

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, April 9, 2014 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jessica Zambrano, Supervisor
Tim Burtis, Deputy Supervisor
Mike Becallo, Councilor
C. Vernon Conway, Councilor
Mark Venesky, Councilor

Others Present: Christopher Woznica, Highway
Joseph Snell, Police Chief
Neil Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer
Sharon M. Edick, Receiver of Taxes
Tracy Cosilmon, Town Clerk

Supervisor Zambrano read the following statement:

Welcome to the 7th regular meeting of the Town Board.

I would like to point out the exits from this room – there are two at the back and one up front to the audience’s left.

Please silence your phones and other electronic devices so that the meeting is not unnecessarily disturbed. If you must speak on your cell phone, please exit to the back hallway or outside. We also ask the audience to keep chatter to a minimum, so as not to disturb others.

The Town acknowledges the importance of full public participation in all meetings and hearings. We therefore urge all who wish to address the Board and others in attendance 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.

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.

Councilor Conway requested a moment of silence be observed in remembrance of our men and women serving in the Armed Forces in harm’s way.

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Conway moved the adoption of a resolution to approve the minutes of the March 26, 2014 Regular Town Board Meeting. Motion was seconded by Deputy Supervisor Burtis.

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

BUDGET MODIFICATIONS

Supervisor Burtis moved the adoption of a resolution to approve the following budget modifications:

<u>FROM</u>		<u>\$</u>		<u>TO</u>
B31202	Police Equipment	1677.00	B312040	Police Contractual

BUDGET AMENDMENT

<u>FROM</u>		<u>\$</u>		<u>TO</u>
NYS JUSTICE GRANT A3060 JCAP			3483.51	A11104 JCAP

Motion was seconded by Councilor Venesky.

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

PERSONNEL MATTERS

*Appointment of Zoning Board of Appeals Clerk
Ann Marie August*

Councilor Conway moved the adoption of a resolution to appoint Ann Marie August to the position of Zoning Board Clerk, at a per session meeting rate of \$150.00, including the preparation of minutes, effective April 7, 2014. Motion was seconded by Supervisor Zambrano.

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

*Designate Richard Hooper as the Town's Official Municipal
Separate Storm Sewer System (MS4) Representative*

Supervisor Zambrano stated that we haven't appointed anyone to this position the last couple of years. She asked Bruce Letts, Town Engineer to talk about why we should have an appointment from a Town employee.

Bruce Letts said certainly the Town should officially designate a MS4 representative because they are frequently asked to sign the Storm Water Pollution Prevention plans submitted by developers so that they can proceed with their approvals through NYS DEC (Department of Environmental Conservation). What brought it to light particularly was a project in the Hancock Airpark where there are about 70 barracks buildings that are going to be demolished and because this was simply a demolition project it did not go through the Site Plan Review process where typically the Storm Water Pollution Prevention Plan (SWPPP) is reviewed and approved. The Developer has asked the Town to sign off on the (SWPPP) and there has to be some oversight before the Town signs off on it, and part of that oversight would be to designate an MS4 representative.

Supervisor Zambrano stated that the catalyst for all of this is the improvements to Hancock Airpark.

Bruce Letts replied yes. It's a large project. There are 70 buildings and there will be 6 acres of disturbed area and there's quite a bit of Storm Water Pollution Prevention measures incorporated into the project even though it didn't go through the official Site Plan Review process.

Supervisor Zambrano asked if the engineers will be reviewing that and submitting their report.

Bruce Letts replied yes.

Supervisor Zambrano moved the adoption of a resolution designating Richard Hooper, Director of Code Enforcement, as the Town's official Municipal Separate Storm Sewer System (MS4) representative. This is to enable the Town to formally accept Storm Water Pollution Prevention Plans (SWPPP) submitted by developers as part of their NYSDEC permitting process. Motion was seconded by Deputy Supervisor Burtis.

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

*Appoint Jennifer Foley as Recreation Leader
in the April Break Club Rec Program*

Councilor Becallo moved the adoption of resolution to appoint Jennifer Foley as Recreation Leader in the April Break Club Rec Program at a pay rate of \$10.00/hour effective April 21, 2014. Motion was seconded by Supervisor Zambrano.

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

*Appoint Tia Mannise and Danielle Carnifax as Recreation Attendants
in the April Break Club Rec Program*

Councilor Becallo moved the adoption of a resolution to appoint Tia Mannise and Danielle Carnifax as Recreation Attendants in the April Break Club Rec Program at a pay rate of \$8.00/hour, effective April 21, 2014. Motion was seconded by Supervisor Zambrano.

