

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, March 26, 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
Vernon Conway, Councilman
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Codes Enforcement Officer
Jeanne Kulesa, Comptroller
Anita Barnello, Assessor
Bonnie Smith, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Gary Cannerelli, P. E., O'Brien & Gere
Tom Leo, Post Standard
Francis Freel, Star News

Absent:

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

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. Corl, 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 MARCH 10, 2008 MEETING MINUTES

Motion was made by Mr. Corl, seconded by Mr. Conway, to approve the minutes of the March 10, 2008 town board meeting, amending page 1 to reflect Bonnie Smith was in training and that Linda Sacco was Secretary to Supervisor.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway – Chris Woznica stated that he had spoken with Heather Cole earlier today, in reference to the need for an Executive Session.

Heather Cole explained that Chris had spoken to her briefly and that there is a history of employment issue that would be appropriate to discuss in Executive Session whenever the board wishes to address this.

Police - None

Comptroller – None

Parks & Recreation - None

Attorney - None

Engineer – None

Zoning – None

Assessor – None

Tax - None

Town Clerk – None

APPROVAL OF ABSTRACT #6 OF 2008

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #6 of 2008 as follows:

General Fund	Voucher #650 to Voucher # 797	In the amount of \$ 79,865.95
Highway Fund	Voucher #138H to Voucher # 157H	In the amount of \$162,688.93

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. Dudzinski, seconded by Mr. Corl, to approve the following Budget Modifications as follows:

FROM: CODE	ACCT.	AMOUNT	TO	CODE	ACCT
A69894	Brewerton Eco. Asst	\$4,000.00		A90608 LI	Emp Benefits Life Ins.

The motion was approved as follows:

Mr. Conway: Yes

Ms. Tarwacki questioned the monies going from Brewerton Eco. Asst. to Employee Benefits Life Ins.

Jeanne Kulesa explained that no money was put in the life insurance line when the budget was done and it should have been. Doing this will rectify this and that it will be included in the new budget. I am taking it because we can only spend so much money for that grant. At the time the budget was done, we had to estimate how much we would spend through the end of 2007 to figure out for 2008. We put too much in there, so I had to move some out.

Ms. Tarwacki: Yes

Mr. Rybak: Yes

Mr. Corl: Yes

Mr. Dudzinski: Yes

PUBLIC HEARING COMMUNITY OPTIONS
PROJECT FOR 8625 SNOWSHOE TRAIL

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 26th day of March, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to discuss an Individualized Residential Alternative for five individuals with developmental disabilities at 8625 Snowshoe Trail, Cicero, NY 13039. The project is to be sponsored by Community Options, Inc. pursuant to the New York State Mental Hygiene Law. Information is available for review in the Town Clerk's Office.

Cindy Barnaby, Executive Director representing Community Options stated that they were proposing to open a house for three gentlemen at 8625 Snowshoe Trail that will be provided with staff coverage 24/7. I am here to answer questions and have a video that will be provided.

The video was played regarding Community Options Programs for the disabled.

Cindy Barnaby – There is kind of a misconception about the house itself. We are not an institution. It is a home for three individuals who work in the evening and attend structured day programs during the day. They have family involvement and we feel it is a family there and it is not an institutional setting.

The public hearing was opened at 7:22 p.m.

Speaking for:

Deborah V. Gardner, 7805 Vernon Road South was in favor of the home for these individuals on Snowshoe Trail.

Speaking against:

Doug Venesky, 8629 Snowshoe Trail stated that he wasn't opposed to individuals with developmental disabilities from entering into the community and thought the video was great, but, is opposed to the site selection as there is not public transportation, shopping centers, no sidewalks, no dentist, doctors, banks or restaurants on Snowshoe Trail and stated he was concerned about this institutional being put on Snowshoe Trail, since there are no community functions over there. My issue is whether we're looking out for the best interests of these individuals and if they picked the proper location. The letter that they wrote to the town says they have 40 days to accept this site or chose an alternative site. I did some research and I think there are alternative sites in Cicero. There is a house that is a ranch on public transportation and is within walking distance to shopping, restaurants, doctors and dentists. So, instead of just pushing this through take the time to approve the appropriate location. We also came up with a map of alternative locations.

Ms. Tucker, Snowshoe Trail, stated that in doing research and viewing the movie, we see that they are people just like themselves, but, wondered if this was the proper location. In doing her research, there are locations that are on bus lines and all the things that Doug had stated. Snowshoe Trail has nothing. There is a listing off Sunset Terrace that would be a wonderful location that would meet the needs of the people. How did they come up with this site and are they looking out for the best interests of the people.

Ron Florczykowski, 8637 Snowshoe Trail, stated he wasn't opposed to these individuals coming into the area but, was concerned about traffic and that the area already is heavily traveled and with the extra people coming in to caring for these people it doesn't make any sense to him to increase that traffic load and put the children in the area more at risk with more vehicles going up and down. So, I want to say, I'm opposed to it.

Pat Fox, 8426 Snowshoe Trail stated he didn't receive the same flyer regarding this issue, and wanted to know how this will affect the property values.

Mr. Dudzinski the public notice is published in the newspaper and postcards go out to surrounding residents.

David Collins, 5945 Jerusalem Dr. asked if there was going to be a zone change.

Mr. Dudzinski – I don't believe it is necessary. If we were going to do a zone change anyone around the property in question would receive a postcard. We don't have to do that, but, do, to inform people.

Ian Tucker 8621 Snowshoe Trail stated his main concern is that he has two small children and will the aides be the same that are coming in on shifts. What kind of check is made on them and can I let my kids out in the back yard? How will I know who should be in my neighborhood and who doesn't quite belong in the neighborhood?

Annette Nolan, 6177 Dawns Ridge isn't very happy with the way the community heard about this. It was word of mouth from a few people who received the postcards. I'm concerned that the video that was played was showing high functioning individuals and not the individuals that would be in that home. The individuals on the video were getting assistance from the organization, however, they are asking for the individuals to be there 24/7 for the three men that would live in that home. Again, I'm worried about my children and the traffic of the different aids and health care professionals that will be in and out of there at all hours of the day and night and how I know in my community that I don't have a trespasser or someone who shouldn't be there. We are a close knit group on Dawns Ridge and Snowshoe Trail and we look out for each other. I'm worried about.

About who's coming and who's going, as aides and health care providers change positions quite often and there are different faces all the time.

Holly Malone, Jerusalem Drive stated she was a health care provider and walks her dog every morning and evening and the traffic on Snowshoe goes to fast and there are no sidewalks. I'm concerned as to who watches over these people 24/7 if someone calls out from work.

Paula Briggs, 6179 Dawns Ridge stated that her concern is for the welfare of her children who are out there all the time and that house is right around the corner from her. We also wouldn't have known about this except for the fact that Mr. Venesky was handing out postcards as she stated she doesn't have time to read the paper.

Sue Runge, 6175 Dawns Ridge is also a health care provider and has 3 young boys and animals that she walks and was annoyed that this is happening five minutes ago and felt that if she lived in a neighborhood, she should have the right to know what is going on. I am a health care provider and I have nothing against people who need care, but, I am concerned about my kids and I know people call in all the time and you will have no idea as to who will be coming into this neighborhood.

