

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, November 25, 2013 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
Tim Burtis, Councilor

Others Present: Tracy Cosilmon, Town Clerk
Joseph Snell, Police Chief
Robert Germain, Germain & Germain, Town Attorney
Bruce Letts, C & S Companies, Town Engineer

Absent: Christopher Woznica, Highway

Supervisor Corl 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. with the Pledge of Allegiance.

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

S.E.Q.R.
(State Environmental Quality Review Act)

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

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

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the November 13, 2013 Regular Town Board Meeting as presented. Motion was seconded by Councilor Conway.

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

BUDGET MODIFICATIONS

TOWN BOARD MEETING
11/27/2013

2013
BUDGET MODIFICATIONS

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications:

TOWN BOARD MEETING
11/25/2013
2013
BUDGET MODIFICATIONS

| FROM | | \$ | TO | |
|-----------|--------------------------|---------|-----------|--------------------------------|
| A677255 | Senior Postage | 10.00 | A6772471 | Senior Cleaning |
| A711044 | Parks Misc | 2.23 | A711041 | Parks Vehicle Operation |
| A90108 | NYS Retirement | 3295.55 | A7110456 | Riverside Park – Town Part |
| B31201 | Police Personal Services | 4723.38 | B31201 OT | Police OT |
| B312053 | Police Membership | 100.00 | B312050 | Police Camera Supply |
| B3120435 | Police Postage | 51.34 | B312054 | Police Computer Labor |
| B312041 | Police Uniform Exp | 499.00 | B312055 | Police Computer Software |
| B80104 | Zoning Contractual | 3100.00 | B80102 | Zoning Equipment |
| A141043 | Town Clerk Computer Soft | 29.00 | A14104 | Town Clerk Contractual |
| A162041 | Buildings National Grid | 750.00 | A35104 | Dog Control Contract |
| A705041 | Parks Supplies | 113.63 | | |
| A715044 | Parks Taxes | 23.33 | | |
| A715045 | Parks Misc | 26.34 | | |
| A711046 | Parks Mechanics | 536.70 | | |
| A71101 OT | Parks Personal Serv OT | 19.98 | | |
| A711040 | Parks Supplies | 80.00 | | |
| A711044 | Parks Misc | 51.71 | | |
| A711046 | Parks Mechanics | 156.53 | A711041 | Parks Vehicle Operation 700.00 |
| | | | A711045 | Parks Improv/Rehab 308.22 |
| DB513044 | Hwy Springs | 2000.00 | DB513042 | Hwy Tires |
| DB513044 | Hwy Springs | 2000.0 | DB513043 | Hwy Hoses |

2013 BUDGET AMENDMENTS

| | | Revenues | Appropriation |
|-----------------|----------|----------------|-----------------|
| Darlene's Brook | 23069.77 | SD3389 0400 DB | SD85404 0400 DB |

Motion was seconded by Councilor

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

RECOGNITION OF DENNIS McGUIRE BY TOWN HISTORIAN TOM MAFRICI

Supervisor Corl pointed out a plaque in the back of the meeting room recognizing Dennis McGuire, a former Cicero resident.

Tom Mafriaci, Town Historian dedicated the plaque to Dennis McGuire of Cicero, a Civil War Hero, whose recognition was long overdue.

Tom Mafriaci said Dennis McGuire's great grandson Lloyd H. McGuire, Jr., deserves credit for many years of exhaustive research on the subject of his great grandfather. Tom had found in his archives, correspondence between Mr. McGuire and our old Town Historian, Lona Flynn, dating back to 1991. In addition, we owe a debt of gratitude to Mr. Lloyd H. McGuire, Jr., for donating this and his great effort and expense. A substantial bronze plaque outlining the details of the life of Dennis McGuire is now being displayed here.

The details of Dennis McGuire's life are simple but impressive. Mr. McGuire was born in 1829 and immigrated to the United States from Ireland in 1843. He lived in Syracuse and worked as a laborer on the Erie Canal and was naturalized as a citizen in 1859. In 1864, Mr. McGuire joined the 185th New York Volunteer Infantry Regiment. He fought numerous battles, but on March 29, 1865, in one of the last battles of the Civil War, Dennis McGuire's arm was shattered by a confederate musket while in the battle of Quaker Run. The Confederates surrendered only 10 days later.

Dennis McGuire's arm was amputated at the elbow. After the war Dennis McGuire obtained a farm in Cicero. His house was near the four corners; more specifically across from the post office where the car repair center is currently. He farmed with one arm on his 6 acres for the next 23 years. He had two sons who were both Cornell educated attorneys. His grandson was also an attorney. Lloyd H. McGuire, Jr., is a retired high school Political Science teacher and a very studious and generous individual. We are deeply indebted to Lloyd H. McGuire, Jr. for his generous donation to our town.

