

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on **Wednesday, June 8, 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
Robert Germain	Germain & Germain, Town Attorney
Stephen Snell	O'Brien & Gere, Town Engineer
Tracy M. Cosilmon	Town Clerk

Supervisor Venesky opened the 11th 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 troops 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 May 25, 2016. Motion was seconded by Councilor Cushman.

Supervisor Venesky noted a typographical error on page 10 of the minutes. First paragraph, third line, it should be 'prothesis'.

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

Approval of Abstract Numbers 22 & 23

Councilor Cushman made a motion to approve Abstract #22 (dated June 1, 2016) and Abstract # 23 (dated June 8, 2016) as they were presented. Motion was seconded by Councilor Conway.

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

Budget Modifications/Amendments

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

BUDGET MODIFICATIONS

FROM		\$	TO	
A19104	Unallocated Insurance	5000.00	A1621040 SB	Building – South Bay
A162040	Buildings Contractual	800.00	A1620403	Building – Hwy Garage
A162040	Buildings Contractual	140.61	A1620460	Contracts
A168041	Computer Maint/Support	78.00	A168045	Internet
A10104	Town Board Contractual	500.00	A75504	Celebrations
A90608	Medical Insurance	1400.00	A90608 EX	Eye care Reimbursement 1000.00
			A90608	TPA 400.00
B312040	Police Contractual	180.00	B312048	Radio/Equipment Maint
DB511047	Hwy Misc.	200.00	DB511051	Hwy Concrete Blocks
DB511046	Hwy Cold Patch	2000.00	DB513050	Hwy Gradall/Badger

2016 BUDGET AMENDMENTS

Revenue			Appropriations	
A3060 FG	Forestry Grant	6000.00	A711045 FG	6000.00

Motion was seconded by Councilor Karp.

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

Public Hearing to consider amendments of the Town of Cicero Town Code, Chapter 66 (Brush, Grass, Rubbish and Weeds)

Supervisor Venesky: The purpose of this proposed local law is to clarify and expand language in the Code regarding the affirmative duty of landowners in the Town of Cicero to keep their property free from excessive Rubbish and Solid Waste.

Supervisor Venesky: I have proof of publication and posting.

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing for June 8, 2016 commencing at 6:30 p.m., local time, at the Cicero Town Hall 8236 Brewerton Rd., Cicero, NY 13039 to consider amendments of the Town of Cicero Town Code, **Chapter 66: Brush, Grass, Rubbish and Weeds** to add and expand the definition of **Rubbish** to the definition contained in Section 66-2, and to add the defined term **Rubbish** to the language of Section 66-3(A) **Duty of Owner** (after the words “and the lot line.”). The purpose of the proposed amendments is to clarify and expand language in the Code regarding the affirmative duty of landowners in the Town of Cicero to keep their property free from excessive Rubbish and Solid Waste.

By the order of the Cicero Town Board

DATED: May 15, 2016
 TOWN BOARD OF THE TOWN OF CICERO
 COUNTY OF ONONDAGA, NEW YORK

Supervisor Venesky opened the public hearing at 6:35 p.m.

Speaking for – None

Speaking against – None

Supervisor Venesky closed the public hearing at 6:36 p.m.

Supervisor Venesky solicited any Board discussion. There was none.

SEQRA: Supervisor Venesky moved for the adoption of a resolution that the proposed amendments of the Town of Cicero Town Code, **Chapter 66: Brush, Grass, Rubbish and Weeds** to add and expand the definition of **Rubbish** to the definition contained in Section 66-2, and to add the defined term **Rubbish** to the language of Section 66-3(A) **Duty of Owner** (after the words “and the lot line.”) is a Type II Action for the purpose of SEQRA (State Environmental Quality Review Act) compliance requiring no further review.

Motion was seconded by Councilor Conway.

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

DECISION: Supervisor Venesky moved for the adoption of a resolution approving amendments of the Town of Cicero Town Code, **Chapter 66: Brush, Grass, Rubbish and Weeds** to add and expand the definition of **Rubbish** to the definitions contained in Section 66-2, and to add the defined term **Rubbish** to the language of Section 66-3(A) **Duty of Owner** (after the words “and the lot line.”). The purpose of the amendments is to clarify and expand language in the Code regarding the affirmative duty of landowners in the Town of Cicero to keep their property free from excessive Rubbish and Solid Waste (as shown below): **To be known as Local Law 6 of 2016.**

Proposed Changes

Add the following definition of Rubbish to 66-2 Definitions:

Rubbish shall include the following:

- (1) Lumber, junk, trash, debris, building materials, or any other deleterious materials.
- (2) Any abandoned discarded or unused objects or equipment, such as but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers, or vehicle tires.
- (3) Any compost pile which is of such a nature to spread, harbor disease, emit unpleasant odors or gas, attract rodents, vermin or other disease carrying pests, animals or insects.
- (4) Any unsanitary matter or materials.
- (5) Solid waste and garbage.

Add the defined term Rubbish to the language of 66-3(A) after the words “lot line” as follows:

- A. It shall be a violation of this chapter for the owner of any real property in the Town of Cicero to permit or maintain on any such lot or land, inclusive of the land between the curb line and the lot line, rubbish as defined above, any growth of brush, grass, weeds or noxious plants higher than 10 inches on average.

