

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, July 22, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jessica Zambrano, Supervisor  
Mike Becallo, Councilor  
C. Vernon Conway, Councilor  
Dick Cushman, Councilor  
Mark Venesky, Councilor

Others Present: Christopher Woznica, Highway  
John Baldini, Police Sargent  
Robert Germain, Germain & Germain, Town Attorney  
Stephen Snell, O'Brien & Gere, Town Engineer  
Tracy M. Cosilmon, Town Clerk  
Tim Burtis, Onondaga County Legislator

Supervisor Zambrano welcomed everyone to the 13th regular meeting of the Town Board.

Supervisor Zambrano opened the meeting at 6:30 p.m. by noting the locations of the three emergency exits and asked that all cell phones and electronic devices be silenced. She urged all who wished to address the Board to utilize the microphones, and to let them know if any adjustments needed to be made.

Councilor Conway led the Pledge of Allegiance and then requested a moment of silence for our troops overseas.

Before starting the meeting Supervisor Zambrano made the following announcements:

- Environmental Health Department planned on spraying for mosquitos over the swamp that area that evening, and
- the Board would be going into Executive Session before Public Input to discuss various items, and they would be reconvening afterwards.

### **TOWN BOARD MEETING MINUTES**

Councilor Conway moved the adoption of a resolution to approve the Town Board Meeting Minutes from the Special Town Board Meeting held on July 8, 2015. Motion was seconded by Councilor Venesky.

Councilor Becallo asked for a correction of page 6 of those minutes to say *former Supervisor Boyke* not former Councilor Boyke.

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

### **APPROVAL OF ABSTRACT NUMBERS 28 & 29**

Councilor Conway moved the adoption of a resolution to approve Abstract no.28 (dated 7/13/15) & Abstract no. 29 (dated 7/17/15) as presented. Motion was seconded by Councilor Conway.

\*Please note: Abstract no. 28 is actually dated 7/15/15, and Abstract no. 29 is dated 7/22/15.

\*Abstracts can be viewed on the Town's website: [www.ciceronewyork.net](http://www.ciceronewyork.net)

Ayes – 4 and Abstentions - 1. *Motion carried.* Councilor Becallo abstained stating he could not get the PDF for Abstract number 28 to load.

Councilor Becallo said at the last meeting he had asked about having specific reasons for purchases and Supervisor Zambrano had said she would look into it. He asked Supervisor Zambrano if she had looked into that and if there was any updated change in those.

Supervisor Zambrano said she talked to the Comptroller’s Office and they are going to try to include more information. She told Councilor Becallo that what he doesn’t see, unless you go and look at the actual invoices, is that there is actual detail of what is purchased; abstracts are just a summary, so there isn’t a whole lot of detail.

**BUDGET MODIFICATIONS/AMENDMENTS**

Councilor Cushman made a motion to accept the following budget modifications/amendments:

**TOWN BOARD MEETING**

**07/22/2015**

**2015**

**BUDGET MODIFICATIONS**

FROM		\$		TO
B31202	Police Equipment	2000.00	B312041	Police Uniform Exp
A111041	Justice Computer Labor	35.00	A111042	Computer Software
A142044	Attorney Litigation	6500.00	A142042	Attorney – Town Code
DB97856	Hwy Principal Payment	283.13	DB97307	Hwy Interest Payment
DB19104	Hwy Unallocated Insurance	12000.00	DB511012	Hwy Summer Help
DB511043	Hwy Fuel/Propane/Kero	3000.00	DB511045	Hwy Typar/Pipe
DB513044	Hwy Springs	6000.00	DB513042	Hwy Tires

Motion was seconded by Councilor Venesky.

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

**2015 BUDGET AMENDMENTS**

Revenue		Appropriations
A599	Appropriated Fund Balance	A69894 Economic/Brewerton 3650.00
	Archaeological Testing – Saratoga Associates	

Motion was seconded by Supervisor Zambrano.

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

**ONONDAGA COUNTY LEGISLATOR TIM BURTIS**

Supervisor Zambrano said Onondaga County Legislator Tim Burtis was supposed to be there but he had not arrived yet so they were going to table this agenda item for the time being.

**2015 CONSOLIDATED FUNDING APPLICATION (CFA)  
(Brewerton Revitalization)**

Supervisor Zambrano said they had received some good news the day before at the press conference. Onondaga County Legislator Tim Burtis was able to secure \$45,000 from the County Legislator for Brewerton Revitalization. She said she knows it's been a long process, but they have been working to continue the project, to find money, to get everyone up to speed; it becomes a very complicated process. We've now received about eight grants from four different agencies, so we have another grant application to be submitted through this CFA (Consolidated Funding Grant Application) program.

