

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, October 28, 2015 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

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

OTHERS PRESENT:

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

Supervisor Zambrano welcomed everyone to the 18th regular meeting of the Town Board.

Supervisor Zambrano pointed out the emergency exits and asked everyone to turn off their cell phones so others would not be disturbed and urged anyone who wished to address the Board to utilize the microphone.

Supervisor Zambrano stated there would be an executive session that evening and the Board would be reconvening after the executive session.

Councilor Conway led the Pledge of Allegiance.

Councilor Conway requested a moment of silence for our troops overseas in harm's way.

TOWN BOARD MEETING MINUTES

Councilor Conway made a motion to approve the Town Board minutes from the Regular Town Board Meeting held on October 14, 2015. Motion was seconded by Councilor Cushman.

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

BREWERTON VOLUNTEER FIRE DEPARTMENT AMBULANCE

Supervisor Zambrano said as of November 1st, Brewerton Volunteer Fire Department Ambulance will be taking over the service themselves. They've had a resignation of the former president and Stacie Mailloux is now the president of the organization. Stacie has decided to recruit her own volunteers and to put the budget together, so this has created some issues for them. The catalyst for this was that TLC, who was providing ambulance services for them, resigned.

Warren Darby: I am the Deputy Director for a period of time. Now that I'm retired I find new positions coming from all directions. This ambulance service, Brewerton Volunteer Fire Department Ambulance, has been in existence in the northern part of Onondaga County since 1970 serving as part of the First Response EMS (emergency medical services) System and has been an active part in that system, and up until about 1990 when we incorporated so that we would be able to build to help cover expenses we were completely a volunteer operation. As we moved forward we wanted to keep a Level 4 Paramedic; the highest level of EMS available to our residents in our community on the rig at all times so we had several partnerships; we started with Rural Metro, and for a number of years we had Rural Metro medics with us, and then we went to NOCA which was up in Oswego County and had a partnership there, and then TLC came in some six/seven years ago and has been with us during that time. When NOCA and Rural Metro were there we had volunteers from the fire department riding with them, cutting the costs of the operation. When TLC took over as a partner their insurance, according to Mr. Butler, wouldn't

allow volunteers on the ambulance so that availability of cutting the costs was lost, but we maintained a Level 4 Paramedic staffed ambulance. As they stepped aside, as of the 31st of this month, we are going back to that model or we are going to have a relationship with another agency and that's EAVES Ambulance (East Area Volunteer Ambulance Service) to provide the Level 4 Paramedics and staffing as necessary, and we are going to be supplementing that with volunteers to keep the costs down and that is the purpose of us coming here to ask the Town to exercise the part of the agreement which has been there for some time but hasn't been necessary because volunteers were not allowed on the ambulance with TLC; now there will be volunteers again with the new arrangement. This starts the 1st of November, so we plan to be out trick-or-treating with the two ambulances that we have with the other fire apparatus in the Brewerton area to let them see the rigs and keep the driving down slow, as we have been doing for 20 years now, and then at midnight we change into the Brewerton Volunteer Fire Department Ambulance and we will be taking the calls from that point forward.

Supervisor Zambrano asked if there were any questions for Mr. Darby.

Councilor Venesky said we were at a meeting a week or so ago and Stacie was there and had talked about the difficulties that you had trying to get someone to work with you, and she specifically said that they had gone to NAVAC who said something to the affect that 'we are not going to work with you because you didn't have enough calls.' Councilor Venesky said he thought there was another ambulance service as well.

Warren Darby: We actually approached each of our surrounding EMS agencies to see if they would be interested; including SOVAC, NOVA (over to our west), and NAVAC (to our south), and sat down with each of those agencies to say 'this is where we're moving, this is the model we are moving to' and of those EAVES was the one that stepped forward and said 'we think we can make your agency self-sustaining in a few years working together,' and so we liked that particular approach the best of anything we heard.

Councilor Venesky: The pushback that you got back from the other two, was that because of the volunteers?

Warren Darby: No, because there are volunteers with those agencies too. It was strictly an understanding of what we were moving to, and we were going to be 'the new boys and girls in town,' and that has been the issue with regards to the Volunteer Compensation insurance because the insurance companies see us as a brand new entity. We have no experience to negotiate lower rates until we have at least one year's experience, so we are going into this this year to lay that experience down so that we can negotiate that rate down; that's the reason why we came forward to sit down with the Town and say 'we need help'.

