

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, June 11, 2014 at 6:30 P.M. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jessica Zambrano, Supervisor
Tim Burtis, Deputy Supervisor
Mike Becallo, Councilor
C. Vernon Conway, Councilor
Mark Venesky, Councilor

Others Present: Christopher Woznica, Highway
Joseph Snell, Police Chief
Robert Germain, Town Attorney
Bruce W. Letts, Town Engineer
Richard Hooper, Director of Code Enforcement
Jody Rogers, Director of Parks & Recreation
Tracy Cosilmon, Town Clerk

The meeting was called to order by Supervisor Zambrano at 6:30 P.M.

Supervisor Zambrano acknowledged the passing of Monte (Lloyd) Moncrief who passed away on May 19th of this year. He spent 35 years on the Planning Board. He retired from General Electric after 39 years of service as an engineer. He was also a World War II vet and was in the U.S. Navy and stayed in the reserves until 1980. This was a very patriotic man; very community oriented and certainly participated in his town government.

All present joined in the Pledge of Allegiance.

Councilor Conway requested a moment of silence be observed in remembrance of our men and women serving in the Armed Forces in harm's way.

ANNOUNCEMENT

Supervisor Zambrano said it was confirmed today that the New York State Department of Transportation has secured a grant of \$992,000 to install sidewalks on the west side of Route 11 from Bear Rd. to 300ft. north of Caughdenoy Road.

APPROVAL OF MINUTES

Deputy Supervisor Burtis moved to approve the Town Board Meeting minutes of May 28, 2014. Motion was seconded by Councilor Conway.

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

DISCUSSION ON PUBLIC INPUT FOR AGENDA ITEMS

- Report on how other Towns manage public input on agenda items

Deputy Supervisor Burtis said he went with a community member and visited the Town of Dewitt's meeting where they did have public input on the agenda. He said that the folks there don't really come to the meetings so there isn't really any public input. They also went to the Town of Manlius who has rules for public input; they have a sign-in where you can sign in before the meeting and for public input you can talk about only that issue; Manlius feels it works well for them.

Supervisor Zambrano asked if there was a time limit.
Deputy Supervisor said he didn't believe so.

Supervisor Zambrano asked Deputy Supervisor Burtis if he had a recommendation.

Deputy Supervisor Burtis said they could see what the Board's thoughts were.

Supervisor Zambrano asked if the people actually signed in at DeWitt and also, did they specify what they wanted to talk about.

Deputy Supervisor Burtis explained that they did nothing; they just had the public input section.

- **Establishment of a procedure**

Councilor Venesky said the concern he had was making sure that it was structured. He didn't want it to turn into something where somebody comes up and speaks and then we have several people coming up behind him/her and saying "what he said" or "what she said" because that just pushes the meeting out. He said he supports it and was prepared to vote on it then. He acknowledged that it was Chief Snell who had a great idea to use a sign in sheet, so that if someone wants to come in before the meeting starts and wants to discuss an agenda item they would sign in to do that prior to the Board going through all of the items on the agenda; that person would come up and then the Board, to the best of their ability, would answer any questions or anything that needs to be clarified. No one else would be allowed to speak during that time and then at the end of the meeting it would be the same routine that they currently do.

Councilor Becallo said he was okay with that but, if multiple people have questions about the same agenda item that should be allowed as well (as long as they write it down before hand on a sheet of paper and they sign in). He asked if they would be allowed multiple agenda items.

Councilor Venesky said yes, as long as they use the sign in sheet it was okay, but they needed to specify the agenda item ahead of time and not add additional items once they are up there.

Councilor Becallo mentioned that he had brought in timers.

Councilor Venesky did not agree with using timers, stating that people should be able to speak their mind.

Deputy Supervisor Burtis thoughts were that the resident could speak to an agenda item, but maybe not have a lot of question and answer time.

Councilor Becallo said the public has a right to question it. To do this in a very efficient manor, it wouldn't be at the beginning; a citizen would come in, they sign up for agenda item no.'s 6, 4 and 10, when agenda item 6 pops up they can address the Board and ask questions of them and then when agenda item no. 10 comes up it would be the same concept.

Councilor Venesky said he would be okay with that or he would also be okay if the folks came up at the beginning of the meeting if they had questions or comments about an agenda item number, as opposed to stopping the meeting.

Councilor Becallo said it wouldn't really be stopping the meeting; they would be able to address the issue right at the end so none of the Board would forget; that there is the ability to forget from the beginning of a meeting to agenda item no.21.

Councilor Venesky asked Councilor Conway his thoughts on the matter.

Councilor Conway thought they should have more discussion on it to decide how they are going to set this up for everyone to be satisfied. He would like to see the topic adjourned to the next meeting.

Councilor Venesky asked Councilor Conway if he agreed with the basic framework; that they have a sign in sheet and that folks sign up for what they want to speak on.

Councilor Conway said yes, but he thinks they need to talk about this more.

Supervisor Zambrano suggested they try an experiment. They could try it one way the next time and have everyone speak all together and at the meeting after that they could do it individually and see what flows better. She is concerned with the flow and the interruptions to the meetings and she does not want to add a lot of time. As far as discussion, she really doesn't want to get

into a discussion with people because they would have a Board discussion at the time that they get to the item on the agenda, as opposed to having a lot of discussion when a person comes up; so she sees it more as a comment or a question as opposed to discussion.

Councilor Venesky used the example of the approval of crushed stone that was on the agenda that evening and said if someone asked what for an explanation of the Cornell Roads Program; he would invite them (because it is published on the website) to call up their Councilor so we don't have to belabor the meeting by revisiting it and then spend a lot of time on something that the councilors would be happy to answer prior to the meeting. But, if the person has a specific question as to why they are using 580 pounds of crush stone then they can answer it.

Councilor Becallo said the people that come to these meetings are taxpayers in this town and if they want to ask a question at a board meeting then they have every right to ask the board a question; he is sure the people don't mind if they are there a little late.

Councilor Becallo said the meeting is not for the Board.

Supervisor Zambrano said in regards to public input not public hearings, that the meetings are for the Board to get the business of the town done.

Councilor Becallo moved the adoption of a resolution to have public input at the beginning of the meetings pertaining to the agenda items *only* and regular public input at the end of the meetings. Motion was seconded by Councilor Venesky.

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

PARKS AND RECREATION PERSONNEL

Councilor Becallo moved the adoption of a resolution to hire the following individuals for the position of Lifeguard at a rate of \$8.75/hour effective June 1, 2014:

- Robert Hinkey
- Tara Farley

Motion was seconded by Supervisor Zambrano.

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

BREWERTON REVITALIZATION RIVERFRONT PARK

Supervisor Zambrano explained that they had put this project on hold a couple of months ago when they were advised by the NYS Department of Transportation that they were not going to allow the Schumer funds to be used to purchase the second property, (which is the white property closest to Route 11). We felt that in order for the entire project to succeed that we needed both properties because all of our designs, all of our plans resolve around acquiring all of that property to Bennett Street.

Supervisor Zambrano asked Jody Rogers when the project went on hold. Jody Rogers said February 6th, 2014 was the initial meeting.

Supervisor Zambrano said last week they had finally got notification, with a bit of revision to our plan, that they would go ahead and fund the acquisition of the two properties. The two properties have a certain value and right now it is \$183, 350.00, and the match to that acquisition for the Town is 20%, or \$36,670.00. We also have another grant, Phase II, which essentially we need to start this year in order to get funds. It's an important project. We have had a lot of years of commitment in it and so because time is running short if they are going to move forward with this, she arranged to have this presentation.

- Presentation – Status update and future plans by John Guariglia, Saratoga Associates, Jody Rogers, Director of Parks and Recreation, and Helen Carroll, Chair of the Brewerton Revitalization Committee.

John Guariglia explained that we are on hold right now due to a FHWA issue. It did take several months for that to get resolved and now that it has been we are looking to move forward with Phase II construction this year. The presentation covered some of the following updates and future plans:

- Riverfront Park Master Plan – it calls for a variety of elements that will not only improve the park, but also expand it. Some of these elements include: picnic tables, lighting, benches and seating areas, a new pavilion, improved vehicular flow and parking, walkways, improved ADA access and also, landscaping.
- Phase I - essentially, what Phase I included was lights along Oneida River and a walking trail on the west side of the park and picnic tables. They also purchased six benches that are currently in storage that are to be used for storage for Phase II.
- How Phase I, that has already been completed, relates to the overall master plan.
- An image of the completed project and some of the construction project photos.

A copy of the presentation can be viewed by clicking on the link below or is available at the Town Clerk's Office:



Saratoga
Associates_CTBMv2_

John Guariglia said it was his understanding that this park has been highly used so far this spring and he has heard nothing but great comments from the community members about what has been already installed. The Department of State has awarded the Town \$275,000.00. This amount includes the Town's match of 50% or just over \$137,000.00. One of the items they don't know yet is if they will be looking for the town for in-kind services to hopefully minimize some of that money, but they won't know what the town forces can do until they already have the construction documents; at that point they will sit down with Highway and Jody Rogers and see what they are comfortable completing.

Councilor Venesky said when he had asked questions about this project before some of the things had changed. Initially they thought that the grant would buy the two properties and then they were told that the grant wasn't going to buy the properties. He asked if the monies that they are looking at, are these the final dollars? Is this the landed cost or is this going to change if they approve it.

John Guariglia said the grant Councilor Venesky was referring to was the FHWA, this is the LWRP Grant. The Town has signed a commitment letter/contract with the State for \$275,000.00; the money that the Town will have to come up with is half of that, so what they are doing during Phase II is trying to come up with a program that will work within this grant amount so that way we don't exceed the \$275,000 figure.

Councilor Venesky asked if this plan wasn't necessarily the plan that they were going to see because if the Town agreed to spend \$137,500.00, we have already spent over \$900,000.00 on this project during previous administrations.

John Guariglia said this is just Phase II. He envisions four phases. Phase II, they are working on a plan that is going to be approximately \$275,000.00. They are trying to come in under that number for contingencies in case a contractor comes up with an issue.

Councilor Venesky asked if they should postpone this part of John Guariglia's presentation until he comes back with a plan that will fit within that \$275,000.00.

