

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, April 23, 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: Chris Woznica, Highway
James Meyers, Investigator
Neil Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer
Tracy Cosilmon, Town Clerk
Jody Rogers, Director of Parks & Recreation
Richard Hooper, Director of Code Enforcement

Supervisor Zambrano read the following statement:

Welcome to the 2nd regular meeting of April.

I would like to point out the exits from this room – there are two at the back and one up front to the audience’s left.

Please silence your phones and other electronic devices so that the meeting is not unnecessarily disturbed. If you must speak on your cell phone, please exit to the back hallway or outside. We also ask the audience to keep chatter to a minimum, so as not to disturb others.

The Town acknowledges the importance of full public participation in all meetings and hearings. We therefore urge all who wish to address the Board and others in attendance to utilize the microphone at the front of the room. If anyone is unable to hear, let us know so that adjustments can be made as necessary.

The meeting was opened at 6:30 p.m. with 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.

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Conway moved the adoption of a resolution to approve the minutes of the April 9, 2014 Regular Town Board Meeting. Motion was seconded by Councilor Becallo.

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

BUDGET MODIFICATIONS

Supervisor Zambrano stated there were no budget modifications.

2014-2015 NSCSD BUDGET

Presentation by Superintendent, Annette Speach and Donald Keegan, Associate Superintendent for Business Services for the North Syracuse Central School District on the subject of the 2014-2015 School Budget

Supervisor Zambrano introduced Annette Speach and Donald Keegan who were in attendance to give an overview of the school budget that will go out for vote on May 20th.

Annette Speach explained that the North Syracuse District has had a long-standing practice of doing budget presentations throughout the community, but this is the first time they have ever been invited to present at a town board meeting, so they are very pleased to be here to share the information with board members as well as the taxpayers.

Annette Speach said if anyone was left with any questions; please don't hesitate to email Donald Keegan or her, or call the school district office and talk with them directly because they would be happy to answer any individual questions that they may not get to tonight.

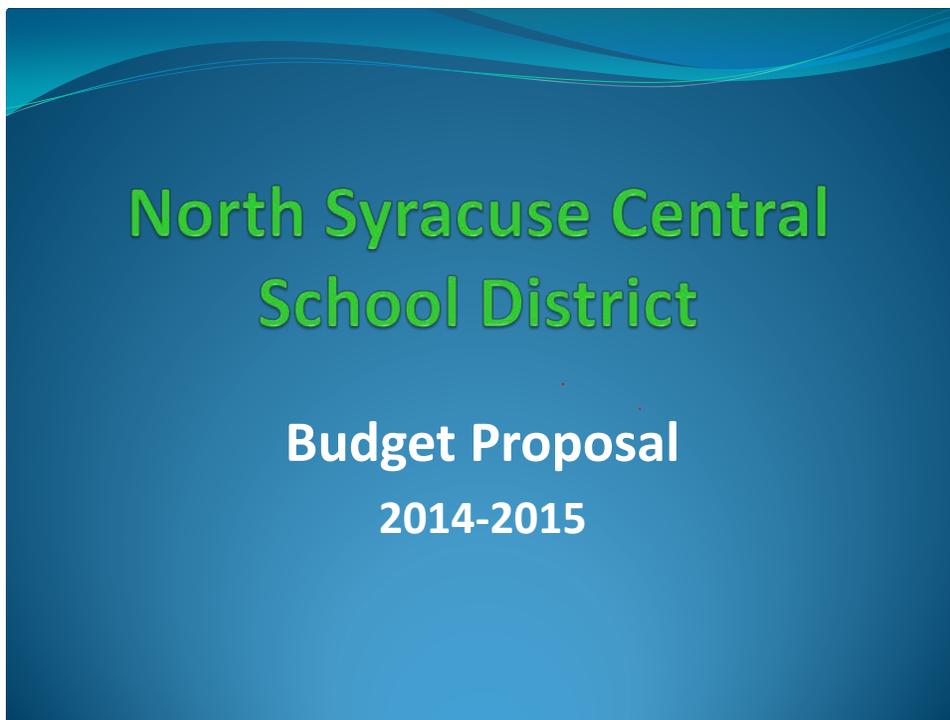
Donald Keegan said he had a brief agenda; he was going to talk a little bit about the district's revenues, about the district's expenses, and unfortunately about additional expense reductions that they had to make this year. He will also talk a little bit about the tax impact to the budget, our fund balance, the purchase of buses again this year, the second half of the CNS Capital Project and what that means to our referendum and then some voter information.

Introduction

Donald Keegan stated that the purpose of the presentation is to share information regarding the proposed 2014-15 budget that will be voted on by the public on May 20, 2014. Donald Keegan gave a slide presentation which covered some of the following topics:

- Budget Objectives
- Revenues
- Expenditures
- Expenditure Reductions
- Tax Impact of Proposed Budget
- Fund Balance
- Bus Proposition
- Use of C-NS Athletic Complex Reserve Fund
- Voter Information

You may review the Budget Proposal 2014-2015 by clicking on the link below or view a copy of the budget proposal at the Town Clerks Office.



Annette Speech said they have anticipated another rough budget cycle; they have learned some things since last year. They started working on the budget in August, but a lot of the factors that they needed including the State Aid figure didn't come in until the last minute, so to speak. They feel it is really important now to get out there to educate taxpayers, to answer questions, and they do hope that people will exercise their right to vote on May 20th.

Supervisor Zambrano solicited any questions from the audience.

Ed Zaluski said they had given the example of a \$100,000 home for taxes. Isn't that kind of low?

Donald Keegan explained that they have to pick a number that's kind of a round number to do this. Most school districts use \$100,000 as a bench mark (you can do the math, if you have a \$200,000 home or a \$150,000 home you can just convert it to the amount that's applicable to you).

Annette Speech said she thinks it is a requirement for New York State that when they talk about the tax increase that they have to base it on a \$100,000 home. She thinks it was just a round number that got picked and then people have to adjust that for their own property value.

A resident in the audience said they had mentioned that they were going to be eliminating more teaching jobs this year, so why is there going to be an increase when every year they keep decreasing teaching and administrative positions. We've got so many superintendents in this district and yet they want to cancel the teachers that teach our kids.

Donald Keegan pointed out that the position cuts that they are making, the good news was that the vast majority of them were based on enrollment declines and caseload declines so they are trying to preserve class sizes and maintain quality education for the kids. Secondly, the cuts are really to offset rising costs; whether it be health care, retirement, fuel, energy costs, they are running a fairly large business, so they have rising costs that they had to offset the cost of that through reductions.

The resident commended Donald Keegan and Annette Speech for talking to the taxpayers. He had been to a couple of school board meetings and addressed two problems; at the school board meeting all they want to do is look at their computers and not listen to the taxpayers. Two years ago we turned down a school budget and a week or two later the school board ending up spending their contingency without another vote and that hurt a lot of taxpayers.

Donald Keegan said he thought it was about three years ago.

Someone in the audience asked how the contingency budget can be higher than the actual proposed budget.

Donald Keegan explained that the rules changed on that, the way the contingency budget works now is if the voters vote our budget down twice or say the budget got voted down now, the board could elect to go to a contingency budget so what that means is they can't raise the tax levy. He referenced the 2.24 percent increase or \$1,759,000.00 if the budget got voted down twice we couldn't increase the levy - the tax levy would stay the same and they would have to go ahead and cut another \$1,759,000.00. They are going to send to everybody's home a budget notice that explains that contingent budget.

Supervisor Zambrano asked Donald Keegan if between benefits and salaries that amount is about 77% of the budget.

Donald Keegan replied yes.

Supervisor Zambrano asked if it was because of the collective-bargaining contracts and other forces beyond their control that they don't have a lot of leeway in those amounts for benefits and salaries.

Annette Speech said that was true. All the contracts are negotiated and they have twelve different contracts, but she thinks they need to mention the fact that over the course of the last five years when they have had these budget issues the teachers stepped up as well as other bargaining units following suit after them, and they have given back \$6 million dollars' worth of salary and benefits changes - they took a freeze, they took no increase one year, and very minimal one percent raises after that and also made concessions with their health insurance to save the district a total of \$6 million dollars. We have to recognize the fact that we are all in this together and despite the contracts they have done things in the past to help us.