Supervisor Zambrano stated one year's premium is about \$16,000.

Warren Darby said that was correct; no experience, first year agency.

Supervisor Zambrano said the Brewerton Ambulance is asking us to do two things:

1. Grant them about \$4,100 so they can get the premium - the 25 percent down payment for the Workers' Comp premium this year; the Town is obligated to do this because that language has been written into the contracts since the contracts first began. We never had to pay that because there was always another organization which had to have its own workers' comp; they're on their own now so we are obligated to pick up this premium.
2. Change the agreement so that instead of the cap for 2016 being \$95,000 that we go to \$100,000 so that they can use the \$5,000 to apply towards the Workers' Comp premium in 2016. So we had had a \$100,000 cap, so that's all that we are able to provide.

Robert Germain said those are the two wishes. We renegotiated an addendum, which we had asked the Town to review and approve to try and clean up that language because of the change of circumstances; there's a substantial change in circumstance. It's not just the contract that calls for the Town to provide coverage; it's also the law itself. In New York State the Volunteer Ambulance Workers Compensation Law, in recognition of the selfless work that volunteers do, there is an obligation of a political entity to supply coverage for volunteers.

Councilor Venesky: Even if we didn't have the legal responsibility to do it, in my opinion and I think the rest of the Board's, it's the right thing to do. But we are going to make sure that the people are protected and they're safe in their communities. So thank you for picking up the ball with that and running with it. We will do what we can to help you.

Warren Darby: We thank you for this partnership. We'll be there.

Supervisor Zambrano solicited any further questions for Mr. Darby or Mr. Germain.

Councilor Becallo asked Robert Germain: There's no conflict with me in all of this is there, my status as a volunteer?

Robert Germain answered no.

- **Addendum to Contract:**

Councilor Becallo read the following:

Whereas, the Town of Cicero and the Brewerton Volunteer Fire Department Ambulance, Inc. ("BVFDA") are parties to an agreement dated April 22nd, 2015 that calls for Town to pay for benefits pursuant to the Volunteer Ambulance Workers Benefits Law; and,

Whereas, the parties find it necessary to amend the current contract to adequately include a detailed description of the coverage costs now and in future years with respect to the District taxation cap.

It is hereby resolved as follows: The proposed contract Addendum between the Town and Brewerton Volunteer Fire Department Ambulance ("BVFDA") addressing the Town's share of costs pursuant to the New York Volunteer Ambulance Workers Benefits Law for volunteer ambulance services is hereby approved, and the Supervisor is authorized to execute the document for the Town.

Motion was seconded by Councilor Venesky.

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

Supervisor Zambrano stated she had two original copies that the Brewerton Ambulance has signed; she will execute and notarize those.

- **Workers Compensation premium payment:**

Councilor Becallo moved the adoption of a resolution to approve the following:

Whereas, the Volunteer Ambulance Workers Benefits Law was enacted by the State Legislature in 1989 to help protect injured volunteer ambulance workers in recognition of their unselfish service to the public, and

Whereas, it is the Town's obligation to provide the benefits under the Law and terms of the previously approved Contract with the Brewerton Volunteer Fire Department Ambulance, Inc. ("BVFDA"), and,

Whereas, the Town and BFDA have agreed to the Town's portion of the coverage cost due is \$4,059.16, it is hereby,

Resolved, that the Town shall pay the New York State Insurance Fund the initial 25% deposit amount of \$4,059.16 for coverage as stipulated in the current agreement.

Motion was seconded by Councilor Conway.

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

Supervisor Zambrano told Warren Darby that she would sign the check right then and he could take it with him.

Supervisor Zambrano said the reason she wanted to address this issue first was because on one of the abstracts this fee is included.

APPROVAL OF ABSTRACT NUMBERS 42 & 43

Councilor Cushman moved to approve **Abstract #42** (dated 10/10/2015) and **Abstract #43** (dated 10/26/15) as presented.

Motion was seconded by Councilor Venesky.

