

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, February 25, 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  
Joseph Snell, Police Chief  
Robert Germain, Germain & Germain, Town Attorney  
Stephen Snell, P.E. - O'Brien & Gere, Town Engineer  
Tracy M. Cosilmon, Town Clerk  
Don Snyder, Building Advisory Committee  
Don Bloss, Building Advisory Committee  
Robert Smith, Building Advisory Committee  
Alex Winsiewski, P.E. – L.J.R. Engineering, P.E.  
Todd Loscombe – Loscombe Custom Homes

The meeting was called to order by Supervisor Zambrano at 6:30 p.m.

Supervisor Zambrano read the following statement:

Welcome to the 4<sup>th</sup> regular meeting of the Town Board.

I would like to point out the emergency exits-two at the back of the room and one up front to the audience's left.

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

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

Supervisor Zambrano introduced Matt Rudd, Scout Master for Boy Scout Troop #117. He said the scouts were there to do a couple of different things that day. They are working on a couple of merit badges; one is communications, the other one is citizenship.

All present joined in the Pledge of Allegiance led by Boy Scout Troop #117.

Councilor Conway requested a moment of silence be observed for our troops serving the Armed Forces who are in harm's way.

**Approval of Minutes:**

Public Input –

Judy Boyke – In regards to the minutes and the abstract that Mr. Cushman voted for, the special board meetings, he wasn't in attendance so it needs to be corrected.

(Mr. Cushman had already been appointed at the Special Town Board meeting on January 28, 2015, therefore, he could vote to approve the Special and Regular Town Board meetings both held on January 28, 2015, and he could also vote on the abstracts).

*Judy Boyke clarified the next day that what she meant was that Mr. Cushman should not have voted for the approval of the January 14, 2015 Regular Town Board Meeting minutes because he was not at that meeting (he did vote on it), and that he should not have voted on Abstract no.s 3 & 4 at the January 28, 2015 meeting, however, he had already been appointed Councilor at the Special Town Board meeting held earlier that same day, therefore, he could vote on the abstracts.*

Councilor Venesky moved the adoption of a resolution to approve the Town Board Meeting Minutes from the Regular Town Board Meeting held on February 11, 2015. Motion was seconded by Councilor Cushman.

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

#### **Approval of Abstract Numbers 7 and 8:**

Councilor Cushman moved the adoption of a resolution to approve Abstract numbers 7, dated February 13, 2015 and Abstract no.8, dated February 24, 2015 as presented. Motion was seconded by Supervisor Zambrano.

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

Abstracts can be viewed on the Town's website: [www.ciceronewyork.net](http://www.ciceronewyork.net)

#### **Budget Modifications/Amendments:**

There were no budget modifications/amendments.

#### **Recognition of the Town of Cicero Volunteers in Police Service Program (V.I.P.S):**

Supervisor Zambrano said Chief Snell has brought in some new troops/volunteers to join the ranks of the (V.I.P.S) and he wanted to recognize them.

Chief Snell said it was a special occasion for the police department and the volunteers; as we have six new volunteers who graduated from the recent academy:

1. Ted Baldini
2. Terry Bish
3. Richard Clark
4. Michael O'Neill
5. Mike Aqaliotis
6. Will Mayers

The academy started in September and concluded in November, so it was two months of training which included several topics on law enforcement and community policing.

He gave a briefing on what the volunteers did in 2014:

- Received their annual training for CPR/AED, and also NARCON training
- They hosted the NYS Association of Auxillary Police, the Region 5 meeting this year.
- This year they responded to and participated in over 39 community events; assisting in traffic and crowd control.
- We downsized over a year ago, reducing a full-time records clerk to a part-time records clerk, and a part-time front desk person, and the volunteers have immediately jumped in and volunteered to man those vacant hours that nobody would be at the front desk; so they've provided well over 780 hours at the front desk.
- They've done over 1000 residential property checks. The volunteers have a property check list when they go out and do their patrol duties; it's one of their main jobs to go out and do property checks. Since we've had the V.I.P.S. program, which started in 2003, we have never had a home broken into that was on our property check list.

- This year the total of volunteer hours was 3,707 hours, and if you compute that to money you are talking tens of thousands of dollars it's saving the town to have the volunteers out there because what they are doing are basic duties that don't tie up the police officers, and as many people know we have had a huge significant increase in calls for services over the last couple of years. Having the volunteers out there really allows the officers to focus on the crime activities, the motor vehicle and the traffic accidents that they have to.

Chief Snell said they were there to recognize the volunteers for their efforts. A couple of them he wanted to recognize

Mike O'Neill is a retired Lieutenant with the Chesapeake Police Department in Virginia. Mike jumped right into it, because even before he went to the academy he was a training director for the academy because his many, many, years in the police department in Virginia he was a training supervisor, so he had a lot of experience and said he would run the program. Mike took the program from a 24hour program to well over a 50hour program, and drew it out to two months. Chief Snell said he and Mike O'Neill have been talking about, in the future, putting on a civilian police academy, allowing the residents to attend and get some training in law enforcement; what we do, and what law enforcement does at the Federal, State, and County level. Chief Snell congratulated Mike.

Terry Bish, owner of Terry's Transmission. Terry also jumped right into the program. immediately upon graduating from the academy he volunteered to take our V.I.P.S. car and does all the maintenance on it for no cost; that has been a huge asset and resource to us (our 2006 Ford Taurus goes in and out of his shop lately). Chief Snell said we are very proud to Terry on board.

Mike Aqaliotis works our front desk once a week, and goes out on patrol. Mike picked up working on the front desk very quickly; he has a great demeanor with the public and the community. Chief Snell congratulated Mike.

Richard Clark, who is a contractor. Rick has also jumped right into it by going out on the street when he can, in between his work. Although a lot of our volunteers are retired we have been very fortunate to pick up some that aren't and it gives us a different perspective in the program and the community we are serving.

Ted Baldini, who is the father of Sgt. Baldini. Ted has jumped right into the program as well. Ted puts in about 30 hours a week and he comes in works the front desk when there's an opening to work it, and he also goes out on the road every day just about.

Chief Snell also wanted to recognize Will Mayers who wasn't able to attend the meeting because of work obligations.

Supervisor Zambrano thanked the volunteers for their service and told them we really appreciate all of them and the work that they do.

### **Personnel Matters:**

- **Parks and Recreation Department**

Supervisor Zambrano said Christine Collins has extensive experience with the Francis House and she wanted to be considered some time ago to be on the Parks & Recreation Board Commission. Christine is working out very well; they've invited her to a couple of meetings and she remains interested so now we are going to officially make her a member.

Supervisor Zambrano moved the adoption of a resolution to appoint Christine Collins to the Greater Cicero Community Youth Board effective 2/25/2015 for a term that will expire on 12/31/2017. Motion was seconded by Councilor Becallo.

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

**Public Hearing (Contemporary Home Suites):**

To consider acceptance of the Petition Plan and Contract Drawings for alterations and modifications to Town drainage facilities located within the Oneida River, Oneida Lake, and Chittenango Creek Drainage Improvement areas pursuant to the Contemporary Home Suites project. The Town Planning Board recently approved a 7.31 acre site plan containing an apartment project located on the north side of Orangeport Road approximately 500 feet west of Route 11. Alterations of the drainage district as proposed require Town Board action.

Supervisor Zambrano introduced Alex Winsiewski who gave a presentation before the public hearing began.

Alex Wisniewski, P.E. – L.J.R. Engineering, P.E.: I am Site Engineer for Todd Loscombe.

Mr. Loscombe is here with me tonight, and he intends to develop a 7.3 acre parcel of land. It's located on the north side of Orangeport Road, about 500 feet west of NYS Route 11, and just east of Wickham Drive. The site is located presently in an existing Town drainage district; the Oneida River, Oneida Lake and Chittenango Creek Drainage Improvement. The site generally drains from north to south to a culvert that extends under Orangeport Road, drainage from there continues ultimately to Oneida Lake. The site does accept some drainage from the earlier adjacent developments known as Walnut Hill, which Wickham Drive falls within Section 1 of.

There is an existing Town stormwater management facility at the front of the site in which lies an existing stormwater management facility that was originally constructed to accept run-off from the Walnut Hill subdivision; which originally contemplated a kind of duplex development on this parcel of land. Mr. Loscombe recently secured Site Plan approval to accommodate this apartment complex. The development would comprise of all the apartment units, there are garages throughout the property, and there is a commons building, and an office.

To accommodate the new DEC's (Department of Environmental Conservation) guidelines, under the SPDES (State Pollutant Discharge Elimination System) guidelines, we had to make improvements to this stormwater facility to accept drainage from the property, and that in essence is why I am before you tonight, to seek approval of the proposed improvements within your existing drainage easement.

