

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, September 26, 2012 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor  
Jessica Zambrano, Councilor  
C. Vernon Conway, Councilor  
Lynn Jennings, Councilor  
Tim Burtis, Councilor

Others Present: Christopher Woznica, Highway  
Joseph Snell, Police Chief  
Neil Germain, Germain & Germain, Town Attorney  
Ron DeTota, C & S Companies, Town Engineer  
Tracy Cosilmon, Town Clerk

Supervisor Corl 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 clearly into the microphones to enable all to hear.

The meeting was opened at 6:30 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.

Supervisor Corl acknowledged Betty Zaluski’s 85<sup>th</sup> Birthday and stated that she would also be celebrating her 65<sup>th</sup> Wedding Anniversary with her husband Ed.

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

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Conway.

Ayes - 5 and Noes- 0. *Motion carried.*

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the September 12, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Zambrano.

Ayes- 5 and Noes – 0. *Motion carried.*

APPROVAL OF ABSTRACT #18 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #18, of 2012 as follows: Motion was seconded by Councilor Jennings.

General Fund Voucher # 1841 to Voucher # 1963 In the amount of \$533,424.13  
Highway Fund Voucher # 493H to Voucher # 522H In the amount of \$ 97,409.26

Ayes – 5 and Noes – 0. *Motion carried.*

BUDGET MODIFICATIONS

Councilor Burtis moved the adoption of a resolution to approve the following budget modifications as follows:

TOWN BOARD MEETING  
09/26/2012

**2012**  
**BUDGET MODIFICATIONS**

<b>FROM</b>		<b>\$</b>	<b>TO</b>		
B31201	Police Personal Services	1225.00	B31201 L	Longevity Pay	975.00
			B3120 H	Holiday Pay	250.00
B312040	Police Contractual	6000.00	B312043	Police Fuel	
B31201 S	Shift Differential	4554.00	B31201	Police Personal Services	
B312053	Membership Renewal			170.00	
B312050	Camera Supply	250.00			
B312049	Flares/Firearms/Qualify	557.80	B312043	Police Gas	
B31204	Police Contractual	1500.00	B312043	Police Gas	
B312046	Police Telephone	200.00			
B312046 T	Utilities Police Trailer	400.00	B312043	Police Gas	
B80104	Zoning Contractual	1100.00	B801043	Zoning Car Maintenance/Fuel	
B80104	Zoning Contractual	1200.00	B801043	Zoning Car Maintenance	1000.00
			B8010435	Zoning Postage	200.00
DB514048	Highway Sweeper Rental	1500.00	DB513054	Highway Sewer Jet	
A142041	Attorney – Union Negotiation	1000.00	A142044	Attorney Litigation	
A71101	Parks Personal Services	1576.00	A67722	Senior Equipment	1376.00
			A677251	Senior Computer Labor	200.00
A71101	Parks Personal Services	2500.00	A711041	Vehicle Operations	
A677254	Senior Fuel	1000.00	A677253	Bus Maintenance	

**BUDGET AMENDMENTS**

<b>Revenue</b>		<b>Appropriations</b>		
B3389STEP	Police Grant	1863.50	B31201D OT	Personal Services Overtime – STEP Grant
SL2701 01	Audit Revenue	6262.90	SL51824 01	Lighting District 1 Expense - Streetlight
SL2701 03	Audit Revenue	4543.67	SL51824 03	Lighting District 3 Expense – Streetlights
A2701	Refund Prior Yrs Revenue	1473.63	A51824	General Fund Streetlights

Councilor Jennings read the following addition:

Troy and Banks Co. recently completed an audit on the town’s streetlights – the audit was to verify voltage and actual cost of all the National Grids streetlight accounts within the town. The town received \$27,155.06 in refunds for the period of 2006/7-31/2012. The above budget amendment is to increase the revenue and the appropriation side of the 2012 Budget to allow for the cost of the audit, \$12,280.20. The net of this audit was \$14,874.86.

Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

Supervisor Corl stated that with that audit he had worked with the comptroller. National Grid actually went out and looked at every single light within the town and looked at what we’re being charged, along with Troy and Banks Co. It was a complicated process and he appreciates the comptroller’s efforts.