Tom Mafriaci showed the plaque along with a picture that Mr. McGuire had created. It is a collage, and included on it is the old house that his great grandfather once lived in which is no longer here.

Tom Mafriaci thanked Mr. McGuire for the beautiful plaque.

Supervisor Corl thanked Tom Mafriaci, and also Jody and Tracy who also helped coordinate this with Lloyd and Tom to have this installed.

ACCEPT THE TOWN OF CICERO'S NEW EMPLOYEE HANDBOOK – KATHY BARANY PRESENT

Supervisor Corl explained that Kathy Barany has been working with the town for many months now on developing a new handbook, as the one we have is significantly outdated.

Kathy Barany said the handbook is more than just a book. It is not something that you author; it is something that they did for the town to help run the town. It is a coordination of efforts. They met several times to go over the handbook and had several pieces of communication in the interim to make the right changes for the town. The challenge was that there are three (3) unions and they wanted to be very considerate of the unions when writing the handbook and be very careful that they didn't violate any union agreements. The handbook is done to help run the town and also to show compliance with both federal and state employment laws and regulations. Every activity that an employee does is somehow touched by a law somewhere; it is how our society is run. So they wrote the handbook with that in mind - to protect the employees and the town, and to clarify processes and procedures.

One of the things that she wanted to be clear on with regards to handbooks is that they are not an employment log book, they are a guide on how to run the town and comply with the laws that are already out there. There was a lot of input on this; it was not just her writing this, nor just one person from the town.

Supervisor Corl said that the committee consisted of himself, Councilor Zambrano, Jody Rogers, the Comptroller, the Assistant Comptroller and the Deputy Receiver of Taxes.

Councilor Zambrano said it was a very comprehensive effort. There was a lot of meetings and discussions; it was kind of overwhelming at times with the detail and the depth that they went into with the consideration of what should be eliminated, what should be enhanced or what should be changed. She thanked Kathy for all of her hard work.

Councilor Burtis thanked Kathy for helping and said it was needed.

Councilor Zambrano wanted to clarify with Kathy her projection of reviewing this. Employee handbooks are only as good as current as they are. Kathy's recommendation was that they review it once a year to see how it's changed, or that there should be a committee that gets together to look at this. What process would Kathy suggest to make sure that the handbook is kept up to date?

Kathy Barany said the process is multi-fold. The Town has an obligation that if something changes to make a note of it, perhaps ask her if something would require a change in the handbook. They don't require changes as much as one would think. Because the Town is now her client, one of the things that she does is if something major changes (for example a Family

Medical Leave Act) she would take the responsibility of notifying the Town. On the other side, if something within the Town changes, such as the town's processes, paid vacation time, etc., then it is the town's responsibility to make a note of it. Touching base on it once a year she feels is sufficient. The reason they wrote it the way they did with effective dates on different policies is in the long run to save money so that we don't have to rewrite the whole handbook.

Councilor Jennings asked Kathy Barany if she envisioned that if and when this Obama Care is resolved, or whatever, will that be impacting the book and the way it was written.

Kathy Barany said it probably wouldn't because they were generic enough with regard to the benefits and they do that on purpose. The purpose of the handbook isn't to describe benefits in detail but rather to describe the fact that we have them - that's what the Medical Insurance Summary Plans are for.

Supervisor Corl said once adopted, it was his understanding that she would come back to the employees and explain it.

Supervisor Corl moved for the adoption of a resolution to adopt the Town of Cicero's New Employee Handbook effective January 1, 2014. Motion was seconded by Councilor Zambrano.

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

SET PUBLIC HEARING DATE FOR DECEMBER 11th, 2013 TO AMEND AND ADD
5220 ORANGEPORT ROAD, BREWERTON (TAX I.D. # 117.-01-03.0) INTO THE
BEAR SPRINGS WATER DISTRICT

Supervisor Corl explained that he has been working with Robert Germain, Town Attorney and OCWA (Onondaga County Water Authority) to include a resident in a water district, so they could hook up to water. He asked Robert Germain if this was the proper procedure.

Robert Germain replied that it was. They have to do it by local law, so they are calling a public hearing to start this process.

Supervisor Corl moved the adoption of a resolution to set a public hearing date for December 11th, 2013, beginning at 6:30 p.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, NY to amend and add 5220 Orangeport Road, Brewerton (Tax I.D. # 117.-01-03.0) into the Bear Springs Water District. Motion was seconded by Councilor Conway.

