

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, May 11, 2011, at 7:00 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

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

Others Present: Christopher Woznica, Highway Superintendent
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Steve Procopio, Codes Enforcement Officer
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Linda Losito, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Ronald DeTota, II PE, C & S Engineers
Absent: Sharon Edick, Receiver of Taxes

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

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

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn of your cell phones and be sure to speak 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. Conway, that all actions taken tonight are Type Two (2) actions under the New York State Environmental Quality Review Act unless otherwise determined.

The motion was approved as follows:

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

APPROVAL OF TOWN BOARD MEETING MINUTES

Motion was made by Mr. Jennings, seconded by Mr. Conway, to approve the minutes of the April 27, 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

Tracy Cosilmon requested approval to pay Davis Mechanical Services, Inc, \$1,367.95 for emergency heating system repairs made in the recreation barn. Due to the cost being over \$1,000.00 I'd like board approval.

Motion was made by Mr. Jennings, seconded by Ms. Boyke, to authorize an expenditure of \$1,367.95 to Davis Mechanical for repairs made to the heating system in the recreation barn.

The motion was approved as follows:

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

Tracy Cosilmon requested clarification from the board relative to receiving information and asked if they wanted it in e-mail form or in hard copy form and put in their mailboxes, in hard copy form. Tracy also requested that everyone check their e-mail addresses and give her any e-mail addresses that need correcting. Please let me know, what you feel comfortable with.

Ms. Boyke – We'll let you know.

Highway - None

Police

Chief Joe Snell stated that Angela Kleist will be receiving an award from the Optimist Club for her dedication to the Cicero Community for her management of the E-Policing Program.

Comptroller

Shirlie Stuart explained that the Town of Cicero offers an optional retirement plan with Nationwide Retirement Solutions. In 2007 Nationwide made some changes to the plan which the board needs to acknowledge with a resolution. She also asked to know the status of the policies for the following:

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adopt the optional retirement plan changes to the Nationwide Retirement Solutions as follows:

**Compensation Committee Resolution
to Amend and Restate the Model Plan**

WHEREAS, the New York State Deferred Compensation Board (the “Board”), pursuant to Section 5 of New York State Finance Law (“Section 5”) and the Regulations of the New York State Deferred Compensation Board (the “Regulations”), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of (Name of Local Employer) (the “Model Plan”) and offers the Model Plan for adoption by local employers;

WHEREAS, (Name of Local Employer) , pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Cicero;

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officer, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulation; and

WHEREAS, upon due deliberation, Town of Cicero has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Town of Cicero by adopting the amended Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that Town of Cicero hereby amends the Deferred Compensation Plan for Employees of Town of Cicero by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in County of Onondaga, New York this May 11, 2011 and directed that it be filed as appropriate.

The resolution was adopted as follows:

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

Ms. Zambrano asked that this resolution be posted on the website.

Shirlie Stuart – They can be part of the minutes.

Park & Recreation

Jody Rogers stated that to better reflect our mission, the board voted to change their name from Greater Cicero Community Youth Board to the Greater Cicero Community Connections for Youth. and that she would like Town Board approval for this.

Motion was made by Mr. Jennings, seconded by Mr. Corl, to change the name of the Greater Cicero Community Youth Board to the Greater Cicero Community Connections for Youth and to approve the deletion of Sheri Mitchell from the Cicero Youth Board Membership and to appoint the following individuals as follows:

Term ending 12/31/11

Alis Sefick, Program Coordinator Prevention Network
906 Spencer St.
Syracuse, NY 13204

Term ending 12/31/12

John Ginnan, Youth Pastor
7143 Collamer Rd.
East Syracuse, NY 13057

Laurie Cook, School Information Officer, OCMBOCES/NSCSD
5355 W. Taft Rd.
North Syracuse, NY 13212

The motion was approved as follows:

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

Jody announced that on Saturday, May 21, 2011 at Riverfront Park in Brewerton from 10:00 a.m. to 1:00 p.m. weather permitting, there will be a boating safety public affairs event that will be put on by the US Coast Guard Auxiliary Flotilla and it will include members from the Brewerton, South Bay, West Monroe, Caughdenoy, Constantia Fire Departments, the Sheriffs Department and State Police being on site. They will be doing pleasure boat inspections and will have equipment on display which is used for water rescues in and around our community.

Assessor

Brad Brennan stated that at a previous meeting he had asked the board for authorization to enter into an agreement for a new copy machine as their contract agreement expires in October. ComDoc has contacted us with a new opportunity to move into a new one now and not wait for the agreement to expire. They will take care of the remaining payments, the shipping charge which is a charge we might incur if we wait until October. The copy machine will cost the exact same amount which is \$176.00 per month. I e-mailed the board the information with a copy of the contract. If that is satisfactory to the board, I ask for permission to sign the new contract.

The information provided is for a 6 year contract for a replacement copier with a Xerox Work Centre 5638CPO, for the Assessors Office through ComDoc. The term of the lease would be 60 months at monthly installments of \$176.00. This includes 4,000 black and white impressions per month and all service and supplies except paper and staples overage per copy .0085. ComDoc will take care of all remaining payment on current lease and return copier back to the leasing company at no extra charge.

Motion was made by Mr. Corl, seconded by Mr. Jennings, to enter into a 60 month lease agreement Contract with ComDoc, to replace the copier in the Assessors Office, with a Xerox Work Centre 5638CPO model, at \$176.00 per month.

