

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, September 28, 2011, at 7:00 p.m. at the Cicero Town Hall, 8236 Brewerton Road, 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
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne, Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Linda Losito, Secretary to the Supervisor
Brad Brennan, Assessor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers

Absent: Sharon Edick, Receiver of Taxes

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. Conway, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

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

APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the minutes of the September 14, 2011 town board meeting correcting page 7 to read \$99,890.00 for credit rating bond correction.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Assessor:

Brad Brennan stated that his office is having a problem with the speed to the link to the County and it was suggested that we go to a wider band width. Are we looking into that?

Ms. Boyke – John Winters is interfacing with Computer Outlet today and they’re doing a test to isolate where the usage is as the usage could be coming from the County to us. John is supposed to be here this evening and will speak to it. We are working on it.

Zoning

Wayne Dean asked the board to authorize the Supervisor to sign an agreement with the CNY Planning & Development Agency to continue their education outreach program to do with our MS4 Stormwater Program. We have done this in the past and it is a benefit to the town. The cost at this time is undetermined and depends on how many municipalities participate. It is usually around \$3,500.00 to \$4,000.00.

Motion was made by Mr. Jennings, seconded by NO SECOND, to authorize the Supervisor to execute the document for the MS4.

Discussion:

Mr. Corl asked if the motion should be subject to and amount not to exceed \$3,500.00.

Wayne Dean – That’s up to the board.

Lynn Jennings stated that he saw the letter and recommended the amount not exceed \$4,000.00. I’ll amend my motion that the amount shall not exceed \$4,000.00.

The motion was seconded by Mr. Conway.

Continuation of the vote:

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

Wayne Dean stated that he put a memo in everyone’s mail box, indicating the junk yards he inspected.

Discussion:

Ms. Zambrano hoped that they’ll receive some documentation for the record when these surveys are conducted for posterity.

Wayne Dean forgot to indicate the date, and it should be September 27th, 2011.

Town Clerk

NOPL Library did a presentation at the Town Board Meeting and now have provided questionnaires and are asking people to fill out the survey. They can be taken to your local library or if you have it completed tonight, I have an envelope you can put them in and I'll be sure they receive them.

Secondly, Tracy Cosilmon announced that she is in receipt of the 2012 Preliminary Budget from the Comptroller and that it is available for view in her office.

Highway - None

Police

Joe Snell stated that he provided a memo to the board relative to the FCC License and requirements for the town for 2013 and wanted to know if the board had any questions.

Ms. Boyke – We're determining how many radio's we have that need to be upgraded.

Joe Snell explained that it is requiring that all municipalities go from wide band to narrow band radio frequency by December 31, 2012. Highway already has this and they've had it since upgrades were done, so they already have their wide band and their narrow band and are operating off the wideband and not the narrow band at this point. We just submitted our license request and it will take 4 to 6 months, so we're going to focus on the Highway Department next week as to exactly, what their needs are for the budget and what radio's will be converted. Half of the radio's are convertible and the other half aren't. As far as the Town and the Police, we're going to look at some different options and also see if we can piggyback on to the Highway Department. We'll look at the worst case scenario for the budget situation. By next week, we should have a grasp on it.

Comptroller - None

Parks & Recreation

Jody Rogers requested that a date be set October 12, 2011 at 10:00 a.m. to receive sealed bids to purchase a used van at the Town Clerk's Office. This is to replace the van that I'm purchased in 2004 when we bought a used van that had almost 70,000 miles. We are now at 120,000 miles and the repairs are more than what the vehicle is worth, that we've taken off the road.

Ms. Zambrano - Do you have money in your budget to cover it?

Jody – I don't have it in my budget.

Shirlie Stuart – It would be under the contingency and when I get a firm number I can tell the board.

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to set October 12, 2011 at 10:00 a.m. to receive sealed bids at the Cicero Town Clerk's Office, 8236 Brewerton Road, Cicero, NY for a replacement van to be used by the Parks & Recreation Department.

The motion was approved as follows:

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

Jody state that they have 3 interns this semester working at the CanTeen, two are from Cortland and one is from LeMoyne. We're breaking ground on the CanTeen tomorrow for the addition, footing and basement walls. I also am pleased to announce, that a grant for \$34,000.00 that Toni Brauchle and I co-wrote for the community foundation for the capital fund and was awarded \$34,000.00 and received to replace the roof, side the building and put in new windows all the way around.

Ms. Boyke stated that there was an opening on our BOA and we had asked for applications and resumes. Jerilee Stevens, whose time was expiring, posted a resume and her application of which everyone was copied. She has been on this board for quite some time and takes pride in being on this board. She also came to me and said she had filled out a resume in regards to the past 16 years. It is also the only application we received.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to re-appoint Jerilee Stevens to a five year term as a member of the Board of Assessment Review to 9/30/2016.

Discussion:

Brad Brennan stated he worked with her for the past 3 years and finds her to be very professional and knowledgeable and does a great job.

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

APPROVAL OF ABSTRACT #18 OF 2011

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve Abstract #18, of 2011 as follows:

General Fund Voucher #1755 to Voucher #1878 In the amount of \$604,795.71
Highway Fund Voucher #541H to Voucher #567H In the amount of \$220,606.71

Discussion:

Ms. Zambrano asked Chris Woznica what roads were being done by Barrett.

Chris Woznica – Muskrat Bay, Tartan, Welland, Crabtree and Factory Street.

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

BUDGET MODIFICATIONS

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

Budget Modifications	2011		
Town Board Meeting	9/28/2011		
2011	AMOUNT	FROM	TO
MODIFICATIONS		CODE	CODE
	\$ 99.00	B312040 Police Contractual	B312055 Computer Software
	\$1,000.00	DB51304 Oil.Fluid Bulk	DB513043 Highway Hoses
	\$3,090.77	DB511045 Typar/Pipe	DB514040 Summer Roadside Fuel
	\$1,250.00	DB514047 Contract-Brush Hauling	DB514040 Summer Roadside Fuel
	\$4,000.00	DB511047 Highway Misc.	DB513055 Highway Machinery- Other
	\$1,500.00	A14204 Attorney Contractual	A142041 Attorney Union Negotiation

The motion was approved as follows:

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

APPROVAL OF 207-C PROCEDURE

Discussion:

Tony Rivizzigno explained that the board members had a copy of the procedures which mirrors State Law. It has not been part of the PBA Contract and we thought it would be best to codify this. It goes into more detail when State Law gives us the right to appoint the person in the town that would be in charge of monitoring the 207-C applications. The Police Department PBA has approved this and we have approved it in principal, but, it needs to be approved by the board and it will become part of the next contract.

Ms. Zambrano asked Shirlie if she had an opportunity to compare this to the policy you submitted to the board some time ago.

Shirlie Stuart – No, I have not. I asked Tony about that and he said it was very comparable.

Tony Rivizzigno – It does follow the State Law.

Ms. Zambrano – Feedback from Chief Snell said there were significant changes from what Shirlie had submitted.

Chief Snell stated that the changes he advised her of, was the person managing the system work in the town which is in the last paragraph.

Tony Rivizzigno – The changes are to the town’s benefit.

Chief Snell explained that it gives the town control and that the changes were significant as it gives the town more authority and management over the management.