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

PUBLIC HEARING TO CONSIDER AN AMENDMENT OF PARKS AND RECREATION
SECTION 152-4c OF THE TOWN OF CICERO CODE TO EXPAND THE TERMS AND
DEFINITIONS OF THE BAN AGAINST FIREARMS IN CICERO PARKS TO INCLUDE A
BAN ON AIR GUNS, BB GUNS, PAINTBALL GUNS OR OTHER DANGEROUS
INSTRUMENTS CAPABLE OF CAUSING PHYSICAL HARM TO CITIZENS AND TO
ELIMINATE THE EXCEPTION RELATED TO HUNTING. NO PERSON EXCEPT POLICE
OFFICERS SHALL CARRY FIREARMS (AS DEFINED IN THE NYS PENAL LAW)

Robert Germain said this was more of a question of clarification because the issue is the firearms are already banned in the parks, but the question is what is a bb gun? Does that qualify? What's a paint ball gun? Just to clarify the issues we are making this change. It is pretty self-explanatory, we spell out what's in there and there is a little bit of leeway for the department when it comes to any other instrument capable of causing physical harm.

Proof of publication and posting was presented to the Town board by Town Clerk.

The public notice read as follows:

TOWN OF CICERO PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application **to consider an amendment of Parks and Recreation**

Section 152-4c of the Town of Cicero Code to expand the terms and definitions of the ban against firearms in Cicero Parks to include a ban on air guns, bb guns, paintball guns or other dangerous instruments capable of causing physical harm to citizens and to eliminate the exception related to hunting. No person except Police Officers shall carry firearms (as defined in the NYS Penal Law).

PLEASE TAKE FURTHER NOTICE that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **25th** day of **November 2013**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

DATED: November 17, 2013

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

Public Hearing was opened at 6:48 p.m.

Speaking for –

Jody Rogers, Director of Parks & Recreation, spoke on behalf of the Parks & Rec. Commission who met earlier this month and reviewed the verbiage change and addition of more clarity to it. They are in agreement with it and as a department director, she also agrees with this. It will allow us now for enforcement by multiple police agencies to be able to enforce this after we did have an incident at one of our parks and there wasn't enough clarity of it. She thanked Chief Snell for all of his research that he assisted Robert Germain and herself with coming up with this verbiage.

Supervisor Corl told Jody it was his understanding that the incident she spoke of was relative to a paintball gun.

Jody Rogers stated that it was relative to a paintball incident out at one of the parks and the officers felt that they could not enforce it because it wasn't publicly acknowledged at the park and it wasn't in our code, so now it should be quite clear.

Speaking against –

Deborah Gardner had an issue with this law the way it currently reads. The offending phrase is and she quoted, "or other dangerous instrument capable of causing physical harm." Who determines what is dangerous? She said she was a knitter and showed her knitting needles and said they were very, very sharp and could be used to poke on eye out or stick it in somebody's ear and kill them with them. She also showed a pair of scissors, that she carries with her, and said they were also very sharp. She also showed an example of an air freshener that could be sprayed in someone's eyes and a full can of soda that someone could hit somebody in the head with and cause severe bodily damage. Her question was what is a dangerous instrument? Who will decide what is dangerous? In her opinion, she thinks that phrase could lead to abuses of the law and perhaps law suits, so perhaps they would consider changing the phrase to, "or any item that is used to cause physical harm", then she can peacefully knit in the park until she starts brandishing her knitting needles in a threatening way.

Robert Germain thanked Deborah Gardner and thinks that illustrates the point. What happens with criminal types of ordinances is not the instrument itself – it's the intent that counts. It's all through the law and in terms of "who" decides - the criminal justice system decides so that the police have leeway to decide if an instrument is being used in a way to cause physical harm or capable; they have the leeway to decide if that's the case and if they are somehow wrong then the District Attorney's Office has an interpretation, ultimately a judge. But, there needs to be some type of thing because as Deborah pointed out that knitting needle could cause physical harm and if someone stabbed somebody with one it would be a violation of the rules, which he thinks is what they are trying to accomplish. So, it is not the instrument itself that's the problem – it is the intent and that is what the criminal justice system tries to enforce. It is up to police to determine whether it is an instrument that's dangerous in the sense that it is capable of causing physical harm.

Councilor Jennings said it would be awfully hard to itemize every item. Being a former postal worker, he is sure they all know “going postal”. You can’t carry nail clippers, finger nail files, etc. What he would like to see with this law that they are proposing or changed to would be signage posted at each field, or whatever, stating what is said here. As the attorney said, its interpretation, it’s what the intent was. This is one step forward that needs to be taken so he is also in favor of it.