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

SECTION 211 WAIVER

Supervisor Zambrano explained that our Police Chief has been waived by the State Service Commission in order to continue in his job and collect his pension; this has been happening for a number of years and Joe Snell's current certification runs out at the end of June. This waiver process will not be necessary after December, so we are actually talking about a 6 month waiver for Joe Snell, but in order to start the process we need to canvass other candidates to see if there is anyone interested.

Supervisor Zambrano moved the adoption of a resolution to authorize the Supervisor to initiate the 211 Waiver process for Cicero Police Chief, Joseph Snell. Motion was seconded by Councilor Conway.

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

Supervisor Zambrano said they will be coming back with the results and the recommendation that goes to the State Civil Service Commission.

APPROVE PROPOSED INTERMUNICIPAL CONTRACT BETWEEN THE TOWN OF CICERO AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) FOR THE PROVIDING OF TECHNOLOGY SERVICES

Supervisor Zambrano said Joe Snell, Police Chief and Councilor Becallo have all been working on this proposal.

Chief Joseph Snell explained that the Town has had an email server/data server for several years now; in fact it was about three years ago when we had to replace our service. We have had to do a lot of our own backup tapes for the last several years and as a result it puts us in a very difficult situation; especially if it becomes a disaster recovery situation where if we have a major problem, such as a fire over at the Town Police department where the server is maintained - we'd have to get all that data restored.

For the last six months they have been aggressively looking at different options. We approached two vendors, one being a division of BOCES and CNY RIC (Regional Information Center) and we got (2) quotes from both of them. This does not require (3) quotes due to the fact that this is not a contract, it is an intermunicipal agreement (what that basically means is that the Town can access probably 30 to 35 different services that BOCES offers, that could be cost-cutting and cost-reducing for us at the Town such as: printing services and web design services (there's a list of all the different services that they provide). CNYRIC, currently mans and controls about (9) counties, several school districts and from what he understands about 200 different servers throughout the school districts, throughout Central and Western New York. CNYRIC provided us with what we believe to be a very reasonable bid compared to what the private industry was providing us. In the agreement they would maintain and take care of our backup service - which means all of our data and email data and data services would now be stored at the CNYRIC in the Town of Dewitt at a cost of about \$125.00 a month (which if you look at the private industry rate it is about one-tenth of what the private industry is going to charge). It also provides us with disaster recovery - if we should have a major, catastrophic event here; they would be able to restore our systems within hours. It also provides us with access to their maintenance service if we need them. We are not required to use them. We can call them if we want to. We can continue to use our current local vendor that we use in the Town, but they are a resource if we need them; that is the beauty of this agreement. Fayetteville just signed an agreement with CNYRIC to do the same thing that we are doing (for anyone that is involved in IT, they know the importance of making sure that our data is backed up and is secured.)

Councilor Becallo said the service will be through CNYRIC, but it's CommVault Simpana, which is the industry leader in backup and recovery - it doesn't get any better than that. For \$125.00/ month, plus they waived the set-up fee it's included (the other vendor wanted about \$700). He listed the following items which are included in this service:

- CommVault Simpana agent load on the Towns servers;
- Initial setup of the server backup, including automatic scheduled transmission of data;
- Remote monitoring of backup process for successful completion;
- Diagnostic trouble shooting and remote restore of files (if necessary);
- Local phone and on-site assistance to Town personnel for problems;
- Web interface for self-service file restoration;
- Training on the restoration application.

Councilor Becallo had asked CNYRIC about tech support and hardware. They had told him that tech support does include hardware; they maintain your repair shop, parts are built as needed and labor is hourly. They can also repair on-site critical machines - their technicians can usually handle normal triage on-site before it needs to go their repair shop, as this is cheaper and quicker.

Councilor Becallo listed the following rates for CNYRIC:

- Desktop Computer Support \$75.00/hour
- Server Support \$100.00/hour
- Network Support \$125.00/hour

Supervisor Zambrano asked Councilor Becallo if he anticipated that we would use this instead of Computer Outlet or would we continue to use Computer Outlet as well.

Councilor Becallo said it gives us the option.

Chief Joseph Snell explained that if for some reason we are not happy with our current vendor we can switch right over. If our current vendor is not available we can call CNYRIC immediately and they can respond - they have no problem doing that. Also, with the purchasing power that CNYRIC has, (and he knows that we are looking at 3 or 4 years down the road before we replace the computers), we will be able to purchase them through CNYRIC due to the fact that they purchase thousands of them a year for the school districts. We will be able to access their purchasing power as well.

Supervisor Zambrano asked if CNYRIC can come and provide some kind of orientation for the employees.

Chief Joseph Snell replied yes, they will come in and do training, software updates; their services are IT across the board and they will provide just about anything we ask them to do.

