

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

Supervisor Zambrano called the Cicero Town Board Regular Meeting to order on Wednesday, May 13, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

Jessica Zambrano	Supervisor
Mike Becallo	Councilor
C. Vernon Conway	Councilor
Dick Cushman	Councilor
Mark Venesky	Councilor

OTHERS PRESENT:

Christopher Woznica	Highway
Joseph Snell	Police Chief
Robert Germain	Germain & Germain, Town Attorney
Stephen Snell	O'Brien & Gere, Town Engineer
Jody Rogers	Director of Youth Bureau and Parks & Rec.
Tracy M. Cosilmon	Town Clerk

ABSENT:

Supervisor Zambrano read the following statement:

Good evening everyone.

This is the 9th meeting of our Regular Town Board Meetings of the year.

Before we start the Pledge of Allegiance I would like to point out the emergency exits at the back of the room, and one up here to my right.

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

The Town acknowledges the importance of full public participation in all meetings and hearings. We therefore urge all who wish to address the Board to utilize the microphone at the front of the room. If anyone is unable to hear, let us know and we will try to make the necessary adjustments.

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

There were students in attendance to observe the meeting.

TOWN BOARD MEETING MINUTES

Councilor Conway moved the adoption of a resolution to approve the Town Board Meeting Minutes from the Regular Town Board Meeting held on April 22, 2015. Motion was seconded by Councilor Venesky.

Ayes – 5, Noes – 0, and Abstaining-1. *Supervisor Zambrano abstained due to absence at that meeting. Motion carried.*

Supervisor Zambrano solicited any Board comments, of which there were none.

APPROVAL OF ABSTRACT NUMBERS 17, 18 & 19

Councilor Cushman made a motion to approve Abstract no. 17 (dated 4/24/2015), Abstract no. 18 (dated May 4, 2015), & Abstract no. 19 (dated May 11, 2015). Motion was seconded by Supervisor Zambrano.

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

Supervisor Zambrano solicited any Board comments, of which there were none.

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

BUDGET MODIFICATIONS/AMENDMENTS

TOWN BOARD MEETING
05/13/15

Councilor Cushman made a motion to approve the budget modifications/amendments as presented:

TOWN BOARD MEETING				
05/13/2015				
<u>2015</u>				
<u>BUDGET MODIFICATIONS</u>				
FROM		\$	TO	
A711040	Parks Supplies	190.00	A711049	Porta John
B714040	Parks Supplies	40.00	B714042	Misc
B73101	Parks Personal Services	67.50	B73101 OT	Parks OT
A19104	Special Items – Ins	10000.00	A10104	Town Board Contractual
A162040	Buildings	15.95	A162045	Parks & Rec Pole Barn
<u>2015 BUDGET AMENDMENTS</u>				
Revenue			Appropriations	

Motion was seconded by Councilor Conway.

Councilor Becallo asked if someone could explain the line for A19101 Special Items. He said he thought Ins. was insurance and asked why it was going to Town Board Contractual.

Councilor Cushman said that Shirlie Stuart wasn’t there to explain it but he knew that it was an insurance bill that we received and that it was an insurance we were obligated to carry.

Supervisor Zambrano asked Councilor Cushman if he would look into it and get back to Councilor Becallo, he said he would.

Supervisor Zambrano solicited any further questions, of which there were none.

Ayes –4 and Noes – 1. *Councilor Becallo voting no. Motion carried.*

SUPERVISOR’S REPORT OF THE 2014 ANNUAL FINANCIAL AUDIT

Supervisor Zambrano read the following statement that she had asked the Town Clerk to include in the minutes. She said they will also be filed with the 2014 Annual Update document, of which each Town Board Member has a copy; her statement is included in that manual:



May 13, 2015

To the Town Board, Cicero Residents, Community Organizations, and Town Employees:

The 2014 Annual Update Document was completed and filed with the State Comptroller’s Office on April 30, 2015, as well as with the Cicero Town Clerk. That report documents the actual spending by the Town in 2014.

The budget for 2014 was developed by Supervisor Jim Corl in 2013, and everyone knew it was going to be a very tight year. We had a number of unbudgeted challenges that were presented to the Town Board last year that included the purchase of two dump/snow plows for a cost of \$317,000 and \$97,000 for two Parks and Rec vehicles. We also appropriated funds for the acquisition of two Bennett Street properties for \$36,000.00 (which is the mandatory 20% match) for the expansion of Riverfront Park in Brewerton. We also used reserve funds to provide the 50% matching funds of \$137,500.00 for a \$275,000.00 grant for Riverfront Park.

The total budget for Funds A, B, and DB totaled \$9,955,111 and it included Fund Balance appropriations of \$698,704 (see table below). I am happy to report that we only used one third (or 33%) of our appropriated fund balances, minimizing the reduction of reserves. This was a result of close monitoring in spending by the Supervisor’s Office, the Comptroller’s Office staff, and the individual Department Heads.

Below is a table of the Fund Balance appropriations for 2014

Fund Name	Appropriated	33% Actual Funds Used	Year-end Fund Balances
A Total Town	\$314,981	\$ 81,609	\$1,612,953
B Town Outside the Village	\$106,751	\$ 536	\$ 810,159
DB Highway	<u>\$276,972</u>	<u>\$148,300</u>	<u>\$1,396,626</u>
TOTAL	\$698,704	\$230,445	\$3,819,738

The 2014 fiscal year ended with sustainable fund balances and also an executed financial plan for paving and maintaining our roads. Although we ended the year on a positive note, there is no question that we need to continue our financial monitoring, explore other avenues for revenues, and seek cost-effective solutions to continue the Town’s fiscal security.

There are four departments that generate revenues: The Justice and Police Departments from traffic and other fines; the Town Clerk from dog licensing fees; the Codes Office, Planning Board, and ZBA for application and permit fees; and the Tax Receiver’s Office for late fees and penalties. The Highway Department received snow plow reimbursement from Onondaga County at a rate of \$6,732.00 per mile that totaled \$101,350.00 for 2014. The Town also received additional funds from the Extreme Winter Recovery Program that included \$67,499 from the County and \$25,423 from New York State. These funds helped compensate for the salt appropriation account shortfall that resulted from our severe winter conditions we all lived through.

Special mention must be made for the successful track record of the Police Department and the Parks and Recreation Department relative to grant awards. Year after year Parks and Rec staff continue to successfully obtain not only grant

funds, but also contributions from local municipalities to assist in running their youth programs. The Parks and Rec program fee schedules continue to provide income to offset program expenses.

The Police Department in 2014 received several grants to purchase bulletproof vests, radios, and car seats. Grants funds were also utilized to assist officers with public safety programs and training.

