

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, August 8, 2012 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jessica Zambrano, Deputy Supervisor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
Tim Burtis, Councilor

Others Present: Sergeant Lurcock, Police
Robert Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer
Tracy Cosilmon, Town Clerk

Absent: Jim Corl, Supervisor

Deputy Supervisor Zambrano 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)

Deputy Supervisor Zambrano 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 - 4 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 July 25, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Conway.

Ayes- 4 and Noes – 0. *Motion carried.*

APPROVAL OF ABSTRACT #15 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #15, of 2012 as follows:

General Fund Voucher # 1528 to Voucher # 1608 In the amount of \$563,544.08
Highway Fund Voucher # 402H to Voucher # 432H In the amount of \$164,471.28

Councilor Jennings stated on the abstract they had the following items for Charlie Mattes Inc., all of them contractual:

1. Asa Eastwood \$7,400.00
2. Electric Railway \$13,450.00
3. Sloop Drive \$10,500.00
4. Ledgestone Lane \$9,000.00
5. Finish Line Trail \$1,500.00
6. Rose Court \$9,600.00

Councilor Jennings noted that the total amount of the items was \$51,450.00. He noted they were all completed on time for the exact amount allotted, but inquired what the status was on Hawkeye Drive. He inquired what the current balance was for the Drainage budget was as of today.

Councilor Burtis advised him that Hawkeye Drive was complete.

Deputy Supervisor Zambrano stated she did raise the question when they passed the resolution for all of those drainage issues. She was advised at that time that there was still about \$20,000.00 left that was unencumbered. So that's an approximate amount.

Motion was seconded by Deputy Supervisor Zambrano.

Ayes – 4 and Noes – 0. *Motion carried.*

BUDGET MODIFICATIONS

TOWN BOARD MEETING
08/08/2012

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

2012

BUDGET MODIFICATIONS

FROM		\$		TO	
DB90408	Worker's Comp Highway	2941.13		DB97854	Lease Installments
DB513057	Body Maintenance	2000.00		DB513054	Sewer Jet

Motion was seconded by Councilor Conway.

Ayes – 4 and Noes – 0. *Motion carried.*

DECISION 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)

Deputy Supervisor Zambrano stated they had a Public Hearing on July 11th, 2012; there was a lot of discussion at that point and time. The Public Hearing was closed on July 11th, but there were also comments that were made at the last town board meeting. They have also had input from the Town attorney because there was a concern raised that passing the zone change was spot-zoning and the opinion from the Town attorney was that it was not.

Deputy Supervisor Zambrano asked Robert Germain to speak in reference to this.

Robert Germain stated that on the Ladd Road Zone Change he did a memorandum for the Board's review on some of the legal issues involved, (it's a confidential memorandum to the Board). There are also some legal cases that he cites, so it's in the Board's discretion on whether or not they want to grant the zone change as presented. There are also some findings that go along with that zone change that the Board is in possession of and can review. They can certainly make an informed decision.

Deputy Supervisor Zambrano stated one of the suggestions made was that the zoning on all of Ladd Road needed to be changed and while that may be a valid point that is not their task this night. Their task tonight is to deal with just this particular parcel.

Robert Germain replied that was correct, the application that's in front of them.

Deputy Supervisor Zambrano stated they do have a past resolution from County Planning that had declared passage of the zone change would have no adverse impact.

Deputy Supervisor Zambrano solicited any comments from the Board.

Councilor Jennings stated he talked to Supervisor Corl that morning and he did allude to the fact that the thought of making the rest of the road R-12 would be under consideration at a future meeting.

Councilor Jennings said from what he could see, the reason for the zone change has to do with the property actually being on septic versus sewer. He knows there was controversy at the last meeting that it was not on septic, but he has been told it is on septic, so he thinks in order to do that it needs to go to R-12, but right at this time, to him, it still falls under spot-zoning.

Robert Germain advised Councilor Jennings that was a decision he could make for himself.

Deputy Supervisor Zambrano requested Councilor Burtis to read the following:

WHEREAS, an application dated June 12, 2012 and made by **Eldan Homes, Inc.** has been presented to the Cicero Town Board and filed in the Office of the Town Clerk of the Town of Cicero, which Applicant requests a change of zone of a certain parcel of land hereinafter described and owned by Applicant from **Agricultural** to **Single Family Residential** on property located on Ladd Road-Tax Map 109.03-01-19; and

WHEREAS, the proposed zone change was duly referred to the Onondaga County Planning Board in accordance with Article 12 (b) of the General Municipal Law; and

WHEREAS, the Onondaga County Planning Board has reviewed and made its recommendation to the Cicero Town Board that said application be decided solely on its own merits with comments; and