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

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

BUDGET MODIFICATIONS/AMENDMENTS

Councilor Cushman moved to accept the budget modifications/amendments as they are presented:

TOWN BOARD MEETING
10/28/2015

2015
BUDGET MODIFICATIONS

FROM		\$		TO
A162040	Buildings Contractual	320.00		A141041 Town Clerk Records Contractual
B8104	Zoning Contractual	5000.00		
B19304	Special Items Judgements	12500.00		B80102 Zoning Equipment (Vehicle)
DB513042	Hwy Tires	2000.00		DB513044 Hwy Springs
DB514043	Hwy Topsoil	2122.50		DB513052 Hwy Mower
DB514245	Hwy Snow/Removal Rental	1500.00		DB514212 Hwy Snow/Personal Services

2015 BUDGET AMENDMENTS

Revenue Appropriations				
A1550	Dog Control Fees	1530.00		A35104 Dog Control Contractual Exp

Motion was seconded by Councilor Venesky.

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

*Budget Modifications/Amendments can be viewed on the Town’s website: www.ciceronewyork.net

PERSONNEL MATTERS

Supervisor Zambrano moved for the adoption of a resolution authorizing the appointment of Gretchen Walter as a part-time Assessment Clerk at an hourly rate of \$14.00 per hour, not to exceed 1040 hours per year, effective immediately. Motion was seconded by Councilor Cushman.

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

SANITARY SEWER

Supervisor Zambrano asked Steve Snell to talk a little bit about the Sanitary Sewer bid package.

Steve Snell: We’ve prepared the contract documents for the Town’s Sanitary Sewer Repair Contract, so basically what that covers is emergency repairs to town-owned sanitary sewer facilities that provides the ability for the work to be done 24hours day/7days week because currently we don’t have a contractor available to complete that work, so it’s really essential that we have someone available to do that; so that’s what that contract covers.

Supervisor Zambrano said she had the document if anyone wanted to see it, and that she believed it was pretty standard.

Steve Snell said it was very standard. It will be good for a year and then they have the ability to extend it up to three additional years.

Supervisor Zambrano asked if it would be good for the rest of this year and all of next year.

Steve Snell: Yes.

Supervisor Zambrano asked if there were any questions for Steve Snell, of which there were none.

Councilor Conway moved for the adoption of a resolution to authorize the advertisement for bids for the Town's Sanitary Sewer Repair Contract. Motion was seconded by Councilor Cushman.

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

DRAINAGE

Public Input:

Ray Schader: I looked these up on the map today and they appear to be a relatively established neighborhood, and I was wondering why all of a sudden we've got to spend \$30,000 in somebody's yard to take care of drainage. Now, I don't care to spend money for draining somebody's yard because after it rains they can't mow their lawns for two weeks because I've been doing it for over fifty years, and I don't understand that we've gotta go in somebody's yard and take drainage. I know at one time when they had the Parade of Homes I went to the Parade of Homes in the Pastures, and every home had a sump-pump line going out the back on the lawn and about 6 months later we had to pay for a French drain in everybody's back yard. Now I understand it. Some of these developers better take care of some of their drainage and our engineers should check them out.

Supervisor Zambrano said that is a very pertinent comment and we need to do a better job when buildings are completed that we've checked to be sure that we know where the sump drains are going and what the drainage is; we have not done a very good job with that over the past. She asked Steve Snell to speak on the three drainage projects.

Steve Snell gave a brief description of the three projects:

1. McCamidge Drive - There is a side yard. Basically we are adding a catch basin structure in the side yard. Its issue is the piping got installed probably greater than 10 years ago, it's in a fairly established subdivision; it's been there a while. Basically there are two pipes that tie in together, there's no structure there so we are adding a structure at that location.

Supervisor Zambrano asked if water has backed up there.

Steve Snell said the water has backed up at the location and it will continue to do so unless we have that structure.

Supervisor Zambrano asked if we have an easement there.

Steve Snell said that was correct, we have an easement there.

2. Dawns Ridge - It is in a side yard. It does discharge to Vollmer Creek, basically the swale has gotten silted in, and very tall grass, it's not able to be maintained appropriately the way it is so there's a lot of silt and sediment built up in that swale that needs to be removed; it doesn't appear that it has ever been maintained since it was installed, which was probably close to 20 plus years ago.
3. Snowshoe Trail – There was a complaint regarding flooding in the area and one of the ways to resolve this situation is to install a swale in the backyard of this property on Snowshoe Trail. Currently, there's a drainage easement there but there's no swale there currently, so this is re-establishing the swale to the discharge location which is the next property over; so it includes two properties.

Supervisor Zambrano asked if the swale was there or not there in the beginning.

Steve Snell said the swale was on the adjacent property, there is no swale for the property. We are covering two properties with this because we need to regrade two properties to correct this situation; it's all work within a drainage easement.

