

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held a Special Meeting on Wednesday, July 16, 2014 at 5:00 p.m., at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

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

Others Present: Robert Germain, Town Attorney
Christopher Woznica, Highway Superintendent
Jody Rogers, Director of Parks & Recreation
Richard Hooper, Director of Codes Enforcement
Tracy Cosilmon, Town Clerk

Supervisor Zambrano indicated where the fire exits were and read the following statement:

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and therefore urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn off your cell phones and asked all Town Councilors to speak clearly into the microphones to enable all to hear. If anyone is unable to hear please let them know so they can take any corrective action.

The meeting was opened at 5:00 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.

DECISION ON ZONE CHANGE FROM REGIONAL COMMERCIAL TO GENERAL COMMERCIAL PLUS FOR 32 PARCELS LOCATED GENERALLY WITHIN THE TRIANGULAR AREA BOUNDED BY TOTMAN ROAD, NORTHERN BOULEVARD AND EAST TAFT ROAD

SEQRA: Supervisor Zambrano moved the adoption of a resolution that the application of the Town's motion for a Change of Zone from Regional Commercial to General Commercial Plus for 32 parcels located generally within the triangular area bounded by Totman Road, Northern Boulevard, and East Taft Road is an *unlisted action* with a completed (EAF long form). This action involves no other permit granting agency outside the Town. The proposed project *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 Burtis.

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

DECISION: Councilor Venesky moved the adoption of a resolution approving the application of the Town's motion for a Change of Zone from Regional Commercial to General Commercial Plus for 32 parcels within the triangular area bounded by Totman Road, Northern Boulevard, and East Taft Road pursuant to the attached list and specifically identified by the following tax map numbers:

Proposed Properties for Zone Change

056.-02-18.1 6239 East Taft Road	Cleland Real Estate Group 6255 East Taft Road North Syracuse, NY 13212
056.-02-16.2 6267 East Taft Road	Att: Cantech Automotive Inc. 6267 East Taft Road LLC 6267 East Taft Road North Syracuse, NY 13212
056.-02-20.1 Totman Road	Cleland Real Estate Group 6255 East Taft road North Syracuse, NY 13212
056.-02-15.0 6279 East Taft Road	Nu-6267 East Taft Road LLC 6267 East Taft Road North Syracuse, NY 13212
056.-02-21.2 Running Ridge Road	Att: O'Brien & Gere Prop Dev Buckley Road Properties P.O. Box 4873 Syracuse, NY 13221
056.-02-12.3 East Taft Road	Att: O'Brien & Gere Prop Dev Buckley Road Assoc., Inc. P.O. Box 4873 Syracuse, NY 13221
056.-02-25.2 7401 Round Pond Road	Att: Adolph V. Falso Onondaga Co Ind Dev Agy 7401 Round Pond Road North Syracuse, NY 13212
056.-02-29.1 6273 Running Ridge Road	Technology Enterprises LLC c/o DeStefano Dev LLC 411 Cambridge Avenue Syracuse, NY 13208
056.-02-28.1 6313 Running Ridge Road	CalEast Nat City Stations LLC 201 West Street, Suite 200 Annapolis, MD 21401
056.-02-23.3 7496 Round Pond Road	Att: Dennis Gleason Niagara Power New York Power DST 7496 Round Pond Rd Syracuse, NY 13212

056.-02-16.1 6261 East Taft Road	Richard W. Sitnik 13538 Woodward Drive Hudson, FL 34667
056.-02-20.2 7380 Totman Road	Att: G Syr Moving & Storage Cleland Real Estate Group 6255 East Taft Road North Syracuse, NY 13212
056.-02-12.1 East Taft Road	Att: Jeff Devine, Exec Dir Central New York Land Trust P.O. Box 9417 Syracuse, NY 13290
056.-02-17.3 7380 Totman Road	G Syr Moving & Storage Cleland Real Estate Group 6255 East Taft Road North Syracuse, NY 13212
056.-02-30.0 7350 Round Pond Road	Att: Thomson Reuters Pts Round Pond Assoc. c/o R. L Hood/Keebler Co. P.O. Box 6019 Chicago, IL 60606-0019
056.-02-24.2 6288 Running Ridge Road	Att: Terax America Amm Properties LLC 6288 Running Ridge Road North Syracuse, NY 13212
056.-02-11.1 Northern Blvd	Att: Property Tax Dept D-G National Grid 300 Erie Blvd West Syracuse, NY 13202
056.-02-12.2 6339 Running Ridge Road	Att: O'Brien & Gere Prov Dev Buckley Road Properties P.O. Box 4873 Syracuse, NY 13221
056.-02-32.1 7502 Round Pond Road	SRC Management Inc. 6225 Running Ridge Road North Syracuse, NY 13212
056.-02-16.3 6265 East Taft Road	Arthur Martino 7937 Boxford Road Clay, NY 13041
056.-02-14.0 6345 East Taft Road	Adam M. Fitzgerald 6345 East Taft Road North Syracuse, NY 13212