WHEREAS, the Planning Board of the Town of Cicero has also examined into the application; held a public informational hearing on the matter and considered the referral from the Cicero Town Board, pursuant to Cicero Code, reviewed the proposed project including a proposed Site Plan layout sketch, dated June 12, 2012, which details salient elements of the project, including proposed dimensional requirements, roadways/stormwater facilities, overall concept plan, the subdivision preliminary plan, and also reviewed additional input. Thereafter the Planning Board made a recommendation, pursuant to Code recommending approval to the Town Board of the Town of Cicero; and

WHEREAS, the Town Board passed a resolution on June 27, 2012, calling a public hearing for **July 11, 2012**, commencing at **6:30 P.M.**, local time, to consider said application at which time said public hearing was duly opened, held and closed at the Town Hall of the Town of Cicero, located at 8236 Brewerton Road, **Cicero**, Onondaga County, New York, to consider the proposed zone change at which time all persons interested in said application were given an opportunity to be heard by the Town Board: and,

WHEREAS, the Town Board of the Town of Cicero has duly considered the Petition, including the filed Environmental Assessment Form, consistency of the application with the Cicero Master Plan for the area recommending Residential use, and public input including but not limited to neighbors both in favor and against the proposed change as well as a petition submitted in opposition and a letter from counsel in opposition to the proposed change, other evidence produced at said public hearings, the aforementioned recommendations, and review of all documentation provided by applicant and/or applicant's attorney and input by the Town Engineer.

SEQRA – Councilor Burtis moved for the adoption of a resolution that the proposed Zone Change is an unlisted action involving no other permit granting agency outside the Town. The proposed zone change will not have a significant effect on the Environment and therefore does not require the preparation of an EIS.

Motion was seconded by Councilor Jennings.

Ayes – 4 and Noes – 0. *Motion carried.*

DECISION – Councilor Burtis moved the adoption of a resolution to adopt the finding supplied to the Board members regarding the above Change of Zone, and to approve the Zone Change for Tax Map No. 109.03-01-19.0.

Motion was seconded by Deputy Supervisor Zambrano.

Ayes – 3 and Noes – 1. *Opposed – Councilor Jennings
Motion Carried.*

AUTHORIZATION FOR THE ADVERTISEMENT OF BIDS FOR THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE, AND RECYCLABLES FOR THE TOWN OF CICERO DIVIDED INTO AREAS “A”, “B”, “C”, AND “D” WITHIN THE TOWN

Deputy Supervisor Zambrano stated the Town has extended the trash contract until the end of the year, so they need to put it out to bid to see what it is they are going to do as far as contracting with a new vendor for garbage and trash pickup.

Deputy Supervisor Zambrano stated what they are entertaining is for the County to handle the bid process for the Town and introduced Sean Carroll, from Onondaga County.

Sean Carroll, Purchasing Director, Onondaga County stated there is one actionable item in front of the board, which is the actual advertisement to the garbage bid and then that leads into some of the opportunity that the County believes that they have been able to provide to some other towns and villages which he will offer today.

Sean Carroll’s boss, the County Executive, has made it clear to him that if there is a chance for the County to treat anything that goes out of the county as a shared balance sheet, particularly through his office, then he is to pursue that. Out of that has come the opportunity for them to offer purchasing services to the towns and villages in a variety of different formats in order to help them either cut down on costs and add some expertise where maybe there isn’t the full-time professional purchasing person in our area, or in the alternative send the people back to their primary function. Depending on the town or village, different municipalities have found different types of value in their services.

All of their purchasing services are available to the Town, for free. What they are offering is any variety of service which ranges from helping the Town write bid specifications, administering them and if they are doing that they are certainly going to take responsibility for the FOIL (Freedom of Information Law) requirements. They will stand with the Town, to certify that the process has been done properly and that all the ever changing General Municipal law has been followed. He believes they are already helping the Town manage their surplus, if not, then it’s certainly something that’s available through their auction service.

Administering services seems to be a huge opportunity for the County to centralize the know-how and also centralize the cost that all of the Town and County taxpayer’s are paying. An outside vendor did prepare the garbage bid several years ago. This year the County has taken it at the request of the Supervisor as a task for them to do. They have prepared the document. They believe that the bid is ready, other than there is a map that goes with it but they have not been provided with the map yet for the advertisement. They will make sure that addendums and copies go out to the vendors, and that a bid opening date is held in accordance with General Municipal law and they will manage all of that paperwork up until the decision of award which will still remain the towns. They are an administrative service provider; they are not trying to take over the roll of making those decisions for the board.

Sean Carroll solicited any comments.

Deputy Supervisor Zambrano asked if the County would handle the entire bid process. She, along with the other councilors has a copy of the bid document “draft”. She asked if he had worked with the town attorney on it.

