

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, January 14, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

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

Others Present: Christopher Woznica, Highway  
John Baldini, Police Sergeant  
Robert Germain, Germain & Germain, Town Attorney  
Stephen Snell, O'Brien & Gere, Town Engineer  
Jody Rogers, Director of Parks & Recreation  
Sharon M. Edick, Receiver of Taxes  
Tracy M. Cosilmon, Town Clerk  
Bob Smith, Planning Board Chair

Absent: Joseph Snell, Police Chief

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

Councilor Conway requested a moment of silence to honor our military troops serving in harm's way.

Supervisor Zambrano said the Board would not be going into executive session that evening.

**APPROVAL OF MINUTES:**

Councilor Conway moved the adoption of a resolution to approve the Town Board Meeting Minutes from the Organizational Meeting held on January 2, 2015. Motion was seconded by Councilor Venesky.

Councilor Becallo asked for a correction to the minutes on page 24. He said he could not attend the executive session, it wasn't because of work.

Supervisor Zambrano said the motion would reflect the correction.

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

**APPROVAL OF ABSTRACT NO.S 1 & 2:**

Deputy Supervisor Burtis moved the adoption of a resolution to approve Abstract no's 1 & 2. Motion was seconded by Supervisor Zambrano.

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

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

**BUDGET MODIFICATIONS/AMENDMENTS:**

There were no budget modifications or amendments.

**HIGHWAY ROOF REPAIR OR REPLACEMENT DISCUSSION:**

Supervisor Zambrano said there have been some ongoing issues with the state of the roof over the highway garage. She said she thinks Chris Woznica has provided some documentation about the ongoing problems with leaks, with ice buildup and sometimes it gets a little dangerous, so this Board did ask and commissioned O'Brien & Gere Engineers to do an assessment of that.

Councilor Venesky said that they did have another meeting on the roof that week where they discussed the findings of O'Brien & Gere.

Stephen Snell, Town Engineer said they had a meeting on Monday to discuss some of the findings that were in the report and one of the conclusions is that the building is losing a significant amount of heat through the roof which is causing the amount of ice to build up on the roof and the unsafe condition. So in order to address the problem they basically called in two options:

Option 2 - is a lesser cost. It is basically a retrofit of the existing roof, which is basically using the roofing that is there and adding to it, providing a thermal value and installing a rubber roof, basically, on top of that.

Option 1 - is to completely replace the roof that is there, it's obviously a more significant cost but it does provide more value as far as the longevity of the roof.

So there are two options so basically it is a decision on which way they would want to go with it.

Supervisor Zambrano asked Stephen Snell if he would talk about the cost of the options and the warranty periods for either a repair or a replacement.

Stephen Snell said for Option 2 they estimate \$100,000 to \$120,000 for construction costs. For Option 1, they did get a cost from a contractor and that was around \$200,000 to replace the roof. O'Brien & Gere could provide the warranty requirements and the contract with the contractor so they could provide or make the contractor provide a warranty based on either option. He said Option 2 would likely be a lesser warranty; a minimum of 10 years, but we could try to get 15 to 20 years. Option 1 would be an excess of 20 years.

Supervisor Zambrano asked if there were any other options available.

Councilor Venesky said they looked at a lot of options and one of the things that they want to do is repair the roof, not replace it. They learned that they had to go through the county or government. Specs have to be done because you just can't call up a roofer and say come give me an estimate, it has to go through an engineer to put out the specs and all that kind of stuff; which is what they did with O'Brien & Gere. It is O'Brien & Gere's firm that is going to be putting this out to bid. What we are looking for on the roof, and we will come up with a bunch of alternatives and a range of cost as to what it is going to cost us to replace the roof. The roof is leaking, we have a problem with insulation and we know that, so if we can seal it and replace the insulation and get us a minimum of 10 years out of that roof we thought that would be acceptable at this point.

Councilor Conway said that we should have an estimate at the next board meeting. He said Stephen Snell is going to try to have all the figures available for us at the next meeting and we'll go from there. They are going to have a meeting between now and the next town board meeting and get it finalized (the cost to repair the roof).

Stephen Snell said they could provide a proposal for an RFP (request for proposal) based on which option they choose.

Supervisor Zambrano asked Stephen Snell if the cost for an RFP was already included in their fee that was paid for the assessment of the roof.

Stephen Snell said no, but they would not charge for an RFP. He said that there are two items that they would do depending on what option they went with. Option 2 - they would need to evaluate the purlins up on the roof structure, it looked like some of them had been replaced based on this initial investigation that was done. They were not sure why they were replaced, if they rotted out or what the issue was but it was noted.

Supervisor Zambrano asked Chris Woznica if he had any information on when those might have been replaced.

Chris Woznica said that was long before he took office.

Supervisor Zambrano said the roof went up in 1995/1996. It was signed off in February of 1996. She asked Chris Woznica if he came here in 2000. He said yes.

Supervisor Zambrano said so the purlins had already been replaced before Chris.