**RESOLUTION TO HOLD A SPECIAL TOWN BOARD MEETING FOR THE TOWN CLERK TO PRESENT THE 2013 PRELIMINARY BUDGET ON OCTOBER 4<sup>TH</sup>, 2012 AT 8:30 A.M**

Supervisor Corl moved the adoption of a resolution to hold a Special Town Board Meeting for the Town Clerk to present the 2013 Preliminary Budget on October 4<sup>th</sup>, 2012 beginning at 8:30 a.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York. Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

SET PUBLIC HEARING FOR OCTOBER 10<sup>TH</sup>, 2012 FOR THE  
2013 PRELIMINARY TOWN BUDGET

Supervisor Corl moved the adoption of a resolution to set Wednesday, October 10<sup>th</sup>, 2012 beginning at 6:30 p.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York. for a public hearing for the Town Board to consider the 2013 Preliminary Town Budget, with the Regular Town Board meeting to follow. Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

SET PUBLIC HEARING DATE TO AMEND CHAPTER 190 OF THE TOWN OF CICERO  
CODE ENTITLED “TAXATION”, BY ADDING A NEW ARTICLE TO BE ENTITLED  
“ARTICLE XIII TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL  
MUNICIPAL LAW 3-c” TO THE CODE OF THE TOWN OF CICERO  
FOR OCTOBER 10, 2012, BEGINNING AT 6:30 P.M., TO BE KNOWN AS A LOCAL LAW

Supervisor Corl moved the adoption of a resolution to set Wednesday, October 10<sup>th</sup>, 2012 beginning at 6:30 p.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, NY, for a public hearing for the Town Board to consider amending **Chapter 190** entitled “**TAXATION**”, by adding a new article to be entitled “**ARTICLE XIII TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c**” to the Code of the Town of Cicero, to be known as a local law. Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

RESOLUTION FOR THE TOWN BOARD, OF THE TOWN OF CICERO, TO REQUEST  
THAT THE ONONDAGA COUNTY LEGISLATURE REPEAL RESOLUTION NUMBER 544  
DATED DECEMBER 6<sup>TH</sup>, 2012 (PROPOSED RACINO)

Supervisor Corl stated that approximately one month ago the Town Board had a discussion relative to the Onondaga County Legislature and asking them to repeal resolution number 544, regarding the proposed Racino within the Town of Cicero which was due to the fact that the Town has not been involved with the process and they have had no information since that resolution has been passed. The Town Board is concerned with the effects it may have on our infrastructure, and that they may not be included with any revenue sharing programs that that particular resolution calls for; obviously this type of facility would have a huge impact on our community and they have not been informed as to the status of it. There was a proposed resolution that was circulated about a month ago amongst the board members, he allowed everybody this period of time to provide any further comments for necessary provisions to that. The resolution was presented by Tom Beaulieu.

Councilor Jennings read the following resolution:

Proposed Resolution to repeal Resolution #544 dated December 6, 2011, that supported a video  
lottery facility in the Town of Cicero

On December 6, 2011 the Onondaga County Legislature passed a resolution supporting a video lottery facility in Onondaga County in conjunction with a Convention Center Hotel in Syracuse NY, without a supporting resolution from the Cicero Town Board.

The proposed developer has proposed to build a video facility in the Town of Cicero in the area of Taft Road.

The Cicero Town Board has been presented with a petition from over 700 concerned residents from the Cicero area requesting more information and a public hearing on the proposed video lottery facility.

To date, the proposed developer has not made a public presentation of the proposed video lottery facility to the Cicero Town Board or the Cicero Planning Board to address important issues such as zoning, traffic, public safety, and environmental concerns that would impact Town of Cicero taxpayers.

Therefore, the Town Board of the Town of Cicero requests that the Onondaga County Legislature repeal Resolution Number 544, dated December 6, 2011, since there has been no resolution of support from the Cicero Town Board.

The Town Board also requests that no further consideration of a video lottery facility in the Town of Cicero be taken by the Onondaga County Legislature without a specific resolution of support from the Cicero Town Board.

The Town Clerk is hereby directed to transmit this resolution to the Onondaga County Legislature, the Governor of the State of New York, the Director of the New York State Division of Lottery and the New York Racing and Wagering Board.

Councilor Jennings moved the adoption of a resolution for the Town Board of the Town of Cicero to request that the Onondaga County Legislature repeal Resolution Number 544 (proposed Racino). Motion was seconded by Councilor Conway.

