

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, March 26, 2014 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

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

Others Present: Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Robert Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer
Sharon Edick, Receiver of Taxes
Tracy Cosilmon, Town Clerk

Absent: Christopher Woznica, Highway

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.

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

Supervisor Zambrano indicated where the fire exits were and 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 and others in attendance to utilize the microphone at the front of the room. If anyone is unable to hear, let us know so that adjustments can be made, as necessary.

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

At this time, I would ask that, if you have not already done so, please silence your phones and other electronic equipment so that the proceedings are not disrupted. We also ask the audience to keep chatter at a minimum, so as not to disturb others.

APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES

Councilor Becallo requested a correction to the minutes of the March 14, 2014 minutes on Page 11, the name of the vendor should be "Away With Geese.Com" not Goose be Gone.

Councilor Becallo moved the adoption of a resolution to approve the minutes of the March 14, 2014 Special Town Board Meeting pending the corrections he requested. Motion was seconded by Councilor Conway.

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

BUDGET MODIFICATIONS

Supervisor Zambrano stated there were no budget modifications.

MADISON COUNTY SOIL AND WATER CONSERVATION DISTRICT

Presentation by Steve Lorraine, District Manager

Steve Lorraine explained that it was time to renew the five year agreement for log jam clearing maintenance on Chittenango Creek. It's a three township agreement; the Town of Cicero, Town of Manlius and the Town of Sullivan got together after the floods of January 1996, when there was significant damage to all three townships. 1998 was actually the first year of the program and it has been going on ever since. Basically the program is - district staff from his office floats the creek every year, they GPS all the log jams in the target area, then they determine which are the worst log jams, they contact the land owners adjacent to those log jams, and contract with local contractors to remove them.. Originally, they thought that after 10 years we wouldn't have to do it anymore; they started out with somewhere in the neighborhood of 25 log jams the first time that they floated, but what they've found out is that every year there are new log jams. They have removed somewhere in the neighborhood of 30 log jams and last year there were 5 log jams and 6 or 7 partial log jams (tree's laying across the creek). The last five year agreement ended in 2013, so if the Town wants to partake in it then it's time to sign the new contract (the other two townships have already agreed to sign up for another five years, so it looks like it's going to be a maintenance program forever. The reality of the trees along that stream is there are new ones falling all the time and if we don't keep up on it then we will be back to where we were in 1996 and have a bigger problem.

Steve Lorraine solicited any questions.

Supervisor Zambrano asked Steve Lorraine how many miles of creek are covered.

Steve Lorraine wasn't sure, but said it goes from Fyler Road to Route 31(that's the section that is the specified target area for these funds and that is the only place they are allowed to use these funds without permission from the three municipalities and only once did they go outside that area and they had gotten permission to remove that).

Supervisor Zambrano asked Steve Lorraine to explain the difference in the fees for the different towns.

Steve Lorraine explained that it was based on the linear feet of stream bank within the target area; the Town of Sullivan has the largest number of linear feet, the Town of Cicero is second and Manlius is third.

Supervisor Zambrano said on the financial report that he provided, their expenses for 2013 were \$3,800.00.

Steve Lorraine agreed that last year's expenses were "low." They had contracted for \$14,000 worth of work last year but it was a very wet year and unfortunately it was very hard to work in that area so the amount of work they planned on doing did not take place. Although they contracted for \$14,000 worth of work they only got \$3,800 worth. A couple of years ago they actually exceeded the budget and the district fronted that money over the calendar year and then reimbursed the district when the next year's funds came in, because they had a good year.

Supervisor Zambrano said Councilor Becallo had initially brought up the fact that right now they have a \$17,000 balance.

Steve Lorraine said that amount was the balance on the report he gave the Board; it's a separate bank account and the district has its own account just for this money.

Supervisor Zambrano said she wondered why they don't spend some of that money down.

Steve Lorraine replied that last year they planned on spending \$14,000 but they didn't get that much work done. Some of that is out of their control, in that they hire contractors and if they don't get the work done then they can't expend the money. He agrees with her and hopefully this year will be a better year and they can spend all of it. They didn't get some of the log jams last year that they had planned on so what his guess is that when they go float it this spring instead of there being five there are going to be ten. Hopefully we get a better summer this year and we get more work done - it is weather and contract dependent.

Councilor Venesky said with all the work that was not done last year because of all the rain and this year, of course, he doesn't think we've had more snow than normal, but because it's been so

cold we haven't had the melts. Is that going to affect the log jams or the work that was not done last year? Can we anticipate that is going to cause a problem this year when the rest of the snow melts?

Steve Lorraine replied that we've had just enough melting that he is hoping that we won't have an issue. If we get thunder storms next week with the snow pack that we have then we could have an issue, but there really is no way to know until it happens. They were looking at 5 log jams last year, when we started this project there was 25 log jams, so certainly they are going to be in better shape than we were in 1996.

Supervisor Zambrano said they had \$17,000 in the account right now and they are proposing to collect from the three towns another \$10,000, which would put them at \$27,000, so even if they did \$15,000 worth of work they still have money to spend now.

Steve Lorraine replied that was correct. This year he'd like to do \$20,000 worth of work – if they have the weather and the contractors. If the Town would prefer that they spend some of the money down before they get any more than that is up to the Town; it's the Town's agreement, they just administer it for us. This is really the first time they have had a build-up in the fifteen years that they have done this project. The other towns did not ask about the hold overs.

Deputy Supervisor Burtis asked if that was a possibility and how would the town do that. Would they go year-by-year, a two year, a five year?

Steve Lorraine explained that the current agreement calls for that expenditure every year for the next 5 years, so in order to honor the agreement they would have to change it.

Deputy Supervisor Burtis said they are looking to collect, but the Town did not expend it.

Steve Lorraine explained that it was not for what was expended last year. It is to cover 2014.

Deputy Supervisor Burtis said what they are saying then is that they are not sure how much it is going to be this year.

Steve Lorraine replied that the Town is paying ahead, not for work that has already been completed.

Deputy Supervisor Burtis stated that the Town paid ahead last year and we didn't get any – that's the hard part.

Steve Lorraine said he understands, but it is up to Town on how they want to handle this. Personally, and the other supervisors he has talked to would like to see this continue the way that it is. If they have a couple of good years then they will be back down to \$0.

Councilor Venesky said Steve Lorraine had stated that last year we had 5 log jams and asked Steve if there were more log jams that we just weren't able to get to because of the weather.

Steve Lorraine said there were 5 log jams where the channel had been bank-to-bank plugged. There was also 6 or 7 partial log jams where there was a tree laying over starting to catch debris but maybe water is traveling on one side or the other. The contractor pulled out what they could get to but they didn't get to what was identified last year.

Councilor Venesky asked if 2013 wasn't a typical year for them.

Steve Lorraine said that was correct. He would expect to see more that needs to be removed in 2014.

Supervisor Zambrano asked Steve Lorraine if they had inspected anything.

Steve Lorraine said no. They can't get in the stream until its safe; physically they float it, but whenever you come to a log jam you have to get out of the canoe, port it around the log jam and then put the canoe back in. Generally, they try to get in there around June, weather permitting. Last year, the stream was too high so they couldn't get in there until the middle of July, so by the time they got in there, documented what was there, got contractors lined up and then September turned out to be wet too, so basically they only had a portion of August to get work done.

Councilor Venesky said they currently have \$17,000 in the bank. He doesn't think that there is any objection to fund the additional \$14,000 that they are looking for. The question is if the Town doesn't need to give them \$14,000 this year, (because we have money in the bank and they

weren't anticipating that they would be spending that money), than it looks better in the Town's account than it would in theirs.

Supervisor Zambrano said the Town of Cicero's contribution is \$3,600.

Steve Lorraine said that was correct. It is \$10,000 for all three townships.

Supervisor Zambrano said they certainly still want the work to be done. They are just wondering if they can spend down some of that money first.

Steve Lorraine said they can and the Town can choose not to sign the agreement for 2014 and they will work off the money that is in the bank. They can come back next year and take a look at it, see where we are and how we did in 2014, and also make sure that they are happy with what they are accomplishing. He understands their concerns so he has no problem with that if that is the way that they choose to go.

Deputy Supervisor Burtis asked Steve Lorraine if they needed to sign the agreement and spend money in order to get the work done. They have to be in agreement on something right?

Steve Lorraine said the only problem they would run into is if they needed help with something on Cicero's side of the stream (we may run into an issue but they could find a way to work that out; historically they haven't had any issues). They still have \$17,000, and even if nobody wanted to do this anymore, we would spend \$17,000 and when we are done with that then maybe the park project went away, but they are not going to stop with money in the bank because it's not their money it's the three township's money.

Supervisor Zambrano asked the Board what they would like to do.

Deputy Supervisor Burtis said he thinks if we sign a one year agreement for some amount of money, then they could come back and revisit it (the Board is all going to be here next year and he's sure they won't forget the discussion).

Supervisor Zambrano asked if they were to do that than how would that affect the other two towns.

Steve Lorraine stated that the only problem is that agreement is signed by all three townships; two of the towns have already agreed to them as written. They did add some stuff to the agreement because there were some questions about addresses and things. Also, they have added stuff to the agreement that the Cicero Board was currently looking at that he would forward onto them, but those he doesn't think are an issue. If they change it to the point that Cicero is only agreeing to one year, then he is going to have to talk to those towns because that is a significant change to the agreement that they signed.

Supervisor Zambrano said she certainly wants the work done. She would just like to see the money spent down. She stated Councilor Becallo had raised the issue.

Councilor Becallo said all the interest has accrued and he wondered how much is in the fund balance. He understands that some years they are going to get more work done than others. If we didn't put anything in this year than the \$3,000 could go up next year, correct?

Steve Lorraine said it could go up. The agreement is for 5 years for a specified amount of money. They could modify the agreement and raise or lower that amount of money, but every time the agreement is modified, as its currently written, it would have to be modified by all three townships because when the program was started it was an agreement between those three townships to do "X" and "X" is what's in that agreement. It's essentially the same agreement that was started in 1998, and it hasn't been changed since then. A few years ago they received \$6,000 from the state that they put into that bank account to do additional work - so it's not just money from the towns' that go in there.

Supervisor Zambrano's idea was if the Town paid the full \$3650, than she'd like to see that as a (1) Year agreement and then they can take a look and see what goes on after that. Otherwise, she'd like to have them spend the account down before we put more money into it.

Councilor Venesky asked Steve Lorraine if he anticipated spending the \$17,000 that's in there this year.

Supervisor Zambrano stated that they only got the financial report for 2013, so they didn't get to see the expenditures from previous years.

Steve Lorraine said they could. Weather permitting; there are enough contractors out there that actually like doing the work because it's a lot different than the normal contractor work.

Councilor Becallo said so what they want is - "please don't rain."

Steve Lorraine replied they want some rain, just not as much as last year.

Councilor Venesky said his concern is that the work needs to be done. He agrees we should spend down the \$17,000, and if we can save the \$3,650.00 of taxpayer's money this year for our taxpayers (because we have enough money in the fund to get the job done), then he would be more than willing to see Steve Lorraine next year at this time and say "sign the agreement." But, he would like some sort of mechanism to spend that money down before they appropriate additional monies.

Steve Lorraine said he understood.

Supervisor Zambrano asked Robert Germain if the Board needed a resolution if they were opting not to sign the agreement to have them spend the money down.

Steve Lorraine said he didn't need a resolution because essentially they were just tabling it.

Supervisor Zambrano added – for one year.

Steve Lorraine said that was fine. He will talk to other townships and make them aware of what is going on.

Councilor Venesky said the other townships might agree with this and say "let's spend the money down" and they might have some financial concerns as well. If we can spend this down or if we use the \$17,000, if we get to the end of the season and they are running out of money then please come back to us.