The motion was approved as follows:

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

Zoning - None

APPROVAL OF ABSTRACT #9 OF 2011

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #9 of 2011 as follows:

General Fund Voucher #796 to Voucher #882 In the amount of \$535,393.77
 Highway Fund Voucher #240H to Voucher #274H In the amount of \$ 72,623.55

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 Ms. Zambrano, seconded by Mr. Corl, to approve the following budget modifications as follows:

Shirlie Stuart explained that the amendment is for Buckle Up NY. Every year the Police Chief applies for it and there is revenue that comes in and then an expenditure that goes out. It really doesn't alter the budget, but it's still an amendment.

BUDGET MODIFICATION 2011
 TOWN BOARD MEETING 5/11/2011

2011	AMOUNT	FROM CODE	TO CODE
	\$2,300.00	A16204 BUILDINGS	A1620401 P & R POLE BARN
	\$ 35.05	A36204 MISC SAFETY EXP	A362041 BEACON LT
	\$ 753.97	B312040 POLICE CONTRACTUAL	B312051 POLICE COPIER
	\$ 52.30	A677245 SENIOR MISC	A677250 TAXES

2011	AMOUNT	FROM CODE	TO CODE
AMENDMENT	\$1,475.00	B3389E	BUNY GRANT
	\$1,475.00	B31201E OT	BUNY OVERTIME

The motion was approved as follows:

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

SET PUBLIC HEARING TO ADOPT A LOCAL LAW PURSUANT TO SECTION 278
OF THE TOWN LAW

Discussion:

Tony Rivizzigno stated this was on the agenda before. We took it back after we held a public hearing and found that we failed to put in the Local Law, the series in which the clustering would be allowed. We changed the Local Law to add the zoning district in which clustering would apply to all residential districts.

Mr. Corl asked if the board needs to do anything to vacate the public hearing that was held.

Mr. Rivizzigno – No

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set May 25, 2011 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street for a public hearing to consider adopting a Local Law pursuant to section 278 of the Town Code.

The motion was approved as follows:

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

Mr. Jennings requested that the main letter be put in the minutes or website.

Mr. Corl asked Tracy if she posts all public notices.

Tracy Cosilmon – Yes, public notices are put on the website.

SET PUBLIC HEARING TO AMEND SECTION 210-25 (2)
OF THE CICERO TOWN CODE

Discussion:

Ms. Boyke thanked Mr. Corl for revisiting the situation we have on Route 11. Have you found out, if the banks will recognize this at 75%?

Mr. Corl explained that we have a strip of area in the town that is zoned commercial however it has residential type characteristics along Route 11. It creates a problem for people who are going to purchase these properties. Because, people want to sell their properties as a home, and make an application for a mortgage and then they are denied a mortgage due to the way our code is written, which says if the property were destroyed, they can't rebuild it because it would be a non conforming use. This modification models the Clay model which they've had success in alleviating the problem. If people go to a lender and they look at our Town Code and there was a fire on the property, they'll be able to rebuild it in the exact same footprint and it will satisfy the lender and allow them to grant the mortgage. It is my understanding that there haven't been any issues in Clay and it would rectify the problem and the banks would allow the sales to go through as their interest would be protected should the place burn down. I think this would help the residents in that area that have been unable to sell their properties because of how the lenders are looking at our Town Code and it would be very helpful for them and would alleviate a lot of the issues that the homeowners are facing.

Mr. Corl's letter to the Supervisor and Town Board Members, stated that he would like to set a public hearing for May 25, 2011 to amend Section 210-25 b(2) of the Cicero Town Code to read as follows:

B(2) “Damaged Structures” – Should a non-conforming structure or non-conforming portion of a structure be destroyed by a means to the extent of more than 75% of its replacement costs at the time of destruction, it shall not be reconstructed except to the exact or more conforming dimensions as it existed on the date of destruction. If however, a place of residence of a citizen of the Town of Cicero is destroyed by accidental fire, hurricane, tornado or act of God, said homeowner may rebuild the residence to the original type and size of structure.

Ms. Boyke asked Steve Procopio if he had an opportunity to look into the property on Route 11 that he was contacted on.

Steve Procopio stated that he saw the draft of Jim’s revision some months ago, but, hadn’t seen it lately.

Mr. Corl explained that at the last board meeting we discussed this and most of my communication was done with Wayne. He isn’t here this evening and was indifferent on the proposed changes.

Ms. Boyke – We will set a public date for that and will look into it further.

Ms. Zambrano asked if this property were sold, would the new owner have the opportunity to rebuild and perpetuate that process. We’re talking about a commercial area, where they have residential property.

Mr. Corl stated that the language would allow that if it were a place of residence and were a citizen of the Town of Cicero. Should the property be destroyed by accidental fire, hurricane, tornado or act of God, the homeowner could rebuild the residence to its original type, size or structure. If someone is living in that residence they could rebuild it if there were a fire on the property but, if it were commercial in nature, they would have to conform to the code.

Ms. Zambrano – It is primarily for residents?

Mr. Corl – Correct, it is for residential properties in commercially zoned areas.

Motion was made by Mr. Corl, seconded by Mr. Conway, to set May 25, 2011 at 7:00 p.m. at the Cicero Town Hall, 8236 South Main Street for a public hearing to consider a revision to Section 210-25 b(2) of the Cicero Town Code.

