



AGENDA (Final)

Wednesday April 12, 2017

CICERO TOWN BOARD REGULAR MEETING

6:30 p.m.

1. **Pledge of Allegiance**
2. **Town Board Meeting Minutes** from the Regular Town Board Meeting held on March 22, 2017
3. **Approval of Abstract Numbers 13, 14 & 15**
4. **Budget Modifications/ Amendments**  
**2016 Year End Budget Modifications and Amendments**
5. **Public Hearings**

Public hearing to consider amending the Town of Cicero Town Code:

- **Chapter 94. DUMPING.**

By striking the words “is prohibited” in §94-1 and replacing them with the following text:  
shall be unlawful

By adding a new section, §94-3, entitled “Penalties for offenses.” with the following text:

A person who violates the provisions of §94-1 of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

- A. For a conviction of a first offense, a fine of not less than \$350 and not more than \$500 or imprisonment for not more than 10 days, or both;
- B. For a conviction of a second offense, a fine of not less than \$500 and not more than \$750 or imprisonment for not more than 20 days, or both;
- C. For a conviction of a third or subsequent offense, a fine of not less than \$750 and not more than \$1,000 or imprisonment for not more than 30 days, or both.

To be known as Local Law 1 of 2017

- **Chapter 120. GRADING, EXCAVATION AND FILL.**

By striking the number 10 in §120-4(A) and replacing it with the number 50.

To be known as Local Law 2 of 2017

- **Chapter 210. ZONING. §210-34.1 (B). Compliance with zoning provision.**

By striking the text of §210-34.1(B) replacing it with the following text:

Fail to make a good faith effort to comply with a lawful written notice, directive, or Order of a Code Enforcement Officer, provided that such notice, directive, or order is substantially related to compliance with and/or enforcement of the provisions of this chapter.

To be known as Local Law 3 of 2017

- **Decision regarding the Zone Change for Lakeshore Road from Route 31 (Meadows Ice Cream) intersection, extending to Cicero Center Road-and additional properties as listed (see attached)**

- **SEQRA Decision:** We determine the proposed action to be a Type I Action for the purpose of SEQRA compliance and note the action requires action by no outside permitting agency outside the Town. We have taken a “hard look” at potential environmental factors and evaluated identified factors listed and discussed in the Findings Statement. Accordingly, we hereby decide the proposed Local Law will not have a negative impact upon the environment, and therefore does not require the preparation of a Draft Environmental Impact Statement.
- **DECISION:** Move the adoption of a resolution (approving/denying) the Zone Change Application, as amended, of the Town of Cicero as proposed for the parcels and designations listed in the filed Application with attached listing of tax parcel numbers, to be known as Local Law 4 of 2017.

6. **Darlene's Brook Project**

Move the adoption of a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore as follows:

WHEREAS, a Project for the BIN 2268400 East Circle Drive Over Darlene's Brook - P.I.N. 375471 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds, 11% Marchiselli State funds and 9% local funds; and

Whereas, the Town approved and entered into a Master Agreement with the New York State Department of Transportation ("NYS DOT") regarding administration and funding of Design Phases I-VI and Right-of-Way Incidentals & Acquisitions by resolution dated February 13, 2013, and,

Whereas, the Town of Cicero Supervisor and Board have received a copy of the proposed Supplemental Agreement 1 and Schedule A of costs showing a proposed total cost of \$121,800.00 for Design Phases I – VI and Right-of-Way Incidentals & Acquisition and with Federal funds (\$97,440.00), Marchiselli State funds (\$13,770.00), and local dollars (\$10,590.00) and,

Whereas, the Town of Cicero agrees to advance the above project by making a commitment equal to 100% of the total costs associated with the Design Phases I – VI and Right-of-Way Incidentals & Acquisitions,

NOW, THEREFORE BE IT RESOLVED that the Town of Cicero does hereby approve the project, and be it further RESOLVED that the Town is hereby authorized to pay in the first instance 100% of the total project costs in the amount of \$121,800 of Design Phases I – IV and Right-of-Way Incidentals & Acquisitions work for the project or portions thereof from the appropriate capital account, and,

