

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, February 10, 2010 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor  
Jessica Zambrano, Councilor  
C. Vernon Conway, Councilor  
Lynn Jennings, Councilor  
James Corl, Jr. Councilor  
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent  
Sharon Edick, Receiver of Taxes  
Joseph Snell, Police Chief  
Jody Rogers, Director of Parks & Recreation  
Wayne Dean, Director of Planning & Development  
Shirlie Stuart, Comptroller  
Brad Brennan, Assessor  
Pamela Williamson, Secretary to Supervisor  
Anthony Rivizzigno, Town Attorney  
Brenda Collella, Town Attorney  
Ronald DeTota, II, PE, C & S Engineers  
Farah Pike, Star Review

Absent:

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our men and women serving in harms way.

Mr. Jennings stated that normally, there are a couple of Veterans in the audience and announced that Congress has passed an act, where Veterans can give a hand salute for the Pledge of Allegiance, inside, with, or without a cap and that they may do so in the future if they wish and that he plans to do it as a retired Veteran.

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 into the microphones to enable all to hear.

S.E.Q.R.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, that all actions taken tonight are Type Two (2) or Unlisted actions and have a negative impact on the environment unless otherwise determined.

The motion was approved as follows:

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

## APPROVAL OF JANUARY 27, MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the minutes of the January 27, 2010 town board meeting.

The motion was approved as follows:

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

## DEPARTMENT HEAD INPUT

Highway - None

Police - None

Park & Recreation - None

Zoning

Wayne Dean requested approval for John Dunham, Steve Procopio, Maureen Wafer and himself to attend the NYSBOC Central Chapter meeting on February 18, 2010, to be held at Barbagallo's in East Syracuse at a cost of \$20.00 per person for a total of \$80.00 and which is a budgeted item and will qualify as training. He also requested approval of an expenditure of \$75.00 per person for a total of \$825.00 for eleven members of the Planning Board and the Zoning Board of Appeals and Wayne to attend the Annual Planning Symposium to be held on Thursday, March 4, 2010 at the Oncenter which will qualify each individual for taking the training.

Motion was made by Ms. Zambrano, seconded by Mr. Conway, to approve an expenditure of \$80.00 for the Zoning Staff to attend the NYSBOC Central Chapter meeting on February 18, 2010 and to additionally approve an expenditure of \$825.00 for ten members of the Zoning Board of Appeals and Planning Board and Wayne Dean to attend the required training seminars which are budgeted items.

The motion was approved as follows:

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

Assessor

Brad Brennan - March 1, 2010 is the deadline for any new property exemptions and if you need to renew your senior or enhanced STAR it must be done by March 1.

## APPROVAL OF ABSTRACT #3 OF 2010

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve Abstract #3 of 2010 as follows:

General Fund	Voucher #172 to Voucher #276	In the amount of \$495,720.42
Highway Fund	Voucher #79H to Voucher #102H	In the amount of \$188,904.59

The motion was approved as follows:

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

**BUDGET MODIFICATIONS**

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve the following budget modifications as follows:

**Budget Modifications 2009 year end**

**TOWN CLERK**

FROM	CODE	ACCT	AMOUNT	To	CODE	ACCT
	A1620470	SUPPLIES	29.59		A1620490	WATER

**Parks & Rec**

FROM	CODE	ACCT	AMOUNT	TO	CODE	ACCT
	A677243	STAFF TRAINING	\$ 9.87		A677242	SUPPLIES
	A6772471	CLEANING	\$ 100.00		A677248	Sr..Ctr Renovations
	A677245	MISCELLANEOUS	\$ 13.21		A677255	POSTAGE
	B731042CO	UTILITIES - COPS	\$ 3.46			
	B731042LK	UTILITIES - LK	\$ 572.93			
	B731042ST	UTILITIES - STIRPE	\$ 101.54	597.92	B731042FR	UTILITIES FR
	B731042FR	UTILITIES - FR	\$ 597.92			
	B7310421FR	FUEL -MISC - FR	\$ 66.24	664.16	B731041FR	TRAIN - TRAV -FR
	B731041FR	TRAINING - TRAVEL	\$ 664.16	629.16	B731041CO	TRAINING - COPS
				35.00	B731041YB	TRAINING -YB
	B7310421FR	FUEL FR	\$ 249.03	119.77	B7310402CO	PROG. SUPPLIES
				69.25	B7310402YB	PROG SUPPLIES
				60.01	B7310403CO	POSTAGE COPS
	B7310421FR	FUEL -MISC	\$ 249.03		B731002FR	PROG SUPPLIES
	B731042FR	UTILITIES -FR	\$ 101.54		B731042ST	UTILITIES
	B731042YB	UTILITIES YB	\$ 8,900.00		B731044ST	LEASE STIRPE
					B731042ST	UTILITIES - STIRPE
	B7310421FR	FUEL-MISC	\$ 129.89		B731042FR	UTILITIES
	B7310401CO	OFFICE SUPPLIES	\$ 512.93		B73101 CO	PERSONAL SRVES.
	B731042YB	OFFICE SUPPLIES	\$ 2,000.00		B731042ST	UTILITIES STIRPE
	B731042FR	UTILITIES -FR	\$ 572.93		B731042LK	UTILITIES
	B7310421FR	FUEL - MISC	\$ 116.50			
	B7310402FR	PROGRAM SUPPLIES	\$ 249.03		B73101FR	PERSONAL SERVICES
	B73101 FR	PERSONAL SERVICES	\$ 73.19		B731042 FR	UTILITIES

**AMENDMENTS**

	INCREASE	DECREASES		INCREASE
B73101CO	\$ 263.97		A881044	250.00 Cemetery
B7310401CO	\$ 512.93		A2192	250.00 Cemetery
B7310402		\$ 4.17	A2797	5401.80 Community Dev
B7310403CO		\$ 144.57	A85104	5401.80 Community Dev
B731041CO		\$ 628.16	A69894	17767.54 Brewerton Grant - LWRP
B731042ST		\$ 101.54	A3789	17767.54 Brewerton Grant - LWRP
B731042YB	\$ 6,900.00			
B731044ST		\$ 6,900.00		
B731042YB	\$ 2,000.00			
B731042ST		\$ 2,000.00		
B7310402YB	\$ 3,000.00			
B731042ST		\$ 2,101.54		
B7310421FR	\$ 738.19			
B731042YB		\$ 738.19		
B731042FR	\$ 572.93			
B731042LK		\$ 572.93		
B73101CO		\$ 812.40		
B7310FR	\$ 936.86			
B3120D OT	\$ 353.52			
B73101FR	\$ 292.34			
B31204HG	\$ 613.45			
B3389HG	\$ 613.45			

The motion was approved as follows:

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

## PUBLIC HEARING FOR COLD WAR VETERANS EXEMPTION

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

The public notice read as follows:

Notice of Public Hearing: Town of Cicero

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 10<sup>th</sup> day of February, 2010, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that amends Chapter 190 of the Town of Cicero Town Code, which allows for a partial exemption from real property taxes for qualifying Cold War veterans, in order to increase the maximum exemption amount and to make other changes consistent with the amendments to Section 458-b of the New York State Real Property Tax Law that became effective January 2, 2010. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law is available for review in the Town Clerk's office.

