

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their Regular Meeting on Wednesday, January 22, 2014 at 6:30 P.M. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY.

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

Others Present: Tracy Cosilmon, Town Clerk
Christopher Woznica, Highway Superintendent
Joe Snell, Police Chief
Robert Germain, Germain & Germain, Town Attorney
Bruce W. Letts, C & S Companies, Town Engineer

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

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and therefore urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn off your cell phones and asked all Town Councilors to speak clearly into the microphones to enable all to hear. If anyone is unable to hear please let them know so they can take any corrective action.

The meeting was opened at 6:30 p.m. All present joined in the Pledge of Allegiance.

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

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Venesky moved the adoption of a resolution to approve the minutes of the January 08, 2014, Regular Town Board Meeting. Motion was seconded by Councilor Conway.

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

BUDGET MODIFICATIONS

Supervisor Zambrano stated that there were no budget modifications.

CORRECT PAY RATES FROM THE ORGANIZATIONAL MEETING

Councilor Becallo moved the adoption of a resolution to correct the following pay rates from the Organizational Meeting of the following employees:

- A. Deborah Cooley, Recreation Attendant from \$13.62/hour to \$13.69/hour
- B. Nancy Noble, Recreation Attendant from \$13.17/hour to \$13.23/hour
- C. Angela Kleist, Clerk I from \$14.26/hour to \$14.33/hour

Motion was seconded by Supervisor Zambrano.

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

RESOLUTION TO ADOPT A TOWN-WIDE POLICY THAT PROHIBITS FULL TIME EMPLOYEES FROM TAKING SECOND JOBS WITH DIFFERENT TITLES AND DIFFERENT RATES OF PAY; AND THAT THOSE EMPLOYEES IN SECONDARY TITLES BE GIVEN TWO WEEKS' NOTICE SO THAT ALTERNATE ARRANGEMENTS CAN BE MADE TO FILL THOSE POSITIONS

Councilor Zambrano explained that at a work session that was held they discovered that they were paying employees erroneously; they have a number of employees who have primary jobs and also secondary jobs. For example, they might have someone from Parks & Recreation being paid one rate that is also working as a Wingman in Highway for their secondary job, and is being paid a different rate from their primary job. Our Human Resources consultant has advised us that it's wrong. We are in violation of Federal and State labor laws and that we had to rectify the situation. Because of the difference in pay rates and the need to pay overtime for anything over 40 hours they decided to bring this as a resolution to prohibit full time employees from taking secondary jobs; part of the problem with these employees is that some of these employees already were getting a very high rate of pay, so if they were making \$24.00 an hour and took a secondary job as a Court Attendant for \$12.00 an hour; if we are to comply with the law that individual who makes \$24.00 an hour would then be paid \$36.00 an hour for Court Attendant duties, which is 3x the rate.

Councilor Venesky added that there were no issues with the employees or the agreement that the Town had previously with any of the employees; this is something that they are doing proactively to rectify a situation that could leave us in violation of the law. Councilor Venesky clarified with Robert Germain that they had talked at the meeting about addressing this issue the next time the labor issues come up.

Robert Germain agreed.

Councilor Venesky moved the adoption of a resolution to adopt a Town-wide policy that prohibits full time employees from taking second jobs, with different titles and different rates of pay; and that those employees in secondary titles be given two weeks' notice so that alternate arrangements can be made to fill those positions. Motion was seconded by Deputy Supervisor Burtis.

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

Supervisor Zambrano expressed regrets from the Board for the inconvenience to some of the employees and the loss of the overtime pay. It would become prohibitive to continue to pay these high rates of pay; it is unfortunately something that they reluctantly had to implement here.

ELIMINATE THE LAST SENTENCE UNDER THE SECTION ENTITLED "WAGES",
PAGE 28 IN THE EMPLOYEE HANDBOOK

Supervisor Zambrano stated that our Human Resources Consultant had come to the town hall and presented the highlights of our new Employee Handbook. It was worked on most of last year and it became a mandatory session for the employees so that they could acknowledge what was in the handbook. Some policies have been changed; a lot of them have been clarified. There was one issue however from the Employee Handbook that came up and there was an unfortunate sentence that was included in the handbook that said we would continue to pay Non-union employees at the same rate as the Teamsters.

