

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, October 12, 2011, at 7:00 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Judy A. Boyke: Supervisor
Jessica Zambrano, Councilor
C. Vernon Conway, Councilor
Lynn Jennings, Councilor
James Corl, Jr. Councilor
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway
Sharon Edick, Receiver of Taxes
Jody Rogers, Director of Parks & Recreation
Wayne, Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Linda Losito, Secretary to the Supervisor
Brad Brennan, Assessor
Anthony Rivizzigno, Town Attorney
Douglas Wickman, C & S Engineers

Absent: Joseph Snell, Police Chief

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.
A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

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

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and therefore urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn off your cell phones and be sure to speak clearly 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: Yes
Mr. Corl: Yes
Mr. Jennings: Yes
Ms. Zambrano: Yes
Ms. Boyke: Yes

APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Conway, seconded by Ms. Zambrano, to approve the minutes of the September 28, 2011, town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Town Clerk - None

ACCEPT RESIGNATION DAVID CLARK

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to accept with regrets, the retirement letter from David Clark, MEO in the Highway Department, effective October 14, 2011.

The motion was approved as follows:

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

Chris Woznica asked that David be remembered in everyone’s prayers as he has been diagnosed with stomach and pancreatic cancer.

Chris Woznica also requested approval of an emergency expenditure of \$1,140.30 to Stadium International, to repair the fuel tank on Truck #37, Account Code DB513046.

Discussion:

Ms. Zambrano asked if there is a preventative maintenance program.

Chris Woznica – We do, but it’s due to the salt and the rust, that’s underneath the strap.

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an emergency expenditure of \$1,140.30 to Stadium International, to repair the fuel tank on Truck, #37, Account Code DB513046.

The motion was approved as follows:

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

Chris Woznica stated that they went over on a PO #17004 by \$199.42 for Klein Steel and need approval to pay the overage.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an expenditure of \$199.42 to Klein Steel, for the overage on PO #17004.

The motion was approved as follows:

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

Comptroller

Shirlie Stuart stated that she gave everyone an invoice from Germain & Germain for some litigation that was occurring in the town and I need approval to pay the invoice in the amount of \$6,270.00.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize an expenditure in the amount of \$6,270.00 to Germain & Germain, for litigation that is occurring in the town.

Discussion:

Ms. Zambrano asked when we got this.

Shirlie Stuart – It was dated September 22nd. It's for services from May 18th through September 13th.

Ms. Zambrano – How much have we spent all together on this litigation?

Shirlie Stuart – I'd have to look it up.

Ms. Boyke – It's not closed either and is still ongoing.

Mr. Corl asked if the trial has concluded.

Tony Rivizzigno - I believe they're having summations or closing arguments as far as I know.

Continuation of the vote:

The motion was approved as follows:

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

Shirlie stated that with that approval, she will need a transfer in two accounts. One would be the Town Board Contractual into the Attorney's Litigation Account for the same dollar amount of \$6,270.00.

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to transfer \$6,270.00 from the Town Board Contractual into the Attorneys' Litigation Account.

Discussion:

Ms. Zambrano is this on the Budget Modifications.

Shirlie Stuart – No, I needed approval first, before I can make the modification.

Mr. Corl asked if there is adequate money in the account.

Shirlie Stuart – Yes

Continuation of the vote:

The motion was approved as follows:

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

Shirlie Stuart stated that she had e-mailed and given packets to the board regarding the truck purchase and three other pieces of equipment needed for the Highway Department. She needed to know which direction the board wanted her to go and if they wanted to purchase or lease the truck and if we're going to purchase the other three pieces of equipment.

Chris Woznica explained that the first item would be a Payloader and the one we're replacing is 10 years old. Within the next year, we'll probably put \$40,000.00 to \$50,000.00 into it and it's worth \$25,000.00 as a trade in right now. Everything has worn out and rusted out, because it's parked in the salt all winter.

Ms. Zambrano – How much is the first item?

Chris Woznica stated it would be \$101,847.27 allowing a \$27,000.00 trade in. The second item would be a street sweeper. Ours is 11 years old and we can't get parts for it anymore and it is completely worn out. It would cost \$157,990.00 from Elgin and are made in Illinois. The last item would be an asphalt recycler for doing hot patch in pot holes and road cuts, which would last indefinitely to the use of cold patch. NYS has been using theirs for a couple of years. They did a bunch of holes on Route 11 and Route 31, by the High School earlier this summer. Cold patch would have come out within a week and we're throwing money away on the cold patch. When we blacktop, we always have some left over, no matter how careful we measure and that could now be recycled indefinitely into the winter time or a year later. The box reheats it and melts it down so you can use it like blacktop.

Ms. Zambrano – What is the cost for this?

Chris Woznica - \$19,700.00.

Ms. Zambrano – That one sounds like a deal.

Chris Woznica – We just received back our milling credit from Barrett Paving and we do have enough cash, where we could purchase this outright.

Ms. Zambrano – You have \$19,000.00 in milling credit?

Chris Woznica - Yes, it's a little more than that, but we don't get that back until we're finished paving, so they can off set any outstanding bills. We do have enough to purchase it, outright, if you want to do that. If you do that, it could reduce your lease payment.

Ms. Zambrano – What is the total of this whole bundling thing?