While we can all be glad that the Town finished 2014 'in the black,' there are many challenges to be faced this year and the next. We labor under property tax guidelines, namely, the Governor's 2% tax cap that clearly makes running this town difficult. Some of the challenges we faced last year and will have to contend with this year and the next include the following:

- We had a \$72,435. increase in our workers comp premium in 2014, and this year's premium was increased another \$76,000. Currently, the Town is paying \$386,723 for its workers comp premium.
- We need to develop a fiscal plan to replace equipment in the Highway Department this year and police cars in 2016.
- We need to find money this year and the next to continue our support of Riverfront Park.
- Because the current highway garage is inadequate for space and function, we need to develop a plan to build a new highway garage that is adequate in size in a new location. It is imperative that the Town protect the highway equipment—and our investment of about \$5 million for that equipment—from the severe weather conditions under which we live under each winter.
- We need to think about new offices and space for the Police Department, and perhaps for the Justice Department, as well.
- There are also three collective bargaining agreements that need to be addressed: one contract ends this year, and two other agreements expire at the end of 2016. We need to give careful consideration to these agreements because of the increasing costs associated, particularly health care benefits.
- We are also facing infrastructure problems, about which you will hear more in two weeks. But, this expenditure right now is projected for about \$1.67 million to repair and replace our sewer pipes for the collection system of the Brewerton Treatment Plant.
- It is prudent to fund our roads maintenance program from our budget, rather than going out to bond, as we have the last three years. The Town Board will work at this task for the upcoming 2016 budget.

We all now know that 'money no longer grows on trees.' Because of our depleting fund balances and state-mandated restrictions, it has been projected by our Comptroller that at our current level of spending, the Town will no longer be able to sustain itself beyond 2019. I believe it is imperative that this--and future Town Boards--stop dealing with budgets and provision of services on a on a year-to-year basis. Rather, we need to develop long-range and realistic fiscal and operations plans that will ensure the financial security of the Town of Cicero so that we can continue to meet the needs of our community.

In closing, I would like to thank all our Department Heads and their staff for a successful 2014. Our Departments largely run on minimum staffing to achieve the highest productivity anywhere and in support of the fiscal health of the Town of Cicero. There is seldom any recognition for being a government employee, so I'm taking this time to thank all of our staff whose daily contributions make this town a great community in which to live.

Respectfully submitted,



Jessica Zambrano, Supervisor
Town of Cicero

Councilor Becallo asked Supervisor Zambrano who performed that audit.

Supervisor Zambrano said it was our comptroller.

Councilor Becallo said so no independent audit was done.

Supervisor Zambrano replied no.

PUBLIC HEARING LOCAL LAW NO. 2 OF 2015

Supervisor Zambrano stated she had proof of publication for this public hearing. This public hearing is related to the **Prior Written Notice of Highway Defects Requirement**. This local law is being proposed as a recommendation from our Trident Insurance Company, which is our General Liability Insurance Carrier. She said there are some advantages to this law. It would require notification of the Highway Superintendent and the Town Clerks Office if there are highway or road defects that are noticed. If they are recorded then the downside is that the Town would have an obligation to go and deal with the defect (she said she doesn't have a problem with this because every day Chris Woznica and his staff get many, many, complaints of this kind and he and his staff are out there immediately to access the situation and to make plans to do this).

Supervisor Zambrano restated this is a recommendation from our insurance company to protect the liability of the town, and basically what it means is that if we don't have this protection of calling in these problems then the Town has increased liability; essentially.

Robert Germain explained that it is an additional level of possible protection, as recommended by our insurance carrier at this time. It's an additional notice requirement where the general rule would be that the town has liability for known defects; those are defects that we are on notice of and this is an additional level of protection where you really have to get double notice instead of normal, just any type of notice; in some places a notice can be as much as an email you may miss or not, or it may not go to the right people, but this time we are saying that it must be done under these circumstances; it's an additional level of protection that we'd be giving ourselves.

Supervisor Zambrano noted that there has been publicity on record for this public hearing. The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing for May 13, 2015 commencing at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Rd., Cicero, NY 13039 to **consider the proposed Town of Cicero Local Law No.2 of the Year 2015 requiring Prior Written Notice of Highway Defects to supersede in its application to the Town of Cicero, subdivision 1 and 3 of section 65-a of the Town Law. Said Local Law is entitled "Prior Written Notice of Highway Defects Required."** It is the intention of this Local Law to bolster the Town's legal protection from liability by requiring additional notice of defective conditions to be filed with the Town Clerk.

By the order of the Cicero Town Board.

DATED: April 26, 2015

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

Public Hearing was **opened** at 6:52 p.m.

Supervisor Zambrano asked if anyone would like to comment in favor of this proposal.

Deborah Gardner asked Supervisor Zambrano if she could define written notification. Would that include email and texts?

Supervisor Zambrano said she knows that includes emails. She asked Robert Germain if it would include texts.

Robert Germain said it could. It would be a question for a court to decide when they are deciding the question of whether or not the town had written notice of a dangerous defect. The other issue with the defect is that some defects can be without written notice if they've been around long enough that the town should have known, and this also protects with that aspect, according to our insurance carrier.

Supervisor Zambrano said she had a comment and a question. She said we have a Cornell Roads Program and we have identified problems with our roads, so we have a plan to repair those roads. You know we can't repair all of the roads at once, and there's

a certain season when we can do these repairs, so wouldn't that count as notification that we are aware and that we have a plan?

Robert Germain said there's a difference between a plan to repave roads and what we call remediation of a dangerous defect. In this case we are talking about dangerous defects so we would be on notice/written notice of dangerous defects. Municipalities have a separate level; it's more difficult to sue a municipality because of the written notice requirements. Most people don't have those protections but municipalities in New York do though, so this is another level. As far as our roads program, we are identifying roads that need regular maintenance and paving; that's a different story than a dangerous defect that causes an accident, or whatever.

Supervisor Zambrano opened the public hearing again for people who may have wanted to comment.

Don Snyder said he didn't want to speak either way. If he understood this right this will protect the town government; it will protect our insurance carrier who continues to ask us for more and more money, so it's going to save that corporation. But what does it do to the public, the people sitting out here, what does it do to him? Does it mean that he, as a taxpayer of the town, has one more step that he has to go through? What are we talking about, a pothole that will swallow a car? He said he didn't understand what a critical/dangerous defect means, so he's not sure whether he'd ever know there was one. He asked if they could help define that so we as the public know what it is we are going to have to be aware of.

Robert Germain told Don the problem is that when it comes to the definition there isn't any. It's up to the courts to decide when eventually something might get alleged and there's a complaint, and so on. So a lot of things are alleged as dangerous conditions, they turn out where the courts say they're not and some things that you might think aren't are - it's up to a court to decide. But in terms of notice, the idea is people are responsible to fix stuff, but we can only fix stuff if we know about it. So when we get written notice of a dangerous condition we should act, and if we don't that's a liability for us; we are covered for that, and in terms of the taxpayer it is another level of notice, but also it's protecting the taxpayer who we end paying premiums and costs, and coverage, and so on.

Don Snyder said so there really is no definition of what level we get to before...for example, if our police department is driving down the street and they see something, if they don't report it and Chris and someone gets hurt the next day then it's on us?

Robert Germain said it can be. The other part of the equation that we really talk about is what we call 'constructive notice', like something that has been in a dangerous condition long enough that the town should have known that it was dangerous and fixed it. He said there's no set definition, those are questions for courts.

Don Snyder asked what cases have we had in the near past future that has caused our insurance carrier to come up with suggesting we have this law. Do we have 4 or 5 cases that are either pending or 4 or 5 cases we've settled because the highway superintendent didn't fix a problem?

Robert Germain said he didn't think that is the question here. He represents several other municipalities and he's got this in all of them. He thinks it's just something that they are trying to do across the state and he doesn't know of anything particular here in Cicero.

Don Snyder said and of course if we pass this law it will probably reduce our insurance costs, right?