056.-02-17.0 6255 East Taft Road	Cleland Real Estate Group 6255 East Taft Road North Syracuse, NY 13212
056.-02-21.1 6226 Running Ridge Road	Att: O'Brien & Gere Prop Dev Buckley Road Properties P.O. Box 4873 Syracuse, NY 13221
056.-02-24.1 6274 Running Ridge Road	Technology Enterprises LLC c/o DeStefano Dev LLC 411 Cambridge Avenue Syracuse, NY 13208
056.-02-31.0 7351 Round Pond Road	SRC Inc. 7502 Round Pond Road North Syracuse, NY 13212
056.-02-26.0 7400 Round Pond Road	Att: GE Packaged Power Inc. East Wind Lp Canyon P.O. Box 4900 Scottsdale, AZ 85261
056.-02-22.2 6225 Running Ridge Road	Onondaga County Ind.Dev Agency 421 Montgomery Street Syracuse, NY 13202
056.-02-27.1 7470 Round Pond Road	Swift Transportation Co. Inc. P.O. Box 29243 Phoenix, AZ 85038
056.-02-23.7 7488 Round Pond Road	John A. Englert Scott T. Englert 7488 Round Pond Road North Syracuse, NY 13212
056.-02-23.8 7515 Round Pond Road	O'Brien & Gere P.O. Box 4873 Syracuse, NY 13221-4873
055.-01-19.1 7604 Totman Road	Att: Dennis Gleason New York Power DST 7496 Round Pond Road Syracuse, NY 13212
055.-01-29.0 Round Pond Road	Swift Transportation Co., Inc. P.O. Box 29243 Phoenix, AZ 85038
BOLD - Revised 6-13-14 (Additional Properties Added)	

Motion was seconded by Supervisor Zambrano.

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

SHARED SERVICES AGREEMENT

Supervisor Zambrano stated that we have had a *valid* agreement with the Town of Salina to purchase assessor services, and she says it is "valid" because the attorneys and the former Supervisor, and our attorney says that this contract is valid and stands on its own. They had asked Mr. Germain to prepare an amendment in an effort to fix this situation, to satisfy disconcerted parties about this agreement and he did that. It was presented to the Town of Salina, they passed that agreement, and so now it is here before our board. In the meantime, this week, we got a complaint asking that the Board not pass this amendment; therefore, she put it to the board.

Councilor Becallo said before the Board commented, they had agreed that Public Input would be on that night's agenda.

Supervisor Zambrano said they would get to that in a moment, they are talking about the Shared Services Agreement.

Councilor Becallo said he knew, but they missed it at the beginning of the meeting.

Supervisor Zambrano said they were going to do it after this item.

Councilor Becallo said they should be able to do it before this item then.

Supervisor Zambrano asked if there were any other Board comments about this item.

Councilor Becallo asked Supervisor Zambrano if she was disagreeing or just not allowing it.

Supervisor Zambrano said she was not allowing it.

Councilor Becallo asked wasn't it up to the Board to decide.

Supervisor Zambrano replied no. This is a Special Town Board Meeting...

Councilor Becallo said according to New York State Open Meeting Law it's the public body who decides, not the Supervisor alone.

Supervisor Zambrano said she was asking the Board that they hold public comments until after this agenda item.

Councilor Becallo asked the Board to approve Public Input on every agenda item, not just this one being ignored. He stated they had already agreed upon this over a month ago.

Motion to approve Full Public Input on every agenda item:

Councilor Becallo made a motion to approve full Public Input on every agenda item.

Motion was seconded by Councilor Venesky.

Ayes -4 and Noes – 1. *Motion carried. Supervisor Zambrano voting no.*

Supervisor Zambrano solicited public input regarding any agenda item.

Supervisor Zambrano solicited public input regarding any of the agenda items.