Supervisor Zambrano said she thinks one point that Ray Schader was trying to make is that the Town has done a lot of work when there were no easements; it did look like we were doing landscaping when the Town had no responsibility for doing that. We are trying to correct that situation and make sure that we have easements - it's become a better process. We make sure that we are looking at:

- maps,
- we are looking at as-builds if they are available,
- if there are no easements we're trying to acquire easements,
- and we are trying to reestablish drainage because Cicero is a drainage nightmare.

Supervisor Zambrano asked Councilor Conway if he wanted to say anything regarding these three projects.

Councilor Conway said we are getting ahead of some of this stuff, but it has been a long time and we spend a lot of money on drainage every year. He commented that if it keeps raining the way it is probably everybody is flooded now for what we got today [in rainfall].

LaFleur Constructors Inc.:

Councilor Conway moved for the adoption of a resolution for the Town to approve the following to LaFleur Contractors, Inc. under the drainage improvement contract:

- \$4,843.27 for installation of a new drainage structure in the rear yard along McCamidge Drive
- \$12,284.28 for approximately 200-ft of drainage swale improvements along the side and rear yards on Dawns Ridge
- \$9,259.95 for approximately 150-ft of drainage swale improvements along the rear yards on Snowshoe Trail

Motion was seconded by Councilor Cushman.

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

Lumberjack Tree Service:

Supervisor Zambrano asked Steve Snell if he could talk about the trees that need to be taken down.

Steve Snell said the only tree that he was familiar with is the one on E. Davey Road; that's related to the improvements we approved at the last meeting to install the drainage improvements in that area. He said Kathan Road and Davey Road are related.

Councilor Venesky said he thinks the one on Belnor Drive is related to drainage.

Councilor Conway read the following purchase approvals:

- \$100.00 for the removal of Willow tree at 8525 Belnor Dr.
- \$2,500.00 for removal of Silver Maple and two (2) spruce trees and stumps located at 5637 E. Davey Rd.
- \$1,200.00 for removal of a Willow tree and stump located at 5344 Orangeport Rd.
- \$600.00 for the removal of Crimson King Maple tree and grind stump located at 5541 Kathan Rd.

Councilor Conway moved for the adoption of a resolution to approve \$4,400.00 to Lumberjack Tree Service. (Supervisor Zambrano stated 'for the work already enumerated') for tree service for the following work.

Motion was seconded by Supervisor Zambrano.

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

**INTERMUNICIPAL AGREEMENT WITH ONONDGA COUNTY
(Brewerton Revitalization Project)**

Supervisor Zambrano said this is an Intermunicipal Agreement with Onondaga County. This is the \$45,000 that Tim Burtis and Mark Venesky were instrumental in acquiring for the Town to make the improvements at Riverfront Park; the sidewalks have gone in, lights are going in, trees have gone in. She said she has seen the pictures and it looks beautiful!

Councilor Venesky said he was there yesterday, it's coming out nice.

Supervisor Zambrano said this is a contribution from the County for the Town's part of the match to the grant, so we will bill against this money; they're not going to come and give us a check.

Councilor Venesky said his understanding is they are requiring us to spend the money and then to bill them for it, and to Supervisor Zambrano's point they are not just going to come in and give us a check but we will be made whole.

Councilor Venesky moved for the adoption of a resolution approving an Intermunicipal Agreement between the Town of Cicero and Onondaga County for financial assistance to the Town of Cicero in an amount not to exceed \$45,000.00 for transportation improvements consistent with a resolution of the County Legislature (No.122-2015) for the Town's Bennett Street/River Front Park projects. This resolution also authorizes the Supervisor to execute the Intermunicipal Agreement and any necessary documents associated with this action. Motion was seconded by Councilor Becallo.

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

HIGHWAY DEPARTMENT

Councilor Conway read the following purchase approvals:

- \$5,000.00 to Oswego Tool & Steel for (2) belt chains, and (12) rubber cutting edges
- \$4,000.00 to Genuine Parts for auto parts/supplies for November and December
- \$3,000.00 to Home Depot for supplies for November and December
- \$4,000.00 to SnoDepot for oil pans for Trucks 12 & 36

Councilor Conway moved for the adoption of a resolution to approve the following (Supervisor Zambrano stated 'as enumerated').

Motion was seconded by Supervisor Zambrano.