Renee (last name inaudible) – said that could be solved easily, as other dangerous instruments with intentions of causing physical harm not capable of. You could kill somebody with a baseball bat. Just because you go to a field to play baseball doesn’t mean you have an instrument capable of physical harm, it doesn’t mean that you are going to do that, but if you go there with intentions of physical harm now it is a different material. As far as leaving it entirely up to the police department, if you go with an older officer that is not just out of training or isn’t out to score points, he’s going to understand things. If you have a brand new officer, that capable or intentional is going to make a big difference.

Loretta (last name inaudible) completely agreed with the prior speaker. She said it depends on what police officer you run into and she wouldn’t put this much power in every police officer’s hands to decide.

Public Hearing was closed at 6:56 p.m.

Robert Germain said if you aim it towards “intent” it’s a problem because they are trying to stop people from bringing things into the park, so by that if you just made it by intent they could say, “Well I brought my samurai sword into the park and it wasn’t my intention to hurt anybody,” so it’s a problem. The way this is written will give the police officers some discretion, which is what they are trying to do.

Chief Joseph Snell explained that New York State Penal Law already has several sections that deal with weapons, dangerous instruments, etc. There is possession of dangerous instruments, deadly weapons, (which are automatically Penal Law violations and the way they are written). It is with the intent on how the police enforce them. If they have a disturbance and find baseball bats in the back of a car then they have the discretion of charging them with possession of a dangerous instrument, depending on what the intent of that baseball bat was. That’s why the police are trained. Police are not trained to go to a park and arrest, whether they are fresh out of the academy or not, to go and arrest somebody who is carrying a baseball bat playing baseball at a field or someone who is knitting. If any type of instrument is used to threaten anybody it then falls under the New York State Penal Law, it will not fall under the local law. The purpose of this local law is really to keep out any dangerous instruments that are brought in there that really are capable of causing dangerous injury, for example a samurai sword, certain knives, things like that, that one would generally not bring into a park. If you are having a picnic at a park and you’ve got knives, no one is going to get arrested for that, but if you’ve got a problem there, you’ve got a disturbance and someone is carrying a big, long, 5 inch knife in their hip then yes, they may get charged with the violation there if they are causing a disturbance for possession of an instrument causing.. because they don’t know how far that is going to go. They really need to establish some type of uniform standard across the board. Just like walking into the Town Hall, you can’t carry any weapon into this Town Hall or any government building and there is a reason for that and there are many federal parks that have the same type of laws that we are trying to enact right here.

Councilor Zambrano asked if someone brought a paint ball gun into the Town Hall would we take exception to that.

Chief Joseph Snell said he doesn’t think that falls under deadly firearms. It is not illegal to possess a paintball gun. What they are saying is that if someone brings a paint ball gun out to the park and they have it in their car, that’s not illegal. If you’re bringing it out and you are walking around with it then they have to be very suspicious of the nature of why you are doing that; it’s not something that someone would normally do (walk around with

a paintball gun, a bb gun, or whatever they are carrying), if it's in the back of a truck or in the back of a vehicle it is perfectly legal - it is the intent of how it could be used.

Councilor Zambrano asked if the intent of this proposed law to preclude specifically bb guns, air guns, and paintball guns going into the park.

Robert Germain replied yes.

Supervisor Corl explained that was the purpose of it. This discussion started a few months ago when somebody did bring a paintball gun into a park and it caused alarm.

Jody Rogers said it was not because they brought a paintball gun. What had prompted the discussion was someone had actually hit another child using that gun, near an eye. More and more people casually have these types of guns and are casually bringing them into the park and they are trying to stop that from happening so that they don't have that kind of activity going on that our police department then has to go and referee the intent and all of that.

Chief Joseph Snell said they can't itemize every type of weapon. If they knew the kind of weapons that they find inside of vehicles that are designed or homemade, that are designed to cause damage or to cause injury; they find them in vehicles, in homes, etc. It would be impossible to itemize everything that is out there.

Councilor Zambrano said three things are being itemized and it sounds like the objection is to that rather the statement. Should they just limit it to the three items?

Chief Joseph Snell replied no. Because then what happens is that you've got sling-shots, you've got large knives, baseball bats wrapped with metal and you are not going to run into these things normally at a park. But what it does is if you do, (especially at 2:00 a.m. or the park is closed) then they've got something that they can charge these people or anybody with.

Councilor Jennings thinks that with the items they are trying to put out here with the air guns, (and he believes it was Areopagitica or up in that area of Bridgeport that one will find quite a few bb holes in some of the windows of abandoned houses), that you can't itemize everything. But, he thinks that this is a good move in the right direction to make people aware that there is a law out there and they can be charged. At this point, he thinks this is a safety factor that they are looking at.

Supervisor Corl said when it comes to our parks, where our children congregate, he is comfortable with letting the discretion of somebody in authority decide if in fact something is appropriate or not appropriate and he understands that there has to be some flexibility for our officers.