Councilor Cushman said no, but it will stop it from going up.

Supervisor Zambrano said that's a point - to stop it from going up.

Council Cushman told Don Snyder he thinks his report on the town campus and his report of the ice condition, and the town barn, and the situation of the building itself, that would say the Town has been put on notice from your report that you and Mr. Smith, and the other folks that work with you did on the report. That now the Town Board is aware that we have a dangerous condition, an icy condition in the town barn; we did the blanket and did a temporary fix (be it minimal, it's not ideal but at least we responded because we realized it was a danger).

Supervisor Zambrano solicited any further comments.

Lori Sager asked who the insurance carrier was and how long have we been with them or have they been with us.

Supervisor Zambrano answered it was Trident, and that we've had them for a long time.

Lori Sager said she was just wondering if maybe we ought to go out to bid and see what other insurance companies would charge.

Supervisor Zambrano explained that we have a broker who on an annual basis goes out and looks for competitive plans and Trident came in the lowest. We had our in-land marine plan canceled last year because of accidents, and we continue to have a number of town vehicle accidents and that is why our premiums are going up; all insurance premiums are going up.

Lori Sager said we all are aware of that but I was just wondering, as a Town Board you have a little more power than say I do to talk to my insurance carrier, I'm just one person, you represent quite a bit more. She said it's good to know that the broker is doing their job.

Supervisor Zambrano said the broker is doing his job, and she certainly asks the questions about can't we get a lower premium and how do we do that? So this was one of the recommendations, along with other things like safety programs, safety, increased safety training. She said that we have a lot of accidents in the town for some reason.

Lori Sager said people have got to slow down.

Supervisor Zambrano solicited any further comments, of which there were none.

Supervisor Zambrano solicited any comments from the Town Board. She asked the Board what their preference was, if they wanted to think about this a little bit or take an up or down vote.

Councilor Cushman said he thought they should take an up or down vote.

Councilor Venesky agreed with Councilor Cushman. He said this is a preventative measure that he thinks protects us.

Robert Germain said they needed to close this public hearing first.

Supervisor Zambrano **closed** the public hearing at 6:58 p.m.

Councilor Venesky moved the adoption of a resolution that the proposed Town of Cicero **Local Law No.2 of the Year 2015** requiring Prior Written Notice of Highway Defects to supersede in its application to the Town of Cicero, subdivisions 1 and 3 of section 65-a of the Town Law entitled "**Prior Written Notice of Highway Defects Required**" is an unlisted or Type II action involving no other permit granting agency outside the Town. The proposed amendments to the Code of the Town of Cicero with regard to fees will not have a significant effect on the environment, and therefore does not require the preparation of an EIS (Environmental Impact Statement). Motion was seconded by Councilor Cushman.

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

Councilor Venesky moved the adoption of a resolution approving proposed Town of Cicero **Local Law No. 2 of the Year 2015** requiring Prior Written Notice of Highway Defects to supersede in its application to the Town of Cicero, subdivisions 1 and 3 of section 65-a of the Town Law. Motion was seconded by Councilor Cushman.

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

PUBLIC HEARING REQUESTS

Supervisor Zambrano said apparently we have some kind of a paper road and there has been a request to consider closing one of these roads and we need to have a public hearing first.

- **Abandoned Road**

Councilor Conway moved the adoption of a resolution setting a Public Hearing for May 27, 2015, commencing at 6:30 p.m. local time to consider the request of James Turner for a formal abandonment of the Town's right to dedication to a once proposed undeveloped paper road described as Beechwood Avenue as shown on the Maple View Park Tract map filed in the office of the Onondaga County Clerk on September 15, 1925. The proposed Beechwood Avenue was shown as 70 foot wide and approximately 200 yards in length. Abandonment of the right to take dedication of a roadway will result in the land being abandoned to all adjoining land owners to the center line of the proposed roadway. Motion was seconded by Councilor Venesky.

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

Supervisor Zambrano asked Robert Germain if it was correct that this tract map was filed in 1925.

Robert Germain: Yeah, it was a road that was never built. Paper streets, we don't actually own those. When a sub-division map gets filed the roads are an offer perpetuity to a town, that if a road is ever built to town standards and specs, inspected, approved and insured, the town may decide to take dedication to that road as a regular road in the future. In this case this road was never built since 1925, and we've got a letter request from a homeowner. Remember, that we are not abandoning our road; we are abandoning our right to take dedication. So in that case, if you do give up that right, title goes by operation of law to the center line of the proposed street to the adjoining landowners, so this is the way it works. If its approved by the Board, he has worked with Tracy with this issue before, they would prepare a certified resolution to be recorded in the Clerk's office and we would also authorize the quit claim deeds to the adjoiners because the county mapping likes to see that when they add it to those properties.

Councilor Becallo asked Mr. Germain if it goes to the adjoining properties then.

Robert Germain said it was the adjoining properties to the center line of the old roads, so if you think about how the road, if you just figure to the center line of that, by operation of law whoever owns adjoining gets to the center line.

Councilor Becallo asked if that means whether they want it or not their assessments are going to go up.

Councilor Cushman said he didn't think it would affect their assessment.

Supervisor Zambrano said she didn't think it would, they get 35 feet to the center line of the road, and commented that they are using the land already anyway because the road was never built.

Robert Germain said that's the way we've done it before, and that County Mapping is the key on that when we talk about doing a quit claim deed for County Mapping; that's when it gets added to the parcel and it could trigger a change, or whatever, so what we've done

in the past (and he has done this in other places) is the people have requested the release of their right and followed up with a quit claim deed; we've given that to them. Other people have not requested a quit claim, and the land has not been officially added by the County.

- **4 Way Stop at Loretto (The Cottages at Garden Grove)**

Supervisor Zambrano said the Cottages opened last year and since their opening they have become busy in all of their buildings, and there have been a lot of complaints about people not stopping at those stop signs. She said Chris Woznica and Chief Snell got involved, and Chief Snell went out and looked at the situation, so this is an opportunity to evaluate whether a four-way stop sign is needed there.

Councilor Venesky moved for the adoption of a resolution setting a public hearing for May 27, 2015, at 6:30 PM to consider amendment of the Cicero Town Code Section 198-3 "Stop Intersections" by Local Law to establish a four-way traffic controlled intersection at Meltzer Court and Jamboree Lane, as well as authorizing the installation of four-way stop signs at the intersection as needed. Motion was seconded by Councilor Cushman.

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

PERSONNEL MATTERS

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

- Advertising for the hiring of five (5) summer/seasonal laborers in the Highway Department for the period 6/1/15 - 8/14/15, at an hourly rate of \$12.00/hour per worker, and for the total expenditure of this temporary help not to exceed \$28,000. Motion was seconded by Supervisor Zambrano.

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

Councilor Venesky moved for the adoption of a resolution for:

- Appointment of Stephanie Engelmann and Michael Brisson as Recreation Attendants (Arts and Crafts and Sports Directors, at a pay rate of \$10.25/hr. each, effective 6/22/15. Motion was seconded by Councilor Cushman.

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

Councilor Venesky moved for the adoption of a resolution for the:

- Appointment of Katie Scott as a Recreation Attendant at a pay rate of \$9.00/hr. effective 6/22/15. Motion was seconded by Councilor Cushman.

