

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, December 14, 2011, at 7:00 p.m. at the Cicero Town Hall, 8236 Brewerton Road, 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
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne, Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Linda Losito, Secretary to the Supervisor
Brad Brennan, Assessor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers

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 Armed Forces in harms way and for David Clark a 30 year employee of the Highway Department and for Taylor Fleming, the young CNS student who passed away this week.

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 clearly into the microphones to enable all to hear.

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

Motion was made by Ms. Boyke, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

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

APPROVAL OF THE SPECIAL TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve the minutes of Sunday, November 20, 2011 Special Town Board Meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon announced that the Organizational Meeting will be January 4, 2012 at 6:30 p.m. at the Cicero Town Hall. She wished everyone a Merry Christmas.

Highway - None

Police

Joe Snell stated that a while back the board approved the purchase of ballistic vests in the amount of \$7,118.00 that was going to be reimbursed by 50% from the State. The actual bill came to \$7,318.65 due to shipping, that wasn't added in. We need approval to pay the new bill.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to approve paying the bill for \$7,318.65 as presented.

The motion was approved as follows:

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

Comptroller

Shirlie Stuart requested approval to pay a bill for ongoing litigation from Germain & Germain for \$1,425.00.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the bill for \$1,425.00 be paid to Germain & Germain for ongoing litigation.

The motion was approved as follows:

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

Shirlie also requested approval to pay another bill to Computer Outlet for installation of the server that was approved at the end of August in the amount of \$9,355.00. There was an additional cost of \$3,038.00 and need approval to pay that out of the reserve that we have for the IT.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize the additional payment of \$3,038.00 to Computer Outlet for costs associated with the installation of the server.

The motion was approved as follows:

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

Parks & Recreation

Jody Rogers requested approval for the Supervisor to sign the application for Department of Social Services – Community Optimum Service Funds for 2012 for the CanTeen if the funds are made available in the NYS Budget to be approved in 2012. The amount is to be determined by the budget.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize the Supervisor to sign the application for Department of Social Services-Community Optimum Funds for 2012 for the CanTeen should the funds be available in the NYS Budget, with the amount to be determined by the budget.

The motion was approved as follows:

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

Tax

Sharon Edick read the following statement: The Cicero Tax Office was the creator of the partial payment program in 1994. I would like to advise the Board that I have worked for the past two years with our Assemblyman and our Senator on making an amendment to the resolution for the partial payment program. This is something that will benefit many of our residents and it is at no cost to them.

We have gotten the legislation passed for the Town & County cycle whereby a resident will be able to make a partial payment that is no longer 50% of the bill. The new legislation will allow a taxpayer to make a partial payment in any amount, with the first payment still in the penalty free period. There will still be four payments allowed and there is still the penalty in February and March on the amount that you are paying.

A simple example is – The homeowner owes \$1,000.00. The old bill required 50% or \$500.00. The downside to that was if the person had \$499.00, I could not take the payment as it was not 50%. Many times homeowners could not understand how we could refuse a payment. Now, we no longer have that problem and there is relief for some who wanted to give us what they could. This may help reduce the unpaid taxes.

I am awaiting approval by the Village of North Syracuse and the four schools for which I collect. I will inform the Board once that is complete.

Assessor – None

Zoning - None

APPROVAL OF ABSTRACT #23 OF 2011

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to approve Abstract #23 , of 2011 as follows:

- General Fund Voucher #2299 to Voucher #2453 In the amount of \$1,299,769.14
- Highway Fund Voucher #700H to Voucher #778H In the amount of \$ 379,907.05

The motion was approved as follows:

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

BUDGET MODIFICATIONS

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve the following budget modifications as follows:

