

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, April 24, 2013 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
Tim Burtis, Councilor

Others Present: Tracy Cosilmon, Town Clerk
Christopher Woznica, Highway
Robert Lurcock, Police Sergeant
Robert Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer

Supervisor Corl 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 silence your cell phones and if you cannot hear the discussion amongst the board members please indicate so and they can make any necessary modifications.

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

A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

S.E.Q.R.
(State Environmental Quality Review Act)

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

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

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the April 10, 2013 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

BUDGET MODIFICATIONS

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications and amendments:

2013
BUDGET MODIFICATIONS

FROM	\$	TO
A10104 Town Board Contractual	1000.00	A75504 Celebrations
A362041 Marine Beacon	52.00	A36204 Misc Safety
A10104 Town Board Contractual	3076.22	A135542 Correction of Errors– NOPL/Campus Rd
A715045 Parks Misc	146.70	A715044 Parks Taxes
DB513057 Hwy Body Maint	500.00	DB513057 Hwy Batteries
B312040 Police Contractual	99.00	B312054 Computer Labor
B80104 Zoning Contractual	1000.00	B80101 OT Zoning OT

2013 BUDGET AMENDMENTS

Revenue	Appropriations
A3060 JCAP Justice Grant \$13217.43	A11104 JCAP \$9,370.93
	A11102 JCAP \$3,846.50

Motion was seconded by Councilor Zambrano.

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

BACKGROUND CHECK POLICY

Robert Germain explained that he reviewed the Background Check Policy that was provided and to make some changes he did get some help from a couple of groups; it was very helpful and he actually learned a lot about it. It's an important area of the law in the sense that it also brings in Corrections law and EEOC guidance (Equal Employment Opportunity Commission) and so on. He tried to meld them all together in the latest version, which he had just supplied to the board. He had just finished the latest draft the day before, so he wanted everyone to review it and he had some handouts that he wanted to give Jody Rogers. Therefore, he asked if they could pass on the policy that night and consider it for the next meeting.

Supervisor Corl deferred the topic until the May 8th, 2013 meeting.

RESOLUTION SUPPORTING EXTENDING PRODUCER RESPONSIBILITY (EPR)
– An environmental policy approach in which producers (brand owners and importers) accept responsibility for the management of post-consumer products, so those who produce products help bear the costs of recycling and responsible disposal

Supervisor Corl explained that the topic was brought up at the last meeting and he wanted to see if the board members had any thoughts on it and stated that at that point he was not in favor of pursuing this resolution because anything of this nature would place a heavy burden on manufacturers because they would produce a product and then they would be responsible for the disposal of that after it's off their shelves. He didn't know if any of the board members wanted to move forward on it but he wanted to see if anyone else had any thoughts.

Councilor Burtis said he didn't wish to.

Councilor Jennings didn't wish to either.

Councilor Zambrano commented that her only concern was that there were three (3) OCCRA (Onondaga County Resource Recovery Agency) representatives that met with Supervisor Corl and she did get some feedback, but it wasn't positive. If there was interest in it she was going to suggest that OCCRA come back and answer questions for the public. But, if there is no interest in that, then she just assumes that it dies as well.

Councilor Jennings commented that he thought he changed his mind when he read the attachment they received at the last meeting that he didn't have and a lot of it dealt with the disposal of batteries and items that were already being disposed of in one way or another. So, to him it was just a duplication of effort and like the Supervisor said it was putting a lot of pressure on small businesses to conform to something that he doesn't think we need at this time.

Supervisor Corl thanked everyone for taking a look at it and said the representatives from OCCRA are more than happy to talk to any of the board members. He said three of the representatives were very helpful and Tracy Cosilmon was at that meeting also.

ANNOUNCEMENT OF THE INTERSTATE 81 COMMUNITY MEETING TO BE HELD ON
WEDNESDAY, MAY 1ST AT THE HOLIDAY INN, LIVERPOOL
AT 441 ELECTRONICS PARKWAY, BEGINNING AT 6:00 P.M.

