

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, February 24, 2010, 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
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 Colella, Town Attorney
Ron DeTota, C & S Engineers
Catie O’Toole, Post Standard

Absent: Sharon Edick, Receiver of Taxes

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.
A moment of silence was observed in remembrance of our troops 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 be sure to speak into the microphones to enable all to hear.

S.E.Q.R.
State Environmental quality Review

Motion was made by Ms. Boyke, seconded by Mr. Conway, 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

Ms. Boyke stated that the board will enter into Executive Session at the end of the meeting and that they will be reconvening.

APPROVAL OF FEBRUARY 10, 2010 MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the minutes of the February 10, 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

Chief Snell stated that the tape drive for the server is no longer operating and that they have a back up for it that provides backup for 24 hours at a time, but, doesn't archive data. We have gotten four quotes and three are based on us purchasing equipment individually and then having the labor costs. NSA's quote included the equipment and the labor costs.

Discussion:

Ms. Zambrano – The computer system in this town which is controlled by the Police Department needs to be evaluated. She understood that this is an emergency approval that is going to cost at least \$2,500.00, but, she would like to propose that we get someone in here to do an assessment of all of the departments and what is needed. In her experience with the computer system, it is very out of date and we have computers here that are very old that can't take the new software and there isn't a lot of space on them. I would like to suggest that we get someone in here as soon as possible to look at the computer system.

Mr. Corl - The Chief provided a packet to the board relative to the networking and service and what the long term plan would be.

Chief Snell - That proposal was submitted last year for the 2009 budget and was not included in the budget. It was to include an additional back up server for the town hall and another at the Police Department, so that if one failed we'd have a back up system. Ms. Zambrano, Wayne Freeman and I, talked about doing an evaluation of what our needs are and that is why we contracted with NSA for 6 months and then put another RFP out there. This was only one approach that was done at that time, but I am open to anything that is reasonable that will work. The Police Department requires security and there isn't a lot of flexibility in some of the hardware and software, we have to use although the town does.

Mr. Corl asked Ms. Zambrano if she was suggesting that we ask all the departments if their needs are being met with the computers they have.

Ms. Zambrano – Yes and I believe the proposal we have was put together by Wayne Freeman, with input from the Department Heads and NSA. The proposal that didn't get funded was about \$35,000.00 and it did address a lot of hardware and software. I think we need to have an up to date computer system for the entire town and maybe it should be separate from the Police Department. I really do think we need to get that assessment.

Chief Snell agreed, and explained that unfortunately this is the tape backup for the entire town and we did mention that the equipment is getting older and needs to be replaced.

Ms. Boyke asked if the equipment that is being purchased is brand new and not refurbished.

Chief Snell stated that it is brand new and that the only things that we purchased last year that were refurbished were some of the computers. There were so many that had to be replaced and there wasn't enough money in the budget to replace them all with brand new computers, so in order to move forward with the needs of the town and Department Heads, we upgraded several computers with refurbished equipment.

Mr. Corl – Of the bids received, NSA is the lowest bidder at \$2,456.23 plus labor.

Chief Snell – That's correct, but the first 3 are based on us buying the hardware and then NSA doing the labor and the last bid is NSA doing the hardware and the labor.

Ms. Boyke asked if the vendors were local and stated that she understood that nothing could be purchased online.

Chief Snell – We can, but only certain ones will take a PO and they were Dell, Insight and Provantage.

Motion was made by Ms. Boyke, seconded by Mr. Corl, to authorize an emergency expenditure of \$2,456.23 to purchase a tape drive backup for the server which will include parts and labor.

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 Ms. Zambrano, seconded by Ms. Boyke, to have an outside computer assessment service come in and evaluate the computer needs of all departments in the Town Hall and in Police Department.

The motion was approved as follows:

- Mr. Conway: Yes
- Mr. Jennings: Yes
- Ms. Zambrano: Yes
- Mr. Corl: No, I don't know what the cost is going to be
- Ms. Boyke: Yes, based on the cost.

Ms. Zambrano knew of some vendors who would be happy to come in and give an assessment for free and didn't believe there would be any cost involved and that she wasn't voting to pay anyone for this assessment.

Comptroller - None

Park & Recreation - None

Attorney – None

Zoning - None

Assessor

Brad Brennan reminded the property owners that any renewal applications for exemptions or new exemptions have to be in by 4:30 p.m., on Monday March 1, 2010. Renewal forms were sent out with the September school taxes.

Ms. Boyke explained that C & S Company's proposal that has been submitted for acceptance of their retainer which also includes their fee schedule

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the retainer proposal and fee schedule with C& S Company for Engineering Services for the Town of Cicero.

The motion was approved as follows:

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

Ms. Zambrano requested that the retainer agreement be put on the website.