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.*

**Continuation of Public Hearing to consider District Zoning Changes for
Comprehensive Plan Update**

Supervisor Venesky: We are now going to continue the public hearing to consider District Zone Changes for our Comprehensive Plan Update. Postcards were sent out to the proposed properties being changed and their contiguous neighbors along Brewerton Road, north and south of Route 31 as discussed at the May 11th and May 25th, 2016 Town Board Meetings. We are going to hold public discussion tonight with no more than 5 minutes per person. No vote will be taken. We are then going to suspend the public hearing until the June 22nd meeting, for which the remainder of the affected properties will be notified via postcard, as well. For the record, we sent out 221 postcards.

Supervisor Venesky opened the public hearing at 6:41 p.m.

Speaking for – None.

Speaking against –

B Jay Potter (Route 11): Back at the March 25, 2015 hearing, on the moratorium for construction, I voiced several concerns with the rezoning because that was kind of tossed in there when they were looking at the sewers as well. While I think that it is proactive to maybe making these properties available for the usage that you are looking at, as long as you don't get into a situation where the current use is going to be assessed at a higher rate; to raise the tax levy on the properties. Like I said before, there are properties that have been there for 50 years with the same use that are probably going to be in a dead zone for a while until there are sewers up through there. I hope that we can put some language in there that protects the current property owners from being overtaxed and not being able to afford their homestead.

Supervisor Venesky: We are not looking to change assessments, for the record.

B Jay Potter: As far as the costs that are incurred by all of that, changing the zoning by the Developer, Mike made a great statement at the last meeting about maybe we look at lowering the costs of doing that to the Developer since we have staff on duty anyways. As far as looking at that for the current usage, maybe we can put some language in there that the property could be actually sold and conveyed for the same use that it's at right now and change the zoning after the current use is expired and something else is put in there. If you have a residence and somebody buys it and wants to put a hotel there then we are going to be approved and ready to go with that, but if they want to sell that residence to somebody that wants to retain it as a residence then there should be something about it in there as well (if somebody wants out and they can't get out because they can't sell it as a residence then that's going to be hindrance on the property owner).

Ed Fry (Brewerton Road in Brewerton): I am not speaking for or against. I have some of the similar concerns. My property wraps around 29 acres of undeveloped land. Anybody knows that there are no sewers there anyways. I'm not sure. What is the long term plan for this? Are you looking to move all new commercial business all the way through to the hamlet? Are you looking to remove the houses that are there? What is the big picture that you are trying to do, because in my mind if somebody puts a commercial development, which actually that land was slated for a residential development until the gentlemen lost his funding that wraps all around my property, as a residence - I'm pretty much done. I'm pretty much forced into selling this as Commercial when you go through the time, the tribulations, and the money to turn the thing into a nice home and then get stuck with the fact that I can't sell it for a residence because who wants to live in a residence that's wrapped around by a commercial development. I'm just not sure what the plan is here. I've been out of town a lot, and I haven't been to a lot of board meetings but...I'm sorry but when the Governor says jump, you jump; I've been out of town quite a bit. I don't understand what your whole plan is here, and why now it is so important to change this property all into Commercial all the way up through to the hamlet.

Supervisor Venesky: We have, I think, a terrific opportunity; the homeowners on Route 11 north of Route 31 to capitalize on probably the biggest economic engine this area has ever seen. As you know, Glenn Donnelly is building the race park. The Governor has committed 8 million dollars to the race park on the other side of the river in the Town of Hastings. Whether we like it or not, that is going to bring change. It's going to cause traffic changes. We are going to have Super Dirt Week on Columbus Day weekend where it is anticipated we will have 20,000 people a day. So we are anticipating the best use of that property. We have had developers come to us already. There have been some meetings with developers who would like to put in hotels. They want to put in restaurants, and they want to capitalize on all the folks that will be coming for Super Dirt Week, for the possible Indy Car Race, for the American Motorcycle Association who is going to have two events at that race track, and the Labor Day Stock Car Race is going to be

