

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

THIS MEETING FOLLOWED IMMEDIATELY AFTER THE 2011 PRELIMINARY BUDGET MEETING

SS:

The Cicero Town Board held their regular meeting on Wednesday, October 27, 2010 2010, at 7:06 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
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Pamela Williamson, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Brenda Colella, Town Attorney
Ronald DeTota, II PE, C & S Engineers
Catie O'Toole, Post Standard
Maranda Pennock, Star Review

Absent:

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve the minutes of the October 13, 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

Town Clerk

Tracy Cosilmon informed everyone that due to the fire at the Bellewood Baptist Church, the polling site for **Districts, 3, 7 and 14** will be held at the Spinning Wheel Restaurant, 7384 Thompson Road, North Syracuse, NY 13212, behind the restaurant at the Clam Bake Banquet Hall. The Polls will be open from 6:00 a.m. until 9:00 p.m.

Tracy Cosilmon asked for a town board resolution to change the scheduled Town Board Meeting for November 4, 2010, to Wednesday, November 10, 2010 at 7:00 p.m.

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize that the Regular Town Board Meeting be re-scheduled for Wednesday, November 10, 2010.

The motion was approved as follows:

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

Highway – None

Police – None

Comptroller

Shirlie Stuart announced that there will be a Final 2011 Budget Workshop on November 8, 2010 at 4:00 p.m. at the town hall.

Park & Recreation - None

Assessor – None

Engineer - None

Zoning

Wayne Dean asked for approval for IQS to scan 12 boxes of materials and permits from the Zoning Office for an expenditure of \$3,500.00.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an expenditure of \$3,500.00 for IQS, to scan 12 boxes of materials and permits from the Zoning Office.

The motion was approved as follows:

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

Wayne Dean asked for approval of an expenditure of \$1,195.00 to General Code Publishers to update their e-code which is the annual maintenance expense.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$1,195 to General Code Publishers, to up date the Zoning Office e-code which is the annual maintenance cost.

The motion was approved as follows:

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

Engineer - None

Attorney - None

Tax

Sharon Edick reminded everyone that November 1st, 2010 is the last day to make school payments to her office at a 2% penalty.

APPROVAL OF ABSTRACT #20 OF 2010

Motion was made by Ms. Zambrano, seconded by Mr. Corl, to approve Abstract #20 of 2010 as follows:

General Fund	Voucher #1995 to Voucher #2090	In the amount of \$360,169.00
Highway Fund	Voucher #560H to Voucher 595H	In the amount of \$ 93,707.39

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 Mr. Jennings, seconded by Mr. Conway, to approve the following budget modifications as follows:

Budget Modifications – 2010
 Board meeting 10/27/2010

AMOUNT	FROM CODE	TO CODE
\$ 592.00	A50104	SUPT OF HIGHWAYS
\$ 412.00	A16802	EQUIPMENT
\$ 11.42	A677245	MISCELLANEOUS – SENIOR
\$ 57.50	B312050	CAMERA SUPPLY
\$ 4,359.83	B90408	WORKERS COMP
\$ 174.00	B90408	WORKERS COMP
\$ 250.00	DB513051	CHIPPER/REPAIR
\$13,273.00	DB511041	EQUIPMENT RENTAL
\$ 820.05	SD85404 0400	CONTRACTUAL
\$ 500.00	A711045	IMPROV/REHAB
\$35,000.00	DB511242	ROADSIDE DRAINAGE
\$35,000.00	DB511045	TYPAR/PIPE
\$ 2,000.00	A50104	SUPT HIGHWAY
\$ 250.00	A677245	MISCELLANEOUS
\$ 7,500.00	A10104	CONTRACTUAL –TB
\$ 1,234.00	A51324	GARAGE
\$ 266.00	A50102	SUPT – EQUIP
	A33104	TRAFFIC CONTROL
	A168043	COMPUTER SOFTWARE
	A6772471	CLEANING
	B312052	COMM POLICING MATERIALS
	B19304	JUDGEMENTS AND CLAIMS
	B90808	TEAMSTERS LEGAL
	DB513055	HWY MACHINERY
	DB19304	JUDGEMENTS AND CLAIMS
	SD19304 0400	JUDGEMENT AND CLAIMS
	A711041	VEHICLE OPERATION
	DB511255	PAVING
	DB511255	PAVING
	A33104	TRAFFIC CONTROL
	A677240	PROGRAMS \$100.00
	A677242	SUPPLIES \$150.00
	A11104	JUSTICE CONTRACTUAL
	A33104	TRAFFIC CONTROL
	A50104	CONTACTUAL

