

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, July 24, 2013 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor (arrived at 7:10 p.m.)
Tim Burtis, Councilor

Others Present: Tracy Cosilmon, Town Clerk
Christopher Woznica, Highway
Joseph Snell, Police Chief
Robert Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer

Supervisor Corl indicated where the fire exits were and read the following statement:

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

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.

Councilor Zambrano asked for a moment of silence to be observed in remembrance of our men and women serving in the Armed Forces in harms way.

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

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

Ayes - 4 and Noes- 0. *Motion carried.*

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Zambrano moved the adoption of a resolution to approve the minutes of the June 26, 2013 Regular Town Board Meeting. Motion was seconded by Councilor Conway.

Ayes- 3 and Noes – 0. Abstained – 1 Councilor Burtis
Motion carried.

BUDGET MODIFICATIONS

TOWN BOARD MEETING
07/24/2013

2013
BUDGET MODIFICATIONS

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

FROM		\$		TO	
B80104	Zoning Contractual	20.00		B8010435	Zoning Postage
B80104	Zoning Contractual	4000.00		B80101 OT	Zoning Personal Serv OT
A14102	Town Clerk Contractual	224.00		A141043	Town Clerk Computer Software
A162040	Buildings Contractual	726.92		A1620405	Parks and Recreation Pole Barn
B19904	Contingent Account	50000.00		B31204	Police Personal Services – Retro
A19304	Special Items Judgments	300.00		A10104	Town Board Contractual
DB513057	Hwy Body Maintenance	1601.00		DB513054	Hwy Sewer Jet
DB513051	Hwy Chipper/Repair	250.00		DB513048	Hwy Batteries
DB511049	Hwy CB/Fluid/Riser	5000.00		DB51304	Hwy Oil/Fluid Bulk
DB511049	Hwy CB/Fluid/Riser	3000.00		DB513042	Hwy Tires
DB513055	Hwy Machinery – Other	500.00		DB513048	Hwy Batteries
A677245	Senior Ct Miscellaneous	600.00		A677253	Bus Maintenance
A677250	Senior Ct Taxes	45.93			
A677245	Senior Miscellaneous	300.00		A677254	Senior Fuel

2013 BUDGET AMENDMENTS

Revenues		Appropriation	
B2006 Extended Daycare	4000.00	B714012 Extended Daycare Personal Services –	3500.00
		B714043 Extended Daycare Supplies –	500.00
A2705 Gifts and Donation	4000.00	A677248 Senior Center Renovations	
A2797 Onondaga Ct Community Development Grant	28500.00	A677248 CD Senior Center Renovation CD	
B3389 SL SLETPP Grant	6050.00	B31202 SL ETPP Grant	Police Radios

Motion was seconded by Councilor Zambrano.

Ayes – 4 and Noes – 0. *Motion carried.*

ACKNOWLEDGEMENT OF RANDY JOSS’S RETIREMENT AFTER 33 YEARS OF SERVICE WITH THE TOWN OF CICERO HIGHWAY DEPARTMENT AS A MACHINE EQUIPMENT OPERATOR

Supervisor Corl acknowledged Randy Joss who was in attendance. Randy has served the Town for the last 33 years and served with our Cicero Highway Department under Chris Woznica for the last 13 years.

Chris Woznica said Randy Joss would be deeply missed and he had to hire two guys to take his one spot.

Supervisor Corl expressed the gratitude of the Town for all his years of service; they greatly appreciate it and he presented Randy a token of appreciation for his years of service.

RECOGNITION OF NANCY MORGAN FOR SERVICE TO THE TOWN OF CICERO
(ZONING BOARD OF APPEALS SECRETARY SINCE 2002, TOWN CLERK FROM
1978-1987, AND DEPUTY TOWN CLERK FROM 1971-1977)

Supervisor Corl stated they had also wanted to take this opportunity to thank Nancy Morgan for her service to the Town also. Nancy had served the Town in many capacities such as Deputy Town Clerk, Town Clerk and Zoning Board of Appeals Secretary. She also worked as an Election Inspection and for the County at the Onondaga County Clerk's Office.

Supervisor Corl acknowledged all her years of service and expressed the Town's gratitude and congratulated her.

APPROVAL TO HIRE TROY ENGLEBRETSSEN AND JAMES BALDWIN

Supervisor Corl stated that the Town Board had recently approved two (2) additions to our Highway Department. Troy Englebretsen was in attendance and Supervisor Corl said Troy brings to the Town of Cicero a great deal of experience.

Supervisor Corl congratulated Troy and thanked him for coming on board.

Supervisor Corl moved the adoption of a resolution for approval to hire Troy Engelbretsen and James Baldwin in the Highway Department as Machine Equipment Operators, at a pay rate of \$22.65 per hour, effective July 15th, 2013. Motion was seconded by Councilor Conway.

Ayes – 4 and Noes – 0. *Motion carried.*

PUBLIC HEARING TO CONSIDER ZONE CHANGE FROM INDUSTRIAL AND
AGRICULTURAL TO GENERAL COMMERCIAL PLUS FOR PROPERTY
LOCATED AT 5775 SNELLER ROAD, TAX MAP No. 120.-02-01.3

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

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application to **consider a Zone Change from Industrial and Agricultural to General Commercial Plus** for property located at **5775 Sneller Road, Tax Map No. 120.-02-01.3.**

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **24th** day of **July 2013**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.**DATED:** June 27, 2013

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

Supervisor Corl introduced Terry Kirwan, a representative from the applicant.

Terry Kirwan stated that he represents L&P Operations, which is the parcel that is seeking a zone change from Industrial and Agricultural. It is roughly a 49 acre piece of land and the reason for requesting a zone change – they don't have anything in mind at this point as to the development, but just to increase the variety of potential uses for the future. He solicited any questions.

Supervisor Corl asked the Board members if they had any questions.

Board Comments – None

Supervisor Corl noted that they do have a recommendation back from the Town Planning Board with no objections to the proposal, and also the County came back with really no objections either to the project.

Public Hearing was opened at 7:46 p.m.

Speaking for – None

Speaking against – None

Public Hearing was closed at 7:47 p.m.

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

Board Comments

Councilor Conway said with that being Industrial up there, he thinks that we probably lost a lot of people that would have been interested in it. So, going General Commercial Plus is going to be a plus for us too.

Councilor Burtis thought it was the appropriate use for the property so he is for it.

Councilor Zambrano said it is a straight forward application.

SEQRA: Councilor Zambrano moved the adoption of a resolution that the application of Luke and Paul Lonergan (L&P Operations) for a **ZONE CHANGE** from Industrial and Agricultural to General Commercial Plus for the property located at 5775 Sneller Road, Tax Map No. 120.-02-01.3 is an Unlisted Action with a completed EAF (long form). The proposed action involves no other permit granting agency outside the Town. The Town has conducted and closed a public hearing upon the application and received a recommendation from the Town Planning Board. The proposed action will not have a significant effect on the environment and therefore does not require the preparation on a DEIS (Draft Environmental Impact Statement). Motion was seconded by Councilor Burtis.

Ayes - 4 and Noes - 0. *Motion carried.*

DECISION: Councilor Zambrano moved the adoption of a resolution approving the application of Luke and Paul Lonergan (L&P Operations) for a **ZONE CHANGE** from Industrial and Agricultural to General Commercial Plus for the property located at 5775 Sneller Road, Tax Map No. 120.-02-01.3. To be known as Local Law 9 of 2013. Motion was seconded by Councilor Conway.

Ayes - 4 and Noes - 0. *Motion carried.*

**AWARD BID FOR THE LIGHTING PACKAGE AND ELECTRICAL SERVICES
FOR THE RIVERFRONT PARK PROJECT PER THE BID SPECIFICATIONS AS
PREPARED BY SARATOGA ASSOCIATES AND SEALED BIDS ACCEPTED ON
WEDNESDAY, JULY 17, 2013**

Supervisor Corl stated John Guariglia was present from Saratoga Associates and he wanted to give him an opportunity to present the lighting package for Riverfront Park.

John Guariglia thanked the board for having him and letting him discuss the next step in implementing the Riverfront Park upgrades. He was seeking the board's approval for the Town to enter into agreement with two (2) contractors. The approval should be contingent that each contractor provides the remaining documentation required by the Town and County. Each of

these contractors will be installing an important element of the overall Phase 1 plan. Several weeks ago they released bids for electrical work that would require the installation of six (6) pedestrian-style lights generally located along the Oneida River. Last Wednesday, they opened ten (10) bids. The lowest of those bids being from M. L. Caccamise for a total amount of \$47,232.00. They were approximately 5 to 6 thousand dollars less than the second bid (see bidders list below):

STATE OF NEW YORK
Onondaga County
Town of Cicero

SS:

The Cicero Town Board received sealed bids on July 17th, 2013 at 10:00 a.m., at the Cicero Town Hall, 8236 South Main Street, Cicero, NY, for furnishing and installing site lighting at Riverfront Park, located at 5449 Bennett Street, Brewerton, NY.