Essentially, we are going to extend a 36 diameter pipe from the rear of the lots on Wickham Drive. We'll extend that through the property, ultimately discharging to the stormwater basin and we are going to make improvements within that basin, which will include, basically, a wet pond so that there will be a permanent pool of water similar to what you see in most modern stormwater facilities today. And lastly, we are going to put an outlet structure on the existing culvert that will also regulate the flow of the water. To accommodate that, we have proposed some additional easements to convey drainage through the site and to contain the stormwater facility; those additional easements will ultimately be conveyed to the Town.

We have estimated the improvement costs to be roughly in the range of \$40,000. You're consultant engineer has reviewed all the documents related to the construction of the facility and found those to meet the general standards of the Town, and as I stated, Mr. Loscombe did go before the planning board already for site plan approval of the facility and has approval in place for the that, and we do also have our SPDES permitting now in place from the DEC, so I guess that's the last step before you'd like to start construction is your acceptance of that design and ultimately the Town will then accept the facilities and meet the...(inaudible)

Supervisor Zambrano asked if Planning Board reviewed this design and generally approved it.

Alex Wisniewski, P.E. – Correct. They approved the Site Plan. As part of the Site Plan package there was a review of the stormwater facilities as well.

Supervisor Zambrano asked the Board members if they had any questions for Mr. Wisniewski, in which there were none.

Supervisor Zambrano asked the Town Engineer, Stephen Snell for his comments before opening the public hearing.

Stephen Snell said his office had reviewed the petition plan, along with contract drawings and found them to be acceptable. The only comment they have was relative to approval of the easement revisions for the drainage stormwater management area.

Robert Germain said we would ask the applicant to submit those to him to review before they get recorded.

Councilor Venesky asked Robert Germain (who he said hasn't seen those) if he was recommending that we....

Robert Germain explained that there was an existing easement there now, that we have, but part of this plan is to widen the area next to the existing easement, so he wants to make sure that it's going to be the same type of language and that we are protected, but it's a common thing for them to submit that to him before it gets recorded.

Councilor Becallo asked Councilor Venesky what he was alluding to on that.

Councilor Venesky said Robert Germain had been hesitant, that it had been dependent upon him reviewing the language.

Supervisor Zambrano asked Councilor Venesky if what he meant is that this resolution should be amended.

Councilor Venesky said yes. He thinks the resolution needs to be amended to being found satisfactory by the legal counsel.

Robert Germain said that was fine. It would be - *Subject to attorney review of the easement.*

Supervisor Zambrano had proof of publication and posting.

The public notice read as follows:

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that the Town of Cicero Town Board will hold a Public Hearing for February 25, 2015 at 6:30 p.m. to consider acceptance of the Petition Plan for the Oneida River, Oneida Lake, and Chittenango Creed Drainage Improvement, Contemporary Home Suites at the Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039.

By the order of the Cicero Town Board.

**DATED:** February 12, 2015

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

Public Hearing was opened at 6:58 p.m.

**Speaking for –**

Ray Schader: I don't know as I am in favor of it, but all I'd like to say is I hope it is done correctly, and sufficiently, so the Town does not have to go in and pay for drainage problems in the future as we have done in many, many, developments in the town in the past. Jessica knows this drainage sticks in my crawl every single year, and I hate to spend Town money on drainage that has to be improved after a couple years of these projects.

Supervisor Zambrano asked Alex Wisniewski if he had drafted this drainage plan.

Alex Wisniewski, P.E.: We designed the stormwater facilities in accordance with the current standards of the Department of Environmental Conservation guidelines. My opinion is, in a case like this, we have an opportunity to actually improve the drainage condition that's out there. Currently, with the way pipe discharges you have got a very long, flat area through the property that doesn't drain particularly well and with the inclusion of the 36 inch pipe we are better able to convey those upstream flows from the adjacent development. I think this will actually make the pond more accessible and controllable by the addition of

the outlet structure, so I think it's an opportunity to improve an existing situation. I point out there's been talk in the past from the DEC about the next, or future version of the SPDES (State Pollutant Discharge Elimination System) permit and the MS4 program whereby they are going to try to get municipalities to upgrade existing stormwater facilities that don't meet today's current standards, so here is an opportunity to do that essentially on the developer's dime. To make that clear, all these improvements proposed will be installed and completed by the developer; so there are no town funds involved.

Supervisor Zambrano said Mr. Schader is correct. She gets heart palpitations every time there is a big drainage project. She told Stephen Snell he could also reassure Mr. Schader about his concerns that this drainage plan is a good one and that we won't be spending Town money to make corrections later on.

Stephen Snell, P.E.: I will also mention that the improvements relative to the Town's facilities will be inspected by our office also, and that there is no cost to the Town either. So we will be involved with this as the improvements occur out here.

Don Snyder: I got a kick out of what you said about that they may change the requirements and get the towns to upgrade. Of course you all know that when we get those mandates there will be no money behind it. I just want to make sure that for the people that are part of the overall drainage district, they will receive no increase in their drainage tax for this work, is that correct?

Supervisor Zambrano said there shouldn't be any increase.

Don Snyder: I mean if he is paying for all of this then there should not be any increase in their tax bill because of this; there may be because of other drainage issues in the whole Wickham area but I just wants to make sure because people have come and have a concern about this, because I have sat in a number of meetings and it is bad enough what is happening to them. This is legal. It's all great. And I think we should have it, but they were told by real estate, what not, this all would be green. What I don't want to have happen is okay they are going to see the buildings, I don't want them to also find out when they get there tax bill next year that they've paid some more money relating to this thing, that's the only concern.

Public Hearing was closed at 6:58 p.m.

Supervisor Zambrano solicited any comments or discussion from the Town Board.

Board Comments:

SEQRA: Councilor Venesky moved the adoption of a resolution to consider the acceptance of the Petition Plan and Contract Drawings for alterations and modifications within the Oneida River, Oneida Lake, and Chittenango Creek Drainage Improvement areas as proposed for the Contemporary Home Suites project. This is an unlisted action with a completed EAF (short form). The proposed project involves no other permit granting agency outside the Town with respect to lands located in the Town of Cicero. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS (Environmental Impact Statement). Supervisor Zambrano requested that an "as built" be provided and filed with the Town as part of the motion. Motion was seconded by Supervisor Zambrano.

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

DECISION: Councilor Venesky moved the adoption of a resolution to accepting the Petition Plan and Contract Drawings for alterations and modifications to the Oneida River, Oneida Lake, and Chittenango Creek Drainage Improvement areas for the Contemporary Home Suites project as proposed, subject to an attorney review of the easement. Motion was seconded by Councilor Cushman.

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

**Brewerton Ambulance Update:**

Supervisor Zambrano said since last fall there were questions raised about the Town's agreement with Brewerton Ambulance. She and the Comptroller undertook the task of trying to get more information about the expenditures for the ambulance services that were being provided. The ambulance service was passed in 2005 or 2006, so it has been a well-established service. It was established by referendum, and it was an overwhelming vote (like 10 to 1) in favor of establishing the service. They have met numerous times; have had numerous communications with the President of Brewerton Ambulance, Mike Stassi and some other representatives, and also with Dave Butler, the owner of TLC, who has been providing the services. She knows that in the budget that was passed last November that the amount was reduced from \$93,000 to \$90,000 at the suggestion of the President of the Brewerton Ambulance because there have been so many questions. As we continue to look into the situation and to look at the paperwork, it appears that Brewerton Ambulance may in fact be a special district and that is what we are looking at right now. She said they are continuing to gather information; we've sent a number of documents over to our town attorney who is in the process of reviewing those to make that determination about a special district.

Supervisor Zambrano said she knows that there is concern about the funding, but if we do in fact have a special district than no budget would be required; basically, we are a pass through and at the beginning of the discussions about the Brewerton Ambulance she had made a statement that she believed that we were just a pass-through facility, so that may in fact come to pass and there is concern now for the reduced funding to Brewerton Ambulance.

Supervisor Zambrano asked Warren Darby if he would speak to the issue since Mike Stassi was unable to attend that evening.

Warren Darby said he is on the Ambulance Board and is also the Fire Commissioner for the Brewerton Fire Department; their CON (Certificate of Need) is Brewerton Fire Department Ambulance that they operate under.

Warren Darby: We have been doing business now for some time with the ambulance district in place. The number that was put together in the referendum was *to a maximum of \$100,000*. There had been some debate amongst our own people that there was not *an up*, but in fact it's *the maximum* so it can be *an up to*. There is no minimum in there, there is a maximum in the referendum as we see it; and that was from our attorney.