John Guariglia said currently Phase II fits within the \$275,000.

Jody Rogers explained that there are two grants. The one they are speaking of is actually for park construction; the parcels are a different grant. This phase has always been this amount and has always included the items they spoke of. In his construction documents, John Guariglia is going to put in alternatives and options so that we can basically say that all the Town is going to spend on this project is \$275,000. We aren't going above that amount, so if this project comes in higher than that number then we cut back on what this project is going to entail. The only commitment to the Town is \$137,500 in cash, but then in discussions like the grant phase that was completed, we were able to do a great deal of it as in-kind and we also utilized dollars from the Brewerton

Revitalization from donations and what not, so we came in a lot less than the total amount of cash that the Town had to outlay.

John Guariglia said they were going to use the same process as they did for the first phase where they worked with the numbers and the contractors in order to come in at the number they need to.

Councilor Becallo said he went online to the State Planning & Development website to get some more information about the LWRP grants and he found out that it's not an approved LWRP program; he went to Central New York and he saw Clay and Oswego. He asked why it isn't approved.

John Guariglia said the City of Syracuse has LWRP money as well and it's not listed. These funds have been acquired for specific tasks. He's in regular contact with the Department of State and there are no issues with this grant. The ones that Councilor Becallo saw on the website were all planning, these are construction.

Councilor Becallo said he called the Department of Planning & Development and they told him that there were administrative reasons why we weren't considered an approved LWRP. From his understanding if we were approved we would have more involvement than we do now.

Jody Rogers told Councilor Becallo that we have signed contracts/agreements with the State for this that date back quite a bit of years. Councilor Becallo said some of the ones on the website date back from 1990, 1987, 2006 and he was told that if it was not on this website than they were *not* approved.

John Guariglia explained that the Town has signed contracts not just for one, but for three more, plus, they have already used one that has been reimbursed. The history is there with LWRP, it's a funding mechanism through the Department of State in order to complete projects such as this. There is no risk of money. The State is standing behind this; they are actually pushing the Town to try and get this done this year.

John Guariglia said a key date to remember about this grant is December 31, 2014, which is the expiration of this grant. He said who knows what would happen after if the Board does not approve the funds to move into construction and we don't complete the job this year, or have a good 75% already underway. There are two other grants with impending due dates, one which is for September of this year for Route 11 (if the Town doesn't show commitments now the Town may lose that grant as well). Councilor Venesky asked what it would take for him to get the 75% of the construction started and also, what the drop-dead date was to get this project running so that these dollars would come to the town.

Jody Rogers explained that John Guariglia has to finish the construction documents so that we can have the Board go out to bid (which they are probably looking at two months and then they can grant the bid and go forward). Last year, we started our project in September because we were so late for Community Development because they were waiting on approvals from a couple of state agencies to allow the Community Development county funds to move forward. We were in construction until December last year and they are probably 8 weeks from document, to bid, to awarding the bid and moving forward right now.

Councilor Venesky said his understanding was that the Town has already paid John Guariglia's company \$400,000.00.

John Guariglia said that was not correct. He has been on board since 2008 and his contract is roughly half of that.

Jody Rogers explained that there was another company named EDR who was getting funds for studies and documents that they did on the shape-up along Bartel Rd. to Route 11 and then down through the business district; so their funds are part of this.

Councilor Venesky asked John Guariglia how long it would take him to get the documents together.

John Guariglia said about 8 weeks and if everything was approved tonight he would look at starting up the construction documents in the next week, hopefully getting out review packages by the end of this month so that way we can finalize in July and get it out for bid.

Councilor Venesky asked John Guariglia what if the Board did not approve the entire project tonight but approved part of the project. Would he still be able to move forward to get those documents together in anticipation of moving the project forward?

John Guariglia said he would have to say no because the Department of State is looking for a commitment from the Town for this grant.

Jody Rogers explained that the benefit of this grant over the last one that we just expended is that for the majority of the work the materials are available locally; it's excavation and those types of things versus the last one where we had to order equipment and it took weeks and months to come in, especially the lights. Now that we have got an approved light that order is a lot quicker, but the rest of this is going to be concrete work, block work, and installation of benches that we already have, so this construction should move a lot faster than the last set of trying to wait for materials to arrive to us.

Councilor Venesky said he was frustrated because for 10 years no one has done anything, no one has moved, and now they are past the 11th hour, and all of a sudden their backs are against the wall.

John Guariglia continued the presentation and explained that the second resolution before the Board is acquiring two properties at 5451 and 5459 Bennett Street. The Department of Transportation has come back with a cost estimate of \$183,350.00 to acquire the properties. This amount includes purchase of the lands and incidentals that will occur during the process of the acquisition. Of the \$183,350.00, the Town's share is going to be 20 percent. Based on a phone call that they had today, the Department of Transportation is willing to negotiate on that \$36,000.00 and allow the Town to pay \$7,500.00 this year in order to get the acquisition going and then pay the remainder next year.

John Guariglia thanked the Town, Helen Carroll, the Brewerton Revitalization Committee, and the community of Brewerton and said everyone has been wonderful.. He has already seen benefits and the excitement of this project so to stop now would be detrimental.

Supervisor Zambrano said this project has been in the works for a long time. She recognized former Supervisor, Chet Dudzinski, who had the foresight to develop this idea and to get the large share of the Schumer grant which was \$900,000.00.

Wayne Carrol said his wife Helen has been very active in the Brewerton Revitalization project. He read part of the following letter to the Board members:

4/16/14

TO: JESSICA ZAMBRANO
TIM BURTIS
MIKE BECALLO
VERN CONWAY
MARK KENESKY

SUPERVISOR, TOWN OF CICERO
DEPUTY SUPERVISOR, TOWN OF CICERO
BOARD MEMBER, TOWN OF CICERO
BOARD MEMBER, TOWN OF CICERO
BOARD MEMBER, TOWN OF CICERO

SUBJECT: BREWERTON REVITALIZATION
PROPERTY PURCHASES FOR PARK

HISTORY

ABOUT 10 YEARS AGO, THE HAMLET OF BREWERTON GATHERED A GROUP OF CITIZENS AND GOVERNMENT LEADERS TO MOVE FORWARD WITH A REVITALIZATION OF BREWERTON, AN HISTORIC RIVER/CANAL TOWN. THIS GROUP WAS SUCCESSFUL IN CONTACTING SEN. SCHUMMER AND CONVINCING HIM TO PARTNER WITH TOWN OF CICERO BY ALLOCATING MONEY [\$780,000.00] FOR THIS PROJECT. THE CORNERSTONE OF THE REVITALIZATION WAS TO BE THE PUBLIC PARK ON THE RIVER ON THE NORTH SIDE OF W. BENNETT ST. IT WAS PLANNED THAT THIS PARK ALONG WITH SIDE WALK AND OTHER ENHANCEMENTS IN THE HAMLET, WOULD STIMULATE THE INVESTMENT OF PRIVATE INDIVIDUALS AND THE ECONOMIC DEVELOPMENT OF THE AREA. THE TOWN COMMITTED TO INVESTING IN THE AREA, WHICH WOULD RESULT IN IMPROVING THE TAX BASE, AND RESULT IN MORE PROPERTY TAXES PAID TO THE TOWN OF CICERO.

CONSEQUENTLY SARATOGA ASSOCIATES WAS HIRED TO COMPLETE PLANNING AND ENGINEERING STUDIES FOR THE PROJECT. IN ADDITION PRIVATE PROPERTY OWNERS WERE ENCOURAGED TO RESTORE AND INVEST IN THEIR PROPERTIES. MANY PRIVATE OWNERS PROCEEDED TO REHAB THEIR PROPERTIES WITH PRIVATE MONEY AND SOME WITH GRANTS, ON THE EXPECTATION THAT THE TOWN WOULD COMPLETE THE PROJECT AS PROMISED BY SEVERAL TOWN ADMINISTRATIONS.

IT WAS DECIDED TO FOCUS ON COMPLETING THE PARK ON THE RIVER FIRST. THE SIDEWALK REPAIRS @ CORNER OF NORTH EAST W. BENNETT ST. WERE TO FOLLOW ALONG WITH THE GENERAL STREET SCAPES ALONG MAIN ST. THE GOAL WAS A WALKING COMMUNITY WHICH WOULD PRESENT A WELCOMING AND ATTRACTIVE ENTRY TO THE HAMLET DRIVING SOUTH OFF THE RT 11 BRIDGE.

RESIDENTS WERE ALSO ASKED TO SHOW GOOD FAITH TO THE TOWN BY CONTRIBUTING SEVERAL THOUSAND DOLLARS TO THE WEST END OF THE SUBJECT PARK. THIS MONEY WAS RAISED AND SUBSEQUENTLY SPENT ON THAT END OF THE PARK UNDER THE DIRECTION OF TOWN OF CICERO.

IN ADDITION, THE PROPERTY OWNERS IN THE PARK AREA WERE MADE AWARE OF THE PARK PLANS, WHICH MADE THEIR PROPERTIES UNMARKETABLE AND LEFT THEM IN LIMBO AS TO WHETHER TO MAINTAIN, REPAIR, OR REPLACE PROPERTIES DAMAGED BY FIRE AND/OR DETERIORATION, STILL SUBJECT TO PROPERTY TAXES DUE AS A RESULT OF THE CURRENT STATE OF THE PROPERTY DEPRESSES THE ECONOMIC VALUE OF ALL THE PROPERTIES IN THE AREA. THIS IS OBVIOUSLY NOT FAIR TO THESE OWNERS OF THESE TWO PROPERTIES OR THE OTHER PROPERTY OWNERS IN THE AREA.

CURRENT STATUS

THE TIME LIMIT ON SENATOR SCHUMMER'S GRANT TO THE TOWN WILL END SHORTLY. AT THAT TIME THE FUNDS WILL NO LONGER BE AVAILABLE TO THE HAMLET OF BREWERTON, WHICH WILL MEAN THAT THE FUNDS NEEDED TO BUY THE PROPERTIES NECESSARY FOR SUBJECT PARK WILL NO LONGER BE AVAILABLE. IN ADDITION THE MONEY SPENT FROM GRANT [APPROX \$200,000.00] FOR STUDIES AND ENGINEERING MAY HAVE TO BE PAID BACK BY TOWN.

