

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, July 27, 2016 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

| | |
|------------------|------------|
| Mark Venesky | Supervisor |
| Mike Becallo | Councilor |
| C. Vernon Conway | Councilor |
| Dick Cushman | Councilor |
| Jonathan Karp | Councilor |

OTHERS PRESENT:

| | |
|-------------------|----------------------------------|
| Joseph Snell | Police Chief |
| Robert Germain | Germain & Germain, Town Attorney |
| Stephen Snell | O'Brien & Gere, Town Engineer |
| Richard Hooper | Director of Code Enforcement |
| Bob Smith | Planning Board Chair |
| Bill Meyer | Veterans Advocate |
| Tracy M. Cosilmon | Town Clerk |

Supervisor Venesky opened the 13th Regular Meeting of the Town Board at 6:30 p.m. by noting the locations of the three emergency exits, asked that all electronic devices be silenced, and noted if anyone had difficulty hearing to bring it to the Board's attention.

Councilor Conway led the Pledge of Allegiance and requested a moment of silence for our troops and all the other people in danger. Supervisor Venesky requested a moment of silence for our police officers as well.

Town Board Meeting Minutes

Councilor Conway made a motion to approve the Town Board minutes from the Regular Town Board Meeting held on June 22, 2016 and the Special Town Board Meetings held on June 29, 2016 and July 18, 2016. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Approval of Abstract Numbers 26, 27, 28, 29 & 30

Councilor Cushman made a motion to accept Abstract #26 (dated 6/29/2016), Abstract # 27 (dated July 6, 2016), Abstract # 28 (dated July 13, 2016), Abstract # 29 (dated July 20, 2016), and Abstract #30 (dated July 26, 2016). Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Budget Modifications/Amendments

Councilor Cushman made a motion to accept the Budget Modifications/Amendments as presented:

| <u>BUDGET MODIFICATIONS</u> | | | | |
|-------------------------------|-----------------------------|----------|----------------|-----------------------------------|
| FROM | | \$ | TO | |
| A711044 | Parks Misc | 601.00 | A711048 | Parks Staff Training |
| A711044 | Parks Misc | 56.00 | A79894 | Parks Concerts |
| DB511043 | Hwy Fuel | 10000.00 | DB511042 | Hwy Runner Crush |
| A71102 | Parks Equip | 1225.00 | A711049 | Parks Porta John |
| A711040 | Parks Supplies | 85.00 | A711048 | Parks Staff Training |
| A715045 | Parks Misc | 125.00 | A79894 | Parks Concerts |
| B7020411 | Parks Postage | 19.00 | B702046 | Parks Staff Development |
| DB514047 | Hwy Brush Hauling | 1000.00 | DB514042 | Hwy Brush Tree Removal |
| DB514045 | Hwy Brush Misc | 800.00 | DB514042 | Hwy Brush Tree Removal |
| DB511046 | Hwy Cold Patch | 1500.00 | DB514042 | Hwy Brush Tree Removal |
| A162040 | Buildings Contractual | 1500.00 | A1620406 | Police Building |
| B19904 | Contingent Acct | 6865.58 | | |
| B801043 | Zoning Car Maintenance/Fuel | 3500.00 | | |
| B801045 | Zoning Map Update | 1000.00 | | |
| B99029 | Unemployment Transfer | 8276.92 | B80102 | Zoning Equipment 19642.50 |
| | | | | |
| <u>2016 BUDGET AMENDMENTS</u> | | | | |
| Revenue | | | Appropriations | |
| A2705 RD | Donations | 200.00 | A79894 | Parks Entertainment (Movie Night) |

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions - 0. *Motion carried unanimously.*

Citizens’ Police Academy Certificate Presentation

Supervisor Venesky: We have a very special presentation here tonight. We have, as you know, volunteers in Police Service, and we have many people who have attended the Police Academy. I can’t tell you what kind of worthwhile organization that is for our community. These are extra eyes and ears in our neighborhoods, keeping an eye on you, our property, and keeping us safe.

Chief Snell: It is my honor here tonight to honor and hand out Certificates of Completion to our twelve (12) graduating students from our 14 week Cicero Police Department’s Citizens’ Police Academy [there are 13 actual graduates]. It’s a fourteen week program. They put a lot of commitment and effort into it. They take three field trips. They don’t just learn about the Cicero Police Department, the main focus is they learn about what is happening in Onondaga County. We have instructors from all the agencies, including the State Police, the Onondaga County Sheriff’s Department, some other police departments, as well as the Brewerton Fire Department who helps us out with the Marine Safety part of it. So, it’s an all-encompassing awareness of law enforcement and the Criminal Justice System in Central New York, and how well we work together. Fourteen people enrolled in the class, twelve graduated. That’s a great success rate; we must be doing something right.

Chief Snell gave thanks to:

- Jody Rogers, Director of Youth Bureau, Parks & Recreation. Allowed them to use her Senior Bus in order to take the graduates down to the Justice Center, the 911 Center and the Department of Health.
- Team Sgarlata. If it wasn’t for them it would be very hard to pull this off because of how tight budget dollars are. Jeff Sgarlata is the President of the company and he is also one of the students.
- Karate Johns. Supplied the t-shirts and polo shirts the graduates are wearing.
- Computer Outlet. They provided a laptop computer for the class.

Chief Snell recognized the following people. He said they have great skills and experience that help him make sure that this program runs smooth:

Ron Raymond, President. We started an Alumni Group from the first class. The Alumni Group goes out and does our sponsorships throughout the community looking for help and maybe some financial assistance to run the program. He is retired from New York State Emergency Management.

Mike O'Neill, Training Coordinator. A Retired Police Officer from Virginia.

Ron Raymond: As President of the Alumni Association we formed after our first class last year, I'd like to introduce some of my other officers:

Cathy Barling: Secretary
Heather Weiland: Vice President
Ron Barling: Treasurer

Ron Raymond introduced other members from the 1st graduating class and thanked them as the first class and as our Alumni Association for all the assistance that they have provided to form the association and for providing support to the second graduating class:

Georgia Russell
Miranda Driesen
Sharon Dwyer
Diane Gorman

Ron Raymond: On behalf of the Association, it is my pleasure to congratulate Class No.2 on the successful completion and graduation tonight from the Citizens' Police Academy. We really appreciate the commitment that you folks made and the time which you sacrificed to take that 14 week course. We also encourage you all to consider joining the Association; we'd like to be able to double our efforts. I'd also like to thank Chief Snell, his personnel, and Mike O'Neill for all the time, effort and energy that these guys put into it - without them this would not be possible; it's really exceptional. I'd also like to thank Supervisor Venesky and the Town Board for the support that you give not only to the Chief and the Department, but everybody in the Association.

Supervisor Venesky: I thank you very much for what you do. Well deserved!

Mike O'Neill: I'd just like to congratulate the class. This is Class No. 2. We look forward to more classes in the future. Class No. 3 is scheduled to begin in September and go into December. We want to thank the Chief for his encouragement and allowing us to put on this program, his testament are these guys right here [the graduates]. Fourteen weeks is a long time, we appreciate it. We want to thank Ron Raymond for the Alumni Association. We hope the Alumni continue to build, and we just look forward to more and more classes graduating here. I am proud to be part of this program.

Chief Snell had Certificates of Completion for the following graduates:

Deborah Burchill
Bob Kay
Catherine Quinn-Kay
Ann Pennock
Mark Schnur
Jeffery Sgarlata
Jan Shollenberger
Timothy Taubrnger
David Turverey
Shelia Turverey
James Tyner
Gerard Whaley
Mark Schnur

A picture of the **Citizens' Police Academy Certificate Presentation** was taken. (Pictured below are the Town Board members, Chief Snell, Ron Raymond, Mike O'Neill and the 2nd Graduating Class of the Citizens' Police Academy)



Public Hearing Continuation – District Zone Changes

Supervisor Venesky: It is the intention of the Town Board to postpone any vote on the Zone Change. I just kind of want to bring you up-to-speed as to where we are. A couple of things; there were questions at the Special Town Board meeting on the 18th and I just want to let you know that I personally reached out to everyone who left questions, whether I spoke to them on the telephone, or I met with them face-to-face here in this office, so everyone went away with a better understanding of what we are trying to do. I asked Planning Board Chair, Bob Smith and Richard Hooper to be here tonight, they are going to give a recap for us. Bob, you did an excellent job. I believe in giving credit where credit is due and we have two gentlemen here who have done an outstanding job and are really kind of working together as a team, all of us have, to work with the County to get maps, to identify properties, to get postcards out. This has been a huge effort, and I just want to say that Richard Hooper and Bob Smith have gone out of their way to get this thing rolling for us. One last question was (that I will answer tonight) is we had former Supervisor Boyke brought up at the last meeting during discussion she was looking for a commission, if you will, to report back to us on the rezone. She was good enough to photocopy a few pages out of the Town Law Manual. There are two things; there's an Association of Towns Manual, which kind of guides towns on how they should operate and there's Town Law; two separate things. First of all, I want to thank you Mrs. Boyke for looking out for us and making sure that we had the "i's" dotted and the "t's" crossed. I will bring you up to speed; the Town Law Manual in the Zoning that she refers to is two things:

1. It's no longer valid. It has been removed from Town Hall Manual. I have the 2016 version, so I am not sure what version you use Mrs. Boyke, but nonetheless the new version is available for about \$10.00 if you call them. But I thank you anyway for that.
2. When we researched it it took it a little bit out of context because the section that Mrs. Boyke brought to our attention was designed for if we were going to make a brand new town with no zoning then the zoning commission would be proper at that time and that commission would report to the town board as to what the town and what the zoning should look like.