Brenda Colella, Esq., - This law will amend Chapter 190 of the town code where it provides for a Cold War Veterans Exemption and will make it consistent with certain changes that were made to this state law, which allows the towns to increase the maximum exemption amounts. We are adopting the maximum amount permissible under state law which is \$36,000.00 for certain Veterans and up to \$120,000.00 for Veterans with disabilities. Other changes that will be made that are consistent with the state law will allow the exemption to apply to property held in trust for Veterans and will also apply to portions of cooperative apartment associations that is owned by a Veteran that is a Cold War Veteran.

The public hearing was opened at 7:09 p.m.

Speaking for

Dewey Schryver stated that he was asked to speak on behalf of County Legislator, Bill Meyer, who was unable to attend this evening but was in support of this law. The following letter was submitted to the board from Mr. Meyer as follows:

Ms. Boyke read into the record County Legislator Bill Meyer's letter.



# Onondaga County Legislature

William H. Meyer, Jr.

County Legislator - 3rd District

7021 Van Antwerp Drive, Cicero, New York 13039  
Business 315.345.5641 • Legislature 315.435.2070  
EMail legislatorbill.meyer@yahoo.com

February 10, 2010

Hon. Judy A. Boyke, Supervisor  
Town of Cicero  
8236 Brewerton Rd.  
Cicero, NY 13039

Dear Supervisor Boyke:

A handwritten signature in cursive script, appearing to read "Judy", written over the name "Judy A. Boyke" in the address block.

I want to go on record supporting the Cold War Veteran exemption in the Town of Cicero.

Onondaga County enacted the exemption a few months ago after a complete analysis was done. First, we examined the experience of other counties. Next, the exemption was examined by the Legislature's Veteran's Advisory Committee. The committee unanimously endorsed the endorsement.

In short, we found that this exemption was a valuable tool to the men and woman who have served our country and the exemption was uncomplicated to administer.

I look forward to the Cicero Town Board's action in enacting this important exemption supporting our veterans.

A handwritten signature in cursive script, appearing to read "Bill", written in black ink.

William H. Meyer, Jr.  
County Legislator, 3<sup>rd</sup> District

Speaking against - None

The hearing was closed at 7:11 p.m.

## Board Comments:

Motion was made by Mr. Conway, seconded by Mr. Jennings, to adopt a local law amending Chapter 190 Taxation of the Town code of the Town of Cicero consistent with amendments made to Section 485-b of the New York State Real Property Tax Law effective January 2, 2010, to be known as Local Law No. 1 of 2010.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes, anything we can do to give our Veteran's property tax relief is worthwhile and this legislation maximizes it under the regulations of the state.
Ms. Boyke:	Yes

Ms. Zambrano asked that the document become part of the minutes.

Local Law Filing – Town of Cicero as follows:

Local Law No. 1 of the year 2010.

A local law amending Chapter 190, Taxation, of the Town code of the Town of Cicero with regard to establishing a Cold War Veterans Real Property Tax Exemption.

Be it enacted by the Town Board of the Town of Cicero as follows:

#### ARTICLE I AMENDMENT OF STATUTE

The New York State Legislature adopted, and the Governor signed into law, an amendment to § 458-b of the New York State Real Property Tax Law in relation to the cold war veterans exemption.

Pursuant to that bill, Paragraphs (a) and (b) of Subdivision 2 of § 458-b of the New York State Real Property Tax Law has been amended pursuant to Chapter 235 of the Laws of New York, 2009, effective January 2, 2010, to allow a Town to adopt a local law to increase the maximum exemption allowable in Paragraphs (a) and (b) of said subdivision and to allow the exemption to apply to real property held in trust solely for the benefit of Cold War veterans and to apply to that portion of cooperative apartment associations held by such veterans.

Pursuant to Chapter 235 of the Laws of New York, 2009, Chapter 190 of the Town Code of the Town of Cicero is to be amended as follows:

Section 190-59 shall be deleted in its entirety and replaced as follows:

The purpose of this article is to allow for a real property tax exemption for Cold War veterans pursuant to § 458-b of the New York State Real Property Tax Law, as amended by Chapter 6 of the Laws of New York, 2008 and Chapter 235 of the Laws of New York, 2009.

#### ARTICLE II NEW DEFINITIONS

Pursuant to Chapter 235 of the Laws of New York, 2009, Chapter 190 of the Town Code of the Town of Cicero is to be amended as follows:

Section 190-58 shall be modified by replacing the definition of "Latest State Equalization" with the following definition:

#### Latest State Equalization Rate

The latest final state equalization rate or special equalization rate established by the State Board pursuant to Article 12 of the New York State Real Property Tax Law. The State Board shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of § 458-b of the New York State Real Property Tax Law.

## ARTICLE II

### MAXIMUM AMOUNT OF EXEMPTION ALLOWABLE

Pursuant to Chapter 235 of the Laws of New York, 2009, Chapter 190 of the Town Code of the Town of Cicero is to be amended as follows:

Section 190-59 shall be deleted in its entirety and the following inserted in its place and stead:

Pursuant to the provisions of § 458-b of the New York State Real Property Tax Law, as amended by Chapter 6 of the Laws of New York, 2008 and Chapter 235 of the Laws of New York, 2009, the maximum veterans exemption from real property taxes allowable is as follows:

A. Qualified residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$36,000 or the product of \$36,000 multiplied by the latest equalization rate for the Town of Cicero.

B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualified residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$120,000, or the product of \$120,000 multiplied by the latest equalization rate for the Town of Cicero, whichever is less.

## ARTICLE IV. LIMITATIONS

Pursuant to Chapter 235 of the Laws of New York, 2009, Chapter 190 of the Town Code of the Town of Cicero is to be amended as follows:

Section 190-60 is modified by inserting the following additional Subsections (D) and (E):

D. Notwithstanding any other provision of law to the contrary, the provisions of this article shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

### E. Cooperative Apartments

(a) For the purposes of this article, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to

such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this article and any exemption so granted shall be credited against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subsection, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either Article two, four, five or eleven of the New York State Private Housing Finance Law shall not be eligible for an exemption pursuant to this article.

#### ARTICLE V. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State and shall apply to assessment rolls based on taxable status dates occurring on or after such date.

#### SET DATE FOR PUBLIC HEARING FOR “NO PARKING” ON BOTH SIDES OF FERGERSON ROAD ADJACENT TO CENTRAL PARK

Motion made by Mr. Corl, seconded by Ms. Zambrano, to set February 24, 2010 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, for a public hearing to consider a local law, which shall amend Section 198-7 of the Town of Cicero Code to prohibit parking on both the east and west sides of Fergerson Road, running south from its intersection with Route 31 for a distance of 1,385 feet.

The motion was approved as follows:

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

#### APPROVAL OF AMENDMENT TO CONTRACT WITH TEAMSTERS LOCAL UNION 317

Mr. Rivizzigno stated that this amendment was approved previously and was to be included in the last agreement, but, was inadvertently left out when the new agreement was typed up. If the board approves the existing amendment, we would simply by letter agreement, amend the current contract. The amendment says that after completing six continuous months a newly hired employee shall receive one weeks paid vacation during the first year of employment. This vacation must be used by the employee's one year anniversary date of hire with the town and can not be carried over.