Ms. Zambrano - This is a last minute addition on the agenda and we just got it this afternoon.

Ms. Boyke – we’ve had it.

Ms. Zambrano - I picked up my mail over the weekend and this was in my mail today. I didn’t come yesterday, so I have not had a chance to review this.

Tony Rivizzigno - I thought I put that out last week.

Ms. Zambrano - I did not get it. I was here Saturday, to pick up my mail and I just got this today.

Mr. Corl – This was printed the 27th which was yesterday. Is there any reason why we can't have time to look at this and compare it to the old one?

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to table the decision relative to the 207-C Procedure until the next Town Board Meeting which is October 12, 2011.

Discussion:

Chief Snell – I know that the 207-C applies to firefighters as well and he didn't know if there are any benefits in it for the volunteer fire departments or if there's a legal issue with that and if the firefighters can go under the 207-C, under the town per NYS Law and wasn't sure how it works.

Ms. Boyke - We'll look into that.

The motion was approved as follows:

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

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

Robert Ventre gave a presentation and stated that this zone change concerns properties on the south east corner of Mud Mill and Route 11/Brewerton Road. There are five applicants and the first applicant is at the corner. Jack Brown, maintains CNY Glass Company on his premises. Next door is an owner occupied residence and the owner is Theresa L. Redding. This residence is legal non-conforming presently, because all of these properties are in a General Commercial Zone. There is no change going to occur by the change of zone to the Reddings, status as a legal non-conforming use. The third is the initiator of the whole project and is Mid-Country Properties, LLC. They have purchased this property a year or so ago and has 7.95 acres on the side of National Grid's property. National Grid owns this property and it's not just a right of way. The properties pointed out have the right to travel under the lines to rear parcels in the back which consist of 8 acres and the developments they'll be talking about will consist of no more than 5 acres and will be kept on this property. The next property is that of Ronald and Luann Burke which is presently occupied by a packaging supply company, which I believe is Value Mart. They keep a good deal of inventory in the back storage area and they have front offices and this company is new to zoning. We've seen a lot of changes in zoning over the years and the reason why, is that we now have internet sales which is something we never knew about before. It was easy to define uses before. Example: There was a store and a show room and it had a storage area in back and you walked in but, today, there are a lot of businesses that you don't walk in to, because it's all coming in from the internet. This is a big business that has had one expansion to their storage area and they intend to increase this storage area and some other facilities. These are the two active applicants with businesses in mind with actual plans. They also have a large piece in the back to be used for parking and storage. The corner piece belongs to Andrew & Olga Guzelak and there are two buildings on his parcel, one being a storage barn and a smaller building to be rented out to a contractor. I believe the storage is used for commercial uses. That's the five applicants and you may wonder how we got five applicants. Mid-Country properties and Mr. Romans, their land surveyor and planner met with a work session of the Planning Board and went through the General Commercial Uses and the General Commercial Plus uses. It was the recommendation of that group of Planning Board Members that they should go to General Commercial use because if you read the intention it states that General Commercial Plus district is designed and intended to provide for co existence between commercial uses and light industrial uses. This use borderlines and what they intend to operate is a rental business similar to Taylors or Sun Belts. In any event, they will lease and rent the same things as Taylors and 60 to 70 percent of the inventory is meant for residents, rather than businesses. They will have tools and medium size equipment that contractors may rent, such as bobcats, loaders and things like that

and they will service their own leased equipment on site and will also sell new construction equipment and repair any item they sell because they'll be a factory authorized store. Two of the operations borderline between General Commercial and General Commercial Plus and the statement of intent say's that we want you to take commercial and light industrial and bring them together. It will not affect the legal status of the residential homes that are on Mud Mill Road and which three are rented. There has been some hint in the community that Mid-Country is intending to put a road through to Mud Mill Road and that is not true. They do not own this property and they have no intention of buying this property and have no intention of putting a road through there what-so-ever. The reasoning the Planning Board wanted to use GC Plus, is because of a similar situation at Hancock Park. At that time Empire Crane CO. wanted to expand and couldn't as they weren't in a zone that would allow that, the Planning Board changed the whole park and came up with a blend, not only of GC, but GC Plus which brought in light industry. This is an area of Cicero that has a lot of small businesses and is one of the oldest areas. It has no sewers but, has water. These businesses as such, do not require sewers as they have few employees and they don't have a lot of people coming in. This area can be developed and jump start something between here and Brewerton. This area can not possibly supply all of the GC operations you see to the south. The Town of Cicero has more commercial land presently zoned then any three towns. Mr. Ventre pointed out the commercial areas on the zoning map and explained that everyone wants to develop looking out towards the road to the answer is to that is to expand the use. There is going to be a brand new facility and that's what will attract the next business. You also can't draw commercial unless you put sewers in, so restaurants aren't necessarily going to go there, but, there are other businesses that could go there that are needed. To put something in an industrial area wouldn't help anyone that's on Route 11 in the residential areas and those that feed the Route 11 commercial. The industrial area has large parcels and they don't want to break them up and the price is 3 to 4 times more. The area consists of several businesses, mobile homes, a golf course, boat sales, auto repair shops and a hodge-podge. The GC also has in it, the allowance of the Planning Board that will find that such use that might be proposed meets the statement of intent and is of the same general character and intensity as those uses allow. The Planning Board has authorized to construe this subsection to allow for coexistence between commercial uses and light industrial uses in a General Commercial Plus District. That is powerful for the Planning Board and that is the future. The Planning Board will make some decisions when you get these borderline cases like we have here and get them into the right districts and carry out a comprehensive plan. The Onondaga County Planning Board does not oppose this. They go through and discuss the pluses that are in this site and have concluded that this will have no significant adverse inter community or county wide implications. They make some comments about the next stage of development and the next stage would be site plan approval and that would include that the applicant and municipality would coordinate highway access and internal road networks, with Onondaga County and NYS DOT. The applicant will be required to secure sewer disposal approval from the Onondaga County Health Dept. They will have to work with the NYS Dept. of Environmental Conservation to establish if an endangered species is present. The Planning Board is under the duty to take care of that.

Hal Romans cleared up the acreage on the five applicants. Mid-Country has 7.7 acres, and their largest facility uses 5 acres. So this acreage is large enough for them to be a 10,000 square foot show room and repair facility and service facility for their equipment and still accommodate green space, drainage and future expansion. The Burke property is approximately 5.4 acres. The Guzelak's property is the one that had the 2 storage barns where one is rented which is two acres and has an existing driveway which is at the end of Mud Mill Road. The Brown Property is approximately .8 acres and the Redding property is just a 75ft wide house parcel which is .4 acres. We have told our applicant that if we get the zone change and go on to site plan, the NYS DOT will probably allow for one access point from his parcel on to Route 11 and he prefers it that way, so that he's in control of people coming and going. As Mr. Ventre said, about 60 to 70 percent of the number of customers, that they will have coming in the door are probably residential weekend warrior types that are doing their own decks, retaining walls and things like that. 30 to 40 percent could be of the contractor level that uses larger equipment that the average person can not operate. It might be long term lease or lease with an option to purchase or out right purchase. That's kind of the difference of this operation and Sun Belt or Taylor Rental. The location is ideal and would be able to service the people from Cicero, Brewerton, beyond Route 11 and the Contractors. The GC Plus in this area seems to make sense to me because you have the industrial on the east side of I-81 and it seems like GC Plus was created to have something that would transition from the GC to the industrial and this provides that. The Planning Board ultimately has the responsibility to make sure that the use fits into what they want there.