I will now turn it over to Bob [Smith] and Dick [Hooper] to give a brief bullet point summary of what we've tried to accomplish so far.

Bob Smith: Mark attended the Planning Board meeting. We are still conducting public hearings because we have to do a referral. Prior to the Planning Board meeting, the County Planning Board held a meeting that we had to attend, talking about the Zone Change. They raised some questions. They asked the Supervisor if we could do a three week extension so that they could continue to do some more research and help us out. It was actually an hour, standing and talking with them, but it was a very productive meeting. County Planning raised some good points. We are fortunate; one of our former supervisor's is on the County Planning Board. Vern was there, Mark, Richard and myself. We came away with a good feeling and we made some updates. Mark Venesky and Vern Conway (our liaison) attended the Planning Board meeting. Mark attended the Planning Board Meeting and we incorporated a couple of those things in, that's why he asked that we come. Just as a side note, I know that your hearings have been closed in anticipation that it was over. I held [left] our hearings open so that there are at least one, possibly two more meetings for people to come in and talk if they wish in addition; we will include those with our referral. I think the Board members, if you have a question; a lot of this stuff was up:



Commercial Corridor Zoning Update

Proposed Areas under Consideration:

- ❖ Route 11 from the Village of North Syracuse line north to Oswego County Line.
- ❖ East Taft Road from the Town of Clay line east to Taft Park Drive
- ❖ Route 31 from Town Clay east to South Bay Road

PURPOSE; DISTRICT CLASSIFICATION

The purposes of this chapter, the regulations and the zoning districts as outlined on the Zoning Map are to provide for the **orderly growth** in accordance with a comprehensive plan **to protect and conserve the value of property**; to prevent the overcrowding of land; to avoid undue concentration of population; to avoid congestion in the streets; to secure safety from fire, flood or other dangers, to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety and general welfare of the public. They have been made with **reasonable consideration**, among other things, as to the character of each district and its peculiar suitability for uses, and with a view to encouraging the most appropriate use of land and also particular uses. **By far, either by area or by number of parcels, the vast majority of the parcels within the proposed zone change areas are already in commercial districts. The next largest district zoning is Agricultural.**

There are about 14,000
Parcels in the Town.
141 are involved in this
proposed rezoning.

Purpose; District Classification. One new bit of information that we included is there are about 14,000 parcels in the Town of Cicero (thanks to Sharon Edick for that number), only 141 are involved in the rezone. Out of those 141:

- 41 are included because they are split zoning and we are trying to make them one parcel
- 2 of them are Industrial Properties that don't conform so we are getting those changed.
- 16 of them are Regional Commercial properties that are nonconforming; they're not large enough to actually meet the requirements for Regional Commercial.

That leaves the Final Analysis: About 82 properties (parcels) that are involved with this rezoning, which comes down to less than half of 1 percent, Richard did the research on it. It was pretty interesting. It puts in context; we are not changing the whole town (that was a concern and a question).

- ▶ Most of the current zoning districts were created decades ago when Cicero was a very different community-much more rural in nature.
- ▶ Over the decades the town has dramatically changed to more of a commuting community. Most of that change was largely unplanned.
- ▶ A few years ago a referendum was held in the town to change the towns "designation" to suburban town. A direct affirmation by the residents that Cicero had left behind our rural character.

COMMUNITY CHANGES



Pictured Are: Stone Arabia School (left) and Cicero-North Syracuse High School on Rt. 31 (right)

Agricultural AG District

Definition Town Code 210-4

"Land containing at least **two acres** which is used for raising livestock or agricultural products, including farm structures and the storage of agricultural equipment; riding and boarding stable, kennels and veterinaries; and, as an accessory use, the sale of agricultural products on the property."

Permitted uses Town Code 210-10 A

- ❖ Agricultural use.
- ❖ One-family dwelling. Minimum lot area 1 Acre. Building Line 100 ft./Lot Depth 200 ft
- ❖ Private garages, not exceeding 700 square feet in area, when used as an accessory use to the principal residential use of the property. [Amended 7-24-2013 by L.L. No. 7-2013]

Site plan uses. The following uses are permitted in an agricultural zone subject to site plan approval as set forth in this Code:

- (1) Tourist home/bed-and-breakfast.
- (2) Veterinary hospital or veterinary clinic. [Amended 1-24-2005 by L.L. No. 3-2005]
- (3) Parking lot for special events.
- (4) Agriculture-related sales or service businesses, provided that total business area, including display area, does not exceed 5,000 square feet.
- (5) Quarry.
- (6) Aircraft landing field.
- (7) Religious institution.
- (8) School.
- (9) Outdoor recreation.
- (10) Stable.
- (11) Cemetery.
- (12) Short-term parking which supports an allowed use on or off site, but not including storage.
- (13) Enclosed storage.
- (14) Public utility structure.
- (15) Home occupation.
- (16) Accessory use.
- (17) Other uses which, in the opinion of the Planning Board, are similar in character to those listed above.

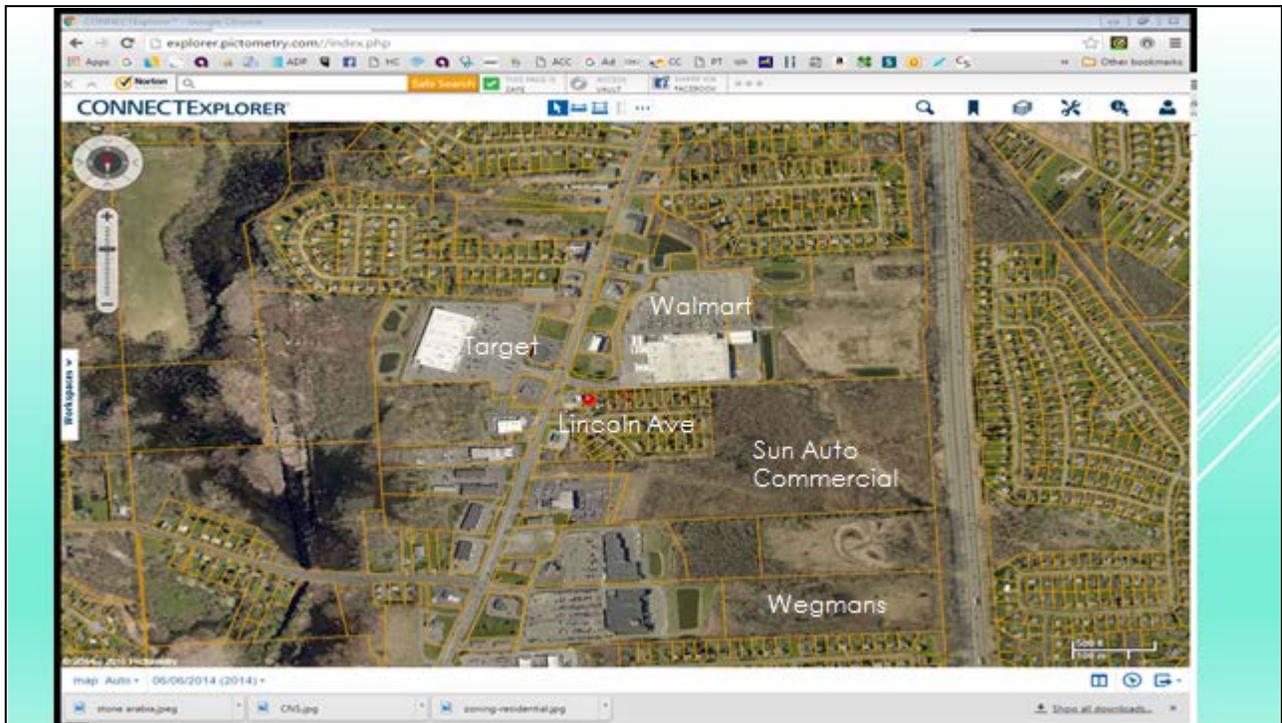
Site plan uses. This is the uses that the Planning Board can put in an agricultural zone under the ordinance.

Classic definition of spot zoning "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."

Spot Zoning has contributed to the nightmarish zoning map before us today. It should be noted that Onondaga County Planning has been of great service to our town in preparing and updating the current zoning map...saving the Town thousands of dollars.

Spot zoning has hurt property values in the town, resulted in terrible land use situations (Lincoln Avenue) and significantly impacted economic development.