Shirlie Stuart – The total is \$472,107.58.

Chris Woznica – That includes the new snowplow.

Shirlie Stuart – Yes, that includes the truck that has already been approved. That was \$192,570.00.

Mr. Corl – That was budgeted and we planned for that.

Shirlie Stuart – Not budgeted, no. It's a lease so you don't pay until next year, but, you did approve that already.

Ms. Zambrano – We did approve that.

Shirlie Stuart – That lease payment will be \$41,181.79 for five years and will be part of next years budget. When we looked at all the other equipment and looked at bundling, at 2.76%, you're looking at, \$101,000.00 payment for five years. There are different ways we can do this.

Mr. Jennings asked Chris if he was considering the optional equipment that is available for the Hotpatch recycler which is a 15 gallon diesel heated tack tank and the cold weather package.

Chris Woznica – It is something that could be added at a later date, if we decide to.

Mr. Jennings stated that would bring the cost to \$22,877.00.

Chris Woznica stated that would be a great addition and of great help to them.

Mr. Jennings stated that if we're bundling, that should be something we would want to consider.

Ms. Boyke stated if Chris felt it was worth buying for the Hot Patch Machine, it should be included.

Chris Woznica – I feel it would be well worth it. We're throwing money away with cold patch and we do this all winter long.

Mr. Corl stated that the milling money should be used for the asphalt recycler but he didn't like the idea of bundling that into a lease program, because it's \$19,000.00 and thought we could pay for that.

Chris Woznica - As carefully as we plan, we always have blacktop left over that we have been dumping out back, and with this equipment we could break it up and reuse it. In the past, we would throw it away or haul to heavy fill sites.

Ms. Zambrano asked Shirlie, if she was sure we had enough revenue for this equipment from the milling credit, to buy this.

Shirlie Stuart – No, I haven't seen this milling credit, but, Chris has.

Chris Woznica – That came in this afternoon from Barrett Paving.

Mr. Conway – How long would it take to get this?

Chris Woznica – A couple, to 4 or 5 weeks.

Motion was made by Ms. Zambrano, seconded by **NO SECOND**, that we approve the outright purchase of the Hot Patch Recycler, contingent upon the revenues coming in from the milling credit, not including the additional equipment.

Discussion:

Shirlie Stuart stated the amount would be \$19,700.00.

Mr. Jennings - We need to look at the other piece of equipment for an additional \$3,000.00.

Mr. Conway – I would recommend that too.

Mr. Jennings - The 15 gallon diesel tack tank is \$2,457.00 and the cold weather package is \$720.00, which is the optional equipment that is not included in the \$19,700.00. I feel these should be included.

Ms. Boyke – I also agree.

Ms. Zambrano – Do you have enough millings for that?

Chris Woznica – Yes.

Ms. Zambrano **amended her motion** to include the purchase of all the equipment outright, contingent on receiving the milling credit, **seconded by Mr. Corl.**

The motion was approved as follows:

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

Chris Woznica – Thank you.

Ms. Boyke – We already have the truck purchased, so we need to look to bundling the Payloader and the Sweeper.

Ms. Zambrano – Has that truck been purchased?

Shirlie Stuart – The truck is purchased and is on order, so you would have to pass a resolution to buy that.

Ms. Zambrano – We're talking about bundling \$450,000.00.

Shirlie Stuart – It's around that, yes, but, I'd have to recalculate it for you because it will make a difference in the interest rate, when you take out that much. It probably isn't that much.

Mr. Corl – Is there anyway we could look towards seeing whether the Village of North Syracuse, or Clay, may want to partially share in the cost of a sweeper.

Chris Woznica explained that they already have their own sweeper in North Syracuse and Oswego County and they are very reliable sweepers. We still have to rent, but, the type we have to rent is like a vacuum cleaner. It won't pick up the heavy debris like this one will and is a mechanical one with stiff brushes and a chain that throws things into a hopper. The one that we rent is an air machine which is like a vacuum, and doesn't pick up heavy debris.

Ms. Boyke – We had trouble when we rented one.

Chris Woznica – We rented two when we were milling and about every second load, you had to take the machine back to the shop and clean it out.

Mr. Corl – How often do you utilize this?

Chris Woznica – The sweeper would be utilized all summer long. We use it all the time when we're paving. In the fall, it's used in the parking lots.

Mr. Corl asked Chris if this is something he could approach the village with and could we work out a deal with them.

Mr. Corl – No, the sweeper is temperamental and they use theirs at the same time we're using ours.

Ms. Zambrano – Have you approached them?

Chris stated he has spoken with Gary and they use theirs all of the time. We borrow equipment from North Syracuse, all of the time and they borrow our stuff. You can't borrow when they're paving and we're paving. You just can't do it.

Mr. Jennings – If theirs breaks down, you have nothing.

Chris Woznica – Yes and we're under contract with the North Syracuse Schools to sweep their parking lots twice a year and it has to be done at their time when the school is shut down.

Mr. Jennings – I understand that this isn't a real good time to be spending these monies, but, given the fact that you've presented this, I think we need to move on this.

Motion was made by Mr. Jennings, seconded by **NO SECOND**, to authorize doing the bundling for the truck, the sweeper and the Payloader, which are needed by the Highway Department.

