

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, February 23, 2011, at 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  
Jody Rogers, Director of Parks & Recreation  
Wayne Dean, Director of Planning & Development  
Shirlie Stuart, Comptroller  
Brad Brennan, Assessor  
Linda Losito, Secretary to Supervisor  
Anthony Rivizzigno, Town Attorney  
Ronald DeTota, II PE, C & S Engineers  
Sarah Moses, Post Standard

Absent: Joseph Snell, Police Chief

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 the Armed Forces in harms way.

Ms. Boyke indicated where the fire exits were and read the following statement:

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn of your cell phones and make sure when you are speaking that you use the microphones to enable all in attendance to hear.

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

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

The motion was approved as follows:

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

APPROVAL OF MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the minutes of the February 9, 2011 town board meeting amending page 7 at the bottom of the page to be corrected from \$90.00 to \$190.00 to Germain & Germain for litigation.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon stated that she was in receipt of a letter from the NY State DOT where Ms. Erin Phillips, Principal of Brewerton Elementary School, requested a school speed zone change and the state will be establishing a 25 mph school speed limit in front of the Brewerton Elementary School and that the signs to implement this school speed limit will be installed by the maintenance forces as soon as their work schedules permit.

Highway

Chris Woznica asked for approval to add Kathy See to the wing person list.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize that Kathy See be added to the list of wing persons.

The motion was approved as follows:

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

Emergency Purchases

Chris requested approval of approximately \$3,500.00 for an emergency purchase for Allied Spring to repair trucks #18 and #40, budget code DB513044.

Motion was made by Ms. Boyke, seconded by Mr. Corl, to authorize an emergency expenditure of \$3,500.00 to Allied Spring to repair trucks #18 and #40, Budget Code DB513044.

The motion was approved as follows:

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

Oil purchase

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$1,042.80 to Drake Oil for Super D XA motor oil, Budget Code A51324.

The motion was approved as follows:

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

Chris stated that they are starting to look at roads and what to do with them and what to pave. I will be meeting with Ron DeTota of C&S Engineers within the next few weeks. We aren't repairing gutters any longer and haven't done that in nearly five years. I think we're going to start doing what we've done in the past, and take the gutter out and installing underdrains. We need to get going on some of these roads as they are falling apart. It is something to keep in mind. You may be getting calls where people are complaining that they want their gutters back, but it isn't worth it to repair them anymore. We will be meeting with C & S to look at that.

Comptroller - None

Park & Recreation

#### YBPR PURCHASE APPROVALS

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$2,690.75 for John Haas, and an expenditure of \$2,750.00 for Gary Dembkowski to provide basketball instructions through CNS NBA Winter League, Budget Code B7020.44 which is paid via fees from the program.

The motion was approved as follows:

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

Zoning

Wayne Dean requested approval to pay the Regional Planning Board for assistance in meeting our state requirements pertaining to the MS4 Program. It is a partial billing of \$3,000.00 and right now they have 30 of the 36 municipalities signed up and are expecting 3 more, so they haven't finalized the final cost for the year. That is why they are only billing us 75%. I am now asking for approval to pay the \$3,000.00 charge at this time.

Motion was made by Mr. Conway, seconded by Ms. Boyke to authorize an expenditure of \$3,000.00 to pay the Regional Planning Board for assistance in meeting the State requirement pertaining to the MS4 Program.

The motion was approved as follows:

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

Assessor – None

Tax – None

Ms. Boyke stated that she wanted to let everyone know that they have formed the Special Drainage Committee and Wayne Dean will serve as the Committee Chair and Vern Conway will serve as the Vice Chair. The committee is made up of the following individuals: Chris Woznica, Highway Superintendent, Don Snyder, Doug Wickman of C & S Engineers, Judy Boyke and Gary Repko will take minutes. The board has received a copy of the first set of minutes to give you some structure as to how this committee is going to be formed and run and we look forward to a successful year.

**Rescind motion regarding Grievance Day and set new date of June 7, 2011**

Motion was made by Ms. Boyke, seconded by Mr. Jennings, that the motion made at the December 8, 2010, Town Board Meeting in regards to changing the date for Grievance Day to May 26, 2011, be rescinded and that the date of June 7, 2011 be reinstated as Grievance Day.

The motion was approved as follows:

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

**APPROVAL OF ABSTRACT #4 OF 2011**

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #4 of 2011 as follows:

General Fund Voucher #269 to Voucher #348	In the amount of \$1,219,654.96
Highway Fund Voucher #94H to Voucher #120H	In the amount of \$ 186,773.83

The first abstract included two Fire Protection Contracts that were disbursed to Brewerton and Cicero Fire Districts.

The motion was approved as follows:

Mr. Conway:	Yes
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Discussion:

Mr. Corl asked Shirlie if that was the last invoice on the CSEA.

Tony Rivizzigno - I believe so.