Supervisor Zambrano said she was fortunate enough to meet with CNYRIC, and they certainly have a very comprehensive program. We spent about \$13,000 in computer services last year so hopefully we will see some savings.

Councilor Becallo encouraged that whether we stick with Computer Outlet for services or CNYRIC, desktop is *important* – they can fix it at their computers, at their desktops; they don't necessarily always have to come out here, which is charged more.

Supervisor Zambrano said she thinks it's important to have CNYRIC come here and give orientation to the staff. She asked Councilor Becallo if he could set that up.

Councilor Becallo said okay.

Councilor Becallo moved the adoption of a resolution approving the proposed Intermunicipal Contract between the Town of Cicero and the Board of Cooperative Educational Services for the Sole Supervisory District of Onondaga, Cortland and Madison Counties (BOCES) for the Providing of Technology Services through the Regional Information Center (RIC) for the period from April 1, 2014 to April 1, 2015, and authorizing the Supervisor to execute the agreement. Motion was seconded by Supervisor Zambrano.

Supervisor Zambrano stated that this agreement has been reviewed by our Town attorney and found to be adequate.

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

LOSAP AUDIT FOR 2012-2013

Supervisor Zambrano stated the Town Attorney had given a brief overview at the last meeting about the LOSAP (Length of Service Awards Program) settlement that went into effect. The Town has been compliant with LOSAP since 2008. When the LOSAP program was investigated by the EEOC (Equal Employment Opportunity Commission), one of the requirements was that there is an annual audit of the South Bay Fire Department LOSAP program because the Town was the sponsor. We have done the audit for 2010 and 2011, and now we need to catch up and do 2012 and 2013. We have two quotes and one of our Councilors has requested that we consider tabling this in order to get other quotes to see if we can realize some more savings on the cost of the audit.

Councilor Venesky stated for the record that he was not comfortable after speaking with Shirlie Stuart (the Comptroller) today; he thinks there was understandings disconnect, but he is not comfortable with the two bids - they were called, and they were not put out to bid.

Councilor Venesky also wanted to go on record stating that the Supervisor, before the meeting, suggested in front of Neil Germain, the Town Attorney and also Deputy Supervisor Burtis that the reason for him (Councilor Venesky) holding this up was because his brother Jack owns Jack Venesky, CPA and that maybe he had some sort of interest, so he wanted to go on record and state for the record that his brother Jack, nor his nephew John will do any business with the Town of Cicero *nor* will they bid on any business in the Town of Cicero as long as he is an officer.

Supervisor Zambrano said the two quotes that they do have for a two year audit are:

- Bowers & Company, CPAs \$7000
- Benn & Company, CPAs \$6000

Supervisor Zambrano said if it is the pleasure of the rest of the Board they will table this and get additional quotes.

Deputy Supervisor Burtis asked if they would bring this back to the next meeting.

Councilor Venesky replied correct.

Supervisor Zambrano said it would be pending the availability of being able to get the quotes.

Deputy Supervisor Burtis asked if they had somebody in mind to check with.

Councilor Venesky replied no.

Supervisor Zambrano tabled the issue.

CODE ENFORCEMENT*Installation of Additional Fire Hydrant on VanAntwerp Drive*

OCWA PROJECT NO. 4140005

LOCATION OF HYDRANTS:

Hydrant #13820 – VanAntwerp Drive - -230' north of Lakeshore Road

WS/WSD CODE# Cicero-Oneida Lake WD, #L327

Deputy Supervisor Burtis said they received a letter from OCWA (Onondaga County Water Authority) stating the need for an additional fire hydrant on VanAntwerp Drive. In an effort to continuously improve service to their customers, OCWA is planning to replace the water main along VanAntwerp Drive in the Town of Cicero. The existing hydrant on VanAntwerp Drive is - 900' from the Cicero Center/Lakeshore/VanAntwerp intersection and -1,200' from hydrant #3409 on Lakeshore Road. Current Ten State Standards recommend spacing fire hydrants ranging from 350 to 600 feet apart depending on the area being served.

Supervisor Zambrano explained that the one hydrant is being replaced and the second hydrant is being added because it doesn't meet the standards for the distance between the hydrants so OCWA decided to add two.

Deputy Supervisor Burtis gave the following summary of the costs for **Option 2**: A one-time cost of \$2,500.00 for one hydrant and OCWA charges us \$61.61 per year for annual maintenance for a hydrant. So they've totaled out \$61.60 x 30 years = \$1,848.30. So the motion will be for \$4,348.30.