SPOT ZONING



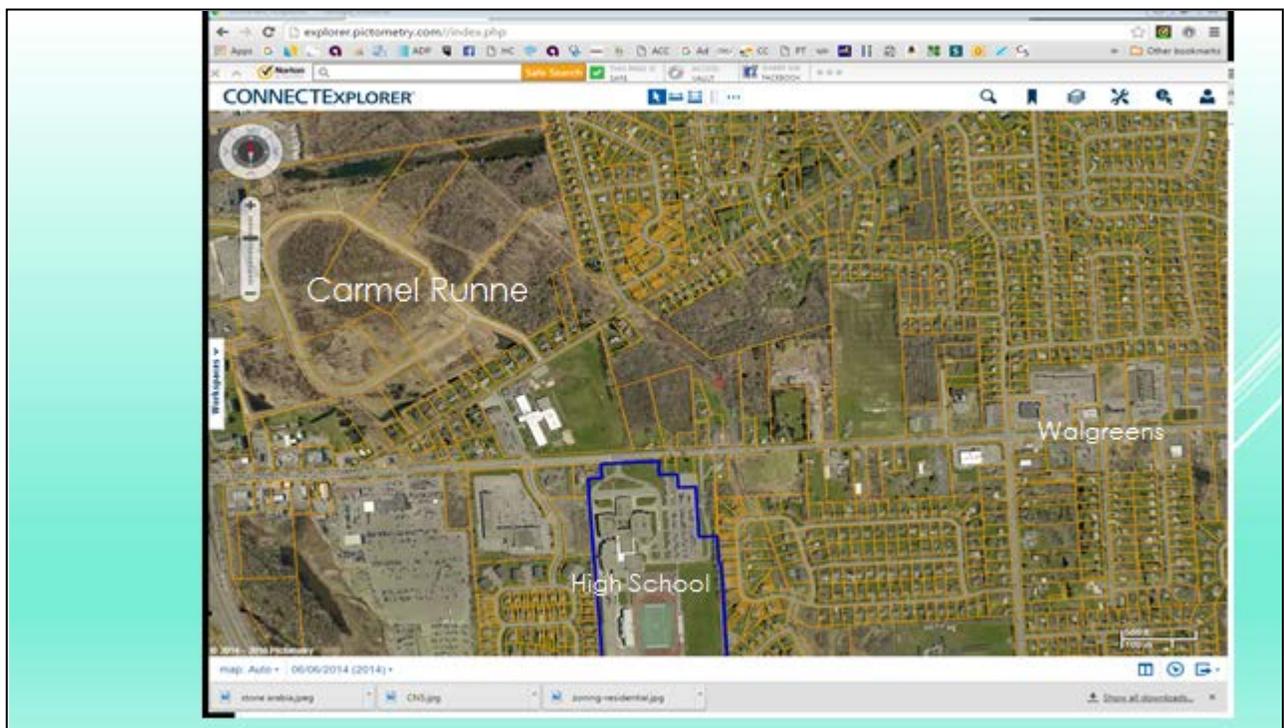
Lincoln Ave. neighborhood. This is my favorite orphan. That's an example of poor zoning. This is the Lincoln Avenue neighborhood. *Bob pointed to the Lincoln Ave neighborhood and the areas around it, such as Walmart, Bob said that they were all zoned Agricultural, but that was changed one parcel at a time and there wasn't the transparency that this Board has put into this project. This neighborhood, without a doubt, suffers from that because they are totally surrounded by Commercial.*

I would suggest, and it was suggested to me by Tim at our last meeting, and I think it would be a good idea when you guys actually do update the Comprehensive Plan, establishing a buffer zone; there should be some direction to the Planning Board in there to be careful to establish an adequate buffer between a Residential community and Commercial, and we can.

- ▶ Developers generally will avoid any parcel that requires rezoning. The cost to file an application with the Town is \$1,750. That is the beginning in addition the developer will incur attorney costs, surveying costs, and engineering. A rezoning application will often cost a developer in excess of \$10,000-BEFORE the site plan process even begins. On top of that the rezoning process is very discretionary and political. With the ready availability of properly zoned commercial land in other nearby communities (Clay) most developers choose other locations. This has cost the Town of Cicero millions in lost tax base. Generally the current property owner ends up absorbing these cost through the purchase price
- ▶ As I drive on the commercial corridors in town I frequently see for sale signs on parcels advertising "commercial" property. I am aware that the parcel is zoned agricultural and sadly I know that the chances of sale (at a fair price) are slim and none. Example Route 31.

ECONOMIC IMPACT OF SUBSTANDARD ZONING

Economic Impact of Substandard Zoning. We have talked about them. One of the biggest ones that wasn't mentioned here is 'time'. When the Developer comes in to get rezoning can be another six weeks to two months; depending if it's a summer schedule. It's not just the money and what it costs them to do engineers, it's also the cost of loss of the loss of time; we have a short construction season. I'm happy, I'm sure the Board has seen our agendas; we had fifteen items on our agenda. We've added about 18 million dollars in economic (according to the Assessor) in Commercial Development and there's at least six more projects that haven't even appeared yet on the agenda coming; it's busy.



Carmel Runne. Carmel Runne is all Commercial. *Bob Smith* showed areas on the map where there are three different zoning classifications/disticts on one piece of land. He said its bad zoning and bad planning; there are 41 of those we are trying to fix.



Beacon North. This whole thing was Regional Commercial. *Bob pointed out Syracuse Research, National Grid, Fed Ex, Keebler, etc. and said all of those were nonconforming lots and the Town Board changed them to General Commercial, so they are all conforming. Any of those businesses can expand now and come in. We are trying to redo sixteen of those, mostly along Taft Road that are zoned Regional Commercial and the land mass isn't sufficient to even develop anything; at the Planning Board we couldn't even entertain the site plan and there are a couple that are coming in.*

Non Conforming Use Zoning Code: 210-25 B(2)

"Any nonconforming building or structure or building or structure containing a nonconforming use which is damaged by fire or other causes shall not be reoccupied, reused and/or repaired or reconstructed except in conformity with this chapter unless such repair or reconstruction is completed within 12 months of the damage. Failure to so repair or reconstruct within 12 months of the damage shall cause a nonconforming use to be automatically terminated. The Town Board is empowered to extend this period upon receipt of a written request from the owner at least 30 days in advance of the expiration of the twelve-month period. Nothing contained herein shall allow such nonconforming use to be expanded in any way. [Amended 7-13-2011 by L.L. No. 5-2011]"

Non Conforming Use. We did this. There were a lot of questions about what happens to someone whose home is in a commercial district or is nonconforming, as many are right now. Zoning Code: 210-25 B(2) is the actual Town Law. You can rebuild, you have a year, but you can't expand the use; you can't expand the use right now if it's a nonconforming lot. If you can't get it done in a year the Town Board can extend it on a case-by-case basis, so there are protections for people who have homes in nonconforming districts.

In **2005** the Cicero Town Board authorized development of a Comprehensive Plan. In **September of 2006** that plan was presented to the Town Board and accepted.

Strengths

There are a variety of choices in single-family housing and price ranges.

An excellent school system.

There is vigorous commercial development activity occurring along the Route 11 corridor.

The Cicero Swamp (NYS Preserve) ensures there will always be significant amounts of open space in the Town.

Large areas of undeveloped farmland (active and inactive) contribute to the overall impression of low-density development in the Town.

Safe living environment.

An increasingly diverse real estate tax base.

Comprehensive Plan. These quotes and this information is directly from the Comprehensive Plan that was accepted by the Town Board back in September of 2006. In 2005, the Town Board established committees that included citizens, planning board members, town board members, and there were public hearings. The Town spent about \$200,000 dollars to get this thing. We spent, as a community, \$200,000 dollars to get this information.

Strengths. It was interesting to see back 10 years ago that those were the strengths of the community; they are much the same.

Weaknesses:

There is no readily identifiable Town "center."

Aging Town office and highway facilities.

A shortage of business, office, and industrial uses in the Town.

There are a limited number of alternative housing types - apartments, condominiums, etc.

Route 31 and Taft Road are the major east-west routes in the Town. An east-west road north of Route 31 is needed to supplement the existing roads.

Traffic volumes are heavy on Route 11 south of Route 31 and on Route 31 from the western Town line to South Bay.

The Route 81/31 interchange is relatively congested most of the day with westbound left hand turns being very difficult.

Improved connectivity is needed between neighborhoods.

There are occasional incongruous land uses - i.e., auto repair in an otherwise residential area.

Weaknesses. We've made some progress here. The ones that pertain to this are:

Aging Town office and highway facilities. About a year and a half ago I was asked to serve on a committee to look at the Town Barn. The last 10 years haven't had any progress to it. It's a mess back there.

There are a limited number of alternative housing types - apartments, condominiums, etc. for empty-nesters and those who want to stay in the town but no longer want to do single-family.

Route 31 and Taft Road are major east-west routes in the Town. An east-west road north of Route 31 is needed to supplement the existing roads. We have been talking to DOT (Department of Transportation), they recognize that they have closed all these roads through here [Bob pointed to an area on the map], and a lot of that is the reason that Route 31 is such a mess - it's the only way to get east and west, so that's being addressed. There's not a lot of money, as the Commissioner tells us.

Traffic volumes are heavy on route 11 south of Route 31 and on Route 31 from the western Town line to South Bay. They remain a challenge; they haven't gotten any better.

The Route 81/31 interchange is relatively congested most of the day with westbound left hand turns being very difficult. That hasn't changed.

Improved connectivity is needed between neighborhoods. Planning Board, if you look at our commercial projects, wherever we can/we some cases force the Developer to grant us easements so that we can try to keep some of the traffic off the roads and they can go from one business to another. That is the result of the Town taking easements to enforce that.

AN PLANNING FRAMEWORK WAS ACCEPTED

- ▶ Elimination of non-conforming uses.
- ▶ Improve the Town's aesthetics through the creation and application of Town-wide design guidelines.
- ▶ Address the issues of adult uses, signs, outdoor lighting, and used car/car repair facilities.
- ▶ Simplification and clarification of residential zoning districts.
- ▶ Revision of commercial zones and their definitions.

