

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

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The Cicero Town Board held their regular meeting on Wednesday, December 23, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

Jessica Zambrano	Supervisor
Mike Becallo	Councilor
C. Vernon Conway	Councilor
Dick Cushman	Councilor
Mark Venesky	Councilor

OTHERS PRESENT:

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

Supervisor Zambrano welcomed everyone to the 21st regular meeting of the Cicero Town Board.

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

Supervisor Zambrano said the Board would be going into executive session that evening to discuss a couple of issues, but they would have public input before they went into executive session.

Councilor Conway led the Pledge of Allegiance.

Councilor Conway requested a moment of silence to honor the men and women serving in the military around the world, also all first-responders, our police officers, fire fighters, and emergency medical personnel.

Town Board Meeting Minutes:

Councilor Conway made a motion to approve the Regular Town Board meeting [minutes] held on December 9, 2015. Motion was seconded by Councilor Venesky.

Ayes- 4, Noes - 0, and Abstentions - 1. *Motion carried.*

Councilor Becallo abstaining due to his absence at that meeting.

Approval of Abstract Numbers 50 & 51:

Councilor Cushman made a motion to approve Abstract #50 (dated December 14, 2015) and Abstract #51 (December 21, 2015) as they were presented. Motion was seconded by Councilor Conway.

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

Abstracts can be viewed on the Town's website: www.ciceronewyork.net

Budget Modifications/Amendments

Supervisor Zambrano stated there were no budget modifications or amendments.

Employee Handbook Changes:

Supervisor Zambrano said there were some Employee Handbook changes. An Employee Handbook was adopted in December of 2013, and we promised that we would continue to review the contents of the Employee Handbook.

Supervisor Zambrano explained some of the changes:

- **Attendance** – Absence and Call-in Procedures – there was a change to require employees to phone in or text 60 minutes prior to the start of their shift if they are not going to work today.

Supervisor Zambrano said that is the only change for that one.

- **Compensatory Time**- There was one paragraph that was removed. The paragraph being removed states: *Exempt or salaried employees will also be allotted comp time for all hours they work over 40 in one week. Exempt employees will not be paid out unused comp time.*

Supervisor Zambrano said, ‘We want to remind exempt employees that you are hired to do a job, and sometimes it takes longer than a 40 hour work week to do that job’. ‘On the other hand, exempt employees have flexibility in their schedule that hourly employees may not have.’

- **Overtime** – The change relates to the fact that, at this point in time we have been paying employees (mostly non-union employees) overtime after they work 8 hours. There are some contracts if you work 8 hours even if it’s the first day of the week, if you work over 8 hours anything after that is paid overtime. This causes a great deal of financial stress on the town, so we are proposing to remove that requirement for those employees that are not covered by collective-bargaining agreements so that we comply with the Department of Labor regulation that says that *employees must be paid overtime after 40 hours.*

Councilor Venesky said, ‘Our intention is to streamline the process; run the town a little bit more like a business’. He explained that we had an instance where we had an employee call in one minute prior to his start time, and one minute is not enough time to find a replacement, or coverage, so we moved that to 60 minutes. He thinks that will help us work a little bit better.

In regards to the overtime pay, Councilor Venesky said, ‘We had a problem with our seasonal employees. We blew our overtime budget in Highway this year, because of course they are working 4 tens, and we had seasonal employees getting 2 hours of overtime a day, so we felt it was common sense to change that policy’.

Supervisor Zambrano thanked Councilor Venesky for mentioning the seasonal employees, stating that is in fact exactly correct. We had hired seasonal employees for the Highway department this summer, and when the amount was figured as to how much their compensation for the four workers was going to be it came to \$12,000, but we actually more than doubled it because of the overtime that they were paid; 2 hours of overtime, working 4 days a week, the overtime budget came in at like \$25,000 almost \$26,000, so we have to change it mainly for seasonals.

Supervisor Zambrano solicited any further comments or questions regarding these proposed changes, of which there were none.

Resolution:

- Supervisor Zambrano moved the adoption of a resolution to implement the revised policies that address ‘Attendance- Absence and Call-in Procedures,’ ‘Compensatory Time,’ and ‘Overtime’ in the Employee Handbook, effective December 24, 2015. Motion was seconded by Councilor Cushman.