The motion was approved as follows:

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

BOARD OF ASSESSMENT REVIEW APPOINTMENT

Brad Brennan stated that he had spoken with Paul Deischer, Chairman of the Board of Assessment Review and with Judy. Because this year is going to be a heavy grievance load, we’re going to have two grievance panels with three board members on each. That will consist of one temporary board member on one of the boards. We have a Secretary for the Board of Assessment Review, but, because we’re having two tables for hearings, we’ll need somebody that will help people as they come in to make sure they have their application filled out properly and to guide them to the proper table when they are called. I have given you a copy of Wendy Contos, resume who is the Secretary for Salina’s Board of Assessment Review. We will be done with our hearing at the end of May, so that she would be available to come in and help. She could also help our secretary compile information here as she also has that experience. She is the Deputy Clerk at the Town of Salina and has had a lot of experience with municipalities. She has been the Secretary to Salina’s BOA for two years.

Ms. Boyke asked if this is a budgeted item?

Brad Brennan – Yes

Motion was made by Ms. Boyke, seconded by Mr. Corl, to appoint Wendy Contos, to serve on the Board of Assessment Review.

Discussion:

Ms. Zambrano asked how many days are we talking about and what is the rate of pay.

Brad Brennan – The rate of pay, I don’t have in front of me, but, I believe it is \$11.00 per hour.

Ms. Boyke – It is \$11.00 per hour.

Brad Brennan – I am expecting that we will need her for 4 or 5 days of hearings, which are about 7 hour days and I don’t believe that the Secretary wants anymore assistance after that, but, she could do that also.

The motion was approved as follows:

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

Ms. Boyke – When the residents bring their applications in to get their appointment for grievance, will they have to have it totally filled out or do they just fill out the front part of the application?

Brad Brennan – We do request that it is completed when they come in for the appointment, but, we will certainly accept it partially filled in and then they can bring in the rest of the information.

Ms. Boyke – Obviously, people have a lot to do and they’ll all be coming the day before grievance.

HIGHWAY PURCHASES

Motion was made by Mr. Conway, seconded by Mr. Corl, to authorize an expenditure of \$30,000.00 to Oswego Tool & Steel, to purchase assorted drainage pipe per state bid.

The motion was approved as follows:

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

PUBLIC INPUT

Roy Mallette read the following:

As you know I am quite hard of hearing, so I would appreciate it if you will all speak into the microphone. I will try my best to make myself heard.

Last year about this time I predicted that the town would have to borrow money to meet its obligations. I did this from the seat of my pants and it proved to be correct.

This year 2011, I will make the same prediction. The Town has opened their fiscal transactions by posting abstracts each time the Board has approved them.

The credit rating of the Town is not nearly what it was compared to the rating of AAA+ when I was Supervisor in the late 80's, and the first two years of the 90's. We watched our expenditures very closely and discussed them at Board Meetings. Tonight the Comptroller presented the latest abstract. The Board approved it with no questions asked.

This year the situation seems worse. According to the 2011 Budget Summary, the Operating Budget is \$9,811,412. In the first four months the Town has spent \$7,080,922.04, leaving the Town with \$2,730,489.07 for the budget balance of the year.

I asked the Comptroller about this and was informed that the expenditures for NOPL and Fire Districts were responsible for the large amounts spent. Would someone please explain to me why the town spent such a large amount for NOPL. Doesn't NOPL have their own taxing procedure?

I would like to ask each Board Member, if they are aware of the critical financial problem with the Town. Any Board member can answer this question.

I would like to ask our Supervisor, the Chief Fiscal Officer of the Town, how much cash does the Town have available?

When is she going to request the Board to approve methods to remedy this problem? The Town has a poor credit rating and borrowing a large sum of money can be a problem. I would like to know the Town's present credit rating?

Tell us how many notes are outstanding, when they will be paid and the interest rate on these notes?

Answers to questions:

Shirlie Stuart – NOPL has its own taxing procedures, the only thing we do is collect their money. Our Tax Receiver Sharon Edick collects it and it goes into a holding T Account and then it gets dispersed out to the library.

Mr. Mallette – Is this a budgeted item?

Shirlie Stuart, No, NOPL or any of the Fire Districts are part of our budget. T Accounts are put on the abstract as a courtesy, so that everyone can see the actual expenditure of a T Account and what comes in and goes out. You can't count all of those abstracts, Roy. You really have to back out a lot of those numbers.

Mr. Mallette – You should put down that you received the money from another source.

Shirlie Stuart – Okay.

Mr. Mallette wanted to know if the board is aware of their critical financial problem in the town.

Ms. Boyke – What problem are you talking about?

Mr. Mallette – I'm saying you're going to run out of money and you're going to have to borrow.

Ms. Boyke – Per the Comptroller there are no red flags.

Mr. Mallette – How much cash does the town have available now and when are you going to adopt methods to remedy this problem as you're going to run out of money.

Deborah – A couple of weeks ago Mr. Gardner and I drove up Route 11 and went by the Sports Page that was once a landmark in this town for some people. It's dismal and is falling down as is another building further up. Can't we do anything about decrepit buildings in our town?

Ms. Zambrano asked Steve Procopio, what we can do about these buildings, as they also bother her too.

Steve Procopio – Perhaps the board could classify them as a nuisance property and take action to remove them, but, I haven't experienced that in the past and don't know what the process would be.