Deputy Supervisor Burtis moved the adoption of a resolution to approve the OCWA (Onondaga County Water Authority) Project No. 4140005: Installation of Additional Fire Hydrant 8" System Betterment-VanAntwerp Drive, Town of Cicero. **Option 2** in the amount of \$4,348.30 (four thousand three hundred forty- eight dollars and 30 cents) and authorize the Supervisor to sign the agreement. Motion was seconded by Supervisor Zambrano.

Supervisor Zambrano added that our Fire Inspector, John Dunham and Dave Cowburn, our Fire Department Coordinator have reviewed and approved this plan.

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

HIGHWAY DEPARTMENT

Material Purchase Approvals for the 2014 Road Repair and Maintenance Plan per the Section 284 Agreement

Councilor Venesky said initially they were going to make one motion, but he wanted to make a clarification and then he will state this as one motion as opposed to going through it all. The question came up on the \$94,000 to Midland for Fibermat.

Councilor Venesky asked Chris Woznica if he was correct in saying that Midland is the sole vendor for that Fibermat so they couldn't bid that out.

Chris Woznica replied that was correct.

Councilor Venesky moved the adoption of a resolution to approve the following materials for the 2014 Road Repair and Maintenance Plan, per the Section 284 agreement between the Town Board and the Highway Superintendent (this is for our Cornell Roads Program):

- \$387,000.00 to Barrett Paving for Blacktop-Binder/Top-Paving
- \$6,400.00 to TH Kinsella for A1 Stone for FiberMat Application
- \$68,000.00 to D.E. Tarolli for installation (manpower and equipment of underdrains)
- \$4,600.00 to J & L Profiling for Road Profiling (E. Gillette Rd.) – they were the low bid
- \$94,000.00 to Midland for FiberMat
- \$157,500.00 to Lan-Co for Pavers/Operators, Tackcoat

Motion was seconded by Supervisor Zambrano.

Deputy Supervisor Burtis asked Chris Woznica if it would be okay to add not to exceed to each item.

Chris Woznica said for the Paving - that is just an estimate; they haven't really gotten a firm number for the blacktop yet (these are April's prices, when they get to June and July there is going to be an escalation on the cost).

Supervisor Zambrano asked Chris Woznica if the estimates come in significantly higher than he would submit for the difference.

Chris Woznica replied yes.

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

Set Bid Date for May 14, 2014 at 11:00 a.m. for (2) Highway Vehicles

Councilor Venesky moved the adoption of a resolution to set the bid date for May 14, 2014 at 11:00 a.m. at Cicero Town Hall for the sale of the following vehicles:

1997 International 10 Wheel Dump Truck with plow (wing) and 1 -way snowplow- As Is.

1991 Auto - 6 Wheel Truck w/salter – As Is.

Motion was seconded by Deputy Supervisor Burtis.

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

PARKS AND RECREATION DEPARTMENT

SEQRA Negative Declaration for the Town of Cicero Funding from the Dormitory Authority of the State of New York for the Central Park Community Playground Project

Supervisor Zambrano stated there was a press release regarding the \$100,000 grant for Central Park. The idea is to obviously to use the money for modifications and improvements to the park; which includes removal of two tennis courts, installation of drainage to connect with existing drainage and install community playground equipment (this equipment will be geared for individuals who have disabilities that can use it). This is a nice project that was submitted by our Parks and Recreation program. On the advice of our Attorney, we had to fill out a Short Environmental Assessment Form (EAF), to accept this money so these improvements can take place.

Supervisor Zambrano moved the adoption of a resolution that the application of the Town of Cicero for grant funding from the Dormitory Authority of the State of New York for the Central Park Community Playground Project is a Type II with a completed Environmental Assessment Form. The proposed application for funding will not have a significant negative effect upon the environment and does not require the preparation of a Draft Environmental Impact Statement. Motion was seconded by Councilor Conway.

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

Disposal of IBM Typewriter

Supervisor Zambrano moved the adoption of a resolution to declare an IBM Typewriter purchased in 1985 as surplus with no value. Motion was seconded by Councilor Conway.

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

TOWN CLERK*Fireworks Permit Approvals*

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to sign the applications for the following:

- Fireworks Permit to Majestic Fireworks, Inc., display date to be held on May 10, 2014 at 9:15 p.m. at Borio's Restaurant (all required signatures and \$75.00 permit fee have been obtained).

Motion was seconded by Deputy Supervisor Burtis.
Ayes - 5 and Noes- 0. *Motion carried.*

Councilor Becallo moved the adoption of a resolution to approve and authorize the Supervisor to sign the applications for the following:

- Fireworks Permit to American Fireworks Display, LLC., for the Cicero Chamber of Commerce Festival, the display date to be held on June 14, 2014 at dusk, at Sacred Heart Church, (all required signatures have been obtained). This is a not-for-profit, so fee is waived.

