

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, January 13, 2016 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

Mark Venesky	Supervisor
Mike Becallo	Councilor
C. Vernon Conway	Councilor
Dick Cushman	Councilor
Jonathan Karp	Councilor

OTHERS PRESENT:

Christopher Woznica	Highway Superintendent
Joseph Snell	Police Chief
Robert Germain	Germain & Germain, Town Attorney
Stephen Snell	O'Brien & Gere, Town Engineer
Tracy M. Cosilmon	Town Clerk

Supervisor Venesky welcomed everyone to the 1st regular meeting of the Town Board.

Supervisor Venesky opened the meeting at 6:30 p.m. by noting the locations of the three emergency exits, asked that all electronic devices be silenced, and for chatter to be kept at a minimum, so as to not to disturb others.

Supervisor Venesky read the following:

The Town acknowledges the importance of full public participation in all meetings and hearings. We therefore urge all who wish to address the Board to utilize the microphone at the front of the room. If anyone is unable to hear, let us know so that adjustments can be made as necessary.

Councilor Conway led the Pledge of Allegiance.

Councilor Conway requested a moment of silence for our troops in harm's way.

Supervisor Venesky said there would be an executive session that evening to discuss a policy. The Board would be reconvening afterwards.

Town Board Meeting Minutes:

Supervisor Venesky moved the adoption of a resolution to approve the following Town Board [Meeting] Minutes:

- **Regular Town Board Meeting held on December 23, 2015**

Motion was seconded by Councilor Conway.

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

Supervisor Venesky solicited any Board discussion. There was none.

- **Organizational Meeting held on January 4, 2016**

Supervisor Venesky said there was a correction to the January 4, 2016 Organizational Meeting. The contract agreement for the Town Attorney was a two-year agreement to expire on December 31, 2017 (the minutes read to expire 12/31/16 to reflect the initial resolution).

Supervisor Venesky made a motion to approve the Organizational Meeting Minutes held on January 4, 2016 with that correction. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Approval of Abstract Number 52 (2015), and Abstract numbers 1 & 2 (2016):

Councilor Cushman made a motion to accept Abstract number 52 (the last one dated last year, 12//28/2015), and Abstract #1 (dated 01/04/2016) & Abstract #2 (dated 01/12/2016) as presented. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Budget Modifications/Amendments:

Councilor Cushman made a motion to accept the budget modifications/amendments. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

**Per Shirlie Stuart, the Comptroller - there were no budget modifications/amendments for this meeting. The resolution was made in error.*

Public Hearing to consider Cicero Consolidated Lighting Districts:

Supervisor Venesky said they were going to postpone the public hearing for that evening because David Hess from National Grid called and said he could not make the meeting. Supervisor Venesky said there would still be a public hearing for those that wanted to speak because it was published but, they would leave the hearing open until the next meeting to be held on January 27, 2016.

Supervisor Venesky made a motion to postpone the Decorative Underground District discussion until the January 27th meeting. Motion was seconded by Councilor Cushman.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Supervisor Venesky asked Robert Germain if he needed to open the public hearing on that first.

Robert Germain replied yes.

Supervisor Venesky had proof of publication and posting.

The public notice read as follows:

<p><small>Ad Content Proof</small></p> <p>PLEASE TAKE NOTICE that the Town Board of the Town of Cicero will hold the following public hearing on January 13, 2016, commencing at 6:30 p.m. local time, at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039, to consider, the creation of a lighting district for within the Town of Cicero to be designated and known as "Town wide Non-Lighting District." All parcels within the Town of Cicero that are not designated in either the Decorative Underground District, Overhead Lighting District, Underground Lighting District, or Private Lighting District will be part of the Non-Lighting District, no charge would be applicable. By the order of the Cicero Town Board</p>
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DATED: December 31, 2015

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

- **Decorative Underground District**

Public Hearing to consider, upon Motion of the Town Board, the creation of a consolidated lighting district for underground facilities within the Town of Cicero to be designated and known as “Decorative Underground District.” A copy of the proposed Map and Plan has been provided to the Town by National Grid calling for the consolidation of the following: Cicero Stage, Electric Railway, Anglers’ Club, Addison Loomis, Pastures IIB, Matilda Gage, Asa Eastwood, Waterview Circle, Moyer Carriage, Boyko Farms, Cody’s Corner, Crossings, At the Lakes, Pastures Sec 6, existing lighting districts into this proposed **Decorative Underground District** to achieve annual savings. **508 units for an estimated total cost of \$71,712.00 or \$141.00 per unit.**

Supervisor Venesky opened the public hearing on the Decorative Underground Lighting District at 6:34 p.m.

Speaking for: None

Speaking against:

Judy Boyke: I have had several different questions and have been to the Comptroller, and they were not able to be answered. I don’t understand how you can have a public hearing when people do not even know what this is all about. Can any of you guys explain what this is about?

Supervisor Venesky explained that the public hearing is to consolidate the nineteen (19) lighting districts into four (4) lighting districts for the Town of Cicero.