there. Glenn Donnelly anticipates that this track will be used year round. It will have snowmobile races in the winter. This track will be rented out, not to compete with NASCAR, but to possibly bring into negotiations a NASCAR truck race. We are going to be bringing in a lot of people and a lot of money; fresh dollars coming into our community. So to capitalize on the reality that is going to happen what we are doing is: 1.If you take a look at the zoning in the Town of Cicero, for no particular reason the Town kind of grew up and we didn't have an organized plan. The Town has never really had an organized plan for zoning. *Supervisor Venesky then pointed out areas on the map where there was spot zoning.* Supervisor Venesky said this is where someone came in and wanted to have a business or to put something there, so the Town Board at that time said, "Okay, we'll take this one piece of property and we'll make this one piece of property Commercial." So when we looked at all of this, and looked at the Town as a whole, we made a conscious decision to proactively tackle the zoning issue in the Town of Cicero. It's never been done before. That's why we are having all of the hearings - we want everyone to be heard. The reality is that if we zone, and we are not looking to hurt anybody, when I say "we"... I live here with you. We all live here in the Town of Cicero. But I think we are looking for the best use of those properties, so we are not looking to tax anybody out. What we are looking at is if the Town of Cicero, I think to remain livable and to become more livable, tax wise and cost wise, we have to increase the revenues coming into the Town of Cicero. Right now, most of the tax burden is on the homeowner. And, for whatever reason, past boards' decided that business development was not a focus and was not an issue. When you look at Federal and State monies that could be available to the Town of Cicero, we were told we need to have a Comprehensive Plan. The Town of Cicero, back in 2006, spent a couple-hundred thousand dollars to put together a Comprehensive Plan that was never really adopted. It put the center of town east of the high school out on Route 31. This mythical town or 'hamlet' they were going to call it, that was going to become the center of town. None of that ever happened. The reality of it is that we are going to have thousands of people with cash to spend, and they are either going to drive through the town and clog the roads, or we can proactively zone those areas Commercial, and change the center of town to Route 11 because we have no center of town. The Comprehensive Plan will reflect that the new center of town will run from Bear Road (our Commercial District) to the Hamlet of Brewerton. We've spent money to improve the Brewerton waterfront. We are not done with that yet. The Governor spent 2.9 million dollars to replace the seawall in the Town of Hastings, so we are building a very attractive area and that race track is coming whether we like it or not. Our thought is if we proactively zone, which is what developers have told us that they want, because they are not going to invest dollars into a community that isn't ready to accept them and hope that they have a favorable Town Board to what they want to do. So what we did, as a team, we looked at the town and we said where are the most logical places to not only have business, because business is already there, but where we are not going to infringe upon the quality of life of the neighborhoods? What has the least impact on the quality of life, but yet exposes the town to a positive, commercial growth atmosphere that will bring, hopefully, a lot of money into the Town of Cicero so that we can manage the taxes and not increase the debt load of the town. I think it's very crucial for the future of Cicero that we look at it this way. We are not looking to push people out of their homes. We are not going to force people to pay cash if they want to sell their property; none of that is going to happen. Those rumors are out there, but that's not the case. But what it will do, is it will allow people to do...let's say someone has a property, that right now if you were going to sell that property for \$150,000...I am positive that there are developers, because I have talked to three of them who are willing to pay substantially higher than some of those property values are worth. I'm just saying that I am not guaranteeing that that's going to happen, but it will allow you to do that if you want.

Ed Fry: I know where there are other places where that has happened. I also know of other places where there are smaller lots, like my 1.02 acres. I am concerned about the cost if I go to sell that, if I can't get what I need to get out of it because it's a small parcel.

Supervisor Venesky pointed to an area of Route 11 on a map and said all of that red area is already zoned Commercial. Ed Fry pointed out his property on the map and showed where the 29 acres behind it were zoned Residential, and across the street is Commercial but is Residential. Supervisor Venesky explained that was spot zoned years ago.

Supervisor Venesky: If you look at some of the properties there, what you will find is if you look at the property lines, there are cases where half the property is zoned Commercial and another part of it is zoned Agricultural.

Ed Fry: Listen, I have no problem with the fact that you need to do something with the whole plan. I just don't want to be stuck with my parcel of land that is going to be undervalued at what I am supposed to get out of it.

Supervisor Venesky: I understand. Honestly, I don't think that is going to be the case based on what I have learned and the folks that I have talked to. I think that our goal is to put sewer line in. We are going to put 2.3 miles of sewer line in. We've been negotiating, and I've been talking to the State people and Federal people about that for a while. That's all I can tell you right now.

Ed Fry: I know the last time they tried to go through there. It's just now that there's just so few people, I don't know how that would even work.

Supervisor Venesky: That will open it up for commercial development. There have been some things we have been asked not to talk about, but there is much interest in some of the properties there. They told us two things:

1. We have to get the zoning right, prior.
2. Infrastructure is going to be important. We already have gas there and we have water, as you know, but we don't have sewers.

I think this board is willing to make that investment in the future of this community. I'm not a soothsayer. I can't look at a crystal ball and tell you that everything is going to be great, but based on what I'm hearing; I think it's going to be very good for a lot of people and the future of Cicero.

Ed Fryer: Thank you.

Supervisor Venesky asked if anyone else would like to speak for the project. There was no one else. He then asked those who were against proactively rezoning the Town of Cicero to speak.

Tim Murphy read the following:

Wednesday June 8, 2016 – Town Board Meeting

1. The new lighting district shared commercial/resident rates begin in 2016. How will these charges be identified to Cicero residents? Will they be a separate line item on the tax bill? Will they be on a separate mailing? How will residents know how much they are paying for the lighting surrounding the commercial real estate? Please include an answer to this question and add as an agenda item to the Town Meeting for June 22, 2016.
2. There is some confusion as to the Cicero Web site location for Town Meeting minutes. They are not included in the agendas or the attachments. They should be posted as a separate link and include all power point presentations used at the Town Meetings. Please resolve this issue and provide Cicero residents with a web link at the Town Meeting on June 22, 2016.
3. There has been no Town Board response to residents' concerns about the proposed Zone changes. Does the Town Board plan to push forward with approval without addressing the issues or can residents expect some type of communication prior to approval? Residents living next to commercial property are tired of being kicked like a sleeping dog, it appears the Town Board doesn't care about us. Who on the Board is representing the constituents who elected them?
4. After living through the commercial development as residential neighbors, we needed our voices to be heard before Cicero is sold out to the developers for full build-out.
5. We may be the minority opinion in the proposed comprehensive plan update – but that is because most Cicero residents are not informed as to how the Zone changes will degrade the already miserable traffic flow down what is now going to be called the commercial corridor (Route 11) .
6. The Governor's intervention that resulted in the Central Square Race Track, can add an estimated 70,000 attendees in the already overburdened surface streets. This figure is based on the track capacity. How many are expected to go South on Route 11 into the two-lane Oneida river bridge in Brewerton?
7. Please review the previous presentations at the Cicero Town Boards on 4/13/16, 4/27/16, 5/11/16, 5/25/16 and 6/8/16 regarding the proposed Zone changes, traffic impacts, etc. Many questions have been asked and have not been answered by the Town Board. Please answer the previously asked questions prior to the vote at the Town Meeting on 6/22/16. These questions can be resubmitted in any format the Town Board Members would prefer. Please advise if they need to be formally submitted through the Town attorney's office.