Councilor Venesky moved the adoption of a resolution authorizing the submittal of a Consolidated Funding Grant Application (CFA) to the New York State Department of State Local Waterfront Revitalization Program for funding to finalize engineering and construction along Bennett Street in the Hamlet of Brewerton:

WHEREAS, the Town of Cicero is planning for, and implementing projects in order to revitalize the Hamlet of Brewerton; and

WHEREAS, the New York State Department of State Local Waterfront Revitalization Program is providing funding under the 2015 Consolidated Funding Application (CFA) process for qualified projects including the engineering and construction activities that will revitalize waterfront communities; and

WHEREAS, it is estimated that the cost of finalizing engineering documents and construction of streetscape improvements along Bennett Street would be approximately \$300,000.00; and

WHEREAS, New York State Department of State Local Waterfront Revitalization Program requires that an applicant agree to provide 50% of the total project cost; and

WHEREAS, the Town of Cicero agrees to contribute monetary contributions and in-kind services valued at \$150,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cicero Supervisor is hereby authorized to file an application for funds from New York State Department of State Local Waterfront Revitalization Program in an amount not to exceed \$150,000.00, and upon approval of said request to execute a project agreement with the State for such financial assistance; and be it further;

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to take all and any necessary steps to accomplish the intent of this resolution.

Councilor Venesky said we had an opportunity to apply for a \$300,000 grant, and that's exactly what we are doing. It doesn't mean that we are going to end up spending \$300,000, that's what was available.

Motion was seconded by Councilor Cushman.

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

**2015 CONSOLIDATED FUNDING APPLICATION (CFA) – Engineering**

Supervisor Zambrano said the Consolidated Funding Application Program (CFA) deadline is July 31<sup>st</sup>. There are a couple of issues that have come up in which we have been working on with our engineering department O'Brien & Gere, who is going to submit a couple of applications to address some problems in the town on behalf of the town. She asked Steve Snell to speak on the issues.

Steve Snell explained that these two applications are part of the Water Quality Improvement Grant Program that is administered through the CFA process with New York State. The first one is Oxbow Road, that's the erosion issues that we are dealing with along Chittenango Creek. For that project we would need to come up with a preliminary engineering report along with a cost estimate for those improvements, so there is some work that's going to go into that application that is not yet done. We are also going to be meeting with some agencies next week to go over the plan of attack to improve those issues along Chittenango Creek. Onondaga County Soil & Water Conservation has recommended some in-stream measures to redirect the energy from the creek into the center portion of the creek; they are working with them to get those improvements agreed upon with them.

The second application, that's the project that the County recently completed in the Brewerton service area. They identified a little over \$1.6 million dollars in improvements that were town improvements required in that service area.

Supervisor Zambrano told Steve Snell the amount was \$1.67 million dollars (not \$1.6 million).

Steve Snell said that was correct. Those were costs that the County came up with based on the contract that they have and if you went out to bid with that project it would likely cost even more than that so those are basically the contracted costs that the County uses.

Steve Snell indicated both contracts were due by July 31<sup>st</sup>.

Supervisor Zambrano said a couple of our councilors have gone at different times with our Highway Superintendent to look at the Oxbow situation and there will be a meeting next week at the site with the County people to make their recommendations as to what needs to be done. She asked Steve Snell if he would perhaps incorporate some of the recommendations into the grant application.

Steve Snell said they would.

Supervisor Zambrano solicited any questions, of which there were none.

#### **Oxbow Road Erosion Issues**

Councilor Conway moved the adoption of a resolution for O'Brien & Gere to prepare and submit a grant application through the NYSDEC (New York State Department of Environmental Conservation) Water Quality Improvement Project Program and to authorize the Supervisor to sign the application. Work will consist of preparing project information which will be submitted in the application. Work will be completed on an hourly basis in the amount not to exceed \$2,500.00. The grant application deadline is July 31, 2015. Motion was seconded by Supervisor Zambrano.

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

#### **Brewerton Service Area Sanitary Sewer Improvements**

Supervisor Zambrano moved the adoption of a resolution for O'Brien & Gere to prepare and submit a grant application through the NYSDEC (New York State Department of Environmental Conservation) Water Quality Improvement Project Program and to authorize the Supervisor to sign the application. Work will consist of preparing project information which will be submitted in the application. Work will be completed on an hourly basis for an amount not to exceed \$1,600.00. The grant application deadline is July 31, 2015. Motion was seconded by Councilor Cushman.