Judy Boyke: It states that there is an annual savings; 508 units for an estimated cost at \$71,712.00, equaling \$141.00. Whose savings is that?

Supervisor Venesky: I would like, if you don’t mind, we’ll hold all of your particular questions until the next meeting when we have David Hess from National Grid here, and also our Comptroller.

Judy Boyke: Well, how can we speak clearly to this if we don’t even have an answer?

Supervisor Venesky: Mrs. Boyke.

Judy Boyke: I apologize, but I am trying to understand it. I don’t mean to be disruptive, but I am trying to understand these lighting districts, and I am trying to understand where the savings is and who it’s from.

Supervisor Venesky: I would suggest to you Mam, with all due respect that you wait until the 27th, and Mr. David Hess from National Grid will be here to answer your questions, as well as our Comptroller. I am not in a position to answer all of your specific questions at this time.

Judy Boyke: You can’t say where the savings is?

Supervisor Venesky stated again that he was not going to comment until he had David Hess and our comptroller here.

Judy Boyke: All right. So, I am speaking against the Decorative Underground. To the best of my knowledge, that at \$141.00 dollar savings (I believe it’s per unit), for that \$141.00 per unit this covers Cicero Stage, Electric Railway, as they are all written out, including At the Lakes. Part of the problem is At the Lakes there is only about 14 houses on Steamship Manhattan that are being assessed; they appear to be in the Parade of Homes about six/seven years ago. They pay a single unit of \$206.82 - one single unit. According to this it says ‘\$141 per unit’, therefore, one of the houses in the Parade of Homes (which is very expensive homes in there) from \$262.82. This person who is assessed at \$550,000 is going up to \$740.25 – that’s over a \$500 dollar increase.

Supervisor Venesky asked if anyone else would like to speak against this lighting district. There was no response.

Supervisor Venesky stated he was going to leave the public hearing open.

Supervisor Venesky made a motion to adjourn the **Decorative Underground District** until January 27, 2016. Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Supervisor Venesky solicited any Board discussion. There was none.

- **Overhead District**

Public Hearing to consider, upon the Motion of the Town Board, the creation of a consolidated lighting district for overhead facilities within the Town of Cicero to be designated and known as “Overhead District Lighting District.” A copy of the proposed Map and Plan has been provided to the Town by National Grid calling for the consolidation of; Consolidated 1, Consolidated 2, Consolidated 4 (which is Penn Can) the existing lighting districts into this proposed **Overhead District** to achieve annual savings. **There is 3,600 units for an estimated total annual cost of \$96,242.00 or \$27.00 per unit.**

Supervisor Venesky opened the public hearing on the **Overhead District** at 6:41 p.m.

Speaking for: None

Don Snyder: I’m not speaking for, Mark. I’m speaking because I am just concerned about it.

First, I totally agree with the fact that we are going to change how we pay for these in that we pay for them by a unit, rather than assessed evaluation. Because, if I’m next door to a guy that has a house that’s worth twice as mine, he gets the same amount of light as I get so he ought to be paying the same thing that I do. I understand that. But if we are doing this mainly so we can get ‘x’ number of bills cut down to something or another that should not be the reason why we do this because there are people like me that live on Mud Mill who have had lights for years, and they’re either paid off or almost paid off. The mistake that we found just yesterday is obviously Mud Mill (who has overhead lighting) was put in the Underground Lighting District; so there are some real problems with the way that NIMO has done this.

Secondly, we don’t trust NIMO. Nobody trusts NIMO. So you need to be able to prove to us that we’re not going to pay more for something that we have been paying for for years - that really is a major concern. So there’s not enough facts there because I know the questions that I have had asked of me (and I know we couldn’t answer them) is someone says ‘well, I pay sixty-six dollars right now.’ ‘What am I going to pay on the new situation?’ and I said ‘I don’t know, because I don’t know what district you’re now going to be in.’ I said ‘I know what district you are going to be in because it’s on your tax bill, but I understand that Shirlie and NIMO are putting more information together on a spread sheet that will say’:

- *what we are paying now on an assessed evaluation, and,*
- *what we would pay on a per unit basis,*

so anyone that asks you ‘what am I going to go up and pay’ that information will be there, and I think that’s essential. I really think, so that we can make the meeting move on, I would suggest that you just go ahead and take the other two districts and don’t even talk about them. Do the postponement because nobody can really talk about this situation until we have those numbers.

Councilor Cushman told Supervisor Venesky that he did speak to the Comptroller, and if he read the way it’s written it says, ‘to achieve annual savings.’ The cost is 508 units, \$71,712 or \$141.00 per unit – that’s the cost, not the savings.

Speaking against –

Judy Boyke: I could say that I am going to speak against all of them. This happens to be my lighting district. What Don just said I am confused with then because it reads per \$27.00 per unit, which is equated to a \$100,000 assessed value unit. So is that... maybe you need to clarify that because obviously if someone is assessed at \$500,000 that’s five units, or is it multiplied towards the assessed value? That needs to be clarified as well. I am speaking *against* the Overhead District Lighting.

