

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held a Special Town Board Meeting on Monday, July 12, 2010 at 5:00 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: Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Pamela Williamson, Secretary to Supervisor
Anthony Rivizzigno, Town Attorney
Brenda Colella, Town Attorney
Mark Parrish, O'Brien & Gere
Mark Marzullo, Planning Board Chairman
Alex Wisniewski, LJR Engineering
Catie O'Toole, Post Standard

The meeting was opened at 5:00 p.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

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

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn of your cell phones and be sure to speak into the microphones to enable all to hear.

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

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

ACCEPT AND AUTHORIZE SUPERVISOR TO EXECUTE SHARED SERVICES AGREEMENT WITH NORTH SYRACUSE DISTRICT

Motion was made by Ms. Boyke, seconded by Mr. Conway, to accept and authorize the Supervisor to execute the Shared Services Agreement with the North Syracuse School District.

The motion was approved as follows:

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

ACCEPT RESIGNATION OF JASON MOTT EFFECTIVE JUNE 9, 2010

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to accept the resignation of Jason Mott, with regret from the Planning Board effective June 9, 2010.

The motion was approved as follows:

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

PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 190, TAXATION OF THE TOWN CODE OF THE TOWN OF CICERO WITH REGARD TO PROVIDING ADJUSTMENTS TO VETERAN’S EXEMPTIONS AS A RESULT OF REASSESSMENT

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

Notice of Public Hearing: Town of Cicero

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 12th day of July, 2010, at 5:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that amends Chapter 190, Taxation, of the Town Code of the Town of Cicero with regard to providing adjustments to veterans’ exemptions as a result of reassessment. The extent of the amendment will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk’s office.

The public hearing was opened at 5:07 p.m.

Brad Brennan explained that currently this Eligible Funds Veterans Exemption is a maximum amount of \$5,000.00. When we go to full value, that \$5,000.00 isn’t going to be very helpful or meaningful to our veterans. Currently, we have 285 veterans in that veterans program. This amendment will allow us to adjust those existing exemptions up by the factor of level of assessment change. It will probably be a factor of around 20, so if we multiple the 5 by the 20, we’re going to give those exemptions at about \$100,000.00. That is probably the maximum it will be at. There is another portion to this and the amendment will allow anyone that has previously converted from eligible funds to the Alternative Veteran’s Exemption, which is a percentage, they will have 12 months from March 1st, 2011, to convert back to Eligible Funds.

Mr. Jennings – Right now I get 25% as a combat veteran. How would that affect me and other combat veterans?

Brad Brennan – It won't effect the existing Alternative Veterans Exemption, which is a percentage as you have. This Eligible Funds Exemption is a set amount and was based on mustering out pay and educational funds that were used to purchase a home. It could be as little as a couple of dollars all the way up to \$5,000.00.

Mr. Corl stated that no one will have to re-apply as it will be done automatically.

Brad Brennan – Yes, that's correct.

Speaking for - None

Speaking against:

Tom Beaulieu, 6121 Palm Summit asked how the factor of 20 that Brad was talking about is determined.

Brad Brennan – The State will certify that amount. They'll look at the level of change for the overall town and they won't be looking at individual homes.

Tom Beaulieu – So, it will be applied across the board and they will have an opportunity to switch back in 12 months to a fixed deduction. Is that correct?

Brad Brennan – The Eligible Funds Exemption wasn't as advantageous as the Alternative Veterans Exemption, which was a percentage. They may have switched already, but, we will give them, 12 months to switch back if the calculation is in their favor.

Tom Beaulieu stated that for 99% of them, it will be in their favor to go to the equalization number.

Brad Brennan – I'm not saying equalization number. They may switch from the 25% that they may have and now, that the Eligible Funds is factored up may be a higher amount for them.

Tom Beaulieu – This is for any veteran who has served in any war, or peacetime. Is that correct?

Brad Brennan – The Eligible Fund Veterans Exemption, that we're going to amend now, actually isn't allowed any longer. I believe they stopped giving that out in the early 1980's, so we're taking about people from WWI or WWII and maybe some from Korea. It's not a factor of people seeing something different. If they are already receiving the Eligible Fund Exemption, we will factor it up and very few have switched on it, but they will have that chance to switch back.