Ms. Boyke – Let' take a look at it and I'd be happy to sit with you and take a look at what it takes to identify and then a procedure.

Ms. Zambrano – That would be great, because Route 11 is supposed to be our commercial quarter and they do look dismal.

Mr. Corl asked Deborah to provide a list to the board and we can give them to Steve and we can look at each one that you are referring to. I know which ones you mean.

Deborah – I'll copy them to everyone.

Lori Sager asked what the percentage is of our mandated expenditures.

Shirlie Stuart - 60%

Lori Sager asked if they are expenses from State and Federal.

Shirlie Stuart explained that you have to be careful when you say that, as some are from Unions and are negotiable.

Lori Sager asked if some of it is controllable.

Shirlie Stuart – Yes, to an extent.

Lori Sager explained that she has spoken about expenditures for a couple of years and when there is something odd, Shirlie brings it up at a Town Board Meeting. She referred to copies of the Federal Constitution and the NY State Constitution and stated that it's time a nation start putting controls back into our Town Board, where we have control over our expenditures at an easier level than the State or Federal. We have Legislators in NY State who are willing to work with town boards. Since 60% of our budget is mandated and we have no control over, what is it that we as a town can do to support you to help get some of these mandates off our backs? We need to review these to see if they are truly necessary for taxpayers to pay for. There is only so much that we can afford. Lori thanked the Supervisor and everyone for making necessary cuts to their budgets and thanked Shirlie for being fiscally responsible. Remember that it should be local government that should have the power over all these mandates and if we could get rid of some of these mandates it may help.

Ms. Zambrano – Did Health Care cost go up 27% this year?

Shirlie Stuart – Yes and NYS Retirement went up 17% to 24%.

Ms. Boyke – That is one of the line items being argued on a daily basis in Albany as well.

Mr. Corl – What's the projection for next year for Health Insurance Premium increases?

Shirlie Stuart - It will be between 15% and 20% for just health care.

Ms. Zambrano – How about Retirement increases?

Shirlie Stuart – We haven't received anything yet.

Tom Beaulieu – Lori brought up some good points. He asked the kids in the audience if they knew who authored the Constitution.

Tom Beaulieu – Madison, who was the fourth President of the US who was the primary writer of the Constitution. We talked a little about a memo and I appreciate the fact that memos need to be sent back and forth on expenditures, because we want to keep a tight lid on how you're spending the dollars. The Clerk didn't submit a memo for a \$1,300.00 expense, but, when an item comes up for the Highway to spend \$30,000.00 I heard a 1st and a second come out of the town Board with no discussion. As a taxpayer, I'd like to know what that money is being spent for.

Ms. Boyke – It was for drainage pipe.

Tom Beaulieu – I understand it is for drainage pipe, but how many pieces and for what projects is it for.

Chris Woznica explained that Crabtree Lane will be a big project, where we are taking gutters out and installing underdrains. A 12 inch pipe will be installed under Tartan Drive, Welland, Sitka, and other streets depending on how much paving we can do. There are a number of pipes throughout the town that are failing. Off road pipes that run from swales to stormsewers are failing and we have had to replenish stock and it's going to be 10 and 13 inch perforated pipe.

Tom Beaulieu stated that some of his neighbors have asked him to address the board regarding Cobblestone that is behind Palm Summit and felt it's important to look at the problems neighborhoods are having. There is still construction debris, mattresses, furniture, in a fenced in area back there. Last year he personally spent money for a tarp and went back there and tied the thing up but, it blew down from the 60 mph winds we had. It was put up to shelter the view that our neighbors have. We also have drainage problems and standing water there. They have created a situation, where they cleared the area to store debris and in doing so, they trap water. They have a drainage swale 30 ft. from there and no one has gone over there from the Codes Office and told them to get that water off the standing land and into the drainage swale. I have 30 panels of fence that are in good shape that I inherited from the previous owner, but, I have panels that are starting to come down because my neighbors are running their water from their swale illegally and it is coming on to my property. They pretty much shut it off at one end and are allowing the water to come under the fence, therefore washing out the support posts. I've taken pictures of not only that problem, but, the mattresses, furniture and the piles of debris. I would hope that the Town Board would ask the Code Office to go over there and investigate. Certainly they could address Section 90-4 as it covers drainage, leaving standing water and not moving that water to a different area. Also Section 72-2 covers construction debris issues. I think you could expand that enough to tell these folks that its time to start moving that material. These people are good neighbors, they pay their taxes and they expect their town government to be responsive and nothing has been done for them. We will continue to pursue this until we get some action on it.

Ms. Boyke – To clarify that, it's not that nothing has been done. I spoke with Rita Schmid yesterday, and because of the 8 inches of rain we've received, it has created more of a problem than we had previously. We are waiting for some of it to dry up so that we can get in there. Vern and Chris have been there and it is on the Drainage Committee's list. As far as the debris goes, I know that Wayne and Gary have been over there in regard to the retaining fence where they keep all of their scrap. Since they can do that, we are asking them to put strips into the fence so that you can't see it. Wayne, Vern, the Codes Office and I are addressing it.

Tom Beaulieu understood that they have a business there and have to store things temporarily, but, it shouldn't be a public nuisance issue, but is. As far as the drainage issue I hope that we, the Taxpayers, don't pay to get that fixed, because they are the ones who created the problem and should find some way to take care of it themselves.

Ms. Boyke – We're waiting for the water to dissipate so we can evaluate it. We are addressing it.