Councilor Zambrano asked Jody Rogers if there were other items that could be added to this list.

Jody Rogers said she believed that other dangerous instruments, and as Robert Germain is trying to say, it is the intent of the act that is what a police officer decides or determines that is dangerous. The three types of guns are what they are asking that one not bring to the park. The balance of it leaves it open to discretion. It allows the police officer, if they are out there and there has been an incident between two children or twenty year olds in a park with one of these air guns, bb guns or paint ball guns, (which are very prevalent now and they are being used more and more in public places), it allows the law to act on something like that.

Councilor Zambrano thinks Deborah Gardner's point is that you could use almost anything and make it a dangerous weapon.

Chief Joseph Snell said that the Penal Law has been written very similar to the way this is written and it's been that way for decades and the police use discretion; they are not

going to go to a park and arrest 35 baseball players because they are carrying baseball bats, but they may arrest one who is carrying a bat with 4 or 5 other guys at 1:00 or 2:00 o'clock in the morning in the park because they are not playing baseball. That's the part of the discretion and the Penal Law has been written very similar to this and they've enforced the Penal Law. The Penal Law has been in affect long before he became a police officer, which was decades ago.

Supervisor Corl asked Robert Germain if there were any provisions he would like to make or was he comfortable with what he proposed.

Robert Germain explained that they had talked about all these issues when they discussed it all. They went through how other things could be brought in and we can't define every single thing that could be used as a dangerous instrument. But, they wanted to have some discretion so at least the Penal Law, that the Chief was kind enough to provide them with, they use it as a base. What they are trying to accomplish is to keep the bad stuff out of parks and he thinks we are doing that by doing this.

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

Board Comments

Councilor Burtis said he was comfortable giving our police discretion; they have discretion now. If we are concerned about not trusting our police force then he would suggest that we have some proof of that. Based on his knowledge, he is comfortable giving them the discretion to do what they need to do. If we believe that we do not have bad people in our community then we are all wrong because there are bad people here and the police have a hard job. He is in favor of the new law.

Supervisor Corl moved for the adoption of a resolution for the Town Board to adopt the amendment of Parks and Recreation Section 152-4c of the Town of Cicero Code to expand the terms and definitions of the ban against firearms in Cicero Parks to include a ban on air guns, bb guns, paintball guns or other dangerous instruments capable of causing physical harm to citizens and to eliminate the exception related to hunting. No person except Police Officers shall carry firearms (as defined in the NYS Penal Law). To be known as Local Law 13 of 2013. Motion was seconded by Councilor Jennings.

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

AUTHORIZE THAT THE SUPERVISOR, OR SUCH PERSON'S SUCCESSOR, IS
HEREBY AUTHORIZED AND DIRECTED TO FILE AN APPLICATION FOR A
NYS DEC URBAN AND COMMUNITY FOREST GRANT IN AN AMOUNT NOT
TO EXCEED \$6,000, AND UPON APPROVAL OF SAID REQUEST TO ENTER
INTO AND EXECUTE A PROJECT AGREEMENT WITH THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR SUCH FINANCIAL
ASSISTANCE TO CICERO FOR AN INVENTORY OF CICERO'S PUBLIC TREES
ALONG PORTIONS OF CIRCLE DRIVE, ROUTE 11, AND ROUTE 31

Bruce Letts, C & S Companies, explained that the DEC has a program that the town can apply for money to take inventory of trees in various sections of their town and in this instance they are recommending an amount of \$6000. They are looking at trees along Circle Drive to Route 11, and Route 11 north to Route 31 and then from Route 31 to South Bay Rd. What the inventory will consist of is inventorying the trees that are there, but also inventorying locations where trees could go or should be and the results of this study could also help the planning board and their site plan review process as far as recommendations on future street tree programs. In this case \$6000 is the amount that they felt was commensurate with our efforts required.

Councilor Jennings asked if this would be a grant and of no cost to the town.

Bruce Letts replied that was correct.

Supervisor Corl said he was in favor of improving the appearance of the town.

Councilor Zambrano moved the adoption of a resolution to authorize that the Supervisor, or such person's successor, is hereby authorized and directed to file an application for a NYS DEC Urban and Community Forestry Grant in an amount not to exceed \$6,000.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to Cicero for an inventory of Cicero's Public Trees along portions of Circle Drive, Route 11, and Route 31. Motion was seconded by Councilor Conway.

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

RECOGNITION OF PAUL DEISCHER FOR YEARS OF SERVICE ON THE BOARD OF
ASSESSMENT REVIEW

Supervisor Corl recognized Paul Deischer for his years of service to the town's Board of Assessment Review. Paul has already moved to Florida and has resigned from the Board of Assessment Review. Paul was appointed to the board on February 8th, 1999, and each year he took a lead role in the board and their process to request and review files pertaining to property assessments.

