

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, June 22, 2011, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor  
Jessica Zambrano, Councilor  
C. Vernon Conway, Councilor  
Lynn Jennings, Councilor  
James Corl, Jr. Councilor  
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent  
Joseph Snell, Police Chief  
Jody Rogers, Director of Parks & Recreation  
Steve Procopio, Code Enforcement Officer  
Shirlie Stuart, Comptroller  
Brad Brennan, Assessor  
Linda Losito, Secretary to Supervisor  
Anthony Rivizzigno, Town Attorney  
Douglas Wickman, C & S Engineers

Absent: Sharon Edick, Receiver of Taxes

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

Ms. Boyke 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 clearly into the microphones to enable all to hear.

S.E.Q.R.A.  
(State Environmental Quality Review Act)

Motion was made by Ms. Boyke, seconded by Mr. Jennings, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes  
Mr. Corl: Yes  
Mr. Jennings: Yes  
Ms. Zambrano: Yes  
Ms. Boyke: Yes

## APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the minutes of the June 8, 2011 town board meeting.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

## DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon reminded everyone that we are having our Rabies Clinic on Monday, June 27<sup>th</sup> between 5-7 pm at our Cicero Highway Garage. There will be a \$10.00 donation and please bring past immunization records. Extra Onondaga County Rabies Clinic Schedules were available for anyone that wanted one.

Highway - none

Police

Chief Snell stated that he had supplied the board with a memo regarding the police vehicle that was involved in a recent accident for the board's review at this time. Chief Snell asked for approval to change the striping on the vehicles. This would reduce the cost per vehicle and simplifies our striping. This will save us about \$250.00 per car. The old striping was \$750.00 per car and this will now cost \$500.00 per car. The striping will be changed as police cars are replaced.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to change the striping on the police vehicles as they are replaced, at a cost saving of \$250.00 per car.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

Park & Recreation – none

Comptroller - none

Engineer - none

Zoning - none

Attorney - none

Assessor - none

## APPROVAL OF ABSTRACT #12 OF 2011

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #12 of 2011 as follows:

General Fund Voucher #1054 to Voucher #1151 In the amount of \$385,031.25  
Highway Fund Voucher #328H to Voucher #357H In the amount of \$321,730.36

The motion was approved as follows:

Mr. Conway: Yes  
Mr. Corl: Yes  
Mr. Jennings: Yes  
Ms. Zambrano: Yes  
Ms. Boyke: Yes

## BUDGET MODIFICATIONS

Motion was made by Mr. Jennings, seconded by Mr. Corl, to approve the following budget modifications as follows:

Budget Modifications 2011  
Town Board Meeting 6/22/11

2011 Modifications	Amount	From Code	To Code
Allowance	\$410.00	DB514048 Sweeper Rental	DB9060608MA Meal
2011 Amendment	B2005	Playgrounds	\$ 500.00
	B714040	Supplies	\$ 500.00
	B2006	Extended Day Care	\$ 465.00
	B714043	Extended Day Care	\$ 465.00
	B3389TEN	Tennis Equipment	\$ 300.00
	B702244TENNIS	Tennis Equipment	\$ 300.00
	B3389SL	SLETPP	\$ 5,835.00
	B31202SL	SLETPP GRANT	\$ 5,835.00

The motion was approved as follows:

Mr. Conway: Yes  
Mr. Corl: Yes  
Mr. Jennings: Yes  
Ms. Zambrano: Yes  
Ms. Boyke: Yes

SET PUBLIC HEARING DATE FOR LOCAL LAW AMENDING TOWN CODE  
SECTION 210-25 NON-CONFORMING USE

Ms. Boyke stated that this has to do with the Route 11 corridor between Route 31 and Mudmill Rd.