APPROVAL OF ABSTRACT #4 OF 2010

Motion was made by Ms. Zambrano, seconded by Mr. Conway, to approve Abstract #4 of 2010 as follows:

General Fund Voucher #277 to Voucher #374 In the amount of \$3,480,035.65
Highway Fund Voucher #103H to Voucher #125H In the amount of \$ 101,360.76

Discussion:

Shirlie Stuart noted that out of this abstract, we pay Fire Protection Contracts, Library Tax, the Fire District Tax and the Ambulance.

Ms. Zambrano asked Shirlie to read those amounts.

Shirlie Stuart – The Fire Protection was \$1,121,176.00, Ambulance was \$100,000.27, Fire District Taxes were \$469,942.61 and the Onondaga Public Library Tax was \$1,316,543.66

The motion was approved as follows:

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

NO BUDGET MODIFICATIONS

Ms. Zambrano asked if 2009 has been closed out.

Shirlie Stuart explained that by the end of the week Special Districts will be completed and the major funds have been completed. The Special Districts will be finished by tomorrow and all of the opening entries have been done.

PUBLIC HEARING ON LOCAL LAW PROHIBITING PARKING ON BOTH SIDES OF FERGERSON ROAD ADJACENT TO CENTRAL PARK

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 24th 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: 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 1,985 feet. 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.

The public hearing was opened at 7:15 p.m.

Speaking for:

Jody Rogers spoke in favor and explained that she has spoken with Wayne Dean and Mark Marzullo about concerns relative to the new project that is going in at Central Park Field Development and with people wanting to park on Fergerson Road to watch games, which could potentially cause safety problems. Twenty eight letters have been sent out to residents living on Fergerson and she received letters in favor of the posting from Lori Lake Toms, 8979 Weaver Road and Bob Erickson of 8755 Fergerson Road, who felt this was a fantastic idea.

Speaking against:

Jody Rogers received a comment from Mr. Colasanti of 8483 Fergerson Road who felt the only time this was needed is during the Pop Warner events as there is no where else to park and felt it was a waste of time and money.

The hearing was closed at 7:16 p.m.

Board Comments:

Mr. Corl asked Chief Snell what his feelings were on this.

Chief Snell stated that he didn’t have any feelings about this either way, but had a conversation with Jody. When they hold their opening event in September, they do bag the signs on one side and it is only done when they have someone out there controlling traffic to make sure there is room for emergency vehicles.

Motion was made by Mr. Conway, seconded by Mr. Jennings, to approve a local law that amends Chapter 198-7 of the Town of Cicero Town 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 1,985 feet, to be known as Local Law No. 2 of 2010.

The motion was approved as follows:

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

APPROVAL OF SILTATION/EROSION CONTROL AGREEMENT FOR
KILDARE'S MEADOW

Discussion:

Jessica Zambrano explained that Kildare's Meadow is a project which includes 25 residential lots to be located north of Orangeport Road and LeBeau Lane. This has been reviewed by our engineers who made a recommendation that the developer needs to post securities in the amount of \$28,767.80 for erosion and sediment control prior to the start of construction and to get the appropriate permits for construction of the road under the overhead power transmission wires. Do we have a standard agreement?

Ron DeToto – Yes, it's a standard Town agreement between the developer and the town to insure that siltation/erosion control and security measures are in place. In the event they are not constructed according to the approved plans, the town would have the benefit of drawing upon those securities to insure that the site does comply with the approved documents. This subdivision was approved in May 2008 and the developer is here tonight, if there are any specific questions you may want to ask of him as they are looking forward to commencing with construction of this project. We have reviewed the project again and the dollar amount and everything is in order.

Motion by Ms. Zambrano, and seconded by Mr. Conway, to authorize the Supervisor to execute the Siltation and Erosion Control Agreement with Butternut Creek, LLC, for Kildare's Meadow development, as presented, upon deposit by Butternut Creek, LLC of the required security of \$28,767.80, which such authorization shall supersede the Town Board's prior authorization on May 12, 2008 regarding the same agreement.

The motion was approved as follows:

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

APPROVAL FOR RFP FOR PURCHASE OF TWO NEW PATROL VEHICLES
WHICH ARE BUDGETED ITEMS

Chief Snell – My request is for the town to approve that an RFP, (request for proposals) be submitted so, that he could gather bids for the vehicles. They would not be purchasing any at this time.

Ms. Boyke asked if this would be buying them off State Bid.

Chief Snell explained that the State may not be the cheapest at this point. The last time cars were purchased they were bought through County bid, as they were cheaper than through State Bid. We do the RFP's, but, if they come back and are more expensive we have the option to buy them through State Bid. Some safety items that we ask for are not available through State Bid and we would have to pay additionally for that. Doing RFP's allows us to make a comparison.

Ms. Zambrano asked how much was budgeted for the two patrol cars.

Chief Snell believed that \$52,000.00 was budgeted for the patrol cars and money was budgeted for the striping and to move the equipment over.

Ms. Zambrano asked what those figures would be.

Chief Snell did not have those figures available this evening.

Ms. Boyke believed it was around \$4,500.00 per car.