Public Input:

Robert George said he was the individual who filed a complaint that week alleging criminal wrong doing on Supervisor Zambrano's behalf (her actions), and former Supervisor, Jim Corl. He said he had filed a copy with the Town Clerk and with each Town Board member. In regards to the Assessor's agreement he said to think that there is a valid agreement defies logic.

Supervisor Zambrano told Robert George they have his extensive, written report.

Robert George said he did not know how the town attorney can say that this was a valid agreement when he reviewed the documents. He assumed that the attorney read the documents but maybe he hasn't. He asked Robert Germain if he was ready to answer the question.

Robert Germain replied, no.

Robert George told Supervisor Zambrano that the issue is "criminality" on her part.

Supervisor Zambrano told Robert George that they had his report and if there is wrong doing then he needs to report it to the appropriate authorities.

Robert George said trying to approve a falsehood does not make the falsehood correct. The record speaks for itself, the expiration occurred in March and if they vote for something that is a falsehood in his view, the Town Board itself now becomes complicit in the cover up. He said there is no Town Assessor right now and the Town Board needs to act on that some point, but he asked the Town Board to vote *no* on the addendum. It's a falsehood. It's a lie. It's a fraud.

Judy Boyko said the Town of Cicero does have a Comprehensive Plan for the Town of Cicero. There was a specific incident of spot zoning that occurred 2 years ago on Route 11 with J&J

Equipment where several other businesses were incorrectly zoned. She said she had requested that they be included in this and her request was ignored.

Supervisor Zambrano stated that this Comprehensive Plan is currently under review and is being updated by the Planning Board in conjunction with County Planning Board.

Supervisor Zambrano solicited any other questions in regards to the agenda.

Supervisor Zambrano said No. 4 on the agenda was Meltzer Court lights.

Councilor Becallo told Supervisor Zambrano that they never had a vote for the Shared Services Agreement.

Supervisor Zambrano said they didn't. She did not bring it up for a vote.

MELTZER COURT LIGHTS

Supervisor Zambrano explained that they need to add three lights and to repair one light in Meltzer Court. All of the parcels in this area are now owned by three entities: Loretto, the Twin Rinks and the library. This is a lighting district within itself; the expense will be paid by the individuals within this lighting district; it will not be a town-wide responsibility.

Councilor Burtis moved the adoption of a resolution authorizing the installation and expense of three (3) additional 175 watt high pressure sodium lights on 14 foot embedded fiberglass poles, as well as the repair of another existing light on Meltzer Court to help illuminate the area in anticipation of the opening of The Cottages at Garden Grove (Loretto), pursuant to the recommendation of National Grid. This work is to be completed by low bidder O'Connell Electric Company at a cost not to exceed \$17,600.00.

Other quote: Patricia Electric - \$22,400.00

Motion was seconded by Supervisor Zambrano.

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

SOUTH BAY FIRE DEPARTMENT LOSAP AUDIT FOR 2012-2013

(Continuation from April 9, 2014 Regular Town Board Meeting)

Councilor Venesky stated that they had just received the information on the quotes and requested that this issue be tabled until the next meeting.

JUSTICE

Councilor Venesky moved the adoption of a resolution to approve a change order for \$2,950.00 to Caza Contractors for the relocation of the bullet-resistant window in the Justice office. Motion was seconded by Councilor Conway.

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

HIGHWAY DEPARTMENT

Purchase Approvals

A. 500 yds. Item#4 Stone:

Councilor Conway moved the adoption of a resolution to approve \$4,840.00 to Vitale Robinson for 500 yds. Item#4 stone.

Motion was seconded by Councilor Venesky.
Ayes- 5 and Noes- 0. *Motion carried.*

B. AC Refrigerant Recovery System:

Councilor Conway moved the adoption of a resolution to approve \$3,280.00 to Genuine Parts for AC Refrigerant Recovery System (budgeted item).

Other quotes:

Absolute Auto Supply	\$4,585.25
Meyers Tire	\$3,289.00

Motion was seconded by Councilor Venesky.
Ayes- 5 and Noes- 0. *Motion carried.*

C. HD Oil Filter Crusher:

Councilor Conway moved the adoption of a resolution to approve \$2,928.00 to Genuine Parts for HD Oil Filter Crusher (replaces broken 1193 model).

Other quotes:

Frey Heavy Duty	\$4,259.66
Fleetpride	\$3,699.48

Motion was seconded by Supervisor Zambrano.
Ayes- 5 and Noes- 0. *Motion carried.*

D. Sweeper rental:

Councilor Conway moved the adoption of a resolution to approve \$2,432.00 to J&J Equipment for Sweeper rental.

