

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on **Wednesday, June 22, 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:

Christopher Woznica	Highway Superintendent
Joseph Snell	Police Chief
Richard Hooper	Director of Codes Enforcement
Neil Germain	Germain & Germain, Town Attorney
Stephen Snell	O'Brien & Gere, Town Engineer
Tracy M. Cosilmon	Town Clerk
Bob Smith	Planning Board Chair

Supervisor Venesky opened the 12<sup>th</sup> 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.

Supervisor Venesky said the Board would be going into Executive Session that evening and would be reconvening afterwards.

Councilor Conway led the Pledge of Allegiance and requested a moment of silence for our troop's in harm's way.

**Approval of Town Board Meeting Minutes**

Councilor Conway made a motion to approve the Town Board minutes from the Regular Town Board Meeting held on June 8, 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.*

**Approval of Abstract Numbers 24 & 25**

Councilor Cushman made a motion to accept Abstract #24 (dated June 15, 2016) and Abstract # 25 (dated June 22, 2016), as presented.

Supervisor Venesky: We had one of our new police cars towed. It is under warranty so we should not be paying that bill, Ford Motor Company should.

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any further 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:

BUDGET MODIFICATIONS

FROM		\$	TO		
A168041	Computer Maint/Support	265.00	A168045	Internet	86.00
			A14804	Website	179.00
A19904	Special Items Contingent	376.00	A19402	Land Purchase (Recording Fees)	
B312040	Police Contractual	300.00	A312051	Copier/Lease	
DB513055	Hwy Machinery-Other	41.97	DB513054	Sewer Jet	
DB513055	Hwy Machinery-Other	3000.00	DB513050	Gradall/Badger	

2016 BUDGET AMENDMENTS

Revenue			Appropriations		
A2705	Donations	200.00	A79894	Parks Entertainment (Movie Night)	

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.*

**Set Special Town Board Meeting to consider District Zoning Changes for our Comprehensive Plan Update**

Supervisor Venesky: We have gotten some very positive input on our District Zone Change Comprehensive Plan Update meetings. To make sure that all residents have an opportunity to be heard, I'm calling for, and will move for the adoption of a **resolution to set a Special Town Board Meeting** for the continuation of the Public Hearing to Consider District Zoning Changes for our Comprehensive Plan Update for **Monday, July 18, 2016** at 6:30 p.m. at the Cicero Town Hall. We normally only have one meeting for the month of July, but we think as a team that this is so important that we want to make sure that everyone has an opportunity to speak. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo asked if it would be possible to start the meeting at 7:00 p.m.

*A 7:00 p.m. start time was fine with the other Board members. The Special Town Board meeting will begin at 7:00 p.m.*

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

**Public Hearing Continuation – District Zone Changes**

Supervisor Venesky: We are now going to continue the public hearing to consider District Zone Changes for our Comprehensive Plan Update. We are going to hold public discussion tonight, with no more than 5 minutes per person.

Supervisor Venesky asked Planning Board Chairman to bring everyone up to date regarding the changes.

Bob Smith gave the following PowerPoint presentation:



## 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

**Commercial Corridor Zoning Update.** I added some of the areas. The last time I did the presentation we didn't know exactly where the Board was considering; they've done quite a bit more work. These are the areas:

- Route 11. These are the properties from the Village of North Syracuse line north to Oswego County Line, along Route 11. This is for properties that are contiguous to that highway.
- East Taft Road. Taft Park Drive is just past the Northern Boulevard area where Taft Road crosses it. Most of the area has gone Commercial.
- Route 31. From Town of Clay line (where the Post Office is, basically) to South Bay Road. Those are primarily Commercial Corridors. We did not create them; they are what they are. Those are the only areas we are actually talking about in this corridor.

Bob Smith read the following (additional input regarding Bob Smith's presentation can be viewed in the Town Board Meeting minutes from May 11, 2016):

## 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 lessen 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.**

- ▶ 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

**Community Changes:** A few years ago a referendum was held in the town to change the Town's "designation" to Suburban Town, but we never changed the zoning laws to reflect that. I have never heard anybody say that they think the zoning in Cicero is great. You drive around, it is unplanned, and it does affect the property values when you just stick this and that wherever you find it. So there is a reason that there is zoning, there is a reason that we have a Comprehensive Plan, and we need to continue to do that.

This is just an example (as shown below) of how much we have changed. That's the Old Stone Arabia School (as pictured on the left). Pictured on the right is currently the Cicero North Syracuse High School. And we estimate, for planning and stuff, that there is probably 2,500 to 3,000 people occupying that building on most days when they are open between the students classes about 750 to 760; there are classes, teachers and administrators. That is a perfect example of what has happened in the town, and not necessarily with an awful lot of planning; which explains are traffic issues appearances and things like that.



## 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]

**Agricultural AG District:** We have some situations in this town that we are not addressing now, but I think the Board is planning on looking at it. We have residential areas that are basically 100' x 150' that are currently in agricultural zones, and when people go to sell those houses and move on they are actually non-conforming because in the Town of Cicero, and this has been this way for years, you had to have a 1 acre lot if you are in an Agricultural District. As an editorial comment, because we didn't have wonderful enforcement and consistent enforcement of our zoning codes, when I first joined the Planning Board 12 years ago (I think that's been 5 Supervisors). I used to call it 'Friends and Family Zoning', and it caused these issues. Our Codes office, right now, is very consistent. Including some changes in state laws that are required. There is not a lot of wiggle room, so everybody has to comply.

### 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.** Some things are permitted in Agricultural zones if you can come to the Planning Board; we do a Site Plan, and we do an approval. There's a reason why I am going into this. These are the list (pointing to the list above). Everything there is pretty much related to Agricultural. Outside of that, the Planning Board can't issue a Site Plan. If you're in an Agricultural Zone and you come in and you ask me if you can build a McDonald's the Planning Board, by law, has to turn it down. When you're looking at Agricultural in a Commercial zone there aren't a lot of uses.

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.

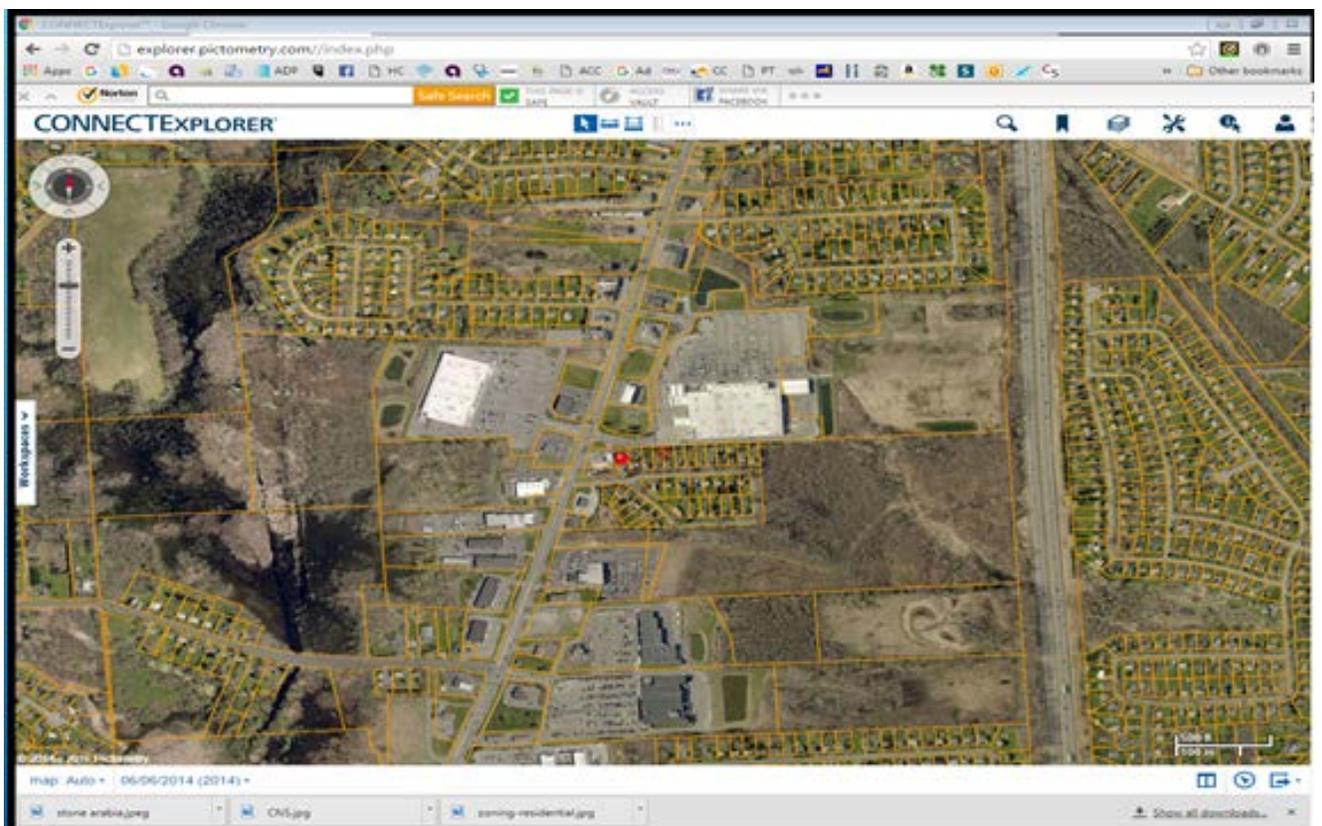
Spot zoning has hurt property values in the town, resulted in terrible land use situations (Lincoln Avenue) and significantly impacted economic development.

## SPOT ZONING



**Spot Zoning.** A lot of different people think it is used quite often. Onondaga County just recently completed all of these maps (as shown below) for the Town of Cicero; we didn't pay anything. You can see these different colored little parcels, where each individual parcel has been zoned. Many of these lots don't even conform; you can't do *anything* as it is.

*Bob Smith pointed to the Fairview Avenue area and said, this is a perfect example of the definition of spot zoning.* Lincoln Neighborhood is an 'Orphan Neighborhood'. They are totally surrounded; right across their street is Commercial, so if your house is on this side of the street (and most of the streets are about 25 feet) the other side is Commercial. The Planning Board has no choice but to treat each of these as they are zoned - Commercial. That has a real negative impact on property owners, and they have to suffer because of it. Very little can be done. *Bob Smith pointed to Lincoln Avenue on the map and showed Walmart right in the backyard, along with Sun Auto.* He said, this is all Commercial. And if somebody comes in with a Site Plan application, and it's a Commercial Zoned use the Planning Board has to consider it. We can do mitigation, but we can't just turn stuff down. That's why zoning is important; that it be correct, and that we get commercial where it should be, and not where it shouldn't be. That's why spot zoning is not really permitted.



▶ 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.** Developers generally will avoid any piece of property that isn't properly zoned. The Site Plan process is pretty set to what we use. We have certain conditions and rules. But this, for a zone change, is political. It's legislative, and you don't know if you're going to get it.

Supervisor Venesky asked Bob Smith: If I was a homeowner, and I want to sell my home, and my home is on a piece of property with two or three different zoning classifications contained in that property, how does that affect me as a seller of my property?

Bob Smith: What generally happens is the bank (that's usually going to own most of the property) wants the whole property zoned for the use they are mortgaging it for. Just to protect their investment.