Bidders	Amount
1. M. L. Caccamise Electric Corp. 721 Portland Avenue Rochester, NY 14621 585-202-3277	\$47,232.20
2. Bagnall Electric, Inc. P.O. Box 577 45 Classic St. Sherburne, NY 13460 607-674-9460	\$55,840.00
3. Rombough Electric 19 Grand View Ln, Oswego, NY 13126 315-342-6900	\$59,459.00
4. Patricia Electric 407 Brown Avenue Syracuse, NY 13208 585-889-6016	\$73,311.00
5. Power & Construction 96 West River Road PO Box 30 Scottsville, NY 14546 585-889-6016	\$74,190.75
6. Emerald Electric Contractors, Inc. 116 Game Road Syracuse, NY 13210	\$52,885.00
7. Syracuse Signal Systems, Inc. 410 Marcellus Street Syracuse, NY 13204	\$54,381.00
8. Beken Contracting Services, LLC 725 Erie Blvd. West Syracuse, NY 13204	\$98,579.06
9. Weydman Electric & Communications 747 Young Street Tonawanda, NY 14150	\$60,688.00
10. Bruce Electric, Inc 22 Corporate Circle East Syracuse, NY 13057 315-432-1835	\$58,027.60

The other major component of the plan that they want to get installed this fall is a Flexi-Pave walkway. Flexi-Pave is actually a porous pavement made from shredded tires and based on their conversation today; it will actually recycle over 600 tires for the 2000 square feet that will be installed. Environmental Paving Solutions was chosen to construct the walkway for a price of \$36,900.00. This cost was not competitive, however it was based on the County contract that they have. So, they've already vetted and their costs have been negotiated through the County.

Both of these projects totaling in the neighborhood of \$82,000 will be paid by the Town using funds from the previously awarded 2010 and 2011 Community Development Grant. He imagines the Town will probably have to front the money and then be reimbursed by the County.

He solicited any questions and stated those are the two contractors that they are looking to get on board for the Town in order to get this moving in August, September and October.

Supervisor Corl asked John what process they used to determine if M.L. Caccamise was suitable for the job.

John explained that he did as much vetting as he could in the time frame. They have been around for 30 years, and they are based in Rochester and have a satellite office in Cicero. They are doing a very large project for the City of Syracuse; it's a lot of the intersections within the City. He spoke with a representative from the City of Syracuse who provided some information; they were acceptable to this individual. He also talked to the City of Auburn where Caccamise did a job a year or two ago and the City of Auburn highly recommended them. There was very little information, but they do a lot of work in the Central New York and Rochester area. He didn't come up with anything negative on his Google search.

Councilor Conway asked John if this was going to be started next year or this year.

John replied hopefully, if the Town approves, they hope to have both contractors under contract with the Town the middle of August. With the electrical, they have stated that they need to have major work completed by the end of September. Depending on their time frame the Flexi-Pave can't be put in until the electrical work is done; that way they don't ruin it. Also, in between the Town will be doing some improvements to the park.

Councilor Zambrano asked John if they were in jeopardy of losing this money if we don't get the work done this year.

John replied yes. Seeing that was a 2010 award, they really wanted everything done last year. However, between Jody Rogers and himself, they were able to get the County to extend it until the end of July, however, they also understood that we were in a "hurry-up offense" in order to get the bid documents done so they kept the County apprised of the situation and the County has been willing to work with the Town in order to get this completed and they are hopeful that the work will be done by the end of October.

Councilor Zambrano asked if there were six lamp posts that would be installed.

John replied yes. Right now it calls for six pedestrian-style lights. Five of which will go along the river and one will go a little bit south of the river in coordination with the kiosk that he believes that the boy scouts will be building next year.

Councilor Zambrano asked if he could explain the Flexi-walkway a little bit more. John said thinking back to the Riverfront Park, there is a handicap ramp that extends from the parking lot down to the river where the cruise ship used to dock. The Flexi-Pave walkway will start there and go west, in a serpentine manor and then end up by the existing walkway along the river, so it's about 400 linear feet.

Supervisor Corl thanked John and said he knew that he had lots of meetings, pre-construction meetings, many emails and a lot of leg work on this to get this all coordinated.

Supervisor Corl moved the adoption of a resolution to award the bid for the lighting package and electrical services for the Riverfront Park project per the bid specifications as prepared by Saratoga Associates and sealed bids that were accepted on

Wednesday, July 17, 2013 to M.L. Caccamise Electric Corporation in the amount of \$47,232.20, contingent upon all approvals, attorney review and approvals from the County of Onondaga. Also, award the bid to Environmental Paving in the amount of \$36,900.00 for the Flexi-Pave for the Riverfront Project.

Motion was seconded by Councilor Zambrano.

Ayes - 4 and Noes - 0. *Motion carried.*

PUBLIC HEARING TO ADOPT A LOCAL LAW FOR CODE ADMINISTRATION AND ENFORCEMENT

Supervisor Corl stated the public hearing was to adopt Local Law #7 for Code Administration and Enforcement. Over the course of the spring and early part of the summer himself, Bob Smith the Chairman of the Planning Board, along with the Chairman of the Zoning Board, Gary Natali (who was not able to attend that evening), and Mr. English who has been a consultant for our Codes Department have sat down, (Councilor Zambrano had been present at 1 or 2 of the meetings as liaison to the Codes Department), to come up with ideas and solutions as to how to make things easier for our Codes office to enforce the code and also to make things have a little more teeth behind our codes so we can encourage compliance but yet, then have some teeth into the local laws for enforcement when necessary, which has been problematic in the past.

Supervisor Corl asked Bob Smith if he wanted to make any comments as a background for the board.

Bob Smith replied that most of the items that are in here were conflicts in the Town Code. He knows the Councilors are all aware that there's innumerable attempts to enforce the code that has been passed and it has been very difficult with the courts. Frankly, our code is just outdated and a lot of the things incorporated in here will allow the attorneys that have been hired by the Board and the Codes office to properly enforce the codes as they exist. It's really as simple as that. The Zoning Board of Appeals had to deal with a number of issues, the Planning Board has had to deal with a number of issues, and most of these things are just procedural. There ought to be some tools there for the people that they hired to use and basically, that is what all of this study was all about.

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

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to adopt a Local Law for Code Administration and Enforcement.**

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the 24th day of **July 2013**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

DATED: July 4, 2013

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

Public Hearing was opened at 7:00 p.m.

Speaking for –

Deborah Gardner said it was very nice to see that the codes that we have are finally starting to be enforced. Any tools that they can give code enforcement to make their job

easier is welcomed. Most people, she believes, in Cicero just want to see the existing codes enforced – so give them the tools they need.

Speaking against – None.

Public Hearing was closed at 7:03 p.m.

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

Board Comments –

Councilor Burtis felt that the Code office's efforts have improved but they've come up against a lot of problems and issues and these two (2) local laws he thinks would help with their efforts in trying to get their arms around code in this town. So, he is definitely for both of them.

Councilor Zambrano said the proposed language for these local law changes have been well publicized and reviewed by the Town attorney, who had some input as well. She echoed the sentiments that they need better enforcement tools, therefore is in favor of all of these things and they will probably be doing some more of it.

Supervisor Corl asked Councilor Conway if he had any comments.

Councilor Conway replied no, but said it was a long time coming.

Supervisor Corl said the one thing that he wanted to point out that he thought was important; that Bob Smith had brought to their attention, which was included in the code, was provisions relative to site plans and existing site plans. Chairman Smith has adopted the perspective that when there is an approval it's for ...

Chairman Smith stated it was 6 months to pull the building permit.

Supervisor Corl explained that it was six months to pull the permit once it goes through Planning Board approval and that's something new that he has adhered to. In the past that hasn't been adopted so there are several outstanding site plans from years and years ago, some of which have cropped up over the last year and the Town really had no tools to stop a project because there was an existing site plan, one for an example was about 5 years old and although traffic patterns had changed, topography patterns had changed, the Town still had to allow that. What this code will also allow us to do to is from one year from the date that it's adopted the existing site plan will no longer be accepted by the Town and one would have to come back to the Planning Board. He thinks that will be a good tool.

Chairman Smith asked if construction isn't commenced, if you just leave it set there.

Supervisor Corl replied correct. There is a one-year period from hopefully today, if this resolution is adopted to pull a permit, if not you have to come back. He thinks that will be helpful for the future.

Supervisor Corl told Robert Germain that Steve from Zoning had mentioned to him that day, under 130-6B it refers to Section 210-61, he had thought it should refer to 130-8, so they will make the approval contingent upon Robert reviewing that one change.

Robert Germain stated that was fine. If the board determines that they are going to approve this law, like he suggested, when they read the resolution they say, "As amended".

Supervisor Corl replied okay and asked if they should have the SEQRA determination on this local law.

Robert Germain replied yes.

SEQRA: Councilor Zambrano moved the adoption of a resolution that the adoption of Local Law # 7 is a Type 2 Action with a referral having been sent to Onondaga County and the Town having conducted and open and closed public hearing. The proposed action **will not** have significant effect on the environment and therefore **does not** require the preparation on a DEIS (Draft Environmental Impact Statement).

Motion was seconded by Councilor Burtis.

Ayes - 4 and Noes - 0. *Motion carried.*

DECISION: Councilor Zambrano moved the adoption of a resolution to adopt Local Law # 7 of 2013.

New York State Department of State
Division of Corporations, State Records and Uniform
Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

Local Law Filing

Town of Cicero

Local Law No. 7 of the year 2013

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CICERO AS IT RELATES TO ADMINISTRATION AND ENFORCEMENT OF VARIOUS PROVISIONS OF THE SAID CODE ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT AND TO MAKE TECHNICAL CORRECTIONS TO VARIOUS LAND USE PROVISIONS OF THE CODE.

Be it enacted by the Town Board of the Town of Cicero, in the County of Onondaga, as follows:

SECTION 1. The Code of the Town of Cicero, § 68-2, Definitions is hereby amended by amending the definition of "Zoning and Planning Office," to read as follows:

"Zoning and Planning Office - The Department of Planning and Development of the Town of Cicero."

SECTION 2. The Code of the Town of Cicero, § 68-4 Subdivision B is hereby amended to read as follows:

B. Exemptions. No building permit shall be required for work in any of the following categories:

- (1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (3) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) Installation of partitions or movable cases less than five feet nine inches in height;
- (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;

- (8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (10) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - (b) The removal or change of any means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire protection system for any period of time.