Motion was seconded by Councilor Venesky.
Ayes - 5 and Noes- 0. *Motion carried.*

EXECUTIVE SESSION

Supervisor Zambrano stated there would be no executive session tonight.

DISCUSSION ITEMS*Earth Day*

Tracy Cosilmon, Town Clerk thanked all the volunteers and groups that provide our community with this wonderful, environmental service. The Town of Cicero is once again joining efforts with OCCRA (Onondaga County Resource Recovery Agency) to participate on Earth Day; it is going to be this Saturday, April 12th between 8:30 a.m. to 12:00 p.m., and it just gives the chance for the residents of Cicero to join in and clean our community. In 2013, roughly 5,500 people volunteered and collected trash from our roadsides, our streams, and our public spaces. Their amazing efforts brought in over 99,000 pounds of trash. In the two decades since OCRRA began the cleanup, more than 2,093,880 pounds of litter have been removed from our community's streets and green spaces. A lot of groups have been coming to her and have signed up with OCRRA, and our Town employees and groups will be here on Saturday at 8:30 a.m., so she encourages everyone if they need to get rid of items you can bring them to the Highway department; we have stickers here, everything does have to have the placement of a sticker on it. She has had some groups and children come to her that have coordinated the Carmel Runne area and Williams Beach. Tracy Cosilmon stressed "Think Safety First" and also listed some of the items the Town of Cicero Highway Department will *not* be accepting.

Adopt-a-Town Road Program

Supervisor Zambrano said it came up this past week that some people were interested in maybe an Adopt-a-Town Road Program.

Councilor Venesky explained that it's not unlike what some of the other towns are doing, for example: "Adopt-a-Road Program sponsored by the Cicero Elks Club", and then two or three times a year their folks would come out, police the road and pick up any refuse or whatever had fallen. So they will probably have some discussion on that moving forward – he thinks it is a good idea; it certainly wouldn't hurt us.

Supervisor Zambrano said we did have one party approach the Town, but it was Cicero Center Road, which our Highway Superintendent promptly advised us that it's a County road so maybe there's another road that we can start our Adopt-a-Road Program in Cicero. Chris Woznica said that he would print signs for the sponsor of the road; they will have to establish some type of criteria on how many times a year the road needs to be cleaned, and she thinks that County designates miles or a portion of a mile.

Chris Woznica explained that a party could do Cicero Center Road, but the Highway Department cannot provide the signage for it – the sign would come from the County.

Acknowledgement of UCONN's Win (Breanna Stewart)

Supervisor Zambrano acknowledged UCONN's win last night for National Champion in Woman's Basketball. We had *Breanna Stewart Day* last summer when Breanna came back to town and it has already been suggested that we have another *Breanna Stewart Day* this summer when she comes back around. Breanna Stewart was named Most Valuable Player for the tournament; she had 21 points and 9 rebounds.

PUBLIC INPUT

My name is Robert George, I am a resident of the Town of Cicero, and my entire comments herein are based upon information and belief, which I believe to be true.

I am here tonight to make known to the Cicero Town Board, and to file an ethics complaint against, a Cicero Town employee who I believe has engaged in various conflicts of interest, misuse of power, improper, unethical, and possibly illegal conduct, in the discharge of their governmental duties. That this conduct has been known by so many for so long, with nothing being done to stop it, shocks the conscience.

I am therefore filing an ethics complaint against, asking the Cicero Town Board to conduct an investigation into, and requesting the immediate resignation of Jessica Zambrano, Cicero Town Supervisor, including but not necessarily limited to, the following allegations:

1. Ms. Zambrano is and has been, for some time, involved in a romantic, personal, intimate, and financial relationship with Douglas Wickman, who is Senior Principal of the Cicero Town Engineer, C&S Companies; Ms. Zambrano is and has been physically living with Douglas Wickman; and Ms. Zambrano is a co-owner with Douglas Wickman of the house where they currently live together as domestic-partners, 7121 Totman Drive in Cicero.

2. Despite Ms. Zambrano's romantic, personal, intimate, and financial relationship with Douglas Wickman, and Douglas Wickman being Senior Principal of C&S Companies, as Cicero Town Supervisor, Ms. Zambrano has:

- a. personally voted to select C&S Companies as the Cicero Town Engineer.
- b. personally signed the contract designating C&S Companies as the Engineering firm representing the Town of Cicero.
- c. personally signed several contracts with C&S Companies.
- d. personally signed contracts submitted to the Town of Cicero by Douglas Wickman, which were also personally signed by Douglas Wickman.
- e. personally approved and signed invoices and bills for services performed by C&S Companies, submitted by Douglas Wickman, which were also personally signed by Douglas Wickman.
- f. personally signed checks payable to C&S Companies for work billed by Douglas Wickman.