The motion was approved as follows:

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

SET REFERENDUM DATE FOR EVA CIRCLE LIGHTING DISTRICT

Judy Boyke explained that since the last town board meeting on October 13, 2010 a petition with the required number of signature was filed requesting a referendum on the expansion of the Eva Circle Lighting District. She believed that this is the first time in the history of the town, that there will be a vote for the lighting district. On December 13, 2010, David Hess from National Grid will meet with the residents of Eva Circle to explain and answer any of their questions regarding cost and positioning, and type of lighting. All of the residents are going to be notified via letter of that date. The date is going to be set for December 29, 2010 at the Town Hall from 2:00 p.m. to 8:00 p.m. for those residents to vote by paper ballot, so that this is all taken care of in 2010.

Mr. Corl asked Brad Brennan if this were approved will those folks have the ability to have those lights installed next year.

Brad Brennan – No, that would be too late. If it were finalized in the month of November, we could have it on the January tax bill, so that we could fund the installation for 2011. Because of the late date of the vote, it will not be able to be on the tax bill until January 1, 2012.

Shirlie Stuart stated that the 49 units have been increased.

Brad Brennan – It was increased, but, it was in anticipation of everything going through. However, I don’t think legally, we would want to leave those on because if the vote is negative.

Shirlie Stuart – I think that we agreed that upon leaving them on if, the vote does go through, we’ll have the money to install next year so that the residents will have lights. If not, I believe we will have a correction of errors.

Brad Brennan – If you wish to do it that way, sure.

Shirlie Stuart stated it should be the way to do it because we're so far behind now.

Brad Brennan – Absolutely

Ms. Boyke also agreed as they have already waited for a year. If this does pass, the money will be available and if it isn't, we will have to take the initiative on this as well.

Ms. Zambrano asked if that would be in the form of a refund.

Ms. Boyke – Yes

Motion made by Judy A. Boyke, seconded by Mr. Jennings, to (1) hold a referendum, pursuant to Town Law Sections 91 and Section 209-e, at the Town of Cicero Town Hall, 8236 S. Main Street, Cicero, New York, on December 29, 2010, with polls opening at 2 p.m. and closing at 8 p.m., to determine whether or not to approve the expansion of the Eva Circle Lighting District, and (2) to invite David Hess of National Grid to hold a special informational meeting at the Town of Cicero Town Hall, 8236 S. Main Street, Cicero, New York, on December 13, 2010 at 6:30 p.m. to answer any and all questions regarding the proposed expansion of the Eva Circle Lighting District.

Discussion:

Sharon Edick stated that there was a statement made about correction of errors and Ms. Zambrano asked if there would be any refunds. Refunds are only to whoever made the payment, i.e., if it comes from a bank, it goes back to the bank. If not, then it goes back to the homeowners. The money will go back to an escrow account, or if a person pays it personally, they will get it back.

The motion was approved as follows:

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

ADOPT A RESOLUTION TO SET A PUBLIC HEARING TO ABOLISH THE TOWN OF
CICERO POLICE DEPARTMENT

Discussion:

Mr. Corl asked Ms. Boyke to give a little history about this.

Ms. Boyke stated that the public hearing to be set is due to a number of individuals who asked for this and that wish to pursue abolishing the Police Department. We have received the figures from the County Executives Office and in order to go forward and give the public the opportunity to speak and make the decision for the residents of the town the public hearing has to be set for the local law and that the local law has to be established first. Once the local law is established, through the public hearing and it is recommended by the town board that we will proceed forward with a permissive referendum where the town residents of the Town of Cicero will have the opportunity to vote for and keep the Police Department or to vote against and to abolish the Police Department. That will be the only ballot and there will be nothing else on the ballot at all. This has been a long time coming. At the public hearing, costs, saving and service will be discussed. I personally said before and I will continue to say, that I will not put a cost or a price on the safety in the town. It is important for the residents of the town to have the opportunity to make this decision. It is not up to the town board.

Mr. Corl – I sat on the Police Committee over the summer and they did a lot of work. Through the committee process this was one of the committee's options that was considered, as opposed to a formal recommendation. There was a lot of confusion and I received phone calls as to what this actually meant. It is not merging with the Sheriff's Department or that our officers would become Sheriffs. This would be a situation where the Town of Cicero Police Department would no longer exist and we would not be contracting with any services with the Onondaga County Sheriff's Office. There is a distinction between the two and from what Clay did and what is being proposed here and what this public hearing will encompass.

A resident asked what a permissive referendum is.