Mr. Corl stated that they are amending Section 210-25 to hopefully allow the homeowners in that area to make it easier to sell their homes. Presently the banks are denying mortgages because of the way the current code reads. This is an attempt to resolve those issues for the homeowners to make it more flexible for the banks to allow the potential purchasers to get a mortgage.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to set July 13, 2011 at 7:00 p.m. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York, for a public hearing to consider a local law to amend Section 210-25 of Chapter 210 of the Town Code of the Town of Cicero regarding nonconforming uses as presented.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

**AWARD BID FOR MAINTENANCE OF DRAINAGE FACILITIES  
(MAINTENANCE OF OLDER DRAINAGE PROJECTS)**

Motion was made by Ms. Boyke, seconded by Mr. Corl, to award the bid for Maintenance of Drainage Facilities for the Town of Cicero to C. Mattes, Inc., 6351 South Bay Road, Cicero, NY in the amount of \$96,800.00.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

**AUTHORIZE THE ADVERTISEMENT FOR BIDS FOR THE MAINTENANCE AND  
IMPROVEMENTS OF DRAINAGE FACILITIES CONTRACT #1**

Motion was made by Ms. Boyke, seconded by Mr. Corl, to set bid date for July 11, 2011, at 11:00 a.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, to accept sealed bids for the Maintenance and Improvements of Drainage Facilities Contract # 1.

Doug Wickman from C & S Engineers stated that this contract covers drainage improvements in the following areas: The Birches, Pinegrove Rd. West, Lisi Gardens and on Snowshoe Trail.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

**APPROVAL FOR SUPERVISOR TO EXECUTE A CONTRACT WITH  
C & S ENGINEERS, INC. FOR PREPARATION OF A NEW ZONING MAP**

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the Supervisor to execute a contract with C & S Engineers, Inc, to prepare a new Zoning Map in the amount of \$4,400.00.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

DECLARE THE TOWN THE LEAD AGENCY UNDER SEQRA FOR THE  
LANDINGS @ MAPLE BAY

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adopt the following resolution:

RESOLUTION

Whereas the Town of Cicero has received an application from MLSC Development for a Zone Change (P.U.D.) on property located on Lakeshore Road in the Town of Cicero for a project known as the Landings at Maple Bay and

Whereas an Environmental Assessment Form has been filed by the applicant, and  
Whereas the project would appear to be an Unlisted Action pursuant to the State Environmental Quality Review Act,

Therefore be it resolved that the Town Board hereby declares itself to be Lead Agency for purposes of SEQRA review.

The resolution was adopted as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

ACCEPTANCE OF A PORTION OF ALIZARIN AVENUE  
WALLINGTON MEADOWS, SECTION 7A

Chris Woznica, Highway Superintendent asked that this be postponed until the next meeting on July 13, 2011.

ACCEPT RESIGNATION OF MICHELLE SZMANOSKI – CANTEEN

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to accept with regret, the resignation of Michelle Szmanoski from the CanTeen effective June 14, 2011.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

STAFF APPOINTMENT PARKS & RECREATION – AIMEE RICARDO

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the staff appointment of Aimee Riccardo, 227 Elm St., North Syracuse, NY as a Lifeguard –WSI effective June 29, 2011 at the pay rate of \$9.50 per hour.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

YOUTH BUREAU RESOLUTION TO ACCEPT \$300.00 GRANT  
FROM THE JUNIOR TENNIS FOUNDATION

Jody Rogers stated that she will be asking the Board for a resolution to accept a \$300.00 grant check from the Junior Tennis Foundation, Inc.

As a note:

In April 2011, I asked for approval to pay our 3 year membership to USTA in the amount of \$100.00 in order to request grants from the Tennis Association. These grant funds will be used to purchase equipment for our tennis program. We are eligible to apply each of the 3 years.

Motion was made by Ms. Zambrano, seconded by Mr. Corl, to accept a \$300.00 grant check from the Junior Tennis Foundation, Inc. for the Town.

The Resolution was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

BAY COLONY PRESENTATION

Matt Tryniski gave a power point presentation of the road and gutter conditions in Bay Colony. The main concerns were safety issues with the crumbling roads and gutters. This presentation is available in the Town Clerk's Office.

Chris Woznica also showed a power point presentation of other road conditions in the Town of Cicero.

Shirley Stuart stated that the Town has no emergency fund or capital plan for road improvements. She stated that the Town could apply for a Bond which would increase everyone's taxes.

Ms. Zambrano stressed to Chris that this Town needs a comprehensible highway plan.

