

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, August 27, 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
Sgt. Baldini, Police Department
Richard Hooper, Director of Codes Enforcement
Robert Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer
Tracy Cosilmon, Town Clerk
Jody Rogers, Director of Parks & Recreation
Robert Smith, Planning Board Chairman

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.

Supervisor Zambrano indicated where the emergency exits were and read the following statement:

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and we therefore urge all who wish to address the Board to utilize the microphones at the front of the room. If anyone is unable to hear please let us know so that we can make any necessary adjustments.

PUBLIC INPUT (AGENDA ITEMS ONLY):

Councilor Becallo read the following:

- Procedure – Sign in sheets will be placed on the back table. Public will sign-in with name and agenda item(s) they have questions on.
- Public will be called up to the microphone to speak on the agenda item at the time the Town Board discusses that particular item.

APPROVAL of MINUTES:

Deputy Supervisor Burtis moved the adoption of a resolution to approve the minutes of the July 23, 2014, Regular Town Board Meeting. Motion was seconded by Councilor Becallo.

Ayes- 4 and Abstained -1. *Motion carried.* Supervisor Zambrano abstained.

Deputy Supervisor Burtis moved the adoption of a resolution to approve the minutes of the July 30, 2014, Special Town Board Meeting. Motion was seconded by Councilor Conway.

Ayes- 4 and Abstained - 1. *Motion carried.* Supervisor Zambrano abstained.

Councilor Venesky moved the adoption of a resolution to approve the minutes of the August 8, 2014, Special Town Board Meeting. Motion was seconded by Supervisor Zambrano.

Ayes- 3 and Abstained - 2. *Motion carried.* Councilor Becallo and Deputy Supervisor Burtis abstaining.

BUDGET MODIFICATIONS:

Deputy Supervisor Burtis moved the adoption of a resolution to approve the following budget modifications and amendments as presented:

**TOWN BOARD MEETING
08/27/2014**

**2014
BUDGET MODIFICATIONS**

FROM		\$	TO	
A16204	Building Contractual	504.28	A1620406	Police Buildings Contractual
A711043	Parks Tech Studies	32.90	A711044	Parks Miscellaneous
A711043	Parks Tech Studies	837.10		
A71501	Parks Personal Services	3000.00		
A715042	Beach Improvements	1500.00	A711045	Parks Improvements
A71501	Parks Personal Services	33.75	A715011	Parks Laborer
B714010	Personal Services	528.57	B714012	Extended Day Camp Personal Serv
B702041	Parks Admin Office Supplies	371.03	B702043	Parks Admin Contractual
A131542	Comptroller Computer Soft	2000.00	A13154	Comptroller's Contractual
A19504	Special Items Taxes	356.20		
A19304	Special Items Judgments	920.80	A19104	Special Items Insurance
A71501	Parks Personal Services	389.16	B71501 OT	Parks Personal Services OT
B714010	Parks Personal Services	897.51	B714010 OT	Playgrounds OT
			B714012 OT	Day Camp OT
			B714040	Parks Program Supplies
			B714043	Extended Day Camp Supplies
DB513057	Hwy Body Maintenance	1550.00	DB513048	Hwy Batteries
DB511047	Hwy Misc.	2093.55	DB511242	Hwy Roadside Drainage
DB511049	Hwy CB/F&G/Riser	3000.00	DB511242	Hwy Roadside Drainage
DB94856	Hwy Lease Principal	5094.23	DB97857	Hwy Lease Interest

2014 BUDGET AMENDMENTS

Revenue			Appropriations	
B3389	PTS Police Traffic Service Grant	2486.83	B31201	OT PTS
B3389	COPS Community Overdose Prevention	935.00	B31204	COP Police Contractual
A2705	Donations	175.00	A677242	Senior Supplies
A2705	Donations	800.00	A711045	Parks Improv.Rehab

Supervisor Zambrano asked Deputy Supervisor Burtis to comment on the amendments.

Deputy Supervisor Burtis read the budget amendments in their entirety.

Motion was seconded by Supervisor Zambrano.

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

PERSONNEL MATTERS:

Supervisor Zambrano said Richard Hooper had been appointed to the Director of Codes Enforcement provisionally, pending passage of the Code Enforcement Officer training which he has completed successfully in six separate sessions and all with an exam and he has completed those. He also was required to pass the Director of Codes Enforcement civil service examination and he did pass and was reachable on the list.

Councilor Becallo asked where Richard Hooper's agreement that says his salary will be upped pending he passes all these courses.

Supervisor Zambrano explained that Richard Hooper was staying at the same salary; they hired him at \$62,500.00 and he was staying at that.

Deputy Supervisor Burtis said they were just changing his status from provisional to permanent.

Code Enforcement:

1. Councilor Conway moved the adoption of a resolution to approve the transition of Richard Hooper from provisional to permanent status as the Director of Codes Enforcement, effective immediately at a salary of \$62,500.00 annually. Mr. Hooper has served in this position at the same salary since December 4, 2013 but was in provisional status pending successful completion of the Code Enforcement Officer Course and passage of the civil service examination for the Director of Codes Enforcement position with a reachable score. Motion was seconded by Supervisor Zambrano.

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

Parks and Recreation (Staff appointment for CanTeen vacancy):

1. Councilor Becallo moved the adoption of a resolution to approve Micaela Lara-Gonzalez for the position of Recreation Leader/Center Monitor Supervisor at a pay rate of \$12/hr. (25 hrs. /week), effective September 3, 2014. Motion was seconded by Councilor Conway.

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

PUBLIC HEARING for WALLINGTON MEADOWS SECTION 7B:

Supervisor Zambrano stated the public hearing was to consider the acquisition of sewer and drainage facilities, as well as proposed roads located on Section 7B of Wallington Meadows in the Town of Cicero owned by Developer, LOK Development, LLC (successor to Kenwood Homes, Inc.) (21 Lot subdivision west of Whiting Road) Lakeshore Sewer District and the Oneida Lake and Chittenango Creek Drainage area as specifically defined and described in legal metes and bounds in the proposed Deeds.

Supervisor Zambrano asked Steve Calocerinos if he wanted to do a presentation/overview for the board.

Steve Calocerinos, Calocerinos Engineering on behalf of the Developer, LOK Development (the successor to Kenwood Homes who previously owned Section 7B), said this was for Wallington Meadows Section 7B. Section 7A & 7B were constructed together, but 7A infrastructure was actually dedicated and accepted by the town some time ago. That night they were looking to dedicate the remainder of the utilities that were constructed at that time for sewer and drainage, as well as the roads. He showed everyone Section 7B on a map and said in its entirety 7B is 21 lots, there is approximately 1100 linear feet of 8" sanitary sewers which are located within the Lakeshore Sewer District and approximately 1390 linear feet of 12 – 18 inch diameter storm sewers which are in the Oneida Lake and Chittenango Creek Drainage District. In addition, the roads are: Alizarin Path to Pizzuto Lane, Cobalt Drive (which is a dead-end), and a short stub of a future street named Periwinkle Path (with a hammer-head turnaround). In total there's about 1310 linear feet of 22ft. wide roads, with 2ft. gutters on the side; they were constructed originally under the prior town highway standards.

Supervisor Zambrano solicited any questions from the Board.

Supervisor Zambrano stated she had proof of publication and posting:

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE:

NOTICE OF PUBLIC HEARING TOWN OF CICERO Please take notice that a Public Hearing will be held by the Town Board of the Town of Cicero on the Wednesday, August 27, 2014 at 6:30 p.m., at the Town Hall, Town of Cicero, 8236 Brewerton Road, Cicero, New York to consider the construction and acquisition of sewer and drainage facilities as well as proposed roads located on Section 7B of Wallington Meadows in the Town of Cicero owned by Kenwood Homes, Inc. (21 Lot subdivision west of Whiting Road) Lakeshore Sewer District, and the Oneida Lake and Chittenango Creek Drainage area and the construction of said roads and facilities having been completed in accordance with the Plans and Specifications thereof; The Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under dated of July 28th, 2014: Overland Drainage Facilities Guarantee - \$6,700; Maintenance Guarantee - \$17,625.00; Road Guarantee \$12,700.00; Road Repaid and Top-Coat-\$24,400.00, Parkland Contribution \$1,900.00, Monument Deposit - \$1,800.00; Stop Sign Installation - \$100.00; as set forth in an Agreement between the Town of Cicero and Kenwood Homes, Inc., proposing that the Town accept title to such facilities. By the Order of the Cicero Town Board August 8, 2014

DATED: August 8, 2014

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

Public Hearing was opened at 6:45 p.m.

Speaking for – None

Speaking against – None

Board Comments - None

Supervisor Zambrano closed the public hearing at 6:45 p.m.

Councilor Venesky said he did not receive the final road report on that, but asked Bruce Letts if the roads were good.

Bruce W. Letts said Chris Woznica did go out and look at the roads and was satisfied. Bruce said he checked all the drainage; there are a few minor things, but that's covered with securities.

Supervisor Zambrano said that was at least a couple of months ago when Chris Woznica went out there with a backhoe.

SEQRA: Supervisor Zambrano moved the adoption of a resolution that the petition of LOK Development, LLC requesting the Town consider the acquisition of sewer and drainage facilities, as well as proposed roads located on Section 7B of Wallington Meadows in the Town of Cicero owned by Kenwood Homes, Inc. (21 Lot subdivision west of Whiting Road) Lakeshore Sewer District and the Oneida Lake and Chittenango Creek Drainage area as specifically defined and described in the proposed Deeds, Affidavits of No Liens, Bills of Sale and approved Subdivision Map provided to the Town is an *unlisted action* involving no other permit granting agency outside the Town. The proposed project *will not* have a significant effect upon the environment and therefore *does not* require the preparation of an Environmental Impact Study (EIS).

Motion was seconded by Councilor Conway.

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

Supervisor Zambrano asked Bruce W. Letts if he wanted to comment further on the actual decision for accepting all of the easements and roads.

Bruce Letts said he met Chris Woznica out there; they walked the roads, and subsequent to that Chris went out and dug in the road to make sure that the section was proper, then he went out and walked the whole property; the sewers, the drainage, the swales, and so forth, and there were some minor things that needed some attention, but nothing major. So basically, they recommended that it was built substantially in accordance with the plans and that the town accept them.

Robert Germain said he had also spoken to Chris Woznica that day and Chris was fine with the roads.

DECISION: Councilor Venesky moved the adoption of a resolution that the Town of Cicero, having conducted a public hearing to consider the construction and acquisition of sewer and drainage facilities, as well as proposed roads located on Section 7B of Wallington Meadows in the Town of Cicero owned by Developer, LOK Development, LLC (21 Lot subdivision west of Whiting Road) Lakeshore Sewer District, and the Oneida Lake and Chittenango Creek Drainage area as specifically defined and described in legal metes and bounds in the proposed Deeds, Affidavits of No Liens, Bills of Sale and approved Subdivision Map (Wallington Meadows Section 7B-Phase I made by Ianuzzi and Romans Land Surveying dated August 7th, 2014 indicating streets as "Alizarin Path," "Cobalt Drive" and "Periwinkle Path" provided to the Town, and that the construction of said roads and facilities has been completed in accordance with the Plans and Specifications thereof; as certified by the Town Engineers, and that the developer has posted security pursuant to the written recommendations of the Town Engineering date of July 28th, that the Town *accept* title to such facilities. Motion was seconded by Councilor Conway.

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

Supervisor Zambrano said she believed that there was a plan to top the roads this fall and asked if that plan was still in effect.

Steve Calocerinos said theirs is 7B, and they are going to try their best to coordinate with 7A so it's seamless; to avoid any patches and cold seams.

CLERK'S OFFICE:**Fireworks Permit:**

Councilor Venesky moved the adoption of a resolution to authorize the Supervisor to execute the Application for the Firework's Permit from American Fireworks Permit from American Fireworks Display, LLC, to be held on Saturday, September 13, 2014 at 9:00 p.m. at the Lakeshore Yacht & Country Club, 6777 Lakeshore Road, Cicero, NY. The application permit fee of \$75.00 has been received. Motion was seconded by Councilor Becallo.

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

Valve Installation in Court Room:

Councilor Venesky moved the adoption of a resolution to approve \$1,128.00 to Davis Mechanical Service, Inc. to install a new 2", 3-Way Valve in the Town Hall Court Room. Motion was seconded by Councilor Conway.

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

PARKS & RECREATION:**Accept Donations:**

Public Input:

Don Snyder's question was in regards to purchase approvals, and since they just finished a budget workshop, the \$7,134 .00 to the Treasurer of the North Syracuse School District for school usage for the Day Camp, was that for rental of space or to cover the school's cost for janitors service and things of that sort, is there actually out-of-pocket money for the school district for the rental that we do at the school.

Jody Rogers explained that it was for the rental of the space. The school district now charges any outside organization to use the cafeteria, gymnasium, or classroom at a certain fee per hour and that's the fee that's levied against us for us to use the school, for whatever time of the year and this was for our Day Camp program at Cicero Elementary.

Don Snyder said that nothing drives him crazier than paying our school tax bill, which is much bigger than our town tax bill by 2:1, and then we get a bill for our residents that pay taxes to use the facility. He said he asked two of the councilors to look at that.

Jody Rogers informed the board, as well as the residents, that she believed it was 3 years ago that the school went to a contingency budget and that year the State Education law allowed them to start charging for facilities within the school district and they have not stopped that process because it is, she is guessing, a revenue source for the school district. The Parks & Recreation departments, whether it's Clay, North Syracuse or Cicero using the buildings, all have to pay these fees. She said she could obtain a list of the fees if anyone did want to see them, but it has not stopped since the school did their contingency.

Supervisor Zambrano asked Jody Rogers who she deals with when she is talking to the schools about renting space.