3. I believe that Ms. Zambrano's conduct violates Article 18 of the New York State Municipal Law and the Town of Cicero Code of Ethics, both of which are misdemeanors, and also violates Section 36 of the NYS Public Officers Law.

4. I therefore ask the Cicero Town Board to immediately begin an investigation into all actions of Ms. Zambrano, not only since she has been supervisor, but even prior, when she was a town councilor and deputy supervisor; and to investigate Mr. Wickman and C&S Companies; and to retain independent legal counsel and a forensic accountant in doing so.

5. In addition, as the engineering firm for the Town of Cicero, C&S Companies has a duty to be an unbiased and independent advisor and provider of services to Cicero. I believe this duty is compromised when the Senior Principal of C&S Companies is an active participant as town engineer, and simultaneously the domestic-partner of the town supervisor; and this conduct is not only an appearance of a conflict of interest, but is an actual conflict of interest. As residents and taxpayers of Cicero, how do we know whether the town engineer, via Mr. Wickman, is representing the Town of Cicero's interest, or instead his domestic-partner's personal agenda?

6. As Supervisor, Ms. Zambrano has a duty to protect the interests of the Town of Cicero. As residents and taxpayers of Cicero, how do we know whether Ms. Zambrano is representing the Town of Cicero's interest solely, or instead is failing to properly monitor her domestic-partner's activities as town engineer? One may even validly ask whether C&S Companies was selected as the Town Engineer because of Ms. Zambrano's personal relationship with Mr. Wickman.

7. Of equal concern is the issue of invoices submitted to Cicero by Mr. Wickman, and checks signed by Ms. Zambrano, to C&S Companies, for work Mr. Wickman has claimed to do. Given the personal relationship between Ms. Zambrano and Mr. Wickman - a boyfriend submitting invoices, and checks being signed by his girlfriend - it is legitimate to inquire whether sufficient over-site and review of these invoices occurs, and to question whether this conduct is proper.

8. And I believe that with town moneys being paid to C&S Companies, Ms. Zambrano obtains a “direct or indirect pecuniary or material benefit as a result of the town contract,” through moneys paid by C&S Companies to her live-in domestic-partner, Mr. Wickman.

9. The NYS Attorney General has “emphasized that public officials should avoid circumstances which compromise their ability to make impartial judgments solely in the public interest,” and that “even the appearance of impropriety should be avoided in order to maintain public confidence in government.”

10. Public officials, especially elected public officials, are held to a higher standard of conduct, and rightly so, because they hold the “public trust.” I believe Ms. Zambrano’s actions “violate the spirit and intent of these ethics laws, are inconsistent with public policy, and suggest self-interest, partiality, or economic impropriety.”

11. In closing, what I have stated here tonight only scratches the surface, and is just the beginning. I intend to begin filing FOIL requests with the Cicero Town Clerk to obtain further documentation of not only these allegations, but also other possible misconduct by Ms. Zambrano in addition to her relationship with Mr. Wickman, and to file all allegations and supporting documents with the appropriate government agencies.

Thank you.

Supervisor Zambrano – Mr. Germain.

Neil Germain, Town Attorney - we have opined on whether or not that is a conflict of interest and if the conflict of interest does in fact exist we have opined that it does not. You are not married. It is not a legally recognized relationship. And I am not going to go any further and address each and every allegation that this gentleman just made. Basically, he said what he felt was his peace; I disagree with almost all of it in its entirety. We have opined on the conflict of interest question and could nothing in what he says changes that opinion.

Supervisor Zambrano thanked Neil Germain.

Don Snyder said on the Town’s website under Highway regarding Mailboxes: We will repair or replace mailboxes and posts, only if after inspection from the Highway Dept. deemed damaged by our plows. We do not repair them from snow spray that occurs occasionally from the weight of the snow. Mailbox replacement is a courtesy performed by the Town Highway Department. We are not legally responsible for damage occurred while snow plowing. We do not repair “special” mailboxes. A damaged box will be replaced with a standard metal mailbox. (If you have custom made or “special” mailbox, you may consider replacing it for the winter season with a standard mailbox.) Posts are replaced with a pressure treated wood post. Please be aware of the set-back installation where snow removal may be a problem suggested by the Postal Service.