Robert Germain said he received a call from the Teamsters and normally anything that deals with wages and so on needs to be bargained. The Teamsters were reviewing the policies that are in the handbook for discrepancies and continuity; one thing that they saw was a mistake in one of the sentences so they discussed taking that sentence out.

Deputy Supervisor Burtis moved the adoption of a resolution to eliminate the following sentence, which is the last sentence under the section entitled "Wages," page 28, quote "Non-union employees will have their wages administered the same as the Teamsters." This change is effective immediately and will be added as an addendum to the Employee Handbook. Motion was seconded by Councilor Becallo.

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

HIGHWAY DEPARTMENT PURCHASE APPROVALS

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

- A. \$2,000.00 to Lumberjack Tree Service for removal of two (2) trees on Bethlehem Lane (drainage issue)

Motion was seconded by Councilor Venesky.

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

- B. \$1,500.00 to Allied Spring for a Beam spring for Truck #21

Motion was seconded by Councilor Venesky.

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

- C. \$2,625.00 to Beam Mack for Diagnostic computer program for Mack Truck – troubleshoot and repairs

Motion was seconded by Councilor Venesky.

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

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH ONONDAGA COUNTY. (THIS AGREEMENT WILL ALLOW ONONDAGA COUNTY TO CONTINUE TO ASSIST THE TOWN OF CICERO WITH EFFORTS REQUIRED TO MEET THE NYSDEC MS4 REGULATIONS RELATIVE TO MINIMUM CONTROL MEASURES 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION)

Bruce W. Letts explained that the Town of Cicero owns and operates a municipal, separate, storm sewer system or MS4, as they call it. It's separate because the storm and the sanitary flows are not co-mingled or mixed together. Because they do operate this MS4 and its population density, the DEC (Department of Environmental Conservation), requires that we maintain an annual MS4 permit (GP0110002). In this permit are six (6) minimum control measures that the town has to address. Some of the permit requirements might seem ponderous, but their goal is important; the town can't be having their facilities polluting the waterways of the town.

Councilor Becallo asked what the exposure was when it comes to cost for the town.

Bruce W. Letts replied that if there was a discharge that is identified as part of their efforts they will be investigated by OCWA (Onondaga County Water Authority), as well as the town and if there are certain things that have to be done to correct the discharge then he thinks that the town would have to share their portion of responsibility. Bruce W. Letts doesn't think that in the first 5 years that they found any in the Town of Cicero. He thinks that there were 3 instances in all of the MS4s in the County (in which there are over 20 villages and municipalities). He said there is not a rampant raid of discharge corrections.

Councilor Becallo said in the agreement it explains that the County can go into your property, destroy your property and the Town is liable for picking up the money to fix that as well.

Councilor Becallo made a motion to table this issue to another time for further discussion. He stated that the permit is a hundred pages long and they didn't get anything today except for the *Table of Contents* for the permit; he feels that they need to discuss this more.

Supervisor Zambrano tabled the issue until the next meeting to be held on February 12th.

AUTHORIZE THE SUPERVISOR TO EXECUTE THE CONTRACT FOR GENERAL CODE TO SCAN ZONING AND PLANNING DOCUMENTS

Councilor Becallo moved the adoption of a resolution authorizing the Supervisor to execute the contract for the vendor, General Code, to scan Zoning and Planning documents said monies will be paid for via the New York State Archival Grant – not to exceed \$36,778.00. Motion was seconded by Supervisor Zambrano. – *No final vote was taken.*

Supervisor Zambrano explained that the Town Clerk has been working with Codes to try and reduce a lot of the paper and boxes of documents that go back many years by putting them onto Muncity so that we have electronic histories of different properties. There were renders that were solicited for bids and General Code was the most compatible with the Muncity software.