Jody Rogers said she actually has an individual that monitors the requests for school space but Mr. Keegan, who is their comptroller is generally the person that they go through as the person that does the accounting and sets those rates.

Supervisor Zambrano asked Jody Rogers to notify Mr. Keegan that there is some interest in possibly negotiating the fees and to copy the board and suggested that maybe one of the councilors would follow up on that.

Deputy Supervisor Burtis asked if that was paid by participant fees.

Jody Rogers said that was correct. Anytime we use a school it has to be paid as the substitution type program, whether it's ballet, basketball or the Day Camp program; it increases the fee that the families have to pay to put their children in programs and it definitely has escalated those fees and our adult programs also pay it. But people do pay it and our programs do fill. But does it dissuade people from being in the programs, probably.

Deputy Supervisor Burtis asked if all the school districts were doing this.

Jody Rogers said no. Our district is, but not every school district does it.

Supervisor Zambrano said she did go to a presentation about school districts and their reserve funds and the North Syracuse School District's reserve fund that was much below average to other area school districts; so they are trying to build up the reserve funds and she thinks that this is one way to generate revenue. She said she does understand Don Snyder's concern and that most of the participants in these programs are from the Cicero area (she had asked Jody) and at least we can express our concern to Mr. Keegan and see if there is any possibility of negotiation.

Councilor Becallo asked if they were going to vote on that or hold off.

Supervisor Zambrano said no, they were going to vote.

Councilor Becallo asked Supervisor Zambrano why she would vote for it and then ask for negotiation.

Wouldn't you say hold off on it, ask for negotiation and then vote on it.

Supervisor Zambrano asked Jody Rogers if they could hold off on it.

Jody Rogers said this program has ended; they have already used the school. Moving forward, she thinks we could suggest the negotiation of it for the fall and spring programs, but at this point she would suggest we pay this; we have already taken the money in so to hold it, to her, doesn't serve a purpose. She suggested that they negotiate from here forward.

Councilor Becallo said all sides brought up good points.

1. Accept donation from Catholic Charities:

Councilor Becallo moved the adoption of a resolution to accept donation from Catholic Charities in the amount of \$175.00 for contributions towards the Senior Celebration Event co-sponsored by the Cicero Senior Center, September 16th at the American Legion. Motion was seconded by Supervisor Zambrano.

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

2. Deputy Supervisor Burtis moved the adoption of a resolution to accept the following donations for trees at Central Park new Playground totaling \$1,000.00:

- a. Lori Lake-Toms \$200.00
- b. Mike Becallo \$200.00
- c. Jody L. Rogers \$200.00
- d. Jessica Zambrano \$200.00
- e. Ruth Beasley \$200.00

Motion was seconded by Councilor Venesky.

Ayes - 3 and Abstained – 2. Supervisor Zambrano and Councilor Becallo abstained.
Motion carried.

3. Councilor Becallo moved the adoption of a resolution to accept (20) used utility poles by Syracuse Utilities valued at \$400.00. Motion was seconded by Deputy Supervisor Burtis.

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

Purchase Approvals:

A. Tennis Instruction (additional \$195 which is over and above the previous requested amount July 16th Town Board Agenda):

Councilor Becallo moved the adoption of a resolution to approve an additional \$195.00 (from participant fees) to John Wojick for tennis instructions. Motion was seconded by Councilor Conway.

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

B. School Usage for Day Camp:

Councilor Becallo moved the adoption of a resolution to approve \$7,134.00 (from participant fees) to Treasurer, NSCSD for school usage for Day Camp. Motion was seconded by Deputy Supervisor Burtis.

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

C. Scoreboard installation and trenching for electric service at Central Park:

Councilor Becallo moved the adoption of a resolution to approve \$5,592.75 (Cicero Little League Participant Fee Fund) to Letters Signs Specialties) for scoreboard installation and trenching for electric service at Central Park. Motion was seconded by Councilor Venesky.

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

D. Install metal fascia and stain gable ends at Skyway Park pavilion (Contractor needed to complete work due to height of work area):

Councilor Becallo moved the adoption of a resolution to approve \$1,550.00 to Yankee Construction to install metal fascia and stain gable ends at Skyway Park pavilion. Motion was seconded by Deputy Supervisor Burtis.

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

E. Repairs/removal/replacement of yard hydrants/fountains at Central (1), Gateway (1), and Plank Road (2) includes excavation and plumbing permits as needed:

Councilor Becallo moved the adoption of a resolution to approve \$6,094.00 to G.J. Adams for repairs/removal/replacement of yard hydrants/fountains at Central (1), Gateway (1), and Plank Road (2) includes excavation and plumbing permits as needed. Motion was seconded by Supervisor Zambrano.

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

F. Construct new metal roof on storage building at Plank Road Park (to weatherproof structure):

Councilor Becallo moved the adoption of a resolution to approve \$2,650.00 to Yankee Construction to construct new metal roof on storage building at Plank Road Park (to weatherproof structure). Motion was seconded by Councilor Venesky.

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

POLICE DEPARTMENT:**Purchase approvals:****A. Additional modifications and new DVR for the police department video system:**

Deputy Supervisor Burtis moved the adoption of a resolution to approve \$1,951.00 to Priority Connections for additional modifications and new DVR for the police department video system. The work was completed in July. This work is not associated with install of the cameras in the Town Hall. Motion was seconded by Supervisor Zambrano.

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

B. Nine (9) ICOM radios under the 2013 SLETPP Grant:

Deputy Supervisor Burtis moved the adoption of a resolution to approve \$3,630.00 to Finger Lakes Communication Co., Inc. for the purchase of nine (9) ICOM radios under the 2013 SLETPP Grant for the new Town frequency radio system. Motion was seconded by Supervisor Zambrano.

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

C. Install radios and program current portable radios:

Deputy Supervisor Burtis moved the adoption of a resolution to approve \$1,090.00 to CNY Emergency Vehicles Inc. to install radios and program current portable radios under the 2013 SLETPP Grant for the new Town frequency radio system. Motion was seconded by Councilor Conway.

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

THOMPSON ROAD, NORTHERN BOULEVARD and ISLAND ROAD SPEED LIMITS:**Public Input:**

Deborah Gardner reminded everyone that when they temporarily lowered the speed limits they stated that those limits might go back to the original speeds after construction.

Deputy Supervisor Burtis said he remembered the conversation and he had said that they probably weren't.

Supervisor Zambrano told Deborah that they did say that they were hoping that these were "temporary", but they had been contacted by the County Department of Transportation and they indicated that these should not be temporary, that they need to be permanent because not only of the work that is going on now but there is going to be stop signs or a traffic light installed there and that these are really public safety issues so they asked them to come back and make them permanent.

Deborah Gardner said she knew that they were going to make them permanent.

Supervisor Zambrano said she did not anticipate that at the time but she thinks it was a misunderstanding.

Councilor Becallo said he voted no then and he was voting no now.

Councilor Venesky said he would like Chief Snell's read on this.

Supervisor Zambrano said she had talked to Chief Snell about it and he was in favor of making these permanent; he usually is in favor of slower rates.

Deputy Supervisor Burtis said for the record, he is for slower rates too. He said he hasn't changed his mind on that since Chief Snell had talked about people dying from speed. He said it doesn't make any sense if you have driven that road why you think it's improper to reduce the speed from 45 to 35 as you are getting closer to a stop light; to go from 45 to 0 doesn't make any sense to him.

Councilor Becallo said he believes the light will slow you down.

Deputy Supervisor Burtis said that was his point.

Councilor Becallo said it doesn't matter what the speed limit is, if someone is going to speed they are going to speed.

Deputy Supervisor Burtis asked how fast someone would be going coming up to the light; he would think they would be going inside of the speed limit.

Councilor Venesky said he had not received any negative comments from any of the residents. No one has come to him, called or emailed him. He had not spoken to Chief Snell about it, but if he is in favor of reducing it and there is no public objection than he will not object.

Deborah Gardner said at the last meeting a lot of people objected to it, he just didn't hear it.

Councilor Venesky replied that no one publicly objected to it or reached out to him, so if it's a decision of the board that they need to have a public hearing on what they are going to do with the speed limit then he would favor that as well.

Lynn Jennings asked how many residents would even know that this was proposed. He asked if it was written in the paper or on television.

Councilor Venesky said he guessed that it was not.

Lynn Jennings said then he would guess that not too many residents would have any idea of what they were talking about.

Councilor Becallo told Councilor Venesky that this agenda did not come out until 10:30.

Supervisor Zambrano said that the board members were aware of this because they got a memo from the County Department of Transportation a while ago.

Councilor Becallo said that was Councilor Venesky's comment about the public; they didn't receive it until today.

Supervisor Zambrano said that was true.

Councilor Venesky said they could put it off until the next meeting; they could call a public hearing if they'd like. If anyone would like to speak for it or against it in the next meeting then they would take that into consideration.

Deputy Supervisor Burtis said he would like to make the motion right now.

Supervisor Zambrano said told Deputy Supervisor Burtis to make the motion.

Deputy Supervisor Burtis said the County Highway Department has requested that we make the following reductions in speed limits that the Town Board passed in May of 2014 **permanent** in the interest of safety for the traveling public:

Deputy Supervisor Burtis moved the adoption of a resolution to make **permanent** the speed reductions on Northern Boulevard and Island Road as follows:

- The northerly approach to the intersection on Northern Boulevard adjacent to the Totman Road intersection, to be reduced to 45 mph.

- The portions of Northern Boulevard southbound from the intersection will remain at 55mph, and reducing the westbound approach on Island Road toward the intersection be reduced from 45 mph to 35 mph from approximately 750 feet east of the intersection of the Joss Farm Way with Island Road.

This is all pursuant to the letter and sketch map previously provided by the Onondaga County Department of Transportation, which has been previously provided to all Board members.

Motion was seconded by Councilor Conway.

Ayes - 3 and Noes - 2. *Motion carried.* Councilor Becallo voting *no*. He said he was opposed. He said he had stated during the first vote about the permanency of this and he said *no* then and he says *no* now.

Councilor Venesky voting *no*. He said his only objection is that if the public wants a public hearing he would be in favor of putting it off until the next meeting because he didn't believe anything was going to change from now and then.

HIGHWAY DEPARTMENT:

Public Input:

Deborah Gardner respectfully requested that her following remarks be put into the official record:

In a December 8, 2008 article in the Post-Standard "Spare the road salt, Cicero town officials say," town officials wanted salt to be used more sparingly, Then Supervisor Chet Dudzinski was quoted as saying "I would suggest to everybody, don't think that the roads are going to be black all winter with six inches of salt on them." So, one might conclude that the overzealousness in salting the town's roads has been perceived as a problem since at least the winter of 2008.

In the same article, Mr. Woznica stated that "he won't put public safety in jeopardy." Well, I worked in Fulton for many years. I made the choice to drive in the snow and on icy roads to get to work or to come home. It was my choice. When a storm hits during prime driving hours, there is little that this or any highway department can do in the name of public safety. Yet people go to work, school, even town board meetings in snow storms. They have a choice.

What we do not have a choice in is the poisoning of our environment. Every time salt is spread on roads, it poses a health hazard to the public. Common road salt such as calcium chloride and sodium chloride, as well as others, is toxic. When the snow melts or it rains, the salt is not washed away. It seeps into the water system and into the ground. Even the splashing and spraying of cars and the spraying of the wind, help the salt find its way into the environment.

The salt can harm water creatures that have not adapted to a saline environment. Did you know that birds often mistake salt crystals for seeds, and even a very small consumption can make the birds sick or can kill them.

Wildlife, such as deer are attracted to the salt which can result in more vehicular accidents and wildlife deaths.

Many animals drink the snow melt which has high concentrations of sodium and chloride to relieve thirst and are thereby ingesting too much salt. This can cause dehydration and weakness in the animals.

Pets can be harmed by the use of road salt. They lick their salty paws and/or drink melted snow or run off. This can lead to a number of health problems including, but not limited to, weakness, vomiting, diarrhea and cracks on their pads which can become infected.

Doctors have treated cases of salt poisoning in children.

Now let's move to the financial side. Mixing beet juice with road salt can cut salt usage by up to one-third. This mixture has been in use since at least 2008 with positive results. Since less salt is used, damage to vehicles and the environment are also cut. Whenever there is less damage, there are less costs for repairs.

At the January 8 town board meeting, we were told that there would be a session where interested parties would "analyze salt usage and to see if there are any alternatives for how to de-ice the roads." That session has yet to be held and we are facing winter in a few short months. At the same meeting Mr. Woznica told us that if the town uses a mixture of beet juice and salt for example, it would not take the place of salt "because you still have to use the same amount of salt." He explained further that all that the additive does is "make a bond to the salt so that it sticks to the road better, so it doesn't bounce off and it activates the salt." His statements are contradictory and to say the same amount of salt would be used is disingenuous. All reports of using an additive such as beet juice, molasses or cheese waste indicate such usage saves money and reduces the amount of salt for those very reasons Mr. Woznica stated. Those reasons were the additives make the salt stick to the road better than plain salt, as well as activating the salt.

It is a fact that people resist change. In this case, this resistance is causing damage to our vehicles, our children, our pets and the environment. I am sure that the state and many of the towns that use alternatives will be willing to share their experiences with Cicero. Do the residents of Cicero at least deserve an honest and thorough investigation into using alternatives, as well as a cost-benefit analysis?

Councilor Venesky said he had a couple of questions because it's a big expense for the Town of Cicero and he has looked at a couple of things so he was going to pose some questions that he said he already had the answers to. He said they had talked about the positive results of using a beet juice mixture, for example, with salt. The one positive thing that Deborah Gardner had mentioned is that it does help the salt stick to the road better; it has a less bounce factor. He asked Deborah Gardner if she was aware of what the other one is.

