

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

Deputy Supervisor Meyer called the Cicero Town Board Regular Meeting to order on Wednesday, June 24, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Deputy Supervisor Meyer asked the Town Clerk to call the roll.

PRESENT:

| | |
|------------------|-------------------|
| Mark Venesky | Councilor |
| Dick Cushman | Councilor |
| C. Vernon Conway | Councilor |
| William Meyer | Deputy Supervisor |

OTHERS PRESENT:

| | |
|---------------------|----------------------------------|
| Christopher Woznica | Highway |
| Joseph Snell | Police Chief |
| Robert Germain | Germain & Germain, Town Attorney |
| Stephen Snell | O'Brien & Gere, Town Engineer |
| Tracy M. Cosilmon | Town Clerk |

ABSENT:

| | |
|------------------|-----------------|
| Jessica Zambrano | Town Supervisor |
| Mike Becallo | Councilor |

Deputy Supervisor Meyer, who is not a voting member of the town board, presided over the meeting in Supervisor Zambrano's absence.

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

Deputy Supervisor Meyer noted the locations of the emergency exits in the event of an emergency.

Deputy Supervisor Meyer stated that the Board was not going to do Agenda item no. 18, which was Executive Session.

APPROVAL OF MINUTES

Councilor Cushman moved the adoption of a resolution to approve the minutes of the June 10, 2015 Regular Town Board meeting minutes. Motion was seconded by Councilor Conway.

Ayes- 3 and Noes – 0. *Motion carried.*

APPROVAL OF ABSTRACT NUMBERS 24 & 25

Councilor Cushman moved the adoption of a resolution to approve Abstract number 24 (dated June 15, 2015), and Abstract 25 (dated June 22, 2015) as presented. Motion was seconded by Councilor Venesky.

Deputy Supervisor Meyer solicited any discussion from the Board, of which there was none.

Ayes- 3 and Noes – 0. *Motion carried.*

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

BUDGET MODIFICATIONS/AMENDMENTS

TOWN BOARD MEETING
06/24/15

Councilor Cushman moved the adoption of a resolution to approve the following budget modifications/amendments as follows:

| | | | | | |
|-------------------------------|--------------------------|---------|----------------|----------|--------------------------|
| TOWN BOARD MEETING | | | | | |
| 06/24/2015 | | | | | |
| <u>2015</u> | | | | | |
| <u>BUDGET MODIFICATIONS</u> | | | | | |
| FROM | | \$ | | TO | |
| DB51101 | Hwy Summer Personal Serv | 5000.00 | | DB511012 | Hwy Summer Help |
| DB513055 | Hwy Machinery-Other | 500.00 | | DB513054 | Sewer Jet |
| A90408 | Workers Comp | 7000.00 | | A10104 | Town Board Contractual |
| A715045 | Parks Misc | 100.00 | | A711048 | Parks Staff Dev/Training |
| B702048 | Parks Special Activities | 100.00 | | B702046 | Parks Staff Development |
| <u>2015 BUDGET AMENDMENTS</u> | | | | | |
| Revenue | | | Appropriations | | |

Motion was seconded by Councilor Venesky.

Deputy Supervisor Meyer solicited any discussion from the Board, of which there was none.

Ayes- 3 and Noes – 0. *Motion carried.*

PUBLIC HEARING TO CONSIDER AMENDING THE DEFINITION OF RESTAURANT IN TOWN CODE SECTION 210-4

Deputy Supervisor Meyer stated he had proof of publication and posting.

The public notice read as follows:

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing on Wednesday, June 24th 2015 at 6:300 pm at the Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039 to amend the definition of "Restaurant" in the Town Code Section 210-4 to read: An establishment primarily engaged in the sale of food and beverages, including alcoholic beverages, for on premise consumption (to remove the words "with patrons seated inside the building"). By the order of the Cicero Town Board

DATED: June 19, 2015

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

Public Hearing **opened** at 6:36 p.m.

Speaking for –

Judy Boyke asked for clarification on why this was necessary.