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

HIGHWAY DEPARTMENT OVERAGE FEE

Councilor Conway moved for the adoption of a resolution to approve an additional \$886.78 to Whites Farm Supply for overage fee to repair the mower bringing the total to \$9,886.78. Motion was seconded by Councilor Cushman.

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

PLANNING AND ZONING DEPARTMENT

Supervisor Zambrano said we have had an ongoing problem with a residence on Thurston Drive; this is a residence that is caving in. Last winter the sump pump was draining and it flooded the basement. A vendor was sent out by the bank to pump out the basement, he pumped it into the streets. In January or February it froze. No one is taking any responsibility for making any improvements to the house so we have talked to the bank, we have talked to the owner, and the decision was made to demolish this structure.

Councilor Venesky said if his understanding was correct, part of the foundation is collapsed and it is a safety hazard to the residents and the children in that area.

Supervisor Zambrano agreed, and said that they did put this out to bid and there were six (6) bids that went out and the bids range from \$18,675.00 to \$34,885.00. Most of the bids were in the mid-high twenties; all of these bids were betted by Onondaga County so we are here to award the bid to the lowest bidder.

Supervisor Zambrano solicited any further questions from the Board, of which there were none.

Councilor Conway moved for the adoption of a resolution to authorize a lump sum payment of \$18,675.00 to Crisafulli Trucking to demolish 8045 Thurston Drive. Motion was seconded by Councilor Venesky.

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

POLICE DEPARTMENT

Chief Snell said Siteworks Inc., are the ones that just completed the new Dunkin Donuts on South Bay Road, and Mr. Aupperle, CEO of the company, solicited him and asked us if we would accept a donation and asked us what our needs were. We told him we need more tasers for our officers, and Mr. Aupperle said he would like to make a donation for it.

Councilor Venesky said he would like to do a ‘thank you’ letter from the Board to Mr. Aupperle for that. He thinks it is a commendable public service donation, which is something that we certainly need; it keeps our officers safe and for someone to step up to the plate like that I would like to recognize them.

Councilor Venesky moved for the adoption of a resolution to request approval to accept a \$2,500.00 donation from Andrew Aupperle, Siteworks Inc., for the purchase of two (2) taser units. Motion was seconded by Councilor Cushman.

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

CICERO HISTORICAL SOCIETY

Councilor Venesky moved for the adoption of a resolution to approve an expenditure of \$1,498.04 to the Cicero Historical Site for reimbursement of preserving (to maintain) the historic structure – paint school house, stain handicap ramp of log cabin, stain log cabin & shed doors and improve lighting for safety. Motion was seconded by Councilor Cushman.

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

SURPLUS

Councilor Cushman moved for the adoption of a resolution to declare the following items surplus and of no use to the town and to be disposed of:

- HP printer, serial number MY22F1S26Q [from the Parks and Recreation Department]
- Dell computer, serial number 000045-643-210-007 from the Parks and Recreation Department
- One broken office chair from the Assessor’s Department

Motion was seconded by Councilor Venesky.

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

SET PUBLIC HEARING – ZONE CHANGE

Councilor Cushman moved the adoption of a resolution to set a Public Hearing for November 18, 2015, at 6:30 p.m., to consider a Zone Change from General Commercial to General Commercial Plus for the property located at 6054 East Taft Road, North Syracuse, N.Y. (Tax Map #057.-02-14.0). Motion was seconded by Councilor Becallo.

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

EXECUTIVE SESSION

Supervisor Zambrano said the Board needed to go into executive session to discuss two items and the Board would be reconvening,

Supervisor Zambrano moved for the adoption of a resolution to enter into executive session to discuss two issues, one an issue related to the proposed acquisition, sale, or lease of real property, or the proposed acquisition, sale or exchange of securities, and I invite not only our town attorney, but our highway superintendent to join us for that one, and also a second matter one related to public employee collective-bargaining negotiations and I invite only the town attorney for that part.

Motion was seconded by Councilor Becallo.

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

The meeting adjourned into Executive Session at 7:20 p.m.

Supervisor Zambrano made a motion to reconvene the Town Board back to the General Session. Motion was seconded by Councilor Becallo.

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

The meeting reconvened into Regular Session at 7:39 p.m.

Supervisor Zambrano stated that there are two items/decisions that have been made; one has to do with the acquisition of the property on Route 31. It is 50 acres and we intend to use that property for building a highway garage at some date in the future. We have come to an agreement with the property owner and there are some contingencies which we would like to talk about a little bit.

