

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, July 25, 2012 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: Christopher Woznica, Highway
Joseph Snell, Police Chief
Bonnie Smith, Deputy Town Clerk/Safety Coordinator
Neil Germain, Germain & Germain, Town Attorney
Ron DeTota, C & S Companies, Town Engineer

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

The meeting was opened at 6:30 p.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.

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 Zambrano.

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 July 11th, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

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

APPROVAL OF ABSTRACT #14 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #14 of 2012 as follows:

General Fund Voucher #1401 to Voucher #1527 In the amount of \$527,865.85
Highway Fund Voucher # 376H to Voucher # 401H In the amount of \$ 88,978.66

Motion was seconded by Councilor Jennings.

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

BUDGET MODIFICATIONS

TOWN BOARD MEETING
07/25/2012

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

2012
BUDGET MODIFICATIONS

| FROM | \$ | TO |
|------------------------------|---------|---|
| A677211 Recreation Attendant | 200.00 | |
| A677242 Supplies | 339.83 | |
| A677243 Staff Dev Training | 100.00 | |
| A677245 Miscellaneous | 1000.00 | |
| A677250 Taxes | 184.81 | |
| A677254 Fuel | 500.00 | |
| A81604 Landfill | 1125.00 | A677253 Bus Maintenance 2324.64 A86644 Code Enforcements - Contractual |

Councilor Jennings questioned what the Landfill to Code Enforcement modification was.

Supervisor Corl replied that it is a new code that they needed to create for the mowing. There's no specific code for expenditures when they take care of the properties and mow them. On the abstract he could see AAA Lawn Service. That will be the new code. The money is taken from Landfill and put in there so they can pay the vendors for mowing lawns that are not mowed.

Councilor Jennings jumped ahead to No. 12. His report from Jody Rogers says the New York Bus Sales amount was \$2,824.64. He asked if he was correct in assuming that there was approximately \$500.00 left in the budget to cover part of that.

Supervisor Corl replied yes.

Motion was seconded by Councilor Zambrano.

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

**ACCEPT RETIREMENT OF LEO REMILLARD AS A MACHINE EQUIPMENT OPERATOR
EFFECTIVE JULY 31ST, 2012**

Supervisor Corl moved the adoption of a resolution to accept the retirement of Leo Remillard as a Machine Equipment Operator, after 26 years of service from the Highway Department, effective July 31st, 2012. Motion was seconded by Councilor Burtis.

Chris Woznica wanted to add with regrets and wished him good luck. He stated Leo has been a good employee for the 12 years since he's been with the Town.

Supervisor Corl replied fantastic, he'll be missed.

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

**APPROVE THE FUEL AGREEMENT BETWEEN NORTH SYRACUSE CENTRAL
SCHOOL DISTRICT AND THE TOWN OF CICERO AND AUTHORIZE THE
SUPERVISOR TO EXECUTE THE AGREEMENT**

Councilor Jennings moved the adoption of a resolution to approve the Fuel Agreement between the North Syracuse Central School District and the Town of Cicero, for use of the fueling facility located at the District's Support Complex at 5520 East Taft Road, and authorize the supervisor to execute the agreement. Motion was seconded by Councilor Conway.

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

RESOLUTION TO SUPPORT THE COUNTY OF ONONDAGA TO FUND EAST TAFT ROAD - COUNTY ROAD 19 INTERSECTION WITH THE TOTMAN ROAD PROJECT

Supervisor Corl stated the County of Onondaga has a proposal that is currently before the County Legislature for some funding to make some road improvements on East Taft Road. He introduced Kathy Rapp, from the County Legislature, who has been helpful with getting this funding.

Kathy Rapp was glad to see that this was on the agenda to support the resolution. In February, there was a fatality at that intersection, so Cindy contacted her and they've spent the last three to four months doing a study to find out what the best remedy would be. At the end of the day it was determined that the most effective thing to do would be to widen the road a little bit and put a left hand turn lane. This has shown to reduce accidents by 50%. Typically, they would not be able to do a road project like this, but because there was such a light winter there is money left. So, she convinced the County Executive and the Transportation department to go ahead and move forward with this. So, having a support resolution from the Town will be very helpful when she takes it to the County Legislature next week. She encouraged the Town's support.