Deborah Gardner said it helps activate the salt.

Councilor Venesky said it does. Salt is ineffective at 17 degrees. What it does is it lowers the temperature approximately 1 degree. He asked Dave Christian, our Foreman and he also asked Chris Woznica to do some research with the County Highway Department and take a look at alternatives. Right now the only community that is using that type of system is the village of Fayetteville in Onondaga County.

Deborah Gardner asked if it was just in Onondaga County.

Councilor Venesky said that was correct. We have to compare Onondaga County because our weather is not always the same as other areas in the country. They asked Viking to come in and take a look at what it would cost; the cost savings. He had asked them if it was true that we were going to save approximately one-third our salt usage and the number we came up with, and he is just telling her what he was told, was approximately 20 percent. That 20 percent usage will save the approximately \$14,400 annually. But, what they have to spend to save \$14,400 (and he was looking at return on investment):

- Approximately \$180,000 to purchase the equipment to outfit our trucks and that does not include the additional rust factor of our vehicles because if you're putting down a wet saline solution, as opposed to a dry rock salt, you accelerate the rust process of the vehicle, so you are probably going from the 10 years that we are getting out of a \$190,000 truck now, you might be taking a year off. So if you take a look at that, the payback to the town of Cicero would be approximately 12.5 years to get back the investment; and that's excluding the maintenance and the additional rust that would cost.

Councilor Venesky said they are open to a salt discussion, but he just wanted to add that they have been doing some research in the background.

Deborah Gardner (inaudible)

Supervisor Zambrano said they were going to have a discussion on salt that night but Mr. Woznica advised her that he would not be able to attend the meeting, so she has put it off. Bruce Letts has also provided some additional information on salt but she hasn't taken a look at that yet. She asked Bruce Letts who he gave that information to.

Bruce Letts said he gave it to all the board members.

Supervisor Zambrano said there is more information to review. Her intent is to try to schedule a discussion on salt usage and alternatives for the next town board meeting.

Deputy Supervisor Burtis said the salt issue is a long standing discussion/disagreement, and it's somewhat difficult to get all the facts together. He had a hard time with a full barn and not a lot

of salt being used yet they got into the whole salt discussion. People tend to like to call him when the salt trucks are pretreating the roads before a big storm; they like to call him, text or email him. His point is that there is a lot of talk about salt in this town, on this town board and we are probably going to probably continue to have it. It would be great if we could make some strides; we have a proposed budget with about \$550,000 on the salt line. He said he is sure they will keep talking about salt.

Councilor Venesky said he was not looking to butt heads with anybody, but he had read that calcium chloride is actually/probably less corrosive and bad for the environment than some of the other chemicals that can be put down (he said he wasn't sure if that was true but that was what he read).

Councilor Becallo said he knows beet juice is all natural and he would like to see the effects of what it actually does to the environment; he will look into it.

Councilor Venesky said he has done some research on it, and it's always stays in the back of his mind when they talk about salt, and he just wanted to say that we purchased two brand new trucks this year and we replaced two (we have not received them yet, but will have them here by snowfall), and the trucks that were replaced had a mechanical salt spreading system. The trucks that we ordered have a computerized salt spreading system, so we will have a better handle on the salt usage. He went through all the salt that they used last year (which was around 12,982 tons), and if you take a look at what people put down on the roads, and the optimal (his understanding is), depending on the weather event and the terms that they want to use it, it's somewhere between 300 and 350 pounds per lane mile. He said he was going to stick up for Chris Woznica and Dave Christian, and the job that they did last winter because if you sit down with a pencil and paper and do some basic mathematical calculations, Chris and that road crew came in on the money last year; it was just a very bad, expensive winter. There is something else that you have to think about when we talk about ice and putting salt down on the roads, and he wants everyone to remember this, in the middle of winter, sometime in January, there was a person just like us who went from E. Taft Rd. and slid through the stop sign onto Route 298 and was t-boned. That person is not going to have the opportunity, this year, to ride on our roads because on that particular evening the County highway sander that they are responsible for didn't have the time to get there before she did, so we are going to make sure that this community is safe. We are going to be prudent with the money that we spend, so if we need to put salt down we are putting it down.

Supervisor Zambrano said there are things to consider:

- Salt usage – how much do you put down?
- Do you do a lane mile (one of our other councilor's suggested that on the residential roads maybe you don't do each lane, that you just go down the middle of the road and spread that way?)
- We spent a lot of money this year on buying large trucks that are used for snow plows, and they have to look at the corrosive aspects of salts. We all know that salt is corrosive. We've got a barn which is being corroded somewhat by salt. We've got truck beds that have been corroded by salt. We've made a decision to go to stainless steel boxes and spreaders so we don't have the expense of the salt corrosion on the equipment.

Supervisor Zambrano said she thinks all of those things need to be put on the table and discussed because we do use so much salt here and as we know, winter weather can be treacherous, always is treacherous with a lot of snow so it's a valid discussion and she thinks that we should continue to have this discussion.

Purchase approvals:

A. Replace Bolster springs, torque rod Truck #49:

Councilor Venesky moved the adoption of a resolution to approve \$1,599.96 to Allied Spring to replace Bolster springs, torque rod truck #49. Motion was seconded by Deputy Supervisor Burtis.

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

B. Fuel tank, straps for Truck #51:

Councilor Venesky moved the adoption of a resolution to approve \$1,413.55 to Beam Mack for Fuel tank, straps for Truck #51. Motion was seconded by Councilor Conway.

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

C. 600 Yards/tons Item #4, stone dust, topsoil:

Councilor Venesky moved the adoption of a resolution to approve \$8,000.00 to Vitale Robinson for 600 yards/tons Item #4, stone dust, topsoil. Motion was seconded by Councilor Conway.

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

D. 3800 tons of salt:

Councilor Venesky explained that we have \$150,982.00 left in the salt budget for 2014, and after discussion amongst the board, that will purchase approximately 3800 tons of salt. We have 1500 tons on hand, in the salt shed, so we don't see any reason why we should hold that up. He thinks that we should go ahead and spend the money and purchase it.

Councilor Venesky moved the adoption of a resolution to approve \$150,982.00 to American Rock Salt for 3800 tons of salt.

Discussion on purchase of additional salt:

Deputy Supervisor Burtis said he thought that they weren't going to do the tonnage because of the price.

Councilor Venesky said there has been a price increase.

Supervisor Zambrano said she didn't think that they were going to get 3800 tons; they don't know exactly how much it is going to cost at this point; she thinks the price went from forty-dollars and change to forty-six dollars and change a ton. So they are going to spend the money; what's left in the budget line they are going to spend. They were trying to do this to meet a deadline but they passed that deadline.

Deputy Supervisor Burtis added that Onondaga County has not signed the contract yet with the provider so we are not sure of the dollar amount per ton.

Councilor Venesky said they don't know how much they are going to get, but we have \$150,000, so we are going to order it today.

Robert Germain asked the board to modify the motion to say "up to 3800".

Motion:

Councilor Venesky moved the adoption of a resolution to approve \$150,982.00 to American Rock Salt for up to 3800 tons of salt. Motion was seconded by Councilor Conway.

Ayes - 4 and Noes- 1. *Motion carried.* Councilor Becallo voting no.

Supervisor Zambrano said there was a question still in her mind as to how much salt we are actually going to get, how much salt is in the barn, and how much we should have on hand to start the winter season and the winter season starts on November 1st.

Supervisor Zambrano solicited any comments from the Board.

Board Comments:

Deputy Supervisor Burtis said this is what we have been fighting about all week.

Councilor Venesky said we have 1500 tons of salt in the shed now and we believed that the \$150,000 would buy us 3800 tons; it's going to buy us somewhat less, not a lot less, he guessed somewhere probably around 3500 tons. The shed holds 8000 tons, so we are going to have about a 60 percent full shed; he is comfortable with that amount today.

Deputy Supervisor Burtis said last year they started the year with about 2000 tons of salt in the salt barn and we with this approval we spent our budget line of \$450,000, so all the salt money is gone and of course, we just need to get to the end of the year. It depends on the winter again, but last year it was a bad winter and we spent \$450,000, so if it's a bad winter again that could be worse case scenario in his mind, but we do have a price increase that we are looking at of \$100,000 so he thinks that is plenty on the salt line. But, we do have a couple of unknowns.

Supervisor Zambrano said if we were to buy more salt this year than we would have to go to reserve or do a budget modification.

SET BID DATE for TUESDAY, SEPTEMBER 9th, 2014 for FURNISHING and INSTALLING PHASE 2 WORK at RIVERFRONT PARK:

Public Input:

Don Snyder said the estimated cost for this project is \$275,000. He expressed his concerns:

Today we are going to approve "yes" we can bid it. There's a pre-bid conference on the 29th of August, which he believes is this Friday and they are asking for bids to be returned by September 9th. But a \$270k project and you ask them to get it to you in less than 8 work days; he thinks that's a little crazy. He looked at the documentation that they provided and they are saying that the project has to be substantially complete in approximately 60 days; work will commence on October 1st, so we are telling the contractor you bid this thing on the 9th, we are going to have all the contracts all signed, you're going to have all the materials purchased by the 1st of October (which he thinks is a little crazy), and then they are saying substantial completion by December 1st, and the approximate date for all final work is December 15th. He asked if these dates are mainly because we are getting ready to lose grant money or something because he thinks that they are very optimistic and he thinks that may, unless there's a deadline of losing the grant, he thinks contractors build numbers based on what we expect and we are expecting this contractor to do \$270k worth of work, as he understands, in 60 days and yet you are promising that he has his contract and everything before October 1st.

Supervisor Zambrano said it is very ambitious, we are running out of construction time; we have had many delays from other state agencies who have requested clarifying information, changes in contracts, etc., so there have been reasons of why we have not gone out to bid.

Jody Rogers explained that the bulk of the work is going to be done in-house/in-kind with the highway department excavation and what not. The portion that this contractor is going to do is masonry work, a block wall, a couple of lights and a few benches, so the bulk of the labor is going to be done by highway and they are going to try and get in there by the 15th of September, so that's why the start date is October 1st for us to be done, 2 weeks of work, we are estimating the excavation work will be done and then the contractor can get started in October. There is masonry work; they are trying to get it in while the weather is still reasonable without putting a lot of additives or what not in that concrete work; the last project that they did they finished it on Christmas day of last year and we bid it in September; some of the projects did go long but the bulk of the work shouldn't take more than 6 to 8 weeks by the contractor.

Don Snyder asked if the \$270k is also our in-kind work in that number.

Jody Rogers said the total project potentially is \$275,000; the in-kind work comes off of that total.

Don Snyder asked if the bids we expect to get are going to be somewhat less than \$275,000.

Supervisor Zambrano said the Town's share is \$137,500 which is the fifty-percent match. We appropriated that much from the fund balance; we are going to try to do that with in-kind services.

Don Snyder said in our budget workshop it was made very clear that we have some concerns relative to the manpower that our highway department has; they are finishing up their road work but he hopes that we are not putting undue pressure on the highway people who wanted to get to the point where they started filling in holes in our roads before winter and now we are going to have them doing digging stuff at the park.

Jody Rogers said she wanted to clarify that there is an alternative option in the contract that the contractor is going to give us a price for doing the excavation if in the event, and we have had discussions with the highway department and if they are able to do the excavation it will be part of the bid package, so we can go either way whether our forces are available or not.

Supervisor Zambrano explained that the schedule that Jody had outlined was with input with the highway department.

Supervisor Zambrano moved the adoption of a resolution to accept sealed bids for Furnishing and installing Phase 2 work at Riverfront Park, located at 5449 Bennett Street, Brewerton, NY per bid specifications as prepared by Saratoga Associates. The Town Clerk will receive Bids until 10:00 AM local standard time on Tuesday, September 9th, 2014. At that time they will be publicly opened and read aloud. A Pre-bid conference will be held at Riverfront Park on Friday, August 29, 2014 at 9:00AM local time. All modifications to the Bidding Documents resulting from the Pre-Bid Conference will be issued by addendum. Sets of documents may be obtained on or after 12:00 PM, August 25th, 2014 at the Town Clerks office, 8236 Brewerton Road, Cicero, New York 13039. A check payable to the Town of Cicero in the amount of \$25.00 per set is required as a deposit for the bid documents. Documents will be shipped by UPS or Federal Express upon receipt of the requester's credit account number to cover the cost of shipping.

Motion was seconded by Councilor Conway.

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

C&S COMPANIES INVOICES:

Public Input:

Lynn Jennings - Thank you. First of all, let me read item 13 which says "move the adoption of a resolution for Town Board members to review and approve all invoices submitted by C&S Engineering prior to payment. My first question is what drove this line number item here?"

Councilor Venesky – Well I'm going to tell you.

Lynn Jennings - I hope so.

Councilor Venesky – We have had a problem in the Town of Cicero, and there have been a lot of allegations made about the ethics of our Supervisor, the ethics of Town Board members; their willingness to address issues and problems and make them right. I am going to say that we have tried to be respectful. We have endeavored to maintain the dignity of not only the Town of Cicero and the residents here and not turn this into some sort of monkey-court, but to also do the right thing and the right things by trying to preserve the monies that are spent and how we would go about addressing those concerns. I have in front of me on the desk, and I am going to give them to Tracy to enter into the record after, we have a couple of...we've had an issue internally with as you know; the Supervisor is cohabitating with one of the town engineers and that started the ethics issues in question. At that time at least I had said, I will not speak for anyone else on the board that I am not a judge, jury, or executioner. I am going to try to do the right thing and put it out there and ask for help and guidance. But what came to my attention, and I brought to

the rest of the board is, on July 15th, and I just want to say this that we felt by turning it over to the Comptroller's office and waiting for them, and there has been discussion, you know that they are not here yet but there was discussion, we felt that we could save the Town of Cicero potentially forty to fifty-thousand dollars based on the research that was done by me and some of the others in legal fees/legal costs, and whatever. At that time or shortly thereafter, and correct me somewhere if I'm wrong here anyone on the board, the Supervisor had said that she would reclude herself from anything to do with C&S Engineers and I was made aware of two (2) invoices which I have in front of me right now that were signed and initialed by the Supervisor on July 15th of this year, and that is where this is coming from, but I'm going to modify it so it's going to go a little bit different when I make the resolution.