Just a quick picture of what we are doing:

- 676 calls last year,
- 70% to the Cicero part of our districts (we have 4 pieces of towns that we provide service in),
- we provide full ALS (Advanced Life Support) Level 4 paramedic service thanks to the contract we have with TLC,
- we have been providing good clinical care,
- have some great saves,
- and we want to maintain, and he being a resident of Cicero and the Brewerton district want to be sure when he calls he has a Level 4 paramedic ambulance within minutes for my family.

I have also been in EMS (Emergency Medical Services) since 1962, and I am doing my 18<sup>th</sup> refresher for EMT (Emergency Medical Technician) as we speak so I have a different knowledge of good EMS.

- During the last year also, we did 182 mutual aid calls into Cicero, covering NAVAC (North Area Volunteer Ambulance Corp) when their system got busy; that's the normal kind of mutual aid to our surrounding agencies, and they often times will do the same to us.

The beauty with the contract that we have with TLC is that they have a full CON (Certificate of Need) for the County of Onondaga, and a system so that Mr. Butler has seen fit to move a city right north as we get a call in Brewerton for the town of Cicero; one of our other Brewerton calls. They start a rig out from the city system and move it north and get it up in here, and they have covered as many as 80 calls over the year when we were busy, which kept it within the TLC people doing the work; that's a great relationship. It's been good EMS and we want to maintain that. The \$100,000, back seven or eight years ago, is the number that they felt was necessary. We know that after a couple of years of patrolling that particular pass through we had the County pulling the sales tax piece from all the towns and villages and that required you folks to do a reassessment of how you are going to spend what money you have. And we were asked by the Supervisor at the time to take a cut, and that was down to, I think \$93,000 and we said that we need to be players too; and we did. To get it back to the \$90,000, which is the proposed is right now, that's 10 percent of what we thought we were going to need and our contractor said he is losing money as a result of not enough calls, even though we had 676 calls, and so he would like to see it back to where it belongs. We would ask you to reconsider, raising that back to maximum of \$100,000 for the year. We will do with what you give us. If it comes to be a ninety percent we may have to at the end of the year decide how we are going to do business to keep going, but we have an obligation in Brewerton to be there, and I for one will see to it that we will be there, and Mr. Stassi agrees to that.

Supervisor Zambrano told Mr. Darby that Mr. Germain would be reviewing all of the information and make a determination of where we are. She is hoping that by the next town board meeting they will have a definitive answer for him.

Warren Darby thanked her and said if there was anything they could do to help with the special districts to let them know.

Supervisor Zambrano asked Robert Germain if there was anything that he would like to add.

Robert Germain said he does have the papers and he is reviewing them. It looks to him to be a special improvement district, which is a little bit different, but he would give the board a memorandum on it.

Judy Boyke said speaking that there are four towns that are supplied by this ambulance service, she would like to know why it is not split evenly with the other three towns, why the Brewerton residents in this area, who have voted for this service for them, that they are being tax levied on it, and how much is being paid by these other three towns.

Supervisor Zambrano said she thinks one of the towns contributes \$10,000.

Judy Boyke said the town was West Monroe.

Supervisor Zambrano said the other towns have opted not to. There was no referendum in the other towns and although she hasn't spoken to the other towns yet, but apparently they feel no obligation to make contributions at this time. She said that TLC is billing for all calls, but unfortunately some of the billing for the calls goes uncollected. There are a number of calls that are reduced because of government rates (either Medicaid or Medicare) and they try to collect from insurance companies that will provide the coverage.

Judy Boyke said it was also her understanding that even the folks that are in this district have been billed along with paying this tax levy for this service, and asked if anyone has looked into that.

Supervisor Zambrano asked Robert Germain to address that. She said TLC can bill.

Robert Germain said there are two ways that you can fund a special improvement district and that's the type, what he thinks is the type, of entity when he is looking at those documents. The two ways that you can fund a special improvement district would be either by:

1. Ad valorem taxes; which you are allowed to, or
2. fees and charges on for services, or a combination for both (that's in General Municipal Law).

He said that you are allowed to do this so you can fund it different ways; and the combination is allowed to.

Judy Boyke asked if under the service that we have now is it allowed?

Robert Germain said he was just responding to what the law is, he isn't sure what her service is now.

Judy Boyke said we are being levied. A tax is being levied to pay for a service that said that they would provide this service according to their bylaws and the contract that was initially stated. People are paying a tax levy for a service and then they are being billed on top of that for that service and she wants to know if that's legal.

Robert Germain said the law says you can finance a special improvement district by assessing an ad valorem tax on residents, or accessing the costs and fees associated with services, or a combination of both; that's legal.

Judy Boyke told Robert Germain that she knows that's what he said, but she doesn't believe that's the service that we have right now.

Judy Boyke said Warren Darby had talked about 76% (he said 70% of Brewerton Ambulance calls were to the Cicero part of their district), and she wanted to know of that 76% how many of them were in the tax levy district and does anybody people are in the tax levy.

Supervisor Zambrano told Warren Darby that when the statistics are compiled his ambulance district includes all of the Brewerton Fire District and the Fire Protection District so when you put together your statistics, it looks to her from the call list that he has that there are a certain number of calls that are within the district and then there are calls outside of the districts, and those are clearly identified.

Warren Darby said that was correct. He said the number is seventy percent, not seventy-six percent.

Judy Boyke said then it appears that if you didn't get tax levied you would still get an ambulance service, so why are the people in the town of Brewerton being charged the same as if they were not being tax levied? She said it just doesn't make sense that we, and she and Don Snyder, and Vern, that are being taxed for a service that we are paying for ...

(tape change)

Supervisor Zambrano said the Department of Health was the one that determined the district of what their area would cover. She told Warren Darby to correct her if she was wrong, because she wasn't around for the vote, but when the vote was done it was only done within the fire protection district and the fire district.

Warren Darby said that was correct.

Supervisor Zambrano said those were the voters that were allowed to vote in Brewerton.

Judy Boyko said but yet this is being provided to everyone; it doesn't make sense that we are being levied and taxed.

Supervisor Zambrano asked Judy Boyke if she understands that we have two different things, we have a Certificate of Need from the Department of Health who determines what the service area is, and then we have the referendum vote that says that this ambulance district was established.

Judy Boyke said she thinks that it needs to be re-evaluated because it has been established; yet we are paying a tax levy for something that everyone is receiving a service for. She said everyone needs an ambulance, it doesn't matter, and every area needs an ambulance.

Supervisor Zambrano said we are going to try to get definitive answers on this, and that the attorney has been working on this also. The issue is that there was a referendum, and her understanding is the people agreed to this levy of \$100,000.

Judy Boyke said true. Because they believed that they were getting an ambulance service for themselves. They did not understand that it was going to be provided to everyone else and they were going to pay for it – it's wrong.

A resident said if she understands this referendum correctly, the people were voting whether or not to provide a service for not just Brewerton, but parts of Hastings and two other towns. (A few people in the room said no).

Supervisor Zambrano said only the people in the Brewerton Fire District and Fire Protection District voted. When the service area was established, it was established by the New York State Department of Health, and it included a wider area.

The resident said so that was after the referendum?

Supervisor Zambrano said Brewerton Fire District in the Town of Cicero only voted, so the fire district is bigger than just what is in the Town of Cicero.

The resident said her question was did the voters know that the district was bigger than...

Supervisor Zambrano said she didn't know what the voters knew because she wasn't around to see that vote.

Councilor Becallo said wouldn't it just make sense, since the CON (Certificate of Need) is provided for the other areas to make that part of the district as well.

Supervisor Zambrano said according to the Department of Health they are part of the district.

Councilor Becallo asked then why aren't they levied as well.

Supervisor Zambrano said because the referendum only applied to the citizens within the Brewerton Fire District and the Brewerton Fire Protection District in the town of Cicero. That's as far as that referendum went, and that was for \$100,000.

Councilor Becallo said it needs to be looked at again. He said we are all in agreement of how it happened. We need to look at that again because they don't match, and there is obviously something wrong with that.

Supervisor Zambrano said she thinks it would take another referendum, but at this point and time we have to defer to the attorney to thoroughly review all of the documentation and make a decision, and also advise us on how this can be rectified.

Councilor Venesky asked Robert Germain if when we look at the district and when the district is looked at, can we levy. Can a tax be levied outside the Town of Cicero, (the Town of Hastings, the Town of Clay) would that be legal or something that can be done.

Robert Germain said no way the case would be to establish the district under Article 12. There are different types, like he had said, and this one he believes is probably a special improvement district, which is a little different; then it would be funded through the methods we talked about. He said the district boundaries must have been set, (he doesn't know what they are but he will look), but they must have set the district boundaries and then it went to referendum, and that was probably part of the referendum what the district boundaries are. And then the taxing authority becomes the town; it should be added on the town tax bill as a line item and assessed based on ad valorem (so it would be assessed per whatever the individual property assessment is).