SECTION 3. The Code of the Town of Cicero, § 68-4 Subdivision (I) is hereby amended to read as follows:

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance, demolition permits shall expire six months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed, for successive six month periods, upon application by the permit holder, payment of the applicable fee, and approval of the application by a Code enforcement officer.

SECTION 4. The Code of the Town of Cicero, is hereby amended by repealing Chapter 72, Building Numbering, adopted 2/13/1984.

SECTION 5. The Code of the Town of Cicero, § 90-7 is hereby amended to read as follows:

§ 90-7. Town may perform work; billing for cost.

If, within the time set by the Code Enforcement Officer, the remedial work is not completed, the Town, at its option, may undertake the work directly or through contractors, and submit a bill to the property owner for the cost of such work, including associated administrative costs incurred by the Town.

SECTION 6. The Code of the Town of Cicero, § 109-1 is hereby amended to read as follows:

§ 109-1. Applications for Fireworks Permits

- A. All applications for permits for the display of fireworks shall be made at least 21 days in advance of the date of the display and the permit shall contain provisions that the actual point at which the fireworks are to be fired be in accordance with the rules found in § 405 of the Penal Law and pursuant to regulations of the New York State Labor Department commissioner of labor pursuant to § 462 of the labor law and that all the persons in actual charge of firing the fireworks shall be certified by the New York State Labor Department.
- B. Applications will be obtained from the Town Clerk's Office and shall be submitted with five copies to the Town Clerk, who shall forward to the Chief of Police, Code Enforcement Officer and Fire Chief of the district where such display will occur.
- C. No permit granted and issued hereunder shall be transferable.
- D. Upon approval, the Chief of Police, Code Enforcement Officer and the Fire Chief will notify the Town Clerk by signing the application and the Town Clerk shall forward the application to the Town Board for their approval.

- E. Any denial of a permit shall include a written statement from the Chief of Police, Code Enforcement Officer and/or the Fire Chief stating the reasons for denial. The Town Clerk shall notify the applicant of the denial and provide reasons supporting that decision in writing.
- F. Inspections. The Code Enforcement Officer shall inspect the subject premises prior to the approval of a permit. The Code Enforcement Officer shall re-inspect the premises where the display will take place to ensure the work authorized by such permit is done in conformity with the approved plans and specifications and standards, rules and regulations applicable thereto.
- G. Fees. Fees necessary for the administration of this chapter shall be established by resolution of the Town Board.

SECTION 7. The Code of the Town of Cicero, Chapter 124, Housing Standards, adopted as chapter 27 of the 1974 Code, is hereby repealed, excepting § 124-41.1 which is renumbered as § 188-3.1 Maintenance and abandonment of swimming pools.

SECTION 8. The Code of the Town of Cicero, § 140-4(G) is hereby amended to read as follows:

G. Piers and footings. Piers and footings for mobile homes shall be as in accordance with the specifications found in the Residential Code of New York State (19, NYCRR, Part 1220).

SECTION 9. The Code of the Town of Cicero, § 140-13(C) is hereby amended to read as follows:

C. Foundation, piers and footings. Foundations, piers, and footings for mobile homes shall be in accordance with specifications found in the Residential Code of New York State (19, NYCRR, Part 1220).

SECTION 10. The Code of the Town of Cicero, § 140-14(R) is hereby amended to read as follows:

R. All mobile homes, buildings and structures will have a four-digit number. The number will conform to the requirements of the Fire Code of New York State (19, NYCRR, Part 1225).

SECTION 11. The Code of the Town of Cicero, Chapter 166, Article VIII is hereby amended to read as follows:

ARTICLE VIII. Private Sewage Disposal Systems

§ 166-28. Required connections to private disposal systems.

Where a public sanitary sewer is not available under the provisions of § 166-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 166-29. Construction permit required; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Onondaga County Health Department. The application for such permit shall be made on a form furnished by the said Department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Department.

§ 166-30. Inspection during construction.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Onondaga County Department of Health.

§ 166-31. Compliance of private disposal systems.

The type, capacities, location and layout of a private sewage disposal system shall comply with all sections of the New York State Health Department regulations found in Appendix 75A as well as all recommendations of the Onondaga County Health Department.

§ 166-31.1. Abandonment of private system.

At such time as a public sewer becomes available to any property upon which a sanitary sewage nuisance or health hazard exists, as provided in § 166-28, a direct connection shall be made to the public sewer in compliance with the provisions of § 166-5, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

§ 166-31.2. Cost of operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town of Cicero.

SECTION 12. The Code of the Town of Cicero, § 185-2, Definitions is amended to amend the definition of "Subdivision" to read as follows:

SUBDIVISION - The division of any part, parcel or area of land by the owner or agent either by lots or metes and bounds into two or more lots, blocks or parcels for the purpose of conveyance, transfer, improvement, building development or sale. A subdivision shall not include, however, the division of land for agricultural purposes into two or more lots, each five acres or more in area. The term 'subdivision' includes re-subdivision.

SECTION 13. The Code of the Town of Cicero, § 185-5M, is amended to read as follows:

M. Approval of a preliminary plan shall expire after 24 months from the date of approval. Extensions for periods of 12 months may be granted by the Planning Board upon application. Such applications for extensions shall not be entertained by the Planning Board, unless such application is received by the Planning Board within 30 days after the expiration of such date of expiration. Such application for extensions shall be granted unless changed conditions or new information indicate the unsuitability to the development as shown on the preliminary plan.

SECTION 14. The Code of the Town of Cicero, § 188-3(B) is hereby amended to read as follows:

B. Enclosures. All pools will be provided with an enclosure that complies with the applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code), as applicable for the specific parcel, except where exempted by the Uniform Code.

SECTION 15. The Code of the Town of Cicero, § 210-10(A)(3) is hereby amended to read as follows:

Private garages, not exceeding 700 square feet in area, when used as an accessory use to the principal residential use of the property.

SECTION 16. The Code of the Town of Cicero, § 210-11(A)(4) is hereby amended to read as follows:

Private garages, not exceeding 700 square feet in area, when used as an accessory use to the principal residential use of the property.

SECTION 17. The Code of the Town of Cicero, § 210-18(B)(1) is hereby amended to read as follows:

Political signs. Signs for political campaigns shall be removed by the political party or candidate within seven days of the completion of the election for which the sign was intended and shall be erected no more than 30 days prior to a primary election or 45 days before any other election.

SECTION 18. The Code of the Town of Cicero, § 210-18(C) "Signs prohibited in all districts," is hereby amended to add a new subsection (5) to read as follows:

- (5) Vehicle Signs - Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.

SECTION 19. The Code of the Town of Cicero, § 210-27(A) is hereby amended to read as follows:

A. All new structures, modifications, alterations or replacements of existing structures; any single use structure that has been vacant for more than 1 year; or any change in the use or occupancy classification of a single use building shall be subject to site plan review by the Town Planning Board as hereafter set forth, except that the Code Enforcement Officer shall have authority to approve site plans without referral to the Planning Board if the proposal meets all of the following conditions:

- (1) Where the proposal involves the expansion and/or modification of an existing structure or site which has received previous site plan approval by the Planning Board; and
- (2) The proposal is in full compliance with all existing zoning regulations; and
- (3) The proposal does not exceed 25% of the ground space of the existing building or structure or 10,000 square feet, whichever is less.; and
- (4) There is no change to the existing traffic patterns, drainage patterns, change in the required parking or change in any pedestrian access.

SECTION 20. The Code of the Town of Cicero, § 210-19 is hereby amended to read as follows:

§ 210-19. Landscape and screening requirements.

The Town of Cicero recognizes that a modern suburban Town environment requires a balancing of the right to privacy with the need to maintain open views and vistas and the right to be protected from undesirable intrusions of adjacent uses with the right to reasonably utilize one's property. Because of the diversity of situations existing in the Town, it is unreasonable to establish one set of inflexible rules to govern all situations on possible combinations of uses. Accordingly, this Code establishes certain minimum requirements applicable in all situations therein designated and delegates to the Planning Board or Code Enforcement Office the responsibility to strike a reasonable accommodation between these competing interests based upon the evidence presented to it as part of site plan approval applications.

A. Landscaping requirements. Any landscaping or planting requirement imposed by the Planning Board or Code Enforcement Officer as part of a site plan approval shall be maintained in a sound, safe and healthy condition at all times.

B. Visibility on streets and driveways.

- (1) No plantings, fencing or screening device shall impair exit vision from a street or driveway.
- (2) On corner lots there shall be no obstruction to visibility between the height of two feet and 10 feet from grade for a distance of 20 feet from the property corner along both streets.

SECTION 21. The Code of the Town of Cicero, Chapter 210, Article VI is hereby amended by adding a new section 210-19.1 Fences and walls, to read as follows:

A. Legislative findings. The Town Board of the Town of Cicero finds that the installation and maintenance of fences within the Town is an area of concern. The Town Board enacts this subsection regarding fences because the Town Board recognizes that while property owners may enjoy fences, in the interest of public health, safety and welfare, fences should be installed and maintained in a manner that adequately protects the general public.

B. Definition.

- (1) Fence: anything constructed and/or placed for the purposes of enclosing and/or dividing property.

