

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their Regular Meeting on Wednesday, September 8, 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: Joseph Snell, Police Chief
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
Douglas Wickman, C & S Engineers
Catie O’Toole, Post Standard

Absent: Christopher Woznica, Highway Superintendent
Sharon Edick, Receiver of Taxes
Jody Rogers, Director of Parks & Recreation

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

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

Motion was made by Mr. 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. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

APPROVAL OF AUGUST 25, 2010 MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the minutes of the August 25, 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

Town Clerk

Tracy Cosilmon stated that she wanted to give the residents of Cicero an update regarding the status of the Dog Licensing procedures that will be enacted in January 2011. The State of NY has elected to give up their dog licensing program that has been in effect for many years and pass that on to the town's. Effective January 2011 the Town of Cicero, as well as all other towns in the state will be required to license dogs. We are working diligently with all the Clerks and our programmers to develop a program and a new tag system. We will make every effort to keep all dog owners updated as we receive new information. At this time, we have ordered new tags and as every dog license is renewed, or is licensed for the first time, a new tag and number will be assigned.

Emergency purchases

Tracy stated that she needed approval from the board for an emergency purchase in the amount of \$1,940.50 for Davis Mechanical to replace the Police Departments air conditioning compressor unit. The Comptroller is fully aware of these emergency repairs and since they are over \$1,000.00 board approval is needed.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an emergency expenditure of \$1,940.50 to Davis Mechanical to replace the air conditioning compressor in the Police Department.

The motion was approved as follows:

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

Tracy requested approval to pay Davis Mechanical \$1,517.56 to repair the water pump to the chiller and replace a bearing, impellor and clean coils which was an emergency. The Comptroller is fully aware of these repairs.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an emergency expenditure of \$1,517.56 to Davis Mechanical to repair the water pump to the chiller and replace the bearing, impellor and clean the coils.

The motion was approved as follows:

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

Police - None

Park & Recreation - None

Comptroller

Shirlie Stuart stated that in the drainage account, there are some extra funds in District #7 which was created years ago before the consolidated town wide drainage district was created. There are

small amounts of funds in each of these and I would like a motion to move these funds to the Town Wide Drainage District. They are as follows:

Darby Farms A -	\$ 43.87
Darby Farms B -	\$ 61.51
Darby Farms C -	\$ 170.39
Darby Farms D -	\$ 8.73
Chetwind Farms -	\$ 95.85
Hiller Heights -	\$ 432.89
Bay Shore North	\$1530.25

Funds will be accounted for in the Town wide drainage district - Mud Creek

Motion was made Ms. Zambrano, seconded by Mr. Conway, to authorize the Comptroller to move the extra funds in District #7 that was created year's before the consolidate town wide drainage district into the Town Wide Drainage District Account.

The motion was approved as follows:

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

Attorney – None

Engineering – None

Zoning – None

Assessor – None

APPROVAL OF ABSTRACT #17 OF 2010

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #17 of 2010 as follows:

General Fund	Voucher #1635 to Voucher #1137	In the amount of \$379,866.23
Highway Fund	Voucher #453H to Voucher #473	In the amount of \$117,675.78

The motion was approved as follows:

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

BUDGET MODIFICATIONS

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

Budget Modifications – 2010
Board Meeting 09/08/2010

AMOUNT	FROM CODE		TO CODE	
\$ 2,500.00	A168045	INTERNET	A168041	COMPUTER MAINT/SUPPORT
\$ 1,500.00	SD85404 044	CONTRACTUAL	SD90308 0400	FICA
\$ 420.00	SD85404 0400	CONTRACTUAL	SD90808 0400	LEGAL
\$1,000.00	A11104	JUSTICE CONTRACTUAL	A111015	BAILIFF
\$1,500.00	A142044	TOWN BOARD CONTRACTUAL	A1110435	JUSTICE POSTAGE
\$ 800.00	A142044	ATTORNEY-LITIGATION	A142042	ATTORNEY- CODE

Budget Amendments

\$ 6,200.00	B2705T0C	TOWN OF CLAY DONATION – YOUTH CENTER
\$40,631.00	B3389YB	STATE AID – YOUTH PROGRAMS P&R

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adjourn into Executive Session for a Personnel matter and request the Comptroller, the Assessor and the Attorney and Town Board to attend and we will be reconvening.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 7:08 p.m.

The meeting reconvened from Executive Session at 7:36 p.m.

Mr. Jennings stated that a Motion was made by Mr. Jennings, seconded by Mr. Conway, to close the Executive Session and return to open session.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to retain the services of Bowers and Company CPAS, PLLC in an amount not to exceed \$8,500.00 for an audit of the Justice Courts.

The motion was approved as follows:

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

Budget Modification

Shirley Stuart requested a budget modification to move \$8,500.00 from the Town's Contractual line to the Justice Contractual line.

Motion was made by Mr. Corl, seconded by Mr. Jennings, to authorize the Comptroller to do a budget modification and move \$8,500.00 from the Town's Contractual line to the Justice Contractual line.

The motion was approved as follows:

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

CONTINUATION OF PUBLIC HEARING ON RENEWAL OF FRANCHISE AGREEMENT WITH TIME WARNER

Mr. Rivizzigno stated that a representative from Time Warner was in attendance, if there were any questions.

Alice, representative from Time Warner stated that the Franchise Agreement is a 15 year renewal agreement and is for 15 years to be a level playing field as Verizon's Agreement is also for 15 years and is a regulation of the NYS Public Service Commission regards to the terms and economics and regulatory verbiage with regard to the H Cable Provider. An issue had been

brought up regarding the franchise fee and one of the board members wanted to make it 3.5%. Time Warner has no problem with that as long as the Verizon Agreement is raised to 3.5%.

Ms. Zambrano asked how much is collected from this.

Alice didn't know.

Ms. Zambrano – The Comptroller can correct me, if I'm incorrect, but, it's about \$8,000,000 a year that is collected in fees. The Franchise Fee has been 3% which comes out to \$240,000.00. I am very curious about what this would mean if we raised the rate a little bit. In looking at my cable bill, I pay \$144.95 monthly and the franchise fee that I pay is \$2.13. I don't understand how you get 3% out of that.

Alice explained that the Franchise Fee is only on cable services.

Ms. Zambrano – I pay the 3% which is passed on to the customer which is \$2.13. If we increased that to 3.5% to me the increase would be relatively low. If we were to pass this, you wouldn't pass on administrative fees, etc?

Alice – The 3% or 3.5% would be passed on to the customers. There are no internal fees it's just based on your video services.

Ms. Boyke – At this point, we also would have to have Verizon pay the same Franchise Fee.

Alice – That's correct. Based on the agreements there is a section in the agreement that says they need 90 days notice of the other cable provider being 3.5% and they would up theirs to 3.5%.

Mr. Corl – Hypothetically, if the rate were lowered, there would be less collected from the consumer and Verizon would also have to lower theirs.

Alice – Yes, exactly.

Ms. Zambrano asked if the revenue from Verizon was \$22,000.00.

Shirlie Stuart – Last year.

Ms. Zambrano – It's a much smaller amount that we get from Verizon.

A resident asked what the Franchise Fee is.

Mr. Corl explained that a Franchise Fee is fee that is passed along to the consumer by Time Warner for the cable, utilities, etc. That fee goes directly from the line item on your cable bill directly to the municipality.

Alice explained that a municipality can charge anywhere for 0 to 5%.

Ms. Zambrano – It becomes revenue for the town.

The public hearing was opened at 7:44 p.m.

Speaking for

Resident stated that she was told Time Warner was going to add the language into the contract that she requested two weeks ago and I appreciate Time Warner going beyond what they have to do. I would also like to ask Alice, if Time Warner is going to put Wi Fi in the town hall, the CanTeen and Senior Center, so residents can bring in their mobile devices and actually go on line. I've been after that, and never got it from Verizon.

Alice explained that Time Warner does provide free Roadrunner to public libraries and schools and aren't able to provide anything extra than the Roadrunner video service. There is a one cable connection from each municipally owned building.