Ms. Zambrano – This issue has been a long standing issue. I've talked to the Manager of Cobblestone last year and she promised to remove those concrete slabs that were back there and nothing was done. I did bring it to the attention of the Supervisor and the Codes Officer, so I'd like to make a resolution that this Cobblestone issue be taken care of once and for all as it is unsightly and is a long standing problem.

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to address the problems related to Cobblestone at once, due to the long standing problems with debris and drainage water.

The motion was approved as follows:

Mr. Conway: Yes

Mr. Corl: Yes and Steve please provide a report or memo to the board at the next meeting, as to your investigation.

Steven Procopio – Yes

Continuation of the vote:

Mr. Jennings: Yes, One issue you can approach is that mattresses create a health issue and rodents. If there are not results contact the Health Department and I think that would expedite what they have to do.

Ms. Zambrano: Yes

Ms. Boyke: Yes

Mr. Conway stated that they had a Drainage Committee Meeting on Monday and we had 10 new complaints over what we've had. I believe it will be another two weeks before it dries up enough for us to go out and walk it to see what we can do. It is so wet out there you sink up to your ankles. It isn't that we aren't doing anything the weather hasn't been conducive to do any work.

Mr. Bersani stated that he had a couple of issues to address to the board and that the first is relative to what has been spoken about and the other is about signs. He also had some photos and stated he received a letter from the Zoning Office in February regarding a sign in the front of his store which was on a licensed boat trailer and portable and not permanent. To this day, there are Police signs up in this town and they haven't been taken down since September. What is being done about those?

Ms. Boyke – We spoke about this last week and they are taking them down. I did go to the Zoning Office and that is on their list and we're working on that problem.

Mr. Bersani distributed photos taken in the fall of 2010 through this year showing his business and his parent's home which has been flooded twice in the last two years. They have never had flooding until Mariners Landing was built and a neighbor filled in a drainage ditch. I made everyone aware of that, years ago. Nothing has been done about the filled in ditch. I have erosion in my yard because of that.

Ms. Boyke asked Mr. Bersani if he filed a formal complaint.

Mr. Bersani - I've spoken with Chris and he sent the vacuum truck out last week.

Chris Woznica – That pipe was clear. You said it was plugged.

Mr. Bersani stated that he brought to Chris's attention that the ditch was filled with cement blocks done by the previous owner.

Chris Woznica stated there is no easement for that ditch.

Ms. Boyke stated that she would like to get together with Chris and Vern and the Committee and put this on our list.

Mr. Bersani explained that this never happened until the ditch was filled and the problem is that more water is coming down from Mariners Landing than we ever had in the past. There are 3 drainage ditches there, one large one on the west side of my parents house, one, next to my parents house and one by the side of my shop. The one on the side of my shop as you can see from the pictures is half full. When it was half full, the water was going through my front yard coming up the grates on the other side. The third one would have alleviated that problem, or helped a lot.

Chris Woznica – I know the problem, but, by law there is no easement so, I can't go on that and just clean somebody's property. That's where the problem lies.

Ms. Boyke – We will look at it and I would like to hang on to your pictures. It will go to the Drainage Committee and Engineer and we will contact you, to let you know if and what we can do or can't do and figure out how we can take care of it.

Mr. Bersani – A couple of years ago I made the board aware of a dangerous sign that is held up by straps at Oneida Bay Marina and it's still there.

Ms. Zambrano – The problem that Mr. Bersani brings up about properties that never use to flood that are now flooding, is an issue in this town because of the development, etc. I would like some feedback from our attorney and codes office as to what we could potentially do about those problems. As I'm understanding, Chris, there are no easements on Mr. Bersani's property, so that precludes the town from going on there. If he has acute flooding, when before he didn't have, what is the recourse? There must be some recourse that we can impose so that some people don't get flooded.

Mr. Rivizzigno explained that you could go through a whole drainage issue with the engineering from the standpoint that you needed to create an easement, or you could condemn it if the person didn't want to give it to you, but, from an engineering standpoint you have to be sure that what you would be doing is going to alleviate the problem. That is going to cost some money if you have to do condemnation and you would probably have to pay for those easements. You would need to look at this in a comprehensive way and from an engineering and legal standpoint.

Ms. Zambrano – Mr. Bersani brought this up last year when I was on the Drainage Committee and again now. We've had a lot of flooding and for as many that have been spoken out loud, there must be 20 more that are never brought to our attention. It is a problem in Cicero and I think at some point someone has to address it.

Tony Rivizzigno stated that the problem is that you can't go back to the original developer as he isn't involved and it will become the problem of the town.

Ms. Zambrano stated there are so many acute problems, that we haven't been able to develop a comprehensive drainage project for the long term. That is something we need to keep in mind.

Don Snyder stated that he has been on the Drainage Committee for 1 1/2 years. Mr. Bersani talked about a property where the previous owner caused the ditch to be filled in and we didn't catch it. Our code's people can't be everywhere. It appears that there is no way to go on the new owner to re-create something that the owner from which he purchased the property caused. The taxpayers should not be paying for something a homeowner screwed up. We constantly hear about swales in this town. This town is flat and the first thing our property owners do is put their leaves, grass and dirt, or their shed foundation back there. This becomes a problem, maybe not for them, but for the next two or three properties. There are a couple in my neighborhood that were looked at a year ago and one is where a person had water in her back yard because the guy downstream put in a play yard and filled in the swale. There's got to be a way to take care of those people and the taxpayers shouldn't be responsible for paying for this one. If it's a major issue perhaps we will have to go to new owner and ask them for a right of entry to take care of the problem and if it involves many people and that way we help all of them. If they won't comply, we may have to condemn the property, so the ditch can be put back in.