Deputy Supervisor Burtis – I'm sorry Mark, just one thing, so they were initialed they weren't signed right?

Councilor Venesky – They were initialed.

Deputy Supervisor Burtis – They were initialed. Just a little thing but, initialed not signed.

Councilor Venesky – The other issue that I have is I have an issue and it goes back to all the years I spent with UPS I guess; great company to me anyway and we didn't approve invoices unless we had detail, unless we had itemization and detail and I'm not seeing that on C&S invoices; that is where this resolution in part has come from.

Lynn Jennings – I accept that answer you are giving me, however, having had the honor and privilege of spending four years up on that board my question would be I think this should go for all invoices. You are the people that are spending our money; you should review each and every invoice.

Councilor Venesky – That is correct.

Councilor Becallo – We cannot...

Lynn Jennings – Excuse me just a minute Mike. We also use to have an abstract. Are each one of you receiving an abstract every month on the expenditures?

Deputy Supervisor Burtis and Councilor Venesky said yes.

Lynn Jennings – And it is also on the internet, I understand?

Supervisor Zambrano – They are receiving them weekly.

Lynn Jennings – Oh, that's ... (inaudible). So I guess my question would be, if you're getting those that's one safe/fail-safe item, but I think since you are the body spending our tax payers' dollars as we did because we no longer have the abstract up there; it's not really presented to the people, questions answered on it, that each one of you should have not only C&S but any vouchers should be sent to all board members, they can initial off and then sign.

Councilor Venesky – Our thought was on this, and we can modify it, you know we are not on the (inaudible) here, but I did speak with some of the other councilors and our thought was this – we have an issue, we have had an issue with C&S Engineering bills, we've had questions and we thought about if we took out the multitude, and there are many invoices that come into the town and we thought well, should we be looking at toner cartridge invoices for Tracy and should we be looking at the tire tube invoices and holding them up until we got to them every other meeting and the initial thought amongst the majority of the board, and there is some dissention, but the initial thought was no. So we decided, or at least some of us decided to focus on what we felt was the problem area at this time, but believe me that's on the table.

Lynn Jennings – My understanding, if I remember...let's go the right way \$999.99 does not need board approval. Those type of vouchers I probably wouldn't have a problem with, like the mailbox we replaced for a resident. But I think anything above that, put a dollar amount at \$5,000.00, something that is a high-priority should be reviewed and initialed by each and every I don't have the problem. I know C&S. I dealt with them when I was on the board and I understand the problems we have had in the past and I certainly think they probably haven't all gone away yet with other people as well. But, it's just something to think about – that everybody really needs to really look.

Supervisor Zambrano – Lynn, all expenditures above \$1000 has to come before the board. It's approved and it goes to the Comptroller; she doesn't process it unless # 1 there is money in the line from where the money is supposed to be taken from and that there is board approval to do that.

Lynn Jennings – I understand that. I am just saying, physically, your eyeballs, looking at those documents before they're signed....

Councilor Becallo – I'm sorry to cut you off. I'm of the opposite end, and I know the toner cartridges...but, if we truly are responsible for every nickel, every penny, that comes through here – I want to see everything! If we are buying toner cartridges – I want to know about it and I want to approve it. We are responsible for every dime for the taxpayers. I'm not opposed to going with anything over \$100 we approve. I'll go for everything. It's a step in the right direction and I'm for that, but I believe that every abstract that comes through we should approve as the Town Board.

Deputy Supervisor Burtis – It's a different conversation than "every invoice". So we have the abstract, I have two just sitting here. We have every abstract. We have every opportunity to ask questions about the abstract, as previous supervisors' have done/asked "have you looked at Invoice # 2344? Can you tell me what that was?" that happens a lot, Lynn knows. But to ask us to initial every invoice here is one, it is just a lot. I guess, I talked to the Comptroller about it, and she basically said that would paralyze the town, aren't we here for the town business and I am of the opinion that it's a good start, let's see where we are. If you want to engage at any point on the abstract you can do that, but do you know what paperwork is involved in these? Then to the C&S issue.....

Lynn Jennings – Let me interrupt you for a change. I'm not really concerned...we all know about what came out, what transpired, what hit the newspaper and that, that's not my point. My point is being this, the abstract that we use to get I believe I was probably the lone supervisor that asked about the \$9,000 overpayment every month for the garbage contract and never got an answer in a year, that's why I'm saying nobody on the board has ever come up with anything and asked a question on that abstract that I know of, that they haven't questioned. If you have a question, then bring it to the people. The other issue...

Supervisor Zambrano – Well the councilors' have had questions and they have taken them to the Comptroller.

Councilor Venesky – Point well taken Councilor. And I would say this, no one has brought to my attention any other issues and I do look at that as well and actually Vern and I discussed an issue just yesterday that he may choose to tell us about, but it is looked at.

Tom Beaulieu – I have been attending these meetings probably at least for 10 or 12 years, before everyone but Vern was on this board. But I do raise a question that from my perspective it appears that we are singling out one contractual vendor or contract with our engineers. Our previous two supervisors, I don't think that was an issue for them, but all of a sudden it's an issue and I understand some of the reasons for it. But, when it comes to invoices, we have complicated invoices for our town attorneys; we went through that several years ago where there were some issues that became quite the issue for the town. Why aren't you interested in the invoices and details from the engineer, or excuse me, from the attorney s also?

Councilor Venesky – I'm not saying that I'm not interested...I'm interested in everything; however, I'm one of those types of people who put first things first.

Tom Beaulieu – All right. But it appears to some of us out here that we are going after the engineers because of the situation with the Supervisor; that appears slanted at this point, if you're going to look at them then you should look at all of them.

Councilor Venesky – I wouldn't disagree with that.

Tom Beaulieu – I mean if you're sitting out here you are going to see what we are seeing and it does sound a little one-sided, so...

Deputy Supervisor Burtis – We have department heads that we trust. We have a comptroller that I trust. We have reams of documents and invoices. I don't think it's reasonable for all of us to sign off on every invoice that comes into this town. I just don't think that's reasonable.

Councilor Venesky – If we have to do it then we will do it, but I will say this, we had an issue with the highway department, an invoice, and more than one with the highway department but we are not giving detail, that is in fact... and I don't have a copy of the email and I have to believe

what people tell me until they give me a reason not to believe them. But, my understanding is that, after I had asked for a detailed invoice, in fact Terri Walsh, the secretary had sent an email asking for detail to an invoice prior to its payment and we did not receive it. So, I have not been made aware by the comptroller or the department heads, or anyone else that we have a problem but if we have a problem then we will go there.

Councilor Becallo – I think we can all compromise and just set a number amount.

Councilor Venesky – Okay.

Councilor Becallo – Would you be opposed to that Tim?

Deputy Supervisor Burtis – Do you mean a dollar amount?

Councilor Becallo – A dollar amount, yeah.

Supervisor Zambrano – A dollar amount for what?

Deputy Supervisor Burtis – They're probably abstracts.

Councilor Becallo – Lower than the current \$1000.00. I proposed that a while ago and I got slapped in the face.

Supervisor Zambrano – But we have a procurement policy.

Councilor Becallo – It didn't even get to that point.

Supervisor Zambrano – We have a procurement policy that everything costing more than \$1,000 comes before the board. Everything less than a \$1000 is by purchase order and that's the policy of the Board; the Comptroller checks to make sure that there is money for the item and that the item fits into one of the budget mods – it's a very simple process, however, it's very complicated to get all the pieces of paper together, to put together the invoice, and then put together the check. There is no money going out that hasn't been budgeted and if there is money that is going out that hasn't been budgeted then it's a budget amendment. And we are always making budget modifications; you have got a whole list of budget modifications now. So there is a lot of checks and balances but, if the board is interested in looking to see how their process works than do it like quality control – go in and sample it; see what you see. I process the invoices, the vouchers and the checks, so no one understands it and no one up here probably understands it probably as well as I do except Tim because occasionally Tim has to sign all the checks and review the vouchers when I'm not here. It's an involved process; it's not easy and I don't think anyone else up here understands that process, so until you understand the process and see what's involved – I think it's nutty.

Councilor Becallo – I would still like to ...

Supervisor Zambrano - You can go and look at all the invoices and the checks before they get to me...sign off on them if you want to, initial them, whatever.

Councilor Venesky – I would like to approve all of them.

Deputy Supervisor Burtis – All right, so nothing could be paid until we all approved it? How's that going to work? Take me through the process. How's that going to work?

Councilor Becallo – It is how we used to do it; we use to do it until a couple years ago.

Deputy Supervisor Burtis – No.

Supervisor Zambrano – No.

Deputy Supervisor Burtis – It's been a \$1000 for...

Supervisor Zambrano – That's what happens when we have people who don't understand the process. You need to go and understand the process.

Councilor Becallo – I guess I'm going to have to...

Councilor Venesky – We have a problem...

Supervisor Zambrano – Just let me finish here. We use to approve abstracts at every town board meeting. It sounds like we should have the abstracts come back and we add it where we have budget modifications and budget amendments we will have approval of the abstract. That's what we used to do, is that not correct Vern?

Councilor Conway – Yep.

Supervisor Zambrano – And the councilors would ask questions during the town board meeting about what was on the abstract.

Councilor Venesky – Part of this resolution is not even on the paper here, I had asked for it to be amended and it was not. But one of the things that I am looking for, that I think would address Mr. Beaulieu's concerns, and all of our concerns, is that all invoices after today, if this resolution is passed, all invoices that come to the town of Cicero, and I don't care what they are, they have got to be detailed and itemized and if they're not they are not going to be paid. I would ask the department heads to flag them, and also Shirlie to flag them as well. And if we have to look at every inner tube invoice for Chris out there on the trucks and approve them then we will do that. I think that we have people here who are honest. I think we have people who display common sense but I certainly, if the rest of the board feels that we have to look at every other invoice after today, then I am not going to oppose that.

Supervisor Zambrano – Are you aware....

Councilor Venesky – I am looking at the abstract. We would be adding 4 to 5 hours to look at invoices that should be routinely approved, in my opinion.

Supervisor Zambrano – Are you aware that each department head signs off on the invoice before it gets processed to go to the comptroller to see if there's money there and before it is approved; the approval is already coming from the department head.

Councilor Venesky – The reason why this has been brought to a head tonight, an additional reason and a very important reason, is we had invoices written out of the Highway DB fund for engineering services that were never approved by the department head, or even made aware of by the department head. I'm not going to tell what it is. I'm not going to make a judgment here. I'm saying that the problem has been recognized and we are going to fix the problem with this tonight with that particular vendor.

Deputy Supervisor Burtis – So take me back to how is this going to work again? So nothing gets paid until all five councilors approve it?

Lynn Jennings – Tim it's very simple. Just like we said, we did it the last four years. You have the abstract, as the Supervisor said, you review the abstract again. The comptroller said it's really not necessary to do that. I think it's necessary for us to know that you people are looking at the abstract, you have no questions for the councilors – you vote on the abstract; you're voting on what's being paid on it.

Deputy Supervisor Burtis – I understand, but I'm not sure that's what these guys are saying though.

Lynn Jennings – No, that's what we did in the past.

Deputy Supervisor Burtis - But I have the abstract. We all get the abstract still. So just how would that work?

Judy Boyke – Can I interject for just a second please.

Deputy Supervisor Burtis – I guess.

Judy Boyke – The comptroller, first of all, starts with the Chief Fiscal Officer which is the Supervisor in a suburban town, and you have an appointed comptroller. The comptroller has the authority over the abstract because of it being an appointed comptroller in a suburban town. As Board members it is your responsibility to look at the abstracts individually. As far as each voucher goes, it's very difficult because of the way that they are being paid. The reason, it's my understanding, that this was changed was to expedite the payment for all of our vendors. You are absolutely correct in saying that you have a right to see the vouchers. It is the comptroller's responsibility and that person operating as the Chief Fiscal Officer to verify before payment, and brought to the attention of any department head whether or not the invoice or voucher is correct and explains what the payment is for. As far as bringing it back, I think it is important to bring the

abstract back so that it is approved by the board members; that way it is a verification that you've actually looked at the abstract. If you have a question then you challenge the voucher. But as far as...it will interfere with the process of payment and it would not behoove the town to scrutinize every voucher. As we talk about it being more than \$1000 is approved -yes. But, the budgetary items – no; you never get to see those vouchers. It's only the things that are over and above, therefore, you need to pay more attention to the abstract, but it will not expedite payments, as a matter of fact it will freeze the town.

Supervisor Zambrano – Well Ms. Boyke is correct. I just want to clarify though that the Supervisor still remains, in a suburban town, the Chief Fiscal Officer; the Comptroller doesn't assume that responsibility, but works under the Chief Fiscal Officer.

Deputy Supervisor Burtis – That's what she said, I think. The Comptroller is appointed by the Chief Fiscal Officer, which is the Supervisor.

Councilor Venesky – I think that we can have an additional discussion and make an additional motion and I agree that we should probably do something, but I want to talk about that first to make sure that we are all on the same page. But at this point, where we are right now, I'd like to go ahead and at least tackle this problem and go ahead and make a motion on item no. 13.

