

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held a Special Town Board Meeting on Friday, August 5, 2011 at 9:00 a.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
James Corl, Jr. Councilor
Sharon Putman, Deputy Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Shirlie Stuart, Comptroller
Linda Losito, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers
Jim Morrissey, C & S Engineers

Absent: Jessica Zambrano, Councilor
Tracy Cosilmon, Town Clerk
Jody Rogers, Director of Parks & Recreation

The meeting was opened at 9:00 a.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

Ms. Boyke 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 be sure to speak clearly into the microphones to enable all to hear.

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

Motion was made by Mrs. Boyke, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes
Mr. Corl: Yes
Mr. Jennings: Yes
Ms. Zambrano: Absent
Ms. Boyke: Yes

DISCUSSION OF JUSTICE DEPARTMENT BUDGET

Ms. Boyke explained that we have encountered a situation which has been brought to our attention by the Comptroller which concerns the Bailiff Payroll. Since there have been situations, where there have been trials that were carried over for 2 ½ days and the fact that we hold court every Tuesday and Thursday, as opposed to Thursday Court, that was only held twice a month in past years it has encumbered on the budget of the Justice Department a situation that was not budgeted. Judge Walczyk is here today, but, Judge DeMarche' was unable to be here this morning but has submitted a letter that was hand delivered to us.

Ms. Boyke read Judge DeMarche's letter as follows:

August 4, 2011

HAND DELIVERED

Town of Cicero Town Board
Attn: Judy A. Boyke, Supervisor
P.O. Box 1517
8236 South Main Street
Cicero, New York 13039

Re: Justice Department Budget

Dear Supervisor Boyke:

I am in receipt of Comptroller, Shirlie Stuart's email of August 2, 2011 regarding the Justice Department budget. I have also received notice from your office of an emergency Town Board meeting to be held on Friday, August 5, 2011 at 9:00 AM. Unfortunately, though I desire to be present, a prior engagement prevents me from doing so. That being said, I note the following:

1. The budget was prepared by my predecessor, Hon. Carl T. Putzer and allocated only Five Hundred (\$500.00) as I recall (though I could be mistaken on the exact amount it was in any event woefully low) for overtime for Court Clerks for the entire year. As everyone is aware we have a minimum of eight (8) regular court sessions per month which generally run a minimum of three (3) hours after the end of regular business. According to the Court Clerks contract with the Teamsters they can elect to accept overtime pay or "comp time". This being so, one could easily see how readily the amount allocated for overtime could be depleted. As I understand it, the Court Clerks have accepted "comp time" in lieu of overtime pay as a "stop gap" measure until the end of 2011 (though I am unsure as to whether that is enforceable). The same has necessitated the closing of the "window" to the public on Fridays;

2. I hold court a minimum of four (4) times per month (with criminal scheduled each session) which in my view is the minimum amount necessary for me to effectively manage my caseload and serve the people of our town. As I understand it, Judge Putzer held court two (2) times per month thus, naturally, the cost of overtime for Court Clerks would increase this year over last.

3. If court security is to be paid out of the Justice Department budget, we must have some ability to manage the cost of the same, meaning, we should be allowed a part-time police officer in order to minimize that cost to the Justice Department. We

must of course remain cognizant of Chief Snell's need and right to allocate police resources as he sees fit, however, given the number of part-time officers employed by the Town of Cicero, those goals to me do not seem mutually exclusive. Financing court security is especially difficult, where, as of late, Judge Walczyk and I have multiple files on our trial calendars.

4. The Justice Department budget was cut by several thousand dollars when the Town Board elected to discontinue benefits for the incoming Justice;

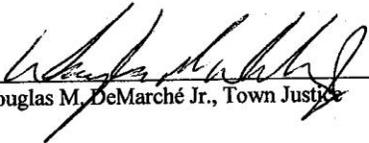
5. The Justice Department budget was further cut by several thousand dollars when the Town Board elected to discontinue the employment of a part-time employee.

6. We must have the financial resources to properly manage the Justice Department, *e.g.* personnel, security, receipt books etc. We have not ordered "non-essential items" (such as the robe I was told to order and voucher) as we understand the budgetary constraints and continue to work with the Town in an effort to cut costs as much as possible while also assuring an effectively managed department.