Mr. Bersani asked if the town could pass an Ordinance stating the people can't plug up a natural drainage easement. This is exactly, what it was and was there forever and was there 50 years ago. Getting permission is a half second thing, as half of it is mine and the other half is the neighbor next door to me and the new owner would be willing to do anything.

Mr. Bersani – Can you pass an ordinance to stop people from damming up the natural flow of water? It would be that simple and then you'd have recourse to go to them and fine them and that's how you would pay for it.

Mr. Rivizzigno explained that under the Common Law there are Riparian Rights and you can't do something on your property that causes damage to your neighbor. That would be between neighbor and neighbor as we're only responsible for the drainage system that we maintain. The problem with a lot of these things is that those ditches are not part of our system and are a ditch in somebody's back yard. If they fill it up and cause damage to the neighbor's property, they can be sued by the neighbor. It isn't something that the town can legally get involved in unless we create a whole drainage system and just like a developer does, put a swale in back of all the houses we could go in there and condemn all those houses or properties or condemn an easement for all of those properties to create the drainage area, but, that's time consuming and money.

Chris Woznica stated they had the same problem 3 or 4 years ago on Bull Street where there was an old farm ditch running on to the Roberts property. They built some houses there and there was nothing we could do, yet it flooded everybody up stream. If a new owner wants to plug up an old farm ditch, there is nothing the town can do about it. I feel for Lou, but unless the board comes up with something, we can't do anything.

Ms. Zambrano – In researching this Chris, when the deed was filed and the town was supposed to take easement and didn't on one of those properties, which was one of the problems. The easement was supposed to have been there, but, in the end, the town couldn't do anything and I think the problem died as we haven't heard anything.

Engineer Comments

Ron Detota stated that quite a few e-mails have been forwarded from our office and the County's Office. It has been brought to our attention from Onondaga County Water Environment Protection, that two pump stations, one located on Thompson Road and another located on Totman Road that the service life of those pumps have reached their limit. Both pumps are approximately 30 years old, which is very old for that type of machinery. The manufacturer no longer exists, production of parts has ceased back in 2002 and it has been impossible for the County to obtain parts for them for repairs. They cost \$14,588.00 and it will take 6 to 8 weeks for the delivery of those to be delivered to the County and the County would install them and replace the ones that are there right now. Since those e-mails were generated back in late April, we were

notified as were the Board Members, that one of the pumps inside the Thompson Road station had failed and there is no way for them to replace it. Basically, each pump station has two pumps. You have a primary pump and an emergency pump in case of failure. Right now Thompson Road is operating on their last leg. If that pump should fail, then it becomes very costly as you would be talking about emergency and bypass pumping and the cost would quickly accumulate. I would respectfully ask that the board consider authorizing the purchase of those four pumps for those two pump stations in the amount of \$14,588.00 that I quoted.

Ms. Boyke stated that she understood that it is the town's responsibility to do this.

Ron DeTota – That's correct.

Ms. Boyke – The County will install them for us at no cost?

Ron DeTota – That is incorrect. The County will install them, but it's billed to the town as far as that service as part of their general maintenance and repair contract they have with the Town of Cicero. I asked the County how long, that would take and they said it would be roughly, four hours for each part. I do not know what that will equate into dollars.

Ms. Boyke – The important thing, is to get these pumps ordered.

Ron DeTota- I have been told there is a 6 to 8 week lead time, so right, now we're skating on thin ice with Thompson and hope nothing happens to the one that's in service now.

Ms. Zambrano – Do we have the money?

Shirlie Stuart - I gave them the purchase ok on this already and have given them a PO considering that this was an emergency. I asked them all the correct questions from the beginning and wanted to know what our unit charge of \$333.00 paid that every single taxpayer in the sewer district pays and where it was going. They said it had nothing to do with the pumps or the maintenance and is all to do with the treatment of the sewage, so I said alright. I already approved it, so all I need is a resolution from the board to accept the emergency purchase.

Ms. Boyke – Will this come out of the sewer district money?

Shirlie Stuart – Yes, this would come out of the sewer district money and that was her question, because the taxpayers already paid \$333.00 on their taxes. I would have thought that would cover it, but, no.

Ms. Zambrano – What is it coming out of?

Shirlie Stuart – It will be paid out of the consolidated sewer district and we do have the money.

Mr. Jennings – For clarification was that \$14,588.00, for all four pumps?

Ron DeTota – Yes, plus the cost for installation. As a side note, one thing for the board to consider is that pump stations are moving parts and in a perfect world it would be great if we could have gravity sewers all throughout the town to serve the residents. With less moving parts, there is less of a chance for breakdown. This is what other communities have done, recognizing the fact that this puts a burden on the town in the future. At the time when the developer comes in with their proposal for the pump station, there has been a request for monies to be put into the General Fund for the consolidation of sewer districts which would help offset the cost, not only for this replacement, repair and maintenance, but, also for the operational fees for power and everything else. From my experience with that, there has been a little reluctance with the developers, but in the end they feel it's for the better too. The fee I'm talking about is \$25,000.00 and as I said it will offset future costs and ongoing costs.