Councilor Venesky asked if it would be legal and proper to charge more for those people not paying the tax more.

Councilor Venesky asked Warren Darby if we are charging more to people in Hastings than we are the people who are paying the tax in Brewerton.

Councilor Becallo commented that he didn't think you can do that.

Warren Darby: At the time we approached the Supervisor here for the Cicero piece of this, we also approached West Monroe, Hastings, and Clay. The Supervisor here moved forward right away, and that's how we got this district in place first. We are now receiving \$10,000 from West Monroe, and Hastings is in the process; we will probably be doing a vote there this year. Clay is the one that's been (inaudible) and that's the smallest piece. We have also been discussing the possibility with TLC because they are trying to recover; their piece of the problem is that their bill should probably be higher if they are not part of the Town putting money in to keep the ambulance in place. The bills by themselves don't pay the way in, Madame Supervisor you pointed that out; that's a problem in EMS all over. We have a State CON (Certificate of Need) that requires us to provide ambulance service to that area within that CON which covers those four (4) pieces. We will continue to push to get Hastings on board as soon as possible and then work with Clay; if not, my suggestion is yes, TLC is going to make that decision, they are the ones that are transporting but they have the ability to raise that bill for those people in that area. So what the district of Cicero would be doing is helping supplement the bill, it could be a higher bill if it wasn't for the district and it guarantees that you have the ambulance here. Our concern was we were going to lose the Brewerton Ambulance and then you are going to have further distances for the other existing agencies to cover. We need EMS in a timely fashion, with the right level of care, and we have that right now. We will continue as Brewerton Ambulance to work with West Monroe, Hastings, and Clay. West Monroe is the first of those three to come forward.

Councilor Venesky said we have been talking about this for quite a while and former Supervisor Boyke raises some good points. What he would like to hear are some recommendations by the attorneys as to what we can do, and what we can't do to try to rectify this situation.

Supervisor Zambrano said the attorney is in the process of reviewing all of this to find out exactly what is in place; how it needs to be changed, if it needs to be changed, but if a special district was created by referendum she doesn't think you can make changes to that unless you have another referendum; this is not an easy fix. She thinks that we are committed, if it is a special improvement district, or a special district, to funding it at the rate that was agreed upon at the time.

Robert Germain said that was correct, and anything over \$100,000 would require a whole redo, so to speak.

Warren Darby said exactly.

Supervisor Zambrano said she understands Ms. Boyke's concern, she has used the term "double dipping" as far as billing, but if this is a special district and the levy is \$100,000 we are a pass through and that's it. She thinks everyone needs to understand that.

Councilor Venesky suggested they come together with some sort of idea as to what we can do to move forward and fix the problem.

Supervisor Zambrano said we are relying on Mr. Germain, and hopefully we can have an answer by the next meeting.

Councilor Becallo asked how much money the Town of Cicero was providing this year.

Supervisor Zambrano said \$90,000 was levied. We did not levy \$100,000 and keep \$10,000 - we didn't do that. Whatever we collect they will get that entire amount.

Councilor Becallo said West Monroe is providing \$10,000, so there is there \$100,000.

Warren Darby said they were getting \$100,000 plus \$10,000, so that was there \$110,000.

Judy Boyke said they weren't a financial advisor by any means, but it seems to her that if the people in Brewerton are paying a tax levy for their ambulance than they should not be charged any more when they use the ambulance. She said she does not live in Brewerton, she lives in Cicero, and if she needs the ambulance and they come then she should pay. The people in Brewerton who already paying their money should not have to pay again, to her that would be the fair way because they are already being taxed; they are already paying their money. She said not everybody that pays the money in Brewerton uses the ambulance, so if we have those outside of the Brewerton District pay for using the ambulance then she would think that those in Brewerton would not have to pay. She said that seems to be the logical and fair way and that would solve a lot of the problem.

Supervisor Zambrano asked Dave Butler if the government reimbursement rate for an ambulance call, an ALS (Advanced Life Support) call is \$150.00.

David Butler, president of TLC Emergency Medical Services, asked if it was for Medicare or Medicaid.

Supervisor Zambrano replied for either one.

Dave Butler said it was probably one-third of what the usual customary charge is.

Supervisor Zambrano asked what the usual customary charge is.

David Butler said for advanced life support or a paramedic it is about \$325.00.

Supervisor Zambrano said she knew that the Medicare and Medicaid rates are much reduced.

Dave Butler said he thought they had submitted that to them.

Supervisor Zambrano said there were 670 calls, and 70% of them were in Cicero, so say that's 500 calls at \$150.00 a call...

David Butler said if you were to average it out it's probably around \$250.00 if you averaged the high side and the low side - that's if you get paid. There are certain requirements with Medicaid and Medicare, you have a certain amount of time to bill and if you don't bill then you lose that claim. He also explained that there is a medical necessity part of it, if it's not medically necessary than Medicare or Medicaid will not pay. Ninety-thousand dollars is to guarantee that an ambulance will respond to your call, it's not for the ambulance to show up and transport you. That was never part of the agreement with Brewerton, or even with the Town, after reading the contract. If you want an ambulance and you don't want to pay for it then you have to up the price of the ambulance subsidy to about \$600,000 to \$700,000. He said you are getting a great deal; they can't afford to do it for less.

Supervisor Zambrano said the suggestion has been made that \$100,000 this tax levy ought to pay for all of the 500 calls, and asked if \$100,000 would cover these calls?

David Butler said no. You should probably figure about \$500,000 just for the Brewerton calls. You have to take in consideration (and they take you maybe 10 miles to the Syracuse hospital) that there's more that goes into that. You have a mechanic that has to maintain it. You have communications equipment. You have a medical director that has to give you direction. You have training, utilities, fuel, insurance, and workers' compensation. Ninety-thousand dollars isn't even a scratch on what it costs to provide an ambulance that pulls up in front of your door. He hasn't heard anybody complain about the service; they have been there. There have been excellent response times that are well below the national average.

Supervisor Zambrano asked David Butler if he understood her point that the suggestion has been made that the \$100,000 that is being levied ought to provide free service to all of the Brewerton residents because of that tax levy. Would that cover it? She didn't think that it is reasonable.

David Butler said we are getting \$90,000. So take the amount of calls we are taking just in Brewerton and divide it into the amount - it's not going to make it. He also pointed out that you are paying for NAVAC to cover the other part of the town, and even though Ms. Boyke thinks that it's not fair that people pay for an ambulance in Brewerton, and they don't pay in Cicero, they get a subsidy in NAVAC too to cover the other part of the town.

Supervisor Zambrano told him that we have subsidized NAVAC \$25,000.

David Butler asked if they should get an ambulance for free for \$25,000. He answered no. He said there are 182 calls in the Town of Cicero, outside of Brewerton, that they don't get reimbursed for that are in town (they don't get reimbursed by the town and they are within town property).

Supervisor Zambrano asked if those were mutual aid calls.

David Butler said they were.

Supervisor Zambrano said she thinks everyone understands the complexity of the problem. They didn't have any answers that evening, but she felt the discussion was good. She said hopefully they can have some clear answers next time and that they would keep plugging away at this.

### **Third Party Administrative Services (TPA):**

Public Input:

Judy Boyke asked if someone could fully explain to the audience what this TPA account is, how it was formed, and who is paying for it.

Supervisor Zambrano said this TPA system was set up in 2013, and it came about because the health plan that CSEA workers had was discontinued. That group was rolled into the next best available plan, which she thinks happened under Mrs. Boyke's watch. However, the copays were different and the CSEA grieved it. This became a union grievance because they wanted the same plan to be in conformance with the contract that they had certain copays and they didn't want to exceed those copays so they grieved it and we entered into a stipulation, which she believes Robert Germain was involved in writing that stipulation.

Robert Germain said he didn't think it was just the CSEA, he believed it was the police union as well...

Supervisor Zambrano said it was the CSEA that grieved it initially, and then it also applied to the PBA because they also had copays that were not being entirely covered.

Robert Germain explained that it was common language in most of the collective bargaining agreements that the Town would have the right to change coverage, but that we couldn't provide a lower level of coverage and that was certainly the case in the language. So when the new plan came in, and we didn't have a choice because their old plan was cancelled, there was some differences; one was the difference in copays, but they were able to resolve that.