Mr. Rivizzingo stated that we could have a connection in any municipally owned building such as the Highway or Senior Center. We have one, in the Highway Department now.

Ms. Boyke stated that we need to initiate that.

Alice stated that we shouldn't have a problem, but, it does have to be within 200 feet of an existing cable line.

Ed Zaluski stated that we have Time Warner for everything, so why do we need Verizon?

Ms. Boyke – It's competition and is another opportunity for people to have a choice.

Speaking against:

Ed Hansen stated he was against any increase. What is the rationale for this?

Ms. Zambrano - We're facing some budget shortfalls.

Ed Hansen stated he was against any increase and would rather see the rate go down as people are having a hard time.

Mr. Jennings – When we looked at it, we found it would be roughly 50 cents for the subscriber. Verizon did start with FIOS in this area, but, because there was such a low demand for it and the cost involvement and the problems with their termination fees, they pulled out early. That is one of the reasons we don't have much Verizon in this area. As we said, it is a revenue generating item for the town. It's only about 50 cents more on a bill.

Ed Hansen – It always starts out as only and escalates down the road.

A resident - When was the last increase?

Ms. Boyke – There never really was and is the percentage that started with the original Franchise Agreement.

The hearing was closed at 7:44 p.m.

Mr. Rivizzigno – The Franchise Fee is amendable as is the rest of the contract. You can increase it this year and you could decrease it next year. It isn't something that is for 15 years. It would be the same for Verizon as well. Whatever you do tonight, would stay there until you amend it.

Board Comments:

Mr. Corl asked how long the previous contract was for.

Tony Rivizzigno – 10 years.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to adopt the resolution, and authorize the Supervisor to execute renewal of the Franchise Agreement with Time Warner Cable as follows:

WHEREAS, Time Warner Entertainment-Advance/Newhouse Partnership ("Time Warner") has requested that the Town of Cicero approve an agreement to renew Time Warner's cable television franchise in the Town of Cicero for an additional fifteen (15) Years, commencing with the date of approval of the franchise by the Public Service Commission; and

WHEREAS, a public hearing was held in the Town of Cicero New York on August 25, 2010 at 7:00 pm and extended to September 8, 2010 and the notice of the hearing was published in the Post Standard on or about August 6, 2010 and in the Star Review and on or about August 11, 2010.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board has investigated and assessed Time Warner's technical ability, financial condition, and character to provide the services, facilities and equipment set forth in the Franchise Agreement and finds them to be acceptable; and be it further

RESOLVED, that the Town Board has considered Time Warner's plans for constructing and/or operating the cable television system in the Town of Cicero and finds them to be adequate and feasible; and be it further

RESOLVED, that of the Town Board approves the renewal of the Town of Cicero's Franchise Agreement for Cable Television Services with Time Warner Cable for fifteen (15) years commencing with the date of approval by the Public Service Commission; and be it further RESOLVED, that the Town Board authorizes the Supervisor to execute such Franchise Agreement which shall include a .5 percent increase fee for a revised franchise fee of 3.5 percent, as presented.

The resolution was adopted as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	No, I agree with Ed.
Ms. Boyke:	Yes

Mr. Rivizzigno explained since the board is raising the fee to 3.5%, a resolution was needed to notify Verizon.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to notify Verizon of the rate increase to 3.5% in Franchise Fees.

The motion was approved as follows:

Mr. Conway:	Yes
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes, we have to notify them now, like it or not.
Ms. Boyke:	Yes

**DECISION REGARDING THE SHARED SERVICES INTERMUNICIPAL
AGREEMENT BETWEEN TOWN OF CICERO AND NORTH SYRACUSE
TO SHARE CODES SERVICES**

Ms. Boyke explained that the town has an agreement with the Village of North Syracuse where Wayne Dean does inspections and represents the Codes Office at the Village Board and Zoning Board Appeals and Planning Board Meetings, which brings \$2,000.00 of revenue into the town. The agreement is to extend this agreement for 6 months, while the new Codes Officer is being brought up to speed and is allowed to take the test. The test isn't given that often and she is prepared to take it, but, is waiting for the time when it is given.

Discussion:

Mr. Jennings, I would like to suggest that we extend this until the end of December as that is the end of our fiscal year. This would give time for North Syracuse to do some investigation and maybe do a little pushing to try and expedite the test. I realize they don't control it, however if we extend it to the end of December, it gives them 4 months and at that time we find the test is being offered in January, we could extend it a month. I feel 4 months should be sufficient.

Mr. Corl asked if there have been any long term discussions. I know that in this Shared Services Agreement, we generate about \$2,000.00 a month. Have there been any discussions as to making this a permanent agreement or once they have someone, making this a part time agreement?

Ms. Boyke - Not at this time as they have someone who is there now and Wayne is working with her and bringing her up to speed in the interim of her taking the test. They will have the ability to hire her full time after she takes the test.

Mr. Corl – They don't want any type of long term establishment.

Ms. Boyke - At this time, no.

Wayne Dean stated that they can't hire her full time until she takes the test and if she doesn't pass it, they will have to hire someone from off the list.

Ms. Boyke – That will not be our issue, but, will be the issue of North Syracuse.

Mr. Corl – It may be something we should be discussing with North Syracuse, in terms of a long term agreement.

Mr. Corl also asked Wayne Dean how the work load was.

Wayne Dean – It's hectic at time, but, seems to be working.

Ms. Zambrano stated she was also in favor of extending this agreement four months and then to evaluate the situation at the end of the year to see what budgetary constraints we may have at that time. I am not comfortable with going beyond the end of the year with this arrangement.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize the Supervisor to execute the Shared Services Intermunicipal Agreement between the Town of Cicero and the Village of North Syracuse, to share codes services until December 31, 2010 and to re-evaluate the situation at that time.

The motion was approved as follows:

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

SET PUBLIC HEARING FOR INCREASE IN IMPROVEMENT TO
LIGHTING DISTRICT #3, IN THE BIRCHES

Mr. Rivizzigno stated that this is to add lights in the Birches, which will necessitate a public hearing.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to set September 22, 2010 at 7:00 p.m. at Cicero Town Hall, 8236 South Main St., Cicero, NY for a public hearing to consider an increase in the improvements to The Birches Lighting District #3.

The motion was approved as follows:

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

SET PUBLIC HEARING TO EXTEND LIGHTING DISTRICT AND INCREASE
IMPROVEMENTS ON EVA CIRCLE TO INCLUDE
NATES LANE AND LANA LANE

Mr. Rivizzigno explained that this was to extend an existing district to include a couple more streets, which requires a public hearing. There has been a petition from the homeowners.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set September 22, 2010 at 7:00 p.m. at Cicero Town Hall, 8236 South Main St. Cicero, NY, for a public hearing to consider the extension of the lighting district and increase improvements on Eva Circle to include Nates Lane and Lana Lane.

The motion was approved as follows:

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

APPROVAL OF THE CONTRACT DOCUMENTS FOR THE PATHFINDER BANK SEWER
EXTENSION, CICERO SEWER DISTRICT EXTENSION NUMBER 42

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the contract drawings as presented for the Pathfinder Bank sewer extension, in the Cicero Sewer District, extension number 42.

The motion was approved as follows:

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

**APPROVAL FOR JENIFER BOWERS AND PENNY CHASE TO ATTEND THE
JUDICIAL DISTRICT TRAINING ON FRIDAY, OCTOBER 1, 2010 FOR A \$10.00 FEE**

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to authorize Jenifer Bowers and Penny Chase, to attend the Judicial District Training on Friday October 1, 2010 at the cost of \$10.00 each.

The motion was approved as follows:

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

ACCEPT RESIGNATION OF CHRISTOPHER A. ROWE

Motion was made by Ms. Boyke, seconded by Mr. Conway, to accept the resignation of Christopher Rowe with regret as, Member to the Planning Board effective immediately.

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. Jennings, seconded by Ms. Boyke, to approve the appointment of Greg Card to replace Chris Rowe as a Member to the Planning Board until 12/31/2012 and to appoint Patrick Honors to replace Bill Purdy who previously resigned, to the term 12/31/2014.