Budget Modifications 2011
 Town Board Meeting 12/14/2011

2011 MODIFICATIONS	AMOUNT	FROM CODE	TO CODE	
\$ 166.60 B31201		Police OT	B3120 L	Police Longevity
\$ 310.33 B702040		Parks Supplies	B702041	Office Supplies
\$ 1,305.87 B80104		Zoning Cont	B80101	Zoning OT
\$ 683.21 B801046		Zoning Conferences	B801043	Car maintenance
\$ 20.02 B90408 C		Canteen Comp	B90558	Canteen Disability
\$ 603.83 A111015		Bailiff	A11101 OT	Justice OT
\$ 4.44 A133041		Tax Computer Labor	A13304	Tax Contractual
\$ 365.85 A19304		Judgements & Claims	A16704	Postage Meter
\$ 218.13 A19304		Judgements & Claims	A362041	Beacon
\$ 73.15 A677251		Senior Computer Labor	A6772471	Senior Cleaning 11.56
			A677242	Senior Supplies 61.59
\$ 350.00 A677251		Senior Computer Labor	A677254	Senior Fuel
\$ 364.27 A711045		Parks Improv/Rehab	A711011	Parks Laborers
\$ 200.00 A751041		Historian Office Supplies	A168045	Internet
\$ 1,750.00 A1410435		TC Postage	A35104	Dog Contractual
\$ 760.00 A141041		TC Records Contractual	A141044	Code Book
\$ 300.00 A14104		TC Contractual	A35104	Dog Contractual
\$ 755.00 A141043		TC computer Software	A1620460	TC Contracts
\$ 250.00 A162040		Building Contractual	A1620460	TC Contracts
\$ 5,000.00 DB514241		Snow/Salt	DB511255	Capital Paving
\$ 11,344.62 DB511255		Capital Paving	DB90108	Retirement
\$ 1,500.00 DB514045		Brush Misc	DB90608 EX	Eyecare
\$ 13,577.37 DB51101		Summer Personal Srv	DB514212	Snow Personal Services
\$ 521.78 DB511011		Personal Services OT	DB513011	Mechanic OT
\$ 10,000.00 DB511242		Roadside Drainage	DB50114	Misc safety Expense
\$ 3,000.00 DB511049		CB/F&G/Riser	DB511043	Fuel/Propane/Kero/Gas
\$ 2,000.00 DB511049		CB/G&G/Riser	DB511046	Cold Patch
\$ 6,000.00 DB511255		Capital Paving	DB513046	Filters/Truck Misc
\$ 1,062.77 DB514040		Summer Roadside Fuel	DB514243	Snow Fuel
\$ 366.60 B31201 L		Police Longevity	B31201 H	Police Holiday Pay
\$ 2,075.65 A13304		Tax Contractual	A13301	Tax Personal Services
\$ 274.01 A142044		Attorney- Litigation	A142042	Attorney – Town Code

2012 Amendments

\$ 13,950.40	A2192	Cemetery Transfer
\$ 13,950.40	A88104	Cemetery Expense

The motion was approved as follows:

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

PUBLIC HEARING FOR CONSIDERATION OF A STOP SIGN AT BLAZE PATH AND BYGONE DRIVE

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

The public notice read as follows:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 14th day of December 2011, at 7:00 P.M. at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York, to consider the following: a local law that amends Section 198-3 of the Town Code to add a one-way stop sign at the intersection of Blaze Path and Bygone Drive. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk's office.

The public hearing was open at 7:14 p.m.

Speaking for - None

Speaking against - None

The public hearing was closed at 7:14 p.m.

Board Comments

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve an amendment to Section 198-3 of the Town Code to add a Stop sign at the intersection of Blaze Path, with the Stop sign on Bygone Drive, at the south entrance, to be known as Local Law 8 of 2011.

The motion was approved as follows:

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

ACCEPT RETIREMENT OF LINDA CERIO, CLERK TO TOWN JUSTICE EFFECTIVE DECEMBER 31, 2011

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to accept the retirement of Linda Cerio, Clerk to the Town Justice, effective December 31, 2011, due to retirement.