Supervisor Corl stated he had a meeting with Supervisor Nicotra and Legislator Kathy Rapp, and as things progress he thinks that our community could be significantly affected by the ID1 modifications that are potentially going to be made. According to Legislator Rapp, it sounds like things are moving forward, actually very quickly from the information that she has been receiving from the State and the County in regards to what, if any, improvements are going to be made. Supervisor Nicotra wanted to schedule an outreach, informational session for the Northern area: Towns of Salina and Cicero, for residents and businesses to attend.

Supervisor Corl read the following press release, so everyone would know what it's regarding, and said hopefully everyone could attend:



**PRESS RELEASE
MEETING REGARDING I-81 CHALLENGE
FROM: TOWN OF CICERO SUPERVISOR – JIM CORL**

At the request of the Town of Salina, Town of Cicero, and Onondaga County Legislator Kathleen Rapp, staff from the Syracuse Metropolitan Transportation Council will provide an overview of *The I-81 Challenge* on **Wednesday, May 1 at 6 p.m. at the Holiday Inn in Liverpool (441 Electronics Parkway)**. The meeting will include a brief presentation from SMTC staff that will provide background information about *The I-81 Challenge*.

The I-81 Challenge is the official decision-making process for the future of I-81 through the Syracuse region. This effort is being led by the New York State Department of Transportation, with assistance from the SMTC.

The NYSDOT and the SMTC are preparing for a region-wide public meeting later in May, to present possible strategies for I-81 and to discuss the next steps in the process. The meeting on May 1 will give residents an opportunity to learn about the planning process in preparation for the region-wide public meeting.

For more information about *The I-81 Challenge* please visit www.thei81challenge.org. You can also find *The I-81 Challenge* on Facebook.

ANNOUNCEMENT THAT THE 2012 ANNUAL FINANCIAL REPORT FOR THE
TOWN OF CICERO HAS BEEN COMPLETED

Tracy Cosilmon announced that the 2012 Annual Financial Report for the Town of Cicero has been completed and is on file in the Cicero Town Clerk's Office where they can be reviewed and it's also on the Town's website at: www.ciceronewyork.net under Public Notices. Tracy stated that the Notices had all been published.

Supervisor Corl stated that was pursuant to General Municipal Law, Section 35. He gave a brief overview of each of the funds that they have:

General A Fund – the good news is that they did receive additional revenue of about \$202,000 for that fund in 2012, and actually they are under budget about \$500,000.00 in that particular account.

B Fund – there was additional revenue of approximately \$65,000.00, which was additional of what was budgeted and they were under budget about \$278,000.00 for the B Fund.

DB Fund – They received additional revenue above and beyond what was projected in the amount of \$52,000 and they were under budget almost \$800,000.

Supervisor Corl commended the Board for a lot of oversight last year and said he thought that those were good numbers.

Councilor Zambrano commended Supervisor Corl for his assiduous monitoring of spending and in support of this board that had a lot of questions about the spending. It was a monumental effort to realize these numbers and stabilize their reserve funds and they are to be commended.

Councilor Burtis thought they were great numbers and he thinks the department heads have a lot to do with that and he appreciates all of their work and of their tolerance with all of the Board's questions and all of their picking. It's appreciated! They have a good result and he thinks it's great.

APPROVAL OF PROPOSED INSTALLATION OF HYDRANT, BY OCWA
(Onondaga County Water Authority), IN THE EXISTING CICERO LAKESHORE
WATER DISTRICT, AT THE LANDINGS AT MAPLE BAY

Supervisor Corl moved the adoption of a resolution to Approve the installation of one (1) hydrant (No.13661) in the existing Cicero Lakeshore Water District at The Landings at Maple Bay, (280 feet East of Lakeshore Rd). The Developer, MLSC Development, LLC, will pay for the hydrant installations in conjunction with the 8" Water Main Extension.

Supervisor Corl stated that it has been reviewed by our Fire Department Liaison and the South Bay Fire Department.

Motion was seconded by Councilor Zambrano.