Motion made by Mr. Corl, seconded by Mr. Conway, to approve an amendment to an agreement with Teamsters Local Union 317, as presented, and to authorize the Supervisor to sign any and all documents necessary to effectuate such agreement as presented.

The motion was approved as follows:

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

Ms. Boyke – There will be an Executive Session at the end of the meeting and we will be resuming the meeting after the session for a vote at that time.

APPROVAL TO RELEASE TOWN'S SANITARY SEWER EASEMENT ON  
PROPERTY TO BE ACQUIRED BY NORTH SYRACUSE SCHOOL DISTRICT

Discussion:

Mr. Rivizzigno stated that there is an easement in the Village of North Syracuse which has actually been abandoned and there is a development going in there and they would like us to release the easement. Wayne has taken a look at it and we don't need it any longer. This agreement would just allow us to release this easement so that they can continue with their development.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the release of the town's sanitary sewer easement on the property to be acquired by North Syracuse School District and to authorize the Supervisor to sign any and all documents necessary to effectuate such release.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes

**Discussion:**

Mr. Corl asked Mr. Rivizzigno, if this easement was in the Village of North Syracuse or by the High School?

Ms. Boyke – It's North Syracuse School District.

Mr. Corl – I thought you said the Village of North Syracuse.

Mr. Rivizzigno- I'm sorry, I misspoke.

Mr. Corl – That's okay, I just want to be sure we're on the same page. I thought that we had already done this.

Mr. Rivizzigno - We thought so too, but, evidently, it wasn't.

Mr. Corl – I have no problem with it.

**Continuation of the vote:**

Mr. Corl:	Yes
Ms. Boyke:	Yes

APPROVAL OF INTEROPERABLE COMMUNICATIONS SYSTEM AGREEMENT  
WITH ONONDAGA COUNTY

Discussion:

Chief Snell stated that this pertains to the new interoperable radio system that Onondaga County is implementing between all emergency services agencies in Onondaga County. On March 2, 2010 when this system goes into operation with all of the agencies in Onondaga County, we have to have this agreement in place. We already have the equipment but they haven't switched over to the new system over to 911 yet. We are training on the equipment but, this agreement is for us having and using the equipment. If anything should break, we have to repair it or replace it.

Mr. Rivizzigno – The agreement also states that after ten years the town will become the owners of the equipment and during that course as the Chief pointed out, the town will have to maintain the radios.

Ms. Zambrano asked if there was an implementation date for this agreement.

Chief Snell – We have to have it before March 2, 2010 or he won't be able to go on line and the Police Agency, wouldn't have anyone to talk to.

Ms. Zambrano asked if anyone is on system now.

Chief Snell – The City of Syracuse has been operating on this for the past two or three weeks and are fully operational. All of the Police Departments, Sheriff's Department and EMS will be on March 2, 2010.

Mr. Conway – Last fall we received a memorandum from the County explaining that the fire department and Police Departments would have to buy these radios. Did the County back away from that and are they just giving them to us for ten years?

Chief Snell – There is no cost. Our paying for them was dependent on that surcharge on the phone lines, which the State Legislature did pass and the Governor did sign, so therefore the County is picking up the entire cost which is being paid for under that surcharge.

Ms. Zambrano – This involves radios?

Chief Snell – Mobile radios in the vehicles and portable radios, which are similar to a computer in that there are over 200 channels available and run about \$3,000.00 each and is a County Mandate.

Ms. Zambrano – They are going to allow us to keep them after ten years, but, they'll be obsolete in 2 ½ years.

Chief Snell - You're probably correct.

Mr. Conway – As I recall in reading that, we have to maintain them from now on.

Chief Snell- Yes, we have to maintain them if they break, but it shouldn't be anywhere near the cost of purchasing a new one.

Mr. Corl stated that at budget time this will have to be considered.

Chief Snell – Yes and we'll get some type of history between now and the end of the year as to whether or not other agencies are having any problems with them. I'm sure if there are any issues that come up between now and the end of the year that the County would repair them at no cost as there must be a warranty period for them.

Ms. Boyke asked where the repairs would be done.

Chief Snell - United Radio has the contract and if anyone else repaired them, the contract would be null and void.

Motion was made by Ms. Boyke, seconded by Mr. Corl, to authorize the Supervisor to approve a user agreement with Onondaga County for the Onondaga County Interoperable Communication System, as presented, and to authorize the Supervisor to sign any and all documents necessary to effectuate such agreement.

The motion was approved as follows:

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

APPROVAL OF AGREEMENT WITH PIONEER REALTY COMPANY, INC. TO  
RELEASE RIGHT TO LEASE CERTAIN PROPERTY

**Discussion:**

Mr. Rivizzigno explained that when the Town of Cicero originally deeded the property over to the Local Development Corporation, there was a reservation by the town of a right to lease a portion of the premises, for a town hall. What this agreement would do, is release this portion of the property from that agreement, which is the westerly portion of the property, which is not where the town hall was supposed to go anyway as it was more in the middle of the project. This is an agreement to agree. We are agreeing to release our right to lease, if and when the time Pioneer continues and finishes their development. This is null and void, if Pioneer for some reason, changes their minds and then this would just go away.

Mr. Corl – The agreement encumbers the whole property.

Mr. Rivizzigno – There was not a specific place for the town hall to be located when the original deed was deeded over to the CLDC. What this is saying, is that the agreement is there, but, not to this portion of the property.

Mr. Corl – Was there a designation of an area size and what the protocol would be for that particular lease. It just says somewhere on this entirety of this property.

Mr. Rivizzigno – It wasn't specified at all. Conceptually, it was to go in a certain place, but, that's about all it was.

Mr. Conway – It was supposed to go to the south of the Library behind the houses and was to include a new highway garage.

Mr. Rivizzigno explained that there was a map that showed a great lawn and the town hall was originally envisioned to be right next door to that.

Mr. Conway – It would have been south of it.

Mr. Rivizzigno agreed and stated it would be far away from this project.

Mr. Conway I don't know why it wasn't put in there as everyone talked about a new town hall at the time.

Mr. Rivizzigno – No one had the money to build it.

Mr. Conway stated they still don't.

Mr. Corl asked if there was any language in that relative to the lease and the terms of that and what it might be. It says that the town has the right to lease this property.

Mr. Rivizzigno stated that he does have that language, but, didn't have it with him, but, will fax it to him in the morning. It is very general.

Mr. Corl asked if it would be wise before entering into this agreement to negotiate that and define what that lease will be.

Mr. Rivizzigno stated that it would if you knew what you were going to do. It's a reservation to build a new town hall. I don't think at this point and time that we're ready to even think about that.

Ms. Zambrano asked if the parcel was about 120 acres.

Mr. Rivizzigno – Yes

Ms. Zambrano – Pioneer is proposing to take 18 of the 120 acres. So, all we're saying is that on those 18 acres that will eventually be purchased by Loretto, we're disencumbering those 18 acres and if we wanted to build a town hall there we wouldn't be building it on those 18 acres.

Mr. Rivizzigno - Right and it leaves us open to build anywhere else on the rest of the property.