Supervisor Zambrano said in 2012, to rectify the problem that the union members were not paying a higher copay, the Town went into a stipulation agreement and established a reserve fund so that we would pay the difference in the copays. She said it was \$25,000 that was initially established. We needed a third party administrator to look at those claims, to process those claims, and we entered into an agreement with Affordable Benefits who review the claims (we really didn't want to review the claims here because we didn't have the expertise to do it). She said that there are also issues with HIPAA (Health Insurance Portability and Accountability Act), with confidentiality, where we did not want full medical records here and processing of those medical records and claims so we hired Affordable Benefits to be the administrator. She thinks it was 2013 that we did that as a test so there was no cost; we still paid the difference in the copays but there was no administrative costs so that we could see where the problems are and iron out the bugs. So last year we drafted this agreement where this organization would pay the difference in the copays and then process it an administrative fee of \$3.95, so basically this is the same agreement for this year. This money is not coming out of the budget at this point and time, it is coming out of reserve fund, however, we will have to budget something for a third party administrator for next year because the funds are running low. She said we should have enough to cover this year; this costs about \$8,000 to \$9,000 this year.

Judy Boyke asked if these contracts expire this year.

Supervisor Zambrano said the PBA contracts expire at the end of this year. CSEA and Teamsters expire at the end of 2016. She said in order to change this copay arrangement we would have to change the contract language.

Councilor Becallo said there was a new CSEA contract traded last year. This was only supposed to be, by reading the minutes, this was only supposed to be a band-aid, and nowhere in that agreement does it say that we need to do this unless someone can show him where it says that.

Supervisor Zambrano explained that we have a stipulation agreement that says that we are going to do this.

Councilor Becallo asked her where that agreement is.

Supervisor Zambrano said she had a copy and could provide it to the other board members. She said in any event we need to move forward with this; our employees need to have their medical claims processed and reimbursed so she thinks it's essential that we move forward.

Councilor Cushman moved the adoption of a resolution approving the agreement with Affordable Benefits Concepts Inc., for Third Party Administrative (TPA) Services for those Town employees and their families who participate in the benefit offering health. Insurance plan coverage, and to authorize the Supervisor to execute the agreement.

Supervisor Zambrano said they had the agreement in front of them and there is a typo in it, in the third to the last paragraph it should read to calendar year 2015 not 2013, so with that change she would second the motion.

Ayes – 4 and Noes - 1 Motion carried.

Councilor Becallo said he disagreed for the reasons stated above. He said he knows it's actually Affordable Benefits Concepts, but who actually runs it.

Supervisor Zambrano said it was Damian Ulatowski.

Councilor Becallo said that Damian Ulatowski is the Supervisor of the Town of Clay, and with the contracts that we share with the Town of Clay he doesn't think it's right as well.

**Clerk's Office:**

Councilor Conway moved the adoption of a resolution to authorize the Supervisor to execute the following agreements for copiers and service:

- A Lease Agreement with Toshiba Business Solutions for a Toshiba e-Studio 457 Digital Copier (to be located in the Town Hall lunch room) in the amount of \$134.00 per month, 39 month lease, which includes the Quality Service Plan.

Motion was seconded by Supervisor Zambrano.

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

- A Lease Agreement with Toshiba Business Solutions for a Toshiba e-Studio 307 Copier (to be located in the Police Department) in the amount of \$92.00 per month, 39 month lease (includes fax). The Quality Service Plan is an additional \$25.00 per month.

Motion was seconded by Councilor Becallo.

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

**Highway Department:**

Public Input:

Judy Boyke asked if the salt was in the budget.

Supervisor Zambrano said we have expended all of the salt money.

Chris Woznica said this was the end of it.

Councilor Venesky moved the adoption of a resolution to approve the following purchases:

- \$1,110.53 to Viking-Cives for Hydraulic cylinder for Truck #11
- \$3,000.00 to PBS Brake & Supply for repairs to Truck #10 and 11 (Bearings, gaskets, brake drums, and tire hubs)
- \$125,000.00 to American Rock Salt for 2700 tons of salt

Motion was seconded by Supervisor Zambrano.

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

**Parks and Recreation Department:**

Supervisor Zambrano moved the adoption of a resolution to approve the following:

- \$4,000.00 (via fees) to John Haas for coordination of the Youth Basketball Program
- \$4,000.00 (via fees) to Gary Dembkowski for coordination of the Youth Basketball Program

Motion was seconded by Councilor Conway.

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

**Building Advisory Update – Don Snyder/Bob Smith:**

Don Snyder said Bob Smith had given them an assignment to carry on with solving the problem with the ice, and he and Don Bloss have been working on that. Don Snyder showed a picture to everyone and said what they were looking at is a roof that would be our dream for a roof on the highway garage. It was a standing seam metal roof; he said there is about 1.5 to 2.0 inches that the standing seam stands up. He showed a slide bar and said that on metal roofs what happens is the snow (as the roof warms up from either poor insulation underneath which we have, or from solar heat from the sun) starts to slide down, and of course will slide off the end and will drown you. He said we have a snow bar so that the snow will not come off in big, long sheets, however, from the snow bar to the edge of the roof is exposed to the air, like many of our houses have, so what happens is the water comes down and it freezes because of the temperature of this metal whatever is the outside temperature and we end up with ice (he showed a picture where standing on the ground and looking towards the salt shed where one could see the icicles hanging down) and said that picture was probably right after we spent \$1200.00 to have a contractor come and knock the ice off. Don said needless to say we need to minimize that because if you go through one of the overhead doors you would have to have a hard hat on, or you may get injured seriously. So what they came up with are two proposals.

- **Option #1**

- A. Power Blanket - \$1,960.00
- B. Electrical Service (Mac Electric) - \$1,098.00
- C. Installation of Power Blanket - \$4,200.00

**Total = \$7,258.00**

- **Option #2**

- A. Heating Tape (Cable) - \$4,123.00
- B. Electrical Service (Mac Electric) - \$1,098.00
- C. Installation of Heating Tape (Cable) Mac Electric or W. Atkins – Approx. \$2,000.00

**Total = \$7,221.00**

Don Snyder said the first option that he and Don Bloss went after, because they were under the impression that a heating cable system like you and I would use at home (he showed a picture of a cable that has electricity flowing through it) in fact would melt the ice on that 18 to 24 inch overhang and would eliminate the icicles. Don Snyder said we cannot afford to, at this point, to do that to all seven doors so what they are proposing is to do it to one door and over the man door. He said initially, because he thought that wires were used in the past and didn't work, they went to Option 1 which was in fact to have a heating blanket that would go up there; the blanket is used for other things but they know it would work (the only reason that they did that was they were under the impression that they used wires that didn't work). They called a vendor and Home Depot said that wouldn't work - they would fall off the roof when the ice flows. Don Snyder said that may be true if they knew what their roof was, but that's not what happens here because we have the slide bar because it's metal (because we have a good vendor that is working with us we are not worried about that particular situation). So they are now proposing what we call Scheme B, or Option #2 which means we put the wires up. He said it would look a lot like what people are doing in their houses. This vendor that we are dealing with, that supplies the electric heating cable, used this system at National Grid at the airport, and it works.

Don Snyder said that this issue has gone on so long, this fall, this winter, and this spring, that if when he gets done and the Board decides that they are really not going to kill the project if they feel like the committee hasn't given them all of the information, but what they are saying today is they would like to have the Town Board approve a not to exceed \$7,221.00 (Option #2) to put a heating cable system in. He said obviously it probably wouldn't be put in until the ice from this year is done, but it's a situation where it's not a question of whether we do it - it's a question of let's get it done. We are only on a two week delivery for the cabling system so the chance of us getting it done or getting it tested before the ice goes probably won't happen. Don said if the Board thinks there is other information that they need then he and Bob Smith doesn't have a big problem with them saying "let's delay it". With the \$7,221.00, if they approve it, the reason they say "not to exceed" is because they were still trying to get at the vendors at 4:30 p.m. because part of this operation that they are providing is an automatic system that has a sensor that tells the

system when to go on and when not to go on; they are not convinced yet that that's money that we ought to really spend so in that \$7200 that they'd be approving that sensor is there. They are going to get together with the vendor and other people because we are not sure that we need that automation. He said the \$1500 may be more of a problem but they didn't know for sure.

Supervisor Zambrano asked if the \$7200 includes installation, and if they were talking at least a two year warranty, perhaps on it.

Don Snyder asked Don Bloss if the wire itself is two years.

Don Bloss said it's a minimum of two years...(inaudible)

Don Snyder said this system does require an electrician (which was part of the amount) to run another circuit that goes to a plug that goes outside, underneath the eave of the building, that's on a GFI (ground fault interrupter) to protect this, and it's on a switch. He said at this point, if we don't use the automatic situation then Mr. Woznica will be chief in charge of switch control.

Bob Smith said the actual breakdown is:

- **Option #2**

A. Heating Tape (Cable)	\$4,123.00
B. Electrical Service (Mac Electric)	\$1,098.00
C. Installation of Heating tape (Cable) by Mac Electric or W. Atkins- (approx.)	<u>\$2,000.00</u>
<b>Total:</b>	<b>\$7,221.00</b>

He said the total may or may not be \$1500 if it's not required for automation.