APPOINT KURT WOSSNER TO THE BOARD OF ASSESSMENT REVIEW
(5 year term to expire on 09/30/18)

Supervisor Corl had a memorandum from the current Chair, Jerilee Stevens who has given a recommendation that the Town appoint Kurt Wossner as a successor to Paul Deischer.

Councilor Jennings said he read Kurt's qualifications and asked if there were any other candidates canvassed or asked if this was strictly a one-on-one appointment.

Supervisor Corl said he was going strictly by Jerry's recommendation as Chair of the board. Jerry did say that it is very difficult to find individuals and she is always looking for new people to get involved because there might be some potential openings in the future. Kurt actually served on the Board before and he is very familiar with real estate property values.

Councilor Zambrano moved the adoption of a resolution to appoint Kurt Wossner to the Board of Assessment Review for a term expiring on 09/30/18. Motion was seconded by Councilor Burtis.

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

RESOLUTION FOR SUPERVISOR TO EXECUTE THE JANUARY 01, 2013 TO
DECEMBER 31, 2013 TRAFFIC SIGNAL MAINTENANCE CONTRACT WITH
SYRACUSE SIGNAL SYSTEMS, INC.

Supervisor Corl moved the adoption of a resolution for the Supervisor to execute the January 01, 2013 to December 31, 2013 Traffic Signal Maintenance Contract with Syracuse Signal Systems, Inc. Motion was seconded by Councilor Zambrano.

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

RESOLUTION FOR TOWN OF CICERO TO ACCEPT AND ADOPT THE TRAFFIC
LIGHT(S) AND CONTROLLER(S) AT CIRCLE DRIVE AND HOGAN DRIVE AND AT
CIRCLE AND ENTRANCE OF DRIVER'S VILLAGE

Supervisor Corl explained that with the various upgrades that have been made, there are certain lights that are on the Town road and improvements have been made and it's his understanding that the Town, going forward, will accept those.

Supervisor Corl moved the adoption of a resolution for the Town of Cicero to accept and adopt the traffic light(s) and controller(s) at Circle Drive and Hogan Drive and at Circle Drive and the Driver's Village vicinity. Motion was seconded by Councilor Jennings.

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

RESOLUTION FOR THE SUPERVISOR TO EXECUTE THE 2014 TRAFFIC SIGNAL
MAINTENANCE CONTRACT WITH SYRACUSE SIGNAL SYSTEMS, INC.

Robert Germain stated that it was his understanding that the Town wants to enter into an agreement for the continued maintenance of the light; there is always a maintenance charge and cost associated with the light. If that's the case, then whatever resolution they make should be subject to the Town entering into a satisfactory agreement for continued maintenance and costs. They can make the motion, but it should be subject to that because they will have to put it in a written form and it would have to be approved by the Board.

Supervisor Corl said they would approve this contract subject to an additional agreement with the developer.

Robert Germain said that was correct. If the private developer is going to be responsible for the continued maintenance and cost then it should be in writing. They still need to get the terms down and do a maintenance agreement for that, but make a motion subject to that.

Supervisor Corl moved for the adoption of a resolution for the Supervisor to execute the 2014 Traffic Signal Maintenance Contract with Syracuse Signal Systems, Inc. subject to the Town entering into a satisfactory agreement with the Developer for the continued costs and maintenance of the light. Motion was seconded by Councilor Conway.

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

Councilor Burtis stated that the flashing school lights are in there now, so we won't have an issue again with school lights that won't work.

Supervisor Corl told Councilor Burtis that he negotiated a good deal to get those fixed and saved us several thousand dollars.

APPOINT JOHN DUNHAM AS A FULL TIME DEPUTY CODE ENFORCEMENT OFFICER
FOR THE TOWN OF CICERO

Supervisor Corl said John Dunham has been a part time employee for the Town for several years now. John is also a volunteer at the Parish Fire Company. An active member for 35 years serving as a Fire Chief from 1991-2007, and he has an extensive amount of codes experience.

Supervisor Corl said the pay rate will have to be modified because the Civil Service Canvassing Letter specifically stated the amount of \$37,584.00 and it can be modified after the probation period.

Supervisor Corl moved for the adoption of a resolution to appoint John Dunham as a full time Deputy Code Enforcement Officer for the Town of Cicero at a pay rate of \$37,584.00 effective 11/25/13, probation period will be set at 8 weeks. Motion was seconded by Councilor Jennings.

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

APPOINT DAVID BALCER AS A FULL TIME DEPUTY CODE ENFORCEMENT OFFICER
FOR THE TOWN OF CICERO

Supervisor Corl that the position was budgeted for and with the office reorganization it only makes sense to try to get another individual in place before the end of the year.