Steve Lorraine said that was fine and then after the season is over, because basically past the end of September they really can't be in there working anyways so they can certainly come back this fall and give an update, and go from there.

Supervisor Zambrano thanked Steve Lorraine for being so accommodating and asked Steve when he gave them another report if he could give them a map of the stream.

Steve Lorraine said sure. He could provide them a copy of the map with all the GPS points on it where all the current and removed log jams are.

The issue was tabled.

**PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED
LOCAL LAW 1 OF 2014 TO BE KNOWN AS THE
"BEST VALUE COMPETITIVE BIDDING LAW"**

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, to consider **adoption of proposed Local Law 1 of 2014 to be known as the "Best Value Competitive Bidding Law"** using the best value award methodology in the competitive bid process according to Section 103 of the General Municipal Law and defined in Section 163 of the State Finance Law. The purpose of this local law is to allow the Town of Cicero to take advantage of newly passed legislation (Amendment of Section 103 of the GML/A08692/S6117) allowing for greater procurement options that are swifter and more cost effective. The legislation also allows municipalities' greater flexibility in awarding bids that may escalate over time due to inferior performance of goods or services.

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **26th** day of **March, 2014**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

DATED: March 14, 2014

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

Supervisor Zambrano asked Sean Carroll, Director of Purchasing for Onondaga County to give a brief outline.

Sean Carroll explained that “Best Value” is an option that New York State has always had as a methodology for municipal procurement. Essentially, the process the Town uses right now is called “low bid” and basically whoever comes in and offers you the lowest price (if you asked for pencils and they gave you pencils you’d have to buy the lowest price.) You don’t have to buy pens if you asked for pencils; otherwise you have to buy it from the lowest bidder. “Best Value” has now opened the opportunity for you to include other things in that evaluation if it’s appropriate for the commodity, so “Best Value” will give you the opportunity to include whether a vendor constantly underbids and comes back in for change notices. It will give you the opportunity to consider the actual quality and the life of the product, so chairs are great – buying chairs every year when you could buy chairs every three years, you can pay the extra \$25.00 and buy the three year chair, not the “one-year” chair. “Best Value” is an opportunity for you to look at your procurement and not be limited to just the low bid. This is something that municipalities all over the country do that New York State had never endorsed before. It was added to the General Municipal Law which is the law that your municipality and mine follow when we do public procurement, and it is something that creates opportunities. He would caution you that it is not an RFP (Request for Proposals), it is not a procurement procedure for professional services and the difference is very much the “Best Value” bid; you would still have to enumerate what the criteria was – so yes, we are going to give you a competitive advantage because you’re an environmental company or yes we are going to give you a competitive advantage because you have always performed well on contracts, but we are going to tell you that upfront in the bid, we are going to score you on it the way we are going to score everyone else on it and we are going to be able to document how we went through that process, so if you pass it, there is going to be some work to discuss with the town (what your priorities are in terms of what things would you stress) such as: Is it environmental? Is it small business preference (which is specifically authorized in the “Best Value” law?), and are those things that you want to give extra points to? When he says extra points he means is if someone bids \$1.00 and someone bids \$1.05 – if that \$1.05 person is a small business and you have chosen that as one of your criteria you will not have to award to the \$1.00 one you can award to the \$1.05 person and support a small business that way. The criteria you pick are something that will require some time, some thought and some understanding of what the town’s priorities are. Onondaga County is currently under an inter-municipal agreement to provide purchasing services for Cicero and we are happy to participate in the development of those should you decide to approve it. There are a number of municipalities that are approving it and a number that are waiting to approve it; Onondaga County is waiting to approve it – it has gone to ways and means and been tabled purely as a matter of other items on the agenda that came first, there has been no specific objection to “Best Value” but it has not moved, so full disclosure - they have not moved it.

Public Hearing was opened at 7:02 p.m.

Speaking for –

Deborah Gardner said at her last job she was a Professional Buyer and this is what they did. They never always just took the low bid; they looked at all kinds of factors such as: Is the vendor responsible? Are they reliable? Is the vendor local? They did look at those things so she thinks it would be wise for the town to consider this.

Supervisor Zambrano mentioned that she did go to the Association of Towns meeting in February. The Comptroller’s Office had a presentation on Competitive Bidding and Best Value, and as Sean Carroll had said there is some documentation. There has to be some evaluation process, some analysis and some justification that needs to go in the books when they implement this option.

Speaking against – None

The public hearing was closed at 7:03 p.m.

Supervisor Zambrano solicited any comments from the Board.

Board comments:

Councilor Venesky said he likes the idea of looking and shopping the value as opposed to just price because price doesn't always equate to value and he likes having the opportunity and when he says "I" he empirically means "us." He likes having the opportunity to be able to make a more informed decision. He questioned the criteria that they would use and asked Sean Carroll for some guidance on it.

Sean Carroll said the County nor the City of Syracuse have passed it; not because they're not in agreement with it, but because they had other issues that were more important or came before it. To his understanding, no one has indicated that they have a substantive problem with the legislation yet at the County or the City of Syracuse.

Councilor Venesky's questioned the criteria they would use. The whole point system with vendors and what they feel is important because anything that they want to do they certainly want to be fair and transparent. He thinks most people here would agree that (especially if we can entertain local business, people that are paying taxes within our town), we certainly want to put them on the list and we'd like to favor them but how do we ensure that whatever mechanism or criteria that we are choosing here?

Supervisor Zambrano told Sean Carroll that the State Comptroller's Office has established some exceptions as to when you can use "Best Value"; Sole Source is one criteria. If you have a vendor and it is Sole Source that certainly would fit.

Sean Carroll said there is no easy way to answer the question and the reason is that this is really designed for municipalities to be able to put a little bit of who they are into the design of the criteria, so while he does a lot of procurement for a lot of municipalities, he would not want to speak for the Town about what your priorities are. There are several opportunities for "Best Value" specifically named in the legislation. There is a part of General Municipal law that says you can't just preference local vendors. "Best Value" allows you to take into account things like, how fast they can provide the service or how much fossil fuel it took for the product to be delivered, but there is a provision that would prevent us from actually saying "Are you in the Town of Cicero?"

The State Comptroller's Office recommends that everything be quantifiable, so either you do meet the criteria or you don't, or you get a certain amount of points for that and every vendor gets the same amount of points if they meet the same amount of criteria. The two examples he has used is you are either registered as a small business or you're not and that may give you (5) points and he would say that most of your local businesses would qualify under that specific preference. The other option that he uses is environmental because it has so many permutations. If that was a priority for the Town we would make a list of the things that are important. Is it important to you that they recycle? Is it important to you that they manufacture in a LEED (Leadership in Energy & Environmental Design) certified building? It is those types of things and he doesn't mean those specifically and please don't take those as him saying that these are your criteria; he's just trying to give some perspective on it. What you would do then is assign a certain number of advantage points to people who met those criteria. So "Yes, our manufacturing plant is a LEED Certified building" - they would get a check mark and they would get 8 points or 2 points (the same as anyone else whose manufacturing facility was a LEED Certified building); they would be notified up front of what the criteria are and they would have an opportunity to respond to them. In some cases if you are talking about the quality of the product, such as one refrigerator vs. the other refrigerator - they would be looking for an independent standard of consumer report that showed that this refrigerator lasts longer in order to apply that opportunity. The class he taught today specifically talked about this being more art than science and it is not as comforting as just looking at the low bidder, so it is an opportunity but it does come with those hesitations and those risks and he just wants to be completely honest about those -

those are there. The hope would be to standardize the evaluation to a point where it became a number and numbers and math are sort of very hard to put emotions into.

Councilor Venesky said he has no issue with someone rating a refrigerator if that's what they use. He has a problem with politics coming into it and pushing a political agenda and saying "I don't like people who are Green," or "I will only do business with people who claim to be Green" and now I'm using my own political judgment to cloud the purchasing of my town – he has a real issue with that.

Councilor Becallo read the following section of the current Town's Procurement Policy:

5.0 Award of Purchase or Public Works Contracts

5.1 The lowest responsible proposal or quote shall be awarded the purchase unless the purchaser prepares a written justification and approved by the Department Head, providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting the judgment shall also be documented and filed with the record supporting the procurement.

Councilor Becallo asked how this was different from what New York State is proposing.

Sean Carroll explained that there has always been an opportunity under New York State law to reject a person for not being responsive or not being responsible, so things like "You are barred from doing business in New York State" that would disqualify you from doing business with Cicero also. Another example is if you asked for pens and you sold me pencils - that would disqualify you, you would be not responsive to the actual conditions of the bid and that is always required – that we take the time to justify those. In general, the General Municipal Law statute has been to award to the lowest responsible bidder and they are responsible if you put it in your bid specs which could include businesses that haven't paid their taxes (those sort of things would be improper to perhaps give a business more money out of the government coffers without them having paid their taxes or those sorts of things) and that would have been a strategic decision this board would make. Certainly, since they (Onondaga County) have been doing the purchasing he doesn't know that they have ever used that clause in any broader interpretation because of the way it is phrased in General Municipal Law and he thinks probably the spirit of that and the way that it comes across on paper it would be better represented through Best Value; which is sort of the mechanism provided for those sorts of considerations in General Municipal Law.

Councilor Becallo said he appreciated that. The words or similar words like "best said justification," which he views that as "pencils to pencils" and just proving the fact that someone is more responsible – he feels that they are pretty much the same (the Best Value Bid and what the Town currently has).

Sean Carroll told Councilor Becallo that without having consulted with your council, he would caution him to the enforceability of you awarding that way without having passed "Best Value."

Deputy Supervisor Burtis said the Board had just gone through this at the last meeting where the Board awarded somebody who was the lowest bidder, but the Town had previous history with the next closest bidder and he had asked if the Board had to go with the lowest bidder and the answer was "yes." He said he is struggling with the definition of "Best Value" which reads – "*Best Value is defined as the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency among responsive and responsible offerers. Such basis shall reflect wherever possible objective and quantifiable analysis*".

Supervisor Zambrano asked if that was language from the State Comptroller.

Deputy Supervisor Burtis replied that was correct.

Deputy Supervisor Burtis asked if we have to build the Best Value model before we adopt it or would we need to adopt the Best Value model first and then go and build the quantifiable parts.

Robert Germain explained that in our bid last week, where we issued a contract, the lowest bidder could not be disqualified as unresponsive or non-responsive; the issues that we had didn't rise to that level. There's a legal test that we follow. We've had at least 5 or 6 of these cases in the last couple of years and we've never lost one, but they do come up, so there are criteria that we look at whether it rises to that level or not, that didn't. But in the future if we do build in certain things in the interest of fairness to everyone, those have to be built in ahead of time and quantifiable, right in the bid specs; they are questions that are added to the bid specs.

Supervisor Zambrano said just because we have this option, say we were to pass this as a local law, then we don't necessarily have to use it, we could still do the competitive bidding process right? There's nothing that says just because it's there we can't look at competitive bids is that right?

Sean Carroll said they describe it as a tool in a tool box, and it is an option and certainly if there were political things that came into effect and we were unable to settle on what should the criteria be, we would bid it out as a lowest responsible bidder. Municipalities have it done it both ways; they have passed the law and then looked for an opportunity to avail themselves of it by building the structure around it or they have hammered out what would be satisfactory to everyone as the structure, and then passed it. So there is no statutory requirement for the town to have that in place before they pass it. There is a strong recommendation to know what you are looking for before we publish the first Best Value bid.

Deputy Supervisor Burtis asked Sean Carroll if he had any idea how long it takes to build such a quantifiable model.

