

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, September 22, 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
Lynn Jennings, Councilor
James Corl, Jr. Councilor
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Pamela Williamson, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers
Alaina Potrikus, Post Standard

Absent: C. Vernon Conway, Councilor

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 off 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 Ms. Boyke, seconded by Mr. Jennings, 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: Absent
Mr. Jennings: Yes
Ms. Zambrano: Yes
Mr. Corl: Yes
Ms. Boyke: Yes

APPROVAL OF SEPTEMBER 8, 2010 MEETING MINUTES

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to approve the minutes of the September 8, 2010 town board meeting.

The motion was approved as follows:

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

Ms. Boyke announced that a discussion concerning the Police Department is not on the agenda. I have been told that flyers were passed out to residents along with e-mails, texts, etc. Everyone was invited to attend tonight's meeting. I do not know who passed out the flyers, but unfortunately, they were misinformed about the agenda. We are still awaiting information from the County concerning the cost of a possible merger with the Sheriff's. When we receive that information, it will be shared with the public. I can assure you that there will be open discussion and I'm sure, it will be a lengthy discussion on the subject. I will also assure you that everyone, who wants to be heard, will be heard. Speaking for myself, I am not prepared to ask the residents to abolish our Police Department without a viable and sensible alternative, if in fact, one exists. The safety of our residents, is my ultimate concern, therefore, I am asking all of you to be patient as we move through this process. It is not a process that should be rushed for no logical reason. When we receive further information, we will provide you with plenty of notice and an opportunity to be heard. I thank all of you for understanding.

Mr. Corl explained that he is the Liaison to the Police Department and for the Police Study Committee which was formed in the spring, of this year. The Committee spent several months reviewing various facts and figures and on August 25th, they presented their report in a presentation, in anticipation of some type of action that this board would take relative to a referendum and what would happen to the Police Department. This issue has been going on since February and thought it was important that we push forward in bringing some sort of closure to this issue, for the residents, community safety and also for the Police Force that serves our community. He felt that it is of utmost importance that we take this matter very seriously and pointed out that at the last meeting we did receive numbers from the county which the committee worked on over the summer months. Those numbers were included in Chief Snell's report which was also submitted on August 25, 2010. We have been provide numbers from the County Sheriff's and have also been provided what it would cost to contract with the County Sheriff's, next year and the year after. Based on those projections over the course of the next couple of years, it would not be cost effective to merge with the Sheriff's Department. With that being said, I think it is of utmost importance, that this board makes a decision as to whether or not, they are going to entertain it. We've been provided information from the county and the community needs some resolution, as does the Chief and Police Officers. I don't know what other information we need, as we've been given everything that I'm aware of.

Ms. Boyke stated that all of the information that we have received has gone to the committee, but there has been no documentation received from our County Executive's Office, therefore she can not proceed forward without that being addressed by our County Executive, regardless of the Under Sheriff, the Sheriff or Police Chief Snell. The documentation is necessary in order for us to have all of the viable information of the cost regardless whether it's more or less.

Mr. Corl – It's a good point, but the County Sheriff has provided those figures.

Ms. Zambrano explained that the numbers may have come from the Sheriff's Department, but it isn't the Sheriff's Department that actually determines their budget. It is the County Legislature. In fairness, to Supervisor Boyke's statement, this is what she is referring to. We saw the numbers, from the Sherriff's and Warren Darby, but, those

can't be considered final numbers. There was a statement made that those figures were vetted, but, they are not vetted until they are passed by the County Legislature and we get an idea from them.

Chief Snell stated that he attended the County Legislature Meeting today, where the Sheriff's presented their budget. There were a lot of issues and concerns about the costs of Clay's contract and he believed that once that is resolved, that is when you will receive your information from the County Executive.

Ms. Boyke – That's correct and that is why we have to wait because there are concerns and they are having a major problem, with their budget at the County level. We can not with good conscience go forward.

Mr. Corl – Clearly, they have a 9% administration fee, which the County Sheriff has imposed for Clay's contract.

Chief Snell explained that it is a 9% administrative fee that was imposed by the County Legislature when they approved and vetted the Clay contract. The 5% is what the County is saying to the Legislature, that they can reduce it to, but, the Sheriff is saying no. It's a stalemate right now and the Legislature is going to have to make a decision, which one they are going to accept.

Mr. Corl – The Sheriff's are in disagreement with the lower amount. Is that correct?

Chief Snell – Yes, as of this afternoon.

Mr. Corl – It is important to keep this issue moving.

Ms. Boyke – That is my intention, but, I am not rushing into this until we have all the facts on the table. I am not going to put the safety and services in jeopardy, in this town.

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon announced that a copy of the 2011 Tentative Budget that was presented to her office and is on file for public view.

Ms. Boyke stated that there will be two public workshops in regards to the budget which are scheduled for October 6, 2010 at 4:00 p.m. and October 20, at 4:00 p.m. that will be held at the Cicero Town Hall.

Tracy Cosilmon stated that she has had a request for the Tentative Budget to be put on the town's website. I would like to know how the board would like me to proceed with that because it is a work in progress. I would also like to note, that there is a charge of 25 cents per page, for copies.

Mr. Jennings - Since you will have a copy in the Town Clerk's Office that should suffice. It is a working copy and many items will need to be worked out. If anyone wishes to look at it, they can view it in the Town Clerk's Office. It would be a major expense to put it on the website.

Mr. Corl asked what the expense would be to put that on the website.