Stephen Snell said the purlins were replaced around that time; when the new decking was put on.

Supervisor Zambrano asked when the decking was put on.

Stephen Snell said in 1995. But, they didn't know why they were replaced at the time, if there was something wrong with them or they were rusting out. He believes they just replaced the deck of the roof; they did not address the insulation at that time. So now what you have is the heat buildup in the garage that's going through the roof and the thermal value of the building is not designed around the heating system that's installed there right now. He said that's why you have all that heat loss.

Supervisor Zambrano asked if there would be further meetings.

Councilor Venesky said yes. They were waiting for some numbers. They are going to have another meeting and they will gather the pertinent facts, they'll go ahead with the RFPs, and they will get some ideas on what this is going to cost us and then Councilor Conway and he will present it, along with Steve, to the Board.

Supervisor Zambrano asked if everyone agreed that was what needs to be done; that the roof needs to be repaired and not replaced.

Councilor Venesky said he was looking for the least expensive way to go - the biggest bang for the taxpayer's dollar. And, if the roof is structurally sound and we can repair the insulation and seal it, and that is the least expensive way to go to provide the service that we are looking for, then he is all for that.

(an audience member spoke but was inaudible)

Supervisor Zambrano said she was not advocating building a new highway building, but there are other issues with the highway garage building itself. She said at some point this year she thinks that this board needs to have a long range plan of buildings that need to be replaced. She said if you have been over to the police building...there are many, many, safety issues in the police building. There are issues with this building, in as much, as we don't have enough room for all the functions that have to take place within this building. So one of the tasks she would like is for interested individuals to get together and talk about a long range plan for building replacement; including further repairs to the highway garage. She asked Chris Woznica if he has enough room where he is right now.

Chris Woznica said negative, no we don't. We have safety issues, with OSHA standards you have to have a minimum of a 4 foot walkway around each truck for a fire egress and we don't have that in some spots just because of the size of the trucks; the limitations of the garage.

Supervisor Zambrano asked Chris Woznica how many bays are in the garage.

Chris Woznica said he thought there were 10 or 12 bays.

Councilor Venesky said one of the things that he spoke to Mr. Hooper again about is we/he asked for a comprehensive to take a look at all of our buildings. One of the things we discovered is that there hasn't been a long range plan, to Supervisor Zambrano's point, to address not only the maintenance of the buildings, but then to look at the ultimate replacement of the buildings. So he has asked Mr. Hooper to look at each building so that, for example if we have a problem with a chiller (which we've had to replace this year), that we know we have a service life for that chiller of ten years; so we can put together a comprehensive plan to say we anticipate in ten years that we are going to have to replace the chillers - so this is how much money we need to put away. Or, if we have an issue with the roof, we know the roof is "x" amount of years old, we know how many years, roughly, that we are going to get out of that roof so we need to have a plan to say okay in 2025 we need to have a plan to replace the roof or replace the building. We've already asked for that and we are already moving in that direction.

Supervisor Zambrano said that was a very good point and thanked Councilor Venesky for expanding on this idea that we have to build in replacements and that's a long range plan. She said we started doing that under Jim Corl; she gives him all the credit, trying to replace highway equipment because they are big costs, but we need to build these things in so that taxpayers know how much these things are going to cost. Right now, we are facing a lot of breakdowns, a lot of replacement costs, and we have to build these things into the budget.

Supervisor Zambrano said the Board has agreed that the best option is replacement of the roof and the paperwork is going to be developed with that in mind.

Councilor Venesky said it was to *repair* the roof, not replacement. They will try to get the most value for our dollar, so they will take a look at proposals to repair the roof.

Supervisor Zambrano asked if the repair was with at least a 10 year warranty.

Stephen Snell said he would call it a retro fit. They are really not repairing it. If they go with Option 2 they are going to provide a thermal value and with Option 1 they would have a new roof structure. He said there would be at least a ten year warranty for both options.

Councilor Venesky said for a minimum of ten.

Supervisor Zambrano asked Councilor Conway and Councilor Venesky if they expect that they'll take this up at the next town board meeting.

Councilor Conway said yes.

Supervisor Zambrano told Chris Woznica they were getting a little bit closer to an issue that he has been addressing for a long time.

#### **BREWERTON REVITALIZATION: RIVERFRONT PARK UPDATE:**

Supervisor Zambrano said there has been a lot of work done this particular year; we got started late in the year and not everything is quite done, but she thinks it's worth reviewing where we are right now.