Doug Wickman stated that the town needs a good set of road specifications that have characteristics that are durable. Those were given to the Town Board in November 2010 and again on March 4, 2011. We have never had the opportunity to talk about that. He suggested that instead of repairing roads that are in worse shape, that roads that need less repair would be a better way to move forward.

Ed Zaluski, 7015 Van Antwerp Rd., stated that he drives through this development periodically and has noticed that the roads are in need of repair.

Board Comments

Vern Conway stated that road improvements have been talked about a lot. The Town just does not have the funds available to repair the roads.

Ms. Zambrano stated that the people that came here had some safety concerns. These safety concerns become a liability for the Town. She felt that we should be starting a committee with the Highway Superintendent, the Town Engineer, and an advisor like Tom Beaulieu, and some interested people from the boards to sit down and discuss what options are available to improve these roads.

Mr. Corl stated that the Board needs to take a look at all this information to insure future development in the Town. The Board needs to take a ride through every road in the town to see just what needs to be repaired at this time.

A resident stated that we are going backwards in repairing our roads.

Ms. Boyke stated that we are going backwards because of the cost of the asphalt and the process.

A resident stated that people are willing to pay for road repairs if they can see where their money is going.

Chris Woznica stated that Mr. Kabella is right to a point. Whenever we put in a new subdivision, we have to maintain those roads as much as all the roads. The average home only pays about 200-300 dollars a year in highway tax. The economy is so bad right now that it costs a ton of money to maintain our highways.

Ms. Zambrano stated that there has been a lack of long range planning in this town. She still thinks the Town Board needs to think about all of the information that was presented tonight and talk to the Engineers and interested parties and announce at the next Town Board meeting an actual plan of how we want to proceed.

Lynn Jennings stated that the presentation this evening was excellent. We really need to get out and see these roads.

Ms. Zambrano stated that we need higher standards for our roads.

Ms. Boyke stated that most of the residents inherited a problem road when they moved into their area. The solution is to put a long range plan together for our roads within the town and with that comes the factor of the cost. In order to understand what we have with the 110 miles of roads and the cost of doing that, we then need to evaluate who gets their road done first. She has driven through Bay Colony and is very familiar with the road conditions there. She stated that this was a great presentation and that she will call the board together and they will decide on how to go about doing this. We will have some type of direction that we will be going at the next meeting.

#### PUBLIC INPUT

A resident – asked Chief Snell if the NY Police agency comes in and audits his computer system.

Chief Snell stated that all of their transmissions and inquiries in the criminal history records checks, which is a secured system, go through the NY State Police. They come in annually and audit us to make sure that we are doing things appropriately according to New York State law.

A resident asked Chief Snell if this is an announced audit or do they surprise you?

Chief Snell stated that they will receive a memo advising them that they will be coming in 2-3 weeks.

A resident stated that a real audit is usually a surprise audit.

A resident stated that once a year she asks Chris to put Vernon Road South on his list and he doesn't. If people do not want to give up luxuries, then just raise our taxes. I am willing to pay more money for the privilege of being able to go to the grocery store after a snow storm as long as everyone else is paying their fair share.

Ray Shader – About 30 – 35 years ago they put a water line past my house. We paid for it in 30 years. The people that paid for the water line, got the water. If everyone wants their roads re-built, take out a 30 year loan and everyone that uses that road, pays for it.

A resident felt that the Engineer hit some good points. The Town did not put the roads in, we have had developers put the roads in. You can not build roads with driveway material and expect heavy duty traffic to drive on them all the time. We have built our roads to fail, by not changing the specifications.

Chris Woznica stated that along with all the roads in the infrastructure, is all the drainage pipes that have been under these roads for 15-20 years. Most of them will have to be replaced.

Donna Gould – stated that she lives in Cicero and her property backs up to Lucien's Entertainment Center. She was concerned with all the noise and fights in the parking lot. There is music playing until 2:15 am and the noise in the parking lot does not stop until around 3 am. She stated that they are advertising for a huge party on 4<sup>th</sup>. of July weekend and wanted to know the capacity of that establishment.

Ms. Boyke stated that they had received the police reports from the Cicero Police and the Sheriffs and followed up on that because the Sheriffs have sent their report to the State Liquor Board Authority and they will be following up on that as well. The Planning Board attorney has written a letter to Lucien's. They have to come back before the Planning Board.