Tracy Cosilmon - I don't think it's the expense of putting it on the website it's that it is a work in progress.

Ms. Zambrano – Is it a public document at this time?

Tony Rivizzigno - Yes, and it can be viewed in the Clerk's Office. You don't have an obligation to put it on the website and there is no requirement in the law that a public document has to be put on a website. They are obligated to be viewed in the Clerk's Office.

Mr. Corl – It is public information and putting it on the website might be helpful for some people.

Shirlie Stuart stated that from her view, if people don't know the budget process, it can be very confusing and people won't know that there is a Preliminary and Final Budget coming up. She didn't want anyone to get nervous about a Tentative Budget as it is a working budget.

Ms. Boyke – It will be available in the Clerk's Office as long as it is a Tentative Budget.

Highway

Chris Woznica – At a previous meeting monies were approved for a radiator for truck #18. The bill came in and we need an additional \$360.75 for Stadium International for the repair.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$360.75 to Stadium International for the additional cost of a radiator repair for truck #18.

The motion was approved as follows:

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

Chris Woznica stated during the paving operation today on Rosewood Circle, truck #18 the rubber mounts for the springs went, so it will be need to be taken in to Allied Spring. The estimate is \$1,150.00,

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of approximately \$1,150.00 to Allied Spring to repair the rubber mounts for the springs on truck #18.

The motion was approved as follows:

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

Police

Chief Snell announced that on September 25, 2010 from 10:00 a.m. to 2:00 p.m. the Police Department will be hosting a prescription collection site. If anyone wants to dispose of any of their old prescription medicines or non medications, such as cough syrup and things, like, that, we're collecting them. This is a partner program with the Drug Enforcement Administration and once it is collected and secured, the DEA will pick it up.

Comptroller – None

Parks & Recreation

Jody Rogers reminded everyone that the Town's Fall Festival will be Saturday, at the South Bay Fire Department from 10:00 a.m. to 3:00 p.m. There will be a lot of children's activities, a blue grass band and a Corn Hole Tournament.

Assessor

Brad Brennan explained that GAR Associates has come out with a new updated newsletter, which was put in the mailboxes and has been put on the website. You can go to the Assessor's tab and the updated will be available toward the bottom of that area. It is just saying that they have completed the data collection and are in the review of sales at this time. They will begin doing the sales analysis and be out doing value review in the fall, with the new values being mailed to the homeowners towards the end of February or early March.

Secondly, we have sent out our exemption renewal forms with the tax bills in an effort to save money. This is something that the Assessor's Office has been doing and I wish to thank our Tax Department for their assistance. If you were expecting an exemption renewal and didn't receive it with your tax bill, please call the office and I'll be sure that you get one.

Ms. Zambrano asked if the newsletter is just electronic.

Brad Brennan – I do have some copies in my office and we can certainly, make more copies if people would like them.

Ms. Zambrano – They weren't mailed to everyone.

Brad Brennan – No, they were not.

Zoning

Wayne Dean put a memo in the board's mailboxes and is requesting approval to remove two very large trees on Rosewood Circle adjacent to the natural water course. We have received two quotes. Chris has used Sam's Native American Tree Service in the past and they are off County Bid. They are going to cut the trees and remove everything, but, the stumps will remain in place. One quote is for \$1,850.00 and the other quote is for \$1,200.00.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize expenditures of \$1,850.00 and \$1,200.00 for Sam's Native American Tree Services, per County Bid, to cut down two trees on Rosewood Circle, to come from the Drainage Account.

The motion was approved as follows:

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

Engineer – None

Attorney - None

Ms. Boyke - Two weeks ago, the town was presented with a framed picture of the Patriot Liberty Tree and that she needed approval to accept it.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to accept the framed portrait of the Liberty Tree to be displayed in the Cicero Town Hall.

The motion was approved as follows:

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

APPROVAL OF ABSTRACT #18 OF 2010

Motion was made by Mr. Corl, seconded by NO SECOND, to approve Abstract #18 of 2010 requesting that checks number 1521 and 1522, be separated and for the board to vote on the entirety of the abstract without those two check numbers. Check #1521 is in an amount of \$26,322.55 for C & S Engineers and the other one is for John Fisher Construction in three amounts, being approximately \$32,000.00, \$28,747.00 and \$6,917.00.

Ms. Zambrano – What are you suggesting?

Mr. Corl, the motion is to approve the abstract without those checks. I would like to vote on those separately.

Ms. Boyke stated that a discussion is needed on this before we go further.

Discussion:

Mr. Corl stated that the first is for John Fisher Construction. There is a resident who has requested that money be held back, because the project has not been completed yet to his satisfaction. I also had the opportunity to visit that property and I don't believe the final completion of it is worthy of paying the invoice to John Fischer Construction as there is work that needs to be done on it such as grading.

Ms. Boyke believed that we're not to hold back more than \$500.00 on a punchlist to complete that part of the project.

Ms. Zambrano asked which project was being discussed.

Ms. Boyke – Palm Summit

Mr. Corl explained that his first issue is with Fisher Construction. Secondly he spoke with the Comptroller and there are overruns in the amount of \$29,782.00. He thought the PO's and the estimates were \$37,000.00 and that the invoice submitted is \$29,000.00 more than what was projected.

Mr. Wickman offered to explain it.

Ms. Zambrano - The Drainage Committee has been meeting quite regularly and the projects are thoroughly discussed. What they get are estimates.