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

CLERK'S OFFICE

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

- \$500.00 to the American Legion Post 787 to help defer the costs for the Memorial Day Parade and Ceremony to be held Monday, May 25, 2015 at 9:00 a.m. Motion was seconded by Supervisor Zambrano.

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

- Fireworks permit from American Fireworks Display, LLC for Fort Brewerton/Greater Oneida Lake Chamber of Commerce to be held in Brewerton (Kathan Rd.) on Friday, 7/3/15 at dusk, at a permit fee cost of \$75.00 and for the Supervisor to execute the Fireworks Permit. Motion was seconded by Councilor Venesky.

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

- Amount not to exceed \$2,100.00 (includes estimated freight charge) to Davis Mechanical Services, Inc. for the installation of one (1) replacement 2 speed constant torque motor for the Air Handling Unit; to include motor, two (2) drive belts, motor adaptor, mounting plate and labor. Motion was seconded by Councilor Venesky.

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

COMPTROLLER'S OFFICE

Councilor Cushman moved the adoption of a resolution to approve:

- The proposals from Benn & Company, CPAs, PLLC, for the completion of 2014 audits and authorize the Supervisor to execute such agreements (and we have three):
 1. \$6,000 for the South Bay Fire Department Length of Service Awards Program (LOSAP)
 2. \$1,600.00 for the employee Deferred Compensation Plan, and
 3. \$1,900.00 for the Town of Cicero Justice Department.

Motion was seconded by Supervisor Zambrano.

Ayes – 4 and Noes - 1. *Councilor Becallo voting no.*

Motion carried.

Councilor Becallo: It is good government to put this out to bid, it's almost \$10,000. I understand its professional services but this should have been put out to bid. You shouldn't do the minimum, so I understand the minimum is professional services, but this should have been put out to bid for good government. And then, it's hard when this individual/this company is part of this town. It's difficult to be independent when this company is part of this town as well. Sean from the County came down from County Purchasing last year and he also did say that you can't award bids to companies out of the locality (he said that last year), so I believe that this should have been put out. I know it was put out to bid last year, but this is almost \$10,000 worth of money that the Town is putting out that should have been put out to bid.

Supervisor Zambrano explained that there were three different proposals that were solicited last year as well, and we got very limited response. She remembers going through the CPA list and sending out twenty letters soliciting quotes; there were two that came back for LOSAP (Length of Service Awards Program) that is very specialized. Benn & Company was the low bidder last year; they do good work, they do accurate work, and they work with us. They know the history of the town so she particularly doesn't have a problem with Benn & Company. She said it is very difficult to continue to solicit bids when you get limited response. Her position is that she thinks that this is *good government*.

Supervisor Zambrano said last year we also passed a law (that Jody Rogers had brought to their attention and Jody said she believed it was called value bidding), which allows a municipality to select a local vendor because of their place in the community.

Councilor Becallo said no. Sean from County Purchasing clearly said (and they could go back to the minutes, and he believes he said it to Councilor Venesky), that you cannot give a bid to a company to win a bid because they are a local vendor – you cannot do that.

Supervisor Zambrano asked Robert Germain if he could comment.

Councilor Venesky said we don't have to deny to a local vendor. We can't come out and say we are going to bid local vendors, but if a local vendor comes in with a best bid and they are able to do the job then we are not prohibited from selecting that vendor.

Supervisor Zambrano explained that we don't have to go out to bid for professional services, we can select someone with whom we have a positive work history and that certainly is the case with Benn & Company.

Robert Germain said that is correct.

Councilor Cushman moved the adoption of a resolution to approve:

- The credit card policy and procedures, and to designate the attached list of Employees to utilize the cards:

Cardholder Information Form						
Company Name		Town of Cicero				
*For billing accounts please complete Cardholder Information Form #						
First Name	Last Name	Embossed Company Name (26 characters maximum) (Card Line 2) *if different from above company name	Email Address	Address (If different than Company Address) *Cards cannot be sent to PO Box	Cash Limit	Single Purchase Limit
William	Alley	Town of Cicero Parks	jrogers@ciceronewyork.net		0	
William	Lawence	Town of Cicero Parks			0	
Mike	Hogan	Town of Cicero Parks			0	
Brett	Wood	Town of Cicero Parks			0	
Judy	Dickson	Town of Cicero Senior Ct	jrogers@ciceronewyork.net		0	
Nancy	Noble	Town of Cicero Senior Ct			0	
Toni Lyn	Brauchle	Canteen Youth Center	jrogers@ciceronewyork.net		0	
Jody	Rogers	Town of Cicero Recreation	jrogers@ciceronewyork.net		0	
Dawn	Maurer	Town of Cicero Recreation			0	
Julie	Raddell	Town of Cicero Recreation			0	
Chris	Woznica	Town of Cicero Hwy Dept	twalsh@ciceronewyork.net		0	
Carl	Price	Town of Cicero Hwy Dept			0	
Dave	Christian	Town of Cicero Hwy Dept			0	
Joseph	Snell	Town of Cicero Police Dept	JSnell@ciceropd.us		0	
James	Meyers	Town of Cicero Police Dept			0	
John	Baldini	Town of Cicero Police Dept			0	
Richard	Hooper	Town of Cicero Zoning	rhooper@ciceronewyork.net		0	
Steve	Procopio	Town of Cicero Zoning			0	
JoLee	Olszewski	Town of Cicero Purchasing	jolszewski@ciceronewyork.net		0	
Shirlie	Stuart	Town of Cicero Comptroller	ssstuart@ciceronewyork.net		0	
Diane	Cellucci	Town of Cicero Comptroller				

Supervisor Zambrano said that Shirlie Stuart provided us with a policy and has a list of people that she is proposing to issue this card for usage. She said that Shirlie did speak about a limit of \$42,000.00. Supervisor Zambrano stated that we do have petty cash accounts which the Town Board approved and this would, in some ways, replace that.

Councilor Venesky gave a little background information on the matter. He said he had asked Shirlie Stuart to investigate this and get us some credit cards; that arose out of what happened last year when we had to upgrade our software (he thinks in our zoning department) and he had to pull out his own AmEx (American Express) because we didn't have a card to purchase that. Councilor Venesky commented that he thinks this is necessary thing.

Supervisor Zambrano thanked Councilor Venesky.

Motion was seconded by Councilor Venesky.

Ayes - 4 and Noes - 1. *Motion carried. Councilor Becallo voting no, stating credit cards are a major source of abuse in government and he is not in favor of this proposal.*

Councilor Becallo asked if they knew how many cards it was. Was it 'card' or 'cards'?

Councilor Venesky said based on what he looked at it was cards. He explained that most companies issue an AmEx card or something to their employees; they all have their own account. It's monitored. It's something where certainly if people went out and abused it he is sure that they would be terminated.

Councilor Becallo asked how we are going to track that.

Councilor Venesky explained that you get a statement from the credit card company every month.

Councilor Becallo said if you went to Home Depot for instance, will it just give a blanket statement of \$100 was spent, or does it give itemized what was spent.

Supervisor Zambrano said the department heads and the employees right now that use the petty cash accounts have to submit receipts each and every time that they use cash from the petty cash. Anyone who knows our comptroller knows that we are going to get details when this is used. She told Chris Woznica he probably didn't use petty cash as much as his staff, but Jody Rogers probably did.