Discussion:

Ms. Zambrano – We're talking about ½ million dollars and we don't know if we have enough money and we haven't finalized the budget for next year. We don't even know if we have enough money to finish out this year, though we probably will, but, we're jumping into something.

Chris Woznica explained that it made no difference to him. As I told you earlier you're going to put \$40,000.00 to \$50,000.00 in the Payloader to fix it in the coming year, yet it's only worth \$27,000.00. The computers are shot in it.

Mr. Jennings – The sweeper is 11 years old.

Chris Woznica – Most people in this room don't keep their cars 10 or 12 years because they're worn out.

Ms. Boyke explained that she thought that this is equipment that is necessary in order for the town to operate on the maintenance of the roads as well and would **SECOND** the motion.

Ms. Zambrano – I feel that we are jumping too quickly here. We have budget problems and are going to continue to have budget problems. In good conscience, I don't think this is a good idea.

Mr. Corl – I have no problem with the truck, but with spending ½ million dollars tonight, is difficult to do.

Ms. Boyke stated that some decisions, we have to make. Obviously, this is important, so we will have to look at other areas that are not so in the budget.

Continuation of the vote:

The motion was approved as follows:

Mr. Conway: Yes

Discussion:

Mr. Corl asked what the payment will be each year.

Shirley Stuart – The payment is \$100,601.57 for the hot patch recycler which was put in the Preliminary Budget, so we can back that out of next year's budget. The Preliminary Budget was done with this figure in it.

Mr. Corl stated that it was with borrowing \$400,000.00.

Shirley Stuart – Yes and I certainly can look into more than 5 years. Perhaps we could go 8 years.

Ms. Boyke – In that time, it will be time for another one.

Continuation of the vote:

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

Chris Woznica – Thank you.

Parks & Recreation

Jody Rogers updated the board on the CanTeen construction. We're about a week and a half into major construction and on Saturday, C & S Engineering and Company and 7 engineers, with Mr. Wickman being one of them, volunteered to lay out the footing for the addition on the teen center. This past weekend we had 17 bricklayers from Union Local #2 who volunteered their time to put up the walls for the basement. That same group is coming back on Monday or Tuesday weather permitting to put the floor in the basement. We're coming along quickly and I'd like to commend C&S Engineering, John Trimble, Larry Trimble, Mr. Stanton, Doug Wickman and Dan Obrist. We're moving along and the next part of this will be framing and we hope to get it closed up before the weather changes.

Tax - None

Zoning

Wayne Dean stated he put a memo in the board members mailboxes asking that they authorize an expenditure, not to exceed \$4,000.00 to purchase computers for the Zoning Office, which will include 3 new tower machines for the secretary's, two laptops for the Code Enforcement Officers, two LCD monitors and one new printer, multitask, for the office. I've been looking at other quotes, but, everything else has been coming in high. This quote is from Computer Outlet and they will also be doing the installation and is a budgeted item.

Ms. Boyke – This is well needed in your department.

Motion was made by Ms. Boyke, seconded by **NO SECOND**, to authorize an expenditure not to exceed \$4,000.00 to purchase computer equipment from Computer Outlet.

Discussion:

Mr. Jennings stated that on Computer Outlet's quote, the installation cost is \$1,386.00 which makes the total \$6,296.00.

Wayne Dean – I am only asking for approval for the equipment. The labor will come out of a different line item.

Shirlie Stuart – The labor will come out of his contractual and equipment comes out of equipment.

Ms. Boyke – These are also budgeted.

Mr. Jennings **seconded** the motion

Discussion:

Mr. Corl asked Wayne if he ever had a comprehensive plan for his office.

Wayne Dean – Yes, they did. That is what their quote was based on and I scaled it back a little bit. We're reusing two of the machines that the CEO's will use. The secretaries will get the new ones.

Mr. Corl – Do you have the comprehensive plan that they developed for you?

Wayne Dean – No I don't. They inventoried all of the equipment.

Ms. Zambrano – We were supposed to have a town wide study and we did approve Computer Outlet for a couple of studies, to take inventory of equipment and then to do some studies. I asked for the report and I got something, but the report, is difficult to understand. We also have an IT Committee who was to be working with Computer Outlet. I expected a town wide study with some recommendations. I fully agree with Wayne, that he needs the equipment in his department and I advocated for that in January 2010. What happened to our Comprehensive Study? Right now, we've got all of these computers and these printers and there is no rhyme or reason to them as I've been told when I attended the IT Committee Meeting, which has not met in several months. We're supposed to be doing this as a town wide effort and with some coordination with the board and now we're doing it piecemeal again. Why do we have an advisory committee if we aren't going to use them? Why do we approve studies when we get no reports and no recommendations?

Mr. Corl – I think the intent of the IT Committee and the report from Computer Outlet, was to put together a Comprehensive Plan to address everybody's department needs and then make a bulk decision as to what purchase are to be made. This is piecemeal.

Ms. Zambrano - I am expecting a town wide report and that's why we put this committee together. I'm sorry to sound frustrated but there are so many issues with IT and I hoped that we would move forward in a coordinated way. I believe Wayne needs this equipment, but, how does his equipment fall into place to coordinate with what might need to be purchased in the future. I think we appropriated \$50,000.00 for equipment purchases.