Sean Carroll stated he did. The County has worked on it with the town attorney and the town supervisor. In terms of the entire bid process, the board still holds the responsibility of saying that this is something that should be advertised, something Cicero wants to contract for. From that point the administrative part of being in contact with the vendors, providing copies all of the

things General Municipal law requires would be something they would take responsibility for up until the award. They would provide summaries of all bids and comp sheets. When the board decided to award, the County is not encumbering funds under the contract, so the contract itself would be the Town's but they would certainly help with any conversations with the vendor that has to be had. If a vendor needed to be eliminated for not being responsible which is one of their terms they would manage the appeal process, they are entitled to appeal in front of them and not to make a decision on it but they would build a file and they would make sure the file would be available in case of an audit or in the case of a Freedom of Information request. Part of their ability is that they do 300 or 400 of these a year so they have some pretty specific formats. The format has met with the town attorney's review and it is something they can turn around very, very quickly as opposed to possibly a municipality that does it 4 or 5 times a year. The bidding process doesn't serve the County in terms of volume purchasing it doesn't help them pay for the program on their side but it is part of the overall picture of bringing that sort of centralized experience to the process.

Councilor Jennings stated he had some questions and welcomed the town attorney to join in and assist. He stated he just received the Inter Municipal Agreement today, via the internet, and two paragraphs stuck out. The first paragraph (on page 4) stated the County shall not charge the town a fee for disposal of surplus of property other than any fee deducted from the sale price by the county or any county contractor providing auction or disposal services or any fee incurred by the county to provide for the disposal of such services. What he read out of this is that if we do give the county a typewriter and they sell it for \$100.00, then the county gets the \$100.00.

Sean Carroll replied that the County uses a service called Auctions International. They host all of their auctions on line. He used a typewriter as an example and stated there would be a \$1.00 fee to photograph and there is a 10% fee charged by the auction service. There is no charge passed back. The auction service would write the Town the entire amount so if the typewriter went for \$100.00, the Town would get the \$100.00 minus the \$1.00 for the photo (according to their contract) and that check would come directly to the Town from Auctions International without ever passing through the county. The County has no interest in holding hostage any of the recovered dollars for any of their surplus and they can certainly make that contract available for the board to review. The actual piece tonight is just the advertisement, they know it was late getting to them, and there is no request to approve the Inter Municipal Agreement tonight.

Councilor Jennings stated on page 5 where it mentions the parties further agree the Town shall be responsible for and pay for all costs establishing links to the county. Procurement system and all costs of acquiring or maintaining any hardware or software. His question was about PeopleSoft Platform, is that the platform they are talking about software.

Sean Carroll stated that it was. The contract that the board has in front of them is a template that has been used in other places and it is by no means the only option they are willing to consider. The County is currently implementing PeopleSoft, what they would like to do in the short-term for the technical people is push PeopleSoft outside of his firewall, which would mean anyone from Cicero who is entitled to order products would be able to log into his system, if they so choose, and buy off of their contracts or ask them for help making a purchase. There would be no charge to the Town. Long term, the County has licensed PeopleSoft if the Town decides they would like to use the same system. The Town is welcome to do that with their own business unit, which means the County wouldn't be able to see their budget, but they have licensed the platform if the town wants to use it.

Councilor Jennings commented that he doesn't have a problem with where it says authorizing the resolution tonight to advertise for bids, but when they put it in dark print, "**The Collection and Disposal of all Refuse, Rubbish, Garbage, and Recyclables for the Town of Cicero divided into Service Areas "A", "B", "C", and "D" within the Town**". He asked if that was something new and secondly where it says, "A description of said Service Areas along with the copy of the proposed Bid Specifications will be available for inspection at the offices of the Onondaga County Division of Purchase at the above referenced address beginning August 10th, 2012." His main concern is they need to see the document and have some idea of what all is entailed. It's his understanding that there were 40 something pages that were downloaded on the internet today and if that be the case...

Sean Carroll replied that he could speak to part of the question. He doesn't believe that it has been loaded to the internet, certainly not for public consumption because without an advertisement they would not have released it to the public. If it has been he certainly would want to correct that. He stated the bid is about 15 to 16 pages long, it does outline the service areas in the bid. He doesn't know and he would have to defer the question whether the bid document itself has been shared with the Board.

Robert Germain stated it should have been. They have the bid document itself, and it does divide up the areas into “A”, “B”, “C”, and “D”. The map will also show where those are.

Councilor Jennings replied he hadn’t seen the map. But if it’s strictly for the resolution for the bid to go out that’s one thing, but they need to really get into the meat of it before they take any further action.