Mr. Corl explained that he didn't have a problem with estimates but had a problem with \$29,000.00 of overruns.

Mr. Wickman stated that it is important for everyone to understand how the contract is set up and why it is set up the way it is. We have a labor and equipment contract and we pay the contractor for what he does. It is not a situation where we are designing the project before it gets started. Very often in a typical construction project, you will have an Engineer and Surveyor do a topographical survey and have the engineer lay out the system that is going to be used. There will be drawings prepared and at that point you will have an idea of what a project is going to cost. It is reasonable to pretty accurately

estimate the cost. We're not using that approach here and we certainly recommended this approach, not to spend so much money on engineering, but, to spend the money on the construction, the design and layout of projects that are being done in the field between our office and the contractor. The first estimates that we came up with, were for John's Landing at Grandview and The Pastures and they were without the experience of getting in there and doing one before. One was \$20,000.00 for John's Landing and the other was \$15,000.00 for The Pastures. I think that is where the overruns are that you are talking about. When we were asked to do these estimates at the Drainage Committee Meeting, I explained to the committee that I was happy to do that because it is important to keep track of how much it costs. I think it is very important to keep track of our estimates going forward. I told everyone on the committee that we would not be able to do a very good job in the beginning, but, as time goes on, we would have a considerable amount of experience and our estimates would get better and that we would not need to do those plans at that much higher engineering expense. I would like to point out that we've been doing exactly that. The two that you're talking about were the first two.

Mr. Corl – My question is about Fisher.

Mr. Wickman – They are our estimates and we along with Fisher came up with those estimates, so I don't think it is appropriate to penalize Fisher for doing exactly what he was asked to do. The next project we worked on was The Crossings at Joss Farm. We estimated originally, that was going to cost \$25,000.00. We provided the out fall for that drainage system, which was the first step and was a relatively long swale along the farmer's property and we got permission to do that. We always do the downstream work first and when we got to the location where we are putting in the French drain we found there was already one there and it was buried and had no outlet because it was below ground. As soon as we were able to get there, we opened it up and the entire swale worked great. We were able to smooth out on top of the French drain that already existed and were able to complete that project for \$5,800.00. It was a \$25,000.00 estimate, but it was \$5,800.00 at completion. We did a project at Rosewood and you haven't received a bill yet. We estimated that at \$10,000.00 and the project was \$7,000.00.

Mr. Corl – This isn't relevant to the question.

Mr. Wickman – It is, because it's important to recognize that it wasn't Fisher that came up with these invoices. It was our office and we're doing that with very limited information. Saddlecreek, which we just completed, was estimated at \$30,000.00 and it came in at less than \$21,000.00. Overall, if you total up all of our estimates, it is \$107,000.00 and total up the actual costs and it's \$102,000.00. We're ahead of the game now. The way we described this process with the drainage committee was to try and make that clear, that we would gain experience and would do a better job predicting how much these things are going to cost. That is exactly what is happening and we will take advantage of situations where things work to our advantage. In some places like The Pastures and John's Landing, they were more complicated projects than we anticipated. There are going to be pluses and minuses, but, it will all even out in the end. The approach that we're using, which is to try and minimize the engineering effort upfront, we feel is valuable to the community.

Mr. Corl – It's correct to say that those three particular projects were overruns of about \$30,000.00?

Mr. Wickman – I want to make it clear that we had very rough estimates, base on very limited information. It's not a typical estimate where you've got design plans. We've got a survey and we're trying to do a reasonable job using very limited information and we're getting better at that and the estimates will get better. We will certainly come across situations where things that are harder than we anticipated, because we're not doing detailed plans. It's more like a field design process, which is more efficient and cost effective. The first ones were high but, I don't think it is appropriate to withhold payment from Fisher, because he did a great job.

Ms. Zambrano – The estimate payment was \$107,000.00 total.

Mr. Wickman – Yes

Ms. Zambrano – We actually spent \$102,000.00.

Mr. Wickman – That’s right. When all of the bills are submitted they will come to \$102,000.00.

Mr. Corl – That is not the abstract we’re voting on now.

Mr. Wickman – I’m trying to give you as complete an answer as I can.

Mr. Corl – We’re voting on an abstract that has one check for Fisher and there are \$30,000.00 overruns.

Mr. Wickman – I thought I explained it.

Ms. Boyke – Are we looking at holding back \$500.00? Is that not the issue?

Mr. Corl – I have two issues and they are two separate distinct issues. One is for the \$500.00 and one is the overruns.

Mr. Wickman – It really wasn’t up to Fisher to do that. It was the Drainage Committee’s decision initially. After going and looking at it carefully, we decided it was appropriate to fill in that one location. So, the town is authorizing Fisher to go back and do that work at a cost to the town. There was some debate whether that was appropriate or not. The Committee is struggling with how far to go with these projects and how far to go with the restoration. A lot of work was done there at Palm Summit which was a significant amount to improve the appearance of that location. There is a debate going on as to what is appropriate and what’s not. Fisher did exactly what he was asked to do and now he is going to be asked to go back and fill in the tire track that he left.

Mr. Corl – We have confirmation, that he will do that?

Mr. Wickman – Yes

Mr. Corl – Very good

Ms. Boyke – Where are we?

Mr. Corl – The motion was to pay the abstract minus those two checks.

Mr. Rivizzigno asked if there was going to be another motion to include the two checks.

Mr. Corl – There’s going to have to be.