Supervisor Zambrano asked if they did have twelve different contracts and is the teachers' union the largest.

Annette Speech replied certainly. When you're in public education most of your employees are teachers because that is the business that they are in.

Supervisor Zambrano thought Annette Speech had said that the teachers stepped forward and took no increase one year, and asked what year was that?

Annette Speech said she would have to go back and look. Last year was zero, this year was one, next year they are ending up with a one percent based on the cost of living. Prior to three years ago, the year before that, they reopened their contract and took the raise that they were supposed to get and split it over two years, so that was actually five years ago and several of the other administrative units included followed suit and did the same thing.

Supervisor Zambrano asked if this was voluntary on their part.

Annette Speech replied absolutely. Because it's a contract they can't go back and ask to renegotiate a contract once it's settled; that would be considered improper practice, but they took it upon themselves to come forward and offer that to us.

Supervisor Zambrano said they had a 2.2% increase, is that their cap?

Donald Keegan replied yes, that is their tax cap; it is established by New York State Office of the State Comptroller is who they have to comply with that calculation and file that with them.

Supervisor Zambrano asked if it was correct that it was 2.24 percent, but they are actually increasing 1.5 percent.

Donald Keegan replied that the overall budget is increasing 1.5 percent.

Supervisor Zambrano asked if they would repeat the date of the vote.

Annette Speech stated that the budget vote is on May 20th. If you live north of 481 you vote at Cicero Elementary School, south of 481 you vote at the district office. If you are not sure if you are registered you can contact the district office.

Annette Speech gave their email addresses in case anyone has questions or you can reach either one of them by calling 218-2150, and her secretary will give you to the appropriate person. Please don't hesitate if you have additional questions to contact them.

Annette Speech: aspeech@nscsd.org

Donald Keegan: dkeegan@nscsd.org

Supervisor Zambrano asked if the flyer had been mailed out.

Donald Keegan said the District Dispatch, the budget newsletter, will be coming out within the next couple of weeks and they have a little fact sheet that they have been sending around at all of their presentations and they've also been distributing it in the community.

Supervisor Zambrano asked if all of this information is on their website.

Donald Keegan replied yes, including this presentation.

Supervisor Zambrano thanked Donald Keegan and Annette Speech and said she was glad this board was the first to host this presentation.

Annette Speech said they hoped to make this a tradition.

RESOLUTION TO ORDER ETHICS INVESTIGATION REGARDING ALLEGATIONS AGAINST THE TOWN SUPERVISOR AND FOR TOWN CLERK TO ADVERTISE FOR & REQUEST PROPOSALS FOR THE SERVICES OF AN INDEPENDENT ATTORNEY AND AN INDEPENDENT, CERTIFIED PUBLIC ACCOUNTANT TO PERFORM THE WORK REQUIRED BY THIS INVESTIGATION

Councilor Venesky – I just want to say that there is no joy in the words that I am about to say. On April 9th allegations were made that brought into question the integrity and the ethics of our supervisor. The decision was made after reviewing them that we would quickly and responsibly answer or move forward to dispel them and to clear and maintain the reputation of our town, here in Cicero. THEREFORE, I move for the adoption of a resolution to order an ethics investigation into the allegations that were brought before the Board at the April 9th Town Board meeting that may involve improper conduct, improper influence on, or conflicts of interest by the Town Supervisor, acting in her capacity as the Supervisor, or as a Councilor on the Town Board. I further move that the Town Clerk advertise for and request proposals for the services of an independent attorney and an independent certified public account to perform the work required by this investigation. With all proposals to be received by the Town Clerk no later than 4:00 p.m. on Friday, May 2nd, 2014. It is the intent of this board to have completed the selection of and the authorization for an independent representative and to have a set course of action to investigate the allegations by the next town board meeting. This resolution in no way limits or restricts the Town Board from any further action that it deems to be in the best interest of the town.

Councilor Becallo – I second and I call for a Roll Call vote.

Neil Germain, Town Attorney took the Roll Call vote:

Councilor Venesky:	Aye
Councilor Burtis:	Aye
Councilor Zambrano:	Abstain
Councilor Conway:	Aye
Councilor Becallo:	Aye

Neil Germain, Town Attorney – Resolution passes four (4), with one abstention.

Councilor Becallo - I agree the investigation needs to be done. This is also the type of matter that should be reviewed and analyzed by the State Comptroller. The State Comptroller has the expertise and the experience that the town is looking for. The State Comptroller has the inherent powers to subpoena, greater than any private law firm, attorney or accountant.

Deputy Supervisor Burtis – According to the Town of Cicero Employee Handbook dated January 1, 2014, that this Board adopted, we do have a Board of Ethics in the town of Cicero. But there are problems inherent with the Board of Ethics here in the town of Cicero; it's a five (5) position board, currently having (3) three members only. When we passed it in Jim Corl's administration, not this past Organizational Meeting, but Jim's meeting, around January 2013 - that was the last time that was voted on by a board. We appointed four (4) people and then intentionally left or did not have the ability to fill the other position (so it was voted on with one vacancy). Since that time, one of those terms has expired, so effectively we have (3) three people currently on our Board of Ethics, so we do have a board. The "not limited to" wording in there may mean that I would like to see it possibly go to the Board of Ethics but there are complications with that., therefore making us want to create other wording. These are serious allegations. We need help with a review in order for us as a Town Board to give an opinion as to what these charges are and we need to do it as quickly as possible, but without rushing things and do it as well as we can. These are serious allegations to a public servant. During this time, I don't as the Deputy Supervisor; I do not expect the Supervisor to step down. According to the Town Code Book we could have her step down, but at this time I don't believe that is the pleasure of this Board. So as we try to go forward we are looking for ways to address these – as you can hear, there are many different opinions. That is all I have to say.

Supervisor Zambrano - Any other comments?

Further comments – None

PERSONNEL MATTERS*Appoint Jacquelyn Kleist as a Recreation Attendant*

Deputy Supervisor Burtis moved the adoption of a resolution to appoint Jacquelyn Kleist as Recreation Attendant in the April Break Club Rec Program at a pay rate of \$8.00/hour effective April 21, 2014. Motion was seconded by Councilor Conway.

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

ASSESSMENT REVIEW BOARD*Appoint Deborah Gardner as an Alternate Member of the Assessment Review Board*

Supervisor Zambrano stated Jeri Stevens, Chairperson of the Assessment Review Board had contacted her last week and said she needed an alternate. The reason she needed a person to be appointed soon was because there was going to be a training held April 29th. Not having any other candidate, she did ask Deborah Gardner if she was still interested and she still was.

Supervisor Zambrano moved the adoption of a resolution to appoint Deborah Gardner, 7805 Vernon Road South, Cicero, as an alternate member of the Assessment Review Board, effective immediately. Motion was seconded by Deputy Supervisor Burtis.

Ayes - 2 and Noes- 3. *Councilor Becallo, Councilor Conway, and Councilor Venesky voting no.*

Motion denied.

CODE ENFORCEMENT

Award the 2014 Professional Services Contract for Brush, Grass, Rubbish and
Weed Control and Boarding-up Properties

Councilor Becallo stated where it says “2014 Professional Services” lawn mowing isn’t really considered a professional service, so if you could just change the wording on that.

Supervisor Zambrano asked Councilor Becallo what he would change it to.

Councilor Becallo replied “professional” services are attorneys, doctors, consultants; lawn mowing wouldn’t fall into that – it would just be “services.”

Councilor Becallo asked the board if that was okay.

The Board replied yes.

Councilor Becallo moved the adoption of a resolution to award the **2014 Services Contract** to AAA Quick Plows and Lawns to include Part 1, Part 2 & Part 3 as per the bid proposals summary Exhibit A (as shown below):

STATE OF NEW YORK

Onondaga County

Town of Cicero

SS:

The Cicero Town Board received Professional Services Proposals on April 9, 2014 at 11:00 a.m., at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY, from qualified contractors who submitted a priced proposal on Exhibit A for **all or any** of the following parts:

Part 1 Brush, Grass, Rubbish and Weed Control

Part 2 Board-Up (First Floor)

Part 3 Equipment Costs

The successful contractor will be requested by the Planning and Development Codes Enforcement) Department to cut, collect, remove and dispose of brush, grass, rubbish and weeds from properties and designated areas or to secure (board up first floor only) various structures located within the corporate limits of the Town of Cicero. The work shall be performed during

daylight hours in a good and workmanship manner approved by the Town and where applicable, the Onondaga County Department of Health and/or the State of New York within two (2) days of a request made by the Planning and Development (Codes Enforcement) Department. All collections shall be disposed of by the Contractor at its dumping place and at its own cost and expense.