Mr. Corl:	Yes, but, I stated earlier this year that I objected to the contract itself because of the increased cost in the salaries and in the 100% Health Insurance coverage for the retirees. I will vote yes for the Abstract, but note my objection to that one invoice 443.
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Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Ms. Boyke:	Yes

**NO BUDGET MODIFICATIONS**

## REVIEW RECOMMENDATION FOR IT BID

## Discussion:

Ms. Boyke stated that four vendors responded to the bids. Of the four only two met the specifications and requirements and one of them was clearly the lowest price. Based on the analysis provided in the attached spreadsheet, I recommend that the town award the technology support bid to Computer Outlet. Their hourly rates are significantly lower than the other vendors and they have demonstrated that they are capable of providing the level of support required.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to award the bid for IT support for the Town of Cicero, to Computer Outlet, Brewerton Rd. Cicero, NY for the hourly rate of \$90.00 as the standard business rate, \$149.00 for after hours and \$198.00 as the holiday rate.

The motion was approved as follows:

Mr. Conway: Yes

Mr. Corl: No and the reason why is that earlier this year there was \$17,000.00 dedicated towards IT and \$50,000.00 was taken from the fund balance for IT. There is no plan in place relative to how that money is going to be spent, or what the long term plans for IT Services within the town are going to be. I don't think the Department Heads have been consulted as to what they would like to see on this particular issue.

Mr. Jennings: Yes

**Discussion:**

Ms. Zambrano - As a point of clarification what we are voting on is just for the maintenance support of the IT System at this point and time, meaning that will come out of that \$17,000.00. There was a committee formed to advise and interview Department Heads and various staff to develop a plan and \$50,000.00 was put in reserve. I don't think we're deviating from the original appropriation of the \$17,000.00.

Ms. Boyke – That's correct. We would be unable to go forward with the plan until we have an IT Specialist people involved with it. Therefore, we need to hire them first and to have them on hand because at this time we have no backup.

Ms. Zambrano – This Vendor is actually a replacement for NSA who provided the support.

**Continuation of the vote:**

Ms. Zambrano: Yes

Ms. Boyke: Yes

APPROVAL FOR SUPERVISOR TO EXECUTE THE CONTRACT AMENDMENT  
FOR ALTMAN ENTERPRISES WASTE MANAGEMENT LLC

**Discussion:**

Ms. Boyke explained that she and the Council have sat with Altman and have changed the window for picking up the shrubs and tree branches because of the later winter and earlier spring. We took the opportunity and moved it up three weeks so that we will go to December 2, rather than ending in the first week of November. Therefore, the curbside brush collection for 2011 will begin on May 2, 2011 and terminate on December 2, 2011.

Altman will be sending out postcards to let folks know. Along with that, the Christmas tree pickup will begin January 2, and will stay in effect until the 27 of January.

Ms. Zambrano asked if these are all extensions.

Ms. Boyke – Instead of it ending in November, it has been moved up into December and is starting three weeks later in May, rather than in April.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to authorize the Supervisor to execute the contract amendment with Altman Enterprises Waste Management, LLC for brush pickup service.

The motion was approved as follows:

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

APPROVAL FOR SUPERVISOR TO EXECUTE THE POLLING PLACE AGREEMENT FOR CONTINUED USE OF OUR FACILITIES DURING PRIMARY AND GENERAL ELECTION

Motion was made by Mr. Corl, seconded by Mr. Jennings, to authorize the Supervisor to execute the Polling Place Agreement for continued using of the town’s facilities for the Primary and General Election.

The motion was approved as follows:

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

YBPR STAFF APPOINTMENT

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the following staff appointment as follows:

Juliana Daniels, 8889 Michigan Ave. Cicero, NY  
 Hire Title: Recreation Attendant (FWS Programs)  
 Hire Date: January 10, 2011  
 Hire Rate: \$7.25 per hour

The motion was approved as follows:

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

HIGHWAY PURCHASES

2012 Mack Granite GU712 truck with plow and equipment and Sander

Postponed

## EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to enter into Executive Session for the purpose of discussing a litigation matter and I invite the Town Board, Town Attorney, the Comptroller, Engineer and Wayne Dean and to reconvene.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 7:22 p.m.

The meeting reconvened at 7:34 p.m.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to return to open session.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize payment of \$2,500.00 for the settlement of the lawsuit between Byrnes and the Town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Corl:	Yes and that payment will go to the insurance carrier.

Tony Rivizzigno – Yes

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

**Power Point Presentation**

The Town Board was honored to show a power point presentation featuring Ed Zaluski, who served in the Army during WWII, as a Top Gunner at Iwo Jima. Ed has been featured in many newspaper articles and has appeared on TV participating in many events that honors the men and women who have served and are now serving in the military here and abroad. He also spends much of his time educating school children about the history of WWII as he wants people to know what happened and how important it is not to forget.

## PUBLIC INPUT

Don Snyder, Mud Mill Road stated he was disturbed about reading the paper and finding out that we're questioning numbers. I have a degree in accounting and numbers don't lie. I have a document that talks about the Brewerton Revitalization Project and where the money went and where it's going to go. It appears that we don't have a question where a lot of it went, but, we do have a question about the economic contractual line. I'd like to ask the Comptroller to look at the vouchers that were paid for the \$480,000.00 and see what it is for and then put it in a category, to see what it was spent for. Can we do that?