On the overhead screen, Jody Rogers showed a view looking west at the pier at Riverfront Park in Brewerton. She said we are eighty percent finished with the project up there right now and the balance of work that needs to be done there is going to be a stone cap placed on the retaining wall. Looking east towards the Route 11 bridge there will be six benches placed there that we already have (we got six benches from Community Development two years ago and then we have the balance of the other six so there will be twelve benches placed along the riverfront area in the alcoves). There are some backfill requirements to be done and there is a little bit of concrete work left. The contractor that we have currently, Wisniewski Contracting has done a tremendous job. (inaudible). There is three access points for handicap access, strollers, etc., for anyone who has the inability to take stairs. We originally only had one ramp; we now have three access points, one at each end as well as the one that's in the center that has always been there. Jody said this is a great project. The Brewerton community and the hamlet are very proud of what's been accomplished, and the balance of this will be started as soon as we can get back in there weather-wise.

Supervisor Zambrano thanked Jody Rogers. She mentioned that we have started the acquisition process of the other properties, we still keep working on the grants and we have just submitted quarterly reports.

Jody Rogers said they are keeping track of the in-kind services that are being done by town forces. (inaudible)

Councilor Becallo said although it couldn't be on the agenda that evening he had his check for his donation that he has to give to Jody Rogers if they want to accept that as well.

Supervisor Zambrano said the check has to go to the comptroller and then the Board will do a resolution when the comptroller enters it. She told him they will do it at the next meeting. She asked Councilor Becallo how much the check was for.

Councilor Becallo said the check was for \$1,250.00.

Supervisor Zambrano said that amount was more than 2%, and told Councilor Becallo that was very generous of him.

Councilor Becallo said it is.

**PARKS AND RECREATION DEPARTMENT:**

**Set bid date for Mowing Contracts:**

Councilor Becallo moved the adoption of a resolution to set bid date for Mowing Contracts for Wednesday, February 4, 2015 at 10:00 a.m. to receive bids for the mowing of five (5) cemeteries in the Town of Cicero, for a period of one year with an option for two additional one year extensions. Motion was seconded by Supervisor Zambrano.

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

**\$9,500.00 to Contact Community Services to provide staffing at the CanTeen:**

Councilor Becallo moved the adoption of a resolution to approve \$9,500.00 to Contact Community Services to provide staffing at the CanTeen through a partnership. Motion was seconded by Supervisor Zambrano.

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

**\$1,330.00 to North Syracuse Lawn and Snow**

Councilor Becallo moved the adoption of a resolution to approve \$1,330.00 to North Syracuse Lawn and Snow for parts (bushings, rings, bearings, etc.) to overhaul John Deere Mowers 1600/1445. Motion was seconded by Deputy Supervisor Burtis.

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

**HIGHWAY DEPARTMENT:**

**\$2,350.00 to Beam Mack for a muffler and air compressor**

Councilor Conway moved the adoption of a resolution to approve \$1,250.00 to Beam Mack for the purchase of a Muffler for Truck #51. Motion was seconded by Councilor Venesky.

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

Councilor Conway moved the adoption of a resolution to approve \$1,100.00 to Beam Mack for an Air Compressor for Truck #11. Motion was seconded by Supervisor Zambrano.

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

**TAX RECEIVER:**

Supervisor Zambrano moved the adoption of a resolution to approve the Annual Software Support/Maintenance processing fee of an estimated cost of \$2,600.00 to Business Automation Services Inc., (BAS) which performs the uploads for the Town & County taxes, the Village of North Syracuse taxes and four (4) school districts – (North Syracuse, Central Square, East Syracuse Minoa, and Chittenango). Motion was seconded by Councilor Becallo.

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

**DISCUSSION ITEMS:**

- **Proposed changes to the Town Code relative to revised fees for permits**
- **Proposed changes to the Town Code relative to signs ordinance**

Supervisor Zambrano said she knew that the fees for permits had been reviewed and she had heard talk about a recommendation to maybe keep the fees the same. She said if that was correct when might they act on it.

Councilor Venesky said he thought they should go ahead and set a workshop on it just so they, as a Town Board, can sit down. He said he sent a memo to the Board back in November talking about the fees. For the most part, he thinks the gist of it was as he reviewed our fees against those of the Town of Clay, and he had met with Mark Territo from the Department of Planning and George Keeler who is in the Department of Planning and Development also in the Town of Salina, and he thinks our current fees are in line, however, he thinks as a board that they should review that just to review the fees and see if anyone else had any thoughts. Councilor Venesky said he wasn't going to split hairs over who has a higher licensing fee for a spayed or neutered dog.

Councilor Venesky said he thinks:

- we should maintain a temporary sign permit; he thinks that needs to stay
- as a Board, they need to set a fee for the Cut and Fill Permit. We are issuing Cut and Fill because of the issues that we've had with drainage with folks just filling in swales and that type of thing and that should be brought to the town's attention.
- we need to have a business certificate in the Town of Cicero, not to generate any fees, but he thinks if we can educate business owners, and potential business owners, on the front end when they come to the Town as to what the fire codes are and what the zoning codes are then he thinks we can go a long ways away from having the kind of arguments and bad feelings that we've had in the past with folks who did not understand the codes getting into it. He'd be willing to have a workshop on this.

Supervisor Zambrano asked Robert Germain if that's a local law to develop a business certificate issuance process.