If there is anything else I may be of assistance with please do not hesitate to contact me anytime.

Thanking you I am

Very truly yours,


Douglas M. DeMarché Jr., Town Justice

cc.: Robert Walczyk, Town Justice
Jessica Zambrano, Deputy Supervisor
James Corl, Jr., Town Councilor
Lynn Jennings, Town Councilor
Vernon Conway, Town Councilor
Joseph Snell, Chief of Police
Shirlie Stuart, Comptroller

Shirlie Stuart stated that in regards to that letter, their budget was reduced by \$6,000.00 from one year to the next and we also eliminated a position which was about \$13,000.00. The other part was brought up in expenses. You have to weigh out when he says extremely. Last year at this time at the very end of last year, the balance for the entire year was \$6,500.00 and right now we're at \$7,600.00 and it's only August. That is where the deficiency was there as well as in expenses. You have a transition period when you have a new Judge coming in and that was taken into consideration, but was unaware of the extra court that he was going to have and the additional work he has to pick up raised the expenses in that department. You can do a couple of things. You can amend the budget right now and I am predicting that they will need a minimum of \$20,000.00 more in that budget if things were to stay status quo. If the courts meet as often as they do, we're going to need the Bailiff's here, so I anticipate you will need at least \$20,000.00 more. You have employees who have comp time built up right now and I am not sure if you can hold them to having to use their comp time per contract, or if we're going to have to pay out of our funds the 2nd week of December, which could amount to \$6,000.00 in comp time for these girls. So, you can amend the budget and you can look at the resources in the department or you can look at personnel. There are some drastic moves that you can make, but it is totally your decision.

Ms. Boyke – When you say, amend the budget, that money would come from what?

Shirlie Stuart – The money would come from the Fund Balance.

Ms. Boyke stated that Joe Snell understands this situation with the Bailiff and asked him to explain.

Joe Snell stated that he couldn't help but could explain it and that his hands are tied because of contracts. The contract is clear, that anytime there is a special detail assignment which a Bailiff is a detail assignment it requires according to the contract a full time officer to bid by seniority for any special detail. The Union has graciously allowed Officer Fortino who is part time to work the Bailiff position as he sees fit and when he can. It's when he's on vacation, or out of town or he's working his other full time job, that he can't meet that obligation for the court. That's when it refers back to the contract, where a full time officer has the right to bid for that based on seniority. My hands are tied because of the contract. The Union could theoretically say we're going to go back to the contract as it's stated and put a full time person in there at time and a half and that they won't let Officer Fortino work as he sees fit. They have graciously allowed it for quite a few years. You would really need to speak with the PBA to see whether or not they'd allow part time officers to do it on a permanent basis or not. I can't speak for them, but, that would be their decision. It is a contractual issue.

Ms. Boyke asked Tony Rivizzigno if there was a way they could contract someone for the court and could the court contract for a Bailiff.

Tony Rivizzigno – I'd have to take a look at that to see if they would be in any violation of that contract. There may be a possibility. As Joe said, you would have to speak to the PBA to see if they would allow this.

Ms. Boyke asked Tony to look into this.

Tony Rivizzigno agreed to.

Ms. Boyke stated that this can be discussed at Wednesday's Town Board Meeting. We can also speak with the PBA for their input as well.

Judge Walczyk stated that he and Judge DeMarche' are open to any suggestions as we do need to have security in our courts and didn't think we could move forward with court sessions or trials without security.

Ms. Boyke – Right, we wouldn't even consider that.

Mr. Conway stated that he didn't know how we are going to handle this situation.

Shirlie Stuart – To add misery to it, revenue is down 25%. We have to look at the entire picture.

Mr. Corl explained that he has talked with Shirlie and is not in favor of eliminating personnel. I think one of the reasons we're down \$25,000.00 as opposed to 25% is cyclical. If you don't have the personnel to process the fine notices and collect some of the revenue that are coming in, and with the window closed on Friday when people want to pay, that's part of the reason why there could be a significant drop.

Shirlie Stuart didn't know if she agreed with that statement, but stated it could be.

Mr. Corl – It's a possibility.

Shirlie Stuart – Yes, it's a possibility.