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

The public notice read as follows:

TOWN OF CICERO
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Cicero on September 28, 2011 at 7:00 P.M. at Cicero Town Hall, 8236 South Main Street, Cicero, New York 13039 regarding the adoption of a Local Law of the Town of Cicero for the year 2011 which would amend the Town of Cicero Zoning Ordinance as follows:

The following property situated at 9200, 9206, 9224, 9230 Brewerton Road and 5586 Mud Mill Road, and presently located in a GC General Commercial District as defined in Zoning Law adopted March 26, 2001, is hereby rezoned and designated GC Commercial Plus District under said ordinance, subject to all regulations created and established relative to said GC General Commercial Plus District.

The owners of said parcels are: Walter Misia, Jack I. Brown, Theresa L. Redding, Roland J. and Luann Burke and Andrew N. and Olga Guzelak.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed Local Law will be reviewed at said public hearing.

Any resident of the Town of Cicero shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at 8236 South Main Street, Cicero, New York 13039.

The public hearing was open at 7:25 p.m.

Speaking against:

Jay Wilcox a resident, of Cicero for 17 years owns one of the residential properties that borders this proposed zone change stated that he was opposed to the zone change for several reasons. Most residences are owner occupied on Mud Mill Road and this would devalue their property. I purchased my property was difficult to sell due to the proximity of commercially zoned land and to increase the use of that commercial property as this proposal outlines, would only further devalues the investment we have made in our residences. Secondly, from my own selfish standpoint, the peace and enjoyment of my own property has deteriorated because of the clearing of land and the operation of equipment to do that. The traffic associated with the businesses or the operating of any equipment in or out of the property will continue and increase it. I'm very disappointed that I can't sit in my living room without hearing so much road traffic from interstate 81, which is due to the removal of all the trees and growth that served as a buffer. I hear the noise in my home very clearly. As the former owner of 5586 Mud Mill Road, a driveway does exist on the Mud Mill Road frontage, but, if there is any increased use of that property which would put traffic out onto Mud Mill Road it poises a danger, not just to residents there, but, to the traffic on the highway. It's also difficult to see traffic coming in until they break over the crown of the bridge coming down the slope to Route 11. If someone was backing out of any of those properties, it's very difficult for traffic that is coming over the bridge to slow down enough, to not collide with the vehicles coming out of their driveways. I am also concerned for school buses in the winter. I am vehemently opposed to the zone change.

Vaughn Schreib stated that he lives adjacent to Jay on Mud Mill Road wasn't necessarily opposed but, was apprehensive in building the road adjacent to the National Grid right of way. Intentions change and with the two small buildings and tractor trailer in and out of there occasionally, it's extremely hazardous. I don't trust intentions, so from that part, I'm opposed.

Scott Martin explained that he owns a 3 family residence that backs up to this parcel that they're talking about bringing this equipment into. He agreed with Jay and that as far as the traffic goes he couldn't imagine what it would be like with all this heavy equipment there. Also the snow conditions in the winter are terrible. I see heavy equipment coming in and out of there as hazardous and it's down from the traffic light, where it's going to clog the area there as far as traffic flow goes. It is also devaluating our properties.

Dorothy Rogers, Mud Mill Road was also opposed to the traffic coming out of there and agrees with Jay, Vaughn and Scott. I've had to call 911 too often because of accidents on Mud Mill and Route 11.

Speaking for:

Mark Mangicaro, 8417 Brewerton Road stated that he lives in a commercial district and he has no problem with it and thought it's a great plan that Mr. Ventre explained very well. We need more businesses in this town and it seems like an appropriate use for the parcels up there and hopes the board seriously considers it.

Tom Woznica, 6981 Island Road, Cicero, NY has lived in this town for 47 years and has done business in this town for 27 years and was in support it because this town has so much commercial space available that is not being used. I pay a lot of taxes in this town and like most people my taxes went up this spring and is tired of my taxes going up when we should be looking at all of this vacant land that could be developed. We live in a state that is so unfriendly to small businesses that we've got to start working together to try and get some growth going. We all know people are leaving this state and one of my kids is in Virginia and has no intentions of coming back. We have a company that wants to come in and I've known Joe for 15 years and it's a family with an impeccable reputation. I know these guys would work with the residents to do what needs to be done to get what they need in that part of town. If we continue to push small businesses out, we're all going to end up being old in this state, without people coming in. This looks like a great plan if it's worked out with the Town's Planning Board and could work well with close control with everyone working together. I am in favor of it.

Mr. Ventre explained that the first gentleman lives in a General Commercial Zone and is already out of his residence in a sense, as it's in a GC Zone and is intended at some time to be General Commercial. That's why the Town Board zoned it GC to step up because it provides the opportunity for business to come in and would be good for Brewerton Revitalization.

Mr. Wilcox stated he didn't grieve his assessment because he lost part of the equity in his land, which is his savings and investment in my home and his assessment was reduced because of his situation where I'm located and my tax bill says residential.

The public hearing was closed at 8:01 p.m.

Board Comments

Mr. Conway asked if it was possible to put a covenant in this, saying that there can never be a road put there, our to Mud Mill Road.

Mr. Ventre stated that he will offer a covenant that a road will not be built from this parcel to Mud Mill Road, but, was unable to tell the board, what the man next door will do. He lives on Mud Mill Road and will probably put a driveway in. We will provide a deed covenant or rather a covenant, running with the land and it will last forever until a Town Board would relieve it.

Mr. Conway explained that he understood what some of the people are saying as he and his wife lived there. We do need a covenant stating that no entrance should be allowed onto Mud Mill Road. Also having tall trees and shrubs along the property lines would eliminate 90% of the noise.

Mr. Ventre – Yes, it would serve as a buffer. You can let the Planning Board decide what can go in there and can express your views to them.

Ms. Boyke stated that she has not been aware of a problem with the tractor trailers that come and go.

Resident asked how the covenant that is proposed affect the property at 5586 Mud Mill which is 2 acres with 2 buildings on it and the driveway that comes out on Mud Mill Road, if the zone change occurs and there is increased traffic. How would they leave their property except to go on Mud Mill Road?

Ms. Boyke – You're correct, there is a driveway there which is the ingress and egress for that property. As far as the change in the zone it would affect what ever business is there.

Mr. Corl – Several years ago this board adopted General Commercial Plus which was presented to us by the Planning Board for this type of purpose. These are the most difficult changes, when you have neighborhoods and commercial areas intermixed. When we created this, it was to allow some flexibility to encourage this type of businesses to

come in the town, so they could do business here, especially along this stretch of property. The Town Board is charged with what the appropriate use is for this parcel and that's what we have to be looking at. We have a Planning Board which has given unanimous approval of the project and approval of the land. They're charged with the guidance of the plans within the town and they've given it their blessing and do a very good job for us. We have an adequate and very good Planning Board and we also have the County Planning Board, which Mr. Ventre referred to. You usually don't see these types of very favorable recommendations and the County Planning Board is saying this would be an appropriate land use for the parcels. I sympathize with the folks that do reside there, but they're zoned General Commercial. By the same token, I think we have the planning experts telling us, that this is a good land use. I think Mr. Woznica was right, that it will be an enhancement to the town for a tax base and it sends a good message that we are flexible and want to encourage this kind of business.