Robert Germain said it depends on the way they structure it and if there's an amendment to the fees, and so on ...

Councilor Venesky said for a business certificate he is just looking to cover the cost. For example - if they have to print a piece of paper it's \$.25 cents a page, or if we put a booklet together so that when somebody comes into the town of Cicero and applies for a business permit we are hitting them on the front end as to who the zoning people are if they have questions. And for the planning board what the requirements would be for a site-plan for example, so that they have all this stuff up front. He is not looking to make any money on it – he just wants to cover our costs.

Robert Germain said his view would be to amend the code to add it. He said to just do it properly, that way we can put it on the website; it's open to everyone, and it's public. We would amend the code to add those provisions.

Supervisor Zambrano said she was going to ask for a meeting prior to their next town board meeting to meet with Kathy Barany to talk about that compliance survey that they have not yet met about. She said she was going to schedule it for 5:15 or 5:30 p.m. and thinks that meeting should take about 45 minutes. She asked Mark Venesky how much time he anticipated his discussion would take.

Councilor Venesky said depending on questions, he thinks everyone has had an opportunity to review the current fees, so he thinks it's a matter of if they wanted to go through them line by line and say yes, no, or their thoughts, he doesn't anticipate it would take more than 45 minutes.

Supervisor Zambrano said she did want to make a motion to schedule the special town board meeting to review the compliance with Kathy Barany and they could also tack on the sign discussion. She asked if they could start at 4:30 p.m. on the 28<sup>th</sup>.

Councilor Venesky said he was fine with that.

Councilor Becallo apologized and said in regards to the sign ordinances that it was taking longer than he expected to put that into the format that they all wanted, but it was close to being done. He said they could tack that issue on the meeting as well.

Councilor Venesky said if they started at 4:30 p.m. he thought they would be able to tackle both issues.

Supervisor Zambrano said she didn't want to take time away from the compliance audit report because there are recommendations that she thinks that they need to discuss and maybe take action to implement policy changes, or something.

Councilor Venesky said lets go with 4:30 p.m. and told Councilor Becallo that if they can't complete the sign discussion then they'll reschedule it.

Tracy Cosilmon asked if it was a work session or a special town board meeting.

Supervisor Zambrano said she needed a special town board meeting because they needed to go into executive session to discuss a compliance audit, and once they are done with that they could also have a work session if they wanted that open to the public for the signs and the fees. She asked if they could do both.

Councilor Venesky said they could try to get them in. He thinks they can get in the compliance and the fees workshop but he didn't know if they'd have enough time. He said if it doesn't run over then they'll schedule another one for the signs.

**Resolution to hold a Special Town Board Meeting with a Work Session to immediately follow on January 28<sup>th</sup>, 2015:**

Supervisor Zambrano made a motion to hold a Special Town Board Meeting on January 28<sup>th</sup>, 2015 at 4:30 p.m. at the Cicero Town Hall, 8236 Brewerton Rd., Cicero, for the compliance survey which they will be going into an Executive Session for with a Work Session to immediately follow to address the permit fees and possible changes to sign ordinances. Motion was seconded by Councilor Venesky.

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

Supervisor Zambrano told Councilor Venesky she would depend on him to put together the agenda for the work session for the fees and Councilor Becallo for the signs.

Councilor Venesky told Supervisor Zambrano he had an item that was not on the agenda.

Councilor Venesky: This is addressing the Cicero Board of Ethics Advisory Opinion 14-01 that we received just prior to the last town board meeting on December 10<sup>th</sup>:

The Town Board has now had an adequate opportunity to review the requested advisory opinion rendered by the Ethics Board.

First, we would like to thank the Ethics Board for the good and hard work that they put into the assignment. We recognize that the task was not easy.

Second, following any action taken tonight, the document will be available to the public through FOIL. The Town Board sought legal opinions and understands that we do not have the authority to take punitive action with regard to the opinion. However, we note that this Board acted to cure any potential perception of impropriety last October when we voted to terminate the Town's contract with C&S Engineers. Accordingly, I move the adoption of the following resolutions in accordance with the recommendations of the advisory opinion:

1. That the Ethics Advisory Opinion and its findings, along with our original request to the New York State Comptroller's office dated May 13, 2014, be forwarded to The New York State Attorney General and the New York State Comptroller asking again for their review of this document, their opinions as related to it, along with the requests that they take any and all actions that they deem necessary regarding it.

Supervisor Zambrano: Before you go on, I would ask that that be amended to include my response to the report and also the response of Mr. Smith.

Councilor Venesky: Duly noted Madame Supervisor, however, I don't think it's the responsibility of the Board to send in a response that either you or your attorney would have to those entities.

Supervisor Zambrano: Robert... I need to ask clarification from our Town attorney. I believe that my response to that report should be included. I think that is important information. There were errors in that report and I think that they need to be corrected. And I would ask the Board to consider including those reports; my report and the one from Mr. Smith.

