

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, June 27, 2012 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor  
Jessica Zambrano, Councilor  
C. Vernon Conway, Councilor  
Lynn Jennings, Councilor  
Tim Burtis, Councilor  
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway  
Joseph Snell, Police Chief  
Sharon Edick, Receiver of Taxes  
Robert Germain, Germain & Germain, Town Attorney  
Ron DeTota, C & S Companies, Town Engineer

Mr. Corl 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.

The meeting was opened at 6:30 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.

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

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes- 0. *Motion carried.*

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the June 13, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

APPROVAL OF ABSTRACT #12 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #12, of 2012 as follows: Motion was seconded by Councilor Zambrano.

General Fund Voucher # 1130 to Voucher # 1296 In the amount of \$466,375.11  
Highway Fund Voucher # 323H to Voucher # 348H In the amount of \$322,493.57

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

## BUDGET MODIFICATIONS

## TOWN BOARD MEETING

06/27/2012

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications as follows:

FROM		\$		TO	
A79894	Farmers Market Contractual	160.00		A798942	Marketing
A10104	Town Board Contractual	8000.00		A13404	Budget Officer
A51322	Garage Equipment	4000.00		A33104	Traffic Control Contractual
A51322	Garage Equipment	4000.00		A51324	Garage Contractual
DB511049	CB/F&G/Riser	10000.00		DB511051	Concrete Blocks

Motion was seconded by Councilor Zambrano.

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

RECOGNITION OF THE TOWN OF CICERO VOLUNTEERS IN POLICE SERVICE PROGRAM (V.I.P.S)

Supervisor Corl thanked the following Town of Cicero Volunteers in Police Service Program (V.I.P.S) who are an intrical part of the Cicero Police Department providing back up support to the police officers by providing the patrolling of neighborhoods, watching our parks and a number of other various services.

Chief Snell stated the program began in the early 1990s. The volunteers they started off doing some of the things our officers didn't have time to do such as vacation home checks. They're assistance in other areas has grown, amongst other duties; they also help direct traffic during accidents and assist with community events.

Supervisor Corl read the following resolution to the V.I.P.S, from the Town Board members:

WHEREAS, It is the sense of the Legislative Body to call attention to dedicated efforts to those individuals from across the Town of Cicero who volunteer their time and energies in service to the community; and

WHEREAS, Volunteerism is an essential element of all societies; it provides a way in which the human values of community, caring and serving can be sustained and strengthened; and

WHEREAS, Volunteerism promotes family and community solidarity; most importantly, people who volunteer their time in civic and charitable endeavors inspire others to the call of volunteerism; and

WHEREAS, the Town of Cicero Volunteer and Police Service Program helps our community in maintaining an excellent quality of life and offers skills and talents to the Cicero Police Department.

And be it resolved that the Cicero Town Board hereby commends all the volunteers with the Cicero V.I.P.S. Program.

Supervisor Corl commended each of the following members of the V.I.P.S. Program and presented them with a Certificate of Achievement:

Debra Fouche – 2 years  
 Lawrence Nasser – 2 years  
 Damon Villnave – 2 years  
 Ronald Villnave – 2 years  
 Brandon Wood – 2 years  
 Capt. Donald Hazelmyer – 3 years  
 Stanley Miller Sr. – 3 years  
 James Willard – 5 years  
 Sgt. Gay Barnes – 9 years  
 Shellie Hierholzer – 9 years  
 Chief Dave Spurgeon – 9 years  
 Bob Cortright – 10 years  
 Bill Delapp – 10 years  
 Harry Ritzel – 12 years  
 Sharon Dwyer – 14 years  
 Ron Lapham – 15 years  
 Hazel Richards – 15 years

**PUBLIC HEARING TO CONSIDER A LIGHTING DISTRICT FOR THE PASTURES SECTION 6 TO INCLUDE HOYT FARM, AND PORTIONS OF ELECTRIC RAILWAY AND ANGLERS CLUB (SEE ATTACHMENT A FOR TAX MAP NUMBERS)**

Supervisor Corl introduced David Hess, from National Grid and stated they were in receipt of petitions that had been distributed throughout this particular neighborhood where the equivalence of more than 50 percent of the homeowners signed the petitions for lights.

David Hess designed a layout for the remaining portion of The Pastures development. The potential is for eleven (11) lights to be installed along Anglers Club, Electric Railway and Hoyt Farm. The cost for this portion is roughly \$5,900.00 for the Town, but was unsure of the cost to each household.

Supervisor Corl, along with the Comptroller, equated that it would be around \$118.00 per year which would be inclusive of December if they were installed prior to the end of this year.

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to consider a Lighting District for the Pastures Section 6 to include Hoyt Farm, and portions of Electric Railway and Anglers Club(Tax Map Numbers Attached Hereto).**

**PLEASE TAKE FURTHER NOTICE** that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **27<sup>th</sup>** day of **June, 2012**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

**DATED:** June 13, 2012

**TOWN BOARD OF THE TOWN OF CICERO,  
COUNTY OF ONONDAGA, NEW YORK  
BY: TOWN CLERK**

Public Hearing was opened at 6:50 p.m.

Speaking for –

A resident signed the petition and was in favor of the lights for safety and aesthetic reasons.

Debbie Strong said that area was too dark and the lights would help.

Samantha Overend stated that area would help because it's pitch black currently.

Lindy Nash agreed with lights for the safety and aesthetic reasons also.

Jerry Beckley felt the lights would help for safety purposes; there was an attempted break in next to his home.

Heather Adams was in favor of finishing the lights in the neighborhood for safety purposes.