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

PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis explained that he had the large expenditure from the Highway department, pretty much for the year, before them. What is listed totals \$785,000.00, all of that represents the

whole thing. The last three items H, I, and J total only \$6,800.00, so most of the list is really for their project of paving this year and things that relate to it:

Councilor Burtis moved the adoption of a resolution to approve the following purchase approvals for the Highway Department for a total of \$785,000.00:

- A. \$20,000.00 to THKinsella Inc., for 3,000 tons of Runner crush
- B. \$2,500.00 to Allied Builders Supply for 8 rolls of N-140 Marifi fabric
- C. \$79,212.50 to Lanco for Pavers/operators, tackcoat
- D. \$137,408.00 to Midland for Fibermat
- E. \$7,608.11 to THKinsella for 1A Stone
- F. \$506,173.50 to Barrett Paving Materials for Blacktop for Paving
- G. \$25,530.40 to Suit-Kote for Slurry (Schuyler & Weaver)
- H. \$1,400.00 to Commercial Truck Tire for 2 Tires – Backhoe # 23
- I. \$1,900.00 to Gerber Topsoil for 100 yards of Topsoil
- J. \$3,500.00 to Merritt Seed for Grass, seed, mulch bales, and fertilizer

Motion was seconded by Councilor Conway.

Councilor Zambrano commended the highway department for working so very hard to get all of these numbers and for the preparation of the paving season. She thinks that it's about 16 miles that are going to be addressed this summer; if they are able to carry out the program. She asked Chris Woznica if she was correct.

Chris Woznica replied that in actual paving they are only doing about 4.95 miles, but everything else is going to be maintenance, more or less, slurring, over coating and that type of stuff.

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

PURCHASE & STAFF APPOINTMENTS FOR YOUTH BUREAU, PARKS & RECREATION

Councilor Jennings moved the adoption of a resolution to approve the following Purchase & Staff Appointment approvals for the Youth Bureau, Parks & Recreation Department:

Purchase Approvals

- A. \$2,566.00 to North Syracuse Central District for school use Recreation Programs – January to May
- B. \$3,200.00 to Lumberjack Tree Service for Tree Removal at Skyway Park

Staff Appointments

- A. Simona Benenati as a Recreation Attendant at Day Camp effective June 17, 2013 at a rate of \$7.25/hour

Motion was seconded by Councilor Conway.

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

EXTEND AGREEMENT OF SERVICES WITH BERNARD ENGLISH FROM 1/1/13-12/31/13 FOR CODES OFFICE

Supervisor Corl explained that as the board members know, Bernard English has continued to work at the town as they continue to implement the Municipality Program, (which should be up in May and he is continually in the office and providing assistance on a regular basis). He asked the board that they continue the agreement based off of the Scope of Services he provided last July, at the same hourly rate.

Councilor Jennings commented that the letter that came out, that should you desire to have an amount not to exceed \$10,000 versus the \$20,000, a review can be provided this year at a later date.

Councilor Jennings recommended that given the facts of the letter, that maybe they go with the \$10,000 and extend Mr. English through June 30, 2013. At that time they can do another review at that date of items that might be pending such as: do they need the additional time, and do they

need to do the additional monies? He thinks it will be a better way to go then the \$20,000.00 in one year when they are really not sure how much more or how far out they are going to reach.

Councilor Zambrano said she would like to stick with the original proposal, but she was willing to compromise. She thinks the end of June starts the busy season and summertime and they do not have a head of that department and Mr. English has been providing that oversight, so she thinks it's incumbent to ensure that the work gets done during the busy season and to ensure that they've been implementing the new software program Muncity. The program will be totally loaded by the end of May, however, the staff is going to need assistance in order to implement this system fully and to do their work load and summertime is a very busy time. So, she had an alternate suggestion of extending it to the third quarter, (which is September 30th). It will better meet the needs of the town. She thinks everyone knows that they are looking to reorganize the Codes office and certainly they will need Mr. English's input about that; since he has such vast experience, not only with Muncity but in running a department for 23 years in another town.

Councilor Jennings said he did believe even with a Muncity program that there is additional training that's in the package for the monies that their spending and he really thinks the comment that Mr. English has replaced the Planning Director is not a good term to use because first of all it's his understanding that he does not have any liability insurance with the Town and secondly, Mr. English had also commented that he'd like to slow down in April and probably go to his camp. He thinks even if they go to the June and \$10,000.00, somewhere in May they can start looking at that because what's coming in the summer might not necessarily be in the Scope of Services that he is providing the way he read it. So, he'd like to see the \$10,000.00 amount mentioned and possibly going into June 30th and have a review somewhere in the first part of June (which would bring him right into the next quarter if they so desire). He thinks they just need to look at the monies portion of it, and then if they can save another \$10,000.00 given their facts - it certainly wouldn't hurt.

