

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, February 11, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jessica Zambrano, Supervisor
Mike Becallo, Councilor
Dick Cushman, Councilor
Mark Venesky, Councilor

Others Present: Christopher Woznica, Highway
Joseph Snell, Police Chief
Jody Rogers, Director of Parks and Recreation
Robert Germain, Germain & Germain, Town Attorney
Mark Parrish, O'Brien & Gere, Town Engineer
Don Snyder, Building Advisory Committee
Tracy M. Cosilmon, Town Clerk

Absent: C. Vernon, Conway, Councilor

Supervisor Zambrano opened the meeting at 6:30 p.m. with the Pledge of Allegiance.

Councilor Venesky requested a moment of silence in remembrance of those who cannot be with us and for the men and women who are serving our country.

Supervisor Zambrano indicated where the fire exits were in the event of an emergency and requested that all electronic devices such as cell phones be silenced so that the meeting was not unnecessarily disturbed. She also asked the audience to keep chatter to a minimum so as not disturb the others.

Supervisor Zambrano read the following statement:

The Town acknowledges the importance of full public participation in all meetings and hearings; we therefore urge all who wish to address the board to utilize the microphone at the front of the room. If anyone is unable to hear, let us know and hopefully we can make the appropriate adjustments.

Town Board Meeting Minutes:

Councilor Cushman moved the adoption of a resolution to approve the minutes from the Regular Town Board Meeting and the Special Town Board Meeting both held on January 28th, 2015. Motion was seconded by Councilor Venesky.

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

Approval of Abstract Numbers 5 and 6:

Councilor Cushman moved the adoption of a resolution to approve Abstract Numbers 5 and 6 as presented. Motion was seconded by Councilor Venesky.

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

Abstracts can be viewed on the Town's website: www.ciceronewyork.net

Budget Modifications/Amendments:

There were no budget modifications/amendments.

Personnel Matters:

Councilor Becallo moved the adoption of a resolution to approve the appointment of Tom Stimson to fill the vacant position on the Parks and Recreation Commission, as recommended by the Parks & Recreation Commission, effective February 15, 2015 through December 31, 2018. Motion was seconded by Councilor Cushman.

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

Emergency Purchase Approval:

Supervisor Zambrano said there has been a problem with ice build-up on the police building, and more particularly on the highway building. She explained that there had been a situation the day before where it was getting pretty dangerous; several people looked at it and decided that we needed to have some intervention, so on an emergency basis we called Josall Roofing to come out and to get rid of the ice.

Supervisor Zambrano moved for the adoption of a resolution that we approve an expenditure of \$1,275.00 to Josall Roofing for the emergency removal of snow and ice from the highway garage and police building. Motion was seconded by Councilor Venesky.

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

Planning Board Retainer Agreement for Engineering Services:

Councilor Cushman moved the adoption of a resolution to approve the Planning Board Agreement with O'Brien & Gere for the period of January 1, 2015, through December 31, 2015, at an annual rate of \$3,500.00 to be paid in monthly installments of \$291.67 in accordance January 1, 2015, through December 31, 2015, at an annual rate of \$3,500.00 to be paid monthly installments of \$291.67 in accordance with the Professional Master Services Agreement between the Town of Cicero and O'Brien & Gere to authorize the Supervisor to sign the agreement. Motion was seconded by Councilor Venesky.

Ayes – 3 and Noes – 1. *Motion carried. Councilor Becallo stated he was opposed because it breeds conflict of interest.*

Set Public Hearing Date:

Supervisor Zambrano said the public hearing has to do with drainage issues and asked Mark Parrish to speak on it.

Mark Parrish said the Contemporary Home Suites project off Orangeport Road recently received site plan approval from the Planning Board, and as part of the project they are proposing to modify an existing detention basin that's within an easement of the Town, and also extend a Town storm sewer as part of the project. There's also a little bit of additional easement that they would be conveying for these modifications for the storm sewer addition so they prepared a petition plan for the Town to consider the acquisition of those facilities after they construct them, so we need to have a public hearing on that. They will address the specifics at that time and they are also going to request approval of contract drawings for the facilities.

Mark Parrish said at this point all they are doing is calling for a public hearing and the next time the applicant would be here to present the project and answer any questions the Board or the public may have.

Supervisor Zambrano asked if anyone had any questions for Mr. Parrish, in which there were none.

Supervisor Zambrano moved the adoption of a resolution to set a Public Hearing for February 25, 2015 at 6:30 p.m. to consider acceptance of the Petition Plan for the Oneida River, Oneida Lake, and Chittenango Creek Drainage Improvement, Contemporary Home Suites. Motion was seconded by Councilor Venesky.