Discussion:

Mr. Corl stated that he did not know either of these individuals.

Ms. Boyke introduced both gentlemen and stated that the Chairman of the Planning Board, Mark Marzullo, made the determination, that they are fully qualified.

Inaudible question asked

Ms. Boyke told the person to go to the Planning Board.

Ms. Zambrano felt it was a fair question and hadn't heard of the other individual either. Not that she was opposed, but if we're going to appoint someone, we should know a little bit about them and received a little bit of paper on them.

Mr. Corl – That was going to be my only suggestion. I am confident with Mr. Marzullo, but, I would like to have seen a submitted resume.

Ms. Boyke – We did not require that with Chuck Abbey.

Mr. Corl – Yes, and I approved Mr. Abbey as I know him and feel confident that he will do a good job as will Mr. Card and Mr. Honor's. I am also confident that Mr. Marzullo made a good choice, but, as Jessica said, I think it would be helpful if we had a resume or something and would like that in the future.

Ms. Zambrano – I think that with all future appointments, we should have something.

Ms. Boyke asked Mr. Card and Mr. Honors to submit those to her and she will be sure to copy the board.

Both gentlemen agreed.

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

DISCUSSION ON AMBULANCE SERVICES WITHIN THE BREWERTON AMBULANCE DISTRICT

Discussion:

Ms. Boyke stated that back in October 2007 there was an Ambulance District formed and it was in regards to the Brewerton Fire Protection District. This district was formed to provide ambulance service and they were to be paid approximately \$100,000.00. We are now at budget time and realize that when this district was formed we did not receive any financial paperwork, reports, to the fact of where the money was spent or how it was spent. We have searched high and low and don't even have a contract with this fire district. A letter has been sent to Mr. Stassi and phone calls have been made, but, we have had no response.

Mr. Rivizzigno stated that we did get a response today.

Brenda Colella stated that she received a phone call from Mr. Stassi this afternoon and apparently he was in England and just got back recently. Per my conversation with him he agreed to provide financial documentation and what was done with the money. He said it is pretty limited and consisting of a one page financial report and their corporate records.

Ms. Boyke – Did he indicate if they had a contract?

Brenda Colella - No and he said there was no contract.

Mr. Rivizzigno explained that we should have a contract going forward and that the law requires under and Ambulance District that if you contract with someone to provide this service you have to have a contract. We seem to have contracted with Mr. Stassi's Organization but, there is nothing in writing as to the amount. When the district was formed, it was formed with a \$100,000.00 limit. We can't go over that limit, but, you can certainly go under. I have checked with the town of Hastings, who is also part of that district and they don't pay anything. We need to get this resolved, one way or the other. We can do an RFP as there are several ambulance providers out there that could possible service this.

Ms. Boyke asked if we should wait until we received this information.

Mr. Rivizzigno – I know that we can wait for the information, but, I know there is no contract. We need to get a contract going forward for 2011.

Ms. Boyke asked if an RFP should be put together to look for an ambulance service.

Mr. Rivizzigno – That would be my suggestion.

Mr. Conway asked if a motion could be made to adjourn this until such time as we have a contract in here.

Ms. Boyke and Mr. Rivizzigno – There is no contract.

Mr. Conway – I'm sure they must have a copy of it.

Mr. Rivizzigno – No, they don't as no contract was ever done.

Mr. Corl stated that when the Ambulance Protection District was developing, they were represented by Mr. Pinsky and when the Ambulance Protection District was formed it was by

referendum of the people who lived in that area and those individuals voted to create this district. It is my understanding that they are a separate entity and that they operate themselves and set their own budget and we as a town would not have oversight of them. It is similar to the Cicero Fire Protection District. Maybe, I'm wrong, but I think we should research that.

Mr. Rivizzigno explained that he will be happy to look at it closer, but, I thought all that was done was the name of the district which just creates a taxing entity. We tax them based upon what we have to raise to cover the cost of the district. Theoretically, the town could have its own ambulances and we could provide that service to that district. We don't have that, so we contract out to somebody else, to provide the service and then we pay the district to cover that expense. The problem is that we don't have a contract saying what they will do and what they are going to charge. All we have done in the past couple years, per my understanding is, that they've sent a letter stating they need \$100,000.00 and we sent them \$100,000.00.

Mr. Corl – Which is levied from that district they voted on to create.

Mr. Rivizzigno – That's correct.

Ms. Zambrano – The people that were levied live only in the Town of Cicero.

Mr. Rivizzigno – No, part of it is in the Town of Hastings.

Mr. Corl – It's the Towns of Brewerton and Hastings.

Ms. Boyke – I thought you said that Hastings doesn't pay anything.

Mr. Rivizzigno explained that they never went to Hastings and asked them for any money, so Hastings never said anything, but, they are part of the district. We should have from an auditing control standpoint a contract that shows what we're paying and how much and what for. We don't have that, so we can either do it with this organization, or you can put it out for bid, to see if anybody else out there wants to provide the service.

Motion was made by Ms. Boyke, seconded by Mr. Conway to adjourn the decision on the Brewerton Ambulance District until the next meeting, on September 22, 2010, to give an opportunity for the reports to come in.

Discussion:

Mr. Rivizzigno – I will call Mr. Pinsky to see if there is anything we don't know about.

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

DISCUSSION ON STRUCTURES IN TOWN EASEMENTS

Discussion:

Wayne Dean stated that he put a memo in the board's mailboxes regarding a request from Mr. Pecoy, who lives on Cody's Corners in who began construction of a shed. We noticed that he started it and asked him if he had a permit and he did not. When he came in to apply for his permit, it was determined that his shed was in the drainage easement. As I said in my memo, it really doesn't affect drainage in the area but, it is in the easement. Mr. Pecoy stopped work on the shed until this issue is resolved. I need permission from the board to allow it to continue in the easement and for Mr. Pecoy to sign a release saying that, if ever work was required to be done in that easement and the shed was in the way, it would be relocated at his expense.

Ms. Boyke asked if it was being constructed so that water could flow under it.

Wayne Dean – I haven't been out there, but I believe it is on a concrete pad.

Bud Pecoy explained that they have a 20 ft. easement in their backyard and their neighbors have the same. He also has some mature trees behind where the shed is and had no idea that it was in an easement. Last fall I went through the easement as it wasn't working properly. When The Pastures was built, they didn't do a very good job in getting the drainage in there. They have since gone in there and have not gotten anywhere near my landscape fence is existing and is where the shed is sitting. It now works fine and I don't see how you would ever need to, but, I would gladly move the shed if I needed to.

Ms. Boyke – You would be willing to sign a release?

Mr. Pecoy – Yes, absolutely

Wayne Dean stated that he had pictures if anyone wanted to see them and felt there should be no problems. He went over this with Doug while the board was in Executive Session and he agrees.

Ms. Zambrano asked if Mr. Pecoy would be signing something.

Wayne Dean – Yes, and it will be prepared with our attorney's help.

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to authorize that the shed be placed within the easement at 8273 Cody's Corners contingent upon the homeowner signing the necessary release prepared by our Town Attorney.

The motion was approved as follows:

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

Wayne Dean stated that at the last meeting he requested release of the Bond for SEAYCO THF Realty regarding the landscaping at WalMart. The decision was tabled and I am requesting that it be reviewed tonight and to act on it.

Ms. Zambrano – I have your statement which says all of the terms of the agreement were met.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, that we act on the recommendation and that we release the Landscaping Bond for SEAYCO THF in the amount of \$59,000.00.

The motion was approved as follows:

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

HIGHWAY PURCHASES

Purchase Stakes

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an approximate expenditure of \$4,200.00 to Engebratens Sawmill for 3,500 stakes, Account Code DB51424MB.

The motion was approved as follows:

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

Cutting shoes, blades and rubber edges for plows

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an approximate expenditure of \$4,963.48 to Oswego Tool & Steel, Account Code DB513055.