Mr. Corl stated that he was not in favor of eliminating or reducing personnel in that office and didn't think they could function and provide residents with the service they need and to keep the Justice Court. By State Law we have to keep the Judges with what they need so they can process court cases to be up and running. Between now and next Wednesday we need to have a budget modification in limited form until we can explore these other things.

Shirlie Stuart – Yes, as I am going to have to approve a payroll for the Bailiff and they have expenses that need to be met. I have not approved any PO's and they've been sitting on my desk.

Mr. Corl – If we amend the budget, what would be necessary to get us through until next Wednesday?

Shirlie Stuart – It would take \$2,500.00 to next Wednesday. I don't see in one week, what the answer could be.

Ms. Boyke stated that this needs to be discussed again since this has been brought to the surface, before rushing into this.

Shirlie Stuart – If you know that you absolutely aren't touching personnel, I don't know where else to go, but to amend the budget. You could get other departments to look at their budgets and give it to the Justice, but, I don't think that's fair because they're all at skeleton.

Ms. Boyke – They've been at skeleton from the beginning.

Mr. Corl – There were a couple of good points that Judy brought up that were to explore this with the PBA and with Tony.

Mr. Jennings asked if there was anyone in the court office that would be eligible for retirement by attrition. Even if we didn't eliminate a position, they'd basically, be saying that they are accepting retirement. Right now we're in negotiations with the PBA for a contract and this is an item that should be added to that as well.

Shirlie Stuart – In answer to your first question, it's an individual decision.

Mr. Corl – You will still have the staffing issue, if that person leaves and we'd still be in the same boat.

Ms. Boyke – Right now, we need to authorize an amendment to the budget through our reserves to accommodate the expenses until next Wednesday and at that point and time we should come up with a plan to amend it for the rest of the year.

Mr. Corl – All this information has been provided to us within the last few days and Judge DeMarche's letter is dated August 4th.

Shirlie Stuart asked the board to review it and call her and she'd be glad to go over it so you really understand it.

Ms. Boyke – You will be taking \$2,500.00?

Shirlie Stuart explained that she would be taking \$2,500.00 for payroll and there are some receipt books that need to be ordered until next Wednesday.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to amend the budget for the Justice Department, taking the money from the Un-appropriated Fund Balance in the amount of \$2,500.00 and for the board to look into this matter and to come to a resolution at the Town Board Meeting of August 10, 2011 and for this money to go into the Bailiff Fund and Expense Line Contractual.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

POLICE VEHICLE

Ms. Boyke stated that we have the signatures to go ahead and purchase a Crown Victoria. We are concerned because of the limited amount of time as this is the last time they are making this car. This is to authorize Joe Snell, Chief of Police for the Town of Cicero to order a 2011 Police Inceptor Crown Victoria from the State of NY. I wanted to bring this up today and have it put in the minutes. Jim Corl still has not signed this.

Mr. Corl stated that from his point the document that was circulated to go forward with the purchase of the vehicle needs to be done by Town Board resolution as opposed to a form being circulated amongst the board, prior to the board meeting. If the board wants to go forward and purchase the vehicle, it needs to be done by town board resolution and I would prefer to have this done at a regular town board meeting.

Mr. Jennings explained that he talked with the Chief and exchanged e-mails back and forth. There is a limitation in getting a Ford, Crown Victoria in black, which is very limited and at this time, there are none out there. There are some white ones out there, and the monies would come out of the insurance from the car that was demolished and from the DWI Funds. The only way we can work this should one become available, is to act immediately, or it's gone again. With that being said, I told the Chief that I'd like to make a motion that we do an open PO for the purchase of this vehicle at this meeting, which would give the Chief the latitude, that if something were to come up he could act and not wait and have it go by the way side. It's really not a cost thing to the town and is just something that the Chief needs to have in order to have the ability to act, in hopes that another one will come up. To wait another week, we'd be doing the same thing we've done on other items. We need to act now.

Ms. Boyke asked Tony Rivizzigno to speak to this, as they did run it past him.

Tony Rivizzigno stated that he had spoken with Joe and this has been done in the past in the Town by the board and that a document was signed like that in order to save time.

Mr. Corl stated that he was in favor of purchasing the vehicle and wanted to purchase the vehicle, but, from his point, procedurally wanted to make sure we do this properly.