Chief Snell - You are probably close.

Ms. Zambrano asked what the justification is for the purchase of these cars.

Chief Snell explained that he had given board members a vehicle report with a forecast after talking with Ms. Boyke. The Onondaga County Sheriff's Department uses 125,000 mile turn over for all of their patrol vehicles and 100,000 miles for any unmarked vehicle. Our forecast sheet shows that by the end of 2010 we will have two vehicles that would be over 125,000 miles. Our recommendation is to replace those two vehicles. In the past we were able to get three years out of our cars, because we only had 5 or 6 patrol units that were going out constantly. We are now getting 5, 6 or 7 years out of each car that we weren't getting before. They make the cars better and they last longer and we're getting up to 125,000 mile on them before we need to turn them over. If we purchase two newer cars sooner than waiting to the end of the year, we'll be able to put those on to the street and reduce some of the mileage over here for 2011 and hopefully reduce the number of cars we have to purchase in 2011 and move that cost to 2012.

Ms. Zambrano asked Chief Snell if he was projecting to purchase 5 cars in 2011.

Chief Snell – That's not what I'm projecting. What I'm saying is that I'd have 5 cars with over 125,000 miles on them and that by purchasing and replacing these two cars that would have over 125,000 miles on them this year, would allow us to put them on the street and use them more and back down on some of the other cars. We are putting anywhere between 20,000 to 24,000 mile per year on a patrol vehicle and we have also had a couple of cars that have been in accidents that put them out of service for 3 or 4 months while they were being repaired. That kept the mileage down on them, but, put the mileage on another one. We're hoping to reduce the mileage on some of the other vehicles if we were able to purchase new vehicles by June of July, which would allow us to move those costs to 2012, so that we wouldn't have to purchase 5 cars in 2011. We will probably be looking at purchasing 2 to 3 vehicles in 2011. The two cars for this year are budgeted items.

Mr. Corl – The rationale for having a fleet out there is to keep the miles lower and preserve the wear and tear.

Chief Snell – Yes and the number of car designates which shift it goes out on.

Discussion:

Ms. Zambrano - Some of us have been charged with the responsibility to the residents in the Town of Cicero to look at police consolidation. If we were to do that, how would this purchase impact on police consolidation?

Chief Snell – I'm not sure I understand the question.

Ms. Zambrano – We are into the forth meeting of this year and we are just approaching the topic of Police Department consolidation with the Sheriffs Department. I don't know if we should have a study group look at this. There has been talk about getting petitions, but, there is a good chance that the issue of police consolidation could go on the ballot in November. If that were to occur, should we spend this money now in the Town of Cicero?

Chief Snell - One of the things that you're going to have to remember is that if you do consolidate and use the Town of Clay, as a model, that any vehicle over 125,000 miles, will not be used by a Sheriff. Therefore, the town will have to pick up the expense for additional cars. The Sheriff's Contract with the Town of Clay stated that Clay is responsible for purchasing vehicles, so the cost is going to be incurred upon the municipality, regardless if you consolidate or you don't. Items, such as additional equipment and cars are put back on the municipalities.

Mr. Corl – This is the first time I am hearing about anything like this being on the ballot in November. I think we're looking at the philosophy that we've always had and that is maintaining a decent fleet and keeping the miles low. Another concern we have to look at, is the safety of our Police Officers in keeping the miles low on these vehicles. As the vehicles become older, you have to be concerned about the wear and tear on those vehicles too. Until that comes, up, I think we need to focus on what the Chief is proposing and what we've been budgeting for.

Chief Snell stated that the consolidation is something that the residents of the town will decide and not the town board.

Ms. Zambrano agreed.

Chief Snell stated that he thought that we need to make sure that we're providing a safe environment for our employee's and especially the Police Officers that are going out there in those cars. If the town residents choose to maintain and keep their Police Department, we need to be sure we've done the right thing budget wise in order to protect the residents of this town and by being fiscally conservative. I think this is a fiscally conservative plan. In 2009 we didn't purchase any vehicles as I was under the impression that I was going to be able to purchase 4 vehicles in 2010. I didn't get 4 vehicles, but, got 2 and it is one of the problems showing up here. I had an agreement with the town board back then, that I wouldn't purchase any vehicles with the understanding that I would get 4 cars in 2010. I understand that isn't going to happen. I think we would be remiss if the town decides to maintain their own Police Department and where will that put us, if we have to wait until November, to make those decisions?

Motion was made by Mr. Corl, seconded by Mr. Conway, to proceed with the requests for proposals to purchase two new patrol vehicles as requested by the Chief of Police.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	No, for the sake of discussion
Mr. Corl:	Yes
Ms. Boyke:	Yes

ACCEPT RESIGNATION OF PART TIME OFFICE RAYMOND MINCOLLA

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the resignation of Part Time Officer Raymond Mincolla, effective March 1, 2010.