Ms. Barnaby – In terms of the staffing, all the staff have criminal background checks prior to being hired by the agency. If they have any felonies that show up on their background, they are finger printed and we will receive a report back and they will be denied employment on the basis of the background check. In terms of who is going to cover the house if the staff person doesn't show up, the staff person, who is currently on, is mandated to stay there or a manager comes to the house and covers. In terms of public transportation, we can use call a bus or taxi. One of the rolls of the staff is to transport the individuals around the community, whether it be to their job, grocery store, library, or anything they want to be involved with in the community.

Ms. Tarwacki – If they work, then the support staff will be taking them.

Ms. Barnaby – There will normally be two cars at the house. One belongs to the house itself for the gentlemen and the staff to use and the staff's car. People living in this house will not require therapist service, so that won't be occurring.

Ms. Tarwacki stated that someone wrote in and asked if there would be people living there with personalities that would be out of the norm that would cause children in the neighborhood to be scared. That's not an issue?

Ms. Barnaby – No, and I can't give out information regarding each individual.

People in audience - Yes, it is.

Resident – You say if the gentleman needs to work that their aid is going to take them. In the paperwork that we received, it says there is one aide to three gentlemen. If one gentlemen works who is looking after the ones not being transported?

Ms. Barnaby – They have been a long time in the program or they can go. They typically tend to want to go out in the community.

Resident – You stated there was 24/7 care, so if there is 24/7 care, how are they alone. It's not 24/7 care if they are alone in my opinion.

Todd Hansen, Regional Vice President of Community Options stated that the program itself is operated 24 hours a day, seven days a week. We have on call staff and personnel. Some individuals are able to be independent enough and may have earned through constant training, independence and individualization, the ability to stay home for a limited time, such as an hour or two hours. They are independent enough to be capable of doing that. These are people who want to own their own homes, get married and are the people you saw in the video. They have earned the right through skilled training to be home alone and at times they understand emergency procedures, evacuation, 911 procedures and any of the procedures you or I would utilize in the community.

John Nolan – Dawns Ridge asked if this is going to be a transition type thing and are these three people going to be the only people or are they going to move on and this become a temporary place for other individuals, such as a half way house. Are we going to have that kind of situation? I am also concerned about the increase in traffic.

Todd Hansen explained that when they pursue a house like this, it is their's for the rest of their life, so 30 years from now, if they are still living there and their brain injury progresses in any way, they don't have to move to another site. That is the reason we look at ranch settings. Most generally there will be two cars there but occasionally a third car will be there as an RN may come and that is no more than regular household traffic. There wouldn't be traffic all day long. There would be traffic in the morning for people to go to work and for those coming home from work. There will be supervisory staff on duty at all times from Community Options.

John Nolan stated that all residents should have received notification as this will affect the whole neighborhood and it was inappropriate to not be told what was going on.

Deborah Gardner, I stay informed because I check the towns website on a daily basis where the public hearing notices are posted and the reason I do that is because a year and a half ago, there was a public hearing about a situation that I was really concerned about and I didn't hear about it until after the fact. So, now I check to see if there is anything that I am interested in. I take responsibility to stay informed and it is not your responsibility to keep me informed.

Resident – When I received this postcard in the mail, I did check the town's website and found nothing.

Lynn Jennings, 213 East Patricia Lane stated Smith Road is near his home and that he was familiar with the home for disabled individuals that is located there and that there has never been a problem with the house on Smith Road in 15 years that it has been there. There is also a person who works at Price Chopper who has a disability and has purchased his own home. We need to give these people a chance to excel.

Ms. Barnaby explained that their organization looked at 30 houses in Syracuse and found that this house would be a good match for the individuals that would be moving there and a good community for them to be part of. Ms. Barnaby thanked everyone for their questions and concerns and invited them to come to the day program at 216 West Manlius if you would like to learn a little more of what we do.

Brittany King, Tender Trail – I have two disabled brothers who are very kind and very loving and can do almost everything that any of these people can do. I wasn't informed until now and it makes me so sick that people like that can say such negative things. I know they are disabled people, but, they are more able. I had people coming in and out of my house that were helping my brothers and there is a full background check. They wouldn't allow people to come in without a full background check. My brothers have come so far with everything. I promise you, this is a very good idea.

Amanda King, Tender Trail, stated that she was Brittany's sister and we have brothers that are just like that. You people act like they are not normal people. They are, they just require more help and I agree with my sister.

Ron Florczykowski- None of us has said anything bad and we are a loving community. The problem we have is the extra traffic and our kids. It may be right for the Town of Cicero, but, not in the heart of our development where there is heavy traffic already.

Ms. Tucker stated that they say they are covered 24/7 and then they say it isn't covered 24/7. There are no sidewalks or nothing they can get to, if they need to. When you said there is an aide to take them to work or shopping and they aren't available, don't you think they should be on a bus line or have sidewalks and have easy access to these facilities if they are able to be on their own? We are concerned about the placement and

not about the people. I don't know why people think we're against people with disabilities because we're not.

Resident – You just don't want them on your street.

Mr. Dudzinski asked the resident to allow Ms. Trucker to speak and if she wished to speak to identify herself and then speak.

Shannon Carr, 8039 Pickett Lane stated that she heard everyone say that they have children. This is something that could happen to any of your children, whether they be born with mental illness, mental retardation, or sustain a brain injury at age 2, 4 or 16. This could happen to you and where would you want your children to be if you couldn't take care of them? I don't care how much money you have, eventually, you will not be able to take care of them. I feel like everyone is coming up with excuses of why these people shouldn't live on their street.

Mr. Wilmot, 8865 Honeycomb Path, stated the location is not a proper place and he wanted to know how this location was selected and who was going to take care of this property. If this house goes down, it will devalue his property.

John Nolan asked how effective the background checks are going to be, when you hear things such that occurred at the Thruway. Secondly, this residence is owned by a certain individual and there are a number of other properties in that community that are up for sale and I wonder how they came up with that price and how it got sold that quickly. It's mind boggling. A hard look needs to be taken relative to this to help us understand this.

Scott Stanczewski, 5947 Jerusalem Drive stated that he had no opposition to these people residents this house, but, I'd like to be sure they are the titled owners of the home and if they decide to leave it, that home would go up for sale just like any other home.

Mr. Rybak asked if that would be the case.

Ms. Barnaby – The house will actually be owned by Community Options.

Sherry Mitchell, 6121 Diffin Road stated that she has been listening to both sides and the concern is that people want to know who is coming in and out of their neighborhood. Background checks are done on the people working with these individuals, however, you don't know everything about your neighbors and you never know who is coming in and out of your neighborhood. The issue of traffic was interesting and I'd be more concerned about the residents if there was that much traffic and no sidewalks. They are saying there will be 2 or 3 cars in the driveway, so how would that be any more traffic than normal?

Resident – Asked how that house was selected for these individuals.

Todd Hansen explained that they looked at over 30 houses and worked with a local realtor. We thought this house was beautiful and in a beautiful area and met the needs for the men and all of our needs.

Real Estate Agent - I have done some research on the houses that are out there and the word on the street is that the house was purchase for almost \$190,000.00. There is one on Finish Line Trail that is comparable footage, the same amount of bedrooms, same amount of bathrooms, and a newer home, for \$15,000.00 less. So, I'm wondering how Snowshoe Trail was selected.

