

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, November 28, 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

Others Present: Tracy Cosilmon, Town Clerk  
Christopher Woznica, Highway  
Joseph Snell, Police Chief  
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 November 14<sup>th</sup>, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Conway.

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

APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the November 19<sup>th</sup>, 2012 Special Town Board Meeting. Motion was seconded by Councilor Conway.

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

APPROVAL OF ABSTRACT #22 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #22, of 2012 as follows:  
Motion was seconded by Councilor Zambrano.

General Fund Voucher #2349 to Voucher # 2466 In the amount of \$885,495.80  
Highway Fund Voucher # 649H to Voucher # 695H In the amount of \$344,525.23

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

BUDGET MODIFICATIONS

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

TOWN BOARD MEETING  
11/28/2012

**2012**  
**BUDGET MODIFICATIONS**

<b>FROM</b>	<b>\$</b>	<b>TO</b>
A162041 National Grid	2000.00	A162042 Telephone 2000.00
A142044 Attorney – Litigation	615.30	A1420 Attorney – Union Negotiation 434.50
		A142042 Attorney – Town Code 180.80
A71102 Parks Equipment	200.00	A711040 Parks Supplies
B73101 Canteen Personal Services	679.77	B90108C Retirement Canteen
A711046 Parks Mechanics	200.00	
A71101 OT Park Overtime	600.00	B711040 Parks Supplies
A677242 Senior Supplies	10.00	A677253 Bus Maintenance
A677242 Senior Supplies	200.00	A677254 Senior Fuel
B731041 Parks Training	400.00	A7310402 Parks Program Supplies
B801046 Zoning Seminars/Conf.	2000.00	B80104 Zoning Contractual
B80104 Zoning Contractual	4496.25	B80102 Zoning Equipment (correction from TBM 11/14/12 - Radios)
B801047 Zoning Computer Labor	642.55	B90608CA Zoning Clothing Allowance
DB50112 Highway Misc Safety Equip	5.94	DB50114 Misc. Safety Expense
DB511047 Highway Misc	99.00	DB168041 Computer Maint/Support

**BUDGET AMENDMENTS**

<b>Revenue</b>	<b>Appropriations</b>
<b>B3389STEP 2429.60 Selective Traffic Enforcement Program</b>	<b>B31201D OT 2429.60</b>

Motion was seconded by Councilor Zambrano.

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

PRESENTATION BY ONONDAGA COUNTY LEGISLATOR BILL MEYERS FOR AN  
UPDATE ON COUNTY SEWER PROJECTS WITHIN THE TOWN

Bill Meyers, 3<sup>rd</sup> District County Legislature, gave the board members a quick briefing on an item that is going to come up on the news after their December 4<sup>th</sup> session. The item that is going to be approved on the 4<sup>th</sup> of December is for \$2 million dollars for not the actual project, but for engineering design. On the handouts he gave them, it shows that the pumping stations on the south shore of the lake, that are in the Town of Cicero, are from the mid 1970’s.

The development, especially in the northern part of Cicero, has changed dramatically since the mid 1970’s. As everyone knows, they have had major stresses on the system during the 1990’s with the flooding; all those events have had a great deal of wear and tear on those systems, so they will see a number of vehicles and engineering and construction type people around those facilities over the next few months. After that work is done then the next year they will start the construction. So, over the next couple of years they will see a lot of money spent and a lot of

upgrades and improvements in the system. It's not going to be the big treatment plants, this is just the underground type of stuff to make sure all of the system works.

Bill Meyers solicited any questions.

Supervisor Corl asked if the design work would be a year-long process.

Bill Meyers replied yes. They will be going from the roof, all the walls, all the electronics, and the pumps. He stated that none of the equipment is standard; these are very expensive, sophisticated pieces. The buildings, roofs, parking lots and insides need to be done.

Councilor Conway asked Bill Meyers who was going to be paying for this, the County or the Town.

Bill Meyers said this was all part of the Sewer Unit charge, so there will not be a bill to the Town of Cicero.

Councilor Zambrano said if they look at the Project Cost summary for 2013, which is what the \$2 million dollars is to be spent for in 2013, for engineering and design are they going to borrow the money for the project.

Bill Meyers replied that they were going to authorize the initial \$2 million dollars, but it would not be spent right away because the contractors want to make sure that they have the money in hand and it's already been approved before they give out the contracts.

Councilor Zambrano said there was a 5 year total of \$15.5 million dollars and is that supposed to address the entire cost of replacing these pumps over that period of time.

Bill Meyers replied that was correct, they are going to be doing just the engineering over the next year or so, then they'll be back to get the money for the actual work.

