

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, May 12, 2008, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Chester A. Dudzinski, Jr., Supervisor
James Corl, Jr., Councilman
Charlotte Tarwacki, Councilor
William Rybak, Councilman
C. Vernon Conway, Councilman
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Codes Enforcement Officer
Jeanne Kulesa, Comptroller
Bonnie Smith, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Michelle Baines, Project Engineer, O'Brien & Gere
Tom Leo, Post Standard

Absent: Sharon Edick, Receiver of Taxes
Anita Barnello, Assessor

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.

A moment of silence was observed for our troops that are in harms way.

Mr. Dudzinski indicated where the fire exits were and read the following statement:

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

S.E.Q.R.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) or Unlisted actions and have a negative impact on the environment unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes
Ms. Tarwacki: Yes
Mr. Rybak: Yes
Mr. Corl: Yes
Mr. Dudzinski: Yes

APPROVAL OF APRIL 26, 2008 MEETING MINUTES

Motion was made by Mr. Corl, seconded by Mr. Rybak, to approve the minutes of the April 28, 2008 town board meeting.

Ms. Tarwacki explained that in agenda item number #3 in the last meeting, there is a vote with two yes, one abstain, one absent and a no and I believe that vote is not valid as there isn't a quorum there.

Heather Cole – You mean majority, not a quorum. There was a quorum, there wasn't a majority. I don't know of any legal requirement that the town board approve the minutes. They are the Clerk's minutes and she is to make sure all of the resolutions and votes are tallied, but, it has been the policy of this board to approve minutes. Given that there was not a majority vote, the board could reapprove the minutes at this time.

Ms. Tarwacki – I think we would be back in the same situation because Mr. Conway has been ill, so I doubt if there is an amicable or reasonable solution to that other than, I'd like it to be known, what the vote was and that it wasn't a majority. Thank you for your correction.

The motion was approved as follows:

Mr. Conway:	Abstain, as I wasn't here.
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

DEPARTMENT HEAD INPUT

Highway

Chris Woznica requested an expenditure of \$2,216.25 to Barrett Paving as they had to do some emergency work on driveways, which is a budgeted item.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$2,126.25 to Barrett Paving to do emergency work on driveways, which is a budgeted item.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Police - None

Comptroller - None

Park & Recreation

Jody Rogers explained that she had given the board a memo regarding her need for modifying some money to the personnel line to 2 other lines so that she could proceed with some activity since the appointment of a full time position was not approved. She asked to take approximately \$12,456.00 from Fund A7110.1 of the \$43,411.00 that is still in the budget and to use approximately \$7,106.00 to be modified to Account A7110.11, for two seasonal staff people, to be added to her summer staff. Jody also requested approval not to exceed \$5,350.00 for herbicide application, for weed control at all facilities as she does not have someone on staff that is a certified pesticide applicator.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize that \$12,456.00 from Fund A7110.1 be taken out of the \$43,411.00 in the budget to hire two seasonal staff people as summer staff for the parks and to additionally approve an expenditure of \$5,350.00 for herbicide application which is weed control at all facilities, as there is no one on staff that is a Certified Pesticide Applicator.

The motion was approved as follows:

Mr. Conway: Yes

Discussion: Ms. Tarwacki – In the long run, it's a waste of money to proceed this way, but I will vote yes for you because you are going to have to maintain the park systems, the best you can.

Continuation of the vote:

Ms. Tarwacki: Yes

Mr. Rybak: Yes

Discussion: Mr. Corl asked Jody what the summer arrangement usually was.

Jody Rogers – These two individuals and the herbicide application was removed in order to put in a full time person.

Mr. Corl – So, last summer you had the same arrangement basically.

Jody Rogers - Yes

Continuation of the vote

Mr. Corl: Yes

Mr. Dudzinski: Yes

Jody Rogers wanted to notify the board that the Shared Municipal Incentive Services Grant for 2008 for the CanTeen was not selected as one of the 2008 grants. The Youth Board will be meeting next Wednesday, to discuss what direction they want to take and I have also contacted Assemblyman Stirpe's office in regards to obtaining the scoring that was used for the grant through the Department of State, so that we can determine what our deficiencies were on the grant that was submitted and potentially, resubmit next year, if we can do something in regards to the deficient areas.

Attorney Heather Cole reminded everyone to speak directly into the microphones and to not start speaking until you have reached a microphone.

Engineer - None

Zoning - Wayne Dean asked the board to set a public hearing date for a zone change for a parcel of land on Route 11 that is north of the entrance to the ice rink. It is the parcel that is between the ice rink and Route 11 and the applicant Blaise LaRocca would like to develop a parcel back there to allow him additional uses that are allowed under General Commercial Plus.

Mr. Corl asked what the current zoning is.

Wayne Dean – It is currently zoned General Commercial.

Heather Cole suggested that the board give themselves at least a month before setting a public hearing date, so that the Planning Board has time to give their recommendation and for it to go to County Planning.

Ms. Tarwacki asked if there was any indication from the developer of what he proposes to do with it.

Wayne Dean – He would like to construct a small business park with offices similar to what has been done at the corner of Button Road and Route 31.

Mr. Rybak – Do they need to go to General Commercial Plus to do that?

Wayne Dean stated that he didn't see any benefit for what he wants to do.

Mr. Rybak stated that he didn't believe Joe Grosso did that.

Wayne Dean – He didn't. This was a request made by Pat Leone and I believe it was suggested to him, to do this, so he has more options.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to set June 23, 2008 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a zone change from GC to General Commercial Plus for the parcel of property located north of the ice rink on Route 11 for the applicant Blaise LaRocca.

The motion was approved as follows:

Mr. Conway: Yes
 Ms. Tarwacki: Yes
 Mr. Rybak: Yes
 Mr. Corl: Yes
 Mr. Dudzinski: Yes

Town Clerk Tracy Cosilmon reminded everyone that the annual tire collection day is this Saturday, May 17, 2008 from 8:00 a.m. to 11:00 a.m. at the Cicero Town Hall. The cost is \$2.00 per car tire or small truck tires and the cost will be determined for all other tires depending on size.

APPROVAL OF ABSTRACT #9 OF 2008

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #9 of 2008 as follows:

General Fund Voucher #1126 to Voucher #1250 In the amount of \$405,344.65
 Highway Fund Voucher #223H to Voucher # 247H In the amount of \$ 76,328.88

The motion was approved as follows:

Mr. Conway: Yes
 Ms. Tarwacki: Yes
 Mr. Rybak: Yes
 Mr. Corl: Yes
 Mr. Dudzinski: Yes

BUDGET MODIFICATIONS

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to approve the following budget modifications:

Budget Modifications 5/12/2008

Police
From Code Acct Amount to code Acct
 B31201S Shift Differential \$2,500.00 B31201 Personal Services

Amendments

STEP Grant Police

\$1,896.00 Expense B31202STEP
 \$1,896.00 Revenue B3389 STEP

We have received a check from NYS for the STEP Grant in the amount of \$1,896.00. This reimbursed the town for the purchase of a radar unit.

The net effect on the budget is zero.

Homeland Security Grant – Police

\$11,500.00 Expense	B312021HG
\$11,500.00 Revenue	B3389HG

The Cicero PD has received notification of a Homeland Security Grant in this amount.
The net effect on the budget is zero.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

CONTINUATION OF PUBLIC HEARING & SEQR DETERMINATION FOR
 JACOBS ZONE CHANGE (EASTMAN ROAD/NORTHERN BLVD.) TAX MAP
 NUMBERS 055.-02-01, 055.-02-27.0 AND 055.-02-28.0

Mr. Dudzinski explained that this public hearing was left open

The public hearing continued at 7:14 p.m.

Attorney Mark Grobosky stated that he was appearing before the board for Mr. Robert Ventre who had a conflict this evening and explained that he understood this was a continuation of the public hearing that was held open for comment from the public.

Speaking for – None

Speaking against:

Tom Beaulieu, 6121 Palm Summit asked that the map be made available so that people could look at it when making comments. He also asked if the public hearing notice specifically stated that Jacobs Zone Change was going to be changed from Agricultural to the particular use that is being requested. (The map was made available)

No response

Tom Beaulieu stated that his concern was the wording was on this notice and if it was just a SEQR Determination or a Zone Change from Agricultural to this specific request.

Mr. Dudzinski read a portion of the legal notice as follows:

Property situate at the northwest corner of the intersection of Eastman Road and Northern Boulevard in the Town of Cicero, as described below, presently located in General Commercial, Agricultural and Residential R-15 Districts as defined in the Town of Cicero Zoning Ordinance adopted June 5, 2001, is hereby rezoned and designated General Commercial Plus GCP under said ordinance, subject to all regulations created and established relative to said General Commercial Plus GCP District.

Mr. Dudzinski stated that Agricultural was in the notice and that it was being changed to General Commercial Plus.

Tom Beaulieu stated that he brought this up because he thought that we were only going to be looking at the SEQR and wondered if this was going to require a Type I or Type II or Unlisted Action by the Town Board?

Heather Cole – They’ve already declared it a Type I Action and have already solicited input from involved and interested agencies and to my knowledge, none have been received.

Tom Beaulieu – Would that be a preliminary SEQR Determination before the final approval?

Heather Cole – That is correct.

Mr. Corl – When this initially came before the board we declared that the town was the lead agency on the project.

Tom Beaulieu stated that he borrowed a map from the Comprehensive Land use plan and shared it with the board pointing out the residential areas and the green areas that are classified as other, which in this case would be Agricultural. There is no Commercial or GC use in the triangular area and currently is a residential neighborhood, being Totman Road on both sides and Eastman Road on both sides. Northern Blvd. has acres of property begging for development and the town has an abundance of commercial and industrial zones already. This is an older community of homes on both sides of Eastman and Totman Road that would not be well served by a commercial zone change at this time. It is time to put the quality of our neighborhoods and their lives ahead of developers looking to flip distressed properties to the detriment of a long established neighborhood. I would request that you do the right thing and say no, to this zone change. Thank you for your time tonight.

Mr. Dudzinski – I believe that when Mr. Ventre was here last time and put his map up, there were a considerable amount of wetlands which protected the homes.

Mr. Grobosky placed the map for all to view and the wetlands were pointed out and stated that the area that he believed Mr. Ventre had pointed out consists of approximately an 18 acre parcel of which 11 acres are both corp and local wetlands which are going to prevent any type of development within them. Mr. Grobosky pointed out on the map Totman Brook Floodway other areas that wouldn't lend themselves to any large scale, or residential development. The power lines were also pointed out, where there is a significant easement. The vacant area was pointed out on Northern Blvd. and Eastman Road where there is a Convenient Store gas station. Mr. Grobosky stated that most of the area is zoned Industrial.

Tom Beaulieu - What do the wetlands have to do with the quality of life in the existing neighborhoods going to have? We aren't concerned that it is going to effect toads or snail darters, we're concerned about the quality of life that the people on Totman and Eastman Road are going to have now, if there isn't that much room to develop commercial property. You couldn't build anything on this particular lot because of the overhead power lines. Those lines are laid out in such a way that you couldn't put a driveway there. This was discussed at the last meeting. You don't have the room because of the power lines over there and you have a very small area that you are going to be able to commercially develop. Was a notice sent out to the residents in that community saying that there would be a zone change and they might be impacted by that?