Sean Carroll replied the purchasing business is partially plagiarism; there are a number of municipalities all over the country that have done this and have models, so depending on what you were looking for, it is more about the municipality deciding what its criteria are, rather than the actual writing of it. They could certainly help draft some different criteria, some concepts, but ultimately it would be as long as it took to have a consensus – he believes the town's bids have to be approved by the board before they are advertised, so he would assume there would have to be some conversation about that. He has not done that yet for a municipality in New York State.

Supervisor Zambrano stated, as Sean Carroll had said, there is an inter-municipal agreement with the County and they certainly have been very helpful with purchasing and procurement.

Councilor Venesky said he would like to see what the criteria are before he votes. He complimented Sean Carroll for doing a nice job and said in the spirit of what this is trying to do, in spirit he agrees with, but he has to get into the weeds with it a little bit before he says lets...

Supervisor Zambrano said that was the point. This is new and there isn't a lot out there, but they have to pass a local law to have it on the books before we can even try it. It's when we enact it and try it, that we develop the guidelines.

Councilor Venesky asked if there was nothing that was going to hold us to saying okay now we passed this, now we have to use this.

Supervisor Zambrano replied no.

Robert Germain said there was no downside.

Councilor Becallo moved the adoption of a resolution to adopt Local Law 1 of 2014 to be known as the "Best Value Competitive Bidding Law" using the best value award methodology in the

competitive bid process according to Section 103 of the General Municipal Law and defined in Section 163 of the State Finance Law. The purpose of this local law is to allow the Town of Cicero to take advantage of newly passed legislation (Amendment of Section 103 of the GML/A08692/56117) allowing for greater procurement options that are swifter and more cost effective. The legislation also allows municipalities' greater flexibility in awarding bids that may escalate over time due to inferior performance of goods or services. Motion was seconded by Supervisor Zambrano.

Ayes- 4 and Noes – 1. *Motion carried.* Councilor Becallo voting no – I don't feel this is going to be swifter or move more smoothly. I just see down the road it won't be used correctly. I hate to say that, but it's just how I view it and it's not that much different than what we currently have on our Procurement Policy.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FOR CARMEL RUNNE

Proof of publication and posting was presented to the Town board by Town Clerk.

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, to consider a **Zone Change from General Commercial, Agricultural AG District & Planned Unit Development District to General Commercial Plus District for the property located at Tax Map Numbers 090.-01-02.1, 090.-01-32.0, 33.0, 34.1, 36.1, 37.0, 38.0, 39.0, 40.0, 41.0, 42.0, 43.0, 44.0, 45.0, 46.0, 47.0, 48.0, and 49.0. The public hearing will only take place pending the submission and evaluation of the EAF (Environmental Assessment Form).**

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **26th** day of **March, 2014**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

DATED: March 14, 2014

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

Hal Romans, Surveyor & Planner for the applicant, Mufale Family Partnership, pointed to the projector screen which showed the tax map of the eighteen (18) tax parcels involved and explained that it was approximately 105.5 acres. The bulk of the property is currently General Commercial. There is a piece that is PUD Commercial based upon the original zone change for the Renee Gardens subdivision that happened in 1977; he actually was able to get copies of the meeting minutes for that and it was presented to the Planning Board, it was the May 17th meeting when they actually approved the PUD zone change back then and they said when the Developer is ready to consider the commercial development in connection with the PUD, Planning Board approval will be required (he did give a copy to the Planning Board). There is a portion of property that is about 1.5 acres right on the Lakeshore Rd. that is PUD Commercial subject to Planning Board approval for the use; it's also a piece that is encumbered by overhead power lines. There is a strip next to it that is zoned Agricultural currently and it is part of the Carmel Runne subdivisions; when the original zoning occurred for this project the applicant did have control of that strip at that time and so that wasn't changed at the same time years ago that Carmel Runne was changed to Highway Commercial back then. And it was always intended that we would come back in, "we" being the applicant to rectify that situation. There is also a sliver of Agricultural too. So what they have is 95% of the holdings of his client is zoned General Commercial and when we look at General Commercial and what could go in there now you have shopping centers, hotels, motels, gas service stations, car wash facilities, restaurants and drive-in activities, health related facilities, light assembly, automobile sales and service including recreational vehicles and boats, a veterinary clinic and a host of other commercial uses that are allowed in the lower commercial zoning within Cicero. General Commercial Plus (he said he was reading out of the Town's Code), the statement of intent says that General Commercial Plus district is designed and intended to provide for code systems between

commercial uses and light industrial uses, in the additional they list five or six other uses that would be added to the General Commercial: parking garages and parking lots, warehousing and distribution facilities, automotive repair and/or garage facilities and manufacturing and assembly and then other uses that the Planning Board finds that such proposed uses meet the statement of intent. So, it gives the Planning Board a lot of leeway as far as what uses would be allowed on those parcels. The reason his client has come in for this zone change is they have had a couple of users that were interested in locating here that could not meet the General Commercial; they could in the General Commercial Plus provided they were able to go to the Planning Board and promote that use and so in looking at their holdings here and the fact that they have all of the road infrastructure in and the bulk of the original stormwater management areas in, it made sense for them to say that they are going to have to come in for a zone change on that agricultural parcel to turn it all to General Commercial Plus and that is really why they are here; they originally were looking to have the PUD portion and the AG switched over to General Commercial Plus, the Town's Planning Board recommended that the PUD portion stay PUD and we have no problem with that. If we were to get the zone change on the balance of the property we would probably, eventually come back in and do a lot line adjustment to make sure that the PUD is all on one lot; right now it is about half of one of the tax parcels. One thing we don't want to do is end up with what we have now which is a couple of tax parcels that have two different zonings on them; the whole idea is usually to have a consistent zone across the whole parcel. He did check with the Town's comprehensive plan online and having the rest of all the property the same and commercial use is part of that document. Realistically, these roadways (even though they are town roads), they both come out onto county arterial highways; there are no residential uses allowed in here except for the strip in the back area that is still zoned agricultural and a strip between two of the tax parcels. So it's really parcels that the applicant didn't have in their ownership at the time of the original development - they got them later on, they were actually part of subsequent subdivision but the zoning end of it was never cleaned up for those two parcels. Basically, the one parcel is about 150feet wide by 1000feet deep and the other one is 120feet wide by about 500feet deep.

Supervisor Zambrano said it was about 105 acres all together.

Hal Romans replied that it was just over 105 acres. They did have a coordinated review with the County on this project and the Lonergan subdivision to the north and he knows that what was brought up - updating the traffic study. His client has done numerous traffic studies for this project over the years and has no issue with doing a traffic study update at the time of somebody coming in for site plan, because not knowing exactly what users are going to come in, right now even if a hotel, motel or a restaurant which he considers to be kind of high traffic generator uses came in, they would be doing an updated study at that time. The only changes that occurred from the State Department of Transportation was that Pardee Road was signed so that you could not make a left there and their pushing traffic now through Carmenica Drive; he knows in looking at the County referral that was one of the recommendations under their recommended modifications.

Hal Romans solicited any Board comments.

Councilor Venesky asked Hal Romans if it was correct that the roadway that was put in there was put in there over 10 years ago.

Hal Romans said that was correct.

Councilor Venesky said that roadway was never completed, that's a base-coat road.

Hal Romans said he would have to verify that.

Councilor Venesky said his understanding was that the road was never completed or topped.

Supervisor Zambrano said she was not sure of that.

Hal Romans said he would have to verify that. He doesn't know for sure if the topcoat was put on or not.

Councilor Venesky asked if the road was finished. His concern moving forward is that the road, when it is completed, that it is built to the standards that exist in this town today. In other words, if we are going to complete that road and we are going to agree

to a zone change where we are going to allow commercial businesses in there and commercial traffic than that road, even though it was built 12 or 15 years ago, would the road be upgraded to meet the Town's road standards as of today?

Hal Romans said he would have to check that. He believes that the roads were turned over to the Town so he would almost assume that they were built to completion at that time.

Supervisor Zambrano said they were Town roads.

Robert Germain said they had made some specific suggestions for the board that addressed this issue so maybe if they get to that it would help the board with some of the questions that they have.

Deputy Supervisor Burtis said one of the things that Onondaga County Department of Transportation advised also was that there would be no driveway access permitted onto Lakeshore Road. How would the applicant handle that?

Hal Romans said as it stands right now (and he pointed to an area and said this was one tax parcel), so that in theory is the only parcel that would need access to Persian Terrace. Looking at the fact that if that PUD portion, which is half of the tax parcel that sits right on that intersection were to be developed (and he had a copy of the subdivision map which he provided to the Planning Board), you could see that out of that acre and a half probably about a third of it is actually "buildable" because of the power lines going over it and everything else. What he'd picture there would be just a small office, if anything. They would have to seek permission from the Town to have a driveway come out on Persian Terrace, if that were not to happen than probably instead of just making this portion of the property part of this lot up here and having access out here the applicant would probably look to have the whole thing made as part of this tax parcel. Right now what exists is this tax parcel (he pointed to an area) has a little corner, a little triangle up here that is zoned AG, (he pointed to another area) and said this tax parcel here has this strip that is zoned AG, so you have one, two, three, and then four, five, you got two tax parcels down here that have two zonings, you would end up with just one tax parcel having two zonings that would be General Commercial Plus and PUD Commercial and he pictures that PUD Commercial part being used as nothing more than green space. Over the years maybe one serious person looked at that property there and because it was zoned PUD Commercial and the other part was AG it just wasn't going to work for that office. When you are a PUD Commercial and you have to go back to the Planning Board for approval they are obviously going to be really strict on what goes in there as far as something that would be a Neighborhood Commercial that would blend nice with the residential there. He thinks there are options there; it doesn't make sense in his mind that the strip in the back remains AG when the bulk of about 95% of the rest of the holdings is all General Commercial Plus. Does he think that if these lots were developed that there would be development pushed all the way back to the residential – No. There's stormwater management areas back there and there are wetlands that are on the site back in there that are going to preclude that and any use that goes in there has to go through...you can't just say I want to put... right now General Commercial allows up to a 50,000 square foot building, but if the lot won't support a 50,000 square foot building with the parking and the stormwater management that has to go in, then it can't go there; it's a guideline really for the Town and the Planning Board to say if you can make everything work, then you could get something built like that and it might be that you sit there and say that I can't because I've got restrictions back in here and maybe I have to combine two lots and do something if I wanted to do that today. In this case, the fact that the one property owns the two properties it is very easy to rectify.

Deputy Supervisor Burtis asked Hal Romans if he had any idea when the last traffic study was done by the owner.

Hal Romans said he would probably say it was when Gander Mountain went in because the owner had sold the original lot to Gander Mountain. He doesn't know if Gander Mountain had a traffic study updated when the hotel went in because he thinks what Gander Mountain did was they bought the lot from Mufale Partnership, put in their facility and then sold a portion of their lot and created a new lot for one of the hotels that is out there. Then there is the other hotel. He doesn't know if they had to do one but he would think that they did have to at least do an update. The only change, in talking at the Coordinated Review meeting, that has really occurred is that the State DOT has done is

“No Left Turn” at Pardee Road. One of the things that came out at that meeting is that traffic in this area is an issue. State DOT is looking at what they are going to do as far as the 81 interchange and everything. They’ve talked about some kind of a roadway possibly that would go from Lakeshore to Route 31 to rectify that intersection that comes in and he believes that they were going to do a meeting of the Town Engineer and a few other people that had a history with this to actually see if they could come up with an idea on possibly where that could occur and how you could implement something like that in the future.

Deputy Supervisor Burtis asked wasn’t that around 2017 or 2018?

Supervisor Zambrano said no. She explained that what Hal Romans was talking about was something out of the Coordinator Review that there was going to be a work group put together to talk about the traffic issues.