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

Clerk's Office:

Councilor Becallo moved the adoption of a resolution to approve the annual Software Support/Maintenance Agreement with Business Automation Services, Inc. for the Town Clerk's Office at an annual expenditure of \$1,290.00. Motion was seconded by Supervisor Zambrano.

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

Highway Department:

Councilor Venesky moved the adoption of a resolution to approve \$7,000.00 to Oswego Tool & Steel for the purchase of (20) rubber cutting edge plow blades. Motion was seconded by Councilor Becallo.

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

Parks and Recreation Department:

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

- A three (3) year Cemetery Mowing Contract for the years 2015, 2016, and 2017, with AAA Quick Plows and Lawns, Inc. at an annual rate of \$10,205.00.
- \$2,000.00 to Hahn Septic for Septic pumping and hauling Central Park for the full season and one time septic clean out Skyway Park
- \$1,000.00 to Onondaga County Water Environmental Protection for disposal of gray water/grease from Central and Skyway Park

Motion was seconded by Supervisor Zambrano.

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

Planning and Zoning Department:

Councilor Venesky moved the adoption of a resolution to approve an expenditure of \$1,083.00 to allow three (3) Codes Enforcement Officers at \$360.00 per officer, to attend mandatory in-service training scheduled for March 31 – April 3, 2015. The training will be held locally. Motion was seconded by Supervisor Zambrano.

Supervisor Zambrano said they are having one person go to Lake Placid because this is a four day training session and they need someone in the office so that office is not closed.

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

Building Advisory Committee Update: Bob Smith and Don Snyder

Don Snyder: My partner in crime, Bob Smith, is finishing another meeting so we'll do the best we can. As we spoke to you two weeks ago, a couple of us looked at the highway barn (enough times where we are getting pretty tired of looking at the highway barn). We wished we could today tell you we have the exact solution for the ice problem, but we do not. We have a solution that we are still dealing with. Don Bloss has been dealing with a vendor from Long Island, trying to explain what it is we are trying to do and then trying to get his product to work with ours, but we haven't gotten an answer on that yet. But there's no question that the ice is a major problem and one of the many reasons that we will ultimately give you for why we ought not to be in the

current highway, fifty-year old barn. What we've done, very quickly, and the reason we haven't handed this paper to you yet is because it is still in the draft position. But, just to give you an idea of the things that we have looked at in the highway garage that need to be looked at, estimated, and we hope to give you estimates within the order of magnitude of what it would cost to make the highway barn up to code and acceptable, but the building is still fifty-years old. Chris still cannot get his people to park all the vehicles that he needs to have parked in there in the garage, and they still have an office situation, which is ridiculous, and of course their locker rooms. Just quickly go through these:

- Roof leaks,
- roof edge ice problem,
- poor insulation,
- mold on the insulation,
- GFI (ground fault interrupter) outlet protection,

and we did find that Tracy did already have what we were most concerned about with the GFIs already taken care of before we even had our tour.

Councilor Becallo asked if there are still concerns with that.

Don Snyder said there were still concerns. He said Richard Hooper went and had a couple of inspections done, but he hasn't got that report yet, but he would probably get it the next day. He added that the report would say other things that he is sure will show up in the GFI nature, or maybe some other things that relate to electric.

Councilor Becallo said if the building committee finds things that need to be addressed immediately what we should, even before the report comes out, we should...

Supervisor Zambrano said as things come up they are trying to do that. They addressed the ice yesterday and they are trying to address the GFI situation. She said she knew that one electrician had come.

Don Snyder said an electrician was supposed to be here Thursday but was supposedly rescheduled to Friday, and then another one was supposed to be here today, but he had not talked to Richard Hooper so he didn't know if those were done.

Tracy Cosilmon said the electrician was here.

Councilor Cushman said he thought that Councilor Becallo was referring to the safety items.

Supervisor Zambrano said that this is a safety item.