Chris Gillette, 8911 Honeycomb Path, stated that his mother rented a house to the blind and the aide destroyed the house, things were stolen and they weren't there when they were supposed to be. My mother ended up watching the people when the aides weren't there. So, who is going to watch them, when they don't show up and why was this house picked? Was it because the lady who owns the house works for the town? Is that why it slipped through?

Ms. Barnaby – We didn't know there was anyone working for the town at the time we purchased the house. We looked at 30 or more houses all over the area. We picked this

house because we thought it would be a good house for the people who would be moving in there. It had nothing to do with the owners.

Heather Cole – It sounds as if the public hearing is coming to a close and I just want to brief the board with the legal requirements, before they make their decision.

The hearing was closed at 8:06 p.m.

Board Comments:

Mr. Conway asked how old the people are that will be moving into this house.

Ms. Barnaby stated that they are between 30 and 40 years of age.

Mr. Conway stated that he has a friend that lives near a place that houses approximately 800 people like this and they run a farm and provide bus service etc. They have no problems there. Several years ago, I had a disabled individual who lived on my street, who couldn't see, but, she made it up and down the road and had no problem. My biggest concern is that there is someone there to care for them all the time and they need to be responsible for them 24 hours a day. I believe we should answer some of the questions asked, before making a decision.

Ms. Tarwacki asked Sherry Mitchell if she had any feedback regarding a similar type project that is on Diffin Drive.

Sherry Mitchell – No, it isn't built yet.

Mr. Rybak - The problem of increased traffic is very stumping to me as you would probably see more vehicular traffic, if a family lived there with two or three driving age children then what they're proposing. Secondly, I live in a town house and it is by Cicero North Syracuse High School and its stadium, ADESA Auto Auction, a strip mall in front of me, another Elementary School on the other side of that and my property has increased over and over and it has no bearing on it. On Wednesday night, I have traffic from the auto auction, driving through my neighborhood on test drives with no plates or anything on their car.

Resident – That was your choice. That stuff was there before you bought the house.

Mr. Rybak explained that the stadium wasn't there to start with and I have no problem with living down there. What I'm saying is, if you have two or three driving age children in there, you're going to have more cars in that driveway and that the traffic issue is a non issue.

Mr. Corl asked if the aides will be work 8 or 12 hour shifts, or do the shift fluctuate.

Todd Hansen explained that a typical shift would be 8 hours from 3 p.m. in the afternoon to 11 p.m. in the evening and then an overnight staff would come in at 11:00 p.m. and work to 9:00 a.m. and help get everyone off to programming or work. Those are our general shifts. We do have a manager who is there more than 8 to 5 or 9 to 5 and there will be one or two staff people in the house while changing shifts. We will have an RN who stops by to look at medical oversight and occasionally we will have an executive that will stop by the house. There will be visiting traffic from time to time, but, nothing of any significance.

Mr. Corl stated this sounds to me like it is ordinary traffic as a common household would have. Will there be any buses or trucks?

Todd Hansen – We have a mini van and unless they call for bus service or a cab, the house is assigned a vehicle and the staff's own personal vehicle.

Mr. Corl stated that he did some research on this particular portion of the NY State Law 4134 of the Mental Hygiene Law which governs the notice requirement that towns have

to go through should an individualized residential alternative home want to come into the community. I think this law and I spoke with Cynthia about this earlier, is not only archaic but, discriminatory, that these people have to approach the town to live within a community. When I moved into my house, I didn't have to come to the town board and say, can I live here and I don't think any of you did either. You may not know this, but, you do not have to be an individual to own property. There are people who buy property as an S Corporation or whatever it may be and rent it out. That information can be found at the County Clerk's Office. In the community there may be other houses that are not owned by individuals. Getting back to my point about the section of the law, since this law was passed almost 30 years ago, we've had the Federal Fair Housing Act passed. That law states that no town or no municipality shall discriminate or shall prevent people from living at a home based on a disability. That law is available on line and was passed subsequent to Section 4134 which I would encourage everybody to read. I think if the town denies these folks the ability to live in this residence, that it is a complete violation of Federal Law and I would actually encourage the State Legislature to get rid of Section 4134 requirements. If people want to live there, they shouldn't have to go through this process. I think it is archaic and I think its discrimination.

Mr. Dudzinski stated that he wished to set the record straight, about the comment made about this property belonging to a person who is working for the town. The house is owned by Bob Sacco and Linda Sacco works for me but, does not live there. Someone made an accusation that somebody is steering something and we've never done that, never have and never will.

Mr. Corl explained that his understanding and Cynthia may have more information on this, but, the homeowner put the home in the hands of a Real Estate agent and the Real Estate Agents worked together to formulate the contract. No one in the town had anything to do with it. Once you turn a house over to real estate, you really can't pick or choose who you're going to have buy your home. If you tried to do that, you would probably get into trouble.

Ms. Tarwacki – Several of us had no idea that this particular home was in any way affiliated with anyone who worked in the town, but, we listened to the comments of everyone here and will make our decision based on that.

Motion was made by Mr. Corl, seconded by Mr. Rybak, to approve the proposal for Community Options Project to purchase the property located at 8265 Snowshoe Trail, Cicero, NY.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Abstain, so that people do not believe that we are steering anybody to a particular house in the town.

PUBLIC HEARING ON RESIDENTIAL FENCE REGULATIONS
TO BE KNOWN AS A LOCAL LAW

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 26th day of March, 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 amending Chapter 124, "Housing Standards," of the Cicero Town Code, regarding residential fencing requirements. Provisions of the proposed local law are available for review in the Town Clerk's Office.

Mr. Corl – At the last meeting we talked about some loop holes and some tightening up of the language of the code, which actually goes back to Jay. He came to me last fall to address some of the concerns that he had regarding residential fences.

Heather Cole asked if Subdivision 8 is not what people intended because I distributed this and haven't heard any comment, that this isn't what was intended. That is why I added Subdivision 8. If that was not requested, then we can certainly try and change that.

Mr. Conway – No, but I believe it should have been 30 feet on the sidelines from the water.

Heather Cole – That's fine. Nobody mentioned it to me and that should have been included. I can certainly make that correction if you would like to keep the public hearing open and then we can deal with it next time.

Wayne Dean – The required front and rear yard is defined as 30 feet from the front for rear property line. It is covered and it's not worded as clearly as it could be.

Heather Cole – It isn't explicit in this portion but, it is covered in another portion of the code. If you would like me to make it explicit here, I can certainly do that.

The public hearing was opened at 8:30 p.m.

Speaking for:

Pat Rizzo, 8856 Beach Road referred to the proposed local law regarding the lots along the shore of the lake and that they had mentioned the front yard and rear yards, but, she would like the it to include the restriction on fences in side yards. In 1989 her son's neighbor purchased Yew trees which are now 10 feet tall up to the seawall and are within 30 feet of the lake and I feel side yards should be included.

Wayne Dean – A fence permit is not required, but, a fence can not be placed within 30 feet of the lake.

William Paninski, 7775 Lisa Lane stated that the house next to him has had 2 or 3 owners and currently the person living there has no regard for anyone and doesn't take care of the property. He has repaired his fence many times and currently there is plastic fencing up and another part is basket weave with posts on the other side and another part is an upright wooden slat fence. The fence is dry rotted and he does whatever he wants when he makes repairs. It is worse than a junkyard. (Pictures were presented to the board).