Tony Rivizzigno explained that a referendum is a vote on a proposition and this proposition would be to abolish the Cicero Police Department. The word permissive referendum comes from town law. When you abolish a department, it is subject to permissive referendum and any referendum that is a permissive referendum can be made a mandatory referendum by the Town Board, which is what the board intends to do.

Ms. Zambrano – This local law will speak to abolishing the Police Department. If that vote were to proceed, to abolish, that does not preclude the town from approaching the County to contract for services with the Sheriff's Department.

Tony Rivizzigno – That's correct, assuming that the town board voted to abolish the Police Department and there was a referendum and the referendum passed, the Police Department would be abolished and you could do what ever you wanted to after that. You could contract with the Sheriff's Department, as Salina does. You could contract for certain services, but, it's only after the process is over.

Ms. Zambrano – If the vote were to come to abolish, when would that become effective?

Tony Rivizzigno – Immediately, as soon as the vote to abolish, is taken and certified.

Mr. Corl – I think between now and the public hearing and after the public hearing there should be more forums and informational sessions as to what would in fact happen at that point.

Tony Rivizzigno – That is correct. There will be a public hearing for the adoption of the local law but, between that adoption and what ever date that is, the referendum won't be held for 60 to 75 days, so you would have roughly two and a half months to continue information to the public before the vote is actually taken. I think there will be discussion at the meeting to adopt a local law, but, I think there will be even more discussion after that. The town can hold informational meetings on that as well.

Motion made by Ms. Boyke, seconded by Ms. Zambrano, to set December 8, 2010 at 7:00 p.m. at the South Bay Fire Department, 8819 Cicero Center Road (corner of Lakeshore Road and Cicero Center Road), Cicero, New York, for a public hearing to consider a local law abolishing the Town of Cicero Police Department pursuant to Section 150(4) of New York State Town Law, subject to a referendum of qualified voters within the Town of Cicero at a special election held within the Town as provided by law.

The motion was approved as follows:

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

AUTHORIZE SUPERVISOR TO EXECUTE AUTHORIZATION TO ALLOW THE
REQUEST APPLICATION TO BE MADE ON BEHALF OF POLICE CHIEF JOSEPH SNELL
FOR A 211 WAIVER THROUGH NYS

Ms. Zambrano requested that the request be tabled for the time being. I have concerns about the canvassing that was conducted by the town. I have concerns that some of the actions in the statement have been inconsistent. I believe that there is no hurry for us to act on this waiver. Civil Service has advised that Chief Snell's status has not yet been certified, so there is no hurry. I think that we need some more discussion and I would like to look at the canvassing process a little better. I think there are some discrepancies and as I said, some of the statements made and actions made, have been inconsistent. I think we need a little bit more time to study this issue.

Mr. Corl – In the passed we have always had an opportunity to provide information to the State, to allow Chief Snell's waiver to go through, as provided by NYS Law and the fact that there is no cost to the town. In fact, per his contract there are no contributions to the town for the pension, which would be entitled to other employee's of the town. I don't see a problem in authorizing the Supervisor to move forward and to execute the necessary documents to proceed with the waiver.

Mr. Conway – I think that regardless of what happens after the meeting at South Bay, this should be done now.

Mr. Corl – Ultimately, the State is the one who grants the waiver or not. The town only proceeds on a procedural basis.

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize the Supervisor to execute the necessary paperwork requesting that an application be made on behalf of Police Chief Joseph Snell for a 211 Waiver through NYS.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Abstain
Ms. Zambrano:	No

Discussion:

Mr. Corl asked for clarification on reasons to abstain from votes. Was that an adequate vote by Mr. Jennings?

Mr. Rivizzigno – I don't believe that there are grounds for abstention unless there is a specific reason to abstain, and I don't know of any. I don't think you can just abstain.

Mr. Jennings – I would like to point out that in the past I sat on the Chief's advisory committee and I had information on other items relating to this issue. I have talked about it and for that reason, I am abstaining.

Mr. Corl – I have sat on the board for a number of years and have had discussions with Chief Snell about the waiver and I do not see where it is a conflict.

Continuation of the vote:

Mr. Corl:	Yes
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Discussion:

Ms. Boyke stated that before she votes, she would like to clarify that she follows the specific instructions for all of the process in regards to the waiver for Chief Snell. Because this was obviously the first opportunity to do this, I was under the guidance and followed all of the procedures in which I was told were proper, along with my secretary.