. IF THE TOWN IS NOT ABLE TO COMPLETE THIS GRANT FROM SEN. SCHUMMER,, IT MOST LIKELY WILL MAKE IT VERY DIFFICULT TO RECEIVE OTHER GRANTS FROM A TOWN UNABLE OR UNWILLING TO COMPLETE ITS PROMISE.

IN ADDITION THERE COULD BE LAWSUITS FROM PROPERTY OWNERS THAT HAVE BEEN INJURED BY THE LACK OF TIMELY PURCHASE OF THEIR PROPERTIES.

THANK-YOU

WE WOULD LIKE TO THANK SENATOR SCHUMMER AND ALL THE TOWN OF CICERO ADMINISTRATIONS FOR SUPPORTING THIS PROJECT FOR THE LAST 10 YEARS.. AND WE HOPE THAT YOU WILL AGREE WITH US THAT THIS PROJECT IS IN THE BEST INTEREST OF THE HAMLET OF BREWERTON AND OUR PARTNER, THE TOWN OF CICERO.

REQUEST

WE RESPECTFULLY REQUEST THAT THE TOWN OF CICERO BOARD APPROVE MONEY FROM THE TOWN RESERVES FOR THE PURCHASE OF THE TWO PROPERTIES NEEDED FOR THE SUBJECT PARK.. AS WE UNDERSTAND IT THIS MONEY WOULD BE REIMBURSED TO THE TOWN FROM SENATOR SCHUMMER'S GRANT UPON COMPLETION OF THE PURCHASE BY DOT.

THANK YOU FOR YOUR SUPPORT IN MOVING BOTH BREWERTON AND TOWN OF CICERO FORWARD,

Helen Carrol, Chairperson for Brewerton Revitalization said there are Board members that may not have committed to this project, but the Town committed to in 2006, and now we must follow through with the commitment for the project. There has been hours of time, monies, grants and various other sources that we have spent. She asked the Board to not let the hamlet of Brewerton down for a project that has already proven that it is working. The park is utilized every day, many businesses have lunch there, and it is used by people from all over; whether it's driving, boating, or walking. Some of the comments that have been told to her and other business owners are:

- it looks great without the houses
- they love seeing the water as they go over the bridge
- it's a great view from my apartment
- it looks awesome
- can't wait to see what comes next
- they love the light because they say the lighting is perfect down there at the park at night

Helen Carrol said the Board needed to pass both resolutions that night because it may cost more for the project to end than it is to move forward.

Supervisor Zambrano said at the current time we have an unappropriated fund balance in Fund A for \$1,694,562.37. While they did not budget money, Jim Corl certainly intended that funds be allocated for this, and she is also committed to it.

From the 2012 budget, when the books were closed, we increased the Fund A balance by \$653,911.83. When we closed the books from 2013, we added \$61,433.99. To take the \$137,500 out of Fund A will not have an impact on the tax levy; we have the money and there was an intent, and has been intent by Supervisor Corl that we dedicate this money.

She continued to say that there has been a commitment made to the community not only for economic development but to increase property values; it's a good economic opportunity. Not only if we don't go forward with this will we be losing the advantages that we have gotten from grants and possibly may have to repay some of that, it would also impact the economic development of the town. There is economic development across the river with the new track and

it's her understanding that there will be some type of grand opening or something on July 9th, so this would be an economic boost. We have made the commitment and she thinks that this Board needs to move forward.

Jody Rogers said she has received a number of phone calls from individuals as well as Town employees that have either been at The Dockside restaurant looking back to the south shore or individuals and families that have gone to Brewerton Riverfront to fish with their families. People are using it and they are utilizing the picnic tables there. We have definitely seen an increase in use. The problems that we use to have at night prior to the lighting have been eliminated so the improvements have improved the quality of life there. The businesses are seeing a business increase; Rosie's is doing movies at night now, the library has asked to do Tai-Chi at the park and they want to do a book exchange. It is moving! It has taken 10 years and it has taken vision and grit. Brewerton Revitalization, the fire department, the Chamber, all of these people have committed time and monies and this is just an extension of that - and it is working.

Councilor Venesky thanked Helen Carrol for taking him on a tour of Brewerton and introducing him to some of the residents and business owners. He said he is concerned that we went 10 years, but no money was put aside for this project. Based on what he is looking at, moving forward, we are going to have some serious financial issues in the Town of Cicero. If what Shirlie Stuart told him is correct, in about 5 or 6 years from now, we may have some serious issues with cash flow; so his concern is the trajectory of the town. His other concern was regarding needs and wants. He listed some of the things that we needed to replace such as snow plows, a truck with a plow, a bus that needed to be replaced years ago but weren't. So this year, they were forced at the last meeting to vote on a BAN (Bond Anticipation Note) to borrow \$1.2 million dollars to purchase vehicles that should have been purchased in the past. They have had discussions and what most of them decided to do is leave the fund balances alone. He approves buying the property, but said that now we are going to take money out of our fund balance, where no money has been put away over the last 10 years, or provisions were made to finish this project, when we didn't do it to buy things we need such as snowplows. He said it is all the taxpayers in the town that have to pay for this. So that there are no surprises, he would like to have a public hearing so that people understand that we are going to take money out of our fund balance that we wouldn't take to buy snow plows to finish a park that no one has was acted upon in 10 years. He does approve buying the property but wants a hearing on the second before we move forward.

Councilor Becallo asked the Board members if they read over the whole grant.

Supervisor Zambrano stated she did.

Councilor Becallo said the initial contract period states January 1, 2010 thru December 31, 2012. He asked for clarification on it.

Jody Rogers explained that the Community Development grant that she got simultaneously to the LWRP first phase grant kind of overlapped what we had in that grant (ours needed to be spent first because we were in jeopardy of losing ours first because the grant money came through in 2010 and 2011 for the project). We had to get approval from the Historical, the Nations and such before any money could be spent. So when Councilor Venesky says "10 years of not having anything done," we actually were working with the State. The Historical and archeological took a long time, it took years actually. Her grant had to be expended first, then the LWRP to give it time and as they were waiting on hers they had to work with the Department of State to extend those grants; but because they were working on a grant, the state acknowledged that they were working towards it, and they kept extending it for us.

Councilor Becallo wanted to clarify to everyone that at looking at the grant there are questions that are raised, but in no way, shape or form is he against this project.

Supervisor Zambrano told Councilor Becallo that he needs to understand that there have been deadlines and extensions. There was a period in time in which we were in jeopardy of losing everything because no paperwork was submitted and no extensions were requested. So, Jim Corl had to come in and fight to get this project on the books and that is why there was no money allocated in 2012. So they spent all of 2012 trying to get the project back on track and they spent almost a whole year convincing them that the town was committed to doing this. They then had a bunch of hurdles, including the archeological dig that we finally got done. It's not that there hasn't been any work done, we have put some in-kind services into it.

John Guariglia said that it has been an extended period of time, but we have run into things that literally took over a year to deal with such as The Nations, and during that process we really couldn't do much. He said they just experienced the same thing with the FHWA; it took a couple of months to clarify a small little issue that could have derailed the acquisition and these

things popped up regularly that they have had to deal with and now we are at the point where a lot of those are behind us.

Councilor Becallo said he was reading out of Section 20 A112, which is about Default and Determination:

In addition to whatever other reserved rights it has to terminate the agreement. The department may terminate the agreement when it is in the best interest of the State:

1. cause
2. convenience
3. due to inability of funds

Supervisor Zambrano told Councilor Becallo that the money is committed.

John Guariglia added that currently the extensions are in place, and as far as he knows the paperwork is in place, there is no issue with that, which is why he has mentioned before that the Department of State is looking for movement on this project in order for the funds to be here.

Councilor Becallo read the first sentence of Appendix D on the actual grant for Compliance and Procedures:

The Municipal Attorney, Chief Legal Officer or Financial Administrator for the City of Rochester shall certify the department that applicable public bidding procedures per General Municipal Law 103 were followed for all the construction contracts involving more than \$20,000, and more than \$10,000 for purchase contracts.

Councilor Becallo asked Robert Germain if he had read over this grant.

Robert Germain said not this one, it was before his time. But, he has done other LWRPs and he has also certified other projects on those forms that they use to certify.

Councilor Becallo asked Robert Germain if he could read it over before they voted on it.

Councilor Becallo said he wanted to table the first issue, just speaking on the grant itself.

John Guariglia stated that the grant has been reviewed by past attorneys, it has been signed off by the state and it's been signed off by the Town.

Councilor Becallo asked if John Guariglia could explain why it says the City of Rochester.

John Guariglia said it was a typo. It happens and he has seen worse. He assured Councilor Becallo that it has been reviewed by legal counsel in the past.

Chet Dudzinski, former Town Supervisor, said that this whole project started under his administration and that you have to think outside of the box if you want to be successful. Prior to that, in the Town of Cicero there was little or no activity whatsoever, so what they did was they went out and they looked for something that could be a destination – Brewerton. He said the statements that were made about nothing being done in 10 years are incorrect. The worst thing on any project is that probably for the first two or three years it is all paperwork, legalities, looking for right-of-ways, gas lines, electric lines and that's what you can't see. People get frustrated when they don't see a hole being dug. They wanted to see dirt flying and we wanted to see dirt flying but unfortunately we couldn't because he left in 2009. And by no means is he going to look back at Judy Boyke and tell them it was her fault because Judy didn't know anything about what happened in his administration. Jim Corl was fully aware, because he had sat with him on numerous occasions; he knew it had to be done. It is not John Guariglia's job to drive the bus, it is theirs - they are in charge of the project. If they don't know what the answers are then they need to find out. He personally met Chuck Schumer on the floor of the capital when he gave us the money. That's what they don't realize. If they want to get something done, forget the phone calls, forget the letters, you've got to meet somebody and look them straight in the eye and talk to them because they are going to know what kind of a person you are because they are used to dealing with politicians. They don't like to deal with politicians. They want to deal with somebody that is going to do something that's good because when they give you that money their name is on it. If it fails, they fail. If it wins, they did it all and you did nothing. Chuck Schumer came to Brewerton. We started. But as he had said, he left in 2009. It is not Judy's fault that it did not continue; it was the administration that followed. He feels sorry for anyone that invested a nickel in Brewerton because they believed that the Town of Cicero was going to do something and they did nothing. The Town Board failed these people and it's about time that the Town

Board steps up to the plate and fulfills the obligations that we made because it is not fair to those people.