Shirlie Stuart – We could do that, but our vouchers are simply economic development retained for legal service of \$8,000.00 per month. The vouchers simply say retainer \$8,000.00, signed with no details.

Don Snyder – We have no way of what was done for \$8,000.00 a month?

Shirlie Stuart – I do not.

Don Snyder asked if the law firm could produce them for us.

Shirlie Stuart stated that she thought Mr. Corl could act on this and has a sheet stating what the \$8,000.00 references, but she has nothing.

Don Snyder stated he'd like to have Jim sit with Shirlie and agree where the money went and see where it went, or didn't go to the Brewerton Revitalization. It serves no value to the citizens of this town to have arguing over numbers. If we don't have the details, we need to find where the details can be found. If it can't be found it would be a red flag to me that we should have an investigation to find out what happened with that \$480,000.00. I don't think anyone is against this project but, I'm concerned about spending the taxpayers money and feel we need to be on the same common ground. I'm just asking that we have as the kids call, a time out, and for you to sit with the Comptroller to figure this out as the records she has are what she inherited when the new administration took over.

Roy Mallette – Regarding item 6 on the agenda, did the board receive bids for IT Services?

Ms. Boyke – Yes, and a RFP was put out and four bids were received and it was awarded to Computer Outlet.

Mr. Corl thanked Don Snyder for bringing up his issue because over the last year and a half we've heard that \$480,000.00 has been thrown around. One thing I want to clarify on the Brewerton Project is that the town spent approximately \$125,000.00 out of pocket of Cicero Taxpayers money. On top of that about \$50,000.00 was paid to obtain the Grants for that area. So, less than \$200,000.00 has come from the Town of Cicero Taxpayers dollars. What has been done for the last year and a half is the \$480,000.00 was added into the mix to try and make it look and appear as if we've spent a million dollars on Brewerton, which is not the case. That is what you've heard is lumped into that \$480,000.00.

Shirlie Stuart asked Jim to explain to her how you have a budget line in your budget in 2006, 2007, 2008 and 2009 titled Economic Assistance Brewerton, totaling \$353,624.79 relative to Brewerton? Is that correct?

Mr. Corl – No, that is incorrect. I was here during those periods of time and that was an Economic Development Retainer and was not for Brewerton.

Shirlie Stuart – No, it's two different things. Once again, Economic Assistance Brewerton is in the amount of \$353,624.79. We have a research line and I've got the vouchers and it's for Brewerton for \$31,875.00. We have an Economic Development Contractual Line which you're speaking of in reference, that we retained legal services for \$100,000.00 a year. Within that \$100,000.00 how much of that went towards legal? It all went to legal.

Mr. Corl – So that people understand, as it can be very confusing, if you take and look at what the town has paid to date, on preliminary Phase I, the Town of Cicero has paid \$113,876.64 which came from Cicero Taxpayer dollars. On top of that, we've spent \$11,861.47 of Cicero Taxpayers dollars for a total of \$125,738.11.

Shirlie Stuart asked which year.

Mr. Corl stated it was for everything.

Shirlie Stuart – No.

Mr. Corl – That equals the \$125,738.11.

Shirlie Stuart – I publically disagree with you. I didn't come up with these numbers. These numbers are not mine and are the last four years numbers from budgeted lines in Brewerton. I gave you details and vendors.

Mr. Corl – We're not disagreeing. Let's set the record straight on Brewerton. Everyone wants to dump on Brewerton for the last year and a half.

Ms. Boyke stated she wished to interrupt.

Mr. Corl – No, I'm going through the numbers with the Comptroller, so everybody understands when they leave exactly where this money was spent.

Ms. Boyke - I'll answer to the dump on Brewerton first and then you can go ahead.

Mr. Corl – Go ahead

Ms. Boyke - We had another meeting on February 10, 2011 in regards to going forward with Brewerton and we have a plan and presented an opportunity to select picnic tables, benches, walkways and lighting. There was a representative there in regards to lighting, so therefore it is not dead and we are going forward. Under the circumstances, Phase I has to be performed and we can not go forward with that because SHIPO has to authorize all of that before we can even have a site plan. Therefore it is not dead.

Mr. Corl – What you refer to is the Community Development Grants which were obtained, which is a separate issue than what I am referring to.

Jody Rogers stated she wanted to make a statement as long as Jim was bringing that up. She was given an excel sheet and she was going to address the excel sheet and also had a copy available for anyone who would like a copy. It says where legal fees were paid out to explain the \$480,000.00 away from the Brewerton project. It hit the Police Department, the Town Clerk's Office and the majority hit my department. It stated that over \$112,000.00 was spent out of Economic Development for me to obtain \$300,000 and change in grants. First of all, I will tell you these are false claims on this spread sheet. I don't understand how they are legitimate economic development expenses, although I will say, that having a great Police Department and a great Parks Department, definitely enticed businesses and residents to reside here. My statement is this and I have documents to back this up and probably ones that you have not seen.