<u>PROPOSAL FOR PROFESSIONAL SERVICES</u>	<u>AMOUNT</u>
Luke Lawn & Snow 4220 Rancho Park Dr. Liverpool, NY 13090	See attached EXHIBIT A
Dee's Property Maintenance, LLC 129 Ball Circle Syracuse, NY 13210	See attached EXHIBIT A
AAA Quick Plows & Lawns 8024 Bamm Hollow Rd. Clay, NY 13041	See attached EXHIBIT A
C. Mattes, Inc. 6351 South Bay Road Cicero, NY 13039	See attached EXHIBIT A

Proof of publication and posting dated March 30, 2014

AAA Quick
Plows & Lawns
Inc.

EXHIBIT A
Part-1

Brush, Grass, Rubbish & Weed Control
For The Town Of Cicero

	Description	Hourly Rate	Labor Hourly Rate	Total Price (Amount)
1.	Mowing and Removal of Cuttings	20	29.50	49.50
2.	Weeding and Removal of Cuttings	20	29.50	49.50
3.	Debris Removal	20	29.50	49.50
4.	Trim Brush or Shrubs & Removal of Cuttings	20	29.50	49.50
5.	Secure Fences	35	29.50	54.50
6.	Trimming & Tree Removal	30	29.50	59.50

** Removal to include any and all disposal costs.

Part-2
Board Up's
For The Town Of Cicero

	Description	Materials	Labor Hourly Rate	Unit Price (Amount)
1.	Board-up Buildings, (ground floor only)	may vary	29.50	179.50

Part-3
Equipment Costs
For The Town Of Cicero

	Description	Hourly Rate Equipment	Operator Hourly	Total Price (Amount)
1.	Dump type truck (8 cu yd)	N/A	N/A	N/A
2.	Dump type trunk (15 cu yd)	55	35	90
3.	Backhoe	55	35	90
4.	Payloader (3 cu yd)	55	35	90
5.	Brush hog	45	35	80
6.	Bulldozer	55	35	90
7.	Hand Tools (Mower/Chain saw/etc.)	10	29.50	39.50 per hr

C. Matles, Inc.

EXHIBIT A
Part-1

Brush, Grass, Rubbish & Weed Control
For the Town Of Cicero

	Description	Hourly Rate	Labor Hourly Rate	Total Price (Amount)
1.	Mowing and Removal of Cuttings	50 per hr	25 per hr	75.00 Hr
2.	Weeding and Removal of Cuttings	50 hr	25 hr	75.00 Hr
3.	Debris Removal	50 hr	25 hr	75.00 Hr
4.	Trim Brush or Shrubs & Removal of Cuttings	50 hr	25 hr	75.00 Hr
5.	Secure Fences	40 hr	40 hr	80.00 hr
6.	Trimming & Tree Removal	75	40	115.00

** Removal to include any and all disposal costs.

Part-2
Board Up's
For The Town Of Cicero

	Description	Materials	Labor Hourly Rate	Unit Price (Amount)
1.	Board up Buildings, (ground floor only)	60.00	45.00	105.00/hr

Part-3
Equipment Costs
For The Town Of Cicero

	Description	Hourly Rate Equipment	Operator Hourly	Total Price (Amount)
1.	Dump type truck (8 cu yd)	45.00	25.00	70.00
2.	Dump type trunk (15 cu yd)	65.00	25.00	90.00
3.	Backhoe	75.00	25.00	100.00
4.	Payloader (3 cu yd)	75.00	25.00	100.00
5.	Brush hog	100.00	35.00	135.00
6.	Bulldozer	100.00	35.00	135.00
7.	Hand Tools (Mower/Chain saw/etc.)	50.00	35.00	85.00

EXHIBIT A
Part-1

Brush, Grass, Rubbish & Weed Control
For the Town Of Cicero

Luke
Laws + Snow
Jeffrey Luke, Jr

Description	Hourly Rate	Labor Hourly Rate	Total Price (Amount)
1. Mowing and Removal of Cuttings	150	80	230
2. Weeding and Removal of Cuttings	150	80	230
3. Debris Removal	100	60	160
4. Trim Brush or Shrubs & Removal of Cuttings	125	80	205
5. Secure Fences	80	80	160
6. Trimming & Tree Removal	200	200	400

** Removal to include any and all disposal costs.

Part-2
Board Up's
For The Town Of Cicero

Description	Materials	Labor Hourly Rate	Unit Price (Amount)
1. Board-up Buildings, (ground floor only)	100	50	150

Part-3
Equipment Costs
For The Town Of Cicero

Description	Hourly Rate Equipment	Operator Hourly	Total Price (Amount)
1. Dump type truck (8 cu yd)	115	28	143
2. Dump type truck (15 cu yd)	115	28	143
3. Backhoe	135	40	175
4. Payloader (3 cu yd)	135	40	175
5. Brush hog	125	40	165
6. Bulldozer	125	35	160
7. Hand Tools (Mower/Chain saw/etc.)	100	50	150

EXHIBIT A
Part-1

Brush, Grass, Rubbish & Weed Control
For the Town Of Cicero

Deals Property
Main townare

Description	Hourly Rate	Labor Hourly Rate	Total Price (Amount)
1. Mowing and Removal of Cuttings	\$20-	\$22-	\$42-
2. Weeding and Removal of Cuttings	\$20-	\$22-	\$42-
3. Debris Removal	\$25-	\$25-	\$50-
4. Trim Brush or Shrubs & Removal of Cuttings	\$20-	\$22-	\$42-
5. Secure Fences	\$23-	\$22-	\$45-
6. Trimming & Tree Removal	\$25-	\$30-	\$55-

** Removal to include any and all disposal costs.

Part-2
Board Up's
For The Town Of Cicero

Description	Materials	Labor Hourly Rate	Unit Price (Amount)
1. Board-up Buildings, (ground floor only)	\$25	\$25	\$50

Part-3
Equipment Costs
For The Town Of Cicero

Description	Hourly Rate Equipment	Operator Hourly	Total Price (Amount)
1. Dump type truck (8 cu yd)	No Bid	No Bid	No Bid
2. Dump type truck (15 cu yd)	No Bid	No Bid	No Bid
3. Backhoe	No Bid	No Bid	No Bid
4. Payloader (3 cu yd)	No Bid	No Bid	No Bid
5. Brush hog	\$10-	\$22-	\$30-
6. Bulldozer	No Bid	No Bid	No Bid
7. Hand Tools (Mower/Chain saw/etc.)	\$10-	\$22-	\$

Motion was seconded by Councilor Conway.

Ayes - 5 and Noes- 0. Motion carried.

RELEASE OF SECURITIES

Bruce W. Letts, Town Engineer explained that there were monies in the amount of \$8,000 withheld for drainage improvements in Lyons Runne Section 2A. Those improvements were completed. They inspected them and they were surveyed and completed as according to the plans, therefore, they recommend that the securities be released.

Supervisor Zambrano solicited any questions.

Councilor Venesky told Bruce Letts he appreciates him doing this. One of the problems that we have here in the town and it's a *huge* issue - is drainage. In the past, he thinks that some of the things that have happened here is we've had past engineers, contractors and builders sign off on grading and sign off on these things and then years later we have issues as a town trying to pay for drainage reconciliations, for lack of a better word. He understands that we can't control what people do after it's been signed off and it's been looked at obviously, but he appreciates that Bruce has done due diligence with this and thanked him.

Councilor Venesky moved the adoption of a resolution allowing the Town to release the \$8,000 security deposit posted by T&L Homes for drainage improvements in the rear yard swale located behind Lot Nos. 3 through 7 in Lyons Runne Section 2A. The work performed has been surveyed and inspected and found to be complete. Reference account number is TL310 LS Lyons Runne Sec 2A. Motion was seconded by Councilor Conway.