Ayes – 5 and Noes – 0. *Motion carried.*

#### AUTHORIZE C. MATTES INC. TO ADDRESS DRAINAGE ISSUE ON NEVA LANE

Ron DeTota stated the resolution is to approve a drainage project on Neva Lane near the intersection of Vistula Path off of Bartel Road, to reconstruct a rear-yard drainage swale that is approximately 270' in length. It would require the regrading of this swale and would be done using a crane with mats to help minimize the disturbance during this effort, it would also require topsoil seeding and then the spoils from the excavation would be removed off site. They have a quote from C. Mattes Inc. of \$6,500.00, with a not to exceed fee of \$7,200.00. The reason for this improvement is because through time sediment has deposited and various green efforts have occurred where the swale itself does not properly drain; there is standing water back there and it's causing the water to back up; it has actually submerged a portion of the storm sewer system that drains Neva Lane. He commented that it's certainly something that could be detrimental to the road and they feel it would be very beneficial to have this work performed.

Supervisor Corl stated Councilor Conway had gone out there several times with Gary and asked the councilor if he had any comments.

Councilor Conway replied that they had talked to Charlie Mattes also, and on the west side of the road where Neva Lane makes the turn, they had asked him to give them a price on about 150' where they had put the pipe in about four (4) years ago, down behind all the houses to let it all tie back in because there's a drainage easement that goes on the west side behind the houses and that's not flowing. All of the water from up above, coming from Route 11, there's a two foot pipe that comes down through and goes under the road and this has got probably 12" of water on it; which they can't take it down that far but it should be able to take some of the water down the backside so there won't be so much going that way. Also, there was another 150' on the motel side that might need clearing but they won't be able to tell until they go through and get the work done and the corner where it makes the 90 degree turn has to be rounded off because it's almost a 90 degree turn and it has to be curved.

Councilor Burtis asked Councilor Conway if all those measurements are in the 270.

Councilor Conway replied not those other two pieces, because they want to see what happens with this first.

Supervisor Corl commented that typically they try; they've been leaving spoils because that way the town doesn't have to pay for the trucks to remove them, but in this project that wouldn't be possible.

Supervisor Corl moved the adoption of a resolution to authorize C. Mattes Inc. to address the drainage issue for the Neva Lane Drainage Project in an amount not to exceed \$7,200.00. Motion was seconded by Councilor Conway.

Ayes – 4 and Noes – 1. Opposed – Councilor Burtis  
*Motion carried.*

APPROVE CONTRACT DOCUMENTS FOR THE PROPOSED  
MANDORLA GARDENS-ROSEWOOD HEIGHTS HEALTH CENTER IN  
CICERO COMMONS (LORETTO)

Ron DeTota stated that at the last meeting the applicant presented the project. He believes there were no questions at the time and that the reason it was not voted upon that evening is because the monies were not posted, therefore they hadn't had the opportunity to finalize their review pertaining to the engineering requirements. They have performed that review, and they have found that the project meets current codes and standards for the Town of Cicero as well as the New York State Department of Environment Control (DEC). They recommend that the project be approved by the town board.

Councilor Zambrano moved for the adoption of a resolution to approve the contract documents for the proposed Mandorla Gardens-Rosewood Heights Health Center in Cicero Commons (Loretto). Motion was seconded by Councilor Burtis.

Ayes – 5 and Noes – 0. *Motion carried.*

RESOLUTION FOR THE TOWN BOARD TO ENTER INTO AN AGREEMENT WITH THE  
CENTRAL NEW YORK PLANNING AND DEVELOPMENT BOARD (CNYRPDB) TO  
PARTICIPATE IN THE CNY STORMWATER COALITION STAFF SERVICES AND  
EDUCATION COMPLIANCE ASSISTANCE PROGRAM AND FOR THE SUPERVISOR TO  
EXECUTE THE NECESSARY RESOLUTION AND AGREEMENTS FOR PARTICIPATION,  
IN THE AMOUNT OF \$3,600.00

Ron DeTota stated the Town has participated in this program in the past and the Stormwater regulations require the Town to comply with the six minimum measures set forth, within the permit itself. The first one is Public Education and Outreach. What the Regional Planning Board has done, is put together a program that meets the State's requirements for that minimum measure and in doing so they have put it out to the twenty-eight (28) MS4s; Towns and Villages that are in the same situation as the Town of Cicero, to enforce the permit itself for consideration to address that requirement. C&S Engineers feels that it's definitely worth the money that the town is paying. If they were to do that on their own; they have never done an estimate, but it would probably be in the ten to fifteen thousand dollar range to undertake that effort themselves to meet the states requirements. They are recommending that the Town continue to participate in the program to ensure compliance with that minimum control measure.

Councilor Jennings stated he looked at the resolution and about half way through the package it says the "Governing Body or Municipality", he believes that would be us. But then it says, "Name and title of chief elected official", he asked if that is saying that we have an elected official as a representative to the MS4. When he asked before who was the representative to the Town, Ron DeTota was listed.