Councilor Zambrano said she didn't think that she called Bernie the Head of the Department, but explained that he is providing an oversight function as a consultant - he is a consultant. She asked how they were on the money and said Mr. Jennings is concerned about money. Do they have money in the line to provide reimbursement for him?

Supervisor Corl replied that he budgeted \$20,000 when he did the Codes budget for his services and explained that even last summer, during the summer months, Mr. English is not in quite as much just because he does go away and he checks in now and then. The summer months are the busy months and it's nice to have his expertise on hand for some consultation so they could save \$10,000 through to September 30th.

Councilor Jennings said okay, that he could go with that. He knows that the money is in the budget, but just because it's in the budget it doesn't mean they need to spend it. He was willing to compromise and go with the 30th of September, but he wanted to stick with the \$10,000.00.

Councilor Burtis asked if at that time would they have a review, a report, or something from Bernie English so they can know where they are at, or what his idea is.

Supervisor Corl said they could schedule a time. Either Bernie English could come in and provide a report to a couple of board members at a time, but Bernie has been updating him on what he's been working on.

Councilor Burtis commented that he could update the rest of them a little more, just so they can know also. He wasn't sure if June 30th would provide enough time, they are at the end of April and here's where they sit, it's another two months is all for him, they did June so...

Councilor Jennings stated September 30th was fine.

Councilor Zambrano asked if it was not to exceed \$10,000.00.

Councilor Jennings replied yes.

Councilor Jennings moved for the adoption of a resolution to Extend Agreement of Services with Bernard English from 1/1/13 to 09/30/13 for Codes Office, amount not to exceed \$10,000.00. Motion was seconded by Councilor Zambrano.

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

DECLARE OLD RADIO BASE STATION SURPLUS

Supervisor Corl moved for the adoption of a resolution to Declare old Radio Base Station as surplus. Motion was seconded by Councilor Jennings.

Tracy Cosilmon explained that she came across the base station when cleaning out the supply room and now that they've updated all of the new radios, she asked Jody Rogers and Chief Snell and they both said that they just needed to declare it as surplus and that it was of no further use to the town.

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

APPROVE SERVICES OF KATHY BARANY FOR THE DEVELOPMENT OF A NEW EMPLOYEE HANDBOOK (AMOUNT NOT TO EXCEED \$5,000.00)

Supervisor Corl explained that they have been having some ongoing discussions of not having an +updated, but a new Employee Handbook because the Town's is so antiquated that they've been advised to pretty much start from scratch. The Board has been having some ongoing discussions about that.

Supervisor Corl solicited any board comments.

Councilor Burtis said he hadn't known much about it until they spent some time with Kathy Barany and now it's more apparent given some of the challenges that they've had with employees; challenges that they really do need to spend the money on and develop a new handbook so they have some expectations laid out there about what they expect of the employees at the town. He thinks it's necessary and it's something that would be good for going forward.

Councilor Zambrano said she could not agree more with Mr. Burtis. The Employee Handbook has not been updated in a number of years; it doesn't reflect current practice of what's going on in the Town and there are a lot of areas in which it is silent. She thinks the work is necessary.

Supervisor Corl thought that one of the things that they are looking to address also is some of the differences between once they have the new Employee Handbook as to the Collective Bargaining Agreements that they have in comparison to the handbook for the non-union members. There have been discussions about that and it sounds like Kathy is going to help them tackle those issues so they can make the handbook more effective.

Councilor Jennings said he did have the letter that they saw two weeks ago, and gave some of the highlights regarding it. He said this was not everything, it may or may not be some of these things that she is looking at: general human resources consulting, compliance with employment regulations, policy development and implementation, employer relations (including satisfaction surveys and employee mediation), compensations, wage and salary administration, employee benefits program, work flow analysis, job description and performance, staffing, planning and recruiting, strategic planning (including succession planning), management coaching, and counseling, training development and facilitation. Kathy Barany came very highly recommended, and after talking with her, how she tackles this, and she also gave them a sample copy of how she lays out a lot of them that she has done in the past. The old one is so out of date, it's terrible. So, he thinks it's a move that they need to make and the expenditure is one of those that he would have to agree that they need to do.