Councilor Venesky explained that a restaurant owner in the town had approached him about 3 months ago, and brought to his attention (which he brought to the Board's attention) an issue where he has a sit-down restaurant within the town and in the summer months he brings in a portable ice cream trailer to sell soft ice cream in the summer months. With the way the code is currently written, he needs two separate permits on the same piece of property to operate the portable ice cream stand. As a board they discussed this and that is why we are here tonight, because we felt that we were penalizing somebody who had already paid his fees, is paying taxes to the town, and employing people, and that we were unnecessarily penalizing him or other business owners, similarly.

Deputy Supervisor Meyer told Jody Boyke that the only change to that was that the old regulation said 'seating inside the building'. We are just changing this to 'on the premises', so it's one business and one permit.

Judy Boyke said this is specific to one person then, obviously.

Councilor Venesky said no, it's specific to the entire town.

Judy Boyke: I looked up the definitions, and §210-4. [Definitions and word usage], the very end of A. it says: *Any questions as to the precise meaning shall be resolved by the Zoning Board of Appeals.* So that says you people can't resolve it. Has it gone to the Zoning Board of Appeals?

Councilor Venesky told Judy Boyke he differed in opinion, that they do have the right to do that.

Judy Boyke asked him to explain the definition. She just stated it's the Code and that she had just downloaded it that day. She asked Councilor Venesky again if the Zoning Board of Appeals has seen this.

Councilor Venesky said I can't answer that question, but we are changing the wording so it doesn't have to go to the Board of Appeals.

Judy Boyke said it says 'precise meaning.'

Councilor Venesky asked Robert Germain if he could give them some clarification.

Robert Germain stated that the Zoning Board of Appeals has jurisdiction for what we call 'interpretations,' and that a lot of times if there's a question that arises with someone during the practice of codes of what a word means, or what a definition means, they have the right to go to the Zoning Board of Appeals for an interpretation of what the actual intent or meaning of the words are. Here, the Town has the absolute right to change the code as long as they do it properly by the local law process, and that's what they are doing.

Judy Boyke said then that really needs to be clarified because it is a definition stating 'eating in' or 'eating out' and this is not really the 'eating in' or 'eating out'. It is more in turn with how many permits you have because they have a mobile unit as opposed to others; which there are several restaurants that she passed on the way that have eating outside, including McDonalds. She said she is just questioning it, that's all, because that's what it reads when you pull up the code.

Deputy Supervisor Meyer solicited any further comments in favor of or against, of which there were none.

Public Hearing was **closed** at 6:39 p.m.

Deputy Supervisor Meyer asked Councilor Venesky if he had any further comments or resolutions on this agenda item.

Councilor Venesky moved the adoption of a resolution Amending the definition of RESTAURANT in Town Code §210-4 to read: *An establishment primarily engaged in the sale of food and beverages, including alcoholic beverages, for on premise consumption.*

Motion was seconded by Councilor Cushman.

Deputy Supervisor Meyer solicited any further discussion, of which there was none.

Ayes - 3 and Noes - 0. *Motion carried.*

PERSONNEL MATTERS

Councilor Venesky moved the adoption of a resolution to appoint Sean Wallace, as a full-time Police Officer at a starting pay rate of \$42,519.00 (Step 1), effective June 30, 2015, contingent upon the successful completion of his physical. Motion was seconded by Councilor Conway.

Ayes - 3 and Noes - 0. *Motion carried.*

Tracy Cosilmon, Town Clerk administered the Oath of Office to Sean Wallace.

ANNUAL TRAIL LICENSE CONTRACT (Cicero-Clay Snow Owls, Inc.)

Councilor Conway moved for the adoption of a resolution to authorize the Supervisor to execute the annual Trail License Contract (2015-2016) between National Grid and the Cicero-Clay Snow Owls, Inc. Motion was seconded by Councilor Cushman.

Ayes - 3 and Noes - 0. *Motion carried.*

SHARED SERVICES AGREEMENT (Vehicle Fueling Facility at 5520 East Taft Rd.)