The hearing was closed at 5:11 p.m.

Board Comments - None

Motion was made by Ms. Boyke seconded by Mr. Corl, to approve an amendment to Chapter 190 of the Town of Cicero Town Code, to provide for adjustments to veterans' exemptions as a result of reassessment, to be known as Local Law No. 4 of 2010.

The motion was approved as follows:

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

PUBLIC HEARING TO CONSIDER A LOCAL LAW APPROVING A
DEVELOPMENT PLAN PROPOSED BY LORETTO HEALTH AND
REHABILITATION CENTER FOR ITS GREENHOUSE PROJECT TO BE LOCATED
ON A SPECIFIC PORTION OF THE CICERO COMMUNITY CENTER CAMPUS
AND CONSISTENT WITH THE CICERO COMMUNITY CENTER CAMPUS, PUD
ESTABLISHED BY LOCAL LAW 2 OF 2000

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

Notice of Public Hearing: Town of Cicero

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 12th day of July, 2010, at 5:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law approving a development plan proposed by Loretto Health and Rehabilitation Center for its Green House Project to be located on a specific portion of the Cicero Community Center Campus and consistent with the Cicero Community Center Campus P.U.D. established by Local Law No. 2 of 2000. The extent of the local law will be reviewed by the Town Board at the public hearing. The local law shall be available for review in the Town Clerk's office.

David Norcross, affiliated with Pioneer Development Company and representing Loretto Health and Rehabilitation with regard to their proposed Green House Project in the Town of Cicero explained the conceptual site plan of the project. A drawing of the site plan showed the entire Cicero Commons property within Phases I and II, Route 11 north and south. The existing Meltzer Court Drive will be the entrance to the project. The Loretto Project is proposed for the western most 18 acres. Loretto is proposing to construct thirteen, 8,000 square foot green houses which will consist of one story, twelve bedroom, single occupancy units and are basically skilled nursing units. They are going to be constructed very much like single family home structures. The intent of the Green House Project is to de-institutionalize health care and to bring health care back to a more residential delivery system that allows elders to age in a place that is as close as you possibly can get to your home. Loretto is very excited about the Green House concept in terms of the new way to deliver health care for seniors and are very appreciative of the support they have received from the Town of Cicero. As part of their development, Loretto will be constructing some additional infrastructure such as sewers, water, and roadways, which will ultimately be turned over to the town at the end of the construction process. We are anticipating a project that would most likely start in late fall of this year with actual building construction being in the spring of 2011. Drawings of the floor plan were displayed and the design and layouts were explained. The finished product will be very homelike with high end interiors. There will be a central seating common area with a hearth, common dining and kitchen, with all meals being prepared on site.

Ms. Zambrano asked what type of staffing would be available and the total number.

David Norcross explained that the total number of employees would be approximately 120 and it will be a 24/7 operation, broken into three shift staffing. The majority of staffing will be from 7:00 a.m. to 3:30 p.m. with each one of the homes being staffed by three health care workers. There will also be visiting nurses and doctors to handle the entire complex as well as maintenance workers to care for the facility. There will also be some staff onsite in the administrative building that will be located on the southerly side of the property.

Ms. Zambrano asked if there will be emergency access.

Alex Wiesniewski – Each unit will have a garage with overhead doors for deliveries, or to be used for emergency vehicle access and there will be a driveway associated with each unit as well as offsite parking with handicapped designating parking areas.

Ms. Boyke stated that the Planning Board has given their recommendation to go forward with this.

The public hearing was opened at 5:21 p.m.

Speaking for - None

Speaking against - None

The hearing was closed at 5:22 p.m.

Board Comments:

Mr. Rivizzigno stated that he wished to substitute the document the Town Board had, as they didn't have all of the documents that the engineers had provided when preparing the law. The new paperwork contained all the documents for the Local Law. The approval will be conditioned upon those items listed in the local law and it would then be upon the Town Board's responsibility to make sure those conditions are ultimately met.

Mr. Corl stated that he would presume that what Tony gave us contains the same provisions that were set forth in the Planning Board Minutes of June 21, 2010 on page 10.