TO: Town Board

FROM: Jody L. Rogers, Director

CC: Tony Rivizzigno, Attorney  
Shirlie Stuart, Comptroller  
Lori Lake-Toms, Chairperson, Parks & Recreation Commission  
Vinny Hollopeter, Chairperson, Greater Cicero Community Youth Board

DATE: February 21, 2011

RE: Response to Excel sheet detailing legal fees from 2006-2009

I feel compelled to respond to information provided to me on Thursday, February 11th by Shirlie Stuart detailing fees paid out to attorneys for various Parks & Recreation grants obtained by my department. The information provided clearly state that over \$112,500 (or over 562 hours @ \$200/hour) was spent in legal fees to obtain grants for park development, the senior center and teen center. I want to state adamantly, that to my knowledge as the sole grant writer and researcher for all the stated grants, except the William Park Shoreline Restoration, I personally never sought, asked for or received any legal counsel to obtain these grants. I state emphatically that the grants were written by me or a staff member working with the necessary personnel

and agencies to obtain the stated monies. I never used, budgeted, or paid any of the legal fees that were stated. I am unclear on how and why legal bills were submitted by Wladis Law firm under "economic development" for work done for the Parks and Recreation department. I am also concerned as to how and why would any bills be paid for my department without my signature/authorization or knowledge. I would ask this Board to request proof of the work done to substantiate their claim. Where are the drafts, whom did they speak with, what dates of service, and what actions constituted the over 562 hours of legal work? I can assure you that I can easily provide you with my records. I also find it quite ironic that I was specifically asked to provide the Wladis Law Firm with a list of grants obtained by this department over the years. As I review the information it looks amazingly similar to what I provided. I also find it very strange that from 1990 to 2006 while working with attorneys like Kublick, Rivizzigno, Chatfield and McDermott there are no expenses to this degree for legal services while I was obtaining grants for parks. What changed?

As well I am concerned about the parks and recreation department being placed into the "political arena" in our Town. Our department never has and never will get involved with the obvious attempts to draw us into this venue. We are Parks and Recreation not Politics and Recreation. The Parks and Recreation department's primary function is to serve the leisure and recreation needs of our community. Our programs are created to serve the youngest to the oldest and all in between. As Director of Youth Bureau, Parks and Recreation for over 24 years, I have seen my fair share of Town supervisors and Town Board members and have enjoyed working with all of them. Our department has benefited from the various leaders and has learned from all. We pride ourselves on being part of a team. We work with whomever the "People" decide will lead our community and we are open to the ideas of change and continue to change as the needs of our residents change.

I am confident that once reviewed closely and in conjunction with speaking with the law firm that you will see that there has been some grave errors put forth in this document that should be corrected. As always my department is open to any review of documents and will provide any information necessary to clear up this matter. Lastly, I thank you for your time and look forward to working together for the continued success of the Youth Bureau, Parks and Recreation Department in our Town.

Jody also stated that she has a couple of documents and one is from Chris McCarthy asking Wladis Law Firm for a list of Economic development monies in 2006. She also has a response from Mark Wladis, saying that Heather will reply to him, but, asked why Chris was asking for this information. Then, there's a funny little note, that says, these do not include a number that Jody has received, some due to our efforts and some not. If they did the grant, they did the work and they did the research, wouldn't they already know what the grants were that they're asking for from me? I believe in giving credit for where credit is due, Jim and they're not giving credit to the right people, they're just using me as a scapegoat. I also had an opportunity to talk to Chief Snell today and I'm going to pull Tracy into this too. I asked the Chief and was sorry to bother him, while he is recuperating at home, but, I was curious how much time estimated if needed, did legal spend on getting the above mentioned grant, which according to this information, Police Crime Technician Van, the Wladis Law Firm spent \$7,500.00 to get an \$18,000.00 Grant. Did they write it, research it and contact the people for the funds for that \$17,991.00? Joe Snell stated he did most of the justification. Wladis Law Firm made the contact through Valesky's Office. This was a member item grant so did not take a lot of ground work, only Senator's interest. For those people in this room who know what a member item is, who know what a legislative item is, and know what Community Development Grants are, you complete a form and it's sent in. How much conversation at \$200.00 an hour did Wladis Law Firm put forth to receive furniture for the Teen Center for a \$5,000.00 grant, claiming \$2,500.00 of their time went forth for a \$5,000.00 grant? It makes me look fiscally foolish and it's a lie and I stand by my letter and I stand by my work and my honor as a Director of this Department. I can't say the same thing for the Wladis Law Firm. I spoke to you about it and you did not get back to me. Here is my list that I gave to the Wladis Law Firm and it looks exactly like this sheet.

Mr. Corl – I appreciate that and it's inaccurate that I didn't get back to you.

Jody Rogers – You asked me to come to your office and I said I'd like to meet you here at the Town Hall.

Mr. Corl - Right. The phone call was at 8:00 on Thursday when you called me and you wanted me to quote on quote come to a meeting. I wanted to sit down and have a discussion with you and I invited you to sit down and we could go over any and all information that I had and I haven't heard back from you.