Sean Carroll stated Town boards have to authorize the specific advertisement that goes into the newspaper. So, if August 10th, is not an acceptable date to the board, they would suggest certainly a change to that. The County has learned that when the resolution says when they are going to “advertise on this day” and we are going to “open on this day”, they do have to either build enough time in for there to be an addendum or they have to include language in the resolution, but not the advertisement. The law requires a certain number of days between the final addendum and the opening. Not with any mal-intent, but it is possible for him to issue an addendum on the Town’s behalf, and miss the window and have five days instead of six and need to move the opening date one day. At that point, the resolution doesn’t really allow for that. He just wanted to make them aware that they want to make sure there’s enough time for an addendum based on when they advertise and when they open just to make sure they can accommodate any questions from the vendors.

Deputy Supervisor Zambrano asked if the County had handled any other Trash contracts for any other towns.

Sean Carroll replied this would be the first.

Deputy Supervisor Zambrano commented that they do have to make a decision on whether or not to enter into an Inter Municipal Agreement with the County.

Councilor Jennings stated he thought Sean Carroll just stated that they didn’t have to do that.

Sean Carroll replied from the County’s perspective, they are happy to administer this bid without that. The Inter Municipal Agreement really gives them the ability to work together; they think to properly represent the Town, its volume, and some of the County’s contracts. His office was asked about two (2) months ago, just as the Town’s garbage contract was about to expire, to see if they could very quickly prepare a bid in case that was the decision of the board – if the board was not able to renew their garbage contract. The County did that without an Inter Municipal Agreement because it is the right thing to do both for the Town and for the program. The County has no expectation of there being an Inter Municipal Agreement being voted on tonight.

Deputy Supervisor Zambrano asked even if the Board were to approve this agreement, are they then obligated to use the County to handle it.

Sean Carroll replied the agreement does not obligate the Town to anything. The agreement’s intent is to empower the County to act on their behalf if they want them to. He believes the document is specifically created to reserve the Town’s rights to do their purchasing separately if they want to.

Deputy Supervisor Zambrano stated she just wanted that on the record. She asked Robert Germain if this was ready.

Robert Germain replied the Inter Municipal Agreement is ready and the underlying bid specs are also except for the fact that he doesn’t think Sean has the map yet. As long as they get it to him before he has to be open for inspection on Friday, he thinks that’ll be okay. They have a description of the particular districts but no actual map.

Sean Carroll had a request regarding the August 10th date, the paper record, according to Municipal law, takes three days for them to get the advertisement in. He can not advertise it on August 10th, so he needs that date to change.

Robert Germain advised Sean Carroll that the issue on that is not that it’s going to be advertised on August 10th; the issue is that they are going to be available for inspection at his office sometime before August 10th. They like to tell potential vendors that they can come in and look at the specifications ahead of time and they would like to give them some date that they could come in and do that.

Deputy Supervisor Zambrano asked Sean Carroll if he still needed more time than August 10th.

Sean Carroll asked Robert Germain if he had a date he wanted to be on that.

Robert Germain replied they could extend it out for another week, which would give them plenty of time.

Sean Carroll stated what they would recommend is synchronizing the availability to the public in their office and the advertisement date so that everybody has the same opportunity; whether they see it published in the newspaper or whether they are a vendor on their Vendor's list. It will allow them the same opportunity and the same amount of time to see the bid specifications.

Robert Germain asked Sean Carroll if August 17th would be okay, it's an additional week and that would give time to coordinate those two events.

Sean Carroll agreed and stated they do understand that the contract is not up until December and they also understand that for this contract they do have to budget for it and that is a considerable consideration. So they have attempted to build dates that are reflective of the Town's budget.

Robert Germain stated that the other thing that they considered on that score was the fact that if the bids do come in such a fashion that's not an addendum either, they may throw them all out and rebid, so they have enough time to do that – it's critical.

Sean Carroll replied they are certainly happy to accommodate whatever process.

Councilor Burtis wanted to clarify that the only thing that they are talking about voting on tonight is authorizing the County's advertisement of this and then talking about the date to make the bid specifications available to those that might want to bid.

Sean Carroll replied that was his understanding that was the only item that was actionable tonight.

Deputy Supervisor Zambrano asked why that was the only item that was actionable.

Sean Carroll replied from his perspective he only has one item on the agenda, he doesn't know what the process would be for them to add an item to the agenda.

Deputy Supervisor Zambrano advised him that it was on the agenda.

Councilor Jennings commented that part wasn't.

Robert Germain commented it was not that, but an additional item they put on the agenda. In fairness to the County, when they get the specifications in and the proposed Inter Municipal Agreement, his thought was because they were going to be dealing with the County and using their services, he made available to the Board after they reviewed it and made some changes the Inter Municipal Agreement so the Board could accept it or not based on an additional agenda item.

Sean Carroll stated he wasn't aware of that but the County is going to do the advertisement for the Town either way. He's assuming that the advertisement and the Inter Municipal Agreement are separate votes.