Hal Romans said he knew that they all have experience with the DOT on this and he has been around long enough that he has seen it and he also sees how long it is taking them to just do the Route 81 corridor through the city of Syracuse. He doesn’t think there is a good, quick answer but he thinks there is an answer on how to do a roadway through to connect that and he thinks a good step is that meeting that they are going to have and try to put together where they at least try to identify the route. You have traffic studies that show what the issues are and now the State said they’d like to just see basically how it functions now that they signed it that there is No Left Turn there. His client’s issue is if they wait until they have a buyer for the lot and they know what’s going in, they can do that study more correctly as far as if it’s a hotel, than it’s a total different traffic pattern than if it’s some company that is going to go in there and have parts brought in and do light assembly or somebody that is going to be a distribution center - that’s really where they are coming from is that would make more sense. Kind of similar to what happened for when they sold for Gander Mountain; it was specific to a retail store, “x” number of square feet, you had realistic traffic numbers and everything that you could project into the study instead of a hypothetical. Right now if we were to do a hypothetical on the whole site he could say, who knows, there could be three restaurants that come in, there could be one. For some reason if all of a sudden another hotel chain says “Hey you know what, this is where we want to be,” there could be another hotel that wants to go in there. Under the current zoning those kinds of uses are allowed. Some light assembly is allowed today under the current zoning, but anything that goes into the Commercial Plus might generate traffic at different times versus those uses.

Supervisor Zambrano asked Councilors’ Conway and Becallo if they had any questions.

Councilor Conway said he probably would like to adjourn this. He is thinking that he wants to take and clarify the roads, and what the costs are going to be and to whom.

Supervisor Zambrano said Bruce W. Letts, C & S Companies, Town Engineer is prepared to talk about some of those recommendations and they can add to that. But this was supposed to be a public hearing so she just wanted Hal Romans to present an overview.

Supervisor Zambrano opened the public hearing.

Public Hearing was opened at 7:41 p.m.

Speaking for – None

Speaking against –

Judy Boyke asked was the opportunity offered to all of the other parcels that are commercial to have an opportunity to be rezoned along with this parcel; in particular there is 4.43 acres.

Supervisor Zambrano said there was no application for that so they can’t consider it at this time. Once they get the proper paperwork then it’s possible we could consider it.

Judy Boyke said it doesn’t make sense that they are having a public hearing now to have a zone change that it would not be incorporated at that time and they would have to go through the whole process. If that’s not the case then this would be considered “spot zoning” because the opportunity is negative for them.

Supervisor Zambrano told Judy Boyke she didn't think she understood so she asked Robert Germain to answer Judy Boyke's question.

Robert Germain explained to Judy Boyke that we (the Town) did not have an application for the other parcel.

Judy Boyke asked if it was offered to them.

Robert Germain said he did not know.

Judy Boyke said normally when you have a zone change and there are other parcels that are of the same, that they would have an opportunity - it would make sense. You have sent letters out to all the people that butt up against it.

Robert Germain said yes, they gave notices as part of their process.

Judy Boyke told Supervisor Zambrano that she did understand the process.

Supervisor Zambrano told Judy Boyke that the applicant that she is referring to approached the Planning Board Chairperson who made an assumption that he could tack that request onto the consideration for this zone change, but the Town Board (who has the ultimate responsibility for the zone change can't). She asked Robert Germain to correct her if she was wrong, but they can't act on that and that has been conveyed to the applicant, without some kind of application, some kind of paperwork; that's the issue.

Judy Boyke said when there was a zone change done on Brewerton Road, almost to Brewerton, in regards to a small shipping company and there were five parcels all together that were offered; they were asked to become a part of that zone change for that very reason so that it would not be "spot zoning."

Supervisor Zambrano replied that she thinks that there were applications, that there was paperwork though from each one of those parcels and if there was when was that passed.

Judy Boyke replied three years ago.

Supervisor Zambrano said she could not speak to that.

Judy Boyke told Supervisor Zambrano she could because she was sitting on the Board then. She did vote on it.

Supervisor Zambrano said she did not recall it so she could not speak to it then.

Judy Boyke said she thinks it should be offered to the particular 4.43 acres and any others as long as they are going to the General Commercial Plus.

Supervisor Zambrano explained to Judy Boyke that they were not disagreeing with her, all they are saying is that they need the paperwork and they don't have it.

Judy Boyke told Supervisor Zambrano that they would see to it that she gets it.

Judy Boyke asked in regards to the topcoat on Carmenica Road, when that was presented to the Town, who inspected that road to make sure that it was in full compliance with the specs before it was accepted?

Hal Romans said he personally didn't know. He would assume that O'Brien & Gere was the Town engineers at that time.

Supervisor Zambrano asked what year they were talking about.

Hal Romans said it had to be at least 10 years ago when it was done.

Supervisor Zambrano said 10 years ago would be O'Brien & Gere.

Hal Romans said the way that he would find it is by calling Chris Woznica, Highway Superintendent and having him check our records to see when it went in and who our engineer was at that time.

Judy Boyke thanked Hal Romans. She said if that's not the case and the road wasn't to specs then it's pretty unreasonable for the Town to have to bring that road up to specifications when we are struggling with money now to repair all of our other roads.

Judy Boyke said in regards to the traffic that it is unbelievable to think that if you were going to put a hotel, two hotels, a small industrial, or any type of delivery with any tractor trailers that would be bringing in any type of equipment in and then having to exit and go through Carmenica out on to Lakeshore Road into that residential area – it's just unbelievable that a traffic study is not going to be done before you even think about accepting this. The Commercial General Plus doesn't sound like there's that much of a difference and it sounds like he can do more with what he has right now than adding this Commercial General Plus to it.

Supervisor Zambrano asked Judy Boyke if she was against the zone change.

Judy Boyke replied yes.

Judy Boyke asked what about the sewer going to the pumping station? What pumping station is it going to go to? Does anybody know?

Supervisor Zambrano said those are questions that the board also has based on what they know given the Oak Orchard Moratorium and given the comments from the County after the Coordinator Review, so those are issues that they are going to try to address.

Judy Boyke thinks they should be addressed before they change the zone. It's her understanding, as a Realtor, that some properties over there that they had looked at the pitch aren't right for the sewer to flow in that direction so it is a definite problem. Yes, she is against the zone change.

Anne Anthony a property owner of about 25 years on Persian Terrace said the current storm drainage system for ground water arrives in her backyard and has been exceedingly problematic over the last 10 to 12 years since this infrastructure was put in; it changed what was. She has several concerns; obviously some steps were taken last summer and into the fall with regard to the drainage. They've yet to really see, since we are just coming into spring, whether or not some of those will actually work. We have a beaver that has been a resident in the pond that used to be known as "Pardee's Pond". That pond was changed, lowered dramatically, and a pipe which took it (the water in it into her backyard) was implemented. At the time they did that, they took out a drainage system with a perforated wrapped pipe in stone below ground that her husband and she had actually put into her backyard; the result has been numerous floods, and by floods she doesn't mean a couple of feet of water, she means three quarters of her backyard and many, many feet deep at its deepest point. One of the issues on Persian Terrace when the subdivision was put in was that the swale providing for normal groundwater drainage was offset all along Persian Terrace to where the actual municipal drain was and one of the reasons that they did what they did in their backyard with the perforated pipe was to help to mitigate that fact. She has a concern with regard to the agricultural strip (which she thinks was described as about 1000feet long), she believes that is to some extent, connected in with the swale system at the end of the neighborhood and she is very concerned obviously about water since it's her backyard that floods more than anybody else's. She is horrifically concerned about the notion of having any commercial venture of any form, size or kind, have its exodus on to Persian Terrace; that would be a distinct imposition onto a very neighborhood area with a lot of people that are walking and so forth. She wanted to remind the Board that there is an elementary school which is across the street; its playground facilities, the back end of its parking lot facilities are across the street from where Carmenica exits onto Lakeshore. It is also bordered on each side of that exit by two homes which are homes with people in them. And the only mitigation

that's been put in so far is a rather unattractive wooden fence that runs down the backyard of all the folks that are on Lakeshore; their also privy to a tremendous amount of traffic that is sometimes likened with the business day, sometimes with the school day. She has noticed that this year for the first time the elementary school buses are pulling from Lakeshore Road into the school's parking lot as opposed as to go down to the cut-road between Lakeshore and Rt. 31, turning left there and so forth. She has also noticed a tremendous increase in traffic through there. Some of that was mitigated from her house on Persian because it was all run on Pasubio Terrace when it wasn't plowed on Carmenica. But she is concerned about the general increase in traffic, per say. She is very concerned about the notion that the zone change would provide for ever-larger structures and that may be one of the reasons why it has failed to sell particularly well so far is the kinds of things that want to be in are really too large. The speaker may have alluded to that fact that there have been a couple of inquiries; she'd love to know particularly of what type that were not able to fit into the current zoning and frankly, she looks at that as a sense of protection, she doesn't think that a warehouse or a distribution facility; both of which in her mind immediately bring the notion of larger vehicles to move those things is appropriate that close to a residential area. She thinks it would be particularly cumbersome for those people that are on Lakeshore. She thinks we have a general sense of traffic issues to begin with and it may be premature to open it up to even more of the same type of difficulties that we've had. At the Planning Board meeting she did bring up, (if you have watched a Pepsi-Cola truck pull out onto Route 31 headed west, and then immediately try to turn left to go Rt. 81 South, it's a neat trick and it consumes the entirety of that intersection and adds to our issues there. We have a number of very closely connected traffic lights. So there are serious traffic flow issues, both in the morning and in the evening for the high school and all of the buses and so forth that go by the elementary school. She is concerned in three areas:

- Drainage in particular for her and her direct neighbors since we've experienced some major headaches since this infrastructure was put in and it took us 10years of moaning to get someone to really come over and a tremendous flood that covered much of the western side of Persian Terrace that got enough attention for the engineering to be made to be different; right now there is a large cistern cap in her backyard. There was some discussion that water-flow testing and so forth...that means people in her backyard. Most times they come, they don't knock, they don't call, they are just there and she finds that on the edge of intrusive, recognizing that the Town does have an easement in the back for drainage purposes. Again, she is concerned about the agricultural strip and diverting that in any fashion from its use towards drain water.
- She's concerned about traffic and she's mostly concerned about the general sense that this is a very residential area and continues to grow residentially both north, east and she doesn't see any other corner along Lakeshore where there is a lot of commercial activity or a business office until you get way down where there is an entrance for the access to the water.and there's a pizza place that's been there for about 43 years, but it is really not a commercial area.
- She has no objection to the commercial area along Pardee Rd. but she thinks that the further back into this neighborhood both on Lakeshore and Persian where there are homes and families is an unfair imposition and she doesn't think that there has been enough review as to where the water situation stands right now. She feels both in general it's premature and in general it's an inappropriate expansion to a larger set of uses that would be less welcome. She thinks the current zone allows for the types of things that would be on the edge of appropriate and anything larger bringing in, and again her biggest concern is the change in language from its current General Commercial Plus. Commercial Plus indicates warehouses, distribution, parking garages; those kinds of things are much larger, much more intrusive both to the view, the potential for smell which they now get Paul DeLima Coffee, that's okay if you like coffee, but it does give you an indication that the winds blow from the west to the east and would be highly impactful on both areas along Lakeshore and Persian Terrace.

Deputy Supervisor Burtis told Anne Anthony that he had heard her speak before and wondering where she was located on the map. Was she in the middle or the back part of Persian Terrace?

Anne Anthony said she would be north and east of the existing pond. She is just about at the absolute corner of the Mufale properties and those that she believes are under the control of Pepsi.