Ms. Boyke stated that with the General Commercial Plus, the word plus is what we're actually looking at this evening. The property that surrounds all of you now in the zoning that you are in gives flexibility for warehousing distribution and light manufacturing assembly and things of that nature and would include equipment sales. As Mr. Ventre pointed out, you are already zoned in a General Commercial Zone. The point of this zone change is the word plus and that just allows this particular type of sales. There could be a restaurant, religious institution or public utilities substation there, as that is zoned that way now. One of my concerns was endangered species and the land being stripped.

Rep – They're going to do that study as part of the plan.

Ms. Zambrano stated for the people who have residences in this area, and have been coming to the Town Board Meetings as long as she has, you'll understand that Brewerton Road has been designated to be the commercial quarter for quite awhile. This isn't anything new as this has been zoned commercial for quite awhile. Ms. Boyke was talking about adding the word plus, as that just adds a little flexibility to develop businesses there for light industrial.

Mr. Corl asked Tony Rivizzigno if we needed a separate SEQR Determination.

Tony Rivizzigno – It will be part of the resolution if you approve the zone change. We have already gone through the SEQR Application and it should be a negative declaration. If we're going to have a covenant, we should wait until the next meeting to approve the zone change with the covenant and it will give Mr. Ventre two weeks to prepare that. He will distribute that to the board first and it will be incorporated in the resolution.

Mr. Corl – Very good.

Ms. Boyke – The public hearing was closed, but we will not make a motion on this until October 12, 2011 in regards to the zone change for Mud Mill Road and Route 11.

Mr. Corl – It can be put on the agenda and Mr. Ventre can give it to us as a proposed resolution. If this project moves forward and this zone change is granted the people who are affected need to work with the Planning Board as they move through the process as Mr. Ventre has indicated that they are more than willing to work with the homeowners as best they can as far as their needs and concerns.

Mr. Conway stated that where the old trolley tracks go down through there, you need to put a permanent blockage there so that people can't run in or out and make it so that you can only get snowmobiles through there as it is a snowmobile trail. If you leave it as wide as it is now, they'll go in there with trucks. I would like you to get this all together and present it to these people.

DECISION TO BE MADE ON ZONE CHANGE OCTOBER 12, 2011

2012 PRELIMINARY BUDGET – SET BUDGET WORKSHOP DATES AND TIMES
FOR DEPARTMENTAL PRESENTATIONS AND FIRE COMPANY’S
TO DISCUSS PROTECTION CONTRACTS

Shirlie Stuart announced the following dates for Budget Workshops for Departmental Presentations and for Fire Companies to discuss their Protection Contracts as follows:

Departmental Workshops:

Wednesday, October 5, 2011 at 10:00 a.m.
Thursday, October 13, 2011 at 10:00 a.m.
Wednesday, October 19, 2011 at 10:00 a.m.

Fire Protection Contracts with Fire Departments:

Thursday October 20th at 5:30 p.m.

Ms. Zambrano asked if the Fire Departments will be notified when they should come in.

Shirlie Stuart – Yes

LANDFILL REINSPECTION REPORT

C & S Companies presentation per letter dated September 16, 2011.

Discussion:

Mr. Wickman stated the Town of Cicero has a closed landfill and the State DEC requires that it be inspected and that testing be undertaken there on an annual basis to keep track of any contamination that may be leaking from that closed landfill. This is a contract to accomplish that effort and is the same price as last year being \$11,161.00 as the maximum estimated cost. This includes engineering, sampling, the inspection, the testing that’s required and the preparation of a report submittal to the DEC.

Ms. Zambrano – When do you anticipate that this will be done, if this is approved tonight?

Mr. Wickman – The inspection will be done immediately. The sampling and testing needs to wait until December as that is the date that has been set by the DEC and has been long standing since 1999.

Ms. Zambrano – Wasn’t there a problem with sampling last year?

Mr. Wickman – Yes, it didn’t get started until much later last year and this year we expect to be able to do it more easily. Sometimes the sampling can be a challenge as well, but, that is the date that has been established by the DEC.

Mr. Corl asked if there is still two years left for this.

Mr. Wickman thanked Mr. Corl for letting him know that concern and we’ve been in contact with the State and have been trying to get information about that. The landfill was active until February of 1984 and it typically takes about two years to go through the processing to close it. You have been monitoring it since 1986 in all likelihood, which is about 25 years. The minimum required monitoring is 30 years and there after we have not gotten any indication from the DEC as to what will be required. We did get some correspondence back and they are in the process of checking into that. It will depend in part on what the test results look like and have looked like over long term. If the amount of contaminates that are in the test wells has been gradually dropping off, those are all factors that the DEC will have to consider to decide if monitoring will be necessary and how often.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an expenditure of \$11,161.00 for C & S Engineers, Inc. to complete the tasks associated with the 2011 Annual Environmental Monitoring and reporting for the Landfill Inspection report.

The motion was approved as follows:

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

APPROVAL FOR SUPERVISOR TO EXECUTE CONTRACT FOR HANCOCK DEVELOPMENT CORPORATION

Discussion:

Tony Rivizzigno explained that Hancock Field Development Corporation is in receipt of a Federal Grant and Lori Deitz is here with us this evening. They have approved 8,490 feet of roads, 6,765 feet of sanitary sewers and 7,420 feet of storm sewers. These will eventually be proposed to be turned over to the town, which the town will then maintain. The reason for this agreement is so they can receive the funds.

Lori Deitz with Hancock Field Development stated that they received a 1.5 million dollar grant from the Department of Commerce Economic Administration and one of the conditions to close it out is that we have this agreement with the town so that when we do transfer the roads to you, which is what we have done as we develop the project, that you will operate them in a manner that's not discriminatory. This is something I need for this grant to close it out. The construction has been completed and we've finished all of the infrastructure that will be going in there at this point. Some of these roads were actually done years ago and have been transferred to the town and some were just finished.

Tony Rivizzigno – We haven't had an agreement like this before and the only reason, we're doing this now is because it is grant required.

Mr. Corl – It's Federal Funding and Lori, you've done a great job over there and things are coming along very well.

Lori stated that they will be taking down another 20 buildings later this year or next year, which is the next stage of the project.

An inaudible question was asked.

Lori Deitz responded that she really couldn't answer, but, that property was transferred to the City of Syracuse as part of the Airport Complex. They hoped to work with them to do some demolition but, it got tied up in politics.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize the Supervisor to execute the contract with the Hancock Park Development Corporation.

The motion was approved as follows:

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

JOHN WINTERS GAVE AN UPDATE RELATIVE TO THE BAND AND ISSUES WE HAVE WITH INTERNET

John Winters stated that there is a concern that the internet is running slow and has been going on for several months now. It seems to slow down in the afternoon but, isn't slow all day. The concern we have has caused us to request a study from Computer Outlet to determine exactly what the problem is and what the traffic is we're seeing on the internet and if we have appropriate traffic to double the speed of the internet as that may, or may not correct it. I spoke with them today and they're going to work on that and as soon as we get that we can make an informed decision how to correct the problem.