Don Snyder - The trouble is that every one of these things that we have got listed, not can be construed, but are in essence a safety issue, even the fact that our vehicles can't park in the garage, or those that park in the garage are way too close. So that's why we are really concerned about what it is we are finding:

- Building exhaust system,
- the truck exhaust system,
- the trench drain,
- truck storage heating,
- water/oil separator,
- block knee-wall repair,
- siding repair/replacement,
- electric service,
- truck space separation,
- fire proof space for oil and grease storage,
- lack of proper office space,
- poor locker room and rest room space,
- poor map and record storage and review space,

and if we did all of those things we would still end up with a building that doesn't meet our needs. Keep in mind that the building was built 50 years ago. Fifty-years ago energy was cheap. We built these kinds of buildings because they were quick to put up; they were relatively easy to build, and the insulation that they put in never meant to do any real work. You are talking about 3 inches of insulation that you put over the purlins (which are the pieces that go between the main structure), then you put a metal roof on it and screw it down nice and tight so there really is no

insulation everywhere there is a purlin. The other thing we did, we went through the Chief's space (the police building), and you'll see what I said here is that the police space, it's very evident that it evolved and not through any plan. It evolved through the Chief getting a couple of square feet in the highway building, and then getting another piece of facility, and then getting another piece of facility - so it is a maze, there's no question about it. But luckily for us, the police department has a "can do" attitude and they are doing okay with it, except it bothered the Chief just a little bit when his investigator couldn't use his office because there was a lot of water pouring in. Here again, Tracy got right at it, she didn't call anyone initially, she went over there with a wet/dry pick-up and cleaned it up; she is so conscious with her budget that she knows that every time she calls somebody that it costs money, therefore she does it. What we did with the police department, so that you would have information in the future, is we went down and we did what we call a space study (a space review) of the kinds of spaces that a police department needs to have to have a fully functioning police department and that document will be available for you when we get done. Chief has looked at it and made a few minor changes and he did a great job. We know that without a doubt that a police facility is going to be required for five years plus, so if we've got to fix the roof - than we've got to fix the roof. Do we spend a lot of money on the roof? We don't know. We have got to wait to get the snow and ice off of it before you can really see what that's going to cost. But again, it's a residential building that we are using as a commercial building so there really isn't any security in his facility, because their windows there are like ours. So anyways, we did the review of the police. We also did a review, and mainly we did this because Jody's foreman was getting ready to go out on disability for shoulder repair so we went through the space in what we call the pole barn which is where Parks & Recs has storage of their equipment, also the repair of their equipment, their shop and break area. The police department also has an area within that building, and currently the very end of it is used by the highway department. It became very clear in reviewing their needs that they do not have proper space; they have adequate space, but not proper space to do repairs in the winter time. There is an estimate that was done a couple of years ago, we are going to adjust that estimate and we are going to maybe change it a little bit. There was an estimate that Jody had done for the budget process that was going to insulate and sheetrock (and we might just do insulation and metal instead), but of the current basic two bays that are there for a repair and also include heating; that would then give Parks & Recs a reasonable amount of space to do two things:

1. To work on their equipment during the winter.
2. Storage - they have the same problem that highway does. You don't want to have a truck with salt in it sitting outside in the rain and the snow, so they currently pull the trucks in but it's not heated. It might not quite freeze as much in there but they still have that same problem, so again it's probably something we are going to recommend that we put relatively close to the front of the burner when we get done making the analysis.

The only other thing that I kind of asked the Supervisor for a little direction on, this facility, meaning the building we are in right now, was the fact that the major concern that we have in this building right now is we have got no conference space. Because we obviously want a break room that's available to our employees whenever they want to take a break, and they don't all take a break at the same time because they can't, they are serving the public. So, we want to look at how we might in fact create a conference space and Jessica had a couple of ideas and we'll look at those and see whether we can do that for a very reasonable number, but the rest of the space needs (compared to what we saw outside this building) we think are so monumental that we ought not to spend an awful lot of time looking at this facility right now; so that's kind of the direction in which we are going.

So in the near future we would hope to have for you a solution for the ice problem; I'm very pessimistic about that because the ice problem has been with us since the building was built. It's got a lot to do with insulation. It's got a lot to do with the fact that our trucks are either all out on the road, so we open all the doors and let them out; so what heat there is in there helps melt the snow. There's no insulation in the roof, therefore, what heat we have in there goes up, melts the snow - that still is a major concern.

Don Snyder added that they hope to have for the Board a decent space program that says if we are going to meet the needs of now and of the near future for the highway department this is the facilities that we ought to have; they will probably be recommending they not be on this site. He asked the Board to think about if any of them know anyone that has land that they would love to donate to the town that's centrally located that's about 10 to 12 acres (right now that's about \$10,000 to \$15,000 an acre, but that might look good on somebody's balance sheet if they in fact donate that to the Town, or give us a real good deal).

Don Snyder solicited any questions or comments.

Supervisor Zambrano asked Chris Woznica if he wanted to comment or add anything to what Don Snyder had said about his highway garage.

Chris Woznica said no, everything is correct; Highway has been living with it.

Councilor Cushman said unfortunately we have one of those years where it's probably worse than it would normally be; this has been a bad winter.