Pam Derocher said she lives on Lakeshore in the section where all the traffic is already coming from Carmenica. They are already getting big tractor trailers from Pepsi. Their also getting big travel trailers that must want to go to Cracker Barrel and then want to go to the gas stations, so they come by. It's already a mess so they don't need a traffic study to figure it out, you just need to *see* that it can't take any more traffic; you can't get out of the driveways in the morning now, you can't get through the town of Cicero, you all know that don't you? It backs up from the bridge all the way up past the bank every day and everybody avoids Cicero every day. There's enough development there. Mr. Mufale has had a nice run with commercial developments over there and now he needs to go somewhere else because there is no more room. There's no more space for traffic. That poor woman's yard being flooded – it is your job to protect us from the noise and the traffic, the kids at the elementary school, the pollution...it's full. It's time to go elsewhere. She hopes that they do the right thing here.

Supervisor Zambrano said the speakers have brought up a lot of real issues which she thinks everyone on the Board recognizes. They have had a series of meetings about this problem. There was a recommendation from the Planning Board to go ahead and make the zone change to General Commercial Plus; she doesn't think that any of them are comfortable with doing that, as she said they had a series of meetings, the last one being that morning when Councilor Conway and herself met with the engineers and our town attorney about these issues. We have significant issues from the County Planning Board with some recommendations. She asked Bruce W. Letts, Town Engineer if he would summarize from an engineering perspective and also Robert Germain the Town Attorney, who also had some issues that they would like some more information on before they took this up again.

Supervisor Zambrano said they were going to hold the public hearing open; they are going to gather some more information and they want to consider this issue very, very carefully.

Robert Germain, Town Attorney said on that topic, he would suggest that they should adjourn it to a certain date, but because of the amount of information that they were going to ask for he would suggest this time that they put it on for the April 23rd meeting.

Supervisor Zambrano asked if they wanted to put it on even later than that. Is April 23rd...

Robert Germain said if it is then they could call it and do the same thing again.

Supervisor Zambrano asked Robert Germain if she needed a resolution.

Robert Germain replied not until after we discuss our issues.

Bruce W. Letts, C & S Companies, Town Engineer explained that based on our meetings and the information provided, now include the attorney's comments as well, and lumped them all together.

1. We would request written confirmation of the knowledge and understanding and the current temporary suspension of new connections to the Oak Orchard Wastewater Treatment Plant pending a determination regarding BOD loading limitations as well as the fact that the Town will not issue any building permits for the project until a satisfactory wastewater solution is approved by the Onondaga County Department Water Environment Protection is received.
2. Additionally, we would request written confirmation if the application is granted in the existing PUD zoned retained on tax parcel 090.-01-2.1; said approval shall be strictly contingent upon the satisfactory subdivision of tax parcel 090.-01-02.1 which is PUD/Agricultural to General Commercial Plus by lot line adjustment procedure to eliminate the resulting split zoning.

3. Additionally, we would like the applicant to provide information that would compare the trip generation of each of the current permitted uses under the General Commercial with the uses permitted in the proposed zoning.
4. Additionally, we would like the applicant to provide the Town with the originally approved wastewater capacity for all of Carmel Runne and the current usage. So what was approved and what is actually being used.
5. Also from the applicant, a measure of the flow rates in the existing sanitary sewer serving this area to and across Route 31 and a calculation of the available sewer capacity remaining.
6. An evaluation be done on the condition of the existing Town roads in the Carmel Runne subdivision.

Bruce Letts stated the summary consisted of both his and Robert Germain's comments.

Supervisor Zambrano stated that all of the Town Board members have had the opportunity to see that documentation. There was a concern raised about drainage.

Bruce Letts said he knows that there's been some efforts that have been done out there, he's not familiar with it himself but he was going to check into that and see what has been done and what could be done.

Supervisor Zambrano asked Bruce Letts if his one statement address Councilor Conway's concerns about the roads.

Councilor Venesky stated his feelings again by saying that we have an uphill battle with roads that were never constructed properly to begin within this town; it's a huge tax burden and it's a burden on all of us. If we have a road that was constructed that was turned over to the 10 years ago, well we weren't here, however, if there is going to be any construction or anything that is going to happen here I want the developer and the owner of the property to make the roads right.

Supervisor Zambrano said they would take a look at the condition of the road and they will try to get some history on when the roads were dedicated. She doesn't know that we can do exactly what Councilor Venesky is asking but they will certainly look into.

Supervisor Zambrano asked everyone if their concerns had been addressed.

No one else mentioned any more concerns.

Supervisor Zambrano asked if it would be appropriate for us to ask that a letter be sent to the applicant.

Hal Romans replied yes and stated he would like that in writing.

Supervisor Zambrano made a motion to adjourn the public hearing until April 23rd, 2014. Motion was seconded by Deputy Supervisor Burtis.

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

DISCUSSION/AWARD 2014 CURBSIDE BRUSH COLLECTION AND DISPOSAL SERVICES FOR THE TOWN

Sean Carroll, Director of Purchasing for Onondaga County explained that Onondaga County was under contract with the Town of Cicero to provide the administrative services surrounding the Town's public bidding. At a recent board meeting they authorized the advertisement to put out a public bid to select a new brush removal contractor. That bid did come back in last week and his staff has spent a considerable amount of time reviewing those bids. To clarify the role they have, they are certainly here to provide any administrative services the Town so desires. The Inter - Municipal agreement is very clear on the autonomy of Cicero and in the process of award and at the request of the Supervisor they have gone through the applications to discuss responsive and responsibility of the applicants in this case. He said he didn't know what was included in the packet and had asked the Supervisor if the spreadsheet was included in it.

Supervisor Zambrano replied no.

Sean Carroll apologized, and explained that they have transitioned some of the work that was going on for his department to a new staff member and that is absolutely on them (the County) and not the town's side.

Sean Carroll stated there were ten (10) proposers. He believes the reason why this needs to come up is spring is here and the hope is that people will be cleaning their yards and beginning to need this service quite quickly, so even without the material in front of the Board he said there were ten folks that responded and the bids ranged anywhere from \$350,000 all the way to \$2.2 million which represented the course of two (2) years. He said obviously he wasn't going to discuss the outliers at the top at this point because it is a low bid for the responsible bidder.

The two (2) bidders: CDP Excavating Services and ONSITE Facilities Services have both withdrawn their bid; one was for \$350,000 and one was for \$490,000 that covered two years of service. They have withdrawn because they had notified his office that they had misread the bid and only provided their one year price, so instead it would have been \$700,000 and \$980,000 in those columns and because of those errors it would be his offices recommendations to allow them to withdraw because holding a vendor to a price that is that off from what they expected to bid would probably create issues with the vendor allowing them to adjust their prices normally that is not something that is part of the process. Assuming that that is acceptable to the Board, there is another offer for \$490,000 over the course of two years; that breaks down to \$245,000 a year, this is Vendor #10 – ONSITE Development. They vetted this vendor fairly considerably and the reason that we did that is they raised a concern about the dollar amount to make sure that they had seen the prevailing wage requirements, to make sure that they had seen the number of households. They did go through their math with his staff. They are very confident in their ability to provide the services. There is some experience in other municipalities with them but perhaps not to the size and scope of the work that is being required under this bid. As it is their job they are raising that issue. Several of the bidders did not have a grapple truck or the ability to lift up the large logs that the Town had asked for in their public notice and public bid. There is an issue who is just going to dump it in their backyard or their back forty versus who is going to take it to OCRRA or be DEC certified to take it themselves. At the issuance of the bid it was their understanding from OCRRA that they defined brush as "solid waste," as of a conversation yesterday they have wavered on that definition some, so he raised that issue because the bidder who has offered the \$490,000 is both DEC certified in their own right and has agreed to hold that price if you wish to enforce that clause that says "you must bring it to OCRRA," so there is no difference even though the vendor would be paying a dumping fee at OCRRA. They did vet that. They did look at the ability to provide grapple services. They do believe that there are a variety of different types of grappling trucks that are authorized under the New York State Department of Transportation rules and he has not seen a photo to know whether this is a front-loaded or if this is a rear-loaded or a grapple that is done with an attachment but he has a certification in writing from the vendor that they have provided that. They have expressed a concern about the dollar amount and a concern about the fact that there is something to be said for it being very low; low is good, so low that you have trouble providing the service raises a concern. Several of the next vendors, they can certainly go through that, either had a problem providing them with proof of having a grapple truck, so on and so forth. We are certainly not in the business of superseding the authority of the Board or the autonomy of the Board, they have been asked to make a suggestion on what to do here on the basis of just a responsible bidder, and they have not found any evidence to disqualify Bidder #10, however, they do express some concern about the lowness of the dollars and they would recommend that if the Board does decide to award to that vendor that you also authorize them to send letters to several of the other bidders beyond that and ask them to hold their price for six (6) months, sort of a probationary period for a vendor that has not done this for the Town before and ask them to hold their price for six (6) months, which would then allow the Town an option should the vendor be unable to perform. But right now he doesn't have any way to recommend to the Town...he can't tell them that are not going to perform, he can't tell them that in good faith at all, but he can tell them that they very much raised that concern and they would recommend that if the Board awards to Bidder #10 that they ask the other bidders to hold their price for six (6) months, that will keep the bid active if they had to change vendors. Because obviously this is a public meeting they mean no disrespect to Bidder#10; they have no anticipation of them not being able to provide service but they don't have any evidence in the positive or in the negative so they just think it's prudent that the Board reserves their rights.

Sean Carroll solicited any questions.

Deputy Supervisor Burtis said they did something similar to this at the last meeting and what he had asked, last time they were talking about it, was if it doesn't work out what is the definition of "not working out," and he guesses "unable to perform" is a better terminology than "not working out." But he had asked what does it mean and we had said, "If it doesn't go to specs." So in six months or sooner how do we get out of this without getting ourselves sued?

Sean Carroll explained that the language that they have put in the document that they presented to the Town for advertisement includes a variety of rights as the municipality to terminate. It includes a termination right and he would look in it to double check, but typically we include a *Right to Terminate* for cause without a waiting period and a *Right to Terminate* without cause with a waiting period (a waiting period is usually 30 days). Assuming that language is in here as a standard language, typically they would provide notice to the vendor and then begin the process of exchanging their service for a new one, paying open invoices as agreed on in terms of the services that had been provided and then transitioning the service. He asked Deputy Supervisor Burtis if that addressed his question, assuming he could find those.

Deputy Supervisor Burtis replied yes.

Robert Germain, Town Attorney noted that he did have the opportunity before in a municipal setting to terminate a contract with a vendor and he is confident to do that again if he needs to.

Deputy Supervisor Burtis said he believed it was No. 18 - Termination Default /Non Performance.

Sean Carroll said that is the standard clause that they recommend to all municipalities that they put in. So the town's specifications called for a certain frequency of pick up, it called for requirements to advertise that and notify your residents of those things and those would be things that we would have to pay attention to and part of that is if there was to be a resident or customer complaint to come in, that would have to be included in the final and also, if there was evidence that they pick-up schedule was not being met. The other thing they would recommend is they do have copies of their certification as a DEC Facility or if they are dumping at OCRRA we would probably recommend that we have some proof of dumping there and he thinks that would probably meet the requirements. Again, for the record, they have no reason to believe the vendor would not be able to perform, however, because they have no evidence to the other side they would recommend the Town reserve its rights as a municipality.

Councilor Venesky complimented Sean Carroll on the nice job that he and his staff had put into this; he can imagine the hours that went into putting this together and the Board certainly appreciates their efforts.

Sean Carroll said it is really their pleasure to provide this service to Cicero and they hope it has been satisfactory and they are allowed to continue to do that for us.