The Civil Service List was canvassed. Interviews were conducted by himself and Bernie English. Bernie English recommended David Balcer who served in the Town of Clay for several years as a Planner and has a long history and experience in Codes.

Councilor Zambrano said the background information on David Balcer was exemplary, as well as the references and the comments about his hard working abilities, his dedication to the job and his reliability. She is very comfortable recommending him for this position.

Councilor Zambrano moved for the adoption of a resolution to appoint David Balcer as a full time Deputy Code Enforcement Officer for the Town of Cicero at a pay rate of \$37,584.00 effective 12/23/2013, probation period will be set at 1 year. Motion was seconded by Councilor Jennings.

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

ACCEPT WINGPERSON LIST FOR 2013-2014 SEASON

Councilor Burtis moved the adoption of a resolution to accept the Wingperson List provided by the Highway Superintendent at a pay rate of \$15.00/per hour for the 2013-2014 Season:

Date: November 25th, 2013

Highway Department Agenda Items

Request approval for the following items:

Updated Wingperson List for the winter season 2013-2014.

| WINGPEOPLE LIST |
|----------------------|
| Alley, William |
| Arcuri, Sal |
| *Baldwin, James H. |
| Carey, Kevin |
| *Case, Clifford |
| Coon, John |
| Cooper, Cheryl |
| DelFuoco, Michael |
| Devine, Thomas |
| Elderbroom, Harvey |
| Ferstler, P. Michael |
| Garvey, B. Joe |
| *Harvey, Brandon |
| Hogan, Allan |
| Joss, Randy |
| *Kearney, Peter |
| LaDue, Brandon |
| Leonard, Anthony |
| *Lisi, Joseph |
| Lottermoser, Jeffrey |
| Mayers, Eric |
| Mayers, Laura |
| Mayers, Nathan |
| McLaughlin, Richard |
| *Mutter, Brandon |
| *Mutter, Brett |
| Nadeau, Samantha |
| Reardon, Ronald |
| *Reles, Craig |
| Remillard, Leo |
| Repko, Gary |
| See, Michael |
| Sherback, Brittany |
| Slate, Ray |
| *Squires, Lu-anne |
| Stone, Adelbert |
| Taylor, TJ |
| Ventre, Roger |
| Wood, Brett |
| Wood, Stewart |
| Woznica, Frederick |
| Woznica, Joseph |
| Woznica, Pamela |
| Zacholl, Arthur |
| Zech, Carlton |

* new

Motion was seconded by Councilor Jennings.

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

HIGHWAY PURCHASE APPROVALS

18,000 pound rotary lift (carry over from last two board meetings as appropriate documentation is yet to be received by the Board from Highway Department)

Supervisor Corl stated the purchase was deferred because no documentation had been received.

APPROVE \$1,195.00 TO GENERAL CODE FOR ANNUAL MAINTENANCE AGREEMENT
(December 1, 2013 thru December 1, 2014) for e-Code 360

Councilor Jennings moved for the adoption of a resolution to approve \$1,195.00 to General Code for Annual Maintenance Agreement from December 1, 2013 thru December 1, 2014 for e-Code 360 (on Town's website). Motion was seconded by Councilor Zambrano.

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

RESOLUTION TO APPROVE AND FOR THE SUPERVISOR TO EXECUTE THE
ALTERNATE NUISANCE OFFICER AGREEMENT

Councilor Jennings moved the adoption of a resolution to approve and for the Supervisor to execute the Alternate Nuisance Officer Agreement from November 26, 2013 to December 31, 2014 between the Town of Cicero and Northeast Beaver & Predator Management (Gary Suter). Motion was seconded by Councilor Burtis.

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

RESOLUTION TO SET A SPECIAL TOWN BOARD MEETING ON DECEMBER 4th at
8:30 A.M. FOR PURPOSES OF SELECTING A DIRECTOR OF CODE ENFORCEMENT

Supervisor Corl moved the adoption of a resolution to set a Special Town Board Meeting for December 4, 2013 at 8:30 a.m., 8236 Brewerton Road, Cicero, NY for the purpose of selecting a Director of Code Enforcement. Motion was seconded by Councilor Zambrano.

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

DISCUSSION ON EMERGENCY PURCHASE FOR GUARDRAILS ON TOTMAN ROAD

Councilor Jennings said he got a phone call that evening that they received an emergency purchase request from the Highway department. On Totman Road, where Highway did work on the bridge, they are looking to put barriers up there which totals up to \$9,488.00. They had looked at it and it was recommended 40 feet of guardrail and Dave Christian and the rest of them came up with approximately 60 feet.

