

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held a Special Town Board Meeting on Wednesday, July 8, 2015 at 4:30 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:

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

Supervisor Zambrano welcomed everyone and stated she had proof of publication calling for the special town board meeting.

Supervisor Zambrano opened the meeting at 4:30 p.m. by noting the locations of the three emergency exits and asked that all cell phones and other electronic devices be silenced. She then urged all who wished to address the Board to utilize the microphones, and to let them know if any adjustments needed to be made.

Supervisor Zambrano said this meeting was called primarily to discuss two items:

1. the feasibility of going forward with a new highway garage, and
2. to consider contractors for the repair of the Police Department roof.

The Police Department roof issue was tabled for a couple of reasons:

1. we only had one bid, and
2. there was some ongoing discussion about what really needed to be done with the highway roof so that issue will come up at a later time.

Supervisor Zambrano said the Board would be going into Executive Session fairly early during the meeting to discuss financial matters related to the building of a new highway garage. A second topic in executive session includes a litigation matter.

Before starting the meeting Supervisor Zambrano made the following announcements:

- Onondaga County Health Department planned on spraying for mosquitos over the swamp area that evening, and
- County Legislator Tim Burtis advised us that he was successful in procuring some grant money, not only for the Riverfront Park, the Brewerton Revitalization plan, but also for one of our parks. Tim will be scheduling a press conference someday in the future.

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

TOWN BOARD MEETING MINUTES

Councilor Conway moved the adoption of a resolution to approve the minutes of the June 24, 2015 Regular Town Board meeting minutes. Motion was seconded by Councilor Cushman.

Ayes- 3 and Abstentions - 2. Motion carried. Supervisor Zambrano and Councilor Becallo both abstained due to their absence at that meeting.

APPROVAL OF ABSTRACT NUMBERS 26 & 27

Councilor Cushman moved the adoption of a resolution to approve Abstract #26 (dated 6/30/15), and Abstract #27 (dated 7/6/15) as presented. Motion was seconded by Supervisor Zambrano.

*Please note: Abstract #26 is actually dated 7/1/15, and Abstract #27 is dated 7/8/15.

Councilor Becallo said on Abstract #27, in which Supervisor Zambrano wasn't present at the meeting for but the rest of the board agreed upon, with the credit cards there would be a specific reason for the purchase, but the majority of the ones listed still don't have any description of what was actually purchased so he could not approve of this abstract.

Supervisor Zambrano asked Councilor Becallo if that was the case on both the abstracts.

Councilor Becallo said he only found it on Abstract 27.

Supervisor Zambrano told Councilor Becallo they would look into it.

Ayes- 4 and Noes – 1. *Motion carried. Councilor Becallo opposed.*

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

BUDGET MODIFICATIONS/AMENDMENTS

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

TOWN BOARD MEETING			
07/08/2015			
<u>2015</u>			
<u>BUDGET MODIFICATIONS</u>			
FROM		\$	TO
DB513046	Hwy Filters/Truck	500.00	DB513045 Hwy Motors
<u>2015 BUDGET AMENDMENTS</u>			
Revenue		Appropriations	
A599	Appropriated Fund Balance	A69894 LWRPIII	20,000.00
A599	Appropriated Fund Balance	A69894 CFA	3500.00

Motion was seconded by Supervisor Zambrano.

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

EXECUTIVE SESSION

Supervisor Zambrano moved for the adoption of a resolution to enter into executive session to discuss two issues:

1. Relates to proposed, pending, or current litigation matter.
2. Relates to the proposed acquisition, sale, or lease of real property, or the proposed acquisition, sale or exchange of securities, and financial matters related to the Highway garage.

In addition to the entire Board, Supervisor Zambrano invited the Town Attorney and John Marzocchi into executive session and said the Board would be having a second topic in executive session also, and that she would be calling in our Building Committee Chairperson, Don Snyder, and also Highway Superintendent, Chris Woznica at that time.

Motion was seconded by Councilor Venesky.

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

Supervisor Zambrano said the Board would be reconvening.

The meeting adjourned into Executive Session at 4:39 p.m.

The meeting reconvened to Regular Session at 6:10 p.m. after a motion had been made by Supervisor Zambrano, which had been seconded by Councilor Conway.