Ron DeTota replied that in the way that they referenced it, they are looking for the Supervisor, or in the village case it would be the Mayor, so this is who they are looking to execute this document to bind the community with this contract. Ron advised Councilor Jennings that this form is not asking who the designated representative is at this time, that's not what the form is about.

Supervisor Corl stated that earlier this year Ron DeTota was given that designation.

Councilor Zambrano moved for the adoption of a resolution for the Town Board to enter into an agreement with Central New York Planning and Development Board (CNYRPDB) to participate in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program and for the Supervisor to execute the necessary resolution and agreements for participation in the amount of \$3,600.00. Motion was seconded by Councilor Jennings.

Ayes – 5 and Noes – 0. *Motion carried.*

APPROVAL TO RELEASE THE WITHHELD EROSION & SEDIMENT CONTROL  
SECURITIES FOR WALLINGTON MEADOWS SUBDIVISION  
IN THE AMOUNT OF \$27,000.00

Ron DeTota stated the Town received a letter requesting the reimbursement or the release of the \$27,000.00 that has been withheld for the Erosion & Sediment Control Securities. That money was posted prior to the construction of the improvements in the development itself to ensure that

during that construction the proper measures would be in place and if they were not the monies were there to provide the town the option to act upon correcting the measures. The project itself has been completed and therefore the monies are no longer required to be held. They visited the site and found that it is heavily vegetated and it's their recommendation that the board consider releasing these funds to the developer.

Supervisor Corl moved for the adoption of a resolution for approval to release the withheld Erosion & Sediment Control Securities for Wallington Meadows Subdivision in the amount of \$27,000.00, (per recommendation of C&S Engineers). Motion was seconded by Councilor Zambrano.

Ayes – 5 and Noes – 0. *Motion carried.*

#### POLICE DEPARTMENT PURCHASE APPROVALS

##### Vehicle Repairs

Supervisor Corl moved for the adoption of a resolution to approve the following purchases for the Police Department.

A. \$1,472.42 to Driver's Village for vehicle repairs for the month of August

Motion was seconded by Councilor Zambrano.

Ayes – 4 and Abstain -1 Councilor Burtis – Driver's Village is his employer  
*Motion carried.*

#### PURCHASE APPROVAL FOR NEW REPLACEMENT PUMP FOR JANE LANE PUMP STATION IN THE AMOUNT OF \$4,938.76 TO XYLEM WATER SOLUTIONS USA, INC.

Ron DeTota stated the reason for this request is the pump that currently serves that area has fallen to a state of disrepair where it is no longer repairable.

Councilor Zambrano moved for the adoption of a resolution for approval to purchase a new replacement pump for Jane Lane Pump Station, in the amount of \$4,938.76 to Xylem Water Solutions USA, Inc. Motion was seconded by Councilor Conway.

Ayes – 5 and Noes – 0. *Motion carried.*

#### HIGHWAY DEPARTMENT PURCHASE APPROVALS

##### Oil Pan, Metal Pipe & Bands and Asphalt

Councilor Burtis moved for the adoption of a resolution to approve the following purchase approvals for the Highway Department:

- A. \$2,194.45 to Beam Mack for oil pan for Truck #12
- B. \$18,650.15 to Oswego Tool & Steel for 10" & 12" metal pipe & bands for restock
- C. \$10,000.00 to Barrett Paving for asphalt for various road/driveway repairs  
(for an open purchase order)

Motion was seconded by Councilor Jennings.

Ayes – 5 and Noes – 0. *Motion carried.*

Councilor Zambrano commented to Chris Woznica, and apologized to Chris for not mentioning it to him before that, but they do have residents who ask how much of this pipe is being bought for that amount.

Chris Woznica replied that he did not have those figures in front of him, but they are to restock the pipe that they have used all summer long and for some upcoming projects mainly in the Bridgeport area.

Councilor Burtis asked if it was metal pipe and not plastic.

Chris Woznica replied that it was metal pipe.

#### YOUTH BUREAU, PARKS & RECREATION PURCHASE APPROVALS

##### Miscellaneous Parts for Mowing/Tractor Equipment

Councilor Jennings moved for the adoption of a resolution to approve the following purchases for the Parks and Recreation Department:

A. \$3,620.00 to North Syracuse Lawn & Snow for miscellaneous parts for mowing/tractor equipment.

Councilor Jennings stated the Budget code is A7110.41, and it was a modification A7110.1 Personnel \$2500.00 moved to A7110.41 Vehicle Operation \$2500.00.

Motion was seconded by Councilor Burtis.