Mr. Corl – There is no contingency upon the property owners in order to compensate the town for this particular release.

Mr. Rivizzigno - No

Mr. Conway - Why do we need to give it to them?

Mr. Rivizzigno explained that from a title standpoint, they see this as sort of a cloud on the title and they want to have this gone, so that when they get their Title Insurance there is no cloud on the Title. Right now they have to purchase 18 acres and they have to purchase it from the whole piece. The whole piece has this reservation of right, so, what they want to do is to take that out from the 18 acres, so that it is free and clear with no encumbrances.

Mr. Conway - We're still reserving a piece of property and not losing it.

Mr. Rivizzigno – Absolutely, that's correct. All we're saying is that we're not going to build this town hall on those 18 acres.

Mr. Corl asked if the owner of the property is willing to enter into any type of agreement to designate any area or provide any compensation to the town for this release, or didn't that occur.

Mr. Rivizzigno – No, the owner of the property is not the developer. The developer isn't really in the position. They want to buy the property and want to buy it free and clear, so they aren't willing to give us money for it. They are paying the owner of the property for this release.

Mr. Corl stated that we voted for the project and the board is in agreement with the project. It is now just basically releasing this, which in my opinion has some type of value.

Mr. Rivizzigno explained that if this wasn't released, they wouldn't be able to buy it free and clear unless they wanted to pay for it, but he didn't think that was their intention.

Ms. Boyke asked if this would allow us an opportunity on the other acreage.

Mr. Rivizzigno – Yes, you could build it any place.

Ms. Boyke stated that it wouldn't be limiting us.

Mr. Rivizzigno - In terms with Loretto, they know where the town hall was supposed to be and they know that it wasn't going to be on this land anyway. To go back and ask them to give us some money is a little bit disingenuous in my opinion.

Mr. Corl stated that at this point, there may be some negotiating room and some leverage if we wanted to designate a certain portion of that remaining acreage, so that we're guaranteed something.

Mr. Rivizzigno – You can still do that with the owner. Again, this is not with the owner it's with Pioneer. They don't hold the rest of the property. At some point and time if you

want to sit with the owner and finalize this and put it someplace we can do that. At this point and time, I don't think we're ready to build a new town hall.

Tim Murphy, Noel Road read the following:

CICERO TOWN BOARD – 2/10/2010

ARTICLE VIII – TOWN CHARGES –

(5-30) Conflict of Interest  
(General Municipal Law Article 18)

(C) Additional Statutory provisions

The prohibition on the use of public monies contained in Article VIII (1) of the State Constitution should also be kept in mind. This prohibition relates to the giving or lending of public monies or property to or in aid of any individual, association, corporation, partnership, etc.

A relative quote from the past

“The law doth punish man or woman that steals the goose from off the common, but lets the greater felon loose, that steals the common from the goose”

Anon. (In 1764, when enclosure Acts were passed)

Tim Murphy stated that he believed that Mr. Corl was right when he said there is leverage maneuverability here and to sign off on it, would be premature.

Mr. Conway stated that this decision should be put off until the next meeting to make sure we aren't giving anything away.

Mr. Rivizzigno – You can, but, I think the board was reminded by Pioneer and Loretto that they have a time constraint on their financing. The longer they hold off on this the harder it is for them to complete their financing. To be honest with you Vern, how much are you going to ask for the release? I don't know what that portion of the property is worth.

Mr. Corl explained that there is some type of value to that right to lease of that 18 acres and thought that Vern is saying that value should be looked at.

Mr. Rivizzigno - Who would decide what that is? Would you need an appraiser to determine what that is and then spend more money than what you're going to get for the release?

Mr. Conway stated that he wanted something in writing to the town, that says, that we will be able should we wish, to build a town hall down there.

Ms. Zambrano and Mr. Rivizzigno stated that we do have that right, now.

Mr. Conway – We don't have anything that says that.

Mr. Rivizzigno – Yes, you have a deed and a covenant, that says you have that right. All you're doing is releasing that right from a portion of the property. You still have it on the rest of the property.

Mary Jo Hoover, Noel Road asked if we should be using a PUD that is 10 years old and shouldn't we go back and re-visit everything or just assume everything is the same as it was on that property 10 years ago. Secondly, speaking of taxpayers and money, why did we spend over \$200,000.00 a few years ago paying a man named Kent to do a Master Plan Study for the Town of Cicero which encompassed Bridgeport and Brewerton and then approved another Master Plan for Brewerton alone. In the Master Plan that Kent approved, and the board subsequently adopted there was going to be a town hall built in the Whiting Road area.

Mr. Conway – It was brought up, yes.

Mary Jo Hoover – Why are we haggling about keeping a lease on property at the Cicero Commons? Chet was the Supervisor when it was decided to put a town hall on Whiting Road.

Mr. Conway explained that we never decided to build one, it was only proposed and that is as far as it went and it was dependant on how much development was going to go in. There is a 70 or 80 parcel housing project that is supposed to be ¼ mile east of that property, which is Williams Farm up by Whiting Road, South Bay Road and Route 31 which was the area where a town hall was proposed to be built someday.

Mary Jo Hoover asked if the original commons site is an Empire Zone.

Mr. Conway didn't believe it was. Nothing was ever done with it so, I never heard of anyone applying for it.

Ms. Zambrano stated that her understanding from the managing partner out there that they had applied for empire zone, but, it was never implemented.

Mr. Corl – It doesn't contain an empire zone and never did, that I'm aware of. In regards to the PUD up at the commons, the board unanimously said that the project that is going on at Loretto is in conformance with PUD and that's been sent to the Planning Board. In regards to the Master Plan, it was going to be a hamlet area over by Whiting Road when the board accepted that and that was when things were being built at a quicker pace and is still part of that Master Plan. When it comes to fruition and if it does, that's still the idea of having that become the hamlet area of the Town, but, it is developer driven.

Mr. Mallette stated it was too big of an issue for the board to put on a sheet of paper that you're going to lease, or let go of a certain amount of property in the Commons. Who owns that property now?

Ms. Boyke – New Dimensions is the name of the Corporation.

Mr. Mallette felt the decision should be delayed as it is too big of an issue.

Rich Barling stated he was speaking on behalf of his parents because he keeps on hearing the word Cicero Commons. After looking at some drawings and being told by other members on this board and members of the Planning Board in years past who felt he didn't know what he was talking about came true. When he first looked at the WalMart area, he predicted Lowes coming in and the Planning Board Chairman told him that he was incorrect and didn't know what he was talking about until Lowes went in on East Circle Drive and moved out of the WalMart area. He told them if they put in a WalMart, Target would come in and it did, 2 or 3 years later. When you are talking about the Commons are you just talking about the area by the ice skating rink, or the whole Cicero Commons project? He heard it is against the law to lease town property and if the town is breaking the law, why would they consider such a thing. When WalMart went in people's roads were flooded because they were burying wetlands and you let it happen anyway. Mr. Barling couldn't understand why the board is letting things go this way and wanted them to follow the letter of the law and fix it.