Resolution regarding 6727 Lakeshore Road pursuant to Cicero Town Code:

Councilor Venesky moved the adoption of a resolution authorizing the Town Attorney's office to file an action in N.Y. State Supreme Court against the owner of property located at 6727 Lakeshore Road pursuant to Cicero Town Code Chapter 68-Building Construction and Fire Prevention and Section 68-15(d) Enforcement; Penalties for Offenses seeking an Order to force the removal of illegal structures on the property and other remedies. This action seeking injunctive relief is in addition to currently filed Town Court Justice proceedings, and additional legal services shall be performed at the contractual rate plus necessary disbursements. This resolution also authorizes Town planning officials and Supervisor to execute documents necessary to effectuate the intent of this resolution. Motion was seconded by Councilor Cushman.

Ayes- 4 and Abstentions -1. *Motion carried. Councilor Becallo abstained.*

Resolution to select MRB Corporation for the design of the new highway garage:

Councilor Venesky made a motion that the Town of Cicero select MRB Corporation for the design of a new highway garage. Motion was selected by Councilor Cushman.

Ayes- 3 and Opposed -2. *Motion carried. Councilor Becallo and Supervisor Zambrano both opposed.*

PERSONNEL MATTERS**Town Clerk's Office:**

Councilor Conway moved the adoption of a resolution to appoint Jade Taggart as a part time Clerk I in the Town Clerk's Office at a starting pay rate of \$13.00 hour, not to exceed 20 hours per week, effective July 9, 2015. This appointment fills the vacancy following the retirement of Eloise Corbett. Motion was seconded by Supervisor Zambrano.

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

ROAD EROSION ISSUES

Supervisor Zambrano said a couple of the road erosion issues had been brought to Steve Snell's attention. He has done some visits with some of the councilors and with the Highway Superintendent. She asked Steve to give a summary and what our plan ought to be regarding the following roads:

- Michigan Ave. /Superior Ave.
- Oxbow Rd.

Steve Snell provided the following summary:

Cicero Highway – Superior/Michigan Ave Erosion Issues

The erosion issues for a portion of the embankment along the lake side of the road were presented along with a brief summary of the work completed in 2006 that addressed similar issues. In order to stabilize the embankment approximately 35-ft of new sheet pile wall is required along with bank stabilization measures. Based on an estimate received from the Contractor the cost is around \$46,000, which may be subject to competitive bidding. This will be further discussed with the Town Attorney to see what options we have to complete the improvements.

Supervisor Zambrano asked Robert Germain if we needed to go out for bid given the fact that it's over \$30, 000, because the cost is \$46,000.

Robert Germain replied yes.

Supervisor Zambrano asked Steve Snell if he had more information.

Steve Snell said he thinks that there was a contract with Lan-Co at the time under the repair contract back in 2006. They actually hired a contractor to install the wall; the sheet piling. Steve said he doesn't think that there is a contract currently with Lan-Co to do any work.

Supervisor Zambrano said there are some issues with that road and she knows that the town has maintained the road, but it's not really a real road is it?

Steve Snell said he thinks it's a road by use, and that the school buses, and garbage trucks use it.

Supervisor Zambrano asked if the work would be between the road and the lake, and if they were talking about private property.

Steve Snell replied yes. He said in 2006 it was severely eroded where the sheet piling got installed. The guardrail was falling off the road at the time, so it was addressed, but the stormwater that comes down the roadway is not being collected and discharged over the embankment; that was identified in 2006. It was mentioned that they might need additional measures to collect and convey that over the bank a little better than it was just by sheet flow basically, but it has held up since 2006, until now (Superior Ave).

Supervisor Zambrano told Chris Woznica they would talk and perhaps pursue some additional quotes. She said they should be prepared to vote on something at the next board meeting.

Steve Snell gave the following summary:

Cicero Highway – Oxbow Road Erosion Issues

The erosion issues of the stream bank along Chittenango Creek were presented. Our office has coordinated early efforts with Onondaga County Soil & Water Conservation, which recommended that in-stream and vegetative measures be provided to redirect the thalweg toward the center of the creek. These measures would need to be designed and require proper permits to be obtained from the New York State Department of Environmental Conservation (NYSDEC) and the United States Army Corp. of Engineers (USACOE). Our office will begin reaching out to these agencies to determine the course of action and will coordinate with the Town regarding future authorization of this project.