The motion was approved as follows:

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

APPROVAL TO ADD ADDENDUM TO AGREEMENT BETWEEN EBS-RMSCO, INC. AND THE TOWN OF CICERO REGARDING HIPAA

Tony Rivizzingo explained that there were some amendments made to the HIPAA regulations and this is just an addendum that was added on that goes along with our previous agreement which involves disclosure of personal information.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to accept the addendum to the agreement between EBS-RMSCO Inc and the Town of Cicero regarding HIPAA and to authorize the Supervisor to execute the necessary paperwork.

Discussion:

Ms. Zambrano asked that the audience be told what EBS-RMSCO is.

Mr. Rivizzigno explained that they are a firm that manages health insurance plans.

Ms. Zambrano – Do they manage it for the town?

Mr. Rivizzigno – Yes, and they manage it for the county as well.

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

**APPROVE GRANT APPLICATION BEING MADE BY THE TOWN ON BEHALF OF
LORETTO TO U.S. SENATOR GILLIBRAND FOR INFRASTRUCTURE**

Discussion:

Ms. Boyke stated that we are only sponsoring this and that we are not responsible for any money at all regarding this grant that Loretto has agreed to. Upon receiving either stimulus money, or the grant itself, Loretto will match any necessary funds. The town is not fiscally responsible for any matched funds.

Ms. Boyke read the following:

Proposed Resolution for February 24, 2010 Board Meeting - Approving Application for Appropriation Funds for Infrastructure Costs for Loretto's Green House Campus Project

WHEREAS, at the regular Town Board meeting held on January 27, 2010, Loretto presented conceptual plans to the Town Board to develop 13 Green House residences, each housing 12 seniors on 18 acres of the Town of Cicero's Cicero Community Campus (the "Green House Campus Project"); and

WHEREAS, at its regular meeting on January 27, 2010, the Town Board determined Loretto's conceptual plans for its Green House Campus Project were consistent with the Cicero Community Campus P.U.D. and referred the conceptual plans to the Town Planning Board for review, analysis and recommendations; and

WHEREAS, initial funding for the Green House Campus Project came from a \$12 million HEAL NY grant awarded in September of 2009; and

WHEREAS, Loretto must pursue other grants, fundraising and private financing to fund the remainder of the Green House Campus Project; and

WHEREAS, Loretto seeks to partner with the Town of Cicero to apply for appropriation funds for its Green House Campus Project in the amount of \$1,653,475.00 from the federal Transportation, Housing and Urban Development bill; and

WHEREAS, the amount of appropriation funds requested would pay for the cost of infrastructure required at the Green House Campus, including approximately \$865,000 for site preparation, \$250,000 for a Route 11 deceleration lane and the remainder for paving and utility infrastructure; and

WHEREAS, if the appropriation request were granted, Loretto will supply all matching funds required, if any and the Town of Cicero would not be responsible for contributing any funds in connection with the appropriation request; now, therefore, be it

RESOLVED, that the Town of Cicero approves applying on behalf of Loretto for appropriation funds in the amount of \$1,653,475.00 from the federal Transportation, Housing and Urban Development bill for the infrastructure costs associated with Loretto's Green House Campus Project.

Motion made by Ms. Boyke, and seconded by Ms. Zambrano, to adopt the resolution approving an application on behalf of Loretto to apply for appropriation funds for the infrastructure costs associated with Loretto's Green House Campus Project.

Discussion:

Mr. Corl stated that his first question was relative to the Town of Cicero partnering with a Not for Profit Organization as he has never been part of an action where a municipality has been a partner with a Not for Profit Organization.

Mr. Rivizzigno – We're not. The town is simply acting as the sponsor for the requested appropriation. We are not partnered with Loretto. The appropriation requires that a municipality to be the sponsor and that is what we're doing on their behalf.

Mr. Corl stated that part of the motion specifically said, that Loretto seeks to partner with the Town of Cicero to apply for the appropriation.

Mr. Rivizzigno – Maybe it's a poor choice of words, but all that we are doing is acting as the sponsor, otherwise, Loretto could do it themselves. The legislation doesn't allow that type of legislation and requires a municipal sponsor.

Mr. Corl – To sponsor on behalf of a not for profit organization or other type organization?

Mr. Rivizzigno – Right

Mr. Corl – Along with this motion we have several applications. I don't know if you or the Supervisor has reviewed them.

Mr. Rivizzigno – The application is sent to Senator Gillibrand, Senator Schumer and Congressman Maffei and are all sent together conditioned upon the board's approval. The deadline for those was last Friday, so if you miss the deadline, you miss the appropriation.

Mr. Corl – In the applications there is a portion that indicates the highest level of person at the organization, meaning who the Congress person or Supervisor can contact and then the next question states a Lobbyist or Government Affairs Representative for the organization is listed as David Horne. Do you have any information on that?

Mr. Rivizzigno – David Horne is a Lobbyist for Loretto in Washington.

Mr. Corl stated that it appears that David Horne is acting on behalf of the Town of Cicero.