Ms. Zambrano stated that it has been confusing that several areas around the town that have been called Cicero Commons, but, we're talking about New Dimensions which is the 120 acre tract where the Cicero Library and skating rink sits which is all we're talking about tonight. We are taking about releasing a covenant on those 18 acres and we're still keeping the intention to build a town hall on the rest of that property if we ever decide to do that, or if we ever got enough money to do that. I heard comments, that we're breaking the law, but, I don't see how we're breaking the law. We're not giving anybody anything. The land isn't ours and it belongs to New Dimensions and being sold by New Dimensions to Loretto, who is going to be the owner, who is going to build a Nursing Home and new style of elderly care at that location.

Mr. Corl stated that from Mr. Barling's point of view, leasing the property is against the law and that perhaps we should extinguish the lease language and do a general conveyance of property.

Mr. Barling – I don't know who owns it.

Mr. Rivizzigno – The Corporation owns it.

Mr. Barling – How do we have any lease on it, if the Corporation owns it?

Mr. Rivizzigno explained that the covenant that first went in, when the property was sold originally contained a covenant that stays with the land. When the new owner bought it he bought it with that covenant which states that we have the right to lease property and to build a town hall.

Ed Hanson, Eileen Ave. wants it spelled out clearly how much it is going to cost the taxpayers if anything for synchronizing lights, road maintenance, sewers, etc.

Mr. Rivizzigno – The answer is no. The developer is paying for the utilities already there, and there is infrastructure there, that was already done. The developer is paying the cost for everything else. We're not giving them anything and it's all up to them.

Lori Sager, Chetwind Dr. Cicero remembered the Commons and that the town took out a Bond for this project. To help pay for the loss on the bond and so that the taxpayer's weren't held 100% responsible, the land was sold. Prior to the land being sold the Town of Cicero paid for the sewers, electrical, all the curbing and the roads into that project in a bond payment. The back part of the project towards the Town of Clay had a huge pumping station put in. The Town of Cicero lost all of that cost when they sold the land to New Dimensions.

Mr. Rivizzigno – The town did not take a bond out to my knowledge. It was taken out by the developer. The town sold the property to the Cicero Development Corporation and there was no money that was paid for the infrastructure out of the bond, other than by the developer. That bond had failed but it wasn't the town's money.

Lori Sager explained that the Town of Cicero lost its credit rating over this issue as they defaulted on it and we had to make one bond payment. It was in the budget and we had to pay for that bond payment that was due by the CLDC who didn't have the money, so, the town had to pay it. In the next budget, they didn't appropriate any money for that.

Mr. Rivizzigno – That's correct but, the town lost its bond rating because they failed to pay the lease that the town had backed up. The developer's bond went into default and that is why the bond rating went down, because we had guaranteed that we were going to pay the \$250,000.00. We didn't do that at the time, and paid the \$250,000.00 later, but, by that time the bond went into default. It was not the town's bond.

Lori Sager – Directly it wasn't, but the town became responsible for that \$250,000.00 bond payment.

Mr. Rivizzigno – They agreed to do that.

Lori Sager agreed and stated that we put it in the budget and the CLDC was supposed to pay the town, but, they didn't have the money for it. My concern is that it is viable land and New Dimension bought this land for X number of dollars and it is a valuable piece of land in the town.

Ms. Zambrano stated that it has sat there for many years without any development. This project is the first project that's being proposed and it is a very viable project and it isn't going to cost the town any money. It is a 25 million dollar project which will include 13 green houses and will accommodate 12 people in each house in a new way to deliver care to the elderly.

Mr. Jennings - They are also looking to employ 120 to 150 people in this project. I think we're going to realize more by moving on with the original item that we're talking about being the release of the rights of the lease. I think the town is going to receive in benefit, more from Loretto than what we're going to get out of it haggling over it at this point.

Lori Sager stated that she wasn't haggling but, was asking a question.

Mr. Jennings felt that we needed to move forward.

Lori Sager asked if there would be any income derived from this project, or will it be tax exempt?

Ms. Zambrano explained that it is a not for profit organization.

Lori Sager understand that not for profit organizations paid no property taxes.

Ms. Zambrano believed that was true.

Ms. Boyke explained that it has already opened up opportunities and there are several people that are looking into purchasing other parcels and bringing income and employment to the town.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the Agreement with Pioneer Realty Company, Inc. to release the right to lease certain property, as presented, and to authorize the Supervisor to sign any and all documents necessary to effectuate such agreement.

The motion was approved as follows:

Mr. Conway:	No
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	No, there are too many unanswered questions.
Ms. Boyke:	Yes

#### TOWN CLERK ANNUAL AGREEMENT APPROVALS

Motion was made by Ms. Boyke, seconded by Mr. Corl, to authorize an expenditure of \$1,120.00 for the annual maintenance agreement with BAS, for support and maintenance for the Town Clerk's office and an expenditure of \$1,195.00 to General Code Publishers for the annual maintenance of the e-code 360, which are both budgeted items.

The motion was approved as follows:

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

#### YOUTH BUREAU PARKS AND RECREATON CONFERENCE REQUEST

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure of \$2,316.00 for Julie Raddell, Judy Dixon, Toni' Lynn Brauchle and Jody Rogers to attend the New York State Recreation & Park Conference, which includes registration, lodging and meals, to be held in Saratoga, NY March 21 – 24 and to take the town vehicle, budget codes A6772.43, B7020.46 and B7310.41CO.

The motion was approved as follows:

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

Ms. Boyke: Yes  
 YOUTH BUREAU, PARKS AND RECREATION PURCHASE APPROVALS  
 (2010 Portable Toilet Contract)

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure of \$2,900.00 to On-Site Portables per county contract pricing for rental of portable toilets for Central, Skyway, Plank Road, Riverfront, Gateway, Sheldon and William Park for 2010, Budget codes A7110.49 and A7150.43.

The motion was approved as follows:

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

Emergency Purchase  
 repairs to senior bus brakes and rotors

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an emergency expenditure of \$1,466.76 to Burdick Ford to repair the brakes and rotors on the senior bus.

The motion was approved as follows:

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

Payment to instructors for Youth Basketball

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$3,350.00 to Gary Dembkowski and John Haas as payment for Youth Basketball, to be paid via fees, budget code B7020.44.

The motion was approved as follows:

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

HIGHWAY PURCHASE APPROVAL

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an expenditure of \$4,036.12 to Cummins N. E. to repair the engine on truck #43, Account Code DB5130.45.

The motion was approved as follows:

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

## 8 truck tires for truck #16

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an expenditure of \$2,999.84 to Commercial Truck Tire, to purchase 8 tires for truck #16, Account Code DB5130.42.

The motion was approved as follows:

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

Shirlie Stuart stated that after reviewing the Organization Meeting Minutes she noticed some discrepancies in the payroll and requested an amendment to the minutes as follows:

Parks and Recreation Dept.

Drivers Messengers \$10.50 per hour

Police Department

Thomas Leo – Step 4 (\$53,539.00)  
 Shawn Baldini – Sergeant (\$65,133.00)  
 Andrew Scherer – Sergeant (\$65,133.00) Full time  
 Gerald Neri – Step 3 (\$19.50)  
 Douglas Pennock – Step 6 (\$60,133.00) Full time  
 Michael Serafin – Step 6 (\$60,133.00) Full time

Motion was made by Mr. Corl, seconded by Mr. Conway, to correct the payroll discrepancies in the Organizational Meeting Minutes for 2010 as listed above.