The motion was approved as follows:

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

ACCEPT RETIREMENT OF SHARON PUTMAN, DEPUTY TOWN CLERK EFFECTIVE DECEMBER 31, 2011

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the retirement of Sharon Putman, Deputy Town Clerk effective December 31, 2011, due to retirement.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes, and she'll be sadly missed, with her smile
Ms. Zambrano:	Yes, with regrets
Ms. Boyke:	Yes

CSEA DISCUSSION AND APPROVALS

Justin Petersen, Cicero resident and Town of Cicero Union President asked if the board had the opportunity to look at the four things on the agenda that was put in everyone's mailboxes yesterday morning.

He addressed the Health Insurance premiums that are paid by Highway Employees explaining that in April or May they were told that the Blue Cross Blue Shield Policy would be cancelled and that they would be getting a new plan and that they were doing away with Blue Cross Blue Shield. Shirlie gave us the plan and we looked at it and forwarded it to the CSEA who found a number of violations with regard to their contract. Our contract states we must have the same or better coverage. In compromise, Excellus Blue Cross is not going to change the plan. The town was willing to compromise and agreed to have our premiums go from 12% to 10%, streamlining in, with the rest of the Department Heads and to get us along with the rest of the Town Hall Employees and non-union employees at 10%. Some of the things that were increased were the co-pay to Specialists that our members are willing to take that on, emergency services and some

cancer treatments. Those are being passed off to us, but in exchange, the town is willing to go down 2% of the premium that the members pay.

Ms. Zambrano – The things that you are saying, are in violation of the contract?

Justin Petersen stated that there were 15 things that were in violation of the contract and each of them had to do with co-pay and an increase in the co-pay that went from \$5.00 to \$10.00 all the way from \$50.00 to \$75.00 for emergency services. There was also an effect regarding prescription drugs which is on the high end and a couple of other things that had to do with Specialists, where the co-pay has increased for that. There were 15 increases from the old policy to the new policy.

Ms. Zambrano – Was that put in writing?

Justin – Yes, but, I don't have that with me and I forwarded that on to Shirlye.

Mr. Corl asked who that was from.

Justin – It was from the CSEA and legal gave it to me via e-mail and I forwarded it on to Shirlye, so she could look at it and I also forwarded it to my members.

Ms. Zambrano asked when this was received.

Justin – Probably in the middle of October.

Justin stated that he was approached by some of the employees regarding an opt out of the insurance, if they didn't want to take it and there is nothing in the contract. As an incentive, they'd like a buy out.

Ms. Zambrano – There is no opt out clause in the contract?

Justin – There used to be five years ago, but, the previous administration was adamant it be taken out of there.

Ms. Zambrano – You're asking for the Opt Out Clause to be put back?

Justin – Yes

Ms. Zambrano - I'm sorry, I read the new contract and I don't believe it is in there.

Justin - No, it isn't in there, but there are a couple of guys, who would like that. The third item has to do with a retiree who retires under the 2007 – 2010 Contract as his insurance is also being affected. Because of the cancellation of the policy he goes on the new policy that we have and is subject to the same co-pay increases that we have. Ron Reardon is paying 20% of his insurance and we're asking the town, in good faith that that be dropped from 20% to 18% and that would go on until the age of 65. Lastly, upon retirement, we would like to use all sick time that is banked up to 50 days and using that all at one point. This was brought by the Union Rep and Attorney Rivizzigno and Ms. Boyke signed it, but, it is my understanding that it hadn't gone before the board for approval. I would like to get board approval for members only upon retirement, if they had sick time he'd be able to use that all in a row, leading up to his retirement. Our Contract states he would be able to use 2 or 3 sick days and then he would have to have a note from a doctor. Upon retirement, this is where this clause would stand.

Ms. Zambrano - Upon retirement if someone wanted to use, 40 days would that be paid time?

Justin – Yes, it would be paid.

Ms. Zambrano – Would that be a lump sum?

Justin – They have that option in our contract or if a person wanted to retire in July and wanted to use his sick days, so he didn't have to work any longer, he'd have that option starting in May, to use those sick days and get paid, right up to his retirement.

Ms. Zambrano – It is your understanding that this was an agreement by the Supervisor and the Town Attorney, but, was never passed by the board.