Robert Germain: It's a Town Board decision. So if you are asking my opinion on it, that's my opinion. It's up to the Town Board what they want to refer, if anything, and so on. It's up to the Board.

Supervisor Zambrano: Well I will again state that that report was not entirely accurate and I think that if it's going to be referred to another agency that my information should also be provided as a professional courtesy to me.

Councilor Venesky: Duly noted.

Councilor Venesky continued reading the resolutions:

2. The Cicero Town Board to begin the process to amend the Code to reword the definition of "Family" in Section 22-2 of the Code of Ethics to read as follows: "Family - including spouse, domestic partner, and/or any other dependent members of the household"
3. The yearly seminar be made mandatory for all elected and appointed Town of Cicero officials in regard to the Cicero Board of Ethics and Article 18 of the General Municipal Law of the State of New York.

Supervisor Zambrano: Just another comment, I am in agreement with the second and third parts of your resolution and so I would ask that they be addressed individually.

Councilor Venesky: We could. The time has come, and I think the report speaks for itself. The time has come for the Town and for this board in particular to move forward and to focus on the best interests of the Town of Cicero. That's all I have.

Supervisor Zambrano: So if we break up the resolution to send it on, is there a second to that?

Councilor Venesky: I would like that seconded. However, I disagree with sending the response from your attorney along with that. I think that they should remain separate and I don't think that we should be forwarding that on, however, I have no objection obviously to you and your attorney forwarding anything onto the Attorney General or the Comptroller's Office.

Supervisor Zambrano: Is there any Board discussion about that?

Councilor Conway: No. But I would second the motion.

Councilor Venesky: All in favor?

Supervisor Zambrano: Just a minute Mark, that's not your role. Is there any other discussion about my report? I certainly will send in the report, but I think it's unfair to send it without my response simply because there are errors in that report and I don't think that that committee took the proper care to address factual information.

Deputy Supervisor Burtis: The only thing I'd say is the opinion was developed because this Board asked it to, so in my view it's a lot of work – it's what we have. I mean the opinion of yourself, and Mr. Smith, of your attorney is, in my mind it is different, so it would be a courtesy to send it along.

Supervisor Zambrano: And that's what I asked for professional courtesy.

Deputy Supervisor Burtis: But at the same time I don't see how it would be totally necessary. I'm not an attorney, but you would think that they would do their homework and they would do their own discovery, I guess it is, and if you sent it to them then they would have it and we are all assuming that they are going to do something with it anyway.

Councilor Becallo: When did this board actually refer this to the Ethics Board?

Supervisor Zambrano: Well the Ethics Board wasn't informed until after the interviews, so it didn't get to them until October.

Councilor Becallo: Was it a formal resolution?

Supervisor Zambrano: Well they relied on the formal resolution from April or May.

Deputy Supervisor Burtis: Right in the beginning is when...

Supervisor Zambrano: There was a formal resolution.

Councilor Becallo: I just remember talking up here and saying we weren't forming this Ethics Board to even do this.

Councilor Venesky: The Ethics Board contacted me as the liaison and said that they legally had the responsibility to look at this and that the resolution that this board passed back in April gave them the legal authority that they needed to look at this issue.

Supervisor Zambrano: Is there any other discussion?

There was no other discussion.

Supervisor Zambrano: All those in favor of the motion say "aye".

Ayes – 3, Abstained – 1 and Noes - 1. *Motion carried.*

Supervisor Zambrano: I vote no simply because it's incomplete. What's being referred is incomplete.

Councilor Becallo: I will abstain. This whole thing is...I wasn't a part of the executive session so I can't really vote upon that. This whole thing is just one big conflict of interest after another, so that's my statement.

Supervisor Zambrano: Your second resolution is?

**Resolution #2:**

Councilor Venesky: The second was:

The Cicero Town Board began the process to amend the code to reword the definition of "family" in Section 22-2 of the Code of Ethics to read as follows:

*"Family including spouse, domestic partner, and/or any other dependent member of the household"*

Deputy Supervisor Burtis: I'll second.

Supervisor Zambrano: All those in favor of the motion say "aye".

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

Supervisor Zambrano: And the third one Mark?

**Resolution 3:**

Councilor Venesky: A yearly seminar be mandatory for all elected and appointed Town officials in regard to the Cicero Board of Ethics and Article 18 of the General Municipal Law of the State of New York.

Councilor Becallo: By "officials" we are referring to *all* employees, right?

Councilor Venesky: All elected and appointed officials in the Town of Cicero. I have no problem with everyone taking either a computer-based training or attending a seminar here at Town Hall reviewing what the ethics requirements are to work in the Town of Cicero.

Deputy Supervisor Burtis: I would be all in favor. Where I work it's a computerized program where you log into and it's just a given that when you're finished, when you've completed it, maybe you take a quiz, maybe you say you completed it, whatever, but usually it's a quiz that's all time and date stamped; that's all nice. That was my only question, how are we going to make that happen? How much would it cost?