## 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]

**Zoning Code: 210-25 B (2).** This is the section of the law that the Town Board passed in 2011. This is a 'get out of jail free card' for someone who owns a home and is in the district that is not a conforming district. In other words, if you own that little house, and it's in an Agricultural Zone, the Town Board back in July passed this one; it's online. They added the line saying, *unless such repair or reconstruction is completed within 12 months of the damage.* If you have a 950 square foot cape code on a piece of agricultural property they are not going to let you build one for 975 square feet; you have to conform to the code. This is what drives the mortgage companies crazy. You've got 12 months to rebuild that property unless the Town Board will grant you an extension. This law protects you whether you're in an Agricultural District, a Commercial District, or in an Industrial District. So, if you're in an Agricultural District now and the Town Board can change the code to Commercial, that's Codes. That old ordinance still pertains to you, it won't affect you. The same protection you have now you are going to have no matter what the district is. Right now, if you're in an Agricultural District, with a loan, that's the section of the law that's going to allow you to rebuild it as it is; they are not going to let you make it any bigger.

## 210-11 Residential Districts

Site plan uses. In all residential use districts one of the following uses is permitted subject to site plan approval as set forth in this Code:

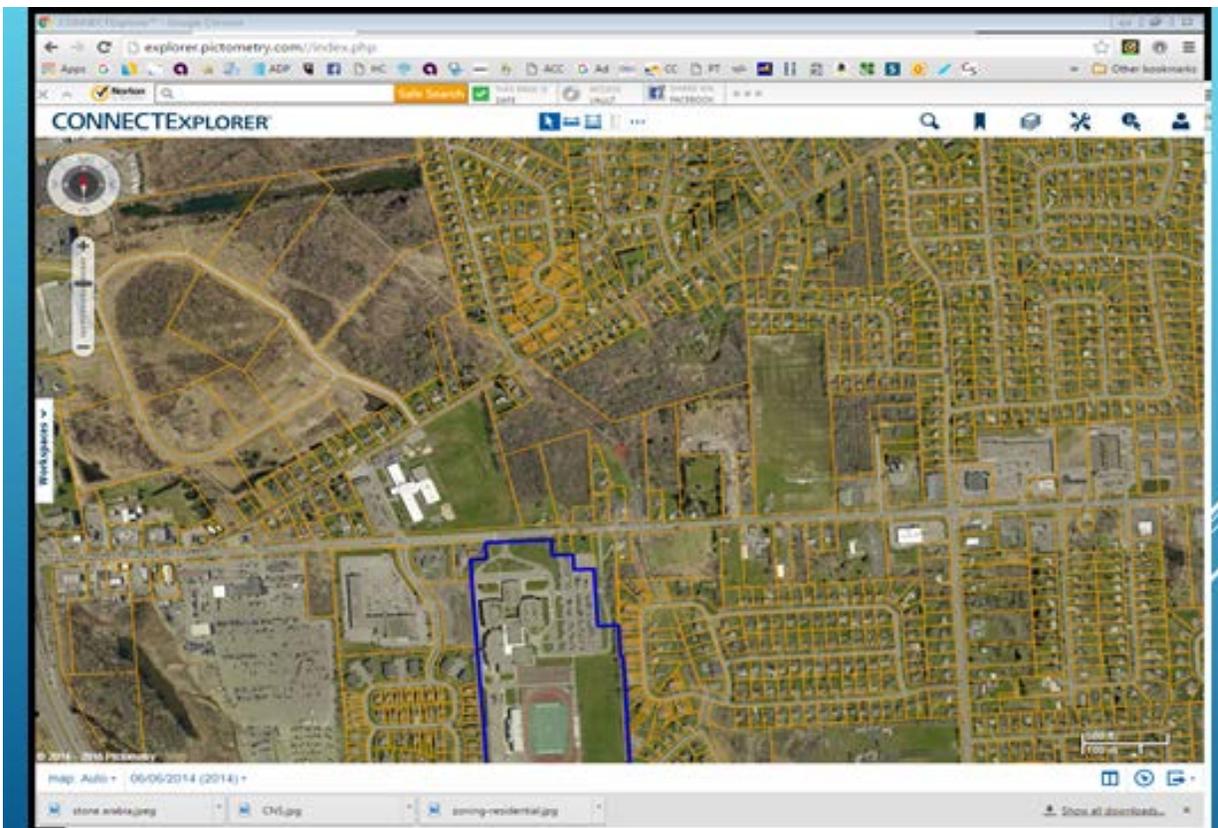
- (1) Home occupation.
- (2) Golf course.
- (3) Public utility substation.
- (4) Clinic.
- (5) School.
- (6) Religious institution.
- (7) Community center.
- (8) R-M District only: multiple-family residences.

An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the character thereof or have any exterior signs, extra parking or any other exterior evidence of such use, and which conforms strictly to the following additional conditions:

- A. The occupation or professional shall be carried on wholly within the principal or accessory building.
- B. One Employee shall be permitted.
- C. There shall be no exterior storage of materials used in the home occupation.
- D. No offensive noise, vibration, smoke, dust, odor, heat, light or glare shall be produced.

"Home occupation" includes but shall not be limited to, dressmaking, home cooking, teaching, musical instruction, television, radio or electrical appliance repair, and the practice by an artist, insurance agent, musician, realtor, photographer, barber and beautician.

**Residential Districts.** They do allow some uses in Residential Districts, but we really should have large expanse of Residential (which we have) and Agricultural (which we have), and they should be consistent.



**Route 31 Corridor Map.** (Cicero-North Syracuse High School property parcel highlighted in Blue)



**East Taft Road-Northern Blvd.** This is an example of where zoning can be absolutely crazy, and why this Town Board is trying to get it consistent. A couple of years ago we had a business (Cantech) a repair business over on East Taft Road. He (the owner) came in front of the Planning Board and we found that this whole area was zoned Regional Commercial. Regional Commercial requires huge tracts of land. He comes in and applies to improve and expand his business, and we had to turn him down because the zoning was for Regional Commercial. His lot would never meet Regional Commercial. Every business in this 60 acre parcel (which includes Syracuse Research, National Grid, etc.), not one single parcel in that 60 acres would comply with Regional Commercial. The Town Board at the time bit the bullet and changed the entire 60 acres to General Commercial, and then the planning process was to be moved ahead.

During my time on the Planning Board I have served 5 different administrations. I have asked each administration to consider a review of the Zoning Districts. I applaud this administration for attempting the task.

The current zoning map bears little resemblance to our reality we live in. It is time for our zoning to reflect the type of community we have become a suburban town.

The status quo represents a significant barrier to economic development resulting in lost opportunity for increased tax base/revenue AND often results in a loss of property value for property owners in these commercial corridors.

The current plan (often enacted by spot zoning) indeed renders some parcels in commercial corridors undevelopable. In some cases the current zoning is prohibitive to the expansion of existing successful small businesses.

Partner governments (county, state and federal) are resistant to investment in a community where the zoning does not support the investment. Development agencies are less likely to promote a community with zoning that is not consistent with economic development.

I strongly recommend that the Town Board continues toward adoption of a Comprehensive Plan that accurately reflects on the reality of Cicero and practicality of future development.

We need to look at the Comprehensive Plan and we need the Comprehensive Plan to reflect what we've rezoned. The first Comprehensive Plan we said our *business district* was going to be out by South Bay Road and Route 31. I don't know, but I have five applications right now for the lower part [of Route 11], south of Town Hall, I think, at the Department of Transportation. That's why you might as well face reality...you're main street is going to be Route 11, which doesn't make them happy either because they have to start planning for future development on Route 11 to meet what we are zoning, which is going to be our commercial corridor. Because whether you like it, or whether you don't, you go out there and turn left or right...it's Commercial.

**The Overlay District.** What it says is how close the buildings have to be to the street, exactly what the front elevation has to be, etc. We had a dentist up there who wanted to expand or change his business, and he couldn't do it. I mean, he could have done it, but it was very difficult because the Overlay District would have required him to have front entrances and porches; it's very restrictive. There are two districts:

1. Hamlet Gateway (HC) Overlay District. This is the most restrictive, and that would be closest to the river.
2. Downtown Core (DC).

This is online and is part of Town Code. If somebody comes to the Planning Board and wants to build something we have to require that they meet all of the Overlay requirements. Almost all that area is Commercial now, but is all... no matter what the zoning classification is, it is subject to the Overlay District.

Resident: Would we fall under this rezoning of Commercial?

Bob Smith: No. The Overlay District will remain there. It doesn't matter what your zoning district is.

Resident: Because we are Brewerton we don't qualify for this?

Bob Smith: No. The zoning district may change to Commercial, but it doesn't matter if it's Agriculture, if it's Residential, or whether it's Commercial, any of the zoning classifications are subject to the Overlay. So it doesn't make a difference what the zoning district is in those areas. We have to comply with the Overlay restrictions. The only way it gets changed is the process we are going through now; it was quite a process. It was just before I came on the Board. They held meetings, after meetings, after meetings. I'm not a big fan to something that restrictive because it doesn't allow us to grow.

Resident: How is that going to affect us if a couple of years down the road we decide to sell our houses, or whatever?

Bob Smith: If you go to sell your house (and you're Agricultural now, and you have an acre) you would be able to sell your house. If it was changed to Commercial you could also sell your house because of the section of law I showed you. When you go to sell it, anywhere it sits next to Route 11, and Route 11 is going to be expanded... We had a meeting here today with the New York State Department of Transportation and the State Police, the Chief, figuring out how Cicero is going to handle the traffic that's going to come with this Central New York raceway. Selling you're house as a residential piece of property, how big is your market? You have to decide that. Where is your best market to sell your property when the time comes? You can't just sell it - that's the point. You can certainly say to the Town Board, I want my parcel taken out. But you need to realize that the majority of the adjoining properties are going to be Commercial. And at the point you go to sell your house (if you do get together and sell two pieces of property as two acres), you need three acres to build a hotel... that's what you need. If you get together and sell your houses, and they are still zoned Agricultural, getting the zone change is going to be on you and whoever wants to purchase it.

A resident by Bartel Road asked about the Brewerton Overlay. The resident said, can we come to you and say we don't want the Developer to buy our piece of land because we don't wake up surrounded by Commercial? I certainly don't want four lanes of traffic in my driveway.

Bob Smith: You are probably going to end up with at least a third one. That's what is being discussed.

Supervisor Venesky: We just learned this today because we had an additional meeting with the New York State Department of Transportation; we had Dave Smith in here this morning. We had the State Police, and as a matter of fact I've called for another meeting early in July that will also include the folks in the Town of Hastings. So we are learning, and we are all going along, but we are being proactive. We are jumping ahead of the issue. I can tell you this, when it comes to the traffic issue that's coming (whether or not we want it or not) - it's coming. So our thought was, 'let's be proactive'. Let's make sure we have a plan in place. Let's make sure that we have all of the players in place. Let's make sure that we have all the players; the State Police, the Town of Hastings, Emergency Management folks, our Police Department (which will be responsible for a lot of this). Let's not wait and then point fingers at each other. Let's get it done. Let's get a plan so that we have an organized approach; I think that's what we are trying to do with the zoning. You elected us to handle, and unless I missed something, but the people said we were electing you to anticipate the challenges and come up with the solutions that will serve Cicero today and moving forward; that's what we are trying to do with this. Just to point out, with this zoning, we

are going to listen to everybody. We are saving everybody a lot of money by going ahead and doing this in a comprehensive type of way. Our goal is to position the Town of Cicero for the realities of today, position the Town of Cicero for further success after we are gone; that's our motivation here.