Deputy Supervisor Zambrano advised him that they were separate votes.

Deputy Supervisor Zambrano solicited Board comments.

Councilor Jennings stated most of them were in agreement for advertisement for bids, which he thinks was originally on the agenda. However, they just received the Inter Municipal Agreement today.

Deputy Supervisor Zambrano asked him if he wanted to table that.

Councilor Jennings replied he did want to table the Inter Municipal Agreement until the next meeting, which will give them time to look at that and by then probably the specifications entirely for "A", "B", "C", and "D" will be available.

Sean Carroll stated he would defer that either to the Supervisor or the Town Attorney. The specifications from their perspective, unless there are any changes, are ready to be advertised. He will make himself available to the Board for questions on the Inter Municipal Agreement and also, if they have a requirement for him to come back to address the Board when it's back on the agenda, he will come back.

Deputy Supervisor Zambrano asked Robert Germain if he was comfortable with the Board going ahead with the authorization.

Robert Germain replied absolutely, it was up to the Board whether they want to vote on the Inter Municipal Agreement tonight or put it on the next agenda.

Deputy Supervisor Zambrano commented that she thought most of the Board members would like to hold off on the Inter Municipal Agreement.

Robert Germain replied that was fine.

Sean Carroll stated in fact it would make the Board feel better; they will take responsibility for this bidding in writing, without the Inter Municipal Agreement.

Councilor Jennings moved for the adoption of a resolution authorizing the advertisement of bids for **The Collection and Disposal of all Refuse, Rubbish, Garbage, and Recyclables for the Town of Cicero divided into Service Areas “A”, “B”, “C”, and “D”** within the Town. Said bids are to be received at the Office of the Purchasing Director of the Onondaga County, Division of Purchase, located at the John H. Mulroy Civic Center-13th Floor, 421 Montgomery Street, Syracuse, New York 13202 on or before **September 28th, 2012 until 2:00 p.m.**, local time. A description of said Service Areas along with the copy of the proposed Bid Specifications will be available for inspection at the offices of the Onondaga County Division of Purchase at the above referenced address beginning August 17th, 2012. Motion was seconded by Councilor Conway.

Ayes – 4 and Noes – 0. *Motion carried.*

APPROVE AN INDIVIDUAL TO REVIEW THE CODE ENFORCEMENT OFFICE
PROCEDURES, POLICIES, AND RECOMMENDATIONS ON IMPLEMENTATION OF
MUNICIPALITY SOFTWARE, NOT TO EXCEED \$6,000.00

Deputy Supervisor Zambrano stated this approval relates to the appointment of Bernie English as a consultant for the Zoning and Planning office. They did advertise this position, as recommended, and have proof of the advertisement that went out. They only had one applicant, which was Bernie English. The bids were closed on Tuesday at 10:00 a.m. and there were no other applicants.

Deputy Supervisor Zambrano asked Robert Germain if the publication of the advertisement was acceptable.

Robert Germain read what had appeared under the Legal portion of the Post Standard and felt it was properly advertised, if it were to be a Request for Proposal. If it's to hire an individual to the Town, which they are not doing, it's not an employee it's a consultant.

Deputy Supervisor Zambrano moved for the adoption of a resolution to approve Bernie English to review the Code Enforcement office procedures, policies, and recommendations on implementation of Municipality software, and other professional services regarding the organization of the department. Not to exceed \$6,000.00 effective immediately. Motion was seconded by Councilor Conway.

Ayes – 3 and Noes – 1. *Opposed – Councilor Jennings*
Motion carried.

Tracy Cosilmon asked if there was an effective hire date.

Deputy Supervisor Zambrano replied it was effective immediately and that the Supervisor can make the arrangements with Bernie English. She thinks the objective is to try to get him in as soon as possible so he can start with the organization of the department.

PURCHASE APPROVALS FOR POLICE DEPARTMENT

Deputy Supervisor Zambrano stated the agenda item has to do with an amended voucher that they received from Driver's Village for repairs during the month of July for police cars. The new amount is \$2,048.48.

Deputy Supervisor Zambrano moved the adoption of a resolution to approve the following purchase approvals for the Police Department, (total expenditure amount of \$2,048.48).

- A. \$2,048.48 to Driver's Village for additional fee for the July monthly auto repairs

Motion was seconded by Councilor Conway.

Ayes - 2 and Abstain – 1 Councilor Burtis

Opposed – 1 Councilor Jennings (due to lack of information)

Motion not carried.