Mr. Corl stated that Wayne Dean will take a look at this.

Mr. Dudzinski asked Mr. Paninski to give Wayne Dean the address of the place.

Michael Thompson, 8657 Bayview Drive read the following:

Michael J. Thompson
Julie K. Thompson
8657 Bayview Drive
Cicero, New York 13039

First, I would like to thank Mr. Dudzinski, Mr. Corl, and the rest of the Town Board for their moving forward relative to the installation of privately owned fences within the Town of Cicero and my wife Julie and I appreciate the opportunity to have input in the process.

While we believe that most responsible property owners will proceed wisely and with good sense when installing privately desired fence, the situation we and our neighbors have had to deal with for a number of years now requires a local law in order to deter irresponsible, and in our case, blatantly harassing conduct.

Various types of harassment directed toward my wife generally, but also toward me have met a simple request made approximately four years ago of the resident at 8655 Bayview Drive that he and his wife more closely monitor the travels of their young children relative to our property. Most of the harassment has been verbal in nature however, since August 2006 the male property owner has erected along our mutual property line a wooden snow fence that he has painted bright orange and adorned with numerous "No Trespass, No Hunting, No Fishing" signs. The signs periodically break free from the fence and litter our property. In fact, during the first year that the wooden fence was in place, it was so poorly erected that it would eventually fall onto our property. Naturally we would push it back onto the neighbor's property and shortly thereafter he would appear to again loosely attach the fence to its posts until such time it would fall and we would again remove it. Please note that this fence is the second temporary fence that this troubled individual has erected over the last three years. The first fence erected was also orange but was plastic in construction. It too was poorly erected and many times would find its way onto our property. Please keep in mind that our neighbor has orally admitted that the express purpose for erecting the fences was to "annoy" my wife.

Clearly this is troubling. It goes without saying that the fence is an eyesore. One can only imagine the reduction in property value relative not just to our residence but all those property owners visually tied to the situation. In fact I feel it safe to say that I could not sell my house under the current situation. No less important is the fact that the fence is dangerous. Its construction is wood tied together with heavy gauge metal wire. It is a snow fence, meant to be utilized along roadways and bridges, not to be placed in a neighborhood between two homes.

More frustrating however, is the fact that this is being perpetrated by a ranking police officer, Lt. Darryl Perrigo of the Solvay Police Department. His actions reflect poorly upon the law enforcement community.

During a review of the pending legislation my wife and I found the content to be fairly inclusive. However, we respectfully request that, if possible, the temporary fence notation that mandates removal of the fence after thirty days be more specific (B-6-e) and that the law establish reasonable color requirements relative to the finished side of the fence that shall face adjoining properties (B-5).

Lt. Perrigo has stated adamantly that the fence will "never" come down and we're certain that if forced to remove the current fence he will look for any loophole to maintain it. That would include removing the current fence for one day and immediately re-establishing it for another thirty day run. Or, he will establish a permanent fence and paint it orange or some other unusual color that will further the course of his harassing behavior. A permit requirement may assist with alleviating some of these issues.

Julie and I, as well as the others affected by Lt. Perrigo's unethical behavior, respectfully ask for the Board's consideration while contemplating the parameters and passage of this legislation.

Thank you.

Speaking against:

Darryl Perrigo, 8655 Bayview Dr addressed his question to the attorney and explained that when he put up the fence it was permanent and I had no intentions of taking it down. Prior to putting the fence up, I contacted the Town of Cicero to make sure it met all legal requirements at the time. I put the fence up and a day or two later the Town of Cicero comes over because obviously, there are issues with the neighbors, who have close ties with the Town of Cicero. The young person from codes was looking at the fence and

trying to find a reason for me to have it taken down. He found no cause to take it down. It was a wooden snow fence, properly erected, as to the color, I'm not going to get into the history of what has been going on here with the Thompsons and I know you are quite aware of it. I've talked to Chief Snell, regarding a couple of complaints that have been filed against me by them. I don't need to air that here. If I legally put the fence up two years ago under that law, what is going to happen now?

Heather Cole – To my knowledge the law does not include a grandfathering provision, so any new fence erected would have to be in compliance with the law.

Mr. Conway - If someone was in violation of the current code it would give the authority to the Codes Department to enforce what is on the books.

Heather Cole – Even if there is no grandfathering provision at this time, I would say that the Zoning Office could try and enforce the provisions as applicable to a fence that currently exists.

Mr. Dudzinski explained that this would be a new regulation.

Heather Cole – Yes, the new regulation, I'm sorry.

Mr. Perrigo – The fence was legally put up through the town's code and is legitimate. Since I put the fence up, my issues with the Thompsons have been downhill. Cutting grass, putting in the dog fence was a problem for the Thompson's, so, I put up this fence and absorbed the cost of \$500.00 and a lawn mower to satisfy their needs. I've done everything I can. I'm looking for a grandfather clause to protect me and my fence. Even when the codes office was there, they had a problem originally by saying I can't post it. I continued to say, that I was going to have the fence and I don't mean to butt heads with anybody in the town, but, I want fair representation. I did it legally the first time, I maintain it and there is no issue with it. If there is an issue with it they can bring it to my attention and I'll correct it. If you want to talk to Chief Snell after about some of the issues we've had, he can clearly inform you of what is going on there. I've had run ins with the Town of Cicero Police handling complaints that have been filed against myself. I wasn't very happy the way the Cicero Police responded to that and I took that up with Chief Snell, because he wasn't aware of what was going on. I don't want to be railroaded out of town and am a third generation here. I haven't had any problems with the town and don't plan on it. That's why you don't see me here, but, I would like a grandfather clause.

Mr. Corl – I think we are coming back on this and are not going to make a decision tonight and will leave the public hearing open.

Mr. Dudzinski – We need to change one portion of it.

Heather Cole – If the board would like to think about a grandfather clause, they can think about it and let me know and I will certainly incorporate it, if that is what the board wants to do.

Mr. Perrigo asked what would happen if there is no grandfather clause and what will happen with the amount of money I spent for the fence at the time.

Heather Cole – You are free to talk to your own Counsel about that. I have to advise the Town Board.

Mr. Perrigo – I shouldn't be penalized once again for somebody who has no tolerance for anybody else.

Ms. Gardner expressed that she was against a grandfather clause because you couldn't take barbed wire fences down and there are too many awful looking fences in this town that I don't know if they are in code or not. Please don't have a grandfather clause and perhaps give people a reasonable amount of time to fix their fence and bring it up to code. Whether that's 3 months, 6 months or a year, I wouldn't know.

Heather Cole – That is also a reasonable suggestion, so if you would like to suggest a reasonable amount of time to bring their fences into compliance, we could include that.

Mr. Dudzinski – We will keep this meeting open and revise this and continue it at the next town board meeting.

The hearing remained opened

Board Comments:

Ms. Tarwacki asked if there were any provisions for the electric dog fences and wanted to know if we needed to define that, for people who want to install those type fences.

Heather Cole explained that the way it is written, we can imply an exception, but, as long as we're making revisions we can include that above ground electrical fences are prohibited, but dog type fences could be included.