Jody Roger stated that she believed that when she talked to Jim and Shirly also talked with him, she understood he would come by the Town Hall. You called me at 5:00 p.m., when I was at a meeting at the CanTeen and said, come to my office at 2:00 p.m. I'm sorry Jim, but, I feel more comfortable meeting with someone at the Town Hall.

Mr. Corl – I had all the information there to review and if you want to go about it this way, that's fine.

Jody Rogers – I'd like to see all the drafts.

Mr. Corl – During that period of time, and no one is discrediting you.

Jody Rogers – Oh yes you are.

Mr. Corl – Did anyone say they didn't appreciate what you do?

Jody Rogers - No, but the point of this is if the Wladis Law Firm can say on paper that they spent over \$112,000.00 for me from my office, to receive \$300,000.00, it's a lie. Tracy Cosilmon, received grants on this, it says, they put time into it. Joe Snell is denying that they put the time in. The town has a purchasing procedure for anything over \$1,000.00 and it has to be requested. If it's not been requested by the Department Head, shouldn't the Department Head have the right to say yes, I asked for that, or that I authorized that, or I needed that. Never was I consulted on an \$8,000.00 retainer which mysteriously after all these months of going back and forth on this \$480,000.00 has now been pinpointed to Parks & Recreation.

Mr. Corl – A portion has been. \$480,000.00 was spent for the period of time and there were many things that were accomplished. Not only grants that were received by the town, there was an increase of the Bond rating, which we went from junk rating in 2005 and 2006 up to at least a point, where we could take money out and borrow for projects such as Circle Drive and things of that nature.

Jody Rogers – Do you believe that the Wladis Law Firm put all of that work into my grants? That's what I want you to answer me, right now. Did they put in all of these hours?

Mr. Corl stated that they put in a substantial amount of time into the grants.

Jody Rogers – No. By who?

Mr. Corl - To get grant money is not just writing a grant, but, it's making phone calls.

Jody Rogers – I've been writing them since 1990. They did not do any work. This is a lie.

Mr. Corl – All I'm saying, is during that period of time the \$480,000.00 was spent on a magnitude of projects including grants.

Jody Rogers – You can't just label all of my grants as work that they did, because they did not do the leg work. You could put it on their side of the balance sheet, but, it's not true.

Pat Rizzo stated that when the money was appropriated in 2007 from Clinton and Schumer, she was under the impression it was going to be just \$1,000,000.00 and not a grant that was given for the revitalization of Brewerton, because of the transportation bill that was passed. When it first went through, you said they had to have grants. I've called every town and have been told that most of the attorneys were paid \$90,000.00 and were paid contractually and did the grants if they had to, but, every Park and Recreation Department did their own grant as did every Town Clerk. When we first started going to the meetings, Chet got up and said, the reason we're going to Washington, is because every time I go there, I say, did anyone ask for a grant and they'd say no. No other town has gone to Washington to get a grant, but, us. They didn't have to bring a lawyer with them and applied the normal way. You are wrong and you have spent a lot of money without justification. At every meeting that Jessica was at, you said I'm not going to vote on the abstract because there is no itemization on it. I never heard you say a word or any of the other members. When I go into Target, I get a list of what I bought and you never had to.

Mr. Corl – If I get a chance to get to the numbers, I will go through them.

Shirlie Stuart – You have the numbers, Jim, I gave them to you.

Mr. Corl – Hold on, can I speak.

Shirlie Stuart – You are speaking, but, speak the truth. I gave you the numbers.

Mr. Corl – This is what this administration is about. It's about falsifying numbers for political gain.

Shirlie Stuart – I falsified these numbers, is that what you're saying? These are not my numbers. These are the last four years of numbers that are filed in the annual report every single year at the Comptroller's Office. I was fair and honest with you and took my time and sat down with you and discussed this whole thing with you.

Mr. Corl – Our numbers are the same.

Shirlie Stuart - No they are not. You're saying my numbers are not correct and that they aren't directed towards Brewerton, but, are directed towards other economic things such as grants that were never written. Grants, by the way, are not economic development, they are two different animals. I will give you all the time in the world.

Kyle Palmer – Members of the Board, I respectfully request, a motion be put on the table, right now, for a complete independent audit of the Town of Cicero because not one person here knows, where the hell our money is going.

Mr. Corl – There was an audit done in 2008.

Kyle Palmer – Was it a procedural audit or a financial audit? As a small business man, If I told any government agency or entity that came to audit my business or me personally, that I lost my documents, in a move to a new office, I would get hung.

Mr. Corl - I am going to go through the numbers so that people have a clear understanding and perhaps I'll be able to finish. In 2007, there was \$87,859.89 spent on Brewerton.

Ms. Zambrano asked what that included.

Mr. Corl – Let's go through the numbers first. In 2008 there was \$95,059.84, in 2009, there was \$19,563.28 in 2010 there was \$151,141.88. Everyone on this board voted in favor of spending those funds for a total of \$353,624.89. Do you agree with those?