Supervisor Venesky made a motion to adjourn the public hearing on the **Overhead District Lighting** until January 27, 2016. Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Underground District**

Public Hearing to consider, upon Motion of the Town Board, the creation of a consolidated lighting district for underground facilities within the Town of Cicero to be designated and known as “Underground District Lighting District.” A copy of the proposed Map and Plan have been provided to the Town by National Grid calling for the consolidation of; Consolidated 3, Erskine, Cedar Point, Williamsted Farm, Wallington Sec 2 & 3, Eva Circle, Wallington existing lighting districts into this proposed **Underground District** to achieve annual savings. **3,458 units for an estimated annual cost of \$224,434.00 or \$65.00 per unit.**

Supervisor Venesky opened the public hearing for the **Underground District** at 6:44 p.m.

Speaking for – None

Speaking against –

Judy Boyke: This consolidation needs to be looked at specifically because there’s a consolidation of old, old districts, right along with new districts like Wallington and Eva Circle. Eva Circle just formed their own lighting district about five years ago and others in Consolidated 3 (which is Kathan Road, and possibly Mud Mill Road), which has been there for a hundred years. Also, I had a call from someone on 6288 Rally Days Trail which is over in The Crossings; she is livid because she has had a street light out (it’s a new development) for over a year-and-a-half. She has called National Grid on many, many occasions. The light is still out and she goes ‘how is it possible for National Grid to justify trying to first of all, raise our money in our taxes and not even take care of our service?’

Supervisor Venesky told Judy Boyke that it’s a question for next week.

Councilor Cushman told Supervisor Venesky he would like to add to that question. He said he got a call this week from a constituent on Eastwood Rd. The street light at the corner of Eastwood and Route 31 has been out for a long time. Councilor Cushman commented that it is a dark corner; you can’t even see the street sign.

Supervisor Venesky said that is something that we probably ought to call in to them, tomorrow.

Supervisor Venesky made a motion to adjourn the **Underground District** discussion until the 27th of January. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Private Road Lighting District**

Public Hearing to consider, upon Motion of the Town Board, the creation of a lighting district for private road facilities within the Town of Cicero to be designated and known as “**Private Road Lighting District.**” A copy of the proposed Map and Plan has been provided to the Town of Cicero by National Grid. **\$360.00**

Supervisor Venesky opened the public hearing for the **Private Road Lighting District** at 6:41 p.m.

Speaking for – None

Speaking against –

Judy Boyke: *Private Road.* It stated on the paperwork that I looked at that it said Tuttle Road, for one, and then it appeared to be another piece of paper that stated (I believe) it’s one of the roads over in the campus where the Loretto is. I’m speaking against them, but in particular Tuttle Road because it states \$360.30 per unit. There are 28 homes on Tuttle Road. On the Private Road they have no lighting district; they don’t even know. They did not know about this. I just happen to have a client in my business, who I have just sold another home to in Cicero and he has a camp down there; he is aware of it. Most of those people down there are in Florida; they have no clue of what is going on. Thank you.

Supervisor Venesky solicited any further comments. There was no response.

Supervisor Venesky made a motion to adjourn the public hearing for the Private Road Lighting District until the next Town Board Meeting, January 27, 2016. Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Non-Lighting District**

Public Hearing to consider, upon Motion of the Town Board, the creation of a lighting district for within the Town of Cicero to be designated and known as “**Town wide Non-Lighting District.**” All parcels within the Town of Cicero that are not designated in either the **Decorative Underground District**, the **Overhead Lighting District**, **Underground Lighting District**, or **Private Lighting District** will be part of the **Non-Lighting District**, no charge would be applicable

Supervisor Venesky opened the public hearing for the **Non-Lighting District** at 6:48 p.m.

Speaking for/against:

Ray Schader: There’s a lot of area that’s out of those districts and what I am concerned with is: I live on the very end of the town, and there’s a lot of new houses (say on Route 31 from Cicero Center down to Bridgeport) if they want to come and get lights would I have to pay for them because I am in that district, or would they make a new district?

Supervisor Venesky said he was not an expert on this subject matter but what National Grid is looking to do is have us collapse 19 districts into four, and also to eliminate the assessed value determination on a house so that the cost is determined by the assessed value of the home; he knows National Grid is looking to eliminate that. Also, it was identified to him by Mr. Hess at National Grid that we have a lot of property that is not paying anything.

Ray Schader: I don’t pay anything, but I don’t have a light either.

Supervisor Venesky told Ray Schader that he didn’t have a light so he wasn’t going to pay, but there are properties in the Town of Cicero who are not paying for their street lights.

Ray Schader: What I’m concerned with is in the future is all of a sudden they add lights to this district that’s going to be in mine, and I won’t have a light within who knows how far.

Supervisor Venesky told Ray Schader he couldn’t answer that question for Mr. Hess but it was duly noted.

Judy Boyke: Hopefully, there will be a map or a list of all of the streets that fall into this Non-Lighting District because after looking at all the maps, which I did three different times, it’s pretty difficult to determine who should be paying for lights and who should not. Thank you.

Supervisor Venesky solicited any further public input. There was no response.