Supervisor Zambrano: But that's a different issue from just supporting the resolution right?

Deputy Supervisor Burtis: Right.

Supervisor Zambrano: All those in favor of the motion say "aye".

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

### **PUBLIC INPUT:**

Deborah D. Gardner said she lives in Cicero. She said she has a different perspective on temporary signs now. She said every year, for as long as she can remember, this town has allowed candidates for public office to put up temporary signs. Yet this town, while those laws were enforced, would not allow a local business to put up a temporary sign without a permit. She said it sounds like a conflict of interest perhaps, favoritism, call it what you want, but why do candidates running for public office have more rights than businesses? She told them to just think about it and she didn't want a response. She told Councilor Becallo she asked him at the last meeting about why he voted against all of the warrants, is there just the one that he disagreed with, and that he had said he had to check into it because he couldn't remember.

Councilor Becallo said he was against something in every one of those three abstracts; his belief is if you say no to one thing in the abstract you say no to the whole abstract.

Deborah Gardner asked Councilor Becallo why he abstained from the adoption of a resolution concerning the fire departments communications coordinator.

Councilor Becallo replied that this was the second meeting she asked him in a row. He is a fire fighter. It is a conflict of interest. Anything that has to do with fire departments – he is a fire fighter; it's a conflict of interest.

Deborah Gardner said he was an employee of the Town and that he votes on Town policies, isn't that a conflict of interest. She asked who trained the Board of Ethics.

Supervisor Zambrano said Mark Venesky had arranged with Kathy Barany, who is the human services consultant that the town has used quite a bit, to come and provide some training on ethics; she believes they declined.

Councilor Venesky said a number of the members of the Board of Ethics, and we have a very talented, educated group of folks, and two or three of them had formal ethics training, and one of them he believes has taught ethics training, and their actions were overseen by former Judge Putzer here in the town of Cicero.

Deborah Gardner said so they didn't have any training. She told Councilor Venesky that she asked him earlier before this had all happened if they were going to be trained and she believed he had said yes that they probably would be.

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.

Deborah Gardner said and those that did not have that certification then were not qualified. She said keep in mind that the Board of Ethics does not govern this town, the Town Board does.

Councilor Venesky told Deborah Gardner that she can't put words in their mouth either. He would ask them for the specifics on that, but he felt comfortable that they knew what they were doing.

Deborah Gardner said she was told by a member of the Board of Ethics that all matters had to be referred to it by the Town Board, so she thinks Mr. Becallo might be correct (or he implied) that they did not have the authority to just take over and we have to keep that in mind. That it has to be...that this is what she was told, and according to their own regulations or their own code it could be referred to by the Town Board, any municipal officer, or any or two members of the Ethics Committee. So her point is the Ethics Committee members don't even know what their own rules and regulations are. She said she looks at that report and she has to kind of wonder.

Don Snyder said he had mentioned at the Organizational Meeting that we have got to deal with the highways and the money to fix our roads because there is zero money in the budget. So he would hope at our next meeting at least a direction in which we will be going, and how we will get to that point. It may also be, depending on how they do that, bond issue or whatever they are thinking about, they may also want to think about rolling the repair of the roof for the highway department into that same number. He said he had experience in maintenance and told them to please look at what they are doing - if we are not talking about building a new highway garage then do it right from day one, don't do a patch job, it still sounds like a patch job because we have an old, leaky roof, and we are going to put insulation and something else over the top of that. He said that wind insulation doesn't usually perform great in the future, so let's think about that. And yes, it's \$80,000 or something like that but let's do it right from day one. Let's fix that one and let's have a warranty on the roof for thirty or forty years so we aren't talking about that again.

Judy Boyke asked when the next Ethics Board meeting was.

Supervisor Zambrano said the Board of Ethics determines their own schedule.

Judy Boyke asked if there were any more ethics complaints to go before the Board.

Councilor Venesky said there were none that had been brought to his attention.

Judy Boyke said if there are no other complaints, the Board is supposed to have one annual meeting; it's so stated in their rules. She said for all of you who are talking about the ethics, the Employee Handbook (which she has a copy of) it is very clear on how to handle an ethics complaint, and how they are to be protected, and how they are to be represented, whether they be a union or a non-union person. When a complaint is brought to the town board, or a member, any one of them can take it forward because of the circumstances and the situations that come from an ethics violation or a harassment violation, whether it be sexual or otherwise, or abuse/misuse, it's in the handbook.

Rosemary DelVecchio introduced herself and a couple of her neighbors and said that they were there to address a problem they have had for the last five or six years. She said they were early because this was an issue that they had in the summer, but they were there to present a petition to the Board in regards to this problem. She said all eight of the neighbors that are adjacent to this easement on Honeycomb Path and Snowshoe Trail have signed this petition in support of not cutting back their easement more than 10 feet.