Councilor Venesky moved the adoption of a resolution for the Town of Cicero to enter into a Shared Services agreement with the North Syracuse School District for use of its vehicle facility at 5520 East Taft road at an 'at cost' rate, to be billed by the school district on a monthly basis, in exchange for the Town to sweep the parking lots at the five schools designated in the agreement: Cicero Elementary, Lakeshore Elementary, Smith Road Elementary, Gillette Road Middle School, and Cicero North Syracuse High School, and to authorize the Supervisor to execute the agreement. This agreement will be in effect for the period of August 1, 2015 through July 31, 2016. Motion was seconded by Councilor Cushman.

Ayes – 3 and Noes - 0. *Motion carried.*

COMPROLLER'S OFFICE

Councilor Cushman moved the adoption of a resolution to pay Fiscal Advisors & Marketing, Inc. \$1,500.00 (Town Board Contractual) for the services connected with the borrowing of \$825,000.00/Bond Anticipation Note for the 2015 paving program. Motion was seconded by Councilor Conway.

Ayes - 3 and Noes - 0. *Motion carried.*

HIGHWAY DEPARTMENT

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

- \$1,2670.20 to Tracey Road Equipment for a Hydraulic Motor (for Truck #93)
- \$1,055.07 to Beam Mack for Oil Pan #35
- \$2,400.00 to Environmental Contracting & Construction Services for removal & disposal of 40linear feet of transite asbestos pipe.

Motion was seconded by Councilor Cushman.

Ayes - 3 and Noes - 0. *Motion carried.*

JUSTICE DEPARTMENT

Councilor Cushman moved the adoption of a resolution to approve \$1,035.00 to Service Education, Inc. (SEI) for the Court Room Program Annual License/Maintenance Agreement, from July 2015 through June 2016. Motion was seconded by Councilor Venesky.

Ayes - 3 and Noes - 0. *Motion carried.*

POLICE DEPARTMENT

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

- Purchase of equipment in the amount of \$3,845.65 for active shooter training. The Town shall be reimbursed for the equipment under the previously approved State Law Enforcement Terrorism Prevention Program (SLETPP) Grant.

Motion was seconded by Councilor Cushman.

Deputy Supervisor Meyer solicited any discussion, of which there was none.

Ayes – 3 and Noes - 0. *Motion carried.*

- \$3,430.59 to Burdick's Collision Center at Driver's Village, as the Town was issued a check from the insurance company, in this amount to cover the cost of repairs to a police vehicle from an accident. The deductible of \$1,000.00 was approved at the May 13, 2015 Town Board Meeting.

Motion was seconded by Councilor Conway.

Deputy Supervisor Meyer solicited any discussion, of which there was none.

Ayes - 3 and Noes - 0. *Motion carried.*

DISCUSSION ITEMS

- **Free Fishing Days (June 27-28, 2015)**

Tracy Cosilmon announced that there is a free fishing weekend June 27-28th that the State offers. Anyone can fish the fresh or marine waters of New York State and there's no license required.

- **Rabies Clinic**

Tracy Cosilmon said the Rabies Clinic that we held on June 22nd was very successful. Tracy thanked all of the volunteers, the community, and the Highway and Parks departments for their help.

- **Police Building Roof**

Don Snyder said we have four quotes right now but they really aren't consistent. Two of the quotes are for a membrane system, and two of the quotes are for a roof system. He and Don Bloss have done a lot of research in the last couple of weeks and the membrane system is great for keeping water out, but it's no good for the accumulation of ice. By putting a roofing system over the top of that trailer we end up with a cold-air space that can be ventilated and it should not be building the ice like we have in the past because really the ice is more of a problem than the leaking. What we would like to do is to go back to the other two vendors who have only quoted a membrane (because one is a roofing contractor and the other is a general contractor), ask them to give us a price for a roof system; we can give them the description of what that will look like because we have that from the two vendors that made the proposals. Obviously, we don't sell the price, we only give to the two vendors what it is we want them to quote on and then we would have four quotes that are on the same ground level; he thinks they can make a good decision from that. Right now, the lower of the two is \$10,000 (the other one is about \$15,000), so if they wanted to have this thing move forward and not wait until the late meeting in July he would recommend that they approve the hiring of a contractor to fix the police roof, not to exceed \$10,000. And then, if the other two vendors come in less than that for the same project then we would obviously give one of them that number, but we know that for \$10,000 right now we can do what we feel needs to be done to get rid of the water problem and the ice problem.