Mr. Rivizzigno – No, he's acting on behalf of Loretto and would be the contact person.

Mr. Corl asked if there is any obligation that the Town of Cicero would have with David Horne because in his application he's listed as the Govern Affairs or as our Representative, the way this reads.

Mr. Rivizzigno – Unfortunately, we couldn't change the form, but, we have no obligation to him what so ever.

Mr. Corl asked once the funds are approved and allocated, how will they be divided and provided to Loretto. Will we receive the funds in our town and then they're dispersed?

Mr. Rivizzigno explained that it almost never happens and that it will be run through an agency or through the Congressman's office and won't come directly to us. Most of these grants require the money to be spent and is then reimbursed, which is similar to the grant that we have in Brewerton. It will most likely, be run through an agency of the State. As an example, the grant for Brewerton runs through the NYS Department of Transportation, who handle all of the dollars and disbursements. We don't know if we're going to get it at all, or if they're going to get it, but, it will run in a similar fashion.

Ms. Zambrano – We're absolutely sure, that there is no financial obligation to the town?

Mr. Rivizzigno – It's in the resolution.

Mr. Corl asked if there is any cost associated with the preparation of the application or is this being handled through Judy.

Mr. Rivizzigno – No, there is no charge at all for the preparation of the application.

Mr. Corl asked who prepared it.

Mr. Rivizzigno stated that David Horne did most of it and we submitted some information to him for the town's purposes. The Lobbyist did the applications and he was in direct contact with Senator Gillibrand, Senator Schumer and Congressman Maffei.

Mr. Corl asked if Mr. Horne was the one who did the application on behalf of the town.

Mr. Rivizzigno – Right

Mr. Corl – That was done without compensation?

Mr. Rivizzigno - From us, that's correct.

Ms. Zambrano stated that with this grant application, there are letters of support from Senator David Valesky, Assemblyman Al Stirpe and County Executive Joni Mahoney.

Mr. Corl stated that his only concern is this lobbyist in Washington drafting stuff on behalf of the Town of Cicero.

Mr. Rivizzigno explained that we approved it all and it all came back to us. He did it and there was no charge to the town. If I did it there would have been a charge. He did it in coordination with our information that we gave him and our approval of the document and it was submitted that way.

Mr. Corl – Mr. Horne is a Lobbyist for many of the big firms such as Freddy Mac and J. P. Morgan and those type firms and is pretty reputable. My question is that there is nothing out there for free.

Mr. Rivizzigno stated that whatever Mr. Horne is getting, Loretto is paying him, not us.

Ms. Boyke – We're sponsoring it, Loretto is the applicant.

Mr. Corl stated he didn't have a problem with the town making a committal to support this application. These funds are to be used for infrastructure and if those cost run above \$1.6 million, who then is liable for any of those costs?

Mr. Rivizzigno explained that it's the same thing as if there were no funds at all. Loretto is going to pay the bill, not us. If we don't get the grants, Loretto is still obligated to do the infrastructure work. What they're looking for is grants from the Government. If the costs go above and beyond that it is Loretto's responsibility, not ours.

Mr. Corl asked if there was anything in writing that says, this particular grant has to be done through a municipality as opposed to Loretto applying for it them selves.

Mr. Rivizzigno – I can get that for you. I don't have it with me right now.

Mr. Corl stated that he would like to see that in writing. Is there any issue in deferring this, or does it have to be done tonight.

Mr. Rivizzigno – It has to be done tonight as we're past the deadline for the appropriations. If it isn't done tonight, it won't be considered in the current appropriation for this fiscal year.

Mr. Jennings asked if there was a second to the motion.

Tracy Cosilmon – Yes, Jessica seconded the motion.

Continuation of the vote

The resolution was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	No
Ms. Boyke:	Yes

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to enter into Executive Session in regards to a Tax Certiorari Matter regarding Lowes Home Center, which is pending before the town and for Mr. Brennan and Mr. Rivizzigno to be invited into the session and to reconvene

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	No
Ms. Boyke:	Yes

The Board adjourned into Executive Session at 7:52 p.m.

The Board returned to open session at 8:05 p.m.

Motion was made by Mr. Conway, seconded by Mr. Corl, to reconvene after Executive Session.

Mr. Rivizzigno – Madame Supervisor, based upon that discussion in Executive Session, I ask the board to adopt a resolution approving the settlement with Lowe's Home Center for their tax certiorari matter, which went back three years. Their initial assessment was \$12,000,000.00 and the agreed upon assessment for those three years was reduced to \$10,000,000.00. That resulted in a refund to the Taxpayer from the town in the amount of \$61,566.22. The applicant at Lowe's Home Center has agreed that rather than the town paying them that money, they would take that in a credit over the next three years. They will take one third of the \$61,566.22 each year for the next three years as a credit against their taxes in satisfaction of the payment. They have also waived all interest on those payments as well, going backward as well as going forward. For information purposes the school district has also approved the same agreement at their board meeting on Monday.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to accept the Agreement regarding the Tax Certiorari with Lowe's Home Center and to agree to a credit as to one third of the payment, as opposed to a refund and that the assessment going forward, pursuant to the Agreement will be \$8.5 Million dollars, which is the full value of the property.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	No
Ms. Boyke:	Yes

PUBLIC INPUT

Ed Zaleski, Cicero, NY, thanked Jody and the Parks and Recreation Department for keeping William Park open to the taxpayers, snowmobilers and ice fisherman. It is a great facility.