Supervisor Venesky opened the public hearing at 6:42 p.m.

Speaking for -

Cicero Resident: I'm not speaking against it. I'm speaking for it. I just hope that you five gentlemen realize that no matter what you decide there are going to be a lot of unhappy people. It doesn't matter which way you go, remember that. Thank you.

Ed Fry: I live on Brewerton Road. First of all, one of the things that I specifically asked at the last meeting was if they are looking at widening Route 11, and I was told pretty much 'no'. However, I found out after that the State DOT (Department of Transportation) had been surveying Route 11 for at least 4 to 6 weeks before then to do just that - widen the road. Second of all, we're talking about doing this widening because of the traffic. I'm not sure if that's a little premature at this point, seeing as that I have gone to the track three times a week for the last three weeks, and there are two backhoes there that haven't moved. I've talked to people in the Town of Hastings, and I've got a few of my own connections, things are at a standstill over there. So we are looking at them doing a major race in less than two months and they haven't got their drain pipe in. So, I understand that you are trying to be proactive regarding the tract, but I'd hate to see you be proactive based on the track to have this be another boondoggle that never happens. Two, right now my property is legally zoned. The other problem that I have with my piece of property surrounded completely on both sides by a 29 acre parcel that is right now undeveloped. I'm not sure what they are doing. Couple of nice guys wanted to keep it just what it was. I bought that piece of property because of the fact that there was nothing behind me, and there was a lot of wetland back there. I knew it was back there, and that I was not going to have someone behind me. My neighbors up the street have very deep pieces of property that go to 81. They did the same thing. They don't want somebody building behind them. That's why they bought those properties. It's the exact same reason why they are so nice to these developers. Personally, I don't want to be caught in Mr. Murphy's situation where some company comes in and sells to my neighbor (who wraps around my property) and says 'Yeah, we'll give you forty-grand for it. Take it or leave it.'? And that's what could happen. I'm locked if somebody buys that piece of property around my property. If I can't get what I owe on it, I'm screwed - I've got to stay in it. So some of the thought that goes into this...I get it. But being a part of a hamlet in a small community that people know each other, you can walk to each other's houses and know everybody, versus having nothing but hotels and shops down Route 11; that doesn't make for a cute town for someone to want to come and walk through, and buy things from small shops and those types of things. If you are going to get the businesses to come in here because of this track, what kind of foot traffic are you going to get if you don't allow for any foot traffic? If you don't allow for anything to look at for a homey, little town? When you guys go on vacation...when I do I go places where it looks like a little hamlet; you go, you enjoy, and you sit. We have a nice restaurant right across the street from the fire house where you can sit out. We have now Wood Creek Outfitters, a nice little spot you can go. I mean, you want it all Commercial all the way up through? I'm not sure if that makes the best sense. But right now, like I said, my property is zoned completely correct. I don't know if the change is going to help me any, financially. I think I actually have the potential of ending up in Mr. Murphy's situation, especially with my piece of property, and I'm not sure I'd like that to happen. So until I see some more...even widening the road, if you put one more lane in my front door is going to be 9 feet from the side of the ride. Some of the folks up the street, I don't have little kids, but I don't know what those people up there are going to do. Come on. I mean, we are not only going to make it Commercial, we are going to take away your front yards. These are folks that have been sitting here paying taxes to the town, and supporting this town for years, and we are talking about changing that. I get it, you've got to get money somewhere, and if we're taking from the fund balance, and we're not bringing in what we should, it's a new idea. But, I don't think hurting the people that have been busting their butt to make sure that this town gets what they need can be in a result that they don't need.

Supervisor Venesky: On the stop of the track, and I don't have Mr. Donnelly here, but I have had conversations with Mr. Donnelly, and the work stopped because of the problems in Albany with the Governor and his folks being under scrutiny for certain money deals. But the understanding is today, and I got a call in to Glenn [Donnelly], that I received from two different people is that money is coming from the State, so the backhoes will be moving again. Lan-Co will be moving. The reality is that we, in the Town of Cicero, didn't go out and solicit a race track. And we didn't go to the Governor and say please invest all this money right across the river. But here is the reality, the reality is a lot of people are going to be coming here, and a lot of people are going to

be coming through our town. It's an opportunity, because you have an Overlay District and you have a Hamlet of Brewerton. This Town Board has dug deep and made some decisions to try to finish, not only finish, but really kind of pick it up and put some shovels in the ground with that Brewerton Park and making some positive changes for the future. We are going to have a lot of people here. We don't make the decisions with DOT (Department of Transportation). DOT was here today, and another discussion that we had (to Bob Smith's point), they are looking at the realities of what's going to happen. They are looking at the bridge. They are looking at traffic. They are looking at coordinating traffic lights. They are looking at coordinating with our police departments to make sure that we can get people in and out of here, because they are coming - they're coming. Mr. Smith correctly pointed out that if you want your property left alone, and your zoned correctly, we are not going to force it on you. But I can't talk about what happens after this all goes in and we're all gone, but your still there. It's just something to think about.

Supervisor Venesky: Ms. Boyke you're speaking against?

Judy Boyke (Brewerton resident): I am speaking against. First of all, the Brewerton Moratorium that's been in effect since...

Supervisor Venesky: That expired. There is no Brewerton Moratorium.

Judy Boyke: He just talked about the Overlay.

Supervisor Venesky: Within the Hamlet of Brewerton?

Judy Boyke: But it's all the same.

Supervisor Venesky: I'm not aware of any moratorium.

Judy Boyke: It has to do with the architectural front; the problems that they have in building there...

Supervisor Venesky: Oh, within the Hamlet of Brewerton.

Judy Boyke: It's all the same. It's one in the same.

Supervisor Venesky: I'm not aware of any moratorium.

Judy Boyke: It has to do with the architectural front; the problems that they had in building there.

Supervisor Venesky: Within the hamlet? That was done 15 years ago, prior to any of us being on this board, yes. I don't know. I'm not aware of any moratorium. Are you aware of any moratorium Dick [Cushman]?

Bob Smith: The Overlay District will not expire. It's a district. Unless it's removed by a town board, it will never expire.

Judy Boyke: Right. But it basically falls in line with the moratorium; it's pretty close to it.

Councilor Becallo: Does anybody remember why it was ever put into place?

Judy Boyke: Yes, because of the revitalization of the Brewerton Hamlet itself. Part of it was Schumer's money to come in and redo the river park; that was part of it. We spent a million dollars on architectural drawings in regards to making Brewerton a cute, little, walking hamlet with trees and sidewalks. Now there is not going to be a sidewalk; the street is going to run right up against these storefronts.

Supervisor Venesky: We don't know that.

Councilor Becallo: Technically, we've been saying that they can't because there is this Overlay.

Bob Smith: No. The State DOT [Department of Transportation] will not widen the highway in the Hamlet area. The Town Board has no say in whether they [the DOT] widen Route 11, or not.

Judy Boyke: No. No one does.

Bob Smith: The State does. But they will not disturb it. Part of the reason is that the Brewerton Bridge (and this came right from the Commissioner when he was here) it is going to stay two-lanes wide because they don't have the money to make it any bigger and there isn't any engineering way to do it. So the Hamlet itself will stay two lanes.

Supervisor Venesky: So let's stick to the point. So you are against proactively rezoning the Town of Cicero because of the Overlay District in Brewerton?

Judy Boyke: I just wanted to get that clarified. On a residential property right now zoned Residential, that's 50 feet wide, you go in and change that to Commercial, explain what's going to happen to that parcel when they go to sell it. You're saying it's conforming now. It's conforming to everything. They are a residential piece of property that is conforming to everything. And they wake up in the morning, and they're Commercial. Something very tragic happens and they have to sell their property. How are they going to sell their property? It's only 50 feet wide, nobody wants it. They can't sell it for a piece of Commercial property.

Supervisor Venesky: Do we have many 50 foot wide pieces of property?

Judy Boyke: Yes, we do.

Bob Smith: In this area there are probably a few.

Supervisor Venesky: That are not already zoned Commercial?

Bob Smith: Well, a lot of them are already zoned Commercial.

Supervisor Venesky: Well, there you go. That's what I am saying.

Bob Smith: It's a small number if there are. We can take them out, but the fact is most of them are already businesses.

Supervisor Venesky: We can take them out.

Judy Boyke: But there's a few blocks of people that have been here forever. It's their home. They have neighbors. Maybe there are five or six people that are on this particular stretch of land. This whole blanket of Commercial is crazy. It's crazy when we've got non-conforming businesses that moved in as one business, and now they are operating as another business and no one has ever stopped them. We've got motels on Route 11, several of them, who are not motels anymore; they are apartments. They are being run as apartments and they are being ignored. They are being passed off; no one has done a thing about them. I really think that we ought to do a little house cleaning before we go around and start creating more problems. Thank you.

Supervisor Venesky: Thank you.

Supervisor Venesky: That's one of the challenges that we've had. And you've sat in this chair Ms. Boyke, so we are trying to do that proactively. We are trying to address the issues and come up with a solution. I'm proud of this board for tackling that. We are not going to force anybody to do anything. That's why we are having these hearings.

Supervisor Venesky: Anyone else speaking against?

Cicero Resident: I don't know if it's *against* or *for it*, I just have a couple of questions. Sitting here listening to Mr. Smith's presentation, which is very good by the way, how long ago did the State tell you that Route 11 was going to be made business corridor for Cicero?

Bob Smith: About 15 years ago Gordon came in, who was Commissioner of DOT, and told us that we had to get the zoning together. It was about 10 years ago the State did a Corridor Study. They came in and said that with what we have going on on Route 31, and the fact that Route 31 is a service road for 81 (whether we like it or not), that we needed to face the reality that our business corridor was going to be Route 11. They had to face the same thing, because one of the things you get in expanding a highway like Route 11 (where you do have sidewalks), is you can only make it so wide because people can't get across it. So the State had to quit looking at the idea that they would make Route 11 four or five lanes (like we have on Caughdenoy Road). They are about to put sidewalks in, and they don't know how they are going to get people across six lanes of traffic with a crosswalk. So they, at the same time, recognized the fact that any future plans for Route 11 are going to have to be focused on what a main street would be; maybe with a turn-lane up the center, but keeping it so that pedestrians could cross the street. It was about 10 years ago when they did a corridor study.

Cicero Resident: I know you guys weren't involved with this probably, but if this was brought up 10 years ago, why are waiting now to solve this problem now just because of a race track going up the street? And, if I understand what Mrs. Boyke just said, the fact that the Hamlet of Brewerton cannot have their road widened, so why are we going to widen two lanes that stop right by our houses and go down to a single lane? We are not going to solve any traffic problems that way. Why cannot these traffic problems be solved by 81; by putting an entrance and exit up there and making them do that? I know that's not your district, and everything, but that's something we could fight for.

Supervisor Venesky: Those are good questions to pose to Commissioner Driscoll and Deputy Commissioner Smith. Believe me; I'm with you because I am looking at the reality of this.

Cicero Resident: No matter what you guys do, whatever the Board decides, we're stuck. We are either going to be Commercial, or we are going to be Agricultural.

Supervisor Venesky: Well, some people are going to choose to opt out and just remain what they are.