Continuation of the vote:

Ms. Boyke:	Yes
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RESOLUTION REGARDING HEALTH INSURANCE BENEFITS FOR INCOMING TOWN OF CICERO JUDGES

Ms. Boyke explained that with Judge Putzer retiring and with the position being filled with a new Judge and the fact that they are considered part time, that the insurance benefits are not part of their benefits provided by the town, therefore, we are making a recommendation that as of this day forward, with new Judges coming on board, there will be no benefits provided.

Mr. Corl explained that this is something that the board considered last year in an effort for costs savings by not providing Health Insurance benefits for the Town Judges, but, as the law dictates, you can't change a Judge's compensation in the course of his or her term. So, it would be the appropriate time, given the fact that Judge Putzer is retiring as of December 31, 2010, that whoever the new Justice would be, will no longer be entitled to that benefit and that position would be considered part time. However the current sitting Judge, would not lose the compensation which is in the form of a credit or a lump sum payment. That can not be modified.

Tony Rivizzigno – Yes

Ms. Zambrano asked if one Judge was receiving health benefits and if the other is not?

Tony Rivizzigno – No

Mr. Corl – He receives a once a year lump sum payment which I believe is \$1,000.00 for not accepting Health Insurance.

Tony Rivizzigno – That is part of his compensation, so we can't change that.
 Motion was made by Mr. Corl, seconded by Mr. Jennings, to adopt a resolution making the Judges position part-time, and that any incoming Town Judges will be considered part-time employees and will not be entitled to receive Health Insurance benefits from the Town of Cicero as follows:

The Town Board of the Town of Cicero, duly convened in regular session, does hereby resolve as follows:

WHEREAS, due to the current economic circumstances and budget concerns, the Town has determined it is not necessary in the best interest of the Town to provide health insurance benefits to Town Justices as they are considered part-time employees; and will be considered part-time employees as of December 31, 2010.

WHEREAS, the Town Board cannot change the compensation of the Town Judge during the course of his or her term and it will become effective at the end of this year for the vacancy which is being created.

The resolution was adopted as follows:

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

YOUTH BUREAU, PARKS AND RECREATION PURCHASE APPROVALS

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure not to exceed \$3,200.00 each, for John Haas and Gary Dembkowski to provide basketball instructions, Budget Code, B7020.44 to be reimbursed via fees.

The motion was approved as follows:

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

APPROVAL FOR WING PERSONS FOR HIGHWAY DEPARTMENT

Chris Woznica provided the following list of Wingpersons for 2011 as follows: Those names with the asterisk are new applicants.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the following list of wing persons for the Highway Department as follows.

David Abby, Wayne Alexander, William Abbey, John Coon, Brad Cretaro, Michael DeFuoco, Donald DeVaul, Thomas Devine, Harvey Elderbroom, *Michael Ferstler, Brian Garvey, Steven Gibbs, Tom Goettel, *Ronald Harrington, Robin Henderson, Scott Herrmann, Allan Hogan, Brandon LaDue, Ian LaRochelle, Anthony Leonard, James Lottermoser, Julius Mautz, Laura Mayers, Nathan Mayers, *Michael McArdell, Richard McLaughlin, Donald Miller III, Chad Mutter, Samantha Nadeau, Jeff Piagentin, Nicholas Price, Ronald Reardon, * Craig Reles, *Robert Salanger, *Robert Seckner, Randy See, *Ray Slate, TJ Taylor, Roger Ventre, David Werbeck, *Frederick West, Terry Wicks, Jr., Brett Wood, Frederick Woznica, Pamela Woznica, *James Wysocki, Carlton Zech

The motion was approved as follows:

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

Ms. Zambrano stated that when this board was new last winter, we talked about establishing an anti- nepotism policy in the town. One of the reasons for that is that there are a lot of people with the same name with relatives working for each other. We got the anti-nepotism policy from our legal department in March and that policy has languished. I am disappointed that we haven't addressed this policy and I hope that sometime in the future we will. I think in the interest of good government and transparency, this organization adopts an anti-nepotism policy. It's good business to do this and good government to do that.

Chris Woznica – If the board wishes, as I don't know what your anti –nepotism means, but, is it going to mean, all of my employees and their wives and sons and daughters, or is it just mine. If it is just mine, you can remove both my brothers and my wife at this time. I have no problem with it. I don't want to play any political games here.

Ms. Zambrano – It's not just your family.

Ms. Boyke – There was a request to have a discussion and proceed with the anti-nepotism policy and I was prepared to do that, but, I do recall Jessica, receiving an e-mail asking that it be removed from this agenda.

Ms. Zambrano – That was only because you said, we had a very busy agenda. I didn't realize we would be considering the wing people tonight. Had I known all of that, I wouldn't have made the concession. I did ask that it be put back on the agenda and it was not.