Steve Procopio stated that Lucien's was granted conditional approval for their site. Upon 10 day written notification to Lucien's, they have to come back before the Planning Board for amendment to, or relocation of the site.

Jim Corl stated that at the July 11<sup>th</sup> meeting the Planning Board can take action against Lucien's.

Pat Tortora – 105 Kopp Ave. stated that recently he notified 911 of the loud noise and the Sheriffs were dispatched to his home and they went in the back yard and he was told that they could not do anything about the loud noise because this was the Cicero Police Department's problem.

Ms. Boyke stated that now that they have a stronger report, we will try to do everything that we can to rectify this problem. She will be speaking to the Planning Board attorney and our Town attorney to find out what can be done.

#### Board Comments

Ms. Zambrano asked about the noise problem at Walmart and the copy of a letter from Mary Jo Hoover.

Ms. Boyke stated that she received a copy of the letter, but not everyone got a copy. She stated that she gave a copy of the letter to Mr. Rivizzigno to do a follow up with Walmart.

Ms. Boyke stated that a new room was being looked at in the Police Department to move the server to. She had heard back from the Teamsters rep. and he has been in touch with Mark May. They feel that there is no problem with anyone signing the recent IT procedures form. She stated that Mark May will come in and talk directly to her regarding this matter in the near future. They fully understand that there needs to be a policy and procedure in place, so that the Town is in compliance.

Lynn Jennings stated that he had a letter from Chief Snell regarding his concerns on security and that he would copy the Board.

Ms. Boyke stated that Saratoga Associates would be at the next Town Board meeting and give a presentation. Saratoga Associates stated that the Brewerton Revitalization progress is in the hands of the DOT, as well as the State Historical Protection Organization plus the United Nations and the Onondaga Nations. They have requested a review of Phase 1 and have gone out to the site and are now looking to have their input in this. Nothing can

be done on the Phase 1B until all the recommendations come back from those two agencies.

The audit on the Brewerton Revitalization is ongoing and Mike Benn has indicated that he will be coming into the Town the first part of next week to look at some documentation.

Mr. Corl – stated that a few weeks ago several residents approached him regarding the Darby Road and South Bay intersection. Several years ago, the County was asked to come in and evaluate this area for a possible traffic light. The recommendation came back from the County and they said that a traffic light would not be recommended at that time. Since that time, several traffic accidents have occurred in that area and he was asking for approval from the Board to ask the County to come back and revisit this area again.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to adopt the following resolution.

Ask Onondaga County to inspect or study the intersection of Darby Rd. and South Bay Rd. and Gillette Rd. and South Bay Rd. for consideration of a traffic light in that area.

The Resolution was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

Mr. Corl asked Tracy Cosilmon if she would forward this Resolution to the County with any additional paperwork.

Tracy stated, yes, of course I will. I just need the additional documentation.

Mr. Corl stated that he will see what he can find out from the residents to be able to provide additional data for the County to consider.

Ms. Boyke stated that she had a draft of an agreement with the North Syracuse Board of Education regarding fuel usage for the vehicles for the Highway Department, Zoning Department, Police and Town vehicles. This agreement will be brought up at the next town board meeting.

Ms. Zambrano asked about easements and sheds being put in easements on Jane Lane. Steve Procopio stated that this was being discussed with the drainage committee and they will have their recommendation soon.

Mr. Corl stated that there were a few residents who had asked about putting sheds in easements recently and he wanted to make sure that these people did not have to wait until the end of summer for an answer.

Doug Wickman stated that he would try to have a general overview of the policy regarding sheds in easements by the next town board meeting.

Ms. Zambrano asked what the status was of Darlene's Brook. She stated that there have been several presentations about how important it is to have the paperwork done and asked Mr. Rivizzigno if all the necessary paperwork was submitted.

Mr. Rivizzigno stated that he had a list of all of the 14 engineering firms and he was up to date.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn the Town Board Meeting.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

There being no further business before the board, the meeting was adjourned at 9:11 p.m.

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Tracy M. Cosilmon  
Town Clerk

UNAPPROVED