Supervisor Corl explained that the previous handbook is from May of 1997 and has been photocopied so much that you can hardly make out the front cover any more.

Councilor Burtis agreed that it was not good and said that it's actually very serious. They want everyone to know or maybe ask the question, "So who is the Human Resource Officer in the Town?" It has been a problem and it ends up being the Supervisor, or sometimes it's Tracy, or the Comptroller; it gets passed around so, they really need something for the Supervisors' as they go forward to work off of. He thinks it's very necessary given light of some of the challenges they have today.

Councilor Zambrano said it was long overdue.

Supervisor Corl stated that the Comptroller did seek out other quotes, so to speak, and provided that to the board as best as she could find somebody that was local and could actually meet with them face to face as opposed to doing everything over the computer and emails like some of the other services. He asked Robert Germain if the Town of Clay uses Kathy Barany.

Robert Germain replied that Clay does. He has known her for a number of years from a contract basis and she also did another unit that he is familiar with. He explained that one of the issues is that rules change so much in a very short time, that it's a large liability for the Town not to have an updated handbook. A lot of things did change in the span of time that they were talking about.

Councilor Zambrano moved the adoption of a resolution to Approve services of Kathy Barany for the development of a new Employee Handbook (amount not to exceed \$5,000.00). Motion was seconded by Councilor Burtis.

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

RESOLUTION TO OPEN UP A CAPITAL FUND CHECKING ACCOUNT

Supervisor Corl explained that they need to open the account for the paving monies.

Supervisor Corl moved for the adoption of a resolution to Open up a Capital Fund Checking Account. Motion was seconded by Councilor Zambrano.

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

PUBLIC INPUT

A resident asked, in regards to Agenda Item no. 8 (the 2012 Annual Financial Report), if they were under budget for the A fund, the B fund and the Highway, does that mean that we've saved those funds; they're there and can that be applied to the program that we were looking at with the roads, we're not borrowing or is she misunderstanding it?

Supervisor Corl explained that if she looked at the 2012 Budget and looked at what was budgeted in there, on those particular counts, that's how much was spent, less spent under a certain account or more than what was projected. It doesn't affect exactly what is in the fund balance, that's a separate issue. He can get her those numbers, exactly what the final tally on their current fund balance, but that's just what was budgeted for 2012.

The resident said this started to sound too good to be true and she thought, "Wait! We've done more than fabulous!"

Supervisor Corl said that it is a lot of hard work and some boards could have taken it and said "Well it's budgeted, let's just spend it", but there has been a lot of oversight by all the board members. Like Councilor Burtis had said, "All of the department heads have been very good to work with on all of this stuff". He has the report, it's online too, and he can show it to her and go over it with her.

A resident asked, if with the new Employee Handbook, will the Town be printing out a copy for every employee or will the employee be offered an electronic version in lieu of paper - thereby saving a small forest.

Supervisor Corl replied that was a good point and that he will address that with Kathy Barany when she meets with him.

Robert Germain explained that what they normally make people do is give a signed receipt that they received a copy of the handbook, so they acknowledge that they've gotten it. That's the expected way to do it, but he will look into whether they can do it electronically as long as they acknowledge receipt and acknowledge what's in there.

The resident replied that she really hopes that he does, even if they just give them a CD, because it would still be an awful lot cheaper and one of her complaints is all of the paper that is being used.

Don Snyder, Mud Mill Rd., asked about Agenda Item no. 11A, for the amount of \$2,566.00 to North Syracuse Central School District. What does that cover for the school system, they have programs that go on in the schools that are not part of our new building that we have down in front of the high school?

Councilor Jennings explained that the schools now charge for everything. They charge for use of the hallway, the cafeteria, the gymnasium, a room if you need one – we are charged by the school for the use of any room or hallway in their facility.

Don Snyder asked what they are using their facilities for.

Councilor Jennings replied if there was basketball or if there was a meeting to be held, or if the dance had to be moved there, any use that they put in that school they have to pay for the room or the area that we use.

Don Snyder said that he knows Bernard English personally and that he's a great guy. He asked when will the report that he did be made public so they can all see what he has reviewed and what recommendations he has made for us to make the department better.