Supervisor Zambrano asked Steve Snell if he wanted to share the Onondaga County report, or would he rather get more information before him.

Steve Snell said he would rather get more information. That the County just kind of threw out some ideas, but we really need to go through a design, and once we get into that he would be more comfortable explaining what it is we are going to do as far as work goes.

Supervisor Zambrano asked Steve Snell if he had a chance to meet with the County. Steven Snell said no, but they have someone who can look at the stream bank also and give us their thoughts. We are going to have to go through a design with this and get permits and that sort of a thing. This is going to be a project in itself to go through that so they are going to have to figure out exactly what they have to do as far as the permitting and the design goes; that process is going to take a few weeks.

Councilor Venesky told Steven Snell that they looked at both those roads and it is apparent that there is a safety issue. It is eroding underneath the road itself in both locations so we could actually have a road collapse, or partially collapse, fairly soon.

Stephen Snell said what we will do is find out from the DEC (Department of Environmental Conservation) if there's an emergency response that we can take to address the issue. He said that was what the guy from Onondaga County Soil & Water Conservation kind of said; *it depends on how much of an emergency it is, you probably have to explain the issue to them, maybe you have to meet with them*, so we'll try to act as fast as we possibly can on that.

Supervisor Zambrano said the County sent out a notice saying if this town had sustained some road damage from flooding the other day, and she kind of thinks Michigan Ave was potentially affected by that. Terri Walsh said she had some paperwork to send to the county on that. She asked Chris Woznica if Terri sent that.

Chris Woznica said he didn't know.

Supervisor Zambrano said she would talk to Terri the next day to see if we could get that paperwork in to get some financial relief for both of those roads.

PUBLIC HEARING REQUESTS – CICERO CONSOLIDATED LIGHTING DISTRICTS

Supervisor Zambrano said this was to set some public hearings for consolidating our lighting districts. She explained that we have nineteen (19) lighting districts, and the way that they have been created is neighborhood by neighborhood; you get a new development and the lights go in eventually, and that's a new lighting district. So what we have been working on with National Grid is to consolidate the lighting districts by lighting types. This consolidation precludes having to establish lighting districts in the future so that it simplifies the process a little bit. She asked Robert Germain if he could add anything to what she had just said about this process.

Robert Germain said it is a pretty simple process; they are just consolidating the different types of lighting.

Public Input:

Judy Boyke said because this covers several thousand units of people who are paying a special district tax, how are they going to notify all these people prior to this public meeting.

Supervisor Zambrano said she had consulted with the Town Attorney and asked if we needed to send out postcards to everyone and he indicated that we did not, so if we pass this resolution she was going to speak with the Town Clerk to see if we could get some publicity out to the people.

Judy Boyke asked why they wouldn't have to publicize this because it's going to affect a lot of people, and a lot of people who are paying less in a lighting district that they have been paying for years and is practically paid off, as opposed to a new lighting district that they just started – it's not fair to these people. She had several examples, particularly the very first one **Decorative Underground District** where it says **508 units for an estimated cost of \$69,855.40 = \$137.51**. She asked what does it mean? Is that \$137.51 that each parcel is going to have to pay for in the future of this consolidation?

Supervisor Zambrano said yes.

Judy Boyke went over the following streets and the amounts they pay currently:

- Waterview Circle \$108.00
- Boyko Farms \$86.00
- Cody's Corner \$98.00
- Anglers Club pays \$111.00, and
- the people on Steamship Manhattan don't pay any more lighting district,

so that's a concern for herself as well. When we have a lighting district we pay for it until it's paid for and then we pay National Grid for the rest of our lives. She doesn't think it's fair, but she really thinks that the Board better think about this.

Supervisor Zambrano said that is why we are going to have a public hearing and people can express their concerns.

Judy Boyke said on Erskine Drive there are people over there that only pay twenty-eight dollars, and they're going to tell them they are going to pay forty-five? She thinks they are going to have a problem with this.