Handwritten notes and signatures:

- Norm Volume 5830 Noel Rd Cicero NY
- 2. Jason Moked Cicero
- Betty Barling 5830 Noel Rd Cicero, NY, 13035
- Timothy Murphy 5800 Noel Rd Cicero, NY, 13035
- 8166 Lilee Rd Cicero NY
- Mike Rego 5810 Noel Rd Cicero NY

Supervisor Venesky: Mr. Murphy, I looked at the points, if you will, that you brought up at the last meeting and it's very difficult to respond to them when you are giving opinion, not fact. A lot of these, when I read them, are based on an opinion.

Judy Boyke: Before I had heard that there were no businesses or developers that had showed an interest, that this was being proactive. Now, all of a sudden we are hearing that there are several developers that are interested. You speak of the Comprehensive Plan, and the fact that it has never been adopted. A Comprehensive Plan is never adopted it is accepted, because if you adopt it you are held to it. If you accept it, it is a plan for you to use for future use. There are sewers that go from the Route 31 intersection to Meltzer Court. Then, there are no sewers until you get to O'Mara Drive in Brewerton. From O'Mara Drive to the bridge they have sewers. Everyone is interested in making an investment; the only problem is changing a piece of property to Commercial (which is only 50 foot wide). It's just not going to happen to sell because the neighbor next door may not want to sell. Therefore, they are going to be tied into a project where their property is going to become dormant. I feel that you need to take exception to any of the residential areas where people have lived there all their lives, paid their taxes, and will continue to pay taxes no matter what it is because they like Cicero, Brewerton, wherever the heck they live, and they are not interested in the fact that they have a possibility to sell to a big developer. Most of the folks are beyond looking to sell their property; they are just looking to finish their life there. As far as going back and continuing to say that previous administrations, I as a former supervisor take offense to that. I'm tired of hearing about it. Every single administration that has been on that board has done the best of their ability to focus on the best for the people of the town. There hasn't been money extra to spend and normally, there isn't anything extra. I'd appreciate it if you'd stop saying that.

Supervisor Venesky asked if anyone else would like to speak against proactively rezoning the Town of Cicero. No one else asked to speak.

Supervisor Venesky: We are not going to close the public hearing at this time. We will continue the public hearing all allow public input, along with Board discussion at the next Town Board Meeting scheduled for June 22nd, 2016. Therefore, I make the motion to adjourn the public hearing until June 22, 2016. Motion was seconded by Councilor Karp.

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

**Further discussion can be found in the Public Input portion of the minutes on pages 11-15.*

Commemorative Partner Program

Supervisor Venesky: Former Onondaga County Legislator, and our current Veterans Advocate, Bill Meyer attended our last meeting held on May 25th. The Town of Cicero is proud to become a Commemorative Partner for the 50th Anniversary of the Vietnam War. This program assists in thanking our Vietnam Veterans and their families in their hometowns. We are grateful for their service, and we are honored to join this effort. The only requirement for a Commemorative Partner is to conduct at least two events per year through 2018, in which we will take the opportunity to distinctly thank and honor our Vietnam Veterans and their families.

Bill Meyer thanked the Board members for this opportunity. He had contacted both the Commanders of the American Legion in Cicero, and the VFW (Veterans of Foreign Wars) in North Syracuse, and they were going to contact their members to verify their participation. Part of the program that this board needs to take is the formal application. The application before the Board tonight authorizes the Town Supervisor to take the next step. The Federal Government, in their application process, says it will take approximately 30 days.

Bill Meyer solicited any questions.

Councilor Cushman: I read over the amendment again, it says "Vietnam Veterans". Is that just the ones with the Boots on the Ground, or is that Vietnam Aerial Veterans? Does it cover when they served during the war, even if they didn't have Boots on the Ground?

Bill Meyer: The outline of the program set out by the Department of Defense is very inclusive. It does not indicate that you have to have 'Boots on the Ground', 'Blue Water', 'Brown Water', 'Navy', or whatever, it just says 'if you served during that time period.' So they are trying to be very inclusive.

Councilor Becallo: So there was interest in the VFW and the American Legion?

Bill Meyer: Yes, both.

Supervisor Venesky solicited any further questions from the Board. There was none.

Supervisor Venesky: I think this is a great recognition program. I think we owe a debt of service to the men and women who served in Vietnam and came back; some of them, to a less than favorable reception when they got home. So this is a wonderful thing that we are doing in the Town of Cicero.

Supervisor Venesky thanked Bill Meyer for leading the effort.

Supervisor Venesky moved for the adoption of a resolution authorizing the Town Supervisor to execute documents to implement and participate in the Commemorative Partner Program that honors Vietnam Veterans:

Whereas, the Town of Cicero wants to recognize, thank and honor United States military veterans who served during the Vietnam War period; and

Whereas, the 2008 National Defense Authorization Act empowers the Secretary of Defense to conduct a program on behalf of the nation that commemorates the 50th Anniversary of the Vietnam War; and

Whereas, that led to the formation of The United States of America Vietnam War Commemoration and Commemorative Partners to conduct hometown centric events; now, therefore be it

Resolved, that the Town Supervisor is authorized to enter into and execute the Commemorative Partner application, statement of understanding (SOL) and other documents as may be reasonably necessary to implement the intent of this resolution.