Ms. Zambrano asked if we have ever gotten a report regarding the other two surveys that Computer Outlet was doing. I believe we authorize \$4,000.00 to \$5,000.00 for these surveys and was told we'd get some type of report when they were completed. Are they completed?

Ms. Boyke apologized, stated that she did receive them and they were in the pile of papers on my table that I cleared off last night. I will see to it that everyone gets a copy of the reports that they have given us so far.

AUTHORIZATION FOR COMPTROLLER TO REFUND THE \$30 SMALL CLAIMS ASSESSMENT REVIEW FILING FEE FOR 3 PROPERTY OWNERS

Ms. Boyke requested small claims assessment review filings to be returned to the following properties below:

Refund for the following properties:

- 6114 Muskrat Bay Rd.
- 8954 Beach Rd.
- 8874 Maple Rd.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the Comptroller to refund \$30.00 for Small Claims Assessment Review Filing Fees to 3 property owners as directed by the hearing officer for a total of \$90.00 to be taken from the Judgment and Claims Account.

The motion was approved as follows:

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

YOUTH BUREAU PARKS & RECREATION AWARD MOWING AND VEGETATION CONTRACT

Discussion:

Jody stated that they received 4 bids for the mowing contract for cemeteries which include four of the largest cemeteries out of the 6 that we maintain in the town being Cicero, Taft Settlement, Cicero Center and Riverside Cemetery. The bid is awarded to Triple AAA Quick Plow & Lawn of 8020 Bamm Hollow Road, Clay, NY. I would like to recommend a 3 year contract for 2012, 2013 and 2014 for a total of \$24,315.00, which is approximately \$8,100.00 per year. We are currently paying \$9,550.00 a year now. The bid has gone down considerably.

The other bid was for Vegetation Control and we basically weed kill along fence lines, building foundations and some of our stone parking lots and that would be awarded to Commercial Lawn & Landscape of 6083 Route 31, Cicero, NY and for their contract I'd like a 3 year contract which would be for two applications a year in the amount of

\$4,400.00 for a two application season, which is a savings of \$3,000.00 per year on that contract.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to award the 3 year bid to Triple AAA Quick Plow & Lawn in the amount of \$24,315.00 for mowing of cemeteries in the Town of Cicero and to award the bid to Commercial Lawn & Landscape in the amount of \$4,400.00 per year for Vegetation Control of various buildings, parks, historical sites and cemeteries with the Town of Cicero as read.

The motion was approved as follows:

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

YOUTH BUREAU PARKS & RECREATION STAFF APPOINTMENTS

Motion was made by Mr. Jennings, seconded by Mr. Corl, to approve the following Youth Bureau and Parks & Recreation Staff Appointments, paid via participant fees.

John Cullen
112 Catherine Street
North Syracuse, NY
Recreation Attendant (FWS Programs)
Rate of Pay: \$7.25
Budget Code B7020.11
Hire dates: October 3, 2011

The motion was approved as follows:

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

Chief Snell stated that he had given the board a list of items to go to County Auction and the board approved that we dispose of that property.

Mr. Corl – Did we do that?

Chief Snell – You authorized the Supervisor to execute the agreement with the County, so that we can send that property. This is the list of property that will be going.

Ms. Boyke – This is a determination of what we're sending down there to show the difference between the equipment that is owned by the town as opposed to confiscated items.

Chief Snell – There are 5 bicycles and one toy sand box that's going to the auction which is not town property. Town property is listed on your memo.

Ms. Zambrano – Will we get any money?

Chief Snell – At the auction the County keeps 10% and 90% comes back to us.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to authorize the list of items given to the board for disposal and no use to the town, to go to County Auction.

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. Corl, to enter into Executive Session for the purpose of a Tax Certiorari Matter with the Attorney and Assessor 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 8:31 pm.

The meeting reconvened at 8:41 p.m.

Tracy, Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to reconvene into regular session.

Tony Rivizzigno stated at this time he would ask the board to adopt a resolution approving a Tax Settlement Certiorari for Island Road Associates, as well as the Tax Exemptions for Loretto Housing and the Methodist Church on Route 11.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to adopt a resolution approving Tax Settlement Certiorari for Island Road Associates, as well as the Tax Exemptions for Loretto Housing and the Methodist Church on Route 11.

The resolution was adopted as follows:

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

PUBLIC INPUT

Terry O'Connell asked which board members served on the board in 2009.

Mr. Corl stated that he and Mr. Conway were on the board.

Terry O'Connell stated that is when the recession started and many people were laid off and many people who kept their jobs pay was reduced. In 2010 the average increase was 2% and in 2011 it was 2.25% and 2012 it's projected to be 2.85%. Most people pay between 10 to 25 percent of their health care costs and every year the costs go up more. My question to those on the board from 2009 is this. There's a Teamsters Contract where the Teamsters received a 3.5% increase and next year it's a 4.5% increase and the following year another 4%. They contribute nothing to their health care costs. How did you let a package like that go through?

Mr. Corl explained that when that contract was approved the average income of a Teamster Employee in the Town was about \$31,000.00. The comparable as we went through the negotiation process and we're facing binding arbitration as we looked at other municipalities and what the average compensation for a Teamster Employee was and it was probably \$8,000.00 or

\$10,000.00 more. The decision was made than, opposed to going to arbitration, to increase their salaries. The Teamsters Employees within the town, were at that point, had been under paid in comparison to other municipalities.

Terry asked if benefits and paying zero dollars was included.

Mr. Corl – When you look at the package, the average wage is \$31,000.00 to \$32,000.00 and that was taken into consideration as well. This year there was a contract approval in January of this year in which there was raises and no additional contributions for health insurance for another bargaining union.

Terry – It's a lot of money for taxpayers to be paying for. Let them pay for their own stuff every single year. Also, when I moved here, most of the Police were part timers and maybe 10 or 15 full time people.

Chief Snell – Our total Department is 13 full time Officers.

Terry – I noticed that we still are driving around in the volunteer car. I know they don't get paid, but, it costs money to maintain that car and its money we could save even if it's only \$500.00. I think we should stop doing it. I also called the previous Supervisor and the current Supervisor on this. On the tax bill, we have fire department, trash, lighting, sewer, town and highway but, nothing tells us how much we pay individually for police protection. I was told it's controlled by the County but, I think it would be helpful to the citizens of the town to have that line item on the tax bills, so we knew how much it costs us to pay for the police department. There was a committee formed regarding the Police Department and possibly merging the Sheriffs and abolishing the Cicero Police Department. The committee recommended it be put out to the Taxpayers to vote on it, but they voted 4 to 1 to kill that. Why'd you do that? I think if a committee recommends that, it should be put on the ballot.

Ms. Gardner – I'd like to correct the gentlemen's figures. I believe the vote was 5 – 0. I would also like the Preliminary Budget to be put on the website.

Mr. Corl asked Tracy if she could do that.

Tracy Cosilmon – I've already addressed that with Shirlye.