- **Decorative Underground District**

Supervisor Zambrano moved the adoption of a resolution calling a public hearing on July 22, 2015 commencing at 6:30 p.m. local time, to consider, upon Motion of the Town Board, the creation of a consolidated lighting district for underground facilities within the Town of Cicero to be designated and known as "**Decorative Underground District.**" A copy of the proposed Map and Plan has been provided to the Town by National Grid calling for the consolidation of the following: Cicero Stage, Electric Railway, Anglers Club, Addison Loomis, Pastures IIB, Matilda Gage, Asa Eastwood, Waterview Circle, Moyer Carriage, Boyko Farm, Cody's Corner, The Crossings, At the Lakes, Pastures Sec 6, existing lighting districts into this proposed **Decorative Underground District** to achieve annual savings. **508 units for an estimated cost of \$69,855.40 = \$137.51.**

Motion was seconded by Councilor Cushman.

Councilor Becallo said so some people's payment will go up and some peoples will go down?

Supervisor Zambrano said that was the suggestion that was made by former councilor Boyke [Supervisor Zambrano misspoke, it is actually former Supervisor Boyke]. She will be speaking with National Grid and try to get specific answers to that question by the time of the public hearing.

Councilor Becallo said so that question will be answered before the public hearing.

Supervisor Zambrano said sure.

Councilor Venesky said he was not convinced that all the savings were going to be there for the taxpayers. Personally, he would like more information on this. The public hearing is fine, but he's not convinced on these numbers.

Supervisor Zambrano asked Robert Germain if she could withdraw the motion. Robert Germain said yes.

The motion was withdrawn. The issue was tabled pending additional information, and if the Town Board members get back to her it can be on the next Town Board meeting agenda, otherwise it can stay permanently tabled.

HIGHWAY DEPARTMENT

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

- \$5,000.00 to Earl Becker Construction for 720 cubic yards of #4 stone
- \$1,365.00 to Tracey Road Equipment for excavator rental of 1 week
- \$2,500.00 to Allied Spring for Leaf springs for Truck #10
- \$1,400.00 to Cooks Brothers for Camshaft kits, auto slacks, and drums for Truck #11
- \$4,500.00 to Allied Builders Products/Keystone Supply for 15 rolls of Marafi
- \$1,300.00 to Stadium International for a Knuckle for Truck #10
- \$1,000.00 to J&J Equipment for Town deductible for sweeper damage

Motion was seconded by Supervisor Zambrano.

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

PARKS & RECREATION DEPARTMENT

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

- \$6,000.00 (not to exceed) to Sensible Soccer LLC to pay for supplies, equipment and instructors for Lego Camp, and
- \$9,716.00 to BAS Heating & A.C. to replace 2 existing air conditioning units at the Senior Center (The current units are not functioning and they can no longer get parts for units)

Motion was seconded by Councilor Conway.

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

CICERO FIRE DEPARTMENT WAIVER

Supervisor Zambrano said Cicero Fire Department is in the process of wanting to build a new building and they have requested a waiver for a \$14,000 building permit. The company, Pacheco-Ross & Heuber-Breuer, estimated that the building permit would cost \$14,045.00. Because the money would come out of taxpayer money, so she thinks it is a reasonable request to ask for this waiver.

Supervisor Zambrano solicited any questions.

Councilor Venesky agreed with the waiver. He said the fire departments are a vital part of this town, and they play a very important role in this community. He thinks it is more than fair to waive it.

Councilor Venesky moved the adoption of a resolution for the Town of Cicero Codes Office to waive a building permit fee of approximately \$14,000.00; which would otherwise be required to construct a new Cicero Fire Department Station #1. Failure to enact a waiver would result in an appropriation of the money from the current funding already provided to the Cicero Fire District and the Fire Protection District, i.e., in that tax levy money already paid by the residents. Motion was seconded by Councilor Conway.

Ayes- 4 and Abstentions - 1. *Motion carried. Councilor Becallo abstained.*

POLICE DEPARTMENT

Councilor Venesky moved the adoption of a resolution to approve \$1,873.72 to Burdick Drivers Village for June repair bill. Motion was seconded by Councilor Becallo.

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

ANTIVIRUS RENEWAL

Councilor Cushman moved the adoption of a resolution authorizing Computer Outlet, Cicero to renew the 2 year agreement for the AVG Anti-virus Business Edition running on all personal computers and servers at the Town Hall and Police Departments, in the amount of \$1,199.00 effective August 5, 2015 through August 4, 2017. Motion was seconded by Councilor Venesky.