- C. Permit required. No fence, wall or other type of construction shall be erected unless a permit has been issued by the Code Enforcement Officer. The provisions of this chapter shall not apply to the owner or premises devoted to full-time agriculture as defined by New York State Department of Agriculture and Markets, when such fence is solely for an agriculture purpose.
- D. Application. An application for permit shall be made to the Code Enforcement Officer, on forms provided by the him, and shall contain, at a minimum, the following information:
- (1) A copy of a property survey showing current conditions of the site.
 - (2) An accurate plan showing property lines and the location of the proposed new or modified fence on or within the applicant's property lines and the height of the proposed new or modified fence.
 - (3) The full name and address of the owner, applicant, and of the contractor, where applicable.
 - (4) A brief description of the materials to be used and the type and height of the fence to be installed.
 - (5) Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance with all applicable requirements.
- E. Fence regulations:
- (1) This section shall apply to all districts or any parcel of land.
 - (2) For lots along the shore or banks of Oneida Lake, Oneida River or Chittenango Creek, no screening device in excess of three feet, nor any plantings (except trees) in excess of two feet, nor any fences more than 50% opaque, shall be allowed in any required front or rear yard. Trees in these areas shall have all branches trimmed to a minimum height of six feet above grade.
 - (3) All fences or other screening devices which completely enclose any portion of a lot shall have at least one pedestrian gate at least three feet in width.
 - (4) Fences in the required front yard shall be no higher than four feet from grade and shall be no more than 50% opaque.
 - (5) Except in one- and two-family districts, all service areas for buildings, i.e., dumpsters, trash areas, etc., shall be screened from view of neighboring properties by a solid, opaque enclosure of at least six feet in height.
 - (6) No fence or screening device shall be installed or maintained in any drainage easement.
 - (7) Fences may be installed at the perimeter of the property line. Fences may be no more than 48 inches tall and no more than fifty-percent opaque in the front yard, and no more than 72 inches tall in the side and rear yards, with the exception of tennis or recreation courts, which may extend to a height of 144 inches.
 - (8) Signs such as "No Trespassing" or other similar signs are not permitted on residential fences.
 - (9) Fences shall be constructed of natural material, chain link, vinyl or similar material and shall be generally of a uniform design and finish within each individual lot. The finished side of the fence shall face adjoining properties. Fences shall be white, black or natural colored, and no fluorescent colors shall be permitted.
 - (10) Fences shall be of a consistent material along each property boundary.
 - (11) The following specific fences and fencing materials are prohibited:
 - (a) Barbed-wire fences, except on agriculturally zoned land actively used for farming purposes.
 - (b) Canvas fences.
 - (c) Cloth fences.
 - (d) Aboveground electrically charged fences, except on agriculturally zoned land actively used for farming purposes.

(e) Temporary fences, except where necessary to protect public health, safety and welfare. Such temporary fences shall be removed within 30 days after the circumstances warranting the temporary fence have abated.

(f) Expandable and collapsible fences, except during improvements to real property.

(g) Snow fences, except between November 1 and April 15.

(12) To the extent that this section conflicts with other provisions of the Cicero Town Code with respect to fences in any districts this section shall control.

(13) This section shall not supersede any fencing requirements with respect to swimming pools.

F. Fence maintenance.

(1) Fences shall be maintained in a safe and substantial condition.

(2) The Code Enforcement Officer shall notify a property owner in writing of any fence that does not comply with this section. Said property owner shall have 30 days to comply with the provisions of this section. Failure to comply shall be punishable in accordance with this chapter.

(3) For lots along the shore or banks of Oneida Lake, the Oneida River or Chittenango Creek, no screening device in excess of three feet, nor any plantings (except trees) in excess of two feet, nor any fences more than fifty-percent opaque, shall be allowed in any required front or rear yard. Trees in these areas shall have all branches trimmed to a minimum height of six feet above grade.

SECTION 22. The Code of the Town of Cicero, Chapter 210, Article XI is hereby amended by renumbering Article XI and creating a new Chapter 130, Licensing of Junkyards, to read as follows:

Chapter 130 Licensing of Junkyards

§ 130-1. Requirements for operation and maintenance.

No person shall operate, establish or maintain a junk yard in the Town of Cicero until the junkyard has obtained a license to operate and is located in an approved Planned Unit Development District.

§ 130-2. Application for license.

Application for the license shall be made in writing to the Code Enforcement Officer. The application shall contain the legal description of the land to be included within the junkyard and such other information as deemed necessary by the Code Enforcement Officer or the Town Board.

§ 130-3. Hearing.

A hearing before the Town Board on the application shall be held within the Town of Cicero not less than two weeks nor more than four weeks from the date of the receipt of the application by the Code Enforcement Officer, unless waived by the applicant.

§ 130-4. License requirements.

At the time and place of the hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junkyard; in considering such application, it shall take into account the applicant's ability to comply with all reasonable regulations imposed by this chapter and, whether the applicant has been convicted of any form of larceny or receipt of stolen goods, and other matters within the purposes of this chapter and article.

§ 130-5. Aesthetic considerations.

At the hearing, the Town Board may also take into account the effect of the proposed junkyard on the environment, the general welfare of the Town's citizens and the aesthetics of the surrounding area. The Town Board may consider, among other relevant factors, the type of road servicing the location or the road from which the junkyard can be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the junkyard to established or prospective residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

§ 130-6. Grant or denial of application.

A. After the hearing, the Town Board shall, within four weeks, make a finding as to whether or not the application should be granted, giving notice of its finding to the applicant by mail,

postage prepaid, to the address given on the application. If approved, the license shall be issued and shall remain in effect for one year from the date of approval by the Town Board.

B. The Town Board may waive strict compliance with the provisions of § 130-8 and may place any reasonable condition upon such approval as it deems necessary.

C. Approval shall be assignable upon application by a proposed assignee and approval by the Town Board.

D. Licenses may, at the discretion of the Town Board, be reviewed for renewal upon payment of the licensing fee without a hearing, provided that all provisions of this article, including any conditions imposed by the Town Board, were fully complied with during the previous license term.

E. The determination of the Town Board may be reviewed under Article 78 of the Civil Practice Law and Rules.

§ 130-7. License fee.

The license fee shall be an amount as determined by the Town Board.

§ 130-8. Fencing.

Before use, a junkyard shall be completely surrounded with a fence at least eight feet in height which substantially screens the enclosed materials and with a suitable gate which shall be closed and locked except during the working hours of the junkyard or when the applicant or the applicant's agent is working within. The fence shall be at least 50 feet from a public highway. All materials shall be kept within the enclosure of the junkyard except as removal is necessary in the reasonable course of business. The Town Board shall have the authority to waive any fencing requirements as it sees fit due to the natural topography or growth of the area, provided that any natural barrier conforms with the purposes of this article.

§ 130-9. Established junkyards.

For the purposes of this article, the location of junkyards already established shall be considered approved by the Town Board and the owner thereof be deemed suitable for the issuance of a license absent a compelling change in circumstances. The owner of an established junkyard shall be required to apply for a renewal of the license by April 1 of each year. Such licensee shall comply with all other provisions of this Chapter, including the fencing requirement set forth in § 130-8.

§ 130-10. Violations.

A. A violation of any of the provisions of this chapter by an owner of land and/or a builder or contractor shall constitute an offense punishable either:

(1) By the imposition of a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, by a fine of not less than \$350 but no more than \$700, or imprisonment for a period not exceeding 15 days, or both; and, for conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than \$700 but no more than \$1,000, or imprisonment for a period not exceeding six months, or both; and/or

(2) By the imposition of a civil penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

B. Each week's continued violation shall constitute a separate, additional violation for which separate and additional fines or civil penalties in the above amounts may be imposed or recovered.

SECTION 23. The Code of the Town of Cicero, Chapter 210, Article IX is hereby amended by adding a new section 210-34.1 to read as follows:

§ 210-34.1 Compliance with Zoning Provisions.

It shall be unlawful for any person, firm or corporation to:

- A. Allow any building or land to be used or occupied or any building or part thereof to be erected, moved, extended or altered except in conformity with the regulations herein set forth for the district in which it is located.
- B. Fail in any manner to comply with a written notice, directive or order of the Code Enforcement Officer.
- C. Construct, alter or use and occupy any building or structure or portion thereof or use any land in a manner not permitted by an approved plan or resolution of the Planning Board or the Zoning Board of Appeals, where such approval is required.

SECTION 24. The Code of the Town of Cicero, Chapter 210, § 201-28 is amended by adding a new subdivision "E" to read as follows:

- E. Expiration of Site Plan; Extension. Approved site plans shall expire unless building permits have been issued for the project, or for projects not requiring a building permit construction has substantially commenced on-site, within one year of the date of approval by the Planning Board, provided, however, that clearing, grading and/or excavation shall not be deemed to be substantial construction within the meaning of this section. Additional construction shall be completed not more than three years from the date of approval of the site plan. Time requirements may be extended for a period of one year by the Planning Board Chairperson through resubmittal of final plans for check against current code requirements and/or written justification for the requested extension. No fees will be levied for such a compliance check and extension. Changes to the plans originally approved for purposes other than code requirements shall require an application for revisions pursuant to this chapter. Upon expiration of the building permit, a new site plan approval must be obtained. In any event, such site plan shall expire upon the rezoning of the site following approval of the site plan unless the proposed use is a permitted use in the subsequent zone. Any currently approved site plan that has not had a building permit issued, shall be required to obtain such building permit within one year from the date of adoption of this section or such approval shall expire.

SECTION 25. The Code of the Town of Cicero, Chapter 210, § 201-31 is amended by adding a new subdivision "C" to read as follows:

- C. Limitations on variances. A variance shall become null and void one year after the date on which it was issued, unless a building permit or certificate of occupancy is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the variance, the Zoning Board of Appeals may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violation in light of weather conditions, construction issues or other relevant factors.

SECTION 26. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Cicero hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 27. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motion was seconded by Councilor Conway.

Ayes - 4 and Noes - 0. *Motion carried.*

**PUBLIC HEARING TO ADOPT A LOCAL LAW ADDRESSING GRADING,
EXCAVATION AND FILL (OTHERWISE KNOWN AS CUT & FILL POLICY
FOR THE TOWN)**

Supervisor Corl stated that this is another measure similar to the previous one in which they had ongoing dialogue and conversations. The Town does not have something in existence and it is something that should have been looked at years ago. He asked Bob Smith, Planning Board Chairman if he would give some background on it.