Shirlye Stuart explained that you can put anything on the website, it's your decision. It's just a working budget and I believe I said this last year. I think it's very confusing to people when you put one budget up and then you've got this working budget for the next 4 or 6 weeks and then you finally have a final budget.

Ms. Gardner – I understand that is your opinion and I don't think you're being fair to the people who would look at it. I think the people who are interested in looking at it understand it is a budget process.

Mr. Corl – It would say Preliminary on it.

Ms. Gardner – Who enforces these covenants, like the one that was discussed earlier?

Tony Rivizzigno stated that it depends who's aggrieved. If someone is aggrieved, they can bring a lawsuit to enforce the covenant. Anyone who is aggrieved by the covenant or breeched by the covenant can bring a lawsuit.

Ms. Gardner – We'd have to hire an attorney to bring that action, so I don't think a covenant is fair to the residents as it's on them and not the town. It's costly when you hire an attorney and they don't work cheaply.

Tony Rivizzigno – A person could also come to the town and ask the town those questions. The covenant will run with the land.

Ms. Gardner asked if the town would enforce it like it enforces its town code now and that's my concern as the codes aren't enforced now and haven't been in the past. I doubt a covenant would be enforced and I hope you prove me wrong.

Mr. Jennings – Hopefully, before we see the Preliminary Budget on the website, could you tell me how you had access to the draft of Benn & Companies Audit from Brewerton Revitalization that this board voted 3 to 2 not to put on the website. It went up on Friday September 16th. How

did you get access to that when originally the only people that had this, were the five members here, the Town Clerk and the Comptroller.

Ms. Zambrano – I think that question is out of order.

Mr. Jennings – I don't as I have an e-mail that says, attached is the Brewerton Audit report that took so long to discuss at Wednesday's Board Meeting and here is the link to the GASB 45 report, detailing the town's liability through retirement and both are clearly marked DRAFT. The people who compiled those reports assured the town that the reports would not change. The reason I'm asking this is twofold. I'm referring to the minutes where this board voted 3 to 2, not to post that on the site until we had the Management Form signed, as the first one wasn't signed. Two days later this appeared on the website with DRAFT written over it. How did the Draft Audit appear on the website? How did someone get their hands on it when it was intended for town officials only? What does this say for resolutions that are passed by this board, whether in favor or against, if it isn't going to matter to someone, once they go out the door? Finally, in 2009 the State conducted an audit of the Town and at the conclusion the State Officials brought this to the Town Board Members and people who had to have knowledge of this audit. They read it and went over the report and at the end, that report which said DRAFT was taken back by the State Officials, until such time that the lawyer would sign it, to make it official. My issue is that something needs to be done as I feel this has been a gross injustice to the town and the board when it was voted on, not to do it and then to have it appear. How did it get on the website called Talk of Cicero?

Ms. Zambrano stated that she felt it was an improper to question a member of the public.

Mr. Jennings stated the he wasn't questioning, but, was asking how the information was gotten. Maybe someone dropped it on the floor. When you send out an e-mail, it's no longer private.

Mr. Conway stated that it was also in the Post Standard, the next morning.

Mr. Jennings stated that it's really a shame when the Town board has a resolution, whether we're in favor or against, that it gets out of this building because someone has a better idea. Also, I am not in favor of putting the Preliminary Budget on the website either as it hasn't been hashed out yet.

Mr. Corl explained that this document will be on file in the Town Clerk's Office and should be public knowledge, so residents can see what a Preliminary Budget is.

Ms. Boyke stated that people can also attend the budget workshops to have input so that we can create a final document.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to put the Preliminary Budget on the website.

The motion was approved as follows:

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

Ray Shader asked where all of the water is going to go from the stormwater retention ponds, particularly on the corner of Route 31 and South Bay Road, where we've had a natural one there for many years and suddenly, it's being filled up. Why is this happening and where is that water going to go now?

Mr. Conway explained that 2 or 3 years ago the property on the east side of the road was filled and there were a lot of problems over that and I know the State came out to Charlie's and evidently, they walked away without a problem.

Ray Shader – Next month or next year somebody will come in here and complain and then we'll have to pay for French Drains because their property is being flooded.

Mr. Conway – That's really a good question, but, I can't answer that.

Ray Shader asked if they need to come to the town for approval to fill.

Mr. Conway – I don't know, perhaps Wayne could answer that.

Tom Beaulieu stated that regarding the vegetation problem in the gutters on Marigold and Vernon are much better and Chris has done a great job. Tom also complimented the Mattes Company for the great job they've done on the drainage issues which were done at a savings. They were itemized by the hour and was done for about 6 different situations. Will the savings go back into this years or next years drainage work?

Ms. Boyke – There are more projects out there that we're working on.

Tom Beaulieu stated that Contract #2 for Improvement of Drainage Facilities went to LaFleur Contractors for \$138,000.00. A couple of those projects are less than 10 years old. Asa Eastwood drainage, which is underway now, Hessler Farm Path, in the Crossings, Last year we did Cody Corners at \$32,500.00. If you add up all the work we've done in the Pastures, we spent \$81,000.00 and it isn't even 10 years old. Can we plan on expending another \$80,000.00 over the next several years, because there will be other issues that we have to deal with? Phase 2 in the Crossings and Hessler Farms we're spending \$8,600.00 and it's behind a house that doesn't have a Certificate of Occupancy and is under construction. We're spending Taxpayer's money for something the developer should have fixed and should have seen there was an issue and taken care of it. We're out a couple hundred thousand dollars on a couple of developments that are less than 10 years old. How come the Zoning Office isn't going out and looking to see if they have a SPDES Permit problem to do that kind of filling over there on Route 31 and South Bay Road? I don't see any sediment fencing over there and that's required because they're pushing that fresh dirt up to the drainage run over there on Route 31 and if we have 2 inches of rain tomorrow, where do you think all of that mud and siltation is going to go. It will eventually find its way to the lake. How come the Zoning Office doesn't regulate any filling of areas that were brought up earlier this evening? Can we look into that? You were also going to look into Cobblestone and we haven't heard any resolution on that either.

Ms. Boyke – That's been addressed and the Town Engineer has been out there taking pictures.

Mr. Wickman stated that there has probably been some filling that has taken place. I've spoken to one of the workers at Cobblestone and he mentioned that filling has been going on gradually over a period of several years. I walked around on the site and there is a lot of standing water on that but, I am not a wetlands expert, but, it appears that the water is there a large portion of the year and I know, that when water stands for 6 months or so, out of every year, that eventually becomes a wetland and is regulated by the US Army Corp of Engineers because it is greater than a 10th of an acre. In my opinion, if there is going to be any further filling, the Cobblestone Apartments should check first to verify that that area is not a wetlands before they proceed with anything more.

Mr. Corl – Part of the problem is that there is a significant amount of standing water on that property and it goes back to the spring. At the last meeting, we were going to look at citing them for violation of the Town Code for having standing water and then we could go in there from a drainage prospective to see how to get that water flowing. First they have to be given notice that they are in violation.

Mr. Wickman – There is a contradiction there. If you have a piece of property that has standing water on it, it could very easily be a wetland and you can't fill it and you can't drain it and you can't grade it. You can not fill the Cicero Swamp, grade it, or drain it. You can't do anything with it as it's a regulated wetland. You can't change it.