Mr. Dudzinski – I believe they were.

Tom Beaulieu questioned why, none the people in that area have shown up to make any comments.

Mr. Dudzinski – That is why we left the public hearing open.

Tom Beaulieu stated that it was good that that was done as it will give people the opportunity.

Mr. Dudzinski – This started back in the fall and then the developer delayed it 3 or 4 times, which has meant that he had to re-publish that on his own. I'm guessing, by now, that everyone may have seen it.

Tom Beaulieu – It is unfortunate that you have to spend the additional money, but, these are important zone changes we're making when it impacts a community.

Mr. Dudzinski explained that we told them, if they kept cancelling their meeting, that they would have to pay for it and they said that they would.

Tom Beaulieu – I agree. My other comment is, if you are doing a SEQR Determination at some point, there are a lot of things that go into that. Have you addressed air quality, traffic, erosion issues to see if commercial change isn't going to impact the residential neighborhood to a certain degree?

Heather Cole – You've all had a copy of the draft full environmental assessment form as well as copies of letters from the State Department of Transportation and a draft resolution and a comment letter from your Engineer to assist you in making that determination. Is that correct?

Mr. Corl -Yes, we've had input from the County Planning Board, the Planning Board and other entities that you mentioned. We have that information.

Tom Beaulieu – It is well and good that you have that but, would you perhaps share some of it with the public, so that we can be aware of it.

Heather Cole – It has all been on file in Tracy's Office.

Mr. Rybak explained that a traffic study was needed and that the DOT said no, and it was overruled the County Planning Board as they said that one was not needed.

Tom Beaulieu – A full assessment review?

Heather Cole – No, a traffic study

Tom Beaulieu stated he was not as concerned about a traffic study.

Heather Cole – That is part of their SEQR review and that is why Mr. Rybak is bringing it up.

Mr. Dudzinski explained that as thorough as our Planning Board is and you know that they are, if there are any concerns that our Chairman, Pat Leone, would be right on top of it.

Tom Beaulieu stated that when changes come in they are familiar with exactly what is going to be proposed and all they are doing is coming in and saying we've got a parcel and we want to change the zoning specification. A lot of times when we have people come in here and speculate at a zone change hearing and then we talk that they might put a gas station or a bank there. That shouldn't be part of the discussion and should stay strictly to what the zone change is being proposed.

Mr. Dudzinski – It's the land use.

Tom Beaulieu stated that this is an established neighborhood and that we have an abundance of commercial and industrial property along Northern Blvd. We don't need to change our quality of life in the next couple of years for a piece of property that nobody is looking at right now. It is all trees and natural habitat and to change it would be a disservice to the people in that neighborhood.

Mr. Grobosky – In summary, and I would ask Ms. Cole, this, I believe at the time this comes before your Planning Board for development for site plan approval, once more SEQR will have to be addressed. At that point it is usually where you are requiring the long form EAF.

Heather Cole – Yes, you filled it out.

Mr. Grobosky – Certainly, you are going to have a long form or even go into a DEIS in that particular situation if you see that there is any significant impact. As Mr. Rybak or Mr. Corl, pointed out, SOCPA has looked at this and they are pretty diligent in their review. As I understand, the only concern that they had was about a possible traffic study, but, I believe Mr. Stelter from County DOT looked at it and said it isn't really applicable here as it is within county standards. The board has certainly done its due diligence required under SEQR and taken a hard look. I would ask that the board consider it tonight.

The public hearing closed at 7:28 p.m.

Board Comments:

Ms. Tarwacki stated that she wished to reiterate her concerns for that small parcel even though it is underneath the power lines and that it is going to be a driveway passing right between two houses that will cause interference to their lives.

Mr. Rybak stated that he thought it was reiterated that they could not put a driveway there because of the power lines.

Ms. Tarwacki – Mr. Beaulieu said that, but, you never know.

Mr. Dudzinski explained that they just worked with National Grid on our power lines behind the Highway Garage and if they are at all concerned about you going under their wires or through their right of way, they are there and will inspect it. Chris and I went back there and we have to put barriers around the base of the poles now and we've got to make sure, we don't pick anything up in the air. If it is too close, they have to ask permission to go through it. You just can't put a driveway in there.

Wayne Dean explained that he believed that they could put a driveway through there and that it is no different than being 50 feet away from where power lines cross over Eastman Road. They could certainly drive under them, but, they couldn't build anything under them.

Mr. Dudzinski – If they go through there, they are going to have to ask National Grid as it is theirs.

Wayne Dean – Yes

Mr. Conway – I read someplace where they were going to put one driveway entrance in there off Eastman Road.

Mr. Dudzinski – It would be the one closest to Northern Blvd.

Mr. Conway -Yes, and there would be only one entrance and it would be off Eastman.

Ms. Tarwacki – What is the purpose of having that section on the side of the wetlands changed if you can't get in there.

Mr. Conway – When they came before the Planning Board last year, regarding this, they had decided that they weren't going to use this because there was no way of getting into it on the west side.

Ms. Tarwacki asked again, what is the purpose for changing it then.

Mr. Conway stated that it is because it is all Agricultural there and is all one parcel.

Mr. Dudzinski – He made an application for the entire piece.

Mr. Grobosky stated that there were 3 tax parcels shown there, but he wasn't sure how they were distinguished. They would like to explore the idea of having a driveway there, because of the site distances from the corner of Northern Blvd. Usually, they are looking at 200 feet for a site line and we have 498.67 feet, so we could certainly meet guidelines, if we put in a driveway in this particular area, which was pointed out. We also know we would have to receive clearance from National Grid because we would be crossing their easements and the towns.

Mr. Corl asked if the homes were occupied that are located on the other side of the power lines.

Mr. Grobosky – I'm not sure.

Mr. Dudzinski – This has been going on for five months, and if there is a problem with this small piece and you would like to research this more, now it is the time to say so.

Ms. Tarwacki stated that she was concerned with the small piece because you don't know what they are going to put back there and there isn't a plan.

Mr. Dudzinski – Just remember that this is for a zone change and not land use.

Ms. Tarwacki – You're right, but, I see that little piece as the only access to that section west of the wetlands and that is the most problematic part of the whole thing to me.

Mr. Dudzinski – So, basically, you don't have a problem with the big piece?

Mr. Corl – I think the question that you have whether it is an appropriate zone change for the little parcel, which would allow access. The question is, should that be zoned General Commercial Plus, or not?

Ms. Tarwacki - If that small parcel remains residential or agricultural, that still wouldn't prohibit them from putting a driveway there, because they intend to build further in the back. Is that correct, Wayne?

Wayne Dean – That is correct, but, if that parcel is probably 150 or 200 feet wide and if you put a driveway down the middle of it and had it screened on both sides, I think that would be ample screening for any residence on either side of it.

Mr. Grosbosky stated that is 135 feet.

Wayne Dean stated that anything they did would have to come to the Planning Board and they would look at screening and hours of operation, noise levels, etc.

Ms. Tarwacki – That isn't going to stop noise as 135 feet isn't enough to be distant.

Mr. Grobosky stated that he did not have the legal description but, Mr. Ventre discussed that with you at the last public meeting and it appears that the parcel we are talking about is going to remain

R-15, Residential as it was marked up on the map. (The area in question was pointed out.)

Heather Cole - I don't think so, I think he is just indicating that is, R-15 currently and that the green area is General Commercial and that the yellow is AG. The entire outlined portion is proposed to be re-zoned.

Mr. Dudzinski stated if there are any concerns or questions to please bring them forward to be answered.

Mr. Rybak – It seems to me if you use that for a driveway down there, where will it go to. There isn't much developable land on the other side of that driveway, because of the power lines.

Mr. Grobosky – That's correct and also the wetlands. To cross those, we're going to need DEC Permits and those portions may not be developable anyways.

Mr. Corl – If it is encumbered by the wetlands and the power lines, why is it necessary to ask for a zone change for those areas?

Mr. Grobosky – I wasn't privy to that. One of my thoughts might be for developable areas and square footage that may be included within it, but, not actually be built upon. I think that may be why they sought to have the old parcel zoned General Commercial.

Mr. Rybak – There is no guarantee of that.

Mr. Grobosky – No, but, again that would be on the reliance of your Planning Board and how they are going to approach this and whether they would allow that. I think it is prudent from a planning standpoint to include that within the zone change and to work with the Planning Board as to how much and what impact it is going to have on the surrounding area.

Mr. Dudzinski suggested that the decision be held off until the next meeting and requested that Mr. Ventre come back on Wednesday, May 28, 2008, to the Town Board Meeting to continue this meeting and to answer any questions. Please tell Mr. Ventre that we would appreciate him being here.

Discussion to be continued at the next Town Board Meeting May 28, 2008

Mr. Grobosky – If for any reason Mr. Ventre is unable to attend at the meeting of May 28, 2008, can he reschedule it by phone?

Mr. Dudzinski – Yes

Mr. Corl – The main issue is why it is necessary to include that chunk in the zone change.

Mr. Grobosky stated that he will explain that to Mr. Ventre and ask him to be prepared to answer that.

Mr. Dudzinski – Any information that he can relay to our attorney will be appreciated.

PUBLIC HEARING FOR STOP SIGN AT NATES LANE @ SOUTH BAY ROAD

Proof of publication and posting was presented to the Town Board by Town Clerk Tracy M. Cosilmon. Mr. Dudzinski offered to read the notice in its entirety. There was no request to do so, therefore the reading was dispensed with.

The public notice read as follows:

NOTICE OF PUBLIC HEARING: TOWN OF CICERO

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 12th day of May, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: local laws that would establish stop signs at the following intersections: on Nates Lane at South Bay Road heading southeast; on Rinaldo Blvd. East at Eisenhower Blvd. heading east and west; on Rinaldo Blvd. East at Astor Lane heading north and south; on Rinaldo Blvd. West at Lilac Drive heading north and south; and on John Huss Ave. at Mudge Road heading north and south. The proposed local laws are available for review in the Town Clerk's Office.

Heather Cole stated that these were proposed by the Police Department a few meetings ago and that there are two sets of Stop Signs. The first is just for a Stop Sign on Nates Lane at the intersection of South Bay Road. I would also note that in an effort to conserve resources we did publish them all as one public hearing notice, but, they are two separate Local Laws for separate locations.

The public hearing was opened at 7:52 p.m.

Speaking for:

Tom Beaulieu, 6121 Palm Summit thanked the Highway Superintendent for installing that sign several months ago as it was a safety issue, but it specifically saying in the Town Code, when we develop property or a site, that we should include putting our Stop Signs in place before we start putting houses up. If you go to Florida you would find that it looks like a tornado went through there and that there are no houses, but, the street lights are there, pedestrian crosswalks are in, the Stop Bars are all painted in and the sidewalks are there and the wheelchair ramps are in. There are no homes, but, everything is done before a house is built. The question is up here, that we're not doing all of these things and why aren't we putting the Stop Signs up to control traffic once the first, second or a hundred houses go up. I thank you for doing that. The other question that is brought up is the placement of some of the signs. At the T intersection at Nates and Lana, the traffic is stopped on Nates coming down to South Bay instead of the traffic at Lana being stopped at the T. Why is the traffic stopped on this side of the entry and allowing them to make a right on Lana? Lana should have been stopped and the T should have direct access and anybody coming into the T should be stopped instead of the other way around.