Motion was seconded by Councilor Becallo.

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

NYSDEC MS4 Annual Report

Presentation by Steve Snell from O'Brien and Gere on the NYSDEC MS4 Annual Report submitted to the New York State Department of Environmental Conservation on May 31, 2016. The MS4 Annual Report was presented along with a brief overview of the 6 minimum measures that are a requirement of the Permit. The 6 minimum measures include:

1. Public Education & Outreach
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Stormwater Management for Municipal Operations

Item 1 was completed by the CNY Stormwater Coalition, item 3 was completed by the Onondaga County Department of Water Environment Protection and the remaining items were completed by the Town. O'Brien & Gere collected information from the outside agencies and Town departments and included in the annual report form. The report was submitted to the NYSDEC to meet the June 1, 2016 deadline. The Board did not have any comments. A copy of the report should be placed on the Town's website for public review. If there are any questions or comments the report can be amended.

Shared Services Agreement with the North Syracuse School District

Councilor Becallo moved for the adoption of a resolution approving the proposed “Agreement” between the North Syracuse School District and the Town of Cicero for use of the fueling facility located at the District’s Support Complex at 5520 East Taft Road and authorizing the Supervisor to execute the same. The form and content of the agreement has been approved by the Town Attorney. This agreement will be in effect for the period of August 1, 2016 through July 31, 2017.

Supervisor Venesky solicited any Board discussion. There was none.

Motion was seconded by Councilor Karp.

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

Brewerton WWTP Service Area Sanitary Sewer Improvements:

- **\$165,000.00 to Precision Trenchless, LLC**

Councilor Becallo moved for the adoption of a resolution to approve an estimated amount of \$165,000.00 to Precision Trenchless, LLC to perform sanitary sewer pipe rehabilitation using cured-in-place pipe. Improvements will be completed for various locations throughout Oneida Park which is within the Brewerton WWTP Service Area.

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

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

- **\$30,000.00 to Shamrock Sewer Service, LLC**

Councilor Becallo moved for the adoption of a resolution to approve an estimated amount of \$30,000.00 to Shamrock Sewer Service, LLC to perform sanitary sewer manhole rehabilitation. Improvements will be completed for various locations throughout Oneida Park, which is also within the Brewerton WWTP Service Area.

Motion was seconded by Councilor Cushman.

Supervisor Venesky: I just want to say that, again, we are very proud of this project. The Brewerton Sanitary Plant takes about 80 percent of the sanitary refuse or sewage that the town produces; it goes through that plant. We’ve had leaky pipes there that were identified over 20 years ago. We are in the process of protecting our environment and moving the Town of Cicero forward by tackling this problem. I am very proud of this board for taking action on that.

Supervisor Venesky solicited any further discussion. There was none.

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

Steve Snell: These improvements are being completed in accordance with a grant the Town received from Onondaga County’s Save the Rain Program.

Supervisor Venesky: We worked very hard to secure those grants and to get to the right people to hear our plea for money. So the vast majority of the money that is going to be spent didn’t come out of the Cicero taxpayer’s dollars, so that was a big win for us.

Parks and Recreation Department

Councilor Karp moved for the adoption of a resolution to accept a donation from Walmart for four (4) pallets of ice melt, valued at \$500.00 per pallet. 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.*

Discussion Items:

- **Cicero Rabies Clinic**

Tracy Cosilmon announced the Cicero Rabies Clinic will be held on Monday, June 20, 2016, from 5:00 p.m. – 7:00 p.m. at the Cicero Highway Garage, 8236 Brewerton Road, Cicero. Please bring immunization records. A \$10.00 donation is appreciated.

- **Beach Road Closing**

Chris Woznica announced Beach Road will be closed next Tuesday, June 14th from 9:00 a.m. to 2:00 p.m. It will be closed, so local traffic only.

- **Town Website**

Supervisor Venesky said there is a problem with the Town's website. One of the things that we like about the website is that folks can go to the Information section of the website and put their email address in, and as we make changes, update things, or things become available, we will proactively push that to you so you won't have to go looking for it. What we found is, David Kirk who is our information officer, alerted me today that that function is not working; not everyone is getting them. David Kirk is in the process of trying to fix the problem. So those of you who are not receiving emails, or have not received all the emails, I apologize for that, but we did identify the problem and it is being worked on. Hopefully, in the next couple of days it will be fixed.

Executive Session

Supervisor Venesky said the Board would be reconvening after executive session.

Supervisor Venesky made a motion to enter into executive session to discuss issues relative to current litigation. The Town Attorney joined them.

Motion was seconded by Councilor Becallo.

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

Supervisor Venesky stated executive session began at 7:15 p.m. and adjourned at 7:42 p.m.

Supervisor Venesky had made the motion to reconvene into Regular Session. Councilor Becallo had seconded the motion.