Mr. Corl stated that not only are they in violation of the Town Code, but they're in violation of the DEC.

Mr. Wickman – No, not the DEC, this is too small. The DEC wetland laws only apply to wetlands that are 12 acres in size and this is much smaller than that. The Corp of Engineers wetland regulation is anything bigger than a 10th of an acre and a 10th of an acre is only 4,000 square feet. This area is certainly bigger than that. If there is a regulated Corp wetland there, they can't fill it without a permit from the Corp of Engineers. Within the wetlands, those adversely affect drainage downstream. When you fill in ponding areas, or wetlands, it adversely affects and increases runoff downstream. There are a lot of good reasons for protecting wetlands for both water quality and water quantity. If this is indeed a wetland it needs to be protected and it is reasonable to ask the Cobblestone Apartments to stop, if that is wetlands. It's their responsibility to hire someone to determine if it is or isn't a wetland.

Tom Beaulieu – The area has been filled for a while, they built a working platform to store material, and once they started that procedure they created a wetland, whether it's designated one

or not, I don't know and really don't care. We had mosquitoes there and have them all the time because of water. The water was created because they blocked the flow of the water to their swale. They have a swale and Members of the Drainage Committee have gone out and looked and it runs behind the fence adjacent to my property, Mr. Smith and Ms. DeFrancis's house. That water is supposed to move so that it doesn't drain into the retention area along the side of my property. If it's not moving and not draining, then they have created a problem and are in violation of the Town Code. They still haven't been cited for that and I don't know how long we have to suffer the consequences of the town not taking an action, that they have been requested to do.

Ms. Zambrano – Do we know if there is actually a designated swale?

Tom Beaulieu – Yes, there is. It's easy to spot and you can walk down through it and it's about 3 feet deep.

Ms. Zambrano asked Wayne if he could verify that there is a swale back there and is it supposed to drain out?

Mr. Wickman explained that it hasn't changed and that the swale is there and it is still operating the way it always has. The filling has taken place, closer to the road and has been pushing back towards that area. I have not seen any place, where the fill is blocking the drainage. The wet area is remaining because it's flat, just like any area that's very flat and doesn't have an opportunity to drain. The swale is there and I walked down it. I did not see any filling in the swale.

Mr. Corl asked if there is water standing on the property.

Mr. Wickman – Yes

Mr. Corl asked Wayne if that is in violation of the Town Code.

Wayne Dean – No it isn't and there are a number of retention basins that have been designed to hold water and you can ride around and see them.

Tom Beaulieu asked what does that have to do with water being blocked and the standing water that wasn't there before. He has been there for 11 years and knows the lay of the land back there. They have now blocked the drainage of that area and you're telling me it's not a violation of the Town Code. Do I have to pull out 90-5 again, so we all understand? What is the Town Board going to do regarding this problem that I brought to Ms. Zambrano in 2010? We still have water sitting there and the Town hasn't done anything other than to send 15 people over there to look at it.

Ms. Zambrano – What is the resolution to this problem?

Wayne Dean stated he didn't know exactly, what the problem is. You're allowed to have standing water on a parcel of property and I don't understand the problem. Is it because, he's filled and done away with the water, or is it because there's standing water?

Tom Beaulieu stated that the we've sent correspondence back and forth, making it very clear that the water was created by trapping it because of building a work platform and the Town Engineer indicated that, just now. By pushing that dirt forward, toward the back of the properties they've created a blockage where it can't flow anyplace because it's trapped. It's not a natural standing wetland. It was created and because it was created it couldn't have been a designated wetland, because nobody knew about it before it was created.

Mr. Wickman stated that he looked at it pretty carefully and walked the whole area spending a fair amount of time out there and didn't see any blockage. Maybe there's something I missed, as there is a lot of heavy vegetation. I looked at the area that's been filled, taken pictures of the area that's been filled and where there is standing water. It just doesn't get to the ditch because it's too flat and hasn't been blocked in any way that I observed. Every time we have looked at this area over the time that I've been involved, that area has been wet and it just doesn't drain. Now it certainly seems like an area that's wet all the time.

Tom Beaulieu – As property owners, we have a swale and it is not wet unless we get a lot of rain. The swale that is adjacent to our backyard runs on the other side of the property line of Cobblestone and another property involved with that. I believed that was filled in over time and now the water won't move because the swale there has been filled up and the water is trapped there. If you look at our swale there is no water trapped and it has been maintained and mowed. If it isn't blocked, the water would move. That's probably part of the problem with the Cobblestone

property and nobody has gone back there to look at it over the last few years. Now we have water there and the town refuses to take action, but, we can spend hundreds of thousands of dollars to fix mistakes. Is the Town Board going to do anything?

Ms. Boyke – It is not that we haven't addressed this and the Town Engineer is saying that it's flat.

Tom Beaulieu – Has he taken any surveys.

Ms. Boyke – Does the town have an easement back there?

Mr. Wickman – Not that we're aware of.

Ms. Boyke – We had no right, other than to look.

Mr. Wickman – Not only does the town not have any right, but, as I understand the wetlands law, nobody does.

Ms. Zambrano – Who makes the designation that this is not a wetland?

Mr. Wickman explained that The Army Corp of Engineers requires when you are filling property, if there is the potential to be a wetland, that it be surveyed by a wetland biologist to determine whether or not it is a wetland and is not an expensive thing to do. I believe there is a great chance that there is a wetland there, that is greater than a 10th of an acre in size and I am suggesting there be no more filling in that area.

Mr. Corl stated that all this talk about wetlands is in defense of Cobblestone, who are in violation of the Town Code. If they want to bring that up to the town and say this is a wetland, they can provide us the maps, rather than speculating whether it's a wetland and how long it's been there. Mr. Beaulieu's point from his prospective is that they are in violation of Town Code 90-5 and they should be cited. If they believe it's a wetland, they can come to the town and make their case.

Mr. Corl – Wayne, you're saying they are not in violation of 90-5.

Wayne Dean – I'll have to review 90-5 to see exactly what it says.

Tom Beaulieu – When I came in two weeks ago and I repeated what 90-5 is. Why are we still investigating what 90-5 means?

Ms. Zambraano – You are correct, you did recite that part of the code.

Tom Beaulieu – I was told they were going to look at it Thursday.

Ms. Zambrano – That's right and I do believe that Mr. Beaulieu deserves a response.

Tom Beaulieu – If it's a designated wetland, why don't we have it on our maps? We should, we're supposed to have all of the designated wetlands. How come this one just shows up?

Mr. Wickman – There are US fish and wildlife maps of many of the Corp wetlands, but, many of them are too small and have never been mapped. That's why the Corp of Engineers requires that if in fact you're filling a wetland, you need to pay somebody to determine if it is or it isn't. Once that determination is made, and it is a wetland and you want to proceed to fill it, you need to get a permit and there is a process for that. The first step is verifying whether or not it is a wetland. That's what I'm suggesting, that if Cobblestone does want to fill it anymore, that has the potential to adversely affect that drainage and they should not be allowed to do that unless it is not a wetland and if it is, they really can't do it.

Tom Beaulieu – If they're not willing to cite them for standing water, whose going to stop them from filling in a wetland. Who do we call, the DEC?