Supervisor Zambrano asked if the \$1500 is what the sensor would cost.

Bob Smith said yes.

Don Snyder said that was a problem, Don Bloss was trying to get the breakdown of the total bid, but because the vendor was out of town that's why they weren't able to give the Board the information until 4:30 p.m. that day.

Supervisor Zambrano asked Stephen Snell if he had anything to add.

Stephen Snell said he did speak with an architect who is sort of familiar with this cabling system; this is common to use this type of product and he just mentioned that there are some operational things with it. In regards to the sensor, given the conditions over the last month with it being so cold and getting snow quite often it would have likely stayed on the entire time -it would not have shut off for whatever reason, so if you plugged it in it would have stayed running the entire time, so a sensor likely wouldn't have helped over this last month. If it's below like 20 degrees, you could get ice on the roof edge just beyond the cable, if it's cold enough; you could melt it and then it would refreeze it right there. If it's operated around 20 and above to like 40 degrees then it's going to be melting all the time. You actually want to keep it running during that time because it's going to keep it going - keep melting continuously. Stephen Snell summarized it by saying that it is a product that works and it's available. You should follow the manufacturer's requirements as far as installation goes, and this is an application for it.

Supervisor Zambrano said the rational for installing this is safety.

Don Snyder said absolutely. One of the things that he and Stephen Snell talked about too was because we have a snow bar there will be two loops in each bay. It's about 18 inches and we can actually go as high as 36 inches because if we didn't have a snow bar and you start to melt the snow on the edge and pretty soon you will have snow coming down on your head. This can't because we have a snow bar; we are going to actually start melting the snow above the snowbar so it should minimize ever having a chunk be able to get by and end up on the ground. He said the reasons they are talking about one door is the total cost, but also we found out with dealing

with our electrician, should we say right now say let's get all seven doors – there is probably not enough power in the building. He said yes we are going to pay, instead of a little over \$1,000 we will spend like \$3,000 because they will put a panel from the existing panel to the front and then they will run to each door. But he is saying right now that's 63 amps on two of the three legs; we probably don't have that, so that's another reason why right now in the information they gave the Board on the fixing of the current barn one of them will end up being a number associated with increasing the power capacity in that building. He said that's a good reason because obviously if they come back with that we are going to say that we have to get rid of the ice on the whole building if we are going to live with that building for another fifty years.

Councilor Venesky thanked all of them.

Supervisor Zambrano said they have been working on this for weeks.

Councilor Venesky said in light of the fact that we spent \$1275.00 to chop ice off a couple of weeks ago, this looks to him that this is a good solution. To Stephen Snell's point, you said it's going to melt it but the ice could refreeze on the edge, but is there any way the contractor could run that to keep that edge clear.

Stephen Snell said the ice could refreeze and form like the icicles that they saw in the picture; it wouldn't build up like it does now where there's six to ten inches of ice that comes off the roof; there could be icicles along that roof edge.

Don Snyder said the wire will also loop over the edge such that in theory the water follows the cable. The cable goes over the edge of the roof and is still warm as it's going over the edge of the roof so it will not eliminate it, but it will minimize the buildup. He said the only reason they are doing this is because we want to assure our workers and the public that might come to that department that there is an area that they can come to and not always look up before they walk into that door or look out the door before they walk out of that building.

Supervisor Zambrano said it will take two weeks to order and get those before installation can take place and we can't get up on the roof to install it now because of the cold and the ice there; so it's unlikely that we will get a whole lot of benefit from this system this year.

Don Snyder said we would this year.

Supervisor Zambrano asked if they were recommending that we purchase this now even though we might not get benefits now.

Don Snyder said we are not going to save any money by saying let's do it in September.

Bob Smith said the larger issue, because they have done all the technical stuff, is the Board should understand that yes, you are not going to get the benefit from this year, but overall this is another band-aid. As much work that has gone into this it is still another \$7,300.00 you are spending on top of the \$1,200.00 that you just spent. And while we took this diversion, still the overall thing that is being worked is our Highway Department barn is still deficient and the most likely solution to that problem will take us two to three years...(tape change)

Supervisor Zambrano said it's not economical to go up on the roof every week and spend \$1,200.00 and we may still have to do that yet.

Councilor Venesky said they are going to have serious discussions about the buildings. He thanked Bob Smith for bringing that to their attention. He said that would go into the status of the referendum.

Councilor Venesky said we also had a problem with ice and water backup with the Police Department roof. He asked if it would be prudent for us to look at trying to knock out two birds with one stone.

Don Snyder said they are not sure that a heating wire will be the solution for the Chief's space, and there are two things that you have to think about the Chief's space:

1. He is there for five years plus, so we need to fix his roof but we don't know what that means yet because of the ice and the snow on the top, you really can't evaluate it,
2. but, as he said in their review, the Chief got a space by default rather by plan. Right now they can only say that Tracy has a contractor that checks it daily but only charges when he takes it off, and he has already had to take it off three or four times.

Supervisor Zambrano asked if the Board wanted to go ahead and make the resolution for Option #2.

Councilor Venesky said he was good if everyone else was. He said he thinks it's something that we need to do.

### **Highway Roof resolution:**

Councilor Conway moved the adoption of a resolution to approve an expenditure not to exceed \$7,221.00 to eliminate the ice problem over the main door and the first bay in the Highway Garage for the following services:

- **Option #2**

D. Heating Tape (Cable)	\$4,123.00
E. Electrical Service (Mac Electric)	\$1,098.00
F. Installation of Heating tape (Cable) by Mac Electric or W. Atkins- (approx.)	<u>\$2,000.00</u>
<b>Total:</b>	<b>\$7,221.00</b>

Motion was seconded by Supervisor Zambrano.

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

Don Snyder said they had also brought up the issue with GFIs (ground fault interrupters). GFIs were also a problem, but they found out that Tracy Cosilmon already had the major one taken care of. They then ended up having two contractors come in, one contractor did come back to them with a very adequate, minimal price that was under \$1000 (six-hundred and some odd dollars) to put in seven (7) additional GFIs in the building; a couple GFIs in the break area upstairs, a couple of them are in the area where the staff works (so they didn't bring it up here as an issue because it's obviously something Tracy Cosilmon can do because it's under \$1000). The other thing is what they are going to try to do is try to complete a space program for the highway department to tell you what it is we need to have in the way of space; cold space, hot space, whatever, for a whole facility and whether we ought to have that here or somewhere else. He said the building committee was also going to give the Board, the best that they can, on what it would cost to get the current facility such that it would be acceptable (keeping in mind that acceptable means we still have major problems; we can't store all of our trucks in the garage). Don said you have office areas that are ridiculous. If you want to walk in and see Chris Woznica then you better not be more than two of you, and you better not want to talk to his secretary at the same time because there isn't space for that.

Don Snyder said he estimated it would be \$670,000 to make the building usable, but it still was a building that doesn't meet the needs in any way, shape or form, of the current department, when in fact we need to look at a building as we saw in LaFayette that will be with our people for 50 years. They are starting to meet with vendors to get their best estimate of what it would cost to meet the concerns that we have out there right now; they have already done the one with one that relates to GFIs and they have taken care of the issues with the ice. They hope to have it ready for the Board by the last meeting in March.

**Status of Referendum:**

Supervisor Zambrano said they have been hearing a lot of talk about the inaccuracies of our highway garage that has been in a dilapidated state for some time and the talk about replacing that garage, and it begs a question of a referendum. She thinks a new highway garage will cost several million dollars. Also, that we need to consider, we had proposed to do a referendum, and some of us are thinking that perhaps we need to reconsider.

**Public Input:**

Judy Boyke said because we have had a lot of concerns about the executive sessions that we follow the Public Officers Law 105-1, and just make sure that they are identified with the particularity of the subject that you are going to discuss and then they only discuss that during the executive session... (inaudible)

Councilor Venesky said he didn't understand how serious the problem was with our buildings. A while back he had asked Richard Hooper to take a look at the buildings because we have a problem with the budget, and not being able to budget properly for repairs. He said Don Snyder, Don Bloss, and Bob Smith volunteered their time and had brought to our attention that we have a much bigger problem than anyone realized. Initially, he and Vern had talked about a roof and said we have had a leaky roof for 10 years and we are going to fix it. But now, taking a look at the police and highway departments his recommendation would be that we put this referendum off. He told Chris Woznica we would go ahead and BAN (bond anticipation note) money this year to keep things going. But until we get a recommendation from the Building Advisory Committee, and we can get some numbers from our engineering folks telling us what it's going to cost us he doesn't want to put money into a building. His recommendation to the Board would be, in light of the fact that new information has come forth that none of us were aware of prior to what was discovered and disclosed so far, cancel the referendum and BAN this year for the road project until we have a better idea of what it's going to cost us.