Supervisor Venesky made a motion to adjourn the Non-Lighting District motions and discussions until the January 27, 2016 meeting. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Supervisor Venesky: We are not going to close the public hearing at this time. We will continue the public hearing and allow additional public input, along with any Board discussion at the next Town Board Meeting scheduled for January 27, 2016.

Fire Protection Agreements 2016:

Councilor Conway moved for the adoption of a resolution to authorize the Supervisor and Councilors to execute the 2016 Fire Protection Agreements as presented for the Brewerton, Bridgeport, North Syracuse, and South Bay Fire Protection Districts. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 4, Noes – 0, and Abstentions - 1. *Motion carried. Councilor Becallo abstaining.*

Personnel Matters – Parks and Recreation Department

- **Approve the adjustment of N.Y.S. minimum wage**

Councilor Karp moved the adoption to approve the adjustment of N.Y.S. minimum wage to the hourly rate to \$9.00/hour for the following Recreation Attendants for Fall/Winter/Spring Staff for the Parks and Recreation Department (effective January 1, 2016):

1. John Cullen
2. Brianna Echols
3. Kaci Toms
4. Patricia White
5. Samantha McGregor

Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Amend the Organizational Meeting to reflect the 2% increase in the hourly rate**

Councilor Karp moved the adoption of a resolution to amend the Organizational Meeting to reflect the 2% increase in the hourly rate for the following employees for the Parks and Recreation Department, effective January 1, 2016:

1. Micaela Lara-Gonzalez - \$12.24/hour (Recreation Leader)
2. Joseph Santimaw - \$10.71/hour (Recreation Attendant)
3. Gerald Byron - \$10.71 (Driver for Senior Bus)
4. Bob Koegel- \$10.71 (Driver for Senior Bus)
5. Charles Paries - \$10.71 (Driver for Senior Bus)

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Engineering Services:

- **Engineering Retainer Services**

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to execute the proposal from O'Brien & Gere to provide Engineering Retainer Services *in* the amount of \$24,960.00, which covers the period from January 1, 2016 through December 31, 2016, and would be billed at a rate of \$2,080.00 per month. Also, approve Non-Retainer services to cover additional engineering services that may be requested which would be completed on an hourly basis in accordance with our Master Professional Services Agreement. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Sanitary Sewer Maintenance, Improvement, and Repairs**

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to execute the proposal from O'Brien & Gere to provide Sanitary Sewer Maintenance, Improvement and Repair Engineering Services related to emergency sewer repairs within the Town. The estimated fee is \$8,000.00 and would be billed against on an hourly basis in accordance with our Master Professional Services Agreement. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Maintenance and Improvement of Drainage Facilities Engineering Services**

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to execute the proposal from O'Brien & Gere to provide Maintenance and Improvement of Drainage Facilities Engineering Services related to the improvements of drainage facilities within the Town. The estimated fee is \$40,000.00 and would be billed against on an hourly basis in accordance with our Master Professional Services Agreement. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **NYSDEC SPDES Permit for Stormwater Discharges from MS4's Engineering Services for 2016**

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to execute the proposal from O'Brien & Gere to provide NYSDEC SPDES Permit for Stormwater Discharges from MS4's Engineering Services for 2016. The estimated fee is \$2,750.00 and would be billed against on an hourly basis in accordance with our Master Professional Services Agreement. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Sewer Repairs - 8123 BREWERTON ROAD & 8154 TROLLEYS END:

Councilor Conway moved for the adoption of a resolution to approve the following expenditures from Lan-Co Companies for emergency sanitary sewer repair work:

- \$2,166.88 for asphalt pavement restoration associated with a sanitary sewer repair near 8123 Brewerton Road
- \$6,492.10 for an emergency sanitary sewer repair completed near 8154 Trolleys End

Motion was seconded by Supervisor Venesky.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Approval of Polling Place Agreement:

Councilor Karp moved the adoption of a resolution to approve and authorize the Supervisor to execute the Polling Place Agreement, for the use of Cicero Town Hall, for the years 2016 through 2020, for the dates of each election in any such year, including the general election and any primary or Presidential election, as appropriate. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Commercial Gaming Licensing– James Harvey Spire 787 American Legion/Commercial Gaming License:

Councilor Venesky read the following resolution:

Whereas, the Town of Cicero has considered the request of the James Harvey Spire 787 American Legion organization for a Commercial Gaming License to conduct ongoing Bingo operations at the property located at 5575 Legionnaire Drive in Cicero, and,

Whereas, the Town of Cicero finds the proposed operation if conditionally approved serve a public entertainment need, and,

Whereas, the proposed operation (with condition) will not serve as a detriment to the neighborhood or community, and it would not present a danger to the environment in which the operation is proposed, it is hereby, **RESOLVED**.