The motion was approved as follows:

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

## Seaway Navigation presentation

Jeff Pyle, President of Seaway Navigation and Tours, Ltd. Stated that a year and a half ago the previous administration asked him to give a brief update of their comings and goings down at the Riverfront Park. They have been coming up on their third season of operation which was started in 2008. They have carried more than 7,000 passengers and 75% of the passengers have come from more than 100 miles outside of Onondaga County to come on the tours. We have had people on the boat from Russia, China, Ohio and Florida, and we've had more than 100 people come to Brewerton for no other purpose than to come on the boat tour, which is an interesting experience. We've referred about 3,000 people to businesses within 15 miles of the village and have given 500 free passages to underprivileged children and have given many tours to Boy Scouts and Girl Scouts and Cub Scouts. We've donated more than \$15,000.00 worth of merchandise, cash and services to Not for Profit's in the area. Our cash investment so far is a little more than 1.2 million dollars into the ship and the infrastructure and those dollars have gone to more than two dozen enterprises within 200 miles or our home port. We've paid more than \$45,000.00 in taxes and fees, which does not include sales taxes for alcohol, fees and all that. This is strictly because we have the privilege of flying the US Flag on the boat. We given so much money, that we're listed as one of the top five percentage of donors across the nation for giving a percentage of our income, which is a pretty good place for us to be. We are actually a federal boat and each month, we have to deal with National Organizations and deal with eleven Federal Agencies, three Federal Law Enforcement Agencies and two New York State Organizations. We deal with three Coast Guard inspections each year and each month we are tested by the Coast Guard for the Masters Proficiency and Crews Proficiency for life saving,

navigation and such. Each year we interact directly with three inter-national organizations and sixteen federal agencies and those don't include the Health Department, the Tax Departments and all of the other organizations that come and go for them. We have quite a burden on them right now and they feel they have given a ton back to the Town, County and State, far and above what he felt was normal and much to the chagrin of the stockholders in the company. One of the things plaguing them is the revitalization effort. We have got to try and get some movement forward. Many times people who come on their cruises, have told them that they have had a great time and that they want to come back, but, people are quite literally depressed with the construction and condition of some of the buildings down there. Chief Snell and his organization are great. We had some vandalism on the boat which was an unfortunate occurrence and we'd like to get some streetlights down there. We've had a lot of problems late at night and have crew working down there well into the night and there will be people dealing drugs in the parking lot. We would like to get some action down there. We've been down there quite a bit and have had a good time and have brought a lot to the area. If anyone has any questions about our comings and going feel free to give us a phone call.

#### PUBLIC INPUT

A resident stated that for full disclosure she was totally in favor of the Loretto Project for very personal reasons and that it has nothing to do with money, taxes or any added costs for the Highway Department. She was disappointed that the vote on the lease of the property was not approved unanimously as it seems like such a small issue. If you needed time to check into it, she knew about it when she checked the agenda on the internet as they are posted well in advance. She hoped in the future the board will be less contentious when it comes to the project for the elder care home.

Roy Mallette was surprised at the decision of the board this evening and wondered if the board knew the history of the commons, which started with an illegal meeting in this town hall. He stated that the newly elected people were elected on the idea of transparency and telling people what is happening and that he felt that the motion that was made pertaining to this project should be rescinded until it is looked into further.

James Delladonna, Brewerton NY wanted clarification on the assessment process in Cicero. He moved here 4 years ago and owns the second smallest house on his block and is paying the highest taxes and assessed higher than anyone else. He came to the Assessor's Office and spoke with Ms. Barnello, showed her photos, etc. and was told that he had a legitimate gripe and that I should go through the grievance process. She called my house a ranch when it was a cape cod and stated they could take a look at it. She came out and measured my house and found it was 400 square feet less and that my house is a cape and I told her I wanted my assessment decreased. Sometime later I wanted to add a patio and came here to see how it would affect my assessment and was told there would be no affect, but that I needed a permit. I put on a deck and was notified last year around this time that my tax base had increased and that I was assessed \$2,000.00 more. When I came back to the office and was told I needed to get the proper paperwork which could be acquired online. I did all the work and came back and sat down with the Assessor and presented my information and was told that I had put on a deck and had to pay for the deck. I told them that we don't do that here in the town. The guy told me he didn't know about the town. I also told him there were no comparables to my house, so I went to a ranch style home which have a higher price when I should have gone to a colonial. I am still paying more in taxes than the ranches in my neighborhood that have more property than me and are 200 square feet larger than my home. I asked about all the information that I brought in and was told that the town is doing a full reassessment now and that the information would be looked at later on. Does the town take into consideration who built your house, because, that was what I was told. My neighbor was told the same thing. I am one of the people who wanted the assessor's in my house, but, wasn't home so they left a hang tag on my door. I've been working with Sherry who works with the company and last week a gentleman came to my house. He told me that he had me down for 4 bedrooms and I told him I only have 3. He stated that when they were on the property they thought from the outside, there was a bedroom upstairs. I showed him it was an attic and that nothing was there. I showed him there was no finished basement. I showed him the bathroom that has no jacuzzi tub and was told that they had me down for .75 on the second floor and that I have less than .25. I wasn't allowed to grieve this last year because of this revaluation process. I'd like to know if they are taking into consideration who builds your house and I would like to know what my grievance rights are as I am going to come back and grieve my situation as I am over taxed in my opinion, based on the other houses in my area.

Brad Brennan – It sounds like you did all the right stuff. You had an informal hearing and it's unfortunate that we didn't agree on the value. Your next step is to take it to grievance and you always have that right. There are cases where builders do have an effect on the value and is something that I do have to consider. You mentioned that GAR Associates have been there and

measured the house and they are updating our data. We will now have correct data to review and you can certainly come in and have a review with me this year or in any year where you are concerned.

James Delladonna wanted to know if he could come in and grieve his assessment or does he have to wait for all of the results to come in from GAR and does the builder play into this. No one in the business has ever heard of that.

Brad Brennan invited Mr. Delladonna to come in and have an informal review this year if he wanted to and then he could go on to grievance.

Marty Bower, Steamship Manhattan came and signed up for the basic STAR and military discount after he moved in. Two weeks ago, they called and told me that my fair market value was \$235,000.00 and I've just paid my taxes based on \$285,000.00 and I did not get a military discount. Will I get anything back as I paid \$235,000.00 for the house and paid taxes on \$285,000.00?

Brad Brennan – Unfortunately you can't. You do have to have a review in any given year to have it lowered. As soon as we had a chance to speak with you, we had a new sales price for you and were glad to make that reduction. That tax bill is frozen on last year's assessment roll.

Marty Bower asked about his military discount.

Brad Brennan – When did you apply for that?

Marty Bower – When I moved in.

Brad Brennan – When was that?

Marty Bower - October

Brad Brennan – That was after the March 1<sup>st</sup> deadline. We do have that on file and will be enacted in this 2010 assessment roll.

Ms. Zambrano asked if GAR has been to his home.

Marty Bower didn't believe that they have. He also is being taxed on a pond on his yard that he can do nothing with.