The motion was approved as follows:

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

Seed, mulch, fertilizer

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an expenditure of \$1,800.00 to Merritt Seed, to purchase seed, mulch and fertilizer, Account Code DB411242.

The motion was approved as follows:

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

POLICE STUDY

Ms. Boyke stated that many people attended the meeting on August 25, 2010 at the South Bay Fire Department and that we are now at the point for open discussion.

Mr. Corl asked that this be added as an agenda item. Many people are interested and there has been concern generated over this. The Police Study Committee did an extensive, thorough and long presentation. At that time the Police Chief submitted a response with numbers and figures and things of that nature, which I understand has been submitted to the Town Clerk for public review. Portions have been redacted relative to sensitive union negotiations and information. I thought it would be appropriate to bring this up at this meeting as to the board members thoughts and what the general process would be from here, after the committee presented their report. One thing I want to interject from the last meeting is that we wanted the committee to provide their insight on their findings. We have created one of the best Police Agencies in the State in the Town of Cicero. They are equipped, efficient, accredited, one that provides VIP's service and e-policing at a relatively low cost. All of the board members have been in receipt of information from the Onondaga County Sheriffs. If we were to no longer have the Cicero Police Department, and I think everyone agrees for the most part, that there would have to be a contract for enhanced services to be signed with the Sheriff's Office for additional coverage. As the numbers show, 70 to 80 percent of calls are handled by the Cicero Police Department. Not having them would create an extensive amount of calls that would have to be picked up by the Sheriffs. They would mandate that we sign an enhanced services agreement for services otherwise, public safety would be in jeopardy. With the current police staff that we have, the Chief has put together a proposed budget that is submitted in his report as to future costs over the next couple of years. A lot of people have asked me for numbers and costs, if we were to sign on to a contract with the Sheriff's for our current coverage, which is actually a little less. Going into 2011, the numbers the Chief has put together is that Onondaga County's proposal would be \$1,624,217.00. The proposed budget that Chief Snell has put together equates to \$1,687,831.74 which will cost \$63,000.00 more. The Chief has calculated that the Sheriff's will want an 8% to 9% increase each year per their contract. Going into 2012, the Sheriff would want \$1.7 million dollars. The Chief put together information showing that his budget would reflect about 1.6 million or about \$84,211.00 cheaper than if we contracted with the Sheriff. Going into the following years, when the Sheriffs would be requesting increases, of 8% to 9% by 2013, the Chief's numbers estimate keeping the Cicero Police Department a cost savings to the town in the amount of \$114,000.00. Going into 2014, it is about a \$133,000.00 savings. These numbers are the projections of cost that everyone has wanted put together. The committee went further and put together projected costs beyond those years, 2020 and 2030 and for Health Insurance and things built into the Sheriff's package. The Sheriff's Department provided nothing past 2014 as their contract is for a few years and then you have to re-negotiate, so that would be up in the air. There are options that the Police Committee has put together. Other than holding a referendum, and based on the numbers that were provided by the chief, I think in my experience on the town board, that they are consistent and very accurate, we could keep the current Police Force that we have and actually save money. What the Committee put together is for 20 to 30 years where it could cost more and you would have a cascading effect with increased Police Force and burden on taxpayers at that point. 87% of the people that were surveyed that showed up at the listening sessions that the committee held, were in favor of the Cicero Police Department. The majority of people that I've spoken to are satisfied with the service they're receiving. Obviously, the budget is somewhat constrained and the Chief, over the years, has asked for more and the Town Board has had to hold the line on certain expenditures. With that being said, my opinion is that we keep the Cicero Police Force as

is as long as we can. I think that the public needs to know what this Town Board is going to do coming this fall as well as our Police Force and decisions have to be made.

Discussion:

Ms. Boyke explained that the board has looked at the numbers that Chief Snell has provided. We are negotiating with the union and there has been discussion with the Chief and the Officers. As far as understanding the services and realizing the position of the people of the town, we have those who speak for and those who speak against and obviously, it boils down to either numbers, or personal service. We are looking for a community Police service and at this time the numbers that Jim provided, were also provided to the study team. In order for us to go forward with the County, we need the figures for the cost of the enhanced service. The County is currently working on their budget and they haven't provided that for us. I don't expect to receive that until next week. I asked to have it expedited but due to their budget time they were unable to get that to us for this evening. Until we receive it I need to know personally what the County is going to charge us for the services we would be looking for, I can not make a decision because we would need to know what type contract would need to be in effect.

Ms. Zambrano believed that we need some additional information and agreed with Ms. Boyke. Her concern was the process from here on out. If there was a decision made to go to referendum, by what date does the Town Board need to have a decision? Will we have enough information if we don't make a deadline as there are deadlines involved and would we be facing a Special Referendum?

Tony Rivizzigno explained that if the board were to choose to abolish the Police Department and merge with the Sheriff's, it would first have to adopt a Local Law to that effect, which obviously requires a public hearing. You would be looking at about two weeks before you could have a public hearing and that at another month, before the law would become effective. The Local Law would also set a referendum. The referendum doesn't have to be on Election Day, it can be set at any reasonable time, such as January, February or whenever you would be ready to have it. There is no deadline in terms of holding a referendum. The process must start with a Local Law by the Town Board. If you chose to do that, you would abolish the Police Department and merge with the Sheriff's. Until you do that, nothing else is going to happen, other than the discussions here.

Mr. Corl – It has been indicated before, that it could perhaps be on the November ballot.

Tony Rivizzigno – One of the problems with November, is that if you merge with the Sheriff's Department, the County Legislature has to create the positions that would be absorbed by the Sheriff's Department. Our Police Officer's would be absorbed by the Sheriff's Department. They have to create those positions before we have the referendum. When it was done in Clay, I believe they did it in June or July, so all of that stuff was done before. To get on the County Legislature's Agenda, you would have to attend a Committee Meeting in September to get on their October Agenda. I don't know time wise if we could get on their September Agenda. I think the earliest you would be looking at is November before getting on the County Legislatures Agenda. Realistically, there is no way to get this done by November because of those timelines.

Mr. Jennings stated that in talking with residents, their only concern is if you look at the documents that are out there, each one has different figures. We had a list from Warren Darby, another from Chief Snell, and they're saying as I look at one, that there is a different set of figures for each one, depending very frankly, as to who wants what. If I want to keep my job, I'm going to give you my figures. Somebody else is going to say, if you want to help the town, here are better figures. That's the biggest concern I've heard from the residents that have asked me about that. I agree with what the Supervisor and the Attorney have said. Until we get better information and better numbers and figures, it would be awful hard to make any type of decision.

Mr. Corl – Chief Snell's numbers are a direct reflection of the information that was provided by Warren Darby in the proposed contract scenario that he set forth. So, there is no discrepancy on that. The numbers used by the Chief are a direct reflection of the numbers provided by the County for what it would cost for a thirteen Officer scenario. The County provided further information from thirteen to twenty Officers and obviously, you would be looking at more funds. Those were the exact numbers used in the Chiefs report. One thing that the Committee did a good job of bringing up is that the Town of Cicero is currently paying 2.4 million of our tax money to the Onondaga County Sheriff's Office to supplement other townships that do not have local Police Departments. Our tax dollars are going towards supplementing other departments within our county and that's the number that you really should be looking at. We need to ask what we're receiving from the Onondaga County Sheriff's Department what we will be receiving

for 2.4 million. Why are we paying that much? Why aren't we paying 1.5 million? Those moneys should go back to the town.

Ms. Boyke asked Mr. Corl while he served on the Committee, if he ever asked anyone about reducing our County Tax, because we're supplementing other towns.

Mr. Corl – That is a big point of contention. We did not approach the Sheriff's about that issue. It was brought up and many of the Committee Members took a look at that number and were floored. Quite frankly, they were upset. For 2.4, what are we getting? The Committee put the numbers together and their job wasn't for them to go to the Sheriff's and say what are we receiving and why are you taking this amount from us. Their role was to gather the facts and figures, which they did. They did their homework and that might have been Deborah's job. She researched that and if she wants to talk on that particular issue, she can. What we want to do with that information will be up to the Town Board.