Ms. Boyke asked if Ron knew of any towns that have adopted this.

Ron DeTota – Clay

Ms. Zambrano – Ron, what did you mean by \$25,000.00.

Ron DeTota – It's basically during the conceptual design of a project, when a pump station is identified as being required to serve the new development.

Ms. Zambrano - We're to get \$25,000.00 for that development and that's it?

Ron DeTota – No, there are other costs, but that helps to defray the costs that are incurred.

Ms. Zambrano – Is it a one time thing?

Ron DeTota – Yes, it’s a one time thing.

Ms. Zambrano asked if that would that be released.

Ron DeTota – No, as that is their share for the operation and maintenance and repair of this.

Shirlie Stuart – It’s kind of like the parks 277 fees.

Ms. Boyke – It sounds like something that should be discussed.

Ron DeTota – As seen tonight, when they fail, they can be costly.

Ms. Zambrano – The pumps were put in 30 years ago.

Ron DeTota – I believe 31 years ago.

Ms. Boyke – we got good service out of it.

Ron Detota – You certainly did.

Mr. Conway asked how many pumping stations we have.

Ron DeTota – I’d say 1,000 possibly. All the land that was easier to use has been develop, so the land that was left is more difficult, so you’re going to see more of this type of infrastructure required to move development forward.

Ms. Zambrano stated that she owed Ron an apology as she kind of blasted him last time.

Ron DeTota - Thank you

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize the emergency purchase expenditure in the amount of \$14,588.00 plus installation fees, to replace the four pumps at two pumping station located at Thompson and at Totman Roads.

The motion was approved as follows:

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

Attorney Comments – None

Board Comments

Mr. Conway stated that Beach Road is finally out of water.

Mr. Jennings – None

Mr. Corl stated that he had distributed to the Board Members the proposed process for filling vacancies on boards. Tracy was helpful in putting together some language and Jody has provided some revisions to that, so please send those over to me, so that we can incorporate those.

Ms. Zambrano – Will this be addressed at the next meeting?

Mr. Corl – Yes, so everyone can have some input.

Ms. Zambrano – I’d like to do it now.

Ms. Boyke – Do we have any other amendments? Lets put it on the agenda for the next meeting.

Mr. Jennings – I will mail you and Jim what I have.

Ms. Boyke – To all members as well.

Mr. Jennings – Yes, I'll send it to everyone.

Ms. Zambrano stated that she got a comment from the people who live on Kopp Avenue complaining about the noise coming from Lucien's Entertainment Complex. I would like to know the status of Lucien's.

Mr. Conway – Didn't they close?

Ms. Boyke – No, they opened up and this is their second weekend. It is our understanding that when they re-opened, they were only going to have one band being held in the front part of the facility and they were supposed to be cooperating as far as noise. Per comments we received, they said they called for someone to come.

Chief Snell – We addressed that and you and I met and you were given a copy of the calls and responses. I'm not sure there have been anymore responses since then. The Sheriff's Department handled one. We talked about whether you wanted us to start issuing them summons for violations of the Local Law or not and wasn't quite clear as to what we agreed on or didn't agree on. I think you wanted to try a different avenue and try to address it. If you want us to start issuing summons for violation of the local law, we can do that.

Ms. Boyke – When we talked, that was prior to these complaints coming in. So, it appears that we need to enforce the new local law in order to hold them accountable.

Chief Snell – I would recommend in the future, that the Planning Board, prior to approving these types of establishments should look at the general vicinity and the noise issues that could be created. We had that problem when 8 Tracks put the deck on the back, when the State Liquor Authority gave them permission to bring alcohol to the deck. I think the Planning Board needs to look at these issues and get some advice from the Police Department.

Ms. Boyke – Part of the stipulation when they were opening this facility was if there were substantial complaints that came in, they would have to go back before the Planning Board.

Steve Procopio – They received a conditional approval and Lucien signed a voluntary agreement that if the board felt that parking was not sufficient, or there was any other reason the site plan was not working, they would have to come back in to the Planning Board for revision to their site plan. That's the last conversation that Wayne had with Lucien, when he realized they were re-opening. I said if we get any more complaints, you're going to have to pencil in a date, to come back to the Planning Board. At this point, we did receive one that I'm aware of last Monday and I saw that letter that Jessica has yesterday. Maybe we need to speak with the Planning Board Chairman and see if they need to come back in.

Ms. Zambrano stated the letter was signed by three residents.

Ms. Boyke asked Steve to contact Mark Marzullo and let him know that we are at the level of complaints, where they need to be called back.

Mr. Jennings – I think then when Wayne was going to go over and shut down the facility, Mr. Lucien decided himself to close it. My understanding, since he did that on his own, he could re-open and didn't have to address the Planning Board. But, now we've got another complaint and he is going to need to because that's a signed document, I believe.

Steve Procopio – I didn't hear that logic, but, still believe he is required to come back in.

Ms. Zambrano – Do we need a resolution to ask them to come back?

Ms. Boyke – No

Steve Procopio – I have the agreement right here and he did agree with the Planning Board to appear before them.

Mr. Corl – It is my understanding that Wayne was going to have them on the agenda with the Planning Board, but, they closed on that Friday and were scheduled to come in on Monday.

Steve Procopio – I believe that's correct.