Chris Woznica – I will have to go out and look.

Mr. Dudzinski – **Chris, please use the microphone.**

Chris Woznica – I think these were approved a number of months ago.

Tom Beaulieu - They were, and the suggestion was made by you guys and if they don't review it or take your word for it as the correct placement.

Chris Woznica – I work with the Chief and this is how they were put through. We don't want to stop traffic on two roads.

Tom Beaulieu – We are in this case.

Chris Woznica – I'll go out and take a look at it.

Tom Beaulieu stated that while he was biking in that area he was asked why that particular Stop Sign was put in that location and not over on Lana coming into Nates.

Chris Woznica stated that no one has brought this to his attention before this and said he would take a look at it.

Tom Beaulieu – I would also like to talk about traffic lights.

Mr. Dudzinski – You need to speak to the issue Tom.

Tom Beaulieu – We're talking a safety issue here and we still have traffic signal heads that are non functional at Burdick Drive. Over the weekend I saw somebody drive through a light, because there is no red signal on as the bulb is out, and somebody comes out because they have a green light and there's an accident, the town is going to be responsible for that. These are safety

issues that have to be addressed. If it isn't our responsibility to change it and it's Burdick's, or the County, they should be notified. We don't want the Tort Liability for the town and the residents to be responsible for an accident.

Mr. Dudzinski asked Heather Cole to draft a letter and send it to Mr. Burdick please.

Ed Zaleski, Van Antwerp Dr., stated that he has passed that intersection many times during the day and has seen cars and trucks cut in front of him, so, he was in favor of a Stop Sign.

Mr. Dudzinski – Ed, I would agree with you but, I have to come down Route 31 on numerous occasions to come to the Town Hall and there is a Stop Sign at the intersection of Button Road and Route 31 and there are people who totally refuse to stop.

Speaking against - None

The hearing was closed at 7:53 p.m.

Board Comments:

Mr. Conway stated that he felt the Stop Sign was necessary.

Motion was made by Mr. Conway, seconded by Mr. Corl, to approve the installation of a Stop Sign at Nates Lane and South Bay Road, subject to the Highway Superintendent checking it out and to be known as a Local Law.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Ms. Tarwacki stated that someone should ask the developer to clean up the corner because when they were doing highway cleanup that particular corner was full of trash and debris left over from construction. There is a trailer there that looks as if it has been there for a long time that is on the main road. We ought to contact that person and tell them to clean that mess up.

Mr. Dudzinski asked if that was still a construction lot.

Wayne Dean – It is, a house is being built in there.

Mr. Conway – They did get the backhoe equipment out of there after two years.

Ms. Tarwacki stated that there is a traffic light out on Circle Drive and Hogan Road. A red light is missing there also.

Mr. Dudzinski – I believe they are Burdick's. Heather, if you could please get a letter off to Mr. Burdick and have him check them out.

Wayne Dean stated he would also check them out and believed there may be another one..

**PUBLIC HEARING FOR STOP SIGN AT THE FOLLOWING LOCATIONS IN
BRIDGEPORT (VAL PARK)**

Proof of publication and posting was presented to the Town Board by Town Clerk Tracy M. Cosilmon. Mr. Dudzinski offered to read the notice in its entirety. There was no request to do so, therefore the reading was dispensed with.

The public notice read as follows:

NOTICE OF PUBLIC HEARING: TOWN OF CICERO

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 12th day of May, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: local laws that would establish stop signs at the following intersections: on Nates Lane at South Bay Road heading southeast; on Rinaldo Blvd. East at Eisenhower Blvd. heading east and west; on Rinaldo Blvd. East at Astor

Lane heading north and south; on Rinaldo Blvd. West at Lilac Drive heading north and south; and on John Huss Ave. at Mudge Road heading north and south. The proposed local laws are available for review in the Town Clerk’s Office.

Chief Snell – Back in the fall we had a meeting with the residents of Bridgeport and the issue of Stop Signs came up after the meeting and these were the intersections they wanted him to look at. I looked at them and submitted a request to have the Stop Signs put in. I also attached with the request several emails that I have received, mostly in support of and some not in support of the Stop Signs.

Chris Woznica stated he agreed with the Chief.

The public hearing was opened at 7: 54 p.m.

Speaking for - None

Speaking against - None

The hearing was closed at 7:55 p.m.

Board Comments:

Mr. Corl stated that he felt they were a necessity and that he was prepared to move forward.

Motion was made by Mr. Corl, seconded by Mr. Conway, to approve the installation of Stop Signs in Val Park to be known as a Local Law as presented.

Intersection of	With/Stop Sign(s) on	Entrance (s)
Eisenhower Blvd.	Rinaldo Blvd. East	East and West
Astor Lane	Rinaldo Blvd. East	North and South
Lilac Drive	Rinaldo Blvd. West	North and South
Mudge Road	John Huss Ave.	North and South

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

**PUBLIC HEARING FOR SPEED REDUCTION
ON SOUTH BAY ROAD AND WHITING ROAD**

Proof of publication and posting was presented to the Town Board by Town Clerk Tracy M. Cosilmon. Mr. Dudzinski offered to read the notice in its entirety. There was no request to do so, therefore the reading was dispensed with.

The public notice read as follows:

TOWN OF CICERO

NOTICE OF PUBLIC HEARING:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 12th day of May, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that would set speed limits as follows: on South Bay Road between NYS Route 31 and Lakeshore Road to 45 mph; on Whiting Road between South Bay Road and NYS Route 31 to 45 mph; and on Whiting Road between Lakeshore Road and South Bay Road to 35 mph. The proposed local law is available for review in the Town Clerk’s Office.

Chief Snell stated that since we have become a Suburban Town, we need to look at some of the inconsistencies throughout Cicero, the way speed limits have been addressed. As an example, out in Bridgeport, you’ve got Route 31 where it is 30 mph, but, Bull Street is significantly more, that has become a residential road with no shoulders. We also have in this area Lakeshore Road that is currently 35 mph and Whiting Road that is 45 mph and South Bay which is 55 mph. I think the Town Board needs to seriously look at all of the speed limits in the town and develop a

consistent approach to establishing speed limits because they are all over the place. Whiting Road is a result of a fatal accident that occurred up there. There have been several accidents over the years at that location at Whiting Road and South Bay. I've gone up there on three occasions and used radar and the average speed on Whiting Road is 45 mph to 49 mph and it is a 45 mph speed zone. The area has become highly residential and there are many kids biking, walking their dogs, etc. and people are coming through there at 49 – 55 mph and it is extremely dangerous. The other issue is the Stop Sign at South Bay as you are approaching Whiting Road is a straight road and you can pick up some speed and the Stop Sign comes upon you very quickly. As you know, there is no Stop Sign on South Bay Road and the traffic is at 55 mph, which we know, traffic could be traveling at 60 -65 mph. My recommendation is that Whiting Road should be reduced to 35 mph zone, the same as Lakeshore Road for the entire length.

Mr. Dudzinski – That will be the entire length from Route 31 to Lakeshore Road.

Chef Snell – That is correct

Heather Cole stated that she would like to note for the record that the town board did receive a petition from residents of the Whiting Road area also requesting speed reduction.

Mr. Dudzinski – This is a perfect example. Normally in the past, before we became a Suburban Town, we would have to ask the State to look at reductions of speed and as Chief Snell mentioned it was very inconsistent when they gave us a reduction at all, after 4 or 5 possible requests. It was a very long drawn out ordeal. I think we are going to be able to streamline this process and will make a lot safer with Joe and Chris's help.

The public hearing was opened at 7:55 p.m.

Speaking for:

Tom Beaulieu, 6121 Palm Summit stated that he does a lot of bicycling and that he wanted to commend the Chief for going over and looking at that. The people that live in that neighborhood understand that it has become a residential neighborhood and not a cut through for cars to travel 45 or 50 mph. The area as you pointed out on Whiting Road which I also travel from the farm down to South Bay has no speed limit signs. I don't understand why the county wouldn't post it. I would presume if it wasn't posted, that it is 55mph, which is outrageous. I see people walking, jogging and I see farm tractors on that road and I can't imagine what kind of a cataclysmic accident we would have, if we hit someone or a farm wagon going those speeds. It is just uncalled for and unnecessary. Getting back to the neighborhood area along South Bay and Lakeshore Road, the Chief pointed out, there are many people and kids who walk, jog, bicycle, etc. in that area, and recently a young four year old boy died there in an accident and the circumstances of that accident and what happened, regardless of speed limit or what kind of stopping control devices you had, may not have had any impact on the outcome of that poor child's death. But, I don't see the County having gone up there after an accident of that magnitude and a death, and looking at possibly making safety adjustments at that intersection. I am going to be writing them a letter myself. When we solicited this type of comment before for Northern Blvd. when it was done, 4 or 5 years ago, the County came in and changed a lot of the signs. We had a 48 inch Stop Sign which was a good size sign coming down Northern Blvd. towards the Church from Thompson Road to Northern Blvd. They took the 48 inch size down and put a 36 inch Stop Signs. I spoke with Councilor Conway about this the other day as we had cars, truck's, tractor trailers, etc. blow through the signs because they didn't see them. If you were to put a 48 inch Stop Sign on both sides of the road in both directions and put up those florescent orange diamonds and they put the little wiggle ears on them that would catch people's attention. The other thing that the Highway Superintendent has been doing is putting up what they call a W215C, which is a 36 x 36 Stop Ahead Sign. I don't know how many of you have seen those, but they are much more effective than a Stop Ahead sign that was posted 600 feet from the intersection.

Mr. Dudzinski – There is one on Cicero Center.

Tom Beaulieu stated that there is another one on Whiting Road when you are approaching South Bay. What the Highway Superintendent is doing is a much better idea. If you see that sign, you automatically start hitting the brake when you see that small stop sign as it is warning you that there is a Stop Sign ahead. Not all people read the text, so putting the Stop Sign symbols on those has had a good impact in the town. I am going to put that request in my letter to Mr. Lynch, the County DOT Director. I would like to see if they will make those safety adjustments.

Mr. Dudzinski – I believe they have been out there, but, what they are going to do if anything, I'm not sure of, because they haven't told us about it.

Tom Beaulieu stated that he has heard that they may put a four way Stop Sign there, but didn't know if that would ever work and didn't see it as being a potentially good move.

Roy Mallette, 6346 East Taft Road stated that he was in favor of this, but, the problem is that people don't obey the laws and that the town should post signs that speed laws are strictly enforced in this town and then mean it. You might stop some of the accidents we're having and I would like to see it for my own safety on Taft Road.

Ed Zaluski stated that he travels Whiting Road and that all of the obstructions should be cleared out so that you can see when you cross that road especially when cars are traveling at 55 – 60 mph. It is a bad spot, looking south on that road.

Mr. Dudzinski stated that we can't legislate common sense and if we could post 10 mph on every road in the town, there would be people speeding all over the place.

Speaking against - None

The hearing was closed at 8:05 p.m.

Board Comments:

Mr. Conway stated that he drives on Whiting Road and South Bay Road all the time and hates to see the speed limits changed but he thinks that we had better.

Ms. Tarwacki – I think we should do it.