Cicero Resident: Yeah, but then if you widen the road then we are never going to solve this.

Supervisor Venesky: That's not up to this board, or the Town of Cicero.

Cicero Resident: I understand. But if you widen it then we are never going to. The question is if this was started a long time ago... we just put a lot of money in our house because we have a vision in the next few years of moving and selling that place, and we brought it up to standards, and all that. If we would have known this was going to happen I wouldn't have done it. I really wouldn't. Because I know when it goes Commercial and they start building these hotels, and stuff like that... I hear there is an apartment, or something, going up here by the church there, in the hamlet, and there's other things going on...I wouldn't have done it because we are not going to get our money back out of this house. Our family has lived in that house for over 50 years on that piece of property. They developed that place...and it's going to be gone.

Supervisor Venesky asked if anyone else had any additional comments or wanted to speak proactively.

Tim Murphy: I'm not for.

Speaking against:

Tim Murphy: What I have is a compilation of questions from the neighbors. Every one I've given you the last five town board meetings it has been a bunch of neighbors getting together and writing these things up, and they are a little perturbed that you haven't answered the questions. So you had talked to me before the meeting and said you were going to do this before the next meeting, or after the next meeting, which is fine. So the first couple here will kind of be irrelevant:

**Final Town of Cicero Public Hearing Zone Change, June 22, 2016**

1. This is the last public meeting to discuss Zoning changes. It was not clear in the agenda if the questions raised to the Town Board were to be addressed.
2. It was expected there would be some agenda items regarding the questions brought to the Board in previous meetings. It is abundantly clear the elected officials on the Board do not feel an obligation to respond to the valid concerns and questions from Town of Cicero residents.
3. The residents' questions and concerns challenge the preconceived opinions presented at Town Meetings. The Board should address all the questions and concerns of residents before the Comprehensive Plan and Zone Changes are approved.
4. Postcard notifications were only sent to a portion of residents. Now, the remaining residents have been notified, but have only had the benefit of one week to review and respond. This problem is compounded by the Board not answering questions timely. You could have given those residents time to digest these railroaded zone changes weeks ago.
 

*Thomas Van Der Puer  
6804 1st St  
Cicero NY 13039*
5. The Town of Cicero currently does not have enough funds to maintain in-place infrastructure. Now the Board would like to make the Comprehensive Plan developer-friendly on the false-guided opinion it would increase income revenue. It's possible and likely that any revenue could be appropriated by the county/state.
 

*Why not fix the problems we already have, like Mud creek - Reis Drive drainage culvert (which drains 211 acres). The pipe is 75 % filled with silt and sediment. In heavy rains it backs up and floods neighbors and businesses. Meanwhile, the Town is busy adding more water run-off with impervious surfaces like parking lots for high density apartments in commercially zoned areas; especially as the Town of Cicero has a very high water table.*
7. A copy of the proposed comprehensive plan was requested; and the response was, the 2007 plan was on the town web page. Is the Zone change going to be separate from the proposed comprehensive plan? Which will be approved first? Do you intend to just adopt the 2007 plan without revisions?
8. During busy travel times (which is most of the time) Reis Drive cannot make a left turn onto Route 11, and people end up going right, driving 2 miles North and 2 miles back on Route 81 to avoid your precious Route 11 Commercial Corridor. Thus, having to go four miles out of the way to go South. Every one of the eight residential streets have this problem which endangers safety and hinders emergency vehicle accessibility.
 

*Jay's Truck Service  
5514 Reis Dr  
Cicero NY*
9. A town with full public participation is pure B.S. Hundreds of residents are being sold out. Think about all the development truck traffic on route 11, requiring traffic to seek alternative routes. This sends more folks into the RT. 31/81 quagmire. This negatively effects all town residents.
 

*Betty Borking  
15708 Noel Rd  
Cicero NY 13039*
10. This is like George Baily on It's a Wonderful Life and Cicero becoming Pottersville- sold out to greedy developers.
 

*Sharon McManis  
5313 Noel Rd  
Cicero NY 13039*

*Mike Kowal  
5810 Noel Rd  
Cicero NY*

*Timothy Almy  
5806 Noel Rd  
Cicero, NY 13039*

*E. Jansone  
5979 Noel Rd  
Cicero NY*

*Tan Spurr  
5905 Noel Rd  
Cicero NY 13039*

*Jennifer DeCook  
5809 Noel Rd  
Cicero NY 13039*

*Clayton  
5100 E 1st Ave  
Cicero*

*2000 Edgemoor  
5809 Noel Rd  
Cicero NY 13039*

2. It was expected there would be some agenda items regarding the questions brought to the Board in previous meetings. It is abundantly clear the elected officials on the Board do not feel an obligation to respond to the valid concerns and questions from Town of Cicero residents.

Tim Murphy: But you did show concern today, I appreciate that. Even though we have some people in the same boat I am; surrounded by commercial development.

Supervisor Venesky: Not just today, Mr. Murphy.

Tim Murphy: That's true. You spent a lot of time with me, and you did. I'm surprised by that because the last supervisors didn't.

Supervisor Venesky: I spent a couple of hours with you one-on-one. I am not shying away from anything.

Tim Murphy: Well, Mr. Smith had a great question. When he said that the zoning is just haphazard in town - that is not true. It couldn't be further from the truth. In 2002, you guys had the Cicero Commons and changed zoning *all over* this town. Walmart would have not fit where it went between those two neighborhoods because it was General Commercial, and without any notification you changed that zoning and made it Regional Commercial to accommodate 2000 square feet of commercial development for Walmart on that space without ever notifying us.

Supervisor Venesky: Mr. Murphy, I will use the word 'you' as empirical because this board would not have allowed it to happen.

Tim Murphy: Well, thank you. But we are eating it over there from the dust, and the noise, the car alarms, and the midnight plowing. You name it - we get it.

Supervisor Venesky: I cannot speak to the decisions made by previous boards.

Tim Murphy: Okay, just making the point.

**3. The residents' questions and concerns challenge the preconceived opinions presented at Town Meetings. The Board should address all the questions and concerns and residents before the Comprehensive Plan and Zone Changes are approved.**

**4. Postcard notifications were only sent to a portion of the residents. Now, the remaining residents have been notified, but have only had the benefit of one week to review and respond. This problem is compounded by the Board not answering questions timely. You could have given those residents time to digest these railroad zone changes weeks ago.**

Tim Murphy: We never got one [a postcard] for Walmart, by the way. And you are going to do that?

Supervisor Venesky: We are doing that. I am listening to you. And I will say it again for the record, because there are people here who have not been here, this is the third time that you've approached this Board with a list of opinions, asking for answers on opinions. I will be happy to answer them.

Tim Murphy: I have the questions with me. Do you want me to go down the list? I would love to do that.

Supervisor Venesky: Okay, but they make assumptions that are opinions. I won't speak to opinions. I speak to fact. I will be happy, as I told you, I will address the facts, but I can't speak to peoples' opinions.

Tim Murphy: As soon as I read their presentation I will give you some of the questions that they gave me.

Supervisor Venesky: Please continue.

**5. The Town of Cicero currently does not have enough funds to maintain in-place infrastructure. Now the Board would like to make the Comprehensive Plan developer-friendly on the false-guided opinion it would increase income revenue. It's possible and likely that any revenue could be appropriated by the county/state.**

Tim Murphy: Which they have done with the sales tax. They've come in with the 485Bs. They came in with Empire Zones. Walmart hasn't paid taxes in ten years; this is the first year they are coming in. So they gave us this big speech with, *all this income, we needed to keep the taxes down*, and you raised our taxes 8 percent last year, so we've heard this speech...oh, we've heard it.

**6. Why not fix the problems we already have, like Mud Creek – Reis Drive drainage culvert (which drains 211 acres). The pipe is 75% filled with silt and sediment. In heavy rains it backs up and floods neighbors and businesses. Meanwhile, the Town is busy adding more water runoff with impervious surfaces like parking lots for high-density apartments and commercially zoned areas; especially as the Town of Cicero has a very high water table.**

**7. A copy of the proposed comprehensive plan was requested; and the response was, the 2007 plan was on the town web page. Is the Zone change going to be separate from the proposed comprehensive plan? Which will be approved first? Do you intend to just adopt the 2007 plan without revisions?**

Supervisor Venesky: Did you not look at the comprehensive plan when you were here last week? Did you not walk out with a copy of the Comprehensive Plan?

Tim Murphy: I did not.

Supervisor Venesky: Because we are misrepresenting, you know, that we are not seeing.

Tim Murphy: I spent an hour with you, and I was late for where I was going. I never even looked at it.

Supervisor Venesky: Okay, let's just clear the record. Let's just straighten out the record. You were reading the Comprehensive Plan when I talked to you.

Tim Murphy: All I did was look at the map when you walked up, but I appreciated that. Thank you.

Supervisor Venesky: Okay, thank you. But you had it. So let's be straight.

Tim Murphy: But it was a 2007 version.

Supervisor Venesky: Well that's the one we have.

Tim Murphy: That's the one you're working off of?

Supervisor Venesky: That's the one, yes. Let's just be straight with the facts.

Tim Murphy: It was, and I appreciate that hour that you spent with me.

Supervisor Venesky: Please continue.

Tim Murphy: Which one are you going to approve first, the zone change or the Comprehensive Plan?

Supervisor Venesky: Well the zone change is part of the Comprehensive Plan. We can't have a change of Comprehensive Plan if we haven't mastered the zoning, and that's why we are having these meetings. Because we need everyone to look at what the realities are, make comments, and then together we will try to make the right decision for Cicero, today, and the future. So yes, we are tackling the zoning. And this Board, this Board, is the first one to actually look at it and say, you know what we need to do something – and we are doing it. Thank you.

Tim Murphy: Well I appreciate that. Not the way you do it, but I appreciate you at least trying to do something.

Supervisor Venesky: Well, we are trying.

Tim Murphy: Do you intend to adopt the 2007 plan without revisions? You are not going to do that, you are going to revise that 2007 plan?

Supervisor Venesky: We are going to have to look at where it needs to be revised, and we will revise it; that is correct.

**8. During busy travel times (which is most of the time) Reis Drive (which is right next to Walmart) cannot make a left turn onto Route 11, and people end up going right, driving 2 miles North and 2 miles back on Route 81 to avoid your precious Route 11 Commercial Corridor. Thus, having to go four miles out of the way to go South. Every one of the eight residential streets have this problem which endangers safety and hinders emergency vehicle accessibility.**

**9. A town with full public participation is pure B.S. Hundreds of residents are being sold out. Think about all the development truck traffic on Route 11, requiring traffic to seek alternative routes. This sends more folks into the Rt.31/81 quagmire. This negatively affects all town residents.**

**10. This is like George Baily on It's a Wonderful Life and Cicero becoming Pottersville – sold out to greedy developers.**

Supervisor Venesky: Mr. Murphy, you are giving a speech here, and I would really like to move this meeting along. So either speak about the zoning please or I am going to cut you off because you are going on, and on, about....thank you very much, I would be happy to respond after.

Tim Murphy: Gotcha.

Tim Murphy: April 13<sup>th</sup> we asked you about commercial zoning and apartments, and you said you approved that day that you were going to put *High Density Residential* into the zoning of Commercial. Now, we asked if you were going to do tax breaks and subsidies, and you said 'no'. But in the same breath, when I talked to you you said that there is a possibility that the State and the County could do tax breaks. Is that true?