Bob Smith said Cicero is about the only developed town that has no Cut & Fill permit; given the fact that most of this community is indeed flat, percentage wise, it's a swamp and it has caused us enormous issues with drainage. The Planning Board has dealt with this issue, (for the entire, almost seven years that he's been on the board), in whatever capacity. Because generally what developers do is they come in and strip the land, they change the grade and we don't have an opportunity for the Town to protect itself. The other thing that has become obvious over the past few years is this community has spent up to \$400,000.00 fixing drainage issues in some years. . . . He thinks everyone on the board is familiar with storm water and neighborhoods being filled in and it isn't to say that we don't want people to fill their property we just think that the town, given the amount of resources spent on this storm water, should have an opportunity to know what is going to happen and if there are some issues, to have them addressed. We've had wetlands filled in this town, along with the storm water systems. Getting a permit process allows the town to have an opportunity to review what someone is going to do; it doesn't necessarily say that they can't do it. One of the things that he's heard is "Well we don't want to....it's Agricultural". The law specifically exempts agricultural uses. New York State Law protects agricultural uses and prohibits the town from regulating them so there is no intent in this and there is no intent what so ever to tell a farmer that he can't plow his fields and he can't grade them or level them - nothing along those lines is proposed. The Town Board, as the law is proposed, is going to send the permitting process to the Planning Board. The Planning Board members serve long terms and there's a lot of education and they have to deal with storm water and they have to deal with grading issues. It is for 10 cubic yards, this is not a small amount of dirt. That's a large dump truck. So the process isn't going to be tough on the residents, it isn't going to be something that they are trying to prohibit people from the use of their property, but it is a recognition that this community has to be cognizant of how storm water is handled and drainage is handled. It's very important to this community and this gives the Town the opportunity to at least review, to consider it, and if there's a need for the Town to have some input to maybe modify what happens then they at least have that opportunity. There isn't anyone in this community that hasn't said, "Well they just filled that corner" or "What's going on with all that dirt being brought in?" It's a realization that the Town has currently nothing protecting us to say that we should know what's going on in the community and how it's going to affect the overall community, not just the parcel that's on it and that's what this is all about. It's surprising the number of people who actually think we have Cut & Fill permits and they expect it and are surprised to find out that there is no protection for the Town in regulating the process. It may need to be changed, it may need to be modified, it is based on other towns and none of the changes they made, they had to go out and create; most of them are all borrowed from communities who have had this procedure in place, both with this law and the previous one.

Supervisor Corl thanked Bob Smith for the introduction and stated that Bruce Letts had an opportunity to review this and that he wanted to make a comment.

Bruce Letts said he thinks we are in agreement that a Cut & Fill permit should be applied for and should be required. There is a portion in the local law that's 120-4-E, where a Stormwater Pollution Prevention Plan is going to be required and that's typically a document that's required by DEC (Department of Environmental Conservation), for disturbances of one acre or more. So if you have a project like a restaurant that's .9 acres you don't need to do the Stormwater Prevention Plan and under this law if you had a 10 wheeler of topsoil delivered to your house you would have to prepare one of these which could be seen as rather futile to the homeowner and that was basically their concern.

Supervisor Corl asked if their recommendation was to remove that portion for this type of thing.

Bruce Letts explained that the Town already, in their Code, Chapter 179 has requirements for this plan for anything over an acre. He thinks the Town is covered between the Cut & Fill permit and their existing code laws; they should be pretty well covered.

Supervisor Corl asked Robert Germain if the board so choses there would be no issues striking that provision from it.

Robert Germain replied that there wasn't. It's less than the advertised code. So if they want to note the deletion of paragraph 120-4-E and then if the board so decides that they are going to adopt the law he'd also say "As amended."

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

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to adopt a Local Law addressing Grading, Excavation and Fill (otherwise known as Cut & Fill Policy for the Town).**

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the 24th day of **July 2013**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

DATED: July 4, 2013

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

Public Hearing was opened at 7:16 p.m.

Speaking for –

A resident wanted to address something Bob Smith said, if somebody says someone is dumping dirt and they've already done it, how does it get to the Planning Board or is it going to be based on complaints after?

Supervisor Corl explained that there was a violation provision of the local law.

The resident asked how the residents know that they need a permit.

Robert Germain explained that once the local law is adopted it becomes the law of the town. It will be posted on the website; it is also published as long as it's adopted. They have no mechanism to tell everybody in the town, they send out a notice but it gets published in General Code, it's put on the website and anybody coming in would have to apply. If they come in and ask about a Fill permit, the Codes department would help

them. If they violate anything they will get served with a Notice of Violation, the Town Code Department will serve them with a citation and they would go to the Justice Court.

The resident said that she told Supervisor Corl once before regarding easements in the town that people change homes and they go from one person to another person and a lot of people don't know what an easement is and we are not educating them. She doesn't think a person with 5 kids is going to sit at a computer and say "Hey, let me see what this town allows me." She doesn't want people fined or citing people who are doing something, not realizing that all of a sudden Cicero has got this code. Her thought is if it's an after thing, she could understand them asking someone to come in and telling them this is what they had planned to do and if they want to address it – "Well, we are not going to cite you but we want you to do this, this and this before"...

Supervisor Corl said right. Better than violations, they always look towards compliance.

The resident replied that she hoped so because there are a lot of good people in this town.

Supervisor Corl replied that he was sure that the perspective will be that if there is an issue to work with the homeowner to get compliance. They will work on getting the word out.

Ray Schader said for several years he has been complaining about the drainage and what we do with it and he thinks this law will put a little teeth into keeping people from building on easements, building sheds on easements, and filling in where water will run on someone else's property. He thinks that will take care of it.

Supervisor Corl said that certainly has been an issue in the town.

Tom Beaulieu stated he was in favor of the adoption. Having been a member of the Planning Board in the past, he congratulates Bob Smith and his people for putting their time and effort into this because it does take a lot of time. He thinks within the last ten years there had been suggestions made about making some of the same changes that are being adopted this evening. It's important that people will have a clear understanding of what's required. They've had a lot of situations in the town where "we" the taxpayers had to go back in because either it wasn't clear or engineering signed off on a project that we had to go back in and repair or fix some drainage problems and it's expensive. He thinks they probably spent over \$300,000 in 4 or 5 years on some of the newer projects in this town, and not some of the ones that are 15 or 30 years old, so this may also help. If our friends at Cobblestone continue to fill in that work zone area that they have or the platform area and it exceeds 10 yards or half a dump truck, then they are going to be in violation of Town Code, would that be correct?

Bruce Letts said the 10-wheelers can hold 17 yards, so 10 yards is roughly half a 10-wheeler.

Tom Beaulieu said he has seen 3 tons on a dump truck, of course they are overloaded but they can do it, they can handle it.

Supervisor Corl said then that would be applicable to Town law.

Tom Beaulieu said that Agricultural Law Section 304 does not prohibit the town from actually asking for compliance to the town's rules and regulations by any agricultural farmer. If there are grading laws, and we are not talking about plowing, but if they change the contour of their property, and affect drainage, they are under the same rules and regulations as anybody else that lives in this town; they are not exempt just because

they are in the agricultural district. He commended the Planning Board. They seem to be in tune with what the town needs and that's important.

Don Snyder asked if he wanted to put 10 or more yards of topsoil on his property he would need a permit to do that.

Supervisor Corl replied yes.

Don Snyder asked what the criteria was for them approving or disapproving that request.

Supervisor Corl replied that as Chairman Smith had said, this local law was drafted because of the fact that over the years the town has had several issues with individuals for example in developments, bringing in lots of dirt, creating drainage problems and then the town is left in the middle. Also, with individuals bringing topsoil, large amounts of topsoil, for landscaping, sometimes they unknowingly enter in easements, so with this in place, we can avoid a lot of issues that we have been spending a lot of time and money correcting, enforcing and those types of things.

Don Snyder said if he wanted to put 15 yards of topsoil on his property and he has 8 or 9 acres, he comes to the town and ask permission to do that, does he have to pay for a permit to be able to put that 15 yards on his property.

Supervisor Corl explained that right now you have to obtain a permit. There's no application schedule or fee schedule at this time. If this is adopted he is sure the town will look at trying to develop some type of fee schedule.

Don Snyder asked if he wanted to improve his property and he wants to put 15 yards of topsoil around his house, he's not going to the drainage, he's not going to be in an easement and he's going to have to come to the town. They are going to require him to pay for a permit to put topsoil on his property so he can beautify it. Is that what we are doing here?

Supervisor Corl explained to Don that he would have to do that to make sure that he is not affecting his neighbors, or affecting easements and things of that nature.

Don Snyder asked if we were going to hire more people in the Codes office.

Supervisor Corl said there was no plan at this time to hire more individuals.

Don Snyder commented that they were going to add this to their workload; he knows they are adding a fence permit to their workload (another fee that he is sure that will be required of our people).

Supervisor Corl said that might be something that they are going to have to consider after taking a look at their workload.

Judy Boyke asked when construction or roadwork is done by the Highway department and there are a lot of spoils that need to be put somewhere, will they be required to get permits to get rid of those spoils?

Supervisor Corl explained that Chris was not just going to take a dump truck and dump it on somebody's property unless there has been proper approval for that.

Supervisor Corl said they would be able to work with Chris to make sure we have a schedule and determine where it needs to be.

Chris Woznica asked if before they can deliver the spoils, people who are interested, would fill out the sheet requesting those spoils and would already have come to the Codes office.

Judy Boyke said and pay for permit.

Supervisor Corl replied that was correct.