Mr. Rybak stated he was in favor of lowering the speed limit and the Chief was successful in getting a 30 mph speed zone by the school, in the residential portion and that he would guarantee that there are very few people who are going 30 mph through there. With out a strict enforcement policy on any road people will continue to speed until they have to fear the thought of a ticket waiting for them at the other end. That goes for Route 31, Whiting Road, or any other road. We have to have an enforcement to let people know that we will not tolerate the speeders on our streets.

Mr. Corl – I agree with that and I am also in favor of the speed reductions. In the past we have asked numerous times for these particular roads, especially Whiting Road and have been denied those requests. I think one of the main reasons people were in favor of us moving our classification from a Town of First Class to Suburban Town was the major advantage of the ability and flexibility that it gives the town board to dictate speed limits for roads. This is definitely a positive step in achieving some of the goals that were set when becoming a Suburban Town and I am in favor of it.

Motion was made by Mr. Corl, seconded by Mr. Conway, to request a speed reduction from 45mph to 35 mph on the entire length of Whiting Road from Lakeshore Road to South Bay Road, to be known as a Local Law as presented by the Chief.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Mr. Dudzinski asked when South Bay Road was going to be looked at.

Chef Snell – Do we need to publish a notice for that if we are going to do that one again?

Heather Cole – Actually, all you need is a petition by residents in the area. Unfortunately the way the Vehicle and Traffic Law is written, you as a Suburban Town are authorized to modify speed limits based on petitions from residents in the area. There has been a lot of discussion about speed limit change on South Bay Road, but, we haven't actually seen anything from the residents. I would strongly encourage any residents who are interested in that to provide their comment to the town board in writing or to the Town Clerk if that is easier. You did already publish notice for that potential speed reduction and if you would like to keep that portion of the public hearing open until next time, you could do that in anticipation of potentially receiving a petition that would allow you to move forward.

Mr. Dudzinski – There are only two houses on South Bay Road.

Chef Snell - I could go and get both signatures.

Mr. Corl asked if the signage equipment used to tell you how fast you are going is rotated around.

Chief Snell - We just got it out, but, can't use it in inclement weather. We are putting it in some of the residential areas right now and we have a new policy that we're using in residential areas called a soft policy. It is where we put the sign out for a day and follow up with handing out flyers, thanking people for obeying traffic law. It contains information and statistics on how many kids have been injured or killed in traffic accidents annually. Right now this is the soft approach to help us with the reduced staffing that we have.

Mr. Corl asked Chief Snell if he would consider going into the Pastures area.

Chief Snell – We did Electric Railway and Matilda Gage last week and once we get the signs posted, we will be doing Whiting Road and once we address South Bay, we will be doing that as well. That one will be a hard policy and not a soft policy because we want to send a strong message right off. In residential areas we're doing it a little differently.

Mr. Rybak stated that on the Police website when you are sending out points of information, I know that there are a lot of people in this town who feel, when going back to Route 31, by the school, where there is the 30 mph speed limit, they figure it's under the Vehicle and Traffic Law from 7 :00 a.m. until 6:00 p.m. but, that speed limit is 24 hours a day 365 day per year and a lot of people don't realize that. That is another point of education.

Chief Snell stated that it is not a School Zone.

Mr. Rybak – No, it isn't.

Tracy Cosilmon clarified with the Supervisor that the public hearing would be left open for South Bay Road per Heather Cole's suggestion.

Mr. Dudzinski stated that this would allow us to get the comments from the two neighbors and Joe Snell is going to collect their signatures so we can go forward.

Heather Cole – I don't think that we need to republish it, but, if you can keep it on the website I think that would be the best bet.

The public hearing for South Bay Road was left open

Mr. Dudzinski told Alex Wisniewski, P. E, from LJR. Engineering that Mark Parrish was running late and hoped to arrive by 8:30 p.m. so his item #11 on the agenda was being moved later in the meeting.

DISCUSSION OF WINDMILL INSTALLATION AT PARTIES, PICNICS AND
PROMOTIONS, LOCATED AT 9120 BREWERTON ROAD
Agenda item # 12

Wayne Dean stated that Gary has discussed this with him a couple of times and when he saw the request by Paul DeLima, he wanted to request a similar relaxation of the Windmill Moratorium at his place. I think the board should listen, but, again, there is a moratorium in place until we get some guidance on where we want to put these. I think that Paul DeLima was a little different. I haven't seen exactly where Mr. Thompson wants to put his, but, maybe that would show that he has enough room. If the board does relax the moratorium I believe that it should be noted that when the legislation is in place, that he has to abide by it. It may require changing it or reducing it in size.

Mr. Rybak – How close are we to that legislation?

Heather Cole – Wayne and I have a solid working draft right now and I fully anticipate that we will be in a position to move on it before the moratorium expires, which is six months, but, I don't remember exactly when it was adopted. It will probably be in three or four months.

Mr. Dudzinski – Do you think, by the 1st of July.

Heather Cole – I would think so.

Gary Thompson, owner of a rental business called Parties, Picnics and Promotions and also a mini storage that was started in 2002, stated that he has been trying to get a windmill since 2005. I went to my first convention in Chicago and brought all the information to Jay and I've been sitting on the sidelines waiting for some response. There wasn't an ordinance for or against it and I've been sitting patiently. I've had some informal meetings with O'Brien & Gere and I think Heather was there. I gave my proposal, did my homework and gave them everything they wanted to know such as how many birds a year that it kills, how many decibels it puts out, the height that I wanted it and then when I found out about Paul DeLima, I felt like someone standing in a deli line, who butted in ahead of me. That is how I want to proceed with this and hope you won't be impartial against me since I am a small company and don't have the big order behind me. I was just hoping that the board would hear me out.

Gary Thompson put a drawing was put on the board and stated that there are two buildings on the property now and that he was given the okay when he was developing it to put more buildings in. One building off to the east requires that I file a variance because it sits by NIMO lines. I want to put up the mini storage that is generated by its own power as we all realize that our utilities are getting higher. National Grid is a British owned company that bought out NIMO and there is another company which is a Spanish Utility Company that is trying to buy up Rochester Power and Gas and they are also trying to buy up NYS Electric and Gas. I'd like to supply my own power to my facility and I asked Jay, when he was working here at the time and at my last informal meeting I sat down with him and O'Brien & Gere and they asked me several questions. I am just asking to be allowed to go ahead with this. I am looking at a 45 foot tower and to the east of me is Oneida Lake, with no resistance and on the west of me is the Golf Course with no resistance. It is a perfect application for this. The set backs are well beyond the thing, should it ever fall over, so there should be no concern there. No one looks at the telephone poles through here and they are at a 30 degree angle carrying 3 transformers and 10,000 volts of electricity. No one balks at the way they are leaning. I would like to have the go ahead with this and the waiver as Paul DeLima may have.

Mr. Dudzinski asked how large the blade would be.

Mr. Thompson stated that it will have a 12 foot radius and my system would have the inverter which is on top of the system, which cools itself off. A wind turbine generates DC voltage and to convert it, you need an inverter and the nice thing about this is that it is up on the head itself. This windmill that I am proposing to get is 40 – 60 decibels, equivalent to an air conditioning noise outside on a 30 feet level. If we go 45 feet, which my request is, I can get some rebates from NY State of \$6,600.00 bringing my cost to under \$7,000.00. The board should also realize that National Grid is only responsible for 3% of the customers to buy electricity back, so that's 770,000 customers that are allowed to buy power back and after that they can shut anyone off. My concern which is that all the other towns around us are getting wind energy, hydro and are putting up their windmills, so this percentage of opportunity is decreasing day by day. That is why I'm trying to get this windmill, before it is too late for me. I also want to take advantage of the rebates from NYS and have my meter spin backwards and have National Grid, cut me a check each month.

Ms. Tarwacki asked who would be installing it, a company or himself.

Mr. Thompson – I'm an Engineer myself and have my own equipment, but, I would entertain to have supervision on it. I am familiar with windmills and have helped install a couple for them for 911 Generation in Baldwinsville and they are also a distributor for Skyscape Generator.

Mr. Dudzinski asked Wayne Dean if he was familiar with this.

Wayne Dean – No, I am not. I would request that if this went ahead, that it goes to the Planning Board for approval. Heather and I have been discussing that, and feel that it will be part of the legislation if it is passed.

Heather Cole – For right now, the Town Board needs to schedule a public hearing on this and I would also suggest that the applicant provide an application in writing and that can be in the form of a letter, but, something in writing to this board formally requesting a waiver from the moratorium and in that letter discussing any unnecessary hardship that the applicant feels that they are under as a result of moratorium. That is one of the main factors that the board needs to consider when determining whether or not to grant the waiver from the moratorium.

Mr. Corl asked if we are requesting Paul DeLima go to the Planning Board?

Heather Cole – I don't think they have even gotten that far yet.

Mr. Corl – We have a public hearing on that on May 28, 2008.

Heather Cole – That's correct and if you were to grant the waiver, I think Wayne and I would both strongly suggest that it be conditioned upon their obtaining site plan approval through the Planning Board.

Mr. Corl – I would suggest that we have the public hearing on May 28, 2008, which is the same day for Paul DeLima and in between now and then you could provide a written letter as requested by the attorney and then we can proceed on the same night with both requests for the moratorium. I think in regards to the hardship, you have elicited some of the information regarding, cutting some of the costs of your bills to do business and things like that. It may be a good idea to include things like that as well.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to set May 28, 2008 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a waiver of moratorium for Parties, Picnics and Promotions of 9120 Brewerton Road, to install a windmill at that location.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

DISCUSSION OF ONONDAGA COUNTY MULTI-JURISDICTIONAL ALL HAZARD MIIGATION PLAN (AGENDA ITEM 13)

Heather Cole stated that this is a request from the Onondaga County Planning Agency SOCPA, who sent out correspondence to municipalities in various jurisdictions within Onondaga County. They would like your participation in the Onondaga County Multi Jurisdictional All Hazard Mitigation Plan. The Town Board should have received a copy of that correspondence on it and they are looking for a commitment from you, that you will participate in this plan. I think participation in it, may ultimately help with some grant opportunities, should there be any natural disasters. Participation in this plan may allow you to avail yourselves of funding in the state of an emergency. In order to participate in it, they would like you to accept the authorization and acknowledgement that was included within that correspondence. They also want you to designate your representative that is going to appear on behalf of the Town at the meeting and participate as the towns, go to person for this program. If you would like to do that, I suggest that you move on it as presented, but, that you designate your representative and potentially an alternate.

Mr. Dudzinski asked Chief Snell if he had volunteered for that as we need a point of contact.

Heather Cole – It also requires attendance at some meetings.