Planning Framework was accepted. That wasn't this Town Board. This framework was passed ten years ago by another town board as a goal for the town and what we should be doing. Ten years later, and this is a large part of why this board is tackling it. It's not an easy process.

Tom Beaulieu: Some of the weaknesses that we missed that we exhibited back in 2006, the Town could have been more pedestrian and bicycle friendly. I know we have got a long ways to go on sidewalks; bits and pieces, but I do think that we should be proud that we have over 45 miles of Share the Road that we pushed the Town and the County to do because a lot of people come up here and use it. That's one of those shortcomings that we are making progress on.

Bob Smith: Anyone that doesn't know, Tom was a predecessor a long time of mine. A time ago, he was Chairman of the Planning Board. We are also making great progress on the sidewalks. It's slow, but we have made progress; we are almost there.

Improve the Town's aesthetics through the creation and application of Town-wide design guidelines. We did create an Overlay District. The Planning Board has instituted *Aesthetics* as part of the Site Plan process; we are picking colors and making sure buildings conform.

Address the issues of adult uses, signs, outdoor lighting, and used car/car repair facilities. Ten years ago, no one in this room, it was an entirely different board, that was their comment. Adult Uses has been addressed. We have probably one of the most stringent Adult Use ordinances in the state.

Outdoor lighting, the Planning Board has, for almost 10 years now, instituted lighting as part of our Site Plan. *Used car/car repair facilities,* we still have some challenges to work on. There are a number of them that are part of your nonconforming uses; that will be cleaned up. *Simplification and clarification of residential zoning districts.* If you remember, we were talking about Lakeshore Road. You have a bunch of nonconforming residential uses in an agricultural zone, and this Town Board, for some reason, is going to take that on next to get those places so they are conforming and are easily transferrable; that's their next challenge. *Revision of Commercial Zones and their definitions.* That's ten years ago, and here we are tonight, but we are making progress.

TOWN ACTIONS

- ▶ Revise the Town Zoning Code and Map to identify, expand and/or consolidate areas of the Town where industrial uses are allowed as of right.
- ▶ Re-zone the entire west side of Route 11 (north of Route 31 to Mud Mill Road) to enable and encourage general commercial development.
- ▶ Redefine the definition of regional commercial to provide for subdivision of parcels from common development.
- ▶ Examine and revise (if necessary) the zoning classifications along Route 31 (west of South Bay) and South Bay at the noted intersections.
- ▶ Review the zoning ordinance and map to identify measures to allow additional multi-family developments. Provide a controlled number of opportunities for rental or condominium style homes. Provide alternatives to single family dwellings for empty nesters and retirees.
- ▶ Include multi-family housing and combined commercial /residential structures as an allowed use in the Hamlet (CBD) Overlay district.

"It is the Town's policy to, over an extended period, eliminate non-conforming uses and special use activities." Page 26 Town of Cicero Comprehensive Plan Update – September 27, 2006

Town Actions:

Revise the Town Zoning Code and Map to identify expand and/or consolidate areas of the Town where industrial uses are allowed as of right. The County updated the map.

Re-zone the entire west side of Route 11 (north of Route 31 to Mud Mill Road) to enable and encourage general commercial development. Ten years ago/different board, and \$200,000 dollars. The east side had a lot of industrial involved, but that's ten years ago.

Redefine the definition of regional commercial to provide for subdivision of parcels from common development. That directly is the 16 parcels. We are Regional Commercial zoned, as such that you have to take a huge amount of land. We have too many nonconforming lots, so that's part of this also.

Examine and revise (if necessary) the zoning classifications along Route 31 (west of South Bay) and South Bay at the noted intersections. We are encompassing the commercial and putting it in so that it is standardized.

Review the zoning ordinance and map to identify measure to allow additional multi-family developments. Provide a controlled number of opportunities for rental or condominium style homes. Provide alternatives to single family dwellings for empty nesters and retirees. As many people are aware, we have added the use for 'apartments' to the commercial zoning districts. There may be different ways to do that or accomplish it; we need to discuss the buffering.

"It's the Town's policy to over an extended period, eliminate non-conforming uses and special use activities." I don't think the ZBA (Zoning Board of Appeals) has issued a Special Use permit in probably the last decade, and we are here tonight talking about eliminating nonconforming uses by adjusting the zoning.

TOWN POLICY, GOALS AND ACTIONS

Growth:

- ▶ "The Town recognizes the importance of non-residential growth and wishes to maintain and enhance an environment that encourages commercial, retail, office, business and industrial development."

Goals:

- ▶ Identify areas of the Town where expansion and consolidation of industrial, retail, and business land uses can occur.
- ▶ Encourage commercial development along Route 11 and Route 31 (west of South Bay).
- ▶ Encourage neighborhood commercial development at the intersections of South Bay and Lakeshore, Route 31 at Cicero Center Road, and at South Bay and Route 31.

Town Policy, Goals and Actions.

Growth: *"The Town recognizes the importance of non-residential growth and wishes to maintain and enhance an environment that encourages commercial, retail, office, business and industrial development."* We've talked to death about how bad zoning impacts that goal, and this is the first action to try to get to that point.

Goals: Simply Onondaga County's plan has changed. They don't want us to move development out to those areas like South Bay Road. We have quite a challenge trying to accomplish that. Back in this plan they envisioned another hamlet at the corner of Route 31 and South Bay Road. That problem is unlikely given the current County plan and the control they have over the sewers. I think the Board, and we have had a lot of discussion on that, are not excited about doing a lot more single family residential in our open spaces right at the moment.

Bob Smith: Tracy is ordering copies of the Comprehensive Plan.

Supervisor Venesky: It is on the website.

Bob Smith: The County, thankfully, that's what they wanted to study is what we said we wanted the town to be like.

Bob Smith solicited any questions.

Supervisor Venesky: I just wanted to make sure that we are dotting every "i" and crossing every "t" and that we have been very, very thorough. What we have done, I am very, very satisfied. The teamwork that has come out of this office, with planning, with zoning, and the employees who worked a lot of hours to research the maps, research the properties and we all worked, I think, to get the postcards together. It has been a huge endeavor, but I am very pleased of where we are so far.

Supervisor Venesky thanked Bob Smith.

Supervisor Venesky: It is the intention of the Town Board to move a resolution on or about Wednesday, August 24, 2016 to consider District Zoning Changes for our Comprehensive Plan Update. Therefore, I move for the adoption of a resolution to adjourn the public hearing on the District Zoning Changes for our Comprehensive Plan Update to the next Regular Town Board Meeting, which will be August 24, 2016. Motion was seconded by Councilor Cushman.

Councilor Becallo: In other words, we are just going to do what we have been doing the last couple of weeks, pushing along for another public hearing at our next Town Board meeting.

Supervisor Venesky: I'm done with public hearings, we are done here. There will be another public hearing; Bob is going to have one and Planning Board, there was one on Wednesday. But this body - the public hearing is closed.

Someone in the audience asked if there had been a sign-up sheet for this.

Supervisor Venesky: This Board, we are not having a public hearing. We are done with the public hearing, so what I am doing is I am putting the vote off until the next one.

Cicero resident: I got a postcard while I was on vacation. I just got back from vacation, so there's really no opportunity to even ask any questions.

Supervisor Venesky: There will, because it's important to me that your questions are answered. So, if you would leave your number with Tracy I will call you tomorrow and answer any of your questions. There is another public hearing.

Cicero resident: I guess I would like it to be here, not just you'll answer my questions. I wanted to get my comments out.

Supervisor Venesky: Please do then. Please approach the Board.

Cicero resident: You sent postcards and there are people on vacation. I have a next door neighbor who is on vacation right now who won't get back until Sunday. So there are people who haven't even had the chance to even be notified that this is happening. I don't think that's very fair, I think you should have more public hearings, whatever.

Supervisor Venesky: There's another one scheduled next Monday night.

Tim Murphy: That's the Planning Board not Town Board, right?

Supervisor Venesky: We've had six meetings here.

Cicero resident: Let me explain to you the situation where I live. I live on E. Taft Road. At Northern Blvd./East Taft Rd. you have eight houses bang, bang, bang, right in a row that you are talking about changing the zoning and we are all houses. There a few houses that were just converted to businesses; that's something that the Town of Cicero did.

Supervisor Venesky: Just so that we are clear, there is only a small area on Taft Road that we are looking to change. But I wasn't aware. I'd have to take another look at it; it wasn't residential. We notified people who touched those properties/were in the vicinities of those properties, but not just the people. You may have received a postcard because you touch the area that we are going to rezone there.

Cicero resident: I'm not zoned Residential. I am zoned Agricultural. I called in yesterday when I got the postcard. I have a home. I have 17 acres of land. I have a house on the property; the rest of it is all trees. The fellow next door to me has 60 acres, and I know neither of us are planning on selling. My sister, who lives next door, has an acre and a half. They are beautiful homes and all I have coming into my neighborhood are a business that sells dirt and rocks; I have dirt in my face all day long. I have another business across the street; today he was digging and putting in some kind of piping because he must have a water problem. It's just constant dirt. There are 7/8 houses right in a row. I know I am zoned Agricultural; the guy right next to me must be as well. I am not sure which way I would go, but I would think that you would not just automatically make a decision for us. Let us make the decision because we have quite a bit of property between the two of us. So I guess the big question is why did you even decide to include those eight houses?