Mr. Wickman – The DEC has no jurisdiction. If in fact they think it's going in a wetland the Army Corp can be contacted. They have an office in Auburn and my suggestion however, was to contact the apartments and ask them to stop doing that and we've done that already. If they chose to do some additional filling they need to get a determination.

Mr. Corl asked Wayne to look at 90-5 again and get an interpretation of that.

Wayne Dean – Yes, I will.

Ms. Zambrano – The follow up is to get something to Mr. Beaulieu.

Tom Beaulieu explained that he doesn't see the water, but, he see's the mosquitoes when he tries to work in his yard. He has a couple of neighbors that have complained to the town that they have had to look at that. They pay their taxes and they have to look in the back yard and see the water standing there and most of us wouldn't want to see that. There isn't a single person on this board that would want to tolerate the conditions of that property behind their home, yet these people have to do it. That's why I'm fighting that fight. I could sit back and say it doesn't impact me, but, it does. Also, to follow up on Mr. Shrader's question, how come the town isn't going out and looking at the corner of South Bay and Route 31 where there are no siltation devices in place? There has been a lot of filling going on and that siltation is going to go to the lake. We're required to do SPDES Permits in the town and required to keep records regarding drainage work. That isn't being done on that corner.

Ms. Zambrano asked that this be looked into.

Mr. Corl asked Wayne if he heard the questions regarding the siltation fences on Route 31.

Wayne Dean - Yes, he has it written down.

Engineer Comments

Mr. Wickman updated the board relative to Contracts 1 and 2 and the status of that work. All of Contract 1's, work has been completed and there is a small amount of restoration that is still necessary on Pine Grove. Contract 2, project and Asa Eastwood will be completed tonight or tomorrow. Hessler Farms is also completed and the rest of the work within that contract is ongoing and has not been done yet.

Attorney Comments - None:

Board Comments

Mr. Corl explained that the Infrastructure Committee met since the last Town Board Meeting and looked at the different two standards which have been supplied to the whole board, which are different specifications for the orange and blue models. The Infrastructure Committee wanted input from interested parties and from the folks who would be affected by the new specs and to discuss that with the town and to provide information to developers. We want to make sure we get feedback, so that everyone has an opportunity to be heard before the board makes a decision.

Mr. Wickman suggested that we schedule an informational meeting or public informational meeting that would be public as it would be held here. I think the second meeting in October would be good, at which point we would advertise that in the paper so that it is public knowledge. At that meeting in October, we'll make a presentation about what is proposed and receive comments from interested parties. It would be helpful to publish a legal notice and I'd be happy to prepare a description of what will be discussed at this public informational meeting, so that we could draw attention to that particular item that will be discussed.

Mr. Corl – This is something that the town has considered relative to adopting new road specifications.

Ms. Boyke – That's a good idea. There has been some general interest generated by the volume of calls to my office and the Zoning Office.

Ms. Zambrano – We agree to do that?

Ms. Boyke – Yes, and we don't need a resolution, we'll just advertise that. I would ask that Doug get this together and get it to Tracy for publication.

Mr. Wickman – Great, thank you.

Mr. Corl – The date will be October 26th, 2011.

Mr. Corl stated that there was also some discussion relative to a Maintenance Agreement and emergency sewer services. Doug was going to circulate a memo at some point, but, it isn't prepared yet.

Mr. Wickman – I will do that.

Mr. Corl – My third thing is that there was some discussion about some grant opportunities. Did you bring the website information with you Doug?

Mr. Wickman – Yes, I did. There are a series of Regional Councils that were set up by the Government and you may have seen articles about it in the paper. Those Regional Councils are being given authority to accept applications for funding and it is really changing the application process for funding and also adding some additional funding availability. The applications for these various opportunities are due October 31st. The types of applications that they will be entertaining include a lot of definitions, restrictions, and details, but, there may be some opportunities that town might be interested in pursuing. They include community and waterfront revitalization, energy and environmental improvements, low cost financing, municipal public infrastructure, parks, historical preservation and carriage areas, transportation, infrastructure and a few others. I'd like to suggest that the folks that might be interested in getting involved in trying to decide on what applications would be appropriate, meet. I would be happy to be involved with that and help the town put together an application if that would be helpful. It is important to proceed relatively quickly. We have folks in our office that are working pretty hard to understand all of the details that are involved here. My hope is that we'll be able to assist the town with this. It does take some up front involvement from people that might be interested in pursuing this. Again, I want to emphasize the time line of October 31st. It will be here in an instant, so it is important that we get started on this effort, if the town is interested.

Mr. Corl – Those were the three main areas that were discussed.

Ms. Zambrano – A zoning map was mentioned earlier and I wonder when we expect to see the new zoning map?

Mr. Wickman explained that he brought the progress map in on Monday and left with the Supervisor. It is available for viewing, but, there is still a considerable amount of work to be done. It is a relatively extensive task and is more than we anticipated. We are continuing to work on it, but are certainly welcome to look at the map which shows our progress to date.

Ms. Zambrano asked Wayne if he had any feedback regarding 8123 McCamidge.

Wayne Dean stated that he drove by it and spoke with Maureen about that. The fence looks in tact to him and didn't know what the concerns were regarding that.

Ms. Zambrano – The concern was that the fence was not in good repair and the kids were getting in there. There is also a pool there.

Mr. Corl stated his concern is that there is a pool back there, which is unmaintained. It's a safety issue and is also creating a mosquito issue.

Wayne Dean – There is nothing I can do. What do you suggest I do?

Mr. Corl – The town should go in and drain it out.

Wayne Dean – We can't.

Ms. Zambrano – This is a complaint.

Wayne Dean explained that Maureen has gone there and verified that there is a pool there that is in need of repair. The power is off, so you can't run the pump and circulate it and we can't maintain it like it should be and I don't think the town wants to get into the pool business. The owner won't do anything.

Mr. Jennings stated that at the last meeting, he suggested that Wayne contact the Department of Health to have them look at the pool.

Wayne Dean – I believe the Department of Health has looked at it.

Mr. Jennings stated that Wayne should talk with them again, as that's private property.

Ms. Zambrano – Did the Department of Health go in.

Ms. Boyke – They put algacide in it and that's all they could do.

Ms. Zambrano – It seems to me that the town should address these pools that are abandoned.

Wayne Dean – How can we legally do that?

Ms. Zambrano – Let’s all think about it and we’ll bring it up at the next meeting.

Ms. Zambrano stated that Sharon Edick reported that she has been busy and had 249 residents come to the counter today to pay their School Taxes. She collected a substantial amount of money and stated there were a lot of angry people. She isn’t here tonight, because she’s pooped.

Ms. Boyke – Brad turned our application in to the State in regards to State Aid for being at 100% full assessment and we can’t get a firm answer on what we will be getting for doing this. That will not show up until June of 2012. They say about \$5.00 per parcel but last year it was \$4.10. If we save \$4.00 and if the State finds the money for us we could recoup about \$54,000.00 for being in full assessment to be brought back to the town.

Ms. Boyke wished to thank Jody and the Parks & Recreation and Jen for the festival that was held this past weekend. It was well received and was a great job by Jen for her first trip through.

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