Ms. Zambrano – I don’t think it’s necessary. An explanation has been provided to withhold this and vote on it separately. The Drainage Committee is well within its budget and we have been trying to get to as many projects as possible to satisfy as many people as possible. When questions are presented to us, we go out and we re-evaluate. If you talk about Palm Summit, we are talking about a detention pond that is on there. The detention pond was never built to be a lawn. There are tire tracks and we decided that particular homeowner does a very nice job of keeping that Palm Summit pond looking very nice and he had an issue with that and we certainly want to continue cooperating with that. So, it was decided that it is something worth having Fisher go back. I don’t see any need to withhold anything.

Mr. Corl – I have no objections to the projects as they are good projects, it’s the cost, which is shocking.

Mr. Jennings stated that he thought it was explained quite well and so no reason to withhold the funds.

Ms. Boyke also agreed. Do you want to make a motion to hold those funds back? I already did.

Ms. Zambrano – There is no second.

Ms. Boyke – Are we back to the original motion of the abstract that is on the table.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to accept the abstract #18 in it’s entirety as there has been no inappropriate billing here as follows:

General Fund Voucher # 1738 to Voucher # 1850 In the amount of \$458,584.84
 Highway Fund Voucher #474H to Voucher #510H In the amount of \$106.091.66

The motion was approved as follows:

Mr. Conway: Absent
 Mr. Jennings: Yes
 Ms. Zambrano: Yes
 Mr. Corl: No, due to the fact of those two checks.
 Ms. Boyke: Yes

BUDGET MODIFICATIONS

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

**BUDGET MODIFICATION – 2010
 BOARD MEETING 09/22/2010**

AMOUNT	FROM CODE	TO CODE
\$2,000.00 DB514211	SNOW OVER-TIME	DB513011 MECHANIC OVER – TIME
\$2,300.00 A711046	MECHANICS	A711041 VEHICLE OPERATION
\$1,000.00 A71502	IMPROVEMENTS/REHAB	A711045 IMPROVEMENTS/REHAB

The motion was approved as follows:

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

**RE-SET PUBLIC HEARING FOR INCREASE IN IMPROVEMENTS TO LIGHTING
 DISTRICT #3, THE BIRCHES**

Mr. Rivizzigno, stated that the Star Review is moving to a new location, and they lost the e-mail for the publication, that is why it didn’t get published.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set October 13, 2010 at 7:00 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider increasing the improvement to Lighting District #3, of The Birches.

The motion was approved as follows:

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

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

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to set October 13, 2010 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider increasing the improvement on Eva Circle to include Nates Lane and Lana Lane.

The motion was approved as follows:

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

POLICE DEPARTMENT PURCHASE APPROVALS

Motion was made by Ms. Zambrano, seconded by Mr. Corl, to authorize an expenditure of \$1,980.00, to Firestone Tire, in Clay, to purchase 20 tires for various police vehicles.

The motion was approved as follows:

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

REVISIT DISCUSSION ON AMBULANCE SERVICES WITHIN
THE BREWERTON AMBULANCE DISTRICT

TABLED TO OCTOBER 13, 2010

Ms. Boyke - We have just received information from the Attorney, but, have yet to receive the financial statement for 2010, therefore I am looking to table this to the next Town Board Meeting on October 13, 2010. Also, their Attorney was unable to attend this evening.

YOUTH BUREAU, PARKS AND RECREATION STAFF APPOINTMENTS
AND STAFF APPOINTMENTS

Motion was made by Mr. Jennings, seconded by Mr. Zambrano, to approve the following staff appointments and budget code and pay rate changes as follows effective September 25, 2010.

Budget Code and Pay Rate Change:	New Staff
Gannon Andrews	Stephanie Bailey 5958 Pony Lane, Cicero
Tiffany Biddlecome	Rebecca Frederick, 7518 Totman Rd, N. Syracuse
Aubrey Carrino	Hire Title: Recreation Attendant (FWS Programs)
Julia Davidson	Hire Rate: \$7.25/hour

The motion was approved as follows:

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

YOUTH BUREAU, PARKS & RECREATION PURCHASE APPROVALS

2 damaged overhead lights

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to authorize an expenditure of \$2,575.00 to Palmer Electric, of Cicero to replace 2 damaged overhead lights at Central Park with energy efficient lighting for security & safety, Budget Code A7110.45.

The motion was approved as follows:

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

Field Paint Line Machine

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure of \$628.24 being 1/3 of the cost and Cicero Little League paying the remainder, to Sherwin Williams, to purchase field paint liner machine, to replace the 1990 unit that is no longer serviceable and to upgrade to new technology for lining fields.

The motion was approved as follows:

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

HIGHWAY PURCHASES

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure of \$3,700.00 to Crossroads Highway to purchase traffic cones, barrels and barricades, per county bid, Account Code A33104.

The motion was approved as follows:

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

Motion was made by Mr. Jennings, seconded by Mr. Corl, to authorize an expenditure of \$4,300.00 to EPS Environmental of Vermont to clean out the garage trench, Account Code A5132.4.