Pete Riley was in favor of the lights.

A neighbor stated she knew two people on Electric Railway that could not attend the meeting tonight but were in favor of the lights.

Mr. Santangelo was for the lighting district because it's too dark.

Speaking against –

Scott Kunz wanted to clarify if one of the proposed lights is supposed to be next to his property and didn't want one next to his property.

David Hess stated National Grid could only put lights where there is power.

Pam Greco purchased her home for the country atmosphere and sets her lights for appropriate times throughout the night time hours.

Tom Collins doesn't want lights because he wants a dark sky. He stated studies show that lights don't make it safer. He wants someone to do the studies and see how the lights would affect the quality of life and the environment.

A resident wanted to know they couldn't leave Hoyt Farm out of this lighting district, it's a cul-de-sac. He's fine with the other streets having lights.

Supervisor Corl stated this area is the last area of The Pastures that is not lit. So, when the petitions were passed it was to include everybody in The Pastures that was not in the lighting district. That's why National Grid did a plan for the whole area, so whether or not a portion can be excluded they can speak with David Hess and the attorney. Supervisor Corl noted that on Hoyt Farm there were five people that signed the petition.

Heather Scott stated the diagram does not show where the lights are going and does not want lights shining in her bedroom window.

A resident stated the petition was sent around before the people were educated about "dark sky" and hoped that if they did put light fixtures in on Electric Railway and Anglers Club that they would put "dark sky" compliant fixtures and that would help avoid light pollution, the light trespass, the glare and the effect on the environment.

A resident stated some of the residents that signed the petition on Hoyt Farm stated they would not have signed if they had realized there was going to be an added cost to their taxes for them.

A resident stated a couple of the neighbors she spoke to were unaware that they would have to pay for the lights.

A woman who had helped pass the petition for the lights stated she did tell the residents that there would be a cost of up to \$150.00.

A neighbor stated he doesn't want the light in front of his house; they should put them in front of the houses of the people that signed the petition.

Public Hearing was closed at 7:15 p.m.

Supervisor Corl asked Ron DeTota what the typical process is with communities, when there's a development, what is done at the outset from a planning stage with lights.

Ron DeTota replied they found it beneficial when the developer approaches the town with the utilities it's more prudent to form a district over the properties. It simplifies it because there's only one person who has to execute the agreements and also, it provides awareness to the people moving into the area letting them know that there will be lighting in the area. There are costs associated with the installation of lights.

Supervisor Corl asked the board, since they already had the public hearing, to defer the decision on the lighting district at this time to another town board meeting so the board members can take into consideration all the comments that were made.

David Hess stated he could reposition the lights on Hoyt Farm.

Board Comments

Councilor Zambrano inquired when the lights would be installed if they were approved.

David Hess replied close to Halloween.

Councilor Burtis asked how long the installation would take.

David Hess replied about 3 or 4 days. The style of the pole that is going to be used is already being used throughout The Pastures and its labor intensive.

Councilor Jennings commented that if they could resolve the issue with Hoyt Farm, which seems to be the only one with a problem, then they can move on with Electric Railway and Anglers Club. He doesn't see why they should defer it as long as they put in a stipulation.

Supervisor Corl they will defer it until the July 11<sup>th</sup>, 2012 Regular Town Board Meeting.

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM NEIGHBORHOOD  
COMMERCIAL/GENERAL COMMERCIAL TO MULTIPLE RESIDENTIAL FOR  
PROPERTY LOCATED AT 8463 & 8453 WAYFARER DRIVE (TAX MAP  
NUMBERS 88-08-21 & 88-08-22).**

Hal Roman, surveyor and planner for the applicant asked for a zone change for the property that is currently zoned Neighborhood Commercial/General Commercial to Multiple Residential. It would create six lots for three, two-unit townhouses. It's six lots because each unit would own its own half of the property. JMG wishes to build the three two-unit townhouses to use them as a transition from the single family detached housing to what would become the final General Commercial upfront. The roadway and utilities are all in, there may be some minor modifications for sewer laterals, water laterals and electrical.

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to consider a Zone Change from Neighborhood Commercial/General Commercial to Multiple Residential for property located at 8463 & 8453 Wayfarer Drive (Tax Map Numbers 88-08-21 & 88-08-22.0).**

**PLEASE TAKE FURTHER NOTICE** that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **27<sup>th</sup>** day of **June, 2012**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

**DATED:** May 24<sup>th</sup>, 2012

**TOWN BOARD OF THE TOWN OF CICERO,  
COUNTY OF ONONDAGA, NEW YORK  
BY: TOWN CLERK**

Public Hearing was opened at 7:21 p.m.

Speaking for – None

Speaking against – None

Public Hearing was closed at 7:21 p.m.

Supervisor Corl noted that the Planning Board has considered this matter on June 11, 2012 and they made a recommendation in favor of the zone change to the town board, and also they received a referral from Onondaga County Planning. The meeting date was June 20, 2012 which also gave a positive referral and stated that there would be no significant or adverse effect by granting the zone change.

Supervisor Corl solicited any comments or discussion from the Town Board.

Board Comments

Councilor Zambrano stated she had been involved with the work sessions and knows that the developer has worked hard to meet the criteria with the Planning Board. As long as the Planning Board is in favor, which they are, she is also in favor.