Supervisor Zambrano asked the rest of the board members if they were in agreement with that, and they all said yes.

Councilor Becallo commented that he did not approve of the referendum to begin with.

Because they did pass a resolution for a bond referendum, Supervisor Zambrano asked Robert Germain what they needed to do now.

Robert Germain said according to the doctrine of legislative equivalence, they call it, you can rescind and declare null and void something you did by resolution, by resolution.

Councilor Becallo asked for clarification.

Robert Germain explained that in order to take something away you have to follow the same process that you used to put it in place. So since they did it by resolution, just a simple resolution will take it away so they can cancel the referendum.

Councilor Becallo asked Robert to explain it one more time.

Robert Germain said you are just going to say to move the adoption of a resolution canceling the referendum. He also suggested that they also authorize Tracy Cosilmon to publish it so that the public has some knowledge that we are cancelling it.

**Resolution:**

Supervisor Zambrano moved the adoption of a resolution officially repealing the Bond Resolution for Cicero Road Repairs and Paving passed by this Board at the January 28, 2015 meeting, and canceling the Public Referendum associated with same scheduled for March 31, 2015. It is the intention of this resolution to declare our previous resolution with regard to the \$5 million dollar bond resolution null and void. This resolution also authorizes the Town Clerk to publish notice of the cancellation to inform the public as well as to advance necessary expense related to publications. Motion was seconded by Councilor Cushman.

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

Councilor Venesky said Supervisor Zambrano in light of the fact that they just canceled that, we are going to have to do something with the BAN (bond anticipation note) to get Chris Woznica going.

Supervisor Zambrano said that wasn't a problem. They could take it up at the next meeting. She asked Chris Woznica if he would have his 284 Plan ready by the next meeting.

Chris Woznica said he would.

**Set Public Hearing:**

Supervisor Zambrano moved the adoption of a resolution to set a Public Hearing for March 11, 2015 at 6:30 p.m. to consider the Town application for the 2015 Community Development Block Grant funding thru Onondaga County as well as the Five Year Consolidated Plan as required by the U.S. Department of Housing and Urban Development.

Supervisor Zambrano said this was to solicit comments for a Community Development Block Grants, and also to add to grants already in process.

Motion was seconded by Councilor Venesky.

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

**Executive Session:**

Supervisor Zambrano stated there would be no executive session.

Supervisor Zambrano told Tracy Cosilmon that Judy Boyke's comments about executive sessions should go on record.

Mrs. Boyke's comments, which are also stated earlier in the meeting, are as follows:

*Judy Boyke said because we have had a lot of concerns about the executive sessions that we follow the Public Officers Law 105-1, and just make sure that they are identified with the particularity of the subject that you are going to discuss and then they only discuss that during the executive session... (inaudible)*

**Discussion Items:**

- Vacant lot located at 137 Verda Avenue, North Syracuse

Supervisor Zambrano said the Town Clerk's office has been doing a lot of work trying to go back to the 1950s to find out exactly what was going on with that parcel. It is a building lot; however, from anecdotal and historical information it was a lot that was considered potentially to be a road at one time, but also used as a drainage easement and facilities easement. She believes that this was a lot where there was never any intent to build on. The Town inherited it because

nobody else wanted it, and it was brought to her attention because Chris Woznica mows the property in the summertime and wondered if it's not doing anybody any good. She thinks we will continue to pursue and see if we can get rid of it in some way, but she guesses there are a lot of drainage easements and pipes that go under the building. They don't have all of the information yet, but are still working on finding further information; this was just an update.

- Ethics Training

Public Input:

Judy Boyke said she was really not sure what this involves because it's a discussion. But, she would like to have included in the discussion if they were going to implement any training for the ethics board that they also, obviously, need to make sure that the harassment committee, and any other committee that is involved with ethics, or professional standards, receive proper education.

Councilor Venesky told Supervisor Zambrano that the whole point is that we (the Town Board) had approved a couple of meetings ago that the entire town would receive ethics training; all the appointed and elected officials. One of the things he wanted to ask the Board is how are we going to proceed with that? He said we are going to proceed with it, but how? We can either have live sessions where a trainer can come in or we can use a computer based training (CBT).

Councilor Cushman said if we had one-on-one training, or face-to-face trainings then they would have to have a whole bunch of sessions because of everybody's schedule in town. He said he has been looking them and a lot of them are proprietary and nobody will let you use them.

Supervisor Zambrano said the problem with that is getting the employees to go on the computer. She is all for it if we can find a program, but so far she is not aware of any program. She did take the liberty to call the County to see what they offered as far as ethics training is concerned and they use and recommended two consultants, one who is Kathy Barany, as they had discussed before, and another individual who she thinks is connected with OCC (Onondaga County Community College) by the name of Betsy Vavonese.

Councilor Venesky said he doesn't have a problem talking to both of them that we have committed to follow through with this. He said he likes computer based training; to log on from home, to provide an opportunity at the beginning of someone's start time, or at the end of the day, to take a 10 or 15 minute training, that works with everybody schedule.

Supervisor Zambrano said they have not had great success with computer based training with this group of employees. She thinks part of it is that they are in the field a lot (the police and the highway department) they are out quite a bit and...

Chief Snell said the police do a lot of computer based training through the State programs and such.

Supervisor Zambrano said she wasn't referring to his department.

Chief Snell said he was just saying that they have been very successful with it. The programs that they use they have access to them to make sure that the employees have done the training, and they spent the time on it, plus they get a certificate once they complete it.

Supervisor Zambrano said she thinks it can be done, but we generally haven't had a lot of success with it. Since he is the liaison for the Ethics Board she asked if she could give him the information to contact the individuals and if he could provide us some recommendations for next time.

Councilor Venesky said absolutely. He said, to Councilor Cushman's point, that some of this stuff is proprietary so it may not be a program off the shelf that we can use and we may be forced into hiring someone to come in to do this.

Councilor Becallo said he had a feeling that it would go that way, but you could also do the training that he does where they have one session, and whomever can make that session you could videotape it and then you can post it to some of those training websites that he believes some of those are free where you can set it up as a computer based training but you make it yourself.

Councilor Venesky said so people can get it even if they couldn't attend it that day; that was an option too.

Supervisor Zambrano said she would work on that too and give them some recommendations next time.

### **Public Input:**

Deborah Gardner asked in regards to volunteer police training what AED was.

Supervisor Zambrano said AED stood for Automatic External Defibrillator.

Bob Smith: I know it sounds like a broken record, but today, well actually yesterday I finished reading something so I tried to put my thoughts down on an issue that involves ethics. To me it's very important having spent almost 40 years now in public government in some form or capacity and I get really offended with the issue:

Bob Smith read aloud parts of the letter that he submitted to the Town Clerk to be placed in the minutes.

Almost two months ago I asked this Board to refer a complaint to the Town of Cicero Ethics Board regarding the unauthorized release of privileged information by either a Member of this Board or the Board of Ethics. Not only was such a release unethical it appears to be illegal under NYS law. The information released was a report submitted by the Board of Ethics to the Town Board.

Only 13 people had access to that report (the Board of Ethics, The Town Board, their Attorneys, and the Town Clerk) the pool of suspects was not large.

The Town Board refused to refer the matter to the Board of Ethics because the matter was under investigation by the Cicero Police Department.

Recently Paul Becallo filed a petition with the courts asking for the removal of the Town Supervisor. In that petition Mr. Becallo (paragraph 38) states "Upon information and belief, on at least one occasion, during an executive session where prospective new members of the Cicero Board of Ethics were being interviewed by the Cicero Town Board, Respondent actually asked the question (or similar words to this effect): "Do you think that I should be investigated". Although Paul Becallo is not a member of the Town Board he feels comfortable quoting conversations, upon information and belief, from within yet another executive session. Mr. Paul Becallo is not at fault here nor are the media outlets that printed the privileged information this time or the past. The fault and guilt lie with how they received this information, which means, of course, the fault lies with one of you.

The point is not the content of the petition or the report. The matter is the leaking of confidential information from within an executive session.

The problem is that we have a public official who is violating executive sessions for political purposes. This latest ethical breach would leave a reasonable person to believe that the guilty party is one of the five Members of this Board as the Board of Ethics was not present at the executive session. Again, the issue is not the political games being played. Executive sessions are privileged for a specific reasons.

- Discussions of personnel issues-may be discussing specific personal medical issues during discussions on workman's compensation issues.
- Discussions of employee contract negotiations where the Town's negotiation positions are being discussed.

- Discussions regarding potential litigation settlements where negotiation strategies are discussed.

These are just some examples.