Supervisor Zambrano accepted the petition. She asked Chris Woznica if he remembered this because it had to do with his department last year as a result of a complaint that came before the drainage committee to mow more than 10 feet, and 20 feet got mowed. She said this petition is speaking against exceeding that 10 feet mode.

Chris Woznica said he believed our easement was 18 feet or 20 feet.

Supervisor Zambrano said she knew that, but he had only mowed 10 feet and the people were there to ask that he stick to that 10 feet. She told Rosemary DelVecchio that they would take this up again at the drainage committee.

Bob Tomney introduced himself and said it had been his pleasure to have served on the Board of Ethics. He said 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. They went and they researched other towns, they went to Clay and they don't have anything either, they went to some other areas and they got some information on what the Board of Ethics should do and how they should do it. As a result of that, they put together some rules and regulations procedures which have been submitted to the Town Clerk.

Supervisor Zambrano said they went officially to the Town Clerk. She asked Tracy Cosilmon if those were posted on the website.

Tracy Cosilmon said she hasn't had any direction on any of this.

Supervisor Zambrano asked Bob Tomney for his opinion, should those bylaws of the Board of Ethics be posted on the website.

Bob Tomney said they are public information; the code of ethics is there so he would think that... He said the other point he wanted to make was 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. He said there are no meeting schedules of the Board of Ethics because they have no business at this point and time. They did suggest that the Board of Ethics meet at least once annually and they also suggested that the Town adopt a disclosure form that is required of any municipality of \$50,000.00 or more.

Supervisor Zambrano asked if it was a financial disclosure.

Bob Tomney said it was and that the County does this every year.

(tape change)

Supervisor Zambrano asked Bob Tomney if he meant to include all employees or did he mean just elected and appointed people.

Bob Tomney said he meant just the elected and the appointed officials.

A resident spoke out and said that wasn't the document that she got. The document that she got did not say that and she foiled it from the Town Clerk.

Bob Tomney said if anyone had any questions he would be glad to answer them. And they had no further questions.

Bob Smith said there were some firemen there that night. He said his understanding from the planning board perspective was that we are probably going to get a site plan pretty soon for a new fire station, and hearing them tonight say that they are out of space, and we are short of space, let's not forget that the if the fire department is going to build a new facility maybe we could get some consolidation of government here and work together because maybe you could put the police department with the fire department and we could utilize the taxpayer's money where buildings are being built, and work with the fire department; maybe adjust the space, work together, and maybe we can save all the taxpayers some money. Regarding the ethics, he thinks that what Bob Tomney is referring to, because he used to have a position in the County and there's a state law that talks about the size of the county and any of the counties above that you have to file that report that Bob Tomney is talking about because he had to file it for 5 years. He said he wanted to ask about the ethics. He said he has been on a board where you have to know a lot of information and technical stuff and it can't be very easy for them because obviously there is very little guidance, but the last time they met he stood here and he pointed out an obvious violation of the ethics. If all of this that we went through, and he appreciates the fact that we are done with it, and it has gone to the appropriate authorities, he can't understand the argument about whether we are going to put two things in the envelope or mail them separately. He said the fact is he brought to their attention, in a public meeting, that there was a serious violation of ethics in this town. It most likely occurred with one of the Town Board members or one of the Board of Ethics members. Somebody released privileged, executive documents; before they were supposed to. They released it to somebody and now tonight he is sitting there and he is hearing because they haven't even referred it to the Board of Ethics there isn't even an ethics complaint on it. Somebody, one of them, or one of the Ethics Board members, released privileged information and that is official misconduct. That isn't just "oh maybe that's an ethics violation" it's a criminal act. He said we could stand right here and say to each one of them "did you release it", but the point is they are a Town Board and they didn't even ask the Board of Ethics to start an ethics investigation of who committed a serious ethics violation and it isn't like he is shooting fish in a barrel – there are only ten of them.

Councilor Venesky told Bob Smith that this has been referred already because they were advised that the release of those documents prior to Board approval was not just an ethics violation, but it was a criminal act that has been referred to the Cicero Police Department and all he can tell him is that there is an active investigation by them.

Supervisor Zambrano also told Bob Smith that there was an active investigation going on and it has started so it is being looked at.

Bob Smith asked if because it is also criminal they are not going to ask the Ethics Board to look into it.

Councilor Venesky said he didn't know if they needed to do that. He asked Bob Tomney if that was something that would come to him.

Bob Tomney said not if it was criminal in nature and the reason is that the Ethics Board doesn't have any (inaudible) to call a witness, they can invite someone to come and speak with them, they have to just deal with what's there on the table.

Supervisor Zambrano told Bob Tomney that part of the problem is that everyone has their own definition of what entails conflicts of interest and ethics. It has to be defined, and she's not sure that it has been well defined in this town but they all have a certain perception or opinion and it's all different. You have to come to a meeting of the minds that okay this is what ethics is in the Town of Cicero and this is what a violation of ethics is, and that's part of the problem she thinks.

Bob Smith said he doesn't have any problem with the fact that the criminal code has very definite things for official misconduct. He said it was one of ten people.