Supervisor Corl asked her when the meeting was.

Kathy Rapp replied the 7th of August.

Supervisor Corl inquired if this came out of the committee yet.

Kathy Rapp stated that it went through unanimously on the committee and it also went through ways and means with no objection.

Councilor Zambrano asked if it will be funded or not yet.

Kathy Rapp replied it has to go through the legislature, but it was looking good. But, it's a little bit unprecedented, typically they don't do road projects that haven't gone through the normal budget process, so it's a lucky thing that there's money left this year.

Councilor Zambrano thanked her for their efforts and stated they've been very concerned about this intersection.

Kathy Rapp stated they received an awful lot of letters and emails; there is obviously a lot of support in the area for it.

Councilor Jennings commented that he had one thing he'd like her to take back to the County Executive or somebody in the city. They put up the speed sensors, the little boxes that monitor the speed. The one coming into the North Syracuse area is covered with grass, in front, so you can't really see it, so he doesn't know if it's doing any good. The other thing that really frustrates him, and he lives over there, and he's mentioned it, according to the study it's gone down from 53 miles per hour (m.p.h.) and it's gone down to around 50 since they put the 40 m.p.h. zone in. As he mentioned on a previous board, what they need now is strict law enforcement. Visibility, Ricelli Trucking goes out of there, and he realizes they are heavy vehicles but once they get the motion built up he wouldn't step in front of them. He came down through there the other day and locked in his cruise at forty and eight vehicles went by him. So, he thinks they really need to look into that. The left turn is fine, it's an excellent move, but unless they can enforce the speed limit there, they really don't have a good case.

Kathy Rapp stated they found, as they were doing the speed study, where just lowering the speed was not going to be effective for the exact reasons he was stating. The road is too good and too straight, and people are just use to going faster. Without the enforcement, people aren't going to change their behavior. She agreed with Councilor Jennings.

Supervisor Corl and Councilor Jennings thanked her.

Supervisor Corl moved the adoption of a resolution to support the County of Onondaga to fund the East Taft Road – County Road 19 Intersection with the Totman Road Project. Motion was seconded by Councilor Zambrano.

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

APPROVE AND AUTHORIZE THE SUPERVISOR TO SIGN THE APPLICATION FOR
THE FIREWORK'S PERMIT FOR THE CICERO FALCONS DISPLAY DATE OF
SEPTEMBER 8TH, 2012 (FEE IS WAIVED)

Councilor Jennings moved the adoption of a resolution to approve and authorize the Supervisor to execute the Annual Firework's Permit, for the Cicero Falcons, to be held Saturday, September 8th, 2012 at Central Park located at 6541 Route 31, Cicero, NY and for \$75.00 application fee to be waived (non-for profit). Motion was seconded by Councilor Conway.

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

PURCHASE APPROVALS FOR HIGHWAY DEPARTMENT

Councilor Burtis moved the adoption of a resolution to approve the following purchase approval for the Highway Department (total expenditure amount of \$1,423.39):

- A. \$1,423.39 to Stadium International for Fuel Tank for Truck #18

Motion was seconded by Councilor Conway.

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

REQUEST DISPOSAL OF EQUIPMENT AND BE DECLARED SURPLUS AND NO
USE TO THE TOWN

Supervisor Corl stated the request for disposal has been retracted.

PURCHASE APPROVALS FOR YOUTH BUREAU, PARKS & RECREATION

Councilor Jennings pointed out that there was an article that was in the Post Standard, on July 18th, a person in Oneida which mentioned the Softball Tournament at Skyway Park on Taft Road. He read a paragraph; he felt was important and read the following: Both games were exceptional, but the thing that mattered most was the sportsmanship and the dedication of the Cicero Parks and Recreation staff for making the tournament one of the best I've ever witnessed. Even though Jody or staff wasn't present Councilor Jennings wanted everyone to know that they are still out there and that it's nice to have some positive points at a meeting from other residents.