Motion was seconded by Supervisor Zambrano.
Ayes- 5 and Noes- 0. *Motion carried.*

E. 1 month Excavator rental w/bucket:

Councilor Conway moved the adoption of a resolution to approve \$3,938.00 to Tracey Road Equipment for 1 month Excavator rental w/bucket.

Motion was seconded by Councilor Becallo.
Ayes- 5 and Noes- 0. *Motion carried.*

F. 900 tons Runner Crush/#2 Stone:

Supervisor Zambrano moved the adoption of a resolution to approve \$10,000.00 to TH Kinsella Inc. for 900 tons Runner crush/#2 stone.

Motion was seconded by Supervisor Zambrano.
Ayes- 5 and Noes- 0. *Motion carried.*

- A. Award bid for Excavation, Drainage, Playground equipment installation, and landscaping at Central Park paid by DASNY Grant:

STATE OF NEW YORK
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 Town of Cicero

SS:

The Cicero Town Clerk received Sealed Bids on July 14, 2014 at 10:00 a.m., at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY, from individuals who submitted a bid for the **demolition of existing tennis courts and the installation of new playground equipment, fencing and landscaping at Central Park**. The Cicero Town Board reserves the right to reject any and all proposals. All proposals are subject to approval of the Town Board.

<u>Bidders</u>	<u>Check</u>	<u>Amount</u>
1. Valley View Enterprise, LLC 8937 Deer Run Rd. Boston, NY 14025	\$7,500.00	\$62,000.00
2. Kevin Leach Landscaping 112 C.R. 10 Pennellville, NY 13132	\$3,500.00	\$61,000.00
3. Davis Wallbridge, Inc. 5861 Pyle Drive East Syracuse, NY 13057	No check	\$83,300.00

Proof of publication and posting dated 07/02/14

Tracy M. Cosilmon
 Town Clerk

Councilor Becallo moved the adoption of a resolution to award the bid to Kevin Leach Landscaping for the excavation, drainage, playground equipment installation and landscaping at Central Park paid by DASNY Grant in the amount of \$61,000.00.

Motion was seconded by Supervisor Zambrano.
 Ayes- 5 and Noes- 0. *Motion carried.*

- B. \$49,332.00 to Miracle Recreation Equipment Co. (Contract #022113-LTS-NJPA) for Playground equipment:

Councilor Becallo moved the adoption to approve \$49,332.00 to Miracle Recreation Equipment Co. (Contract #022113-LTS-NJPA) for Playground equipment:

DASNY Grant: \$39,000.00
 A7110459: \$10,332.00

Motion was seconded by Supervisor Zambrano.
 Ayes- 5 and Noes- 0. *Motion carried.*

- C. Tree Removal – Terpeny Cemetery:

Councilor Becallo moved the adoption of a resolution to approve \$1,000.00 to Lumberjack Tree Service for Tree removal – Terpenney Cemetery.

Motion was seconded by Councilor Venesky.
Ayes- 5 and Noes- 0. *Motion carried.*

D. Tennis Instruction:

Councilor Becallo moved the adoption of a resolution to approve an amount not to exceed \$5,500.00 (via fees) to John Wojcik for Tennis instruction.

Motion was seconded by Supervisor Zambrano.

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

E. Repairs to John Deere 4600-Mast and Frame on bucket due to wear:

Councilor Becallo moved the adoption of a resolution to approve \$1,610.98 to Cazenovia Equipment for repairs to John Deere 4600-Mast and Frame on bucket, due to wear.

Motion was seconded by Supervisor Zambrano.
Ayes- 5 and Noes- 0. *Motion carried.*

ANNUAL DONATION TO BREWERTON CHAMBER OF COMMERCE

The issue was tabled for further discussion.

UNDER 12 NYS LITTLE LEAGUE CHAMPIONSHIP ANNOUNCEMENT

Jody Rogers stated that starting next Monday, July 21, there will be an Under 12 NYS Little League Championship held at Central Park. Top teams are competing and the winner goes to the Northeast Regional. They will be here Monday through Saturday, with a rain date of Sunday.

ADJOURNMENT

Supervisor Zambrano made a motion to adjourn the Town Board Meeting.

Motion was seconded by Councilor Venesky.

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

There being no further business before the Board, the meeting was adjourned at 5:54 p.m.

Tracy M. Cosilmon
Town Clerk