Don Snyder said he had read the previous meeting minutes today and it says that we authorized \$990.00 for a man’s mailbox. He took a picture of that yesterday; it’s a pile of stone, maybe 18” square, maybe 3 or 4 feet tall – \$999.00 is ridiculous, but we say in the language that we won’t do that. Councilor Conway and Councilor Venesky voted no for this, which he thinks was a very admirable, smart move. He’s just curious how three of the Board members that voted for this could in fact and why they voted to spend “our money” not “your money” to fix this man’s ...supposedly, way much more than \$999.00 mailbox.

Deputy Supervisor Burtis said the owner of the mailbox submitted a bill of what it cost him to build the edifice and it was significantly more than that (it was about \$2,500). The fact that it wasn’t talked about here at the Town meeting was that when our Town employees hit the mailbox, they stopped, ... (inaudible due to tape change) what it cost him to build it, which was \$2,500.00 from what he remembers and none of us felt comfortable with reconstructing it at \$2,500.00 and there was a lot of discussion about it and that was how we ended up voting.

Don Snyder asked if that meant that the stuff we have on our website is crap. Is garbage? I mean it doesn't mean anything when we tell everybody, "Hey gang, if you have a special mailbox we aren't going to fix it." We have no liability? What did our insurance company say – Laugh out Loud?

Supervisor Zambrano said the gentleman approach Highway to fix it and the Highway (consistent with its policies) said that they would replace the mailbox with the standard mailbox. The gentlemen persisted and he submitted a Notice of Claim to our insurance company - which was denied. He still wanted to appeal that and so he approached the Board for consideration of his expense, so it was decided by the Board that there would be some kind of settlement with him. So it was not a violation of the Town policy in the sense that he was properly denied according to policy by the Highway department and by the insurance company, but the majority of the Board members decided that he would get a settlement and that's how it was decided.

Don Snyder said from a precedent standpoint, we are now in trouble when we hit any mailbox that is "special." We're going to settle up with the guy whatever he decides he needs for the mailbox? We are going to pay for it?

Supervisor Zambrano explained that on the advice of our Attorney, the Board can consider any claim as a matter of judgment by the Board, and that's what happened.

Neil Germain, Town Attorney told Don Snyder that the Board had absolute right to compromise the claim in their discretion and they compromised that claim in their discretion and paid the claim. That's within their powers, within your right; it's within your authority. You are just sitting here and drawing your own conclusions. If you want to make conclusory statements that said that sets a precedent – you have the right to make this statement.

Don Snyder explained that he was reading what "we" said on our website.

Neil Germain replied that he understands what he is reading him; he is reading him what he is looking at on a piece of paper. He understands that. That is fine. The question was did they have the authority to compromise that claim and vote on it - and they did.

Judy Boyke asked who the liaison to the Comptroller was.

Deputy Supervisor Burtis replied that he was.

Judy Boyke said she noticed a new line item for Syracuse Haulers. In February we paid for Syracuse Haulers waste for January/February Building contractual for \$768.90 and then for March. There's another line item for Buildings contractual for \$386.45. This is over and above our normal contract with Syracuse Haulers and it's a new item that has never appeared on our abstract. She asked if they could explain it to her.

Deputy Supervisor Burtis told Judy Boyke he would look into it for her.

Judy Boyke asked Deputy Supervisor Burtis if while he was looking into Syracuse Haulers then maybe he could explain the \$101,000 negative in January, then a plus, then it was moved, and then there was a plus of \$101,000 as well, she'd appreciate it.

Frank Thompson Jr., Bridgeport Fire Department Chief said as they all know, because they all probably got a letter too from the Cicero Fire District. He is here to openly voice his concern and his opinion over the Cicero Fire District. They had a referendum vote obviously, as everyone knows, on this fire house. There are five (5) fire companies that protect the Town of Cicero taxpayers – not just Cicero. In this letter that they got, he believes it was Jim Perrin, who is the Commissioner for the fire district.

Supervisor Zambrano asked if that was an email.

Frank Thompson, Jr., replied yes. The way he reads the email it is kind of threatening to them. Particularly one line where apparently Mr. Mangicaro has influenced the Board and has got (4) four out of the (5) five of them elected into office. He thinks that Mr. Mangicaro needs to be educated on how things work in the fire service and how things work when the town and fire districts....I don't think he understands.

Supervisor Zambrano asked "he" meaning who.