Tony Rivizzigno - You need a resolution.

Chief Snell stated that he would like to make a correction. I think you said State Bid and it should be under the County Bid from DeLacey Ford. The open PO would still be DeLacey Ford because they have the County Bid. State Bid does not have any vehicles at all. DeLacey is the only one that has County Bid and they are trying to find a way to trade a white one for a black one. If DeLacey can't find one and we find one in Pennsylvania, or someplace else, I'd have to go through a bid process because there is no bid to buy it under.

Ms. Boyke – We need to change that per County Bid.

Mr. Jennings – At DeLacey Ford.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize Chief Snell to order a 2011 Ford Crown Victoria from DeLacey Ford through County Bid.

The Motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

DISCUSSION OF PROPOSAL FOR EAST CIRCLE DRIVE, DARLENE'S BROOK

Ms. Boyke stated that letters of interest were received and all board members have had a chance to look at them and decide who the bid will be awarded to.

Mr. Corl stated that he has had an opportunity to look at all of the applicants and we're fortunate to receive many applicants that were very qualified candidates for the project. I asked them if the project moves forward and there was a disruption in traffic flow in that area, what would C & S do, to notify the public and perhaps host public sessions to inform them how it will effect daily life and traffic and to also include the business owners in that discussion. I asked Doug and he said Jim would be better to address that.

Jim Morrissey stated that the public process was e-mailed and wasn't sure if it was sent to Mr. Corl or not.

Mr. Corl – Yes, it was the process for the Clem Road Bridge Project.

Jim Morrissey explained that they use the standard process within the program to involve the community and public in traffic control, but, with the purpose and need. It involves evaluation and there's a whole display of activities that C & S would do to fill the Federal requirements which include a public forum, a meeting, public input, a summary of those meetings, comments requested from the community and all of those comments will be summarized into the design approval documents. The town and the DOT would formally Review these and the town would adopt a resolution to accept that. There would be power points, displays, data, break out discussions. If we get into a need for traffic control, lane reductions, we would have a phase program of how the construction activities would occur and the duration for that, the impact on the community and it will also be tracked to see if it will work as there is a significant amount of traffic on Circle Drive.

Ms. Boyke – We're also hoping that when all is said and done, we can possibly sleeve it and not have to disrupt the traffic.

Jim Morrissey – Sleeving is always the first option and is the lowest cost and has the least impact to the environment. It also has the least impact to traffic.

Ms. Boyke – This encompasses all of that and the recommendations that will come from you, prior to us going forward with what the repair will be.

Jim Morrissey – Correct

Mr. Corl – I like the fact, being that you are the Town's Engineers right now that you are familiar with the projects that we have going on in the community. I also think you're involved with the South Bay Road Project for Onondaga County.

Jim Morrissey – Yes

Mr. Conway stated that he had read the entire contract received from C & S and understood that the town only had to pay \$5,000.00 of the cost.

Jim Morrissey – The initial amount will be \$3,750.00 of the cost. The local share is 5% and is 5% of \$75,000.00 that is the estimated cost for design.

Ms. Boyke – That's what is in this resolution.

Doug Wickman – The resolution is for the lower share, which is \$3,750.00.

Ms. Boyke – Right, but in regards to the actual cost, our share is \$3,750.00 of the \$75,000.00.

Doug Wickman – Yes

Mr. Conway asked if this is going to be comparable to what you're doing on South Bay Road.

Jim Morrissey – Yes, it's very similar.

Mr. Conway stated that he had spoken with Bill Meyer and he told me the cost was about \$880,000.00 to do South Bay Road.

Jim Morrissey – We have two projects with the County. One of the projects will be lining the culverts which is similar to one of the culverts we will line within a smaller diameter to restore the integrity of the culvert from a structural standpoint. The second location, is planned to be replaced, because the condition of those culverts would not allow lining. They are deformed and are beginning to fail. It's difficult for us to tell you today what the construction costs will be. I know the preferred alternative would be to line and we always look at that as the first option. The cost of the project could grow compared to what is published in the initial project proposal and what you have for estimated costs. Those decisions were made from the field, the review of the conditions and then looking at the alternatives, to make sure that they will all meet the objectives to restore the structural condition of those 84 inch pipes, to assure that the road will not fail in the future.