Jody Rogers said that they have a credit account with Home Depot; most of the big companies, we already have accounts with. She thinks it's for companies that we don't have accounts with. One of the biggest ones for her department (Parks & Rec.) is Toni Brauchle, you'll either see her name or Jody's on purchases because they don't have an account for travel and what not. Toni uses her own credit card, personally now, and has to submit the bills and be reimbursed, and it was felt (she believes that Councilor Venesky brought this up, back a while ago) she should use a town credit card rather than a personal credit card for town purchases.

Supervisor Zambrano added that it also saves us from sales tax.

Joe Snell said there are certain items they've found where things would significantly cost less by going through the internet if you have a purchase order. He explained that any time you purchase anything you need a purchase order; you still have to go through the process with the Comptroller's office.

Supervisor Zambrano said unless it's within the petty cash limit, then you don't need a purchase order.

Joe Snell commented that petty cash has really been cut in half.

Supervisor Zambrano replied that's why we did so well in 2014, because we monitored things pretty closely. She said she has every confidence that if there is any abuse of the card it will be picked up immediately.

HIGHWAY DEPARTMENT

Councilor Conway moved the adoption of a resolution to approve \$3,050.32 to Valley Tire Company for the purchase of eight (8) tires, and valves for truck #22. Motion was seconded by Councilor Venesky.

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

Supervisor Zambrano asked Chris Woznica what truck is 22.

Chris Woznica said it was the badger. He also stated that Commercial Truck Tire has gone out of business. Valley Tire Company is the new state bid tire company that we have to use now.

JUSTICE DEPARTMENT

Councilor Venesky moved the adoption of a resolution to declare the Canon F159400 Serial Number HDU15812, formally used on the dais for the Justice Department as surplus (no use to the town) and to authorize for disposal. Motion was seconded by Councilor Conway.

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

PARKS AND RECREATION DEPARTMENT

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

- \$1,063.20 (Paid by Youth League Participant Fee) to Northern Nurseries for Play Ball field material and field lining chalk for Central Park (Cicero Little League)
- \$13,118.31 to Yankee Construction to replace pavilion at Plank Road Park West Entrance

Councilor Venesky asked Jody Rogers if she could tell them about the pavilion.

Jody Rogers explained that the pavilion was deemed unsafe. It was built in 1985 at Plank Road Park. She had the Codes Office go out and do an inventory for her. It has been on her long-range plan to replace. We budgeted \$20,000 for the project. She has three (3) quotes on the project and Yankee Construction was the lowest bidder. This is a 28x32 pavilion; it holds over 100 people and it's our only pavilion in the town that can accommodate that number, and it also the shelter for the Youth Soccer Program when they need to get underneath something in the event of weather conditions. She thanked the highway department for assisting with the demolition and removal of the existing one and the concrete pad. Jody explained that there are actually two numbers that go together, the \$13,118.31 and the \$2,580.00 for the concrete pad that's for that pavilion as well. With those two together we are at \$15,000/\$16,000, with a savings of about \$4,000 of what we budgeted.

Councilor Venesky told Jody Rogers nice job, and he also thanked her.

Councilor Cushman continued with the approvals:

- \$2,580.00 to Steve Cooley Masonry for the concrete floor for Plank Road Park Pavillion
- \$1,280.00 to Bonnet Sales and Service, Inc. to replace the garage door (commercial grade) on storage building at Gateway Park
- \$2,240.00 to Mill Creek for Infield Mix - \$35.00/cubic yard)
- \$2,000.00 (part of LWRPII Grant funds) to Kinsella for landscaping rocks for Riverfront Park
- \$7,995.00 to Treasurer of the North Syracuse Central School District for the school use for Summer Day Camp
- Amount not to exceed \$1,500.00 to Landmark Graphics for shirts for Summer Programs/Participants
- Amount not to exceed \$1,500.00 to S&S Worldwide for supplies for Day Camp

Motion was seconded by Councilor Venesky.

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

PLANNING AND ZONING DEPARTMENT

(Fire Hydrants for Contemporary Home Suites Apartments Project)

Supervisor Zambrano said there's an apartment complex going up in Brewerton, off Orangeport Road, and this is a proposal from OCWA (Onondaga County Water

Authority) to install three (3) hydrants there. The proposal has been reviewed not only by our Codes department, but also by the Chief of the Brewerton Fire Department and they have given their okay.

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

- Installation of three (3) proposed fire hydrants for the Contemporary Home Suites Apartments Project, in the existing Brewerton WD Ext. 2. The Developer, Todd Loscombe will pay for the hydrant installations in conjunction with the 8”&10” water main extension. The Town will be notified when the hydrants are in service, and then will be billed the annual hydrant maintenance rate, which is currently \$61.61 per hydrant, per annum:
 - A. Hydrant #13941 Contemporary Home Suites Apartments-100’ south of Walnut Hill Rd.
 - B. Hydrant #13942 Contemporary Home Suites Apartments-425’ north of Orangeport Rd.
 - C. Hydrant #13943 Contemporary Home Suites Apartments-115’ north of Orangeport Rd.

Motion was seconded by Supervisor Zambrano.

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

Councilor Conway moved the adoption of a resolution to approve:

- \$1,000.00 to Jeff Bell’s Auto Body & Collision for the deductible of a claim on repairs to the 2006 Ford Ranger as a result of an accident caused by second party individual. Motion was seconded by Supervisor Zambrano.

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

Councilor Venesky said he knows that we are going to go after the second party or the person that caused the accident to recover the \$1000.00, but he would like to be notified of these accidents when they occur. He requested that any one of the departments, if they have an accident, notify the Board.

Supervisor Zambrano said she would notify all the department heads to give us notices when that happens.

POLICE DEPARTMENT

Councilor Venesky moved the adoption of a resolution to approve \$1,000.00 to Burdick’s Collision Center in Driver’s Village for the insurance deductible for repairs to a marked patrol unit damaged in an accident. Motion was seconded by Councilor Cushman.

Someone in the audience asked what methods they deploy to pick the body shop to repair a vehicle; what do they use for a variable.

Chief Snell said they use Driver’s Village because they’ve done good work for us for many, many years; we do all our maintenance there. The \$1,000.00 deductible (if it’s over \$1,000.00), we have to pay the first \$1,000.00. Generally, what we do is wait until the estimator comes in and estimates the cost.

Councilor Venesky said Driver’s Village is on the State approved list.

The person in the audience said there’s enough body shops in the jurisdiction in the Town of Cicero that they may either go out for bid for the work to be done or move them around somehow where everybody gets a piece of the action.

Councilor Venesky said we have a list of approved vendors. He told the person in the audience that he was with him on that; just like when we talked about our highway garage or barn roof. But, we are limited as a town government by those companies that are the State or County bid. He told the individual if they had somebody that they know that does pretty good work who would like to get on the list we could assist you with that.

The individual listed a couple of businesses and Councilor Venesky informed him that they have got to be on the list, that we have to use a vendor on the list.

Supervisor Zambrano said the issue is that we don't have the luxury of going out and waiting on different estimators to come in and evaluate the car; this was a police car, so we need to get it back on the road as quickly as possible. She commented that she didn't believe we have reserves on police cars.

Chief Joseph Snell said the car has almost taken a month to get repaired; there were parts that they had to wait for.