Mary Jo Hoover, Noel Road read her statement.

To: Town Board - Cicero
 From: Mary Jo Hoover
 Date: 2/24/10

The Local Law Number 2 of 2000 which spawned the Cicero Community Center Campus P.U.D. also allowed a precedent to be set throughout the town for less rigid zoning. "The current rigid land use regulations are inadequate to the task of guiding and fostering the appropriate development of this parcel in order to obtain the desired result." P.U.D.'s were designated around town since the precedent was set.

Sec IV of this law deals with approval of development plans. The planning board's consideration takes the form of an application for site plan and/or subdivision approval, if the proposal contemplates the sale of any parcel to a third party or the creation of any new public streets or publicly owned infrastructure. However, subdivision approval shall NOT require compliance with specific setback and other provisions that would apply to other zoning categories.

I noted in Town Board minutes of 4/11/10, you mentioned "previous PUD" + "prior PUD" referring to new dimensions. Will this in anyway change Local Law #2 enacted + specifically made for this campus?

My personal concern is the land behind my home. It went from Ag to gen comm. to regional comm. to fit in a wal-mart + other shops. When they start phase II, their land will be 6 FT higher than the neighbors on Noel Rd. Guess what started it all? Mary Jo Hoover

Mary Jo Hoover asked if the town planned on reapproving the PUD.

Mr. Corl explained that all the board did, was say that the Loretto project is in compliance with the PUD that is already on the books for the Commons. That has been sent to the Planning Board and will eventually come back to the Town Board for final approval for us to say whether or not we approve the plans or do not approve them.

Mary Jo Hoover hoped that the original Cicero Commons Campus does not set a precedent for more craziness around the town in allowing helter skelter development, because a number of PUD's were established around the town as a precedent was set. I ask the Town Board and Planning Board to be considerate of what they allow.

Tim Murphy, Noel Road, stated that he came to the town a couple of times this past week looking for a site plan for Loretto. You have your third approval and I'm being told it is a concept plan. Could this stand on its own two feet without the PUD? It appears that you are reviving the whole Cicero Commons PUD in a domino affect. Mrs. Hoover talked about how the regulatory restrictions were reduced in zoning. The checks and balances in the approval process have been eliminated and allows them to circumvent the site plan approval process. When I came in to see the plan, I was told it is just a concept plan. Is this a simple subdivision plan? What is this?

Wayne Dean – There will be a site plan submitted that will show roads and utilities, the layout of the buildings and everything that you would normally get in a site plan.

Ms. Boyke – At this point, we have no site plan yet.

Wayne Dean – That is correct. We have only what has been shown at the public meetings, which is a concept drawing.

Ms. Boyke asked Mr. DeTota if he could add anything.

Ron DeTota responded that he hasn't had the advantage of anything for the application at this time.

Ms. Boyke – It's before the Planning Board.

Ron DeTota stated that once they go through their process and put together a site plan it will come before this board for review, recommendation and approval.

Tim Murphy was bothered by the 3rd approval.

Ms. Boyke asked what he meant.

Tim Murphy – You went from the concept plan, the review process for the lead agency and then the one this evening. I'm surprised by the one this evening, if there is no money involved, the legality of the PUD against the town's ability to protect itself through the zoning is so weak. If you read the PUD, which is Local Law 2 of 2000, the zoning is so weak that it is a bad precedent to set in this town. As an example, Cape Vincent just went through this with windmills when they put 300 of them that were 400 feet tall within ten miles of Cape Vincent. British Petroleum did that and that municipality could not fight that. This board needs to strengthen zoning, not weaken it. Multi nationals are coming in and picking our bones clean in seconds. You guys need to think stronger and raise the bar and not lower it. That PUD is low and is a dangerous precedent to set. Even the on road parking is a dangerous thing to set. There is a lot wrong with it. I am begging you to think what you're doing here and don't revive that PUD.

Ed Hansen, Eileen Ave. asked what the town is going to get out of this as it is a non taxable entity. Why are we going to bat for a company for the taxpayer to pay for huge infrastructure costs?

Ms. Boyke – It isn't costing us anything.

Ed Hansen stated that the board is advocating this, and the taxpayer is paying for their infrastructure taxes through State or Federal money. Why are we such an advocate of this when we're not going to get any tax money out of it?

Mr. Jennings stated that at the last meeting he mentioned that this project will create 120 to 150 jobs and that they will also be buying local produce. It is going to be set up where everything is done to the best of their ability on a local level. We will see revenue coming into the town.