Mr. Jennings stated that he asked Vern, and the original estimate was about 6 years ago, so, we need to take into consideration just as we do for milk and bread that we're going to see an increase there as well. At this point, we really don't know but, is something we're going to have to look at.

Tony Rivizzigno – Once the construction design is done and we know what the construction is going to cost, is there State or Federal participation in that, or is that solely going to be a town's responsibility?

Jim Morrissey explained that it is a continuation of State and Federal participation. We anticipate it to be at the same levels, being 80% Federal, 15% State and 5% Local. I use the word anticipate, because that is not in the Master Agreement that you received from the State. It only covers the preliminary engineering and the right of way incidentals and right of way acquisition. It does not cover the construction cost which will be the second phase. Once the approval document is completed, the terms are flushed out and those

estimates are prepared and the DOT supports its decision of what the design will include, that's when you will get a supplement to your Master Agreement that will include construction.

Tony Rivizzigno stated that he knew the first part was only for design, but, I was more concerned about the big number.

Jim Morrissey - Lets say the cost goes up, because one of the three pipes isn't able to be lined, and has failed. The decision would most likely lead to some form of replacement in a very economical fashion. You could replace one pipe and line the other two. That's always an option. If those costs were to go up, those costs are anticipated to be covered at the same level being 80%, 15% and 5%. You may have to wait, for those construction costs to come and they may not be in the year that you want them to be, because of competing projects. If the costs go up the percentages will remain the same traditionally.

Mr. Conway – When we did Circle Dr., we only went as far as where the pipes are. Who is going to be responsible for the rest of Circle Drive up to Route 11 and will it be the State of NY?

Jim Morrissey – The State maintains just west of these culverts. You'll see a paving scene and that is where the State stopped that work and is the limit of where their work jurisdiction is. This project will not change the main jurisdiction and the State will still be responsible from that paving scene to Route 11 and it will not be a requirement of the town. The State does that, because of the ramp coming off of the significant traffic connecting their interstate to State Route 11. It's not reasonable for that piece of roadway to be maintained by the town. There is a significant amount of traffic making that turn toward Route 11 as there is going the other way. The State will continue to maintain the post completion of this project.

Mr. Corl – I still think this portion we're dealing with should be the State responsibility.

Ms. Boyke – I think it was drawn awhile back.

Shirlie Stuart asked, once we go through the design process are we obligated to continue on to finish the project.

Jim Morrissey – Yes, once you accept the Master Agreement for the design and engineering, you'd end up paying those funds back. Example: If you had a trail project and you think you have the support by the community and we've had this happen to us, and say you don't receive positive indications from the property owners and they don't want to see this built behind their home, adjacent to their homes or in that location, there have been projects that have been closed and they don't conclude the construction. The money is not paid back from the Local, State or Federal provided it's been documented that no alternative, meaning do nothing alternative is the overwhelming choice of how the project should proceed. Under those conditions, you're not responsible to pay the design fee back. I don't see this happening on this project as it's different. There are scenarios, which, if the project has no purpose to move ahead, because of public reasoning or concern, you could end up not paying it back, but, traditionally, you do. If you stop the project because of your choice you have to pay it back for the design.

Ms. Boyke – Once this project design is completed, and is brought back to the town stating what the actual costs are going to be and if we accept that design, then we accept the project.

Jim Morrissey – Right.

Ms. Boyke – If we accept the design, we're obligated but, if we don't accept the design, we're not obligated. Is that correct?

Jim Morrissey – You can't cross over and say we don't accept the design, because you'd have to have some very strong arguments why you wouldn't line the pipe or replace the pipe.

Ms. Boyke – No, I mean we don't accept the project, because we don't have the money.

Jim Morrissey – That's a good point. If you don't have the money you'd find yourself in a very difficult position.

Ms. Boyke – That would be our argument.

Tony Rivizzigno stated that was his question regarding the major construction portion. Assuming that the cost is \$800,000.00, we're only going to be responsible for 5% of that. So, we should know now that we're probably looking at a \$40,000.00 bill.

Jim Morrissey – That's a very good analogy.

Ms. Boyke asked what the cost of South Bay Road is.