Councilor Zambrano moved the adoption of a resolution to approve a resolution for a Zone Change from Neighborhood Commercial/General Commercial to Multiple Residential for the property located at 8463 & 8453 Wayfarer Drive (Tax Map Numbers 88-08-21 & 88-08-22.0). To be known as Local Law 9 of 2012. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

**PUBLIC HEARING TO CONSIDER AN AMENDMENT OF CHAPTER 66 OF THE TOWN OF CICERO ZONING CODE-BRUSH, GRASS, RUBBISH AND WEEDS. THE PURPOSE OF THESE AMENDMENTS IS TO CHANGE THE NOTICE REQUIREMENTS ENABLING THE TOWN TO TAKE SWIFTER REMEDIAL ACTION IN THE EVENT OF A VIOLATION**

Supervisor Corl stated the purpose and intent of amending this portion of the code is to make it easier for the Code Enforcement department if there are situations on foreclosed homes or those that are not properly cared for or the weeds are growing up to high. The current process is very lengthy. The amendment would allow the Codes Enforcement to just post a notification on the door of the homeowner that is in violation, wait a five day period if the issue is not rectified then they could take action and charge any costs of mowing the lawn back to the homeowner.

Supervisor Corl solicited comments from the Town Attorney.

Robert Germain stated the old procedure took too much time and the burden was on the Code department to serve certified mailings which was an added expense to the town. This is really to streamline the process so they can remediate issues quickly when they come up.

Proof of publication and posting was presented to the Town board by Town Clerk.

The public notice read as follows:

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to amend Chapter 66 of the Town of Cicero Zoning Code-Brush, Grass, Rubbish and Weeds. The purpose of these Amendments is to change the notice requirements enabling the Town to take swifter remedial action in the event of a violation.**

**PLEASE TAKE FURTHER NOTICE** that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **27<sup>th</sup>** day of **June, 2012**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

**DATED:** June 13<sup>th</sup>, 2012

**TOWN BOARD OF THE TOWN OF CICERO,  
COUNTY OF ONONDAGA, NEW YORK  
BY: TOWN CLERK**

Public Hearing was opened at 7:25 p.m.

A resident stated she was neither for nor against but asked what it meant in the current code where it read "curb line" and the "lot line."

The town attorney explained that sometimes there's an issue where the street itself, where the street line is sometimes depending where the lawn might be, it might not actually be where the property line is or there might be a town right of way that's also part of it. Typically, the homeowner would own up to the end of their property line, some of that would be controlled by the town in the form of a right of way. So what he thinks they are saying is from the curb along the road, up.

The resident asked if the homeowner is responsible for the town's right of way.

The attorney responded that they are responsible for the maintenance of the right of way. There are different types of utilities that are next to the road. They advise people to look at their property survey and see where the location of their right of way is.

The resident asked what it meant in Section 7 of the book where it read if it was an emergency the town may either cause the violation to be abated.

The attorney responded it means to cut the lawn. If it is determined that a bad situation, if they determine it to be to the level of an emergency, instead of giving the person a ticket and showing up two weeks later they have the right to cut the lawn and attach that cost to the tax bill.

The resident asked how it would be posted and was advised they would tape them.

Speaking for – None

Speaking against – None

Public Hearing was closed at 7:30 p.m.

Supervisor Corl deferred the decision until the next Town Board Meeting, to be held on July 11<sup>th</sup>, 2012 and solicited comments or discussion from the Town Board.

#### Board Comments

Councilor Jennings thinks there will be problems if the notices are posted on the doors with tape and would like to see the town keep the Certified Mail, Return Receipt Requested.

Town Attorney replied this is a flexibility issue. They have the right to send notices, still, by Certified Mail, Return Receipt Requested, but they don't have to. It's a flexibility issue because the foreclosures are causing a real problem not just with the lawns, but also with pools. The new proposed law would allow them to address the issue faster.

Councilor Zambrano stated one of the Codes Department complaints is that the current process took too long, so this was proposed to speed up the process.

Councilor Jennings inquired if they could say something to the effect that if they post the notice on the door and if in 10 days there has been no action taken then the Town will send a certified letter - this would allow the Town some control.

Councilor Zambrano asked if they could establish a policy that would send out a Certified letter, at the time the notice is posted. She doesn't want the process to drag out.

Town Attorney stated as a Board they can set a policy and it could work in conjunction with this amendment. This amendment just gives them the flexibility if their in a jam, they can post it.

Supervisor Corl commented that Susan in Codes handles a lot of these issues. As drafted, the amendment will accomplish what they will need to. Internally, if they need to set a policy or would like to on further notice, they could do that.

Councilor Burtis would like to target the foreclosed upon homes. In this town the foreclosed homes we have, the mail is not going anywhere it's sitting in the mailbox, or its scattered in front of the door, the resident or customer is gone. They have problems in these situations rodents, tall grass. The nearby neighbors are taking care of some of the properties to hold things together; they've got woodchucks and gophers in the backyard. He believes the problem is the foreclosed homes, not the resident that is behind or struggling.

Councilor Zambrano stated this will allow the town to go in and mow and add the cost to the Tax bill, so hopefully the town will get its money back. The town will have the authority to go in and take care of it and keep it cleaner and safer.

Supervisor Corl deferred the decision to the next Town Board meeting to be held on July 11<sup>th</sup>, 2012.

SET PUBLIC HEARING DATE FOR JULY 11<sup>th</sup>, 2012, TO CONSIDER A ZONE CHANGE FROM AGRICULTURAL TO RESIDENTIAL FOR THE PROPERTY LOCATED AT 5869 LADD ROAD, BREWERTON, TAX MAP NO. 109.03-01-19

Councilor Zambrano stated Eldan Homes has been involved with the Miralago Subdivision in Brewerton. There is one parcel that is still zoned Agricultural, so they are applying to change the zoning from Agricultural to Residential (R12).