Councilor Venesky told Don Snyder he read the estimates. He was looking at Josall who was the 2nd highest of the quotes. The lowest one was the \$5,500 and they were just going to put the membrane on the roof and the extensions.

Don Snyder said the quote that was like \$5,800 was a coating. Josall is putting a membrane (which is about the same thickness), and then the other two vendors are for building a structure to really give us the cold zone that we want/need to get rid of the ice problem.

Councilor Venesky said when he looked at Josall's he really kind of liked it. It says:

Roof Replacement

- The existing membrane will be left in place (the roof).
- A new wood nailer will be installed around the perimeter of the building to allow for the new insulation height.
- A layer of 1" insulation will be installed over the existing roof system.
- Tapered insulation will be used and where needed to allow for proper water flow.
- A 060 fully adhered Carlisle TPO roofing system will be installed according to manufacturer's guidelines and specifications.
- All the penetrations through the roof and perimeter edges will receive new flashings.
- The perimeter edges will receive new metal gravel stop and will be properly flashed into the new roofing system.

Councilor Venesky asked Don Snyder if the 1 inch of new insulation on that roof and the flashings would not be sufficient in his opinion to handle the ice problem.

Don Snyder said we don't think that with the 1 inch you are still going to end up with the heat loss from the trailer because the trailer doesn't have a decent insulation package. So would 1 inch do it? Will a roof that has 10 to 12 inches of air space do it? The answer to that is definitely yes. On the first quote with the membrane, he's not sure. But they would like to have Josall and the other vendor give us a price like the two that are doing the roof system have given us; so we are looking at 'apples to apples'.

Councilor Venesky told the rest of the board that the reason why he is okay with that is because he thinks we spent another \$3,000 to \$4,000 on emergency ice removal, on the police building alone.

Tracy Cosilmon said it wasn't that much.

Councilor Cushman asked about the length of time that these were going to last? He said wasn't there a question about one of them was a lesser price because the membrane that they put on would only last 15 years.

Don Snyder said he thinks that the one that was going to be rolled on had a 15 year factory warranty. He thinks the membrane would be the same as far as the length. Don commented that no matter what we put on the police building the roof will last longer than our need to use the building.

Councilor Venesky said that was his point. Because it doesn't matter who is going to be sitting here next year. Whoever is sitting here is going to have to tackle that issue. He would like to get out of this with the least expensive way that will give us at least 4 or 5, or 10 years from now.

Don Snyder told Councilor Venesky that with the Josall proposal he can't assure him that that will eliminate the ice problem. He can more assure him (not guarantee) that if he put a dead air space above the building we should not have that ice problem.

Councilor Venesky said we are at \$8,900 now.

Don Snyder said right. We know that right now the most we'll spend is \$10,000, so that's another \$1100 bucks. We need to get this done because obviously the time to do roofing is when it's not snowing, so he suggested the board give them the permission to spend an amount not to exceed \$10,000, and that before the board meeting in July they will tell them who got hired.

Councilor Venesky said one of the things along that line is that they were not going to have an executive session that evening because Councilor Becallo could not be here and he certainly wanted to be in on the discussions that were scheduled. He told Don if they wanted to get together before July 22nd they could do this formally.

Councilor Cushman asked Don Snyder what they were looking at for a time frame to get the other two bids in.

Don Snyder said he would think two weeks.

Councilor Venesky told Don Snyder they could wrap that up pretty quickly. So if Don knew that he was going to get a proposal then they would be able to call a special meeting, and also be able to accommodate Councilor Becallo on the other discussions.

Don Snyder asked Tracy Cosilmon if she had a discussion with Josall about whether his proposal would eliminate the ice problem, and hadn't he said that he didn't think it would.

Tracy Cosilmon said you still have to maintain the roof and take the snow off of the roof no matter what.

Don Snyder said the current Josall project would not handle the ice problem. But again, those are the ones that we want to get prices from so we are giving them a write up from the ones that we like that have a roof system to make sure that that's what the other two vendors are quoting on so we can say we now have four quotes, and here's what the range is.