Councilor Becallo said the Board didn't vote on that

Councilor Venesky had already made the motion and Councilor Cushman seconded the vote

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

MORATORIUM

Councilor Venesky said about a month or so ago we had, at the request of County Planning, adopted a moratorium that ran from the Twin Rinks here on Route 11 up to Brewerton to take a look at economic development as it relates to the park going in the Town of Hastings. They had a bunch of meetings on that, the latest meeting that he had with Onondaga County Planning was Friday; he sat with Megan Costa and Tom Rhoads, who is the decision maker there. We had asked the County if they would take a look at our zoning for us on Route 11 because we had seven different zones from Commercial, Commercial Plus, etc, etc. What we were trying to do or the thought was is that if we could get the County and the State of New York (he also met with Matt Driscoll twice) if we could get in on this economic development package and get sewers put in on Route 11 that would allow us to bring in some commercial development and some jobs. Megan Costa finished her study, reviewed it with us on Friday, and came to the conclusion that we have 233 acres of property from Mud Mill Road north to the Hamlet of Brewerton and recommended that instead of putting in 2.6 miles or 2.3 miles it would be 4.6 total, both sides of the road of sewer at this time because of capacity issues with Brewerton, because of an additional pumping station that would be needed, because of intrusion of water; there's a lot of things that we will be talking about coming up. She [Megan Costa] and they recommended that we would stand a better chance taking into the consideration the 233 acres that are there; we could extend the sewers 2500 feet, or a total of both sides of the road 5000 feet; he still said he wanted 2.6 miles or 2.3 miles, but he'll take the 2500. Consequently, this public hearing at the next town board meeting will be to release everything from Mud Mill Road south. He said he knows that it [the moratorium] encumbered some properties; it was a hardship for some people, we promised that we would comply with the County, and I think here that we have demonstrated that we did. Councilor Venesky moved the adoption of a resolution setting a public hearing on May 27, 2015 commencing at 6:30 p.m. local time to consider an Amendment of Local Law #1 of the Town of Cicero (Temporary Development Moratorium within the Route 11 corridor) to amend the study/moratorium area to the portion of Route 11 in the Town of Cicero from the intersection of Mud Mill Road north to Brewerton. The purpose of this amendment is to redefine the study area for study. Motion was seconded by Councilor Conway.

Councilor Becallo said he was glad to see part of this moratorium lifted; if it was up to him he would lift the whole thing.

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

Councilor Venesky noted that Megan Costa was setting up a meeting with various departments in Onondaga County to move the project forward so within the next two weeks that will be announced as well.

Supervisor Zambrano asked if that was a public meeting.

Councilor Venesky said it would not be.

Supervisor Zambrano said it will not be a public meeting?

Councilor Venesky said it may be, but he doesn't believe it is right now.

Supervisor Zambrano asked if this was the coordinated review he was talking about.

Councilor Venesky said it was.

BREWERTON REVITALIZATION PROPOSAL – RIVERFRONT PARK

Supervisor Zambrano said we continue to work on the Riverfront Park at the Brewerton Revitalization Economic Development effort and we need to do some more work up there with archeological testing.

Councilor Venesky said this is a necessary expenditure, we are being asked to do this because they are going to do an archeological dig; they want more test holes.

Supervisor Zambrano said just as a point of clarification, it's the upper terrace of the new property that we are proposing to acquire, so we are not going back and test the old site, this is the new site.

Councilor Becallo asked Supervisor Zambrano to say that again.

Supervisor Zambrano said they are testing new sites. Actually, they are testing the Bennett properties to make sure.

Councilor Becallo said so it's for every property that we purchase they have to do these archeological digs.

Supervisor Zambrano replied that it's not for every property that we purchase; this particular one because of the location being on Oneida Lake and the Native American...

Councilor Becallo said but for the rest of this project it would be every property that we purchase.

Councilor Venesky said no, we just have the two. He told Councilor Becallo that was a surprise because they just do this thing where they said oh, by the way.

Councilor Becallo asked who the ones are actually doing the archeological study.

Supervisor Zambrano said she thinks its Briggs.

Councilor Venesky moved the adoption of a resolution to approve an expenditure of \$3,650.00 to Saratoga Associates and its sub consultant to complete required archaeological testing at various sites within an area identified as the upper terrace of two designated properties on Bennett Street. This supplemental investigation is required by FHWA (Federal Highway Administration) and administered by the New York State Department of Transportation. This resolution will authorize the Supervisor to execute the agreement associated with this effort.

Motion was seconded by Councilor Cushman.

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

Supervisor Zambrano told Councilor Becallo, just for a point of clarification, that Birchwood [Birchwood Archaeological Services] is doing the archeological study; they did the last testing as well.

ADA (Americans with Disabilities Act) BATHROOMS

Supervisor Zambrano said Tracy Cosilmon has been trying to get us some quotes and it's been difficult because the contractors are very busy, but it has been brought to our attention, not long ago, that we don't have bathroom facilities that are available to handicapped people so we need to become compliant with the American Disabilities Act.

Councilor Cushman said we do have one that's handicapped.

Supervisor Zambrano said no, it's not handicapped. It never was designated.

Councilor Becallo asked Supervisor Zambrano if that means railings and the pole arms.

Supervisor Zambrano replied yes.

Councilor Cushman moved the adoption of a resolution to approve an expenditure not to exceed \$4,905.00 to Yankee Construction for the west side of the Town Hall Building bathrooms to be made compliant with the American with Disabilities Act (ADA) and their requirements. Motion was seconded by Supervisor Zambrano.

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

Councilor Becallo asked Tracy Cosilmon if she knew exactly what the project entails.

Supervisor Zambrano told Councilor Becallo that we have a proposal; there was a proposal that was developed by our Codes Office for ADA compliance and these specs were put out to the contractors who were bidding. She asked him if he got the specs, he replied that he did.

Councilor Venesky said his understanding is that we are going to make these bathrooms ADA compliant because they would service the folks who are here for court when the rest of the building is closed off.

Supervisor Zambrano told him that was correct.

BEAVER AGREEMENT

Public Input:

Lori Sager asked if Northeast Beaver & Predator Management were trappers, or do they just trap and kill, or do they take the beaver and bring him to a safe environment.

Someone said they didn't think you are allowed to relocate those animals.

Supervisor Zambrano said the beavers are trapped and destroyed.

Lori Sager said Hancock Airfield had beaver dams causing huge problems with the water backing up and freezing in the winter, and all the other stuff. They were allowed to trap, including the kids, it took many months to do so, and their DEC (Department of Environmental Conservation) has approved management facilities where you can bring those beaver and not destroy them and give them a healthy habitat; there's one in Little Falls, NY. She was very serious about this; she doesn't think it would cost that much to transport them to an approved facility, and then the dams can be destroyed.

Supervisor Zambrano told Lori Sager that we have used this particular vendor before; they don't send him out unless there is a dam that is causing problems with the roads; so

it's not every beaver, it's when there's particularly a problem that has been identified. This vendor has to be certified by the DEC, and he has to be licensed.

Lori Sager said she thinks that they should contact the DEC. There are approved facilities where these beaver can live out the rest of their life. Lori said she was pleading for mercy for these poor little things and is sure that it won't cost \$50 for each beaver to relocate them. She asked Councilor Cushman if he thought that it would be than \$50 to relocate the beavers.

Councilor Cushman said yes.