Councilor Jennings moved the adoption of a resolution to approve the following purchase approvals for the Youth Bureau, Parks & Recreation Department:

- A. \$8,738.29 (via participant fees) to North Syracuse Central School District for School Use for Summer Day Camp
B. \$3,395.00 (via participant fees) to John Annable-Karate John's for PM Extended Day Camp
C. Amount not to exceed \$3,200.00 (via participant fees) to John Wojcik for Tennis Instruction

Councilor Zambrano asked about the participant fees, and inquired if they were sure that the costs of these programs were not going to exceed the participant fees. She stated the reason she asked that is because the town is not in the position to subsidize programs when they approve them to be in conformance to be paid for by participant fees. So she doesn't want town funds then subsidizing these programs, she doesn't think the town can afford it.

Councilor Jennings stated he didn't think the department director Jody was at the meeting nor was anyone else from Parks and Recreation. He didn't think in the past years that they had a problem with this and was quite sure that Jody in her 26 years had researched this quite well and he really didn't have a problem with it at this point.

Councilor Zambrano suggested that the resolution be amended so that the participant fee amount is not exceeded, so that the program is funded strictly with that and not subsidized by any general funds.

Councilor Jennings and Councilor Zambrano both felt that if there was more money from the participant fees that this money would go back into the program, not come to the town.

Councilor Zambrano stated she would not want to see town money going into these programs and thinks that they have to be self sufficient.

Councilor Jennings replied he thinks they are and asked for the three items that Jody requested in the form of a motion.

Councilor Zambrano requested for it to include not to exceed participant fees.

Councilor Jennings responded he would not state that because he wasn't sure how Jody would present that.

Supervisor Corl stated with those particular items everything is collected from the residents to participate in the programs. Those are the monies that will be utilized to pay for them, so those are fees that are recouped. He's confident that the programs are self sufficient and the way the fee structure is that the monies that are there were collected from residents to pay for them covers the cost of the program and that's something Jody has had in place for a while.

Councilor Zambrano replied that the Town does incur administrative costs, so she's assuming that these fees cover that as well. They just need to be careful from here on out.

Motion was seconded by Supervisor Corl.

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

Councilor Jennings moved the adoption of a resolution to approve the following purchase approval for the Youth Bureau, Parks & Recreation Department:

D. \$2,454.00 to Sweet Woods Memorial Co. for Cemetary Stone Repairs at Cicero Cemetery

Councilor Zambrano asked if the monies come from a dedicated Cemetery fund.

Councilor Jennings advised her that was correct; the money comes from Budget Code: A8810.4.

Councilor Zambrano asked if it was a dedicated Cemetery fund.

Supervisor Corl replied yes. It was a fund that was set up years ago and they are monies that were donated to the town. There is still a substantial amount left.

Councilor Jennings stated that was in the form of a motion.

Councilor Burtis commented that according to his records, the book he has shows the fund has an \$11,000 to \$12,000 balance in it currently.

Motion was seconded by Councilor Zambrano.

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

Councilor Jennings moved the adoption of a resolution to approve the following purchase approval for the Youth Bureau, Parks & Recreation Department:

E. \$2,824.64 to New York Bus Sales for Repair of Senior Bus

Motion was seconded by Councilor Conway.

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

RETAIN BERNARD D. ENGLISH TO REVIEW THE CODE ENFORCEMENT OFFICE AND PROCEDURES FOR THE TOWN AT A RATE OF \$50.00 PER HOUR, NOT TO EXCEED \$6,000.00, WHICH WILL INCLUDE THE FOLLOWING SERVICES:

- A. Code Enforcement Staff review of activities and needs assessment
- B. Review of core practices and recommend best practices improvements as necessary
- C. Review of office procedures and programs with recommendations for improvements where necessary
- D. Development of summary report

Supervisor Corl stated they were moving forward with purchasing the remainder portion of their Municipality program and that endeavor will cost the town about \$75,000.00. About \$30,000.00 is due this year. He has held off on paying that to make sure that they have an opportunity to make

sure it's a smooth transition and that the office is prepared. He thinks it will behoove the board to take a look at office procedures and policies and assessment with needs in that particular office on a day-to-day basis. Mr. English from the Town of Salina, who is retired, did submit some information relative to that, after inquiry. Supervisor Corl wanted the board to pass a resolution so they can seek proposals and seek other individuals that may be qualified to present some information to the town to review the Code Enforcement officer's procedures and especially focus in on the Municipality. He wants to make sure if they are spending that amount of money (\$70,000.00) that they are effectively implementing, effectively using that program. He thinks some oversight would be good in some recommendations. He thinks they can get by with a relatively small amount of money expended on the project, to make sure that they are using that program and make sure other things that aren't functioning properly will be attended to.