Dick Flaherty from Brewerton said they have waited 10 years for this project to be completed. It would be a shame at this point to lose what has been done in previous years, which apparently like Chet had said does not look like anything has been happening, but it has happened and Senator Schumer is letting him down and it makes this area not look good when he has gone to the effort to supply us a grant and then we are not able to consummate it. What is going to be his reaction or the reaction of any person or politician about giving us a grant in the future? Would you give a grant to a community like this that has taken 10 years and has not been able to consummate this project? The money has been there and it should have been done. So to say nothing has happened is not fair.

Councilor Venesky said because we didn't use any town funds to make necessary/ needed purchases (not want purchases), we have put ourselves into a position and now we are making decisions on decisions that should have been made prior to this.

Someone in the audience said if something wasn't done now then we stand the possibility of losing the money that Schumer came up with and the state grants. In addition to that, the Town will most likely have a lawsuit on their hands from these property owners, who he believes have a legitimate lawsuit against this town. He said you can't just take a private citizen like that and destroy his right to use his property; that property to them is worthless because of the commitment that the Town has said they were going to do for 10 years but has not done. The Town needs to pay for it and that means *all* the citizens. Each administration is a representative of the town, so it isn't just the people here it's the administrations that were before that. This commitment was made to those people and it was made to the hamlet of Brewerton. Brewerton was a village at one time in 1870 but they gave it up and it became a hamlet. Is this the way we want to go? We are talking about consolidation of goods and services. Brewerton was a village and in 1870 they gave it up. What has happened to Brewerton? The sidewalks aren't taken care of and if you look around the hamlet of Brewerton nothing has been taken care of. His proposal would be to go back to a village again because it is obvious that the Town of Cicero is not taking an interest in Brewerton and they live there, they like the area, and there are a lot of good citizens there. They pay their taxes every year and they don't feel that they are getting a return from the town. He hopes they will support this and pass the resolutions here for the good of the town and everyone in the hamlet.

Lori Sager agreed with Councilor Becallo's comments on the funding on the project. She said we had Cicero Commons come in many administrations ago and there were these great ideas to produce Cicero Commons and the Town would not have to pay anything for it. They had all the approvals, all this grant money and Cicero was going to be saved. The project got going and there were delays, the Town received no grant money from it because of some glitch and the Town had to come up with millions of dollars or at least another million dollars - we lost our credit rating. She credited Chet Dudzinski for working hard to reestablish our credit rating that got tanked on that project. You can say we are going to get this or we are going to get that, but unless you have got the cash in hand this town is still a hundred percent responsible for the cost of the project. She is not against the project, revitalization is necessary in every community in order to move forward, but when it comes on the back of the taxpayer, she doesn't want to be responsible for another fiasco. She wants them to take an effort to look at the new wording on the grants and make sure that we are going to get the grants that she knows Jody has worked very hard to make sure that we are going to get the grant money and not be responsible. If we can't get the money then where are we going to get it to finish the project? She thanked Councilor Becallo for taking the time to bring his questions forward for discussion.

Supervisor Zambrano said she has been in numerous meetings with the County and the State and she doesn't think there is any question about the grant money.

Don Snyder said on Schedule A1 General Fund Appropriations adopted Budget 2012, which was a budget that Judy Boyke was responsible for putting together, was \$100,000 for the Brewerton project. Judy Boyke had some problems in the two years of her administration getting things through the Board, therefore, nothing got spent. We already were taxed for \$100,000 for the Brewerton project because of the Board so we put it in the bank, so in essence there was a \$100,000 we could spend on this project. He said we can sure as heck pay for the land if the ultimate cost is only going to be \$36,000, and we can in theory pay for a chunk of the other piece that we have to pay. We got to make sure that we realize the history says we didn't do anything. There was an administration that in fact knew the project had to go, knew the kind of work that Helen, Jody and all the others were doing and the money was in there but they couldn't get it spent. So we did have it in the account and we need to take that in consideration.

Supervisor Zambrano said we have \$549,966.00 left in the Schumer grant and asked John Guariglia to talk about the available funding for the other grants. She said there is a lot at stake - if we don't move forward then we are going to lose a lot of grant money.

John Guariglia said not including the \$275,000 LWRP grant for Riverfront Park they were talking about that evening, there are actually three other grants:

- LWRP grant in the amount of \$254,000 that is to be used on Route 11 (Mainstreet Improvement - Streetscapes).
- A grant for a boardwalk; the original intent for safety reasons is actually to create a boardwalk underneath the Route 11 Bridge. That grant was awarded to the Town for \$250,000. We have not been able to even look at that one yet, just because our priority is Riverfront Park.
- State Parks EPF Grant - It is to be used at Riverfront Park (at the two parcels to be required).

He said all of those grants are fifty-percent matches. So roughly, you have about \$1.2 million dollars in grant money, not including tonight's grant that we are talking about. There is a significant amount of money. There are grant matches and yes, there are possibilities for in-kind services and other ways to try and deal with it and lower the town's monetary commitment. He said these grants are going to be expiring. The Route 11 grant has only been extended through the end of September this year. We just got an extension for the boardwalk, because dealing with the Department of State on a regular basis they realize that this is a third priority in the process so they have extended it to the middle of December 2015. The State Park EPF grant - they wanted shovels in the ground this year in order to keep that going; so there will be a conversation with State Parks in the very near future to lay out a plan that maybe the town could support in order to obtain that grant. So there is a lot of money out there that the town has for this. For every dollar the town puts in, they are getting an extra dollar back.

Lynn Jennings, former Town Councilor said everyone knows that the budget belongs to the Supervisor/Fiscal Officer. For two years Jim Corl did not put any money into Brewerton Revitalization. This project has been ongoing. Every two years we change two Councilors, a Supervisor, etc., so there's no continuity. People come in blinded and say nothing was done for 10 years. Wrong. He was with Jody and watched them dig holes for artifacts. This is dragging on, they need to move forward and they need to do it tonight.

Councilor Becallo asked all the Councilors and Robert Germain to read the grant before they voted.

Jason Bronner, owner of Rosie's Corner on Route 11 in Brewerton told the Board that the worst thing that they could do is not finish the project. He has seen nothing but good things from this park because of what they have already done. He has heard a lot of good comments from everybody and the boaters too (without the pier done on the other side they have to park on our side and they are spending money in our town, his restaurant, the bar, the pharmacy, etc.) so the money they are worried about will come back. For the Board not to do this would be horrible. He has lived in Brewerton his whole life and to see what it used to be, to what it is now, is pretty sad. Put the money where it belongs and make this town what it should be. We should be Skaneateles, and Cazenovia. There should be a hundred boats on a Friday night there spending their money all over the place; it's just not there anymore because of all of the delays and all of the stuff that has happened. He said to get it done and do it now.

Supervisor Zambrano said before the meeting Helen Carroll handed her a petition in support of the project; there were about 138 names and not all of them were Brewerton residents. She understands that the new councilors are hesitant about the project and want to know if the rest of the town supports it, but it has been around and they haven't heard a lot of people saying that they don't want to support it so she doesn't think that having a public hearing is going to help. We have a lot of support for this to go forward and we certainly have a big investment in it. She was in favor of this project.

Deputy Supervisor Burtis agreed that 10 years is a long time and he had a lot of the same thoughts that the other newer councilors had when he got here. He said that a decision needed to be made. He is a Brewerton resident and when he decided to get into public service part of his speech was on vision and Brewerton was part of that. Brewerton is not in good shape; they have lost a Burger King, which is an eyesore, and they have lost some other things but, they do have some businesses that have done some really excellent things down on Main Street and he is quite taken by their courage. There is no doubt that the Brewerton Revitalization was a hard project and the money is hard to swallow but he is for spending the money on it. He said for the \$1.2 million dollars that we did bond, they did consolidate a lot of the debt that we had; we did get a coupon rate of .8% and that is less than 1%. We did refinance a lot of bonds that we had for

different percentages and we do have a repayment plan for that. As far as the plan goes, he believes that it is true that if we do not finish Phase II of the LWRP grant then it is over, we cannot move on to the next phase which holds \$250,000.00. He said there is a town that hires one

person that is a grant writer and we have Jody Rogers who is our grant writer, grant researcher, and runs the parks and many other things. Like his wife had said it is kind of like couponing, you have to spend money to get something free or the money back. He is for Phase II and for the Schumer grant.

Robert Germain said he had looked at the grant and he does know the language on signing off on bidding procedures and what was in there was normal. However, he did not see where it said "City of Rochester".

Supervisor Zambrano asked Jody Rogers if there were boxes of grant documents in our files.

Jody Rogers said Shirlie Stewart has all of that material because it started well before she got involved, but what they had is the original grant information and she is sure that this is some kind of form and it probably went out as a grant to the City of Rochester and when they changed it to come to the Town of Cicero they didn't replace that information. There has been other amendments to it with the same information and the same grant amount money, the same location, the project has been melded and changed as we have gone through it, but is still \$275,000 and \$137,500 and what they had been shown on the screen during the presentation is what that project will entail; it will not go over that amount and they have her word on it. She is working with John Guariglia and they have already discussed how we have to stay under that number so that the commitment isn't any more than \$137,500. She thinks they need to move on it. She supports it and her staff has worked on it. She has been very fortunate to have a Highway Superintendent that is very supportive as well, his men did all the concrete and restoration work for the last project and she knows Chris Woznica would be on board if his men are available to do in-kind work as well with her staff.