Councilor Venesky told Don Snyder that he really appreciates the job that he and the others have done. They are not done yet, but it's been an unfortunate eye opener, but a necessary one. He told Supervisor Zambrano he would think at some point they would need to probably have an executive session to talk about the future of our buildings and where we are going to go.

Supervisor Zambrano said once they finish the report she was sure that they will.

Police Department:

Councilor Venesky moved the adoption of a resolution to approve \$1,242.42 to Driver's Village for the January vehicle repairs. Motion was seconded by Supervisor Zambrano.

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

Discussion Item(s):

- Vacant lot located at 137 Verda Avenue, North Syracuse

Supervisor Zambrano explained that the lot is a regular building lot that is between two other residences and lots of the same size; it's 60 by 150 ft. The Town has had the property since the 1950's and no one seems to know when or how we can buy this property. She added that Chris Woznica mows the lot in the summertime and it is not useful for any parks and recreation use so she was wondering how the town board members felt about disposing of this property.

Councilor Becallo asked how large the lot is.

Supervisor Zambrano replied 150ft x 60ft.

Councilor Becallo said he knows in the city, and he thinks it's kind of cool if it's a lot that the town owns within a neighborhood setting, and he doesn't know much it would be useful to put a swing set in or something like that in, but what if we dedicated it to an organic farm or organic plants for the community to take care of it - that would be a great use for it.

Supervisor Zambrano agreed but said that the problem is that the Town would still be responsible for the maintenance of it.

Councilor Venesky said he was for putting the lot on the tax rolls. He said that we have a lot that is the middle of a residential area that someone might want to purchase, and if we are not going to do anything with it and it is costing us money to maintain it then he would move that we put it up for sale.

Councilor Cushman said when he first saw the 60feet on the lot, which is a right-of-way for a road, he thought that maybe at one time it might have been set aside for an access but the adjoining/adjacent lot doesn't really line up and it doesn't go all the way through so that couldn't have been a use. He asked Chris Woznica how long he has been mowing the lot.

Chris Woznica said they'd been mowing it for as long as he could remember.

Supervisor Zambrano said since 2000.

Chris Woznica said they mowed it before that; they were mowing it under Frank Rego.

Councilor Venesky said 1957.

Supervisor Zambrano asked Chris Woznica if he had any idea of how we came by this lot.

Chris Woznica said he had no idea.

Judy Boyke asked was this not one of the lots that were dedicated like they do in a development to be kept as a green area through the developers.

Supervisor Zambrano said she doubted they did that back in the 1950's.

Robert Germain said they use to.

Supervisor Zambrano said our tax assessor could not find any background information so she was going to put something on Facebook asking if anyone knew how we came by this.

Judy Boyke asked if anyone had checked the abstract, and also if they would put this on hold to give people an opportunity if they show an interest to try to find out for her.

Supervisor Zambrano said Robert Germain had asked that we ask the Planning Board to look at this, and Bob Smith has indicated that he was going to.

Robert Germain said his experience with a lot like this is there is usually a reason for it; at one point there was a reason. He said Councilor Cushman is correct, when you see the 60ft you think that it may have been a sub street or a connector originally, but usually there is a reason. In the old days there was a heartland contribution component; when a development went in you could either give money or for a while you could donate park land in lieu of your park land contributions so there was probably a reason for it, but since it was around 1957 he was not sure what they would find. If its access land then we have a procedure that we can follow to either abandon it to the adjoining neighbors or to sell it; either way there are procedures that he would write the resolutions for.

Supervisor Zambrano asked if the Town could donate it to the adjoining property owners.

Robert Germain said they could abandon it. If you abandon it then it would go to the adjoining landowners by operation of law; you would have to decide whether it's worthless or not. There's a procedure too, you would have to come up and say its excess land, you'd have to make resolutions that there's no value. Anything you do, you know you can't sell land unless you have an independent indication of value, so even if that comes from our assessor that's had been held to be legal, but since we can't gift we would have to obtain an independent appraisal for whatever that value is. If it's zero than there is one process that we would use; if it's something else then there's another.

Councilor Venesky asked if the property went to the adjoining homeowners if that would affect their property taxes as well.

Robert Germain said yes, but he imagines if they put it up for sale the homeowners would be one of the likely purchasers.

Supervisor Zambrano said they will canvass the neighbors and see as we go through the process.

Supervisor Zambrano asked the councilors if they were in favor of disposing the lot.

Councilor Venesky said absolutely.

Councilor Becallo said he was open to whatever the Board is open to do.

Supervisor Zambrano said they will pursue this and see what else they can find out.