Ms. Boyke asked if it was a retention pond.

Marty Bower – The State Army Corp of Engineers say I can't touch any part of that pond.

Ms. Boyke – It's a wetland.

Marty Bower stated he owns it, but, doesn't own it, but he pays taxes on it.

Brad Brennan – Your purchase price reflects that encumbrance of the pond and the liability. By using your purchase price, we derived what the fair market value is. If you have other concerns, we can address them.

Marty Bower – Next year, I should get my lower tax rate.

Brad Brennan – Yes and in September, you will see the new assessment that will affect your taxes. In January you'll have your Veteran's discount.

Marty Bower – When you apply this Veteran's discount is it also for town taxes?

Brad Brennan – It is for town taxes which is County and Town, but not school.

Mr. Corl asked Brad to lay out the dates to help the people.

Brad Brennan stated that March 1, is the deadline for all exemptions, May 1<sup>st</sup> the tentative Assessment roll will be filed and I will be doing informal hearings anytime between now and grievance day. Grievance Day will be the 1<sup>st</sup> day of June and the final roll will be filed on July 1, 2010.

Ms. Zambrano asked Brad to make a point to speak to both gentlemen about their particular situations.

Brad Brennan – Absolutely

Rich Barling – I agree that we need senior housing but I argue with the way the plan is set up because of the amount of space that they are using and laws that are coming up, where they are trying to bypass how close buildings are to the road and things like that.

Rich Barling read that a report entitled 'The Town Exceed its Legal Authority date, unknown, where the former Supervisor's responds April 12, 2005. The report states that the town board lacked legal authority to transfer real property to the CLDC without receiving substantial or valuable consideration in return. The board wishes to stress that it transfer the property to the CLDC only upon advice of Legal Counsel and attached is Exhibit A. All the minutes from April 12, 1999 where the board is told by then, Attorney Rivizzigno, that the not for profit corporation law authorizes the town board by resolution, subject to a public hearing to transfer the land to the Local Development Corporation. The board relied on the advice given them by the attorney that it was legal for the town to transfer that property. Mr. Barling suggested that everyone get a copy of this document and read it as it spells out exactly what was done out of the legal ramifications of the town board and you just voted on something. I would love to see Loretto have a place here, but, when the Clay Commons went over there on Route 11 north of Route 31, there were two people who voted against it. Two people voted for it and the Town Supervisor at the time passed and made it official. There is also information on this whether this was the right thing to do. I think you need to start looking at what you are doing and do this right because here's a report, from the State Comptroller that says you did it wrong.

Rich Barling explained that this is a legal document spells out what was done wrong in the Town of Cicero, that you gave them legal counsel to do and he cautioned him on the steps he's making.

Ed Hansen Eileen Ave. asked what nature of the private caucuses, are for?

Ms. Boyke – They aren't private caucuses and pertain to personnel issues and are discussed in Executive Session.

Ed Hansen asked if there was any reason why we can't know what's going on.

Ms. Boyke explained that they pertain to personnel issues.

Ed Hansen asked if the private sessions were held when things pertain to lawsuits.

Ms. Boyke – Not for me.

Ed Hansen – You're not going to be doing it that way?

Ms. Boyke explained they would, but, she meant that she hasn't experienced that yet.

Ed Hansen stated he liked it when they said open government and that he couldn't think of anything that would be more exposed to the public than any lawsuits and what comes out of our pockets. He didn't recall ever hearing how much we had to pay for suits and thought we should know.

Mr. Rivizzigno – We go into Executive Session to discuss the pros and cons, the town's liability or non liability. When it comes to the time that the town has to pay any money or we settle a law suit it's done out here, so that it's reported and it isn't done in private. We do not make any decisions in Executive Session. We have only discussions and all the decisions and votes are out here.

Mr. Hansen stated that he never heard any amount mentioned that was paid.

Mr. Corl – The information is available in Tracy's Office. If the town was sued by an individual and a claim was paid, Tracy would have that information. Any money that's paid as result of a tax certiorari or litigation would have to be approved and would be on the abstract and the terms of the agreement would be with the Town Clerk.

Mr. Hansen felt the information should be made available where settlements have been made and the amount of the settlement should be made known.

Ms. Boyke – So far we have had none.

Mr. Rivizzigno stated that there may be one this evening as they will discuss a Tax Certiorari and if we decide to resolve it, you what the numbers are. Whatever the board has done in the past is in the minutes and the clerk has the minutes.

Mr. Hansen stated that sometimes it's done, but the terms aren't disclosed.

Mr. Rivizzigno - That when it's done with a Court Order

Mr. Hansen felt that we shouldn't settle under those terms.

Ms. Zambrano – We'll try to do it better.

Lori Sager congratulated the Supervisor on her win in November and recalled that she had run on open government and all those great things. She noticed that we spent \$495,000.00 on appropriations from the General Fund and another \$180,000.00 for Highway. At this rate we have only 10 months of expenditures left and our budget is \$10,000,000 dollars for the whole year. Is there anything we can do to get these costs in line? Lori was concerned about salaries, the Federal Government, County and State spending which is out of control and wondered if there was anything that we could do locally to help relieve the pressure of the taxes on us and she also wanted the board to work with Department Heads on cutting costs.

Tim Murphy, Noel Road - The law that you're using is the local law number 2 of 2000 that you are using for the Loretto Facility site and for nothing else? There was a local law that you used to approve the commons that you used to approve Loretto. Is that law just encompassing just that site?

Ms. Zambrano - I believe so.

Mr. Rivizzigno asked if the Local Law Tim was talking about was the PUD.

Tim Murphy – Yes

Mr. Rivizzigno stated that he did not understand Tim's question.

Tim explained that there were more Commons around town and he wanted to be sure there was no connection to any other.

Ms. Boyke explained that the name of New Dimensions property was named Cicero Commons and is on Route 11 and that is the only reference that we're using. If you want us to use the words New Dimensions from now on, we will.

Ms. Zambrano explained that what Tim is saying is that there are other area's called Commons.

Tim Murphy – We don't know if the law is affecting other things. When you approved the local law with this, is this a jurisdictional oversight on other pieces of property.

Mr. Rivizzigno – The Local Law is only for the Cicero Commons PUD up on Route 11 which is New Dimensions.

Ms. Boyke – I will say New Dimensions from now on.

Tim stated that he had a presentation that he prepared for this evening consisting of 25 pages of time lines and dates that he watered down which is inserted as follows:

Cicero Town Board Wednesday February 10, 2010

The Loretto Long Term Care Facility at the Cicero Commons is a great project for the area, but there are a number of issues that should be taken into consideration.

- (1) The PUD ( Project Under Development) was approved in 2000; it is fundamentally wrong to revive a 10 year old plan that nearly bankrupted this town.
- (2) The original approval provided a stipulation that the State DOT required both a turning lane and a signalized intersection before further development is initiated. Who will pay for this, surely not the town?
- (3) The private road into the Commons is 24 feet wide, significantly below what is required for snow removal and easement boundaries.
- (4) Parking on the road is against the town codes and should not be held up as a precedent with a ten year old plan. This is especially true with the safety and welfare of seniors with emergency vehicles and busses on narrow congested roads.
- (5) With only two parking spaces per unit to accommodate staff, there would be no visitor parking except on street parking. These residential units are too clustered ( 15 foot setbacks ) with the towns 'new urbanism'. They should consider the footprint to accommodate safe, adequate, and accessible off street parking.
- (6) The final plat for this minor subdivision under the PUD should not be the front for other unknown projects that will be included in the Empire Zone site while the Town is doing a re-assessment.
- (7) The Town Board Supervisor and the Planning Board Chairman are both in real estate. This could create an appearance of impropriety in future development issues.

