

REGULAR TOWN BOARD MEETING WEDNESDAY, JANUARY 27, 2010

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, January 27, 2010, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor
 Jessica Zambrano, Councilor
 C. Vernon Conway, Councilor
 Lynn Jennings, Councilor
 James Corl, Jr. Councilor
 Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
 Sharon Edick, Receiver of Taxes
 Joseph Snell, Police Chief
 Wayne Dean, Director of Planning & Development
 Shirlie Stuart, Comptroller
 Brad Brennan, Assessor
 Pamela Williamson, Secretary to Supervisor
 Anthony Rivizzigno, Town Attorney
 Douglas Wickman, C & S Engineers
 Catie O'Toole, Post Standard
 Farah Pike, Star Review

Absent: Jody Rogers, Director of Parks & Recreation

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.

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

Ms. Boyke 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 be sure to speak into the microphones to enable all to hear.

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

Motion was made by Ms. Boyke, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) or Unlisted actions and have a negative impact on the environment unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

APPROVAL OF JANUARY 13, 2010 MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the minutes of the January 10, 2010 town board meeting.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

DEPARTMENT HEAD INPUT

Highway

Chris Woznica asked the board for the approval of the following wingman for 2010.

Employee Name	Salary Rate	Job Title	Start Date
David Abbey	15.00	Laborer 1	12/09/2009
William Alley	15.00	Laborer 1	12/09/2009
Wayne Alexander	15.00	Laborer 1	01/02/2010
John Coon	15.00	Laborer 1	12/09/2009
Brad Cretaro	15.00	Laborer 1	01/02/2010
Donald DeVaul	15.00	Laborer 1	12/09/2009
Thomas Devine	15.00	Laborer 1	12/17/2009
Harvey Elderbroom	15.00	Laborer 1	12/09/2009
Brian Garvey	15.00	Laborer 1	12/09/2009
Thomas Goettel	15.00	Laborer 1	12/09/2009
Robin Henderson	15.00	Laborer 1	12/09/2009
Allen Hogan	15.00	Laborer 1	12/09/2009
Brandon LaDue	15.00	Laborer 1	12/17/2009
Laura Mayers	15.00	Laborer 1	01/03/2010
Nathan Mayers	15.00	Laborer 1	12/29/2009
Richard McLaughin	15.00	Laborer 1	12/09/2009
Donald Miller, III	15.00	Laborer 1	12/09/2009
Joseph Nadeau	15.00	Laborer 1	01/03/2010
Samantha Nadeau	15.00	Laborer 1	12/28/2009
Nicholas Price	15.00	Laborer 1	12/28/2009
Ronald Reardon	15.00	Laborer 1	12/09/2009
Randy See	15.00	Laborer 1	12/28/2009
Timothy Taylor	15.00	Laborer 1	12/28/2009
Roger Ventre	15.00	Laborer 1	12/09/2009
Bridgette Woznica	15.00	Laborer 1	12/28/2009
Frederick Woznica, Jr.	15.00	Laborer 1	12/09/2009
Pamela Woznica	15.00	Laborer 1	12/29/2009
Carlton Zech	15.00	Laborer 1	12/09/2009
Christopher Zegarelli	15.00	Laborer 1	12/28/2009

Motion was made by Ms. Boyke, seconded by Mr. Conway, to approve the list of wingman for 2010 as listed above at the payrate of \$15.00 per hour.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

Police

Chief Snell explained that Officer Mahan is up for a pay raise and has served with the department for a number of years. Per the bargaining agreement her pay rate should be \$22.29. In the past, this was done by town board approval, but they decided they didn't need to do that because it is a contractual agreement with the town board and they have already approved the agreement. I am not sure how you would like to handle this.

Ms. Boyke asked Shirlie Stuart which way she would like this handled.

Shirlie Stuart - It can be done either way as long as it is kept consistent and since it hasn't been done this way lately, let's just keep it the way it is.

Ms. Zambrano asked if this was under contract.

Chief Snell – Yes and its part of the bargaining unit agreement's step plan for all of the officers and went into affect 1/1/2010.

Ms. Zambrano – If it's contractual we don't need approval.

Comptroller – None

Zoning - None

Engineer – None

Attorney - None

Tax

Sharon Edick reminded everyone that property taxes are due on February 1, 2010 and that her office hours are extended on Friday and Monday from 8:00 a.m. to 6:00 p.m. After that date there is a 1% penalty.

Assessor

Brad Brennan stated that last Thursday, January 21, 2010 he sent an email to all Department Heads and Town Board Members asking them to look at the GAR Associates Reassessment overview video which is on the first page of our website. He also invited all of the property owners to look at it as well. Chief Snell was nice enough to make this available to e-police and another 1,400 people will also get that information to view at their leisure. I would like the board and departments to be aware of what is going on and if you have any questions direct them to me.

Town Clerk

Tracy Cosilmon requested approval to pay \$100.00 a month to Route 11 Storage for storing archival information such as zoning maps, etc. The original contract began in 2005. I am in possession of the necessary insurance documentation.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to approve a monthly expenditure of \$100.00 to Route 11 Storage to store archival records.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Mr. Corl: Yes
- Ms. Boyke: Yes

Cicero Historical Society Annual Donation

Tracy Cosilmon requested approval to pay \$2,000.00 to the Cicero Historical Society, on Route 31 as their annual donation to help them preserve the old school house, museum and log house, which is a budgeted item.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$2,000.00 to the Cicero Historical Society to help preserve the old school house, museum and log home on Route 31, which is a budgeted item.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Mr. Corl: Yes
- Ms. Boyke: Yes

Tracy Cosilmon stated that she had a request of a couple of board members to update the website. There is now a section containing contracts and agreements on the home page and the Teamsters, CSEA and Police Contracts will be posted on the website as she receives them. I have also been asked to have the GAR Associates video moved to the Assessor's section of the website, so if you do not see it on the homepage, go to the Assessor's page.

APPROVAL OF ABSTRACT #2 OF 2010

Motion was made by Ms. Zambrano, seconded by Mr. Conway, to approve Abstract #2 of 2010 as follows:

General Fund Voucher #90 to Voucher #171 In the amount of \$506,895.55
 Highway Fund Voucher #31H to Voucher #78H In the amount of \$262,712.19

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Mr. Corl: Yes
- Ms. Boyke: Yes

BUDGET MODIFICATIONS

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the following budget modifications as listed for 2009.

<u>Budget Modifications</u>	2009 Yearend		12/27/2010			
<u>Town Board</u>						
<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A10104	PERSONAL	.60		A10101	Personal
<u>Justice</u>						
<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A11101	PERSONAL	\$ 917.33		A11101OT	Personal
<u>Comptroller</u>						
<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A13154	CONT	\$ 2,286.95		A13151	Personal
<u>Central Services</u>						
<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A16802	Equipment	\$ 230.00		A168041	Comp. Maintenance

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Dog Control

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A35104	Equipment	\$ 34.33		A35104	Contractual

Misc

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A90808	Union	\$ 50.00		A90898	Flex Admin

Parks & Rec

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	A71101 OT	OT	\$ 0.07		A71101	Personal
	"		\$ 40.63		A711040	Supplies
	"		\$ 537.39		A711042	Utilities
	"		\$ 31.15		A711046	Mechanics
	B702040	Supplies	\$ 35.96		B702048	Spec. Activities
	B714012	Personal Services	\$ 674.40		B90558C	Disability Canteen
	B714012	Personal Services	\$ 5,523.54		B9060BC	Med. Ins. Canteen

Zoning

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	B80104	Contractual	\$ 91.73		B801043	Car Maintenance

Police

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	B31201 OT	OT	\$ 5,724.66		B31201	Personal
	B31201 L	Longevity	\$ 400.00		B31201	Personal
	B312011	Personal	\$ 1,867.01		B31201	Personal
	B312011	Personal	\$ 1,329.04		B31201H	Holiday Pay
	B312040	Contractual	\$ 82.40		B31204 BS	Bridgport Subst.

Highway

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	DB511040	Hot Patch	\$ 708.00		DB51102	Equipment
	DB514047	Brush Hauling	\$ 2,055.00		DB514045	Brush Misc
	DB514211	Personal Serv, OT	\$ 9,696.56		DB51421	Personal Services
	DB90608 CA	Clothing Allowance	\$ 36.00		DB90608 CDL	CDL Benefit
	DB90608 CA	Clothing Allowance	\$ 250.33		DB90608 EX	Eyecare Reim
	DB90608 CA	Clothing Allowance	\$ 237.00		DB90608 MA	Meal Allowance

Amendments

FX832042	Contractual – Bellinger	\$ 62.67	SW19304 1200	Judge & claims	\$ 0.59	Gillette Rd.
FX832048	Contractual – Stonebridge	\$ 93.64	SW19304 2200	Judge & claims	\$ 42.64	Bayshore 1
MS19304	Unemployment Res	\$ 9,704.58	SW83404 1510	Judge & Claims	\$ 143.25	Taft Rd. Ext 1
SF19304	Judgement & Claims	\$ 3,529.15	SW83404 1900	Contractual	\$ 21.61	Oneida Shores
SF51824.15	Contractual Wallington	\$ 2,621.59	Sec 2/3			
SS81204 1997	Contractual – Consolidated	\$ 11,601.29				
SW19304 0210	Judgement & Claims	\$ 6.74	Cicero Ext 3			

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the budget modifications as listed for yearend 2009.

The motion was approved as follows:

Mr. Conway: Yes
 Mr. Jennings: Yes
 Ms. Zambrano: Yes
 Mr. Corl: Yes
 Ms. Boyke: Yes

Ms. Boyke advised that there will be an Executive Session after the Public Input portion of the meeting.

LORETTO PRESENTATION
 PIONEER DEVELOPMENT

Ms. Boyke told everyone that this presentation is in regards to the press release that was held today at town hall relative to Loretto's concepts that were proposed and that Mr. Norcross will explain it to everyone this evening.

David Norcross affiliated with Pioneer Company and representing Loretto gave a presentation of their green house project which is slated for the Cicero Commons site. The purpose of their appearance this evening was to request that the Town Board refer this project to the Planning Board for detailed site plan review. David Norcross

introduced, Jeff Schneider, Senior Vice President of Development with Pioneer, Alex Wisniewski, affiliated with LJR and who is the engineering lead for this project, Michael Sullivan, Chief Executive Officer with Loretto and Vice President, Tammy Marshall.

David explained that the green house initiative is an effort to revitalize senior health care in this country and we are very fortunate to have Loretto sponsoring this project in Central New York. There are approximately 60 of these projects across the county. The focus of the green house initiative is to de-institutionalize elder care and intend to be very homelike. The exterior design is very residential in nature and the interiors are intended to be very homelike and the center core will have a fireplace, large kitchen and dining room area. Typically, the units themselves sustain anywhere from 10 to 12 single occupied bedroom units that include a private shower.

Comment [c1]: Ately

Alex Wisniewski went through the conceptual drawings and explained some of the details. He explained that the Cicero Campus is located on Route 11, just north of Route 31 by the library and Ice Rink. The plan represents the most recent version of the Master Plan for that community campus. Some of the infrastructure to date that has been constructed is the main access drive, the ice skating center and former YWCA and the library. Other uses for the property include a new town hall, great lawn, etc. This concept plan that we developed, falls in the westerly portion of the site which includes approximately 18 acres. Pioneer partnering with Loretto is bringing the green house project to this westerly portion of the property. We took into consideration how this project would fit into the PUD. Currently, there is an existing road and utilities across the majority of the front of the site which would connect into the new loop road to provide public utilities to serve these units. We have some constraints on site with some regulated wetlands encumbrances that we're trying to stay away from to avoid any impact to those wetlands or buffer areas. Those are starting to define the limitations of our site development footprint and how we arrived at this concept. The grade drains towards the west and we accommodate storm water provisions and NYS guidelines for storm water control are used prior to the discharge to those wetlands. A new town road would be constructed with associated utilities. There will be sidewalks inside the development to promote pedestrian access.

David Norcross explained that this project is consistent with the plan unit development zoning which was originally adopted in 2000. Phase 1 was already built and consists of the skating rink and the library. Phase 2 of the project was also approved and the uses would also include commercial, retail, office, municipal, single and multi family housing, senior housing, assisted living, medical offices and multi-use buildings. It was clear from the PUD, that they planned a mix use project there and there were two components of senior housing that had been approved on the site. Loretto is suggesting that we take that senior housing component and move it to the westerly portion. The scope of what we're proposing is smaller than what was originally approved under the prior PUD. Each of the green homes will contain 7,000 to 8,000 square feet with 12 bedrooms per unit, which is slightly less than what was approved in phase 2 of the previous PUD.

Ms. Zambrano asked if this is a twenty five million dollar project.

Dave Norcross – Yes, approximately

Ms. Zambrano – Will you tell the audience how many employees will be needed to provide care.

Dave Norcross – Approximately 100 – 125 employees at full build out. The construction period will take about 12 months from start to finish. We're anticipating starting construction in late 2010.

Mr. Corl asked why they choose Cicero for background information.

David Norcross explained that one of the criteria that Loretto established early on was to locate these units in a growing northern suburb that would be well located in terms of accessibility through out all of Onondaga County. With Route 31, Route 11, I-81 and Route 481, Cicero certainly fits the bill, especially for northern Onondaga County. It also

enables Loretto to serve people in southern Oswego County. The existing infrastructure that is already in place at this site makes it easier to develop this site.

Mr. Corl asked David Norcross to explain the finances for this project a little bit.

David Norcross - There are several components of the financing. Loretto was awarded a HEIL Grant through NYS which will fund a portion of this project. In addition to that, Loretto will need to put its own equity into this to raise additional funds and secure outside financing as well.

Ed Zaluski asked if all of the units will have the same price range.

David Norcross – These will not be for sale but, would be occupied through the Loretto Admission's System.

Ms. Zambrano asked if Tammy Marshall could speak about the project and explained that Ms. Marshall is a nurse. This is a radical concept about care and would like her to talk about this.

Tammy Marshall explained that she was here earlier to talk to everyone about the concept of the green house plan. It's a way of delivering skilled nursing care. I asked earlier if anyone has ever visited a nursing home. 90% percent of people do not want to go into a nursing home the way it is designed today. If I were to ask you if you would mind moving into a place that was more like your home, which is the green house concept, I could imagine that you may want to do that. This design has a small kitchen, a fireplace, private baths and every aspect of this house is designed to nurture, protect and sustain the elderly that are living there. It is also created to provide a very meaningful place for staff to work. When we say, there is a radical change in how skilled care is delivered we mean that today, we run on the organization's efficiency. We put everyone on a schedule on a routine basis such as 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., or 11:00 p.m. to 7:00 a.m. shift. Here, there is no distinguished shift. The rhythm of the house is built around how the elders want to live. They can rise or go to bed when they like, have meals just about any time that they like as the kitchen is there and the staff is trained in culinary skills, which is different then the way staff are trained today. If you are working in a nursing home today as a certified assistant, you are not cooking or preparing meals for people. In this house the staff is trained and they will be cooking for you. The whole design is like a homelike environment. I haven't been in one yet, where the satisfaction of both employees and the elder wasn't 95%. I think this is the way to do skilled care today.

Tammy Marshall explained that people currently in nursing homes are lonely, and people aren't as inclined to go to nursing homes the way they are today, but, with the green house method, families visit more and stay longer.

David Norcross – In closing I would like to submit to the board that the Loretto Project proposed here is in keeping with the originally approved PUD and would like this referred to the Planning Board for detailed site plan work.

Mr. Corl asked Doug Wickman and Tony Rivizzigno if they had any comments regarding the compliance with the original PUD.

Doug Wickman stated that it was reasonable and consistent with the plan, though the layout is different.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano to approve the following resolution as follows:

WHEREAS, the Town Board has previously adopted Local Law Number 2 of 2000 which created the Cicero Community Campus P.U.D. and;
WHEREAS, said Local Law approved an overall conceptual plan as well as a procedure for approval of development plans on specific portions of the Campus property; and

WHEREAS, Loretto has presented a conceptual plan which is consistent with the Conceptual plan approved in Local Law Number 2 of 2000 and has requested approval of the Town Board of such plan;

NOW, Therefore be it;

RESOLVED, that the Town Board hereby determines that the conceptual plan presented by Loretto for the development of an alternative nursing home is generally consistent with the conceptual plan approved in Section IV of Local Law Number 2 of 2000, and be it further;

RESOLVED, that the plan submitted by Loretto be referred to the Town Planning Board for review, analysis and ultimate recommendations back to the Town Board and be it further;

RESOLVED, that the Planning Board shall act as Lead Agency for purposes of SEQR review.

The resolution was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

Ms. Zambrano stated that there is a lot of work involved with this. We have members of the Planning Board here and that she was lucky enough to be at the Pre Agenda Meeting for the Planning Board in which the Pioneer representatives and Alex Wisnewski, from LJR Engineering, which is a Cicero based engineer, where we discussed how this is going to unfold. It will be an aggressive time frame but, I have the upmost confidence in our Planning Board and we hope to work cooperatively with them to get this exciting project up and on the road.

SET PUBLIC HEARING DATE TO AMEND LOCAL LAW 16 OF 2009
(COLD WAR EXEMPTION)

Mr. Rivizzigno stated that this is a Local Law and we need approval to amend the local law, which will require a public hearing.

Motion was made by Ms. Boyke, seconded by Mr. Corl, to set Wednesday, February 10, 2010 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY 13039, for a public hearing to consider amending Local Law 16 of 2009, Cold War Exemption.

The motion was approved as follows

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

AGENDA ITEM # 8 WAS ADDRESSED EARLIER IN THE MEETING

AMENDMENT TO THE TOWN OF CICERO EMPLOYEE HANDBOOK

Mr. Rivizzigno explained that for security the board has requested that all the employees wear a badge while on the town premises, so we need to change the handbook to add a provision to that effect.

Motion made by Ms. Zambrano, and seconded by Mr. Conway, to approve an amendment to the Town of Cicero Employee Handbook requiring that, to ensure the safety and security of Town offices and Town employees, Town employees shall wear identification badges at all times during normal business hours.

The following language shall be inserted into Town Employee Handbook at Section 1001 (Personal Appearance/Dress Code) as a new second paragraph under that section:

To ensure the safety and security of Town offices and Town employees, all Town employees must wear identification badges at all times during the Town's normal business hours.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

AMENDMENT TO THE TOWN OF CICERO
TEAMSTERS UNION LOCAL 317
CONTRACT

Ms. Boyke stated that something was brought to the board's attention regarding the language in the Teamsters Contract.

After completing 6 continuous months a newly hired employee shall receive one weeks pay during the first year of employment. This vacation must be used by the employee's first year anniversary date of hire with the town and can not be carried over.

As I was not a part of this particular contract negotiating, Ms. Boyke asked Mr. Corl about this, as it was apparently an oversight and did not make the contract.

Mr. Corl explained that it was an oversight and the language that you just put on the record regarding vacation is previously in Article 15 and it should be included and it would be appropriate to amend the contract and add that particular language.

Motion was made by Mr. Corl, seconded by Mr. Conway, to amend the Cicero Teamsters Local #317 Local Union Contract language to include and reflect the language pertaining to vacations, as read by Ms. Boyke.

The motion was denied as follows:

Mr. Conway: Yes
Mr. Jennings: Abstain
Ms. Zambrano: Abstain as I wasn't part of the negotiations either.
Mr. Corl: Yes
Ms. Boyke: Abstain, as I wasn't part of that negotiation.

Mr. Corl asked Mr. Rivizzigno, what the outcome of this vote would be.

Mr. Rivizzigno – It's not approved. I would suggest that they have the Union Representative contact me and we'll see if we can open up the negotiations to include that again.

Mr. Corl – Bill Alley is here and is the Union Representative who was part of the negotiation process.

Bill Alley stated he was the Union Steward. This amendment was put in the original contract and is amendment #1. Unfortunately it was mislaid when the first contract was voted on and it wasn't put in and it was done before I was the Steward and it should have automatically been put in, but, in the new contract it was not.

Mr. Corl – It was an amendment and was part of the original agreement and when it was carried over into the addendum, it should have been carried over and it was not.

Bill Alley, it was a simple mistake. It was something that was agreed to in this contract and it was supposed to be carried right through, but, it wasn't because it was never attached to the original contract that I had at the time.

Ms. Zambrano asked at what period of time were the negotiations going on.

Bill Alley – This amendment goes back to November of 2007 and is not the contract you worked on in 2009. It is an old amendment that went to the old contract that should have been carried over to the new contract.

Mr. Corl – One particular employee has inquired about that and how it's going to affect them.

Bill Alley – The person inquiring has a child that is very ill and who happens to have six months under this old contract and would like to take this time off as the child needs an operation which is going to be done in February. I would appreciate it, if you consider not abstaining and re-voting on this.

Ms. Zambrano – I think we need to look into this a little more, since this is from 2007 and was ignored.

Bill Alley explained that it wasn't ignored and that it was put into effect. It was used by one of the park employees hired within that time period.

Ms. Boyke requested that Bill have Mark May, get in touch with Mr. Rivizzigno, so that this can be resolved.

Mr. Rivizzigno asked that this be put on the agenda for the first Town Board Meeting in February.

Mr. Corl asked Bill Alley if the other issue relative to the contract and personal days has been taken care of.

Bill Alley understood that at the last Town Board Meeting there was approval for three personal day's verses two. Our contract states two and we can honor our contract in good faith and keep our two days but, we wouldn't turn down an extra day. However, we did sign a contract.

Mr. Corl – To make things clear we set forth that Town Employee's would get the third day, so it's inconsistent with the Teamsters contract. It is my understanding that you had the same as the Parks, which would be three days. For clarification purposes, perhaps Mr. Rivizzigno could look at this as well when he addresses the other and bring that up also, as to how to resolve that.

Mr. Rivizzigno agreed.

DISCUSSION REGARDING AGREEMENT BETWEEN THE TOWN OF CICERO AND NAVAC

Mr. Rivizzigno explained that recently we made a payment for the annual amount to NAVAC, which was an increase from the original contract amount. I spoke with the attorney who represents NAVAC and evidently the contract was never changed and a voucher was submitted each year with a little increase, so that it has now gone beyond the \$25,000.00 range. I suggested that we do a new contract reflecting the changes from year to year, whether it's going to be cost of living, or some percentage. The attorney agreed to do that and we just haven't gotten it from her yet. This is another one, that I would suggest be put on the agenda for the next board meeting. By then we should have an agreement, so that at least in the future, you'll know what the contract payments will be to NAVAC.

Mr. Corl stated that basically, NAVAC would submit a letter saying that they request a 3% increase and then we would incorporate that into the budget to avoid costs on their

behalf. That's how we previously handled it and I believe we budgeted for 3% over last year.

Mr. Rivizzigno explained that all we're going to do is reflect that in a new agreement, so that everyone knows going forward, what it's going to be.

Ms. Zambrano asked if there will be a 3% increase every year.

Mr. Rivizzigno stated that we haven't negotiated it per-se and that the contract just says \$25,000.00.

Ms. Zambrano asked if NAVAC has been paid an extra 3% since 2006.

Mr. Rivizzigno stated that they have up to this current year and that he will get something together for the next meeting.

DECISION DEFERRED TO FEBRUARY 10, 2010 TOWN BOARD MEETING.

DISCUSSION REGARDING INFORMATION SYSTEMS SUPPORT CONTRACT

Ms. Zambrano explained that the town has had a Contract with Network Security Associates as a support system for the towns' computer system. They have asked for \$15,000.00 plus and there isn't enough money budgeted to pay that entire amount. In addition to that the Police Department has been overseeing the IT System for the town. Network Security has submitted a proposal to include preventive maintenance and to replace some hardware and to do some upgrades, etc. At this point and time I think, we as a new board would like to re-visit that and we would like to see some changes in the IT Program for the town. It is too soon to go forward with that proposal at this point and time. We have requested that we buy a little time from NSA for a six month extension of that support program. They did submit an invoice for \$7,866.00 and we do have enough money appropriated to pay for that and she would like to make a motion to pay NSA \$7,866.00 and for the board to consider looking at the previous proposal and consider issuing an RFP to see if the board wishes to proceed and how they wish to proceed with the future needs of the IT Program for the town.

Mr. Corl stated that he believed the original RFP was sent out through Wayne Freeman.

Chief Snell - Specifications were put out through an RFP and bids were done.

Ms. Zambrano – That was done in what year?

Chief Snell – 2007. Wayne Freeman, Ms. Zambrano and I met and discussed this issue and we do agree that we should pay half right now and look at the specifications as to what we want in the future for our networks and IT and inspect it and send it out for a new RFP.

Ms. Zambrano – During our discussion there was some concern about some of the hardware as we may need to replace something on an emergency basis.

Chief Snell- I'm getting the prices and we've gotten the quotes and we've done some additional research for hardware. It's exactly the same hardware, but, a cheaper cost. We are now getting the cost from Network Associates, but, we may chose to RFP for that as well on a short term basis.

Ms. Zambrano – Hopefully, we'll have enough money to pay for it.

Chief Snell - We're not talking a lot of money and should have enough to pay for the backup drive and replacing it. We're hoping to buy some time and hope it doesn't go.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to authorize an expenditure of \$7,866.00 to Network Security Associates as payment for a six month extension of their contract through June 2010.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

APPROVAL FOR ANNUAL SYRACUSE SIGNAL CONTRACT

Mr. Corl explained that the Syracuse Signal Contract is for the upkeep and maintenance of the flashing lights located at Gillette School, Brewerton Elementary School and Orangeport Road and that the charge is \$100.00 per month.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the Supervisor to execute the annual Syracuse Signal Contract.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

APPROVAL OF AGREEMENT BETWEEN THE TOWN OF CICERO AND THE CICERO LITTLE LEAGUE RELATED TO USE AND MAINTENANCE OF CERTAIN BASEBALL FIELDS AND OTHER IMPROVEMENTS AT CENTRAL PARK

Brenda Colella, Esq. explained that the agreement of which the board has a copy came about as a result of funding that the Cicero Little League received through the State and Mr. Stirpe’s Office. As part of that funding they have required that the town have a Use and Maintenance Agreement with the Little League for the use and improvements that are going to be made to the park.

Ms. Boyke asked that the agreement be summarized.

Brenda stated that the agreement covers a 10 year period and allows the Little League to use the field that it always has used in the past. It also allows them to use the new field that is going to be installed as part of the improvements that are going to be made and it requires the Little League to maintain these new fields and other improvements that are going to be made for this 10 year period. It also requires the Little League to indemnify and hold harmless the town for any claims that could be made against the town as a result of anything that may happen when they’re using the park and requires them to obtain and maintain insurance.

Mr. Corl – Last fall we had a meeting with Mr. Christian and Mr. Stirpe. In anticipation of receiving this potential grant the Cicero Little League was anxious to start right away in making the necessary improvements. In securing these grants, we are now in the position to move forward on this.

Dave Christian explained that they have been signing one year permit agreements for use of Central Park and Gateway Park and that they are now trying to centralize their entire leagues to three facilities to house the 750 kids that they have in their league. The

improvements will allow them to have all 750 kids playing at the same location. They understand the maintenance agreement and will maintain upkeep to the new section.

Mr. Corl – This also includes lighting.

Dave Christian – The lighting is Pop Warner’s and this grant will also serve Pop Warner’s Association as well as us. We will be taking a little bit of their practice field away. Their numbers have been down and we have bargained in good faith with them. I know lighting is something they have wanted, so included in this grant is the lighting for their football field.

Mr. Corl – It was a great joint effort that the two of you had to negotiate and it will be a great asset to the town to centralize everything.

Dave Christian – We had a meeting last week and Mr. Jennings’ attended. Pop Warner knows that they are fully responsible for the electrical use and we are now just waiting to go forward with the grant process.

Motion made by Ms. Boyke, seconded by Mr. Jennings, to approve an agreement with the Cicero Little League regarding the use and maintenance of certain baseball fields and other improvements at Central Park, as presented.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

Ms. Zambrano requested that this agreement be put on the website when it is executed, for public awareness.

Ms. Boyke stated that she had a copy of the Master Plan that will be part of the agreement.

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE CONTRACT WITH BRYANT ASSOCIATES

Motion was made by Ms. Zambrano, seconded by Mr. Conway, to authorize the Supervisor to execute the contract with Bryant Associates a back up engineers for the town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

HIGHWAY PURCHASE APPROVALS
(Runner crush)

Motion was made by Mr. Conway, seconded by Mr. Corl, to authorize an expenditure of \$18,125.00 to T. H. Kinsella Inc. to purchase 2,500 tons of runner crush Account Code DB5110.42 which is a budgeted item.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

(1,000 tons of stone mix)

Motion was made by Mr. Conway, seconded by Mr. Corl, to authorize an expenditure of \$8,000.00 to Jack Brown & Sons, to purchase 1,000 tons of stone mix, Account Code DB5112.42, which is a budgeted item.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Corl, to enter into Executive Session in regards to a personnel issue and I invite Chief Snell, Attorney Tony Rivizzigno and we will be reconvening.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

The meeting adjourned into Executive Session at 8:05 p.m.

The meeting reconvened from Executive Session at 8:20 p.m.

PUBLIC INPUT

Mr. Mallette understood that at the last meeting there was going to be a meeting with Saratoga Associates and I was wondering what happened.

Ms. Boyke – The meeting was held and Saratoga Associates provided concepts that the committee had accepted to be approved by the state, so that we could go forward with the rest of the program.

Mr. Mallette stated that he is confused by the website, jobs are being lost and he wants to know where our money is going and who is the originator of this project is.

Ms. Boyke – I've been trying to find that out.

Ms. Boyke asked Helen Carrol if she knew who the originator was of the Brewerton Revitalization Project.

Helen Carrol – Chet Dudzinski

Mr. Conway stated that it really stated about five years ago, when I suggested that we needed restrooms down at the park for boaters and the public because, we had nothing.

Mr. Mallette – How much have you spent so far?

Mr. Conway – I only know about \$250,000.00 which I told you at the last meeting. There may have been more spent, that I don't know about.

Mr. Mallette stated that \$682,512.45 has been spent from the general fund and he wanted to know if Mr. Conway agreed.

Mr. Conway – No, it doesn't, but, there could be other figures that I don't know about.

Mr. Mallette – The total grants to date were \$94,000.00 and you spent \$588,000.00 of the Taxpayer's of Cicero money and the \$765,000.00 grant isn't with you yet.

Mr. Conway – We have that money. It is here in Syracuse and the NYS DOT has it. The only way we can use that money is by putting vouchers in, to get our money replaced.

Mr. Mallette – You have to do the work and then turn a voucher in?

Mr. Conway – Yes

Mr. Mallette asked when we're going to get all of this money.

Mr. Conway explained that it is sitting down at the NYS DOT and that they have that money.

Mr. Mallette asked if we have the money to spend.

Mr. Conway – Yes

Mr. Mallette stated that the people of this town shouldn't be saddled with this particular project. How many people are there in Brewerton?

Mr. Conway explained that it is to benefit more than the people there. It is to improve Brewerton and get more retail and bring some economy back to the town. We also put this in for transit boats coming through and to bring people into the Brewerton area and to fix up the Brewerton area. I explained this to you at the last meeting that the \$250,000.00 was grants from Mr. Brown and Senator Valesky.

Mr. Mallette stated he was looking for some answers and hasn't had a good answer yet. He also wanted to know if work has been scheduled for Brewerton.

Mr. Conway – That is what Saratoga Associates is working on right now and to do the park alone, will probably take 3 years and we're going to have to get the grant money to do it. We asked at the meeting when we were going to get the money to do these jobs.

Mr. Mallette – Do you still owe money to Saratoga Associates?

Mr. Conway – Yes, but, this is for the whole project which will take two or three years.

Mr. Mallette – You're talking about ¾ million dollars. There hasn't been anything done physically that he could see and he wondered if there has been any physical changes up there?

Mr. Conway – The property owners have done a lot of work. A lot of the buildings have been painted and fascias have been re-done.

Ms. Boyke – The Bait Shop has been remodeled to appreciate what the new buildings are going to look like.

Mr. Mallette – You said this project would cost millions.

Ms. Boyke – I said that once the concept is accepted it would probably be about 2 million dollars.

Mr. Mallette stated that as a Taxpayer he resented spending money that way.

Ms. Boyke explained that we haven't spent anything or appropriated anything yet. The concepts haven't been put forth to be accepted and they would have to be before we could even think about going forward with it.

Mr. Mallette – You don't have any money under Economic Development, do you?

Ms. Boyke – No, we don't.

Mr. Mallette - You'll have to transfer money or borrow it.

Ms. Boyke – If we go forward with this project. Right now we have to wait for this concept to come back. We don't even have a full idea of the cost.

Mr. Mallette – Have you considered scrapping this project?

Ms. Boyke – We still have these grants out there and we have no reason to even think about scrapping it, because we are not spending any more money. It's not appropriated.

Mr. Mallette – Has there been any publicity on this?

Ms. Boyke – There has been plenty of publicity on this. It's on the website and has been published for the public to go to. It has been announced throughout the town board as to when they were having their public meetings. As a matter of fact, there is another public meeting coming up in either February or March at the Brewerton Fire House.

Mr. Mallette – Have you given them permission to do this?

Ms. Boyke – Its part of their contract.

Mr. Mallette – When is the meeting and will it be put on the website.

Ms. Boyke stated she didn't know, but believed it will be in March and will be on the website.

Mr. Mallette – Your website only gets to a certain amount of people and not everyone has computers. You are now having pre agenda meetings on Tuesday mornings and that isn't a complete legal notice. It's got to be published in the papers as well.

Tony Rivizzigno – No, Roy, you're wrong about that. It doesn't have to be published in the paper. You just have to give notice to the newspaper and when she announces it tonight, that is sufficient notice and we don't have to publish it every week.

Deborah Gardner stated she wished to address Mr. Corl's comments from the last board meeting. He read Section 100 of the Open Meetings Law, which in part states that the public should be allowed to attend and listen to all deliberations and decisions. He stated that 3 board members had a meeting after the January 4, 2010 Organizational Meeting and that he didn't know what it was about. He also asked that his fellow board members follow the law. By these statements he implied that these three board members violated the law and were discussing town business. I wonder if Mr. Corl based his assumption on his own experiences with the previous board or if he or his fellow board members discussed town business when they were huddled in the Supervisor's Office after a board meeting, or when they were at public functions together when off to one side talking. Were they discussing town business, or making decisions? Mr. Corl neglected to read, or even refer to Section 108 which lists exemptions that include political committee meetings and caucuses.

In an opinion rendered by Robert Freeman, Director of the Committee on Open Government said in 2000, the Court of Appeals upheld the lower court ruling and addressed social gatherings and at chance meetings by quoting the courts decision and read the following: We agree that every assembly of the members of a public body was intended to be included within the definition. Clearly casual encounters by members do not fall within the Open Meetings Statute.

Mr. Corl explained that the only indication that he made, was that the meeting occurred on the same day of the Organizational Meeting and that his questions were relevant due to the fact, that he didn't have any information as to the appointments of the Town Attorney and the Engineer. On December 29, he did have that information and his inquiry was a result of whether or not those issues were being discussed and everyone can acknowledge the fact that I didn't have any information as to those decisions, or how the Town Attorney or Engineer were appointed or what process was taken to find new Counsel. I had no problem with the qualifications but it was the result of the process of what was gone through. I don't know what was discussed, but on behalf of the major decisions that were made for the town, I didn't have any input on those decisions. That is why the question was raised.

Deborah Gardner stated that she would send the video which is posted on You -Tube via a link to Mr. Corl.

Mr. Corl – From January 4th?

Deborah Gardner stated that they are from the remarks Mr. Corl made two weeks ago and that it will also be on the website.

Mr. Corl – Thank you

Helen Carroll, Bennett Street, Brewerton, NY expressed that she wished everyone would grow up. What's happened in the past is in the past. This board is new and should work as a family and not drudge things up and make comments.

Ms. Boyke – Unfortunately, this is public input.

Engineer Comments - None

Zoning - None

Tax- None

Assessor – None

Highway – None

Comptroller – None

Town Clerk – None

Board Comments

Mr. Corl - We have had a very productive meeting and Loretto's presentation was very exciting for the Town of Cicero. Another project that is very exciting is Central Park, which is going to help a lot of families out within the town and will allow them to go to one central location rather than going throughout the town. The lighting is something that they have also been looking forward to for a number of years and these are very exciting projects that will improve the town.

Mr. Conway – There was a question asked as to what is going on with Brewerton. Helen and I have a meeting with the Commissioner of the Brewerton Fire Department on February 11, 2010 to go over drafting the trucks and how they can draft, as they want

three places where they can draw, should they have a fire on the main street in Brewerton.

Mr. Jennings - The Supervisor instituted the Pre-Agenda Meeting and we met on Tuesday at 10:00 a.m. I feel this is a really good as Jessica, the Supervisor and my self are new on this board and new to the business. It will give us a chance to look at what we're going to present and hopefully will shorten the meetings and give everyone an opportunity to better understand. Everyone was notified of the first meeting and the Supervisor, Tracy Cosilmon and I were the only ones who showed up and Deborah Gardner came from the public. This needs to get out to the people so that they know as it is open to the public. I think it is a good program and it may not need to continue, but, will give us time to get ourselves organized a little better so that we know what we're saying to you and how to respond to your questions.

Attorney - None

Ms. Boyke stated that the reason that she thought about pre-agenda meetings is that she thought they would be informational and if there were questions they would give her and other members of the board an opportunity to discuss them. I knew of no other way and obviously for it to be legal is to form a pre agenda meeting so that any discussion that can be had will be available to us and also to the public. With the public attending, it is strictly informational with no input. It is just a listening portion for the public to attend. I have asked to establish the Tuesday morning, at 10:00 a.m. to have these pre agenda meetings until it becomes a point where they are not necessary. I am appointing Pam Williamson, my Secretary as the constituent the ombudsman person at this time. The purpose of this is to have a focal point for our constituents in the town and to have someone they can come to for good things, bad things, comments, compliments, or problems in the town. Pam has experienced several different types of questions that have come into the Supervisor's Office and we have a system in place, where we have a form that is filled out with the person's concern, complaint or compliment. They are available to folks if they have a question about it. We are responding and we show when it was responded to. Feel free if you do have a concern or a compliment. We welcome all of that. This is part of the open government that we're trying to bring to the folks of the town.

I'd also like to propose that the Town Board think about making themselves available one or two days a month, whether it be a couple of hours in the evening, or on a Saturday or Sunday, so that their liaison portion of the board would be available for any town constituent that may have a question, or issue, or something they would like to speak about with somebody personally. I am not sure how we're going to institute this yet and would like to bring that up at our next pre agenda meeting and discuss it further.

I would also like to comment on the wonderful news of Loretto and Pioneer bringing their project to the Town of Cicero. Also the Little League ball field is also going to be a great asset for the town as well.

Mr. Corl stated that he sent a comment via e-mail regarding Pre-Agenda Meetings. As Lynn pointed out, I did not attend the Pre Agenda meeting and expressed my concern that there was no necessity for that. My concern is that it would lead to decisions being made at a time when the public would not have an opportunity to be there at 10:00 a.m. I think at tonight's meeting all of the issues were discussed. Everything that can be accomplished at a Pre Agenda Meeting can be discussed amongst board members without a quorum or the majority of the board being available. That is why I chose not to attend that. I know Ms. Gardner brought up some language relative to Mr. Freeman and his assessment of the Open Meetings Law. I did some research on this and one of the things that is interesting, is, that Mr. Freeman did give an opinion in December of 1996 when he quoted the courts relative to open government. One of the quotes is every step of the decision making process including the decisions itself, is necessary to the preliminary of a formal action. Informal acts have always been a matter of public record and the public has always been made aware of how it's officials have voted on an issue. My understanding is that minutes aren't taken of pre agenda meetings, so, the public would

not know what was discussed amongst members of the board, prior to what we discussed here. I don't know if minutes were taken at the last meeting.

Ms. Boyke stated that it was filmed and that we do have that on video.

Mr. Corl – There are no formal minutes that are adopted by the Town Board.

Ms. Boyke - It was nothing more than a discussion.

Mr. Corl – I understand that, but, my concern is it may have intentions of setting this up to discuss minor things, but, then opens a can of worms relative to major issues being discussed at Pre Agenda Meetings, which would thwart the purpose and the process of having a full public Town Board Meeting. As far as availability, if any constituent has a concern, they can call me anytime. I will come to their house or show up at the town hall, or wherever they would like to meet with me.

Ms. Zambrano explained that she wasn't at the Pre agenda Meeting as she was sick. There is a precedent for Pre Agenda Meetings and the precedent is with the Planning Board of which Mr. Corl is the Liaison. The Planning Board has Pre Agenda Meetings and they discuss the projects that are going to come up and they make sure everyone has the appropriate materials for the project to be discussed. There is consensus that they have all of the information, etc. There is no intention at the Pre Agenda Meetings for any decisions to be made and certainly not to thwart discussions at the Town Board Meeting. The premise that there wouldn't be full discussion at the Town Board Meeting because there is a Pre Agenda Meeting is totally false. I assured Mr. Corl at a social function where all five of us were in attendance. This idea that the public is not going to be fully informed and will be kept in the dark on issues that come before the Regular Town Board Meeting is ludicrous. I intend to attend all of the Pre Agenda Meetings, which are open to the public.

Ms. Gardner stated that she will video tape them.

Ms. Zambrano – So, there will be record of that.

Ms. Zambrano asked Mr. Corl if he has every attended a Pre Agenda Meeting for the Planning Board.

Mr. Corl couldn't recollect ever going to one.

Ms. Zambrano – In 2007 Mr. Corl was liaison to the Planning Board and she thought his familiarity with that process would give him some confidence that the system could work as it is a well established precedent. The Pre Agenda Meetings of the Planning Board are now open to the public under the Chairmanship of Mark Marzullo, but weren't before. Part of our agenda is to have open government and for people to know what is going on.

There being no further business before the board, the meeting was adjourned at 8:51 p.m.

Tracy M. Cosilmon
Town Clerk