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

ONONDAGA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Councilor Cushman moved the adoption of a resolution authorizing the Town of Cicero to participate in the Onondaga County Multi-Jurisdictional Hazard Mitigation Plan and further authorizing the Supervisor to execute any necessary documents in connection with said participation, including associated FEMA and NYS Division of Homeland Security and Emergency Services grant opportunity applications. Motion was seconded by Supervisor Zambrano.

Supervisor Zambrano explained that we are close to the deadline. She had given a memo to the members saying that they are still waiting on our resolution, and we do not want to miss out on not passing the resolution because we preclude then any opportunities to apply for grants. Supervisor asked for all in favor to say aye.

Ayes- 4 and Abstentions – 1. *Motion carried. Councilor Becallo said he was going to ask Chief a question, but since the vote already went through*

he was just going to abstain on this.

ADA (Americans with Disabilities Act) BATHROOMS

Councilor Venesky moved the adoption of a resolution to authorize payment of \$950.00 to Yankee Construction for the installation of two (2) floor drains, one each in the men's and women's toilet rooms at the west wing of the Town Hall building. This change order to the original scope of work is due to the requirements of Onondaga County plumbing authority and requirements of handicap toilet rooms that were not previously identified. Motion was seconded by Councilor Cushman.

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

PUBLIC INPUT

Deborah Gardner said the following:

I think that we might have a transparency problem within the town.

At the July 23, 2014 town board meeting Deputy Supervisor Burtis asked if anyone had an issue with Brad Brennan's work quality. Mike told Mr. Burtis that "he has plenty of emails that he would share with him." A FOIL request for any and all emails concerning the assessor that were sent to Councilor Mike Becallo was submitted on September 6, 2014. In response to this request only one email was sent in fulfillment of this request. What happened to the "plenty of emails" that Mike received?

Further, on September 5, 2014, a FOIL request for "all emails between the members of the Town Board regarding the August 14, 2014 meeting of the Chamber [sic] of Commerce and the Town Board" was made. On September 29, 2014 Councilor Venesky responded with "I have nothing." Well, I have a series of emails concerning that meeting that were sent from Mark Venesky to the entire board that, I believe, was forwarded to me in error.

Now we have yet another issue. Two Town Board members told me about emails they received concerning Mike Becallo. So, on June 4, I requested "Copies of the email messages received by any and all town board members concerning Town Councilor Michael (Mike) Becallo from April 1, 2015 to present. On July 2, the Town Clerk informed me that she had no responses to my FOIL request. I asked her to try again and this is the only response that I have received to date: "I don't have anything." This is from Councilor Venesky.

Any time in the past that I asked for emails through FOIL I don't get them. I think that I'm not being told the truth. And I fear that this problem may only get worse with the next administration.

Councilor Venesky told Deborah Gardner that he didn't keep any emails. He said we were exploring at the time, getting all of the Chambers of Commerce that affect the Town of Cicero; that had never been done before. We talked to them about trying to promote the entire town, and 'win-win' propositions. As he recalled, he had alerted the other members that they were going to do that, but he didn't save those. He said he gets so many emails, he doesn't save them all. Councilor Venesky assured Deborah Gardner that there is no intent to hide anything and that he thinks we are trying to make the town a better place to learn to do business.

Deborah Gardner said I have heard in the past "Oh, I always delete my emails" when we are talking about people that are conducting official town business on personal email accounts Number one, which I know it's done, and it's done at the state level and it's done at the national level, but to me that's a lack of transparency. Deleting an email when somebody writes back and says thank you is one thing, but when you are deleting conversations...and it's just not this administration, this has happened in the past. Anytime I ask for emails I don't get a response, and I think that perhaps that you should start not deleting your emails because I think that you probably keep more than you do. I can go back all the way for years and find emails, and I am a private citizen. And, if there is some type of a legal issue the police officers have to go back to the backups; which they did in a report that I read that they recently did when they were doing the report on the Ethics Committee. I don't think you are being very transparent, that's all. If you're not saving them you should start saving them, and when you delete them do you automatically go in and delete your trash too? Most of the time people delete their emails and

they are still in their trash. That's all I have to say on the issue and I won't bring it up again unless it happens again.

ADJOURNMENT

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

Motion was seconded by Councilor Cushman.

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

There being no further business before the Board the meeting was adjourned at 6:46 p.m.

Tracy M. Cosilmon
Town Clerk