Councilor Zambrano moved the adoption of a resolution to set a Public Hearing date for July 11<sup>th</sup>, 2012, beginning at 6:30 p.m. to consider a Zone Change from Agricultural to Residential for the property located at 5869 Ladd Road, Brewerton, Tax Map No. 109.03-01-19. Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

PRESENTATION ON THE CORNELL ROAD PROGRAM  
BY MIKE FRANTESSI – C&S ENGINEERS

Supervisor Corl introduced Mike Frantessi, an Intern at C&S Engineers, who has been working closely with our Highway department over the last month or more evaluating the roads within our town. Mike Frantessi gave an update on the following:

In early May he attended the Cornell Local Roads Program with four members of the Highway department. The program gave an overview on how to estimate costs, different types of repairs for the roads and how to assess the roads visually. So, when they came back from the program they decided to do the roadway assessment by sectioning off the roads within each of the members plow routes. Mike would go out with each member on their individual plow route; this gave them all the benefit of knowing each of the big drainage problems and where the big cracks are. He stated the highway members are knowledgeable because a lot of these road issues happen in the winter; each of the members concern was where to begin with paving. A lot of the roadways are cracked and need drainage work. This program is used to prioritize all the roads and what repair types are needed. They began to assess roadways and put them into 8 categories of damage to the roads, which was anything from different types of cracks, to drainage work and bleeding and rutting. These would be rated from a low, medium-high scale on a severity and extent. Once this was done, they took it back to the office and inputted it into the program that Cornell gave them. It prioritized all the roads, they had 463, on a list of what should be done and when. In the future, they can put the budget in. He handed out a map and a graph for the repair categories. On the map each road is color coded with a repair category. The pie chart that he handed out was each repair category and the percentage of the roads that are within that category. Surface treatment and overlay are the highest. But, this is two categories in one just to help them with pricing. The highest is actually drainage work which was 22%. That's almost a quarter of the roads that need drainage work and that's a problem because when water sits on the road like that, that's when they start experiencing the cracks and the roads end up going into total reconstruction phase. This category is actually somewhat deceiving because the program has repair types within each repair category, so for this category it has things like installing drains, ditching, cutting shoulders, things like that and these are fairly cheap processes compared to each of these categories. But the other thing that happens is when you fix these drainage problems the road needs to be fixed. So, once that's done they fall into another category and there's going to be a lot of money invested with these certain roads. He went over the map and showed how the roads were broken down percentage wise and color coded to the following repair categories:

- A. Crack Repairs – 12.10%
- B. Surface Treatment and Overlay – 30.24%
- C. Reconstruction – 9.50%
- D. Good Condition – 14.47%
- E. Patching and Rehab – 11.66%
- F. Drainage Work – 22.03%

As far as the progress of the project, right now, the roadways are assessed and everything is inputted into the computer. They just have to finalize cost estimates, they are working on that right now and at that point he will meet with the Town and they'll look at finalizing the priority list. They can move things around to what they feel are appropriate and then they will write a brief report on this whole process and the conclusion that they made with these roads. He then solicited any questions.

Councilor Burtis asked what the percentages were for Surface Treatment and Overlay, Patching and Rehab.

Mike Frantessi replied it's about 16% Surface Treatment, 14% Overlay, Patching 7 ½ % and Rehab was around 4%.

APPROVE ROAD PROJECTS FOR 2012 AND EXECUTION OF  
284 HIGHWAY AGREEMENT

Supervisor Corl stated along with other departments they have come up with the following road plan for the year.

Supervisor Corl requested approval for the following Road Projects for 2012 and Execution of the 284 Highway Agreement:

Agreement between the Town Superintendent of the Town of Cicero, Onondaga County, New York, and the members of the Town Board. Pursuant to the provisions of Section 284 of Highway Law, and the members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, agree that the moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$506,960.00 shall be set aside to be expended for primary work and general repairs upon 2.65 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

a. WEDGEFIELD LANE: On the road commencing at Isaac Path and leading to Lombardi Drive, a distance of .30 miles there shall be expended not over the sum of \$117,341.50. Width of traveled surface: 11ft.

b. LOMBARDI DRIVE: On the road commencing at Wedgefield Lane and leading to Isaac Path, a distance of .20 miles, there shall be expended not over the sum of \$SSEE A, Width of traveled surface: 11ft.

c. MUD MILL ROAD: On the road commencing at Lakeshore Road and leading to Weaver Road, a distance of 1.03 miles, there shall be expended not over the sum of \$167,080.00. Width of traveled surface: 11ft.

d. LAKESHORE ROAD: On the road commencing at 7047 Lakeshore Road and leading to 7315 Lakeshore Road, a distance of .98 miles, there shall be expended not over the sum of \$174,184.10. Width of traveled surface: variable.

e. TUTTLE ROAD: On the road commencing at Tuttle Road and leading to Tuttle Road, a distance of .14 miles, there shall be expended not over the sum of \$43,749.00. (Tuttle Road)

Supervisor Corl moved the adoption of a resolution to approve the above listed Road Projects for 2012 and Execution of the 284 Highway Agreement in the amount of \$506,960.00. Motion was seconded by Councilor Zambrano.

Chris Woznica wanted to acknowledge and thank Doug Hill, a retired NYS Engineer, who was a tremendous help on Lombardi Drive.