Councilor Becallo questioned how much the costs will be going forward. Annually, would it be between 10 or 20 percent of the costs of the original system that they would have to budget each year going forward? Was it the \$36,000 or the money that we already put it? Once we have the software, what about the costs for the maintenance, plans, staff costs, and an IT consultant? He works with these systems all the time and the costs to maintain these systems is outrageous.

A discussion was held amongst the Board members, Tracy Cosilmon, Richard Hooper and Chief Snell regarding questions and concerns about the time constraints of the grant or any current or additional costs related, along with any maintenance, plans, IT, server issues and staffing.

Supervisor Zambrano stressed the need to move forward and scan the documents.

Councilor Becallo said the agreement says it will be stored in our hardware and then it will be stored somewhere but it doesn't say where. He asked if New York State has the capability to get into the software.

Councilor Becallo made a motion to table the issue.

Supervisor Zambrano asked Richard Hooper how much time they have.

Richard Hooper said they purged files for 3weeks and they are going to finish up that Friday. They are ready to go and General Code is ready to start taking our files the 2nd week in February.

Supervisor Zambrano asked how long it would take General Code to complete the task.

Tracy Cosilmon said General Code told her it would take until around mid-May.

Because of the time constraints Councilor Venesky suggested they have another meeting in the interim just on this subject.

Councilor Becallo seconded it.

Supervisor Zambrano tabled the issue until the next meeting to be held on February 12th.

APPROVE TRAINING EXPENSES IN THE AMOUNT OF \$371.32 FOR COUNCILOR
MARK VENESKY WHO ATTENDED THE NYS ASSOCIATION OF TOWNS PUBLIC
OFFICIALS TRAINING

Supervisor Zambrano moved the adoption of a resolution to approve training expenses in the amount of \$371.32 for Councilor Mark Venesky who attended the NYS Association of Towns Public Officials Training in Rochester, NY, held January 8-10/2014. Motion was seconded by Councilor Conway.

Ayes - 4 and Noes- 0. *Motion carried.* Councilor Venesky abstained.

DISCUSSION ITEM(S)

Supervisor Zambrano explained that Discussion Item(s) is a new agenda item that she would like to continue from time to time to bring up topics that don't need a hard and fast resolution; it gives them an opportunity to talk about things and to give information to the public. Tonight, they have two (2) items for discussion under this. Her intent is not to publish them ahead of time because they won't know for sure that something is going to come up.

Request for Recognition Plaques

Supervisor Zambrano said they had a request for recognition plaques for previous supervisors that served in the town. The criterion for putting up a recognition plaque in the town has been 10 years. Currently, there are twelve individual recognition plaques hanging and of the twelve, eleven of those individuals had served for 10 years; one individual served for 9 years.

Supervisor Zambrano solicited a discussion from the Board.

Discussion -

Councilor Venesky said out of respect to any supervisor that has served, he would not be opposed to having some sort of recognition. One of the ideas that came out was perhaps to have a board and a name tag for the supervisors who served less than 10 years. He would not be opposed to honoring all the supervisors who served going back to 1950, as Councilor Conway had suggested.

Councilor Becallo asked if the board would be like what they have sometimes in the hallways of colleges or schools. He commented that if they did it for one supervisor then they should do it for all of them, going back to 1807.

Supervisor Zambrano explained that we have a list of all supervisors going back to 1825, but Councilor Conway's suggestion was to start a group plaque with the individual name plates and the years of service going back to 1950.

Councilor Becallo asked why 1950.

Councilor Conway explained that they felt that if they went back to 1950 then nobody would know who the supervisors were anyways.

Councilor Venesky suggested that we have our Town Historian help verify the names and dates to make sure that they were correct.

Deputy Supervisor Burtis said he liked the 1950 idea.

Councilor Becallo asked how big the board would be; they'd have to save space for future supervisors.

Supervisor Zambrano said what she thinks she is hearing from the Board members is that they should continue the criterion of 10 years for recognition plaques, but to start with 1950 and acknowledge every supervisor since 1950 and start a plaque with individual name plates and years of service.

Supervisor Zambrano asked Tracy Cosilmon to give the Board an informal report as to when we might start this project and get something up.