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

**PUBLIC HEARING – HARDING PLACE**

*The Public Hearing is to consider the request for a formal abandonment of the Town's right to dedication to a once proposed undeveloped paper road described as Harding Place.*

Supervisor Zambrano stated she had proof of publication and posting and read the following notice:

**PLEASE TAKE NOTICE** that the Town of Cicero Town Board will hold a Public Hearing on Wednesday, July 22, 2015 at 6:30 p.m., local time to consider the request for a formal abandonment of the Town's right to dedication to a once proposed undeveloped paper road described as Harding Place. By the order of the Cicero Town Board

**DATED:** June 22 2015

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

Matt Kerwin: My name is Matt Kerwin. I am an attorney with Barclay Damon in Syracuse here on behalf of Vito Buccina, III. Vito currently owns the property on South Bay Road that we are talking about. The property was originally part of the Gurley Farms Subdivision, a map for which was filed back in 1923, and as part of the subdivision map a road was offered for dedication and acceptance by the Town, that road was referred to as Harding Place. I provided a copy of that subdivision map for the Board's review. Over time, our client's father took title to the property in 1944, the house and the property was built 1930ish according to County tax map records. Over time, the rest of the subdivision beyond our client's property was never built out and the subdivision map was subsequently amended at some point removing Harding Place, the paper road that was offered for dedication to the Town. Our client currently has a driveway on the property that dates back to 1940ish. Right now the tax map shows the property as being landlocked with no access to South Bay road. We are simply requesting that the Town adopt a resolution formally abandoning any interest it had in Harding Place so that our client can at least get half way across what used to be Harding Place and then we will deal with the other half with the neighboring property to the south.

Supervisor Zambrano asked the Board if they had any questions for Mr. Kerwin, of which there were none.

Supervisor Zambrano asked Robert Germain if he wanted to add anything.

Robert Germain said no. He said he had gone through this with Mr. Kerwin, and it's the usual procedure, we are not actually bending the road, we are bending our right to take dedication at a future date and our resolution also calls for the Town to sign a Quit Claim Deed if Mr. Kerwin prepares one for us because County Mapping, when we do this, they ask for a Quit Claim.

Supervisor Zambrano opened the public hearing.

Public Hearing was opened at 6:51 p.m.

Speaking for – None

Speaking against – None

Public Hearing was closed at 6:51 p.m.

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

Board Comments: None

**SEQRA:** Councilor Venesky moved the adoption of a resolution that the request of applicant (Buccina) and subsequent Town action formally abandoning and releasing the Town's right to take dedication to a once proposed undeveloped paper road described as Harding Place in a Subdivision Map filed in the office of the Onondaga County Clerk is an Unlisted Action involving no other permit granting agencies outside the Town. The proposed action of abandonment will not have a negative effect on the environment, and therefore does not require the preparation of a DEIS (Draft Environmental Impact Statement). Motion was seconded by Supervisor Zambrano.

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

**DECISION:** Councilor Venesky moved the adoption of a resolution approving the application of the Buccina family formally abandoning and releasing the Town's right to take dedication to a once proposed undeveloped paper road described as Harding Place as shown on the Subdivision Map of Gurley Farms filed in the office of the Onondaga County Clerk on October 5<sup>th</sup>, 1923. This resolution also authorizes the Town Clerk to prepare a certified copy of this resolution for recording and the Supervisor to execute any and all documents required to accomplish the intention of this resolution including individual quit claim deeds if requested by individual adjoining land owners or Onondaga County mapping. Motion was seconded by Councilor Cushman.

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

#### **BOND ANTICIPATION NOTE**

Councilor Cushman moved the adoption of a resolution to approve \$1,300.00 to Orrick, Herrington & Sutcliffe, LLP for professional services rendered relating to the issuance of an \$825,000.00 Bond Anticipation Note (BAN). Motion was seconded by Councilor Conway.

Ayes - 4 and Noes - 1. *Motion carried.* Councilor Becallo voting no.

#### **CLERK'S OFFICE**

Supervisor Zambrano moved the adoption of a resolution to approve issuance of a fireworks permit to the American Fireworks Display Company for an event to be held at Central Park in Cicero on Saturday, September 12, 2015, at dusk, and to authorize the Supervisor to execute the fireworks permit. This event is sponsored by the Cicero Falcons Booster Club (a not for profit organization) and a request has been made to waive the \$100.00 permit fee. This permit application has already been reviewed and approved by the South Bay Fire Department Chief, by the Town's Chief of Police, and by the Town's Director of Codes Enforcement. Motion was seconded by Councilor Conway.