Councilor Venesky moved for the adoption of a resolution approving the issuance of a Commercial Gaming License to the James Harvey Spire 787 American Legion located at 5575 Legionnaire Drive in Cicero for the strict and restricted purpose of conducting Bingo games with the condition that games be held on behalf of the Brigadier organization only and that will expire 12/31/2016. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Router 31 Property Purchase – Future Highway Garage:

- **Approve agreement between the Town of Cicero and MRB Group**

Councilor Cushman moved for the adoption of a resolution approving an agreement between the Town of Cicero and MRB Group for the contractual necessity professional engineering and site evaluation services for two proposed property purchases currently under contract by the Town of Cicero. The proposal calls for specified engineering site evaluation services at the 6658 Route 31 (future highway garage) property, and the completion of a Phase I environmental audit of the 8819 Cicero Center Road property (future police department property). This resolution also authorizes the Supervisor to execute the agreement with MRB for a total contract price not to exceed \$4,500.00.

Supervisor Venesky solicited any Board discussion. There was none.

Supervisor Venesky said this did go out to bid and MRB was the low bidder on that contract.

Councilor Becallo asked if this would be to provide just the site evaluation.

Supervisor Venesky replied yes.

Councilor Becallo asked Robert Germain if this is like a survey, just like when you’re purchasing a home survey.

Robert Germain told Councilor Becallo it was similar. There are two scopes of work on the future highway garage. Even in the specs they listed it all out what they’re going to do, but with the highway garage it’s a little different because there’s a house that has to be demolished there. Part of that is there has to be an asbestos survey done and so on, ahead of time, but we need a professional to inspect it afterwards and make sure that all contaminants are removed, and also that there’s no underground tanks, as usual, and so on.

Councilor Becallo said, “Rightfully so.”

Supervisor Venesky asked if the motion had been seconded.

Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Amendment to Purchase Agreement**

Councilor Cushman moved for the adoption of a resolution approving an Amendment to the Purchase Agreement between the Town of Cicero and Pappas Vasilios to delete now satisfied contract contingencies **a,c,d,f,h and j** from the Purchase Agreement, allowing the structure to be demolished by the owner prior to inspection by the Town. This resolution also authorizes the Supervisor to execute the Amendment:

For good and valuable consideration, Seller and Purchaser hereby amend the Real Estate Purchase Agreement dated 10/30/2015 as follows:

1. Paragraph 3.1-Contingencies is hereby amended to delete the following contract contingencies as satisfied by the Town: a, c, d, f, h and j.
2. The remaining contingencies in paragraph 3.1 (b,e, and g) remain open pending the Seller’s demolition and removal of the residence structure and subsequent inspection by the Town.
3. This Amendment may be signed in counterparts, and by facsimile and/or e-mail signatures, which originals, facsimile and/or e-mail counterparts shall be deemed originals for all purposes, and which together shall be deemed one agreement.
4. Capitalized terms or words in this Amendment that are not defined herein shall have the same meaning as those set forth in the Agreement.
5. The Agreement is hereby amended, and other terms and condition of the original Agreement referenced above remain in effect.

Motion was seconded by Councilor Conway.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

South Bay Fire Department-Future Police/Justice Center:

- **Structural Analysis**

Councilor Cushman moved for the adoption of a resolution to approve a proposal submitted by William Taylor Architects for \$5,500.00 to complete a Structural Analysis of the vacated South Bay Fire Department Building at 8819 Cicero Center Road, in anticipation of a relocation of the Town's Police Department to the site. Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Development of Schematic Design Plan**

Councilor Cushman moved for the adoption of a resolution to approve the proposal submitted by William Taylor Architects for \$5,000.00 to include Development of a Schematic Design Plan specific for the Police Department to relocate its operations to the new location at 8819 Cicero Center Road. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Assessor's Office – CHANGE GRIEVANCE DAY:

Councilor Karp moved the adoption of a resolution to change Grievance Day to the fourth Tuesday of the month beginning May 24, 2016, and for all future Grievance Days to be held the fourth Tuesday of the month of May, thereafter.

Supervisor Venesky solicited any Board discussion. There was none.

Councilor Cushman asked why this was being changed.

Supervisor Venesky said State Law dictates that Grievance Day will be the fourth Tuesday in the month of May, and the only exception to that is if the town has an assessor that shares duties with another town. Our last assessor we shared duties with the Town of Salina, so obviously he couldn't be in two places in one day, so state law allows us to change it. Now that we have *one* assessor we are going back into compliance with state law with this resolution. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Drainage – NORTHEAST BEAVER & PREDATOR MANGEMENT AGREEMENT:

Supervisor Venesky moved for the adoption of a resolution for approval for the Town Board to enter into an agreement with Northeast Beaver & Predator Management (Gary Suter), 101 Lewis Road, Bernhards Bay, NY 13028 for the Town of Cicero, a municipal corporation of the State of New York, 8236 Brewerton Road, Cicero, NY 13039. The term of this agreement shall be the 1st of January 2016 until the 31st day of December 2016. Also, to approve an expenditure not to exceed \$50.00 per nuisance animal and not to exceed a total of \$1,500.00 without prior authorization from the town. Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Supervisor Venesky said we had about 26 beavers last year, so we had exceeded the \$1,000.00 dollar limit. That's why it was moved up to \$1,500.00.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Highway Department:

- **Purchase approvals**

Councilor Conway moved for the adoption of a resolution to approve the following Purchase Orders:

- \$1,000.00 to Home Depot for miscellaneous supplies
- \$1,500.00 to United Auto Supply for miscellaneous supplies
- \$2,000.00 to Genuine Auto Parts for auto supplies
- \$5,667.00 to Long Park Tire for tires for Truck #12 (installation included)
- \$2,000.00 to Five Star Equipment for radiator, and water pump for Loader #38
- \$430,000.00 to Tracey Road Equipment for one (1) 10 Wheel Dump Truck with snow and ice equipment to replace Truck #43, and one (1) 6 Wheel Dump Truck with snow and ice equipment to replace Truck # 10

Motion was seconded by Councilor Cushman.