Councilor Conway said he believed it was EDR that we started out with 10 or 12 years ago and at that time we would get 600-700 people to meetings on this project. It got to the point 3 or 4 years ago that we were lucky to get 7 or 8 people to come in and see what we wanted to do. Some of the problems back in those days, he doesn't how many times they went to the DOT downtown and you'd be there 1 week or 2 weeks then you wouldn't be there for a couple weeks, you would walk in and they didn't even know who you were. The head of the DOT here said at that time that there were seven things that needed to be done on the project. They didn't listen to what we said down there. The last time we got much of anything out of the New York State DOT. If we ever want to get anything done then we should start it now.

Robert Germain said he has been reviewing the grant and he thinks where it says "City of Rochester" it is a typo because on the other ones like the sidewalk project and so on, instead of Rochester it just says "the municipality." As far as sign off on proper bidding procedures that is a common state requirement that attorneys have to do.

Bob Smith said he was a resident of the town and he agreed with Councilor Venesky, a lot of money was going to be spent, and he listened to what Chet said and it seems that there is a decision that has to be made. All the discussion about a deadline, it seems like the deadline is here. It would seem at the end of the discussion what we are talking about is are we going to invest in the future. He was concerned about the money that would be spent, but the truth is it is economic development. The money is tight and we have got a tough situation but what they are really being asked is the deadline is here whether we like it or not and we don't do anything they have in affect have decided to kill the project by just doing nothing. The other side of the coin, and he serves on a Planning Board, and they look to the future is if they keep the project going forward than they do see more interest in Brewerton. He doesn't like to spend the money. He knows that we are facing financial difficulties in the town. But what we are really asking about and talking about here isn't going to benefit all of us today. Do we really want to invest \$150,000 in the future of Brewerton, which is part of our community? On the financial end, if you really think about it, if the Planning Board and we get some more interest and we get more development because we have improved the community economic development than they are going to be approving buildings up there that are going to more than pay back the money in property taxes. We have never treated the lake as an asset and this seems to be it. We are up against the deadline. Are we going to invest \$150,000 into the future or don't we believe in it. He wants to believe in the future and thinks this will be a good investment.

LWRP Grant 6806 Phase II Construction (Local Waterfront Revitalization Program)

Deputy Supervisor Burtis moved the adoption of a resolution for a budget amendment to appropriate up to \$137,500.00 (not to exceed) from fund A to finance construction costs of Brewerton's Riverfront Park improvements to include engineering (through Saratoga Associates), which would be widening of 600 foot walkway to ensure ADA compliance, addition of lighting fixtures, installation of a ramp and benches, et al, and to authorize the Supervisor to execute the applicable agreements. This amount is the 50% match of the \$275,000.00 grant. Motion was seconded by Supervisor Zambrano.

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

Supervisor Zambrano said this was to authorize the \$36,670.00. Our Comptroller negotiated that we would only have to put up \$7,500.00 of the \$36,000.00 this year, and then we can budget for the \$30,000.00 for 2015.

- FHWA (Schumer Grant) Site Acquisition Services (Federal Highway Administration)

Supervisor Zambrano moved the adoption of a resolution to appropriate \$7,500.00 from Fund A to approve the acquisition of two properties at 5451 Bennett Street and 5459 Bennett Street, for the expansion of Riverfront Park, and to authorize the supervisor to execute an agreement with the New York State Department of Transportation, which will assist the Town in the acquisition. At the completion of the project, the Town will be reimbursed 80% in the event that we have to put all of the money up front or \$146,680.00. Motion was seconded by Councilor Conway.

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

CHAPTER 210 SECTION 210.8 SIGNS

Discussion on formalizing changes to the Code section on Signs, with establishment of a work group and /or consultant to work with the Town Attorney

Supervisor Zambrano said they had a work session earlier that evening that was an educational session for Board members, old and new, from the Planning Board and the ZBA Chair. She said there has been some discussion about code changes, etc., and our two new councilors have been the catalysts to get this thing moving. She said Councilor Becallo has done some work on some proposals for the language that she hasn't had an opportunity to read because they had just gotten it that evening, but she thinks that they are all agreed that we should move forward.

Councilor Venesky said Councilor Becallo had offered to review some of the sticking points and speak to business owners in the town. He said the meeting was very productive; it gave them an opportunity as public servants to develop relationships and work together. He said he was going to make a motion and that the motion would be to put together a committee and they are going to move quickly because they told the public they would have something resolved by the end of June. They are going to address the concerns that were brought up by the business owners in this town. They have asked Robert Germain to get involved and they are going to talk about signs and hopefully, they are going to come up with something, a workshop, or a committee that is going to be able to put this thing to bed.

Councilor Becallo asked how many people would be on the committee.

Councilor Venesky said he wasn't sure yet, but there should be business owners.

Councilor Becallo agreed.

Councilor Venesky said we want to be known as a business friendly town. We appreciate the people here. We would like to grow this town. When he ran for office one of the things he said is that there would be a commitment to the business and to the growth of this town.

Councilor Venesky made a motion that we form a committee no later than next week to move forward with the ideas that Councilor Becallo has put on the table and that we come to some sort of resolution hopefully by the end of June.

Councilor Becallo asked Councilor Venesky if he wanted him to read his ideas and did they want them for the record. Supervisor Zambrano said no.

Councilor Becallo gave Tracy a copy of his ideas to put in the records:



TOWN OF CICERO

Mike Becallo
TOWN BOARD COUNCILOR

8236 Brewerton Road
Cicero, New York 13039

Bus. (315) 699-1414
Fax (315) 699-0039
mbecallo@ciceronewyork.net

This process should not be limited only to the sign issue, but also include other issues with Cicero Code Enforcement regulations.

SIGNS:

- Most important, that at some point, the actual business owners are brought into the process (where they are allowed to speak) and their views are taken into consideration when drafting the new sign laws.
- The prior sign laws passed in essence prohibited all signs. The town must instead permit business owners to advertise their businesses to the public using signs, and the town should regulate these signs with common sense laws that do not unduly burden the business owner.
- Remember, the consumer also benefits by business owners being able to advertise their services via signs.
- I have spoken to many business owners, and some of the laws they have complained about are:
 - they want to be able to use those lighted 4 feet tall by 5 feet long "marque" signs with changeable letters (like the one John Deer on Route 11 has).
 - they want to be able to use "A" type signs (like restaurants use on their personal sidewalks), as well as lawn type signs (similar in type and size to campaign signs we used in last year's election).
 - a total prohibition of any sign being placed within 20 feet of the road is too restrictive. I propose that the non-permanently installed signs be permitted to be 5 feet from the road, but that it cannot obstruct vision.
 - a number of commercial property owners had received notice of violations themselves for alleged violations committed by the commercial tenant. In my opinion, the commercial owner of the property should never be held liable for the acts of the commercial tenant, but that the commercial tenant only should be charged with violations of any town code.
- Eliminate Section L – no town employee should be taking any signs from private property. Instead, cite the business owner with a violation, and let the Court handle it. Private property should be respected by the town.
- Special exemptions for signs pertaining to first Amendment speech, especially political, religious, public commentary, etc.

OTHER CICERO CODE ISSUES:

- a thorough review of those items which require Site Plan approval by the Planning Board. We want a user friendly town, and many items should be handled solely by the Code Enforcement office without being required to go through the expense and time of Site Plan application (ex. certain amount of dirt being added to a property triggering need for Site Plan approval).

Supervisor Zambrano said that they needed to formalize a work group and asked Councilors' Venesky and Councilor Becallo if the two of them would Co-Chair and put this group together. Both Councilors said they would.

Robert Germain said his normal procedure would be to start by circulating a draft if they have specific changes. To start with a draft and put on there "draft" and we will circulate that and start.

Councilor Venesky made a motion that we put together a committee/work group that will include members of the Board, public servants of this town, and business owners in this town to review the sign regulations and the enforcement regulations and have some sort of clarity done (he said maybe he was saying that wrong and asked Robert Germain to help him come to sort of resolution) hopefully by the end of June.

Robert Germain said that was fine. In terms of the legal process they know that we are amending the code; that's a regular process that we use for local laws, we will hold a public hearing. Once we have what we will call a final draft of whatever, and move the adoption of a resolution amending the particular ordinance sections to include or delete language (and they will have that in there), once that has been published and so on, they will be able to finalize. But in terms of what he thinks Councilor Venesky is talking about is having the work done by that day, because obviously the legal part is going to take a little bit longer because we have to advertise and hold a public hearing.

Councilor Venesky said he might be a little ambitious, just based on the fact that we have to advertise this and it has to be a workgroup or it has to be a workshop. He said they cannot have more than two councilors together unless they make it a workshop.

Robert Germain said they could if they advertised it.

Supervisor Zambrano suggested that the two of them, and their committee members, start the process and then they can schedule a work session after that if they'd like. She thinks it is important to start and asked if they could give the board members a report on who their committee members are and outline the process.

Councilor Becallo asked if it was a work group then a work session.

Supervisor Zambrano said yes.

Deputy Supervisor Burtis asked if the motion was for the end of June.

Supervisor Zambrano said that might be a little too ambitious.

Deputy Supervisor Burtis seconded the motion.

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

UPDATE BY COUNCILOR MARK VENESKY

Resolution to immediately re-form the Cicero Ethics Board

Councilor Venesky explained that they ran into a problem, they did not have a functioning Ethics Board. Back in the 1980's there was a functioning board, and one of the people that was involved back then was former Town Councilor, Pat Rizzo, who is very sharp and she educated him quite a bit. They also have Bill Bradley who was a former Cicero-North Syracuse High School Teacher who was the Chairman of the Ethics Board. They realized that we were short a couple of people on that board so he told Bill Bradley that what we would like to do is fill out that board. His understanding is that it is going to be a fair board with two republicans, two democrats, an independent or maybe a conservative; he asked Bill Bradley if he would move forward on getting that rolling. Bill asked him to reach out to Pat Rizzo who has agreed to work with Bill and reconstitute the board. They will have a meeting of the board and make sure that they understand what their responsibilities are. Also, it's their understanding that it is the Ethics Board's responsibility to bring to the Town Board candidates who would fill vacancies so they are in the process of doing that as well. The last conversation he had with Pat Rizzo was today, and they are moving forward. Pat reached out to Tracy Cosilmon and asked for various details, lists, and asked who the former members were so that Pat and Bill can determine whether or not those folks still want to serve.

Councilor Becallo asked how many people we currently have on the Ethic's Board.