Mr. Dudzinski – You need to keep in mind that above ground electrical barbed wire fences in agricultural zone are permitted.

Ms. Tarwacki – To avoid arguments we need to do this the right way. I do have a question relative to Article 6, 124-37 Part C, entitled open areas which says, steps, walks, driveways, parking spaces shall be maintained so as to afford safe passage under normal use and other conditions. Is that a strong enough piece of information to require developers to shovel their sidewalks once they are put in.

Heather Cole – I think that is off topic a little bit, but, to the extent, that you are asking, I think it does give the town some teeth to require that.

Ms. Tarwacki – That was something that was brought up at the last meeting.

Heather Cole – I don't know if the town has ever invoked that.

Ms. Tarwacki – It is in the code to be able to use as a piece of information in order to enforce that regulation.

**THE PUBLIC HEARING WILL REMAIN OPEN AND BE CONTINUED AT THE
NEXT TOWN BOARD MEETING, APRIL 14, 2008.**

Mike Thompson stated that he may not be able to attend the next meeting, but, wants it noted that he is opposed to any opportunity for a grandfather clause. You can tell by his presentation that this is a personal issue and he clearly wants to establish some method of operation to continue to drive at us and obviously, if that fence stays in place the way it is, that satisfies Lt. Perrigo. If that fence stays in place and continues to be an eyesore, it reduces the property values not only for me, but for other individuals that live close by and we should not have to put up with that. Thank you.

**PUBLIC HEARING TO RE-ADOPT CICERO CODE
CHAPTER 198
VEHICLE AND TRAFFIC**

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 26th day of March, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider a local law that would re-adopt Cicero Town Code Chapter 198, "Vehicles and Traffic," pursuant to the applicable provisions of the New York

State Town Law (Article 3-A Suburban Town Law) and the New York State Vehicle and Traffic Law. Copies of the proposed local law are available for review in the Town Clerk's Office.

Heather Cole – After some investigation, we finally determined that you do have ordinances on your books that prohibit speeding in the town, school zones and such. The problem with that is that they were enacted before you became a Suburban Town. Now that you are a Suburban Town you have the opportunity to retain greater amounts of traffic fines if you cite for speeding as a violation of your local code. Your local Justice Court can only enforce those violations if you adopted the speeding regulations themselves as a Suburban Town. We are trying to re-adopt by local law, what a previous administration adopted as a Local Ordinance now that you are a Suburban Town and you have the authority to officially do so.

The public hearing was opened at 8:42 p.m.

Speaking for - None

Speaking against - None

The hearing was closed at 8:43 p.m.

Board Comments:

Mr. Conway stated that we did a lot of work to establish a Suburban Town and felt that this should be updated.

Ms. Tarwacki asked if these fines that are listed for the various violations are more money than what is currently charged.

Heather Cole – No

Heather Cole – It is an opportunity to retain a greater portion of what we are already charging.

Chief Snell explained that most of the money goes to the State now and that the Judges set the fines. The fine fee is not established in the Ordinance, but there is a State surcharge which they automatically get. It is above that fine itself that would be coming back to us eventually.

Mr. Rybak – Our officers and any of the County Officers that so choose would have to write under the town ordinance for that to happen. They can not write under NY State Vehicle and Traffic Laws.

Chief Snell explained that if citations are written under NY State Vehicle and Traffic Law, the same procedure that currently is utilized now by the Court in the state would be what we'd be going through. In order to recoup any of the fine money, it has to be done under our local ordinance.

Mr. Rybak – Hopefully, I'm true in saying our officers will start to use these local ordinances when they are doing their traffic stops.

Chief Snell - There is no doubt about it. I've heard comments regarding this and that we'll go out and write tickets to just raise money. I've been the Chief here for 13 years and I think anyone knows that my ethical standard is beyond reproach. It is absolutely not the case but, I feel it is necessary with Suburban Town to give us the opportunity to get back so that we can use that money to provide the services that help support the services.

Mr. Rybak – It is my understanding that the County Sheriffs Office will try to cooperate with us. Obviously, the State Police will be unable to do that as their money will go to the State.

Chief Snell – If the board approves this, I will be calling Sheriff Walsh and speak with him and ask him to support this as well and for his Officers who work in this area are familiar with our local code.

Motion was made by Mr. Conway, seconded by Ms. Tarwacki, to re-adopt Cicero Code Chapter 198 entitled Vehicles and Traffic to comply with the Town of Cicero Suburban Town status and to be known as a Local Law of 2008.

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 this will take effect.

Heather Cole – It will be in effect when it is filed with the Secretary of State. This will be given to Tracy to take care of as quickly as possible and when Tracy receives her filing receipt, we will be good to go.

ACCEPT BIDS FOR TRASH HAULERS

Gary Cannerelli – Bids were opened on March 13, 2008 for Contract No. 11, Refuse Collection District No. 1 and Feher Rubbish Removal Inc., bid and amount of \$4,825,320.96 for a three year contract and were the lowest bidder. Syracuse Hauler Waste Removal, Inc. was the next lowest bidder. As Feher Rubbish Removal, Inc. is currently providing refuse collection in the Town of Cicero, O'Brien & Gere recommends that the bid award be given to them as they were the lowest bidder.

Mr. Dudzinski asked if all the appropriate paperwork, bid bonds etc, were in order.

Heather Cole – Not yet, it won't be until you approved this bid and then we will have to make sure that they have the necessary Insurance Certifications in place before the Supervisor actually signs the Contract.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to award the bid to Feher Rubbish Removal as Trash Hauler for the Town of Cicero in the amount of \$4,825,320.96 as presented.

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 COMMUNITY DEVELOPMENT COMMERCIAL REHAB PROGRAM AND SET PUBLIC HEARING DATE TO DESIGNATE AREAS IN BRIDGEPORT AS BLIGHTED

Onondaga County Community Development Commercial Rehab Program Fact Sheet

Eligible Applicants

The Commercial Program is a matching grant program up to \$15,000 per building for commercial properties within designated, low income target areas.

Businesses and Nonprofit organizations, (except churches, fire departments and Masonic Lodges) are eligible to receive grant assistance.

Single and multiple family residential properties are not eligible.

Eligibility Requirements

Taxes - All property taxes including, village, state, county and town must be current.

Matching Portion - The property owner must establish an escrow account with the bank of his/her choice. This is required after the property inspection and the cost estimate are completed by the Program Architect.

Applicants are eligible to receive assistance only once. All work must be completed at one time.

Code Enforcement – The property must agree to an initial inspection by the Village or Town Code Enforcement Officer.

The Property Owner must correct any reported interior code violations before any action will be taken on his/her application.

Eligible Activities – Only exterior improvements can be financed through the program (Activities can include: façade treatments and signs, structural improvements, window improvements, roofs and energy conservation measures).

Design Work – Design of property owner’s building façade will be prepared by Community Development. All design & architectural work will be paid for by Community Development.

Design – Community Development’s on-staff architect will assist owners with design for their building. The owner must also follow NYS Historic Preservation guidelines (if applicable) and all procedures as established by Community Development.

NOTE: All repairs & improvements must be in compliance with the State of New York, local municipality and County of Onondaga Building Codes and zoning requirements.