Ayes - 5 and Noes - 0. *Motion carried.*

EXTEND TRASH REMOVAL CONTRACT WITH FEHER RUBBISH FOR SIX(6)  
MONTHS THROUGH DECEMBER 31, 2012 PER SAME TERMS, COSTS AND  
CONDITIONS OF THE CURRENT CONTRACT (TOWN TO BID CONTRACT  
LATE THIS SUMMER)

Supervisor Corl stated for budgeting purposes it is better to extend the Trash Removal Contract for a six month period.

Supervisor Corl moved the adoption of a resolution to extend the Trash Removal Contract with Feher Rubbish for six (6) months through December 31, 2012 per the same terms, costs and conditions of the current contract (Town to bid contract late this summer). Motion was seconded by Councilor Burtis.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL FOR SUPERVISOR TO EXECUTE AN OUT OF DISTRICT USER  
AGREEMENT BETWEEN THE TOWN OF CICERO AND JAMES AND KATHLEEN  
IANNUZZO TO CONNECT TO THE CICERO SEWER DISTRICT

Councilor Zambrano stated they had an application from James and Kathleen Iannuzzo to hook up into the Cicero sewer system. They live on the Cicero/Clay border on Caughdenoy Road and the Caughdenoy side of Clay does not have sewers. They have deposited \$600.00 in an escrow account to ensure that the money is there for their part, along with the money for the engineering of the project and they will bear the expense of hiring and paying for the contract themselves. The hook up will be at no cost to the town. They will be billed by the Town of Cicero for their sewer district account.

Councilor Zambrano moved the adoption of a resolution for the Supervisor to execute an Out of District User Agreement between the Town of Cicero and James and Kathleen Iannuzzo to connect to the Cicero Sewer District. Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVE INSTALLATION OF TWO (2) PROPOSED HYDRANTS IN THE EXISTING  
CICERO CENTER WATER DISTRICT ON JOSETTE JUNCTION ROAD AND ANGUS  
PATH BY ONONDAGA COUNTY WATER AUTHORITY

Supervisor Corl stated the developer, through Onondaga County Water Authority (OCWA), has asked for additional hydrants in that particular area. This has been looked at by our liaison to the fire departments, Dave Cowburn, along with our Codes officer, who has looked at the proposal and is in agreement with the placement with them.

Supervisor Corl moved the adoption of a resolution to approve the installation of two (2) proposed hydrants in the existing Cicero Center Water District on Josette Junction Road and Angus Path by Onondaga County Water Authority and allowing the Supervisor to sign the agreement. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

ACCEPT YOUTH SERVICES FUNDS, WAIVED BY THE TOWN OF CLAY IN THE  
AMOUNT OF \$5,634.00

Councilor Jennings was in receipt of a certified letter from the Town of Clay's Town Clerk stating the Town Board of Clay, at their Town Board Meeting held on June 18<sup>th</sup>, 2012 passed a resolution to waive \$5,634.00 state aid from 2012 from the Youth Services Grant to the Town of Cicero for the CanTeen and authorizing their supervisor to execute.

Councilor Jennings moved the adoption of a resolution to accept Youth Services Funds, waived by the Town of Clay in the amount of \$5,634.00 and approval for the supervisor to execute necessary documents. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL FOR SUPERVISOR TO EXECUTE A CONTRACT BETWEEN ONONDAGA  
COUNTY AND THE TOWN OF CICERO FOR YOUTH BUREAU FUNDS, IN THE  
AMOUNT OF \$8,618.00

Councilor Jennings moved the adoption of a resolution for the Supervisor to execute a contract between Onondaga County and the Town of Cicero for Youth Bureau Funds, in the amount of \$8,618.00. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

PURCHASE APPROVALS FOR YOUTH BUREAU, PARKS & RECREATION  
REPLACE TIRES FOR SENIOR BUS AND CANTEEN VAN

ITEM: Replace tires for Senior bus and CanTeen van  
 VENDOR: Commercial Truck Tire (county contract)  
 AMOUNT: \$1475.00  
 Budget Codes: A6772.53 \$885.00 (Senior bus)  
                   B7310.402 \$590.00 (CanTeen van)

Councilor Jennings moved the adoption of a resolution to authorize an expenditure in the amount of \$1,475.00 to Commercial Truck Tire (county contract) to replace the tires for the Senior bus (\$885.00 Budget Code: A6772.53) and the CanTeen van (\$590.00 Budget Code: B7310.402). Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

ACCEPT \$25.00 DONATION FROM EUGENE AGOSTINI IN MEMORY OF HIS WIFE FOR  
THE PARKS & RECREATION DEPARTMENT

Councilor Jennings moved the adoption of a resolution to accept a \$25.00 donation from Eugene Agostini in memory of his wife for the Parks & Recreation department. Motion was seconded by Councilor Burtis.

Ayes - 5 and Noes - 0. *Motion carried.*

ACCEPT \$2,688.00 FROM HARTFORD INSURANCE COMPANY AS REINSURANCE  
CLAIM PAYMENT FOR THE BUILDING COMPRESSOR (OBTAINED THROUGH THE  
EFFORTS OF THE TOWN CLERK)

Councilor Jennings moved the adoption of a resolution to accept \$2,688.00 from Hartford Insurance Company as Reinsurance Claim Payment for the building compressor. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL FOR SUPERVISOR TO EXECUTE THE SECTION 211 WAIVER  
FOR POLICE CHIEF

Supervisor Corl stated he had an opportunity to speak with Board members, about the Civil Service discussion recently, which was held at the state level. There was a discussion particularly about the Town of Cicero waiver for Police Chief Joseph Snell. Earlier this year, authorization was provided to sign the Section 211 Waiver. It was sent in and then there was canvassing of the list. At the Civil Service discussion at the State level, the final ruling was that for the Town of Cicero, Chief Snell's waiver was granted from January 1<sup>st</sup> of this year through the end of July only. In other municipalities in Onondaga County it was granted through December 31<sup>st</sup> of next year. However, due to the fact that there had been a lapse last year, they wanted the Town of Cicero to recanvass the list from the portion of time from the end of July this year through December 31<sup>st</sup> of next year and go through the process.