Shirlie Stuart – Yes

Mr. Corl – On top of that, there was Brewerton research for 2008 in the amount of \$31,875.00, thereby a total of \$385,499.89 spent on Brewerton. Is that correct?

Shirlie Stuart - Yes

Mr. Corl – We're in agreement Shirlie.

Shirlie Stuart – Yes

Mr. Corl explained that of those monies, \$250,657.07 was paid by grant money from that \$385,499.89. We have \$385,499.89 spent on Brewerton and of that \$250,657.07 was paid by grant money, not Cicero Taxpayer dollars. Then the town paid \$125,738.11 for the Brewerton project and there is an outstanding balance of about \$9,000.00, which equals the total amount for the project of \$385,499.89.

Shirlie Stuart – You aren't taking into account the Economic Development Contractual Line.

Mr. Corl stated that's a separate item.

Shirlie Stuart –That's the money that went towards Brewerton.

Mr. Corl – No

Shirlie Stuart – Yes, it did.

Mr. Corl – Do you have any proof of that?

Shirlie Stuart – Do you?

Mr. Corl – I'm telling you what the numbers were as I was here.

Shirlie Stuart – No

Mr. Corl – I am not going to argue.

Mr. Jennings stated that he thought Jim had confused the issue and that everyone is looking at us and are wondering what is being said. The residents who have spoken tonight are asking questions and he has no idea, as he wasn't on the board four years ago. People have asked me where is all the money has gone that went to Brewerton. I know what Jody has done. At the last meeting they talked about using the money for benches, town lighting, etc. and making a start for the people in Brewerton, so that they can see something is going to happen. I agree with Mr. Palmer who spoke earlier and would like to make a motion at this time, that this town, undertake a complete audit of this program, so we can find out where the money actually is.

Motion was made by Mr. Jennings, at the Town of Cicero undertake a complete audit of the program to find out where the money actually is.

**Discussion:**

Mr. Corl asked who they are you going to hire and what the cost would be.

Mr. Jennings stated that there is a motion on the floor to conduct an audit as we need to find out where this money is and where it went. For a year he has been listening to Councilor Zambrano and every time this was mentioned to be approved in an abstract, it was with the exception of Wladis. I do have a motion on the floor to conduct an audit to find out where this money is.

Ms. Zambrano asked which year it should start.

Mr. Jennings suggested starting in 2006.

Mr. Corl – Who is going to conduct this audit?

Mr. Jennings – We'll send out an RFP.

Ms. Zambrano **SECONDED** the motion and stated that she wanted to add a comment. When this administration was new, we did look at the idea of getting a financial audit and I think we checked with a couple of firms and the cost was upwards of \$75,000.00. We didn't think that we had the money to carry out a financial audit, but, maybe, it would have been money well spent.

Ms. Boyke – To add to that, it's obviously something that needs to be done. Financially, we need to look at this, so the motion would be to have an audit.

Shirlie Stuart - \$75,000 is an extremely large amount of money to do an audit. If you're questioning legal and questioning the Wladis Law Firm audit, the Wladis Law Firm stuff. We've been down this road before and in 2004 or 2005 an audit was done. I think at that time, it cost \$10,000.00. I think the outcome wasn't the best and they refused to pay the money as I recall. Narrow it down, so that the burden of the audit isn't on the Taxpayers.

Ms. Boyke clarified that we need to audit the legal disbursements and expenses from 2006 through 2010.

**Discussion:**

Shirlie Stuart suggested putting it out to the people and stated that Jim would probably agree with her as you'll find out exactly where the money has gone and where it went and the grants that he wrote or didn't write.

Ms. Boyke – That would also cover all of the vouchers and all of the data that we have from the ledgers, we have here, that states all of the money that was paid out.

Shirlie Stuart explained that we don't have all of the bills as they've been misplaced and the bills I have, all have been redacted.

Ms. Boyke – With that, the motion is on the floor that we will authorize and look into with the opportunity that the town can afford to have an audit on the legal fees from 2006 through 2009.

Ms. Zambrano – Do you mean, just the fees paid to the Wladis Law Firm or any legal, meaning fees paid for the Brewerton Revitalization?

Shirlie Stuart stated that the board can choose to do which ever one, but they need to narrow it down so that the cost isn't so extreme. You're being very broad and a financial audit is costly. If you want the Brewerton Project plus grants, Economic Development or what, narrow it down because of cost.

Mr. Jennings – I think that Brewerton is actually the meat of the subject and if that's the case, then we need to narrow it down to Brewerton.

Ms. Boyke stated it needs to include Economic Development.

Ms. Zambrano agreed that it needs to include Economic Development and the Wladis Law Firm. According to Shirlie, we have invoices on the books that have been redacted that don't include the details.

Ms. Boyke stated there are no details.

Ms. Zambrano – Is that correct, that there are no details? So, we're amending the motion to include what was paid to Wladis, what was paid out for Brewerton Revitalization as well as Economic Development for Brewerton.

Ms. Boyke – Economic Development. The Brewerton portion will be a part of that. Economic Development, Brewerton Revitalization Project and legal fees paid to Wladis.