Ayes – 5 and Noes – 0. *Motion carried.*

#### ACCEPT RESIGNATION OF CARISSA GILBERT AS RECREATION ATTENDANT – CENTER MONITOR AT THE CANTEEN EFFECTIVE SEPTEMBER 21, 2012

Councilor Jennings moved for the adoption of a resolution to accept the resignation of Carissa Gilbert as Recreation Attendant-Center Monitor at the CanTeen effective September 21, 2012. Motion was seconded by Councilor Burtis.

Ayes – 5 and Noes – 0. *Motion carried.*

#### GREATER CICERO COMMUNITY CONNECTIONS FOR YOUTH BOARD APPOINTMENTS

Councilor Jennings moved for the adoption of a resolution to appoint the following individuals to the Greater Cicero Community Connections for Youth Board:

A. Val DiFlorio, Executive Director of Diverse Learning replacing Dr. David Morton's term through December 31, 2012 and Youth Appointees: Brianna Goldthwait, Emily Cross, Amanda Cooper, Shaquoya DeFranco and Audrey Lotito – for the 2012-2013 school year.

Motion was seconded by Councilor Burtis.

Ayes – 5 and Noes – 0. *Motion carried.*

#### DISCUSSION ON FLASHING SCHOOL BEACON ON SOUTH BAY AT GILLETTE RD. MIDDLE SCHOOL (SYRACUSE SIGNAL SYSTEMS)

Supervisor Corl stated that they did approve, at the last meeting, the Brewerton Road beacons and Councilor Burtis had been designated at the last meeting to continue the investigation on this issue.

Councilor Burtis stated since the last meeting, Syracuse Signal has started some work out in Brewerton. They put in the base of the one next to McDonald's and Kinneys Drugs and that was probably the worst beacon they had out there. Since then they had received another estimate for South Bay at Gillette (received today), but he is going to ask them for more information because the estimate is incomplete.

Councilor Zambrano wanted to clarify that they now have three (3) estimates at this time from the following: Syracuse Signal, Power Line Constructors, Inc., and M.L. Caccamise Electric, Corp.

Supervisor Corl stated Syracuse Signal had revised their quote to include all four (4) beacons in the amount of \$18,700.00, and at the last meeting he thinks they approved about \$15,000.00 for the two.

Councilor Jennings commented now that they have three (3) estimates and school is in session it seems as if they are delaying something they should really move forward on. At the last meeting they discussed the liability the town would have if something were to happen and these weren't functioning. In the interest of safety, if they are going to do something they need to move forward now on the issue and get somebody working on these signs while school is in session and not in the middle of winter.

Supervisor Corl agreed. The attorney did advise them that there is potential liability if they don't take some action on this, that's why they did approve the ones in Brewerton and are working on the Gillette area.

Councilor Jennings stated Tracy has worked on getting the estimates and Syracuse Signal did come down roughly \$4,000.00 from the original estimate.

Councilor Jennings made a motion to approve Syracuse Signal on their recent quote and what they propose to do for that amount.

Supervisor Corl added, "And to provide additional funding for the Gillette Road beacons".

Councilor Jennings replied that was correct.

Councilor Burtis said that was fine, but asked if there were any time ratifications or if they have any idea of how long.

Supervisor Corl replied that after the last meeting he did have a conversation with Syracuse Signal. They said if there were additional expenditures for the Gillette Road they would go out there, although they wouldn't be taken care of right away, they would implement some safety measures to get something up there.

Councilor Jennings thought that Syracuse Signal had said 4 to 6 weeks would be cutting it close.

Councilor Jennings made a motion to approve an expenditure for an additional amount of \$3,200.00 to have Syracuse Signal replace/repair the flashing beacons located on Route 11 in Brewerton and Gillette Road (an amount not to exceed \$15,500.00 was approved at the September 12, 2012 Regular Town Board meeting). Total expenditure to be paid to Syracuse Signal, for both Route 11 and Gillette Road, is not to exceed \$18,700.41. Motion was seconded by Supervisor Corl.

Ayes – 5 and Noes – 0. *Motion carried.*

#### APPOINT GARY PALLADINO AS AD HOC TO THE ZONING BOARD OF APPEALS

Supervisor Corl stated Gary Natali couldn't attend this evening, but he did want the Supervisor to read his cover letter that he put together for appointing Gary Palladino as an Ad hoc member to the Zoning Board of Appeals (ZBA). In his cover letter dated September 18, 2012, he included Mr. Palladino's resume along with application for appointment. Supervisor Corl read Gary Natali's recommendation letter for the Town Board to appoint Gary Palladino.