Councilor Zambrano asked if all of that \$15.5 million dollars is going to be borrowed.

Bill Meyers replied that 99.9% of that money would be and that they would be informed throughout the process.

Councilor Zambrano asked if their public hearing for that would be December 4<sup>th</sup>.

Bill Meyers replied that it would be.

#### ACCEPT ROADS AT HANCOCK AIRPARK AND AUTHORIZATION TO SIGN PROPOSED INDEMNIFICATION AGREEMENT

Lori Dietz, Hancock Development Corporation, stated that Hancock Field Development Corporation was now ready to transfer the last of the roads within the Hancock Airpark to the Town.

That evening, the roads in particular that they were talking about were approved to the Town's standards. Before the work was bid it was reviewed and approved by the Town's engineer and during construction the Town's engineer monitored the construction throughout the whole construction phase. The Town has been involved in the whole process.

Some of the roads she pointed out on a map were at the end of Stuart Drive, west from William Barry and the western end of the park and Hancock Road. She stated that it also includes the drainage, what's done along with that and the sanitary sewer.

Councilor Jennings asked who is going to be responsible to address the repairs for those roads as they need repair.

Lori Dietz replied they would be Town roads. There is a certain period, initially, that they as the developer would be responsible for fixing them, but long term they would be Town roads.

Councilor Jennings asked since the Town was already getting paid for plowing these roads if there was any reimbursement from the County. The Town, he assumes, will be doing the plowing of these roads as well.

Lori Dietz replied that she believed that was the case.

Councilor Jennings said that they will be doing the reimbursing similar to the few that the town has now, which there's a mile and a half of removal on Thompson Road, Stuart Drive, Brunswick, Watertown Road, etc.,. The Town is being reimbursed there; he believes that they will also be reimbursed by the County.

Lori Dietz said she believes that after the roads become Town roads they will become the Town's responsibility, for that, and they will no longer be reimbursed by the County.

Councilor Burtis stated under "Maintenance and Repair," it says, "The developer agrees to be responsible for any repair. The sewers necessitated by defects or materials and workmanship... for a period of 3 years from September 30<sup>th</sup>, 2011.

Lori Dietz said that's when they were completed. That they've been in there and functioning for a little over a year now.

Supervisor Corl addressed Lori and said he did distribute the letter amongst the board, which she had distributed, from Bryant Associates dated September 16<sup>th</sup>, showing that the inspections were completed. Bryant dropped off the two boxes of inspection reports yesterday, and he had notified the board that they are currently in his office.

Supervisor Corl asked if this was similar to the agreement that was done in 2009.

Lori Dietz said it was; when they transferred some of the other roads.

Supervisor Corl said he thought the agreement was exactly the same.

Lori Dietz said that was correct.

Supervisor Corl solicited any further questions.

Lori Dietz said they had some new projects going in to the Planning board, shortly, in the next six (6) months or so. She stated that all of these properties were off of the tax rolls, so as they have developed it, they've been putting it back onto the tax rolls – so it's new revenue to the town as there's new development going on in there; because it's now owned by the County and its all tax exempt.

Councilor Jennings asked what's been going on with the Old Base housing, (the two story), that's in shambles.

Lori Dietz replied that property got transferred to the City of Syracuse. They are in discussions with the City to try to get that Base housing removed and she hopes that in the next couple months that they have better news regarding it. But, they are working on it and they do have the funds to put to that project, they just need to work out the details.

Councilor Zambrano moved for the adoption of a resolution to Accept Roads at Hancock Airpark and to Authorize the Supervisor to Sign the Proposed Indemnification Agreement. Motion was seconded by Supervisor Corl.

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

#### PAUL SIMONTE'S FURTHER REPORT ON LEASE PRESENTED TO THE TOWN FROM PARK OUTDOOR

Supervisor Corl removed the agenda item because Mr. Simonte called and canceled due to illness.

## YOUTH BUREAU, PARKS &amp; RECREATION STAFF APPOINTMENT

Councilor Jennings moved the adoption of a resolution to approve the following Staff Appointment for the Youth Bureau, Parks & Recreation Department:

Jesse Cleveland, 6810 Route 31, Cicero  
Title: Recreation Attendant (Center Monitor CanTeen)  
Hire Date: November 26, 2012  
Hire Rate: \$10/hour

(Note: replaces David Kerwin)

Motion was seconded by Councilor Zambrano.

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

## ZONING AND PLANNING DEPARTMENT PURCHASE APPROVAL

Annual Computer Maintenance Fee on Computer Programs used for Codes Department

Supervisor Corl stated that it was the annual maintenance fee for the programs that are used in the Codes office to input and track complaints. The annual fee is for this current year; from January 1, 2012 thru December 31, 2012.