Ed Hansen felt it would be nice if they paid their own way as other businesses do, that come into the town. What is the incentive?

Ms. Boyke – The incentive is to bring other developments into the area that will accommodate this specific elder care facility. It is only one of many and is developing some dormant property, and a need for elder care, which we are in desperate need of having. This infrastructure is also going to accommodate the library and the twin rinks as far as the traffic going in and out of there. It is not only the purpose of Loretto, it will be the purpose of the library and the twin rinks and other people that are there. There are a lot of things down in that area.

Ed Hansen thought they should pay for their own costs and shouldn't be getting grants, because it is our tax money.

Ms. Boyke stated that there was no guarantee. It's like any grant or stimulus package that you apply for. You can ask, but, how far down the totem pole are you?

Ed Hansen asked if people have been trained to use the defibrillators that the town purchased.

Ms. Boyke – Yes, we have scheduled training.

Chief Snell stated that the equipment is in 3 or 4 patrol cars and that most employees have received training from one of his officers. The police are usually the first to respond to an emergency and if they hear a call go out, where there is full arrest, or an unconscious person, a unit that is available will respond. Our equipment is brand new, our Officers are professionally trained and we provide the best possible service as EMS does with that type unit. We carry the same unit that the Cicero Fire Department carries.

Mike Boyle, Hebrides Trail heard that we waived our right at the Commons at the last meeting.

Ms. Boyke – Only on the 18 acres.

Mike Boyle asked if we received re-numeration for that.

Ms. Boyke – There was no reason for that.

Mike Boyle – Why?

Ms. Boyke – It had no value and we still have the opportunity to build a town hall on the rest of the acreage.

Mike Boyle – So, 18 acres, had no value.

Ms. Boyke – No

Mike Boyle read a resolution adopted in 1999 that did not mention the size or dimension of the property, but didn't say the town couldn't get it all either. They transferred the original land at the Commons on the condition that it be reserved for a future town hall and it didn't specify that the town couldn't take up the whole 100 acres if they wanted to. It didn't specify the dimensions or what it would be restricted to at that specific time. By giving away anything, does that violate Article 8, Section I of the State Constitution?

Ms. Boyke explained that on the concept that was originally presented, there was a designated area for the town hall. It specifically shows it and still remains.

Mike Boyle – That was in the site concept plan.

Ms. Boyke – Exactly

Mike Boyle – We didn't get any re-numeration for signing away that portion of the covenant?

Ms. Boyke – We released 18 acres, that's all.

Mike Boyle – We received no money at all?

Ms. Boyke – None

Mike Boyle asked if that violates Article 8 of the State Constitution.

Mr. Rivizzigno – Not in my opinion

Deborah V. Gardner stated that she realizes more than anyone in the room the importance of backup systems. From what Chief Snell said, tonight, the backup system that the town has sounds as if it is totally inadequate and I am basing that on what I heard tonight. In saying that, I think that preference in bidding should be first to Cicero businesses who are part of our tax base and then to those businesses in Onondaga County, especially when labor costs are going to be considered. If I understand what went on regarding the bidding about the backup drive, the town only had one bid for the backup drive and installation because the three online organizations could not do the labor. I hope in the future that everyone in the town will give preference to local businesses.

Ms. Zambrano asked that Deborah Gardner put that in writing to some of the board members.

Deborah Gardner – Yes, I'll be happy to.

Ms. Zambrano stated that it was a good idea as to what vendors should be considered.

Kyle Palmer, Cicero, NY asked Brad Brennan how many other properties in Cicero are Not for Profit.

Brad Brennan stated he couldn't give Mr. Palmer that information this evening, but, would be glad to put that information together for him, if he liked.

Kyle Palmer was only looking for other type properties, such as churches.

Brad Brennan – Churches would be one, schools, the town buildings are the major ones.

Kyle Palmer – They should probably be paying their own way too.

Brad Brennan – That isn't a decision I make. You did bring up a good point which I think answers to that. Even the tax exempt parcels do pay for Fire Special Districts, which is an important consideration.

Kyle Palmer - Loretto would be doing the same thing.

Brad Brennan - Yes

Kyle Palmer asked if anyone knew how much money the Town of Cicero received in 1999 for the land from the Commons. It was one dollar. If anyone out here would like to write me a large check for the land, to put up a town hall, I'm more than willing to take it. I just don't get it. I've worked very hard to put the past behind us and if I could change the past, I certainly wouldn't be in Cicero.

Charlotte Tarwacki asked who negotiated the nice settlement for the Tax Certiorari.

Brad Brenan stated that it was all of us and the School District Attorney that was involved in that.

Charlotte offered her congratulations on that because losing anymore money down the drain isn't a good thing for Cicero.

Ray Schader, Bridgeport Minoa Road stated that maybe the younger people, who are talking about Loretto, will appreciate where they could live in their own town for their entire life.