BE IT FUTHER RESOLVED that in the event the full Federal and non-Federal share of costs of the project exceeds the amount appropriated above, the Town of Cicero Board shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Town Supervisor, and,

BE IT FURTHER RESOLVED that the Supervisor of the Town of Cicero is hereby authorized to execute all necessary agreement, certifications, and reimbursement requests for Federal Aid and/or State Marchiselli Aid with the DOT in connection with the advancement and approval of the project and providing for the administration of the project and the municipalities first-instance funding of Project costs and permanent funding of the local share of federal aid and state aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further RESOLVED, this Resolution shall take effect immediately

7. **Brewerton Revitalization Project**

Move the adoption of a resolution approving and authorizing the Project for the Revitalization and Redevelopment of Brewerton - P.I.N. 375495 (the Project") and its eligibility for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% local/non-federal funds as follows:

Whereas, the Town approved and entered into a Master Agreement with the New York State Department of Transportation ("NYS DOT") regarding administration and funding of Design Phases I-VI and Right-of-Way Incidentals & Acquisitions by resolution dated December 10th, 2014, and,

Whereas, the Town of Cicero Supervisor and Board have received a copy of the proposed Supplemental Agreement 1 and Schedule A of costs showing a proposed total cost of \$220,920.00 for Design Phases I – VI and Right-of-Way Incidentals & Acquisitions with a local/non-federal cost of zero dollars (\$0,000.00) and,

Whereas, the Town of Cicero agrees to advance the above project by making a commitment equal to 100% of the total costs associated with the Design Phases I – VI and Right-of-Way Incidentals & Acquisitions,

NOW, THEREFORE BE IT RESOLVED that the Town of Cicero does hereby approve the project, and be it further RESOLVED that the Town is hereby authorized to pay in the first instance 100% of the total project costs in the amount of \$220,920.00 of Design Phases I – IV and Right-of-Way Incidentals & Acquisitions work for the project or portions thereof from the appropriate capital account, and,

BE IT FUTHER RESOLVED that in the event the full Federal and non-Federal share of costs of the project exceeds the amount appropriated above, the Town of Cicero Board shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Town Supervisor, and,

BE IT FURTHER RESOLVED that the Supervisor of the Town of Cicero is hereby authorized to execute all necessary agreement, certifications, and reimbursement requests for Federal Aid and/or State Marchiselli Aid with the DOT in connection with the advancement and approval of the project and providing for the administration of the project and the municipalities first-instance funding of Project costs and permanent funding of the local share of federal aid and state aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

8. **Resolution providing for the holding of a Special Town Election of the Town of Cicero for the purpose of submitting a proposition on the question of a bond resolution dated March 8, 2017.**

Move for the adoption of a resolution to approve the following resolution as follows:

RESOLUTION DATED APRIL 12, 2017.

RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL TOWN ELECTION OF THE TOWN OF CICERO, ONONDAGA COUNTY, NEW YORK, FOR THE PURPOSE OF SUBMITTING A PROPOSITION ON THE QUESTION OF A BOND RESOLUTION DATED MARCH 8, 2017.

WHEREAS, the Town Board of the Town of Cicero, Onondaga County, New York, has, at a meeting duly called held and conducted on March 8, 2017, adopted a bond resolution authorizing \$9,900,000 bonds of the Town of Cicero, Onondaga County, New York to pay costs of the construction of a new highway garage in and for the Town, subject to permissive referendum; and

WHEREAS, a petition was duly filed with the Town Clerk on April 5, 2017 requesting a referendum on such bond resolution; and

WHEREAS, this Town Board now desires to call such a special election of said Town for purposes of voting upon a proposition with respect to such bond resolution; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cicero, Onondaga County, New York, as follows:

Section 1. A special election of the qualified electors of the Town of Cicero, Onondaga County, New York, shall be held on the 7th day of June, 2017, at the Town of Cicero Highway Department, 8236 Brewerton Road, Cicero, New York for the purpose of voting upon a proposition with respect to the bond resolution referred to in the preambles hereof. Voting shall be by voting machine and the polls at such special election shall be kept open between the hours of 12:00 o'clock Noon to 8:00 o'clock P.M., Prevailing Time.