Supervisor Venesky: I have no control over what the County does; that is true, yes. Just for an example, let's take the Airpark at the airport. The Onondaga County Economic Development Agency dictates what kind of breaks. As you know, I already had a spirited conversation with them about not bringing the Town of Cicero into some of the decisions that are made. But yes, they have the authority to do that by law.

Tim Murphy: One thing about rezoning all these rezones is these people don't have a...when Walmart came in the first thing they told us the first thing we had to do is address our concerns at the first zoning change. So if you have all these people come here, and the zoning has already been changed, they lose their ability to fight that zone change. So by not allowing the changes and letting them do it on their own, like Mr. Fry said 'Have them come in and pay for their own zone change. They've got the money. It's part of development costs.' Now, I don't think that you should change these zonings all over town because these people, that loses their ability to come in front of that board and complain about the zone change. You never gave us that with Walmart; they just didn't give it to us.

Supervisor Venesky: "You" empirically. I cannot speak for decisions that were made by boards before I ever took this seat.

Tim Murphy: But you understand my point.

Supervisor Venesky: I do. That's exactly what I think we've tried to do, is try to allay that fear, and that's why we are looking at it. That's why we are having multiple meetings. That's why we are inviting people in. That's why we postcarded people - to let them know. We don't legally have to do that. I didn't know that, but we are doing it.

Tim Murphy: According to Town Code you do.

Supervisor Venesky: Okay. I didn't see that, but at least I was told. We put it on the websites. We put it in the newspapers. We are extending an additional town board meeting to give everyone who has concerns an opportunity to speak. And you sound like we are bad people...we are here with you. We are looking at the Town of Cicero for the future. We are looking at the reality today, and we are looking at the future. And we had a gentleman sit there today and say, *You know what, I don't like it. I'm sorry. I mean, I heard all of that. I don't like it. I don't like where my house is. I don't like that things could happen around my house. I don't want my zone changed.* Well you know what? We are not going to change your zone. That's why we are having public hearings.

Tim Murphy: Can we get a Blanket District? That sounds like that could be a good thing to slow them right down good. Anyway, we think it was arbitrary and capricious when you guys changed that zoning to allow the apartments; we really do. Because we thought we were landlocked with Walmart up front; assuming that you would not allow somebody to build in the back. And then boom, you guys show up at the apartments; that's what set off the neighbors. So that's how this thing started, and they are not happy about it. All these people down Route 11 don't realize that they are going to get apartments either in the commercial zones. It's like Residential, it's like 'humph, who are we getting in the apartments' - who knows! Anyway, we think that you should keep the per zone parcel zoning. We think that you should just let these people just change it on their own, instead of blanketing it all the way down; we really believe that. The 2012 Complete Street law from 2012, are you guys going to apply that law to this Route 11 Corridor development, which would include the sidewalks? If you widen that road to three lanes than how can you fix the sidewalks?

Bob Smith: It doesn't have any jurisdiction. It's a state highway so our code doesn't touch it. We don't have signs.

Tim Murphy: So they wouldn't have room for the sidewalks, and if they go three lanes then they will be in that guy's living room, like he was saying.

Tim Murphy: One thing, when you had this commercial development Walmart came in and they made that right-hand turn only, and then restricted the traffic going north.

Supervisor Venesky: I didn't announce this, I'm sorry, at the beginning. But I'm going to hold you; we've already been about 15 minutes. So how much more?

Tim Murphy: I'll let you go. I'll bring it up at the next meeting, that's fine.

Supervisor Venesky: We need to move this on.

Tim Murphy: I'll bring it up at the next meeting. I got some good stuff, though. So, we'll see you next time. Thank you very much for your time.

Supervisor Venesky: Well come on in and see me, and I'll address it. I'll sit with you again for an hour.

Tim Murphy: I appreciate it. Thank you again for your time. And for the audience, thank you.

Supervisor Venesky: All right, thank you Tim. With all due respect, thank you.

Supervisor Venesky asked if anyone else wished to speak.

Cicero Resident: I have never been to one of these and I appreciate everything that you have explained, because it has enlightened my husband, and my neighbors of a lot of what is going on. The one thing that was said tonight, that I think that we are more concern about is that I am not against zone changes even though I do not fully understand it all; this Brewerton Overlay thing. Because even if I said to you go ahead and do your zoning, and if the developers want my piece of land come just take it. But now what you are telling me is that we are going to have an additional glitch even if a developer was interested in a piece of the property that we are in. I don't want to be surrounded by all this commercial stuff because of an overlay, that did you say, a Board could change that, so it is not addition obstacle.

Councilor Becallo – Everything that you have heard this evening the board is a legislative body, we have the capabilities of changing laws. The first one we talk about is we hear from our Chairman of the Planning Board, who technically to me shouldn't even be here right now. This is our meeting.

Supervisor Venesky: I disagree with you.

Councilor Becallo: It is a completely different separate body, which is independent on its own. That Board is completely independent. The first one that was brought up was that it is so expensive to get your zoning changed. So why don't we just look at reducing the fee for that? We can do that as a board. I was a proponent of doing it in the first place. Then the second thing we bring up is the fact that they are giving everyone the opportunity to opt out. Why are we even here this evening if they are giving them the opportunity to opt out? What is the point of even doing this; this is my argument of the whole thing. Again, if you have an opportunity to opt out/opt in then why don't we just do it on our own and then lower the fee to begin with and we would not even be here right not talking about it.

Supervisor Venesky: That was very well put. I suppose we could debate it, but I am not going to debate it here. I think Mr. Smith presented the argument and what we are up against and talked about the future of Cicero, the realities of Cicero, and what future development might look like and what it needs to look like moving forward.

Mrs. Hart asked if it that was doable.

Bob Smith: Your Overlay District is the zoning district; it was passed by a town board. It would have to be changed by a town board with public hearings. The Planning Board has nothing to do with past regulations, or anything like that. The Town Board, with petition, to change the Overlay District it would be their consideration and they would have to make the change. Yes, they could make the change.

Mrs. Hart: But otherwise we would be in double jeopardy? We say that if you have to change our zone that's fine, I am all in for progress and everything like that. But now you are telling me I am going to have this other thing, the Brewerton Overlay, even if a developer was interested in our five (5) parcels of land.

Supervisor Venesky: We don't know, number one. I think, Mr. Smith correctly pointed that out earlier.

Bob Smith: I know Vern was around when they did the Overlay District. If you want to set up a time that we could sit down, he we have all the overlay maps and we could explain to you. I would be happy to do that.

Mrs. Hart: Okay, Alright.

Bob Smith: We would be happy to do that, and you can arrange that through the Supervisor's Office. We would be happy to explain how to do that, where you are at, and what you have to deal with. The Brewerton Overlay is very complicated.

Supervisor Venesky: Call me Mrs. Hart, and we will take as much time as we can or need to with you to explain where all of this came from, and if you folks there want to remove it. I was not here, I do not know why the people in the Hamlet of Brewerton decided at that time that is what they wanted, but it went in front of a public referendum to do it and if it does not make sense and you guys don't want it I/we work for you.

Mrs. Hart: I just don't want to lose the opportunity.

Supervisor Venesky: It is only within the Hamlet that is my understanding, right Bob Smith?

Bob Smith: Yes.

Supervisor Venesky: Thank you, Mrs. Hart.

Supervisor Venesky solicited any additional Board discussion.

Councilor Karp: It is true that the individual residents that may be affected by the zone change can certainly opt out, but they can't opt out of other parcels around them being changed to Commercial and I think that is one of the reasons why we are having these hearings; if they opt out and the parcels behind or next to them or across the street from them changes it still affects them so that is why we are here, as far as that goes. They can't opt out of their neighbors opting in, basically.

Councilor Becallo: I said this multiple times before, and I know that the race track is the big reason why we are doing this or considering it, on my end this is one reason: a lot of other towns, if we pay attention to the news, are doing this as well, they have been very speedy, very expedient with public input like this. So I commend the Supervisor and the rest of the boards' for keeping it open for as long as they have because there has been a lot of other towns and residents that were extremely mad because they passed this very quickly. Also, in college I did multiple studies on sport tracks and sporting venues; big events that went on in communities. It was over 50 different facilities. Not a single one of those facilities (race tracks) did anything beneficial to the community. When you think of race tracks where do people come when they come into the race tracks? They usually stay on race track property. They usually eat at the race tracks with their families. Talladega is the biggest one that I think of. They put those race tracks in the middle of nowhere for a reason. Again, I went to college in Alabama, and it was not far from Talladega. We would drive by there plenty of times. It was a town of porta pottys. Not to be a joke, but they were lined up for miles. There was one day out of the year when they were there; they were there

and they stayed there over the weekend and they would leave. There was a gas station, there's one small hotel, a couple of houses that are there; people lived very rural, and there's a DQ [Dairy Queen], so I don't really know what that track has done for that community. That's just one prime example of that.

Supervisor Venesky: I am going to speak in favor of the project. I have had multiple meetings with Glenn Donnelly and I think that it is the best economic engine that this whole area has had. We are in trouble economically as a region. I think we all understand that. I went last night and I talked to a young couple, my wife was with me, they had a sold sign in front of their house. They said Mark, this is the last time we are going to see you. Both of them are in their late twenties, I'd say no older than thirty. Nice, clean cut couple. They said, we are out of here. We are going to North Carolina. And that's happening all over. So what you have is, you have less people who are working, like us, and paying taxes, but the taxes go up higher because we still have to plow the roads, we still have to pay for fire protection and pay for those services that we need. So we have an opportunity, I think, and this small stop... you know when you talk to Glenn [Donnelly] (and I've sat with him more than once), and when you talk about what he has planned, and I don't know if we all know what he has planned. You are going to have the Governor, who has given his blessing, the Governor of the State, to Super Dirt Week. Okay, there has been a speed bump right now because of the federal investigation into how we are spending our money, but it doesn't stop the realization that the track is going to be built. If it is not finished out this year it will be finished out next year. If you take a look at the events that are planned, there are going to be snowmobile races in the winter, there will be Super Dirt Week, and then the Stock Car Race that is planned in September. He is building a Watkins Glenn course that has been designed by a world-renowned designer. That track will be used during the week. How many people are coming? That's what we are debating with Department of Transportation (DOT). That's why, for the second time, the Commission of New York State Department of Transportation sat here with me/with us to talk about what our options are and what we need to do to make sure that traffic is safe, that you are safe, and our Fire Departments can operate and our Police Departments can do what they need to do. But we are going to have Porsche and Ferrari clubs here. You're going to have Ferrari clubs here, and everyone kind of chuckles about it, but it's not a joke. There are very wealthy people who go track to track during the weeks, and they bring their 250,000 dollar Porsches; I have seen them. They make that kind of money, and they race them. They have these huge clubs, so you are going to have people here with pockets full of money, year round, whether you want them or not. That is the reality. We are looking at the economic realities. Right now, your town is financially healthy - it is. But, if we do not make some adjustments and some changes your taxes are going to continue to go up; it doesn't matter if I am here or if anyone else is here. The bottom line is this town, as many towns, has begun borrowing money (I'm not going to go into a full dissertation. About four or five years ago) when the County took the sales tax away; one million dollars a year. So instead of addressing that, or for whatever reason, I/we were not here, but it wasn't. And to continue plowing 440 roads a year, and 320 miles of roads, to continue to repair them (Chris does a good job with his people), and I wouldn't say it if it wasn't true, but it costs money. It costs money. So we can do one of two things, we can continue going the way we are going and not address the challenges and change the trajectory that the Town of Cicero is on, or we can all sit here and have our taxes go up and then complain to whoever is sitting in this chair down the road that, 'Oh, you raised our taxes' or we can try and increase our revenue in a constructive way, because our expenses are here and our revenue is here. so what is filing the gap we are borrowing money, the town is borrowing money, we will stop borrowing money before I am done that is my goal. We have to face the realities of where we are and take advantage of the opportunities that present themselves to us and that is what we are trying to do and in doing that we looked at all of this and we are looking at it now and we are saying what is the best thing for the current residents you and I, We live here with you we are your neighbors and we are saying what is the best thing for Cicero today and how do we position Cicero to capitalize on what could be very successful for all of us moving forward.