Chief Snell agreed to do it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to enter into an Onondaga County Multi Jurisdictional All Hazard Mitigation Plan and for Chief Joseph Snell, to be the town's representative, as presented.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

APPROVAL OF JAMES H. SPIRE AMERICAN LEGION PARADE PERMIT FOR
MONDAY, MAY 26, 2008 AND FOR \$500.00 DONATION
(Agenda item 15)

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to approve the James H. Spire American Legion Parade Permit for Monday, May 26, 2008 and to approve the annual \$500.00 donation.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

APPROVAL FOR PAINTING IN THE TOWN HALL IN THE AMOUNT OF \$1,800.00
TO D. M. JARVIS PAINTING, INC., A BUDGETED ITEM
(Item 15 on the agenda)

Motion was made by Mr. Rybak, seconded by Ms. Tarwacki, to approve an expenditure of \$1,800.00 for D. M. Jarvis, Painting, Inc. to do painting in the Town Hall, which is a budgeted item.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Jody Roger mentioned that the Beach will be opened on May 27, 2008. Also the Boy Scouts in the Town of Cicero are very active and we have been the recipient of their activities for their Eagle Scout projects. Recently Keith Holmes, Troop 117 completed his Eagle Scout project and we just attended his ceremony, receiving his badge. He created two bocce courts at the senior center out back, which are for our seniors and for the general public if they would like to use them. Secondly, John McCabe Troop 333, who just this past weekend worked on the Plank Road Nature Trail Development signage at the trail and will be completing that in the next week or so. I'm in discussions with Jim Blackburn from Troop 333 for a landscaping project. Having gone to the Eagle Ceremony, I also obtained 3 more young men who are interested in projects. We have some great young men in this community, adult leaders and families sticking behind their Boy Scouts.

PARKS & RECREATION & YOUTH BUREAU PURCHASE APPROVALS
AND STAFF APPOINTMENTS (Agenda Item 16)

Tree Removal
Closest to Route 11 Bridge

Jody, explained that she had received two quotes for tree removal and wished authorization for Sams Native American Tree Service to remove the tree contingent on their providing a Certificate of Insurance and paying the license fee for cutting trees in the Town of Cicero. If this is not able to be done, she wishes authorization for and expenditure not to exceed \$2,140.00 for Timber Tree Service to provide this service. She will of course try to go with the lowest cost for this service.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure not to exceed \$2,140.00 for Sam's Native American Tree Service or Timber Tree Service to remove trees on Route 11 near the bridge in the Town of Cicero contingent on receiving his Certificate of Insurance and his paying the license fee for tree cutting in the Town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Herbicide Expenditure

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve an expenditure not to exceed \$4,000.00 for the herbicide application to be done in the parks and to provide the Comptroller with the name of the lowest cost vendor.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Staff Appointments

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the following staff appointments as follows:

Staff Appointments**Recreation Attendant – Playgrounds**

Hire Rate: \$7.15/hour
 Hire Date: June 23, 2008
 Budget Code: B7140.1

Jessica Hogan, 110 Kennedy Lane, North Syracuse
 Georgina Jiries, 8120 Pickett Lane, Cicero
 Jessica Jireis, 8120 Pickett Lane, Cicero
 Nicholas Virag, 116 Gertrude Street, North Syracuse

Park Laborers

Hire Rate: \$8.50/hr.
 Hire Date: May 20, 2008
 Budget Code: A7110.11

Robert Drummond, 7949 John Huss Ave. Bridgeport
 Brandon Anthony, 8555 Persian Lane, Cicero
 Keith Holmes, 26 Mirage Lane, Cicero

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Mr. Dudzinski stated that Vern Conway would be taking care of Chris Woznica's as he was needed home.

APPROVAL OF HIGHWAY PURCHASES

Emergency purchases was addressed and the board approved expenditure of \$2,216.25 for Barrett Paving to do repairs on roads, pipe replacement, road cuts, driveway damage, etc., in various parts of the town to come out of Account Code DB511255, see page 2.

Mr. Dudzinski stated this was addressed earlier in the meeting.

Jeanne Kulesa stated that the board has already addressed the emergency purchase.

The emergency purchase was voted on a second time for clarity.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway to approve an emergency expenditure of \$2,216.25 for Barrett Paving to do repairs on roads, pipe replacement, road cuts, driveway damage, etc., in various parts of the town to come out of Account Code DB511255.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

ASPHALT TOP AND BINDER A BUDGETED ITEM

Mr. Conway requested authorization of an expenditure of \$500,000.00 to Barrett Paving for asphalt top and binder which is a budgeted item from Account Code DB511255, with \$150,000.00 left in the account.

Discussion:

Mr. Corl – At the last board meeting Chris brought this up and we wanted some type of comprehensive plan to show which roads and in what order or priority, before we spent \$500,000.00. Has that been discussed?

Mr. Dudzinski – There has been no discussion on what roads should or shouldn't be paved. He said that he would try to possibly pave and my suggestion was that we can't pave and put gutters in at the same time as it was too much money this year. He had to make a choice and his comment to me was that he would prefer to put the paving in and we would fore go the gutters. I am going to request that the engineers look into changing the town's standards for gutters and new projects. Since we have no new projects in the pipelines right now we could possible go to under drains, catch basins and tip ups which is curbing like we have over on Circle Drive. These gutters are killing us and are an ongoing process of digging them up and chopping them up and putting them in and then 10 years from now we have to do it all over again. If this was South Carolina, I'd say it was a good idea, but, as far as I'm concerned, gutters are a waste of money. I know some people love them, but in my opinion we need to come up with a better solution to the problem.

Mr. Conway – That is item D and we haven't gotten to that yet.

Mr. Dudzinski – Lets continue with item A.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure of \$500,000.00 to Barrett Paving for asphalt top and binder which is a budgeted item from Account Code DB511255, with \$150,000.00 left in the account.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Ms. Tarwacki requested that she be given a list of the roads.

Mr. Conway – I'll get that for the next meeting.

(Equipment rental and operators)

Motion was made by Mr. Corl, seconded by Mr. Rybak, to authorize and expenditure of \$100,000.00 for Lan Co Paving for equipment rental and operators for road paving which is a budgeted item, Account Code DB511255.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Gutters for various roads

Mr. Conway explained that Chris has requested an expenditure of \$400,000.00 for gutter repair on various roads and that Chris said he would give that up if we would give him \$150,000.00 out of that \$400,000.00 to do another mile to mile and a half of paving. The vendor is Lan Co and the account code is DB511050 with nothing left in the code.

Mr. Rybak – The other \$250,000.00 would remain in that code for now.

Jeanne Kulesa – If you look at his asphalt number A, amount left in code, which I'm assuming Terri has corrected, he has \$150,000.00. I don't think we would have to mod the money. At some point or at this meeting you are going to need to approve him to use the extra \$150,000.00 if that is what you decide. I'm assuming we would leave the \$400,000.00 in the gutter line.

Ms. Tarwacki stated that at some point we're going to have to identify what we would use that \$400,000.00 for and for things that have been held back and that were budgeted for this year. If we're going to have an extra \$400,000.00 in that item line, then we're going to be able to access it for other things.

Mr. Dudzinski – I have no intentions of spending any of that money.

Jeanne Kulesa – You can let it fall back to the fund balance or if you decide there's another project, we can do a modification to move it from the gutters line to whatever you decide.

Mr. Dudzinski – It will need to be a major catastrophe.

Ms. Tarwacki stated it's not just to leave it in the Highway Fund for however long.

Jeanne Kulesa – For now it would sit there and if you didn't use it by the end of the year it would fall back to the Fund Balance. The Highway never loses the money.

Motion was made by Mr. Conway, seconded by NO SECOND, that we do not do the gutter repairs for \$400,000.00.

Mr. Dudzinski stated that we really don't need a motion we just don't entertain the subject.

Jeanne Kulesa asked if they were going to be authorized to use the \$150,000.00, or is that something you will do later?

Mr. Rybak – Do you want to do that now, or are you going to give him the whole package, or do you want to wait?

Mr. Dudzinski and Mr. Corl – Wait.

Mr. Rybak – Has he contracted for x amount of paving materials or does he do that as he is doing the roads?

Jeanne Kulesa – I believe he does it as he does the roads, so that he can see what he needs first.

Mr. Dudzinski – My suggestion is that we skip item D.

Asphalt Top and Binder for various road repairs

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$25,000.00 to Barrett Paving for asphalt top and binder for various road repairs, Account Code DB5112.55, with \$125,000.00 left in the code.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

300 yards topsoil – A budgeted item

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$5,400.00 to Gerber Topsoil to purchase 300 yards of topsoil which is a budgeted item, Account Code, DB5110.47, with amount left in code of \$12,871.63.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Grass seed, bales, fertilizer

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$4,000.00 to Merritt Seed to purchase grass seed, bales and fertilizer, account code DB5110.47 with \$8,871.63 left in the account.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Fuel Tank and Straps for Truck #21

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,162.64 to Stadium International to repair the fuel tank and straps for truck #21, Account Code DB5130.55.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Oil Pan & Gasket Set Truck #10

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,382.34 to Cummins N. E. to purchase and oil pan and gasket set for truck #10, Account code DB5130.55 with \$17,755.66 left in the code.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Mr. Dudzinski stated that he didn't know where Mark Parrish was and asked Alex if he would like to proceed with his presentation.

Michelle Baines suggested that he get started as she knew Mark would be arriving soon.

REVIEW OF CONTRACT DRAWINGS AND PETITION PLANS FOR
KILDARE'S MEADOWS

L. J. R. Engineering, P.C.
ELTA BUSINESS PARK
8394 ELTA DRIVE
CICERO, NY 13039

Discussion: Alex J. Wisniewski, P. E. representing L.J.R. Engineering reviewed the letter of May 9, 2008 pertaining to Kildare's Meadow which is as follows:

May 9, 2008

Cicero Town Board
8236 S. Main Street
Cicero, NY 13039

Re: Kildare's Meadow
File No. 630.023

Dear Board Members:

At the suggestion of your Town Engineer and in anticipation of presenting Contract Drawings to you for approval on May 12th, I have prepared this letter to provide additional background in regards to the proposed extension of Clarecastle Path from the Winterhaven Estates subdivision into the above referenced project.

As you may be aware, the proposed road extension and its interconnection with the subject development has been the topic of much discussion, in particular, as it relates to its geometry. As such, I wanted to take this opportunity to provide the Town Board with some of the background behind the road's current design.

The original intent of the Preliminary Subdivision Plan was to extend Clarecastle Path from its current stub location within the Winterhaven Estates tract and bring it through the proposed Kildare's Meadow subdivision to provide for an interconnection to Orangeport Road. As the road extension will pass under existing National Grid power lines, we submitted the road design to National Grid for their review. National Grid then requested that we lower the proposed road to maintain a minimum clearance between the road surface and the anticipated sag elevation of their lowest wire.

Since the original design of Clarecastle Path as part of the Winterhaven Estates subdivision did not anticipate this requirement of National Grid, the request posed some logistical problems in terms of trying to extend the road from its existing elevation, crossing under National Grid's facilities at an acceptable elevation, and then returning to an elevation needed to allow the drainage to adequately function within the proposed development.

After significant discussions involving the developer, our office, the project surveyor, the Town engineer and Town officials, it was agreed that the interconnection from Winterhaven Estates through this proposed development to Orangeport Road was desirous. As such, the construction drawings submitted for your approval do provide for this road interconnection and meet the requirements that National Grid has imposed upon us. However, the road does not meet Town standards in one regard: the vertical curve length on the Clarecastle Path as it extends from its current terminus (road station - 1+22.70) is less than what Town standards would typically require.

As I understand it, the Town highway standards require that vertical curves allow for a minimum stopping sight distance of 200' for roadways with a 30 mph speed limit assuming a driver eye height of 42" and an object height of 6". In layman's terms, a driver would be able to see a 6" tall object in the roadway from 200' away.