Councilor Venesky said they could address the issues at the special meeting. He thinks they would be able to make a decision pretty quickly on what we want to do and that would also accommodate Councilor Becallo.

Don Snyder said the funding for that is in the reserve for building maintenance, so it's not a budget item but it is a reserved item.

PUBLIC INPUT

Ray Schader said he noticed new cement on Route 11 in front of where the Dairy Queen is going to be that ends at Sun Chevrolet; every one of them has sidewalks, but not none of them line up. He asked if there is anything in the zoning that says that these sidewalks should line up with one another.

Councilor Cushman said from his time on the planning board, the regulations have changed. At one point they could be in the right-of-way and at a previous point they were not allowed to be in the right-of-way, so we were talking about a 5ft. difference as far as off the curbside. But usually from one property to the other there are enough driveways, and whatever, so that they don't have to line up.

Ray Schader said it looks kind of ridiculous, the two brand new ones do not line up.

Councilor Cushman said it is something we need to talk to the planning board about, for sure.

Councilor Venesky said that's something that maybe we need to change.

Tom Beaulieu said the sidewalks may not be aligned, but the biggest problem in this town is that we have a master plan that indicates that we should have some continuity in our sidewalks and we don't have them connected. He doesn't have a problem with them being set back off the curb line but some of them terminate into telephone poles; he hopes no fool would be foolish enough to walk into them. He doesn't know how we plan stuff like this but if our planning board is approving stuff like this then they better go back to school and learn how to lay out sidewalks. He said he hopes they follow up with the driveway at WalMart where that comes out at the second driveway. When that was installed for some reason that slipped by the site plan process; it's probably a permit with New York State. Their permit department ought to be contacted and ask them why that sidewalk wasn't given a handicap ramp instead of just basically dropping off into the grass. The other issue he brought up, that Ray Schader also spoke of, was that in front of Sun Auto they did put a new sidewalk in but at the driveway its gravel, there's no terminals going into the driveway or meeting the driveway, that should have been completed too. So there are a lot of gaps here. We do part of it, we walk away, we're satisfied, but it's very incomplete; it needs to be looked at.

Tom Beaulieu wanted to thank the County. He said finally, after a year, we have some additional 'share the road' signs on Eastman Road and Cicero Center Rd. They are also going to do Bartel Rd. and he thinks Thompson Road from Taft Rd. up to Believer's Chapel to take you all the way to Island Road, up Eastwood alcove, and onto Route 31, which is a State bicycle route.

A resident said that before they do anything on this quote for the Police building roof she really thinks they might want to listen to the audio; it seems like they gave away a lot of information if they are going to have two people rebid, and as they know that's usually called 'round robin bidding' and it is highly unethical, at least in the business world. She asked that they at least listen to the video. The other comment, regarding signs, on her way here she was coming up the stretch of Route 11 and she saw at least three telephone poles with three or four signs on them and it really looks very untidy. She asked if those signs were legal and was told that they are not. She asked if she filed a complaint would Code enforcement be able to take them down.

Councilor Venesky told her he would make a phone call that next morning to Code enforcement.

Judy Boyke asked where the asbestos pipe came from that we disposed of.

Chris Woznica said it is under a road (Gillette Road), and it was put in years ago.

Judy Boyke said each week they speak of the budget modifications being on the web and they're not there (she deliberately looked that night before she came).

Councilor Cushman said he was informed that they were posted.

Tracy Cosilmon said she knows that we don't get them on the web. Jolee puts the attachments on the web, but she doesn't know if they are included in the attachments but she knows that the abstracts have a special place on the website under Expenditures. The budget modifications, she doesn't know if they are part of the attachments that Jolee had given at that time.

Deputy Supervisor Meyer solicited any discussion from the Board, of which there was none.

ADJOURN

Councilor Cushman moved the adoption of a resolution to adjourn the Town Board meeting.

Motion was seconded by Councilor Conway.

Ayes - 3 and Noes- 0. *Motion carried.*

There being no further business before the Board the meeting was adjourned at 7:08 p.m.

Tracy M. Cosilmon
Town Clerk