Supervisor Venesky: We are not going to close the public hearing at this time. We will continue the public hearing at the Special Town Board Meeting to be held on Monday, July 18, 2016 at 7:00 p.m. Therefore, I make a motion to adjourn the public hearing until Monday, July 18, 2016. Motion was seconded by Councilor Karp.

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

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

Supervisor Venesky: 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: I have proof of publication and posting.

<p><b>PLEASE TAKE NOTICE</b> that the Town of Cicero Town Board will hold a Public Hearing for June 22, 2016 commencing at 6:30 p.m. at the Cicero Town Hall 8236 Brewerton Rd., Cicero, NY 13039 to consider regulating the placement of Portable Private Basketball /Recreational Equipment from obstructing roadways within the Town. By the order of the Cicero Town Board</p>
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**DATED: June 14, 2016**

**TOWN BOARD OF THE TOWN OF CICERO  
COUNTY OF ONONDAGA, NEW YORK**

Supervisor Venesky: I attended a meeting with our fire chiefs and our safety officials every month. We will have one again this Saturday at 8:30 pm, in this building. The Chiefs of our fire service asked if we would address this and this is where we are coming from. We are not looking to prevent kids from playing basketball in the street, we are just looking to address a safety hazard.

Supervisor Venesky opened the public hearing at 7:48 p.m.

Supervisor Venesky asked if anyone was speaking against asking families to move the basketball hoops out of the road when they are done with them at the end of the day.

Speaking for –

Deborah Gardner: I live on Vernon Road in Hiller Heights. Most of the people in my neighborhood their basketball hoops are several feet from the road. There are a few that have all of the marks on the road; like a basketball court. And there are kids that play basketball in the street that are practically in the road, and when you drive down they don't get out of the road; most of the kids are good, though. So anyway, I thought that this was a law. There was an article several years ago, Joe Snell was quoted in it asking people to move them back.

Joe Snell: I never said to move them back.

Deborah Gardner: You didn't. I made that assumption that there was a law. I think this is a good idea, and I hope you pass it. And if you don't, I'd like to know the reason why. Thank you.

Supervisor Venesky: Thank you Mrs. Gardner.

Speaking against:

Ray Schader (Route 298): I don't feel that I want to maintain our highways for a playground, so I don't think any of these baskets should be next to the road, especially on Route 298. I don't think there is any anyway.

Cicero Resident: I heard about this, that they were going to pass a law on this. In the past I have taken my kids to Gillette school, to play at Gillette School. I didn't have a basketball hoop at the time, so I took the kids to play. One of the kids is back there now [in the audience], out of five children. He was younger at the time [his son], and there were twenty-two, twenty-three year old kids playing on the school grounds. They weren't supposed to be, and they assaulted him because he was playing there and they didn't want him to. So he was arrested. Charged with assault and endangering the welfare of a child. At that point, that's when I bought a basketball hoop. I am

from Queens, New York. A retired New York City Police Officer after 10 years in the city. Hurt in the line of duty. I'm living up here; it's going on 11 years. I'm retired 16 years. So I abide by the law. I bought a basketball hoop at that time and let the kids play in the top of the driveway – the ball kept going into the street. Studies have been done. It is more dangerous to chase the ball; the cars do not see the kids coming down the driveway into the street and that's when a kid gets hit; studies have been done. So I took the basketball hoop and I pulled it down to the bottom of the driveway, in a residential area. As a parent it was safer to do that, I felt, because if kids are playing in the street you see them at a distance, and kids see the cars, and it slows down. I know the fire department hit one of them; I don't have a problem with that, I respect that. So I'm not for it, and I'm not against it. When I heard that happened I sold it. I sold the basketball hoop last week because I knew they were going to change the law. I sold it. Now, the people across the street from me are pulling their cars out into the street. There are three cars a day (I took pictures) and they are impeding traffic. People are going around the cars, it's a two-way street. They are going around the cars. My kids are coming down the driveway with bicycle helmets on to ride their bikes, skateboard in the street, etc. Now, with the cars in the street, it is dangerous now, and what is the Board going to do and what is the Police Department going to do to keep those cars off the street because they are impeding the traffic of the fire department, the police department, the cars that are coming down the block to have to go around it? Somebody's going to get hurt. Somebody's going to get injured.

Supervisor Venesky: I think that we are talking about two different things.

Cicero Resident: Well, we are talking about the basketball hoops now because the basketball hoops can't go onto the road, so they pull them back into the driveway, and now they are pulling their cars into the street so the kids can play on the driveways.

Supervisor Venesky: We are just saying that when you're done with them they can't.

Councilor Karp: I can speak to that because the original draft of the law, which was posted last week for the public hearing, erroneously contained language that prohibited the playing or the playing surface being in the street. When I saw that I had an objection to that. Councilor Becallo had an objection to that. I spoke to Supervisor Venesky, and it was rewritten, and I removed that section. So the version that we are having a public hearing on now does not prevent children playing in the street or having the basketball hoop on the street. All it says is when you are done with that it has to be pulled away from the street so that fire trucks and other emergency equipment don't strike them inadvertently. So there's nothing saying that you can't play basketball in the street. I agree with you, it's safer. I live not far from Mrs. Gardner in Hiller Heights, and there is always a basketball game going on at my street. And frankly, in this day and age, when so many kids spend most of their time indoors playing video games, it's nice to see groups of children, of all ages, playing in the street. But I understand the concern you have, and that's something that may need to be addressed, but even if there is a misconception out there this law that we are voting on tonight does not prevent children from playing in the street; including basketball. It just says that when they're done the hoop has to be moved away from the street.

Councilor Becallo: I think that what you are alluding to is that the cars in the road are even more obstructive than a basketball hoop.

Cicero Resident: Yes. And I don't think that you are allowed to park on a residential street.

Supervisor Venesky: Yeah, they are.

Councilor Becallo: It's April 1<sup>st</sup> until November...

Cicero Resident: You can park on the street?

Chief Snell: Unless you have signage that restricts parking. They did that several years back over on Diffin Road; the residents up there wanted 'No Parking' signs between certain hours. No, you can park there. New York State law says you have to have so many footage of visibility past the parked vehicle. Usually that's on a hill or a curb when you lose that visibility, and that's when it would be illegal. But on a residential street, where can you see all the way from one end to the other, they are parked on that street, as long as they are not out in the middle of the road or on a curb line they are legal in Cicero.

Supervisor Venesky: But that's something if you wanted to talk about, is a sidebar. If that's a problem on your street than we would be happy to talk to you about that.

Cicero Resident: So tonight will be the discussion on what you guys will allow with the basketball hoops?

Councilor Karp: Well there's a law that has been posted to the website that contains language, basically saying (much longer terms than this) that when you are done with the basketball hoop it has to be moved 10 feet from the street, but that you can play in the street and the basketball hoop can be on the street while people are actually using it.

Supervisor Venesky: The whole purpose of this, and I think we made it clear, and we have Mr. Hooper tonight, from our Zoning Department. The Fire Department said that we have struck these things twice; you cannot see them at night. They have been struck twice because they are in the road. We are not trying to write tickets.

Resident asked what happens when it is on the street and no one is home or if someone needs to get down the street or they hit it or something like that. When the kids are playing who is responsible for that.

Supervisor Venesky asked a fire department member that was in the audience if it is an issue seeing the basketball hoops during the day?

Fire Department Member: No

Resident: New York City Fire Department went down the street in between cars parked. I can't speak for anyone, but I haven't seen anyone hit them. But this is Cicero. I have been here a long time. I respect the Town of Cicero Board, and everybody. That is why I decided to sell mine. The talk was you were not allowed to keep it there at all, and you would be charged a \$100.00 fine and be told to move it.

Councilor Karp: One hundred dollars for the first offense and any subsequent offense a \$250.00 fine.

Councilor Becallo: The first time I heard this I said okay, I understand it happened twice. In how many years? Insurance companies usually kick in at that point in time. I am voting no tonight on this one, because you and I are together on this one. Cars in the street are more an obstruction than a basketball hoop, or as much as a mailbox.

Resident: Thank you for letting me speak.

Jean from Williamson Parkway: I do not have a problem with basketball hoops in our around the driveway or anything like that. The concern I have is that it happened twice in how many years and it just seems like the Board is spending time with picky little laws and we have too many picky little laws in the country and we don't need another one. If you just make people aware to take and/or remove basketball hoops off the street. I don't really think the Fire Department is going to hit anymore.

Councilor Becallo: Since the newspaper article came out I have notice a lot of the basketball hoops have been moved back. I think that is what did it and we are good to go. Let's move on.

Supervisor Venesky: I would like to state this for the record; this is not something that we just decided to do. This is something that the Fire Departments came to me and said, we would like you to look at this and to pass an ordinance. If there have been two cases in 10 years a fire truck struck a basketball hoop.

Jean: It is not enough to pass a law.

Supervisor Venesky: On the other hand, we had a basketball hoop go through a windshield and we have an opportunity, tonight, to say we can approach the resident and say we are not looking to write tickets, that is not the point, and Richard knows this. It does allow one of the officers of the town to say you left the basketball hoop in the road, would you please move it. We have an ordinance; that is the way I am looking at it. The next time one goes through a windshield and one of our firemen are struck because we have too many laws then that is a decision that we will have to make then. Under my watch, I am not going to have one if we can help it. They asked us to address it.

Ed Fry: I am a life member of the North Syracuse Fire Department and a past member of the Brewerton Fire Department and drove fire engines for a long time. If you are going down the road in a fire engine it is your job as a driver of that vehicle to deliver that vehicle and its contents and everyone inside safely. If you are going so fast that you cannot avoid a stationary object, like your basketball hoop that is an issue for the driver not the basketball hoop. I have gotten engines and trucks through the tightest little spots that you can think of. I don't think that they should be

left in the road, but we are trying to solve a 2 percent problem with a 100 percent action, and it is the responsibility of the driver of the vehicle to get the vehicle there safely; not the basketball hoop.

Supervisor Venesky: Would a current member of the Fire Department that asked us to bring this to the forefront like to address either for or against?

Fire Department Member: I was not at the meeting when it was brought up. Jon Barrett brought it to you.

Supervisor Venesky: Yes, Jon brought it up to me along with the other chiefs.

Fire Department Member: I have no concern with it either way; I don't care which way it goes. I understand what you are saying.

Resident: Mr. Jonathan Karp stated that when you are done playing on your portable basketball hoop you need to move it so it is not obstructing any flow of traffic. You mentioned at night, is it only an obstruction at night or can it be placed in the street during the day.