Bob Smith stated that this permit process was never designed because somebody wants to plant shrubbery in a shrubbery bed. When he was on the Planning Board and he can't tell the number of times... he can think of project off Lakeshore Road where all of a sudden they started bringing in loads, and loads, and loads of fill. Members of the current Board, members of past Boards call up and say "What's going on?" "What are you guys approving?" The Planning Board knows nothing about it and neither does the Town and the Town doesn't want it to happen. We are sitting there, you folks who are paying for the fixing of the storm water issues, are watching someone fill an area that we all know shouldn't be filled. We are watching them fill wetlands that we all know shouldn't be filled and with all due respect, when you purchase a home, the attorneys do a pretty good job of pointing out to a new homeowner that you have a 10 foot drainage easement at the back of the property. The lawyers generally say that you are not supposed to fill it, you're not supposed to put a shed in it, and you're not supposed to put a fence in it. It's a storm water management system. Many complaints come in from the neighbors next door who have the water filling up their yards because the grade has been changed. It causes an extreme amount of grief for all the people around when people come in and fill the land and the water drains off into their neighbor's property. This isn't a law saying you can't fill your property. It's just a law saying that we are going to look at it to make sure it's right if the case requires it. And as far as getting rid of the soil, he is certain that if the Town should have a need to get rid of an abundant amount of fill, the Town itself could simply come in and say we are going to waive the fee. If Chris comes in and says he has to get rid of 100 cubic feet of soil, he can certainly walk in and the Town has the ability to say okay they are going to put it on John Doe's property, the Town can say okay they are going to waive the fee permit but the Town would still want to look at it and make certain where we place it is appropriate and it's not going to cause us drainage issues. We are the only developed town that has made no effort to protect itself and protect its drainage system and he bets that we are probably just a little bit ahead of Clay in being flat and swampy. This is a law to move towards some responsibility, may it need to be changed – absolutely! You should have a permit process and there should be a fee schedule. We have building permits; we have permits to put a shed up. The only reason you have those things is so that the town has an opportunity to know what's going on in the community and to ensure that what's being done is not going to harm the remainder of the community – that's what this is about.

Councilor Conway asked if we were going to go back onto the "as-builts" on the original grading plan for any of the developments.

Bob Smith replied that he didn't think that we could. He thinks those projects are out of our reach.

Councilor Conway asked about any new ones that come in.

Bob Smith replied that new ones that come in will have to...

Councilor Conway added to comply with "as-built". The biggest problem we had was they put a swimming pool in the backyard and then it goes in the drainage in the back.

Councilor Conway said it was not the developer that builds the house; it's the contractor that builds the house that throws it all away.

Bob Smith stated that frequently they change the grade after it's been approved and it's an ongoing issue. Somebody comes in and they want to fill the drainage swale at the back of their home that was put there. We should be able to say that was an approved drainage swale as part of an overall storm water management system – you can't do that. You agreed when you purchased the property that there was an easement, there was a drainage swale there and “no” you can't do that because it's going to affect the other people in the community.

Councilor Conway stated that the other problem is we should have on the swimming pool permits that “as-builts” because they do; they just shove them back in the swales.

Bob Smith agreed they should. There should be something, on the swimming pool permits that say you have to take care of the soil and should be cognizant of what the Town ordinance is.

Speaking against –

Pat Rizzo – stated that she was not for or against this local law. She lives in a flood zone. In her area there have been a lot of new homes built and she felt that with the closeness of the lots, when a new person is building and they have to be above the flood level and the person next door, whose house was built in 1939, why isn't that new person responsible for drainage. She felt that they should be aware of any permits that have to be acquired before they start building -not after the fact.

Supervisor Corl stated that when there is a violation, the Codes Office will visit the site and see if they can get compliance first.

Public Hearing was closed at 7:50 p.m.

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

Board Comments:

Councilor Burtis stated that he agreed with everything Mr. Smith said. He felt the law was very important.

Councilor Zambrano wondered how a permit is determined for 10 cubic yards. She also felt that this was a very important law and was well overdue to be passed.

Bob Smith replied that this was a recommendation from other communities in the area.

Supervisor Corl replied that this recommendation came from Mr. English. We are looking at drainage improvements of swales and easements and trying to keep the focus on improving the drainage situation in the town.

SEQRA: Councilor Zambrano moved for the adoption of a resolution that the adoption of Local Law # 8 is a Type 2 Action with a referral having been sent to Onondaga County and the Town having conducted and closed a public hearing. The proposed action **will not** have significant effect on the environment and therefore **does not** require the preparation on an EIS (Environmental Impact Statement).

Motion was seconded by Councilor Burtis.

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

DECISION: Councilor Zambrano moved for the adoption a resolution to adopt Local Law 8 of 2013, as amended.

GRADING, EXCAVATION AN FILL LOCAL LAW

§120-1. Title.

This chapter shall be known as the "Town of Cicero Grading, Excavation and Fill Law."

§120-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard persons and property and to promote the public welfare by preventing excessive erosion, hazardous rock and soil slippage, sediment production and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use location and maintenance of grading, excavation and fill.

§120-3. Applicability; exceptions.

- A. These provisions shall apply to:
 - (1) Digging, grading and all other activities which would be associated with the removal or displacement of sand, gravel, rock, topsoil, turf or earth on all private property within the Town.
 - (2) Digging, grading, soil removal, trenching, boring, soil testing or sampling and all other activities associated with the removal, relocation or displacement of soil, road materials or road surface within the outermost official boundaries of any highway in the Town of Cicero, any easement of the Town of Cicero or any special district located therein or any other public place owned by the Town of Cicero or over which the Town of Cicero has an easement for any purpose whatsoever.
- B. Excepted from the requirements of this chapter are excavations or fill for the construction of a driveway, sidewalk, emergency repairs to underground utilities, on-the-farm conservation practices and where authorized by the Code Enforcement Officer for construction of a wall, swimming pool, building or part of a building consistent with previously approved site plans or subdivision plans.

§120-4. Permit required; application.

- A. Before any excavation or filling of more than 10 cubic yards is commenced for any purpose (other than those excepted in §120-3B of this chapter) and sand, gravel, rock, topsoil, turf or earth is removed from the ground or placed on it, the owner or agent of the owner or lessee of the premises shall obtain a permit from the Planning Board. Application for such permit shall be made, in writing, on forms provided by the Town Clerk; such permit shall be in addition to any license or permit required by the Department of Environmental Conservation of the State of New York or any other governmental agency whose primary purpose is the protection of the environment.
- B. The submission of an application under the terms of this chapter and the issuance of a permit by the Planning Board shall be deemed to be consent by the applicant to permit the Town Engineer, Highway Superintendent, Code Enforcement Officer or any individual or any authorized agent of the Town to inspect the premises at all reasonable times to determine whether or not the permittee is in compliance with the provisions of this chapter.
- C. Each application shall be accompanied by the appropriate environmental assessment form in accordance with the State Environmental Quality Review Act of the State of New York.

Upon receipt by any applicant of such permit pursuant to this section, the permit shall be displayed at the property site during the course of excavation or fill, as the case may be, and until completion thereof.

- D. Stormwater pollution prevention plan (SWPP). A stormwater pollution prevention plan consistent with the requirements of Chapter 179 of this Code shall be required for issuance of a permit. The SWPP shall meet the performance and design criteria and standards in Chapter 179 of this Code. The approved site conditions shall be consistent with the provisions of Chapter 179.

§120-5. Terms of permit; fee.

- A. The Town Highway Superintendent, Engineer, Code Enforcement Officer may submit recommendations to the Planning Board for terms to be incorporated in such permit (including terms for excavation, filling and restoration of the premises) in order to more fully protect the health and safety of the residents of the Town of Cicero, the preservation of the premises and to ensure that the proposed excavation and fill will not interfere with the drainage of or endanger any highway in the Town of Cicero, any easement of the Town or any special district or any other public place owned by the Town of Cicero or over which the Town has an easement for any purpose whatsoever.
- B. The Town Clerk shall charge and collect a fee determined according to the schedule of fees established by resolution of the Town Board.

§120-6. Issuance or denial of permit.

- A. The Planning Board, when the application, together with all necessary supporting documents, has been submitted and upon finding the considerations of §120-2 to be met, shall authorize the Code Enforcement Officer to issue the permit.
- B. The Planning Board may refuse to grant an excavation and fill permit where substantial interference, hazard or danger will result to existing facilities, adjoining property or to the health and safety of the residents of the Town of Cicero. The Planning Board may, however, authorize the issuance of a permit, subject to such terms and conditions as may be just and proper to accomplish the considerations of §120-2.

§120-7. Enforcement; suspension and revocation of permit.

- A. Enforcement of this chapter shall be the responsibility of the Code Enforcement Officer of the Town of Cicero or a duly authorized representative.
- B. Suspension; revocation. Upon the violation of any provisions of this chapter or any other local law of the Town of Cicero pertaining to the operations specified herein, the Code Enforcement Officer may suspend any permit issued until a public hearing is held before the Planning Board within 45 days after the permit suspension at which the permittee shall be given an opportunity to be heard. After completion of the public hearing, the Planning Board shall determine if such permit should be revoked.
- C. Any person who feels or believes that the provisions of this chapter are not duly enforced or who has knowledge of existing violations shall file a complaint, in writing, with the Code Enforcement Officer of the Town of Cicero, who shall thereupon make an investigation and report his findings to the Planning Board.

§120-8. Penalties.

Any person violating any of the provisions of this chapter shall be liable, on conviction thereof, to a penalty not exceeding three hundred fifty dollars (\$350.). Whenever such person shall have been notified by the Code Enforcement Officer, by service of summons in a prosecution or in any way, that his or she is committing such violation of this chapter, each day that he or she shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

Motion was seconded by Councilor Conway.