Supervisor Corl moved the adoption of a resolution for the Supervisor to sign and complete the Section 211 Waiver for Police Chief Joseph Snell. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

PURCHASE APPROVAL FOR TWENTY THREE (23) NEW HAND GUNS FOR THE  
POLICE DEPARTMENT FROM AMCHAR WHOLESALE INC. (STATE BID) IN THE  
AMOUNT OF \$2,746.64

Supervisor Corl commented that the current handguns used by the Police department and they are 15 and 17 years of age. The department's firearms instructor in certified armor has noticed internal ware in critical areas of each of the weapons. In 2011, they experienced a catastrophic failure in one of the guns at the range. The cost reflects the trade in of their current pistols and grant money that was received.

Supervisor Corl moved the adoption of a resolution to approve an expenditure in the amount of \$2,746.64 to AMCHAR WHOLESALE INC. (STATE BID) for twenty three (24) new hand guns for the Police Department. Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

#### PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis moved the adoption of a resolution to approve the following purchase approvals for the Highway Department.

(A)ITEM: 2500 tons road salt (state contract up July) filling the barn at present price, avoiding increase) currently \$40.22 ton

VENDOR: American Rock Salt

AMOUNT: \$100,550.00

ACCOUNT CODE: DB514241

Motion was seconded by Councilor Zambrano.

Ayes - 4 and Noes - 1. Councilor Jennings opposed.

*Motion carried.*

(B)ITEM: Transmission for Truck #41(2000)

VENDOR: Beam Mack

AMOUNT: \$6,227.67

ACCOUNT CODE: DB513046

Motion was seconded by Councilor Jennings

Ayes - 5 and Noes - 0. *Motion carried.*

(C)ITEM: 300 Yards Topsoil

VENDOR: Gerber Topsoil

AMOUNT: \$5,700.00

ACCOUNT CODE: DB511242

Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

(D)ITEM: Spreader Chain for Truck#11

VENDOR: Oswego Tool & Steel

AMOUNT: approx. \$1,300.00

ACCOUNT CODE: DB513046

Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

(E)ITEM: Concrete for catch basin repairs

VENDOR: Home Depot

AMOUNT: \$5,000.00

ACCOUNT CODE: DB511051

Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

(F)ITEM: Blacktop for 4 Roads FOR 284

VENDOR: Barrett Paving Materials

AMOUNT: \$373,293.00

ACCOUNT CODE: DB511255

Motion was seconded by Supervisor Corl.

Ayes - 5 and Noes - 0. *Motion carried.*

(G)ITEM: 1200 tons #2 Stone

VENDOR: TH Kinsella Inc.

AMOUNT: \$12,500.00

ACCOUNT CODE: DB511042

Motion was seconded by Councilor Jennings.  
Ayes - 5 and Noes - 0. *Motion carried.*

(H) ITEM: 5 rolls of N-140 Marifi Fabric  
VENDOR: Allied Builders Supply  
AMOUNT: \$1,600.00  
ACCOUNT CODE: DB511045

Motion was seconded by Councilor Jennings.  
Ayes - 5 and Noes - 0. *Motion carried.*

(I) ITEM: Paver/operators, tackcoat FOR 284  
VENDOR: Lanco  
AMOUNT: \$75,300.00  
ACCOUNT CODE: DB511255

Motion was seconded by Councilor Jennings.  
Ayes - 5 and Noes - 0. *Motion carried.*

(J) ITEM: Fibermat for Bay Colony & Lakeshore Road FOR 284  
VENDOR: Midland  
AMOUNT: \$52,962.00  
ACCOUNT CODE: DB511255

Motion was seconded by Supervisor Corl.  
Ayes - 5 and Noes - 0. *Motion carried.*

(K) ITEM: Asphalt for repairs from road work  
VENDOR: Barrett Paving  
AMOUNT: \$10,000.00  
ACCOUNT CODE: DB511255

Motion was seconded by Councilor Jennings.  
Ayes - 5 and Noes - 0. *Motion carried.*

(I) ITEM: 300 tons 1A Stone  
VENDOR: TH Kinsella Inc.  
AMOUNT: \$3,141.00  
ACCOUNT CODE: DB511042

Motion was seconded by Councilor Jennings.  
Ayes - 5 and Noes - 0. *Motion carried.*

#### DECISION ON AMENDMENT TO CHAPTER 181-STREETS AND SIDEWALKS TO ADD ARTICLE III – MAINTENANCE STANDARDS

Councilor Zambrano stated they had a public hearing on this issue at the last meeting.

Supervisor Corl addressed the town attorney stating that there had been some concerns about whether or not the town could or could not plow certain areas of the town that they traditionally have done.

Robert Germain replied they still have the ability to do it, if they want to. Like any other municipal law, when dealing with sidewalks, they make the homeowners responsible for the maintenance and plowing of the sidewalks during the winter. If the town wants to plow the sidewalks, they are free to do so.

Councilor Jennings asked about Chris Woznica's concerns regarding the sidewalk by the school.

Robert Germain replied Chris Woznica had asked whether or not they could continue to plow the sidewalk and they certainly can.

Chris Woznica asked if it was the whole length, both sides, from Route 81 to the high school.