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

Supervisor Zambrano said there is a second motion under Employee Handbook which proposes to remove a paragraph under a very short paragraph called ‘Wages’. That paragraph states, ‘The Town strives to pay fair and equitable wages to all employees. Union employee will have their wages administered through their applicable agreements. Non-union employees will have their wages administered the same as the teamsters.’ In our discussions we felt that it was restraining for the Town to have this as a policy when we need a little bit more flexibility going forward.

Supervisor Zambrano solicited any comments or questions.

Councilor Becallo asked how many non-union employees we have.

Supervisor Zambrano said it varies, but she thinks with our regularly scheduled employees the number is in the high teens, but then in the winter and summer you have a lot more seasonal employees, so it varies.

Councilor Becallo: I would like that first sentence to stay: “The Town strives to pay fair and equitable wages to all employees.”

Councilor Venesky: Of course we are going to do that. I think it was implicit that we are going to do that.

Supervisor Zambrano solicited any further discussion, of which there was none.

Resolution:

- Supervisor Zambrano moved the adoption of a resolution to eliminate the entire section entitled ‘Wages’ on page 28 of the Employee Handbook, effective December 24, 2015. Motion was seconded by Councilor Conway.

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

Personnel Matters - Highway Department:

Councilor Venesky: One of the changes that we are going to make next year is we are going to change the way we hire seasonal employees; there will be some changes and there will be some background checks that we the town currently has not done.

Councilor Venesky: Moved for the adoption of a resolution to approve the wing list of employees for the 2015-2016 snow plowing season and I will read each name into the record:

WINGPEOPLE LIST	Mayers, Benjamin ,
Ahern, Donald	Mayers, Eric
Carey, Kevin	Mayers, Laura
Coon, John	Mayers, Richard
Cordell, Robert	Mutter, Brandon
DeFuoco, Michael	Nadeau, Samantha
Dreverman, Kyle	Reardon, Ronald
Dudzinski, Chester	Sherback, Brittany
Elderbroom, Harvey	Spenard, Greta
Engebretsen, Blake	Slate, Ray
Ennault, Tase	Stone, Adelbert
Ferstler, P. Michael	Stuhler, Charles
Garvey, B. Joe	Taylor, T.J.
Harvey, Brandon	Ventre, Roger
Henderson, Robin	Wood, Stewart
Hogan, Allan	Woznica, Frederick
Joss, Randy	Woznica, Joseph
Kearney, Peter	Woznica, Pamela
Leonard, Anthony	Zacholl, Arthur
Lottemoser, Jeffrey	

Motion was seconded by Councilor Cushman.

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

CICERO CONSOLIDATED LIGHTING DISTRICTS:

Supervisor Zambrano said we are proposing to establish public hearings for the consolidation of nineteen (19) lighting districts into six (6). David Hess and Shirlie Stuart spent many, many months this past year reviewing everyone’s lighting situation and have decided that the number of districts should be consolidated and people should be put into districts with like-kinds of lighting that is on their street. So there are six (6) districts that they have come up with as Decorative Underground; that’s mostly like The Pastures, the overhead lights, the underground wireless neighborhoods. Also, there’s a private district for people that live on the private section of Tuttle Road, Cicero Campus; those lights are also decorative and they are a lighting district within

themselves and that now includes Loretto and General Fund A, which is all the corner street lights.

Supervisor Zambrano said we have many, many people who are paying different rates and they may be living next door to each other. We have people who are paying too much money. We have people who are not paying enough, and this scheme relegates everyone to the appropriate lighting district; you can consider it like a reassessment of lighting, if you like. This is long overdue so I hope the Board considers this favorably when the time comes. Right now we are just establishing a public hearing.

- **Decorative Underground District**

Councilor Venesky moved for the adoption of a resolution calling a public hearing on January 13th, 2016 commencing at 6:30 p.m. local time, to consider, upon Motion of the Town Board, the creation of a consolidated lighting district for underground facilities within the Town of Cicero to be designated and known as “Decorative Underground District.” A copy of the proposed Map and Plan has been provided to the Town by National Grid calling for the consolidation of the following: Cicero Stage, Electric Railway, Anglers’ Club, Addison Loomis, Pastures IIB, Matilda Gage, Asa Eastwood, Waterview Circle, Moyer Carriage, Boyko Farms, Cody’s Corner, Crossings, At the Lakes, Pastures Sec 6, existing lighting districts into this proposed **Decorative Underground District** to achieve annual savings. **508 units for an estimated total cost of \$71,712.00 or \$141.00 per unit.** Motion was seconded by Supervisor Zambrano.