Shirlie Stuart - \$50,000.00 was put into reserve for IT equipment, but, what Wayne is referring to, is part of his last years budget.

Ms. Zambrano explained that she understood, but this purchase outside of the town wide plan, really doesn't advance this idea, that we're supposed to have a town wide approach to IT. I would like some discussion about this.

Ms. Boyke – It's in his budget and he needs the equipment and it has nothing to do with the IT program because they are not finished. They are doing the final interviews and that's in regards to being comprehensive as far as the software programs, which is the most expensive part of it. As far as equipment goes, that is part of each department and piecemeal, it may seem, only because Wayne's department is the first one that has been focused on to upgrade the equipment. It is in his budget and that is the reason that we are looking forward to doing that, while the money is still in his budget to utilize it for that purpose.

Ms. Zambrano – I don't disagree with you, but, again, we have expected some kind of town wide study with a presentation to this board. I have heard nothing. I don't believe the IT Committee has met for several months.

Ms. Boyke – No, they haven't because part of this doesn't have anything to do with the IT Committee. Mr. Winters is here this evening and the IT portion of it has nothing to do with the purchase of equipment through the department and the maintenance of the building. This is an

item that was budgeted and this is the best price. I am surprised, for what he purchased it for. It is a good price and they need the equipment and it is imperative.

Ms. Zambrano – The larger issue is, what are we doing with this IT?

Ms. Boyke – We can discuss IT at another time. Right now, we need to move on with the purchase of the equipment. We're either going to buy it or, we're not. If you want to discuss IT, why don't you call me or come and see me.

Ms. Zambrano – I have asked that IT be discussed in front of this board so that everyone can hear. I don't believe that is an unreal expectation and I have already said, that I know that the Zoning Department needs this equipment. I do know that. My concern is the larger program for this town. We're at the end of the year and the committee hasn't met, so when are we going to get something?

Ms. Boyke – They haven't completed the study of all of the departments. They are right now in the process of interviewing everyone's department, to understand what it is that they need.

Ms. Zambrano – I'll look at the minutes, but, I believe we were promised a report and that their study and report would be done in a few weeks.

Ms. Boyke – Well, it hasn't been.

Ms. Zambrano – It hasn't been presented to the board. I only got the report, because I physically asked for it.

Ms. Boyke – They are not done yet.

Ms. Zambrano – Did you get a copy.

Ms. Boyke – Everyone got a copy of what I have. I would like to call the question and move on with Mr. Dean's proposal to purchase the equipment. There is a second on the floor.

Tracy Cosilmon – Who seconded the motion?

Ms. Boyke – I did.

Tracy Cosilmon – No, you made the motion.

Someone stated that Lynn seconded the motion.

Continuation of the vote:

The motion was approved as follows

Mr. Conway: Yes

Mr. Corl: No, I think we need the Comprehensive Plan implemented to see what each departments needs are.

Mr. Jennings: Yes

Ms. Zambrano: No, in principal

Ms. Boyke: Yes, and we purchased a computer for the Tax Office.

Ms. Boyke told Sharon Edick that she received a used computer, but it cost the town money and was an upgrade because yours failed.

Ms. Zambrano – It was my understanding that was an emergency purchase, because your computer had broken down.

Ms. Boyke – Exactly, and we are now upgrading computers and the monitors in the Zoning Office, which is well within his budget.

Assessor – None

APPROVAL OF ABSTRACT #19 OF 2011

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve Abstract #19, of 2011 as follows:

General Fund Voucher #1879 to Voucher #1976 In the amount of \$508,669.76
 Highway Fund Voucher #568H to Voucher #596H In the amount of \$ 71,505.43

Discussion:

Mr. Jennings – On page 7 there is an \$850.00 West Law book expense. What is that?

Shirley Stuart – They’re legal books that they use in the Court.

Mr. Jennings – Thank you, I didn’t want to confuse it with Town Code Books.

Mr. Jennings stated that there is eye care in the amount of \$950.00 for one person.

Shirley Stuart – It had to be a combination.

Mr. Jennings – It says Joseph Spenard eyeglasses.

Shirley Stuart explained that we pay full for glasses per the Highway Contract, no matter what it costs. That’s in the CSEA Contract. They are up to one pair of glasses a year and there is no limit on it. They are also allowed \$300.00 a year for their dependents.

The motion was approved as follows:

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

BUDGET MODIFICATIONS

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

**BUDGET MODIFICATIONS 2011
 TOWN BOARD METING 10/14/2011**

2011 MODIFICATIONS	AMOUNT	FROM CODE	TO CODE
	\$ 500.00	A715041	Parks Utilities
	\$ 415.24	DB514040	Solid Waste Disposal
	\$5,000.00	DB511049	CB/F&G/Riser
	\$1,000.00	DB511055	Contracted Maint
	\$2,000.00	DB511255	Paving Contractual
	\$ 200.00	B312040	Police Contractual
	\$1,500.00	A141044	Code Book
			A71504 Parks Suplies
			DB513043 Summer Roadside
			DB511042 Runner Crush
			DB511046 Cold Patch
			DB513041 Brakes/Parts/Repairs
			B312054 Police Computer Labor
			A35101OT Dog Overtime
2012 AMENDMENTS			
	\$ 5,000.00	A111015	Baliff
	\$ 500.00	A11104	Justice Contractual

Discussion:

Ms. Zambrano asked what CB/F & G /Riser are.