Supervisor Corl moved for the adoption of a resolution to seek proposals and qualifications from individuals to review the Code Enforcement officer's office procedures, policies, and make recommendations on implementing the Municipality Software Program and making sure that cost would not exceed \$6,000.00.

Councilor Jennings questioned if Supervisor Corl was saying an adoption of a resolution to retain Bernard D. English and the way the supervisor stated it was to find out if there are any other people or individuals out there.

Councilor Jennings commented that he did his homework and even though they have a resume from Mr. English, one of things that the councilor was wondering about, he went back and researched some of the minutes from the previous board when Supervisor Boyke was Supervisor and one comment said software program and was purchased without proper research nor a well thought out plan to ensure the software would be utilized to maximize its use in efficiency. In the minutes he found that there were two meetings with full presentation by the Municipality representative to this town. There was a visit to the Town of Salina by the Codes office personnel on the current working software program and it was also pointed out that Municipality is compatible with other departments within the town. The statement that without proper research, to him, should not be in there because they definitely did research it.

Councilor Jennings said the next item that he had, was item 3 determining staffing needs and recommending costs affecting staffing proposals. As he recalls, this year as a result of a study or whatever they want to call it, the staffing needs for 2012 had the removal of the Director of the Codes office Wayne Dean. They also hired two part-time Codes Enforcement Officers, so it's obvious to him that the work load is in the code enforcement department and the previous Code Enforcement Officer, Wayne Dean should be reinstated into a position before they go out and find somebody else to step in and spend \$6,000.00 in the tight budget times that they have, that they talk about everyday. The third thing is that he went into the Town Law Manual and found that contracts for public work, which this is considered, involves services, labor or construction. It says all estimate purchases of less than \$10,000.00 but greater than \$3,000.00 require a written Request for Proposal (RFP) and a written fax quote from three (3) vendors. He stated this was the same type of thing the Supervisor and Councilor Zambrano were adamant about that they do with the Town Attorneys and Engineering. He asked Supervisor Corl if this was published in any paper for this position.

Supervisor Corl replied that it wasn't. What he was requesting is that they go out and publish this notice so they can seek proposals for individuals that can provide this service. An evaluation of the Code office is needed so as a community they can make sure that the Code Enforcement office has the necessary tools, policies, and procedures in place so it all becomes a package type deal – an evaluation process. This will be published, and then they can see what the responses are and hopefully at the next board meeting they could have a clear understanding whether or not they want to proceed on the project.

Councilor Jennings stated he would like to make a motion that they defer the resolution as stated because the wording he has says to "retain" which means to him to bring on board Bernard D. English. So he thinks they need to "table" this until they can have more information and see if there are any more qualified candidates coming forth.

Councilor Zambrano advised Councilor Jennings that Supervisor Corl restated the motion; he did not read the motion as written on the agenda. So he reread the motion for this to go out to be published for bids. She acknowledged that the town attorney was shaking his head in agreement with her.

Councilor Jennings replied that he agreed with her and the attorney. He just thinks the wording "move for an adoption of a resolution..." is on the agenda and it could cause question so he would like to see that statement stricken and that item taken off of the agenda.

Neil Germain commented that the written agenda is not binding on that, one can amend and make their motion. As they have actually made the motion it would be his actual words tonight. So he would be free to amend this or word his motion slightly differently than what is on his agenda which he has done and then he can vote on that. He is not hand-strung by what is on their agenda.

Councilor Zambrano replied with that being said she would like to second the motion.

Councilor Jennings wanted clarification that Supervisor Corl's motion was that they would go out with Request for Proposals on this.

Supervisor Corl replied that the motion is to move for the adoption of a resolution to seek qualifications from individuals, to review the Code Enforcement offices procedures, policies and make recommendations on the implementation of the Municipality Software Program, not to exceed \$6,000.00.

Motion was seconded once again by Councilor Zambrano.

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

Councilor Zambrano, being the Liaison to the Zoning & Planning office, volunteered to be on an interview committee if there are candidates and invited Councilor Conway to sit with her because of his great experience with that office.