Section 2. The Town Clerk is hereby authorized and directed to give notice of such special election by publication in The Post Standard, a newspaper published in said Town, at least ten days prior to the time of such special election. In addition, the Town Clerk shall post or cause to be posted a copy of such notice on the sign board maintained pursuant to subdivision 6 of Section 30 of the Town Law at least ten days prior to such election. Said notice shall be in substantially the form attached hereto as Exhibit A and hereby incorporated herein.

Section 3. This resolution shall take effect immediately.

**Exhibit A**

NOTICE OF SPECIAL ELECTION  
Town of Cicero, Onondaga County, New York

NOTICE IS HEREBY GIVEN that a special election of the Town of Cicero, Onondaga County, New York, will be held at The Town of Cicero Highway Department, 8236 Brewerton Road, Cicero, New York on the 7<sup>th</sup> day of June, 2017, at which the polls will be kept open between the hours of 12:00 o'clock Noon. and 8:00 o'clock P.M., Prevailing Time, for the purpose of voting by voting machine, on the adoption or rejection of a proposition with respect to a bond resolution dated and duly adopted March 8, 2017 by the Town Board of said Town.

The polls will be kept open for the purpose of voting during the aforesaid hours and the proposition to be voted upon will be in substantially the following form, to-wit:

PROPOSITION

Shall the bond resolution dated March 8, 2017, authorizing the issuance of \$9,900,000 bonds to construct a new highway garage on Town property located on Route 31, at a maximum estimated cost of \$9,900,000, providing that the period of probable usefulness will be 30 years, that the maximum maturity of such bonds will exceed five years, delegating to the Supervisor the power to sell and issue such bonds and bond anticipation notes in anticipation of the issuance and sale of such bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

NOTICE IS HEREBY FURTHER GIVEN that persons qualified to vote at such special election shall be qualified electors of the Town of Cicero, Onondaga County, New York.

Dated: Cicero, New York,

\_\_\_\_\_, 2017

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF CICERO, ONONDAGA COUNTY,  
NEW YORK

By: \_\_\_\_\_  
Town Clerk

9. **Bond Council on the Renewal of the BAN ( Bond Anticipation Note)**  
Move for the adoption of a resolution for \$8,820.00 to be appropriated to Orrick, Herrington and Sutcliffe LLP, for bond Council on the renewal of the \$3,344,275.00 BAN
10. **Renewal of BANS and Bond Issue**  
Move for the adoption of a resolution for \$10,000.00 to be appropriated to Fiscal Advisors for the renewal of BANS and Bond issue.
11. **Advertisement of BAN and Bond issue**  
Move for the adoption of a resolution for \$5000.00 to be appropriated to Premier Printing and advertising for the printing of the BAN and Bond issue.
12. **MRB Group Services**  
Move for the adoption of a resolution for \$44,000.00 to be appropriated to MRB Group for the professional services provided on the Highway Garage Project.
13. **Controlled Substance and Alcohol Testing Policy**  
Move for the adoption of a resolution to have the Supervisor sign the Professional Service Agreement with Public Sector Consultants for the administration of the Town’s Controlled Substance and Alcohol Testing Policy for employees who are covered under the Department of Transportation’s testing requirements. The fee is \$600.00 annually.
14. **Establishment of Capital Reserve Fund**  
Move for the adoption of a resolution that pursuant to section 6-c (6-g) of the General Municipal Law, as amended, there is hereby established a Capital Reserve Fund to be known as the “Inflow &Infiltration Reserve”, (hereinafter “Sewer Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of any repairs, maintenance and operation of sewer treatment facilities located within the Town of Cicero.

The Town Comptroller is hereby directed to deposit and secure the moneys that are applicable to the Sewer Inflow & Infiltration fees into the “Inflow & Infiltration Reserve” in the manner provided by section 10 of the General Municipal Law. The Comptroller may invest the moneys in the I&I Reserve in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Cicero. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the I&I Reserve Fund. The Comptroller shall account for the I&I Reserve in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund. Except as otherwise provided by section 6-c (6-g) of the General Municipal Law, expenditures from this Reserve Fund shall be made from the Reserve Fund without the approval of this governing board and without such additional actions or proceedings as may be required by section 6-c (6-g) of the General Municipal Law. This resolution is subject to permissive referendum pursuant to subdivision 4 section 6-c (6-g) of the General Municipal Law.