The motion was approved as follows:

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

PUBLIC INPUT

Don Snyder stated that the Police Study Committee spent many months and hours researching the duties, responsibilities and cost to the Town of Cicero, for the Town's Police Force. The report didn't say, that the Police were doing a poor job, but, said, what a good job they were doing. The recommendation was to ask the town residents, with the facts presented, if we should continue the support of our Police Department, or turn the responsibility over to the County Sheriff's. The Town of Cicero, in 2010 is picking up 2.47 million dollars of the County Sheriff's cost and the Cicero Police budget in 2010 is 1.6 million. The Town of Onondaga has no Police agency other than the County Sheriff and their cost for 2010 is 1.6 million based on the total town property taxes. The mission statement for the Sheriff reads that the Onondaga County Sheriff's Office, Police Department, a County Law Enforcement Organization is to ensure the safety and well being of the public by enforcing the various statutes of NY State and the municipalities within Onondaga County, providing support and cooperation to other law enforcement agencies, providing for the security of the courts in the Public Safety Building and County Courthouse and effecting offender growth and development, leading to law abiding citizenship. The vision is to maintain confidence that the public has placed upon us by developing a safer more secure community through supplying high quality cost effective law enforcement in an effort to create a positive impact on our community. The Post Standard has been running stories about the impact of the change in county sales tax distribution that it will have on the towns and villages. The plan calls for 64 million dollars less, going to the towns and villages. The County Executive has said that she'll reduce the tax to towns and villages, by 3.1 million dollars. What is wrong with this picture? The Post Standard reported on 9/19/10 that the proposed 2011 county budget could cause our County Taxes in Cicero, on a \$100,000.00 home, to go from \$441.00 to \$655.00 if the value was \$100,000.00 or 48.08%. What can we do? Eliminate the Highway Department, and Parks & Recreation and the Planning and Codes Office? I think not. The County Sheriff's Office is in place to protect and serve the people in Onondaga County. We are in a position, because the people of the Town of Cicero decided some years ago, to have a town police force. Chief Snell has done a great job in developing a well trained and responsive department. Whether the town changes its policy regarding its support of a town police force, it has to be determined by the town residents. If we go with the Sheriff's, we spread the cost of liabilities over county residents as the Town of Onondaga does at this time. If we decide to keep our own Police Force, we need to know the long term cost and liabilities for the future. I read in the unapproved Board Meeting Minutes of September 8, that a board member in referring to the Police Committee Report said that what the Committee put together is for 20 or 30 years, where it would cost more and you would have a cascading effect with increased police force burden on the taxpayer at that point. The board member went on and said, with that being said, my own opinion is that we keep the Cicero Police Force as is as long as we can. It sounds like this board member knows, that there is a brick wall ahead and that we're driving 100mph. The wall is still some miles down the road, so, let's not slow down yet. I also read that Chief Snell stated that according to the Sheriff's proposal, we average 59 man hours per day and the proposal from the county would provide 48 man hours which turns out to be 21,000 man hours of service. The chief is great, but his math is a little wrong. If you take 59 minus 48 it is 11 hours X's 365, is 4,015. I urge the board to approve a town referendum to allow the people to be heard. Please do not assume, because very few people have spoken out in public, in support of the elimination of the Police Department, that all is well in the town. Let the people decide.

Ms. Boyke apologized to Sharon Edick for overlooking her during Department Head Comments and asked if she had anything that needed to be brought before the board.

Sharon Edick – None

Deborah V. Gardner, Vernon Road, thanked Mr. Corl for his remarks and she agreed with his statements that he made earlier. She also thanked him for his remarks regarding the Tentative Budget. The Tentative Budget has been online in past years and she didn't remember any town employee stating there was any confusion among the taxpayers, at least at a town board meeting. Prior to them being online, I was never charged for the copies. By breaking precedence and not putting them online some people and not me, might ask what you're trying to hide. I will be at the Town Hall tomorrow and I will pay for copies of the Tentative Budget and I will put it on Cicero Democrat.org website for those people who work and can not view the documents during the normal town hall office hours. Also, sometime last February, the Town Board decided not to extend NSA's Contract for computer services pending an in depth systems analysis. In July, you decided to extend the contract a month at a time pending that same analysis. How is that coming?

Ms. Boyke – To answer your question, is that it's coming just fine. I had a meeting with John Winters today and he has met with Wayne Freeman and he has met with NSA to put together a matrix of what our system is within the town. It is coming along just fine and we will have it together when it's finished.

Nancy Clancy stated that she hoped we can keep the Cicero Police and likes the idea that they know our streets and where they're going. With all that you hear it doesn't seem right, that they are considering putting us under one umbrella and doesn't feel as personal. I hope we can find cuts in other places. I know it's difficult and I know your job is hard. I also noticed on Rosewood Circle, where they put the stones in on the creek, there's a pipe that comes out and water is coming out of it. What is that?

Chris Woznica – It's underground water and in that area, there is a tremendous amount of underground water. That pipe has been running constantly.

Roy Mallette read a statement regarding his concern, that governments no longer want our input. Recently the town started their workshops, which apparently was approved by Mr. Freeman, the Executive Director of the Open Government Committee for NYS, who is the authority on Open Meetings Law. I asked the supervisor if she contacted Mr. Freeman regarding these meetings and in a response from the Supervisor, she stated that there are other towns that hold workshops and yes, we do check with Mr. Freeman. The workshops are legal because there are no decisions made. There is strictly discussion and are open to the public and it is not necessary to take minutes. I checked with Mr. Freeman and he stated that he didn't believe any communication involving the town's workshops was made to him in writing but his telephone log indicated an issue regarding minutes discussed with the Town Clerk. Mr. Freeman advised that the Open Meeting Law contains a minimum requirement concerning the contents of the meeting. There must be a summary, motions, purpose, etc. and if none of these occur then there is no obligation to prepare minutes. A response from the Supervisor said they were good as the workshops are open to the public and no vote is taken. You recently had an audit performed by the State Comptroller and at the last meeting the Town Board approved an expenditure of \$8,500.00 for an audit of the Justice Department without any comment from any board member. I would like to know why this was approved. I feel government has forgotten their purpose.