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

- **Overhead District**

Councilor Cushman moved for the adoption of a resolution calling a public hearing on January 13th, 2016 commencing at 6:30 p.m. local time, to consider, upon the Motion of the Town Board, the creation of a consolidated lighting district for overhead facilities within the Town of Cicero to be designated and known as “Overhead District Lighting District.” A copy of the proposed Map and Plan has been provided to the Town by National Grid calling for the consolidation of; Consolidated 1, Consolidated 2, Consolidated 4 (which is Penn Can) the existing lighting districts into this proposed **Overhead District** to achieve annual savings. **There is 3,600 units for an estimated total annual cost of \$96,242.00 or \$27.00 per unit.** Motion was seconded by Supervisor Zambrano.

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

- **Underground District**

Councilor Venesky moved for the adoption of a resolution calling a public hearing on January 13th, 2016 commencing at 6:30 p.m. local time, to consider, upon Motion of the Town Board, the creation of a consolidated lighting district for underground facilities within the Town of Cicero to be designated and known as “Underground District Lighting District.” A copy of the proposed Map and Plan have been provided to the Town by National Grid calling for the consolidation of; Consolidated 3, Erskine, Cedar Point, Williamsted Farm, Wallington Sec 2 & 3, Eva Circle, Wallington existing lighting districts into this proposed **Underground District** to achieve annual savings. **3,458 units for an estimated annual cost of \$224,434.00 or \$65.00 per unit.** Motion was seconded by Supervisor Zambrano.

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

Supervisor Zambrano said you will see in the narrative here that some districts have already been consolidated, so this took place a number of years ago but the Town has grown around that, so we have to consolidate some more.

- **Private Road Lighting District**

Councilor Cushman moved the adoption of a resolution calling a public hearing on January 13th, 2016 commencing at 6:30 p.m. local time, to consider, upon Motion of the Town Board, the creation of a lighting district for private road facilities within the Town of Cicero to be designated and known as “**Private Road Lighting District.**” A copy of the proposed Map and Plan has been provided to the Town of Cicero by National Grid. It’s **\$360.30** per unit. Motion was seconded by Councilor Venesky.

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

- **Non-Lighting District**

Councilor Venesky moved for the adoption of a resolution calling a public hearing on January 13th, 2016 commencing at 6:30 p.m. local time, to consider, upon Motion of the Town Board, the creation of a lighting district for within the Town of Cicero to be designated and known as “**Town wide Non-Lighting District.**” All parcels within the Town of Cicero that are not designated in either the **Decorative Underground District**, the **Overhead Lighting District**, **Underground Lighting District**, or **Private Lighting District** will be part of the **Non-Lighting District**, no charge would be applicable. Motion was seconded by Supervisor Zambrano.

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

Release of Securities:

Supervisor Zambrano said we have some recommendations from O’Brien & Gere pertaining to release of securities for Mandorla Gardens/Loretto complex, and also for Wallington Meadows Section No.7A.

Steve Snell from O’Brien & Gere had provided two letters to the Board regarding both securities (as shown below). O’Brien & Gere is recommending release of that security amount. They have coordinated with Chris Woznica relative to these items as well, in which Chris Woznica has agreed with them.

- **Mandorla Gardens/Loretto Security**

RE: Mandorla Gardens/Loretto Securities
FILE: 0101/61478.112

Dear Board Members,

The Developer for the referenced project has securities in place for punchlist items and road guarantee per a July 24, 2014 letter from C&S Engineers, Inc. A recent inspection of the site confirms that the punchlist items have been completed and the road is in good condition. Subject to any comments from the Town Highway Department and the Codes Enforcement Department it is recommended the securities be released as follows:

	<u>Previous Amount</u>	<u>Amended Amount</u>
1. Overland drainage and grading	\$ 3,000	\$ 0
2. Stockpile stabilization and silt fencing	\$ 9,000	\$ 0
3. Utility maintenance guarantee	\$ 14,500	\$ 0
4. Road guarantee	\$ 8,600	\$ 0
5. Monument deposit	\$ 1,800	\$ 0
6. Stop sign (2) installation	\$ 200	\$ 0
Total	\$ 37,100	\$ 0