Deputy Supervisor Burtis made the following motion:

WHEREAS, the Town of Cicero with the assistance of the Onondaga County Division of Purchase duly advertised and solicited bids for Brush Removal/Hauling within the Town of Cicero pursuant to published bid specifications; and **WHEREAS**, the Onondaga County Division of Purchasing thoroughly canvassed and vetted bids received in response to the request, we now move the adoption of a resolution awarding the contract for Brush Removal/Hauling pursuant to the bid specifications to ONSITE Development for a total price of \$490,000.00 for the initial contract period of March 31, 2014 to January 31, 2015 and March 31, 2015 to January 31, 2016. This award is provisional due to some bid specification deviations and we therefore request the next two (2) qualified bidders maintain the bid pricing contained in their responses in the event contract termination and hiring of suitable alternative vendors are required. Motion was seconded by Supervisor Zambrano.

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

Sean Carroll asked permission to notify the other low bidders as well of the request and the resolution.

Supervisor Zambrano replied yes and thanked Sean Carroll and Robert Germain for their collaborative efforts on this.

PERSONNEL MATTERS*Human Resources Training*

Supervisor Zambrano moved the adoption of a resolution to authorize our Director of Parks & Recreation, Jody Rogers and Comptroller, Shirlie Stuart to attend a 'Program in Supervision in Management' to be held at OCC on April 2, 9, and 16. The fee is \$129.00 per person. Motion was seconded by Councilor Conway.

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

Appoint Tim Hawkins as Recreation Attendant (Center Monitor)

Supervisor Zambrano moved the adoption of a resolution to appoint Tim Hawkins as Recreation Attendant (Center Monitor) at the CanTeen, on a part time basis to replace Marissa Kubinyak who resigned, effective March 26, 2014 at a rate of \$10.00/hour (20-25 hrs./wk.). Motion was seconded by Councilor Conway.

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

BLANKET UNDERTAKING BOND

Tracy Cosilmon explained that if the said bond that was requested by the Judges and if the Board chooses to approve this she would have to send the resolution and have it on file in the Onondaga County Clerk's Office.

Supervisor Zambrano asked if we always have had the coverage, but just have to go through the formal procedure of making a resolution and filing it with the County.

Tracy Cosilmon replied yes. She had forwarded it to each one of the Board members to let them know that our insurance company does clearly have that in our binder and that it does cover all of our employees.

Deputy Supervisor Burtis moved the adoption of a resolution approving the Blanket Undertaking Bond covering all Town employees as required by Chapter 17 of the Town Law; and it is further RESOLVED, that the Town Justices are specifically covered under said Blanket Undertaking, as required by Public Officers Law Section 11(2). Motion was seconded by Councilor Conway.

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

SETTLEMENT

Robert Germain, Town Attorney explained that this is a proposed settlement of a claim that a homeowner made for personal property damage to his personal property. The Town Board has got this resolution in front of it to decide if they want them to settle the claim or not. The claim was a much higher amount originally, this is a discussed number, and they settled an issue that is much lower than the original claim. If the Town Board does go ahead and do this he will assist upon and draft settlement releases releasing the Town from any further liability.

Supervisor Zambrano moved the adoption of a resolution settling the Personal Property Damage claim of Paul Waszkiewicz in the amount not to exceed \$999.00 subject to execution of a Settlement/Release agreement in form and content acceptable to the Town Attorney. Motion was seconded by Deputy Supervisor Burtis.

Ayes- 3 and Noes – 2. *Motion carried.* Councilor Venesky and Councilor Conway voting no.

Councilor Venesky commented that he thinks we are setting a precedent that we don't want to set in the town of Cicero. When we have someone who builds a permanent structure in an easement and it is damaged during the normal course of snow removal we have no liability there; our insurance company has said we have no liability and wants to go on record that he thinks that this is a bad precedent for the town of Cicero.

CODE ENFORCEMENT

Set Bid Date for April 9, 2014 for the 2014 Brush, Grass, Rubbish, Weeds, Pool Clean-up and Control, and Boarding-up Properties for the Town of Cicero

Supervisor Zambrano explained that it was necessary to hire a vendor who will go out and mow lawns when the owners aren't doing it, to board up houses when they need to be boarded up and things like that.

Councilor Becallo asked Supervisor Zambrano if they had an idea of how many properties it will be or close it.

Richard Hooper, Director of Codes explained that it depends on how many complaints come in. Tracy Cosilmon, Town Clerk has a history of how many we have.

Supervisor Zambrano asked Tracy Cosilmon if she knew how many lawns we have to go out and mow; lots of times these are properties in which people have moved out and banks have taken them over and the grass gets tall and the bank won't go in and mow so the Town does it and adds the cost of it to the tax bill.

Richard Hooper said there were three (3) pools, two (2) homes boarded up and he was not sure of how many lawns.

Councilor Becallo moved the adoption of a resolution to set the bid date for April 9, 2014 at 11:00 a.m. for proposals to issue a request for Brush, Grass, Rubbish, Weeds, Pool Clean-up, and Control and Boarding-Up properties for 2014 for the Town of Cicero. Motion was seconded by Councilor Conway.

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

JUSTICE DEPARTMENT*Membership Dues*

Councilor Venesky moved the adoption of a resolution to approve the following membership dues for 2014:

- \$340.00 to New York State Magistrates Association (\$170.00 each for (2) Judges, for required training and to receive update on changes of procedures and new laws)
- \$105.00 to New York State Association of Magistrates Court Clerks (\$35.00 each for (3) Clerks, for required training and to receive updates on changes of procedures and new laws)
- \$45.00 to Onondaga County Court Clerks Association (\$15.00 each for (3) Clerks to participate in monthly meetings and training)
- \$90.00 to Onondaga County Magistrates Association (\$45.00 each for (2) Judges to participate in monthly meetings and training)

Motion was seconded by Supervisor Zambrano.

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

PARKS & RECREATION DEPARTMENT*Aerosal Field Marking Paint*

Councilor Becallo moved the adoption of a resolution to approve \$1,873.20 to Sherwin Williams for aerosol field marking paint for youth leagues paid from league participant fee. Motion was seconded by Supervisor Zambrano.

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

Signs for Parks

Councilor Becallo said at the last meeting they tabled this request and they checked if the Town Highway department did have the capabilities to do these signs in-house and they do not.

Councilor Becallo moved the adoption of a resolution to approve. \$1,250.00 to Design Shop Signs & Graphics for signs for parks. Motion was seconded by Deputy Supervisor Burtis.

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

Goose Control Contract

Councilor Becallo moved the adoption of a resolution to approve. \$2,850.00 to Wild Goose Chasers of CNY for Goose Control Contract.

Councilor Becallo said he knew that we had some issue with that last time and he knows we had some more because we tabled this one and he discussed a little bit with Jody and she has offered to test other methods as well as with Away With Geese. This is a contract for one (1) year but if anybody has anything else on that..

Councilor Venesky said he did. He had a conversation with Jody as well, and he understands that we have to come to an agreement and we don't want to lose the services of these people or whatever, if we put this out too far. However, another one of the councilmen on the Board and he had a discussion and it was suggested that they talk to the Department of Environmental Conservation (DEC) and meet with them next week. There were two or three good ideas that came out for removing geese and they'd just like to fully explore our options before we make this commitment. So he would like to, if it's okay with the rest of the Board, to put this particular one off until the next meeting and then we will bring it to a conclusion at that time.

Supervisor Zambrano said she believed that Councilor Becallo had made a motion. She asked Councilor Becallo did you not make a motion?

Councilor Becallo said he did.

Supervisor Zambrano seconded the motion and said they would take a vote and just see where they are. No matter how this turns out that doesn't preclude you're going out to speak with the professionals that they are going to right?

Councilor Venesky agreed.

Ayes- 3 and Noes – 2. Motion carried. *Councilor Venesky – voting no.*
Councilor Conway – voting no.

Supervisor Zambrano stated that the *motion passes 3 to 2*, but they will look for a report (feedback) from Councilor Venesky and Councilor Conway.

Councilor Becallo said he has no disagreement with that. Jody was able to, you know... we will explore other options and it's getting close to that time and with that he was okay with going with the Wild Goose Chasers, more than lose it. But, he would also like to explore, again if they are willing to come out, Tami Calvert from Away With Geese, offered a free service to come out and just look at what we have and they would do a placement study for us, so if we could work on that then that would be a great idea because she (Jody Rogers) said there were other areas on the Town's properties that she (Jody Rogers) was looking into as well that she was having concerns with as well.

Jody Rogers said Central Park and Plank Road Park are both having a problem, especially with the number of youths that are playing on those facilities.

Supervisor Zambrano explained that one of the reasons that she wanted to vote was because she thinks it is bad form to keep tabling a motion on an item time after time. She thanked and encouraged them (the Councilors) to speak to the professionals; but said that this was not to preclude that.

John Haas for Basketball Instruction

Councilor Becallo moved the adoption of a resolution to approve \$387.00 to John Haas for basketball instruction. Motion was seconded by Supervisor Zambrano.

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

Gary Dembkowski for Basketball Instruction

Councilor Becallo moved the adoption of a resolution to approve \$387.00 to Gary Dembkowski for basketball instruction.

Deputy Supervisor Burtis asked if it was correct that they had already done this at the last meeting.

Jody Rogers replied yes. They approved \$3,000.00 for each of the two (2) gentlemen but the amount that they actually get is \$3,387.00 so they have to approve the additional \$387.00 because when they gave an estimate it was too low; it is all from participant fees.

Motion was seconded by Deputy Supervisor Burtis.

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

Excavating, Milling, and Paving for Skyway Park Tennis/Basketball Court Renovations

Councilor Becallo told Jody Rogers that he appreciates everything she has done. She had said in regards to the tennis courts, it was through a grant acceptance and a land acceptance in 1976 and 1979 and she said it would be archived. He would like the opportunity to go through those grants.

Jody Rogers explained that any grant that we have gotten from the state or federal government in regards to parks, and she thinks Robert Germain would be able to explain this too, has a requirement that we maintain the facilities that were placed in that park. The only time you can remove a facility is if you are going to replace it with something of equal or greater value if a community has decided they don't want whatever you put in but you have to put another recreation amenity back. We have already talked. Supervisor Zambrano and she had a meeting with State Park's Jeane Egenhofer, she has already told us that we have to maintain the tennis courts there; it was put in with state grant and federal land water conservation fund monies, as well as the federal surplus. We aren't going to be able to get around that, she doesn't even know if Councilor Becallo is going to be able to find the paperwork but she has all of the documents from when we accepted land water conservation fund monies that go along with it and we have accepted that money at five of our eight parks. And that is one of the only tennis courts that we will have in the town of Cicero; there's only six other courts and they are all at the high school and are used on a repeated basis, so delaying this really creates a problem with her because she needs to get the contractor on schedule as soon as the weather breaks in order for him to do the work. LANCO is the first one in and then after that, once it's paved, then they work through repainting and putting up the fencing. It is a standard across the entire county; across the New York State federal or state funds those recreation amenities in public parks must be maintained by the municipalities. We've put money into them, those courts have been there 35 years and we have put Suit-Kote in there much like how they do the roads, put the black tar in all of the cracks and what not, but over the last couple years we have received more than a crack that can be filled, it's much larger and she had already showed pictures to the board about that.

Supervisor Zambrano asked Jody Rogers if this request was budgeted.

Jody Rogers replied yes. Of this money, \$62,000 was budgeted this year for this project and they are \$10,000 over; \$5,300 is for topsoil and hydro seeding, that's coming out of her Park budget and the balance is coming out of her Park fund. She has also put in a grant which takes an awful long time to the United States Tennis Association; she is right now in the technical stage which they have 30 days to review. Once they come back with their review, which they have sent back 3 or 4 different requests for information, additional vendor information specifications, then she can ask for funds to replenish the town; she doesn't know what that amount could be – it can be anywhere from \$10,000 to \$25,000, so that money would come back into the town and reduce

that or be additional funds. Jody Rogers told Councilor Becallo that was the best she could tell him, but the documents are not going to change.