Deputy Supervisor Zambrano stated she was sure that they would revisit

AUTHORIZING IANUZI & ROMANS LAND SURVEYING, P.C. TO UPDATE THE TOWN OF CICERO ROAD MAP FOR A COST NOT TO EXCEED \$400.00

Ron DeTota stated it has been a number of years since the Town has updated their road map. Not that there has been a tremendous amount of development and new roads in that time period. The Cornell Local Roads program road inventory that they are completing was done during 2012 which certainly incorporates all the existing town roads to date. They have reached out to Ianuzi & Romans Land Surveying who has performed these services for the town in the past. They have the current Town of Cicero Road Map and they've come back with a price not to exceed \$400.00. They recommend the board move forward with the update.

Councilor Jennings asked if this was not going to be part of the Cornell Road project, when they were doing the road study.

Ron DeTota replied that was not part of the initial price in the scope of services provided.

Deputy Supervisor Zambrano asked if Ianuzi & Romans prepared the last road map for the town.

Ron DeTota replied they had.

Deputy Supervisor Zambrano asked if he knew when the last map was prepared.

Tracy Cosilmon stated it was 2009.

Ron DeTota stated it would be a tool for the Planning & Development department that if perspective developers or other interested parties come in they would have an accurate map to reference.

Councilor Burtis moved the adoption of a resolution to authorize Ianuzi & Romans Land Surveying, P.C. to update the Town of Cicero Road Map for a cost not to exceed \$400.00. Motion was seconded by Councilor Zambrano.

Ayes - 4 and Noes - 0. *Motion carried.*

AUTHORIZE C.MATTES INC. TO ADDRESS A DRAINAGE PROBLEM AT 8380 TUTTLE ROAD THAT IS CAUSED BY DRAINAGE FROM TUTTLE ROAD (NOT TO EXCEED \$9,250.00)

Ron DeTota stated that the property is located at 8380 Tuttle Road and currently the lands slope down to the house into the garage away from the road itself. They've conducted a site visit and they also have pictures that were submitted by the homeowner and it showed that drainage from road itself was draining onto her driveway, near the garage.

They've identified through the photographs a great potential to flood the house in significant storms. There is currently no drainage system along Tuttle Road to address or prevent this situation and in accordance with the Drainage Standards of Practice that the Town Board adopted on April 25th, 2012 it is the recommendation of the document that the situation be addressed and alleviated by the town, at their expense, when discovered. This improvement would involve an installation of a catch basin at a low point on the property owner's driveway with associated piping connected to that and then discharged away from the low area. All the work would be done on private property. It's understood that with the maintenance of this improvement it would fall upon the property owner themselves.

Ron DeTota solicited any questions.

Councilor Jennings stated he received an email that mentions all the work that will be done will be done on private property. He asked if the Town has an easement to go on that property.

Ron DeTota replied the Town does not. There would have to be a work release, he would imagine that would be coordinated through the town attorney, allowing the town to undertake that, but there is currently no easement nor do they feel that it would be necessary in this circumstance.

Councilor Jennings stated he drove out to 8380 Tuttle Road and looked at the property and he agrees because the resident has three (3) sandbags in front of her entrance door. However, as he drove through Tuttle Road, at a minimum there are six (6) to eight (8) more houses in the same situation as her house or the individual that is requesting this. He doesn't feel that it is the Town's or the taxpayer's responsibility to spend up to \$9,000.00 repairing this because once they put a shovel in the end of that driveway and the neighbors look down the street they are going to have another five or six people come up. He thinks its time that the residents knew what they were getting into and he's sure, and it is on the creek side on Tuttle Road, but so are the others and there's numerous. But now they are taking one individual and he said it was "preferential treatment by the town" and it is going to come back and bite them. It's going to open the door for the rest of the residents and he thinks this is something that the town does not need since they are in such dire straits with their money. They've already spent \$15,000.00 on things he didn't think they should have. This is not something the town needs to get involved in. If the individual wants to raise their driveway, or whatever, and wants some assistance and help from the town then fine, but he thinks \$9,000.00 is just unbelievable to spend at this time with the budget crisis that they have.

Deputy Supervisor Zambrano asked Councilor Conway, who is on the workgroup, if he could speak in regards to the issue.

Councilor Conway made a motion to adjourn this to their next meeting because at the Drainage Committee meeting it was brought up that there may be more houses involved with this. If they have six or seven houses it would run \$80,000.00 to \$90,000.00. He thinks they should go up there and make sure just what it is they are approving.

Motion was seconded by Councilor Jennings.

Ayes - 4 and Noes - 0. *Motion carried.*

Deputy Supervisor Zambrano stated the motion carries to "table" the motion until a future meeting.

Deputy Supervisor Zambrano passed out the policies on drainage that was approved in April, which she believes Ron DeTota spoke in regards to. The policy does address doing drainage on private property.

Ron DeTota stated that was correct. They were just addressing the one registered complaint. He is not disagreeing with the evaluations Councilor Jennings and Conway made as far as additional properties. They were just looking at the one with the history that actually reached the town in the form of a complaint.