Justice Department/Security Committee Proposals Regarding Shifting Office Space

Supervisor Zambrano said, in regards to the Justice Department, that we have a very busy court and right now there is court two evenings a week starting at 4 o'clock on Tuesdays and Thursdays. The caseload has been increasing and even around 2:30 or 3 o'clock people who are to appear before the judge start appearing in the courtroom. There is still a great backlog of cases and the justices have asked for increased security, which is entirely appropriate. Our staff has also been asking for increased security. Yesterday, we had a very constructive meeting with the Justice department and with our Security Committee headed by Chief Joe Snell, who is also our Security Officer. The Security Committee proposed shifting office space to change the traffic flow in and out of the courtroom on court days.

Chief Snell said there is no way we can ensure 100 percent safety of every customer that comes into this town hall or employee – it's impossible to do that. But there are ways that we can minimize the liability to our customers, our visitors and our employees through some spatial facility movement type of issues that we can address. In the last 5 years we have seen a huge change in our courts here and a lot of it has to do with the growth of the town; our transient population through 81 and 481 coming out of the city. Many of our arrests are individuals coming out of the city of Syracuse and have felony charges. We've got some security issues, and a lot of people come in and think that there is a lot of traffic court and there is, but we also have a lot of individuals who are arrested on a lot of other minor crimes that this court deals with; many of these individuals who have been arrested for minor crimes also have criminal histories for major crimes so we have to recognize that and take some action to really change how we can conduct business in the town hall. Part of the Security Committee's responsibility is to look at not only policy and procedure, but to also look at traffic flow. The Safety Committee's goal is to move all of the traffic for the justice courts. So now when the customer walks in they will immediately walk into the door that was the prior Parks & Recreation Office; that will be where they will handle all of their traffic/courts issues and they won't have to come into the hallway or

be wandering around in the courtroom. This will also allow the employees in the Comptroller's Office to exit their office via the hallway instead of the courtroom; the rest of the offices will be secure. He also recommended the judges use the Records Office to do paperwork, meet with attorneys and be able to have arraignments in.

Richard Hooper, Director of Code Enforcement said he has been working with Chief Snell to look at safety issues in the building and they will be moving the offices as Chief Snell had said. Richard said there really aren't a lot of structure issues; they have to take some block to move one door to enable them to put another set of doors at the hallway. A lot of the work will be done in-house with moving the two departments, but there will be costs for new doors and they are going to use the existing bullet-resistant glass.

Councilor Venesky said his understanding was that the judges have a legal obligation to get these people in here and get them through, so we really don't have a lot of discretion in the matter.

Chief Snell said that was correct. They are seeing an increase in the amount of traffic and the arrests that they are making (that they didn't have 5 or 10 years ago), and it is not going to slow down.

Supervisor Zambrano agreed that we are getting a lot of traffic through the court system and they had put together the scope of this project that day. They are also very concerned about the security issues and having the Courts Office in the Parks & Recreation Office is better.

Supervisor Zambrano stated that other security projects that they have to consider are more video-camera monitoring and panic buttons and they will be looking into these additional measures.

PUBLIC INPUT

Don Snyder thought the Discussion part of the meeting was a great idea. He feels that there are some real advantages in having the Clerk for the Planning and Zoning Board of Appeals Boards also be a member of Richard Hooper's crew. The Zoning and Planning Board and the Zoning Office are really one unit and could therefore be covered by the staff.

Supervisor Zambrano explained that they would be paying more money and it also then sets a precedent for other employees.

Don Snyder showed everyone a copy of the Association of Towns magazine and said there's an article in there that stated minutes must include how each member votes and that the Town Board must maintain a record of the final vote of each member and every agency proceeding in which the member votes. In addition, the Freedom of Information Law requires open voting and a record of the manner in which each member voted, even when a vote is taken during executive session.

Supervisor Zambrano asked Robert Germain what standing the Committee on Open Government has regarding the roll call procedure. Is it law and is it required that they have individual votes.