Mr. Corl – As Liaison to the Justice Department, my answer is twofold. You know my feelings about the pre-agenda workshops, so we will defer to that. Regarding the audit, we had an Executive Session to discuss the reasons why it was necessary. There is going to be a change at the end of the year and it has no reflection on the office itself. That is the prudent thing to do and was recommended by the Unified Court System.

Mr. Mallette felt as if a decision had been made prior to the Executive Session as the entire board voted yes.

Mr. Corl stated he knew nothing about it prior to the Executive Session.

Mr. Mallette read a statement he emailed to Mr. Freeman stating that he was concerned that our governments have forgotten the people.

Tom Beaulieu, Palm Summit complimented the Highway Department and Highway Superintendent for the nice work they did on Lakeshore Road. They replaced the culvert very quickly and efficiently. They also fixed Maplehurst and Bayview without having to do the entire road. Both of those entrances were falling apart and he hopes they will last five years. He also agreed with what was said during the budget, and was able to look over the document and felt it should go on the website and if people don't understand it, they could call the Supervisor's Office. Don also brought up some good points and having served on this too, we know that there is a wall out there in the future regarding health care and pension costs. It will depend on the economy in the next few years, how quick that wall is going to approach. I believe the study gave the necessary information and I know that some of the Councilors would like to see this put to referendum and I hope the entire board follows through with that. There should be a decision made, based on what the resident's want and I hope they are well informed when they make their decision. There are a lot of parts to that and if we do it in a timely fashion and if we do it right, we should be satisfied with the result.

As far as some of the drainage questions, that were raised tonight, for the amount of people that showed up for the detention area, you would have thought I had asked to build a mosque, but, I haven't. Basically, I want the wheel ruts taken care of and I think the letter that I gave to you with a copy of my survey, which is 35 ft. off the gutter line, is my property and the town didn't get a release. The Town has not restored my property and I request that it be done and I am please to see that it will be done.

Tom stated he had comments on the drainage projects having FOILED some of the estimates that were provided by C & S Engineers. He knows it isn't an exact science working up full numbers on these because they did it for a number of years in the work that he did. He found it troubling that it doubled from what it initially was to cost in The Pastures. Instead of spending \$15,000.00,

we spent \$35,000.00 of the Taxpayers money in this town that should have been done right the first time. That project is less than 10 years old and the developer had a responsibility. We had to spend \$32,000.00 to put underdrain pipe in, wrapped it and then we put in Chia Grass, rather than grass seed and topsoil like everyone else gets and that all costs extra. We're talking about a swale and we're not doing a drainage easement, or putting in a road entry. It's a backyard swale that people have to cut and take care of. For the 10 or 12 homes that went in there they got \$3,200.00 of funds from the people in this town per household to have that swale redone. I'm also glad that the engineer brought up the French drain at Joss Landing, that I've taken pictures of. If the french drain was buried, why didn't O'Brien & Gere see that last fall and why do we have to go in there and dig it out? It should have been exposed and functioning. Somebody signed off as a professional engineer and that project has three phases to it. You released the funds last December and now, we're back in there spending additional money less than a year after the funds were released, which is using Taxpayers money foolishly, because we aren't holding these engineers accountable for their work and their inspection. I would hope the town would consider going after O'Brien & Gere if necessary and recovering that money, because they didn't do their job. I would hope that C & S will not make the same mistake we've seen in the past and that we will continue to do what we should do.

Ms. Zambrano asked if it was feasible to do what Tom suggested. I know he has mentioned this to me before, but I didn't think it was feasible to go back and try to get work re-done by the former engineering company.

Mr. Rivizzigno – What I think you will run into, is that the developer's will say that the engineers approved it, so why should we go back and do it, when we were told it was ok. It's difficult.

Ms. Zambrano – I understand his point, because we keep running into the same situation every time we go out and look at one of these.

Mr. Rivizzigno – It may be something we can look into. Perhaps we can get some of the previous parties together and see how we could resolve this. Once you have a sign off and an approval by someone, the person who is getting the approval says they have done all that they need to do, otherwise, you shouldn't have signed off and it isn't my fault. It becomes finger pointing.

Ms. Zambrano – All of the money has been paid.

Mr. Rivizzigno – The money has been paid and the securities have been released.

Mr. Willis stated that in talking with some of our representatives here and attending the Police Study meetings, the concern seems to be for the well being of the 13 or 14 officers, rather than the 15,000 taxpayers. We're paying for duplication of services and administration. The good old boy attitudes in government need to stop. Besides being wrong, we simply can't afford these practices anymore. I've spoken with the Town of Clay Supervisor, Comptroller and their Police Office and there hasn't been one complaint and they feel they have equal or better protection. I was told they saved 1.2 million since their merger with the County and should improve to a predicted \$900,000.00 per year and 12 million over 12 years, with inflation. Why should Cicero be any different? I have no animosity towards our police department, other than the whole State has become over police controlled. We simply can't afford this any longer. The current lucrative wages and benefit packages of the insensitive, greedy, government unions, representing, Police, the CSEA and Teamsters, are strangling us tax wise and are bankrupting our State. Furthermore, if the town continues with its long practice of over populated township which is a different subject, professional firemen's wages and benefits are far behind. They've already been crying for more help for a while. At the last town meeting that I was at, I asked why the Town Police might object to the merger. First there was silence and then a Police comment that they enjoy a personal connection with our town residents. Why would that change if they were a Sheriff? I had spoken with the Town Supervisor and found that some members of the Police Department would loose some seniority with a merger. At the last meeting I was asked why I didn't like the Cicero Police and responded that I was interested in saving money. I was shown some County numbers that proved less cost without a merger and I happen to have some County numbers that say otherwise. I saw an interview with Mr. Corl, on television where he said there wouldn't be time to get the referendum on the ballot due to the Board of Election constraints. The BOE told me that the town has up to 36 days prior to voting day to have an official referendum, which is September 28th, so the town has 6 days to get it done.