To meet these requirements, the existing Clarecastle Path road stub would need to be removed and reconstructed to a point northerly of the last driveway on the west side of Clarecastle Path within the Winterhaven Estates tract. To do so would require the developer to remove, regrade, and reestablish this existing driveway up to the road right-of-way line. Therefore, in an effort to avoid disturbance to the neighbor's driveway, the roadway's vertical curve at the point of connection to the existing roadway was truncated as necessary to meet the existing road grade at the noted driveway location.

The road profile as proposed provides a stopping sight distance of 140.65' for an object height of 6 inches; that is a driver could see a cantaloupe in the roadway from a distance of 140.65'. A driver could see a volleyball (12 inch object height) from 167.22' away and a dog (24 inch object height) from 209.68'. In simple terms, the Town's sight distance requirement is met for object heights of 2 feet or greater.

Therefore, we felt that avoiding disturbance to the neighbor's driveway in this instance was a reasonable approach although the design falls slightly below the Town's road design standards. We see no other resultant negative consequences as related to drainage, maintenance or otherwise. As such, we would ask that your board consider approval of the Contract Drawings with the acknowledgement of this slight departure from your typical road design standards.

I would intend to present this information to the Board as part of my presentation of the Contract Drawings on Monday May 12th. Should you have any questions at that time, I'd be happy to provide any additional insight that I can

Very Truly Yours,

Alex J. Wisniewski, P.E.
President

Alex Wisniewski stated he was with LJR Engineering and was representing Butternut Creek, LLC. To present the contract drawings and petition plans for a proposed residential subdivision that is going to be known as Kildare's Meadow. The subdivision plan approval was received 4 or 5 months back relative to the project. Kevin Barry a representative of the developer is also here with me tonight, should questions arise that need to be answered. The site is 18.9 acres conditions and is located at the north side of Orangeport Road opposite of LeBeau Lane and adjacent to the Glengarriff subdivision. The site is currently R-12 which allows for the lots proposed. There are no State or Federal wetlands for flood plain on the property. As part of the proposal, my client will construct the public infrastructure to allow for the development of 35 single family residential lots. There is a road connection proposed at Orangeport Road to align with LeBeau Lane and the road system would extend through the property and extend underneath a National Grid transmission line and connect into Clarecastle Path which is currently a stub street that exists within the Winterhaven Estates subdivision to the north. There is approximately, 2,500 feet of proposed roadway. There are approximately 2,100 lineal feet of 8 inch diameter gravity sewers that will be installed by the developer and dedicated to the town. There is a proposed connection to that system to an existing manhole on a section of Orangeport Road and LeBeau Lane. The water system is available via Onondaga County Water Authority to serve the site. There is an 8 inch loop system that's proposed at LeBeau Lane and a loop connection at Clarecastle Path. Alex, proceed to discuss the drainage Petition Plan and stated that currently stormwater from the site along with storm water discharge from the Glengarriff subdivision generally drains from east to west across the site. They call it a swale which parallels the railroad draining southerly to a 24 inch culvert that crosses under Orangeport Road. As part of the development, my client intends to install 3,500 feet of 6 inch underdrain along with 12 inch to 30 inch diameter storm sewers to collect runoff from the proposed roadway system and developed lots. It also will convey the upstream storm water from Glengarriff through the site to the propose storm water facility that would be located on lots 1 and 2, to the southwestern portion of the property. Because we're going to disturb more than an acre of land, we will need the State SPDES Permit for storm water and erosion control. The facility has been designed in accordance with the requirements of that permit. The water quality is afforded through the inclusion of a permanent wet pool within the detention basin. The town's engineer has reviewed the documents that we are asking you to approve tonight and Mark Parrish has prepared a review letter that I believe you all have. In that letter Mark has two salient points for further discussion tonight.

O'Brien & Gere's letter is as follows:

May 6, 2008

Town Board
Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517

Attention: Chester Dudzinski, Jr., Supervisor

Re: Kildare's Meadow Public Utilities
File: 0101/42607

Dear Board Members:

We have reviewed the following for the above referenced project for conformance with Town Code requirements and Town standards for sanitary sewers, stormwater management facilities and roads:

1. Plan & Notes dated March 11, 2008 revised April 17, 2008
 2. Road Profiles & Details dated March 11, 2008
 3. Sanitary Sewer Profiles dated March 11, 2008 revised April 17, 2008
 4. Storm Sewer Profiles dated March 11, 2008 revised April 17, 2008
 5. Details dated March 11, 2008 revised April 17, 2008
 6. Sanitary Sewer Details dated March 11, 2008
 7. Storm Sewer Details dated March 11, 2008 revised April 17, 2008
 8. Final Drainage Report dated March 2008 revised April 2008
 9. Erosion Control Cost Estimate dated April 21, 2008
 10. Stormwater Pollution Prevention Plan, undated
 11. Lakeshore Sewer District, Contract No. 71 Sanitary Sewer Petition Plan and Project Description dated March 11, 2008
 12. Oneida River, Oneida Lake and Chittenango Creek Drainage Improvement Drainage Petition Plan and Project Description dated March 11, 2008
- LJR Engineering, P.C, prepared the above items.

The 18.9 acres of the site located on the north side of Orangeport Road across from LeBeau Lane. The site is currently vacant and is comprised of woods and brush. The project consists of the construction of approximately 2,100 feet of 8-inch diameter sanitary sewers, 3,570 feet of 6-inch underdrain and 12 to 30-inch diameter storm sewers, a stormwater management area, 2,550 feet of roads and related appurtenances for a subdivision consisting of 35 single-family residential lots. Our review of the referenced materials indicates they are in general conformance with Town standards subject to the following comments:

1. The site is within the Lakeshore Sewer District. Sanitary sewer service is to be provided by extension of 8-inch gravity sewer mains from a 12-inch sanitary sewer located along the south side of Orangeport Road. It is proposed to open cut Orangeport Road to install the sewer across the road.
2. Storm water runoff from the site is tributary to a swale that flows southerly along the railroad tracks to a 24-inch culvert that flows southeasterly under Orangeport Road. Stormwater runoff from the Glengarriff subdivision located east of the subdivision also flows through the site. As over 1-acre of land is to be disturbed a New York State Department of Environmental Conservation SPDES General Permit for Storm Water Discharges From Construction Activity Permit No. GP-02-01 must be obtained for the project. The SPDES permit requires stormwater quantity and quality be implemented for the project, which are to be provided by a stormwater management area located in the southwest corner of the site. The following are additional comments regarding storm water management for the site:
 - a. The proposed stormwater management facility is a wet pond. As the Board is aware there are numerous issues related to safety, liability, aesthetics, maintenance, and pests related to the storm water quality measures. The proposed facilities are designed in accordance with the Town's Minimum Standards for Sanitary Sewers, Stormwater Management Facilities and Roads. As a condition of the approval of the Preliminary Plan the Planning Board recommended a fence be provided around the

- stormwater management area. It is noted the fence has not been shown and the Board should determine if it should be provided.
- b. Grading and cleaning of facilities within the adjacent Conrail property is necessary for construction of the stormwater facilities. Approval for this work will need to be obtained from Conrail prior to construction.
 - c. A swale is to be constructed along the rear of Lots 13 to 23. Some minor grading will need to occur within the drainage easement on the properties within the adjacent to the Glengariff subdivision. The grading of the swale should be revised to show a minimum of 1 foot depth on the swale.
 - d. Sump pump connections to the storm sewer system are provided for all lots except for Lots 1 and 2 that are to discharge to the stormwater management area.
3. Access to the site will be via a Town road onto Orangeport Road across from LeBeau Lane, which are Town highways. The Plan also provides for a connection to Clarecastle Path, a stub street in the adjacent Winterhaven Estates subdivision. The Board should confirm the Town Highway Superintendent has reviewed and approved the Plans relative to highway and drainage issues. The following are additional comments regarding the roads and site access:
- a. In order to accommodate National Grid power line clearance requirements it will be necessary to reconstruct a portion of the stub street and create a low area under the power lines. The appropriate permits for construction of the road should be obtained from National Grid. The vertical curve in the transition from the existing end of Clarecastle Path to the power lines does not provide the required stopping site distance of 200 feet that is required by the Town Code. The site distance could be met if additional length of the existing stub street were reconstructed. The Board should review this issue with the Developer and determine if a waiver from the site distance requirement should be granted.
 - b. The Preliminary Plan for the project noted that no driveways would be allowed onto Orangeport Road.
 - c. If a stop sign is required at Orangeport Road or other intersections the Developer should provide these as part of the subdivision improvements.
4. As noted previously a NYSDEC SPDES General Permit for Storm Water Discharges Construction Activities is required for the project. In addition to stormwater quantity and quality measures the SPDES Permit requires provision of erosion and sediment control measures. The Erosion and Sediment Control Plan and associated details are in general conformance with Town standards and the NYS Guidelines for Urban Erosion and Sediment Control. The Erosion and Sediment Control Plan represents the minimum effort that should be implemented. If additional measures are required as a result of field conditions, or the Town requests additional measures, the Developer's agents or others who may be performing work on the site are advised of the necessity to install them. All disturbed areas must be vegetated as soon as possible as described in the Erosion Control schedule. If vegetation is not established prior to Final Plan approval, a post construction Erosion Control Plan may be required.

We recommend the Town execute a Siltation/Erosion Control Agreement with the Developer upon deposit of security for the erosion control facilities. Our office has reviewed and agrees with the Estimated Construction Cost of Erosion and Sediment Control Facilities of \$28,767.80 provided by L.J.R. Engineering. The Sedimentation and Erosion Control Agreement should be executed and the security deposited prior to the start of construction on site.

5. The site does not contain a State wetland as identified on the New York State Freshwater Wetland Map or a Federal wetland as identified on the National Wetland Inventory. Also, the site is not located within a 100-year flood plain as identified on the 1994 FEMA Flood Insurance Rate Maps.
6. The site is located within the Orangeport Water District. An 8-inch diameter water main is to be extended from the existing 8-inch water mains along Orangeport Road and Clarecastle Path to provide service to the site. The applicant should coordinate provision of water service with the Onondaga County Water Authority (OCWA).

Prior to the start of construction, the Developer must notify the Town and O'Brien & Gere of his proposed construction schedule. Upon provision of the construction schedule, our office will provide the Developer with an estimate for construction phase services and a time and date for a pre-construction meeting. It will be necessary for the Developer to deposit the fees prior to the start of construction.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Gary D. Cannerelli, P.E.
Vice President

Alex Wisniewski stated that the first point in Mark's letter of May 9, 2008 is specific to the geometry of the proposed road interconnection to the existing stubstreet at Clarecastle, which was submitted to the board and is inserted above. To give you an overview, the original intent of the subdivision plan was to provide for a connection into Winterhaven Estates to allow for fire protection and emergency vehicles to have an additional exit going out to Orangeport Road. As we develop the road profile as part of the preliminary plan and approval process we submitted those profiles to National Grid to get their thoughts on the proposed crossing through their easement. They actually asked us to lower the road relative to the existing elevation of Clarecastle Path, where we cross their lines to maintain a minimum clearance under their wires. They gave us a specific elevation where our road had to be at or below to meet those requirements. We did revise the road profiles to meet the requirements of National Grid and essentially what that has done, is as you come south from Clarecastle Path, the road will have to be lower in grade and going down a hill, where there is a low point, where the catch basins are going to be installed, just beyond where the National Grid lines would cross and then the road comes back up to a higher elevation at the intersection, which will allow for the balance of the proposed development as intended. Because this crossing elevation was not contemplated when the Winterhaven Estates subdivision was designed, Clarecastle Path sits a few feet higher than the elevation that we need to cross under the power lines. To get down to that elevation that we need, the existing stub street needs to be cut back to some degree and reinstalled at appropriate grade to allow for a curve of the road to get to the low point. They are called stopping site distance. The vertical curve is slightly smaller than what you would need to meet those requirements. There is an existing driveway established for the last lot along Clarecastle Path, so we truncated the vertical curve to the degree that we have to deconstruct and reconstruct Clarecastle Path. We are trying to avoid impact to that drive. The profile gives a stopping distance of just of 140 feet with an object height of 6 inches and is not significantly reduced. We are asking for a waiver of some degree from your town standard in particular to that one point of connection on Clarecastle Path. The second item that was raised in Mark's letter is relative to fencing.