Councilor Karp: Anytime it is not being used it has to be 10 feet from the street line. It is more than a hazard at night because we do not have street lights in all of our neighborhoods so it may not be visible.

Resident: If you have a basketball hoop should you resort to using a different source of keeping it stationary. For example, they have the nozzles in the bottom and you are supposed to fill them with water and it holds a lot of water. He asked if he is supposed to open the nozzle and release the water in the gutter after every time you use it.

Councilor Karp: I cannot speak to that, as far as keeping it stationary. There is about three of them on my street and they get a lot of use and they seem to move them pretty effectively. I do not know what the mechanism for keeping them stationary is.

Resident: They are very heavy.

Resident: The cheaper ones are the ones that he is referring to that you fill with water. We have one, and I couldn't move it by myself. I would feel bad for a single parent trying to move one. I do agree that there is a need for this ordinance, and it's a wonderful ordinance, but it is going to be difficult for the people that have the cheaper units compared to the ones on wheels.

Councilor Karp: I think the ones on my street have wheels.

Resident: The only way to move them is to release the water.

Councilor Karp: I would like to point out one other thing; we do not have street lights in all our neighborhoods in the Town of Cicero. So if you have a basketball hoop at 1:00 a.m. in the morning, I agree it should be perfectly visible for a driver to see it, but some of our neighborhoods are pretty dark at night without street lights. We are working on that, but it is going to be a little while. On a perfectly dark street they may not see it; they don't all have reflective colors or markings on them.

Supervisor Venesky: I am going to make a motion, and I don't want this to deteriorate the conversation here into making fun or finding reasons to poke fun and make jokes about what our emergency providers came to us and asked us to do. So I am going to recommend this to the Board. I'm going to recommend, let's hold it. We will suspend the Public Hearing. And I would like members of the fire department (the Chiefs), and I will ask them to come here to the next meeting. We will have the Chiefs, who are the heads of our fire service and are emergency providers explain to you, and I am sure they are more eloquent than I will ever be, to tell you why they feel this is important, and we will see if we can get some more light on this. If the Board is okay with that I will reach out the Chiefs and ask them to please attend the next meeting and we will continue this public hearing at that time.

Councilor Karp: That's fine. We need a second.

Supervisor Venesky: I would like a second on that.

Councilor Karp: Second.

Supervisor Venesky solicited any further Board discussion.

Councilor Becallo: It's a motion to keep going with this?

Supervisor Venesky: Yes, we are going to hold it until the next meeting. We will leave it open until the next meeting. I would like the Chiefs of our five (5) Fire Departments to address the public as to why they brought this to me and to this Board and asked for it. So I have me defending the Fire Department, and I do defend both the Fire Departments, and I also defend our Police Department. But, I will let them carry their argument to you and then bring to you why we need to do it, or why they would like us to consider it. Thank you.

Supervisor Venesky stated that they had already had a second. He then asked all those in favor of postponing this until the next meeting to vote. The vote went as follows:

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

#### **Public Hearing – Town of Cicero Code Section 154**

Supervisor Venesky: The purpose of this public hearing is to consider proposed amendment to the Town of Cicero Code Section 154 "Peddlers and Solicitors" and specifically Section 154-2 "Exemptions" to delete the second sentence in Section 154-2(B). The proposed amendment would eliminate the 154-2(B) requirement that charitable solicitors must register annually with the Town Clerk. The purpose of the proposed amendment is to comply with recent legal rulings contrary to the Town regulation.

**PLEASE TAKE NOTICE** that the Town of Cicero Town Board will hold a Public Hearing for June 22, 2016 commencing at 6:30 p.m. at the Cicero Town Hall 8236 Brewerton Rd., Cicero, NY 13039 to consider a proposed amendment to the Town of Cicero Code Section 154 "Peddlers and Solicitors" and specifically Section 154-2 "Exemptions" to delete the second sentence in Section 154-2(B). The proposed amendment would eliminate the 154-2(B) requirement that charitable solicitors must register annually with the Town Clerk. The purpose of the proposed amendment is to comply with recent legal rulings contrary to the Town regulation. By the order of the Cicero Town Board

Supervisor Venesky: I have proof of publication and posting.

**DATED: June 14, 2016**

**TOWN BOARD OF THE TOWN OF CICERO  
COUNTY OF ONONDAGA, NEW YORK**

Neil Germain: The Town has a regulation right now that is inconsistent with the current legal rulings and my understanding is that you are just trying to seek conformity with the law as it has been explained through judicial ruling.

Supervisor Venesky: Correct.

Supervisor Venesky opened the public hearing at 8:19 p.m.

Speaking against: None

Speaking for:

A Resident asked to have what this is explained.

Supervisor Venesky: There was a law suit in the State of New York that said if someone (this detail is posted on the Town Board detail on the website) basically, and correct me Mr. Germain if I am wrong. The lawsuit that was filed saying that you cannot ask or a town cannot ask someone from a (ex. non-for-profit organization) from filing in your town, so that we know that they are there. Where currently we had a regulation saying, if you are going to be knocking on peoples doors in the Town of Cicero you have to let us know who you are, so we know you are there. Our process prior to this is that we would require a background check, because we do not know who you are empirically, and we don't know who is knocking on your door. We want to make sure that they are not someone that shouldn't be knocking on your door. The State of New York was sued and that was the ruling. We are changing our ruling to conform to the state law. The State Law says that you do not have to register now if you are a charitable organization.

Councilor Karp – This does not apply to commercial businesses.

Supervisor Venesky – Right, so if Verizon and the newspaper are knocking on your door they have to register. If someone comes in that is a member of a non-profit charitable organization we can no longer say anything to them; that is not our decision. It was made by people with a much higher pay grade.

Supervisor Venesky closed the public hearing at 8:21 p.m.

Supervisor Venesky solicited any Board discussion. There was none.

**DECISION:** Councilor Karp moved for the adoption of a resolution approving the proposed amendment to the Town of Cicero Code Section 154 “Peddlers and Solicitors” and specifically Section 154-2 “Exemptions” to delete the second sentence in Section 154-2(B). This amendment eliminates the 154-2(B) requirement that charitable solicitors must register annually with the Town Clerk. The purpose of the amendment is to comply with recent legal rulings contrary to the Town regulation. To be known as Local Law 7 of 2016. Motion was seconded by Councilor Conway.

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

#### **Set Public Hearing – Town Constable**

Councilor Karp moved for the adoption of a resolution calling a Public Hearing on 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”. A draft of the proposed changes will be posted on the Town website prior to the Public Hearing. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

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

Councilor Karp stated that this position is for court security. Currently, we are using over time for the Town of Cicero police officers which is quite expensive. We have a need for armed security at court. This will be a Peace Officer (New York State Law). He has worked with Chief Snell to draft the new legislation and they will be working on the additional measures that we need to take to put this into effect; assuming the law is passed.

#### **Personnel:**

- **Police Department**

A. Councilor Becallo moved for the adoption of a resolution to authorize the Onondaga County Department of Personnel to create an additional position of Police Sergeant for the Town of Cicero Police Department effective immediately. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

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

B. Councilor Becallo moved for the adoption of a resolution to authorize the promotion of Investigator James Meyers to the rank of Police Sergeant at a contractual rate of \$73,039.00 annually, effective July 24, 2016, contingent upon the approval of Onondaga County Personnel. Motion was seconded by Councilor Karp.

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

Supervisor Venesky solicited any Board discussion.

Supervisor Venesky asked Chief Snell to talk about Investigator Meyers and the good job he has been doing for the Town of Cicero.

Chief Snell: Investigator Meyers came to us from the Town of Manlius about 10 years ago. Since then, he has shown that not only is he progressive, he's intelligent, he has the highest level of integrity and is very concerned about the residents in this community. Since being an Investigator, about four or five years ago, he has taken over the operations of that unit. He has brought it to a higher level and has established a relationship with other town and village police departments, as well as the Onondaga County Sheriff's Department and the New York State Police. He has brought it to a level equal to other agencies. He also took over management of our property evidence collection, which is a huge liability to the town. He has established procedures and standards that bring us up to date. It is my position that all officers should be compensated and to have rank consistent with their required duties.

Supervisor Venesky: I have had an opportunity, both the last couple years as your Councilor and the 6 months here since you have elected me Supervisor, to get to know Investigator Meyers, and I will second everything that the Chief has said. He is a man of high integrity and he comes in every day looking to do a good job and do it thoroughly, and he really cares about this community and the reputation of this town (this Police Department). Also, he deeply cares about the safety of each and every one of you; I know that to be true.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo asked Chief Snell if this promotion will give Investigator Meyers the ability to be even more effective while he is on a call.

Chief Snell: He will be more effective because he will have the status. Under Civil Service, there is a chain in command and that chain in command results in Sergeant and up through the ranks. This will now give him the additional authority he needs to deal with other agencies during criminal investigations. He will have that ability and have that rank and that status that he has not had before. It will also allow him to better communicate and work with other agencies and other officers of higher rank; especially with meeting and conferences and seminars that we attend, it will give him that open door that he has not had before.

Supervisor Venesky: Congratulations Sergeant!

Town Clerk Tracy Cosilmon administered the Oath of Office to Sergeant James Meyers. Chief Snell then presented Sergeant Meyers his Sergeant Badge, which Connor Meyers attached to his father's uniform (as shown below):



- **Planning Board**

Councilor Conway moved for the adoption of a resolution to appoint Greg Card as a member of the Planning Board effective immediately, through December 31, 2019, to fill the unexpired term of Patrick Honors. Motion was seconded by Supervisor Venesky.

Supervisor Venesky solicited any Board discussion. There was none.

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

- **Parks and Recreation Department**

A. Councilor Karp moved for the adoption of a resolution to appoint the following seasonal staff:

1. Kayla Ventura as a Recreation Attendant, at a pay rate of \$10.00/hr. effective June 21, 2016
2. Sarah Walter as a Lifeguard, at a pay rate of \$10.00/hr. effective June 22, 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.*

B. Councilor Karp moved for the adoption of a resolution to remove Taylor Belanger as a seasonal staff member.

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

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

### **Brewerton Revitalization Project**

Councilor Cushman moved for the adoption of a resolution to appropriate \$3,000.00 from General Fund A balance for Saratoga Associates to prepare a digital grant application on behalf of the Town of Cicero, through the New York State Regional Economic Council (REDC) Consolidated Funding Application (CFA). It is anticipated that the CFA application will seek New York State Department of State Local Waterfront Revitalization Plan funds for the continued improvements to Riverfront Park. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

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

### **CNY Stormwater Coalition for the 2017 Program**

Steve Snell: This item covers Minimum Control Measure No. 1 – Public Education & Outreach of the Town's NYSDEC SPDES Permit for Stormwater Discharge from MS4's. This work will be completed by the CNY Stormwater Coalition. This is something that the town has participated in every year and this cost is split up among the participating municipalities and the most economical way for the Town to complete the work is through the coalition. If the town was to do this work on their own it would cost much more than this amount of money. The Central New York Regional Planning and Development Board offers this to the municipalities whom participate in the Coalition.