Deputy Supervisor Zambrano asked Councilor Conway how long this has been an issue, for the record.

Councilor Conway replied that Chris Woznica brought up that there were several more houses that would comply with what has to be done here. So he thinks what is going to end up would be a drainage pipe put in through a manhole to take all these houses in and run out into the Wetlands out behind all these houses.

Deputy Supervisor Zambrano stated they would refer this back to the Drainage workgroup and bring it up at some other meeting in the future, if it is appropriate to do so.

DISCUSSION OF CONFLICT OF INTEREST WAIVER FORM

Deputy Supervisor Zambrano asked if everyone had a copy of the Waiver form and asked Robert Germain to speak in regards to it.

Robert Germain stated a copy of the proposed Conflict of Interest Affidavit which was delivered to him. It basically says:

_____ (Contractor) agrees that Contractor has no interest and will not acquire any interest, direct or indirect that would conflict in any manner or degree with the performance of the services to be rendered to the County of Onondaga (County).

Contractor further agrees that, in the rendering of services to County, no person having any such interest shall knowingly be employed by Contractor.

This form that he has been given is used when someone is not an elected official or an official board member as defined in Article 18 of the General Municipal Law. Article 18 of the General Municipal Law is known as the Conflict of Interest law in New York. It is very stringent and there are very strict guidelines as to what can be a conflict and what can not be. The one page form is used when someone is not an elected official. If they are just a contractor, so to speak, then it's just a waiver for them to say that they don't have a conflict. It doesn't rise to the level that their responsibilities actually rise to, which is much higher under the Conflict of Interest law. He has copies of the New York State Conflict of Interest Law, Article 18. They have also taken an Oath of Office; their obligations are much higher than this release would provide for. Plus it's not applicable to them because these are for non-elected, non-board officials. The Conflict of Interest law defines who is covered, volunteers and contractors are not covered and that's why someone like the County (and it is a good practice), would say to someone who is not covered by the law "here sign this." But in their case it is not necessary, they have a much higher standard to live up to under the Article 18. In his practice he is often asked conflict questions, they come up a lot. People can call him and discuss what proposed conflict ahead of time, in a confidential manner, and how to deal with it. There are different methods to dealing with conflicts, but they've got to remember that they always strive to avoid the hint of impropriety and their legal obligations as elected officials or town employees rise well above this conflict affidavit. They take conflicts very seriously, and if any do arise he is open to speak to anybody if they want it anytime about it. But this form doesn't apply to elected officials or town board members and he thinks he provided the board with definitions on who was covered and who was not.

Deputy Supervisor Zambrano solicited Board comments.

Councilor Jennings thanked Robert Germain for the update. He did read it and it did make sense.

2013 BUDGET WORKSHOP SESSIONS ANNOUNCEMENT

Deputy Supervisor Zambrano made the following announcement propagated by Supervisor Corl regarding the 2013 Budget Workshop Sessions:

Announcement: The Cicero Town Board intends to conduct a series of Budget Workshop sessions in anticipation of the upcoming budgetary process and strategic future planning. The first session will be held August 18th, 2012 commencing at 9:00 a.m. at the Bridgeport Fire Station, then at 10:15 a.m. at the South Bay Station, 11:30 a.m. at the Cicero Station, and 1:30 p.m. at the Brewerton Station, 3:00 p.m. at the North Syracuse Department. These meetings will focus primarily on Fire Protection issues and other budgetary issues impacting the Town. There will also be a general budget workshop on August 22nd, 2012 at 5:00 p.m. to be held at Town Hall.

Deputy Supervisor Zambrano opened comments to the public for Public Input.

PUBLIC INPUT

Don Snyder, Mud Mill Road, asked if Public Input was going to be taken during the Budget Workshop meetings.

Deputy Supervisor Zambrano replied that the dialogue will be between the Town Council and the fire department representatives. The public is invited to attend but not comment.

Don Snyder asked if at the August 22nd meeting will there be any public input.

Deputy Supervisor Zambrano replied there will be no public input. They are invited to attend but not comment. There will be, at some point in the future, a public hearing about the budget.

Don Snyder asked if there would probably be no public comment until the budget is finalized, at least between the board members. He said it was kind of crazy if that's what they were thinking of doing in a year that they are short 1.5 million dollars. He would think they would want input from the Town as far as where they think they could save money.

Deputy Supervisor Zambrano replied they would like input but it just can't occur at the Workshop sessions. They encourage everyone to contact them; they have phone numbers and emails.