Deborah Gardner – The way that the taxes are apportioned among the town is based on the Onondaga County Budget and the property assessment. They use an equalizer rate so that we're all equal in this. Cicero has a little over 7% of the property value located in our town. So, we pay a little over 7% of the entire county budget. Not only should we be asking the Onondaga County Sheriff, what do we get for that amount of money, but, we should be asking all the other departments that we pay into. It is based on property assessment, so if Brad would lower our property assessment we'd pay a lot less.

Ms. Boyke – You know that isn't going to happen.

Deborah - Thank you for allowing me to explain.

Mr. Corl – Deborah did a lot of work and made a lot of calls and gave reports to the committee to gather that information.

Ms. Boyke explained that it is obvious in other towns as Deborah explained and is based on the values of the towns, how many properties are in the town as to how much County Tax you will pay. We have been paying this for a long time and should ask if we could get the 2.4 million dollars back if we don't use the Sheriffs.

Mr. Corl – If the Town of Cicero has a Police Force, or if other departments with Onondaga County were key Police Forces, why don't we get a break on the County Tax bill?

Deborah – It's based on property values.

Mr. Corl explained that this is an issue out there and we have to make decisions on this. Our residents are concerned about this and we have to make decisions on this. It is a cloud over our department and we can't let it linger. That is why I asked for this to be placed on the agenda, to keep the ball rolling and get an idea where this is going for our residents, our Police and our community as a whole.

Ms. Boyke asked if anyone would like to make a motion.

Mr. Jennings – I don't think at this time, we want to do that. We are waiting for further information and I think it should be something that is tabled and to listen to the people who are here. Let's find out what their feelings are and then go on from that point.

No Motion was needed

Ms. Boyke stated that she would like to adjourn the discussion until the next Town Board Meeting that is scheduled for September 22, 2010, at which time we will have further information.

Mr. Jennings stated that he would like the residents in attendance to have the opportunity to speak this evening.

Ms. Boyke – We will have that during Public Input.

Mr. Jennings – If you do that, it will open to other issues, so I think we need to address this under as the first item under Public Input rather than jumping back and forth.

Ms. Boyke adjourned the discussion pertaining to the Police Study and continued to the Public Input portion of the meeting.

PUBLIC INPUT

Mike Aregano read the following which he requested be put in the minutes.

Hello my name is Michael Aregano I am a full time Police Officer with the Town Cicero Police Department and I am currently the PBA President.

I have been monitoring the events that lead to the last board meeting presentation on the Cicero Police Department.

It is beyond my understanding with speaking with the town attorney just the other day he advised me that the town is going through the County Executives Office to find out the cost to contract with the Sheriffs Office.

What is unbelievable to me is that these numbers have already have been presented to the town and was referenced the other night at the town board meeting by a speaker.

The cost was provided to Chief of Police in which numbers were provided that night which does not include addition man power for events, parades, community policing and a like.

In speaking with the Town Attorney he advised me the County Executive advised him to disregard the Sheriffs numbers.

Which leads me to believe that the County Executives Office is cooking the books, but the Sheriff who provided the accurate cost doesn't know what he is doing, I find that hard to believe.

I have been advised that the Sheriff and Under Sheriff again stated that the cost provided to Chief Snell and the town are accurate. Chief aren't these numbers the Sheriff gave you?

These numbers have been approved by the Sheriff, County Comptroller and the County Budget Office.

I find it interesting now that the former Town of Clay Supervisor is now working for the County and was the one who helped get rid of his Police Department and abandoned his town to take a job with the County is now working the numbers for the County to help get rid of the Town of Cicero Police Department.

There were many statements made in the police presentation that were inaccurate and can be refuted for example under the General Municipal Law 207c you do not pay a police officers salary until he dies.

It is interesting that every speaker spoke positively of retaining the Police Department. If there were any residents in the audience that evening that wanted to get rid of the Police Department they had every opportunity to speak their mind but none did. The theme was if it ain't broke don't fix it, are you truly listening

Since you did not let me interrupt the other night when the committee chair brought up that not one of the police officer contacted him, is a total inaccuracy and at no time were we entitled to attend these closed meetings and in fact I had to ask a committee member that I wished to attend one of their meetings but later that same day was told the committee chair did not wish to speak with any of the police officer.

With that being said it also amazes me that neither the committee chairman or a committee member asked to ride with an officer.

As you seen at the last meeting the committee chairman never presented the numbers the Sheriff provided to them. At this time I would like to present these numbers to the public.

Lets do the math, there are over 30,000 residents in the town not including the businesses less than .5% signed a petition and this town goes off on a tangent. I could bring you a petition next week with a 1000 signatures that "if it aint broke don't fix it", which petition would have more credence.

I would like to thank the board for their time. I would also like my statement and the attached cost placed in tonight's board meeting minutes.

CICERO MERGER - 13 OFFICERS SCENARIO *2 officers 24/7*

	2010	2011	2012
Personnel/Salary	\$ 1,161,764.96	\$ 1,274,521.58	\$ 1,399,637.58
Admin	\$ 106,882.38	\$ 117,255.99	\$ 128,768.66
Overtime	7,763.73	\$ 8,638.30	\$ 9,070.21
Officer Supplies	\$ 13,375.87	\$ 13,778.18	\$ 14,191.52
Fuel	\$ 43,500.00	\$ 44,805.00	\$ 46,149.15
Vehicle Maintenance	\$ 25,544.00	\$ 26,310.32	\$ 27,099.63
Vehicle Replacement	\$ 43,023.64	\$ 44,314.35	\$ 45,643.78
Start-Up Costs	\$ 91,838.59	\$ 94,593.75	\$ 97,431.56
TOTAL	\$ 1,493,694.16	\$ 1,624,217.45	\$ 1,767,990.09
% INCREASE		8.74%	8.85%

** Reduced Service **

CICERO MERGER - 20 OFFICERS SCENARIO / 3 OFFICERS 24-7

	2010	2011	2012
Personnel/Salary	\$ 1,775,790.45	\$ 1,948,836.53	\$ 2,140,051.00
Admin	\$ 163,372.72	\$ 179,292.96	\$ 196,884.69
Overtime	12,003.14	\$ 13,355.28	\$ 14,023.02
Officer Supplies	\$ 20,579.80	\$ 21,197.19	\$ 21,833.11
Fuel	\$ 69,600.00	\$ 71,688.00	\$ 73,838.64
Vehicle Maintenance	\$ 40,870.40	\$ 42,096.51	\$ 43,359.41
Vehicle Replacement	\$ 68,837.82	\$ 70,902.95	\$ 73,030.04
Start-Up Costs	\$ 142,428.60	\$ 146,701.46	\$ 151,102.50
TOTAL	\$ 2,293,482.94	\$ 2,494,070.87	\$ 2,714,122.42
% INCREASE		8.75%	8.82%

Ed Zaluski stated that it didn't make sense that the cost should be that prohibitive that it would cause us to change the guard in Cicero. I say if it ain't broke, don't fix it.

Resident - Mr. Corl, most of the time I'm here criticizing you, but, tonight you made very well balanced statements when you talked about what we did and I do appreciate it. I would like since you rattled off all the figures if the spread sheets can now be released to the public?

Mr. Corl - Yes, actually Chief Snell's report is available and his numbers are a direct reflection of the Counties numbers.

Resident - I thought it was a redacted report and there were no spread sheets attached.

Mr. Corl - I don't see any issue in you receiving what we've received from the County thus far.

Resident - Thank you. Were those spreadsheets, not what was attached to Chief Snell's report?

Mr. Corl stated that he didn't realize that these numbers were not attached to Tracy's copy. We'll get those to Tracy and she'll get them to you.

Resident - I just wanted to say that there is more to this town than tax dollars. There are other issues we might want to look at. Her suggestion would be to plan to have a referendum, whether it be in November, or whether it be in March or in June and will look forward to that date. If the people in Cicero want to keep their Police Department they will vote to keep their Police Department and will get rid of this cloud that is hanging over the Police Department.