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

#### **HIGHWAY DEPARTMENT**

Councilor Conway moved the adoption of a resolution to approve the following:

- \$9,000.00 to DeTarolli for the completion of the installation of the underdrain
- \$5,000.00 to Vitale Read-mix for topsoil and sand
- \$2,000.00 to Genuine Parts for the month of August auto parts and supplies
- \$2,000.00 to United Auto Parts for the month of August auto parts and supplies
- \$1,500.00 to Home Depot for the month of August catch basin materials, road side materials and supplies
- \$2,000.00 to Hi-Line for the month of August fittings/hose parts and supplies
- \$7,500.00 to McCarthy Tires for 16 tires for Trucks 5 & 9

Motion was seconded by Councilor Venesky.

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

**PARKS AND RECREATION DEPARTMENT**

Councilor Venesky moved the adoption of a resolution to approve the following:

- \$1,624.00 (N.Y.S. contracting price) to Goodyear Auto Service Center for four (4) tires for Trucks 51 & 53
- Amount not to exceed \$7,000.00 to John Wojcik for Tennis Instruction

Motion was seconded by Councilor Conway.

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

**POLICE DEPARTMENT**

Supervisor Zambrano said we have had some problems with our police building. We have had some roof problems which we are trying to address, and we also have this sewer discharge problem which we are also trying to address. She said we want our police to be in a safe and secure building and we need to take these measures to make sure that we have that.

Councilor Venesky commented that he thinks we should think seriously about perhaps not putting money into that building, but relocating the police department to a suitable facility and spending money that we would spend on a roof and all of these other temporary repairs.

Supervisor Zambrano told Councilor Venesky that this temporary repair is under \$1000 and this one we need to take care of because it has to do with strong odors occurring in the police department.

Councilor Venesky moved the adoption of a resolution to approve a sewer vent extension and back water prevention valve in landing catch basin at the existing Police Department for an expenditure not to exceed \$995.00 to DBR Plumbing, Inc. Motion was seconded by Councilor Cushman.

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

**DRAINAGE**

Supervisor Zambrano said the drainage committee is active, meeting, and doing site visits; they did do site visits yesterday, and had a meeting today. She asked Councilor Conway to speak on the issues.

Councilor Conway said we have two undertakings. One is on Totman Road and the other is on Owlwood Drive.

Councilor Conway moved the adoption of a resolution to approve LaFleur Construction, Inc. to undertake two (2) drainage improvements for \$8,284.00 on Totman Road and \$9,344.00 on Owlwood Drive. Motion was seconded by Supervisor Zambrano.

Councilor Venesky asked if we were still within our budget.

Supervisor Zambrano said yes. We had a large project at Grandview, which she thought was about \$56,000, so the budget for this year is the same as last year (\$118,500 she believes), so we are well within that. We may have to consider easing that up later in the year depending on what the drainage committee finds, but we are okay for right now.

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

**ONONDAGA COUNTY LEGISLATOR TIM BURTIS**

Supervisor Zambrano said it was her pleasure to introduce County Legislator Tim Burtis, gentlemen that used to sit up here among us but went onto another calling.

County Legislator Tim Burtis said he was here to talk about money that the Town is going to receive from Onondaga County. At the July 7<sup>th</sup> Onondaga County Legislators meeting session Ryan McMahon moved a resolution to amend the 2015 County Budget and authorize various capital infrastructure construction projects and execution of different agreements in there. The Town of Cicero is going to receive \$45,000 specifically for the Bennett Street/Riverfront Park design. It is his hope that will help in the Brewerton Revitalization program there that we have been working on. It gives him a lot of pleasure to be able to assist the town in doing that. This allocation is county funding distributed to towns and villages for capital improvement projects, which this is, and this is being distributed back to communities in Onondaga County to support infrastructure improvements. He believes that infrastructure is important and he knows the problems and the challenges that this town board has had and it makes him happy to be able to come back, and his first time back to bring some money back to the town; it was always his frustration - it's his desire. We brought some money back for the park in the amount of \$50,000, but this is specifically about Brewerton and \$45,000. He said he was happy to do it and wished them well.

Councilor Venesky gave County Legislator Tim Burtis a round of applause.

Councilor Venesky told everybody how hard Tim Burtis has worked and thanked him for everything he has done. Supervisor Zambrano thanked him also.

Public Input:

Judy Boyke asked if there was any obligation to this town for the money, or is it a check for \$45,000.

Supervisor Zambrano said there is no obligation, there's no strings attached to this money. She asked County Legislator Tim Burtis if that was correct.

County Legislator Tim Burtis said the money was specifically to the Town of Cicero, Bennett Street/Riverfront Park design; that's their desire for what it goes for.