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

Councilor Karp made a motion to adjourn the public hearing on the Portable Private Basketball/Recreational Equipment Local Law to the next meeting of the Town Board, which will be June 22, 2016. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

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

Set Public Hearing Date for June 22, 2016 to consider Proposed Amendment of 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)

Councilor Karp moved for the adoption of a resolution calling a public hearing on June 22, 2016, commencing at 6:30 pm local time 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. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

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

**Settlement of the New York State Supreme Court Tax Certiorari action –
entitled E&E Associates v. Town of Cicero**

Councilor Karp moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action (Index No.2011-4477, 2012-3667, 2013-3790, 2014-EF2845, 2015-EF2966) entitled **E&E Associates v. Town of Cicero** Tax Map Nos. 089.-01-68.4 and 089.-01-68.5 on property located at 6196 and 6197 Lakeshore Road for tax years 2011, 2012, 2013, 2014, 2015 and 2016 **reducing the Assessment to \$2,200,000.00** for all tax years with a cap on total refund liability to the Petitioner not to exceed \$12,500.00 subject to final audit and a full waiver of statutory interest by the Petitioner for all years with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed memorandum attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Cushman.

*After Councilor Karp had finished reading the resolution Robert Germain told him the **correct amount is \$2,200,000.00** (Councilor Karp had read an amount of \$2,200.00 off of the paperwork provided). Councilor Karp asked if he needed to reread the resolution. Robert Germain said no.*

Supervisor Venesky solicited any Board discussion. There was none.

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

Public Input

Don Snyder: I'm not sure what you just did. Can you tell us the property and what it's going to cost the Town for... I take it we are lowering the assessment on someone's property. Is that what we just did? Is it public record now, and you can tell us who it is and what liability we have now got.

Robert Germain: We had a several year tax certiorari case that started back in 2011 on the strip center. E&E Associates is the Petitioner's name, but it's Lakeshore Plaza. It's been going on for many years. After a pre-trial conference we settled the case with the judge to do stipulations to settle the case. We limited our refund liability to approximately \$12,500.00 (subject to final audit).

Ed Fry asked if there were any plans down the road to widen Brewerton Road where the corridor is now.

Supervisor Venesky told Mr. Fry: Those decisions are made by the Department of Transportation. The Town does realize we have traffic issues and we are going to be proactive about this. We met a few weeks ago with Matt Driscoll, and there is another meeting scheduled with David Smith, Deputy Commissioner of the Department of Transportation this month. What Mr. Driscoll had said was what they could do this year is they are going to try, with our police department, and with us, to manage the traffic as best we can with the fire departments and the emergency medical transportation services. There is no plan to widen Route 11 at this point. Matt Driscoll had said that although they recognize some things need to be done, there is no money available to do it. So we are going to do the best we can with our police department to manage the traffic when it arises.

Ed Fry: My house was built in 1886. It's quite close to the road. So if there was a widening of the road I could literally have a front porch that was 9 feet off the road. That's a huge concern for me. I understand and appreciate all the fire service. The Chief and I have known each other for many, many years. I have been part of the Brewerton Ambulance. I'm a life member of the North Syracuse Fire Department. I've been a member of Brewerton Fire Department. I'm all for being able to get emergency equipment through.

Supervisor Venesky: That was our concern. We took a look at the Environmental Impact Study (EIS) that was done in the Town of Hastings. I looked at it. I sat and I looked, and I didn't say it to anybody, but in my mind I said, this is unrealistic for what we are dealing with here. So we took it to Onondaga County Department of Transportation and they made the recommendation that we take it to Driscoll. That's when I picked up the phone and Driscoll came in.

Cicero Resident: I got your postcard about this, but I got it so late I couldn't change my work schedule, so I missed the beginning of your meeting. On the zoning part, I live over on Williamson Parkway where we have flooding in the back of the properties, and now you are talking about, the way I understand it (I went online and looked at your maps, and everything) there's a property in front of my house that is on Route 11 right now that apparently is only 250 feet deep for zoning, so they are apparently going to make that entire parcel Commercial now.

Supervisor Venesky: I'd have to look at the specific parcel. I know that what we have (if you look at Williamson Parkway south of Route 31), part of that is Commercial now and we are looking to take those parcels that are on Route 11. Some of them, I believe are split. I'd be happy to review that with you; *Split* meaning part of the property is zoned Commercial. There's not a lot of properties south of Route 31 to Bear Road that are not already Commercial. There is some Residential there. There's some Agricultural there. But what we are looking to do is change or clean-up the zoning where we have part of the property is zoned Agricultural, for example, and part of it is zoned Residential, it makes it virtually impossible for the owner. My understanding is to be able to sell the property if you don't have the proper zoning it has to be zoned one way or the other, I guess, for the banks. We are also looking for the proper utilization of the property because almost all of that on that Route 11 there [as he pointed to the map] is Commercial and we have Commercial businesses there.

Cicero Resident: My concern as a property owner is there is one of the lots that you are discussing right across from me and one of my neighbors that is partially zoned. I stopped into Zoning and Planning and talked to them because I knew I would be late for the meeting. I'm at 5783 Williamson, so I am just a couple doors down from Route 11. I have flooding in the back now that reduces my property value. Now they are going to change this to Commercial all the way back, which means they can put one of those Dunkin Donuts (one of the those drive thrus) that you enter on Route 11, and you're going to exit on these residential roads and that's right across from my picture window. So are they doing anything to help the residents if they are going to stick commercial structures in our neighborhoods?

Supervisor Venesky: I can't speak to yours because that piece of property, to my knowledge, is not being looked at. But I will tell you this (and Dick [Cushman] was on the Planning Board), people or business owners can't just come in and say *I'm going to put a Dunkin Donuts there*, for example, there has to be an Environmental Study. There has to be an approved Stormwater Management Program. There has to be a Traffic Study done. There are a lot of restrictions that have to be met prior to any project going in, and quite frankly, at least with our planning board, if it doesn't make sense or it's not a good fit for that area it will not be approved. Then also, we brought the fire departments in and we asked for their input, 'is this going to work as far as protection?' So there are a lot of things that go into it. It's not like someone can come in and say 'You know what, that piece of property is for sale. I'm going to put a Dunkin Donuts there', it has to go through a whole process.