Ms. Boyke – I guess, I didn't receive the last e-mail, but, it will certainly be put on the agenda for the next meeting.

Mr. Jennings stated that he did see the ad in the paper which was a good size ad but, he didn't get a chance to sign up.

HIGHWAY DEPARTMENT PURCHASES (milling, paving crew & equipment)

Motion was made by Mr. Conway, seconded by Ms. Boyke, to authorize an expenditure of \$35,000.00 to Lan-Co Paving for millings, paving crew and equipment, Account Code DB511255.

The motion was approved as follows:

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

(Various tree removal)

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$2,925.00 for Sam's Native American Tree Service to remove various trees in 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

Ms. Boyke stated that there will be an Executive Session this evening but she would be entertaining the public input portion of the meeting first.

PUBLIC INPUT

Malita asked that the camera's to be turned off your recorder and stated that people feel uncomfortable and are anxious about getting their feelings out, but, have been told to speak up, or look over here or talk into this tape. I don't think it's fair to the public. I don't think we should be heard from the side lines, it's very uncomfortable.

Mr. Jennings stated that he wished to defer to the town attorney as he didn't think there was a reason for anyone not to tape or audio this proceeding.

Tony Rivizzigno – That's correct. As a matter of fact, after April of next year you have to allow it. There is no prohibition to taking photographs.

Malita – Does that mean we have to answer to a third party?

Ms. Boyke – No, you would speak to the board.

Ed Zaluski, stated that there was an article in the Post Standard this morning. Initially, the cost to consolidate the Police Department was going to be ½ million dollar. At another meeting they jumped it up to ¾ million dollars and after every meeting we seem to be worth more and more. Now we're up to 2 million dollars. It seems as though at every meeting we have the same questions. I am definitely not in favor of consolidation and at every meeting we are getting different figures.

Gloria Hamilton stated that she had something that was upsetting to her, but wanted to state that she supported Chief Snell and his officers and is 100% behind them. On October 21st, she received an e-mail through her internet server that had to do with Judge Bertrand. It came through her internet server where she gets e-mails from e-policing and that she doesn't use that e-mail service for anything else. On October 6th, 2008 she gave it to e-policing because her AOL service was not accepting e-policing mail and has been using her server to provide her service to her internet. The only people who use it is e-policing, so she felt that her e-mail was compromised and was given to a Democratic candidate and she as a registered Republican objects to that. She asked that this be addressed by the Town Board as to how her e-mail address is associated with the Democratic ticket and wanted an answer in writing from the Town Board and didn't believe anyone in the Chief's organization gave out her e-mail. Someone has made access to this e-mail.

Ms. Boyke stated that Gloria was the second person today, that she has received this information from. As I said, I personally, have no idea but, if it's possible for me to find out, I will.

Gloria explained that she had worked for Verizon and they didn't give out her e-mail, so someone in the Town of Cicero has accessed your data base and has given out my e-mail address to a party that she isn't affiliated with. She was upset that it was showing up in her e-mail address used for e-policing only.

Chief Snell explained that he received an e-mail on Saturday regarding the same incident. We immediately began an investigation. We believe we will have an answer very shortly how this may have occurred. He has spoke with Judge Bertrand immediately after he received the phone call and he was promised that no more of that material would be sent out until we can decide what happened. He believed the date it was sent out, was on a Thursday and it is impossible to come from their office due to the fact that Angela doesn't work on Thursday and she is the keeper of the e-policing and sends it out. We believe we will have an answer for the Town Board very shortly on how this occurred.

Gloria explained that she had a very special e-mail that only she knew and she gave it to e-policing. Every e-mail that she is receiving is coming out from e-policing and wanted to know why her e-mail was compromised.

Mr. Corl explained that when people sign up for e-policing, there is no way, shape or form, it would have been compromised by the Chief of our Police Department. When people sign up for e-policing, it's confidential and that he doesn't have access to it, nor do the Town Board Members. To compromise that, would be almost criminal in nature if somebody is tampering with our system. I know it's being investigated by the Chief of Police, but I would ask that the Onondaga County District Attorney's Office to look into the matter.

Gloria stated that it was alarming to her.

Motion was made by Mr. Corl, seconded by **NO SECOND**, to ask the Onondaga County District Attorneys Office and the Town Board to look into this matter and cooperate with Chief Snell.