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to amend the motion to to include the Brewerton portion, Economic Development, Brewerton Revitalization projects, and legal fees paid to Wladis law firm from years 2006, 2007, 2008 and 2009.

**Discussion:**

Mr. Conway, I would like to say one thing, and I can't tell you the year, but it may have been 2008 or 2009 we got a \$125,000.00 Grant from Dave Valesky. We also got \$125,000.00 Grant from Brown.

Ms. Boyke – We'll find that out Vern.

Mr. Conway – We had a dedication in Brewerton, if you recall.

**CONTINUATION OF THE VOTE:**

Mr. Conway: Yes

Mr. Jennings: Yes

Mr. Corl: No I have no clue as to what the motion means. It has been muddied up, redacted and changed, so I don't know what it means.

Ms. Zambrano: Yes

Ms. Boyke: Yes

Mr. Corl stated he appreciated Lynn's comments but his final point that he has on this particular issue are going to be this. The Town of Cicero was paid \$125,738.00 for Brewerton, with the additional \$50,000.00 for obtaining the grant monies. Less than \$200,000.00 of what's been perpetuated has been extremely inflated. As for the Economic Development, which there was just some type of motion made, relative to an audit, I'll say this. Part of the Economic Development Line was not only to increase the Bond Rating, to allow us to bond for all of the Circle Drive property and all of the roads over there to make the improvements. It was for additional grants on top of the Brewerton Grant. It was for meeting with and encouraging further development in the Town of Cicero, all of Hancock Airpark, for creating probably, about 5,000 new jobs in the Town of Cicero during that period of time, which meant meeting with company's and encouraging and promoting the Town of Cicero. The top probably ten, additional employers during that period year, were Target, JDAK, ICM, Burdick expansion, Wynyit, Kinney Drugs Distribution Center, Buffalo Wild Wings, Ruby Tuesdays, SRC-Tec and Starbucks. Those things don't come to Cicero by just sitting on your hands in NY. There were concerted active measures taken with that Economic Development money to encourage those businesses to come into the Town of Cicero. So, when you talk about economic development and those monies expended over those period of years, you're talking about grants, your talking about getting businesses into the Town of Cicero, along with increasing the bond rating. There are multiple things that were done.

Don Snyder – We spent \$215,000.00 to get our bond rating improved. What did someone do for that amount of money? The bond rating has to do with what we have in finances and how we spend our money and what our audits look like. Did they go to the credit bureaus, or the state bond finance people?

Mr. Corl – They went to Moody's and there is a complete bond book put in place. To get your bond rating back, could take 10 to 15 years and we got it back within 4.

Don Snyder – Do we have something in our hands to show what they did with \$250,000.00?

Ms. Boyke – Yes, in my office.

Don Snyder – I'd love to see that.

Pat Rizzo stated that a million dollars was from Clinton /Schumer and was for revitalization and the redevelopment of the Hamlet of Brewerton.

Mr. Mallette – You folks have a motion on the floor. Not too long ago you made a motion to audit the Justice Department. What is the cost of this and what is it going to be applied to. I think it's important that we know what is happening in Brewerton and it's important to the people as we're the ones that pay the bills. We should know where you are spending our money.

Ms. Boyke – We'll do that. Right now, the motion has been passed and we need to go forward with it and we will put out an RFP for bids to find an auditor for this.

Ms. Boyke – Jim, as long as you're talking about bonds, I have a voucher in front of me and I was looking at all of the numbers that were to substantiate what we had originally put on our paperwork when we did the Brewerton Revitalization and we came across a voucher for March 31, 2006. It was a luncheon with Bond People where the town paid \$240.58. How is it possible for you to have a luncheon without inviting the whole town?

Mr. Corl – The whole Town of Cicero?

Ms. Boyke – Yes, it was paid out of the Town of Cicero Taxpayers money and it was a public luncheon that was at Borio's Restaurant.

Shirlie Stuart – You can not spend money on lunch with tax dollars unless you invite the whole town.

Mr. Corl – There was an audit done by the State of NY and nothing was found.

Shirlie Stuart – It was procedural and not internal.

Ms. Boyke – I believe we need to move on. Is there anyone who would like to speak to anything else, other than this?

Board Comments:

Mr. Conway stated that we need to get to the bottom of this.

Mr. Jennings agreed with Vern and feels that the people need to know. I don't think going out into the news media with items, that we can't validate or haven't been validated, is a bad procedure. People see those numbers and they read it, but have no idea of what they're looking at. I think this is a good time to say that Jody has done a fine job with the grant that she achieved for what she and what they are doing in Brewerton. I think we need to take this time to let the people know exactly what's being asked as has been asked many times about Brewerton and what we're doing in Brewerton.

Mr. Corl stated he had two issues relative to the Police Department. One is that he submitted a FOIL regarding Chief Snell's waiver, which was brought up recently. The Town Board made a motion and we sent the waiver on for New York State to go forward for their approval, to see whether or not the State would grant that approval. I am waiting for the FOIL to come back, but after that, a Town Board Resolution which was a 3 to 2 vote, waiting for the waiver to be granted, apparently, there is a 30 day window to appeal the waiver. I won't get my FOIL back until that period of time has expired. Apparently, there was a member of the Town Board that sent in something to the State of New York without board authorization, undermining the 3 to 2 vote on that particular situation. I didn't know if any board member wanted to share that letter so that we can have a complete look at that and so Chief Snell can move forward with his appeal as part of his appeal process.