- **Wallington Meadow Section No. 7A Security**

RE: Wallington Meadows Section No. 7A
FILE: 0101/61478.114

Dear Board Members,

The Developer for the referenced project has securities in place for installation of the top course and road guarantee. The top course has been installed satisfactorily and the road guarantee should be held for a one year period. Subject to comments from the Town Highway Department and the Codes Enforcement Department it is recommended the securities be reduced as follows:

	<u>Previous Amount</u>	<u>Amended Amount</u>
1. Top course	\$ 18,500	\$ 0
2. Road guarantee	\$ 8,000	\$ 8,000
Total	\$ 26,500	\$ 8,000

Councilor Venesky said we have serious road problems all over the Town of Cicero. He asked Steve Snell if he was okay with this, the roads are fine, and if everything meets Town standards and code.

Steve Snell replied yes.

Supervisor Zambrano said she has spoken to Chris Woznica several times regarding this and he is fully satisfied that it is okay to release these securities.

- **Mandorla Gardens/Loretto Security resolution:**

Councilor Cushman moved for the adoption of a resolution to release the securities in the amount of \$37,100.00 currently on deposit with the Town for Mandorla Gardens/Loretto in accordance with a letter from O'Brien & Gere dated November 10, 2015. Motion was seconded by Councilor Venesky.

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

- **Wallington Meadow Section No. 7A Security resolution:**

Councilor Cushman moved for the adoption of a resolution to reduce the securities currently on deposit with the Town for Wallington Meadows Section No. 7A From \$26,500.00 to \$8,000.00 in accordance with a letter from O'Brien & Gere dated November 12, 2015. Motion was seconded by Supervisor Zambrano.

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

Highway Department:

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

- \$2,500.00 to Stadium International for fuel tank and straps for Truck #43
- \$1,700.00 to Fleetpride for an air compressor for Truck #12
- \$3,000.00 to Beam Mack for various parts for Truck number 12, 41, 35 and 36.
- \$3,094.17 to TH Kinsella Inc. for light stone fill, Rip Rap for Oxbow Rd.
- \$4,640.00 to C. Mattes, Inc. for 58 loads of leaves and brush

Motion was seconded by Supervisor Zambrano.

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

Parks and Recreation Department:

Councilor Cushman moved for the adoption of a resolution to approve the following:

- \$1,772.97 to Home Depot for general supplies, replace a sump pump, and parade float supplies
- \$6,949.25 to Environmental Paving Solutions for Bennett Street change orders-funding through grant funds

Motion was seconded by Supervisor Zambrano.

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

Planning and Zoning Department:

Councilor Conway moved for the adoption of a resolution to authorize expenditures not to exceed \$1,600.00 for mandatory 2016 NYS [in-] service annual training for two Code Enforcement officers. Training to be held February 29 – March 3, 2016. This is a budgeted item. Motion was seconded by Supervisor Zambrano.

Supervisor Zambrano mentioned that this is mandatory training for the next year, and the reason we are doing it this early is so that they can go ahead and make hotel reservations so they don't get shut out.

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

Councilor Becallo asked where the training was being held at.

Supervisor Zambrano told him it was in Lake Placid.

Jonathan Karp as replacement for Councilor Venesky on the Cicero Town Board on January 1st, 2016:

Councilor Venesky introduced Jonathan Karp, an attorney who will be taking his place on the Cicero Town Board, effective January 1st.

Supervisor Zambrano's end of term:

Councilor Venesky: I was thinking about this today, on January 1st, 2007 Jessica Zambrano became a Councilor for the Town of Cicero. Her last town board meeting being today that she will chair, December 23rd of 2015.

I can imagine what it was like working for a couple of supervisors and then taking the chair yourself. I will say this - I've had the privilege of working with Jessica very closely the past month; I've been kind of like stuck to her like glue here and she has been very helpful, very knowledgeable, and what came through to me is despite all of the things and speed bumps, I guess, that have been put in our way and she has been very helpful, very knowledgeable, and what came through to me is despite all of the things and speed bumps put in our way, she is one-heck of a dedicated town employee who has worked very hard on the behalf of the people in the Town of Cicero, so I would like to extend gratitude on behalf of the Town to you for your service to the Town of Cicero.

I wish you the best of luck in your next endeavors.

Supervisor Zambrano: Thank you very much. I really appreciate that.