Jerry Lewis, Brewerton, stated that it sounds like our Police Department would be against joining the Sheriff's Department, but, I haven't heard any reasons why they would be against merging with them. I am also for holding a referendum.

Ed Hansen, Eileen Ave. stated that he had an open mind regarding this and was trying to get both sides of the issue. The paper indicated that Vern Conway had some idea of costs.

Mr. Conway – The thing that concerned me, was the cost of Health Insurance down the line. I'm not sure on this, but understood it is a State or Federal Law.

Chief Snell - No, the Health Insurance is a contractual issue between the town and the PBA as stated in the bargaining unit agreement that currently exists. The retirement costs are paid wholly and 100% by the State of NY. For any employee you have, whether he works anywhere in the town, including the Highway Department, the town contributes into the retirement system for that employee, while that employee has a contributing amount to also pay. That goes into the employee's retirement. Once the employee retires, the State picks up the entire cost. The Health Insurance issue was brought up and tied to the retirement issue. I addressed that in my response to the Town Board indicating that the purpose of that entire agreement was to make it cost prohibitive and only to be used in an emergency situation, such as if an Officer retired and did not have Health Insurance. There were many assumptions that were not brought up by the committee, regarding that issue and it made it sound like every employee that is going to retire was going to take the Health Insurance at 60% of the cost of the premium, which I can't believe would happen. I put it in my report, and it is clear in my report as are my feelings on that and I believe there were a lot of assumptions that were not included in the committees report.

Mr. Conway – I'm glad that you brought that up. I think a lot of people were under the impression that it was going to cost the Town in the future a lot of money.

Chief Snell - Their cost factors were based on the Health Insurance issue and that would be if every retiree in the Police Department from this day on took advantage of the Health Insurance premium that's in the contract currently. If you retire before age 55, you would have to come up with 50% of your Health Insurance premium. At the current cost, if you have a family, it's probably going to cost close to \$10,000.00 a year out of pocket for Health Insurance. Most employees are not going to retire at 50% pay at 45 or 46 years of age with the intent of paying \$8,000.00 to \$10,000.00 out of their pocket for Health Insurance. They're going to look for other resources or not even retire. The reason we put that in the contract, was to provide should someone stay here until they were age 62, an if you take a look at national figures you will find that most officers are retiring between the ages of 45 to 55. Based on the current contract plan that we have, it makes the cost prohibitive for an employee to retire and get that benefit. If they do not pick the benefit when they retire, they can not come back and get it again. They lost it.

Ed Hansen – Doesn't that mean that we're paying that huge premium to the Policeman on the force? Does it cost us \$20,000.00 a year for insurance per Policeman?

Chief Snell explained that it depends on whether your single, married or if it's family. I think the top cost is around \$17,000.00 right now. They're talking 20 to 30 years down the road and costs are going to go up, there is no doubt about it. My point is that the figures that were in the committees report, were assuming that everyone who retired took that Health Insurance benefit and it's my opinion that isn't going to happen because it is cost prohibitive.

Mr. Corl – Health Insurance costs are high.

Ed Hansen asked if the cost is based on the nature of their work.

Mr. Corl – No, it's everybody, whether you're a State Employee, private, or you work for a company. It's just the reality of Health Insurance costs. It's outrageous.

Ed Hansen – There were numbers thrown around about 8,000 calls that they answered per year.

Chief Snell - No, I said we answered anywhere from 75% to 85% of all of the calls, in the Town of Cicero.

Ed Hansen asked how many calls they had last year.

Chief Snell- Last year our number was about 14,000 calls.

Ed Hansen – Are you able to tell me what the nature of those calls were?

Chief Snell – I can give you a copy of all of our calls for the whole year if you would like to look at those numbers. There are about 45 different categories of calls for service.

Ed Hansen asked if there were a lot of it safety issues.

Chief Snell – Yes

Mr. Corl – A lot of data was looked through. David Kirk sifted through a lot of data that was provided by the Chief and it was brought up at the committee meetings and made part of the report.

Ed Hansen stated that he hoped we do the most efficient thing possible and that he liked having the Cicero Police Force, but, if we can maintain their jobs with the Sheriff's and it can save us a lot of money it may be something to consider. It's understandable that people are going to fight for their jobs.

Ms. Boyke – That is the reason we are looking at everything and there is safety, service and savings and those are the three things that we're looking at.

Ed Hansen stated that from my experience, the Cicero Police Department has done a more personal job on a lot of things.

Gay, a member from VIP's, thanked Mr. Corl for the numbers. She felt that the county will be going up 8% or 9% a year at time and there would be no way to go back and that we're going to pay more than we need to with the Sheriff's. Everyone needs to give this great consideration, because if we were to get rid of the Cicero Police Department, we're not going to get them back as it would be very difficult to get them back. You will also lose your volunteers who put in a lot of hours and don't get paid and the service that the town is benefitting from. The Sheriff's won't be coming in to man events around town without being paid overtime to do that type of work.

Resident – As Mr. Corl said, over 80% of the people are satisfied with the Cicero Police Department and I am wondering why we are having this discussion. The \$63,000.00 to \$65,000.00 in addition to what the Sheriff's would cost is nothing, when you have the satisfaction of the Town of Cicero residents. We also know the response time from the Sheriff's next year, is going to be increased and that we aren't going to have the same service that the Police Department now provides the town residents.

Ed Fry, Brewerton, asked if the committee ever checked with the 911 center to see how many calls are backed up on a que in an average day when the Sheriff's took over the Town of Clay.

Mr. Corl – I was the liaison to the committee and the committee did the work. I attended the meetings and they were the ones who were informed as to what was going on and things of that nature. They did all the hard work and research.

Ed Fry explained that there is a set up in the 911 center that calls get backed up on a que for a certain district and was curious if the committee ever got that information from the 911 center. Clay did what you are talking about doing and they would be a good barometer of how many calls are waiting. Did anyone ever contact the 911 center to see what calls were made, as they have a record of everything that happens with the Police, the Fire Department and EMS and how many times the Officer's in Clay are not in Clay because they're covering calls to another place. I listened the other night and the Clay car was on the other side of the city because they are a County Sheriff and respond to where they are called. I also wonder if you have any numbers for how many times they aren't at the post because they are actually pulled off post to do something else. That is a number that we would appreciate.

Mr. Corl – That is a good point. I don't know if the committee put together that information. Everything that is on the committees report is on the website if you want to review them. All of the numbers and data are in there. I don't think the particular numbers you are referring to are in there. However the Chief may have brought up that point. When he's keeping track of the Sheriff's cars and where they are.

Mr. Fry stated that is a big question. Somebody made a comment earlier about a 13 or 20 Police Officer's scenario in the Town of Cicero. Frankly, I don't think that is ever going to happen with the Onondaga Sheriff's Department. If we set up something similar to Clay, we're going to have 3 or 4 Police Officers, who do a wonderful job, but, they work for the County Sheriff's. If they get pulled off post, we won't have them here. How many times have they been pulled off post? How many times are they out of their district? How many calls are backed up waiting for them to come back to the post? I understand that in the Town of Clay if a 3rd car comes over the district

line to help them out, that's an added charge. I don't know if that's true or not, but, we would need to find out if we would be charged for something like that. There is a lot of grey area in how these things play out when it comes to this. There is some very important numbers. If you're going to have 3 Police Officers in the Town of Cicero and the average in Clay is 20% of the time that they're pulled off post, now, we're down to two, or we could be down to none. My father was a Police Officer for 16 years in the Village of North Syracuse, of which I am very proud. They solved crimes and had community policing in the village and still do that. The County Sheriff's aren't going to know the community and our Police Officer's know the community and know the players in this community and know how to keep an eye on them. Sometimes the question isn't can we afford to, but, sometimes the question is very simply can we afford not to? I for one don't want to give up the security for my family for the sake of a couple of dollars. If you need money that badly send out a letter saying you need \$50.00 from the residents and I think you'd be surprised at the response.