Councilor Conway agreed.

Councilor Jennings requested that the rest of the board members be provided the interviews, what is discussed with the individuals and that they all have an opportunity to look at it prior to their vote.

Supervisor Corl replied absolutely.

PUBLIC INPUT

Bill Adams said he was in attendance on an issue that he brought to the attention to some of the officials in Cicero on more than one occasion.

Neil Germain asked Mr. Adams for his address.

Bill Adams replied 7145 Ferstler Rd., Kirkville, and Town of Manlius stated this was in reference to a property located at 7199 Ferstler Road and that it involves an illegal/tax-free dwelling that he originally brought to the attention of the Town of Cicero back in April 2008. He stated that nothing ever happened and that the dwelling still exists. The two family dwelling on the property, which is the legal dwelling on the property, is both rented upstairs and downstairs making that income property. But, he sees that he is still getting a Star exemption on his taxes, although it's income property. He checked with the State and they said that would only be allowed if he lived in either the upstairs or the downstairs of that structure. He lives in an illegal structure on the property so that does not qualify and he wanted to know when the Town of Cicero intends to do something about this and bring the property back into compliance.

Councilor Zambrano asked Bill Adams if he first brought it to the board's attention in 2008, and if so what was the response at that time.

Bill Adams replied at the time Steve Procopio took the written thing from him and he said that if it was found that this was true it could take up to two years to get him out of there, or something like that. So he assumed that they were going to do what they needed to do and here they are four years later and he is still living in the structure and renting the other house out.

Councilor Zambrano asked him if anyone got back to him on this.

Bill Adams replied that he has to keep calling, no one gets back to him, he has to call them.

Supervisor Corl stated he was aware that Mr. Adams has called repeatedly, and advised him that he has referred that over to the Codes office. It is being investigated. He knows there was a

meeting between the Codes officer and the town attorney late last week, to further determine the course of action. He assured Bill Adams that the matter is being handled.

Bill Adams stated when he last spoke to Supervisor Corl he told him that he had spoken to the town attorney and that they referred it back to Steve Procopio for investigation. He called Steve last week and it was Steve's impression that the matter was resolved, so he asked him what the resolution to that was and he didn't have an answer.

Supervisor Corl replied that Steve personally met with the town attorney because there were some legal questions he wanted answered before he proceeded.

Supervisor Corl assured Bill Adams that the issue is under review, they are investigating it and regarding the tax issues, they can refer that information over to the Assessor's department to take a look at whether or not the property is getting the proper exemptions.

Bill Meyer, County Legislature, dropped off a Draft plan for the Sustainable Development Plan, along with a thumb-drive. He dropped it off not only for the Board's use, but also for the Planning Board members as well. The reason he was bringing it by is because this proposed plan replaces the 2010 guide. In his opinion this was the biggest item that the board will consider and the biggest vote in their entire career on this body. This would totally change the way the board and the Planning Board functions as far as development. In his opinion, it will have a big impact on towns like Cicero, Manlius, Clay, Lysander, Camillus, Onondaga and places like Otisco and Fabius. He was contacted by the County Executive's Office, and they plan on coming out and reviewing this with them and do a presentation. His suggestion is that the presentation is done in public, in this forum, as opposed to the way they've done it in some other municipalities where they just have a few town board members and a few planning board members. He feels it will be very beneficial to get all the Planning Board members there, and to be able to have public input and public participation. He hopes the board will look at it when they are ready, and then have the presentation then they would have some questions ready.

Supervisor Corl asked Bill Meyer if he could tell him, from his perspective, at what point that would come before his board/body for a vote.

Bill Meyer replied the initial draft was presented to the Planning Committee a few weeks ago. The Executive department is making a major effort to meet with all the municipalities. After they get a chance to have the input and all the municipalities have a chance to have their thoughts presented, then it will come back to the legislature for further consideration. A lot of that is going to be driven by the towns and villages as far as how many questions they have and whether issues pop up. So, he doesn't expect it for a number of weeks. He urged them to take this very seriously because when he was on this body and he knows they are doing the same thing working on projects that frankly are years out there. So their action on this will have implications for years to come.