Supervisor Venesky explained that they were opening the purchase orders; they are not paying a bill to Home Depot, United Auto Supply, and Genuine Auto Parts. It is to open the purchase orders to help Chris Woznica be able to get what he needs to get without coming back to the Board and the town.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Councilor Becallo asked if they would be able to track the purchase orders from those miscellaneous supplies and would they would still be able to see what was purchased.

Councilor Cushman replied yes and said it would be on the abstract too.

- **Award bids for Miscellaneous Highway Equipment and Surplus**

Supervisor Venesky made a motion to award bids for Miscellaneous Highway Equipment and Surplus and moved for the adoption of a resolution to award the Miscellaneous Highway Equipment and Surplus as presented:

<u>BIDDER LIST</u>		
TIME OF BID: The Cicero Town Board received sealed bids on January 12, 2016 at 11:00 a.m., at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY		
AD RUN DATE: December 20, 2015 in the Post-Standard		
AD ISSUED: The Town of Cicero Town Clerk's Office is receiving sealed bids for the following miscellaneous Highway items:		
BIDDER NAME	BID ITEM	TOTAL BID
Andy Hall	12" AUGER BIT FOR BOBCAT ATTACHMENT	\$5.00
Pete Ferstler	100 GALLON SADDLE BAG CALCIUM TANKS	\$21.33
Pete Ferstler	100 GALLON SADDLE BAG CALCIUM TANKS	\$21.33
	100 GALLON SADDLE BAG CALCIUM TANKS	
	100 GALLON SADDLE BAG CALCIUM TANKS	
Pete Ferstler	CALCIUM TANK CONTROL HEADS	\$26.34
Pete Ferstler	CALCIUM TANK CONTROL HEADS	\$26.34
Andy Hall	HEAVY DUTY TRUCK TRANSMISSION JACK (FAIR)	\$12.00
Andy Hall	HEAVY DUTY TRUCK TIRE JACK (FAIR)	\$12.00
	50 QUART JOHN DOW PORTABLE (LOW CLEARANCE) OIL CAR DRAIN TANK	\$5.00
Andy Hall	2000 CHEVY TRUCK SHIFT CABLE	\$1.00
Andy Hall	2000 CHEVY TRUCK SET OF FUEL TANK STRAPS	\$1.00
Andy Hall	2010 FORD F150 SET OF BUMPER SECTIONS (NEW)	\$10.00
Pete Ferstler	JOHN DOW BLACK GOLD FLUID EVACUATOR (GOOD)	\$26.26
Andy Hall	55 GAL DRUM HAND CRANK FLUID PUMPS	\$5.00
	55 GAL DRUM HAND CRANK FLUID PUMPS	
	POLE LIGHT FIXTURES (400 WATT METAL HALIDE BULBS)	
	POLE LIGHT FIXTURES (400 WATT METAL HALIDE BULBS)	
Andy Hall	DAYTONA BENCH GRINDER no safety guards (GOOD)	\$12.00
	DIESEL FUEL ISLAND PUMP (FAIR CONDITION)	
Andy Hall	BLACK AND DECKER INDUSTRIAL HAND GRINDER (FAIR)	\$5.00
	ALL ITEMS SOLD AS IS:	
Andy Hall	1991 AUTO CAR PLOW TRUCK W/SNOW & ICE EQUIPMENT as is (PLUS NEW RADIATOR AND OIL PAN)	\$1001.00
*1.Cathleen Ross	2004 CHEVY 3500 SILVERADO W/DUMP BOX AND PLOW (NEEDS ENGINE) as is	\$1,018.18
2.Andy Hall		\$402.00

*Please note the highest total bid for each item is in bold.

01/13/16
TC/bsm

Motion was seconded by Councilor Cushman.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Emergency Expenditure Approval:**

Supervisor Venesky made a motion to approve an emergency expense of \$1,545.99 to Palmer Electric, Inc. for lights in the Highway Salt Barn. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any discussion from the other board members, of which there were none.

Supervisor Venesky explained that there had been a short in one of the electrical boxes so there were no lights at all and it had to be fixed.

Councilor Becallo asked if this completely fixes it.

Chris Woznica said no. This is a temporary repair just to get us lights last night. What happened was water seeped into the water box and then got into the main electrical box and rusted all the breakers; the repairman couldn't even turn the breaker off. They couldn't get a box that late at night so they retrofitted it to get it to work, but they still have to come back and put the right box in.

Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Justice Department:

- **Yearly Law Book Updates**

Councilor Karp moved the adoption of a resolution to approve the expenditure to Thomson-West for yearly law book updates in the amount of \$1,099.50. Motion was seconded by Councilor Cushman.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Rename the “Justice Department” to “Courts”**

Councilor Karp moved the adoption of a resolution to rename the “Justice Department” to “Courts.” Motion was seconded by Supervisor Venesky.

Councilor Karp stated he is also an attorney. He explained that this was something that was raised by Judge DeMarche' to him even before he was on the board. Councilor Karp said the courts are really misnamed here in the Town of Cicero. The Justice Department is an Executive Agency. The federal courts are not under the United States Department of Justice, which is under the President. The federal courts are a separate, independent branch, and that's true at all levels of American government, from the federal government down to the local level. So the judges feel that currently what would appear to the public as though the courts are functioning as an agency of the Executive because they are named after an executive department. This resolution, which he anticipates would have a negligible fiscal impact, would correct that and make it clearer to the public that the courts function as an independent branch of government and they are neither subordinate to, nor part of the Executive or Legislative branches.

Councilor Becallo asked how long they had been called the “Justice Department”.

Councilor Karp said it had been called that for as long as he knew of, and he has been practicing for 10 years.

Supervisor Venesky solicited any further discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Police Department:

- **Purchase six (6) Ford Police Interceptors**

Councilor Becallo moved the adoption of a resolution to authorize the Police Department to purchase six (6) Ford Police Interceptors from Carbone Auto Group Inc., at a total price of \$193,204.00 (includes trade-in value of five (5) current department vehicles as outlined in the Bid Specifications packet submitted by the vendor). The Town will finance the vehicles over a four (4) year period with the first payment beginning in 2017. Total amount to be financed through a BAN (Bond Anticipation Note): \$193,204.00 (Carbone Auto Group bid), and \$37,000.00 (2016 Equipment Budget)

Total to be financed: \$156,204.00

Supervisor Venesky began the discussion by saying the vehicles are not being purchased; they're being leased. Our Comptroller advised us that if we paid the entire amount of the lease up front then we could save a couple percentage points on interest. He said that's why it is worded that way; it looks a little confusing, but in fact it is a lease.

Motion was seconded by Councilor Cushman.

Councilor Karp asked if it was a four year lease.

Supervisor Venesky said it was.

Supervisor Venesky commented that the new car is a knock-out. He said it is really nice. He thinks it elevates, in the public's mind and his mind, the prestige and the professionalism of our police department.

Councilor Becallo agreed.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Maintenance invoices**

Councilor Becallo moved for the adoption of a resolution to approve the December Driver's Village maintenance invoices for the Police Department vehicles in the amount of \$1,467.92. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Supervisor Venesky said those invoices are going away once we get the new cars, so we won't be paying those anymore.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Tax Receiver:

- Annual Pitney Bowes Mailing Machine maintenance

Supervisor Venesky moved the adoption of a resolution to approve the Annual Pitney Bowes Mailing Machine Maintenance for the base and the scale platform at an estimated cost of \$3,470.55. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

- **Annual Software Support/Maintenance**

Supervisor Venesky moved for the adoption of a resolution to approve the Annual Software Support/Maintenance processing fee of an estimated cost of \$2,700.00 to Business Automation Services, Inc., which performs uploads for the Town & County taxes, the Village of North Syracuse taxes, and four (4) school districts (North Syracuse, Central Square, East Syracuse Minoa and Chittenango). Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Traffic Signal Maintenance Contract:

Councilor Becallo moved for the adoption of a resolution to approve the Traffic Signal Maintenance Contract with Syracuse Signal Systems, Inc. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Discussion items:

Supervisor Venesky asked if there were any discussion items. There were none.

Executive Session:

Supervisor Venesky made a motion to enter into executive session to discuss issues relative to collective-bargaining negotiations pursuant to Public Office Law Section 105.

Supervisor Venesky invited the Town Attorney into executive session.

Motion was seconded by Councilor Becallo.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously*

Supervisor Venesky said the Board would be reconvening.

Supervisor Venesky stated executive session began at 7:21 p.m. and adjourned at 7:33 p.m.

Supervisor Venesky made a motion to reconvene into Regular Session. Councilor Karp seconded the motion.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

The meeting reconvened to Regular Session at 7:37 p.m.