Don Haselmayer stated he has been a 53 year resident of Cicero stated that last month we accepted Sgt. Scherer's resignation and he is a perfect example, as he has not taken the Health Insurance. There is your example, that officers will leave the department and not be taking Health Care Benefits. Also, the Sheriff's proposed both a two and three car proposal and the Town of Cicero averages 2.65.

Chief Snell - According to the proposals, we average 59 man hours per day. According to the County proposal, it would be 48 man hours per day which turns out to 21,000 hours per year more service. If you go with the two car proposal with the county, you would be getting 23% less coverage in your annual basis, than you're currently getting now.

Don Haselmayer - It think we need to equate equal level of service. What the Town of Cicero is doing is in between the two proposals. If we're only looking at the two car proposal, we're already 23% down.

Sgt. John Baldini, Cicero Police Department I just wanted to comment on why we're not embracing the Cicero Police Officers to join the Sheriff's Department. I believe I speak for the whole department that we do enjoy working for the town and the community and providing that personal touch to the community, which is why we don't want to embrace joining the Sheriff's, as we like where we are.

Jim Corl, Sr. stated that the numbers that came to us from the Sheriff's Department came from Kevin Walsh and Warren Darby who are experts in their field, which I am assuming are the most accurate. We get Chief Snell's numbers for the Town of Cicero. When a comment is made that the figures aren't accurate causes him to be concerned that something isn't right.

Joanne Wilder explained that on August 14, 2010 a Liberty Tree was placed in the Town of Cicero. Many people believe this tree was actually donated and awarded to the Town of Cicero, which isn't true. The tree was awarded to the CNY Patriots, which is group that she started over a year and a half ago. Ms. Wilder stated that she brought a document that was presented to them from the Elm Society which tells everyone that the tree was awarded to us. They also received a plaque that says Liberty Tree which she wished to present to the Town of Cicero tonight. The Liberty Tree stands for freedom and liberty and is something that this country was started on many years ago. When the location for this tree was chosen, it was chosen where it would be seen by children of all ages, from nursery school age up to college age. She couldn't think of a better place in Cicero to put it other than at the Cicero Twin Rinks. I knew it is privately owned, but it is where most of the children in Cicero go. Children from other communities or surrounding states as well as Canada come to this skating rink. The people who work there treat the children as if they were their own. If you go there on a Friday night, the place is filled with teenagers, who are treated with compassion and guidance. I wanted this tree to be placed somewhere so children could see this tree and where parents could take their children and maybe talk to them about American History. Not only did I want to put a tree at the Twin Rinks, but, I plan to place a tree in every school in Central NY. If Cicero would like me to help them to put another tree here, I'd be happy to help them. I have brought paperwork with me, for people to help them put a tree anywhere. You could also put a tree on your public property if you would like to. I would like Mr. Dudzinski, to publicly apologize to the Town of Cicero for the note he sent to the Neighbor's North. The same day that article ran there was an article saying, who really owned the tree. I would also like him to apologize to the Cicero Twin Rinks regarding their \$400,000 increase in taxes a few years back. When I planted this tree I didn't expect to cause trouble. I did it for the children and would like to see a public apology.

Chet Dudzinski, former Town of Cicero Supervisor explained that he used the information that was in the Star News and he believed that it said the tree was given to the Town of Cicero, which means the Town of Cicero, so it should be on public property. Secondly, regarding this

information accusing me of having put higher taxes on The Commons, who puts assessments on properties, Brad?

Brad Brennan – The Assessor does.

Chet Dudzinski asked if the Supervisor does that.

Brad Brennan – No

Chet Dudzinski stated that if anyone deserves an apology, it should be him. He also wished to set the record straight that this project that he has been accused of pushing aside was directed by him to The Commons through Dave Norcross, who is a personal friend. When he called me, I sent him to The Commons, so, let's set the record straight and quit telling stories and let's go forward. If these things continue, remember that I am not a Politician any longer, but I am a private citizen and I will defend my reputation.

Joanne Wilder – Mr. Dudzinski, I will give you that. The problem started with the Post Standard. The press release that I sent them stated at the top, that the tree was awarded to us and then you would have known the truth. They really left that out.

Chet Dudzinski stated he had no problem with trees being given to anyone because it is a wonderful idea, but, when a comment is made that a tree is given to the Town of Cicero, you can not give something to the town and put it on private property.

Joanne Wilder – I did not give it to the town.

Chet Dudzinski – It said that you did.

Joanne Wilder, It did, but, the paper was wrong and they did run a retraction.

Chet Dudzinski stated that he had no idea about the retraction. What you did was a wonderful idea and I encourage you to do more of it.

Joanne Wilder explained that she would be doing more of it with the help of any Cicero or North Syracuse residents who may be interested. I really believe we need to educate our children.

Chet Dudzinski volunteered to help.

Joanne Wilder – Thank you.

Beach Road Discussion

Phyllis Kosokowski representing a group of residents from Beach Road referred to the following letter sent to the board inserted as follows:

To: Supervisor Judy A Boyke
Deputy Supervisor Jessica Zambrano
Councilors Corl, Jennings, Conway
Chief of Police Snell

August 5, 2010

Subject: Property at 8912 Beach Rd.

We the undersigned property owners of Beach Road insist that the Town of Cicero take steps to prevent the loud and reckless behavior which is occurring frequently at the property of 8912 Beach Rd. The noise level occurring from the occupants attending at this address are in the nature of vile and profane language and are heard throughout the entire neighborhood into early morning hours all days of the week. In addition, liquor bottles are strewn over the property as well as neighbor's property, cars parked haphazardly and in the road at all hours of the evening, and individuals driving cars on our roads while drinking heavily throughout the evening.

While we are told that we should call 911 for the Cicero Police to respond, we property owners have learned that this is an exercise in futility for when we have called, the noise and reckless behavior begins as soon as the police depart causing loud and serious profane language including detrimental and damaging remarks toward the Cicero Police Department.

Since it is being inhabited at this time, we also require that the property be inspected to include all code compliance and safety ordinances as we property owners are required to comply with and that all necessary requirements are completed before habitation.

Delivered to Town of Cicero officials for presentation at the August town board meeting including names and addresses of petitioners.

CC. Property Owner, 8912 Beach Road, Brewerton, NY 13029

PROPOSED REVISION TO NOISE ORDINANCE FOR THE TOWN OF CICERO

- A. General Prohibition. It is unlawful for any person to cause or for any person in possession of property to allow originating from the property, sound that is a public disturbance noise.
- B. Definition. "Public disturbance noise" means any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons. The following sounds are declared to be public disturbance noises for the purposes of this section; provided, that the following enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace:
- C. Yelling, shouting, whistling or signing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property.
- D. The creation of frequent repetitive or continuous sounds or electronically broadcast signals which emanate from any building, structure, apartment or condominium or grounds of such structures which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property such as sounds from musical instruments, audio sound systems, citizens band radio, ham radio and similar apparatus, band sessions or social gatherings;
- E. Sound from motor vehicle audio sound systems, such as tape players, radio and compact disc players, operated at a volume so as to be audible greater than seventy-five feet from the vehicle itself;
- F. Sound from portable audio equipment such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than seventy-five feet from the source and if not operated upon the property of the operator;
- G. Sound resulting from the squealing or screeching or such other sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reasons; provided that sounds which result from actions which are necessary to avoid danger or are emergent in nature shall be exempt from this section;
- H. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between the hours of nine p.m. and seven a.m. on weekdays and nine p.m. and eight a.m. on weekends.
- I. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawn mowers, power hand tools, snow removal equipment and composters, between the hours of eleven p.m. and seven a.m.
- J. Exemptions. This chapter shall not apply to regularly scheduled events at parks, schools or other public property between the hours of eight a.m. and ten-thirty p.m. nor shall it apply to sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, appurtenances, including but not limited to sounds of lawn mowers, hand power tools, chain saws, snow removal

equipment and composters between the hours of seven a.m. and nine p.m. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between seven a.m. and nine p.m. on weekdays and eight a.m. and nine p.m. on weekends shall also be exempt. This chapter shall not apply to any public construction projects, emergency construction or repair by public utility agencies, emergency vehicle operation or actions by emergency service providers or any other emergency repair and construction to prevent further damage to persons or property during floods or windstorms or other property or life-threatening emergencies which may occur between the hours of nine p.m. and seven a.m.