Supervisor Venesky: Actually, our Planning Board Chair and our Codes Director just left. That would have been a good question before they left. I guess what I'd have to do, I don't have your address, but if you could leave your address with Tracy we could follow up with you tomorrow.

Cicero resident: I guess what I am saying is that I haven't even had the chance to make a logical decision. Is it better for me to stay Agricultural or would it be better for me to go Commercial? I don't know that answer.

Supervisor Venesky: We might not even be looking to change your property.

Cicero resident: You are. There was a list on the computer. My address, my sister's address, and my neighbor's address were all listed, so we haven't really even had the chance to decide whether is this good for us or not so I think you should (at least in our areas) consider letting us make the choice of whether we want to stay as we are or change to Commercial.

Supervisor Venesky: If you'd leave your address and your contact information I will be with Richard tomorrow, and we will take a look at your property and we will get back with you. There is another public hearing that will be a full public hearing. Again, I think we've had six here. And everyone, we did our best to try to notify everybody, just so you know. We have tried to be as absolutely transparent as we

could. This has been on the website; it's been in the newspaper. Not everyone looks at the newspaper/website. We are trying to do this in a responsible way and actually follow the tenants of our Comprehensive Plan to move Cicero forward. So if you would leave that information with Tracy I will personally follow up with you, but I can't answer that question tonight.

Cicero resident: I did want to mention something else. I guess it's somewhat involved, but it's a little bit different. If you look at Taft Road, and you look at the other side going west on Taft Road its 40 mph and then all of a sudden you get to the residential area where there's eight houses, bang, bang, bang, in a row, and all of a sudden there's a huge sign saying at this point you can now drive 55 mph. I live right on the corner of Sky Road and Taft Road. I've got UPS cars, tractor trailers coming around the bend at 50/60 miles an hour. Let's change the speed limit. Let's make it 40 mph because you have houses there.

Supervisor Venesky: We have a procedure for that, and we will certainly entertain it. I mean, it's your neighborhood. Normally what we do is we ask you to get a petition of your neighbors, and then we give that to our Chief of Police. The Chief of Police does a study and then he will bring his recommendation as to what that speed limit should be.

Cicero resident: When you changed the other side of the road to 40 mph you've got eight houses were all of a sudden...

Supervisor Venesky: That was done by a previous board. That was done when that lady... I believe, there was a fatality there at Thompson Road, a FedEx employee.

Cicero resident: There are things you have to take a look at; where it's marked 40mph it is two lanes in each direction and then all of a sudden you have people driving 50/60mph.

Cicero resident: You really have to give people a chance to really look at it. How is this going to impact us? Are our taxes going to go up?

Supervisor Venesky: No, your taxes will not go up.

Cicero resident: What about the value of our homes? Right now, my house is worth quite a bit of money, so is my sister's and so is my neighbors. What about the value of our homes? Are we going to have more dirt in our face? I haven't done anything about those businesses that are...like, I washed my windows the next day, my windows are filthy. I haven't said a thing about those businesses, but if I get more business in my area, I am going to start screaming.

Supervisor Venesky: We are not going to entertain any more public input on this. We've talked about it quite a bit.

Supervisor Venesky: Did I get a second on that motion?

Councilor Cushman: Yes, I seconded it.

Supervisor Venesky solicited any further Board discussion. There was none.

Ayes – 4, Noes – 1, and Abstentions – 0. *Motion carried.* Councilor Becallo voting no.

Public Hearing – Town Constable

Supervisor Venesky: This is a public hearing to consider proposed amendments to the Cicero Town Code by Local Law adoption procedure. The purpose of the proposed addition is to create the position of “Town Constable”.

Supervisor Venesky: I have proof of publication and posting.

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing for July 27, 2016 commencing at 6:30 p.m., local time to consider proposed amendments to the Cicero Town Code by Local Law adoption procedure. The purpose of the proposed addition is to create the position of Town Constable. By the order of the Cicero Town Board

Dated: June 26, 2016

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

Supervisor Venesky opened the public hearing at 7:26 p.m.

Councilor Karp: This arose out of discussions between myself, Chief Snell, and the Town Justices, for the need for armed security at court proceedings, who are able to also make arrests, and who would also have qualified immunity. Right now, we are using one part-time police officer and then other police officers are being paid overtime, which is very expensive. It's depleting the Court's budget for security. The Town Constable would be open to anyone who would be certified as a Peace Officer or Police Officer under New York State law. We would be able to pay them less than we are paying current overtime police officers. They would have less powers, be able to carry firearms, and also have qualified immunity. We are hoping that we could either find current police officers, peace officers, or retired police officers to fill these positions. We will have significant savings. There will be some start-up costs. They are going to have supply their own weapons and things like that, but we will have to purchase uniforms for them, vests, tasers, radios, etc., but in the long run this will save a significant amount of money and we will also have some needed security at the Town Court.

Chief Snell: Other than the Police Department, if you are currently working for another agency that agency will be responsible for your training or annual service training. If they are retirees, we will pick up the training for those retirees so that they get the training on firearms, taser recertification, as well as the important areas of use of force, and other legal updates that they are going to need on an annual basis; we will be able to join our classes when our officers are getting trained for that.

Speaking against -

Carol Pardee: I'm not for or against. What is the salary going to be?

Councilor Karp: At this point we are not sure because we do not even have the position created yet. I have to talk to current police officers. I have an idea of what most of them will be looking for. The ones I have spoken to will be looking in the neighborhood of \$30/\$35 dollars an hour. For comparison, that's significantly less than what we are paying police officers that are receiving overtime. Chief Snell believes we may be able to get retired police officers who will be willing to work for less, but we really haven't been able to find out (because the position hasn't existed yet) what exactly it's going to be. Whatever it is, it will be significantly less than we are paying right now.

Carol Pardee: Is this a budgeted item?

Supervisor Venesky: Yes, this is something that the Town Court pays out of their budget.

Carol Pardee: Is this a budgeted position?

Supervisor Venesky: What we are doing is replacing an existing Police Officer on overtime with a Constable who will be paid less and not on overtime.

Carol Pardee: What about the medical, because we already pay too much medical.

Supervisor Venesky: This will be a part-time position, not a full-time position.

Carol Pardee: Okay, thank you.

Supervisor Venesky: Thank you.

Supervisor Venesky closed the public hearing at 7:29 p.m.

Resolution: Councilor Karp moved for the adoption of a resolution approving amendments to of the Town of Cicero Town Code by creating a new Chapter 195 entitled "Town Constable" (as shown below). The purpose of the proposed addition is to create the position of "Town Constable". To be known as Local Law 8 of 2016 of the Town of Cicero.

The Town of Cicero Code is hereby amended:

By creating a new Chapter 195 entitled "Town Constable."

By adding a new section, §195-1, entitled "Legislative intent" with the following text:

It is the purpose and intent of this chapter to create the office of Town Constable, which shall be a part-time position and as authorized by the Criminal Procedure Law and the Town Law of New York, to perform such special duties for the Justice Court of the Town of Cicero as allowed by law.

By adding a new section, §195-2, entitled "Establishment of office" with the following text:

The Town of Cicero hereby establishes the part-time office of Town Constable, who shall be authorized to act in the capacity of uniformed court officer and shall have the responsibilities generally associated with such position in and about the Town Court as hereinafter set forth. Town Constables shall be appointed by the Town Board but shall work under the direct supervision of the Town Justices. The Town Board may appoint as many Town Constables as it desires and shall provide for the amount and manner of payment for their services.

By adding a new section, §195-3, entitled "Qualifications" with the following text:

All persons appointed as Town Constable shall be at least 21 years or older, shall have a high school diploma and a valid New York State driver's license, shall be authorized pursuant to the laws of the State of New York to possess and carry a handgun, and shall be certified as a police officer as defined in subdivision thirty-four of section 1.20 of the New York Criminal Procedure Law or a peace officer as defined by section 2.10 of the New York Criminal Procedure Law.

By adding a new section, §195-4, entitled "Term" with the following text:

Town Constables shall serve at the pleasure of the Town Board.

By adding a new section, §195-5, entitled "Powers and duties of Town Constables" with the following text:

Town Constables shall have, in addition to the powers granted hereinabove, those special duties, powers and responsibilities consistent and generally associated with a court officer in the State of New York, including but not necessarily limited to:

- A. Attending sessions of the Town Court to maintain order and decorum in the courtroom;
- B. Calming disruptive individuals;
- C. Barring entry into secure areas of and about the courtroom;
- D. Addressing and attending to disruptive prisoners, litigants and spectators involved in court proceedings;
- E. Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom;
- F. Escorting, guarding and delivering the Judge and/or Clerk to and from the courtroom, as may be required;
- G. Delivering materials to sequestered juries;

H. Escorting Court Clerks with bank deposits to and from the court offices and courthouse to the bank if required;

I. Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom;

J. Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law;

K. Effecting arrests as required and authorized pursuant to the rules and regulations of the Town of Cicero Police Department.

By adding a new section, §195-6, entitled "Training" with the following text:

All persons appointed as Town Constable shall undergo annual firearm and use of force training. In the case of Town Constables otherwise employed as police or peace officers, the training required as part of their other employment shall satisfy this section. In the case of a retired police officer or other police or peace officer who is not otherwise employed with another agency, such individuals shall attend annual firearm and use of force training with the Town of Cicero Police.