Don Snyder commented on the Tuttle Road situation. He was on the Drainage Committee for a couple of years and they were crucified when they spent something like \$50,000.00 over in The Pastures to take care of a drainage problem that took care of, he thinks, around ten (10) or fifteen (15) homes. There is no way that they should be spending \$8,000.00, and he applauded Councilor Conway and Councilor Jennings for saying that they need to look at it – the whole problem. Because of their finances they may be looking at setting up a drainage district that those people may have to pay for if they are looking at \$80,000 or \$90,000.00. He said they certainly knew what they were looking at when they bought their house; if their house was lower than the road, they need to have that in mind and we certainly can't go back now. He had a situation that they looked at a couple of years ago, it was only one house and it was only going to be about \$3,000.00 and they didn't approve it. Those people still have that drainage problem, so he wouldn't want them to hear that the Town is going to take care of one drainage problem for \$8,000.00, when they wouldn't do theirs for \$3,000.00, so they need to really be careful of that.

Bill Adams, Ferstler Road was looking to see if they had any update for him on the investigation into the illegal tax-free dwelling at 7199 Ferstler Road.

Councilor Zambrano asked Robert Germain to speak in regards to the matter.

Robert Germain stated that investigation is continuing. There has been a meeting, he's not going to give specifics about that investigation.

Deputy Supervisor Zambrano assured Bill Adams that the issue was addressed as soon as he brought it up and they will get back to him.

Deborah Gardner, Vernon Road South, wanted to revisit the Highway reports that the Highway Superintendent referred to at the June 27th meeting. At that time he said that he used to get reports twice a week from O'Brien & Gere. At the last meeting Mr. Woznica stated that if she had asked for reports from 2000, and 2004 or 2006, she would have received considerably more reports. She foiled them, and she received two (2) reports for 2000, five (5) reports for 2004, and twelve (12) reports for 2006. She asked if they may be told on what the statement reports on twice a week is based. She realized that Mr. Woznica was not in attendance, but asked if it was possible to get an answer at the next meeting.

Councilor Jennings commented that he thought Chris Woznica answered that at the previous meeting when she asked him about the reports, that they are only generated when the work was required.

Deborah Gardner replied that was true, he said that. But on June 27th, he said that he use to get reports twice a week from O'Brien & Gere, so why would he make that statement if he wasn't getting two reports from O'Brien & Gere every week. Did he pull it out of thin air or did he really have some basis for it.

Deputy Supervisor Zambrano advised her that Mr. Woznica was not there and that she would convey her request for a response and hopefully he will respond to her.

Deborah Gardner mentioned that over 40 weeks ago a shop she patronizes was asked to take down its sandwich board sign which was on the side of the road, in front of Lakeshore Heights Plaza. The shop owner then put it on the other side of the sidewalk, actually underneath the leasing sign, that's a permanent sign there, and three weeks ago it was removed by the Town of Cicero. So she came into the Town Hall and asked about the sandwich board signs in the Code Enforcement office and she was told that they were all coming down

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Deputy Supervisor Zambrano stated that this is a new program and within a fair amount of time all of sandwich signs in the Town of Cicero will be taken down.

Deborah Gardner asked why there was still a large pothole on Vernon Road South by the stop sign. She felt that with our new hot patch machine, that pothole would have already been fixed. She asked if, at the next meeting, she could receive an answer regarding this problem.

Judy Boyke, Muskrat Bay Rd. stated that last year the Town was in litigation regarding an illegal sandwich sign that was placed in the back of a trailer. We spent a lot of money taking him to court and we lost.

Deputy Supervisor Zambrano stated that there has been a problem with people coming in to purchase a permit for their signs.

Tom Beaulieu stated that there was damage done to the gutters on Alizarin Drive which the Highway Superintendent had brought to the Engineers attention, but were approved anyway. He also talked about a spec. plan for roads. The resident also asked about lighting at street intersections on Whiting Road. He expressed his concern of the road condition on VanAntwerp Drive and brought it to the Supervisor's attention. He wondered if there was any update on any of these topics.

Judy Boyke suggested that the liaisons to the departments should be current, so that when the questions are being asked they can be answered, since department heads are not at the meetings.

Councilor Jennings announced the Gus Macker Basketball Tournament and all the activities for this coming weekend. He also mentioned the Bridgeport Volunteer Fire Department Field Days starting August 31st, at 5 pm.

Councilor Jennings stated that he wanted to comment on the issue of elected officers being appointed by the Town Board as was happening in several towns in Onondaga County. He read recently that the Town of Cicero was considering this option and he wanted to clarify that he was not informed of any elected officers being considered for appointment by the Board.

Councilor Jennings stated that recently Supervisor Corl said in The Post-Standard that the Cicero Highway Superintendent's position will not be explored this year.

ADJOURNMENT

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

Ayes-4 and Noes- 0. *Motion carried.*

There being no further business before the board, the meeting was adjourned at 8:10 p.m.

Tracy M. Cosilmon
Town Clerk