Supervisor Corl moved for the adoption of a resolution to appoint Gary Palladino as Ad hoc to the Zoning Board of Appeals. Motion was seconded by Councilor Conway.

Ayes – 5 and Noes – 0. *Motion carried.*

Councilor Jennings stated they had two more items that were open from the last meeting. One was concerning the putting up the "No Parking" signs on Island Road.

Supervisor Corl stated that they did not include that in the agenda because the attorney is still reviewing it.

Councilor Jennings said they should finalize the Tuttle Rd. issue. He looked at a couple of other issues on that and made some more notes. He stated it was private property and he has the attachment from April 25<sup>th</sup>, where the Board approved the Drainage Standards, which says the Town should try to alleviate the problem even if the work is on private property; his comments on that portion was that the neighbors were going to watch and as soon as they do something on one the neighbors are going to start coming down the street. Secondly, he found that they would need a permit from the DEC to drain the water into Chittenango Creek; which he doesn't believe they

have, but if they go for an easement to work on this property it's at the expense of the town. Like he mentioned at the last meeting, they have had other projects like this where the resident bought the materials and the town did the work, and that's the way he would offer this, but right now he doesn't see the town spending the money. Anywhere from \$7,500.00 not to exceed \$9,250.00 and it's approximately 150' frontage of this property on Tuttle Road and he finds it very excessive; he thinks that they need to clean this up, make action on it tonight and made a motion that the Town not pursue the work on this property.

Councilor Conway asked Ron DeTota if the town had to get a permit from the Department of Environmental Conservation to put the pipe into the creek.

Ron DeTota said it is on private property so that would be something they could investigate.

Councilor Conway commented that they would have to look into that to make sure which way they are going to go with it.

Supervisor Corl commented that Chris Woznica was going to take one last look at it and go out there.

Chris Woznica stated he and his foreman both looked at it and they are reluctant to do it without a permit. C&S Engineers should investigate it and make sure a permit is not needed.

Councilor Jennings withdrew his motion but he would like to see this on the agenda at the next meeting.

Supervisor Corl stated this year this board has been looking at these drainage projects very carefully. If they went back to 2011, the town spent \$425,000.00 out of the drainage budget for drainage and this year they are at about \$130,000.00; they are trying not to exceed the \$200,000.00 budget.

Chris Woznica commented on the pipe and said it's about 300' of 10" pipe and about 500' of 12" pipe for that amount of money.

Supervisor Corl solicited any public input.

#### PUBLIC INPUT

Tom Beaulieu approached the board and read the following letter concerning the Racino Resolution 544:

September 26, 2012

Dear Supervisor and Councilors,

I appreciate that my comments are being read into the record this evening regarding item #9 .....the Racino resolution

Two months ago I delivered to each of you a letter from the Onondaga County Conservative Party regarding the County Resolution 544. As you are aware, last December a lame duck legislature passed this issue without any discussion as to it's impact on our Town.

Seven hundred members of this community via petition as well as our County Executive Committee became energized to take action to protect their interest regarding the unanswered Racino issues. As one of three co-signers for the Conservative Party, I am pleased that this item was placed before you for an up or down vote.

Your affirmative vote on this resolution sends the question back to the County. With new faces and stronger voices amongst them and a clearer understanding of Cicero's position and requirements, they as an elected responsible body will be better informed and wiser too. As Thomas Jefferson once said **"It is error alone which needs the support of government. Truth can stand by itself."**

I appreciate you're your commitment and your favorable resolve to the people in our community.

Sincerely,  
Thomas Beaulieu  
6121 Palm Summit Cir  
Cicero, NY

Don Snyder, Mud Mill Road read the following letter to the town board:

TO: Town of Cicero- Town Board Members

DATE: September 26, 2012

I have a scenario for you tonight. Each one of you is sitting at the kitchen table in your home. Your wife or significant other has been "doing the bills today". He or she says "I was not able to pay all the bills today". Now I must remind you that the bills she or he could not pay were for regular expenses you have each month. Now I ask each of you, would any one of you say "let's take out a loan or I can just get another credit card".

I would sure hope that all of you would say either "I need to get a part time job or we need to reduce our expenses".

You ask "why is Don talking about home expenses and how we can balance our budget". We in the Town of Cicero are in the Budget process. I attended a budget workshop some weeks ago. You all hired a "budget expert" to lay out the budget for the year 2013. We have known for at least three years we were going to lose \$600,000 from the County in the form of sales tax money. At that budget workshop the "expert" laid out a plan where we could have a balanced budget, have all our wants met, take no reduction in staff and continue on as we have in the past. The plan would take a major amount of money from our savings account (fund balance). BUT the plan came with one "NEW twist". We would borrow around \$600,000 from the bank.