Mr. Peters stated that he has a lot of properties all over this county and also in the city and he had a question about tax assessment. This town has a bad reputation among real estate investors that they don't seem to take tax assessment very seriously. I have property that I bought for \$55,000.00 and it is assessed for \$102,000.00. Is there some way we can take a look at the assessment and those procedures?

Brad Brennan – The re-evaluation project is addressing that, but, I certainly wouldn't want you to wait. Call my office as I am always available to review your property. Please give me a call and I will set up an appointment and look at it.

Engineer Comments - None

Attorney Comments – None

Highway – None

Police – None

Comptroller – None

Park & Recreation

Jody Rogers stated that the event that we are going to do is in August. We are bringing in a National event to the Town of Cicero and with the Friends of the CanTeen, we have two presenting sponsors which are Driver's Village and Price Chopper. We are working through the event which is a very large event which will bring 8,000 to 10,000 people to the town over a 2 ½ day event. It is a 3 on 3 Basketball Tournament called the Gus Macker. It will be held on South Hogan Drive and I do not have my permits yet to close that road or to do anything. I have to work through State Permits, Health Department, the Chief and Fire Department. I have an emergency services committee that I'm chairing as well as a number of other committees. We are expecting over 1,000 athletes to come to the Town of Cicero. We have Galaxy Communications on board as our radio sponsor as well as Channel 3, 5 and 6 as our television sponsors. We have gathered a number of businesses in the town that are very excited about this and the potential for bringing people in. The hotels are signed on and it is blooming into this huge event. We're excited about it and there will be more to come as we get closer to our event time which is in August. If anyone would like any additional information, you can get it through our office or through the CanTeen. There will be a lot more to come as we get closer.

Zoning –None

Assessor – None

Town Clerk – None

Board Comments

Mr. Corl stated that senior housing is very important for the Town of Cicero and we have all acknowledged that, when we unanimously voted in favor of the Loretto Project. As this project proceeds there is going to be a lot of discussion for the next year or so. The most important thing is to acknowledge that we are all in agreement that this is good for the town. There are going to be questions that are raised and it isn't because board members or myself are against the Loretto Project, as we all voted in favor of it. It is to make sure that the town's interests are protected throughout the balance of the project and how it's navigated through the town regulations. Keep in mind the questions I had relative to Mr. Horne a Lobbyist in Washington. We now have 3 applications that have been submitted through the Loretto Project in which it lists Mr. Horne, a Washington Lobbyist, as a Representative of the Town of Cicero. We've been told that there is going to be no liability or compensation required but, remember, that he also has various accounts with many big firms such as Freddy Mac and other associations. Hundreds of thousands of dollars have been paid to him. Without any written obligation, or any understanding of what his representations are to the town, we need to be very cautious. I just wanted to bring that to everyone's attention.

Ms. Zambrano – None

Mr. Conway – None

Mr. Jennings- None

Ms. Boyke – We are changing the name of the pre-agenda meeting to the Town Board Workshop and we are changing the time to 3:00 p.m. on the Tuesday, prior to our scheduled Town Board Meeting. It is opened to the public for listening purposes. Also, Brad Brennan, our Assessor is going to be at the town hall everyday five days a week, half days. He will be here in the afternoon from 1:30 p.m., but, many times I'm here by 1:00 p.m. That gives me a half day in each town.

Ms. Zambrano asked if Brad is at the town until 5:30 p.m.

Brad Brennan - Very often, but technically its 3 ½ hours as there is lunch when I travel between the towns.

Ms. Boyke – You will be here every day half days?

Brad Brennan – Yes, starting Monday, March 1, 2010.

Ms. Boyke stated that she learned a lot by going to the Association of Towns and it was money well spent. A lot of things were reaffirmed for her that are valuable to the town. In the change of the administrations it was stressed that an internal audit be conducted. This can be done in house by our Comptroller's Department, rather than by using an outside vendor. By instituting this we will be able to get a better handle on our total budget due to the some of the encumbrances that are happening to us. In the near future, this is going to be instituted.

I would also appreciate it if people would donate old usable cell phones to Pam, as we are currently out of them.

Also regarding our budget, we will be looking at consolidation in any areas possible and will be forming a couple of committees. Those committees will be comprised of the Town Board and citizens within the community. Anyone who is interested in signing up to serve on a committee for a specific area should contact my office and Pam will be happy to take your name down. We are looking to address this soon in order to reflect on our upcoming budget which will be scrutinized due to the fact that there are areas we are in trouble.

Mr. Jennings asked if the cell phones are for those who live within the town.

Ms. Boyke - They are for emergency only and every cell phone will dial 911.

Mr. Jennings – Who are we giving them out to?

Ms. Boyke – The seniors.

Mr. Jennings stated that Bill Rybak was collecting them for the Veterans and I've done that in the past. I just wanted clarification.

There being no further business before the board, the meeting was adjourned at 8:44 p.m.

Tracy M. Cosilmon
Town Clerk