Councilor Becallo said he was not challenging the fact that something needs to be done with the courts, they are in agreement with that, he was not questioning the research at all. It's just that he has talked with over 50 residents in the area of District 14, District 3, District 5 & District 6 and they have concerns about the project and he just wanted to make sure that he read through all of the...

Jody Rogers asked Councilor Becallo if he could let her know what those concerns are because right now she has 10 to 12 individuals from JADAK that play at those courts every day for their lunch hour. She did go to JADAK originally last year, and she had mentioned this to Councilor Venesky, asking if there was any way that they could put forth any funds to help support this and their comment was that because they were doing a \$3 million dollar expansion their funds were really tied up in that project. It isn't about just that portion of the town is interested in – it's across the whole community and right now, tennis court wise, we are going to be down to just one (1) court in the entire system because we are eliminating the other two at Central Park because they are well past renovation which would probably be double that (\$120,000.00 or more) and because we have the high school courts we feel we are satisfying our community with one court. Nothing else can go in there that is going to be less expensive and again she is on a tight schedule to get a contractor so that at least part of this summer folks in this community can use those for tennis.

Councilor Becallo said he understands. But, he has a fiduciary responsibility to the public to make sure that their questions are answered.

Supervisor Zambrano said this project was debted during the budget process and the budget was passed with these numbers for this project.

Councilor Becallo said a lot of the concerns were the fact that we are going to go ahead and spend over \$70,000 on tennis court(s) while we had to borrow.....

Jody Rogers said we are also renovating a basketball court too; there are two courts.

Councilor Becallo said while we had to borrow \$800,000 for the roads, and a lot of the concerns are on that, and they said that they could have put forth that \$70,000 towards the roads; that's the concern. He would just like to look at those grants and....

Jody Rogers heeded the warning that it's March -the end of March, and he's putting her behind an 8 ball of getting somebody in there and getting them scheduled because they don't want to work. There are two tennis courts there and a basketball court. One of those courts is being totally excavated and being put to grass because there's an encroachment on the private property next to it. So it's a tennis court, a basketball court, and removal of an entire court, fencing and posts in that \$70,000. Again, spring is going to be here before we know it and she can't keep putting it off – it pushes her out timing wise.

Deputy Supervisor Burtis asked Robert Germain if they could have a special meeting just to handle this one issue, if they give them a week to look at those documents.

Robert Germain said they could if they follow the proper procedures to do that.

Jody Rogers explained that she didn't know if she could find those documents; she didn't start until 1987 and she doesn't know if they are downstairs at all.

Councilor Becallo asked Tracy Cosilmon if she would be willing to help him look for them.

Jody Rogers said she has all the records for Parks & Recreation in her office and that's the problem, she doesn't think that they are down there and Chase & Design was the company that put the courts in and all of the amenities that are over that time and they are no longer in business. She can try to see if the gal from State Parks has anything. She talked to her today and the only thing that she sent her was the land/water booklet that tells you what you have to maintain and why you have to maintain it, because you agreed to it. She doesn't think she is going to be able to come up with the actual document this community signed – that's her concern, because she did talk to Jeane Egenhofer from State Parks who manages the federal land and the state funds that were put into the state park.

Supervisor Zambrano moved the adoption of a resolution to approve \$40,470.00 to LANCO for excavating, milling, and paving for Skyway Park Tennis/Basketball Court renovations.

Supervisor Zambrano explained to Councilor Becallo that making the motion was not in disrespect of him wanting to table the issue, but she thinks that this issue was vetted and they did have a public hearing on the budget and that was passed.

Motion was seconded by Councilor Venesky.

Ayes- 4 and Noes – 0. *Motion carried.* Abstained – 1 Councilor Becallo abstaining.

Councilor Becallo said he wished to abstain and asked Tracy Cosilmon if she could put it on record that that was a complete disregard of the public and the constituents that we represent of the concerns that they raised.

Supervisor Zambrano said the motion had passed 4 Ayes and 1 Abstained.

Councilor Becallo said he was going to make this very easy because the next two fall under the same thing.

Supervisor Zambrano asked Jody Rogers if she could just get the information for Councilor Becallo.

Jody Rogers said she would personally look for it tomorrow and talk to Jeane Egenhofer and see if she can gather any of the files from back in the early to late 70's.

Councilor Becallo told Jody Rogers he appreciated that.

Councilor Venesky commented that he understands Councilor Becallo's concern (they also had talked about what the people want and the problem with the roads), but his understanding is, unless he has been misled or he has not understood something, we have a legal responsibility based on those grants to maintain those courts, correct?

Jody Rogers replied yes.

Councilor Venesky added that the money has been budgeted and the courts have been in there for over 30 or 35 years and if we complete this project we have satisfied a couple of things: we have removed the encroachment off of Bella Domani's property; which we have been made aware of. Secondly, we have corrected a potential safety problem and made the court usable and thirdly, by going through with this project and as painful as it is to spend the money it was budgeted in the past and hopefully in his lifetime we will never have to address this again.

Jody Rogers replied it was 25 to 30 year lifespan for the tennis court and the basketball court.

Supervisor Zambrano thanked Councilor Venesky for his comments.

Supervisor Zambrano asked Councilor Becallo if he wanted to go on for the next two items.

Councilor Becallo told Supervisor Zambrano she could read this because he was just going to abstain from those too because they fall under the same project. He told her he would read them if she wanted him to.

Color Coating, Sealing and Striping/Lining Courts After Renovations

Councilor Becallo moved the adoption of a resolution to approve \$20,312.25 to Fieldturf for color coating, sealing and striping/lining courts after renovation Motion was seconded by Supervisor Zambrano.

Ayes- 4 and Noes – 0. *Motion carried.* Abstained – 1 Councilor Becallo abstaining.

Councilor Becallo asked Tracy Cosilmon asked her if she could put the same reason he abstained for the first reason.

Fencing Removal, Disposal and Replacement Fence Mesh for Tennis Court

Councilor Becallo moved the adoption of a resolution to approve \$11,899.00 to Atlas Fence, Inc. for fencing removal, disposal and replacement fence mesh for tennis court. Motion was seconded by Supervisor Zambrano.

Ayes- 4 and Noes – 0. *Motion carried.* Abstained – 1 Councilor Becallo abstaining.

Councilor Becallo asked Tracy Cosilmon asked her if she could put the same reason he abstained for the first reason.

Replace Senior Center Bus

Councilor Becallo moved the adoption of a resolution to approve \$49,542.82 to Shepard Brothers, Inc. to replace the Senior Center Bus.

Deputy Supervisor Burtis said they had talked in a Highway meeting and he thinks it's important that we at least create an understanding when we come to vehicles of their useful life and then what percentage of the repairs along the way that we are willing to spend on them compared to their value. In the past, they have notes that we've spent \$17,627 in repairs to date on the bus. The cost of the bus in 2004 was \$42,000 and we are getting ready to spend \$49,542.82 and as a board or a board member we should have a concept not just for this, but for all pieces of equipment - what is their useful life? So that at some point we have something to go on or a mindset so that if we were going to \$17,000 on a highway truck out there that is currently worth \$5,000 to \$8,000, then we would say that's not reasonable and we would possibly move that truck/vehicle up the list; they have a Highway replacement policy or something that they are working with. His point is, along the way, going forward, could they work in the Parks as he thinks he would like to work in the rest of the town in that type of mindset. He asked Jody Rogers what she thinks about that.

Jody Rogers said she knows that the bus won't last another winter and it takes six months to have a bus built off of NYS contract and it used by the seniors themselves for trips within 50 miles of us to historical, different parks and things like that that is self-sufficient as well. The life of a bus is probably 10 to 11 years. She just had it recently over at the Highway department on their new lift because they work with a shared service between the Highway mechanics so that we can do in-house vs. farming things out; much of the bus is corroded from all the winters, rotted and what not, we hope to be able to use this bus 'til the fall but if you look at the fenders and apron on their bus – they are rotting through. It was not an under-coated bus. The Town did not pay a dime for that bus; it was a member item and we received it as a grant. Unfortunately, we did reach out to a number of people for grant money and we were not able to get anything to purchase the bus.

Deputy Supervisor Burtis asked Jody Rogers when we are done with the current bus how will we get rid of it.

Jody Rogers said the bus can go to County auction, which is where a lot of our vehicles go or we could sell it, we can put it out to bid here and see what kind of bids will come back on it or they can reject those and send it to County Auction; we pay 8 or 10 percent commission to the County to put all the paperwork together and then sell it.

Deputy Supervisor Burtis asked if we could make a line in the Parks budget for vehicles and put whatever money we get right on that line.

Jody Rogers explained that the sale of any piece of equipment goes into the General Fund for the town.

Supervisor Zambrano asked if we could start to reserve money for vehicle replacement down the road.

Jody Rogers replied that we could. She explained that most of our vehicles that go to County Auction are past their use and it's mostly corrosion or rotting from the winters and use and we don't really get a lot; she thinks we got about \$1600 on the last truck that we sent down there.

Deputy Supervisor Burtis asked if we are working with a log as far as where the vehicles go. Are we logging the miles?

Jody Rogers replied yes. They log every day. Every driver, everywhere, every destination, any one of her vehicles she has to log. We know on the bus it gets about 6 miles a gallon; unfortunately it's gas, not diesel. When the seniors use the bus there's a formula that they have to do and it's maintenance, and its fuel, and that is how they determine what to charge each of the seniors. But yes, she has a log for every one of her vehicles and she maybe keeps a year back and everything else is gone.

Councilor Venesky said they had talked about this earlier this week but, he thinks to better help us, moving forward, and he would ask everyone who has a vehicle in this town, if we could have just an idea of what we have. He's new. He's still learning this. But he would like to be able to budget and he thinks that goes along with what Supervisor Zambrano said, he would like to be able to put together a budget when we do that so we can anticipate what our vehicle purchases are going to be so we can properly put monies aside or make intelligent decisions.

Jody Rogers said she knows that her department, as well as Chris', last year they put together the Highways. Her department has a long-range plan; she has a lot less equipment than he does, it's a lot easier to do. This vehicle was budgeted for last year, but every year it gets pushed back and they ask if she can hold on another year. She has a truck coming forth and Tracy also has the replacement of the Dog Control van that hasn't come to the board yet. Jody is waiting for Sean Carroll to finish the bidding on the F350's or whatever vehicle it is. This is the year for a replacement of that vehicle, for her it's a plow truck. She only has three (3) plows and she has a great deal of facilities that have to be ready and available first thing in the morning and she only has four men that do it; this is above and beyond Highway such as Park-n-Rides, Town Hall, Senior Center, CanTeen, Parks, all of those, so we do have that proposal. She has no vehicles on a list for next year at all. She has at least two years, and maybe another year after that before she would purchase another vehicle of her (4) fleet that she has for her Parks crew.

Supervisor Zambrano stated Jody Rogers does have a vehicle replacement plan which we see at the time of the budget, so Jody does bring it up, when her vehicles aren't replaced it is for what she says – it's for budgetary reasons.

Jody Rogers said for most of her trucks she can get upwards of the high 50's, low 60,000 miles on a vehicle and they go generally 11 to 12 years, by then they are falling apart and there is no redeeming value to send it to County other than it's the easiest way to get rid of a truck.

Motion was seconded by Councilor Conway.

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

HIGHWAY DEPARTMENT

Councilor Venesky sadly announced that Joe Spenard, a thirty-year employee of the Highway department, his wife Maureen passed away with cancer at the age of 50. Chris Woznica and the rest of his staff are at the services tonight.

1500 Tons of Item #4 Stone

Councilor Conway moved the adoption of a resolution to approve \$12,750.00 to Vitale Ready Mix Concrete, Inc. for 1500 tons of item #4 stone. Motion was seconded by Councilor Venesky.

Councilor Venesky stated this material is for the Cornell Road Program.