Here we go again. Let's kick the can down the road. Let's not make the hard decisions today BUT delay them till sometime in the future .

I would ask you all the following:

- 1) If we cannot pay our bills today, how can we pay them in the future if we do not reduce expenses now or raise Town income ?
- 2) You all have to make the hard decisions regarding your home budgets, how come you either will not or cannot do the same for our Town budget.
- 3) You all were elected by the voters of Cicero to perform the functions of our local government. Do you think you are doing your duties by kicking the tough decisions to a future time?

Nobody wants to be "the bad guy". But we in the Town of Cicero have expenses that are more than our income. There is only **one thing** you can do if you want to carry out **your duties of a Cicero Town Councilor** . You must present a balanced budget that does not spend more money than we take in.

Thank you for your time.

Donald L. Snyder

Edward Hanson stated he didn't understand what the taxpayer's get for the \$3,600.00 for the agreement with the Central New York Planning and Development Board to participate in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program.

Supervisor Corl advised Mr. Hanson, in simple form, that there's duties and requirements for the MS4 Program, that the Department of Environmental Conservation (DEC) says that this town must comply with such as: Educational Outreach Programs, holding seminars and holding public informational sessions in order for the town to be compliant with the DEC regulations. If the Town of Cicero wanted to be MS4 compliant and put on all these programs ourselves it would cost more than that, so all the municipalities got together and pitched in to make sure they were going to be compliant.

Edward Hanson asked if the town wasn't already paying into this stuff as it is and asked what if the Town said no.

Supervisor Corl stated they would have to put the programs on themselves and asked Ron DeTota what would they do as a town.

Ron DeTota replied that unfortunately it's what they call an "unfunded mandate." So the State has imposed this direction on communities, certain communities that are near the more populous, urban areas within the state itself. So basically it's the trickle-down effect, the EPA use to impose these onto the State DEC and the DEC tried to comply with EPA's requirements who passed it down to the communities, so then it went down to the town and village local levels as well as cities to require them to comply with the permit requirements at their cost. Basically this is kind of a buying power of the 28 communities. You get the collective of accomplishing the same goal and the importance here is having the DEC signing off on this. So the DEC with the town and the other communities have to answer to for this program is that they have reviewed the program and what it offers. If one does participate in this they will state that they have

met the minimum requirements to comply with this program. It actually gives a lot more bargaining power.

Edward Hanson commented who cares about stormwater run-off, a developer or engineer might, but an average person doesn't.

Ron DeTota begged to differ and stated that the people that utilize Oneida Lake, the watercourses and all the creeks do.

Edward Hanson stated a while back there was a thing about the Cicero Town Courts; they had a legal issue with somebody stealing money or something that was caught on an audit and asked for any details.

Supervisor Corl replied that the audit was conducted, in house, and there were some questions that arose so the Town Board, he thinks, unanimously passed a resolution to conduct an audit after these things were brought to the town and there were discrepancies so it was referred over to the District Attorney's office and that's where it stands. There was an arrest made in the last week or so, and he spoke to the attorney about it and that's pretty much all they can say at this point.

Neil Germain stated that was all that they could say; they can not make a comment on an ongoing criminal investigation and a criminal situation.

Edward Hanson replied that he thought it was adjudicated already.

Neil Germain stated he believes that it's still pending right now and what he read in the paper or whatever public source that he had from the investigation that is pretty much as far as this board should go and that they really shouldn't comment further on that.

Edward Hanson asked what would be the harm in informing the public of this issue.

Neil Germain replied that the public was informed that there was an issue and that he had been informed that action has been taken in the fact that it went to the District Attorney's office and it is now working through the criminal process.

Edward Hanson said "hats off" to whoever did the audit.

Supervisor Corl replied that the Town Board, as a whole did; there was discussion in Executive sessions to do that after these discrepancies were brought forth.

Edward Hanson said they should check and verify purchases.

Neil Germain stated that generally the Court System works a lot differently than the regular town purchases. The Court System has a very difficult accounting procedure of everything that's going in. He thinks there will be complications when dealing with that many cases, that many people, that many fines and that many surcharges; it's just the nature of the beast as far as the court system goes.

Deborah Gardner asked Councilor Burtis if he would answer a couple of questions for her and stated that she had asked two weeks ago for information regarding the hot-patch machine, the discrepancy between the milling and the cost of the machine, and the lack of an invoice for that October afternoon when the milling credits were supposed to be received. She asked Councilor Burtis if he had forgotten.