Supervisor Zambrano: I wish this board and Supervisor Mark Venesky every possibility of good luck. I think that there are some challenges, and Mark is working very hard to learn all about the town. He has been a very good student. He's been very helpful and we've had a good relationship these last few days. So I'll be around a few more days. He [Mark Venesky] tells me that I have to work right through December 31st.

Councilor Venesky jokingly told Tracy Cosilmon that he wanted that in the record, 'she's being paid until the 31st so I expect her to be here until the 31st.'

Councilor Cushman added, 'midnight of the 31st.'

Supervisor Zambrano good-heartedly commented that she should have kept a record of all the hours she put in; they would see who was getting the better deal.

Public Input:

Don Snyder asked if the \$4,640.00 to C. Mattes for the 58 loads of leaves was for leaves we picked up after the contract that we dumped at his location.

Supervisor Zambrano told Don it was.

Don Snyder said relative to the lighting district stuff that will be talked about at the next meeting, a map is available for the public to come and look at to see where in fact we fit in this. He said that he pays \$66.00 a year right now for lighting and he would be very furious if he found out that he was paying a lot more. He asked, if in general, if everybody would kind of pay a little less than what they've been paying, or are there people that will be paying more than what they are paying now?

Councilor Venesky said Nimo [National Grid] approached us about wanting to consolidate these districts so he is going to let them make their presentation and then people would be able to see for themselves exactly what it is; so he won't speak for Nimo. He said they had a workshop, and Nimo made a presentation to them; he would reserve his opinion until everyone has had a chance to see it.

Don Snyder asked what office those maps would be available in.

Supervisor Zambrano said the maps will be available, but right now they are with Shirlie.

Supervisor Zambrano said she would not be evasive. She said, 'Some people will go down. Some people will go up. Some people who have not paid will be paying, but we have to do this because it is so inequitable right now. We have to standardize it, so there will be changes'.

Don Snyder said he and Don Bloss have worked with Jessica for the last year/year-and-a-half with facilities. He asked everyone that was in the room, plus all those that might look at our website to look at the final report that she did put together. He thinks it's an excellent report that gives people that do not spend time here an idea of what's going on, and a lot did go on. The facts and figures on the Code office were very enlightening; the number of safety checks we've done, inspections, and what not. He thinks that will give them a little handle, because he got in a discussion with someone that didn't know what they were talking about relative to this town and they said 'we got to deal with the number of people we have in the town; there's too many.' Don said he told the person 'would you tell me where that is; because I've been involved with this town six/seven years now and I don't know anywhere where I would say we are overstaffed. I can tell you a couple of places we are understaffed,' and the individual could not tell us. He told the individual 'that's the problem with ignorance, you need to get involved,' and he asked the individual how many board meetings he has gone to and the person replied 'none'.

Deborah V. Gardner:

I request that my remarks be put in the record:

I want to thank Jessica Zambrano for all she has done for the Town as a Town Councilor for 5 years and Supervisor for the last 2 years. You have accomplished a great deal, all while working with a hostile town board for almost a year.

Can we imagine what might have been accomplished if some of the town board were not hell bent on having you investigated and wasted a lot of time and resources on issues that a panel of 4 judges ruled unfounded?

Jessica, you are an amazing woman. As Mark Venesky has told me on at least two occasions, you are probably the smartest person he knows and I concur. Also, you have boundless energy. As you now enter retirement, I hope that you will continue to be an asset to the community.

You will be missed.

Supervisor Zambrano: Thank you very much.

Loomis Pardee: Did you notice the difference in the lighting districts where they were charged different money, and you think that was unfair and you went ahead and did it? We've got people that live on one side of the road, and on the other side they are paying different fire tax, and that's been going on for years and years, and you've done nothing. What's the reason?

Supervisor Zambrano said she wasn't aware that people were paying different fire tax. One of the issues of discussion is looking at those fire protection lines to see what we can do to make it more equitable. She said Supervisor-elect Venesky has recognized that and has vowed to take on the issue of fire protection lines and fire district issues.

Councilor Venesky said he has been asked by people to look at it and fix it, and that's exactly what we are going to do.

Loomis Pardee said this has been going on way before the lighting district was ever organized.

Councilor Venesky: I can't argue with that. I wasn't here, but I am here now, and we are going to look at. We are going to look at all. And we are going to come up with a solution.

Loomis Pardee commented, 'Okay, we'll see how long it takes.'