Contractors – Community Development will send “Invitation to Bidders” to all contractors on the approved contractor list who are experienced in the construction activities applicable to the particular project.

Mr. Dudzinski stated that he wanted to clarify what is meant by the word blighted as when this word was used pertaining to Brewerton, people really became upset. Basically, this is for the commercial buildings that we designate so that they are able to get some assistance from the county for their facades and for cleaning up their buildings. We are not throwing this blighted word out there because we don’t like someone or some areas. It is there to assist them and we have to use that word.

Heather Cole asked if everyone received a copy of the information from Community Development. I want to be sure that before you set the public hearing date you need to determine after this meeting what the boundaries of this quote “blighted area” are going to be as Community Development is going to need that to determine what properties are eligible for funds from them. I want to make sure that when we do our public hearing notice that we accurately describe what is going to be considered.

Mr. Dudzinski asked Anita Barnello if we have that information.

Anita Barnello stated that she had given that information to Linda today.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to set April 14, 2008, at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, for a public hearing to consider the Onondaga County Community Development Commercial Rehab Program and to designate areas in Bridgeport as blighted.

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 FOR A ZONE CHANGE AT 6282 ISLAND
ROAD FROM INDUSTRIAL TO RM (RESIDENTIAL MULTIPLE)
TAX MAP #-54-01-5.3

The public hearing was left open from the last Town Board Meeting.

Mr. Dudzinski stated this public hearing was left open from the last meeting as there were questions in regards to moving the entrance to the project:

Speaking For - None

Speaking Against - None

The public hearing was closed at 8:46 p.m.

Board Comments

Mr. Conway stated he received the recommendation from the County on the 30 feet.

Mr. Dudzinski – They would like to move the entrance 30 feet to the west, so instead of coming out in front of this gentleman’s house it will come out at a vacant lot. We had to get permission from the county to move it, which we did do.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the zone change for 6282 Island Road from Industrial to RM, (Residential Multiple), Tax Map # -54-01-5.3 to be known as a Local Law of 2008.

The motion was approved as follows:

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

DISCUSSION OF CHITTENANGO CREEK MIKE JOHNSTON

Mike Johnston, I work for Madison County Soil & Water Conservation District and am here regarding Chittenango Creek Logjam clearing project. I have given you a copy of the annual report that I submitted to Supervisor Dudzinski as well as a copy of the agreement between the saltwater district for Madison County and the Town of Sullivan, Manlius and Cicero. I am looking to continue the agreement. When we started the project we had 25 logjams and there was a lot of flooding. With the vast majority of the logjams there really has not been any flooding, so it has been a successful project. We met with John Becker and he recommended that we ask you folks to continue the same annual payment towards it, which is around \$3,750.00 for your town and we will do it for five years and then come back to you again. The money only goes towards the contractors, removing the logjams. We don’t take any money for personnel or anything. If we don’t spend all the money it will be in an account accumulating interest. It is not a bad project.

Mr. Dudzinski – John Becker is the Supervisor of the Town of Sullivan in Madison County and we work closely with his office. Mr. Dudzinski asked Jeanne Kulesa if we had money in the budget for this.

Jeanne Kulesa - I didn’t know about it until tonight so, I’m not sure. Are you looking for this for this year or for 2009?

Mike Johnston – We were looking for 2008 and we’ve put together an agreement for five years.

Mr. Dudzinski - You may have to work with the money you have for this year and then we will talk about it next year.

Jeanne Kulesa – I will look into this, but, I don't remember any discussion of that at the budget meetings. We can definitely put in as a note for the 2009 budget and for the years going forward, to include this as a payment.

Mr. Conway – It seems to me that several years ago, it was \$20,000.00 between the County and the towns to do this on Chittenango Creek. We started this several years ago.

Mike Johnston – This originally started with this town and the Saltwater District in 1998 as a result of the January 1996 flood.

Mr. Conway – I believe that they came up with a figure of \$20,000.00 at the time it was started to be shared, but they only started a little bit and didn't go the rest of the way.

Mike Johnston – Work was done on this in the 80's by the SEATA people, which didn't really work out. They lost a bulldozer in the creek. Overall, this has been a very successful program.

Mr. Rybak – I would say the removal of 32 logjams is pretty successful.

Mr. Dudzinski – It seems to be working, because I went through Rattlesnake Gulch the other day and the water level is fairly low.

Mike Johnston – If you look at Chittenango Creek today it's pretty close to bank full but it is conducting the water out of there. If you had the same amount of logjams as you had then, you would have flooding.

Mr. Dudzinski – You are doing a good job and we will take this into consideration for next year and do whatever you can this year with what you have to work with

Mike Johnston asked if he should put together a new agreement for 2009.

Mr. Dudzinski – Yes, put a proposal together.

DISCUSSION OF TIME FRAME FOR HIGHWAY SECURITIES HELD BY THE TOWN

Chris Woznica stated that he wished to ask the board to consider holding securities for roads going from three years to five years because the roads are not lasting. The Towns Highway Department is really picking up a lot of cost for them.

Mr. Dudzinski – You don't believe the roads are holding up?

Chris Woznica – The roads or the gutters. We need to come up with a better solution as we are not getting 10 years out of a road or a gutter.

Mr. Rybak – We're really not even getting three years out of them.

Chris Woznica agreed.

Mr. Dudzinski – What do we need to do?

Heather Cole – I don't know that you really need to do a public hearing. I think you just need to do a resolution that you would like to see securities for new roads held for five years after the date of top coating. We have an agreement that we use with developers, whenever they dedicate roads to the town, which currently says we have to hold securities for two years but, if you do a town board resolution to say five years, we will just incorporate that into any agreement from here on out if that sounds reasonable.

Heather asked Chris if we would include both roads and gutters in this.

Chris Woznica – Yes

Ms. Tarwacki – That doesn't solve the problem of inadequate application or inadequate installation to start with. How does that problem get solved?

Gary Cannerelli – Part of the problem that I don't know if we're going to solve this evening is the fact that these developers are waiting excessive times on some of the tops that they are putting down. The gutters are a separate issue. Chris and I are meeting the 1st of April once the weather breaks to look at some of these areas. We are going to take care of that. One of the things that we've seen in the past on the pavement is the fact that you really shouldn't let this binder stay open for more than a winter or two. That has happened in the past here, and I think that is something we have to come up with Heather on the agreements and maybe tighten the teeth a little on that. There is a two edge sword to this. The longer you go without topping it in one sense the better in one instance. You want to get your construction traffic and all the people who come through there when you are building houses, as you don't want to ruin your top. The Developers try to put the top down as late as they can, but, sometimes they just let it go. We had a case up in Marra Meadows and another on Legionnaire, where it went longer and Legionnaires securities just lapsed. I think those are part of the issues I don't think all of that is the installation problem when they are going in. The gutters are a separate issue, especially relative to the catch basins. Those are issues in every time and in every place. We have tried to do different things in this town and we've tried to put the aprons in afterwards and what we found there is that only about 50% of the developers are telling us when they are going to put in those aprons. So, we're getting aprons out there, that don't have rebar and things that are not sufficient. It is the same thing with the topping of the roads. The topping of the road will make them pull it, so they call us generally 3 days before they are going to top the road, but, by that time they have already put some of the aprons around the gutters. Chris and I are going to meet on some of these issues and we will have some recommendations.