Announcement (clearing fire hydrant areas):

Councilor Venesky asked everyone that has a fire hydrant on their property to please think about our fireman and fire ladies, the fire departments, and keep the hydrants clear. He believes the fire departments recommend 3foot distance around the fire hydrant, and with all the snow we've had right now if there's a fire it could be a very serious problem.

Public Input:

Don Snyder said we need to start talking about the marketing of our bond issue for highway; it's just around the corner. One of the things that we are talking about with Chris Woznica is that obviously if we had the approval of that bond issue there is the *possibility* that more roads could get done quicker, right now of course we have a budget limit. That doesn't mean we would be able to spend \$5 million dollars in a year, that would never happen, but we do need to get cracking on the marketing of that bond issue and obviously, being able to say that we certainly can do more roads than the current plan but we can't really commit to what that means at this time.

In regards to the bond issue, Ray Schader said he had read the notice in the newspaper, which was two columns long, but he didn't see when that vote is.

Councilor Venesky said it was March 31st.

Ray Schader said if they didn't get another notice out they may only have twenty votes.

Robert Germain said the date *was* given in the notice.

Councilor Becallo suggested that they do another notice that shows the date clearer.

Deborah Gardner read the following:

Feb 11 remarks.txt 2/11/2015

I would once again like to address the BOE's lack of training.

Mr. Venesky's resolution of Jan 14 asked for yearly mandatory seminars for all elected and appointed town officials. Yet, you allow the Ethics Committee to proceed when only "one or two" of the members had formal ethics training in the past. If town officials need to be retrained every year, should not the BOE? Also, why did you not ensure that all members had training?

On page 10 of the Jan 14 minutes Councilor Venesky said he "had offered Kathy Barany's services. The Board had approved it, and based on the fact that some of these folks had had state ethics training that was conducted by the State of New York and the County of Onondaga, and felt that they had the certifications necessary where they did not have to take advantage of the training offered here by Kathy Barany."

On page 11, Mr. Tomney stated that "it was his understanding that the Board of Ethics had scheduled a meeting with Kathy Barany who was going to speak with them and she canceled out because he thinks she thought it was some kind of a conflict, and they said fine and went ahead with their duties. He said they had absolutely no guidelines whatsoever to work with." That statement leads me to believe that the BOE did, indeed, need training.

But my question is, why were they not all trained? Is it because the BOE felt they had the necessary certifications or because Ms. Barany canceled? And if it was the latter reason, can we find out what kind of a conflict Ms. Barany thought existed. Perhaps, Mr. Venesky, as liaison you can research this and get back to us.

Mr. Tomney also stated that "the way the procedure was set up is that anything that comes to the Board of Ethics has to come to the Town Board. It has to be written, it has to be presented to the Town Board, and then it has to be referred to the Board of Ethics."

Well, according to the Board of Ethics Internal Rules and Regulations: "The BOE is authorized to receive and respond to requests for advisory opinions ...from three groups: The Municipal Officers, Municipal Employees and the Town Board." Also, at the bottom of the Request for Advisory Opinion is the statement. "This form must be submitted by an officer or employee of the Town!"¹

I suggest that the BOE does need training, especially since it appears they may not be aware of their own rules and regulations.

Supervisor Zambrano said Councilor Venesky is Liaison to the Board of Ethics and asked him if he would talk to them and look into these discrepancies.

Councilor Venesky said he could do that. He said he thinks what Mr. Tomney meant in part was (and we hadn't had a functional ethics board) and it was his understanding also, that the ethics board had not met since 2006. Councilor Venesky said they did set up the training with Kathy Barany but when they talked about what the scope or the depth and the breath of the ethics board should be he left it pretty much to their discretion; they did have ethics training; there were a couple of the members who had State and County ethics training.

Councilor Venesky added that the Ethics Board also had a very competent former judge for legal counsel, and the understanding was when they asked him what should we do, and they talked it over together, and we said well you come and tell us what you should do - you tell us what the depth and breath of an ethics board should be. He thinks what Mr. Tomney meant when he said that the Ethics Board had no written direction or direction as far as the existing town codes with Kathy Barany, but they will certainly address it.

Deborah Gardner asked if we could also try to find out which was the real reason, did Ms. Barany have a conflict?

Councilor Venesky said he didn't know but he would ask.

Deborah Gardner asked how the investigation was going on the leak of the Ethics Committee report.

Councilor Venesky said he could not answer that.

Chief Snell said it is still an ongoing investigation.

Adjourn:

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

Motion was seconded by Councilor Venesky.

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

There being no further business before the Board the meeting was adjourned at 7:16 p.m.

Tracy M. Cosilmon, Town Clerk