Frank Thompson, Jr. replied Mr. Mangicaro. He doesn't know who he is and he doesn't care - he needs to be educated on how things work. The Cicero Fire District is just that. They set their taxes and we have no control over that as the taxpayers. You as the Town Board set the town taxes for the fire outside of that - the Protection Districts South Bay and North Syracuse all have a piece of. This letter basically says that they need to get their fire house and they need to open up their district to their Fire Protection District, which in turn would hurt every single other fire department in the Town of Cicero. It would kill the little other departments like us. Cicero Fire Department already has a \$890,000 budget - I don't think that they need anymore. If you want to talk about lowering taxes - talk to the fire district and talk to them about lowering their rate, which they control. He doesn't believe that the Board should be bullied into any of this and they are going to stand behind them 110%. We are fighting the Cicero Fire District on this all the way. He is only speaking for the Bridgeport Fire Department. He can't speak for South Bay, Brewerton and North Syracuse, but he can guarantee you that they will probably be on the same page that we are. He doesn't think that anyone should be bullied into doing something that's not right. If anyone wants some input - he will give them input. But he doesn't think that it's right and he is just looking for the Board to stand up for the Town taxpayers - not just the district.

Councilor Venesky said they had a conversation. And for those that don't know there was an email that was sent from Chief Perrin suggesting that this Board could be unduly influenced by a member of the Republican Committee and that votes could be swayed. Councilor Venesky wanted to go on record right now saying that *no one* controls the vote of Mark Venesky. Period. And after all that he has heard tonight, if there is such a cloud over the ethics and over the conduct of this Board, he fully supports an ethics investigation, as stated by Rob George. There is no influence over this Board; he states that categorically - he speaks for himself and he will support and investigation.

Mark Mangicaro introduced himself. He said he doesn't often address the Board, but since his name was brought up this evening in a rather unflattering, unflattering and an untrue way let me state for the record what I told Mr. Perrin during our conversation - I said when it was implied that the Board is uncooperative; I said that they will listen to people. They will listen to me. He said why would they listen to you? I said, "Well, I helped them get elected." I *didn't* say I got them elected, I *helped* them get elected *and* they listen to the public, that's why I helped them get elected. It's just that simple. And for things to be misconstrued is unfortunate. Hearsay is hardly worth responding to, but he just feels that he has to set the record straight. There are (5) five dedicated public servants sitting before us tonight. You may not agree with every one of them on everything they do, but they are dedicated, and they are honorable people. They listen to the public - that's why they got elected. *Not* because of me.

Frank Thompson, Jr. said it says it all in the letter, that's what he went by. He asked if they would like him to read the whole letter.

Several people replied no.

Gary Repko, formerly with the Town of Cicero, questioned the adoption designating Richard Hooper as the Municipal Separate Storm Water representative. Does he have a JP008001 Erosion and Sediment Control card certificate?

Supervisor Zambrano said she didn't know.

Gary Repko said Richard Hooper didn't because there haven't been any classes since he took it. In regards to being able to sign off, does Richard Hooper have certification in the New York State program for his A, B, C, D, etc., classes? The last time he knew he did not.

Supervisor Zambrano replied no. Richard Hooper is going through the classes currently, he's not signing...

Gary Repko said if Richard Hooper is going through them then why didn't he have them before he was hired? This was recommended by someone who was hired as a Consultant, as a part-time consultant who decided that it was more effective to have full-time people than part-time people.

Supervisor Zambrano said there is no requirement for him, for the candidate...

Gary Repko said apparently Richard Hooper doesn't have the background or the knowledge to run that department. He isn't shooting down Dick, he is a nice guy. But, when you put somebody in a position like that to run a department like that, who gets scrutinized by you, by C&S, by Doug, anybody, they should at least have some kind of a background to run that operation.

Don Snyder told Supervisor Zambrano that what she had just said was not correct. The request that was put out for Mr. Hooper's position said Special Qualifications- must have Building Code Compliance certification and Richard Hooper did not have that. A lot of people could have applied for that job, including himself, had he known that was something that they'd let him gather after he was hired and was working as a Town employee. They had decided to hire him and again, he knows Dick, he's talked to him and he's a great guy, but we allowed him to start a job without the requirements that you placed upon that position when you put the thing out for bid – he had to have Code Compliance certification.

Supervisor Zambrano explained that Richard Hooper was appointed to a Civil Service position which specified that they did not have to be certified at the time that they were hired but would have to become certified within a year. Richard Hooper is undergoing the classes now and the expectation is that we will become certified as required by Civil Service within one year. Failure for Richard Hooper to pass the certification means that he will not be eligible to retain the position.

Supervisor Zambrano asked Neil Germain if she had misstated anything from the Civil Service point of view.

Neil Germain replied no.

ADJOURNMENT

Supervisor Zambrano moved the adoption of a resolution to adjourn the Town Board meeting.

Motion was seconded by Deputy Supervisor Burtis.

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

There being no further business before the Board, the meeting was adjourned at 7:34 p.m.

Tracy M. Cosilmon
Town Clerk