Supervisor Zambrano said three.

Councilor Venesky said they should have an update at the next meeting.

Supervisor Zambrano asked Councilor Venesky if he wanted this as an agenda item for the next meeting.

Councilor Venesky said yes.

Councilor Becallo asked if the whole Board will have a say on who will be appointed to the Ethic's Board.

Councilor Venesky said yes. His understanding is that they would interview the candidates and choose who would fill those positions.

ADVERTISEMENT FOR AN INDEPENDENT CPA AND INDEPENDENT ATTORNEY

Discussion to continue advertising for an independent attorney and independent CPA per our recent Town Board resolution on April 23rd regarding ethics investigation

Councilor Becallo said that they had made a motion back on April 23rd to advertise for an independent attorney and an independent CPA. He asked if there was an update on what was going on. Also, he asked if they have received any inquiries at all and what could they do proactively so we can get interest and get this process moving forward.

Deputy Supervisor Burtis gave an update on the Board of Ethics situation that was a result of a situation brought up on April 23rd. He said he had spoken to it during that meeting, talking about the makeup of the Board of Ethics. He explained that the situation that they were facing that day technically should have gone to the Board of Ethics, but that board was broken. They did make a resolution that night, but the problem with the resolution was that they gave no scope of time or what they were asking these folks to do. If they did want to continue to move forward then they could do that; give the applicants a scope of time and inform them of what we want them to do. We need to work on a RFP (Request for Proposal) from the Board's level to give them something to give us an estimate for their size of scope of work.

Councilor Venesky asked Councilor Becallo if he had a plan or an idea on the way that should go.

Councilor Becallo said it should be a collective decision with the help of our town attorney.

Councilor Venesky agreed. He said we did not put out a scope of what we wanted to do with this. He did some research and after they realized that the Ethics Committee was not functional the focus then went to putting out a request for services, they did that without including any kind of scope, but at the time they thought they were doing the right thing. After speaking with some people and legal representation he found out that the cost to this town to hire an attorney and a CPA independently could potentially cost us forty to fifty thousand dollars. There was an agreement with some of the councilors on the board that they would be willing to spend that money if they had to. Upon some additional research that the Office of the Comptroller, Comptroller DiNapoli's office, had an Office of Investigation and that they would review what we brought to them. One of the things that we had also asked is to have the books of the town looked at; a complete audit of the town, which his understanding is that it hasn't been done in 6 or 8 years. He was asked to draft that letter, which he did, (he shared it with the Board members and they had input), and that letter was then sent to Mr. DiNapoli's office in Albany and a copy was also sent to his office here in Syracuse. That was approximately 4.5 weeks ago and his understanding is that they can take 6-8 weeks to respond. Having made the request for them to come in and look what was presented to them and also to audit the books. It is his thought that we should wait to hear from them before we spend any town money or hours to put together an RFQ or anything else at this point until they give the Comptroller an opportunity to respond to our request.

Deputy Supervisor Burtis said the scope was given in that letter as far as what our concerns were, so they did provide to them some scope.

Councilor Becallo said either way they should work on developing an RFP with the help of the Town attorney. He asked if a motion had to be made.

Deputy Supervisor Burtis said no. He stated there was some scope in the letter, but they needed some segments of time, but there were concerns clearly listed there. He agreed with Councilor Venesky in regards to giving the Comptroller's Office an opportunity to respond. He is not opposed to working on a RFP in order to be prepared if we don't like their answer.

SHARED SERVICES AGREEMENT WITH TOWN OF SALINA

Discussion item relative to the current Town Board determining whether the Shared Assessor Agreement with Salina did expire on March 14, 2014

Supervisor Zambrano said there has been a lot of discussion about the Shared Services Agreement with the Town of Salina. The most recent development is they have a letter from the Town of Salina Attorney, Bob Ventre who was instrumental in putting that agreement together. Essentially his letter says that there was no question as to the expiration date of that agreement of December 31, 2014.

Councilor Venesky said he did put in a call to the Town of Salina but he had not heard back. He doesn't quite know what we are looking for here; if it is being suggested that there is wrong doing then again, this would go to the Comptroller's Office investigative unit and they can advise us and analyze it for us. If it is being said that the contract expired and it needs to be renewed then he supposes that we can take that route. But, if we are suggesting or it is being suggested that there was some sort of wrong doing done then he would like to wait until we hear from the Comptroller's Office and let them make a determination on that as well.

Supervisor Zambrano said she did receive a call yesterday from the Supervisor of Salina, Mark Nicotra who said that he will be sending us a letter saying that they are not in a position to continue that contract after December 31st. Supervisor Zambrano said she thought that this contract stands on its own; they have heard from the two supervisors and the attorney that was involved in all of this.

Councilor Becallo asked Robert Germain if he had a take on this.

Robert Germain said he wasn't involved but he reviewed it and it appears that we do have a valid contract that is up at the end of this year. He doesn't really know what the big issue or problem is, he heard that an incorrect version was posted accidentally on the website, but as far as he is concerned after seeing the new stuff from Mr. Ventre and the Supervisor in Salina, that we have a valid contract until the end of this year.

Councilor Becallo asked Deputy Supervisor Burtis what the date was that the current Assessor agreement was approved by the Cicero Town Board.

Deputy Supervisor Burtis said it was a two year agreement so he would back it up two years, but he was not sure.

Councilor Becallo said it was March 14, 2012.

Councilor Becallo asked when the current Assessor Agreement began.

Supervisor Zambrano explained that there was an extension granted to the previous contract through the end of January and that was an interim agreement with the Town of Salina to continue the service until they had a new contract.

Councilor Becallo told Supervisor Zambrano that he was asking Deputy Supervisor Burtis.

Deputy Supervisor Burtis once again said he did not know.

Councilor Becallo asked how long the term on the Assessor's Agreement was.

Deputy Supervisor Burtis replied two years.

Councilor Becallo asked what the date was that the Assessor's Agreement must have expired.

Deputy Supervisor Burtis replied March 14th, 2014? He said he did not know.

Councilor Becallo said he did some research on his own. He handed out a packet of paperwork to the Board and told Tracy Cosilmon he had one for her as well to put into the minutes. He read the following:

I. OVERVIEW

The Town of Cicero had an agreement with the Town of Salina to share a common assessor, Brad Brennan. At the April 23, 2014 Cicero Town Board meeting, town resident Judy Boyke made known that Mr. Brennan's contract with Cicero expired on March 14, 2014 (this agreement was originally passed by the Cicero Town Board on March 14, 2012). A review of the Cicero town web-site, where the agreement was posted, confirmed that the agreement did in fact expire on March 14, 2014 (this copy stated a contract date of March 14, 2012). However, a few weeks later, there was a different agreement posted on the Cicero web-site, this one instead showing a new and different expiration date of December 31, 2014 (this copy stated a new and different contract date of March 27, 2012).

II. TIME-LINE OF SHARED ASSESSOR AGREEMENTS:

It is incontrovertible that the existing Assessor Agreement expired on March 14, 2014.

- March 23, 2009 (First Cicero Town Board Approval of Assessor Agreement). Paragraph 14 states "This Agreement shall remain in effect until terminated."
- October 26, 2011 (The Cicero Town Board Terminated the Assessor Agreement, said date of termination to be December 31, 2011). See page 18 through page 22 of the October 26, 2011 Cicero Town Board minutes.
- January 4, 2012 (The Cicero Town Board voted to extend the March 23, 2009 Assessor Agreement to January 31, 2012).
- January 25, 2012 (The Cicero Town Board voted to extend the March 23, 2009 Assessor Agreement to February 29, 2012).
- February 22, 2012 (The Cicero Town Board voted to extend the March 23, 2009 Assessor Agreement to March 31, 2012). The Cicero Town Clerk could not locate a copy of this agreement, but page 3 of the February 22, 2012 Cicero town board minutes is enclosed.
- March 14, 2012 (On this date the Cicero Town Board approved a new "Cooperative Agreement to Share Assessor Services"). **This new March 14, 2012 agreement was for a two year period (24 months), and was scheduled to expire on March 14, 2014.**

Attached confirming the two year time period of the Assessor Agreement are the following documents:

1. Page 12 and 13 of the March 14, 2012 Cicero town board minutes, where it states:
 - a. At the top of Page 12 it states "Supervisor Corl moved the adoption of a resolution to approve the following two year Cooperative Agreement..."

Note that the term stated is for "2 years" and the vote to approve the 2 year contract was 5 yes and zero no.

- b. The actual agreement itself on page 13 where it states, in paragraph 13 "This Agreement shall remain in effect until March 14, 2014..."
2. Page 16 of the March 14, 2012 Cicero town board minutes, during public input, when Supervisor Corl Jr. responded to a question from Joe Ruscitto as follows: "Supervisor Corl replied that they had entered into a two-year contract with the Town of Salina..."
3. Actual Assessor Agreement dated March 14, 2012 (the first page is date stamped as received by the Cicero Town Clerk on March 27, 2012), which was on the Cicero town web-site until approximately one month or so ago, when it was removed by Supervisor Zambrano. This Assessor Agreement in paragraph 13 states an expiration date of March 14, 2014.
4. March 26, 2012 Salina town board minutes stating that the Assessor Agreement with Cicero was for "two years."
5. May 28, 2014 Cicero town board minutes when Supervisor Zambrano stated three different times that the Assessor Agreement was a "2 years agreement."

It is incontrovertible from the above stated, that on March 14, 2012, the Cicero Town Board passed a resolution for only a 2 year agreement, and since this resolution was passed on March 14, 2012, two years (24 months) from March 14, 2012 is March 14, 2014, **and the new Assessor Agreement thereby expired on March 14, 2014**, as the March 14, 2012 town board minutes correctly state.

It is equally incontrovertible that any alleged Assessor Agreement stating an expiration date of December 31, 2014 must be false. 100% of the evidence shows that the new Assessor Agreement was intended to be for 2 years only, not 2 years and 9 months.

Stated another way, if the actual expiration date of the current Assessor Agreement is December 31, 2014 (as Supervisor Zambrano is claiming), then either one of the following would have to be true:

1. The current Assessor Agreement would have had to start on December 31, 2012, or
2. The current Assessor Agreement time period must be for 2 years and 9 months.

