyke – Yes, we had it.

Chief Snell - We did meet and discussed several options. Right now, we're waiting to hear back from the PBA Union. There are some contractual issues that need to be addressed that can not be violated and that's the time and a half issue, by utilizing full time personnel. The Union has stated that they want to work with the town and they want to resolve this problem. The Union President wasn't in a position to speak for the body of the Union at that time, due to the fact it was a contractual issue and that it would have to be resolved through their process and the negotiating process going on currently with the town. There were several options that were thrown out and nothing has been settled in stone as of yet.

Ms. Zambrano – Prior to this year Joe, you have assigned someone to the courts.

Chief Snell – Officer Fortino is a part-time officer who works at straight pay. The contract states that any special assignment that any officer gets is to be offered to full time officers at time and a half. The Union considers the Court Bailiff's position as being a special assignment, although they have graciously over the last couple of years they have agreed to allow Officer Fortino to work in that position as Bailiff at straight time. There only request has been, when he is not available, that it be opened up to a full time officer pursuant to the contract and that they would be paid time and a half. It has been increased as Judge DeMarche' operates two courts a month and Judge Putzer did only one. They have also had a significant number of trials this year that I can't remember in the last 15 years, that I've been here. There seems to be a huge increase in trials being conducted and that requires a Bailiff as well. The other issue that the town board needs to be aware of is the report from the State Unified Court System on security. With all the recommendations, nothing has been implemented at all for the safety of the court. That is something that the board needs to keep in mind when they do make a final decision that it is in the best interest of the safety of the court.

Ms. Zambrano stated that she did not recall the report and those recommendations.

Chief Snell - The report was when you were gone. The State Unified Court System came in and did a complete audit of the Court System and sat down with the Town board and myself and the Judges and wrote a recommendation.

Ms. Zambrano – Is there a report?

Chief Snell- Yes, but, Judy doesn't have one. I have one that I can give you a copy of.

Ms. Zambrano – Thank you

Ms. Boyke – I also attended the same meeting that Jim, Vern and Mr. Rivizzigno attended in regards to the State sharing what we might qualify for in grants. It was a nice program.

Ms Boyke stated that the Justice Department credit card system is up and running and has been. It has its glitches, but, we're working our way through it and we are collecting a little more money, because people are willing to pay by using their credit card.

Also John McDougal was in Brewerton on Friday and they are building there largest store and biggest one that has ever been built. They'll be bringing in fresh vegetables and meats in and will be almost 7,000 square feet. It will be a nice addition where they have taken down the old Sam's Restaurant.

The Bridgeport Field Days are coming up and they are having a Duck Race to help the food pantry, which is a nice event.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, 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 8:45 p.m.

Tracy M. Cosilmon
Town Clerk

UNAPPROVED MINUTES

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