Chet Dudzinski stated on item 12 when specific questions were asked about fees, and if their department heads were in attendance, as they were in the past, for about the last 50 years, then they could actually ask the department heads a specific question and get a specific answer rather than members of the board basically guessing or assuming that monies are available. He commented that the meeting would probably be over in the next 10 minutes, they could have let their department head go home 45 minutes early on a Friday afternoon or come in late on a Monday morning, that way someone can ask a specific question. He commented that to not have the department heads at the meeting is a huge mistake and they should reconsider it.

Secondly, Chet Dudzinski said back in April or May of this year, he was here and asked about a Conflict of Interest Affidavit. He stated that he gave one to the Town Clerk on May 24, 2012, which she dated and time stamped it for him at 8:45 a.m. and asked Supervisor Corl if they have taken this into consideration yet.

Supervisor Corl replied that he had taken a look at it and there have been other documents that members of the community want him and the board to sign, including something like this. He thinks all of the elected officials there sign a book or an oath to uphold the laws of New York State and to apply the codes of the Town of Cicero and also a Board of Ethics and a Code of Ethics that they have to abide by. Pretty much everything they have sworn to upon taking office is applicable in that statement. That applies for all boards, planning board, zoning board of appeal members; everybody has to sign the book.

Chet Dudzinski stated that was kind of odd that county people sign one and he is sure that they are very reputable people. Anybody that works for the county, he has signed one of these. It doesn't seem like it would hurt anybody to sign one of these unless they have something to hide

or if there is something on the board that basically could be a conflict, that's what this is about. He asked if there's no conflicts in any part of this town or on any one of their boards, then what's the big deal, that's his concern. He thinks they should seriously consider it because he thinks there may be some conflicts out there that he doesn't know about or doesn't want to address, but thinks four months is long enough. All it takes is a motion from somebody on this board to second and vote on it. Either they accept it or they don't.

Councilor Jennings stated he read that, knows that he presented it and there was conversation between various people. Let's say for instance he worked for ABC Plumbing and now we are going to do some plumbing in the town and we approve ABC or whoever, for any amount and he sits on the board and says he's in favor of that. Now he works for the company, but he has just said he's in favor of buying the product from my company or the people I work for – this would fall under your conflict of interest?

Chet Dudzinski stated he thinks he should refer to their attorney, being that's what they pay him for, just to make sure they are covered.

Neil Germain stated that any situation where you find that there may be a conflict of interest or even an apparent conflict of interest you could always refer and ask the attorney, which is them, if they believe that this is covered. Whether or not they have that piece of paper signed doesn't really matter. They still have rules and obligations as far as conflicts of interest. That piece of paper wouldn't necessarily change anything. He hasn't read it, but he knows that they are prohibited from certain conflicts of interest and they have a duty to uphold because they have signed certain documents and have taken certain oaths. The bottom line is, and the question was, you can always refer back to your attorney if you need any advice as to a potential conflict of interest. They are there and those are the type of questions they would answer or help them with.

Councilor Jennings made a motion that he presents that paper to the Clerk and the Town Supervisor and they'll circulate it around the board in the form of a motion that they sign the document. If it's not a big binding thing than what is the big problem? He would make a form of a motion that they have that document and sign it. That will eliminate another 4 month question down the road for Mr. Dudzinski.

Supervisor Corl asked Neil Germain if wanted to have some time to look into this.

Neil Germain replied yes. He would suggest that with the motion, they move for a review of the document and then, place it on the agenda for a motion.

Councilor Jennings told Neil Germain that he would go along with that. He doesn't believe he has seen it, but he believes Robert Germain has seen it. He commented that it's just another carryover from 3 or 4 months and this happens quite frequently here. So, he will retract what he is saying and make it available to the attorney to review the document then they can bring it forth for an agenda item maybe at the next meeting, or the meeting thereafter and no later.

Neil Germain wanted to be clear on Councilor Jennings' motion.

Supervisor Corl commented that he thinks Councilor Jennings withdrew his motion.

Councilor Jennings stated he was withdrawing his previous motion and made the motion as stated, that they give this to the attorney for review and then they can put it on a future agenda.

Supervisor Corl commented that he didn't think they needed a motion for that.

Councilor Jennings replied that's what he was doing, that's a motion. The motion is for the attorney to look at the document.

Councilor Burtis seconded the motion.

Supervisor Corl asked Neil Germain if he could look at the document and give them feedback.