Chris Woznica – It’s for catch basins and risers.

Ms. Zambrano – You’re taking that money out of that line and putting \$5,000.00 into runner crush and then you’re taking \$2,000.00 out of the paving contract for brakes, parts and repairs.

Chris Woznica – Right

Ms. Zambrano – I thought we didn’t have money to give up in paving?

Chris Woznica - That’s part of the millings.

Ms. Zambrano – We’re taking money out from what was allocated for Code Book and putting it for overtime for Dog Control. Is this Dog Catcher overtime?

Shirlie Stuart – Yes

Ms. Zambrano – Have we expended all overtime money and are we expecting more overtime?

Shirlie Stuart – This should cover it to the end of the year. This is for the calls she makes after hours.

Ms. Zambrano asked if we’re adding \$5,000.00 to the Bailiff line.

Shirlie Stuart – That’s correct.

Ms. Zambrano - That’s coming from where?

Shirlie Stuart explained that it will be worked against the fund balance.

Ms. Zambrano - Are we paying overtime?

Shirlie Stuart – Yes

Mr. Jennings asked if this is because the Bailiff was having surgery and because we have to bring in a Full Time Officer.

Shirlie Stuart – That’s correct.

Mr. Jennings – I understand he’ll be out of work for a month.

Ms. Zambrano – Do you believe the \$5,000.00 will cover that to the end of the year, or will we have to add more?

Shirlie Stuart – If this gentleman returns when he say’s he will, we should be okay, but, in this world, you never know.

Mr. Corl – Didn’t we have \$5,000.00 in the same line about two months ago.

Shirlie Stuart – It was \$2,500.00.

Ms. Zambrano – There’s \$500.00 in the Justice Contractual.

Shirlie Stuart – That’s no guarantee that is going to be enough. I’m doing it piece by piece as we get it, so we can digest this.

Ms. Zambrano – I suggest that this board have a discussion about all of the problems in the Justice Department sometime in the future.

Shirlie Stuart – You will have that opportunity tomorrow at 2:00 p.m., because they are the last ones in the workshop. I think that might be an appropriate time.

Continuation of the vote:

The motion was approved as follows:

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

PRESENTATION TO EAGLE SCOUT ALEX FOLSOM

Presentation to the Eagle Scout Alex Folsom will be done at a later date.

DECISION REGARDING ZONE CHANGE ON CORNER
OF ROUTE 11 AND MUD MILL ROAD EAST

Ms. Boyke stated the public hearing for the zone change was closed at the last meeting and that it was proposed that a covenant be prepared by Mid Country in regards to not putting an access road on the side to Mud Mill Road. We have received that covenant of which we all have a copy, and it agrees that there shall be no access from the parcel to Mud Mill Road, on or over the Guzelak parcel and that it should be obtained, constructed and maintained or used by Mid Country and the covenant shall run with the land.

Ms. Zambrano commented that the covenant isn't notarized.

Tony Rivizzigno stated he had the original here and it has to be notarized.

Discussion:

Ms. Boyke – We are at the discussion point of changing the zone from General Commercial to General Commercial Plus.

Tony Rivizzigno explained that if the board is inclined to approve this, there are two resolutions that must be passed.

Mr. Corl - At the last board meeting it sounded like all the board members were favorable of the project at the public hearing. I think it would be an appropriate land use for that parcel.

Ms. Zambrano – I think your recollection is correct and we had our discussion last time.

Ms. Boyke stated that she met with some of the residents that were here and received a phone call from one as well. After speaking with the people from Mid Country, they were more comfortable in their understanding of the property and the fact that they were willing to cooperate with the neighbors.

SEQR DETERMINATION

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to issue a negative declaration for purposes of the State Environmental Quality Review Act with respect to the zone change from General Commercial to General Commercial Plus, which the Town Board has determined to be a Type I action, as requested and presented by Mid-Country Properties, LLC for property located at 9200, 9206, 9224, 9230 Brewerton Road and 5586 Mud Mill Road, finding that based on the Long Form Environmental Assessment Form and Information provided by the applicant and other information reviewed by the Town Board, that the proposed action will not result in any significant adverse environmental impacts, and an environmental impact statement not be prepared.

The motion was approved as follows:

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

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to approve the zone change from General Commercial to General Commercial Plus as requested by Mid-Country Properties, LLC for property located at 9200, 9206, 9224, 9230 Brewerton Road and 5586 Mud Mill Road as presented, to be know as Local Law No. 7 of 2011, based on a recommendation for approval from the town Planning Board, subject to the applicant Mid-Country Properties, LLC agreeing to the filing of the attached covenant associated with the above referenced property.