Mr. Rybak - You wouldn't give them more than a year before the top goes on?

Gary Cannerelli – It depends and we have to be careful. If somebody finishes in November, you might end up going through two winters. If somebody finishes in the middle of summer, you may want to go one year. Chris and I need to talk about that and come up with a plan and then we need to put it in the security agreements and someone needs to have the muscle to enforce it. There has got to be the time line that we have talked about this and when that security is coming due, somebody has got to be sure we hit that.

Mr. Rybak – Historically, the residential pavers always did everything in one step. Now they have gone into a two year program, where they put the binder down and then the top coat the next year to give it time for settling and whatever else it is going to take.

Gary Cannerelli explained that if you leave that binder open, you then get into arguments with them because we make them take some of that out and we have had to do that in the past.

Mr. Rybak – With our freezing and thawing, we just can't do that.

Ms. Tarwacki – For five years gives a date for

Heather Cole – It gives us a date for top coating.

Ms. Tarwacki – That would give us the opportunity to get feedback regarding breakage or crumbling, etc.

Heather Cole – It allows you to go back to the developer's security to fix the problem rather than through your own town highway funds within that five year period.

Ms Tarwacki asked if five years is sufficient.

Heather Cole stated that it is better than two and I am going on what Chris is recommending.

Chris Woznica - You are tying up people's money and you also have to be fair to them.

Ms. Tarwacki – We have a responsibility to the taxpayers that they don't have to go in and make repairs within two years because they are falling apart. The developer comes in and does the work and then he's gone and then the taxpayers through the General Fund become responsible for that. It is our responsibility to make sure that it is done right.

Mr. Rybak stated that along with the five year extension you can't let them sit, two or three years with binder. That also has to be written into that.

Heather Cole – I think for right now we will do the five year and when Gary and Chris have a chance to come back with some recommendations, you can approve it and we can use that as a further incorporation of the Highway Securities.

Mr. Corl asked if it would be better to wait and get all of this as a whole package so that we address this problem as a whole.

Gary Cannerelli – I think it would because you are certainly going to get some feedback from your developers. You might as well put as many eggs into the basket at one time and see if we can solve the problem. Just the time frame isn't going to solve your problem. If you don't get it in the securities in two or three years, having a five year security isn't necessarily going to solve that problem.

Mr. Rybak asked Gary what his turn around time would be to put this package together.

Gary Cannerelli stated before the end of the month.

Mr. Rybak stated that we don't want to drag or heels on this and that the developers and builders will be reticent.

Gary Cannerelli explained that he and Chris will have something for the board, by the end of April.

Pat Rizzo asked if a developer goes into an area and develops sections over a period of time, would the five years be applicable to each section that he does.

Heather Cole and Mr. Dudzinski – It would be done by section.

ACCEPT THE RESIGNATION OF LINDA SACCO, SECRETARY TO THE
SUPERVISOR AS OF APRIL 11, 2008

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to accept the resignation of Linda Sacco, Secretary to the Supervisor, with regret, effective April 11, 2008.

The motion was approved as follows:

Mr. Conway: Yes

Ms. Tarwacki: Yes, with regret though we've had our differences in the past.
She has been a good asset to the Town and to Chet.

Mr. Rybak: Yes, with extreme regrets

Mr. Corl: Yes, with regrets and she will be missed.

Mr. Dudzinski: Yes

APPROVAL TO HIRE BONNIE SMITH, SECRETARY TO THE SUPERVISOR
AS OF APRIL 11, 2008

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve hiring Bonnie Smith, as Secretary to the Supervisor effective April 11, 2008 at the salary of \$33,000.00 annually.

The motion was approved as follows:

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

SET BID DATE – SENIOR CENTER WINDOWS/SIDING PROJECT
APRIL 25, 2008 AT 10:00 A.M.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set April 25, 2008 at 10:00 a.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, to receive sealed bids for the Community Development Project, for the senior center window and siding project.

The motion was approved as follows:

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

APPROVAL FOR THREE ZONING PERSONAL TO ATTEND NYSBOC TRAINING
ON APRIL 14-17, 2008 AT A COST OF \$1,050.00 A BUDGETED ITEM

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize an expenditure of \$1,050.00 for Steve Procopio, Maureen Larmer and Wayne Dean, to attend the NYSBOC Training to be held at the Holiday Inn, in Liverpool, NY on April 14 -17, 2008 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

DISCUSSION OF HOLDING TANKS AT GREAT DANE TRUCKING COMPANY

Wayne Dean explained that this issue has been resolved and there will be no action needed by the board.

DISCUSSION AND APPROVAL OF THE FINAL SITE PLAN INSPECTION
SERVICE BY O'BRIEN & GERE

Gary Cannerelli explained that the Planning Board has requested that we as the town's engineer provide some additional services relative to site plan, post construction and inspections. The Planning Board is concerned that they are approving plans and that some things are not getting constructed relative to storm water detention basins, parking lots, etc. A letter was presented to the Planning Board back on March 5, 2008 and essentially would add some cost to the developers for this work. To give you a range of cost, a simple site plan would add \$250.00, a minor site plan would be \$300.00, a

medium site plan would be \$500.00 and a major site plan would be \$850.00. This was a request from your Planning Board and this is done in other towns, such as DeWitt and is something the Planning Board has requested.

Mr. Dudzinski asked if a public hearing needed to be set.

Heather Cole – I don't think so. From time to time you are able to change the fee schedule and Gary said these are not town generated fees but, fees to be posted by the developer.

Mr. Dudzinski – I don't have a problem with this as there have been situations that have popped up in the past and we actually have no way of checking them, such as elevation after a building is finished, etc.

Tape ended and needed to be turned over.

Wayne Dean stated that may not be applied to all projects as there may be some projects that are relatively simple and uncomplicated, so it would be at the discretion of the Planning Board and him self to determine what would be applied. If the money isn't used, it will be refunded to the developer.

Gary Cannerelli stated that is the way that it is currently being done. If all our deposits aren't use, they are given back to the developer.

Mr. Corl asked if this will have an impact on the work in his office and if so, how, or is it all engineering.

Wayne Dean – In the past, it has been done, but not as much as it should be. I haven't been involved in any final inspections of these big projects.

Gary Cannerelli explained that in the past our office has had no involvement and that he thought that they're looking for us to assist the code enforcement. There may be some things that they don't feel they have all of the qualifications to do, like some of the grading issues, storm water quality basins, or they may want input from the engineers. I think the Planning Board quite frankly, is looking for an extra pair of eyes. They are taking an awful lot of time to review these plans and request these plans of developers. This happens in every town and is no reflection of Cicero. The developer goes out there and they bid these things and give it to a contractor. If the contractor can get away with taking shortcuts, they do it. So, they are just looking for an extra pair of eyes to help out the codes office in some areas where they may need assistance.

Ms. Tarwacki stated that she attended a Planning Board Meeting and that they said things had not been done according to the presented site plan and they were blatantly refusing to finish it off. I don't think a little bit of help is a negative thing, but, a good thing.

Mr. Rybak stated that it isn't going to be just detecting what they haven't done, but, having the strength to rectify what they are not doing. I don't know where that is going to come from, as it isn't going to come from the engineers. You can cite them, but, somebody has got to step up to the plate to make these people adhere to what the site plan calls for.