Chief Snell asked if the motion could be held until the next meeting as they are right in the middle of investigating this and believe they'll have some answers very shortly and then they can determine whether or not this needs to go to the District Attorney office. This is not associated in any way with the Police Department. I believe we do know where it came from, but, we need to solidify and make sure that we have all of the answers.

Mr. Corl stated that he understood that and that he knew the Chief was doing his due diligence, but, thought this is an issue that is very sensitive and that they should get it to them now. Maybe there is nothing to it.

Chief Snell stated that it may be more helpful to them if they had information right up front, but, it's up to you and whatever you would like to do.

Mr. Corl – I would like the board to consider my motion. Do I have a second to my motion?

Ms. Zambrano stated that she would **SECOND** the motion and asked that we defer to Chief Snell until he completes his investigation, when he is ready to turn the case over to the DA.

Mr. Corl – If Necessary

Ms. Zambrano – If Necessary.

The motion was approved as follows:

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

Mr. Mallette asked if \$400,000.00 was borrowed to make the budget work.

Ms. Boyke – No, the \$400,000.00 was borrowed to pay for a debt that the town incurred this year that we didn't have the money for.

Mr. Mallette remains concerned about the fiscal health of the community.

Ed Hansen asked if the town had ever considered separating the tax billings.

Ms. Boyke explained that would incur an additional cost.

Ed. Hansen – We can look at it.

Mr. Corl – Ed is asking why we don't have a town tax bill and a county tax bill.

Sharon Edick believed that per State Law, there is Town/County billing and the School and Village Tax billings are kept separate. This is the way it has been for many years and I don't think you will find that changing. I collect Town and County from January to March and in June there is Village Tax and the School Tax comes in September.

Mr. Hansen was opposed to people in the town receiving raises and benefits, which are better than many people in the town have and wanted to know if there have been any talks about stemming this.

Ms. Boyke – That would come with the negotiations of the Union Contracts. We are in negotiations with the CSEA and PBA and next year, we will negotiate with the Teamsters.

Ms. Zambrano – The situation we have in this town with health care benefits and retirement benefits is not unique to Cicero and it is a universal problem that we as a society have to take a look at. You have asked us to re-open negotiations with our Unions, but have been assured by our legal department that it isn't feasible to do that. As the costs start to get increasingly higher, people are going to start to react to it.

Mr. Willis asked for an explanation of what the 211 waiver is and how it affects Chief Snell.

Tony Rivizzigno - State Law allows a person who has been retired, like in this case, the Sheriff's Department, to receive his retirement while he is employed by another municipality. To do that, they have to apply to the State Civil Service Department, who will make that determination if they should grant that waiver. It would allow them to collect their retirement in addition to his salary.

Mr. Willis asked what would happen if you don't sign the waiver.

Tony Rivizzigno – If the waiver isn't signed he can't recover his entire retirement amount.

Don Kelly stated that a while ago some paperwork was lost and he wanted to know what would happen to the hard copies that were approved to be scanned for the Zoning Office.

Ms Boyke explained that the town has a storage area in the basement, where the hard copies are kept.

Don Kelly asked if the lost paperwork was ever found.

Ms. Boyke – No

Resident asked everyone to speak into the microphone to enable others to hear as this would help eliminate ADA compliance complaints. Is it possible to explain terms that people don't understand such as permissive referendum, or the 211 waiver? She also asked the board to consider putting documents that the board is going to discuss on the website, so people can read and understand them, to help them understand the discussions. I would also like to know if the Supervisor received my e-mail this morning.

Ms. Boyke – I did.

Resident – I hope at the next meeting you can give us the answer to those questions.

Ms. Boyke – I can do that.

Tom Beaulieu explained that about 10 days ago he sent an e-mail regarding parking in the fire lanes and hasn't heard back from anyone. He noticed a lot of drop off parking in front of Price Chopper and has talked to the chief about this, as we need to enforce the law. The fee for this violation is currently \$5.00 and I feel that the fee should be raised as other towns charge \$100.00. Once a law is adopted it should be put on a sign by the owner or developer of the establishment. If people are illegally parked they should be ticketed. If the town were to get tough on this, it would improve the quality of life for everyone.

Tom also stated that he knew we had a shortfall of \$835,000.00 when the board walked into this budget process and if you look at the appropriated fund balance we're taking \$891,000.00 of what we have now and applying it to this year's budget, plus the \$50,000.00 additional. That's going to leave the town with about \$2.6 million dollars in the next few years. In 4 years at that rate, if you have to borrow that much money from the fund balance to cover insurance costs, pension costs, where is that money going to come from, once the fund balance disappears? I understand that you don't want to raise people's taxes 25%, but, the County and State are going to put that pressure on you and say it isn't their problem and is a local problem, and you deal with it.