Jim Morrissey – We haven't gotten to the final plan but, are approaching them. It will be fairly significant and replacement with a concrete box culvert which is a decision that the County made. The County did not want to try to reline those as it was very challenging as the pipes were deformed. I do know that one of those two projects is in the \$800,000.00 range for concrete box replacement. I don't know the total project cost at this point, and can provide that if you like after this meeting.

Ms. Boyke – That is a concern as we're in budget crunch.

Ms. Boyke asked Shirlie Stuart if we pursued this, would this be a bond.

Shirlie Stuart – We'd have to budget it for next year.

Mr. Corl – We should know these figures going into this next budget cycle as there is a time crunch.

Ms. Boyke – We will not have the design completed.

Mr. Corl and Shirlie Stuart – You can build that in.

Jim Morrissey – You will also have some control of the schedule. Example: Say the scenario is that the culverts are recommended to be replaced and the cost escalates, but, your engineer does not see a need to do so immediately. You'll have a little bit of time built in. You could defer the construction costs to 2013 or worse case 2014 if that would better suit your financial prospective. You're not obligated to do the work in any specific year, but there is a two year window when you initiate the project and you want it completed.

Ms. Boyke – That also generates the funds as well.

Jim Morrissey - Yes and it depends on the condition of those pipes. There has been conversation with Chris and there has been some interest in trying to clean those pipes so that the evaluation and condition could be assessed. I believe Chris stated he didn't have the means to do so financially. He looked at it internally, but it wasn't something they normally do. The very first order would be for your consultant to look at a very economical way. Perhaps, we won't need to clean the entire pipe and would come to that conclusion by looking at a portion of the pipe. As your consultant we would try to reduce the cost of cleaning and full evaluation. If we find that the culverts are unable to be sleeved, or unable to be lined, we'd want to know that early and not invest a good chunk of this design money, just to get to that conclusion.

Shirlie Stuart asked if the culverts are there for the drainage on Route 481.

Jim Morrissey – Yes, there is a whole flat area where Darlene's Brook comes through and it widens out significantly and is more of a pond, but it is flat and shallow and more swamp like.

Doug Wickman – The water drains from Cicero Swamp to these culverts.

Shirlie Stuart – Prior to the construction of Route 481, we didn't have culverts there?

Doug Wickman explained that the culverts would have had to have been there.

Jim Morrissey stated that he suspected that they were improved probably with the interstate. The watershed holds a lot of water in them most of the time. You can look where the invert is virtually zero, and that would be ideal to do the evaluations. A lot of those pipes are filled over the top, but there isn't much headway left within the pipe. That's what we're dealing with. It's a pipe that is $\frac{3}{4}$ filled at times. We need to clean that silt out of there and look at it and evaluate it. If it can be lined, that would be the automatic priority and not disrupt the pavement at all.

Mr. Corl asked Chris to what extent he would be involved with the project.

Chris Woznica – Very little.

Mr. Wickman offered to read the resolution.

Ms. Boyke – I believe that it is the consensus of the board, that we have considered and are in full agreement to award C & S Engineers, to take care of the Darlene's Brook project.

Mr. Corl – I have no objections.

Mr. Conway had no objections.

Mr. Jennings had no objections.

Ms. Boyke also had no objections and that the board felt confident with C & S as an engineering group. Several applications had been received from some very qualified engineers and this was a tough decision to make. Since they are involved with South Bay as well and with the Town, they feel it would be appropriate.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to accept the following resolution as presented as follows:

RESOLUTION BY MUNICIPALITY
(E. Circle Drive Over Darlene's Brook, P.I.N. 3754.71)

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the E. Circle Drive Over Darlene's Brook, P.I.N. 3754.71 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

[For **SOFT MATCH CREDIT AGREEMENTS** add: WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and]

WHEREAS, the Town of Cicero desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design.

NOW, THEREFORE, the Cicero Town Board, duly convened does hereby

RESOLVE, that the Cicero Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Cicero Town Board hereby authorizes the Supervisor of the Town to pay in the first instance 100% of the federal and non-federal share of the cost of Design, PE and/or ROW Incidental or ROW acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$3,750.00 is hereby appropriated from General Fund [or, appropriated pursuant to) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Cicero shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Cicero be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Cicero with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, this Resolution shall take effect immediately

The Resolution was adopted as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

BUDGET MODIFICATION

Shirlie Stuart stated that she will need a budget modification from the Contractual Line into the Engineering Contractual line in the amount of \$3,750.00.