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

HIGHWAY*Purchase Approvals*

Councilor Conway moved the adoption of a resolution to approve \$1,675.00 to Schneider Brothers for repair to truck dump box uprights, channels on gate attachments #49. Motion was seconded by Councilor Becallo.

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

Councilor Conway moved the adoption of a resolution to approve \$7,212.00 to Tracey Road Equipment for 2 month rental of 140 rubber pad excavator. Motion was seconded by Councilor Becallo.

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

PARKS AND RECREATION PURCHASE APPROVALS*Solicit Bids for 2014 Concession Service (Mobile Food Vendor)*

Councilor Becallo stated he had one question about the actual bid and read the following:

The Town of Cicero reserves the right to specify what products and/or brands of products the vendor will be required to vend and retains the rights to refuse any items that are proposed by the vendor.

Councilor Becallo commented that he doesn't feel that it is right for the Town of Cicero to specify products and/or brands a vendor can use – so if they could take that sentence out of it (as shown above), he would be okay.

Supervisor Zambrano asked Jody Rogers, Director of Parks & Recreation if she could speak to that.

Jody Rogers explained that she had already sent Councilor Becallo a message that day, when he had asked her about it, and it is legal. It is the Town of Cicero's contract and we have done it in the past. She gave an example using hot dogs (there's a certain brand of hot dogs that the majority of this community really likes to buy, its good quality and really nutritious compared to others and that is why they have that verbiage in there). We asked in the bid specifications for the vendor to supply us with a list, a menu list and product list. She did research this, which has been

requested of her in the past, and she spoke to the three very critical people and she also had the attorney take a look at it and there was no problem with any of the verbiage in it. From a vendor's standpoint, the City of Syracuse's vending contracts, as well as our own town attorney; she feels it is very acceptable.

Councilor Becallo feels that the Town says that they maintain the right to refuse any items that are... *the Town of Cicero maintains the right to set quality standards* – he's okay with "quality standards" there are different brands of products that are the same equal quality standards as each other. Just because it's right doesn't make it right. Just because it is legal doesn't make it right. So he says as long as we take out that sentence then he is okay with it.

Jody Rogers stated that as the Director of Parks & Recreation she says to leave it in because she wants the ability to have a quality on the town's behalf to approve things.

Councilor Becallo said the word "quality" already exists, if you take out "brands" then he will be okay with it.

Jody Rogers explained that she wanted "brands" and "quality" to remain in there; she has had it from a number of sources that is acceptable to be in there and it would not get any better - so if they don't want to bid it because we are putting that qualification in then we'll leave it.

Supervisor Zambrano solicited any further comments from the Board.

Councilor Venesky said he understands both sides. He thinks Councilor Becallo does have a point in us dictating to any vendor what brand of hot dog they are going to sell. He thinks our concern is the quality of the product and not necessarily pushing one brand over another; he's not quite sure that that's proper.

Supervisor Zambrano said she doesn't believe that there was an objective to push one brand over another, it's to object to a certain brand that may not meet the standard of the town, or in this case the Parks & Recreation department.

Supervisor Zambrano asked Deputy Supervisor Burtis if he had any comments.

Deputy Supervisor Burtis replied no and stated that's the way it has been prior. He honestly did not worry about those wordings.

Deputy Supervisor Burtis moved the adoption of a resolution allowing the Town of Cicero to solicit bids for the 2014 Concession Services – Mobile Food Vendor. Sealed Bids should be submitted to the Town Clerk, Town of Cicero, 8236 Brewerton Road, Cicero, NY 13039 for a public bid opening on Thursday, May 8, 2014 at 10:00 a.m. Motion was seconded by Supervisor Zambrano.

Ayes - 3 and Noes- 2. *Councilor Becallo and Councilor Venesky voting no.*

Councilor Becallo asked Tracy Cosilmon to note the reasons why – the Town has no right to dictate what product a vendor can or can't use.

Motion carried.

TOWN CLERK

Approval to Dispose of Two (2) Hewlett Packard Laserjet Printers

Councilor Becallo stated he had spoken with Tracy Cosilmon that morning and it was the Hewlett Packard Laserjet that was 13 years old, therefore, he would recommend that they declare that as no value, but the other Hewlett Packard Laserjet 1022 still has some value – it still works so if we could just keep it on hand here just in case we need it. He did ask Tracy to see if the people at the CanTeen, the Senior Center, as well as the Highway, and they had no use for that one, but if a printer breaks we do have the opportunity to use that one.

Councilor Becallo moved the adoption of a resolution to request approval to dispose of a Hewlett Packard Laserjet 1320 Printer. Motion was seconded by Deputy Supervisor Burtis.

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

STREET LIGHT INSTALLATION

(Intersection of Thompson Road and John Gray Drive)

Supervisor Zambrano explained that we had a request for a street light where no street light exists at the intersection of Thompson Road and John Gray Drive. It went to the Chief of Police, Joseph Snell as a recommendation and he thought it was a good idea. We also sent it to National Grid who opines on these matters and we have a letter stating that they recommended a 150 watt high pressure sodium street light on pole no. 319 to help illuminate the area at an estimated annual cost of \$161.90 and this goes on the Town's lighting bill.

Upon recommendation of National Grid and Police Chief Snell, Supervisor Zambrano moved the adoption of a resolution to install a 150 watt high pressure sodium street light at the intersection of Thompson Road and John Gray Drive at an estimated annual cost of \$161.90. Motion was seconded by Councilor Conway.

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

DISCUSSION ITEMS*Crabtree Lane*

Supervisor Zambrano explained that we have been expecting a report from the New York State Department of Transportation that says that they intend to close access to Route 31 from E. Crabtree Lane. We met with them about three weeks ago and at the time, they did a traffic study on Route 11 and there was a request for a traffic light at Sacred Heart across the street here and they did quite an extensive study including traffic volume, and accidents, etc., -the recommendation for the traffic light was not to put it in. They also looked at the surrounding area and E. Crabtree Lane being one of them, so they asked to meet with us and said because of the high traffic volume on Route 31, the whole intersection between the intersections of Rt. 31 and Rt. 11 through the Route 81 interchange that they wanted to close access from E. Crabtree Lane. She thinks that they are intending to do that but she has not yet received their report; she did ask for a report in writing to include their supporting documentation. She will share the report with the Board and they will probably post it on the website once she receives it.

Someone in the audience asked the Supervisor if she could explain that there are two (2) Crabtree Lanes.

Supervisor Zambrano explained that E. Crabtree Lane is right in front of Country Max and W. Crabtree Lane is on the other side of Route 11.

Carmel Runne

Supervisor Zambrano said Carmel Runne was on the agenda from a month ago to continue the public hearing and the reason we wanted to continue the public hearing was that we had asked the applicant for additional information and she just wanted to let everyone know that we have received no additional information and she believes that the applicant is still trying to decide whether to go forward with that.

Earth Day Participation

Tracy Cosilmon thanked everyone that participated in Earth Day; they had a beautiful day to do it. We did a lot of areas and we had a great turn out because of the weather. They did the four corner areas where the Route 81 on-ramp and off-ramp are and underneath the bridge. We also did over by Price Chopper due to the Gus Macker event that takes place in August. It was really nice to go through the next day and see all the areas that were cleaned up and that everyone took great pride in cleaning up an area. She extended a thank you to the Highway Department, the Parks & Recreation Department, the Town Board members and all of the Town employees and all the residents that participated. She thanked all of the organizations that participated and had signed up with OCRRA (Onondaga County Resource Recovery Agency), who did Williams Beach, and Lakeshore Road.

OCRRA did state on their website that in 2014, roughly 5,700 people volunteered and cleaned up trash from the roadsides, the streams and the public spaces. These amazing

efforts brought in over 85,000 pounds of trash. So it was very successful and every day should be Earth Day! If anyone has any questions about getting rid of their stuff they can go on OCRRA's website or they can call her office. We do have a metal pile in the back of the Town Hall and there are blue bins over by the Highway department.

Discussion on Adopt-A Road Program

Supervisor Zambrano asked Tracy Cosilmon if she had any requests for the Adopt- a-Cicero Road.

Tracy Cosilmon replied no, but thought it was a great idea.