Supervisor Corl replied the local law specifically states that the owner or occupant of lands fronting or abutting any street, in the town of Cicero shall maintain their sidewalk and keep it free from ice and snow.

Chris Woznica asked if they were going to clear in front of a couple of the businesses near the high school.

Supervisor Corl he can continue to do exactly what he has been doing.

Councilor Zambrano stated the intention was to shift the burden from the town to the property owners.

Chris Woznica wanted clarification. Highway can't let it go half the winter and then decide the homeowner is not doing it, so the town has to go out and do it. Their machines can't go out and remove 3 feet of snow. Are they going to continue to do from the Town hall to the high school?

Supervisor Corl stated this doesn't address the policy of the town plowing or not plowing those specific sidewalks. It basically says that the person whose property abuts the sidewalk is really responsible. It's more of a policy decision that the board is going to have to make whether or not they are going to continue plowing those areas.

Councilor Jennings asked if letters would be sent out to the property owners.

Supervisor Corl stated that if a decision is made about plowing or not plowing then they will have to.

Councilor Zambrano stated the reason they were originally talking about this amendment was more to address what was the development of commercial properties on Route 11, specifically Chase Bank and with the new property owner's, they want to make sure they are responsible for clearing snow.

Robert Germain stated they were also responding to a direct request from the Planning Board. They were looking into issues related to sidewalks and they noted the town didn't have a strong underlying law regarding sidewalks, so with that in mind they used a pattern that is used across the state.

Supervisor Corl stated that he had no objection to the way it was drafted, he reviewed it and the policy concern that Chris Woznica has can be discussed further.

Supervisor Corl moved the adoption of a resolution regarding the amendment of Chapter 181-Streets and Sidewalks and add the new proposed Article III-Maintenance Standards as proposed at the public hearing held June 27<sup>th</sup>, 2012. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

#### RABIES CLINIC UPDATE

Councilor Jennings stated that Tracy and her staff held the 12<sup>th</sup> Annual Town of Cicero Rabies Clinic on Monday, June 25<sup>th</sup>. The clinic was very successful, they had over 300 dogs and cats brought in for immunization and the town revenue was \$850.50. They had to split it with the county. The yearly effort is beneficial in several ways, animals are protected and many owners are then able to license their dogs once they've been vaccinated. Licensing dogs provides the town continuous revenue and provides an update of owner information which is needed if a dog is lost or found so they can be returned to their owner. Again, Tracy, thank you, excellent job!

Tracy Cosilmon stated that the total collected \$1,700.00.

Supervisor Corl thanked Tracy for a nice job.

## PUBLIC INPUT

Ray Schader asked how the town could ask one business to maintain their sidewalk and not ask another.

Supervisor Corl replied that the ordinance does not state whether they do or don't plow and thanked Ray Schader for volunteering his time and efforts for building the frame for the picture of the stagecoach hanging in the meeting/courtroom.

A resident stated that she had met with Supervisor Corl regarding her lawyer's proposal of a short term, six month moratorium on building in the R10 Zone along Oneida Lake. The supervisor said it couldn't be done because the town would be open to all kinds of lawsuits. She wanted the supervisor and the board to know if certain members of their Zoning Board of Appeals continue to make decisions like the one they made on June 4<sup>th</sup>, regarding the proposed building home at 7061 Lakeshore Road, they will also have many lawsuits in their hands, in the long term. The R10 Zone has homeowners assessed at \$1,800.00 per linear foot. But, the town code does not protect these taxpaying citizens when someone wants to build out closer to the lake and blocks the view of the lake in that neighborhood. She strongly suggested that the town code be changed and that building permits are put on hold until the matter has been given some serious thought to change. She passed two pictures to the board which depicted her view before and after the two to three Board of Appeals Decision of June 4th, 2012.

Councilor Burtis asked where the resident lived.

The resident replied that she lived at 7059 Lakeshore Road.

Supervisor Corl stated he had spent about an hour with her, Steve Procopio and her son-in-law. He doesn't know if there is any further discussion or if she was going to pursue the Article 78, he knows they talked about that.

The resident replied the only problem with the Article 78, is that they still then go back before the same Zoning Board of Appeals members. She stated she has a petition with 85 names of lakefront residents on it, and could get more. Lakefront property owners are disgruntled over their taxes going up and now the fact there's no protection at the Zoning Board of Appeals level. They do not have protection of their lake view, fire protection, and drainage problems, all of which were issues with the 7061 Lakeshore Road property. There is only 12 feet between her residence and the proposed next door residence. With a covered drainage ditch running between the two properties, that drains land from across the road on Lakeshore Road. She asked the board to put in a place a moratorium, for 6 months, on enlarging closer to the lake in the R10 Zone until these issues have been changed to protect the rights of their lakefront property residents. Lakefront property needs to be a sensitive issue like it is in other towns.

Robert Germain asked if this was a matter that was currently in litigation.

Supervisor Corl replied it was an Article 78, in front of the Zoning Board of Appeals. It was referred back to the Zoning Board of Appeals. A decision was made and has the potential to be further litigation in the Article 78 pursued by the neighbors.

Robert Germain stated he doesn't know what the time frame is on the appeal, whether it has passed or not but advised the board not to make any comments if it is currently in litigation.

Supervisor Corl replied okay. He advised the resident that they would take her information and that he has her petition. He will make sure that the board members get a copy of the petition with the eighty or so names on it. They will have further discussions with the town attorney about what they should say in the matter.