Supervisor Zambrano asked the town attorney if he would like to talk about the contingencies on the Route 31 property.

Robert Germain: We came to an understanding, we negotiated for a while and because a lot of the property is well, we'll call it 'unknown,' some of the issues with the property such as the amount of developable acreage; if you deduct what we believe are wetlands on the property and so on. We have several contingencies to protect the town during a due diligence period. I won't go through them all for the sake of, because there is about twenty of them. But the main points are going to be there is a house on the property that is going to be demolished ahead of time by the owner. The reason we do that is that it's far more economical for the owner to demolish a structure than a municipality. If the municipality had to demolish the structure we would have to pay prevailing wage and there is other items that we would be forced to pay that a private owner would not. So one contingency is going to be the demolition of the property and our satisfactory inspection of that once that property is gone, so it is just demolition and removal. Also, no underground buried tanks, access to utilities up to our discretion of what is there, and if we can add utilities to service the property the amount of developable acreage. We also have engineering tests that are contingent because we need to check the soils there for contaminants and compaction too depending on how large a structure that we want to build; will it be supported by the soils? These are usual types of contingencies that we put in real estate contracts to protect the buyers and we are going to have to do some due diligence; some of that is also going to involve some engineering work but we're going to have to work through that through the due diligence period.

Resolution approving a Real Estate Purchase Agreement for the purchase of 48.75 acres of land located at 6658 Route 31 in Cicero:

Councilor Venesky moved the adoption of a resolution approving a Real Estate Purchase Agreement for the purchase of 48.75 acres of land located at 6658 Route 31 in Cicero for the purpose of building a Town Highway garage in the future. The purchase price is \$166,500.00 plus the payment of normal closing costs and engineering fees associated with the purchase. The Agreement is contingent upon several due diligence items as well as the demolition of the structure on the property, satisfactory wetland delineation and engineering approval. This resolution also authorizes the Supervisor to execute the Agreement on behalf of the Town.

Motion was seconded by Supervisor Zambrano.

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

Chris Woznica: On behalf of the Highway Department and my staff, we would like to thank you.

Supervisor Zambrano told Chris Woznica, "Well, you're very welcome."

Resolution approving the settlement of a grievance filed by the Teamsters Local 317 on behalf of an employee regarding "on call" pay for unit employees in the Code Enforcement Office:

Supervisor Zambrano asked Robert Germain to speak on the grievance negotiating issue.

Robert Germain: I wasn't part of the negotiating team that resolved it but there was a grievance filed. This is normal process, I guess, with an issue over an employee in the Code department and it's run a bit of a course with our council to where they think that it can be settled. The parties have come to what we call a 'Memorandum of Understanding' which is different than a Stipulation of Settlement that we use. In other cases a 'Memorandum of Understanding' we use the labor cases because in this case what we really needed to do was amend the actual underlying labor agreement to clarify an issue in regard to on call pay. Two parts of this coming resolution that we just fashioned are:

1. The approval of the Memorandum of Understanding to clear up the language.
2. Authorizing payment to an employee to settle the claim; and that's a back wages claim as a result of on call pay.

The biggest part, from my view, is to cure the language in the agreements so we don't have this issue going forward; so everyone's on the same page. The agreement is an approval of a Memorandum of Understanding with the Teamsters Local 317.

Councilor Venesky: My concern is that when we have an issue, especially an issue that costs us money or there's a penalty involved that we fix the problem so that it doesn't happen again, and I think we've done that adequately here so we shouldn't have this problem again.

Councilor Venesky moved for the adoption of a resolution approving the settlement of a grievance filed by the Teamsters Local 317 on behalf of an employee regarding "on call" pay for unit employees in the Code Enforcement Office pursuant to a Memorandum of Understanding between the Town and the Unit. This resolution also authorizes the Supervisor to execute the Memorandum of Understanding and authorizes payment to an employee in the amount of \$8,500.00 to settle the lost wages portion of the grievance. Motion was seconded by Supervisor Zambrano.

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

Supervisor Zambrano provided some background information on this claim. This claim actually went back seven years and involved four different supervisors, so this settlement of \$8500 does save the town some money and it saves the cost of arbitration. This was scheduled to go to arbitration tomorrow and they actually asked for a settlement, but they took it up to the eleventh hour.