Ms. Tarwacki - Would the waiver have to go to the Board of Appeals?

Heather Cole – It is not a zoning matter therefore it doesn't fall within the jurisdiction of the ZBA. I think it is more appropriately reviewed by this board.

Alex explained that the second item that he thought merited some additional discussion is fencing around the storm water facility. Historically the Planning Board since the inception of the SPDES Program when they started the SPDES wet ponds, the Planning Board has pushed for the inclusion of fencing around storm water facilities. There have been several meetings where the same issue was considered by this board and the main consideration is the maintenance that falls on the town, relative to these fences within these facilities. This board has historically not pushed for fencing around the storm water facilities but I ask for additional thought from your board in regard to that. In this particular case and as a condition of the preliminary plan approval, the Planning Board has recommended that a fence be installed around this facility. The drawings I have before you do not include that fence. At the request of my client we would like to defer decision on the inclusion of that fence to this board, which I think is more appropriate than the Planning Board. Heather has had some discussion and I know she has some insight and thoughts for you to consider in regards to that. We were interested in what your opinion is on that matter.

Mr. Dudzinski – Let's address the fence first.

Heather Cole explained that in the past the town board has typically asked the developer to provide either a fence or an Indemnification Agreement. This is the first one of these to happen in a little while and as a result of it, I contacted Loss Prevention at NYMIR, who is the town's Insurance Carrier and I spoke with Brett Carruthers regarding what they as your p[Insurance Carrier, would like to see with respect to fences. Brett said that anything over 3 feet deep should be considered an attractive nuisance and that the town board should consider fencing it and Brett also suggested that the town look toward the NYS Building Code regarding fencing of ponds. I spoke with Wayne Dean and he isn't sure how that would be applicable. Brett also stated that the town should create a town policy, that all storm water ponds be underground. It is my

understanding, given the size of some of the ponds you need to consider in this area that is not really a practical solution. The end result of it, because you are an MS4 and you do have a SPDES permit, you're faced with dealing with these ponds as mitigation efforts and then more residential developments like this, you take an easement around the pond and you become responsible for maintenance of the pond. If you chose to put a fence around it, because you feel that will in some way detract the attractive nuisance aspect of it, or prohibit those from entering into an area that the should not be entering, you would need to take into consideration the fact that you would now be on the hook for maintaining that fence too. That is a large fence and it would probably be an expensive thing. As far as straight dollars and cents, the carrier told me that your policy is not going to be effected but your General Liability Policy is not going to be effected based on the number of ponds you have or the size of the individual ponds. The only way this is going to effect your insurance is if you start getting a number of claims associated with accidents or damage around the pond. As your Attorneys, we would tell you, God forbid, there is an accident, or property damage or personal injury associated with the ponds, you're probably, as a municipality going to get sued regardless of whether or not you put a fence around the pond. To determine whether or not you want to do that is really a policy decision that this town board needs to make as to what level of liability you are willing to accept on behalf of the town and whether you want to accept, not only the maintenance of the pond itself, once it's been dedicated to you, but, maintenance of any fence that may be around it.

Mr. Dudzinski - Basically, to sum it up, I'm going to be sued if someone drowns, and I'm going to get sued if I don't have a fence.

Heather Cole – Most likely.

Mr. Dudzinski stated that his position is that he wasn't going to change his position. As a former member of the fire department and if somebody was in that pond, I have a better chance of saving them if I don't have to jump over a fence with my gear on. Seconds save lives. I am not in favor of fences and I never have or never will be. As you mentioned, we're going to get sued, one way or the other. At least I have half a chance otherwise I have to go outback, get a bolt cutter an cut a gate and have wasted two or three minutes. Then, I have to maintain the fence.

Heather Cole – That is an aspect of it to consider too, because as soon as you don't properly maintain the fence, that's a liability issue in and of itself.

Mr. Rybak – Short of putting up an 8 ft. fence with concertina wire an 11 year old will be able to go over the top of it.

Ms. Tarwacki – If you require chain link fence, then you have long life option because a chain link fence will last more than 20 years.

Mr. Dudzinski asked how they will clean the inside around the fence.

Ms. Tarwacki – The storm water detention pond is supposed to help cleanse the water as do cattails, etc.

Mr. Dudzinski – Then you will have things growing in the ponds and people will start asking how come you don't cut the ponds.

Heather Cole – I don't want to speak for O'Brien & Gere, but, if you decide to fence the ponds, O'Brien & Gere as your Engineer's can work with you to determine what standards should be applicable. The decision as to whether or not to require the fencing in the first place is really a decision that needs to be made by the board as the policymakers for the town. I would suggest that whatever you decide to do, that you consider making it a formal policy within the town and not just something that goes development to development. You should give your Planning Board some clear direction as you as a town, are willing to accept in terms of these ponds.

Mr. Rybak – My understanding is that there isn't total commitment in the Planning Board for or against fences.

Heather Cole – If you look at the minutes you will see a difference of opinion.

Mr. Dudzinski – That is why we should set the policy.

Ms. Tarwacki – Who is responsible to cut the grass, if there is no fence?

Heather Cole - The town.

Ms. Tarwacki – We're cutting the grass anyway.

Alex stated that it is probably the town's ultimate responsibility to maintain those, but, as history has shown, when these are located in the rear of yards, often times the homeowners themselves will maintain the portion of their lawn that abuts the ponds. You see that all the time and if you include a fence that prohibits the opportunity for the residents to maintain the opposite side of the fence. I think that the easement is there to allow for the town to step in and maintain as needed if it isn't being done by an individual landowners. The facilities are generally in residential subdivisions, particularly in your town, but in most towns that we do business in, the storm water facilities are located on private property, so this is not a separate parcel of land and is not owned by the town it's actually owned by the resident with an easement over it and it is dedicated to the town, specifically for maintenance. They want to develop it and maintain it as a lawn and that seems what typically would happen.

Mr. Dudzinski – Basically, we need to decide if there should or should not be a fence. I don't want one, but, I don't know how others feel.

Mr. Corl stated that if you require these fences, the Codes Department will need to have some type of regular inspection on a regular basis, whether it is weekly or whatever it may, to insure that it is maintained properly otherwise your liability is on the hook there. No matter what, this will involve more work for the Codes Department if there are fences.

Ms. Tarwacki stated that her concern is always the little ones and the attractiveness of the waters edge and the wildlife that may be there, or the opportunity to go fishing. Those are the ones that the fence will protect. If an 11 year wants to go over it, he'll go over it, but, it's the little ones, that I worry about.

Mr. Dudzinski asked Mark Parrish what he did as he lives on the lake.

Mark Parrish – I put a fence in, but, that was my choice. People who purchase these lots are going to know that the pond is there when they purchase the lot and if they feel if there was not a fence there and that there wasn't adequate protection, they always have the ability to put up a fence outside the drainage easement, which would be their responsibility to maintain. At some point they could choose to take it down if they felt that was appropriate also.

Ms. Tarwacki – Then we would have to cut the grass on the other side of the fence.

Mark Parrish – Yes

Mr. Conway stated that we are going to do this, we need to decide what height a fence is to be for swimming pools, etc., and that will be the height for the entire town.

Mark Parrish explained that the town has a set of standards for the design of these facilities and that we have added some extra measure of protection beyond what the DEC requires. There is a flat area designed to help people from slipping down into the water and the another aspect of these basins that is important to understand is the first 5 to 15 feet into the water is generally going to vary at a maximum depth of 18 inches. They are designed with an aquatic edge which has a maximum depth of 18 inches. You actually have to go out into water quite a distance in the ponds before you get to the point where the side slopes begin to come down relatively steeply and the water depth gets beyond 18 inches. They generally have a maximum depth of 6 ft.

Mr. Corl stated that he was in favor of leaving the pond without fencing and leaving it up to the private homeowner to decide if they want to fence in their backyard.

Mark Parrish stated that he and Alex had a discussion earlier and asked me how much more road would need to be reconstructed to meet the curve.

Alex Wisniewski – To meet the standard they will need about 40 feet of road to be reconstructed, which has some cost significance to the developer, but, it does put you fully beyond that driveway. The grade change at the interface of the drive to the road is not significant and is less than ¼ to ½ foot of grade change, but, it would require the developer to saw cut the homeowners driveways somewhere within the road right of way and reinstall it at a different grade than clearly exists. In our interest in trying to preserve that driveway was the main objective in truncating that curve.

Ms. Tarwacki – The homeowner is going to end up having to either a ¼ or ½ foot drop or increase coming in or out of his driveway.

Alex Wisniewski – It would be lower than it is now, so from a drainage standpoint it probably won't pose a problem. It will be an established saw cut line, where there may be a differential settlement issue. The grade change isn't significant and I think it was .35. To make the grade work, that isn't necessarily the issue, it's actually the disturbance to the homeowner's driveway, which we have the right to do, because it is within the town's right of way and you would be able to transition that grade successfully within the right of way itself. Regardless, you will be saw cutting somebody's driveway, tearing it out and replacing it back to the grade that you would need to re-establish.

Mark Parrish – The reason I asked that question is so the board understands that the standard can be met with some additional reconstruction. At this point, you would not have adequate site distance to see an object height of up to 12 inches. That could be a cat, or for instance, if there was something in the road, you're not going to have the ability to react appropriately until you get to an object height of 24 inches and the standard is 6 inches. Alex is talking about doing an additional 40 feet of road and there will be an inconvenience to one property owner during the reconstruction, but, this is a safety issue.

Mr. Corl - Are they in favor of the waiver?

Mark Parrish – I think we would recommend that since the standard can be met and that they stick to the standard.

Mr. Corl asked Mark if he wanted to talk about securities.

Mark Parrish- The board really needs to do two motions tonight. One would be to authorize the contract drawings with what ever modifications or conditions you think are appropriate and that would also authorize the Supervisor to sign the application associated with it.

Mr. Dudzinski – Let's do one at a time.

Ms. Tarwacki – He isn't finished.

Mr. Dudzinski – Is there something else you would like to add?

Mark Parrish - No, but you need to decide if you want to put in the condition that they need to meet the standard for the road curve or not. The fence is not shown, so if you make a motion without any other modifications, the fence is not shown, so you're basically not endorsing there proposal.

Mr. Dudzinski – We might as well take care of the fence issue once and for all tonight.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, that we do not require fences around storm water ponds in any project in the Town of Cicero.

Discussion:

Mark Parrish - This is for town facilities.

Mr. Dudzinski – Yes

Continuation of the vote:

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	No
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Mr. Dudzinski – What is our second one?