Thank you for your time,

Tim Murphy 5806 Noel Road, Cicero, NY, 13039



Donald Rice, Kneeskern Road, stated that many years ago the Penn Can Mall was assessed at \$20,000,000 and it went down hill because he had no tenants, which to me doesn't make any difference. If you have a piece of property, you have to pay the taxes regardless if you have tenants or not. When the property was sold it was assessed at \$2,000,000.00 and I would like to know what the assessment is now on that property as it should be considerably more.

Brad Brennan stated he would be happy to provide Mr. Rice with that information if he gave him a call at his office.

Ms. Boyke stated that before we enter into Executive Session, she would like to go through the board comments first.

Engineer – None

Attorney – None

Highway – None

Police – None

Comptroller – None

Parks & Recreation – None

Zoning - None

Assessor – None

Tax – None

Board Comments

Mr. Conway stated that the first Commons should be called Commons #1 to get rid of the confusion.

Ms. Boyke stated that the words New Dimensions will be words used in the future.

Mr. Jennings - At the last meeting I was approved to attend the Association of Towns Meeting in NY City, but, given what Lori said, maybe we should save some money. We have three individuals going and I'm quite sure they can bring back information that would be pertinent to my position on the board, so I am therefore withdrawing from going to the Association of Towns in NY City.

Mr. Corl stated that he and the Supervisor had the opportunity to attend the grand opening of the Holiday Inn Express in Cicero and it was a nice event. He also had the opportunity to go over to the Comfort Suites as well. With the new hotels in Cicero it gives a little more opportunity for people to stay over. They both have pools and are nice additions to the town.

Ms. Zambrano stated that she wished to speak to Lori Sager point about saving money. For those of you who know me, I am concerned about spending and I've complained about it for a long time. As far as savings are concerned I wanted to say that we will be saving \$10,000.00 by not hiring an outside Budget Officer. The budget this year will be prepared in house. In 2009, by the time of the third Town Board Meeting, the town had spent \$44,686.00.00. To date and the third Town Board Meeting for 2010, the expenditure for legal fees has been \$11,679.00, so we are concerned about spending in the town and we continue to look for ways to save money and I think that was one of the big ones.

Tracy Cosilmon reminded the board about the kids in Participation in Government.

Ms. Boyke stated that she was looking at our budget intensely because of the economic situation that is going on all over. It is also within our own town. We have situations where we just had a major sewer break which is costly and we don't have emergency money. We are scrutinizing our budget and I have spoken to a couple of heads of the departments already and when we have our monthly meeting, we will be discussing the budget as well. While I am out of town, from February 14<sup>th</sup> to the 17<sup>th</sup>, I am going to appoint Lynn Jennings to sit in my position for any of the town affairs that need to be addressed. Our Attorney will also be available. With that, the students in Participation in Government can come forward for their paperwork to be signed and then we will be going into Executive Session and will reconvene.

#### Executive Session

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to enter into Executive Session to discuss a personnel issue, a Tax Certiorari matter and the personal history of a particular individual within the town and to reconvene.

The motion was approved as follows:

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

The meeting entered into Executive Session at 8:38 p.m.

The meeting reconvened from Executive Session at 9:24 p.m.

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to close the Executive Session and return to open session.

Mr. Corl stated that he wanted to clarify who went into Executive Session. We did invite the Police Chief and the Comptroller.

Ms. Zambrano stated that the first issue involved the settlement of a Tax Certiorari with New Dimensions that has been going on for a couple of years and we have come to terms.

Motion was made by Ms. Zambrano, seconded by NO SECOND, to approve the settlement with New Dimensions, LLC, for the equalized full value assessment of \$3,000,000.00 and to reimburse Onondaga County for taxes paid and the previous assessment in the amount of \$45,300.00.

**Discussion:**

Mr. Rivizzigno stated that amount could be a little bit plus or minus after the County reconsiders the numbers.

Ms. Zambrano – The County may recalculate?

Mr. Rivizzigno – Yes

**Mr. Corl Seconded the motion**

**Discussion:**

Ms. Zambrano stated that since we're obligated to pay at least \$45,300.00 back to the county, do we have such an amount budgeted?

Shirlie Stuart – No, we do not.

Ms. Zambrano asked what is left in the funds.

Shirlie Stuart stated that presently, in Fund A there is \$10,000.00 appropriated and in Fund B there is \$2,000.00 and in the Highway Fund we have \$2,000.00 and in Special Districts, I have nothing. I think we're comfortable and I can certainly work with Fund A, but, Fund B will be a tough accomplishment.

Ms. Zambrano – There will be a certain amount from each of those 3 funds plus the Special Districts to make up this \$45,300.00 to repay the County.

Shirlie Stuart – Correct

Ms. Zambrano – Do you think if we go on an austerity budget, we might be able to find the money to pay this?

Shirlie Stuart – That would be one way.

Ms. Zambrano – Does the County want full payment all at once?

Mr. Rivizzigno – That’s correct.

**Continuation of the vote:**

The motion was approved as follows:

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

Mr. Corl stated in Executive Session they discussed the employment history of a particular person and would like to make a motion.

Motion was made by Mr. Corl, seconded by Mr. Jennings, that we approve Police Officer, Michael Arregano date of hire to the Town of Cicero to be July 31, 2000 and for the matter to be referred to Onondaga County for their consideration.

**Discussion:**

Ms. Zambrano asked how much time was being added to Officer Arregano’s time.

Ms. Boyke stated that she believed it was 3 months.

Mr. Corl understood that through the County, Officer Arregano’s date of hire is designated as the middle of October and that on July 31, the town sent him to the Police Academy and he was not compensated. He finished the Police Academy which was sometime in December and at which time he became a Town Police Officer and an employee of the town. The past practice has been to designate the date of hire to be the date that the Officer enters into the Police Academy. Although he was not compensated, that is the date that he did go into the academy. That is the rationale for doing it and it is not going to cost the town anything. He is not looking for any compensation and this is part of the minutes from July 2000 in which he was appointed. He will go to the County and try to change his date of hire.

**Continuation of the vote:**

The motion was approved as follows:

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

Motion was made by Mr. Corl, seconded by Mr. Jennings, to authorize the Supervisor to sign the authorization to allow the request for application to be made on behalf of Police Chief Snell, for a 211 waiver through NYS.

**Discussion:**

Ms. Zambrano asked if they were assured that this waiver will not cost the town any money. Is that correct?

Mr. Corl - That’s correct. In the past the Police Chief has always been afforded the opportunity through the town to get this waiver and it doesn’t cost the town anything. The town does not contribute anything to Chief’s pension that he receives through the state.

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 9:31 p.m.

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Tracy M. Cosilmon  
Town Clerk