Mr. Corl asked Mr. Rivizzigno to explain the time constraints. You have to enact a local law.

Mr. Rivizzigno – You have to enact a local law abolishing the department subject to permissive referendum. That local law would have to be adopted by the 27th of September in order to get on to the ballot in November. In order to have that public hearing and adopt a local law, you would

have to have at least 10 days notice published, that there would be a hearing to adopt a local law. Obviously, we are beyond the time. It couldn't be done.

Mr. Corl – I understand, that upon submission of the local law, that vote would have to take place within 60 and 75 days after the adoption of the local law.

Mr. Rivizzigno – Correct and that would push it into January or February.

Lou Bersani – How long are we looking into the future for this to be put up for referendum, if you get the correct numbers that you need?

Ms. Boyke explained that the biggest problem we're having is due to her budget as there is a lot of legislation that is causing changes in her budget and that it has not been finalized. I have asked and I have to wait until they have finalized their budget to know exactly what the numbers are that they can give us. We will look to see to what services we will need in order to maintain the services that we have in the town right now.

Lou Bersani – If you elected to eliminate the Police Department tomorrow who would step in and take their place? It would probably be the Sheriff's or the Troopers. Another option is to force a referendum on to this board, if this takes too long, with signatures from the public. I am getting prepared to do that and I was promised in the spring that I wouldn't have to go through all of that work and I am getting ready to start that. This is getting very old and it should be put to bed. There are people who like them and people who don't.

Ms. Boyke – Mr. Bersani if it were to go up to abolish the Police Department and it passed that we do not abolish the Police Department, what would you do?

Mr. Bersani stated that you would never hear from him again, but he wanted the choice.

Ms. Boyke – I understand that, but, people do not want an ultimatum. They don't want to say either yes or no. They want to know, what happens, if.

Mr. Bersani – I believe a lot of people have made an informed decision on this already.

Ms. Boyke stated that she understood that and there are people in this room who have formed their own opinions as well. She was not comfortable with the questions that have come to her to give them an ultimatum as to abolish, keep, or not keep the Police.

Mr. Bersani – I'd be careful about calling it an ultimatum, it's a choice

Ms. Boyke stated that it is an ultimatum. If it's abolished, it's abolished, but, if it is not, what kind of service do we keep? Do we keep the service that we have?

Mr. Bersani explained that it would need some overhauling and throughout this process, issues weren't brought up, such as professionalism, law suits and some history that's out there. People have said things and I told them to bring it up at one of their 3 meetings and they are all afraid of reprisals and I can understand that. A lot of people have said they want it on the ballot so that they can make their decision without being public about it. If you were to make the decision to do it, how soon would it be done?

Ms. Boyke - As soon as we receive the information from the County, it will be presented to the public.

Lou Bersani asked if it would be as a referendum.

Ms. Boyke – No, as we will have to adopt a local law first. We can't even go to a referendum until we have voted on a local law. That is part of what happens to put it on a referendum and it is a judicial process.

Ms. Zambrano – For clarification, if the local law were passed to abolish the Police Department, it would be contingent on the outcome of the referendum. So, if the referendum went out and the people said, we're going to keep the Police Department, the local law, then becomes, not an issue. Is that correct?

Mr. Rivizzigno stated that was correct and that you can't have a referendum until you pass a local law.

Ms. Zambrano stated she understood that, but, people have been confused about that. Just because you pass a local law and you have a referendum to keep the Police Department doesn't mean that the Town Board has committed to abolish the Police Department. We're not bound to it if the local law is tied to the referendum outcome.

Mr. Corl – Is that right, Tony?

Tony Rivizzigno explained that you wouldn't vote to keep the Police Department. The way it works, is that you have to vote to abolish it, which then, would make it something for a referendum. Keeping the Police Department isn't subject to a referendum, but, abolishing it or any department would be subject to a referendum, which also makes it subject to a mandatory referendum. The vote has to be to abolish. If the referendum is part of the local law is not passed, then the local law is null and void and you would go back to the status quo.

Mr. Corl – The Committees recommendation was that, however, to merge with the Sheriff's and to dissolve the Cicero Police Department and then the question would be whether or not to merge and share services with the County.

Tony Rivizzigno – In all honesty, one of the things that could come out after listening to the public, once we have the meeting, is how much service you would want from the County Sheriff's. Do you want it to be the same as we have now, do you want it to be more, or do you want it to be less? That is where the numbers will come out.

Mr. Corl stated that as he said earlier, the numbers that we have if everything stayed as status quo, would be a savings of \$63,000.00 next year, per the Chief's figures. We would be in the hole the following year, with the administrative costs of 9%.

Chief Snell – It is all revolving around the Clay Contract which is 9%.

Mr. Corl – That's what they base their numbers on.