Don Kelly – I don't think it is a good idea to have our local police go into parking lots and fine people. That should be the responsibility of the people who own the stores, etc. Pressure should be put on them to do it as it is their responsibility.

Chief Snell – The local law addresses fire lane parking and it makes it illegal to park in a fire lane. I'm sure the Fire Chiefs could address that more adequately than I can. It is in the local law and it is a violation,

Ms. Boyke- Who imposes the fine?

Chief Snell – The judges do and the fee is currently \$5.00.

Ms. Zambrano - \$5.00 doesn't seem like much of a deterrent.

Chief Snell – If you were to park in a fire lane at the WalMart in East Syracuse, the fine is \$100.00.

Mr. Corl stated that with all the calls, the Police Department has to make, the No Parking in the Fire Lane isn't a priority.

Chief Snell – I do put e-mails out to the officers when I see violations in the shopping centers, to remind them that it is something they need to do when they do have down time.

Dave Pangaro, Cicero Fire Chief stated that next month there is going to be a public hearing relative to abolishing the Police Department or not and there have been articles in the paper about the County and the Sheriff's Department cutting personnel. If we abolish the Cicero Police Department, where are we going to get coverage? Our Police have AED's in the police cars and assist the volunteers, the firefighters and NAVAC. If they were to come on the scene of a cardiac arrest, before the volunteers, they can provide service. I don't know if the Sheriff's have any of this equipment, but, this is a resource that the Cicero Police have. No matter, what, you don't want to cut emergency services as that is what protects our lives.

Dave stated that Chief Snell is absolutely correct regarding the fire lanes and that the five chiefs are very emotional about them and if they could give out fines they absolutely would. He also understood that the Police Department has a lot of other things on their plate then monitoring parking lots and felt that having signs that said a /\$100.00 or \$150.00 fine would be a good deterrent.

Engineer Comments - None

Attorney Comments - None

Ms. Boyke announced that the brush and tree limb pickup for the west side of South Bay Road is the week of November 1, 2010 and for the east side of South Bay, will be the week of November 7, 2010. Christmas tree pickup will be January 3, 2011 – January 29, 2011.

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to enter into Executive Session to discuss personnel issues with all Town Board Members, the Attorney, Comptroller and Department Heads Chris Woznica and Brad Brennan being invited into the session separately, with Chris Woznica being invited first and Brad Brennan to follow him, 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 8:16 p.m.

The meeting reconvened at 8:53 p.m.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to return to open session.

Ms. Boyke – At this time we have a resolution to be brought before the board.

Mr. Rivizzigno – I am asking the board to adopt a resolution authoring you to advise the Town of Salina of their intent to terminate the Assessor's Shared Services Agreement.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to adopt a resolution authorizing the Town of Salina of their intent to terminate the Assessor's Shared Services Agreement.

Discussion:

Mr. Corl I brought this issue up before the board before there was discussion and then an authorization to publish for a full time Assessor. A lot of the facts that I had concerns about were brought up at that point, relative to terminating the Shared Services Agreement. That's all in the record. In regards to an update of information and concerns I had in going forward and terminating the Shared Services Agreement that we have with the Town of Salina, GAR Associates has provided information relative to the concerns that they have if we move forward and terminate the agreement. They say that due to the fact that we entered into the Shared

Service Agreement at the same time that we contracted with GAR, that could potentially jeopardize the project that GAR is undertaking. Along with that, there could be additional costs, due to the fact that part of the agreement with GAR was that Brad Brennan would be the project manager. In the letter that they provided on October 6th specifically says, that GAR entered into an agreement with the Town of Cicero and priced the project based on the current Assessor, Brad Brennan, serving as the project administrator for the duration of the project. The fact of methodology and the decisions were made with his recommendation and oversight. It also warns that GAR would not be responsible for any delays caused by a change in Assessor. If there was additional time required to bring in a new Assessor up to speed or adapt his or her approaches, such services would be deemed beyond the scope of their agreement and they reserve the right for extra charges. The letter goes on to address some concerns, so I wanted to bring that to the board's attention.

Ms. Boyke explained that she had a meeting with Cindy Baire and thoroughly discussed that and was very specific with her in regards to this. Obviously, the applicants that have been interviewed are qualified people and have had some experience with a full assessment. Cindy recognizes that and understands that there would be proper staffing with the full assessment process. She was concerned but has since sent me an e-mail stating she was comfortable with us proceeding forward with a full time Assessor.