Motion was made Ms. Boyke, seconded by Mr. Jennings, to make an amendment to the budget in the amount of \$3,750.00 in regards to Darlene’s Creek Project.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

Mr. Corl asked Tony Rivizzigno if he would look into the issue of cancellation of a Town Board by the next board meeting. He has been researching it and could not find anything and was hoping he could tell him.

Tony Rivizzigno explained that you wouldn't find anything in Town Law and is the kind of situation that is done in making a determination from a legal standpoint. As an example, if you called a meeting for this morning and 3 people didn't show up, the meeting would be cancelled. Is there a provision in Town Law that says you can or can't do it, no. It's something that has been done in the past. We just did it with the IT as there was nothing on the agenda. In the past, when I was here before, we always cancelled meetings in July and August.

Ms. Boyke – There was only one.

Mr. Corl – The Organizational Meeting Minutes said the 2nd and 4th Wednesday of the month.

Mr. Rivizzigno – Things are subject to change, or you can do it by resolution.

Mr. Corl – Do we have any status on the audit for Brewerton?

Shirlie Stuart - It's still being completed.

Ms. Boyke – Mike Benn has called and he hopes to have it completed by Wednesday. He called and said it's intense and he will have it as soon as he can finish it.

Mr. Jennings – Have we heard anything on the Justice audit.

Tony Rivizzigno – The State is doing an audit of the rest of the Justice department. When we contacted them two months ago, they said, it would be done by the State Audit Comptroller and wouldn't start for 3 or 4 months, so they haven't even started yet. There is still an investigation going on.

Doug Wickman explained that the town has a drainage contract with Charlie Mattes and he has been working on a number of smaller projects and he has been trying to keep you up to date on the costs of those as we go along. There is one that is larger, that has been recommended for completion by the drainage committee and is an area near Deer Springs, Bannister and Signet Lane. There is a significant problem there and water stands and covers a substantial portion of people's yards. There is a culvert under Signet Lane that has 1 ½ feet of water in it and should be dry all of the time. There is also water standing down stream that is 1 ½ to 2 feet deep. The drainage system is not working well there. We've asked Charlie Mattes to go over and take some topographic surveys to see what grades we have to work with and what would be involved in getting that project done and a cost estimate. It would cost between \$25,000.00 to \$30,000.00 to do this work, as there is a lot of work that will be involved with it, that includes taking down two cottonwood trees, trimming of trees in some people's yard, some re-grading and removal of material in the highpoints of the swale that is blocking the drainage. I would like to proceed with that while we still have good weather.

Ms. Boyke – Wouldn't this be considered a large project?

Doug Wickman – This is a maintenance project but, is one of the larger maintenance projects. This was discussed with the Drainage Committee which started with a complaint from some one who lives on Deer Springs. When we went back and looked, it was like a small lake in that whole area. It isn't as bad now, but even now, there is no way that anyone could cut their lawns in a large part of that area. There is a culvert that doesn't function properly and that's under a town street. We are recommending this just as the Drainage Committee did and the funds are available to do it.

Mr. Corl – I think you provided us with a memo to this effect.

Doug Wickman – No, not this one as we just got this information. They actually did the survey yesterday. Our memo was for a bunch of smaller ones that he has been working on. This is larger and I wanted to talk with the entire board regarding this.

Mr. Corl – Normally, I'd like this brought up at a Regular Town Board Meeting, but, because we're so far into the season, it would make sense to me, to move forward.

Ms. Boyke – I have no objections as well.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the recommendation from C & S Engineers, to proceed with the Deer Springs Project with Charlie Mattes doing the maintenance in the amount to run \$25,000.00 to \$30,000.00.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

Motion was made by Ms. Boyke, seconded by Mr. Jennings to adjourn the Special Town Board Meeting.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Absent
Ms. Boyke:	Yes

There being no further business before the board, the meeting was adjourned at 10:00a.m.

Sharon A. Putman
Deputy Town Clerk