Cicero Resident: Considering what I've seen with the other...I mean we only have a few residential islands here in the middle. When I moved in it wasn't like this. I bought here because I liked Cicero; it was a nice little town. Now everything is kind of closed in and my concern is definitely property values. The people over by Walmart, by the Sun Auto, things like that, there were things that were supposed to be done to protect that neighborhood a little bit and they weren't done.

Supervisor Venesky: I don't make excuses, but all of that happened there prior to this board, and what we are trying to do is prevent what happened over there where all of a sudden, you know... and I don't know about the public hearings. I am sure there were hearings. I don't know what happened, but I know that we have a lot of unhappy people between Walmart and Sun Auto. We want to prevent that moving forward. We can't change what we have there, but we can work to prevent that and try to do the best we can to prevent that type of situation happening again.

Cicero Resident: If that property gets developed, or for other people with surrounding properties, are the residents notified? Would I have any input, or would any of my neighbors have input as to that property, as far as where they are exiting roads and things like that? I mean, businesses don't care if headlights are going through your windows.

Councilor Cushman: There's a general rule with the Planning Board; they don't allow entrance or egress onto a residential neighborhood from a commercial piece of property.

Cicero Resident: What about Niagara Car Wash? That goes right onto a residential property.

Councilor Cushman: But the house across the street from it is equal and is also Commercial, so the residential part doesn't start until the next lot, so they don't have a driveway that's actually egressing into a residential. I know it's splitting hairs, but it's where the line is crossed.

Cicero Resident: Well, for me it's an important hair because it makes a difference whether it's in my window or not.

Councilor Cushman: The house that you're talking about, the only way they could egress that commercially would be out to Route 11. They wouldn't be able to go onto Williamson off the side because they wouldn't allow the egress. The Planning Board wouldn't approve that.

Cicero Resident: Okay. Well, that's at least a comfort for my situation.

Councilor Cushman: I'm not saying it's going to cut the traffic down. You understand the increase in the commercial traffic for whatever they build there or use it for. We've had times in the past where people come out and the head lights shine right in the neighbor's house out of a commercial development because of the spot zoning before; we've got those all over Cicero. We've cleaned up a lot of them, but does it still happen? Yes. Should it? No.

Cicero Residents: As far as aesthetics against a residential house, can they make them put up a fence or something?

Councilor Cushman: Oh yeah, they can make them. We did when we built this Dunkin' Donuts right down here. You'll notice that behind Dunkin' Donuts there's a storm fence, but it's 8 foot high. That's so when people come in there to go through the drive thru their headlights aren't flashing to the first house, which is residential right behind it. We made them put a berm there and a fence so that there wasn't that restriction. We try.

Supervisor Venesky: I think in some cases in the past a better job could have been done on some areas. We are very conscious of that. I can tell you that this board is very conscious. It's a balance. We are looking to strike a balance between 'quality of life' and also the 'economic development' that this town is going to need to survive in the future. That's why we are having multiple hearings; we want to hear everybody out. We've had some great ideas and some great thoughts. So we are not taking this lightly. So yes, I want to hear everything that you have to say. And yes, I am very conscious of protecting the quality of life in our neighborhoods.

Cicero Resident: Okay. Thank you very much for your time.

Supervisor Venesky: No, thank you. I appreciate it. If you have anything else just ring me, I'm here. I'd be happy to talk to you.

Cicero Resident: So if that property were to sell though they would send me a notification that things were changing, or no? If they were to put a fence in or something like that.

Supervisor Venesky: No. We don't proactively...it's like if someone purchases the house next door we don't send you a notification that it was purchased.

Councilor Becallo: An email would help.

Supervisor Venesky: Actually, I was asked tonight but it slipped my mind, but we were going to have a sign-up sheet for folks who want to direct them to the new website; it's coming along so that you can actually put your email address in there and we will proactively notify you of things that we are doing (hearings, and that type of thing).

Cicero Resident: And that's online right now?

Supervisor Venesky: Yes, the new website. Not all the kinks are worked out of it yet, but we think it's going to be very successful.

Cicero Resident: That's probably what I signed up for a few days ago.

Supervisor Venesky: Yes. But what you also missed was our website/content coordinator discovered a glitch; not everyone was getting the emails. He just called me today this afternoon around 4 o'clock. So put it in there, if you're not getting emails you will get them shortly. I think they are going into spam.

Ed Fry: Traditionally, unless you're going to change this process once you change the zoning the only reason that you would notify the neighbors north, south, east and west was is if they were requesting a variance on that piece of property.

Councilor Cushman: That's correct.

Ed Fry: In answer to the lady's question, would she be notified once this is turned into Commercial and a commercial business is going into that lot the answer would probably be 'no' unless it required Variance from the Zoning Board, and then you would get it. But other than that, you're not going to get notified by any town; not just the Town of Cicero.