Supervisor Zambrano asked Councilor Venesky if he had looked into it.

Councilor Venesky said no one else had approached him since the last meeting and he has not looked into it any further since the last meeting.

Supervisor Zambrano asked if he thought we could set up a program.

Councilor Venesky said absolutely.

Jody Rogers, Director of Parks & Recreation told Supervisor Zambrano that there was a program that was very simple with the State of New York; they use to have part of Route 11 that the Friends of the CanTeen had adopted it, but then they disbanded it when they moved away from Route 11 to the new site on Route 31; it's a very simple process, it's just an application that has to go to the state for approval.

Supervisor Zambrano said that was for Route 11 which is a state road, they are talking about Cicero roads and there is a county program too. We just need a little bit of standards, some kind of application form, some kind of acknowledgement by the board as to what organization is going to adopt a road, what stretch of road and then how many times they are committed to cleaning it a year.

PUBLIC INPUT

Robert George – I am Robert George and I am the one who made these allegations public at the last town board meeting. I use the word “public” because it was something that was generally known, whispered about, spoken of, but no one brought it up. I use the word “public” intentionally because I was the first one to make it known, what everybody else knew. You had the opportunity to do the right thing, the honorable thing and resign but you chose not to and now you are going to drag the Town of Cicero and it's taxpayers into an ugly investigation that will benefit nobody but your need to remain in power. Shame on you! Shame on you! Everybody here knows the truth including you. I said last time the unethical behavior that I alleged has only scratched the surface.

I'm prepared now to make further allegations, Jim Corl Sr. and Mark Mangicaro the Chairman and Vice-Chairman of the Cicero Republican Committee have threatened Town Board members over this vote. They have threatened their careers. They have threatened to besmirch their name or their good character in attempt to improperly influence Town Board members and to exercise their duties. Shame on you two for doing that! And your lies! Your lies will catch up with you! I think the Town Board should throw out everybody! Open up for bid a new town attorney, a new town engineer, they are part of the problem. Five or six people have controlled Cicero for too long. Jim Corl Sr. as Chairman of the Committee telling elected officials how to vote, what to say, whether to speak, is outrageous and it must stop! It's got to end! It can't go on anymore! It just can't! It's wrong! It's unethical! And I believe it's illegal!

Number two, Chairman of the Planning Board controls the Town of Cicero that you have allowed him to and when I say “you” I mean you Mrs. Zambrano. You were here in the

last term - you allowed it. The town engineers, your boyfriend worked for them. They shouldn't be town engineers; you should open up for bid for a new town engineer. The town attorney, how they don't know what's going on I can't understand. Either they know and they are complicit or they don't know and they are negligent. That's my opinion. I would strongly urge the Town Board to throw them all out, open up for bid and end the culture of corruption in the Town of Cicero that *everybody* knows about! Everybody! And just end it! Thank you.

Ed Zaluski asked if they had a list where they could sign up for taking care of the highway.

Supervisor Zambrano replied not yet, but they will have a list for him.

Deborah Gardner – My name is Deborah Gardner. I think this is a witch hunt and you all should be embarrassed. I have heard so many lies and half-truths thrown around, even tonight. First, if Mr. George just recently found out about the Zambrano/Wickman relationship as reported on Syracuse.com, he did not do his homework when he worked on Supervisor Zambrano's campaign. The relationship was not a secret. Next, the Cicero Democrats attempted to make this a political issue in one of their mailers last year. Where was the outrage then? Further, both Councilor's Venesky and Becallo ran on the same ticket as Supervisor Zambrano. Where they so blind as to not know of this relationship? Now, all of a sudden they think that there is an ethical problem?

I whole-heartedly support Supervisor Zambrano, who is my friend. This town has started to see things getting done. And now this board, which had an auspicious beginning, wants to drag the town back into the mud that we were in prior to 2010.

I am sure that those department heads who employ or have employed their spouses will also be subjected to this investigation. I state this because, according to the Organizational Meeting minutes of 2014, 2012, 2011 and 2010, Thomas Edick worked part-time in the tax receiver's office in those years. The 2014 and 2012 minutes specifically state that the scheduling is at the discretion of the tax receiver. Since it is my understanding that Tom Edick and Sharon Edick are married to each other, this should be added to the investigation. Perhaps the payroll records for the last 6 to 8 years can be examined to see if other department heads employed their spouses. You might also extend the investigation into junkets to Washington, DC and Albany at taxpayers' expense prior to 2010. And you might extend this investigation to find the cause of the greatly reduced legal fees that the town has paid since the Boyke administration. I am sure that there are other areas that warrant investigation also.

Councilor Venesky – I cannot speak for anything else that has happened prior to my coming onto this board. I will tell you this. I can't speak for the other board members; I can only speak for myself. Yes, we were aware of the relationship between Ms. Zambrano and Doug Wickman. I was aware of it. However, the way that that was portrayed to me is not the way that it is today, so based on that, with no malice towards our Supervisor at all, we felt that there was some merit to at least have these allegations investigated and cleared once and for all.

Supervisor Zambrano – Well just let me add my comment. There have been a number of issues. I have nothing to hide. I reacted on advice of counsel, in the best interest of the town and so I welcome this investigation. So let's move on.

Don Snyder –First thing, and I wasn't going to comment on this, but since it was just brought up I will, that's agenda item no. 6 the Assessment Review Board. Here again Ms. Zambrano what we had arguments for a number of years ago was that we should *not* just be appointing people; we should make the town taxpayers understand that there is a vacancy on a particular board and would you please put in an application for that position so you as a board could review the people and have the one that is most qualified to fit in that position. I just heard Ms. Gardner say how she is your friend and this was the only person you could think of that would in fact fit into this Assessment Review Board? That's not the way it works.

Supervisor Zambrano – Let me respond to that. I did not know that there was a vacancy. I was approached by the Chairperson of the Assessment Review Board. She had a potential candidate, she wasn't at all sure and I asked her to get the resume and a cover letter from this candidate and she did not think that was going to be possible so she asked me if I knew of anyone and my recollection was that Deborah had said if there ever was a vacancy then she would be interested. It was in the interest of time because we are going to start the appeals process for the assessment very soon (on May 3rd she thinks is the first date), and there is a training session so I asked Ms. Gardner if she was interested and she was, so I had her talk to Jeri Stevens and they got back to me and said that Deborah Gardner would like to be a candidate, so I was acting in response to the Chairperson of the Assessment Review Board, not because Deborah Gardner was my friend.

Don Snyder- Something was brought up at the last meeting and this is not directed at Mr. Richard Hooper, this is directed at the process through which he was hired. You indicated to me last time that he was able to be hired and that the Code Compliance certification would be something he could get within a year in order for him to hold his job. Now, what I have in front of me is the New Position Duty Statement for this position and it very clearly states under Special Requirements: *New York State Code Enforcement Certification*. It does *not* say that you have a year to get that. Had that statement been put on there saying "However, this requirement could be gained within a year from your hire, if you are hired" we would not have had two or three candidates; we would have had 10 or 15 candidates. And this is again what I am trying to say – the process that we have is flawed and if we have open government and we want open government then open government is what it should be and in fact, because we don't tell people what it really requires a lot of people, including myself, did not apply for this position. I would not have applied for this position, but I am qualified to do it. But here again, we say one thing and we do something else. If we meant that we could hire someone that did not have Code Compliant certification, which is what the statement says here, then we should have told everybody out in the public that that's what we'd accept. We just want honest answers.

Lynn Jennings –Good evening, my name is Lynn Jennings; I think most of you probably know me; I am a retired Councilor from the Town of Cicero – thank god! I just got a couple of items. First of all, when we talked about the Ethics Committee, I think you need to look into the fact that Chuck Abbey, I believe is a member of the Ethics Committee. He is also on the Planning Board. He is a paid employee of the Town according to the Town Manual. I do not believe the position of someone who is employed by this town should be on the Ethics Committee – that needs to be looked at.

Deputy Supervisor Burtis – Lynn I can answer that. In the little blue book it said we could go further but it said that the Board of Ethics could be made up with as few as three (3) people and that one of them could be an employee of the town. But I did state that I think that there are other issues with the Board of Ethics, so point well taken.