By adding a new section, §195-7, entitled "Equipment" with the following text:

(A) The Town Board shall by separate resolution designate the equipment that shall be carried and/or worn by Town Constables while on duty and shall establish which of such equipment shall be supplied by the Town and which shall be supplied by Town Constables at their personal expense.

(B) The Town Board may by separate resolution establish standards and requirements for that equipment which shall be supplied by Town Constables at their personal expense.

By adding a new section, §195-8, entitled "Severability" with the following text:

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

By adding a new section, §195-9, entitled "Supersession" with the following text:

It is the intent of this chapter that the Town, pursuant to its Municipal Home Rule powers, hereby supersedes the requirements of Town Law § 20 and any other law of the State of New York requiring a Constable as appointed herein to be a resident of the Town.

By adding a new section, §195-10, entitled "When effective" with the following text:

This chapter shall take effect upon the filing thereof with the Secretary of State of the State of New York.

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Public Hearing to consider regulating the placement of Portable Private Basketball/Recreational Equipment from obstructing roadways within the Town

Supervisor Venesky: This is a continuation of the Public Hearing held on June 22nd. The intent of this proposed Local Law is to ensure that portable basketball hoops and other recreational equipment are not placed or located along public highways and within the right-of-way when not in use where they have the potential to become safety hazards within the Town.

Supervisor Venesky opened the public hearing at 7:31p.m.

Speaking against - None

Speaking for –

Tom Beaulieu: I would like to speak in favor. I have had some discussions with the Supervisor on this. I do see a lot of areas, and I can name a few streets, per say, that might have four or five hoops out. Anytime they are encroaching over the roadway, which is the concrete gutter and the pavement sections, you are creating a hazard. They could fall out into the road on a vehicle, person, trash truck, fire truck or a moving van, come down the road snag on to that and someone can get hurt. The other important issue is besides that, the basketball hoops, is we have a lot of businesses that utilize the roadways, specifically Lakeshore, South Bay, some of the busier roads. They have a tendency to park their vehicles either facing the wrong way, they have a trailer attached to the back, or they are doing driveway sealing and stuff, and they do not have any cones around those vehicles. Sooner or later, someone is going to run into that and someone is going to get seriously injured or worse and a liability on the town for that because we have no way to take care of that situation and justify that they should be out there using the roadways in a safe manner. I would like us to perhaps add something; an amendment to that besides the basketball hoops,

which I like. They are less of a hazard than the vehicles parked out there, cutting grass, driveway sealing or putting roofs on; I have seen four, five or six vehicles parked out on Mud Mill Road, Lakeshore Road. When you have traffic crossing a double yellow line you are encouraging them to go ahead on in other traffic and there are people that take chances and go around a bunch of vehicles like that. I do think that this is something that needs to be looked at for the town safety and I would appreciate if that was also considered.

Supervisor Venesky closed the public hearing at 7:34 p.m.

Supervisor Venesky: This came up and I would just like to say it again, once a month I meet with all the Chiefs at every one of the departments. We normally meet on a Saturday morning; sometimes this building, sometimes at the other fire house. It was Chief Jon Barrett who came to me and said in front of those folks that he felt this was worthwhile that they had a couple strikes in the past and asked us if we would address it and actually pass this. We did have, just in fairness, we had a couple of folks at the last meeting and the reason why I extended this is because 1. I was not satisfied that enough people had spoken. 2. We had one person, who is not here tonight, address the Board who was solidly against it.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo: I believe the Fire Departments not being here is a huge showing of how much they support this new law.

Councilor Karp: It is disappointing that they encouraged us to pass this law and they are aware that we are voting on it tonight and no representative from those departments is here to express their support for it.

Supervisor Venesky: I am not going to do a resolution then. Let's just kill it.

Robert Germain: If you want to pass it, if you want to vote it and pass it, you can do that. If you don't, then it would be dying for a lack of interest.

Supervisor Venesky: We are going to let it die for a lack of interest.

Set Public Hearing Date – Local Law for Flood Damage Prevention

Councilor Becallo moved for the adoption of a resolution calling a public hearing on August 24, 2016, commencing at 6:30 p.m. local time to consider the adoption of a Local Law for Flood Damage Prevention (pursuant to the National Flood Insurance Program) as required by NYS Department of Environmental Conservation. The purpose of this Local Law is to help promote public health and safety and to help minimize public and private losses due to flood conditions by provisions designed to help control flooding. A copy of the proposed Local Law has been provided to the Board and shall also be filed with the Town Clerk. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Smart Growth Screening Tool

Councilor Conway moved for the adoption of a resolution approving NYS Department of Transportation Smart Growth Screening Tool (PIN 3754.71) application, questionnaire and eventual Project Certification Statement on behalf of the Town of Cicero and authorizing the Supervisor to execute same. The initial proposed project relates to the repair/replacement of triple 84inch culverts under East Circle Drive to insure continued hydraulic and traffic flows. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo: Who is paying for that?

Supervisor Venesky: Onondaga County. The State said it is something that we have to do. As a matter of fact, I think it is on SMTC's (Syracuse Metropolitan Transportation Council) agenda for next year; the funding has been approved.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Fire Hydrant Installation

Councilor Cushman moved for the adoption of a resolution to approve the installation of 2 Fire Hydrants in the existing Sneller Road Water District. The Developer, Paul Lonergan will pay for the hydrant installations in conjunction with 8" Water Main Extension. The Town will be notified when the hydrants are in service, and then will be billed the annual hydrant maintenance rate, which is currently \$71.61 per hydrant per annum. Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo: Were the Fire Departments involved in the placing of these hydrants?

Supervisor Venesky: Absolutely, they were. It was all approved by the Fire Departments.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Proposed Future Highway Department Facility

- **Conceptual Design Services**

Councilor Cushman moved for the adoption of a resolution to approve and authorize the Supervisor to execute the proposal from the MRB Group, for the Conceptual Design Services related to the new Town Highway Department Facility on Route 31 in Cicero, N.Y. for a total amount of \$23,000. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion.

Supervisor Venesky: The Highway Garage, I am sure everyone would agree, should have been replaced ten years ago. The former Supervisor put together a commission, brought some folks together to look at the condition of the building and they interviewed various engineering firms (Vern I think was the only one here at that time) and MRB Engineering Firm was selected. When I took office in January I called MRB and we looked at what they had put together and it was absolutely great! All the work that was put into that was wonderful, I just thought that it was overpriced and it was something that I would not take to this board; it was a lot of money. I asked them to crunch some numbers; we put together a different building that will be expandable. We are not going to build a 30/35 year building today. We are going to build a building that will protect our equipment and provide a safe working environment to our employees. We hope, that will give us about 20 years then we will have the option of expanding that building and the expandability will be built into it. What this allows MRB to do is to finish the Conceptual Drawings of the new building so they are ready for us at the next meeting.

Councilor Becallo: I appreciate Mark. That he sat down with MRB, and got it more affordable.

Supervisor Venesky: We shaved 1.2 million dollars off the building so far.

Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

- **Set Public Hearing to consider the Construction of the Proposed Future Highway Department Facility**

Councilor Cushman moved for the adoption of a resolution to set an Informational Meeting (per Robert Germain) for August 24, 2016 commencing at 6:30 p.m. local time to consider the construction of the proposed future Highway Department Facility.

Supervisor Venesky: It is my intension to have more than one hearing, but we are going to start.

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Personnel

- **Senior Citizen Coordinator**

Councilor Karp moved for the adoption of a resolution to appoint Alexandra Ryan, Senior Citizen Coordinator, permanent in Youth Bureau, Parks and Recreation Department from Civil Service List #60103, effective July 27, 2016. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

- **Learn to Swim Staff**

Councilor Karp moved for the adoption of a resolution to approve the following appointments for the Learn to Swim Staff:

1. Devyn Pryor at a pay rate of \$14.50/hour
2. Sara Walter, Michael Gorney, and F. Quinn Chmarak at a pay rate of \$12.00/hour

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Highway Department

Councilor Conway moved for the adoption of a resolution to approve the following purchases:

- \$5,000.00 to TH Kinsella Inc. for 575 tons of runner crush/stone
- \$5,000.00 to Fleetpride for cylinder heads and parts for Truck #26
- \$3,900.00 to Lumberjack Tree Service for removal of trees
- \$2,611.37 to Momar, Inc. for release agent

Supervisor Venesky solicited any Board discussion.

Supervisor Venesky asked everyone to keep Chris Woznica in their thoughts and prayers.

Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Parks and Recreation Department

Replace existing playground at William Park:

- \$3,350.97 to Miracle Recreation Equipment Company to replace existing unsafe playground unit for 2-5 year old use, at William Park - **Deferred**

Purchase approvals:

Councilor Karp moved for the adoption of a resolution to approve the following purchases:

- \$3,389.00 to North Syracuse Lawn and Snow Inc. to replace the Utility Trailer that has spring loaded ramps
- Amount not to exceed \$5,000.00 to John Wojcik for Tennis Instruction
- \$7,000.00 to North Syracuse Central School District for school use for Day Camp program

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Planning and Zoning Department (Codes Enforcement)

Councilor Cushman moved for the adoption of a resolution to purchase a new 2016 Jeep Patriot Latitude in the amount of \$19,642.50 from Burdick Drivers Village. (This will include the trade-in of a 2007 Ford Taurus). Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion.