Justin – Yes, that's correct, just as our contract has to go in front of the board, for approval.

Ms. Boyke – Didn't we approve the contract?

Shirlie Stuart – Yes, but you didn't have approval for this amendment.

Ms. Boyke – This was not part of that contract?

Shirlie Stuart – No.

Mr. Corl asked when this amendment was drafted.

Shirlie Stuart stated that she had a memo from Judy from July 7, 2011 and that it was her understanding that we needed to have a board resolution requiring a signature to change the contract.

Tony Rivizzigno and Ms. Boyke didn't recall it.

YOUTH BUREAU/HIGHWAY APPROVAL OF
OCRRA HAULERS PERMIT FOR 2012

Motion was made by Mr. Jennings, seconded by Mr. Corl, to approve the annual Cicero Parks & Recreation /Youth Bureau/ Highway OCRRA Hauler Permit for 2012 and authorize the Supervisor to sign the necessary paperwork.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn into Executive Session, for the purpose of discussing a Tax Certiorari and the CSEA Contract presentation, with the Comptroller, Attorney, Assessor and tax Receiver, and to reconvene.

The motion was approved as follows:

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

The Board adjourned into Executive Session at 7:27 p.m.

The meeting reconvened at 7:45 p.m.

Ms. Boyke stated that a motion was made by Ms. Boyke, seconded by Ms. Zambrano, to come back into session, which was unanimously approved.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to settle the Tax Certiorari's for Swift Transportation, 7470 Round Pond Rd., USPS 5601 Route 31 and Margaret Taylor, 519 and 519 1/2 Church Street.

Discussion:

Mr. Corl – The total refund is for \$1,879.00.

The motion was approved as follows:

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

PUBLIC INPUT

Deborah Gardner – On November 20th the Supervisor Elect suggested laying off employee’s and we heard from a member of the audience that it may not be feasible because of the cost of unemployment. I’ve also heard others say that laying off employee’s does not save money. If an employee is earning \$40,000 and receiving health care benefits and that person is laid off, how much does the town pay him or her per week and for how many weeks will those payments go on?

Shirlie Stuart – 26 weeks, \$406.00.

Ms. Gardner – Will the employees still have to keep health care benefits?

Shirlie Stuart - No

Ms. Gardner – Does the town still pay FICA for the employee?

Shirlie Stuart – No

Ms. Gardner – If the employee finds other employment, do the unemployment payments continue?

Shirlie Stuart – No

Ms. Gardner – If the employment is part time, is what the town pays, the employee adjusted?

Shirlie Stuart – Yes

Ms. Gardner – I haven’t run the numbers, but, it appears that laying off employee’s does save money as hard as that may be.

Engineer Comments - None

Attorney

Tony Rivizzigno stated that we’ve received 3 easements. Two are on Comstock and one is on Vistula, which we have been given, for drainage work. I need the board to accept them, so they can be filed.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the three easements as presented.

The motion was approved as follows:

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

Board Comments

Mr. Conway – Wished everyone a happy holiday.

Mr. Jennings thanked Tracy for the Christmas Party she coordinated and wished everyone happy holidays. Enjoy them and be safe.

Ms. Zambrano – Happy Holidays to everyone and be safe.

Ms. Boyke – I am revoking my appointment of Deputy Supervisor and reappointing Lynn Jennings as the Deputy Supervisor for the remaining of the year. I'd also like to thank everyone for your participation in coming to the Town Board Meetings.

Mr. Jennings – I'd like to say on behalf of Supervisor Boyke, that she is going out on personal reasons, but, I think she has done a fine job, the past two years and I think we'll all agree that this is probably, not the easiest job in the world. We've had pro's and cons and a lot of heated discussions, but, overall we've all learned a lot and we've all tried to do the best that we can for the residents. We don't always agree and we all know that, as do you, but I think we owe to Judy, a round of applause for the fine job that she did, and Jim, we're looking forward to you.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn the Town Board Meeting.

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 7:55 p.m.

Tracy M. Cosilmon
Town Clerk

UNAPPROVED MINUTES