Don Snyder: We do have the ability of people looking at the Planning Board agenda. I look at that all the time (you look at it and you decide if that bothers you or concerns you, or whatever). I was here this past Monday because there were a couple of things that I was interested in. So I think there is a way with our website if you want to regularly just click on the Planning Board agenda and you read it; it takes a couple of minutes. One thing, it's great because it helps you understand what's going on in the town. Also, if it concerns you, or you have a concern with it you can then go to the board. Even if you can't have a public hearing, which quite often the Planning Board does not, you can at least talk to the Planning Board Chairman and their staff.

Supervisor Venesky: Good point.

Councilor Becallo: Just push those agendas.

Supervisor Venesky: I'm thinking about that. I'm thinking about whether or not that's possible. I'd have to ask David [Kirk] if people wanted to sign up for certain things and then have that pushed.

Tom Beaulieu: Before we go across the Hastings Bridge to the great race track that's being built, and I do want to comment on a couple things with the Planning Board too, because having served on it as Chairman also. I saw some situations, like at Kopp Ave where Dunkin' Donuts is, we didn't want to put that back there. I was Chairman at the time. We were going to decline the application and we found out that because it had been previously a Dunkin' Donuts it was grandfathered and we couldn't prevent them. There was no access out of there, and it was a State road; at one time there was. We didn't want to put it in the neighborhood because right next door to it there was homes. So we put a fence up. You come out of there and it's a suicide move to try to make a left hand turn. We were stuck with that. That is an insane way to do any kind of planning. If we were doing that like this today you would have people in here screaming all over you all the time, not just on an occasion. I don't come to all the meetings. I'm not in town all the time, but I do come to a significant number. I've never seen any positive SEQR declarations in this town. Everything is always negative; like it's not going to impact the town. I think we do have some situations where we do now. I know the application for the black top plant wasn't even considered because of the zoning issue. It didn't have anything to do with the impact.

Supervisor Venesky: I think it was a 'use' issue.

Tom Beaulieu: A 'use' issue. But you never got into a SEQR determination because it just wasn't allowed to develop to that point. I think those are issues certainly that you look forward to in developing this corridor. It is nice to have this plan, but when I look at the Comprehensive Plan on occasion, and I think a lot of the past boards forgot what this book was all about, and we had it done for \$200,000. We have a lot of areas in the town on Route 11, and everyone that is here tonight has put a lot of years in this town, and have a lot of years in residence. Heck, I think Vern actually helped cut down and plow most of the areas all the way up through the corridor; he's been here a long time and he knows. What has the State done for us? We're looking for them to help to the northern section with the development? Take a run down from North Syracuse coming all the way up through... it's a disgrace. We don't have the sidewalks in. We don't even have shoulders. You see people walking out in the road. You see people out there with wheelchairs, walkers, and people riding their bikes in the wrong direction. The curbs are a disgrace. They ought to rip them out and put them all back in. The one positive thing they did this year is they went up through there and they spent about a week picking up all the crumbling pieces that the maintenance people did out at Onondaga East residency, but that just doesn't cut it. I can't remember the last time the State spent hardly any money in the infrastructure in this town, and I give the County credit. As you know, they've done a lot of upgrading of the intersections; you go up to Believer's Chapel, you go down to Thompson Road and South Bay Road, you take a look at Route 31 and Thompson, you go up to South Bay and Route 31. The only thing the State has done, because they knew it was a huge liability, is actually put a three-way light system in at Cicero Center Road and Route 31. The rest of it...how many years did it take us to get them to paint the bridge down here? They kept telling us they were going to paint

it. Jimmy Corl was the Supervisor then. You're talking about painting a bridge that made this town look like a dump. That's what we get out of this state.

Supervisor Venesky: I know you weren't at the last couple of meetings, but we do have a commitment. The State is putting sidewalks in. We had a public hearing and we are finally, finally going to get sidewalks that are going to run from Bear Road to 200 foot north of Caughdenoy Road and we are getting three crosswalks; absolutely needed.

Tom Beaulieu: But what about the area from Caughdenoy all the way up to Town Hall? Do we all stop walking where the sidewalks end and have somebody pick us up?

Supervisor Venesky: I'll take whatever monies we are given. I'm not going to bite the hand that feeds me. I think anyone on this board, or anyone of the staff here, will tell you that I'm a pretty squeaky wheel when it comes to putting Cicero on the map.

Tom Beaulieu: Good! I hope so. Because we are going to hold you to it. We are changing the trajectory of the way business is done in this town. I will not forget that definition you gave me.

Supervisor Venesky: We are changing the trajectory of the Town of Cicero. Yes sir, we are.

Loomis Pardee: Talking about the town and the way it looks; underneath that bridge on Route 31...it's a disgrace.

Supervisor Venesky: It is.

Loomis Pardee: It's a complete mess. If you go up to Thousand Islands by Clayton, or up there, that's all mowed for two to three miles back. It looks like a golf course. It's the same state. Why can they spend that money up there and they don't here?

Supervisor Venesky: Well, I can't answer that question, but we are getting pretty vocal.

Loomis Pardee: Do those people at the town boards up there bark louder than you guys are?

Supervisor Venesky: I don't know. We are barking at Nimo [National Grid] too. I already let them know that we are not pleased with the way their property is looking either.

Loomis Pardee: It's been that way for quite a while. It's the same way up along Pardee Road, you got those nice hotels up through there and Gander Mountain, but that bank is a disgrace.

Councilor Becallo: It's also a lack of representation at the State level, so don't forget that.

Adjournment

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

Motion was seconded by Councilor Becallo.

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

There being no further business before the Board the meeting was adjourned at 8:11 pm.

Tracy M. Cosilmon, Town Clerk