Deputy Supervisor Burtis – Just not yet, one more thing and I'll be done. So, we are talking about C&S, and trust me we have had a lot of discussions...this hasn't been any fun. So what happened with C&S was...just when this came up, Jessica said I will not approve any more...

Supervisor Zambrano - I will remove myself from the approval process of the invoices, and I will not sign the checks.

Deputy Supervisor Burtis - ...and instead Tim will do it.

Councilor Venesky – I have invoices not signed by Tim, and that have been signed off by the Supervisor. I'm not going to play with it; the time has come to move on. Let's just put it to bed. We have a problem, let's fix it and move on.

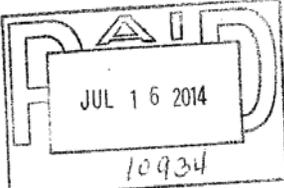
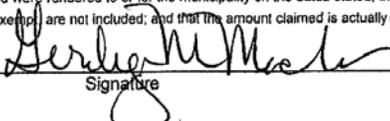
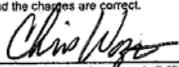
Deputy Supervisor Burtis – The correction to the statement would be that we didn't have back up, so attached to this one is three pages of things from C&S. And in my opinion, what I was looking at is...it's true I did not sign or initial this piece, but there is on this piece from C&S it actually says on the top "invoice back-up-E expense" gives the name of the person that is doing the work, the date, how many hours, how much that is...

Councilor Venesky – It doesn't state what the work was that was completed. In fact, Councilor Conway brought to my attention Tuesday (yesterday) that there is an invoice for \$6000 for work done on the Circle Drive water project, or excuse me a \$9,000 bill with no explanation. We don't know if works been done, did you go out there, did you pick up a shovel, did you sit in the office, did you write up something, but if you take a look at some of these and I didn't want to belabor this conversation but it is unacceptable. It is unacceptable! Here is a bill for \$1932.00 for engineering services in 2014 - Continuing assistance with this year's highway maintenance and improvement efforts. What does that tell me? Does that tell me if someone showed up? Does it tell me if any work was actually done?

Deputy Supervisor Burtis – Well flip the next page.

Councilor Venesky – I'm flipping the next page, it says Senior Principal, Douglas R. Wickman 14.00 hours for 138.00 an hour for \$1,932.00. Rate Schedule Labor for Highway Engineering Services 2014 – what was it for? What did you do? What did I see for that \$1,932.00, this does not tell me and I also have the Supervisor's signature on it:

Invoice # 0146754:
Page 1 of 3

TOWN OF CICERO		PLEASE DO NOT WRITE IN THIS AREA		Voucher No. <u>1939</u>	
PO Box 1517 8236 South Main St Cicero, New York 13039-1517		Date Voucher Received _____			
TAX ID No. 15-6000898 (315) 699-2759		Fund-Appropriation		Amount	
Department _____		DB511044		4,216.84	
Claimant's Name and Address C&S Engineers, Inc. 499 Col. Eileen Collins Blvd. Syracuse, NY 13212		Total		4,216.84	
		Entered on Abstract No. _____			
		PURCH TERMS _____		ORDER NO <u>20010</u>	
Detailed invoices may be attached and total entered on this Voucher. Certification below MUST BE SIGNED					
Date	Vendor's Invoice No.	Quantity	Description of Materials or Services	Unit Price	Amount
6/27/14	0146754		110.136.014 Highway Engineering Services 2014 For engineering services performed 3/1/14 through 5/31/14		\$4,216.84
				Total	\$ 4,216.84 -
<p>I, Gerilyn M. Macko, certify that the above account in the amount of \$ 4,216.84 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.</p>					
6/27/14	 Signature		Account Manager Title		
Department Approval The above services or materials were rendered or furnished to the Municipality on the date stated and the charges are correct.			Approval For Payment This claim is approved and ordered paid from the appropriations indicated above.		
7/14/14	 Authorized Official		 Authorized Official	7-15-14 Date	
88 7/16/14					



Send Payment to: **C&S Engineers, Inc.**
PO Box 64366
Baltimore, MD 21264-4366

TOWN OF CICERO
CICERO TOWN HALL
8236 SOUTH MAIN ST.
CICERO, NY 13039

Invoice # : 0146754
Project : 110136014
Invoice Date : 6/27/2014

For Professional Services Rendered from 3/1/2014 through 5/31/2014

Highway Engineering Services 2014

Engineering Work Request No. 1582; Appropriation No. DB511044

Continuing assistance with this years highway maintenance and improvement efforts.

- Assistance with development of a commercial road highway specification, as requested by planning board.
- Final meeting and efforts to finalize agreement between Highway Department and Town Board.
- Field visit to Brannif Circle to look at failed catch basin at request of Highway Superintendent.
- Meetings as requested to consider proposal by Highway Department to purchase more equipment than agreed to with Town Board.
- Meeting with Highway Department at Highway Departments request to consider a change in the reconstruction details for roads in Eldan Meadows.

Salaries

Rate Schedule Labor	4,209.00	
	Total Salaries	4,209.00

Expenses

Unit Pricing - Rate	7.84	
	Total Expenses	7.84

Amount Due This Invoice **	4,216.84
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Outstanding Invoice(s)

Number	Date	Amount	Balance
0145100	3/19/2014	1,932.00	1,932.00

Total Outstanding Due: 1,932.00

C&S wants your feedback. Visit <http://www.cscos.com/contact>

Invoice Contact Person: GERALYN MACKO, Account Manager
 Telephone: (315) 455-2000 Ext. No. 4214, gmacko@cscos.com
 Net 30 Days - 1 1/2% Interest per Month

Invoice # 0145400:

Page 1 of 3

TOWN OF CICERO
 PO Box 1517 8236 South Main St
 Cicero, New York 13039-1517

TAX ID No. 15-6000898
 (315) 699-2759

Department _____

Claimant's Name and Address
C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Syracuse, NY 13212

PLEASE DO NOT WRITE IN THIS AREA

Voucher No. 1940

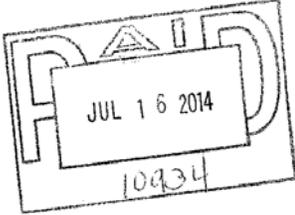
Date Voucher Received _____

Fund-Appropriation	Amount
DB511044	\$1932.00
Total	

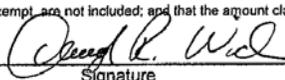
Entered on Abstract No. _____

PURCH TERMS _____ ORDER NO _____

Detailed invoices may be attached and total entered on this Voucher. Certification below MUST BE SIGNED

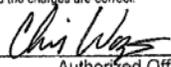
Date	Vendor's Invoice No.	Quantity	Description of Materials or Services	Unit Price	Amount
3/19/14	0145100		110.136.014 Highway Engineering Services 2014 For engineering services performed 2/1/14 through 2/28/14		\$1,932.00
					
Total					\$ 1,932.00

i, **Douglas R. Wickman P.E.**, certify that the above account in the amount of \$ **1,932.00** is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

3/19/14 Date  Senior Principal Title

Department Approval

The above services or materials were rendered or furnished to the Municipality on the date stated and the charges are correct.

7/14/14 Date  Authorized Official

Approval For Payment

This claim is approved and ordered paid from the appropriations indicated above.

 83 7-15-14 Date



Send Payment to:	C&S Engineers, Inc. PO Box 64366 Baltimore, MD 21264-4366
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TOWN OF CICERO
CICERO TOWN HALL
8236 SOUTH MAIN ST.
CICERO, NY 13039

Invoice # : 0145100
Project : 110136014
Invoice Date : 3/19/2014

For Professional Services Rendered from 2/1/2014 through 2/28/2014

Highway Engineering Services 2014

Engineering Work Request No. 1582; Appropriation No. DB511044

Continuing assistance with this years highway maintenance and improvement efforts.

Salaries

Rate Schedule Labor	1,932.00	
Total Salaries		1,932.00

Amount Due This Invoice **	1,932.00
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C&S wants your feedback. Visit <http://www.cscos.com/contact>

Invoice Contact Person: GERALYN MACKO, Account Manager
Telephone: (315) 455-2000 Ext. No. 4214, gmacko@cscos.com
Net 30 Days - 1 1/2% Interest per Month

Project : 110136014 -- Highway Engineering Services 2014		Invoice # : 0145100	
<hr/>			
Rate Schedule Labor			
<i>Class / Employee Name</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
SENIOR PRINCIPAL			
WICKMAN, DOUGLAS R.	14.00	138.00	1,932.00
		Rate Schedule Labor	1,932.00
Total Project:	110136014 -- Highway Engineering Services 2014		1,932.00
<hr/>			
			Page: 2

Supervisor Zambrano – What is that date of that one?

Deputy Supervisor Burtis – Her initials.

Councilor Venesky – Date of that, she signed it on 07/15/14. I will enter that into the record.

Deputy Supervisor Burtis – Those are initials technically.

Councilor Venesky – So I’m saying there’s no point in belaboring this. If we take away the temptation then it will not happen again and we don’t have to discuss any more invoices from C&S Engineering being signed off by the Supervisor with no details.

Supervisor Zambrano – I am not signing off. Excuse me. I am not signing off and I have tried to have this discussion with you. I am the Chief Fiscal Officer of the town so I look at invoices. I am not approving them. You do not see my signature in any one of those approval lines.

Councilor Venesky - .. Approve for payment JZ.

Supervisor Zambrano – That is not approved for payment. That is outside the boxes.

Councilor Venesky – It’s inside the box.

Supervisor Zambrano – Did you sign that one Tim?

Deputy Supervisor Burtis – I didn’t sign this one.

Supervisor Zambrano – My initials indicate that I have “looked” at the invoices. That is all. And I initial and date every invoice that I look at.

Councilor Venesky – That has been entered into the record, thank you Tracy. Your initials are there – approval for payment JZ, 7-15-14 okay.

Deputy Supervisor Burtis – Mark, that’s not her initials.

Councilor Venesky – JZ is not...

Deputy Supervisor Burtis – That’s Shirley Stuart (the initials SS *in* the Approval for Payment box), that’s JZ (Jessica Zambrano’s initials are underneath and not inside the Approval for Payment box).

Councilor Venesky – All right. Okay. Here is where we are going:

Councilor Venesky moved the adoption of a resolution for the Town Board to review and approve all invoices submitted by C&S Engineering prior to payment. Also, all invoices submitted to the Town of Cicero by any vendor must be itemized in detail.

Councilor Venesky – That is a motion.

Councilor Becallo – Mr. Germain I have a quick question. What’s the legal ramifications for picking out one vendor and one vendor only.

Robert Germain – I don’t believe there are any. Are you saying that there’s an equal protection claim that C&S Engineers could lodge against the town?

Councilor Becallo – Something along those lines.

Robert Germain – I wouldn’t give that type of advice in this setting. If you want to go into executive session I can do that.

Deputy Supervisor Burtis – Can we split the motion? We were talking about something else. People are assuming that I am opposed to it, I’m just trying to work through it and we got cut short. And I’m sorry that you are all here having to see this but welcome to our life.

(tape change)

Councilor Becallo – I think we have our answer. I don’t want any legal ramifications. I don’t like picking and choosing...it’s rubberish! It’s all or none.

Councilor Venesky – You can disprove it, but at this point this is the only vendor that was brought to my attention and I in turn have brought to your attention, that we have had a problem with, unless there are others. If you want to add all vendors, that is why I had added, which was not added here “that all invoices that are submitted by any vendor to the Town of Cicero must be itemized and detailed prior to approval.” If that’s not enough than...

Deputy Supervisor Burtis – Why don’t we switch to a department instead of just C&S, since highway is one of the largest expenditures we have why don’t we just single out highway. So all the invoices coming out of highway, maybe he could live with that; since most of them are very large anyway, why don’t we do that?

Lynn Jennings – Tom is right, exactly. Singling out C&S...problems...that’s up to you people. You need to resolve that. But you don’t need to single out one, there are numerous vendors and I have seen invoices and things come across there when I was on that board that you didn’t have any idea what the heck they were - and yes, we all passed them. I think as you said, you have an invoice from highway; there was a problem with that, you might have an invoice from drainage,

you have an invoice from zoning, let's stop and say it that way. If you are going to review it, all your C&S companies or any of them, your vendors and departments, period. And then you've got everybody in a nut shell.

Supervisor Zambrano – Lynn are you saying if they review the abstract that that isn't enough?

Lynn Jennings – inaudible (not speaking into a microphone). Nobody could answer the question on the abstracts, so if you looked at it - that's fine, but if you don't understand what you're looking at than what good is it looking at it? So you have no comptroller here anymore. You're department heads were dismissed by Jim Corl, and these are the backbone of this town that serve the board and they serve up here as well. I think you need to bring them back.

Supervisor Zambrano – Lynn, I am agreeing with you at this point and time; that we approve the abstract before things are processed.

Councilor Jennings – Right. And that way if there are questions, you need to have that comptroller here to be able to answer the questions. When you're talking \$100,000.00 for a truck or something you got to have somebody answer questions.

Supervisor Zambrano – It's not the comptroller that's going to answer the questions.

Councilor Jennings – Well she's going to answer the abstract. She understands it. She writes it.

Councilor Venesky – We appreciate all your comments and suggestions councilor. I don't have a problem, I look at the abstract and if that is not good enough than we need to look at everyone. I will bow to the will of the board, however, as long as it takes care of the problem that we have identified here tonight.

Supervisor Zambrano – Well there was a motion on the table here. Was there a second?

Councilor Venesky – No.

Supervisor Zambrano – There was also a comment that maybe that motion should have been split and I think you made that comment.

Councilor Venesky – I did.