Supervisor Zambrano said it was actually thirteen people.

Bob Smith said the two attorneys and the Town Clerk could also be involved, but one of those thirteen people committed official misconduct. And the police department works for the Town Board. He said he has talked to a few people that serve on the Ethics Board, he talked to a couple of people here and he knows that one person has been asked questions by the police department, but it doesn't escape that the police department works for the Town Board – this is wrong. There ought to be some public trust of what goes on in that meeting, this issue of releasing privileged, executive information, goes far beyond all of this stuff that we had to put up with. This is a serious matter where you violate your oath - you violate the law. He doesn't think just because we've decided to send it away, or because we are done with one issue that we ought to just say okay we are going to forget about the other. He said it is a serious violation.

Councilor Venesky told Bob Smith he didn't think anybody was saying that, that it has gone to the police department. People have been deposed, including him, up to this point so it is not a dead issue, it is not something that has been swept under the carpet, but we have to allow the police department to do their job and come back with whatever their findings are. He said it is out of their hands now. If this is criminal it is going somewhere else; they have turned it over to them, they're doing the investigation, and he is sure that we will get some sort of report after the proper authorities deal with it.

Bob Smith asked if we can expect at some point that we are going to have a report back here at the Town Board because the police department does work for all of us.

Supervisor Zambrano said the police department is bound by confidentiality too, so it's not like they are going to give us an open report.

John Baldini, Police Sergeant said he would speak on behalf of the police department. He said he understands that folks imply stuff since the police work for the town, but this is an impartial, thorough, professional investigation. It will not be tailored just because we are the town police department. He said he was sure that he can speak on behalf of Chief Snell.

Bob Smith said he doesn't have any suspicion that it would be, it's just sometimes we don't follow up on things.

Supervisor Zambrano said this one got followed up on.

Deputy Supervisor Burtis said he did read the chapter and verse of the code book and he did make it very clear that it was a misdemeanor. He also was the only board member that did say publicly that he did not release them, and he did give a statement to the police to that as well. It is his understanding that the police are doing a full investigation; he was there this week and he believes that it is in the right hands and is confident that they are doing a complete investigation and he will wait for them. He has asked them to do it with all haste but he cannot control them.

Supervisor Zambrano asked Bob Smith if he was finished.

Bob Smith announced that Panda Express is open and that Good Will is going up. He said the planning board also received another application for the new DQ Grill & Chill and we have fifty apartment units that are very close to determination up in Brewerton. He understands that there have been a lot of questions about if there is there economic development going on in Cicero. He said there's a lot of money being invested and there's a lot of interest, particularly in the Brewerton area.

Councilor Venesky said he is working with Bob Smith on some of the business development and this is just the beginning.

Bob Tomney: Just for the record, I have not been as of yet, been interviewed by the Cicero Police Department, although I expect to be there. But, I did not release the report. I just wanted to comment on your statement Madame Supervisor in regard to everybody has a different view on the Board of Ethics, and I guess maybe that's true. But, the Board of Ethics dealt with the Code of Ethics that hasn't been adopted by the Town of Cicero. The Code of Ethics is very explicit, at least in our mind, it says if you are this you cannot do that – it's black and white. There are some areas in there which could be interpreted one way or the other but, by and large, it deals with if you are in this particular office, if you have these particular responsibilities, than you cannot do this, or you can do this. That's what we dealt with. We didn't deal with... if we had to deal with everybody's own idea of what ethics are all about I think we would still be meeting and probably would not have come to any conclusion that would be workable.

Judy Boyke made a statement that there is a file that has been recorded of an ethics complaint in the town of Cicero. She is amazed after all of this ethics conversation going up here that that report, or that file, has not been forwarded to the ethics committee. She said she knows it's there. She said she is amazed and she thinks if all of them got a copy then they should be ashamed.

Councilor Venesky asked Judy Boyke what that file was.

Judy Boyke said it is a file by Lynn Wood, an ethics file.

Councilor Venesky asked her what the proper procedure was.

Judy Boyke said it was to file it with the Clerk.

Councilor Venesky asked her if she knew where that needs to go prior to the Ethics Board.

Judy Boyke said it needed to go to them.

Councilor Venesky told her it goes to the Anti-Harassment Committee.

Judy Boyke said the Town Board gets a copy, she has been on that board. She said is Chairperson of the Board of Ethics for the Board of Realtors in Greater Syracuse New York and knows the proper procedure and she'd appreciate it if they would look into it.

Judy Boyke stated that she wanted to go on record that there is one.

Supervisor Zambrano said they are looking into all issues that are pertinent and she does not believe that it is appropriate, for confidentiality reasons, to discuss this in open forum. She told Judy Boyke her comments have been duly noted for the record but she doesn't think that they can comment further at this point and time.

Councilor Venesky agreed.

**ADJOURN:**

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 7:47 p.m.

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Tracy M. Cosilmon  
Town Clerk