Supervisor Venesky: We went round and round on the purchase of this and whether or not it was needed. I asked if it was worth putting money in the Taurus. It is a 2007, and it has been sitting outside now for nine years. I put Shirly and Dick Hooper through hoops on this trade-in. We finally decided that we are going to pay cash and this should carry the Town for the next 10 years. We are going to take a Zoning Enforcement Ford Fusion, and that will now go to Karen Tavernese in the Assessor's Office for her use. It is a better vehicle in much better shape.

Councilor Becallo clarified that this is a new vehicle purchase.

Ayes – 4, Noes – 1, and Abstentions – 0. *Motion carried.* Councilor Becallo voting no.

Police Department – Stop Sign in Lyons Runne Development

Supervisor Venesky: Local Law 4 of 2006 was passed on February 27, 2006 when the Town Board approved Amending Section 198-3 of the Town Code of the Town of Cicero authorizing the placement of the stop sign at the intersection of Cattlemans Crossing Road with a stop sign Jersey Path. Now that that section is complete we need to install the stop sign.

Councilor Becallo moved for the adoption of a resolution to authorize the placement of a stop sign in the Lyons Runne Development as originally planned, when the contract drawings were completed on Jersey Path at Cattlemans Crossing. Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Amended Emergency Animal Shelter Agreement

Supervisor Venesky moved for the adoption of a resolution to approve the Amended Agreement and authorize the Supervisor to execute said agreement between the Town of Cicero and Immobiliare Doggy Day Care, LLC., (doing business as CARM'S DOG HOUSE). The intent of the motion is to clarify the proper name for services provided. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Donation

Councilor Karp moved for the adoption of a resolution to accept a \$400.00 donation from the Miori Martial Arts, Syracuse, Inc. for two movie licensing sponsorships as part of the Town's movie series. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Surplus Bicycles – Police Department

Councilor Becallo moved for the adoption of a resolution to donate the 33 bicycles recovered from the Police Department (declared surplus at the 6/22/16 Town Board Meeting) to Jan Maloof, Coordinator of the CNY Family Bicycle Charity. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Set Public Hearing – Brandy Lane Sewer Extension

Councilor Becallo moved for the adoption of a resolution calling a public hearing on August 24, 2016 commencing at 6:30p.m. local time to consider acceptance of the Petition Plan and Contract Drawings for the Lakeshore Sewer District, Contract No. 73 – Brandy Lane Sewer Extension associated with the Lands of Pisanti Subdivision. Motion was seconded by Councilor Karp. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Discussion Items

Town Clerk’s position as a four-year term:

Supervisor Venesky: I just have one item that I have been thinking about, and others have talked about, and I would like the board to think about it. We do not have to move on anything today. Tracy Cosilmon’s position as Town Clerk is currently a two year term and every two years she has to run, as do the Supervisor and Highway Superintendent. I would like the Board to consider moving that to a four-year term as our Receiver of Taxes is four years. I am not in favor of the Supervisor’s position of being four years, but I think it makes good sense for the Town Clerk to do that. I would like additional conversations and call for a Referendum to change that. I am always careful of spending tax payer’s money. We have an election coming up in November. I don’t know if we would be able to get it done if that is what the folks want to do. We will try our best to get this moving.

Public Input

Judy Boyke – Good Evening. Mr. Karp as long as you are interested in addressing a lot of our new local laws, I am going to ask the Board to look into the Travel Trailer Campers that appear every summer in either someone’s yard or vacant lot. I know that several people have gone to the Zoning Office to complain about it and they are given a warning; that is all I was told by the Zoning Office that they can do because the law does not give them any more teeth. I think that this is something that needs to be addressed because this year there are two on Beach Road. I reported them both; they are still there. They have been there over six weeks. One guy put a For Sale sign on his and it looks like the trailer is For Sale; they are living in it and it’s hooked up. Also, there is one on Tuttle Road. Those are the only ones that people have asked me about that I am aware of. I think that the law needs to be looked at because basically this opens up a can of worms for folks that have a vacant lot particularly on the water and there is another camper parked on the water side on Muskrat Bay Road. The camper is on the side that does not allow anything to be erected on that side of the roadway.

Councilor Cushman asked if these trailers disappear in the winter months.

Judy Boyke: Yes, they show up in the Spring. There is a new one in particular that has been there since June. The chairs are out front with the campfires and extension cords running to the property next door.

Judy Boyke: Was there a list of Zone Change Properties online? I was not able to find it.

Supervisor Venesky: Yes, I think there is. We would be happy to show you.

Judy Boyke: One of the concerns that I have noticed, and other people have spoken up, that a lot of several different line items have come up that probably should be discussed so that people know what you are talking about. There doesn’t seem to be any discussion at all. The resolution is vague. There is no discussion amongst you. Once in a while there is a little comment, but when are you guys talking about this as a group?

Supervisor Venesky: We speak. Not as a group, no. We don’t do that because of our schedules and our time.

Councilor Karp: It is not illegal.

Supervisor Venesky: It is not illegal. That’s not true.

Councilor Karp: It is not illegal. Read the Open Meetings Law. There are the exceptions and it is written in plain English that if we are all members of the same party it is a 'caucus' and we can speak without limitation. Mr. Germain, I'm I not right about that?

Mrs. Boyke: We have gone through this before.

Supervisor Venesky: Mrs. Boyke, I am not going to argue with you. But I have two attorneys who have verified that this is *not* illegal and I take offense to it being called that we have illegal meetings - we don't. But what we do, and my Councilors will tell you this, they look at the agendas; we put them together and then I invite them to reach out to me, or I may call them to talk about a specific item.

Mrs. Boyke: I am sure you do, but there are several items that need more; it's pretty obvious. I'm only saying this because I, with three Democrats was challenged and forced, to have Open Meetings. They were advertised, and they were open to the public; anyone could come in the cafeteria and listen to the discussion with the other Councilor people that were there; people could sit and listen. But why is this not now going to us?

Supervisor Venesky: Because I choose not to do it. So you can call me, you can call any Councilor, if you have questions on anything on the agenda. We will graciously, and to the best of our ability, and honestly do that. We can have meetings that go on, and on, and on, because we want folks to answer all sorts of questions. I would expect, and this is how I feel about it, myself, and most of my Board, are very well prepared, and have researched and read the documentation. We publish it online so that it is available to the public on Monday afternoon. If anyone wants to comment, call, pick up the phone, send me an email, send anyone here an email, we will respond to you prior to that. But to go over item, by item, by item, this week we would be here until 10 o'clock and I choose not to do that.

Mrs. Boyke: I'm not asking you to do that. I'm just asking when you have conversations in regards to something that needs to be discussed that you can listen. I'll tell ya, after the first two or three meetings only a few people showed up to listen; for those who are interested in listening. I guess I am looking for Open Government here, and we don't have an opportunity now to stand up and ask a question about a line item. Yes, it shows up at 3 o'clock but some of us don't have an opportunity to even look at them until after Tuesday.

Supervisor Venesky: You have three days to look at them.

Councilor Karp: The Board is pretty generous. I mean quite often people do ask questions. I remember when I set the public hearing for the Town Constable someone spoke up and asked what that was about.

Mrs. Boyke: That's not what you call it - that's losing control of your meeting.

Councilor Karp: I wouldn't agree with you.

Mrs. Boyke: I wouldn't do that. I wouldn't interrupt because I have a phone call. I'm just suggesting. I just feel that there is not enough information that's given before resolutions. A lot of people don't go online; a lot of people don't have that opportunity.

Carol Pardee: There's also a trailer on McKinley Road. McKinley Road and what goes on in that facility. You can go online and see where they filled in; it use to be very low in there and they just keep filling in.

B.J. Potter: I was at an event at Preferred Power Sports last night, and I know that you are trying to clean up the zoning with all these car lots and everything, but it was actually a dangerous situation with the car lot that's directly to the south. The cars were encroaching almost to the asphalt on the shoulder of the road. I know that a lot of other car dealers, that are real car dealers, have had to have setbacks. I know the one across from me had to have quite a setback and he couldn't bring anything out past that. But I mean, when these guys first went in there the cars were almost out to the white line.

Councilor Cushman: Where is this again?

B.J. Potter: On Route 11. It's the place just south of Preferred Power Sports. I'm not sure of the actual address, it's across from Adessa. If they could get those cars moved back because the line of sight coming out of there is really tough.

Supervisor Venesky: We look at a lot of things that people bring to our attention, but bring that to Richard [Hooper]. Don't wait for a town board meeting to bring that to our attention.

B.J. Potter: I knew that I was going to be here tonight, so I figured I'd address it then.

Supervisor Venesky: Thank you.