Ms. Zambrano stated that she questioned at the time Chief Snell's waiver came up if the waiver resolution could be tabled until further discussion could take place. I was concerned with the canvassing process and felt that the canvassing procedure of the 16 candidates on the Civil Service List for the Chief's list were designed in such a way as to get negative comments. So, I asked the Civil Service Commission to look into this. As you said, at the time, when you took the vote, that I had asked to be tabled, that it is ultimately the Civil Service Commission who decides ultimately what the decision will be and so they did.

Mr. Corl – Was there a letter submitted?

Ms. Zambrano – I submitted a memo, yes, I did. The waiver was submitted on September 24<sup>th</sup>, without authorization from the Town Board and it was signed by the Supervisor and the Chief of Police at a time when I believe I had been told that there was not support by the Supervisor's Office for that waiver. So, that went in, without prior knowledge. The canvassing letter went out in August without prior knowledge, which, if I had seen that letter, I would have questioned it and said that it did not meet the requirements to solicit candidates for the position.

Mr. Corl stated that this information will be helpful. Secondly, relative to the Police Department, I know, Tony, that I asked your office, Brenda, specifically about a month ago to look into the Police signs and whether or not an exception could be made. I know Wayne sent out some letters, relative to those.

Wayne Dean – Yes

Mr. Corl – Were you directed to do that?

Wayne Dean – Yes, I was.

Mr. Corl – By the Supervisor?

Wayne Dean – I initially wrote the first letter allowing them and then I was asked to write another letter to have them taken down.

Mr. Corl – Regarding the letter to take them down, did somebody ask you to do that?

Wayne Dean – Yes, and I agreed because I wrote the initial letter.

Mr. Corl stated that he reviewed the town code and didn't see any provision. He was trying to create some type of an exception for them, but, I couldn't find that. He also didn't think it violates the town code anyway and didn't know if there is a specific section.

Wayne Dean stated that he told them when they placed the signs that they needed to place them legally, which is 20 feet from the property line. They didn't get a permit for them and at the time, I told them yes, but I expected them to come down when it was over and they wouldn't take them down. That forced me to write the letter.

Mr. Corl – I still think it is an important issue and I think if businesses want to keep them up, they should have the opportunity to do that if they want to support our Police Department.

Wayne Dean – I disagree, or we'd have signs all over this town. For any agenda, they'd have a sign up.

Motion was made by Mr. Corl, seconded **NO SECOND**, that we permit a 4 x 8 or smaller sign saying that they support the Cicero Police Department to be permitted within the Town of Cicero until further board action.

**Discussion:**

Mr. Jennings, I believe there was an individual out by the lake that had a sign up which said, if you take down your sign, we will take these signs down.

Wayne Dean stated that is what happened.

Mr. Jennings – I got a call from an individual who said he did take his sign down, but, there are still signs up supporting the Police Department. I have to say, those individuals that had them up for the businesses have taken them down and they are complying because the individual on Lakeshore Road complied with what was asked. However, I do know there are still a few out there which are smaller signs sitting along the highway and these are about the same size as the other signs. It's an issue and that is how it was presented and that's why they came down.

Mike Aregano stated that he had spoken with Wayne about putting some 4 x 8 signs up and his office did give us permission to put them up and when the Police matter was over, Wayne contacted me and ask me if I would take the signs down. I told Wayne that we would take our 4 by 8 signs down, which were the ones he gave us permission to put up, when Mr. Bersani, took his down. We had to look at his for the past two years every time we drove by. We both have taken down our signs, but, I think the smaller signs are another issue which has nothing to do with what we had agreed to.

Tony Rivizzigno – In all due respect Jim, I don't think you can change the code and make an exception, by resolution. If you want to do a code change under our sign ordinance, let me know what it is that you want to do and we'll hold a public hearing to change the ordinance.

Mr. Corl stated that he believed that he asked Brenda to do that a while back.

Tony Rivizzigno – I haven't spoken to her about it, but, I will.

Ms. Zambrano - There's a motion on the table with no second.

Tony Rivizzigno – I'm just saying, you can't change it by a motion. We have to do a public hearing and change the ordinance, otherwise you could make exceptions to every ordinance, by saying, just this one time, let's do it. You can't do that.

Ms. Boyke – There is no second on the floor?

Tony Rivizzigno – No, there isn't.

Mr. Jennings, then there is no motion.

Ms. Boyke – There is no second, so there is no motion.

Ms. Zambrano stated that she wanted to add her comments about her concern about how Taxpayers money is spent. She didn't know where we were going to get the money for the financial audit, but so many questions have been brought up, that we probably need to find the money to do that.

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

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 8:35 p.m.

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Tracy M. Cosilmon  
Town Clerk