Neil Germain stated he and Robert Germain could.

Supervisor Corl asked if all were in favor for the attorney to look at the document.

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

Ray Schader asked if there was training provided for software that cost \$75,000.00.

Supervisor Corl replied there is some training and then there's an additional training package, but he doesn't think they included it in the \$75,000.00 cos. He believes it costs an additional \$10,000.00 more per year upon it being installed. When you're spending upward to \$85,000.00 they come here, however then you're left with a phone line to call to answer questions and what not. So, to implement the whole program, over in the Town of Clay for instance it took them probably two, three or four years before they actually did the research and then they implemented over a course of a several year period. We are left with a program that was purchased. They have a payment that's due and there has been no process set up on how that is going to be implemented. They really need somebody who is familiar with the program, to maximize its use to make sure our Codes office will be equipped with the tools they need to make it cost effective.

Ray Schader asked who said they should buy this.

Supervisor Corl replied it was purchased last year.

Ray Schader stated they must have known something about this. There must have been some training that came with it.

Supervisor Corl replied he did not know what was known or not known when it was purchased.

Ray Schader commented they should find out how much training there is before they spend any more money.

Councilor Jennings stated that he knows that the Supervisor, our past attorney Tony Rivizzigno and somebody else he believes maybe Wayne Dean, was involved and went out and discussed with the people that have the Municipality Program. Part of it was the cost involvement, the training and the ongoing training, so yes that was mentioned on the previous board.

A resident commented that Councilor Jennings said he would like to be informed about the interviews that may be conducted concerning a consultant. She suggested that they either video record them, audio record them, or better yet privately stream them to the other three board members so they can see it in real time. Since streaming is one way they will not be participating, only watching.

A resident questioned if the pictures of the cemetery that Councilor Jennings had were on online today.

Councilor Zambrano replied that she did not see them online.

Councilor Jennings stated they could have been hidden somewhere on the website.

The resident asked if they could be added tomorrow so the interested parties could look at them and maybe add pictures like that.

Supervisor Corl stated they typically have the pictures on the website.

The resident stated that at the June 17th, meeting, during the discussion of road inspections, the highway superintendant stated that he hadn't received any reports since the new engineers took over on any roads. He went on to state that "I use to get them twice a week from O'Brien & Gere." She requested all the reports from 2008 and 2009 and on July 6th, she received only six (6) reports. She asked when the remaining reports would be available to the public.

Chris Woznica responded and stated that he received reports when there was a new road built. If new roads are built everyday then he would have that many reports. But in those months for the two years she asked for he only had enough roads for six (6) reports. There were only a couple of roads being built in 2008 and 2009. If she requested 2000, 2004 or 2006 when all the other roads were being built, she would have considerably more reports.

There was a discussion between Supervisor Corl, Ron DeTota and Chris Woznica determining and clarifying how the engineering reports were transmitted from C&S Engineers to the highway superintendant.

Councilor Burtis asked for clarification on the Engineer's billing regarding meetings. If there is a 15 minute meeting does the town get charged 30 or 60 minutes?

Ron DeTota advised him that the industry standard they use is a half-hour minimum. But it's not the Town that gets billed, but the account for the developer because there's other time that's incorporated within that that's also billed to that account. There are other times besides just the actual meeting with Chris Woznica that they are involved with. There are also inspection times when they tour the improvements. They are there to witness the improvements and to ensure it is done to code and spec. They don't want to put their name on something, recommend to their client (the Town), to take ownership of a piece of infrastructure that they don't feel is completed. So there's more than typically 15 minutes at a time.

Councilor Zambrano wanted to be clear and asked if that time was billed to a T-Account, which is money put up by a developer.

Ron DeTota replied that was correct. They have discussions with the developer to estimate what their fee will be for the services required in order to accomplish what they are looking to obtain. If their work comes in and it's under for example, everything is done in a timely manner, and their involvement is limited and there's a credit than that credit is due to the developer. On the flip side, if he or she employees a subcontractor with their own personnel that does not do a satisfactory job, it requires more time and that is something that they cannot control.

ADJOURNMENT

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

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

There being no further business before the board, the meeting was adjourned at 7:30 p.m.

Tracy M. Cosilmon
Town Clerk