15. **Engagement Letter**  
Move for the adoption of a resolution to approve and authorize the Supervisor to sign the Engagement Letter and Agreement between Hancock Estabrook, LLP and the Town of Cicero re: Last Chance Recycling, Inc. vs. the Town of Cicero, New York et al

16. **Personnel (Appointments/salaries)-**

- **Tax Receiver**

Move for the adoption of a resolution appointing Nicole Walsh to serve in the position of Town of Cicero Receiver of Taxes to complete the unexpired term of Sharon Edick, effective May 1, 2017 due to Sharon’s retirement. This resolution shall serve as an official Town Proclamation thanking Sharon Edick for her years of excellent service to the Town, and the wish of health, happiness and good luck upon retirement.

- **Parks and Recreation**

Move for the adoption of a resolution to approve Brittany Parody as a Recreation Attendant at a pay rate of \$11.00/hour effective June 19, 2017

- **Amend 2017 Employee Salaries**

Move for the adoption of a resolution to Amend Employee Salaries that were approved at the 2017 Organizational Meeting (effective January 1, 2017) for the following:

<b>Part Time</b>	<b>Salary/Session</b>	<b>Job Title</b>
Lockett, T	\$105.57	Zoning Board Member
Paladino, G	\$105.57	Zoning Board Member
Rabbia, M	\$105.57	Zoning Board Member
Stanton, C	\$105.57	Zoning Board Member

- **Zoning Board of Appeals Appointment**

Move for the adoption of a resolution to appoint Todd Loscombe as Ad-hoc member for the Zoning Board of Appeals, effective immediately. Term to expire 12/31/17.

- **2017 Employee Salaries**

Move for the adoption of a resolution to approve the 2017 Employee Salaries effective immediately for the following:

<b>Part Time</b>	<b>Salary/Session</b>	<b>Job Title</b>
Loscombe, T	\$105.57	Zoning Board of Appeals Member (Ad-Hoc)
Snyder, D	\$105.57	Planning Board Member (Ad-Hoc)

17. **Highway Department**

Move for the adoption of a resolution to approve the following purchases:

- \$11,000.00 to Steel Sales for 2200 feet of plastic perforated pipe
- \$3,521.90 to Beam Mack for repair parts for Truck # 41

18. **Parks and Recreation Department**

Move for the adoption of a resolution to approve the following purchases:

- \$10,205.00 to AAA Quick Plow & Lawns for Cemetery Mowing Contract (Year 3 of 3) for 5 cemeteries –
- \$54,000.00 to Suit-Kote to complete paving of parking lot (chip, seal/cold mix pave) at Central Park
- \$4,020.50 to Arrow Fence for the installation of bollards- through the DASNY Grant for Skyway Park Field improvements
- \$22,212.00 to Miracle Recreation Equipment for the purchase of playground equipment through the Community Development Grant 2016 at Skyway Park
- \$19770.00 to Kevin Leach landscaping for the installation of playground equipment through the Community Development Grant 2016 at Skyway Park
- \$9,600.00 to Kevin Leach Landscaping for the installation of sidewalk for playground at Skyway Park
- \$2,275.00 to B & B Lumber Co. for playground mulch(130 cubic yard-delivered) through the Community Development Grant 2016 at Skyway Park
- \$13,590.00 to Atlas Fence for playground safety netting and installation through the Community Development Grant 2016 at Skyway Park

19. **Parade Permit**

Move the adoption of a resolution to approve and for the Supervisor to execute the Town of Cicero Parade Permit for the James Harvey Spire American Legion, Post 787 Memorial Day Parade, to be held on Monday, May 29, 2017 at 9:00 a.m. The route of procession will start at the Cicero Cemetery, on Route 11, proceed south to the American Legion Post on Legionnaire Dr. Also, to approve an expenditure in the amount of \$500.00 to help defer the cost of the Memorial Day Parade and ceremonies.

20. **Discussion Items – Earth Day Saturday April 22, from 8:00a.m. to 12:00 p.m.- Meeting location is at the Town Hall**

21. **Public Input**

22. **Adjourn**