However, neither item number 1 or 2 above occurred or is correct...they are both false.

Regarding item 1 above, as has been proven within this document, the current Assessor Agreement was passed by the Cicero Town Board on March 14, 2012, and has a start date of March 2012 (not December 2012). The notary dates on the signature page of both documents the Assessor Agreement dated March 14, 2012 AND the false Assessor Agreement stating the false date of March 27, 2012, BOTH show Cicero Supervisor Jim Corl Jr's signature is notarized on March 16, 2012 by the Cicero Town Clerk, and Salina Supervisor Mark Nicotra's signature is notarized on March 27, 2012 by the Salina Town Clerk.

Regarding item 2 above, as has been proven within this document and the exhibits, the current Assessor Agreement is for a 2 year time period only (not 2 years and 9 months).

Councilor Becallo provided additional documentation that may be viewed by clicking on the icon below or at the Town Clerk's Office:



Councilor Becallo Assessor Information.zip

Supervisor Zambrano asked Robert Germain if he had any advice as to how to resolve this issue when they have two Supervisors who were involved in negotiations and the Town of Salina Attorney who all state it was December 16th. Also, she asked if there was a resolution to this issue or are you Mr. Becallo satisfied to put all this on the record.

Robert Germain said he was satisfied if it goes on the record. He supposes that if she wanted an official resolution knowing that if there's a question the only thing you can do is an addendum to the contract to clear it up, but the contract speaks for itself; the one that he saw says the end of this year. So if there is a question, the Board can do an addendum to verify that this is their agreement with Salina; he doesn't know how else they would cure the conflict other than to redo it – they could do an addendum just reaffirming the contract that he reviewed.

Supervisor Zambrano said Councilor Venesky had indicated that there is potential for an investigation of this issue.

Councilor Venesky said he was not an attorney and he is not an expert in contract law and restated what he had said before which is if the suggestion is that there has been wrong doing than his recommendation would be to turn it over to the Office of Investigations of the Comptroller. If this is a matter of a contract that needs to be adjusted to fulfill it to the end of the year then he would go Attorney Germain's recommendation that we do an addendum.

Councilor Venesky asked Councilor Becallo what he was saying.

Councilor Becallo said it could either go two ways; it was mismanagement of documents or these records were falsified. If you look at the minutes, it was approved by a 5 member board. Either they didn't read the minutes to make sure that was the correct agreement.

Supervisor Zambrano told Councilor Becallo that Jim Corl did catch the error in the minutes. She did talk to Bonnie Smith, who was asked to correct the error by Jim and she verified it. She said that it had happened all in that time frame; not months, weeks, or years later. Supervisor Zambrano still believes that the wrong document was provided. She didn't handle the documents, but she has talked to the two supervisors and the Salina attorney who was involved and she thinks the document speaks for itself. She asked Councilor Becallo what he wanted.

Councilor Becallo said he wanted to know whether the document is true or not.

Supervisor Zambrano asked Councilor Becallo how he would determine that.

Councilor Becallo said by going by the minutes that were approved by her, Councilor Burtis and Councilor Conway.

Supervisor Zambrano said the minutes are a reflection of what the Town Clerk writes. The Clerk can write summary minutes, they can write detailed minutes, but they are not necessarily correct. As she said Supervisor Corl did pick up an error and he corrected it. What he didn't look at was what was posted on the website.

Councilor Venesky said if we need to continue this contract is one issue and if Supervisor Zambrano was suggesting that they need to do that then he would like a resolution from Robert Germain so that we have a contract or did they need to do that to keep a contract enforced till the end of the year.

Robert Germain said he thinks there is a contract and he thinks that it is valid until the end of the year. But, if the Board has a question about this time and they want him to contact Salina and do a one-page addendum with them he would if that would cure this situation.

Councilor Venesky said he just wanted to make sure that what we are doing is correct and proper as far as having a contract if we need to have a contract for the Assessor.

Councilor Venesky's said his other recommendation to remove any question would be to contact Comptroller's Office to look at it.

Robert Germain said if the question was about whether the contract is valid then they could certainly just do a one-page addendum with Salina to verify that this is our understanding.

Councilor Venesky said he thinks we need to do that to make sure we have a valid contract.

Supervisor Zambrano asked Robert Germain if he would handle it.

Robert Germain said he would.

TOWN HALL HVAC

Resolution to award the sealed bid to Davis Mechanical Services, Inc., for replacement of the Town Hall's cooling tower with a new air cooled condenser in the amount of \$13,200.00

STATE OF NEW YORK
 Onondaga County
 Town of Cicero

SS:

The Cicero Town Clerk received Sealed Bids on May 28th, 2014 at 11:00 a.m., at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY, from individuals who submitted a sealed bid for replacement of the Town Hall cooling tower with a new air cooled condenser unit for the Cicero Town Hall.

BIDDER NAME	TOTAL BID
Davis Mechanical Service, Inc. 6689 E. Collamer Rd. E. Syracuse, NY 13057	\$13,200.00
Airside Technology Corporation 900 Old Liverpool Rd. Suite 17 Liverpool, NY 13088	\$23,200.00
TAG MECHANICAL 4019 New Court Ave. Syracuse, NY 13206	\$32,500.00
Heating & Air Conditioning, Inc. 6820 Elliot Drive E. Syracuse, NY 13057	\$24,968.00

Proof of publication and posting dated May 22, 2014

Councilor Becallo moved the adoption of a resolution to award the bid to Davis Mechanical Services, Inc., for replacement of the Town Hall's cooling tower with a new air cooled condenser in the amount of \$13,200.00. Motion was seconded by Supervisor Zambrano.

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

PARKS & RECREATION

Purchase Approvals

Councilor Becallo moved the adoption of a resolution for purchase approval of the following:

- \$5,250.00 to B & B Lumber for Playground Mulch 300 cubic yards for Central Park Playground Project.

Other quotes: Clifton Recycling - \$12,000

Denzak Recreation – Fibar Systems - \$6,819 (after discount)

Motion was seconded by Supervisor Zambrano.

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

FIREWORKS PERMIT

Councilor Conway moved the adoption of a resolution to approve a fireworks permit from American Fireworks Display to be held at Lakeshore Yacht & Country Club on July 5, 2014 at dusk, at a cost of \$75.00 and for the Supervisor to authorize the permit. Motion was seconded by Councilor Becallo.

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

HIGHWAY DEPARTMENT*Purchase Approvals**Sweeper Repair*

Councilor Venesky moved the adoption of a resolution to approve \$1,000.18 to Joe Johnson Equipment for Sweeper repair. Motion was seconded by Councilor Becallo.

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

700 tons Runner Crush

Councilor Venesky moved the adoption of a resolution to approve \$5,040.00 to TH Kinsella Inc. for 700 tons Runner Crush. Motion was seconded by Councilor Becallo

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

20 ft. Vactor Boom Hose

Councilor Venesky moved the adoption of a resolution to approve \$2,196.67 to JGB Enterprises, Inc. for 20 ft. Vactor Boom hose. Motion was seconded by Councilor Conway.

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

380' 21" Pipe, bands for Walnut Hill Rd. Project

Councilor Venesky moved the adoption of a resolution to approve \$7,000.00 to Crossroads Highway for 380' 21" pipe, bands for Walnut Hill Road Project. Motion was seconded by Councilor Conway.

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

5 sets of Carbide Snow Plow Blades

Councilor Venesky said the request for \$3,450.00 to Steel Sales for 5 sets of Carbide Snow Plow blades for stock has been delayed.

4Bolster Springs, 4 Shocks for Truck 16

Councilor Venesky moved the adoption of a resolution to approve \$1,510.00 to Allied Springs for 4 Bolsters Springs, 4 Shocks for Truck 16. Motion was seconded by Councilor Conway.

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

TOTMAN ROAD SEWER LATERAL APPLICATION

Bruce W. Letts, Town Engineer explained that the reason why this requires a resolution is to connect 7678 Totman Road up to public sewers. It will require that we allow that property to occupy about 70ft. of public utility right of way and that is typically against Town policy without some sort of resolution.

Supervisor Zambrano moved the adoption of a resolution that will allow the property owner at 7678 Totman Road to install, operate and maintain a new sanitary sewer lateral in an existing Town of Cicero sewer easement located on Totman Road. Motion was seconded by Councilor Venesky.

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

ZONING AND PLANNING*NYS Archival Grant*

Tracy Cosilmon said this was just a formality; we just need to encumber the amount per the Comptroller's request of the \$8,500.00 for the Zoning & Planning grant. All the scanning has been completed and we are ready to purchase a large format scanner and another desktop scanner. She provided the Board with three (3) quotes. Plan & Print is the vendor.

Deputy Supervisor Burtis moved the adoption of a resolution to approve purchase for a Large Format Scanner and (2) Desktop Scanners not to exceed \$8,500.00 from Plan & Print (said monies will be paid via the NYS Archival Grant). Motion was seconded by Councilor Becallo.

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

SUN HOTELS SETTLEMENT

Robert Germain explained that there was no payback on this; it was done as a Correction of Errors on the rolls. This is in regard to the other Sun property at 5552 Bartel Road. Brad Brennan had been working with the owners in the previous tax years that they filed assessment challenges for; they filed certiorari actions for 2012, 2013 and 2014. There was actually a sale that took place in 2011 which prompted Brad to make the assessment change so there are no paybacks for that period, he is going to give them a perspective relief going forward in terms of the future relief. Then we have what we call 727, which is a property tax law provision that would hold the assessment for the next 3years at the \$1,250,000 number. Brad settled this case with them, themselves; the only issue is that he actually has to sign the Stipulation of Settlement for the court.

Councilor Venesky moved the adoption of a resolution authorizing the Town Attorney to execute a proposed "Stipulation of Settlement" in the tax certiorari matter titled "Sun Hotels Brewerton, LLC vs. Town of Cicero, et. Al. (Index No.2013EF167-2012-4235) consolidating and dismissing the matters in tax years 2012 and 2013 and correcting the roll going forward for 2014, 2015, and 2016, subject to provisions of RPTL Section 727. Motion was seconded by Councilor Conway.