Councilor Burtis stated he did not forget.

Deborah Gardner stated according to the minutes, Councilor Zambrano was very questioning about this, the machine was costing \$19,700.00 and it was supposed to be paid with milling credits, the invoice was received the afternoon of the vote. When she asked for those records for the milling credits the only one she had received was dated in August, and it was for \$13,168 and change. So she wanted to know where the other milling credits were to pay for this machine that the Town Board, specifically Ms. Zambrano was told that we were going to receive. She stated she could wait another two weeks to get an answer.

Chris Woznica said he believed back then Shirlie (the Comptroller) and Teri (his secretary) kept track of the milling credits coming in and the milling credits offset the paving budget (the costs from the blacktop). Shirlie said he should have enough money to purchase this machine so they got the credit, \$13,000.00 credit which means they didn't have to spend \$13,000.00 for the asphalt. So Shirlie had taken that money and put it towards the purchase of this Asphalt machine. They were under the assumption that they had enough credits and when Shirlie came up with the rest of the money it was out of the Paving budget itself. So they were wrong, it didn't pay for the entire

machine but it came right out of the Paving budget; the milling credits offset it by \$13,000.00.

Deborah Gardner stated that she guesses that the town board was misled, that's what it sounds like.

Deborah Gardner replied "excuse me sir, but if....."

Chris Woznica stated she was told by the comptroller that they had the money in there and that's how it was worked.

Deborah Gardner replied that according to the minutes, the comptroller said she had not seen the invoice and the highway superintendent said that he had received it only that afternoon; to her that is misleading, he might not think so but it is misleading. Her other questions were: on this asphalt for the various road and driveway repairs will the hot-patch machine be used to do that work.

Chris Woznica replied that in various spots it will be.

Deborah Gardner's other question, and she had this and it goes back to what Mr. Hanson was saying, on the pipe/any of the pipes that he has in the bands out there, is this being inventoried. Because one of the ways an organization can control costs especially for high-ticket items is to inventory it; if they record it when it comes in, you record what job its used on and you subtract and have a balance and then every once in a while someone goes out and counts the pipe to make sure its all there. Now if it's not being inventoried, like Mr. Hanson said, "trust but verify", and she continued to say that if not's being inventoried they really need to consider putting in an inventory system.

Chris Woznica replied that "yes" it is inventoried and told her that she is more than welcome to FOIL it and she can come out and look at it. He commented that she wants to talk about misleading, how about when she came to a town board meeting and....

Supervisor Corl advised Chris Woznica that if he had a comment to come up front.

Chris Woznica stated that at a town board meeting recently, he believed that Debbie said that there was a pothole on her street that was so bad that her neighbor had to put a cone in it and the cost that it cost him personally to drive up and down that road about four times in one week to find this hole and to send a crew out to find this hole that didn't exist, that's misleading. To come here and beat up the highway department, to tell people that the highway department isn't doing their job because there's a pot hole so big that the neighbor had to put a cone in it... there was no cone on that road, he took Mr. Burtis for a ride. Chris asked Councilor Burtis if there was a cone or if there was even a pothole.

Councilor Burtis replied "no".

Deborah Gardner stated she would be checking the minutes.

Tim Murphy, Noel Road asked if they were still having the Sustainable Development Meeting on October 10<sup>th</sup>.

Supervisor Corl stated they set the public hearing at the last meeting and it's published in the paper and the public is welcome.

Tim Murphy commented that he hoped that they research the Sustainable Development.

Judy Boyke inquired about the \$14,874.86 that has been put back into the Comptroller's hands in regards to the lighting district is a tax levy so that should be credited back to those lighting districts.

Supervisor Corl stated they could verify with the Comptroller as to those funds with an audit and the \$14,874.86, as to where it will be deposited they can check with her and let her know.

Judy Boyke stated that it is a tax levy, through the lighting district, so that should be applied to those people in the lighting districts. She also inquired about the savings on the brush pick-up and the renegotiation of the contract, that also is a tax levy so that should be credited back to the taxpayers as well; it's not an income.

Supervisor Corl replied that it will be.

ADJOURNMENT

Motion was made by Supervisor Corl to adjourn the Town Board Meeting. Motion was seconded by Councilor Zambrano.

Ayes- 5 and Noes- 0. *Motion carried.*

There being no further business before the board, the meeting was adjourned at 7:47 p.m.

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Tracy M. Cosilmon  
Town Clerk