Lynn Jennings –Thank you. This one, I got to change the pace a little bit before we get into it, about two weeks ago, maybe three, I attended the Easter Egg Hunt at the Cicero American Legion. There were 450 children, their parents, siblings, everything! Fantastic layout! However, I did not see one individual from the Town Board. When I was liaison to Parks & Recreation I attended every function that I could at the CanTeen, at the Legion... if you want to do it you need to start taking an active interest, get yourself out there, don't just sit here. Go out to the public. You talk about the public, 450 kids, there were over a 1000 people in the Legion that day. Jody has worked and so has Julie, to set up the programs that are being run between the American Legion and the Parks & Rec.

The other thing that I won't get into since Chris is here today is the potholes. We know what Stephanie Miner is doing, I think we better start following suit; we take everything else from Salina and Clay so let's look at what the city is doing. Bellewood, over where I live, people only can travel one side of the street – up one side and down the other – you can't do it...holes, everything – it's unbelievable.

I know a few years ago when I was on the Board, in fact Jessica and I attended a meeting in Lysander; something that they do and I sat on this Board for 4 years and you know I

am outspoken - I've never held back. Public Input at the end of a meeting serves absolutely no purpose. You have an agenda, you vote on an item, if someone out here has a question than that should be moved to the front of the agenda. Call it what you want – they have two different times that they do it in Lysander. If someone didn't like Mrs. Gardner and what they were doing, if they didn't like the pothole issue, or whatever, than that needs to be looked at. Your agenda you gave us brings up a question prior to it being voted on. Once it is voted on all you have done is patronized the people in this town, I've seen it for 4 years. I've sat on this Board and I can tell you for a fact, I'm not agreeing with everything that I also saw in this article I read in this paper but there are problems within this Town Hall, with the Board, and the employees in this town being threatened and I for one will be willing to tell some of the tales that I know, that I've learned from 4 years.

Supervisor Zambrano – So Lynn, public input at the beginning, before the start of the agenda?

Lynn Jennings – Yes, on agenda items only. Like what they did in Lysander.

Supervisor Zambrano – Was it Clay? Well I like that too.

Lynn Jennings – Yes.

Deputy Supervisor Burtis – Has it ever been done here?

Lynn Jennings – Not to my knowledge.

Supervisor Zambrano asked Chris Woznica if he wanted to comment on the pothole issue.

Chris Woznica replied that they are out there every day doing them, it's just that the roads are falling apart and he has a very limited work force and Dave Christian his Foreman schedules the hot-box to go out two to three times a week; there's only so much you can do.

Supervisor Zambrano asked Chris Woznica if whenever she passes on a pothole complaint to him if it was taken care of and if he gets complaints about potholes and takes care of them directly.

Someone asked if there was a certain budget for potholes?

Chris Woznica replied that there is not. It just comes out of our Pavement budget.

Supervisor Zambrano stated that the Highway Department budget is \$4.6 million dollars, that's almost half of the entire Town budget.

Councilor Venesky said and just for clarification half of that is salary and benefits so we are really working with half that figure to maintain our equipment and our roads.

Supervisor Zambrano said she believes that the Highway department has been responsive to pothole complaints.

Chris Woznica exclaimed that they do the best they can – the roads are falling apart.

Supervisor Zambrano asked Chris what number the residents should call him at.

Chris Woznica replied 699-2745.

Judy Boyke – Good evening. I'm here to ask Councilor Burtis what he has found out since the last board meeting in regards to Syracuse Haulers?

Deputy Supervisor Burtis told Judy Boyke he did have the information. She had asked him about two bills...

Judy Boyke replied \$768 something and one for \$368 something, besides the \$149,000.

Deputy Supervisor Burtis replied he thought she had said a hundred and one.

Judy Boyke said the hundred and one was a different one.

Deputy Supervisor Burtis stated that he did go to Shirlie Stuart, our Comptroller and asked her to help him with the abstract that he was looking at. The amount is really \$386.45 and that's the cost, he has the invoices. The cost for trash service for the Town Hall and the Highway department; it's all broken down regarding commercial cardboard, recycling, it's bit by bit, but it totals \$386.45. The \$768.90 was the bills for January and February and that was not included in the proposal that we got from Syracuse Haulers was the answer that he received on that.

Judy Boyke asked Deputy Supervisor Burtis when they negotiated this contract, because this is the very first time that we have paid a separate bill to our trash haulers.

Deputy Supervisor Burtis explained that this is a new contract, they just negotiated that ..

Supervisor Zambrano said he was talking about Syracuse Haulers. The contract was negotiated last year to start in 2014.

Judy Boyke – But that's a separate part of our normal tax levied for trash hauling. I do not recall it ever being brought up at any town board. When was it brought up?

Deputy Supervisor Burtis replied that he did not believe it was.

Judy Boyke – So this was just another contract you guys negotiated on without bringing it to the public?

Supervisor Zambrano explained that monthly costs for less than \$1000, this goes into Building Maintenance so it doesn't need to be brought up.

Judy Boyke – I don't believe that's correct Jessica, only because it's a contract. It is a contract. We have several other trash haulers that would have bid on this contract. This went to that trash hauler that we are paying more for this year than we contracted for in the beginning. Our tax levy has gone up \$30 more – there is no explanation for that as well. Can you explain to me about the \$101,000 then?

Deputy Supervisor Burtis replied yes. He went to Shirlie Stuart again and this is the invoice for December of 2013, she said it was \$101,000 and it is the payable for December and then the \$101,000 was the amount that we had for that payment.

Judy Boyke – That doesn't make sense. Our bill was \$139,000 a month. So you were short the tax levy because you paid \$7,000 more a month than we were supposed to in the first place. Is that why we were short?

Deputy Supervisor Burtis said he was not sure of that number, but he knows that we were paying more.

Judy Boyke – Yes, we were.

Judy Boyke – Now going onto Carmel Runne, when we had the public hearing the Town Board stated that they were recommending that it be, through the public hearing, that we change the zone. When it was proposed at the Planning Board meeting it did so state that the Planning Board did recommend that the Pardee property be part of this zone change; it so states this right in the Planning Board minutes. So when I asked the question and you said that they did not apply, it was obvious that they did not apply. It was obvious that they didn't have to apply because it was already a consideration that was proposed

by the Planning Board. I wanted to make that statement. Please check the Planning Board minutes.

Supervisor Zambrano said she didn't think that was correct and asked Neil Germain to help her out with this. When it came to the Town Board there was no application for the Pardee parcel and she did seek legal counsel about that and they said you cannot act on something of which there is no application despite what the Planning Board said; we are not bound by the Planning Board.

Neil Germain stated that was correct. It was a suggestion of the Planning Board when they looked there was a similar situated parcel and the Planning Board made the suggestion that it be at some point subject to the same exact type of zone change, it would seem appropriate, but they are not bound by that. There was no application made to change the Pardee parcel or the similarly situated parcels in that area.

Deputy Supervisor Burtis explained additionally that they didn't know the size of the property, they didn't know what the acreage was, we didn't have a tax map number, we didn't have a description, so there were a lot of legal reasons why the Board couldn't consider it at that point and time.

Judy Boyke – Please read the Planning Board minutes.

Judy Boyke – In regards to the Assessment Review Board, I am a Realtor and I would like to, I will make formal application, but I am going to apply for that position. I feel that I would be a compliment to that board as an alternate and obviously it would be soon enough for the training if that was at all possible.

Judy Boyke – Lastly, your agreement with the Assessor it was agreed upon that on March 14, 2012 that you had a contract for the Assessor in the Town of Cicero, that contract expired; the agreement shall remain in effect until March 14, 2014, therefore if you have been paying the Assessor he doesn't have a contract for the Town.

Tim Kelly – I live in North Syracuse, but am still a resident of this town. Out of respect to everyone in this room I am going to make this brief. I feel that the signage laws in the town of Cicero are draconian, unconstitutional and restrictive to small businesses. As a small business owner I personally stopped putting up or going forward with putting up a sign after reading the law because I am worried and I feel that it is restrictive to small business. You state in there, Section L. *Enforcement - The Code Enforcement Officer is authorized to remove any sign erected in violation of this chapter.* I understand following the rules. I understand getting permits for signs. What I am talking about is if I have a sale on something or if any other business in the town of Cicero puts up a sandwich board sign in front of their shop your Code Enforcement Officer has a right at any time to go and confiscate that and remove it; that is restrictive to small business in this community and that is all I have to say about that.