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

EAST CRABTREE LANE

Supervisor Zambrano said this request was for a No Left Hand Turn from E. Crabtree Lane onto Route 11 South. The NYS Department of Transportation came to talk about E. Crabtree Lane and they made a proposal to close that road. For safety reasons, one of the other proposals was a request to allow only a right hand turn there.

Supervisor Zambrano solicited any discussion.

Deputy Supervisor Burtis said he was just in that area before the meeting at Kwik Fill - it was a mess. He saw people do exactly what the guy from NYS was talking about. Route 31 was backed up and there was a trucker in there from Tri-State who was on his way out of Crabtree to get onto Rt. 11 (and he was in the left lane of Crabtree because he knew he couldn't cut the corner). New York State did talk about shutting E. Crabtree Lane down out onto Route 31 but he doesn't think that is a good idea. He said we don't have any way to get those truckers out of there and they are not helping our traffic matters. It would make sense if you were only looking at the end of that street going onto Rt.31 and if you only looked at it that time of day then you would shut that down.

Councilor Venesky said what he took away from the New York State meeting was that the majority of accidents that occur are the left turn off of Crabtree onto Route 11, and the thru from one end of Crabtree across Rt. 11 to the other; this should prevent a good deal of those accidents.

Councilor Conway asked someone if they checked to see if we could tie into 81 South. The person said no.

Chief Snell agreed that there should be No Left Turn at that intersection and No Crossover as well; that right turn should be the only turn that you should be able to make and it would eliminate a lot of that traffic.

Deputy Supervisor Burtis moved the adoption of a resolution to make the intersection a right-turn only from East Crabtree Lane onto Route 11 to go northbound. The objective is to prevent motorists exiting East Crabtree Lane from turning left to go south on Route 11.

Chief Snell asked if they were doing it from the other side as well (going from west to east - the crossing over).

Councilor Venesky asked if that would have to be a right turn.

Chief Snell said it would be a right turn only, not a left turn. He said they would still have the same problem on the other side as the traffic going from the west to the east is crossing over.

Councilor Venesky asked if they'd both be right turns.

Someone in the audience said no. The State said the right and left coming from the west was okay, the cross traffic he said we shouldn't do and we shouldn't do the left from the east side.

Chief Snell said visibility was the issue.

Deputy Supervisor Burtis moved the adoption of a resolution to make the intersection a right-turn only from East Crabtree Lane onto Route 11 to go northbound (that's on Route 11). The objective is to prevent motorists exiting East Crabtree Lane from turning left or going straight to go south onto Route 11. Motion was seconded by Supervisor Zambrano.

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

ANNOUNCEMENTS/UPDATES*Cicero Rabies Clinic*

The Town Clerks Office will be holding a Rabies Clinic on Monday, June 23rd from 5-7pm at the Cicero Highway garage. A \$10.00 donation is requested.

Community meeting on June 24th, sponsored by County Legislator Jim Corl

Supervisor Zambrano read a Media Advisory from County Legislator Jim Corl who was announcing “Your County in Action” Community Meeting. She said Jim Corl has organized a community meeting to keep constituents up-to-date on where their tax dollars go and what projects are being done to improve the quality of life we enjoy in Onondaga County. Legislator Corl has asked County of Department of Transportation Commissioner, Brian Donnelly, and Deputy Commissioner of Engineering, Mark Premo, and Assistant Director of Veterans Services, Bill Meyer, and County Parks Commissioner, Bill Lansley to attend the meeting to discuss specific projects going on in their respective departments. After their presentations, there will be an opportunity for the public to ask each representative and Legislator Corl questions. The meeting will be held on Tuesday, June 24, 2014, from 6:00-7:30 p.m. at Cicero Library (near Twin Rinks).

Safety Issues regarding OnSite Development

Supervisor Zambrano said some safety issues were raised about OnSite Development. She spoke with OnSite and they do require their drivers to wear the safety vests or the hazard colored t-shirts. Another comment that was made that they did not use cones. OnSite’s practice is to actually have a flag person when they’ve got the grapple truck stopped. She said she has not observed them not being in compliance.

Councilor Venesky said he did observe them today and they were wearing reflective clothing with reflective tape on it.

PUBLIC INPUT

Chris Woznica asked if we were responsible for the signage on Crabtree. Supervisor Zambrano said she thought New York State was going to do it.

Jody Rogers looked into Chet Dudzinski’s concerns about the parking issues on Route 31 in front of Central Park. She said he was correct about the regulation there of No Stopping. Chief Snell and she got involved and they went out and spoke to a number of individuals that were parked there, explained it to them and to the President of the Cicero Little League who put it out to all of the parents. The issue is being addressed by the Police Department.

Don Snyder said in regards to the minutes of meeting that the Town Board has to approve the minutes so they better make sure that they read the minutes before they say at the next meeting that they approve them. He reads anything that is put on the website before the meeting if he can and it’s put on the web in time.

Supervisor Zambrano asked Robert Germain to comment on Don Snyder’s comments. She also said that the minutes do not have to be verbatim. It is her understanding that they do not need to be approved by the Town Board because it is the Town Clerk who is responsible for the minutes and the Town Clerk can make whatever summary she wants.

Robert Germain said they are the Town Clerk’s Minutes. The Town Clerk is responsible for the minutes, and for the posting of them. For what they say for the recaps, you can ask for different things to be reflected, but it’s up to Tracy.

Don Snyder asked if they were going to throw Tracy under the bus because they didn’t read the minutes because it is her responsibility to get them right.

Supervisor Zambrano said no.

Robert Germain said he was not throwing anybody under the bus. He told Don Snyder he was just answering Don's question on whose minutes they were.

Don Snyder said in other words we are wasting time by having approval of the minutes and having these guys re-read them.

Supervisor Zambrano said in her opinion, yes.

Someone in the audience asked how they record a meeting.

Supervisor Zambrano said it was up to Tracy to record it. It is up to the Town Clerk to record the minutes. The minutes from many of the other towns are in summary form.

Councilor Venesky told Don Snyder he does read the minutes and not every word that he says are in the minutes, but if he had a problem with it he would bring it to Tracy's attention.

Don Snyder said if a date was wrong that he approved then he would have in fact said it was wrong.

Don Snyder said we have a posted sign that says this Town Hall is open from 8 to 4 and that's correct - except for the Justice Department who is not open on Friday; they are in the office, but they are not open. A number of people asked him to inquire why people can't go to the Town Justice Department on Friday. Don said he was told that started a number of years ago when they were short staffed. But, he was also told that we now hired the staff, so why are they still not available to us on Friday?

Councilor Venesky, Liaison to the Justice Department said he would find out.

Supervisor Zambrano said the judges are elected officials so they can set their own hours.

Lori Sager said Tracy Cosilmon has been the Town Clerk in this town for many years. Tracy is an elected official and she works tirelessly to do many things uncompensated and commended Tracy for the work that she does.

Supervisor Zambrano told Lori Sager that she agreed with her, but the minutes were the Town Clerks.

Lori Sager said she understood that, but if you they are going to approve something than they should read what they are approving.

Tracy Cosilmon said that those are her minutes, but any documentation or agreement that is given to her is put in the minutes. In regards to the Assessor Agreement, that wasn't her verbiage and that wasn't her writing. She said she has no control over any documents that are given to her.

Supervisor Zambrano told Tracy Cosilmon she didn't believe that was the issue. She thinks everyone recognizes that she does very thorough minutes.

Lynn Jennings said in regards to Crabtree Lane, that at the last meeting the DOT said that you cannot do a ramp onto the southbound. Route 31, if you shut off certain venues for people and once they get there and decide that they want to make a left hand turn then there are not just two lanes, but a left turn lane, so there are now three. Lynn said this needs to be addressed and Mafri and the others need to be involved.

Councilor Venesky said they have had some discussion and there will be more with the State of New York, but even if the State put a temporary median on Route 31 so that it would force the folks to take a right turn out of the gas station and out of Byrne Dairy, they wouldn't be able to cross the lanes. He said that would also probably help the traffic

situation because then the used car vendors or people pulling campers, it wouldn't give them the opportunity to block three lanes of traffic and tie it up.

Chief Joseph Snell said he thought we needed to move slowly on this because whatever we do is going to impact the businesses there. The gentleman from the State said his direction was to do a study about a traffic light here at the town hall, and they took it one step further and did a study at Crabtree, well they also need to extend that. If they are going to talk about affecting the businesses and the traffic flow then they need to also do a study on Route 31, between Route 11 and the off ramp to Route 81 because they are going to see more accidents there than they are going to see at Crabtree. What they have done is their looking at one small micro problem and you've got that whole circumference right there that's a huge problem. We need to meet with the State and tell them we want to look at their numbers for the accident rate from Route 11 to the off ramp, that's going to give you a heads up as to what the real problem is. If you put a barrier there than those businesses are going to lose a lot of business.

Supervisor Zambrano told Chief Snell most people are in agreement with him. They do want to have some further discussions.

Joe Ruscitto said he thought he had heard somebody mention the possibility of closing Crabtree, alongside of that area, and asked what if they closed traffic to trucks because that is the biggest problem.

Supervisor Zambrano explained that it was the State that considered closing it, not the Town.

Chief Snell informed Joe Ruscitto that he, along with Jon Barrett, Chief of the Cicero Fire Department were adamantly opposed to closing it.

Joe Ruscitto thought it would be a compromise.

Joe Ruscitto said in regards to the minutes that he was on the Board of Directors for NAVAC and they hold their minutes very dear. They have gone back to them and referred to them and they are like the letter of the law. As Tracy said, he can see the verbiage being changed somewhat, but documents and things like that can't be. When you pass something from one person to another you are signing off on it and he can't believe that five people would be wrong. It seems like everything Councilor Becallo brought up about the same date, the same date, the same date and one document has a date that's changed -something is wrong.

Supervisor Zambrano said the issue is not the documents that are attached to the minutes. No one is taking issue with Tracy's minutes because she and her staff work very hard at it. The issue is that they are not the Town Board's minutes; they don't need to approve them.

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 9:31 p.m.

Tracy M. Cosilmon
Town Clerk

: