

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, October 24, 2012 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: Christopher Woznica, Highway
Joseph Snell, Police Chief
Neil Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer
Tracy Cosilmon, Town Clerk

Mr. 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 turn off your cell phones and be sure to speak clearly into the microphones to enable all to hear. If you are unable to hear please indicate in some fashion so they can correct any issues.

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 Zambrano.

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 October 10, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Burtis.

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

APPROVAL OF ABSTRACT #20 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #20, of 2012 as follows: Motion was seconded by Councilor Zambrano.

General Fund Voucher #2050 Voucher #2170 In the amount of \$391,781.95
Highway Fund Voucher #551H Voucher #582H In the amount of \$116,525.30

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

BUDGET MODIFICATIONS

2012
BUDGET MODIFICATIONS

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications as presented below:

TOWN BOARD MEETING
10/24/2012

2012
BUDGET MODIFICATIONS

FROM		\$	TO	
B312049	Flares/Firearms/Qualify	150.00	B312054	Computer Labor
DB51424MB	Mailboxes/Stakes	2506.08		
DB514043	Topsoil	1000.00	DB513055	Hwy Machinery-Other
A51324	Garage Contractual	183.00	A51322	Garage Equipment
A81604	Landfill	500.00	A86644	Code Enforcements, Contractual
B731042	Utilities – Canteen	1800.00	B7310402	Program Supplies – Canteen
A711042	Utilities	1000.00	A711046	Mechanics – Parks
A67722	Equipment – Seniors	1376.00	A677240	Programs – Senior 300.00
			A677242	Supplies – Senior 1076.00
DB511049	CB/F&G/Riser	2000.00	DB511045	Typar/Pipe
A51324	Garage Contractual	5000.00	A33104	Traffic Control Contractual
A162040	Buildings Contractual	85.00	A35204	Control of Other Animals
A162040	Buildings Contractual	1500.00	A35104	Dog Control Contractual
A13554	Assessor Contractual	163.62	A135542	Misc – Correction of Errors
A677248	Sr. Ctr. Renovations	93.45	A677254	Fuel – Sr. Ctr.

BUDGET AMENDMENTS

Revenue

Appropriations

Motion was seconded by Councilor Jennings.

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

PUBLIC HEARING TO CONSIDER THE 2013 FIRE PROTECTION CONTRACTS

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PUBLIC NOTICE TOWN OF CICERO Please take notice that a public hearing will be held by the Town Board of the Town of Cicero at 6:30 p.m. on Wednesday, October 24, 2012 at the Cicero Town Hall, 8236 Brewerton Rd. (Route 11), Cicero, NY 13039, to consider the 2013 Fire Protection Contracts. The contracts and amounts to be considered are:

Protection Area	Amount	Service Award	Total
Brewerton	#343,786.00	\$35,000.00	\$378,786.00
Cicero	\$352,105.00	\$70,000.00	\$422,105.00
South Bay	\$286,120.00	\$34,680.00	\$320,800.00
Bridgeport	\$128,750.00	-----	\$128,750.00
Village of North Syracuse	\$242,475.00	\$18,278.00	\$260,753.00

All persons wishing to speak for or against the contracts are invited to attend.

By the Order of Cicero Town Board

Tracy M. Cosilmon, Town Clerk

DATED: 10/11/2012

**TOWN BOARD OF THE TOWN OF CICERO,
COUNTY OF ONONDAGA, NEW YORK
BY: TOWN CLERK**

Before he opened the public hearing, Supervisor Corl asked Budget Officer, Jim Rowley to give a brief synopsis of the Fire contracts.

Jim Rowley stated that there are five (5) Fire Districts that serve the Town of Cicero, which are: Brewerton, Cicero, South Bay, Bridgeport and North Syracuse. He was part of Supervisor Corl's group that visited each and every one of the fire companies a few months ago to review their budget. They had asked all of the departments to come in at two percent (2%) or lower in terms of the contract that their asking for from the Town and they all complied.

There's two parts generally, except for Bridgeport, of each Fire District contract:

The contract for operations and then there's the service award piece – The contract in total for all of these departments this year for Operations where it was \$1,353,236.00. The portion for all these districts as well as for the Service Award piece of the contract was \$157,958.00 for a total contract with the Town for \$1,511,194.00. The Total Levy is up eight-percent (8%). The Tax Rate for the Fire District is up less than a penny (.01cents) per \$100,000 on Assessed Value.

Supervisor Corl opened the public hearing.

Public Hearing was opened at 6:42 p.m.

Speaking for – None

Speaking against – None

Public Hearing was closed at 6:42 p.m.

Supervisor Corl solicited any comments or discussion from the Town Board.

Board Comments

Supervisor Corl said he appreciated all the cooperation they received with all the fire departments and he especially wanted to extend the board's gratitude to all the men and women who help our community each and every day.

Supervisor Corl explained that they did something a little different this year. They went to each of the fire departments to listen to what they had to present and he thinks it worked out very well for all the board members because they were able to see and talk about the different apparatus or equipment that they were asking for expenditures for.

Supervisor Corl felt it was very eye-opening for all the board members to visit them and their departments.

Councilor Burtis agreed that it was a good day, it was a long day, but it was good that they were able to go to them and be in their place to help them understand a little bit more about what they do and what they need. It was a good day of learning for him. It makes you appreciate what they do and who they are. He thinks that most times they are forgotten until you need them and then you appreciate them. He appreciates the departments working with them on their budgets and he is happy with the results.

Councilor Zambrano said she thought the budgets were very well prepared this year and all of the Chiefs and their assistants made excellent presentations. There were a lot of good changes in the fire departments with the addition of new equipment and they spoke eloquently of the needs; particularly the state-mandated needs for the upgrading of the equipment. They've done a very good job of "holding the line" as far as only requesting what they had absolutely needed and she thinks that they ought to be commended.

Councilor Jennings thought, as Councilor Burtis had said, that one of the best parts of it this year was going out and actually getting a chance to look at the equipment that they have on hand, equipment that they are requesting, equipment that is needed. He said a lot of us are not aware of the life of a fireman's suit, some of the apparatus they use and especially the cost to outfit a fireman.

Councilor Jennings said it was very "eye-opening" and he complimented all the departments.

APPROVE 2013 FIRE PROTECTION CONTRACTS

Supervisor Corl moved the adoption of a resolution to accept the 2013 Fire Protection Contracts as presented. Motion was seconded by Councilor Zambrano.

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

APPROVE 2013 FINAL ANNUAL TOWN OF CICERO BUDGET

Supervisor Corl gave a brief background and stated that they had started the process back in August. They've had three (3) public workshops for board members, they had a public hearing which was held at the last meeting, and subsequent to that there was another workshop between the board members on the 2013 Budget.

Supervisor Corl asked Jim Rowley to discuss the minor revisions that were made and that were incorporated into the final piece.

Jim Rowley said he had neglected to bring that sheet with him, but he said the revisions were very minor and that there were no changes in the Tax Levy or the Tax Rate.

Supervisor Corl explained that there was an overall town decrease in spending and there were just some modifications in moving some money from in the highway department to doing some engineering and everything else was pretty much the same.

Supervisor Corl said overall he believes they gave a great presentation and he had submitted an Executive summary; which shows that our spending is down overall, which is heading in the right direction and a limited use of fund balance which is evaporating year after year.

Supervisor Corl believes it a good solid budget and it provides all the residents with the services that they need and it doesn't compromise that. He's very proud of this budget, although it does call for an increase in the Total Tax. The reason for the increase is based on the fact that we have been collecting only \$6.5 million dollars in Tax Revenue and our budget is \$10 million dollars and there has been a past reliance on the Fund Balance to balance the budget. This year we did exceed the Tax Cap in this proposal, but it is a sound financial plan for the future of Cicero.

Councilor Zambrano said it was a lot of hard work that went into the budget and said the department heads need to be complimented. It's a "bare-bones budget" and she agrees that it's a solid budget and she echoed the sentiment that was already expressed that we have to stop relying on the Fund Balance to balance the budgets; that we can not keep doing this.

Councilor Jennings commented that he would probably be remiss if he didn't pass on his feelings. At the last workshop, there were only two of the councilors in attendance (two councilors were absent). There were changes made, and to echo Councilor Zambrano and other people on this board, that have not had documents presented. He just got the final budget as he walked in tonight and he has not had time to review it and there might be minor changes. He stated that the Final budget does not need to be finalized and voted on until November 20th, and he thinks they blindsided a lot of the residents that came in to speak at the public hearing due to the fact that it was an extremely long agenda. Some of those that wanted to speak didn't speak. So he sat down and he talked to some of the residents, some talked to him and the feeling is why they couldn't set up a meeting and a Final workshop on November 7th. He said to let it be a public hearing as well for those that still have comments and that whether they get accepted or not is immaterial, but they need to hear from the residents, that way they would be able to move forward on November 14th with the final vote. He thinks and he feels that all the Councilors, the Supervisor, the Financial Officer, and those involved in this budget, which is going to carry through 2013, need to sit down together collectively and look at everything that was changed; whether it be minor or major. To him, it is a disservice to push a budget through that he has now had in front of him for approximately 20 minutes. He said that they have the time to look at it, digest it and put a good product out there. He's not disagreeing that it's not a bad budget, but what he is disagreeing with is the way they went about the residents being able to get their full say in.

Secondly, Councilor Jennings said that all the Councilors were not at the workshops to present and talk over the issues, so he doesn't see a problem where they couldn't extend this out and make this a possibility and still vote on November 14th, (which is a week ahead of what they have to have as the final date).

Councilor Burtis said he didn't have a problem with that, but they knew what the changes were going to be. They were changing some lines, and they were very minor changes. They were not

playing around with the Tax Levy at all; they weren't going to change what they were going to bring in. He said what Councilor Jennings had suggested would be alright, if that's how he felt.

Supervisor Corl said he thought as a town that they needed to move forward. They have a lot of issues that they need to address in our Code's office and that we need to adopt this budget; this budget calls for increased staffing over there and they need to move forward with hiring and going through the bidding process. He believes it's a good, solid budget, like Councilor Jennings had said the budget that's in front of them is no different than what they have been discussing. He thinks it's important that this Town Board recognizes the fact that when they started so early, they did it so they could vote on a budget prior to election; he wants to start the trend in the Town of Cicero that we are voting on budgets prior to Election Day. He said that is the way the County Legislature does it and he thinks all municipalities should do that - it avoids the situations that have been experienced in the past and we can set the trend by doing that this year. Voting on a budget before Election Day and avoiding all the games that take place after election with budgets with incoming new boards. Supervisor Corl suggested that they vote on the budget this evening and next year do the same thing - vote on it before election. It doesn't matter win, lose, or whoever is in office, they can't manipulate the numbers for the incoming Supervisor or the Board, that he's seen happen here in the past.

Supervisor Corl stated they had a good budget in front of them, and suggested that they vote on it so that they could move on with the business of Cicero. He said they need to tackle the Codes office, which needs increased staffing and the Justice office, in which there was a resignation this week because there's only person in that office right now.

Supervisor Corl said there was business that needs to be conducted and with this off their plates and with Department Heads knowing full well that there are no jobs at risk and that there is not going to be lay-offs, it's a piece of mind; they can move on with the business of the Town.

Supervisor Corl moved the adoption of a resolution to approve the Preliminary Budget that was presented before the board, with the amendments that have been provided to the board and make that the 2013 Final Annual Town of Cicero Budget. Motion was seconded by Councilor Zambrano.

Ayes - 3 and Noes -2. *Opposed* – Councilor Jennings
Councilor Conway

Motion carried.

AUTHORIZE SUPERVISOR TO SIGN THE DEFERRED COMPENSATION PLAN ADMINISTRATIVE AGREEMENT

Supervisor Corl stated that there was a new Deferred Compensation Plan Administrative Agreement, which was distributed that afternoon by the Comptroller.

Councilor Jennings stated he did not receive one.

Supervisor Corl said if board members need more time they could defer it until after they hold the Executive Session.

ACCEPT C&S COMPANIES PROPOSAL TO COMPLETE ANNUAL ENVIRONMENTAL MONITORING AND REPORTING SERVICES FOR THE TOWN OF CICERO LANDFILL

Ron DeTota stated the proposal was for C&S Companies to provide the Annual Environmental Monitoring and Reporting Services for the Town of Cicero Landfill. As part of the services, they will complete an inspection of the Ground Water Monitoring Well Network that's on site, along with the Landfill Cap system; this would include the Landfill Gas Vent System, the vegetative cover, the drainage swales, and the perimeter fence, gate and access road.

As part of their contract, there's a significant amount (60% approximately), for services by others and that would be the retaining of the Certified Environmental Services Incorporated Laboratory to provide the required collections, samplings and evaluation analysis required by the New York State Department of Environmental Control.

Their services also include the compilation, tabulation of the analytical data, as supplied by CES (Certified Environmental Services), which would include the analysis and evaluation on the ground water, surface water and after monitoring well water locations.

Additionally, as part of the Scope of Services within this proposal, they will prepare and submit the required Annual report to the New York State Department of Environmental Control, that is required as part of the closure plan. Their proposed cost is \$11,200.00 for their services.

Councilor Jennings said he had received a copy. He advised the board, that right now, in the account A81604 Landfill, their unencumbered balance is \$2,431.17.

Supervisor Corl stated that usually they approve the work on this, C&S does the work in December before the snow flies, and they then bill us in the spring. Supervisor Corl stated they did budget for this project for next year.

Ron DeTota stated that was correct.

Supervisor Corl moved the adoption of a resolution to Accept C&S Companies Proposal to Complete Annual Environmental Monitoring and Reporting Services for the Town of Cicero Landfill in the amount of \$11,200.00. Motion was seconded by Councilor Zambrano.

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

AUTHORIZE C.MATTES INC. TO ADDRESS A DRAINAGE ISSUE LOCATED ON AT
9555 BANTRY LANE (COST NOT TO EXCEED \$14,500.00)

Ron DeTota stated that when this area was developed, the approved plans called for grading all of the front and rear yards to the street. Because of this no rear yard drainage easements, nor rear yard drainage facilities were proposed. Unfortunately, this plan was not followed. The lots were generally graded so that the rear yards drained to the rear and the front yards drain to the front; this has created a low area behind the homes involved, with no way for the drainage to get out. Basically what happens is the water from the homes, the gutters, along with all of the backyard areas drain to a low area and it basically sits there until it either evaporates or it's absorbed into the ground itself.

The property owner as 9555 Bantry Lane has offered to provide a drainage easement for this project if it's approved. A Drainage map and description, along with the easement document was prepared by them, at their expense. If the project is authorized a catch basin will be installed at the back of the property, as low as possible, so the system may be extended further if warranted. They have met on site with C. Mattes and he has come up with a price of \$12,000, not to exceed \$14,500; it is a large price for that type of work but with the amount of excavation and the type of the excavation due to the location of the catch basin, also with a small transformer that carries the electrical services for the subdivision and the proximity of where the pipe would be in relation to the house presents a very complicated excavation. But, C&S feels with the barriers that are on the property itself, the price is very reasonable.

Ron DeTota solicited any questions from the Board.

Councilor Jennings stated they had gone through some of the reports, and he did go with Ron DeTota to the property, and the work does need to be done. But, when they went back and looked through the reports from the Drainage Committee, they did not find this as one of those listed in the 284 or anywhere. He asked Councilor Conway if he could shed any light on the issue.

Councilor Conway replied that he couldn't find anything on it when he went through the stuff the day before.

Ron DeTota stated he did have a copy of a memo from Mr. Repko and Mr. Wickman, dated April 21, 2011, that states the investigation at the home itself, what was observed at the time and a possible solution to their situation.

Supervisor Corl stated that they talked about Bantry Lane at the last workgroup that they had held and it was also discussed that the original complaint came in December of 2010. There were field visits going back to the spring of 2011, many times with our engineer and our highway superintendent. At that time, in August of 2011, there was a meeting with our engineer, a resident and there was an agreement per the notes he had that if the resident obtained the easement the project would continue. Granted the fact is that now they have adopted different criteria, but this is obviously a situation where the resident has prepared their own costs for that easement.

Ron DeTota said that was also his understanding of the events and certainly with that commitment, the resident did retain a licensed land surveyor to prepare the necessary easement description, as well as the associated map for that proposed dedication of the drainage easement.

It would not only extend from the street, back to their property where the catch basin would be located, but also along the entire back of their parcel, which would allow the infrastructure to be extended in the future if it was deemed necessary.

Councilor Jennings asked about where it read, "Remove fences, and restore area to previous state", if it is the Town's position that they remove and replace fences or if this was something that was going to be incumbent upon the property owner or proprietaries owners.

Ron DeTota replied that he couldn't answer Town policy, but he could state that the fence itself is just a small, wooden, picket fence and he didn't believe it would take a lot of effort to move and replace it.

Councilor Jennings commented that he did get a Drainage budget update and the unencumbered balance is \$66,000 and some change, so with this they are dropping it down into the \$50's.

Supervisor Corl stated that at the last Drainage meeting, the drainage workgroup agreed that there will be no further meetings, unless on an on-call type basis, for the rest of the year, so he doesn't anticipate any other major projects unless there is something unforeseen. They have been very cognoscente of what they are spending and that they have accomplished a lot with fairly smaller portions of money than they had in the past.

Ron DeTota commented that this improvement would benefit, what he could see, at least four (4) houses; it wouldn't just benefit one property owner.

Councilor Zambrano asked Ron DeTota if he would repeat that the problem in the backyard is that the properties were graded to drain in the back, but there was no escape for that water.

Ron DeTota replied that the approved plans showed that the area to the back of the properties would remain higher than the front. Thus, they'd have the slope going towards the road, where the drainage facilities are located.

Councilor Zambrano asked when the houses were built.

Ron DeTota replied that he thought they were built in 1994, around the mid 90's. What had happened, it appears is that during the excavation of the basements, the fill was not moved outside or properly graded to ensure that the grading did conform to the approved documents. So the house itself was at the high point, which is typically standard on most projects, but when you plan for that and it's approved, you can also provide the necessary infrastructure at the rear yards, so it would adequately convey the water off the properties. The situation that developed here is that it was graded incorrectly, there are areas sloping to the back that have nowhere to go, so the area they only rely upon is the soil itself. A lot of soils out there are clay variety; they don't have the ability an to absorb a tremendous amount of rain fall, therefore the water stays standing, stagnate and becomes very problematic for the residents to utilize their use of their lawns. On a more severe storm, what would happen during a significant rainfall event, the rain would fall and collect and actually pond to have reached an overflow point, somewhere along the perimeter, that at that point would flow out onto the street. From there it could get to a depth of a couple of feet, which certainly then becomes a little more than problematic; it can potentially impact the structure itself will carry up the back to become threatening to the homes.

Councilor Jennings stated with the history of the complaint, it says "Long term standing water in these yards has become a serious problem". He would assume if it is a serious problem back then that it should have been taken care of before now. It probably would have been done a lot cheaper, given the costs of materials and labor today. However, the original complaint came out of Clarecastle Path and it addressed a swimming pool. This was back in 2010, and they are just now addressing the issue.

Councilor Burtis wanted to clarify that the first complaint was reported May 5, 2008; that was 9555 and then they start with the 9553. They do have pictures of massive amounts of water; not small.

Councilor Burtis stated they were handling issues today from all kinds of administrations in the past.

Coucilor Zambrano asked Ron DeTota if pipe was to be laid, to install a catch basin to connect to the existing catch basin and the cost estimate provided would all be going to C. Mattes.

Ron DeTota replied that was correct.

Councilor Conway said he received information that night and it went back to 2008. He commented that it should have been followed up on.

Supervisor Corl said it is a lot of money, but what struck him was that on August 5, 2011, there was a meeting out there with the town representatives and the resident, stating specifically that if the easement is given, it will cost the resident about \$600 to \$1,000 and that if that was done the project could continue. The neighbor went out and got the easement and they are now at a point where they had made an obligation and the resident took the effort to get the easement.

Supervisor Corl commented that he felt they should move forward on this.

Councilor Conway moved the adoption of a resolution to Authorize C. Mattes Inc., to address a Drainage Issue located at 9555 Bantry Lane at a cost of \$12,000.00, but not to exceed \$14,500.00. Motion was seconded by Supervisor Corl.

Ayes – 4 and Noes - 1. *Opposed* – Councilor Jennings

PURCHASE APPROVALS FOR YOUTH BUREAU, PARKS & RECREATION

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

- A. \$1,800.00 to Lumberjack Tree Service for the removal of three dead trees and grind stumps at William Park
- B. \$1,296.00 to Burdick Chevrolet to replace flywheel and starter on 2002 Chevrolet Dump Truck (including parts and labor)
- C. \$1,008.00 to Brown Excavation for fill at William Park

Motion was seconded by Councilor Conway.

Ayes - 4 and Abstain – 1. Abstained – Councilor Burtis
Motion carried.

Jerseys

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

- D. \$900.00 to Papa Sports for additional Jerseys for Youth Basketball, due to increased Registration

Motion was seconded by Councilor Zambrano.

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

Accept Resignation & Staff Appointments

Councilor Jennings moved the adoption of a resolution to accept the resignation of Chris Chirinos as Center Monitor (Recreation Attendant) at the CanTeen effective October 19, 2012 and the following staff appointments:

Heather Arndt, 4924 Rt. 31, Clay – (Replaces C. Gilbert)
Dave C. Kerwin, 3002 Gulf Rd., Manlius – (Replaces C. Gilbert)

Hire Title: Recreation Attendant (Center Monitor at the CanTeen)
Hire Rate: \$10.00/hour (20-25 hours per week)
Hire Date: October 22, 2012

Motion was seconded by Councilor Conway.

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

PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis moved the adoption of a resolution to approve the following purchase approvals for the Highway Department:

- A. ITEM: 8-13 hole rubber edge plow
VENDOR: Oswego Tool and Steel
AMOUNT: \$3,224.00
ACCOUNT CODE: DB513046

Motion was seconded by Councilor Conway.

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

POLICE DEPARTMENT

Change Pay Rate for Officer Brian Fortino to \$16.52 per hour consistent with the current bargaining agreement effective October 13, 2012

Supervisor Corl moved the adoption of a resolution to change the pay rate for Officer Brian Fortino to \$16.52 per hour consistent with the current bargaining agreement effective October 13, 2012. Motion was seconded by Councilor Zambrano.

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

JUSTICE

Staff Appointments

Supervisor Corl moved the adoption of a resolution to hire Lee Mazi for part time Clerk I (Justice Office) at a rate of \$14.00/hour, commencing October 22, 2012. Motion was seconded by Councilor Jennings.

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

DISCUSSION ON SUSTAINABLE DEVELOPMENT RESOLUTION

Supervisor Corl stated that prior to the Town Board Meeting there was a presentation held. During the session, many Legislators discussed their discontent with the plan about the various uncertainties in the plan; some of the language infringements on Home Rule, and impact on development, and impact on landowners within our community, and home building were just a few of some of the minor issues that were discussed.

Supervisor Corl stated he had a proposed resolution that he circulated to the board members that afternoon and he's hoping that they will get a chance to look at that and provide feedback between now and the next meeting so they can pass a resolution that's consistent with what our community needs in a long-term plan for the County; one that does not adversely affect landowners, homeowners, farmers – if they want to sell their property, ones in which they can hook up into the sewers. One of the things that he is proposing is that the County takes a countywide investigation as to our sewer systems and whether or not they are near capacity, and look at the infrastructure, because they use that as a point to say there should be no further hookups to these sewers.

Supervisor Corl stated he wants to wait and see before they adopt a Sustainable Development Plan, to take a look, do that first, and then go into what they are proposing and have further discussions on it. He is hoping that the Board will provide input into this.

Supervisor Corl solicited any board comments.

Councilor Jennings asked if they would have the sewer study done by the next meeting.

Supervisor Corl stated what he would like to do is a pass a resolution asking them to do a Sewage study before they take any action on this plan and hopefully they will be able to get the County Legislators involved with this and work together on it.

Councilor Burtis commented that he felt it was a good start to a serious challenge to the Town from the County.

Councilor Zambrano commented that she concurred with Councilor Burtis' sentiment.

DISCUSSION ON VOLLMER CREEK BRIDGE

Ron DeTota stated that he had handed out two (2) photos for the Board's review, and for those who had not had the benefit of going out to the site. At the request of the highway superintendant, they were asked to go out and take a look at the bridge that crosses Vollmer Creek on Beach Road.

He referred to some photos he had and said that what they found was that there are two longitudinal cracks; the one is a narrow crack that goes the entire length of the bridge that is not as visible from the standing back photo that shows the whole bridge. He stated that on the other photo, one could see the magnitude of the crack that is considerably larger.

Ron Detota stated that what they had and presented to the board, at the request from the highway superintendant, is their proposal to provide services to inspect the bridge. Their concern is that with the crack the way that it is, just what through time has gotten in and has had the opportunity to erode the foundation, (the sub-base that supports the bridge), that certainly is the primary concern. During winter and salting operations, the salt used in the treatments of the roads to eliminate the snow and ice, seep in and thus have the potential to corrode the steel that provides the support for the deck itself.

Supervisor Corl addressed Councilor Conway who had gone to that area with Councilor Jennings, who perhaps had some temporary measures or fixes.

Councilor Conway replied that there were two other cracks also, that were towards the lake, very close to the outside of the bridge. He stated that they wouldn't want more salt getting in there this winter. He suggested that they do something with it now, one way or the other; maybe take a target saw to cut them out and fill them with an epoxy for the winter.

Ron DeTota agreed that there certainly was cracks and that they should take a further investigation of the structure itself, to hopefully if there is something that needs to be addressed, to address it before it escalates into something and it becomes far more costly.

Ron DeTota gave his perspective as for a repair of a concrete bridge deck and everything else; they could be running up to the cost of approximately \$250.00 a square foot on the repair of a structure like that, depending on the deterioration and the condition of the structure itself.

Councilor Conway commented that they should start dropping the lake next week and also, that they should fill the center one with something and maybe the other one they cut it and fill it with epoxy.

Ron DeTota said he would contact the experts at C&S to put them into contact with them to come up with a solution for this item.

Councilor Burtis asked if they had any idea how long the big crack has been there.

Ron DeTota replied that he did not, that it was brought to their attention by the highway superintendant.

Councilor Conway said he noticed it on his way home, after leaving the last town board meeting. The headlights hit and he goes over it two or three times a day and he never noticed it before.

Councilor Jennings said he spoke with Councilor Conway that day, and he did go out there with Ron DeTota. They did find a date on the bridge, which was 1994. He said it wasn't major, and it didn't look like that it had been there that long. He agreed with Councilor Jennings that maybe the epoxy could work for now.

Supervisor Corl thanked Ron DeTota for bringing it to their attention and investigating it.

Councilor Conway questioned if according to their letter, C&S wants \$3,500.00 to go out and do the basic service on it.

Ron DeTota replied yes. That those services would be the inspection by a licensed professional engineer that specializes in bridge design and repair. They would prepare a letter report to the board, which will include a condition assessment of the bridge itself, their recommended repairs to the bridge (depending on what the condition assessment showed), along with the preliminary estimate of the construction costs for the necessary bridge repairs and the estimate of engineering services for the preparation of the bridge repair contract documents.

Councilor Conway stated he wanted to make a motion that they approve the \$3,500.00 to see what they have to do to at least get them through the winter.

Councilor Jennings asked if they wanted to do that or table this until Ron DeTota gets back to them from C&S, and maybe they can save \$3,500 and put more epoxy in.

Ron DeTota advised them that the one crack is very big and very noticeable. He said he wouldn't lose sight of just trying to do a better evaluation to determine cause and possible effect with that and that they would have to wait anyways until the level of the lake subsides because the water level is pretty high.

Supervisor Corl asked what the minimum amount of time was that they'd have to wait.

Ron DeTota stated it would be a minimum of two weeks, probably.

Councilor Conway said that normally on the 15th they start dropping the lake, so in about a week's time they have it down about 1 to 1 ½ feet.

Supervisor Corl suggested they table this until the next meeting. He would like to go out there with Chris Woznica and encouraged the other board members to go out and look at it also.

Councilor Conway withdrew his motion.

EXECUTIVE SESSION

Supervisor Corl moved for the adoption of a resolution to enter into Executive Session to discuss a proposed, pending or current litigation pursuant to Public Officer's Law, Section 105. Motion was seconded by Councilor Jennings.

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

The meeting adjourned into Executive Session at 7:41 p.m.

Supervisor Corl stated a motion was made by Councilor Zambrano and seconded by Councilor Burtis to reenter into Regular Session.

The meeting reconvened to Regular Session as 8:10 p.m.

DESIGNATE AFFORDABLE BENEFIT CONCEPTS INC. AS THE BROKER FOR THE TOWN'S HEALTH INSURANCE

Councilor Burtis moved the adoption of a resolution to designate Affordable Benefit Concepts, Inc. the broker of record for our health insurance effective November 1, 2012. Motion was seconded by Councilor Jennings.

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

AUTHORIZE SUPERVISOR TO SIGN THE DEFERRED COMPENSATION PLAN ADMINISTRATIVE AGREEMENT

Supervisor Corl moved the adoption of a resolution to authorize the Supervisor to Sign the Deferred Compensation Plan Administrative Agreement. Motion was seconded by Councilor Jennings.

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

PUBLIC INPUT

Bill Adams, Ferstler Rd. asked for an update on the case involving 7199 Ferstler Rd.

Supervisor Corl replied that he had spoken with our Codes Enforcement Officer and that the 30 days had expired. He had also spoken with our Attorney, Mr. Germain and they are taking action against the property owner.

Mr. Germain stated that this case is still in litigation and could not comment on the exact nature of the case except that the 30 days had expired and they were trying to take the necessary steps to enforce the Town code.

Ray Shader, 7286 Bridgeport-Minoa Rd. asked the Board if there was extra money in the Drainage budget and he asked to have his backyard drained, would it be possible to have that approved.

Supervisor Corl stated that the previous administration had made an obligation regarding this matter and he felt that they had an obligation to uphold this request.

Mark Venesky asked about the property at 9555 Bantry Lane. That development was built in the early 90's. He felt that moving forward the Engineering firm needs to be held accountable. That development was built in the early 90's. He felt that moving forward the Engineering firm needs to be held accountable.

A resident stated that back in 1983 they discovered that they had a drainage problem in their side yard and they hired a contractor to come out and fix the problem. Also, it was asked of the Board what item on the agenda was discussed in Executive Session.

Supervisor Corl replied that it was currently pending litigation and it qualified for Executive Session.

Tim Murphy, Noel Road, asked how much the increase was on the taxes and also how much the bonding was for.

Supervisor Corl replied that the increase in taxes was 5.5% and the bonding amount was \$600,000.00. Also, Supervisor Corl stated that the budget for the road projects is \$800,000.00. The bonding portion of that is \$650,000.00.

Tim Murphy also had the following presentation for the Board:

CICERO TOWN BOARD**10/24/2012**

This is the third in a trilogy (9/12)-(10/10) & (10/24/12) on sustainable development.

This program will do little to break the cycle of intergenerational poverty in the cities.

This is becoming a public health safety issue for folks made more desperate. Please just say no to this abusive corruption of the local planning process.

"I place economy among the first and most important virtues and public debt as the greatest of dangers ...

We must make our choice between economy and liberty, or profusion and servitude. If we can prevent government from wasting the labors of the people under the pretense of caring for them, they will be happy."

Thomas Jefferson

Thank you for your time, *Tim Murphy*
5806 Noel Road

Cicero, NY 13039

A resident had questions regarding 9555 Bantry Lane. He stated that we did not have a drainage easement there and why would we allow residents to put up fences or pools back there without an easement. He wanted to know who performed the work at this location.

Ron DeTota stated that Charlie Mattes provided the estimate and that he was comfortable with his estimate for the work to be performed.

The resident questioned what work was going to be done at Cobblestone Apartments that had started 3 years ago.

Supervisor Corl asked the resident if he wanted to sit down with the C & S Engineer, Doug Wickman, Chris Woznica and himself to discuss the work that has been done to divert the water from Griffin Road.

The resident noted that he was aware of the crack on Vollmer Creek Bridge and suggested that we ask for shared services with the Onondaga County Engineers to have them come and look at this problem.

The resident wanted clarification from the Supervisor regarding the Town budget. He stated that they had dedicated \$800,000 to repairing the roads and asked if because they were only going to bond for \$650,000, if that meant they are taking more money out of the fund balance to cover the \$150,000 difference.

Supervisor Corl replied that they weren't. When they sat through the budget workshops, there was Judy Boyke stated that Supervisor Corl made the comment that he needed to pass this budget before elections and because there were problems in the Codes Department. She stated that Supervisor Corl created these problems by eliminating a position in that department and then hiring 2 part time people for that department. She stated that he cannot place the blame. The problems with that department were there for many years. She felt that it was appalling that Supervisor Corl was not even able to tell them what the changes were. She wanted to know what the percentage increase of the tax levy was.

Supervisor Corl stated 5.5.

Judy Boyke wanted to know where the money went when the brush contract was renegotiated.

Supervisor Corl stated that that money went into the Refuse/Brush account and would be applied towards next year's levy.

Judy Boyke stated that to all who voted on this budget; she is sure that they will be upheld to it. different ways to reallocate money in the budget to make up the difference.

Councilor Burtis stated they were able to save money in the salt budget and in overtime and they just kept it in highway.

Judy Boyke stated that in 2009 when the Budget final public hearing was held in Brewerton and she was about to take office along with Jessica and Lynn, that was quite a production that was done. Mr. Beaulieu spent almost 2 hours going line by line making requests and as his requests were asked, they were granted.

Lori Sager, Cicero, New York talked about Agenda Item #17, the Sustainability Development Resolution. She felt that this got glossed over without any discussion in front of the populous in the room. She had prepared some information for the Board on what the impact on each county, each state and our nation would have if any portion of this plan was approved. She felt that the Town Boards who have the power to fight this have done nothing. She provided the Board and some of the people in the audience a synopsis of Agenda 21. She felt that a lot of towns rolled back and allowed the City of Syracuse to keep the sales tax money that belongs to us. Because we don't have that money, we're impacted on our budgets. She said to this Board and Board's to follow that they should stand up against our government and the City of Syracuse and tell them to just keep their own ideas back where they belong and take care of themselves.

The following link is available for those interested in reading a copy of Agenda 21 and it is also available in the Cicero Town Clerk's Office.



Sustainable - Agenda 21

Councilor Burtis asked Neil Germain, in regards to the sales tax, what would happen if the Town stood up against Onondaga County if that was our choice as a Town.

Neil Germain stated that the Town of Cicero did not have a choice in the matter. That was decided at the County level. The Town had no input to effect that legislation. The Town of Cicero did not have any legal right to say, why not just give our tax money away. The Town was not given a vote or a choice.

Councilor Jennings commented that it was similar to the Racino issue.

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 8:54 p.m.

Tracy M. Cosilmon
Town Clerk

UNAPPROVED