Supervisor Zambrano asked Richard Hooper, Director of Planning & Zoning if he wanted to comment on signs.

Richard Hooper stated that they are just following the code and the code was written.

James Meyers, Police Investigator said the rules; Amendment L was passed in July of 2013.

Richard Hooper said all they are doing is following the Codes that are in the place from 2001, amended 2013. Like a police officer, we are doing our job. The laws are there, we are enforcing the laws. The laws, I have expressed concern to the Board saying that we need to take a look at temporary signage in whole, maybe eliminate it so that we don't have these issues with businesses, but for now we are just following the code/following the law.

Councilor Becallo – So you're making a suggestion that we change those laws?

Richard Hooper - I would like them to be reviewed, yes.

Councilor Becallo – Then I will make a motion to make a complete memorandum on those laws until we look for further notice and we look on those laws.

Councilor Venesky – I'll second it.

Supervisor Zambrano – I'm not sure I understand you.

Councilor Becallo – If we have complaints from the public....(Mr. Rizzo went to the microphone to speak).

Mr. Rizzo – My name is Mr. Rizzo and I believe I talked to Jessica about a month or two ago. What happened was on a snow day I caught two employees that work for the Town of Cicero stealing my signs, trespassing, they did not give me no notice and I caught it right on Route 11. I won't mention a name (but he was let go for some unknown reason, one of them), and I asked the gentlemen what are you doing with all those signs? I have \$400.00 A-Frame signs in the back of your pick-up truck! And one gentlemen said, "Well, Gary why don't you get a permit?" I'm not allowed to have a permit because of my location. They give me a bogus excuse – *If you're too close to the road. Your footage...* but yet, I see A-frame signs 6 inches from the road, blowing into the road, motorcycles are going to hit them and I told the Town this. But it seems like for small business we are being picked on around here. And I got a citation here and maybe you could explain it to me - *No vehicle signs*. So in other words I was told that I can't have a sign on my vehicle, so what am I being told? I cannot park where I work because I have sign saying my business on it? What are you going to do if U-Haul comes in here and they've got billboards all over their trucks? That's the type of signs you outlawed and you're making new laws and he says he's going by the laws? Who's making these laws? I heard that this law was changed; I think it was in June or July about the signs on trucks and trailers. I'd like to know who did that. And I'd like to know why I get a citation saying that I can be arrested and I've got it right here or imprisonment. Right here, I've got it from you people here. Well I don't take it too lightly being threatened like that when I'm a law abiding citizen. Well who the hell do you think you are? I'll tell you that right now.

Supervisor Zambrano – There was a change....

Mr. Rizzo – Your changing the laws as you go! As you go! And we don't know this! We don't know this! These people out here put a sign...and the next thing you know you're confiscating, you're stealing, you're trespassing, you don't tell us about this and that's wrong! And what I heard tonight, just from my first meeting here – I'm disgusted what I heard tonight, I'll tell you that! What's going on here? You need to change these, I'll tell you that. And as for potholes these gentlemen right here (Highway employees) do an excellent job and they do an excellent plowing job – thank you very much.

Councilor Becallo – Again, I'd like to make a motion to put a complete memorandum on the Cicero sign laws until we look at those laws and...

Someone in the room corrected Councilor Becallo and said it was a "moratorium", not a "memorandum".

Councilor Becallo – A moratorium. Thank you. A Complete moratorium on these laws until we look further at them. Do I have a second?

Mr. Rizzo – I'm sorry, one more further note, somebody was supposed to call me from your office (Supervisor's Office) and never did.

Councilor Venesky – I'll second that motion.

Robert George -Before you do that let me comment also... Are you going to allow me to talk on it yes or no?

Supervisor Zambrano - We have a motion on the floor Mr. George would you please sit down? Would you please sit down? We have a motion on the floor.

Deputy Supervisor Burtis – Could I have a little discussion please?

Supervisor Zambrano – Yes.

Deputy Supervisor Burtis – Could we just...what about the time frame? Could we put a time frame on it? I just don't want an open moratorium. What time frame are we going to say that we are going to work on this?

Councilor Becallo – It's up to us.

Deputy Supervisor Burtis – Right. I just don't like the openness of it. In other words it won't come up again.

Councilor Venesky – I will say this, and I agree that there needs to be a time frame. I ran with a pro-business stance in the town of Cicero and I believe that this board is pro-business. If we are hampering business and industry in this town unnecessarily, then I support Mr. Becallo's concern and share that concern. We have a lot on our plate right now folks, but if we want to move forward with that would you say that possibly the end of May, the 28th that we have taken a look at that and reviewed those ordinances or what would you agree to? Do you want to go longer?

(Someone in the audience said yes)

Councilor Venesky – You want to go longer? Okay, that's fine. Why don't we call it the 25th of June if that works for you or if you want to push that out further that's fine.

Deputy Supervisor Burtis – Mr. Becallo if we just put some framing in it we could always ask for more time, but just so that we could put that on there. Is that alright?

Councilor Venesky – Is that enough time do we think as a board?

Deputy Supervisor Burtis – Given what we are going through.

Supervisor Zambrano – I'd like to say something. We have had sign laws in the books, the Code Book, for a number of years. It was updated last summer and when we have changes in local laws it is publicized; it's publicized on our website, it's publicized with ads in the paper that we are going to be having public hearings on local laws. So we make every effort to inform people that local law Signs were made to try to improve the appearance of the town and I do not believe that anyone is being targeted. I just do not believe that, and certainly we are not targeting small business, but small business people also have got to realize that we have codes and everyone must abide by them. So I just want to throw that out there because I understand that people are upset, but I also understand when people have citations that there have been a number of discussions and we have documentation of that. I have spoken about this with Mr. Hooper and the other Code Enforcement Officers and they have that documentation.

Supervisor Zambrano - We have a motion on the floor...

Supervisor Zambrano solicited any further comments.

Councilor Becallo – What was the time frame?

Councilor Venesky – We are looking at the end of June, the 25th (the June 25th Board Meeting). Are we okay with that?

Deputy Supervisor Burtis – Yes, and if we need more time we should bring it up then.

Councilor Venesky – Tracy, we will put it on the agenda for then please.

Supervisor Zambrano – Councilor Becallo would you please repeat your resolution.

Councilor Becallo – I’ll make sure I get the wording right this time. I apologize for that.

Moratorium on Signs

Councilor Becallo – I’d like to put a complete moratorium on the Town of Cicero’s Sign laws until June 25th, 2014, with the intent of the Board looking at those laws. Motion was seconded by Councilor Venesky.

Ayes - 4 and Noes- 1. *Motion carried.* Supervisor Zambrano voting no.

Mr. Rizzo – My question is...probably for safety concerns, not distraction on the side of the road or anything like that, I’m sure that’s one of the purposes, and I’ve had a lot of people bring up to me about when you people are running for Town Board - you have signs all over the roads, you have them close to the roads and that’s okay because you make a law you can do that. So I really don’t want to hear that our signs distract people, because *your* signs distract people...we want to see who you are, what your running for, what you’re doing, what you’re doing against, but some people look at those signs and I think they get road rage too on top of that. But, maybe I would like to request... you’ve got these big banners hanging on your telephone poles out here, all up and down, *Welcome to Cicero* with business names on them. Okay, I just wondered how do you that and what’s the difference, I mean it’s right on the road.

Supervisor Zambrano – It’s on a telephone pole and the businesses with names on them I think are purchased, Tracy right?

Tracy Cosilmon – We coordinated that with our 200th Anniversary celebration with the Cicero Chamber of Commerce and I’m sure if you were interested in getting a banner if you approached the Cicero Chamber of Commerce, I’m sure it is John Annable that you could contact. I’m sure that you could purchase the banner and put one up, definitely.

Mr. Rizzo – Thank you for your time.

Robert George – Regarding the sign issue. I want to put on the record some significant problems with it.

1. It is total prohibition - How about figure out some common sense regulations that will allow it, but regulate it, instead of prohibiting it all together.
2. Violating commercial property owners for the conduct of a tenant – that’s outrageous! Normally speaking a tenant has lease-hold rights to that premises. The commercial property owner can’t really influence what they do or don’t do, yet for some reason these laws make them equally liable (the commercial property owner) as a tenant. That’s just wrong. I mean if you know anything about Landlord/Tenant law, I can’t walk in as a landlord until a tenant x,y,z you can tell me to get out. And to make me liable for his conduct of a third party...that’s wrong.

Regarding Section L, that’s outrageous we are a government, we are a free country. For the Town to give itself the authority to literally “self-help” and say “I the Town am giving myself the authority to trespass on your private property and steal your private sign and tough luck”, then in my opinion that’s unconstitutional. The procedure should be:

- If I violate the law – cite me
- If want to give me a warning – feel free
- If you want to hit me with a violation – I even have the right to come into court and defend myself in front of the judge (an independent third-party administrator, not the Town deciding that they are going to self-enforce their own law – that’s equivalent of you thinking I have an illegal faucet in my kitchen and coming and taking it)

Supervisor Zambrano – Well I believe that is a process...

Robert George – No. No...

Mr. Rizzo – You took my signs!

Robert George – And not just his...a whole lot of signs.

Mr. Rizzo – And there was a bunch of them in that truck.

Robert George – For the last month. If you are unaware of that then you should look into that.

Mr. Rizzo – I told you that right in your office.

Supervisor Zambrano – I do believe that's within the.....

Robert George – And these are all new laws filed last year, secretly. Stealth laws, hidden in the dark at night like with the Obama Care – you'll find out after it was passed. I can't believe Vern Conway voted knowing this was there. I don't believe it....I don't believe it.

Supervisor Zambrano – There's no stealth....

Robert George – I'm just mentioning this so when you guys review the laws, what the problems are. There's also a provision of six (6) months incarceration for violating Code Enforcement laws. That's ridiculous! Six months incarceration? That should be looked at, that is too harsh! It's a violation of 1st Amendment rights. I have a Pro-Life sign in my front lawn and I have a Pro-2nd Amendment sign in my front lawn. My 1st Amendment right to express my opinion – it trumps Town law, it just does. So someone coming on and taking my private sign about pro-life – that's a problem. The last one is *Constitutional Due Process of Law* – you're denied your constitutional rights to say “no” this law is wrong, it's being unfairly applied, or its overbroad, when you do self-help measures of just taking it. And I think those issues in specific need to be reviewed and there's actually, probably, a whole lot more than just that but I'm hitting the big ones. Thank you.

David Collins – My name is David Collins. I'm pretty quiet. I've seen quite a few of you. I have observed quite a bit here and I want to know one thing, how do you feel about these people here?

Supervisor Zambrano – They are the residents and they are entitled to their opinion.

David Collins – Do you remember a conversation we had?

Supervisor Zambrano – You and me?

David Collins – Yes, you and I right out front.

Supervisor Zambrano – I don't recall what you're referring to...

David Collins – Well I'll refresh your memory here. I'll refresh your memory. We had a conversation about Lynn being here talking to people and I asked you:

I said “Hey you need to go in there and get your buddy” and
you said “Why, he's in there and he'll never come out” and
I said “Well, that's because he's talking to people”
then I asked you “Do you talk to people?”
you said “Yes”
I said “I don't mean just your friends, I mean people” and
you said “I don't. It's a waste of time.”

David Collins - So is it a waste of time now? That's all I want to know, is it a waste of time now?

Supervisor Zambrano - I don't believe I said it was a waste of time...

David Collins – Yes, you did. So, is it a waste of time to talk to these people?

Supervisor Zambrano – No, of course not. You know we have public input for a reason.

David Collins – And as far as ethics, if you are found guilty and you said that he (the Town attorney) told you it was okay, he should be investigated also. And also, I have worked with all law enforcement, matter of fact I am prior law enforcement, retired military. I've worked with everything up to the president, matter of fact two of your presidents. I sit back and I observe and I will always observe and I will speak later.

Supervisor Zambrano – Would anyone else like to address the Board?

Debbie Borza – My name is Debbie Borza, I live on Lincoln Ave and we have a problem with the speed bumps in the back of WalMart. We don't get to sleep at night, everybody else might but we don't now; they come all hours of the night and we don't get to sleep. They rattle our houses. Is there something against that? Is there something that we can do? We're taxpayers too. We asked last year and nothing got done; they said they were going to check into it and nothing got done.

Supervisor Zambrano said they have had a number of complaints from the...

Debbie Borza – You're going to get a lot more, a lot more.

Richard Hooper – I had the pleasure of meeting the Manager of WalMart today and I told her we had numerous complaints. We had complaints from late 2013, we had a complaint on the 16th of this month, the 23rd of this month, I think a total of 7 complaints from your neighborhood. What she (the Manager) said she would do is she would immediately contact the distribution centers; there's one in Marcy and there's one in Johnstown NY. The Manager will ask the distribution center to advise the dispatchers to have the trucks enter on the north side instead of the south side behind WalMart (that's where the speed bumps are). She then further, an hour later, called me back and said she spoke to corporate and they are going to remove most of the speed bumps in the back. But the trucks are going to now come (as she told me) from the north and go around to the back where the loading docks are on the east side, so let's hope she does it. All the deliveries are made up until 7 o'clock at night, there's one delivery of produce 3 o'clock in the morning, every day, except Tuesday.

Debbie Borza – It's all hours of the night.

Supervisor Zambrano told Debbie Borza to keep them posted.

Gary Repko – At the last board meeting I asked and I was told that it would be looked into, the MS4 certification from the DEC (Department of Environmental Conservation), what was the answer on that?

Supervisor Zambrano - The MS4 certification allows a uncertified position to be appointed to the position, and we named Richard Hooper as the administrator. He can call on a professional licensed engineer or a person certified in looking at drainage.

Gary Repko – Why did I have to spend a bunch of time taking the course to be certified to have that done and nobody else has to? Apparently, it's again a situation; it's be damned if you do and damned if you don't.

Supervisor Zambrano – It's not a requirement that the person that we appoint as the administrator be certified...

Gary Repko – Apparently nothing is a requirement.

Supervisor Zambrano - That's written in our code. So, I don't know who required you to take it but it is not requirement.

Gary Repko – Also, Code Enforcement #7 – AAA Quick Plows & Lawns, I have a question - do they have the equipment that is required to pick the trees or the branches or whatever up and to be put into the truck, or are they going to be done manually, as done over the past couple of years? Do they have the proper equipment to do it or are we just picking them because we are picking them? Because the Highway department has the proper equipment, Mattes has the proper equipment, Altman did not and does this company right here have...

Supervisor Zambrano - Are you talking about the mowing service?

Gary Repko – No. No. The brush.

Supervisor Zambrano – They have a grapple truck.

Gary Repko – They do? Hopefully, I'll see it out there.

Gary Repko – On the concession service, who is the one that considers the quality and is the deciding factor on the quality? I mean there are 80 billion products out there and everybody is going to say that they are the top quality, who is the designated person on that, on the deciding factor?

Supervisor Zambrano – It would probably be Jody Rogers.

Gary Repko - Well, she might have a different taste than I do or you do, so what she might like might not be what the consumer likes.

Deputy Supervisor Burtis – Well she's in charge of the parks, somebody's got to do it.

Gary Repko – Well they better.

Lynn Jennings – I can't believe how much fun I'm really missing by not being on this board. I do want to make a comment. I didn't say that they weren't doing a good job in the pothole division or snowplowing because they do an excellent job, if they didn't I don't believe my wife would continue to deliver cookies to the Highway department and the Police department and to the Town Hall. You have excellent employees within this town hall. You have elected officials that need to be treated two ways: as excellent employees and above all, as are you, they are elected officials and should be treated as such. Thank you.

Councilor Venesky – I have just one more thing, on a lighter note, today is Administrative Professionals Day and we wanted to take a moment and recognize, in my opinion/in our opinion the excellent job that our administrative and support people do here for us in the town of Cicero, in this building and I'd like to recognize one of the hardest working, highest-energy, most professional Town Clerk that I think any town in the state of New York could have and her attention to detail is second to none.

ADJOURNMENT

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

Motion was seconded by Deputy Supervisor Burtis.

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

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

Tracy M. Cosilmon
Town Clerk