Robert Germain explained that the report itself, he doesn't believe, is subject to FOIL (Freedom of Information Law) proceedings because it is an internal audit of a department, so there are a few things that are shielded from a FOIL. One is an internal audit from a department which has privacy considerations where they name individual employees in that report; which is certainly what he understands is in that report. It's not a Foilable document, but he believes some of the spirit of the document and the issues that are going to be addressed and so on, are certainly a matter that they can discuss. But in terms of a copy of the report – it's not subject to FOIL.

Don Snyder said he doesn't understand it. His understanding, from people that have seen the report, is that there are no names mentioned. It's not a disciplinary piece of paper; in fact he understands that it was even referred to by Bernie English not to be used as a disciplinary document, but a document on which to grow and to improve. We are supposed to have open government. We want open government. He can't believe there isn't something in that report. If you need to redact something or you need to cross it off, you cross it off. He thinks if we paid \$5000, \$6000, or \$7000 for that report, and if we can get an internal report on our website for what the Town did for finances for last year, he would certainly think that we could get an internal report for that just so we would have an internal report for the Justice department. He thinks they need to rethink that and let us know when we can get that and why we can't have it, because he thinks we should have it.

Don Snyder said regarding the fund balance, because it really concerns him, if we last year were watching expenses to date on a monthly basis, then they knew in November when they were going to pass the budget. We would know in November **about** how much money we were going to be able to move in the fund balance for the next year, for 2013. The numbers say that we've moved into the fund balances \$1.2/\$1.3 million, after taking into account the money that we appropriated for the budget, to come from the fund balance, to budget this year's budget and yet we still went out and borrowed \$650,000.00 this year. He said he didn't know of anyone in that room that would do that and say that it was the wisest thing to do. He knows the reports are available to see what we spend every month, compared to the budget. They need to be looked at by all of them and he hopes that they do look at it, but based on that, he thinks from his accounting experience, which he had to do when he worked for the State, he had to every month look at that report and decide whether or not he was going to have money that he was turning back or money that he was going to be banking for to balance out the budget. The fact that they are sitting here now looking at that they added over \$1 million dollars to our fund balance and we borrowed \$650,000.00 this year and we have to borrow it now for a year because that's what the law says. He would hope the budget we do this fall will then include paying off that \$650,000 and not going into further debt. That's only fair.

Lastly, Don Snyder said he thinks there was an Executive session that was called and Kathy Barany was brought into that session. If what they were discussing was in fact a new handbook for the employees, he doesn't see how that becomes an Executive session type of a discussion. He is concerned about open government, and them making sure that what we're supposed to know and it won't affect somebody's personal life, that that is in fact shared in the open with us out here. He asked if he was wrong or was Kathy not brought into a meeting to discuss the handbook issue.

Supervisor Corl replied that Kathy was brought in with another department head to discuss personnel issues.

Robert Germain stated that Kathy was brought in with a department head to discuss a personnel issue.

Don Snyder stated then it was not the handbook that we're contracting with.

Supervisor Corl replied that was right.

A resident addressed what Mr. Snyder had said about the fees we are paying for the school. She said it was her understanding that those fees are factored into the cost of the program and the money is paid to the Town, by these young people using the program and then those monies are used to pay the school. So, if her understanding is correct there is no final cost to the Town; the Town is acting as a conduit for the funds.

Councilor Jennings told the resident that he thought what she was referring to is what Jody Rogers explained as the \$5.00 we get as a participant fee which goes to the administration side of the Parks & Recreation.

The resident said she was referring to what Julie Radell explained to her, that she figures out the cost of the program, what it costs for the town to use the schools, what it's going to cost for the instructure, etc., etc., and then she adds the \$5.00 administrative fee. So, all the costs for the school are not born by the town, they are born by the participant.

Supervisor Corl told the resident she was correct on both parts.

The resident said she just wanted to make sure everybody understood that because for a long time she did not.

Councilor Zambrano explained that what the Parks & Recreation Department has to do is take a net, at the end of a certain period of time from all of the different programs. So this particular expenditure reflected January to June, so it's a net from programs that have already taken place there and there is assurance that the Town is not subsidizing those programs.

A resident inquired, regarding the cost of \$3,200.00 for tree removal at Skyway Park, if the Highway department was not able to do that.