Ms. Zambrano – I have a concern. This is a major undertaking which started last year and it will be completed next year. Bringing in a new Assessor, of which I know nothing of the candidate would have to learn the town and would have to get up to speed on this project. I just wonder if this is the right time to do it. Perhaps we should delay this until this process is finished.

Ms. Boyke explained that there are two candidates and was hoping to share that with the board at the workshop yesterday. A sizable package of information will be put in each board members mailbox. One candidate is a resident of the town and is aware of the Town of Cicero. Each person was asked about re-assessment. After speaking with Cindy Baire, she was very comfortable that we were going in the right direction to have a full time Assessor to be available along with GAR. They will be holding a special meeting to bring the residents up to speed and will be also be available to with anyone speak one on one. I have been very involved with this assessment and specifically, to the new neighborhoods that are being created and to the understanding of the values. I appreciate Brad's input and he has been involved, but under the circumstances, I feel that we need to have someone here full time. The cost savings specific to the position is between \$60,000.00 and \$67,000.00 plus benefits for approximately \$93,000.00. Brad's upcoming contract would be approximately \$97,000.00 for the town. This year we have paid \$64,000.00 for Brad's services at 15 hours per week which is based on Salina's hours.

Ms. Zambrano asked Brad if all he worked was 15 hours a week.

Brad Brennan stated that he worked 3 1/2 hours five days a week, which is the minimum he works. I have been keeping tract of comp time, for a lack of a better word as Department Heads don't get comp time. There are over 24 hours over and above the minimum already. If you look at the time sheets, you'll see that there is a lot more time.

Ms. Boyke explained that Department Heads do what they have to do and that Brad is considered part time. We pay part of your benefits, part of your five weeks vacation and you get increment raises as well as your pay is based on Salina's hours and not on the Town of Cicero's hours. This is about cost savings. According to Cindy, there is no guarantee that we would receive the \$80,000.00 from the State because of the Shared Services Agreement or when we are at 100%. They are also looking at a proposal that would reduce their payment from \$5.00 to \$4.00 for full assessment. It's in four year increments and is \$4.00 for the first year, \$2.00 for the second year, 2.00 per parcel for the 3rd year and in the 4th year, you must be fully compliant and physically touch and re-photo all of the parcels within your town in order to receive \$4.00 a parcel. If you are not, you have to give back those previous two years of \$2.00 per parcel and the State will tell you if you're fully compliant. Again there is no guarantee that we will receive any money from the State and Cindy admitted that to me.

Mr. Corl – The project, to encourage the Shared Services Agreement was the \$80,000.00, which was a sign on type fit at that point that was guaranteed by the State. You can never guarantee the State of NY. That is where the \$80,000.00 came from and obviously, it was to keep the rolls current.

Ms. Boyke – Which is something we want to continue to do.

Mr. Corl – Absolutely

Continuation of the vote:

The motion was approved as follows:

Mr. Conway: Yes
Mr. Jennings: Yes

Discussion:

Ms. Zambrano asked if a decision needed to be made tonight.

Ms. Boyke - Yes

Tony Rivizzigno – The agreement provides that we must give them notice by the end of October.

Ms. Zambrano – I just feel that the procedure is being compromised at this point and time.

Continuation of the vote:

Ms. Zambrano: No
Mr. Corl: No
Ms. Boyke: Yes

Department Comments - None

Board Comments

Mr. Corl stated that he has had some discussions with board members and that earlier this year, he asked for RFP's which are requests for proposals for professional services for the town and thought they should continue to look at that. He stated that he will look into that, over the upcoming weeks. If this isn't something that wouldn't be considered by the board, I won't spend my time or energy looking into it and see what it would entail.

Ms. Boyke asked Mr. Corl to come and see her regarding this.

Ms. Zambrano – I think I articulated at the last town board, that perhaps as a way to try and save money, that we should consider the RFP process. I have had a very interesting week with a lot of phone calls, e-mails and meetings. This was brought to my attention that we aren't going out for RFP's and people aren't to pleased with that. I think I would like to entertain that idea.

Mr. Jennings asked if someone would explain RFP's.

Mr. Corl – Requests for proposals, mean that contractors would come before the town and say they would provide either legal or engineering services for a fee in an amount to cover and entail what the needs are. That would be presented to the town and from that list we would select who would provide those services.

Ms. Zambrano – I would like to thank Shirlie for the summary she presented on the budget. It was excellent and highlighted things that needed to be brought to the public's attention. I also appreciate the input from the residents.

There being no further business before the board, the meeting was adjourned at 9:09 p.m.

Tracy M. Cosilmon
Town Clerk