Tom Beaulieu: First of all, I'd like to comment on remarks made earlier that aren't part of the public record, but some of the weaknesses we had in the town in the Comprehensive Plan; I think we should be proud that we are working on sidewalks, and that we have over 45 miles of somewhat friendly, Share the Road signage that the County and the Town have both partnered in. We are looking to continue that. I'm hoping when Northern Boulevard gets complete we will be able to hook up Route 31, all the way up there and it will be a lot safer. I wouldn't even ride on that road with the way the shoulders have been (I wouldn't have driven a Hump V on those shoulders the way that they have been over the last 10 years), but I think that will be a marketed improvement. One other thing that would be a marketed improvement is if the State would come in and fix all of our...it looks like crumbled walls from some ancient city in ruins. That does not reflect on the overall appearance of our town or the pride that the people have that live here, and the State has basically given us nothing but...after 4 to 5 years we finally got our bridge painted, which was a huge eyesore; that's a maintenance issue, that's not like a capital improvement, so at least we got that done. Item no.15. I know I brought it to your attention Supervisor, and also Councilor Karp, I'm a little disturbed sometimes when I see wording that says 'replace existing unsafe playground' and then I go out there and I look at it and I see it hasn't been cordoned off, or it's still being used. If something's unsafe then why are we allowing kids to play on it?

Councilor Karp: I think that's a good question, and that's why we tabled it. We will be bringing that up tomorrow.

Supervisor Venesky: We will get an answer.

Tom Beaulieu: I'm not a play scape expert, but in the old days we used to have a swing tied to a tree or we'd play football out in the road underneath the streetlights. We wouldn't play on this kind of equipment today because it's not dangerous enough for us. However, I just find it difficult to believe that that playscape is damaged to the point that it has to be replaced, that the money could be better spent someplace else, maybe adding the \$3,500.00 to tennis lessons that we approved tonight. I do hope with the tennis lessons that we are making more than \$5,000.00 because if we are running this as a 'business' we should be making money, and we shouldn't be running it as 'business as usual'.

Supervisor Venesky: Right. I'm with you, but both councilors would probably tell you that because we are a municipality, and we have brought a lot of business practice to the way we do things. I/we are not allowed to make a profit. So as long as we are covering our expenses it kind of covers it.

Tom Beaulieu: Well at least break even.

Councilor Karp: Well it does say 'amount not to exceed'.

Tom Beaulieu: A couple of other issues. We had brought up the point, and I'm glad it finally got discussed, and hopefully it will get to a referendum this year and take the person out of the job. The Clerk's position, there's a record keeper of the town regardless of who holds the position currently, or in the future. That person shouldn't have to run for re-election every two years. They're basically our keeper of the works; books that we have to have. That person shouldn't have to worry about whether it should be extended in two years, and in the future. It should be a four-year term. I agree the Supervisor and the Highway Superintendent should stay on two years. Again, I brought up the point, why would the Receiver of Taxes be a four-year term? I feel the Clerk's job is a more important job for the town; although they are both important, obviously. The Paving Program. I know I've spoken to you and I'm disappointed on some of the roads I see on the list. We are spending over \$850,000. I think I sent a photograph to you of one road that's No.16 on the list; Molesky Lane. It's a lane; it's not even really a roadway. There are three houses on that roadway (I call this an extended driveway overlay for them). At \$14,185.00 why we'd be doing that and benefit three roads; the road should be patched if it has problems. If it has a pothole - it gets patched. I feel the same thing about Tuttle Road. It has no outlet/ it has no connector streets to it. That's a \$74,000 job for 1.1 miles long. That road should be patched. If it has significant potholes in it they should go in there and overlay those areas instead of repaving the whole thing. If I've got a flat tire I don't throw the car away and buy a new one - I get the tire fixed. The same thing with some of these roads that need to be patched. So that money could be better utilized. I know that I spoke to you specifically about Gillette Road. There's two-hundred some odd homes that are serviced there. It's off the corner, right across from the school; there's South Bay and Thompson Road. That road basically used to be a farm road. It still looks like one. The front part of it had been paved but there are a couple of hundred cars that have to drive up and down through there. Some of the ruts in the pavement

lane are 4 to 8 inches deep. Those are going to blow out sooner or later. We are going to have to fix it at some point. The idea is to fix it before it totally falls apart and then you've got to rip the whole thing out.

Supervisor Venesky: As we discussed this money, we took a look at this year...and I did exactly what I said I was going to do - I road every street in the Town of Cicero with our Highway Superintendent. We looked at them, and I just wanted to double check for my own piece of mind. When we talked about what we can get done, we looked at it this year and we said the price of black top is down; we went from \$48 a ton. I think we were down somewhere around \$44 a ton, which left us a surplus. We looked at the aggressiveness of what we can do (I say we because we are a team here). We looked at what we felt we could do with the people that we had and then we said, the cost is down we can probably do a little bit more than we had initially planned. We only had about \$100,000, so the discussion was, what can we do for an additional \$100,000, and I believe we talked about Tuttle Road. Would it be something that we would have deferred or put off? Probably, but there wasn't enough money there this year to do Gillette Road as well, and for that example, so we took advantage of the low cost of blacktop and we took a look at utilizing our people and how much they can realistically get done in one season. We had the extra hundred-thousand dollars and that's where the decision was made. But yes, we have much bigger roads that serve a larger population; I agree.

Tom Beaulieu: Thank you on that. Again, I'll reflect back to 2015 because we all have short memories. We paved McDonnells Parkway and the Yacht Club Road, both of which are Town roads. Where do they lead up to? Two very prosperous (which is fun) businesses. Unfortunately, I don't know how we ended up paving up to their properties. I know I spoke to you about it. I said it would be wonderful if we could abandon those roads, but we'd get sued for it because they get free plowing, free salt, free maintenance, free overlay, and the taxpayer ends up paying for it. That's an example of somehow government having gone bad someplace, and I don't know how long ago it was, but Vern probably knows. He has been in charge of the records here for...but, it's been a while and those are two examples of just areas where we got beat up on the cost of doing the overlays. We have a lot of *Mixed Use* sign usage in the town, specifically when the stop sign came up at Cattleman's Crossing and the other road to be installed. We have mixed use, when I say that stop signs and yield signs are like 'oil and vinegar', they shouldn't even be mixed together. If you are going to utilize stop signs - you use stop signs. There are very few places in this town that we should be using yield signs. In particular, you don't have a four-way intersection with two stop signs and two yield signs because somebody is going to blow through a yield sign and you've got a huge lawsuit on your hands; they should all be stop signs. So any place we really are using yield signs, except for a ramp, like Totman Road at Northern Boulevard, that's a good location because you've got a ramp you are leading to, but the main line coming to Northern Boulevard is a stop sign and those are basically the only places they should be used, so those should be looked at. I don't even think that you have to do a public referendum on that or an amendment to the laws. Council, if we have a traffic control device in place let's say it's a yield sign, you have the opportunity to do a couple of additional things to improve that. You could put a stop sign or you could put a traffic light there because they are all considered traffic control devices, so you wouldn't have to basically change the local law, you could remove the yield sign and place a stop sign in its place and that's an improvement for safety.

Robert Germain: That's a local law. We would have to do that to pass a resolution authorizing the change the Use section and also the Signage change, authorizing Highway to do that. Traffic lights...

Tom Beaulieu: We are not going to put a traffic light up, but it could be considered a traffic control device.

Supervisor Venesky solicited any further input.

Loomis Pardee: The basketball thing, can anybody put anything they want in the Town road, other than the highway, and it's okay? Say I want to put a little house in front of my house for my granddaughter waiting for the school bus; can I set that all in the road and it's okay?

Robert Germain: State Law says you can't block the roadway, already.

Loomis Pardee: So why do we have to have a special law for the basketball?

Robert Germain: I am not speaking for the Board in any way, shape or form, but I think the issue becomes a question of enforceability because even though State Law might say you can't block the road, if there's a bunch of basketball poles in town if there was a local law then you can enforce it through our local justice court.

Tim Murphy: Thank you for letting me speak. You had said something, Mr. Supervisor, about dotting your t's and crossing your i's and I was listening to the Chairman of the Planning Board tell me that on two different occasions, and on the 25th, about increasing the buffering for the apartment buildings and I just wondered what you thought about that.

Supervisor Venesky: In Clay it's 200 feet for Regional Commercial. Here it's 15 feet. I think ours is very weak.

Supervisor Venesky: I agree with you. It's up to the Board. We are going to pass this together and then we are going to have council help us put it together. These types of things, these types of public hearings, this is the kind of stuff that brings it to light. I'm in favor of it. There are other things, but yes, I am in favor of that.

Tim Murphy: And you are going to do that, like soon, so they don't have somebody come in and say that they...

Supervisor Venesky: Well, we are going to have to write it up. Right, this is just the beginning of the process, but absolutely. I wrote it down and I think that it's a great idea.

Tim Murphy: One other thing is when they changed that to Regional Commercial that was March 26, 2001 that they changed the zoning, and they keep saying that was something that was done years ago and zoning didn't even exist until that time. So when he was talking about grassy areas they can't develop that are Regional Commercial, then those areas were created by this town. So when you put those apartments in there then you are coming back and changing it again, so there is some discrimination there. Thank you.

Supervisor Venesky: Thank you.

Hunting Licenses and Alive at 25

Tracy Cosilmon announced that Hunting Licenses go on sale Monday, August 1st and that Traffic Safety Research, who uses our building to do Alive at 25 and also holds a Road Trip program here every month, is offering a 6 Hour Defensive Driving course that will be held at the Town Hall on August 29th and August 30th from 6-9. The fee is forty-dollars.

Adjournment

Supervisor Venesky made a motion to adjourn the Town Board meeting.

Motion was seconded by Councilor Becallo.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

There being no further business before the Board the meeting was adjourned at 8:15 pm.

Tracy M. Cosilmon, Town Clerk