Supervisor Zambrano said \$50.00 a beaver is probably the most economical price that we get, and we are not to exceed \$1,000.00. They only send them out when it's truly necessary; that's her understanding.

Lori Sager said she understands the problem a beaver dam causes.

Supervisor Zambrano asked what the will of the Board was. She told the board members if they wanted to table it to explore more they could.

Councilor Cushman said the DEC has come to several rulings, he belongs to a couple of sportsman's clubs, and what they are saying is basically they are an invasive species, that we stop them from building dams and causing trouble here and then if you release them somewhere else then they are going to build a dam and cause more trouble somewhere else and that's why the DEC does not allow you to move them.

Supervisor Zambrano asked Councilor Cushman if that was true that the DEC does not allow you to move them.

Councilor Cushman said the DEC does not allow the municipalities to. He explained that the biggest problem that the beavers are going to cause problems no matter where you put them, in other words we get rid of our problem and cause somebody else a problem if you relocate them.

Councilor Venesky asked Tracy Cosilmon if there was a problem we have right now, a dam in the Town of Cicero that we need to address.

Supervisor Zambrano said this agreement is under the offices of the drainage program, so when the drainage committee identifies that there is a problem being caused that's when they send this guy out. They are not sending him out indiscriminately; it's very rare and and we've only allowed \$1,000.00; authorizing only that amount of money.

Councilor Venesky asked Chris Woznica if there was something that has to be done tomorrow as far as beavers in the town.

Chris Woznica said they haven't checked on it, but they have a continuing problem down behind Keebler.

Councilor Venesky said if the Board wanted to put this off until the next meeting, as long as there was nothing pending he was okay with that.

Supervisor Zambrano agreed with him and tabled the issue until the next meeting.

DISCUSSION ITEMS

- **Ethics Training**

Supervisor Zambrano said this board has talked about ethics training for all employees and public officers, and after several discussions we have come to a decision that we will have a consultant that will come in and do ethics training. We were thinking that we would schedule a couple of meetings for employees and a separate training for the Board of Ethics.

Supervisor Zambrano said they are required to do this by Town Board resolution, so the question is do they want to make this mandatory.

Councilor Venesky said yes, and asked the other board members how they felt about it. He said they have talked to different people that were able to do this, one is not going to be able to do it until sometime late fall. He asked Supervisor Zambrano if she wanted to talk about the dollar amount.

Supervisor Zambrano said if we pass this proposal then Kathy Barany is going to submit a proposal; she knows that Kathy's hourly rate is some where's around \$135.00/hour or less.

Councilor Venesky said it was some where's around \$1000 or less.

Councilor Venesky moved the adoption of a resolution to require Ethics Training for elected officials, appointed officials, and employees of the Town of Cicero. The details will be announced. Motion was seconded by Councilor Cushman.

Deborah Gardner questioned if it would be the Board of Ethics too.

Councilor Venesky said yes, they will have it as well.

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

Supervisor Zambrano said she would get in touch with Kathy Barany.

- **Work Session to review the Brewerton Sewer System Evaluation Survey**

Supervisor Zambrano stated that last week Steve Snell, Chris Woznica, and Richard Hooper met with Commissioner Tom Rhoads, Commissioner of Water Environment Protection and they proposed to talk about our infrastructure as it relates to the Brewerton Treatment Plant. They have been undergoing a study of the collection system, they have concluded that study and they came to us with some results. We have an inter-municipal agreement with the County to work on sewers and so Mr. Rhoads came to make a presentation so she asked that he come back and advise the entire Town Board about that, about the findings of the study, and she had forwarded the board members a colored copy of his power point presentation. She asked Steve Snell to speak to some of the problems that were identified and the fact that he is working on this with the County.

Steve Snell said the County hired a consultant to look at the Brewerton service area. He didn't have the numbers in front of him for all of the items he identified, but there are a number of manholes, and pipes that have excessive infiltration and flow entering them which is contributing to an issue at the Brewerton treatment facility. So what they are looking at is basically coming up with a program to correct some of those deficiencies that they have found so their consultant has presented those findings in a report and he has a copy of that report also that they would be reviewing, and then what we are going to be doing is working with the County on a corrective action. We are putting together a list of corrective actions over a period of years to address some of those deficiencies, so this is kind of a first step as to present the information that they found to the town and then he will review that information and come up with a plan.

Supervisor Zambrano said she had solicited input from the town board members to see if they were available for the next town board meeting, prior to the next town board meeting from 4:30 to 5:30p.m. Mr. Rhoads will come back to meet with us in a workshop situation.

Supervisor Zambrano made a motion to schedule a Workshop on May 27, 2015 from 4:30 p.m. to approximately 5:30 p.m. [at the Cicero Town Hall, 8236 Brewerton Rd., Cicero, NY] with Commissioner Tom Rhoads to review the Brewerton Sewer System Evaluation Survey. This power point presentation was forwarded to each of the Board members so you can get an idea of what he is talking about and we will also make this available on the Town's website. Motion was seconded by Councilor Cushman.

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

Supervisor Zambrano told Tracy Cosilmon she would talk to her about the language for the ad to be run.

PUBLIC INPUT

Ray Schader said has anybody been following how well the credit card system has been working at the State Department and the Federal Government.

Mike Sochia had issues regarding his fence on his property and the neighbor's fence next to his. He presented two (2) exhibits/pictorials to the Board members to help them visually see what he was talking about. The first picture (Exhibit 5857-1) he presented he commented that he firmly that the Zoning Department granted a fencing permit with "blindens on". He asked the Board as to how he can maintain a wooden fence that now has another fence approximately 6 inches parallel to his, which has been there for like 25 years. He said it's a requirement in the Town of Cicero that he must maintain his fence; it's a wooden fence so he asked the Board to explain how he can either stain the outside of it or fix the posts that are leaning; he can't get in between the two fences. He explained that his neighbor did ask him if they could butt up to his fence but he thought it was perpendicular; he didn't know it was going parallel.

Supervisor Zambrano asked Mr. Sochia who he has been talking to in the Codes Office.

Mike Sochia replied that he has been there a couple of times, but now he's going to start emailing them pictures so that he has a paper trail. He said he needs to document accurately or articulately.

Supervisor Zambrano asked Mr. Sochia if he would email her office the next day so she could set up a meeting with the Codes Office so they could all sit down so that they could all see the same information.

Mike Sochia replied he'll see.

Mike Sochia requested that the Zoning Department give a visit or have a questionnaire to litigate things like this from happening again for further permits for fencing for other people because it's not a good practice.

Councilor Cushman said part of the problem is that over the years they've changed the codes. When he bought his house 40 something years ago there was an 18 inch set back; it was tight but it was enough to maintain your fence. He believes that they've changed the code now and that you can put it right on the property line.

Mike Sochia said the second issue was that the neighbor on the backside of him had hired a plumber to put in pvc plumbing and they went to a certain point, there's a right-of-way, and they dug the rest of the pipe and burmed it into a storm drain and when they did they did it to another neighbor's house next to them, then they put the dirt back in and then put seed, we all know that last winter there was a lot of snow, and when the snow melted I got erosion (as seen in one of the pictures) I got two fence posts that are now exposed. He said he'd just like to see his property back to the way it was before they put the pipe in to the other neighbors. He said he had nothing to do with it so why should he have to fix it; it will eventually get worse and worse with time or erosion.