Councilor Conway – I think that we talked and talked and talked about this. The easiest way to settle this is just to take and everybody review the invoices, then there is no question if it's right, or wrong, you can call up each other and say "hey, did you see this" or "did you see that" we can sit here all night and argue about it. Let's just make a motion that everybody on the town board takes and reads all the invoices.

Councilor Becallo – We made a motion a couple of months ago that the agenda would be out at 4:00 p.m. on Monday and that never happened.

Councilor Venesky – Robert can you put that together as a motion, please?

Councilor Becallo – That's a waste of a motion; there's no point to do that.

Deputy Supervisor Burtis – That's a different subject.

Supervisor Zambrano made a motion that the abstracts be reviewed at the town board meeting for all councilors to see what is being processed and that they have then the opportunity to go back, if they have questions, to look at the invoices.

Supervisor Zambrano – My comment is for every councilor to review every invoice is going to practically paralyze the town.

Councilor Venesky – I would look at the abstracts. If I have a question on the abstracts then I will come to you.

Supervisor Zambrano – I think that is reasonable.

Supervisor Zambrano – That's a motion.

Councilor Becallo – Can you say that motion one more time?

Motion:

Supervisor Zambrano made a motion that the abstracts that have been previously presented to the councilors, be presented at the town board meetings for approval to ensure that appropriate processing of all invoices and vouchers, and expenditures before the town.

Councilor Becallo – If we get those beforehand than there really shouldn't be an issue because it would eliminate the questions that we have at that time.

Councilor Becallo seconded the motion.

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

Supervisor Zambrano – Thank you.

Deputy Supervisor Burtis – So that means that we are going to put it on the agenda, I am correct?

Councilor Becallo – Please don't let it take as long as the public input.

Councilor Venesky – There's another motion that I had asked the Supervisor to put on the agenda.

Supervisor Zambrano – And I indicated to you that the agenda had been finalized; this came up at the last minute, and that you had every opportunity to make the resolution, so let's not keep casting stones.

Councilor Venesky – No, no, no, we are not throwing stones here.

Supervisor Zambrano - Let's just get on with it.

Councilor Venesky – Let's move on with it.

Supervisor Zambrano – Yes, it is.

Councilor Venesky – It has gotten to a point, in the opinion for myself and some of the other councilors that when it comes to the business of the Town of Cicero, some of this is ground to a halt and our focus has been taken away from what we were elected to do. And to move this forward and take away the problem:

Motion:

Councilor Venesky moved the adoption of a resolution seeking bids and requests for quotation from engineering firms to provide engineering services for the Town of Cicero to include day-to-day activities, consultations for storm water drainage, inspection of developments, acceptance of road projects, sewer systems, holding of securities, to name a few of the services which the town needs. Such proposals shall include a general retainer and what services will be included along with fees that may be incurred outside the general retainer with an hourly rate provided. I further move that we utilize the Onondaga County Purchasing for the purpose of preparing the RFP's (Requests for Proposals), to save the taxpayers of Cicero the associated fees. I further move that Councilor Conway will be the point person for contacting the county and accepting proposals for the board with all bids received by Town Hall, at Town Hall by September 19th.

Councilor Venesky – That is a motion.

Deputy Supervisor Burtis – Discussion. Can we have some discussion on that? Can I see that?

Councilor Becallo – We are supposed to go by Robert's Rules but we don't do that either.

Councilor Venesky – Do we have a second?

Councilor Becallo – For discussion's sake, *I will second.*

Deputy Supervisor Burtis – This has happened before. We make motions on the floor, on the go, and it hasn't been much fun, so let's just take a minute. So this is basically for engineering, right?

Councilor Venesky – Right. What we are doing is this; we are taking the engineering contract for the engineering services of the Town of Cicero and to remove *any* semblance of impropriety we will put the engineering contract out to bid, so that is exactly what we are looking to do here. Yes.

Councilor Becallo – Technically speaking from what I understand, all it is is putting it back out to bid. C&S can rebid.

Deputy Supervisor Burtis – Right. Well, that's what I was getting to. I'm worried about the RFP again; do we have the RFP nailed down right so that we can actually get bids?

Councilor Becallo – Wouldn't we just use the same one that we always used?

Councilor Venesky – Sean Carroll at Onondaga County Purchasing will do that for us so there's no cost to the Town of Cicero; he will prepare them.

Deputy Supervisor Burtis – For engineering services?

Councilor Venesky – Engineering services, correct.

Supervisor Zambrano – There are several agreements with C&S, there is just not the retainer, there are others having to do with sewer maintenance, I don't know if there is an agreement with highway but there are several of them. A 30 day notice needs to be given; I think that's part of the contract requirement.

Councilor Venesky – No, I disagree. Robert we don't have to...we are not canceling the contract; we are putting the engineering services of this town out to bid.

Deputy Supervisor Burtis – For what...

Councilor Venesky – We are going to replace C&S Engineers.

Deputy Supervisor Burtis – From what period of time do we need it? Is there a time perimeter? Is that true?

Supervisor Zambrano – Isn't there a 30 day notice? We have contracts...

Councilor Becallo – I believe there is a 30 day notice.

Councilor Venesky – There is, but...

Supervisor Zambrano – Just as a point of clarification, we do have contracts/agreements in place and I think that it requires a 30 day notice.

Councilor Venesky – Yes, that's correct. They have to be officially fired before we hire somebody else, but that does not preclude us from asking and putting those services out to bid and entertaining new bids.

Deputy Supervisor Burtis – If we are going to do something than we need to do it the right way, so we need the RFP (Request for Proposals) to have scope; I think we have scope of services down there, now...

Councilor Venesky – That provides that.

Deputy Supervisor Burtis – Now what about the time frame? What is C&S' current contract? What time periods are we talking about, months, a month?

Councilor Becallo – If we were to put that out to bid wouldn't that be from today?

Supervisor Zambrano – Until the end of 2015?

Deputy Supervisor Burtis – Okay. How's that sound Robert? The time frame, specifically.

Robert Germain – This contract goes through the end of the year.

Deputy Supervisor Burtis – I would just add the date then from today's date to December 31st, end of the year.

Supervisor Zambrano – How can it be today's date when you don't have a new engineer yet?

Councilor Venesky – Let's be clear. Let's make sure we're clear. Correct me Robert Germain if I am wrong, but we have not given a 30 days' notice with this motion to C&S. If you want to give one I can change it and we can give a 30 day notice today, however, amongst consultation and discussion, including yourself Councilor Burtis, we decided that we would put it out to RFP, and I believe you were instrumental in that thought; putting it out to RFP prior to giving a 30 day notice of cancellation, however, we can change this resolution if you want.

Deputy Supervisor Burtis – That's not what I'm talking about. I don't want to fire anybody before I have somebody hired. We have work, there's work to be done here; there's a right way to do things. So you want to take 30 days?

Councilor Becallo – I believe Mr. Germain would be the person to go to...

Robert Germain – I wouldn't suggest that you start firing anybody until you (inaudible). I think you can ask for RFP's and bids, you don't have to fire anybody.

Deputy Supervisor Burtis - Why don't we just ask them to break it down to a monthly fee? What would a monthly fee be?

Councilor Becallo – What are you talking about?

Supervisor Zambrano – For C&S to finish up? For the new...

Deputy Supervisor Burtis – For the new engineer to work it into a monthly.

Supervisor Zambrano – With all due respect, let me ask the question. When we settle on a retainer it is divided up into monthly payments. The retainer say is \$30,000, than the monthly becomes 1/12 of that.

Councilor Venesky – We have a problem in the Town of Cicero. We have ethics issues. There are reported ethics issues. We have a Supervisor who has signed invoices with the engineer that she is cohabitating with – that's a fact. So, we have gone through 4 months of asking for a resolution, we have asked for recusals, we have asked for all of this stuff and in good faith as a board we have acted. What I am saying right now is that we have had no response. We've had a positive response from the Comptroller's office; let me not misspeak, however, they are not here. What I am saying is that this town has become paralyzed; the business of this town is not getting done and I'm saying that if we are going to keep fooling around, or whatever term you want to use for the problem, and not fixing the problem then we are going to remain as a paralyzed, divided board. Actually, to be quite frank with you, I would have been happy with calling "30 days" today. And we had this discussion, so I don't understand why there's a big issue about it now. Put the engineering services out to bid and even if it's up a couple hundred dollars what are you going to say "no" we are going to not spend a couple hundred dollars more for engineering services and we are going to keep this town, and the reputation, and the issues that we are dealing with; we are going to stay mired to this stuff, is that what you're recommending?

Councilor Becallo – Councilor Venesky, if you did today, you can get RFP's back within 30 days?

Councilor Venesky – I would think so, and I'm putting it before our next meeting; I am giving people 30 days to get out there.

Councilor Becallo – If you give the 30 days you'll have the next town engineer, if that's the way that the board wants to go; it will overlap.

Deputy Supervisor Burtis – Remember the last RFP debacle?

Councilor Becallo – Failure by design was that one.

Deputy Supervisor Burtis - I am just trying to make sure that we can get what we are looking for. This is detail; this is not big emotion.

Councilor Becallo – We do this quite often in this town though; every time the board turns around, technically speaking, the Democrats choose their engineer and the Republicans choose their engineer; RFP's and RFQ's they go out quite often. Tracy don't you have some of these on file? I don't understand why it is so difficult to move forward with this. We have all the tools within these walls to do anything we need to do. I just don't understand where the difficulty comes in.

Deputy Supervisor Burtis – I am just trying to make sure that we have the dates right, that's all; I'm just trying to make sure.

Ayes - 4 and Noes- 0. *Motion carried.* Supervisor Zambrano abstained.

Councilor Becallo – Everyone knows the current situation about the allegations brought forth by Mr. Robert George on April 9th and his 87 page document. This board needs to discuss and ask one question. Does this board want to move forward with an investigation? If they choose so, there are 3 things we need to do:

1. We need to first establish that there will be an investigation
2. We need to form a committee
3. We should start with the person that brought forth the allegations in the first place, Mr. George.

Councilor Becallo – Can we open it up to the floor for the town board to discuss?

Councilor Venesky –I believe we made a resolution a few months ago that we would take action and if there was a problem we would address that problem and we would fix it. There was a lot of discussion that happened and we decided that we were going to hire an independent attorney and accountant to come in. We sent out hastily a request for quote. We had one company come back in that time; that was a firm out of western New York that was willing to come in. Between the time that we made that resolution and the time that one vendor only came back.

Supervisor Zambrano – Wasn't that only a verbal response?

Councilor Venesky – Yes. There was an awful lot of discussion behind the scenes; an awful lot of discussion and it was determined as a board that we didn't want to be hasty, we want to do the right thing. We weren't quite sure where we were going to go financially with the town. Some of you who had the finance workshop that we had today; it was not a great thing as far as where we are right now and some of the challenges that we are facing. But anyway, we made the decision to take this to the NY State Comptroller's Office, Mr. DiNapoli's office; he has an office of investigations. We as a board drafted a letter, everyone saw the letter, three board members signed the letter and it was sent to the Comptroller's office. We asked for his help in coming in to do two things:

1. Making a determination as to whether or not an official, and again our thought was to be respectful of Supervisor Zambrano, we wanted to be respectful and quite honestly we don't want to be in the Post Standard every week. We really have some good people here and we are really interested in moving town business forward. So, the decision was made, to go with the Comptroller's Office. And I can tell you this and I will say it again, there was some discussions from members of the Comptroller's Office, I received a phone call for one and I may not be alone, and they told us that they would be coming in. And I said, when we talked it over and said you know what we can save forty or fifty thousand dollars (the numbers that we came up with), of tax payer money, if we go with the Comptroller's Office.

Here's where we are: The Comptroller hasn't come in and people are talking to us on a regular basis; there is pressure: Well what are you going to do? We elected you to do this. We elected you to do that and you guys haven't done anything. Well I can tell you tonight, as you can see, that we have done a lot. There have been a lot of conversations; there have been a lot of things that have happened behind the scenes, there has been a lot of reflection and there has been a lot of praying that we are doing the right thing for the Town of Cicero and the people involved here. I think tonight, because the Comptroller has not come in, and I'm not quite sure, we've had conversations, but I want to go and hire an accountant to come in and look at the books because the books need to be looked at and not because anyone has done anything wrong; and no one has. The fact of the matter is that the books haven't been looked at in 8 years. Shirlie Stuart has done a good job, to my knowledge; I like her and I support her, but just as a matter of business, the books need to be looked at on a periodic basis just to make sure that we didn't move a decimal point by mistake or mistakes weren't made. I do believe that that's going to happen. But I also believe that this board is going to move forward and the people out there, you people need to have confidence that we will do what you have asked us to do. I support hiring an independent council and putting those RFP's back out. The faster we get this behind us, the faster we do the people's business.

Supervisor Zambrano – So are you saying a Comptroller is coming out to audit the books?

Councilor Venesky – I can't speak for them. I can only tell you that they expressed to me that they were very interested in coming out and doing just that, and taking a look at some other things too, but I cannot speak for anyone and there is nothing in writing so anything I tell you is hearsay, but I can tell you that happened. I think I understand where Councilor Becallo is coming from, and at this point putting out RFP's or RFQ's, I am not opposed to that.

Councilor Becallo – I was just raising a question to the board, “Do you even want to move forward with anything anymore?” and I had conversations with Mr. Germain, and I am sure he didn't appreciate those conversations and I meant nothing by it; just trying to get answers which is well within the retainer; with consultation. We as a board have the ability to do our own investigation, that's another option. And I know a lot of people say you're “inexperienced” but you can hire an independent attorney to assist with that. We could form a committee; I don't even have to be on it.

Deputy Supervisor Burtis – We are all Republicans.