Mark Parrish – That was separate from this project and this will be for the approval of the Contract Drawings for Kildare's Meadow and again if someone wants to make the motion if the standard for the road should be met or not, should come from the board.

(Approval of Contract Drawings for Kildares' Meadow)

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to approve the Contract Drawings for Kildare's Meadows per the recommendation of O'Brien & Gere and to authorize the Supervisor to sign the application for the project conditioned upon revisions to the road profile along Clarecastle Path, and for the developer to abide by the town standards.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize the Supervisor to execute a Siltation Erosion Control Agreement with the Developer of Kildare's Meadow upon deposit of security in the amount of \$28,767.80.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Heather Cole asked Alex Wisniewski to get her a copy of the Petition Plans and then we can get the Town Board in a position to set a public hearing date on the Petition Plans.

Alex Wisniewski – Is that going to require my further presentation?

Heather Cole – I don't think your necessarily going to need further presentation, but, I need to get together with you to make sure that we have everything in order.

APPROVAL OF FULL TIME DATA COLLECTOR FOR ASSESSOR'S OFFICE

Ms. Tarwacki explained that after much consideration Anita wished to keep her current staffing per Civil Service arrangements.

Mr. Dudzinski – Do we need a motion on this.

Ms. Tarwacki stated that she didn't believe this required a motion and that she was just nullifying her request.

Public Hearing 3 minutes per speaker

Fred Woznica stated that the Country Folks Newspaper which is a weekly farming publication for the northeast stated that an article talked about an infectious disease research facility on a small island of the coast of Long Island that they plan to close down. This research facility does research on foot and mouth disease affecting cattle and other animals. The reason that it is off the coast of Long Island, is to separate it from the mainland in case of an accidental outbreak. They are proposing to move this facility to either the mid west or southeast in close proximity to approximately 500,000 or more various amounts of cattle in the areas. I want to know why this would be moved to tornado alley.

Mr. Dudzinski – I don't believe we have any jurisdiction over that whatsoever. I believe it is a Federal issue.

Fred Woznica – You are right, it is a Federal issue, but, I can't get anywhere with our legislators or representatives and I am being ignored. I want this to be known, that this type stuff is happening.

Mr. Dudzinski – We will write to Congressman Walsh and have him investigate it for you.

Fred Woznica stated that he wrote Congressman Walsh 3 weeks or more ago and hasn't had a reply yet.

Mr. Dudzinski – We'll give it a shot.

Ralph Smith - Totman Road stated that they have an ongoing problem in the power lines with trash and garbage being dumped there. He also received notification from the North Syracuse Fire Department that someone has been cooking hotdogs and hamburgers there Saturday. I'd like Wayne Dean and Chief Snell to come down and look at this mess. My neighbors and I tried our best to keep people out of there, but, in the meantime we get more and more garbage.

Mr. Dudzinski stated that he thought Wayne has already taken a look at this.

Wayne Dean stated he was out there this morning and has been busy with this nearly all day with the fire department, police and DEC. I believe it would go a long way, in helping your problem if whoever owns the power lines and I don't know if it is National Grid or PASNY would put up a barricade on Island Road and Eastman Road. I discussed this with the DEC and Police Officer this afternoon and he is going to contact National Grid and try to address that problem. I believe that would greatly help your situation. I was there this morning and called N. S. Fire Dept. as the fire was still going after they dumped 30,000 gallons of water on it. We are working on it. Chris Woznica wants to take a trip out there tomorrow and look at it. If you are available in the morning, we can meet you out there and look at it.

Ralph Smith – For the past 50 years, the power company had chains at both ends and they continue to go in there and the ditches are all dammed up because they keep putting garbage in there. The fence that was put up by Joss's on Island Road has been taken down and they keep going through my own field and it's like a roller coaster, when you want to cut the grass. I asked the police a few years ago to go down there, but, I was told they couldn't take their vehicles off the road.

Wayne Dean told Ralph that he would call him in the morning to confirm a time to meet with him.

Ralph Smith stated that there is also a tree problem on Totman and Eastman Roads that needs to be taken down and can't understand why it hasn't.

Mr. Dudzinski stated that he has spoken with Chris and that he said that they have been cut back as much as they can.

Ralph Smith stated something more needs to be done, or you may as well take the Stop Signs down, as you can't see it.

Mr. Dudzinski asked Ralph to check with Wayne before he leaves tonight.

Lynn Jennings, 213 East Patricia Lane asked Tracy if she had a time on the parade.

Tracy Cosilmon – 9:00 a.m. at the cemetery.

Lynn Jennings – Someone mentioned the lights on Circle Drive by Liberty Travel. Another problem that I saw is the striping on the road. As you head up to the end, there's a left turn and there are double yellow dashes, like they are going to have a double line there. It is confusing to people.

Mr. Dudzinski – Tarolli is supposed to come back and start working on it next week.

Wayne Dean said that they started this morning.

Lynn Jennings – On Memorial Day at 10:00 a.m. the Bridgeport VFW will have a ceremony honoring Veteran's, which is done every year. At 2:00 p.m. the Simon Priest VFW on Taft Road has a ceremony. We are putting that on our website as people need to attend these ceremonies.

Tom Beaulieu stated that he liked what Councilor Corl said about speed restrictions and Stop Signs and we basically need to look at an enforcement policy and you have to sit down and put that together as people receiving ticket makes them learn a hard lesson.

Also Vern, are you going to be addressing the drainage issues over in Hiller Park at some point. The DEC came in late last year and marked out all the wetlands in the area, so that's already been done.

Mr. Conway stated that there is a house back in there and they've been dumping all there spoils in there. There is 200 feet that needs to be cleaned and Wayne was going to take care of it.

Tom Beaulieu asked if the person would be billed for the work.

Mr. Conway – We've talked about that.

Tom Beaulieu – That sounds like a great idea and saves the taxpayers money. The Cicero Community Festival Parade is going to be June 14, 2008 and I would like the Supervisor's office, rather than myself, to contact the DOT and ask them to stripe the road so that it looks nice.

Mr. Dudzinski – We can give it a shot.

Tom Beaulieu – I notice that the State has come in and cleaned off the storage shelves for the snow and stuff that is blacktopped. In the future, you should sit down with Carl Ford, Director of DOT Region 3, and ask him to spend some of that State money in Cicero for a beautification and to put up some tip up curbing and pave those shoulders over so that we have a road that doesn't look like a cow pasture and will look like a main arterial road going through Cicero. We don't want to wait 5 or 10 years.

Mr. Dudzinski – They say, they're going to be doing things a lot sooner than that.

Tom Beaulieu stated that the striping on East Circle Drive is a serious problem and the paint is faded and there could be a serious accident and that he needs to come in and put the striping in, the way it should be as the State would do to have proper alignment.

I was also surprised that we set a public hearing for a zone change at the beginning of the meeting and I would like to know, why as a town were department heads advocating on behalf of the developer. Let them come in here and request their zone change in writing or by appearing before you and giving the specifics at these meetings. I don't think we should be advocating on behalf of the developer for a zone change.

Mr. Dudzinski stated that the application came in and Wayne showed it to us and they went through the proper procedure and this is the way we've done it for many years. They come in and ask for a zone change, he sets up a date and they come in and make their presentation.

Tom Beaulieu stated it was brought up and not discussed and I thought I heard the comment that they are not sure what they want to do there.

Mr. Dudzinski – It's not a zone change, it's for land use.

Tom Beaulieu – When they are say they don't know what they want to do there, does that mean we don't know what kind of zone change, or how much of a zone change we're looking for?

Mr. Dudzinski – That is why there asking for a specific change and they are the ones who are coming in and asking for a specific zone that they feel is appropriate for their project.

Tom Beaulieu - Do you have a total understanding of what was requested in that particular area.

Mr. Corl explained that this applicant has filed his application for Tax Map 092-01-02.0 asking for a zone change from General Commercial to General Commercial Plus. Attorney Andy Pappas, has supplied a survey, aerial views, etc.

Tom Beaulieu – It's on file, so I can request a FOIL.

Mr. Dudzinski – It's been on file and there are no cloaks here.

Tom Beaulieu – The intention was somewhat vaguely commented about and if you're sitting out here in the public, you don't know what the status is, or what the details are.

Mr. Dudzinski – You would find out the details and status, when we hold the public hearing.

Wayne Dean – All I wanted to do, is set a date.

Tom Beaulieu – When a comment is made at a meeting and it isn't explained thoroughly, people sitting out here ask what is meant by that.

Mr. Corl – Your point, is unclear to you.

Tom Beaulieu – It is now.

Mr. Corl – So, now it's clear and you can look at the application.

Ralph Smith asked Chief Snell for the report on who was there as soon as possible.

Engineer Comments – Michelle Baines stated that Mark wanted her to pass on a message, that the annual report for the MS4 SPDES Permits has been drafted and will be ready for public review on or before May 19, 2008 and that Mark would like to do a presentation at the May 28, 2008 Town Board Meeting.

Board Comments:

Mr. Corl asked Heather if there have been any complaints regarding the compliance with ADA.

Heather Cole stated that she has heard a couple of comments, that my comments were not heard. There have been no formal comments, other than one particular individual said he couldn't hear me and I have tried to rectify that.

Mr. Dudzinski – Bonnie handed out to all department heads in attendance the following notice and Sharon Edick, Anita Barnello and Chris Woznica will receive theirs tomorrow. It reads as follows and is in reference to the 2009 budget.

I'm sure that all of you are aware of the financial difficulties the Nation economy is facing and the resulting pressure that it puts on the stability of local government operations. With gas prices soaring and most of our nations economic indicators suggesting a volatile fiscal future, we can't afford to sustain the status quo. Because the economic storm clouds on the horizon, I'm asking all of you to assist me with preparing the 2009 spending plan and maintain the high level of services our residents expect at a price that they can afford. Therefore I would like you to submit to me a 2009 budget request that reduces spending in your department by 10%, below the 2008 adopted budget. This charge doesn't end with your departments, but, it is also extended to our contract agencies, attorneys, O'Brien & Gere, and things of that sort. Request for new or enhanced programs, staff or associated costs must be accompanied by a cost benefitted analysis and will only be considered if there is potential savings to the town. Once we get a clearer picture, of our projected financial position for 2009, we will reevaluate our need to adjust this request particularly with uncertainty regarding the direction of our economy. This will be a difficult budget cycle. I've talked about this for months, so this isn't something new. Therefore I request that your submission is well considered and thoughtful. Steve Morgan, the Budget Director for the town and myself are available to assist you or answer any questions you may have. I appreciate your help, your support, and remember we're here to serve the public, which in turn, means that we have to keep spending to a minimum.

Tracy Cosilmon requested that a bid date be set for May 28, 2008 at 11:00 a.m. to receive bids for the 1984 35C Ambulance, used as a Police Van in as is condition.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set May 28, 2008 at 11:00 a.m at Cicero Town Hall, 8236 South Main Street, Cicero, NY, as the date to receive sealed bids for the 1984 Ford 35C Ambulance, used as a Police Van in as is condition.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes.

Tracy Cosilmon reminded everyone that the next Town Board Meeting is Wednesday, May 28, 2008.

There being no further business before the board, the meeting was adjourned at 9:36 p.m.

Tracy Cosilmon, Town Clerk