Robert Germain explained that he deals with Committee on Open Government almost daily. He thinks they do keep track of who votes what. If it's unanimous, he doesn't think that the clerk writes down each one.

Don Snyder said he doesn't believe the Board minutes show how the individuals voted.

Robert Germain said he believed they do. But, if someone wants a roll call vote they can ask for it at any time; any member on the Board can ask for a roll call vote.

Deborah Gardner asked the Board to consider going back to 1825 for the list of names for the Supervisor's plaque. She also asked if there was a Disaster Back-up Plan for the town (if all the files are backed up).

Chief Snell replied that they are backed up and secured in a fire-proof safe. Right now they are in consultation with BOCES Central New York Regional Information Center looking at some type of partnership.

Bob Smith, Planning Board Chair invited the Board members to the upcoming Planning Board session and said the Commissioner of Water and Environmental Protection and the

Engineer would be there to discuss opportunities, and the current situation. The Oak Orchard problem and possible Brewerton issues are having a real impact on development in the town. The Commissioner has agreed, as part of their Planning Board session, to talk to us about what is happening and what we can do because this is a resource (the Town owns the sewers and the County owns the sewer plants).

Bob Smith also asked the Board to consider putting someone on part-time as Clerk to do the Planning and Zoning Board of Appeals minutes at the Town Hall.

Supervisor Zambrano told Bob Smith that the Board would entertain a proposal from him and Gary Natali regarding the part-time clerk. The Comptroller is under the impression that we need to go to an hourly rate and they are constrained by the budget and are not in the position to exceed budget amounts.

Councilor Venesky said if they are going to pay someone \$200.00 than the minutes should be included in that time.

Supervisor Zambrano told Councilor Venesky that the minutes were already included in that time.

Bob Smith said if it was going to be an hourly rate, it is unfair to ask the Chair of a committee to sign a time sheet and say that it is accurate when they have no way of knowing how much time it actually took them to prepare the documents.

Councilor Venesky asked Bob Smith if they'd be able to help them determine what our sewer utilization actually is.

Bob Smith replied he doesn't think anybody knows the answer. What happens is if somebody wants to get a development within the Oak Orchard district, he then has to work with the Codes Office and identify users that have gone offline and the way they are able to move anybody forward, (even a business that wants to expand and is already here), at the end of the day he has to write a letter saying that we are exchanging capacity for capacity.

Joan Kesel said she had sent an email requesting plaques for prior Supervisor, Judy Boyke and herself and was wondering what the status was.

Councilor Venesky said out of respect, they came up with an idea for a board that will have name plates and dates of service for former supervisors. The plaque would recognize and honor Supervisors who had served from 1950 forward (which would include her). He assured Joan Kesel that they did discuss her concerns and they are going to discuss it some more. Out of due respect to her and all of the other supervisors, they are trying to come up with an equitable solution.

Joan Kesel asked if there was a policy regarding the plaques. She sat in for 4 years and there was never a policy for plaques that she was aware of; the plaques didn't appear until after Frances Kip finished her term. Joan Kesel said the Town has purchased and paid for prior ones. Her family, as a gift, wants to purchase a plaque for her and she would like to hang it in the Town Hall. She wants former supervisor, Judy Boyke to have one as well and feels that they are being punished.

Joan Kesel asked Supervisor Zambrano why she didn't respond to her email, and stated that some of the Councilors had responded.

Councilor Becallo told Joan Kesel that Supervisor Zambrano did respond by having a public forum. (It was discussed by the Board members earlier in the meeting under *Discussion Items*).

Supervisor Zambrano explained that she had done some research and made a determination that it was 10 years of service minimum, except for Judge Walczyk to recognize years of service.

Councilor Venesky made a motion to end the discussion.

Motion was seconded by Supervisor Zambrano.

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

Supervisor Zambrano asked if there was anyone else that would like to speak before the Board.

ADJOURNMENT

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

Motion was seconded by Councilor Burtis.

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

There being no further business before the Board, the meeting was adjourned at 8:15 p.m.

Tracy M. Cosilmon
Town Clerk