Gary Cannerelli – Before they get their Certification of Occupancy there is an inspection that is done. The intent of this is that we would go out. We are not going to solve all of the problems. If we see something, we will point that out and give that list to Wayne. Generally, that will be generated in a letter to the developer which includes stuff that his department is looking at, specifically, the building, or interior type things. Generally, that developer will not get the Certificate of Occupancy until those issues are given, or the town could issue a temporary Certificate of Occupancy. I will defer to Wayne on that because it is really up to the town and his office, how to handle that. In other towns, they would sometimes allow somebody to have a temporary CO if some of the items are minor and they may hold securities. I don't want to go there as it is really Wayne's call as how he wants to handle it in his department.

Wayne Dean - The Certificate of Occupancy really does not apply to site plans. I would ask Heather to see if it is legal to withhold a Certificate of Occupancy for a building, because there is a tree missing out in the parking lot.

Heather Cole – Before Jay left, he mentioned to me that he would like to see stronger provisions in your code as in fines for non compliance with a site plan as opposed to non compliance with a building that you could get a building permit for. Wayne and I have a list of things that we are going to bring to your attention which we think you should consider revising in your code. That is going to be one of them. Giving further teeth to people who don't comply with a site plan and not necessarily using the Certificate of Occupancy or Certificate of Completion tying it to site plan.

Wayne Dean – It may come down to security on a large project, such as Target. They have to post securities in the amount of 10% of their building fees, so that we have something there as leverage. This is something we have to work on.

Mr. Corl – Is it necessary to include the simple site plan? That is when you talk about a very, very small business.

Gary Cannerelli read the definition as follows: “It is a project with no, or very minor changes to the buildings, gradings, site access, parking utilities, lighting, landscaping, and other site features. It would generally consist of projects that are a change of use on sites with no previous site plan approval”. That is why the monies are staggered because the Planning Board felt that they did not want to exclude any of these. Just because a site is small, there may still be things they want to make sure that things are being complied with. Again, this isn't our request it is the Planning Boards request.

Ms. Tarwacki – This isn't going to be set against the individual person, putting up a house on one lot.

Heather Cole – No

Gary Cannerelli – That is what Wayne was saying, they are going to be a little selective, but, if there is something that doesn't need the inspection, they won't do it.

Motion was made by Mr. Rybak, seconded by Ms. Tarwacki, to approve a revised fee schedule as outlined in a March 5, 2008 letter from the Engineer to the Planning Board, for work related to post construction inspection of various site plans approved by the Planning Board, as presented.

The motion was approved as follows:

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

PARKS AND RECREATION AND YOUTH BUREAU PURCHASE APPROVALS
(fencing at Central Park)

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to authorize an expenditure of \$1,459.00 to purchase fencing for Central Park dugouts and wings, from Butler Fence, account code A7110.459CL, to be paid via Cicero Little League participant fees.

The motion was approved as follows:

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

(Youth Board Appointment)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to appoint Mike Giarrusso, 325 E. Molloy Rd. Mattydale, to join the Youth Board as a Member effective April 2008, representing the Town of Salina.

The motion was approved as follows:

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

Set bid date opening for senior center replacement windows and exterior siding through community development

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set April 25, 2008 at 10.00 a.m. as the date to receive sealed bids for replacement windows and exterior siding, for the Senior Center which is a Community Development Project.

The motion was approved as follows:

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

PARKS & RECREATION & YOUTH BUREAU STAFF
APPOINTMENT APPROVAL

Jody Rogers explained that Marie Tubolino was being removed from the list and that she needs three more individuals which she isn't able to have on the agenda until the next meeting, but, they will have worked that day and there isn't a board meeting. We haven't been able to get enough people in for interviews.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to appoint the following Parks & Recreation Attendants and Club Rec., effective April 14, 2008 at the pay rate of \$7.15 per hour and the following summer staff.

Jeff Frey, 6140 Dawns Ridge, Cicero, NY
Danielle Anderson, 8185 Rizzo Dr., Clay, NY
Ashley Scott, 9418 LeBeau La., Brewerton, NY

Swimming Facilities Manager

Hire Rate: \$11.25/hour; A7150.1
Hire Date: April 25th

Aimee Geiss, 227 Elm Street, North Syracuse

Assistant Swimming Facilities Manager

Hire Rate: \$9.75 hour; A7150.1 (\$10.50 during WSI; B7150.1):
Hire Date: April 25th

Emily Janisch, 7124 Totman Drive, Cicero

Lifeguards

Hire Rate: \$8.50 hour; A7150 (\$9.50 during WSI; B7150.1
 Hire Date: April 25th

Robert Bucci, 18 Oneida View Drive, Pennelleville (NEW)
 Gretchen Matt, 6070 Laramie Lane, Cicero
 John McCabe, 8448 Flat Car Circle, Cicero
 Sean McCarthy, 618 Boston Road, Mattydale
 Kara Sitnik, 7667 Bull Street, Bridgeport
 Benjamin Walczyk, 9530 Shepard Drive, Brewerton

The motion was approved as follows:

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

APPROVAL OF HIGHWAY PURCHASES
 (Sweeper repair)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$3,895.91 to Cyncon Equipment to repair sweeper #24, account code DB5130.47.

The motion was approved as follows:

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

(Sweeper rental for six weeks, 2 machines)

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize an expenditure of \$18,653.32 to rent two sweepers from J & J Equipment, LLC, for six weeks, Account Code DB5140.48.

The motion was approved as follows:

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

(Asst. Risers for catch basins)

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize an expenditure of \$3,000.00 to purchase assorted risers for the catch basins, from Syracuse Castings, account code DB511049.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to discuss the proposed employment history of a corporation, with the attorney and to reconvene.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 9:21 p.m.

The meeting reconvened from Executive Session at 9:26 p.m.

Tracy, Motion was made by Mr. Rybak, seconded by Ms. Tarwacki, to close the Executive Session and return to open session and we do not have any open items from the Executive Session at this time.

PUBLIC INPUT 3 MINUTES PER SPEAKER

None

Attorney Comments: Heather Cole stated that there was a very nice editorial about Tracy Cosilmon in the Star News and I just wanted to recognize her publically for the record. I thought it was a very nice article and a very nice gesture.

Engineer Comments: Gary Cannerelli stated that he and Heather Cole want to publically thank Linda Sacco for all of her help over the years and we're certainly going to miss her.

Heather Cole – Linda bought me a coffee everyday for three years, and I'm going to miss her professionally and as a friend.

Board Comments: Mr. Conway stated that he felt that we've done the right thing in approving the home for the disabled.

Ms. Tarwacki stated she wished to echo Mr. Conway's feelings and was a little appalled at what was about to happen and was glad it didn't.

Mr. Rybak stated that Jim summed it all up when he said, we didn't need permission to move into this town and neither should they.

Mr. Dudzinski stated he has been on the board since 1993 and I've never been so upset about how people treat other people. I always thought we were created equal and it is unfortunate that some of us have limitations from time to time and that it is held against them and I'll never understand that.

Tracy Cosilmon – I would like to say for the record that Linda Sacco is going to be greatly missed and I wish her the best. This also comes from all of the employees in the town.

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

Tracy M. Cosilmon
Town Clerk