Supervisor Zambrano asked Judy Boyke if that answered her question or if what Judy meant to ask was is the \$45,000 a matching fund. Supervisor Zambrano said it's not; it's just a hundred-percent grant that we will use for Phase III.

Judy Boyke asked if it could apply to any other grant, it's just being applied to the work on it.

Supervisor Zambrano said it's very specific.

Judy Boyke asked if there was a copy of that that can go on the website, or if it could be viewed.

Supervisor Zambrano said she believed that there was something that came out from the County Legislator.

Judy Boyke said she looked on the web and she couldn't find it on the County website.

Supervisor Zambrano moved the adoption of a resolution to accept a \$45,000 grant from Onondaga County to be applied towards the New York State Local Waterfront Revitalization Program Project #C006913 LWRP Phase III. Motion was seconded by Councilor Cushman.

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

Supervisor Zambrano solicited any further questions, of which there were none.

**EXECUTIVE SESSION**

Supervisor Zambrano made a motion for the Town Board to convene in executive session on three (3) collective bargaining issue matters and a settlement litigation matter

Supervisor Zambrano invited the Town Attorney into executive session and said the Board would be reconvening. Motion was seconded by Councilor Cushman.

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

The meeting adjourned into Executive Session at 7:09 p.m.

The meeting reconvened to Regular Session at 7:42 p.m. after a motion had been made by Councilor Cushman which had been seconded by Councilor Becallo.

**Resolution (regarding police contract):**

Councilor Venesky moved for an adoption of a resolution approving the proposed agreement between the Cicero PBA (Police Benevolent Association) and the Town of Cicero settling a grievance regarding seniority. Motion was seconded by Councilor Cushman.

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

**Resolution (legal services):**

Councilor Conway said we have several lawsuits that we are involved in.

Councilor Conway made a motion for a resolution to approve \$25,000 for the legal services of Hancock Estabrook, LLC for CBA and personnel matters, and a budget modification for the foresaid amount from A90408 and A19904 to A142044. Motion was seconded by Supervisor Zambrano.

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

**Resolution (settlement of certiorari action entitled Widewaters Route 11 Assoc., LLC):**

Councilor Cushman moved for the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **Widewaters Route 11 Assoc., LLC (7952 Brewerton Road) vs. THE ASSESSOR OF TOWN OF CICERO ASSESSOR, BOARD OF ASSESSMENT REVIEW, et al**, Tax Map No. 043.-01-13.1 on property located at 7952 Brewerton Road, Cicero for tax years 2011, 2012, 2013 and 2015 by discontinuing all proceedings commenced for tax years 2011, 2012, 2013 and reducing the Assessment from **\$6,100,000.00 to \$5,100,000.00 as of July 1<sup>st</sup>, 2015. Said matters bear Index Nos. 2011-4460, 2012-2998, 2013-3872 and 2015-EF.** This resolution also authorized the Supervisor to execute the proposed Stipulation of Settlement & Order and Stipulation Extending Time to File. Motion was seconded by Councilor Venesky.

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

**PUBLIC INPUT**

Deborah Gardner publicly thanked Don Snyder, who had spent over two hours with her so that she could better understand the highway garage process. From that, she thinks that there is a perceived lack of transparency concerning the hiring of MRB for the highway garage. First, several meetings were held that were not open to the public. Eleven proposals were received, discussed, and whittled down to five behind closed doors. Representatives from those five firms were interviewed; those interviews were not open to the public. Also, the discussion and decision to eliminate three of those firms was not open to the public. At the last town board meeting they (the Board members) went into executive session and then came out and then voted on MRB for the design; there was no public discussion at that meeting. She does acknowledge that there was a workshop regarding this issue, but since it was a workshop there is no record of what was

discussed. Secondly, ten of the eleven firms are based in Syracuse. The one chosen is in Rochester, Monroe County and she wonders how many people employed by MRB live in the Syracuse area. The ten local firms and many of their employees pay taxes in Onondaga County, they shop and dine out at local establishments; they are contributing to the economy of the area. She stated that something does not seem right to her.

Don Snyder said please tell me on our certiorari correction (entitled Widewaters Route 11 Assoc., LLC) if we have to pay back any money.

Supervisor Zambrano said no.

Don Snyder said obviously it's a major concern because he knows many times when municipalities have to pay back money.

Councilor Cushman said that was part of the agreement.

### ADJOURNMENT

Supervisor Zambrano moved the adoption of a resolution to adjourn the Town Board meeting.

Motion was seconded by Councilor Becallo.

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

There being no further business before the Board the meeting was adjourned at 7:52 p.m.

---

Tracy M. Cosilmon  
Town Clerk