Supervisor Corl moved for the adoption of a resolution to approve an expenditure in the amount of \$1,740.00 for the Annual Computer Maintenance Fee on Computer Programs used for the Codes department to Information Systems Inc. Motion was seconded by Councilor Zambrano.

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

## FURTHER DISCUSSION ON VOLLMER CREEK BRIDGE

Chris Woznica stated he, along with Supervisor Corl, had a telephone conference that day with Doug Wickman. Chris has been in contact with New York State, they are anticipating getting divers in the water, hopefully in the next couple of weeks to inspect the bottom of the bridge.

He contacted Bill Anderson from Vector Construction; they do most of the bridge work for New York State. In fact, they are doing the bridge work on Route 481 over Kirkville Road. They suggested a few ideas on how to seal those cracks. Mr. Anderson would like to come out next week and take a look at it to see which application would be the best. He's also going to give the Town a price to have their company come in and maybe do the repairs.

Supervisor Corl asked if they would give us an idea on what type of material to use.

Chris Woznica replied yes.

Supervisor Corl asked if it was possible if they gave us the recommendation on what material to use Highway could do the work themselves.

Chris Woznica said he would feel better if someone that does that type of work all the time does it, but they could probably do it. It's not a cheap process and it's time consuming.

Councilor Zambrano commented that it seemed to her that they need an inspection of that bridge and asked if the State was going to do the inspection.

Chris Woznica replied yes, the State will be sending in divers to inspect underneath the bridge in the next few weeks. Chris said the repairs will be done sooner than the inspection, weather permitting. But the State wants to get in and inspect the bridge; it has never been on their inspection list.

Councilor Zambrano asked what the State inspection entails. She stated she was opposed to a contractor coming in and saying what they think we need done, when we haven't had an objective inspection done yet.

Ron DeTota commented that Councilor Zambrano made a good point. What he has seen from reports, that he has had the opportunity to review, the State does a pretty thorough job as far as getting in there with wetsuits. They certainly put forth the effort so that they are at a comfort level and then they are able to provide enough detail to the community. If there is a situation that needs to be addressed that they will let us know.

Councilor Zambrano said that is why she is uncomfortable with a contractor coming in and doing some kind of repair when they don't have an inspection report about what actually needs to be done.

Chris Woznica said all they are going to do is seal it up, they are not going to repair it – they are just sealing the crack. A fellow from the State did come out and he suggested that they seal it. It has nothing to do with their inspection or the integrity of the bridge. He says it's got to be sealed only to keep the salt and the moisture out to keep it from cracking any further.

Councilor Zambrano asked if they have already salted that bridge.

Chris Woznica replied yes, because it's part of the road.

Councilor Zambrano asked if the gentleman was going to give them some type of report about that recommendation that he gave Chris verbally.

Chris Woznica said he imagined he would.

Councilor Jennings asked if he was talking about underneath the bridge. So they are going to fill the cracks; when the water level went down that's when the State was going to go in there and just see what the integrity of the bridge was. He commented that it really was two different issues.

Chris Woznica replied that it was and said the contractor was only going to seal the cracks.

Councilor Zambrano asked Chris if they couldn't seal it.

Chris Woznica replied that they are waiting on their recommendation for what material to use and if his crew would be able to use it. He stated it was an involved process and sometimes it is easier to pay the money to somebody that does that type of work everyday than to have his staff do it.

Councilor Zambrano asked if he was proposing a certain amount for him.

Chris Woznica replied he doesn't know until he meets with Vector Construction next week and then they will give him a recommendation. If Highway can do it, then they will.

Supervisor Corl said it appears the weather will be warmer next week and asked Chris to keep them updated.

Ron DeTota said he understood Councilor Zambrano's concerns. He would offer that if this board is concerned with say the quality control of the contractor itself to ensure what it is he/she is providing is in the Town's best interest. The Scope that they submitted back in October that was at the request of the Highway department that was before they knew that the bridge itself was not on the State's Registry. That certainly has changed a lot of things, and it looks like for the better, for the most part, because they get a free inspection of the service, which before they were looking to provide it as a fee. But if the board would be receptive, they could certainly strip down this proposal either as the Town's representative to meet with the contractor to ensure that what he is proposing is sufficient with what is there. One of their bridge specialists could be there, and also when the work is being performed they could be on site to ensure that what was agreed upon was actually taking place.

Councilor Zambrano said she would be more comfortable with that.