Councilor Conway moved for the adoption of a resolution for the Town of Cicero to participate in the 2017 Central New York State Stormwater Coalition with a participation fee of \$3,600.00. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

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

**Highway Department:**

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

- \$12,000.00 to Tracey Road Equipment for the purchase of Hi-Way 14 foot HITEMP 34inch belt and parts

Chris Woznica explained that it's the belt that runs the duall box on Truck #11. We need it to run the truck for sanding and paving operations.

- \$3,000.00 to Vantage Equipment for repairs to Grad-All #53

Chris Woznica explained that it's the main computer that runs the old vehicle that failed.

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

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

### **Parks and Recreation Department**

Councilor Karp moved for the adoption of a resolution to accept a \$200.00 donation from the Northern Onondaga Public Library (NOPL) for a movie licensing sponsorship 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.*

### **Police Department**

Councilor Becallo moved for the adoption of a resolution to authorize the Police Department to dispose of thirty-three (33) recovered bicycles and send them to County Auction. Motion was seconded by Karp.

Chief Snell: I was watching the news the other night on that individual that collects bicycles and gives them away. Are we allowed to do that as a town to donate them to him?

Neil Germain: You would have to declare them as surplus.

Supervisor Venesky: If we can do that, I would like to give them to the guy.

Chief Snell: I would too.

Neil Germain: You can postpone the vote on this and declare them surplus and then make that donation.

Judy Boyke asked if she could speak on this.

Supervisor Venesky said yes.

Judy Boyke said the gentleman's name that collects the bicycles is Jan Maloff. They are collecting them at East Syracuse Chevrolet, Saturday and Sunday of this weekend. She suggested, because the City and County are involved in giving Mr. Maloff bicycles, that we do that also.

Supervisor Venesky: Let's do it. Let's declare them surplus tonight.

Supervisor Venesky asked for a motion.

Councilor Becallo made a motion to declare those bicycles as surplus (as listed below):

June 2016 bikes for auction

10-247905	gray 20" BMX bike	13-284561	scooter
09-425808	black 20" BMX bike "joker"	10-456101	tony hawk bmx bike
09-433631	silver Dynacraft BMX bike	12-487620	blue mtn bike
10-361111	mens Mongoose bike	15-396170	boys 20" bike
09-356720	brown / white Mongoose bike	15-497401	black/red Mongoose bike
09-433544	black BMX Mongoose bike	15-348587	Mongoose Rebel bike
13-420309	boys BMX bike Auico Open Force	15-392977	Citation blue bike
14-500454	Blue bike NEXT model	15-562405	blue Murray bike
14-449930	boys 20" Mongoose bike	15-355140	Next green mtn bike
14-447222	Epsilon Aluminom bike		
12-381264	womens red Murray 3 speed bike		
14-368367	mens 26" Mongoose bike		
14-378312	green Kmart bike		
13-560891	Mongoose bike purple and silver		
14-237388	mens 24" blue bike		
13-497478	blue Navigator bike		
14-512180	red mountain bike		
13-497353	womens Diamond Back 10 speed bike		
13-138433	mens 26" Huffy mountain bike purple		
15-282127	pink Magna bike		
14-449930	grey BMX Mongoose		
16-144453	blue / silver Next bike		
13-211987	boys black bike		
14-560285	Mongoose XR bike		

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

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

Supervisor Venesky: At the next meeting we can declare them to Jan Maloff.

**Discussion Item(s):**

• **Free Fishing Days**

Tracy Cosilmon announced that there are fishing books for anyone that would like one. This weekend is free fishing during Free Fishing Weekend, where anyone can fish the fresh or marine waters of New York State.

• **Rabies Clinic**

Tracy Cosilmon thanked everyone who helped to make the Rabies Clinic successful. The Onondaga County Health Department and Cicero Animal Clinic, Dr. Gilbraith personally acknowledged how well organized the clinic was considering the hot weather; we had pools and water stations set up to make sure the dogs and cats had water. It was just an excellent team effort; the Cicero Fire Department let us borrow their misting fan. We took every precaution we could. She also thanked the Parks and Recreation Department, the Highway department, and all the volunteers. Tracy said it is a great service to provide the rabies vaccination to the animals at a low cost.

Supervisor Venesky: Thank you for doing that, it is a big job.

- **Recognition of Sharon Edick, Receiver of Taxes**

Supervisor Venesky: I am very proud of the effort that we are getting from the folks that service you here in the Town of Cicero. I can tell you working very closely with the folks here at Town Hall that the employees are giving 100 percent every day. I would not say that if it wasn't true. I would like to recognize someone who is not here tonight, but I told her that I was going to recognize her anyway and she was embarrassed when I said it.

Our own New York State Tax Receiver's and Collector's Association meet in Syracuse for their annual business and training seminar, and our own Sharon M. Edick the Receiver of Taxes for the Town of Cicero, who currently serves on the Board of Director's for the State Association was elected to the additional position as Secretary and she also serves as a District Representative and covers Cayuga, Jefferson, Onondaga, Oswego and Seneca Counties. She has been a member of the association for more than 20 years and for most of that time she has served as their Treasurer. Her willingness to help her fellow Receivers and Collectors makes her someone to go to for answers. Her dedication and continued aspirations to this organization are well known. Here is someone who comes to work early long before the doors are open and she stays late. She is here for all of you. I just want to recognize her for the great job she is doing for the Town of Cicero.

### Public Input

Dewey Schryver read some of the resident's concerns in reference to the flooding issues along the Mud Creek Corridor (as shown below):

<p>To: Town Board Members of Cicero Re: Flooding Issues along the Mud Creek Corridor</p> <p>For several years now many individuals have expressed their concern about progressively higher water levels in the Mud Creek Corridor area south of Cicero. Within the past year these water levels have rapidly risen and expanded. Portions of some backyard[s] along the west side and around the cul-de-sac of Williamson Pkwy have become unusable (and hazardous). These encroachments of flooding have crept dangerously close to the walkout basements of some homes.</p> <p>Of late, the water in the flooded areas appears not to be receding. This "ponding" has caused a very dangerous situation and many concerns have been expressed for the safety of any young children playing in the area. With the local news reports of insect-borne diseases the current environment of stagnant water is specifically ideal for the growth and spread of extensive mosquito breeding.</p> <p>Any mosquitoes that would test positive for various diseases: West Nile Virus, Easter Equine Encephalitis, &amp; possibly Zika Virus would pose a deadly threat to the health and safety of ALL the residents in the neighborhood. This could also carry a very negative impact of the public perception regarding the safety concerns in patronizing the local commercial establishments along route 11 (including Walmart, Target, and others).</p> <p>It is felt that the progressive increase in water levels is the result of poor flood control measures, (specifically the lack of sufficient retention facilities), for residential, commercial, and governmental properties upstream along the Mud Creek watershed; as well as the increasing presence of exotic plant growth that is clogging Mud Creek.</p> <p>It is believed that the recent retention of these water levels is the direct result of increased beaver activity. Mud Creek in the Williamson Pkwy, Stevens Dr, and Target department store areas appear to be dammed up from these animals and their activities.</p> <p>It is urgent and necessary that the public officials in the Town of Cicero take immediate action to address and alleviate this situation that poses a multitude of hazards and concerns. <i>It would be unfortunate for everyone if a concern became a catastrophe due to the inaction or lack of attention to a public health issue that could be addressed and prevented.</i></p> <p>These are just some of the local citizens affected by these problems with flooding and pooling of water:</p>
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KEITH AND DOROTHY GILMER 5682 WILLIAMSON PKWY	[12 YRS.]
SHEILA DOWNEY 5677 WILLIAMSON PKWY	[26 YRS.]
DAVID AND KIM HILL 5631 WILLIAMSON PKWY	[16 YRS.]
ROGER VENTRE 5635 WILLIAMSON PKWY	[38 YRS.]
DEWEY AND IMOGENE SCHRYVER 5693 WILLIAMSON PKWY	[50 YRS.]
KENNETH AND DELORES BARBER 5701 WILLIAMSON PKWY	[40 YRS.]

Supervisor Venesky asked Dewey for a copy of it.

Dewey Schryver had a copy for each one of the Board members.

Supervisor Venesky asked Steve Snell, where do we stand with the DEC?

Steve Snell: I reached out to them a couple different times and I am still waiting to hear back.

Supervisor Venesky asked Steve if he could give him a number so that he could them and get somebody from the DEC to look at this. Supervisor Venesky said, we are going to get somebody here and we are going to get someone from DEC to look at this. I just want everyone to know that the Town of Cicero, anyone of us, we do not have the authority to go in there and do anything. We need them. We can't do a thing with that water problem. That has been reported, there's been phone calls made and we are not getting any action.

Resident: I was told that you need to talk to the Central New York Land Trust.

Supervisor Venesky said he will find out and let her know before the next meeting, and then we can tell everyone what we come up with at the next meeting.

The resident showed the Town Board pictures of her backyard. They had bought their house twelve years ago, and her backyard was pristine at the time. Now, she has nothing left. She said, this is our first and our forever home. We cannot sell it.

Supervisor Venesky: Okay, I am going to do the best I can to help you and if they don't listen to us/you, then I will work with you to direct you where we gotta go.

Neil Germain asked the resident to identify her name and address.

Resident: My name is Dorothy Gilmer, and my husband is Keith Gilmer. It's 5682 Williamson Parkway. We are at the lowest end of the cul-de-sac, so we have probably the worst situation. Everybody else in that area has water. The only answer I have ever gotten when I call and talk about it is 'there has been a lot of rain'. I am done with that.

Supervisor Venesky: We are going to do our best to try and help you.

Kim Hill, 5681 Williamson Parkway: I am on the highest portion of the circle. My husband and I and my children have lived there for 17 years, and up until the point that Target was built it was always dry in that drainage easement area that ran between our subdivision and the Stevens subdivision. It has not been dry since Target moved in and in the last year you can actually hear water running, so I am kind of wondering, I don't know if anybody knows, but it sounds like there's a drainage ditch, or like a pipe, or maybe Stevens that's just running directly into that drainage area between the two subdivisions; it never used to sound like that before, so I am very concerned. We've actually had to move our whole pipe in by about 5 feet because the water is now standing water all the time. This is a long-term problem.

Supervisor Venesky: We will do our best for you. My heart goes out to you. I will make that call myself tomorrow.

Tim Murphy: I just wondered if you would address that same thing that Dewey is talking about over there where the drainage at the end of Reis Drive, because it is clogged. It drains right across Route 11. Then end of Reis Drive is Mud Creek, it's the same drainage; about 100 yards right off Route 11 (there's a dead tree on one side and the pipe is clogged).

Supervisor Venesky said he would ask about it.

Kim Hill: There is beaver activity. We never had beavers in our backyard. We have 4 acres, we never had beavers. This year we have lost four trees to beavers.

Supervisor Venesky: We hired someone to actually get them, but my understanding is that drains through the Town of Clay. Let me make some phone calls and we will get back to you.

Tim Murphy asked if the public could speak at the Special Town Board Meeting for the zone change.

Supervisor Venesky said it is a public hearing.

Tim Murphy stated that in the old days they would not let you speak.

Supervisor Venesky: This is not the old days, this is the new days.

Supervisor Venesky: I would like to thank all of you for your patience tonight. This was a long meeting and we covered a lot of ground. Bob Smith did an excellent job, and I am glad you are on the team with Richard Hooper.

### **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.*

There being no further business before the Board the meeting was adjourned at 8:52 pm.

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Tracy Cosilmon, Cicero Town Clerk