Councilor Becallo – I understand that. That's when you hear that it's all political, there's nothing political to do with that. So I am asking the question, “Do you even want to move forward with this anymore?” There were allegations against all of us, every single one of us, so I don't know how it can be politically charged when there are allegations against *every* single one of us. But we can do our own investigation but first, even if you go with the RFP, the first thing we need to address is do we want to establish that we are going to have an investigation.

Deputy Supervisor Burtis – Is that number one.

Councilor Becallo – That was no.1. But I want you to know 2 and 3 before you go for no. 1. Number 2 was form a committee - I don't know how many board members it could be and then if you were going to do an investigation you have to start with the person that made the allegations in the first place.

Councilor Venesky – Let me just say this to you, we have had discussions behind the scenes and the bottom line is “yes” we feel we need to move ahead, however, I don't think we need to turn the Town of Cicero into what could be perceived as anything but a professional civil body. I am willing to move forward with RFP's for attorneys and if you want to head that up for us...

Councilor Becallo – What I have been trying to say since the beginning is that it is okay to hire an independent attorney, its okay to hire a CPA. You have got to tell those people what to do; you can't let them lead.

Councilor Venesky – We had that discussion as well Councilor, and I think that we had agreed prior to this meeting that if the board chose to do that, that we could put some of those tenants that were discussed into an RFP for that. Our disagreement came as to whether or not we were going to hang it all out and possibly...

Councilor Becallo – Well I am learning and you have to start with the person. Vern do you have any comment?

Councilor Conway – No, other than I guess we have to do something. It has been questioned by Mr. George and I guess that no.1 we have to interview him and see if we have the facts there to follow on.

Councilor Venesky – I think that we could accomplish that Vern by having somebody that is knowledgeable in the law. I am not qualified to call anybody and review their tax returns, their marriage licenses, their birth certificates; I have not learned it and I am not comfortable doing that. So I would say that tonight I think we can affect the same outcome by agreeing that we would put together and RFP and we can include some of those items in the scope of the RFP and then move the process forward. I will tell you right now, I am not going to sit here and interview anybody. I am not going to embarrass anybody. I am not going to embarrass this town. I am not going to embarrass myself; I am not qualified to do that, but I am willing to move ahead with an attorney and go ahead and put out an RFP to bring him in. If the Comptroller is not going to respond, and I have asked him to respond, I have called him twice (not the Comptroller, not Mr. DiNapoeili but his officer who identified as himself as the chief investigator here in Cicero) and he has not returned my last two phone calls and I do not know how to take that. I did tell him that the decisions would be made if I hadn't heard from him and I did not hear from him so I am

willing to go ahead with attorney at this point, but I am not going to in any way take away from the dignity of this board or any individual in this room.

Supervisor Zambrano – I would like to say something. I have stated frequently that I am willing to be investigated about these unsubstantiated allegations. I will participate voluntarily, cooperatively, with an investigation that is a legitimate. You have correspondence from my attorney. You have correspondence from Mr. Wickman's attorney; they're different, and by the way, they will be entered in the record so that will save everyone the bother of having to foil them.

Correspondence from Supervisor Zambrano's attorney:

Page 1 of 2

August 13, 2014

Mark Venesky, Councilor
7221 Rosewood Circle
North Syracuse, New York 13212

RE: Jessica Zambrano

Dear Councilor:

I am writing to express my concern over the attempt of the Cicero Town Board to conduct their own internal investigation regarding my client, Ms. Zambrano, and unsubstantiated allegations brought against her.

It is my understanding that the Town Board has already referred this to the State Controller's office by their letter of May 13, 2014. It is my further understanding that the State Controller has opened a file and is reviewing this matter. My client will cooperate fully with any investigation conducted by this agency. I would like to point out, the State Controller's office has a "division of investigations" to specifically investigate allegations of this nature. They have a team of investigators, who are experienced in this area, they are funded by the State of New York and have unlimited access to state resources when conducting their investigations. This would all be done without any expense to the taxpayers of the Town of Cicero.

In contrast, it appears that the Town Board would like to conduct its own investigation. It is my understanding that this particular board and any board during recent memory have never conducted a single investigation and has no experience in this area. I understand that the board wishes to hire outside counsel and a forensic investigator, at substantial Cicero taxpayer cost to assist the board in its investigation.

Despite the fact that the Town Board lacks any experience in this area whatsoever, what seems more disturbing is that this investigation is the result of pure politics. It seems clear that the board has a political agenda. It appears that the board chooses to be influenced by the fanatical rantings of certain individuals, who continue to put forth unsubstantiated allegations against the Supervisor.

Please be advised that the Supervisor will cooperate fully with any legitimate, non-political investigation. This would include investigations done by the Controller's office, the District Attorney's office, or the

New York State Attorney General's office. I have advised my client not to cooperate in any investigation conducted by any interested political body, including any investigation conducted by the Town Board members of Cicero.

It is my suggestion that the Town allow the State Controller's office to conduct a full and fair investigation and if any of the board members feel that there is possible criminal wrongdoing, then it is their obligation to refer this matter to the District Attorney's office.

To continue to treat this matter as a political football, is a disservice to the citizens of the Town of Cicero, a disservice to the Supervisor and undermines the integrity of the Town Board and political system.

Very truly yours,

ROBERT A. DURR

RAD/ejm

**Correspondence from Doug Wickman's attorney:
Page 1 of 2**



Scott F. Chatfield
Attorney at Law

3100 Brewer Road • P.O. Box 70 • Marietta, NY 13110
Telephone (315) 636-7911
Fax # (315) 636-7913

August 26, 2014

Supervisor and Town Board Members
Town of Cicero
8236 South Main Street
Cicero, NY 13039

Re: Doug Wickman/Subpoena

Board Members:

I have been retained by Mr. Wickman to look into and advise him of his rights as regards a proposal to have the Town Board issue subpoenas for information regarding his personal finances. In that connection I have reviewed the attached document entitled "Agenda items for August 27th Board meeting.", as well as the Town Law, General Municipal Law, Public Officers Law and the CPLR.

A casual read of Town Law Section 51(4) might suggest that Suburban Towns have the right to conduct "studies and investigations", and to subpoena witnesses and require production of documents in an effort to establish public wrongdoing, however those powers do not trump the provisions of established law for inquiring into alleged conflicts of interest, nor do they authorize fishing expeditions into the lives of private citizens merely for political gamesmanship.

If someone has specific information to support allegations of public wrongdoing, then the first step is to prefer those charges formally. If charges against my client are filed, we will respond accordingly. We will not however, provide any documents or respond to any subpoena simply to advance the political agenda of any individuals who choose to cloak their agenda under the guise of a legitimate "Study or Investigation".

While some may have forgotten this, our Constitution prohibits government from subjecting citizens to unreasonable search and seizures. The violation of these rights subjects the municipality to consequential and punitive damages under 42 USC 1983 and 1984 (The Federal Civil Rights Act).

As the Town is already aware, Mr. Wickman is simply an employee of C&S Engineers. His compensation is in no way related to the contract for services with the Town. He is not the spouse or unemancipated child of the Supervisor and therefore there is no violation of the General Municipal Law or even the obligation to disclose.

TOWN OF CICERO

AUG 27 2014

TOWN CLERK

I respectfully suggest that the members of the Town Board actually read Section 800 *et seq* of the General Municipal Law rather than rely on the advice of persons who have a personal agenda. When you actually read this section of law you will conclude, as I have done, that there is no basis in fact or in law for any such "Study or Investigation".

The phrase "... in the best interests of the Town. ..." contained in Town Law Section 51 is not unlimited. It does not give the power to a Suburban Town Board to declare open season on anyone with whom they may have philosophical differences. To read that section as authorizing the witch hunt described in the proposed agenda is tantamount to a usurpation of totalitarian authority over the Constitutional rights of private citizens. It will not be tolerated by my client or myself.

New York Times vs. Sullivan is not a blanket grant of personal immunity for libel or slander. In the absence of specific formal charges against my client to which we can respond appropriately, continued public reference to my client, suggesting or implying that he has done something wrong will result in proceedings against the person or persons making such references.

Should the Town Board be foolish or gullible enough to actually pursue the course of action outlined in the proposed agenda, the persons authorizing such actions and the municipality itself will be defendants in a Civil Rights action and personal liability will be pursued.

Unfortunately I will not be able to attend the August 27th Board meeting, as I have another client whose meetings are held on the second and fourth Wednesdays of the month at 7:00 p.m.. If the Town Board desires to meet with me and to discuss this matter in a daytime Executive Session (as proposed, pending or current litigation -See Public Officers Law Section 105(1)(d)), I would be happy to do so. After all, none of us wish to see the Town exposed to liability for violating a private citizen's constitutional rights.

Very truly yours,


Scott F. Chatfield

SFC/kmc
Enclosure
Cc: Client
Town Attorney

Supervisor Zambrano said both of those attorneys stated that these allegations remain unsubstantiated and that I have been advised not to participate in anything other than a legitimate investigation. This Board has tolerated the kangaroo activities that have been going on in this room for several Town Board Meetings and it continues tonight. It continues tonight. We have serious business to be accomplished by the Town, and for the Town and for the taxpayers. And these continuing arguments and disagreements, and charges, and countercharges are not productive. As I said, we are charged with the responsibility of serious, serious activities for the town. We are in the middle of a budget crisis; I have tried to explain to you, as did our Budget Officer, that things are grim financially for the town. And all of this nonsense, and I do believe it is political nonsense, has been very distracting, and it has put a blight on the town, and there has been a lot of negative publicity. But it is this board that could have avoided all of this, the original complainant admitted himself that he has *no* evidence and that he is hoping that someone will look at all of these records to see if there is anything there. It is my opinion, and belief that this political nonsense continues. I do not believe that this board is serious about getting to the bottom of it. I think that many of you like the entertainment of it.

Councilor Venesky – Don't speak for this member of the board.

Supervisor Zambrano – I will speak my opinion, thank you very much. You have expressed your opinion over and over again, and I have refrained from saying anything, so I will have my say. This board has not acted honorably. It has not acted professionally by allowing this continuation of this kind of political nonsense. Our attorney, I am speaking now for the attorney; he can speak for himself, but he has been harassed by continuing requests for interpretations. He has gone above and beyond his own retainer to provide information to the town board members, I don't know how many of you, I have just seen the email exchanges and they have been considerable. You are all part of this board, and you all bear the responsibility for all of this nonsense that has gone on. So stop it. Get something done professionally, and let us move on. This continuing dialogue is distracting; it is a disservice to the residents of the community. I am not giving up on this town and I am not giving up on trying to make this a better place.

Deputy Supervisor Burtis – Are we going to do something? That's all I ask.

Councilor Becallo – That's all I have been asking for five months.

Deputy Supervisor Burtis – So we tried to answer immediately at that meeting, hence my total discussion about the RFP to try to make it worthwhile, in hopes that we can have something worthwhile. To fill in some holes, I signed the letter that was sent to the Comptroller's office, so clearly I was interested in doing something. The Comptroller's Office of the great state of New York, is terrible. I have not heard from them. I have not called them. I put my name on there; all you have to do is google my name and you will find me – I am accessible, and just for the record, I have not heard anything from them.

Councilor Becallo – For the record, I sent in my own letter, which was much shorter, and it just said, "Hey would you help us with what this resident said", I haven't heard either.

Deputy Supervisor Burtis – My faith is not in the state, so I don't think that they are coming anytime soon. So, I would have hoped that they would have, it would have saved us some money, it would have saved us all of this discussion; they could come in and they could give us a legal opinion after looking at the law that they know much better than I, I am sure. The only discussion, the only fight that we have been having, really, is how to do these things. And everybody has an opinion on how to do these things and what is the right thing to do.

Councilor Becallo – We had that for August 13th. We had that meeting and there was other interpretations on whether it was official, or whether it was not, and then I made the requests. I signed requests to have that special meeting, and this could have been done over a week ago; no other councilor signed that.

Councilor Venesky – Let's clear the record on that, okay? No one else has signed it. You signed the letter. I was here on Friday with Vern, and we knew that it was not going to pass; no one else was there. The following week I was not going to be in town, and if in fact where you said that the Supervisor would be forced to act within 10 calendar days of the request had we done that. I made it very plain to everyone that I had a promise to my grandchildren that they were going to Hershey and that is where they went. So, I suppose I could have broke their heart and said we were not going to go, or we could have waited until tonight to finish it, and that is what we chose to do because if we called for a special meeting and I was with the grandkids, MaryEllen and I, then I don't know if we have enough votes to carry that? I thought we had this discussion...

Deputy Supervisor Burtis – Let's talk about no.2. What do you mean by form a committee?

Councilor Becallo - It is my understanding, by New York State Law, that a town board is able to conduct their own investigation; people can fight over that as well, but an investigation done by a town board would be an official investigation. If you don't want to do that, then I am fine with that, I just want to get something or tonight we say we wash our hands of it – that's all I'm looking for.

Councilor Venesky – I think we have an agreement. I think we have three (3) councilors that are willing to vote "yes" tonight on going ahead with the RFP's.

Councilor Becallo – Mr. Germain how can we go about doing this? I know your normal answer is, "It's outside my retainer and I'm not going to help."

Robert Germain – I didn't say that. If you want it resolved and make a motion to put out RFP's and hire experts; you are allowed to do that if you want...(inaudible)

Councilor Venesky – I am not qualified to conduct an investigation, subpoena people, I am not comfortable doing it so hire an expert to do it; I will vote “yes” on that.

Deputy Supervisor Burtis – Is that what you mean? That we would hire somebody or are you talking about the authority that we have; the authority of the Board.