Supervisor Corl had talked with Chris Woznica and Chris had indicated that it was an emergency item. He told Chris that he would approve it tomorrow as an emergency because it sounds like there are some guardrails that need to be installed there, (it was part of that Totman Road project a few months ago). He questioned Chris as to why it had to be brought up as an emergency and Chris said that it was, so he told Chris he would approve it tomorrow but then he would put it on the next agenda.

Councilor Jennings asked why they couldn't approve not to exceed a certain amount or let the rest of the board members go out and take a look at it.

Supervisor Corl asked Bruce Letts, Town Engineer, if he had any information on this.

Bruce Letts replied he had nothing recent on this project.

Councilor Jennings asked if they considered this a safety issue or are they going to look at it tomorrow.

Supervisor Corl said he was going to go out there and look at it and then sign off if it's an emergency, then they can put it on the next agenda.

Councilor Jennings said when he read this, the note that he has, the prices are contingent upon the ground surface being unfrozen and free of frost which may preclude installation of posts. Also, General Contractors shall be responsible for snow removal if necessary. He thinks Dave Christian was out there and that this was a recommendation with Doug Hill that this also be accomplished, so maybe they have been sitting on something too long.

Councilor Zambrano stated that part of the problem with this request is that there is lack of documentation as to why it is an emergency now. If the work was completed several weeks ago

then why didn't this come in as a routine request several weeks ago? She only became aware of it this afternoon. The Supervisor has indicated that he is going to go out and look at it, but in the future the Highway department needs to submit its documentation on a timely basis, with some rational instead of trying to force this issue as an emergency issue before the Board.

Councilor Jennings asked if anyone knew when Dave Christian was out there because his understanding was that there were people around him when the decision was made and that was a while back.

Councilor Zambrano said if Mr. Christian was out there then he should have written a memo for the Board so that we have some rational as to what is needed. At this point in time they do not understand what is needed.

Councilor Jennings said the cost could escalate.

The Board members all stated that they received the information late that day.

Councilor Jennings said it is something that needs to be moved on. If they at least put a resolution out, if they look at it and decide it has to move forward, at least they have the resolution there to do the work and not exceed a certain amount.

Supervisor Corl stated that when he spoke with Chris Woznica, the agenda was published on Friday (which was only a few days ago). Chris knew about this in the middle of the week because he told Chris that he needed to get a memo to them so he could get it on the agenda so everybody has this information ahead of time even if the quote doesn't come in till later. He received it late today. He will go out there and look at it and approve it as an emergency if necessary. Chris said the contractor is lined up for Wednesday, maybe.

Councilor Burtis said they could always get together after they've had a chance.

Supervisor Corl said they'd put it on the next agenda.

Councilor Jennings said the ground was going to be awfully cold in a couple of weeks. This could be addressed December 4th at the Special Town Board meeting.

Councilor Zambrano said that was a good point and it would behoove the Highway department to get the proper documentation into the Board before that time, instead of a phone call at 5:00 p.m.

Supervisor Corl said as long as he deems it to be an emergency, he can get it done earlier.

PUBLIC INPUT

A resident asked if the Employee Handbook would be put on the web.

Supervisor Corl replied yes.

The resident asked if in regards to hiring Mr. Balcer, if the other board members were given the opportunity to interview him?

Supervisor Corl replied no. He and Bernie English conducted the interviews and he sent an email to all the other board members stating that if they needed to they could reach out to Bernie English or David Balcer directly.

The resident said there was a lot of activity on Northern Boulevard and wanted to know what was going on.

Supervisor Corl replied that the Planning Board approved a ready mix facility/concrete plant, that's what is going there.

Councilor Jennings said it was Ricelli's.

A resident said her understanding was that there was a resolution that came through the town to make it a trash district as of 2014, but not for them. Why not? She understands that she is on a private road but she does have public water and sewer and the trash trucks.

Supervisor Corl said the trash district was formed around 1999.

The resident asked how she makes her little piece of private road public.

Supervisor Corl told her they would look up the trash district on the tax rolls in the Assessor's office. In regards to the private road issue, they would talk with the Town Attorney and the Highway department as to why it was a private road.

Tom Beaulieu congratulated the team CanTeen for the Spaghetti Luncheon they had, they did a great job! He said it was a liability to leave the guardrail unprotected and at some point they should have an engineer look at it and it should be done sooner rather than later.

EXECUTIVE SESSION

There was no need for an executive session.

ADJOURNMENT

Motion was made by Councilor Zambrano to adjourn the Town Board Meeting. Motion was seconded by Councilor Jennings.

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

There being no further business before the board, the meeting was adjourned at 8:00 p.m.

Tracy M. Cosilmon
Town Clerk