Councilor Venesky: Well, we are going to take as long as it takes to make sure that we do it right. So, if it takes a year, it takes a year. And, if takes two years, it's going to take two years. But, I am committed before the end of my term that we will have a solution that the fire departments, the chiefs, the executive committee of their departments will all buy in that it's the best plan for the Town of Cicero. So if takes two years, that's what it's going to take.

Supervisor Zambrano said one of the things that came out of the last budget discussion, and some of the difficulties with fire protection (and they had been having meetings with the fire departments), but the discussion has to be on a different level about different issues. There are administrative issues with the fire protection services, and then there are issues like this – where are the appropriate boundaries, and whose responsibility is it to fix it? We have asked those

questions, but we haven't gotten any good answers; and we have asked at the County and State level. So it's not for lack of trying, but fortunately, or unfortunately, Mr. Venesky has volunteered to tackle the problem. She wished Supervisor-elect Venesky good luck with that.

Doug Wickman: I want to thank all of you for your service these last two years, that's certainly what this is - it can't be anything else. It is certainly service, and I want to wish you all the best as you begin the next two years. From my perspective, there's an awful lot of things that have been started; new initiatives, a lot of things yet to be done. I'd like to ask that all of you please approach these issues with careful, considerate, and thoughtful discussion. The community deserves a Town Board that works together without ranker; it would be a tremendous benefit to us all. Thank you.

Supervisor Zambrano: You're not going to wish me a good retirement?

Doug Wickman: I wish *all of us* a good retirement.

(laughter erupted throughout the room)

Supervisor Zambrano: But I thought you would want *me* to have a good retirement.

(laughter)

Supervisor Zambrano solicited any further public input.

Suzanne DeMarzo (Supervisor Zambrano's daughter):

Well, this is your last night for a Town Board meeting, Mom. You have come a long way.

The Senior Center Christmas luncheon was fun. Judy Dickson will be missed as well [she is also retiring]. Good luck to both of you!

Be safe out there on Christmas Day [everyone]. If you are going to friends' houses and drinking, you should not be driving. The cops will be out there [looking for people] driving under the influence of DWI.

Mark, good luck to you next year as the new Town Supervisor on January 1st.

With love, pride, and admiration, Supervisor Zambrano said, 'Thank you Suzanne, very much'.

Supervisor Zambrano solicited any further input, of which there was none.

Executive Session:

Supervisor Zambrano made a motion that the Town Board enter into executive session to discuss two separate issues related to proposed, pending, or current litigation.

Supervisor Zambrano invited the Town Attorney into executive session and for the first issue, for Chief Joe Snell to join them as well.

Motion was seconded by Councilor Becallo.

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

Supervisor Zambrano said she expected the Board would be reconvening.

The meeting adjourned into Executive Session at 7:24 p.m.

Supervisor Zambrano said the executive session terminated at 7:33 p.m. with a motion by Supervisor-elect Venesky and then seconded by Councilor Becallo to reconvene back into Regular Session. Regular Session reconvened at 7:34 p.m.

- **Topolski Case resolution**

Councilor Becallo moved for the adoption of a resolution, as recommended by insurance company counsel, to approve the settlement of an action titled **Topolski v. Cicero**—Index No. 5:11-CV-01316—for a total [payment] of \$5,000.00 by the Defendant. The Town's portion of the settlement after application of insurance proceeds is \$2,500.00 This resolution also authorizes the Supervisor and the Chief of Police to execute any and all necessary documents to complete the settlement. Motion was seconded by Councilor Cushman.

Ayes - 4 and Noes- 1. *Motion carried.* Councilor Becallo: I am opposed.

- **Riverfront Park resolution**

Councilor Cushman moved the adoption of a resolution approving the final settlement of a contract dispute between the **Town of Cicero and C.W. Development** pursuant to the terms of settlement agreement for a total of \$26,680.00 [**\$26,860.00 as amended**]. This motion also authorizes the Supervisor to execute any and all necessary documents associated with the action. Motion was seconded by Supervisor Zambrano.

Ayes - 5 and Noes- 0.

Neil Germain had said that the correct settlement agreement amount is \$26,860.00.

Supervisor Zambrano had the Board members revote on the amended amount of \$26,860.00. The vote was as follows:

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

Adjourn:

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

Motion was seconded by Councilor Cushman.

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

Supervisor Zambrano wished everyone a happy holiday.

There being no further business before the Board the meeting was adjourned at 7:36 p.m.

Tracy Cosilmon
Cicero Town Clerk