Councilor Venesky said we started a new policy about a year and a half ago where we document all of our drainage complaints; there's a form for that can be pulled off of the website. He encouraged Mr. Sochia to fill one out and submit it.

Don Snyder said the Building Evaluation Committee has not forgotten the police roof; they are working on a plan. The Town Board approved a request for publications for professional services to look into the potential possibility of designing the new Highway Garage. We had more than an excellent response; eleven (11) vendors have submitted to us. We are in the process of evaluating those; we are going to have a meeting on Friday morning. They are working towards a short-list of maybe five (5) people/firms from that and have an interview process. Once they pick the vendor that they think can produce the best product for us then we would all sit down and negotiate a fee structure with that individual. Then if ultimately we find in fact that we cannot negotiate a fee with that person that we think is reasonable then they will go to the next person on the list. The other thing he wanted to make sure we didn't forget on construction and facilities is Circle Drive drainage pipe repair/replacement that came up maybe two years ago and they started to deal with that.

Supervisor Zambrano said Darlene's Brook?

Don Snyder said yes, they had talked about a liner or what not. He was questioning the money that might be, so he wanted to see if they could check on the status of it.

Supervisor Zambrano said she would follow up on his request.

Fay Gregory said she was here again regarding the property across the street from where she lives.

Supervisor Zambrano asked if there were any results yet.

Fay Gregory said no.

Councilor Venesky said he did have a discussion with Bob Smith, who had told him that he had met with Sun Auto and they agreed to put additional trees in to block the view.

Fay Gregory asked if they said how many trees and asked if there would be a fence involved.

Councilor Venesky told her he couldn't give her the details; Bob Smith would have the details because he actually had the meeting.

Fay Gregory stated that the trees that are there now are dying because they never water them and she knows that they are supposed to be taking care of those.

Supervisor Zambrano said she had talked to Bob Smith several times so she will follow up with him.

Fay Gregory said across the street from us, I don't know if any of you here are aware, but this is the third time in nine (9) years that that land has been cleared.

Supervisor Zambrano asked if it was the Sun Auto property back there.

Fay Gregory replied yes. The first time they never got permission; they just went ahead and did it. It was when WalMart was being built, and whoever came in there at that time just took it all down. There's a lot of dust and particles falling all over. We can't walk in the neighborhood. We can't ride our bikes. All last summer our windows and doors were closed. The lady that babysits across from us can't take her kids out on that side to walk.

Supervisor Zambrano asked didn't they respond though by trying to wet the ground down when there were complaints that were called in.

Fay Gregory replied one small water tank and it was way down by the road more than up where the residents were. She said the trucks move quickly so they are kicking up more dust. She pointed out that the Planning Board puts out their notices on Friday for their agenda on Monday it doesn't give any of the residents/or people in the area a chance to look into any of the issues that might come up because Saturday and Sunday are business days. There is no time there with receiving the agenda on Friday with the meeting Monday and no work days. Supervisor Zambrano said she understood, we have the same problem with the Town Board agenda. Fay Gregory asked when that goes out, Supervisor Zambrano told her on Monday; they're circulated internally on Friday, and they go out by Monday at 4 o'clock.

Supervisor Zambrano asked Robert Germain if there was a requirement for the Planning Board agendas to be published by a certain time.

Robert Germain said not the agenda, but the publications and so on. He said there are strict rules that are followed.

Fay Gregory said but if the public hearing is on Monday and you get the agenda on Friday it doesn't give you time to prepare.

Supervisor Zambrano asked Fay Gregory if she meant a public meeting.

Fay Gregory answered yes. She said and then you are told to come in if you want to speak about it after they give you the site plan they are called in to present it to you and then you can make your comments; it just doesn't give you a whole lot of time.

Supervisor Zambrano said the Planning Board really doesn't allow comments unless there is a public hearing scheduled, so they have to have 48 hours' notice to do a public hearing. Wasn't that the requirement by law?

Robert Germain thought it was a minimum of 5 days' notice for a public hearing.

Fay Gregory commented that it still wasn't a lot of time for people who aren't dealing with this type of business.

Supervisor Zambrano told Fay Gregory she would pass this along to the Planning Board Chair.

Fay Gregory asked if they are going to get some help.

Supervisor Zambrano asked if she meant Sun Auto.

Fay Gregory replied yes.

Supervisor Zambrano said she had spoken to Mr. Smith a number of times and will visit Mr. Caputo [from Sun Auto] herself.

Fay Gregory said I just want to say that I don't know if any of you would want to be living like this. You've already said yourselves we have to coexist, this isn't coexisting.

Supervisor Zambrano told Fay Gregory she had her empathy, she would talk to Codes and they would try to do what they can. She said there is an absence of codes that we can impose.

Fay Gregory said we realize this. That it has been a problem for years.

Supervisor Zambrano told Fay Gregory she would be in touch with her next week.

Deborah Gardner said it's been over a year since there was a rather ruckus meeting about the Codes regulating signs. She asked how are the revisions coming or is it a non-issue now.

Supervisor Zambrano said yes it was. There were concerns about signs that were brought up and it hasn't been brought to her attention; she stopped chasing the topic, we had scheduled workshops and meetings and there was lack of input.

Deborah Gardner asked how the investigation was going into the Ethic's Committee report.

Supervisor Zambrano asked Chief Snell to comment on that.

Chief Snell said he met with the Town Supervisor and distributed a copy of the report to all the Board members; the investigation is closed pending a forensic report from the crime lab from the City of Syracuse.

Deborah Gardner asked if it would be appropriate to ask when that might be expected to be received.

Chief Snell asked what part.

Deborah Gardner said the forensic report.

Chief Snell said that's up to them. The unfortunate part is this is not taking priority there with all the other major crimes going on around Onondaga County, so this could be anywhere. We submitted it over a month ago; it could be up to six months before we get any results back. He restated that the report is closed and said it is foilable.

Deborah Gardner said she wondered if Councilor Becallo would explain why he voted yes at the last meeting for the resolution honoring the South Bay Fire Department and yes for the moratorium waiver when he voted no on every other item because he thought the meeting was illegal.

Councilor Becallo said he believes the newspaper article explained that; the one that she commented back on.

Deborah Gardner asked if he could explain to her because she didn't remember reading it. She asked Councilor Becallo if he was refusing to explain it that night.

Councilor Becallo said no, it's in the newspaper.

Deborah Gardner told him if he didn't want to answer that's fine.

Deborah Gardner also said she thinks it is a grievance that Councilor Becallo voted against holding a public hearing when he has publicly stated that “we are elected officials whose job is to represent the people of this town.”

Supervisor Zambrano solicited any further comments.

Fay Gregory said she had a correction, when they did the adoption of a resolution for the moratorium Mark [Venesky] read Local Law 1, and it’s actually Local Law 2 according to the agenda.

Supervisor Zambrano explained that the agenda was corrected; it is an amendment to Local Law 1.

ADJOURNMENT

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

Motion was seconded by Councilor Venesky.

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

Tracy Cosilmon thanked everyone for participating in Earth Day. We had a wonderful turn out, there were actually 18 groups and organizations that participated, Councilmen, the Highway Department and Parks & Recreation. Tracy thanked everyone.

There being no further business before the Board the meeting was adjourned at 8:16 p.m.

Tracy M. Cosilmon
Town Clerk