Supervisor Venesky moved for the adoption of a resolution adopting the proposed **Time Reporting and Timesheet/Time Clock Policy** as drafted and amended on January 07, 2016 for inclusion in the Town Employee Handbook:

<p>Time Reporting – Timesheets and Time clocks</p> <p>Effective date 01/01/2014</p> <p>Non-exempt (hourly) employees must fill out time sheets, or punch a time clock if available, showing the time in and time out for work, lunch, and other non-worked related time off. These time records must also reflect the number of hours worked each day. Completed timesheets must promptly be submitted to the respective supervisor/department head for approval at the end of each work week.</p> <p><u>By law, the Town of Cicero is required to keep accurate records of all hours worked by hourly (non-exempt) employees. Some departments have time sheets, and others may use time clocks to capture the time worked for employees. To enable us to comply with the law, all hourly (non-exempt) employees are required to accurately record their hours worked on the system their department uses.</u></p> <p><u>Our work week is Sunday through Saturday. The Town pays its employees on a bi-weekly schedule on Thursdays. Each paycheck contains pay for two work-weeks. Timesheets for time worked during a 7-day work week ending Saturday are processed the following Monday.</u></p> <p><u>For a variety of reasons, supervisors may need to make adjustments to hours worked on a time sheet. Because it is illegal to tamper with timesheets, if supervisors make any adjustments to hours worked, those adjustments must be approved by the employee. The way we will get approval from the employee is if there are any adjustments to hours worked, a copy of the adjusted timesheet will be attached to the next paycheck the employee receives. The employee must initial the timesheet indicating their approval and return the timesheet to their supervisor by the close of the next business day. If the employee believes an error was made with the adjustment, it is their responsibility to discuss it with their supervisor or payroll no later than the end of the next business day.</u></p> <p>Certain exempt employees are also required to record hours worked for the purpose of tracking days missed and paid time off.</p> <p>Employees are prohibited from signing, punching in or out for another employee, <u>or using a fraudulent name when initiating or signing their time records or approving any changes.</u> Altering time records, recording time for another employee, <u>using a fraudulent name,</u> or altering another employee's time record is strictly prohibited. Employees violating this will be subject to strict disciplinary action up to and including termination of employment.</p>

Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

Public Input:

Don Snyder asked Supervisor Venesky asked about the last resolution the Board made regarding time clocks and if we now have a time clock for certain people?

Supervisor Venesky replied no. He said we are not in compliance with New York State Labor Law. We had an issue, and the Labor Law says that anytime we change or a supervisor changes someone's time card that person must acknowledge that timesheet has been changed. This was a finding when we had we had a compliance audit in 2014, and it was his discovery that this is still not being done, and that we didn't have a written policy. So this now states for the record that if we (and we do regularly in the Highway department) do change it, and when people start early or people start late they will amend it to change the start time or the finish time. The employee needs to know that it was done and acknowledge that by initialing it; so we set up a policy to do that. He discussed it with the Foreman and with the Highway Superintendent, one of the issues that some of the people out in the Highway department in particular had was that they felt if they initialed it and there was a problem that we weren't going to make them whole. So what he said was when they get paid every two weeks attached to that will be the timesheet for the previous two weeks, and if there is a problem with their paycheck obviously don't sign it – we are going to fix it, and then when we fix it, initial it and then it will be filed with Shirlie [Comptroller] for compliance.

Don Snyder: Just some facts. I know you are working on a contract with the Police Department. The Police Department contract (I am sure you have all read now), 69 pages in that contract. The Highway only has 20 pages, and the Teamsters have 19 pages. That says something to me as a taxpayer, and hopefully that'll say something to you as a Town Board as you get into that. Also, look at (just because again, maybe you didn't look at it this way), looking at the Step Program in the 2015 Contract that just ended:

- the end of the 1st year your salary will go up 5 percent,
- into the 3rd it would go up 9 percent,
- into the 4th it would go up 6 percent,
- into the 5th it would go 18.5 percent,
- into the 6th, 3.6 percent, and
- the 7th, 4.4 percent

In six years, your salary would go up 56 percent. It would go up \$24,031.00; we can't afford that. I think you guys know that. I am sure you are working on that, and of course that is offset against the fact that the Teamsters, and the CSEA...we gave them 2 percent. So we really need to make sure that that doesn't get away from us because we just can't afford it.

Don Snyder also said the other thing is that he knows that the law requires us to continue to pay people even though we do not have a contract; we still have to continue to pay them any Step program. He believes we have one employee who started in 2012; their salary will go up 6 percent this year. There were two that were started in 2013, in theory he believes their salary will go up 5 percent, and of course we have one that started in 2014; their salary will go up 5 percent, and of course we had one that started last year so the middle of this year when that person gets up they will get a 5 percent increase too. These are the kinds of questions that he is getting as he sits in a coffee shop and someone has these numbers. The myth that he needs to eliminate is the myth he has heard (and he only speaks numbers when he knows they are right), he can't tell you how many people told him 'our Police Department starts higher than the Sherriff's' - that's absolutely atrocious! It's wrong. And if somebody wants to prove that do what he did and go to the County budget, look at the line, and their line is about forty-seven something so there is about a \$4,000 difference between us and the County. But again, he is not here to throw darts. He is here to help us all understand what we are doing and to make sure that the information that is out there is in fact factual.

Adjourn:

Supervisor Venesky made a motion to adjourn the Town Board meeting.

Motion was seconded by Councilor Conway.

Ayes – 5, Noes – 0, and Abstentions- 0. *Motion carried unanimously.*

There being no further business before the Board the meeting was adjourned at 7:43 pm.

Tracy Cosilmon
Cicero Town Clerk