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

155 Yards Screened Topsoil

Councilor Conway moved the adoption of a resolution to approve \$3,000.00 to Gerber Topsoil for 155 yards screened topsoil. Motion was seconded by Councilor Venesky.

Councilor Venesky explained that the topsoil is needed for the spring lawn damage and they chose to use that vendor because it's the only one available who has topsoil; they cover it over the winter so we can use it now, so as soon as the snow melts, the Highway department can repair the winter damage.

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

45 Rolls Marifi Paper

Councilor Conway moved the adoption of a resolution to approve \$11,250.00 to Keystone Builders Supply for 45 rolls Marifi paper. Motion was seconded by Councilor Conway.

Councilor Conway explained that the paper is put under the roads to keep it from settling.

Councilor Venesky added that the paper is to wrap ditches; it is in support of the Cornell Roads Program. His understanding after speaking with Chris Woznica and his people is that this is the lowest priced vendor and they also provide a benefit for us by holding it on their property at no charge to us so we can go retrieve it when we need it and we don't have to store it here.

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

1000 Tons Runner Crush Stone

Councilor Conway moved the adoption of a resolution to approve \$7,200.00 to TH Kinsella Inc. for 1000 tons Runner Crush stone. Motion was seconded by Councilor Venesky.

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

30 Sets of Frames and Grates

Councilor Conway moved the adoption of a resolution to approve \$5,465.00 to EJ USA, Inc. for 30 sets of Frame and Grates. Motion was seconded by Councilor Venesky.

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

Crack Fill

Councilor Venesky moved the adoption of a resolution to approve \$29,000.00 to Suit-Kote for crack fill for various town roads. Motion was seconded by Councilor Venesky.

Councilor Venesky explained that this also goes along with supporting our Cornell Roads Program.

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

Sweeper Rental

Councilor Venesky moved the adoption of a resolution to approve \$7,295.00 to J&J Equipment for sweeper rental for 4 weeks. Motion was seconded by Councilor Becallo.

Councilor Venesky explained that we are under contract to also sweep the schools and one of the benefits, and we are under a time frame because the roads have to be swept by June 1st. One of the things he didn't realize is that by us agreeing to use that sweeper and sweep the school parking lot they allow us to buy our motor fuel under their contract, which is a savings to the town. Motion was seconded by Councilor Becallo.

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

Deputy Supervisor Burtis hopes that 4 weeks will be enough this year based on the weather and the snow being on the highways. The past several years the snow has already been melted down and the cinders and all the trash on the road has been ready to go earlier than this.

DISCUSSION ITEMS

Earth Day

Supervisor Zambrano said Tracy Cosilmon will give them plans for Earth Day, which will be coming up in April and Tracy will be discussing them at the next meeting.

Med Return Drug Collection Unit

Supervisor Zambrano stated they had a press conference today. Chief Snell submitted a grant to get a Med Return drug collection container for people to drop off their unused medications not just twice a year, but during business hours Monday thru Friday.

Police Chief Snell explained that for several years they participated with the United States Department of Drug Enforcement in what they call "Drug Take- Back Day," that occurs twice a year and we do it at our local drug stores Kinney Drugs and Walgreens; they'll have an officer there, people come in for 4 hours (it's a 4 hour window they come in where they can drop off their unused prescription medications) and what we've found going through the town is a lot of people ask him what they can do with their drug prescriptions that they are not using and they missed that drop off day and it's only 4hours, twice a year. So it gave us some thought as to what we could do to address this problem. One of our volunteers in police servers, John Krider was out west and observed this operation Med Return program that is very popular out in the Midwest and it's a company out in Wisconsin that builds these boxes that are placed in municipal buildings, police departments and people can come in during the business hours and drop off their unused medications there and what they will do is store those unused medications until the Drug Enforcement Administration (DEA) Drug Take-Back Day, and then they would turn that all over to the DEA for disposal. One of the reasons DEA does it is because of the huge problem we've got with the illegal use of these unused prescriptions. The statistics are telling us about 1.9 million youth between the ages of 12 and 17 have used, or are still using illegally obtained drug prescriptions; many of them they are obtaining from seniors, their grandchildren, or their children that go into their cabinets where they may have years and years of collected medications they are not using. They are just taking them. The people have no idea that they are missing so they are never reported stolen or missing and many of these are controlled substances which are very addictive. Our goal is to try to get these medications off the streets and get them disposed of to reduce and hopefully try to minimize and mitigate some of the problem that we've got especially in the town of Cicero. One of the other things they are doing with this, and it's not only coming to the Police Department, if you are a homebound senior (and they are working right now with Diane Browning, our Senior Advocate) to identify homebound seniors if they can't get up to the department to turn in their medication they will send an officer to their residence to pick it up and bring it back and put it in the box. At least now we are not just 4 hours a day/twice a year - we are 5 days a week.

Supervisor Zambrano asked if everyone realized that you cannot flush medications down the toilet.

PUBLIC INPUT

Judy Boyke said at the Friday, March 14th meeting, Deborah asked about a list of the roads that we are going to be using and they said they would be putting it together. Do we have that list?

Councilor Venesky said we do. He doesn't have it with him, but yes that's been done.

Supervisor Zambrano said it was on the website, under the Highway department.

Judy Boyke asked how we were coming with the discussions for the fire districts, as far Cicero trying to get their new building.

Deputy Supervisor Burtis told Judy Boyke they were working on it pretty actively.

Judy Boyke asked who they met with.

Deputy Supervisor Burtis told her they've met and talked with the different fire departments and he has a Fire Chief's meeting Saturday morning.

Judy Boyke asked if it was with Cicero.

Deputy Supervisor Burtis replied yes, with all the fire chiefs from the Town of Cicero.

Judy Boyke said she wanted to make a statement regarding the mailbox replacement and said setting a precedent for replacing something that's been built in a Town easement could have been hazardous to our plow guys had it been buried in the snow bank and they ever hit it with a wing, they could have damaged the truck because she understands that it was concrete. We have a policy and ordinance that says that we are not obligated to replace anything in an easement in the town; if you build it in there and the town has to take it down they can take it down without replacement. This was illegal. She can't believe that we spent almost \$1000 on that, yet they are arguing over buying a new bus for the seniors and the kids who are riding around in a rust-bucket – it just amazes her. She noticed earlier in the meeting that they are sending some supervisors or managers to a local government class that she also had signed up for, which she found quite interesting. Has this been offered to all of the department heads, for the opportunity to go to this schooling?

Supervisor Zambrano said Jody and Shirly found it and they did discuss it with other department heads; the flyer, to her understanding, was passed around and anyone could have applied.

Judy Boyke said so there is still the opportunity for them to go if anybody wants to go.

Supervisor Zambrano replied she believed so, but no one has said anything about it.

Judy Boyke said the executive session from March 14th, where a discussion regarding the status of potential settlement of (2) pending or proposed or litigation claims against the town and when they came back Councilor Venesky made a motion to pay a claim, an authorized payment to Philomena Goodeve in the amount not to exceed \$1,762.00 for a local income exemption for people with disabilities, which was inaccurately denied in 2013. She is going to FOIL that because she'd like to see the application because she feels that was not done appropriately and it says for "being disabled." If she's had this disability right along and she just never filed does she have to file every year or was it just for one year?

Councilor Venesky said he made that motion based on information that was given to him. He doesn't believe he is at liberty to discuss the details of that. He asked Robert Germain to correct him if he was wrong. He will say this, he stands by the decision that was made based on the information that was given to them, however, he will say that possibly it should have been handled differently through the tax department and he had a conversation with our Receiver of Taxes who said to him (without revealing any details of what we are doing and what had transpired) there may have been another way for us to handle that and he will discuss that with the other members on the Board.

Judy Boyke said that was what she was going to say because with the Real Property Law, they are very specific about the channels for a Correction of Errors and she is very familiar with that.

Joe Ruscitto had a few comments. In regards to the vehicles that they are going to replace from time to time, whether it's for Parks or for the Town, this is a suggestion and this is what they do where he works – they use to keep vehicles until they were dead, useless or scrap. Maybe think about replacing vehicles 2 or 3 years before they are totally useless; when you go to replace new vehicles, if you didn't go those extra 2 or 3 years they will be a little bit cheaper then and you will get a little bit more residual value if someone else might be willing to buy them because they have a few years left because

they are scrap. He is also on the Planning Board, he was speaking not as a representative of the Planning Board, but he did have a few comments in regards to Carmel Runne. He assumed Supervisor Zambrano was there, as she is there quite often, he thought the Planning Board gave the residents the reasoning's they made some of the decisions that they did; he wishes they were still here. He felt that they understood that the builder there can build things and we can't stop them, but by changing the zoning it would give us more options and they come before us and we can turn them down if we don't think they are a good fit. There are some things that can go in there right now that's going to cause a ton of traffic (which he's sure they know), or it could be unsightly buildings that in some people's eyes we couldn't stop. He thinks the Planning Board did their job in presenting what they did to the people at their public hearing; they didn't shut anyone off. The woman who spoke tonight was very eloquent; she has concerns, he doesn't know what the answers are, he feels bad for her and he wishes that she was still here so they could discuss it. The traffic is horrible. He drives through there and he doesn't like it, but the people that own that have a right to build things there and in regards to some of the other properties that are there; he remembers that they came and asked verbally if they could be included in that. He told some people in the audience if they want to be part of it than they know what they have to do to be part of it.

Lastly, Joe Ruscitto told Councilor Becallo that he's been reading lots of his minutes and it seems as if he abstains from a lot of things. He's not here to criticize him but, it seems most likely that you vote for something or against something. You abstain if you aren't there at the meetings. Tonight, in particular, you abstained from several things; he would think that he would vote against it if that's the way he feels – it's like he's not taking a stand either way.

Councilor Becallo replied that an abstention can be used as well. It's basically a "No." It's a "I don't want to be a part of what you are doing right now."

Joe Ruscitto said it was just his personal opinion that if that's how he feels – than that's the way he should vote. It's kind of like walking the fence, not taking a stand.

Councilor Becallo said he makes his comments before the abstention. Then the explanation he gives for the abstentions are fairly, and Joe Ruscitto spoke to that, they are fairly... they're poignant. They are pretty clear of why he goes the way he goes. He never says, "Well I'm wishy-washy."

Joe Ruscitto said yes, but then Councilor Becallo basically states his reasons, but then he doesn't vote against it. He does appreciate the fact that he seems to keep a lot of people on their toes; he's been reading his minutes.

Councilor Becallo thanked Joe Ruscitto.

Ed Zaluski commented on the mailbox replacement. He doesn't think that people should have to replace their mailbox after the plow knocks it over. In his neighborhood, three of them were knocked down on the corner and they shouldn't have to replace them.

Deputy Supervisor Burtis asked Ed Zaluski if he meant that the Town shouldn't have to replace them or the resident should.

Ed Zaluski said the Town should replace them; they've been there for several years and all of a sudden they are gone.

Deputy Supervisor Burtis asked if it was correct that it is our policy to replace mailboxes if we knock them over.

Supervisor Zambrano told Ed Zaluski that some towns have a policy that they don't replace mailboxes at all. Quite frankly, for a lot of the mailboxes we replace the residents don't like what we give back.

Ed Zaluski commented that if Chittenango Creek can do a lot of damage if it's not monitored, it should be controlled constantly and... (inaudible).

Supervisor Zambrano explained to Ed Zaluski that they were all in favor of that. What they were objecting to was the build-up of the money; they wanted them to spend down the money that we've already contributed before we put more into their kitty.

ADJOURNMENT

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

Motion was seconded by Deputy Supervisor Burtis.

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

There being no further business before the Board, the meeting was adjourned at 09:24 p.m.

Tracy M. Cosilmon
Cicero Town Clerk