PUBLIC INPUT

Deborah Gardner: Last year Councilor Venesky talked about how giving raises gives people's work a sense of worth. I suggest that you consider giving the Town Clerk's and the Tax Receiver's position a higher percentage raise than 2 percent to help address the perception of salary of inequality in the town hall. I did have a chance to watch the video and this comes from Councilor Becallo's remarks at the last meeting.

Supervisor Zambrano commented that there is a survey going on about salaries of various positions in the various towns. We have 19 towns. About 8 towns responded and our Town Clerk and our Tax Receiver are amongst the highest paid in those categories of title, so she wasn't sure if she could agree with Deborah at this point to give a higher percentage when they are at the upper level.

Councilor Becallo asked Supervisor Zambrano which towns, and asked if she could email it to him.

Supervisor Zambrano said the study wasn't complete but she would email them what she has.

Eric Costello: I reside over in the proposed relocation for the police department and justice court. I am an advocate for both the police department and the justice court. I do have some underlying concerns though relative to the relocation of the court that would accompany the police department. I understand, based on some information that I've read that it appears at this point the police department is more of a 'move forward' stage and the justice court is still kind of in limbo. We know, as you know better than anybody, the Town of Cicero Court is very busy. According to the 2014 Fiscal Comptroller Report it ranked 2nd in Onondaga County (only behind the Town of Salina) and it ultimately received in collection an excess of \$900,000; two-hundred and ninety some odd thousand dollars remained local, here in the town. I'm late on this, I understand that it's already been approved, and I don't disagree with the approval to further the best facilities possible for our police department and ultimately, justice court. My concern is you have, what I would consider, this corridor here, a commercial corridor being moved not to the PD but to the Justice Court, to what I would consider remotely a residential area with three access points to the court: South Bay Road, Cicero Center and Lakeshore Road. As we know Lakeshore Road has pedestrian traffic, bicycle traffic, and the shoulder is less than adequate at times for vehicles that are traveling. The Town of Cicero Court has court twice a week; Tuesdays and Thursdays only supports the volume that they receive for criminal cases, uniform traffic tickets, small claims; any matters the court handles. So what happens is that influx on Tuesdays and Thursdays is going to be potentially removed from this area (which I would deem commercial) and then influx another residential area of the northern part of Cicero. I understand from a strategic standpoint it benefits, to some degree, the Police Department, but I do have concern twice a week where you have people accused of drug offenses, property crimes, DWI, any array of crimes that you ultimately have been released on your own recognizance through the court process and arraignment, or you have been given an appearance ticket, you are now traveling that corridor into what I would consider other than Lakeshore Pizza, Borios, and the Country Club (which is exclusive in its own sense) into what I would [consider as residential, such as] Bay Colony, Mariner's Landing, Lyons Run and all the other properties in that area. Has the Board considered what that ultimately will do to that residential population for that time frame? Secondly, we're fortunate here on Brewerton Road; there's two bus accesses for Centro (there's one at the Wegmans lot and there's also one at Walmart). So you have Centro that has the ability to bring people that have to appear in court. They can get dropped off at Wegmans or Walmart and walk their way up to court. Not everybody has transportation. So has the Board considered that ultimately with the relocation of the court that Centro might have to be notified and add a bus line? I'm not sure if that's something that is a guarantee that you have to have, but usually here we have two access points where people get dropped off on a bus and walk to court. Primarily I am concerned with that there is a huge influx; a volume of people that are facing a variety of things, or ultimately have claims to make it court (not everything is criminal), and that it's being removed from commercial into residential districting. A lot of the community down there doesn't seem to know that this has happened. I read it off the Eagle News, and then I know the Police Department put something on their Facebook post regarding the new building. I mean I'm familiar with their facility over there and they need something new. And I understand the fiscal responsibility of the Town too; they got it for a dollar. They got it for a dollar and it's a vacant building. But I don't think that necessarily the dollar can always equate – I can buy a car for a dollar; it doesn't make it practical, it doesn't make it safe, and it doesn't make it reasonable. So from the mere standpoint of the court, you know I am just looking for it to be considered further what that does to the residential area; Bay Colony, the parking lot of the fire department there, their houses back up to that parking lot and I'm sure the Chief can verify that court can go from 4:30 to 9 o'clock at night where you have people waiting in the parking lot for their case to come forward or just standing around waiting for family to get done with their appearance and you have that constant activity. It's only 2 days a week, but you have constant activity that ultimately affects the rear end of Bay Colony because if you park in the parking lot I can see everybody's house that has that backside that faces the current fire department.