The covenant is as follows:

RESTRICTIVE COVENANT

WHEREAS, Mid Country Properties LLC (hereinafter “Mid Country”) has made an application to the Town Board of the Town of Cicero (“Town”), County of Onondaga, State of New York to change the zoning designation on two parcels of land (“subject parcels”) in the Town of Cicero from General Commercial Zoning District to General Commercial Plus Zoning District which subject parcels are more particularly described on Exhibit “A” attached hereto, and being a copy of the deed to Mid Country Properties LLC of title to said parcels, and

WHEREAS, a portion of the northerly boundary of the parcels is adjacent to the southerly boundary of a parcel of land, with a northerly boundary extending along the road boundary of Mud Mill Road, a public highway in the Town of Cicero, and owned presently by Andrew N. Guzelak, being that parcel of land conveyed to Andrew N. Guzelak by deed recorded in Book of Deeds 4907 at page 770, and being Tax Map No. 108-01-05.2 (2011), and

WHEREAS, it is the present intention of Mid Country to erect a building with exterior improvements for a commercial/light industrial use on one of the two parcels described in Exhibit “A”, and

WHEREAS, the Town Board held a public hearing on the application on September 28, 2011, and

WHEREAS, one or more members of the Town Board expressed concern over possible access to Mud Mill Road from Mid Country’s parcels to Mud Mill Road on and over the Guzelak parcel, and

WHEREAS, Mid Country of its own volition and without coercion, has offered this Covenant to assist the Town in its desire to mitigate existing traffic or other concerns as to Mud Mill Road, and

WHEREAS, the Town Board of Cicero has granted the requested Zone Change of Mid Country on October 12, 2011 and accepts this Restrictive Covenant.

NOW THEREFORE, Mid Country does hereby:

1. Covenant and agree that no access from its parcels to Mud Mill Road on and over the Guzelak parcel shall be obtained, constructed, maintained or used by Mid Country.
2. This Covenant shall run with the land, and bind and inure to the benefit of Mid

Country, its successors and assigns and the Town of Cicero, New York.

3. This Covenant may not be released, modified or rescinded in whole or in part except upon a Resolution adopted by the Town Board of the Town of Cicero.

Dated: MID COUNTRY PROPERTIES, LLC
By: _____
Joseph Panebianco, Member

STATE OF NEW YORK)
: ss:
COUNTY OF ONONDAGA)

On the _____ day of _____ in the year 2011 before me, the undersigned, personally appeared JOSEPH PANEBIANCO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

The Resolution was adopted as follows:

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

APPROVAL OF 207-C PROCEDURE

Ms. Boyke explained that Tony Rivizzigno will confirm the fact that this procedure is close to, or similar to the previous 207-C that was offered.

Mr. Jennings stated that he had spoken with Shirlie today, and in the procedure that we presently have, there were some changes made that are different from the original one that we had. I remember that in looking at that, they were asking for 15 calendar days after the instant giving rights to injury and our recommendation was 10 days. There are some differences from what we have here.

Shirlie Stuart - The Town Board can set those days.

Mr. Corl – This is basically State Law, but, the modification, we can make regarding the time frame.

Shirlie stated that was her concern and did talk to Tony about it and the modifications being made on our side. I respect the PBA for giving us that draft, but, you have to understand my point of view that we need to look at it and make sure it has in it, what we want it to have in it.

Ms. Zambrano asked if this entire draft came from the PBA.

Shirlie Stuart – One part of it did, but, the other draft is something I did earlier.

Ms. Zambrano – I understand your version.

Ms. Zambrano asked Tony if he tried to reconcile this.

Tony Rivizzigno – Yes. The plan that the PBA has is more comprehensive and it gives the town a little bit more authority because we name the person who would administrate it. We pretty much control the whole procedure. We can demand medical records, which is also part of State Law. The only thing that was a question mark for some of these dates, that we tried to discuss with the PBA, is whether 10 days is better than 15 days. I don't know. We thought 15 days would give everybody time to do whatever they had to do in terms of responding to requests for records, etc.

Mr. Corl – It's been signed off by the Union?

Tony Rivizzigno – Yes, the Union signed off on it. After trying this for a year and find there is something we can't live with, we can always go back and say the time frames should be changed. It isn't likely we'll have many 207- C's, hopefully. If we have one in a year, that's a lot.

Ms. Zambrano stated that she read this a couple of times and is concerned about the implications.

Tony Rivizzigno - If you read Municipal Law, Section 207-C, it follows that pretty closely. You can't change that as it is State Law.

Ms. Zambrano – Why is it, that the PBA provided this and our Town Attorney didn't? Why didn't we act on what Shirlie had provided earlier in the year? Why are we taking this in its entirety from the PBA?

Tony Rivizzigno – This was a more comprehensive plan and was chosen by several towns, actually.

Ms. Zambrano – Shirlie's was also used in several towns.

Tony Rivizzigno stated he wasn't aware of that. We can go back and negotiate something, but, it's like re-inventing the wheel. I reviewed it and 207-C is a State Law and it complies.

Mr. Corl - If the town doesn't adopt this provision, State Law will govern the General Municipal Government.

Tony Rivizzigno – This gives us a little more than the State law gives, because it gives us the right to name the Administrator.

Ms. Zambrano – I remain less than comfortable with this, because I don't understand some of the implications of what we're talking about.

Mr. Jennings – My only question was the differences and the time frame that we're doing. I don't have a problem and as the Attorney said, this is governed by State Law.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to approve the 207-C procedures as presented.

The motion was approved as follows:

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

Tony Rivizzigno offered to sit down with Jessica anytime, to go over this with her.

Ms. Zambrano – I'll take you up on that.