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

RELEASING THE TOWN'S RESERVATION OF A PORTION OF AN UNDEVELOPED PAPER ROAD DESCRIBED AS THE UNPAVED PORTION OF ONTARIO AVENUE FROM THE SOUTH LINE OF LOT 31 OF THE ISLAND VIEW TRACK, SOUTHERLY TO THE INTERSECTION OF SOUTH BAY ROAD. (THE PROPOSED ABANDONMENT WOULD RELEASE THE TOWN'S OPTION TO BUILD A ROADWAY OVER A PORTION OF THE RESERVATION TO THE ADJOINING LANDOWNERS TO THE CENTERLINE OF THE FORMER PROPOSED ROAD. ALSO, THE PROPOSED CROSS AVENUE ALSO SHOWN ON SAID MAP 84 OF ISLAND VIEW PARK FILED 8/31/1923 AS MAP NUMBER 1862)

DECISION: Supervisor Corl moved the adoption of a resolution releasing the Town's reservation of a portion of an undeveloped paper road described as the unpaved portion of Ontario Avenue from the south line of Lot 31 of the Island View Track, southerly to the intersection of South Bay Road. (The proposed abandonment would release the Town's option to build a roadway over a portion of the reservation to the adjoining land owners to the centerline of the former proposed road. Also, the proposed Cross Avenue also shown on said Map 84 of Island View Park filed 8/31/1923 as map number 1862).

Motion was seconded by Councilor Jennings.

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

AUTHORIZE THE SUPERVISOR TO SIGN AND ENTER INTO THE ENERGY SAVINGS PLAN THROUGH THE NATIONAL GRID SMALL (SMARTWATT ENERGY, INC.) BUSINESS SERVICE PROGRAM

Councilor Jennings moved the adoption of a resolution to authorize the Supervisor to sign and enter into the Energy Savings Plan through the National Grid Small (Smartwatt Energy, Inc.) Business Service Program for Police Department (\$1,418.92), Parks and Recreation Department with Town Hall (\$1,231.91) and Senior Center (\$1,898.86) and Highway Department (\$803.79 per month).

Motion was seconded by Councilor Zambrano.

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

REQUEST THE STATE OF NEW YORK TO LOWER THE SPEED LIMIT ON STATE ROUTE 31 FROM 55 MPH TO 45 MPH FROM SOUTH BAY ROAD, EAST TO WHITING ROAD (IN THE AREA ASSOCIATED WITH CENTRAL PARK) ALONG WITH ELIMINATING THE PASSING ZONE IN THIS PARTICULAR AREA AND FOR THIS RESOLUTION TO BE DISTRIBUTED TO THE APPROPRIATE REPRESENTATIVES AT THE STATE DEPARTMENT OF TRANSPORTATION AS WELL AS STATE OFFICIALS

Supervisor Corl stated that he had spoken to the Parks & Recreation Director, Jody Rogers and this is an issue that he would like the board to consider: passing a resolution so the State would take a look at the area between South Bay Road and Whiting Road; to consider dropping the speed limit and consider putting a double solid line due to Central Park, being located there. Jody was in favor of that. He asked Chief Snell if he had any comments regarding this.

Chief Snell said it was a long time in coming. They've had a lot of events up there. They've participated and it is a dangerous area and 55 miles per hour is too fast for that

location, plus they are seeing an increasing number of (especially during the summer season), pedestrian traffic crossing over to Williams Farm Stand for the ice cream store that they've opened up. It is very dangerous there.

Supervisor Corl solicited any Board comments.

Councilor Burtis said anytime they want to lower a speed limit around town, he is for it.

Councilor Burtis moved the adoption of a resolution in support of the Cicero Town Board's request to the State of New York to lower the speed limit on State Route 31 from 55 MPH to 45 MPH from South Bay Road east to Whiting Road (in the area associated with Central Park) along with eliminating the passing zone in this particular area and for this resolution to be distributed to the appropriate representatives at the State Department of Transportation as well as State officials.

Motion was seconded by Councilor Jennings.

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

APPROVE AND AUTHORIZE THE SUPERVISOR TO SIGN THE
INTERMUNICIPAL WASTEWATER AGREEMENT WITH THE COUNTY OF
ONONDAGA AND INCORPORATING BY REFERENCE THE LETTER DATED
JULY 1, 2013 TO COMMISSIONER RHOADS FROM SUPERVISOR CORL AND
LETTER FROM COMMISSIONER RHOADS TO SUPERVISOR MARYANN
COOGAN OF CAMILLUS DATED MAY 30, 2013

Supervisor Corl stated that this agenda item is deferred until August 28, 2013.

APPOINT GARY PALLADINO TO FILL A TERM EXPIRING ON 12/31/14 AS A
ZONING BOARD OF APPEALS MEMBER AND RITA WICKS AS AD-HOC
MEMBER TO THE ZONING BOARD OF APPEALS (TERM EXPIRING
ON 12/31/13)

Councilor Conway moved the adoption of a resolution to appoint Gary Palladino to fill a term expiring 12/31/2014 to the Zoning Board of Appeals and Rita Wicks as Ad-Hoc Member to the Zoning Board of Appeals (term expiring on 12/31/13).

Motion was seconded by Councilor Zambrano.

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

APPOINT TONI MOSLEY AS ZONING BOARD OF APPEALS CLERK AT A RATE OF
\$150.00 PER OCCASION

Councilor Zambrano moved the adoption of a resolution to appoint Toni Mosley as Zoning Board of Appeals Clerk at a rate of \$150.00 per occasion.

Motion was seconded by Councilor Conway.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE THE ANNUAL TRAIL LICENSE
CONTRACT BETWEEN NATIONAL GRID AND
THE CICERO-CLAY SNOW OWLS

Supervisor Corl moved the adoption of a resolution to authorize the Supervisor to execute the Annual Trail License Contract between National Grid and the Cicero-Clay Snow Owls.

Motion was seconded by Councilor Conway.

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

PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis moved the adoption of a resolution to approve the following purchase approvals for the Highway Department:

- A. \$1,000.00 to J&J Equipment for deductible for damaged sweeper
- B. \$300.00 to Schneider Brothers Corp. for repair to dump box truck #12
- C. \$1,519.42 to United Auto Supply for 55 gal. drum gear oil
- D. \$1,151.20 to Vantage Equipment for attachment bracket for bucket #45
- E. \$2,000.00 to Allied Spring for leaf springs truck #40
- F. \$1,375.00 to SYSTECH International, LLC for new 7 yr. County contract for inspection stations requiring purchase of new equipment (DMV)

Motion was seconded by Councilor Zambrano.

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

YOUTH BUREAU, PARKS & RECREATION APPROVALS

Staff Appointments

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

Recreation Attendants

Brianna Echols
Hire Date: June 24, 2013
Hire Rate: \$8.00/hour

Budget Code: B7020.11, B7140.1, B7150.12

Alicia Sherlock
Hire Date: June 24, 2013
Hire Rate: \$7.25/hour
Budget Code: B7140.1, B7140.12

Purchase Approvals

- A. \$1,726.92 to Mac Electric for Electrical work for the pole barn (Parks, Police, Highway)
- B. \$2,000.00 to Lumberjack Tree for an Emergency Purchase for tree removal and grind stumps at Riverfront Park
- C. \$2,800.00 to Lowes for lumber and supplies for constructing pavilion at William Park (Eagle Scout Project)

- D. \$7,728.50 to North Syracuse Central School District for school use for Summer Day Camp
- E. \$1,200.00 to Salt Springs Paving, Co. for paving new handicap access point to Gateway Park

Motion was seconded by Councilor Zambrano.

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

APPROVE 2 YEAR RENEWAL FOR THE AVG ANTIVIRUS BUSINESS EDITION
RUNNING ON ALL PC'S AND SERVERS AT THE TOWN HALL AND POLICE
DEPARTMENT IN THE AMOUNT OF \$1,199.00

Supervisor Corl moved the adoption of a resolution to approve a 2 year renewal for the AVG Antivirus Business Edition running on all PC's (personal computers) and servers at the Town Hall and Police Department in the amount of \$1,199.00.

Motion was seconded by Councilor Zambrano.

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

POLICE DEPARTMENT APPROVALS

Purchase Approvals

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

- A. \$1,447.02 to CNY Emergency Vehicles, Inc. for upgrades to Vehicle D2 (replacement vehicle for one damaged in accident)

Motion was seconded by Councilor Jennings.

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

Staff Appointments

Supervisor Corl moved the adoption of a resolution to appoint Officer Eric Flansburg to a position of Non-Competitive Full Time Police Officer, effective August 1, 2013 (contingent upon final approval of County Personnel). Pay rate will be per contract.

Motion was seconded by Councilor Zambrano.

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

DISPOSAL OF FIXED ASSETS/INVENTORY

Supervisor Corl stated that Tracy has been very busy cleaning out the Town Hall. There have been several revisions to the disposal list.

Tracy asked Joe Snell to explain what was done with all the old equipment.

Joe Snell explained that over a week ago, he and Investigator Meyers removed all of the hard drives from the current personal computers that were replaced at the Town Hall. They are in our custody and will be destroyed at a later date.