Councilor Becallo – I believe that Robert Germain gives us both options, and if you want to go with a hiring an outside attorney than we also have to give them...and you would start with the person who raised the allegations to see if there is anything, and if there is not...we move on. Is that allowed?

Robert Germain – It’s allowed to make a board resolution; if the board passes it to hire an expert to conduct the investigation, that’s ... (inaudible)

Councilor Becallo – We have to give them a road map of what we’ve done, correct?

Robert Germain – I’m sure if you hired an expert who knows the rules and knows the (inaudible) that they’d have a road map in their mind; that they would work with all of you, myself included, to properly investigate it and do what you asked them to do.

Councilor Becallo – Can you quickly make that resolution?

Robert Germain – I think you made it, right?

Councilor Becallo – We made a resolution back in April, which...correct me if I’m wrong Robert, we just make a resolution to hire an independent attorney to do an investigation. But don’t we have to give them, like Tim always says, “a scope?”

Deputy Supervisor Burtis – Maybe we don’t have to get to that, maybe we can just say, “an attorney”.

Councilor Becallo – But that’s what we did last time.

Councilor Venesky – But last time we received one, and it was a verbal response, so what I am saying is we made a resolution and the resolution was passed. I tend to agree with Robert, that if we hire somebody they are going to have a pretty good idea of what the scope and what it is; and certainly, I would think that they would consult with us for whatever tweaking, or whatever. But I think that it is enough to authorize the RFP’s to go back out to solicit professionals who can do a professional investigation, and I will support that. I don’t know if we need another motion Robert Germain, or we can just authorize tonight that I make a motion that we resend RFP’s to go back out; for an attorney to come in and do an independent investigation.

Deputy Supervisor Burtis – Let’s say for a two-year period because you have to give them scope, that’s what they told me.

Councilor Becallo – I believe we, as a board, can make that scope.

Deputy Supervisor Burtis – So let’s say for a two-year period, and then it will at least give them a scope of time – we could pick that.

Councilor Becallo – As the Deputy Supervisor you seem to know a little bit more than I do, can you please to take the lead on that?

Supervisor Zambrano – Robert needs to bring this in such a way that you’re bidding a professional opinion about conflict of interest or...

Councilor Venesky – I would ask, with all due respect, that you recluse yourself...

Supervisor Zambrano – Excuse me. I am interested in a valid investigation Mr. Venesky. I don’t want this to keep dragging on and on. I would like Mr. Germain to give an opinion about what would constitute a proper investigation about ethics and whatever else. I’m sorry if that offends you.

Councilor Venesky – You know what, we wouldn’t be here if it wasn’t for all of the mire that was created.

Supervisor Zambrano – Excuse me, but I did not create the mire. These are unsubstantiated allegations, and I did not create it. This whole thing was created by people who have a political agenda - that is my opinion and my belief.

Councilor Venesky – This centers around you, so I think you should recuse yourself.

Supervisor Zambrano – Well, I will not recuse myself when I have something to say, I am sorry. And you talk about having respect but you have not been. So I would like Mr. Germain to assist this board, those of you that are interested, as am I, in an investigation to help frame it so that we get a proper response from responsible attorneys who interested in doing an objective job.

Deputy Supervisor Burtis – I would start with attorneys; that's another thing that some of us have talked about, instead of CPAs. Let's just start with a legal opinion because you might not need to go into financial things, so let's start somewhere.

Supervisor Zambrano – Are you ready Robert?

Robert Germain – I think so. You want an opinion before a full-fledged investigation, is that what you are telling me?

Councilor Becallo – What do you mean by that? You guys speak laymen's terms to me; I'm not a lawyer so...

Robert Germain – Well, when I hear the board saying is that we want a full investigation by an attorney. An opportunity to coordinate a full investigation...

Deputy Supervisor Burtis – Over a two-year period?

Councilor Becallo – We should act. I think we are on the same page of the fact that, the person who raised the allegations, you have to go to them first.

Deputy Supervisor Burtis – Okay.

Councilor Becallo – But there's been a complaint, and you have to go to that person, the minutes there's nothing, there's nothing.

Supervisor Zambrano – Just point of clarification for myself, since I am the subject of the investigation...

Councilor Becallo – So I'm probably going to get another letter from your lawyer.

Supervisor Zambrano – You probably will. The scope of this investigation revolves around the complainant's allegations, right?

Councilor Becallo – It has nothing to do with you. It's based off of him.

Supervisor Zambrano – Or is everybody going to get to throw in their two-cents? I've only seen a complaint, in writing, formally presented by one person.

Councilor Becallo – That is correct, you would have to start with that; the person who made that complaint, and if there is nothing than there is nothing.

Supervisor Zambrano – So the scope of the investigation will revolve around that? I just want to make sure that the scope of the investigation are these allegations from this particular complainant.

Councilor Becallo – Why would there be more?

Supervisor Zambrano – Well, because there are a lot of other people who have a lot of other opinions.

Councilor Becallo – But you can't go to them.

Supervisor Zambrano – That's right. So what I am saying is...

Councilor Becallo – I'm being as fair as possible. You have to go to them first; which is proving the fact that I really have nothing. Just do something if you want to do something, or we could also say tonight that we are going to wash our hands of it. That's all I've been saying

since April 23rd and I don't know how all this got blown up with all political, and blah, blah, blah, the fact is a town resident raised allegations, and we as a town board can either do something about it or just scoff it off; and we haven't made a decision either way. And one of those letters says we are "inept."

Resolution:

Deputy Supervisor Burtis moved the adoption of a resolution authorizing the town to request proposals, interview candidates and hire appropriate independent counsel to investigate and issue a formal written opinion to the Board as to whether or not a citizen complaint and allegations lodged regarding an ethical situation have sufficient basis. This motion further authorizes Councilor Conway to coordinate the efforts necessary to fulfill the intentions of this motion and execute any necessary documents therefore.

Motion was seconded by Councilor Becallo.

Councilor Venesky stated that Councilor Conway would be the point person for the RFP for the engineering contract with Onondaga County and we are asking him to be the point person for this resolution as well.

Councilor Conway stated that he was okay with that.

Ayes - 4 and Noes- 0. *Motion carried.* Supervisor Zambrano abstained.

SUPERVISOR'S OFFICE:

Declare Brother HL-2270 Printer as surplus:

Supervisor Zambrano moved the adoption of a resolution to declare the Brother HL-2270 (serial no. U62674LIN), printer from the Supervisor's office as surplus and of no use to the Town. Motion was seconded by Councilor Conway.

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

DEPARTMENT of ZONING & PLANNING (Codes Enforcement):

Purchase (8) Microsoft Office Home and Business 2013 versions:

Councilor Becallo stated that he would like the IT committee to take a look at this. The discussion was tabled.

IT Update (scheduled on the agenda as a discussion item):

Councilor Becallo stated that the IT committee is working on a new policy where all the purchases when it comes to IT, should come through the IT committee. If more than one office needs the same programs, a better price could be obtained in they are bought in bulk.

Councilor Becallo said Tim Kelly would give a brief statement from the IT committee.

Tim Kelly stated that they had discussed in the realization of a BOCES intern to assist in some of the activities. We had talked about using Bryant and Stratton for their intern to look at the IT inventory software used in the town. We will look at what is available to make sure that the town is not wasting money. We had discussed looking at the Town website and Deborah had talked about doing that.

Councilor Becallo stated that Deborah would do the supervision under the direction of the Supervisor or Comptroller, we would keep tract of things. The student would be available for general questions several hours a week.

Resolution:

Supervisor Zambrano moved the adoption of a resolution to authorize the IT committee to submit an application to Bryant and Stratton to acquire the services of an intern as early as January to assist with the inventory to software and the IT needs of the Town of Cicero.

Motion was seconded by Councilor Becallo.

Councilor Becallo said they meet in the cafeteria at Driver's Village, on Mondays at 5:30 p.m. and invited anyone who was interested.

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

SNYDER LINKS LIMITED PARTNERSHIP v. TOWN of CICERO:

Donald Snyder stated that Snyder Links has nothing to do with him or his family or any relatives. He felt that there was a problem with the assessor when he says that this is what the property is worth and the owner says no, that is not what it is worth. The \$6,500.00 that we are giving to them for back taxes is this for one time for the period covering 2011 through 2014.

Robert Germain stated he gave the board a memo showing this figure as a court mandated settlement. The town liability is \$6,500.00 and the school district will pay much more.

Deputy Supervisor Burtis moved the adoption of a resolution authorizing and approving settlement of the New York State Supreme Court Tax Certiorari action entitled Snyder Links Limited Partnership v. Town of Cicero Tax Map Nos. 059.-01-01.1, 064.-01-2.1 and 064.-01-23.1 on property located at 7139, 7177 and 7185 Taft Road in said Town commonly known as Arrowhead Golf Course reducing the 2011, 2012, 2013 and 2014 tax year assessments from a total assessment for all three parcels from \$2,510,000.00 to \$1,500,000.00 total assessment for all tax years including payment of reduced negotiated refunds in an amount not to exceed \$6,500.00 in accordance with the terms and conditions outlined in a memorandum from Germain & Germain to the Town Board dated August 8th, 2014, as well as authorizing the Supervisor and Town Attorney to execute the proposed "Stipulation of Settlement" in the matter and any and all documents necessary to complete the transaction. Motion was seconded by Councilor Conway.

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

DISCUSSION ITEMS:**1. Board of Ethics:**

Councilor Venesky stated that we have had some vacancies; there are currently three vacancies on the Ethics Board and we have had 16 candidates. We need to call a workshop and interview these folks. We can have them come and have a public workshop where each individual would be interviewed in a public forum or we can call for a workshop, set up a time, have the candidates come in and go into Executive Session so that we can interview them behind closed doors.

Supervisor Zambrano stated that it is a five person board and people are appointed so that one drops off every year and the start time will be the same but we decide when they will go off. We will have one go off in 2015, and we already have someone going off in 2016, and 2017, and then someone will go off in 2018 and 2019.

Councilor Venesky said that there is a 5 year rotation. He asked the board to consider, because we don't have a formal, human resource department, he had made a recommendation that they would authorize Kathy Barney, (or it could be someone else) to be there to make sure that they understand their responsibilities and what the scope of their duties would be. He also had a discussion with Robert Germain, who said that he would be available for any consultations or any questions that they might have. Councilor Venesky said he wanted someone there to guide them in their first meeting.

Supervisor Zambrano said there were 16 candidates; and she would think the board would need a couple dates to schedule the candidates.

Councilor Becallo stated that an email be sent out to see who is available on 2 different dates. We would like it to be after 5 pm. It has to be a workshop or an executive session.

Councilor Venesky stated that the interviews would be in executive session.

Councilor Venesky will send out an email requesting a range of dates in September for the interviews that the candidates would be available.

Councilor Venesky moved the adoption of a resolution to call for a workshop that will be entered into executive session for the candidates for the Board of Ethics. Dates will be decided on in the future.

Councilor Becallo stated that we are getting to the end of the year and that the RFQ for the assessor be put on the agenda for the next meeting.

2. Repair of Highway Department building roof:

Supervisor Zambrano asked if we actually have estimates at this time.

Councilor Venesky said Councilor Conway is the guy taking ownership on that, but he thought he had one.

Councilor Conway said he hadn't received the other two estimates yet, so he would rather put it off until the next meeting.

RFQ for Assessor:

Councilor Becallo stated that we are getting to the end of the year and that the RFQ for the assessor should be put on the agenda for the next meeting.

Enforcement of the Town's Employee Handbook:

Councilor Becallo stated that it has been brought to his attention that the Town's handbook is not being enforced fairly. The Town Board is not present during the work week and they cannot determine whether the situations are actually occurring. He believes that it would be in the best interest of all the employees if this was enforced by more than one person.

Supervisor Zambrano asked if the concern was eating at one's desk.

Councilor Becallo said that was one of the concerns.

Supervisor Zambrano said she didn't know anyone that has been told specifically that they are eating at their desk and it's a violation.

PUBLIC INPUT:

A resident said she had made a suggestion several years ago, and asked if when they request bids that part of the classification would be that all responses are not only in hard copy, but also in PDF format.

Supervisor Zambrano said that was a good idea.

Judy Boyke said in regards to the salt usage, that the roads need to be plowed and salted so please don't take the safety of it away, just to save money, because we do live in a snow belt. She commended the highway department for the great job that they do. She also stated that she heard about a meeting for the Chamber of Commerce regarding the signs; she had thought that the meeting would be on a Monday, but it was held offsite at Hunt Real Estate, and she believes that it was not published and that it was attended by several public officials. She advised the board that if we are going to be talking about ethics, than to be careful when they are having meetings because it's inappropriate if it is not published; to make sure that it is open to the public.

Councilor Venesky explained that it was a meeting called to bring together, and it was asked for by the Chamber President in North Syracuse. In a discussion Councilor Venesky had with him, Paul thought it would be a wonderful idea of the all the chamber presidents in the Town of Cicero got to meet each other and strategize as to how we can advance the business interest of the business owners of this town, and also to advance the interests and the business interests in the

Town of Cicero. Councilor Venesky thought this was a terrific idea. This was not a meeting where any town business was conducted; it was a meet-and-greet.

Judy Boyke asked how many elected officials were there.

Councilor Venesky said there were three.

Judy Boyke said it was an illegal meeting because it was not published.

Councilor Venesky said if he made a mistake he apologized, but there was no intent to conduct, or nor was any public business conducted.

Judy Boyke asked if any Code Enforcement people were there.

Councilor Venesky said no.

ADJOURNMENT:

Councilor Becallo moved the adoption of a resolution to adjourn the Town Board Meeting.

Motion was seconded by Supervisor Zambrano.

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

There being no further business before the Board, the meeting was adjourned at 9:45 p.m.

Tracy M. Cosilmon
Town Clerk