Ron DeTota stated with that type of effort, with a couple of site visits and that, it would probably be about \$1,000.00 with that individuals time that he would spend on site working with the contractor. If that's something the board would like to consider then they could certainly prepare a Scope of Services attached that identify those work elements.

Chris Woznica asked if they could come out next week.

Ron DeTota stated they could.

Chris Woznica said right now they will get the contractor and C&S out there.

Councilor Zambrano asked if the bridge is now registered with the State.

Chris Woznica replied not now, but it is in the process of being registered.

REVISE TOWN HALL SCHEDULE ON DECEMBER 24<sup>TH</sup> FROM A HALF DAY TO BEING  
CLOSED ON SAID DAY

Councilor Zambrano moved for the adoption of a resolution to a Revise Town Hall Schedule on December 24, 2012 from a Half day to being Closed on said day. Motion was seconded by Councilor Conway.

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

LEAF PICKUP EXTENSION BY TOWN OF CICERO – AREAS WEST OF SOUTH BAY TO  
BE PICKED UP UNTIL FRIDAY, NOVEMBER 30<sup>TH</sup> AND AREAS EAST OF SOUTH BAY  
WILL BE PICKED UP THE WEEK OF DECEMBER 3-7<sup>TH</sup> (WEATHER PERMITTING)

Supervisor Corl stated a leaf pick-up extension since November 16<sup>th</sup>. That's the date that their contract ended, due to the fact that they actually started pick up a couple of weeks earlier with the early Spring. If they wanted the current provider to do additional pick ups it would cost the Town exactly \$14,000.00, however the Highway Department agreed to do some additional pickups and the areas West of South Bay will be picked up until Friday, November 30<sup>th</sup> and the areas East of South Bay will be picked up the week of December 3-7<sup>th</sup> (weather permitting).

Councilor Jennings said Jody Rogers had given him a letter, that was addressed to Supervisor Corl, that said that the Senior Center Site Building Improvement and Energy Conservation Project will be receiving a \$30,000 Grant. It's for repairs to the roof and parking lot and if there should be any monies left over there will be other items they can look at.

Councilor Jennings stated that there are grants out there and people are working to secure them and save the town some money.

Supervisor Corl said there is a Community Development Grant and the gentleman that heads the program has been doing a great job and wanted to thank him.

PUBLIC INPUT

Bill Adams, Ferstler Road, asked for an update on the case involving 7199 Ferstler Road, an illegal dwelling.

Supervisor Corl said he knew a Violation was sent and it was pending. He asked Robert Germain, Town Attorney if he had an update and stated he knew John Marzocci, has been involved who's an attorney in Robert's office.

Robert Germain stated that they are continuing to prosecute the case. The case is in the Justice Court right now. They did receive a letter from the homeowner saying that the one tenant is out of the two-family structure and he is in the process of moving into it. They are monitoring that situation and continue to prosecute at the same time. Robert said he knows that he also claims that he is doing some renovations in the two-family structure which they are monitoring.

Bill Adams asked if that was being handled here at the Town court.

Robert Germain replied that it was being handled here at the Town court, that's correct.

Bill Adams asked if anything was going to be done if he does move out and moves into the legal dwelling, he guesses they would say, what's going to happen to the illegal dwelling. Is it just going to be left there so that as soon as this blows over he can just move back into it?

Robert Germain replied no. He is not allowed to move in/live in the illegal dwelling, that's the point of the case. In terms of what happens, in terms of what the rest of the case holds, he can't comment on that it's still being prosecuted, but they are actively working on it.

Bill Adams asked if its left there how will the town prevent him from moving back into that structure.

Robert Germain said if he moves back in he'll get cited and the original case will get reopened.

Bill Adams replied "very good" and thanked Robert Germain.

Tim Murphy asked if both of the Special Meetings they had on the 14<sup>th</sup> and the 19<sup>th</sup> were both dealing with the rubbish removal.

Supervisor Corl replied just the 19<sup>th</sup> was a Special Meeting. The 14<sup>th</sup> was a Regular Town Board Meeting.

Tim Murphy asked if the rate for the rubbish went up.

Supervisor Corl said the rate is not going up. Everybody is going to pay what their current rate is.

Tim Murphy asked what the report on the lease from Park Outdoor concerned.

Supervisor Corl said it was relative to introducing a bill board, here at the town hall on our property, facing Route 81. Paul Simonte was at the Budget meeting, and he wanted to further discuss that amongst the whole Board and options of entering into some type of lease.

#### ADJOURNMENT

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

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

There being no further business before the board, the meeting was adjourned at 7:20 p.m.

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Tracy M. Cosilmon  
Town Clerk