Supervisor Zambrano stated that is has been considered. The negatives of keeping the Police Department here and the Justice Court are considerable simply because of the inadequate space of the building that the police are in and the inadequate space for the Justice department. The two judges are thrilled to be getting new space and it won't be happening right away. It probably won't happen until 2017 when we get enough funds to move the Justice Court because that whole building has to be renovated to accommodate them, so there will be a phase in process. As far as mischief in the neighborhood, we are going to have the police right there. The court has its own police officer; a court attendant. She stated that building has been a busy community center in the past; she lives right across the street from there, so she is not particularly concerned about it - she actually welcomes it.

Eric Costello told Supervisor Zambrano that he welcomed the Police Department whole-heartedly and that he can respect her opinion as well, but he sees it from a different perspective. He was just wondering if the Town (and it sounds like it has) has considered that ultimate affect to who is going to be living right across the street. He commented, 'So it's pretty much a done deal then, if the funding is received from the Justice Court through the grants that have been applied for then that part will move forward and accompany the Police department.'

Supervisor Zambrano said it will probably move forward, they have applied for a lot of grants. At this point in time we don't have any money so we have no definite plan to move them, so it will be a little bit of time but she thinks it will probably keep moving forward.

Don Snyder said as former Chairman of the Building Advisory Committee he had to give the Board 'kudos.' He said they have made a major step in securing land for a facility that we know we've got to replace. We all know that when we went into this thing that it was going to take time; we weren't going to see this happen overnight. They made the first step, and he thinks that's great. The only thing he would ask them to consider since we are in the budget process is we know that the overall engineering for a facility like that may ultimately be including construction supervision; maybe a half-million dollars, but he thinks it would be prudent if we were to take a small number, maybe \$50,000 or maybe even a little less, to have some predesign work done so they as a board can look at that and see for example, is this building really a 10 million dollar building, is it a 8 million dollar building? So I think if we had a little bit of design work; we went through a number of great architectural firms and whether you pick the one that that committee chose or you pick another one I don't think that is a major concern, but I think if we had a little bit of funds in next year's budget to do some pre-engineering it would definitely help you with your long term plan to know that we are two years out, we're three years out, or whatever we are. Regarding Eric Costello's concerns he thinks it's safe to say a lot of study is yet to go into this building. The Board has made it very clear that there's not a set number, but they thought about the value of this process and of the facility and obviously if in our pre-engineering work if we find that we have a major heating problem, (we know we have a roof problem), but if there are any other problems we know that we're going to have some work done, again pre-engineering, so we the taxpayers will have an idea of what we are getting into. We're not going to be signing a contract with a design team that goes forward with the contract (say like the fire department has done), so I think we are really moving in a great direction.

Judy Boyke asked if the moratorium in Brewerton has been lifted.

Supervisor Zambrano said it was scheduled to be lifted sometime in October, but she didn't think it has been.

Councilor Venesky said he thinks the way they did the resolution that it would expire. He didn't think they needed an extension, but he would check on it.

Judy Boyke asked if the report that was done in regards to this moratorium was ready.

Councilor Venesky asked Judy what kind of report she was looking for.

Judy Boyke said the report that caused the moratorium.

Councilor Venesky said there was no report that caused any moratorium, it was a recommendation made by Onondaga County that this board enact a moratorium so that Onondaga County could take a look at the zoning and make recommendations to us. So for Onondaga County to act we were advised by Megan Costas of Onondaga County that we should enact a moratorium, and that is in fact what we did.

Judy Boyke asked if that report, or that study that had been done; is it finished? Do we have an idea of the zoning now, or the sewers, or any of that that was reflected in the moratorium?

Supervisor Zambrano said there have been a number of meetings and she is not sure that was ever a decision that a report was going to be issued to the public. She knows that there were a number of meetings, of which she did not attend because there were other board members who were interested in attending those, but they can ask Megan Costas if she did make any recommendations.

Councilor Venesky said Megan Costas did make recommendations.

Supervisor Zambrano asked if the recommendations were in writing.

Councilor Venesky said he couldn't answer that.

Judy Boyke said it would be nice to know, seeing as we've gone through an extensive moratorium in a specific area and the reason why the moratorium was put on, what the recommendations are.

Supervisor Zambrano told Judy they would follow up with Megan Costas.

ADJOURN

Supervisor Zambrano moved for 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 8:04 p.m.