Resident explained that the County has to deal with unions and insurance just like the Town of Cicero. If you watch television, you can see where the county is trying to cut costs. He wanted to know the procedure for the town acting on this without waiting for input from the County.

Ms. Boyke – How would it be possible for us to merge with the Sheriff's, when we don't have an idea for a contract or services?

David Appleton talked about his experience with a joint county/city agency regarding the Zoning Administration that has been consolidated since the 1960's to find out if they had employees. He was told there weren't any and then after pursuing this he finally received information that there were employees. I think they were evasive and I think you should take this into account, if you plan on doing any deals with the County.

There being no further business before the board, the meeting was adjourned at 8:26 p.m.

Tracy M. Cosilmon
Town Clerk

ADDENDUM

TWO RESOLUTIONS CALLING PUBLIC HEARING FOR TWO LIGHTING DISTRICTS, BEING EVA CIRCLE AND CONSOLIDATED LIGHTING DISTRICT #3, FOLLOWING ON THE NEXT TWO PAGES.

**RESOLUTION CALLING PUBLIC HEARING TO CONSIDER
AN EXTENSION OF THE EVA CIRCLE LIGHTING DISTRICT
IN THE TOWN OF CICERO**

The Town Board of the Town of Cicero, in the County of Onondaga, New York, met in regular session at the Town Hall of the Town of Cicero, located at 8236 South Main Street, Cicero, New York, on September 22, 2010, at 7:00 p.m.

The meeting was called to order by Supervisor Judy A. Boyke and the following Board members were:

PRESENT:

JUDY A. BOYKE	Supervisor
VERN CONWAY	Councilman
JIM CORL	Councilman
LYNN JENNINGS	Councilman
JESSICA ZAMBRANO	Councilwoman

ABSENT:

NONE

The following resolution was moved, seconded and passed:

WHEREAS, a written petition has been submitted in due form containing the required signatures, which has been presented and filed with the Town Board of the Town Cicero, Onondaga County, New York, for the establishment of an extension to the Town of Cicero Eva Circle Lighting District to be known as Eva Circle Lighting District Extension No. 1 (the "Extension"), as described on the map which has been filed with the Town Clerk, and

WHEREAS, the improvements proposed consist of the construction and maintenance of an electric lighting system, including poles and lamps, by National Grid in order to serve the Extension in accordance with certain plans made a part of such petition and now on file in the office of the Town Clerk of the Town of Cicero, and

WHEREAS, the amount to be expended for the performance or supplying of said electrical lighting service by National Grid shall be hereafter contracted by the Town Board of the Town of Cicero acting for and on behalf of said Extension, for the illumination of streets or highways in said Extension pursuant to the provisions of Section 198(6) of the Town Law of the State of New York at a total annual charge not anticipated to exceed \$2003.12 per annum, which said expense shall be levied and collected from the several lots and parcels of land within said Extension, on an ad valorem basis.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 209-d of the Town Law, that a public hearing will be held on October 13, 2010 at 7 p.m. at the Town of Cicero Town Hall, 8236 South Main Street, Cicero, New York, to consider said petition, including the environmental significance thereof, and to hear all persons interested in the subject thereof and be it

FURTHER RESOLVED, that the Town Clerk publish at least once in the Star Review, a newspaper published in Cicero, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this resolution, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Dated: September 22, 2010

**RESOLUTION CALLING PUBLIC HEARING TO CONSIDER
AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED
ON IMPROVEMENT OF FACILITIES IN CONSOLIDATED LIGHTING
DISTRICT NO. 3 IN THE TOWN OF CICERO**

The Town Board of the Town of Cicero, in the County of Onondaga, New York, met in regular session at the Town Hall of the Town of Cicero, located at 8236 South Main Street, Cicero, New York, on September 22, 2010, at 7:00 p.m.

The meeting was called to order by Supervisor Judy A. Boyke and the following Board members were:

PRESENT:

JUDY A. BOYKE	Supervisor
VERN CONWAY	Councilman
JIM CORL	Councilman
LYNN JENNINGS	Councilman
JESSICA ZAMBRANO	Councilwoman

ABSENT:

NONE

The following resolution was moved, seconded and passed:

WHEREAS, the Town Board of the Town of Cicero (“Town Board” and the “Town,” respectively) in the County of Onondaga, New York, duly adopted a resolution and order after public hearing in the above entitled proceeding on July 27, 1992, authorizing the consolidation of lighting districts into Consolidated Lighting District No. 3 in the Town of Cicero; and

WHEREAS, a map and plan relating to the improvement of a portion of Consolidated Lighting District No. 3, prepared by National Grid, has been filed with the Town Clerk, with such improvements consisting of the construction and maintenance of an electric lighting system, including poles and lamps, by National Grid in order to serve that portion of said lighting district in accordance with said plan; and

WHEREAS, due to generally increased costs of labor and materials, the maximum amount to be expended for said improvements in said district needs to be increased by \$4,256.63 per annum.

NOW THEREFORE BE IT RESOLVED that in accordance with the provisions of Section 209-h of the Town Law, a public hearing shall be held in this proceeding at the Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York, on October 13, 2010, at 7 p.m. to consider an increase in the maximum amount to be expended for said improvements by \$4,256.63 per annum, and to hear all persons interested in the subject thereof; and be it

FURTHER RESOLVED, that the Town Clerk publish at least once in the Star Review, a newspaper published in Cicero, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this resolution, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Dated: September 22, 2010