Supervisor Corl moved the adoption of a resolution to dispose of the following fixed assets/inventory:

(19) KEYBOARDS

<u>MAKE</u>	<u>SERIAL No./CN No./P/N No.</u>
DELL	CN-07N242-38842-35f-4153
DELL	CN-0DJ331-71616-81I-002R
DELL	CN-07N242-71616-583-18HI
DELL	CN-04N454-37172-478-OBQU
DELL	CN-0RH659-73571-9AR-01QM
DELL	CN-07N242-38840-25I-1685
DELL	CN-07N242-38840-25I-1685
DELL	CN-07N242-71616-53H-0506
DELL	0N6250-71616-64E-1H8U
DELL	0N6250-71616-5CK-00LX
DELL	CN-0J4628-71616-65R-02SK
DELL	CN-0N6250-71616-579-02FS
DELL	TH-04N454-37171-235-5127
NMB	82181452
NMB	10690944
LOGITECH	867449-0403
MANHATTAN	UNKNOWN
UNKNOWN	867633-0403
UNKNOWN	08179903PII350720K
UNKNOWN	52110305

(16) MOUSES

<u>MAKE</u>	<u>SERIAL No./CN No./P/N No.</u>
DELL	425090451
DELL	HCD52378067
DELL	F0L01Q38BG
DELL	LZC23408710
DELL	410007016
DELL	LZA31836894
DELL	XN966
DELL	517033773
LOGITECH	HCA44
LOGITECH	LT391N01288
LOGITECH	HCA52815456
MICROSOFT	X08-70382204220
MICROSOFT	X08-72983
KEY MOUSE	063030660933
UNKNOWN	52420131 TC E1
UNKNOWN	056000959

2 SETS OF COMPUTER SPEAKERS

<u>MAKE</u>	<u>SERIAL No./CN No./P/N No.</u>
DELL	CN-0D3431-48200-477-01G6
DELL	CN-0H6371-48200-57L-002M

(9) COMPUTER MONITORS

<u>MAKE</u>	<u>SERIAL No./CN No./P/N No.</u>
ACER	ETL460C00560604652PY11
ACER	ETL480B1826350D92F390B
ACER	ETL480B1826330B6CE3903
DELL	0J1806-71618-4BA-C953
DELL	04P121-47803-28P-BHBP
DELL	0P0151-64180-43V-02VE
GATEWAY	MUL5022F0017696
STAR LOGIC	HJ7439453950159
VISUAL SENSATIONS	1745AAB020113962

(20) HARD DRIVES

<u>MAKE</u>	<u>SERIAL No./CN No./P/N No.</u>
DELL	0T5438-70821-48K-7AV4
DELL	76C4P61
DELL	48WK1B1
DELL	38Q3U91
DELL	1M8WTFI
DELL	1DWK1B1
DELL	9JLC051
DELL	4GWK1B1
DELL	8KY231
DELL	GJ4LP51
DELL	G017T71
DELL	8L2NT61
DELL	D90SM-12
DELL	8M2NT61
DELL	GP264K1
AMD	3GTW001
BENQ	040651590
BENQ	040651685
COMPAQ	M8182807159
QUANTAM	D90SM-12

MISCELLANEOUS ITEMS

<u>MAKE</u>	<u>DESCRIPTION</u>	<u>SERIAL No./CN No./P/N No.</u>
UNKNOWN	UNDERMOUNT KEYBOARD TRAY	N/A
UNKNOWN	UNDERMOUNT KEYBOARD TRAY	N/A
HP DESKJET	5740 PRINTER	MY4CA1W0WD
ZIP RIP	SCANNER	C5441510
EPSON	DOT MATRIX PRINTER	E8BY102321
MONROE 7130	CALCULATOR	AD081101
HP	LASERJET 2015DN	CNBJP34085
ZEROX	DOCUMATE 510	N/A
HON	312K FILING CABINET (ZONING)	Z034
UNKNOWN	METAL DESK (ZONING)	N/A
FILE CABINET	VICTOR (4 DRAWER – FIRE PROOF)	JUS 5 (JUSTICE)
SAUDER	WOODEN WALL HUTCH	CODES/ZONING
UNKNOWN	WOODEN TABLE 2'x5'	N/A (JUSTICE)
UNKNOWN	RED SWIVEL DESK CHAIR	ALEWR42FB30B (JUSTICE)

Motion was seconded by Councilor Jennings.

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

**APPROVE UPGRADES TO JUSTICE COURT THROUGH THE JUSTICE COURT
ASSISTANCE PROGRAM (JCAP) GRANT IN THE AMOUNT OF \$7,800.00 TO
BECK N CALL CONTRACTING**

Councilor Zambrano moved the adoption of a resolution to approve the upgrades to the Justice Court through the Justice Court Assistance Program (JCAP) Grant in the amount of \$7,800.00 to Beck N Call Contracting.

Motion was seconded by Councilor Jennings.

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

2014 BUDGET WORKSHOP SESSIONS ANNOUNCEMENT FOR FIRE DEPARTMENTS

Supervisor Corl made the following announcement regarding the 2014 Budget Workshop Sessions:

Announcement: The Cicero Town Board intends to conduct a series of Budget Workshop sessions in anticipation of the upcoming budgetary process and strategic future planning. The first session will be held August 24th, 2013 commencing at 9:00 a.m. at Bridgeport Fire Station, then at 10:00 a.m. at South Bay Station, 11:15 a.m. at Cicero Station, 1:30 p.m. at the Brewerton Station and 2:45 p.m. at the North Syracuse Department. These meetings will focus primarily on Fire Protection issues and other budgetary issues impacting the Town.

Motion was seconded by Councilor Burtis.

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

AUTHORIZE PAYMENT IN THE AMOUNT OF \$2,430.00 TO WICKER APPRAISERS REPRESENTING THE TOWN'S SHARE (SHARED WITH CO-DEFENDANT SCHOOL DISTRICT) OF A COURT READY APPRAISAL FOR THE MATTER OF SNYDER LINKS VS. TOWN OF CICERO ASSESSOR TAX CERTIORARI LITIGATION PROCEEDING INDEX NO. 2012-3920

Councilor Zambrano moved the adoption of a resolution to authorize payment in the amount of \$2,430.00 to Wicker Appraisers representing the Town's share (shared with co-defendant School District) of a court ready appraisal for the matter of Snyder Links vs. Town of Cicero Assessor Tax Certiorari Litigation proceeding index no. 2012-3920.

Motion was seconded by Councilor Burtis.

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

AWARD BID FOR DEMOLITION OF PROPERTY LOCATED AT 5451 BENNETT STREET

Supervisor Corl moved the adoption of a resolution to award the bid to Josall Syracuse Inc. in the amount of \$19,850.00 which includes air monitoring and the demolition of property located at 5451 Bennett Street, Brewerton, NY.

Robert Germain, Attorney for the Town of Cicero stated that the homeowner has hired a company to do air monitoring as the first step. He suggested that the board adopt this resolution, subject to Attorney approval, so that the owner will continue the process of demolition. Robert recommended that a company be named, subject to Attorney approval, so if we need to award that contract, we already have that done.

Motion was seconded by Councilor Zambrano.

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

PUBLIC INPUT

Donald Snyder – Wondered if agenda item 13 was skipped over.

Councilor Zambrano stated that this agenda item was taken care of before he arrived.

Donald Snyder wondered if the Town owned the park or the land where the electrical and lighting services were going to be performed.

Supervisor Corl replied, no. The state owns it.

Donald Snyder wondered why we were taking tax payers money and doing work in a park that is not owned by the Town of Cicero.

Supervisor Corl stated that we lease this park every year.

Donald Snyder asked what the amount limit was on a P.O. for Town Board approval. He had seen an item under Highway Department for \$300.00.

Supervisor Corl stated that particular item was on a quote for \$2,700.00 and it turned out to be for \$3,000.00. It was in addition to a previous purchase approval that was approved by the Town Board.

Supervisor Corl stated that anything over \$1,000.00 needs Board approval.

A resident asked if it was possible to get signs that say "Do Not Drive on Shoulders" for the entrance to the Laurelwood Development off of Gillette Road and also in front of Central Park.

A resident asked about the work being done out front on Route 11 and wondered if the Supervisor had talked to anyone regarding the work being done.

Supervisor Corl stated that he did send a letter and did not have a response.

A resident stated that there should be hash marks on the shoulders in the vicinity of Route 31 and South Bay Road to prevent motorists from passing at that intersection. Also that the lights on Circle Drive near Drivers Village, that Mr. Burdick does the maintenance on, that they were using smaller light bulbs, not the high pixel LED's and that they are very hard to see in the daytime.

This resident also stated that the Town should look into having a permanent flashing light in front of Driver's Village to help traffic flow, instead of the regular traffic light.

Councilor Jennings wanted to comment to Tracy and everyone who helped with the Town Hall parking lot, that they did an excellent job. He also wanted to tell everyone that there will be a new light put up by Legionnaire Drive.

EXECUTIVE SESSION

Supervisor Corl moved the adoption of a resolution to Enter into Executive Session to discuss issues relative to public employee collective-bargaining negotiations and. The Highway Superintendent and the Town Attorney will be invited in.

Motion was seconded by Councilor Jennings.

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

The meeting adjourned into Executive Session at 8:45 p.m.

The meeting reconvened to Regular Session at 9:30 pm.

Robert Germain stated that Councilor Jennings made a motion to reconvene.

Motion was seconded by Councilor Conway to return to open session.

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

Councilor Zambrano moved the adoption of a resolution authorizing and approving settlement of the New York State Supreme Court Tax Certiorari action entitled Widewaters County Squire, LLC v. Town of Cicero Tax Map No. 043.-01-16.2 on property located at 7954 and 7956 Brewerton Road, Cicero, NY commonly known as a portion of the Marshall's Plaza reducing the 2010 tax year Assessment from \$261,535.00 to \$225,000.00 for Tax Year 2010 including payment of negotiated refunds in accordance with the terms and conditions outlined in a

memorandum from Germain & Germain to the Town Board dated June 26, 2013, as well as authorizing the Supervisor and Town Attorney to execute the proposed "Stipulation of Settlement" in the matter and any and all documents necessary to complete the transaction.

Motion was seconded by Councilor Jennings.

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

ADJOURNMENT

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

Motion was seconded by Jennings.

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

There being no further business before the board, the meeting was adjourned at 9:45 p.m.

Tracy M. Cosilmon
Town Clerk