The liability (financial) concerns of confidential employee information being disclosed are enormous not to mention immoral. The potential cost involved in leaking of Town negotiation positions could be expensive to all the citizens of this town. Obviously the person responsible is doing so for political gain...what if that person would like the PBA endorsement? There is no reason to believe that a person of such low ethical standards would have any compunction on swapping negotiation information for a political endorsement.

This issue is a very REAL ethical and potentially criminal matter with very real monetary and ethical ramifications for this town. I cannot understand how any one of you can, in good conscious, would attempt to enter into an executive session and discuss the important business of this community knowing that one of you is leaking privileged information. How does this Board intend to handle upcoming labor contract negotiations?

One of you apparently has no respect for the oath of office taken by each of you at the beginning of your respective terms. It is past time that the four of you, who are respecting your oaths and the privileged terms of executive session press to resolve this matter by whatever means necessary. You get to get serious about the ethical and legal implications before serious financial harm befalls the town. If this continues you will all be guilty by complacency.

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Bob Smith: This is a serious issue. It has nothing to do with the political concern. I consider it a privilege that I have dealt, for a long time, with government entities. I have been told by County Executives, I've been told by governors, I've been told by Supervisors, at least five of them, when something comes up and you ask a question they say I can't discuss that - it's something that you swear on the book to uphold the law. Someone, apparently one of the members of this Board, and I understand Mr. Cushman wasn't here, is violating the ethics law. I find it difficult. I know the Chief and his department have been asked to look into this, I think that puts him in a difficult situation, I think it does for his whole department, because they, in reality, answer to the very people that they are going to have to look at. I think this Board should get serious about referring this to the District Attorney, to the State Attorney General. Some of this information was faxed over telephone lines, my god you could go to the federal prosecutors. It needs to be handled. It needs to be addressed. Somebody has to stand up and say to the people in the community that we've resolved the issue; we are handling the issue, or some resolution to this. There are now two incidents, this isn't political ethics - this is a very real ethical breach. The people in the town and the employees of the town have the right to expect that you guys are going to honor the oath you took and respect executive session. It's not going away - it's something you have to deal with. And people should have confidence in this board. And every time we read this, this is another incidence of it, and it's not the messenger - it's how the message is getting out there because what you say in executive session is supposed to *stay* in executive session - it is *not* supposed to be political gossip for the benefit.

Bob Smith asked how the investigation was going into the breaches of ethics.

Chief Snell said the investigation is still ongoing.

Supervisor Zambrano asked Chief Snell how he intended to handle the conclusion of the investigation. Would the Town Board get a report? What will happen? And what can this board expect?

Chief Snell explained that he will seek legal guidance and council once the investigation is completed; how it's released, with whom, and how it's going to be distributed. He has not had the conversation with the attorney yet because they have not concluded the investigation.

Supervisor Zambrano asked Chief Snell when he thought he would complete the investigation.

Chief Snell said he thinks they are close. He said they need to understand that this is a very complex investigation that they are dealing with. As Mr. Smith says "limited suspects", but unfortunately he fails to realize something called "probable cause" that has to be established before anyone can be accused of any crime. He said they are trying to connect all the dots. Trying to do what they can to establish probable cause, and move in that direction. They are interviewing everybody, and they are re-interviewing some people and they are not ready to close it out yet; it is one of the many investigations that they have.

Judy Boyke said the new assessor's hours are really not conducive to the working class, because it's her understanding that she is only here in the mornings. Judy Boyke said it's not posted on the website. Also, she is considered part-time and part-time is usually 1040 hours, and according to her calculations the assessor is like 1300hrs. Judy asked if in the assessor's her salary, she is not getting benefits because she is part-time.

Supervisor Zambrano explained that the assessor is not part-time. Part-time is a classification that we are no longer using, we use exempt and non-exempt, and she would be an exempt employee meaning she is exempt from overtime. The Assessor is salaried. Non-exempt or exempt employees don't get benefits except the retirement benefits unless they work more than thirty hours. If someone works more than thirty hours then they are entitled to some benefits. Part-time and full-time are old categories, and we just had a recent Department of Labor audit in which those recommendations were made, so we are in the process of implementing those recommendations.

Judy Boyke said she was reading the Organizational Meeting Minutes and that's where that came from.

Supervisor Zambrano said as far as the Assessor's hours go, she works from 8:00a.m. to 1:30p.m. We wanted her presence every day in the office. The Assessor has the latitude to change her hours if need be and she is willing to do that, but so far there hasn't been a need for her to change her hours.

Judy Boyke said with Grievance coming up, right after the 1<sup>st</sup> of March there is obviously going to be a lot of activity. She said if it were Monday, Wednesday, Friday mornings and Tuesday, Thursday afternoons, or whatever, she thinks that would be better. She said again, that needs to be published.

Supervisor Zambrano said if people want to make appointments with the Assessor she is flexible enough and willing enough to do that.

Judy Boyke said so she would work her normal hours and not get paid for these extra hours.

Supervisor Zambrano said yes. The assessor is considered salaried.

Judy Boyke said the ambulance was paid on the 18<sup>th</sup> of February, at \$90,011.57, it's on the abstract.

Supervisor Zambrano explained that that check has not gone out yet; it was prepared for the abstract, but it hasn't been paid.

Judy Boyke asked when this re-evaluation of Brewerton Ambulance is being done, they have bylaws; those bylaws were recorded. She has a set of those bylaws and in there it states what they will provide, and it talks about the care and service, and housing for ambulance, and so forth. If all of them looked at what they submitted, as far as their financials are, there is a lot of financials out there and in some cases; a very small portion is going to pay for the ambulance. This is a serious subject. It's been an ongoing subject, and if we are going to provide a service then everyone should be paying, or no one should be paying. Lastly, talking about ethics, she heard about all of the interviews for the Board of Ethics. She was on that list to be interviewed but, unfortunately, with her schedule she was not able to go to be interviewed. Those interviews, to her understanding, were not secret, were not executive session, she knows people who were interviewed who talked about it. A lot of them had called her and asked her if she had her interview, therefore, the interview that Bob Smith was referring to, or whenever that happened, that wasn't an executive session. It wasn't a secret. They were not sworn in; those people that were interviewed.

Supervisor Zambrano said the Ethics Board interviews were conducted as a Special Town Board Meeting in executive session.

Judy Boyke said she doesn't believe that all of those people that were interviewed understood that.

Supervisor Zambrano said she doesn't think the confidentiality requirement extends to them, but it does extend to the town board members. She thinks that is the point that Mr. Smith is trying to make; they didn't tell the people that they interviewed "don't go out and talk about this".

Judy Boyke said but they did, because several of them talked to her. She also said that Bob Smith foiled the very day after the report came out. She was just curious as to why he filed it and then retracted it. Did he find out about it? Was he told about that report?

Supervisor Zambrano said she had no idea.

Bob Smith said he filed a FOIL (Freedom of Information Law) request because Robert George was aware of it, that's how he became aware that there was a report. And when Mr. George filed the request he couldn't help but wonder why he knew about it. Bob said he knew that the report was an executive report; he filed a FOIL request because if Mr. George was going to get the report, then certainly he was going to get the report - so he foiled the FOIL request. Mr. Freeman from the New York State Public Meetings Office correctly ruled that the report was confidential and privileged, which everybody on the Board knew. He withdrew his FOIL request because he didn't want to see town employees go through the unnecessary hours of compiling the information he was asking for once Mr. Freeman ruled; the costs that we incur from FOIL requests is incredible in this community. There seems to be a few people who are prolific at foiling. Bob again said he withdrew it because Mr. Freeman and the attorneys ruled that the report was privileged; which it was.

Supervisor Zambrano asked Robert Germain if Brewerton were established as special improvement district or a special district (and the Town Board established those based on the referendum vote) if it's the Town Board's business to review those bylaws and see what's in the bylaws.

Robert Germain said it's the Town Board's business, and under the Comptroller Opinions, he believes they would have an affirmative duty to look at their budgets and to contract for services, and to enforce the contract; that's also part of the duties. They would review their budget. They would have the ability to approve their budget and include it into their (the Town's) budget when they do their budget process, and they would have the affirmative duty to enforce the contract if there is an issue.

Supervisor Zambrano asked If that was for a special improvement district or a special district.

Robert Germain said it was for a special improvement district.

Tracy Cosilmon said she wanted to give recognition for the hard work that Highway has done for the month of February under these unbelievable conditions - our roads are excellent. She added that it's not just Highway, it's the Parks department and the Police department who have also done a great job.

**Adjourn:**

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

Motion was seconded by Councilor Venesky.

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

There being no further business before the Board the meeting was adjourned at 8:54 p.m.

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Tracy M. Cosilmon  
Town Clerk