Mr. Corl thought that there were some folks that came in, as this issue concerns them. Keep in mind from when I talked to Wayne, that once appearance tickets start to be issued to these folks, they're probably going to be less cooperative with the town in trying to rectify the problem by providing insulation for that. Even though they will be coming back to the Planning Board, we want them to be cooperative. Perhaps we may want them to insulate the building, so it may be beneficial for them to come in at the next Planning Board meeting to see what their plan is going to be to alleviate the sound issues before we start issuing tickets. If it gets caught up in the court system, those folks may not get relief for some time. It would be better to work with the owner.

Steve Procopio stated that he assumed that is what they would address and that he believed that Lucien told Wayne that they were addressing some of those issues and didn't think it would be a concern anymore. I also believe Wayne went there that weekend.

Ms. Boyke – He did.

Steve Procopio went to hear it for himself and hasn't been back to work, so I don't know what the result of that was.

Ms. Boyke stated that she wanted Steve to contact Mark Marzullo and find out what the procedure is to bring them back in. If that is something you have to issue from the Codes Department to the Planning Board, I don't know. We will follow that process and I ask Joe to wait.

Mr. Corl – Did they have an event this past Friday?

Answer – Yes

Ms. Boyke - They are open every Friday and they're on Facebook.

Ms. Zambrano stated she also wanted clarification regarding a May 6th memo from the Justice Court Department that says, please be advised that our window hours have changed effective immediately as follows: Monday – Thursday 11:30 a.m. to 3:30 p.m. and closed on Friday. I was rather shocked when I got this memo, because I don't recall that there was going to be such a change. I know that this issue came up because of staff overtime in the Justice Department. They're overtime budget has been exhausted, so they have to work out some kind of system where they aren't incurring overtime, but, to do this unilaterally without Town Board approval and to limit the hours without letting the public know ahead of time is a little bit disingenuous. In being open from 8:30 a.m. to 4:30 p.m. and going to 11:30 a.m. to 3:30 p.m. isn't quite fair to the public and I don't see how they can enforce that without Town Board approval.

Tony Rivizzigno – I think the Justice Court can pretty much run their own operation and I think that they can set whatever they want to set in terms of receiving fines or having their window open. It's kind of under their control as long as we still have control of the pay that we pay the Clerks and so forth. But, in terms of their internal operations, that's up to the Judges.

Ms. Zambrano – Are not the Judges able to appoint their Clerks? Aren't the rest of the people who work in that office Town Employees and civil servants? There was no discussion with the Town Board about this. We've gone from 8:30 a.m. to 4:30 p.m., Monday through Friday to 11:30 a.m. to 3:30 p.m., four days per week unilaterally and without discussion with the rest of the board members.

Tony Rivizzigno – I'm not going to disagree with you in terms of discussion with the board, I'm saying that they have control and I'll be happy to research that for you further. I think they have control of their internal functions of their office. I'll look into that.

Mr. Corl stated that you need to keep in mind that it's a bit disingenuous to complain about them being short staffed and not being able to mandate the office, or adequately be open, when last budget cycle Judge Putzer said we need to have that part timer to continue in that office and it was cut by this town board. That is one of the reasons why I voted against the budget. They stood here and said, there could be potential problems in that office, if you cut a part time person. I said, on the record, if we keep the part timer, we should add a credit card machine in that office and we could potentially pay for that part time person by collecting the fees and revenues by credit card as opposed to turning people away. People who are being turned away are having problems with their drivers licenses now, people are coming in with Commercial Drivers Licenses and can't get their lift suspension done on that day and it's causing a major problem. As I said, Judge Putzer stood here and zealously advocated to keep that part timer. These are the residual effects of that.

Tony Rivizzigno – You have to weigh that against our budget constraints. It's easy to keep putting people on, but, you have to pay for them.

Ms. Zambrano asked Shirlie if she knew how much was paid in overtime.

Shirlie Stuart – Not off the top of my head, but I think around \$3,000.00 but I can't speak on that. We only budgeted \$500.00 because we never had overtime in the past and since we have a new Judge and a new Court Clerk, we knew that we were going to sustain some, to get her trained. It was my understanding that after her training, that there would be no overtime. Let me back up, there has always been overtime with the Court Clerk's because they work the courts, but, in the past, they always took comp time. In due respect to them, they have a choice. They can take it overtime or they can take comp time. This year they chose to take the money and that is why we're short in the overtime line.

Ms. Boyke – That is because it was not budgeted.

Shirlie Stuart – Absolutely

Ms. Boyke – Two clerks are taking turns at the window but, their work load is an extreme work load that has to be taken care of. As far as the window being closed, it was my understanding that it was only going to be on Friday. We are addressing the reason for it being open from 11:30 a.m. to 3:30 p.m.

Ms. Boyke stated that information was received late today from Computer Outlet. Mike Frasier had an emergency so that is why it was late. I am asking the board to look at this proposal which is part of the ongoing IT Program to get the town and it's areas all in line with their software and their equipment and making sure that we are correctly licensed, making sure that we have fire walls and security. It has to be done in order to evaluate where we are with our whole computer system. The backup system has been reevaluated and we had an overload and had to put in a new hard drive. We have taken care of that and are now running more smoothly and the speed is better. I am just asking you if you would between now and the next town board meeting to take a look at this and contact me, Mike Frasier or John Winters, who is the Chairperson for the IT Committee, with any questions.

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 8:30 p.m.

Tracy M. Cosilmon
Town Clerk