YOUTH BUREAU AND PARKS AND RECREATION PURCHASES (Jerseys and Gymnastic Instructions)

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to authorize an expenditure of \$2,750.00 to purchase Jerseys for the Youth Basketball Program from Papa Sports, Budget Code B7020.44 and to authorize an expenditure of \$1,075.00 to Head Over Heels, for gymnastic instructions, to be paid via fees, Budget Code B7020.44.

The motion was approved as follows:

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

YOUTH BUREAU PARKS & RECREATION
AWARD BID FOR YBPR VEHICLE

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to award the bid to Drivers Village in the amount of \$12,500.00 for a 2008 Chrysler Town & Country LX Van, with 45,800 miles to be used by the Parks & Recreation Department.

The motion was approved as follows:

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

Shirlie Stuart explained that we need to do another Budget Modification transfer. This was an emergency and we need to take it out of the Contingent Budget which is B19904 and move it to B70202 in the amount of \$12,500.00

Motion was made by Ms. Zambrano, seconded by Ms. Boyke, to authorize a Budget Modification transfer due to an emergency and to take it out of the Contingent Budget, B19904 and move it to B70202 in the amount of \$12,500.00.

The motion was approved as follows:

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

HIGHWAY PURCHASES
King Pins & Alignment for Truck #10

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to authorize an expenditure of \$1,200.00 to Allied Springs for king pins and alignment for truck #10, Account Code DB513044.

The motion was approved as follows:

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

Runner Crush

Motion was made by Mr. Jennings, seconded by Mr. Conway, to authorize an expenditure of \$5,000.00 to TH Kinsella for runner crush, Account Code DB511042.

The motion was approved as follows:

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

Chris Woznica stated that he had an item and was going to step on some toes, but he was a little perturbed as to what the board questioned him on tonight. Believe me, I am not one for spending a lot of money, but, I have old equipment that is wearing out. Shirlie sent out a memo that if you had any questions, you could have contacted me in the last week. Not one person contacted me. You need to spend more than two hours a week here, to find out what all of us Department Heads are working with. Our equipment is old and is worn out. You can't come twice a month and expect to know how the Highway Department works, how the Police Department works, or how Zoning works. You really need to come to our departments and look at what we're working with. It bothers me to no end.

PUBLIC INPUT

Dan Curran stated he wanted to catch up on how we stand relative to the town going to the County DOT regarding stop lights at Darby Road and South Bay and Gillette Road. Has any of that come up? He still feels there is a dramatic need for that and disagreed with the counters that were in his neighborhood as they would only make sense when the work is done. He wanted to know if any of the board had feedback from the county.

Ms. Boyke – I will contact Diana Graser for a follow up on that. Normally when they complete their study, they notify us and we'll get back to you.

Tom Beaulieu – I think they leave the counters out for approximately a month and then they gather the information. Counters were also up on Pine Grove and South Bay as well as Darby and South Bay.

Tom stated he sent the Supervisor an update of the work that was done by Believer's Chapel but unfortunately, they didn't finish repairing the rest of Thompson Road, where some of the shoulders are deteriorated. They did a nice job in front of Chuck Abbeys home. I spoke with Peter Arcuri, project engineer regarding the project at Thompson and South Bay. They have the binder course on and are hoping to get the top course done in a couple of weeks depending on the weather. The box culvert was supposed to get started the first of October, but, they're going to be lucky to get to it in November. They have to get a top or binder course on that road before they are bogged down with the weather or the plant closing around Thanksgiving. I also have a letter from Christopher Rayber with Onondaga County regarding biking routes on Island Road. They aren't going to designate it as a bike route because the shoulders are narrow and are 3 feet and the requirement is for 4 feet shoulders. We're a foot short, so we can't utilize it for anything. He thinks because of the pedestrian and biking traffic that they'll put the signs up. Chris has also eluded that he'll be putting signs up on some town roads.

Chris Woznica – There will be some on Beach Road.

Ms. Boyke – There up on Beach Road and Muskrat Bay Road. It's more to alert residents and folks traveling those roads that they are being shared by someone other than a vehicle.

Tom Beaulieu – As a resident I appreciate the work the Highway Department does and I hope Chris doesn't feel offended that he has a job to do and he is spending our money.

Chris Woznica – It's my money too.

Tom Beaulieu – I understand that. We're going to spend \$150,000.00 for a sweeper, when we could do some work between North Syracuse and Clay. Last year, the County purchased a sweeper.

Chris Woznica – They don't have residential streets, like we do. They have town roads which are mainly rural areas that don't need to be swept. I have to do school parking lots and residential areas.

Tom Beaulieu – Are you saying you have bigger sweeping programs than the county?

Chris Woznica – I believe I do.

Tom – You have 120 miles of roads.

Chris Woznica – They don't sweep all of their roads, but, I do.

Tom Beaulieu hoped that if Chris was using the vacuum sweeper that he was using a power broom to move them and pick them up with a loader. You're going to destroy the equipment.

Chris Woznica – The power broom puts it off into the yards.