Lou Bersani stated he attended the Zoning Board of Appeals meeting where that house was approved and it was a travesty. That house should have never been approved on a lot way too small. The lot should be 75 feet; it is only about 50 feet or so, give a foot or two. The lot also has an easement through it for the drainage, which he brought in front of the board last year. The house they want to build on that sized lot is out of character with the neighborhood completely. It will be thirty feet out further than any house in a row of ten (10). It should never have been approved and he thinks that the Zoning Board of Appeals really screwed up. They are the highest land taxed people in the town at \$1,800.00 per square foot on the lake and for anybody to have their view compromised is wrong.

Scott Norton lives slightly east of the area. It's not so much that his view is going to be obstructed, and it will be slightly, it's the precedent it will set. It will be a race to the lake;

everybody is going to want to go farther so that they'll have a better view. He commented that it's a big can of worms and shouldn't be allowed.

Robert Germain wanted to make everyone understand, not with the information that was presented here, but, just to keep in mind that the Zoning Board of Appeals is a separate Appeal Board. It has different jurisdictions than the Town Board and obviously they are a superior board to the Town Board and in terms of their decisions the Town Board can have no input or control over their decisions.

Tom Beaulieu wanted to comment on the Share the Roads signs, which the county had been putting up and that there were some discussions with Legislator Rapp, because they got short-changed on some Green projects that the county had given to other localities that they wanted to work to put some signs up. From what he sees, they have two roads that the county signed so far, for a total of two signs on each of the roads. He feels it's somewhat lacking. There are upcoming events that the town will want to take full advantage of their signs being up. He also had inquiries regarding the roads listed on the 284 Agreement with the Highway department and the monies that had been cut out of their budget last year. He also asked who was doing the inspections on the infrastructures and if the Supervisor had gotten a report back yet on any of the gutterwork that was done.

Ron DeTota asked what area was he speaking of.

Tom Beaulieu stated it was Alizarin Ave they were talking about.

Ron DeTota said he believed it would have been inspected by Bryant Associates, who acted as the Town Engineer with that project. He thought that they inspections were done.

Tom Beaulieu asked if they signed off that everything was acceptable.

Ron DeTota replied he believes there was Punch List Items and that he met recently with the Highway Superintendant to review what needs to be done.

Tom Beaulieu stated someone signed off on a lot of defects and they've gone through this in several subdivisions and the town ends up going back in and doing drainage work or spending \$500.00 to replace an apron. Someone signs their name to it and then we find out its not adequate.

Supervisor Corl asked Chris Woznica and Ron DeTota to look into it and get the report from Bryant, for the final inspection for that.

Chris Woznica stated he has told Supervisor Corl many times that he hasn't received any reports even when the Supervisor was just a Councilor, since the new engineers took over on any roads; whether it is Bryant Associates or C&S Engineers. He used to get them twice a week from O'Brien & Gere, now he receives nothing.

Tom Beaulieu commented that if they have defects they are responsible to fix it, not the Town.

Supervisor Corl asked Chris Woznica to get with Ron DeTota and get any reports he may need and also work on the Bryant reports.

Ed Zaluski stated on the Legionnaire Drive parking lot, going into the Professional Building, they should have a little ramp build up and also the two driveways going into the Legion.

Supervisor Corl stated it is not topped yet. Years ago the securities expired and there is nothing there to hold the developer accountable. However, there is a new development going up between Cicero and Clay and the Planning Board wants to make sure that improvements are made as part of the whole overall package before the approval. So, Legionnaire Drive should be improved shortly.

Michelle Jagger, daughter of the resident with the Lakeshore Road lakefront property issue, asked for any suggestions on what they could do and if it was just an Article 78.

Supervisor Corl stated her mom really needs to speak with her attorney and also wanted to advise the board that they will also be going to the news channels.

## EXECUTIVE SESSION

Supervisor Corl moved the adoption of a resolution to enter into executive session to discuss the status of a matter of pending litigation and potential settlement of same and union negotiations. Supervisor Corl stated that they will be reconvening and invited the Town attorney to attend. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

The Meeting adjourned into Executive Session at 9:05 p.m.

The Meeting reconvened at 9:50 p.m.

Supervisor Corl stated in Executive Session he made a motion to reconvene to Regular Session. Motion was seconded by Councilor Jennings.

Councilor Jennings moved the adoption of a resolution authorizing additional funding of the Length of Service Award Program ("LOSAP") for the Cicero portion of the Village of North Syracuse Fire Department firefighters pursuant to a written Determination of the U.S. Equal Employment Opportunity Commission dated January 9th, 2009 (EEOC Charge Number 525-2008-00676, et. al.) which established that although the Town of Cicero complied with the LOSAP laws as written by the State Legislature and adopted in 1991, additional benefits for firefighters who reached age 62 and continued to earn the requisite credits are owed by the Town to the firefighters. The EEOC has been supplied with a list of eligible firefighters, years and benefit analysis. Accordingly, the Town intends to pay additional funds to the LOSAP insurance carrier ("VFIS"-Volunteer Fire Insurance Services) for the additional benefits and interest over a five (5) year period until the back benefits are paid. The Town Attorney has requested a release from the EEOC. This resolution also further authorizes the Supervisor and/or Town Clerk as administrator to execute documents and take any other necessary action to resolve this claim and matter. Motion was seconded by Councilor Zambrano.

Ayes- 5 and Noes- 0. *Motion carried.*

## ADJOURNMENT

Motion was made by Supervisor Corl to adjourn the Town Board Meeting. Motion was seconded by Councilor Jennings.

Ayes- 5 and Noes- 0. *Motion carried.*

There being no further business before the board, the meeting was adjourned at 9:50 p.m.

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Tracy M. Cosilmon  
Town Clerk