K. Penalty Any person who violates the provisions of this chapter shall be subject to a civil fine not to exceed two hundred fifty dollars for the first offense. For any second offense occurring within a six -month period, the penalty shall be \$375, For the third and each subsequent offense within a six-month period, the penalty shall be a fine up to the maximum sum of \$500 or imprisonment not in excess of 15 days, or both such fine and imprisonment.

L. Enforcement The provisions of this ordinance shall be enforced by the Town of Cicero Police Department and/or the Codes Enforcement Officer of the Town of Cicero, who shall have the power to issue warnings and appearance tickets and to bring complaints before the Justice of the Town of Cicero for violation of this ordinance.

Ms. Koskowski explained that some residents did not sign the petition for fear of repercussions, but that they were submitting a revision to the Noise Ordinance stating that most towns have Noise Ordinances, but that Cicero has the weakest. In order to determine if there is a violation to the Noise Ordinance in Cicero an instrument is used to determine the decibels, which does not happen. We would like revisions to the existing ordinance which will provide strength and the ability for an officer of the town to issue an appearance ticket when violations occur. It is very difficult when there is very little a Police Officer can do. Many of the revisions come from various towns within the county such as Dewitt, Manlius etc. It is our objective that you will quickly proceed to initiate this addition into the existing Noise Ordinance. You have been given a copy of our proposal.

Chief Snell stated that he supported that, because we have numerous complaints throughout the Town of Cicero for the last 15 years regarding Noise Ordinances and many times our hands are tied.

Ms. Zambrano asked how this Ordinance was drafted.

Chief Snell - It was drafted long before I came here and is around 20 years old. The decibel reader was here when I started in 1995.

Ms. Zambrano – The decibel reader sounds impractical.

Chief Snell explained that the problem that they run into is that somehow they know we're coming. He agreed that it really needs to be looked at as other towns have more aggressive ordinances.

Ms. Zambrano asked Chief Snell if he had seen a copy of the draft ordinance.

Chief Snell stated that he hasn't seen it.

Ms. Boyke asked Tony Rivizzigno what our procedure should be.

Tony Rivizzigno – If the board wishes to change it, you will need to set a public hearing.

Mr. Corl asked Mr. Rivizzigno if he could work with Chief Snell on this proposal and work out something that the Town Board could entertain.

Tony Rivizzigno – Yes

Ms. Zambrano asked Ms. Koskowski if she would be the contact person should Chief Snell or Tony Rivizzigno wanted to ask questions.

Ms. Koskowski – Yes and the Chief has been very acceptable and he has been very gracious to take my calls as well as Ms. Boyke.

Ms. Zambrano asked if it would be feasible to have a public hearing and have this on the books by the end of the year.

Ms. Boyke – We'll certainly address this and have discussion and then go forward with it.

Ms. Zambrano thanked Ms. Koskowski for taking the initiative to draft something. I've gotten a lot of noise complaints in the past.

Chief Snell – Anything that can help us solve problems is appreciated.

Michael Stassi, Deputy Director for Brewerton Ambulance noticed that they were on the agenda. No one notified them, but received a telephone call today giving them four hours notice.

Ms. Boyke – This was a discussion by the board.

Brenda Colella stated that she had spoken with Mike Stassi today and told him that it was on the agenda.

Michael Stassi stated that he learned about it today after returning from London. He felt that they should have been notified a couple of days earlier as there are contact numbers. He would have come appropriately dressed and prepared to answer any questions. They have no problem in providing anything they are supposed to provide. He received a text saying the ambulance is having issues and that they can put the ambulance out for bid. I think that there should be a discussion if there is an issue between the board and the ambulance district.

Ms. Boyke – Did you bring a copy of your contract with the Town?

Michael Stassi – You have a copy of the contract.

Ms. Boyke – No, we don't.

Michael Stassi – I can get a copy from our attorney. When we had a public vote, it takes two years for a tax district to go into effect. We had public hearing after public hearing, held a public referendum and a public vote to allow us to have an Ambulance Tax District. We don't negotiate with the town according to our budget. We get a phone call from the town saying submit what your budget is and that is what we do. If we want to increase the budget we have to have a board referendum and then we have to have a public hearing, just like the Fire District. We don't plan on seeing any increase in the taxes. This year we have West Monroe that is already committed to supplying the funds and next year or by the end of this year, Hastings is supposed to jump on board. We are hopeful that we will get the Town of Clay. We sent out 1,000 to 1,300 letters and have received over 500 yes votes in the Town of Cicero alone, saying they want an Ambulance Tax District. I don't know what we really need to discuss, or what was discussed or if the rumors are true, that this is going out for bid.

Mr. Corl – You brought up a good point and Tony and I had this discussion and he is going to do some further research into this. It is my understanding, that you are a separate entity and you set your own budget and have elected officers. They're like Fire Commissioners.

Michael Stassi – Yes, they are like Fire Commissioners.

Mr. Corl – The town itself doesn't set your budget. It's your elected representatives.

Michael Stassi stated that he didn't know if there is a contract that says we're contracting with the Town of Cicero. He thought that the board gave them permission to hold a public vote which they did. The Town of Cicero coverage area said, they totally wanted the ambulance to stay in the area and that they were willing to pay the \$29.00, \$39.00, or \$49.00 or \$59.00, per \$100,000.00 of assessed value to keep this ambulance in Brewerton. We guaranteed that we would move toward the Town of Hastings, West Monroe and the Town of Clay, to put money into that cause and to offset the cost and that's what we've done. We do contact ambulance services, so a good majority comes out of the \$100,000.00 for the ambulance service. You may hear that this ambulance can do it for this amount and we've done that for 15 years now. Every single ambulance that comes into Brewerton needs tax money. That's why we did it.

Mr. Corl – The residents who live in that area have a separate line item on their taxes.

Michael Stassi – Yes the Brewerton Ambulance District.

Mr. Corl – That money was set by your board.

Ms. Zambrano – I think the problem would be solved if there was some type of an agreement that was drafted.

Michael Stassi – There really was and we handed over many papers such as by laws, etc. They are asking for the same information that was already given and I can just e- mail it.

Mr. Corl – It was left that Tony was going to reach out to Brad.

Michael Stassi explained that West Monroe is on board and have given the green light and didn't even have a public vote. They said they had enough input to go forward with it. Hopefully, Hastings and Clay will come on board as well.

Mr. Rivizzigno asked if West Monroe was part of the same district.

Michael Stassi – Correct

Mr. Rivizzigno - The district is limited to \$100,000.00, so, if we're going to give \$100,000.00 how much are they going to give?

Michael Stassi – We haven't gotten anything from them yet.

Mr. Rivizzigno explained that you can't get more than \$100,000.00

Michael Stassi – Out of the Fire District.

Mr. Rivizzigno – It has nothing to do with the Ambulance District.

Michael Stassi – I would have to talk with our attorney. If there was an issue, I don't know why somebody would not have called him as he would have been willing to sit down and chat.

Ms. Boyke – I know that a letter was sent to Brenda.

Michael Stassi – We talked about that. Anybody who has been an Officer in the Brewerton Fire Department knows that sometimes the Post Office puts it in the wrong PO Box.

Michael Stassi - The letter didn't say anything about a meeting tonight or to come to a meeting. There was nothing.

Engineer Comments - None

Attorney Comments - None

Board Comments

Mr. Conway thanked everyone for coming this evening and it seemed good to have a full hall.

Mr. Jennings – Thank you for coming. I would like to defend the Post Office, I worked for them for 20 years and once in awhile a letter gets misplaced.

There being no further business before the board, the meeting was adjourned at 9:45 p.m.

Tracy M. Cosilmon
Town Clerk

UNAPPROVED