Councilor Jennings replied no and explained that some of the trees the Highway or Parks and Recreation department will do, but there are certain ones given the size of the trees, the location that they cannot. They have one coming down in Taft Road Settlement Cemetery, by Kwik Fill, and because it's hanging over an individual's property they go out to someone that is insured or bonded and this was a low bid on the tree service.

Supervisor Corl stated that these are actually 8 huge Cottonwood trees by Skyway Park. At no cost, they are going to grind some roots in Field No.4. For the eight trees it's a very reasonable amount. The Highway department wouldn't have that type of equipment to do the job. The other two quotes were \$4,800 and \$6,800.

Mark Venesky, Rosewood Circle, said when he got involved and started coming to the Town Hall meetings, his first political event here was viewing the mob-scene that we had over the last budget and one of the things that he had said that he would do is come to the meetings and keep an eye and talk about budgets and spending and what we had to do and he just wanted to say thank you, all of you, for looking after our tax dollars and actually coming in under budget on spending. He knows from talking to many of them (the Board members,) some of the challenges that we had last year, but he had to tell them that he is satisfied with this Board. They did a great job and he thanked them.

Councilor Zambrano and Supervisor Corl thanked Mark Venesky.

Judy Boyke, Muskrat Bay Rd., asked about the revenue monies that came in - the \$202,000 what was that from?

Supervisor Corl said he was just giving the final figure, but he offered to sit down with her and go over the actual revenues and what exact line items they were in.

Judy Boyke said that was a lot of money to not know that the revenue wasn't going to come in. She said she had asked about the money and he hadn't gotten back to her yet on that.

Supervisor Corl asked Robert Germain, who was going to look into that, where they stood on it. Were they going to get a credit or cash?

Robert Germain said they made their request, but he didn't know if they got it or not, but he would look into it.

Judy Boyke said she would appreciate it if someone would get a hold of her before the next meeting.

Supervisor Corl told Judy that they certainly could.

Judy Boyke asked, in regards to the \$785,000 estimated total for the Highway department, was the \$650,000 that was borrowed is that what's going into the Capital Fund account?

Supervisor Corl replied that was correct.

Judy Boyke said when they get done paying for all of this there shouldn't be any reason to have a checking account because obviously that's spent.

Supervisor Corl advised her that our Comptroller wants a separate Capital account set up for the funds that are going to be coming in, the \$650,000 and obviously the rest of the budget they budgeted an additional \$150,000 for the remaining portion to equal \$800,000. So, that \$650,000 has to be put into a separate Capital account per the comptroller.

Judy Boyke asked if all of the \$650,000 is for Highway.

Supervisor Corl replied for paving - they've increased that budget line to do more.

Judy Boyke said that the evening that Kathy Barany was there to go into the Executive session, was she really hired, is there a voucher that states that she was hired as a Consultant to be there for that specific situation.

Supervisor Corl advised Judy that they hired Kathy that evening.

Judy Boyke commented that they had Kathy in an Executive session to consult with her and she wasn't on the payroll.

Supervisor Corl repeated that they hired Kathy that night and she had been invited in by the Board.

Judy Boyke said it was inappropriate for Kathy to be in that Executive session.

Supervisor Corl asked Robert Germain if he had felt it was inappropriate and explained to Judy that they rely on counsel for those types of things.

Robert Germain replied no. They asked for Kathy's advice and invited her in and whether she's charging for that or not is not inappropriate at all; she's a professional giving advice on a professional subject.

A resident addressed the Councilors and asked do they or do they not have a fiduciary responsibility not to tell anybody what happens in Executive session.

Supervisor Corl answered that was correct and Robert Germain agreed.

EXECUTIVE SESSION

Supervisor Corl moved the adoption of a resolution to Enter into Executive Session to discuss employment history of a particular person; pursuant to Public Office Law Section 105 and invited the Town Attorney and Highway Superintendent to attend. Motion was seconded by Councilor Zambrano.

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

The meeting adjourned into Executive Session at 7:29 p.m.

Supervisor Corl announced that the board would not be reconvening.

ADJOURNMENT

Motion was made by Supervisor Corl to adjourn the Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

There being no further business before the board, the meeting was adjourned at 7:35 p.m.

Tracy M. Cosilmon
Town Clerk