Tom Beaulieu – If you see what Lan –Co, CCI, or Barrett do, they've use it for 25 or 30 years. I also see how the board breaks down on spending. I know they're just getting into the budget process for 2011, but in looking at how we're spending money this year and the past year, revenues in 2010 were down 21% from the previous year. I don't know what they were down last year. We had a Fund Balance of 3.45 million in 2010 and I think we're down to a Fund Balance of \$2,631,000 which is money we can't utilize. In State Aid there was \$800,000.00 in 2010 and in 2012 we're down to \$500,000.00. We're losing \$600,000.00 in sales tax revenue next year.

Shirlie Stuart – Yes that's correct

Tom Beaulieu - That can't be made up unless we raise people's taxes. Last year the pension costs went up 6% from 2010 to 2012 which is \$580,350.00 and is \$187,000.00 more. When you look at mortgage tax revenues that we put down for a half million dollars, do you think your going to approach that.

Shirlie – Yes, I do

Tom Beaulieu – Potentially we're going to be about \$800,000.00 to a million dollars short of where we were last year. If we're going to be spending a half million dollars on equipment that is needed, how do we start cutting? How can you cut the budget without raising taxes.

Ms. Gardner stated that she's been reading that there is a 2% property tax cap that's going into effect this year. Is that true? What does that mean?

Shirlie Stuart explained that it is an equation that the State has governed. They tax last years tax levy including Special district's tax levy and there are a lot of variables that go into it, such as retirement and your pilot program. When it comes down to the bottom number we in this town are not going to be able to raise any more than \$245,000.00 in tax levy A, B and DB then we did last year. I think it equates to 3½ %. This is misleading to people. With this equation and the factors it's not exactly 2% across the board. It would be easy if it was.

Ms. Gardner – If you really feel you have cut the spending as much as you can, except for the \$900.00 pair of eyeglasses, maybe you have to raise taxes. It really isn't a bad thing, as long as you keep the spending down the best you can. I'm up here saying, if you've got to raise taxes, just bite the bullet.

Ray Schader agreed with Chris in regards to the sweeper. A rotary sweeper will not work. They tarred and stoned my road this summer and used one of those rotary sweepers and at least 40% of the stone is in the ditch in front of my house. Chris is completely right.

Dan Curran – The last time I was here there was talk of rezoning of the lighting districts in Heather Hollow as it was called. Has anything been done.

Ms. Boyke – We're working on it.

Jody Rogers stated that she has been advised by Shirlie that she needed a resolution from the board to cut a check off abstract, which would allow her to register the vehicle, rather than to wait two weeks.

Shirlie Stuart – It will be on the next abstract.

Motion was made by Mr. Corl, seconded by Mr. Jennings, to authorize the Comptroller to cut a check off abstract in order for Jody Rogers to get the new van registered.

The motion was approved as follows:

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

Engineer Comments

Doug Wickman stated the Drainage Contract #1 is nearly completed. Contract #2, Electric Railway is done, Gulfstream drainage is almost completed though there is some need of restoration there. Asa Eastwood is done, Rita Lane that is a complicated small job is pretty much done, Hessler Path is done and Orangeport Road is being started today. Cedar Point will be the last one. We have an easement on a property downstream along Vistula Path and Miller and work on the ditch there was started yesterday and is being worked on today and is ongoing. We obtained two drainage easements to do drainage work on Comstock Road.

Board Comments

Mr. Corl stated that he attended the North Syracuse Fire Department Open House this past weekend and it was put together very well. He believed South Bay will be having theirs this weekend starting at 1:00 p.m., with a Chicken barbeque. Hopefully everyone can check that out. At the last meeting he indicated there would be an Infrastructure Committee Meeting this past Tuesday, but, that was cancelled due to a conflict with the Drainage Committee, so that will be scheduled for some time next week..

Mr. Conway asked Chris Woznica if the Payloader will get him through the winter.

Chris Woznica – We'll have the new one before winter.

Mr. Conway – I just didn't want to see anything happen to it before we get rid of it.

Chris Woznica – It will be gone, before we need to start using it.

Mr. Conway – We have to have a Payloader for loading the salt.

Mr. Jennings – I've asked Jody if she would draft an article for the newspaper on what is being done at Skyway Park as quite a few people have been asking me.

Mr. Jennings stated that he also agreed with Chris. We have a lot of roads that have to be done in this town. People are pleased with the snow removal and the maintenance of the roads. We know some of the roads are extremely old and not in the best condition, but I think Chris does a fine job and the equipment is needed. I talked to the Comptroller about this and I'd like to make one point. At the beginning of the year at the Organizational Meeting, the Supervisor appointed Liaisons to different departments. I'm retired and have a little extra time, so I spend a little time in Shirly's Office, with Parks & Recreation and the Police Department. I got to ride in a Police car and have been working on upgrading radios. I've taken an interest in that and it was the appointment I was assigned to. I think Chris is right, you have a liaison and they need to go out to those departments and start looking and doing their part, so that they can report back to the residents.

Ms. Boyke stated that it is an on going situation with the Highway Department in regards to plowing the county roads. The county wants the town to take on more of the county roads and currently we are plowing about 30 miles of roads already. They are restructuring their budget. All of the townships have said that they can not afford to take on anymore roads because most of us don't have the equipment or the money to buy more plows. The County would be putting that burden on us. The only roads left that we don't plow are Northern Blvd., Taft Rd., and their four lane highways.

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

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 8:45 p.m.

Tracy M. Cosilmon
Town Clerk