Tony Rivizzigno – Correct

Mr. Corl – I know that the Planning Board had discussions regarding the sidewalks. In the proposed language as drafted here, the maintenance of the sidewalks would be through a Maintenance Agreement prepared by the developer and shall be reviewed and approved by the Town Attorney and the Town Board. Since we're going to be implementing a new town wide ordinance would it be worthwhile just saying the developer will agree to abide by those terms and conditions, which will probably be approved before ground breaking?

Tony Rivizzigno stated that he didn't see any problem with it.

Mr. Corl – That way, there isn't a separate agreement, just for this project. I don't know if the developer has any objection to that.

Motion was made by Ms. Zambrano, seconded by Ms. Boyke, that the Town of Cicero adopt a Local Law approving the proposed amendment to the Town of Cicero Community Center Campus PUD, Phase II, approving Loretto's development plan for its Green House Project on a specific portion of the Campus property, subject to the conditions listed in the minutes of the Town Planning Board's June 21, 2010 meeting and subject to the conditions listed in the letter dated June 16, 2010 to the Town Planning Board from the Town Planning Board Engineer, with such Local Law to be known as Local Law 5 of 2010.

WHEREAS, the Town Board previously adopted Local Law No. 2 of 2000, establishing the Town's Cicero Community Center Campus Planned Unit Development District (the "Cicero Community Center Campus PUD"); and

WHEREAS, said Local Law No. 2 of 2000 approved an overall conceptual plan as well as a procedure for approval of development plans on specific portions of the Campus property through the adoption of a local law; and

WHEREAS, at the regular Town Board meeting held on January 27, 2010, Loretto Health and Rehabilitation Center ("Loretto") presented a development plan to the Town Board to develop 13 Green House residences, each housing 12 seniors, on 18 acres of the Town's Cicero Community Center Campus (the "Green House Project"); and

WHEREAS, at its regular meeting on January 27, 2010, the Town Board determined Loretto's development plan for its Green House Project was generally consistent with the overall conceptual plan for the Cicero Community Center Campus PUD approved in

Section IV of Local Law No. 2 of 2000, identified the Town Planning Board as lead agency for purposes of SEQRA review of the plan, and referred the development plan to the Town Planning Board for review, analysis and recommendations; and

WHEREAS, on February 3, 2010 and May 17, 2010, Loretto presented its development plan to the Town Planning Board through an application for site plan and subdivision approval, as contemplated by Section IV(b) of Local Law No. 2 of 2000; and

WHEREAS, the Town's Planning Board held a public hearing on June 21, 2010 to consider the application of Loretto for site plan and subdivision of land and the proposed amendment to the Town's Cicero Community Center Campus P.U.D., Phase II; and

WHEREAS, the Town's Planning Board adopted a resolution at its meeting on June 21, 2010, finding that Loretto's application constituted an unlisted action under SEQRA, based on a completed long-form Environmental Assessment Form and a complete and considered public hearing; and

WHEREAS, the Town's Planning Board adopted a resolution at its meeting on June 21, 2010, approving Loretto's application for site plan and subdivision of land and issuing a positive recommendation to the Town Board for approval of the proposed amendment to the Town's Cicero Community Center Campus PUD, Phase II, contingent upon certain listed conditions being met; and

WHEREAS, the Town Board called and held a public hearing on the proposed amendment to the Town's Cicero Community Center Campus PUD, Phase II, and approval of Loretto's development plan; and

WHEREAS, after due deliberation and upon the Town Planning Board's positive recommendation, the Town Board has determined that a Local Law approving Loretto's development plan and the proposed amendment to the Town's Cicero Community Center Campus PUD, Phase II, is in the public interest, subject to the conditions listed in the minutes of the Town Planning Board's June 21, 2010 meeting.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Cicero adopts a local law approving the proposed amendment to the Town's Cicero Community Center Campus PUD, Phase II, and approving Loretto's development plan for its Green House Project on a specific portion of the Campus property, subject to the conditions listed in the minutes of the Town Planning Board's June 21, 2010 meeting, and subject to the conditions listed in the letter dated June 16, 2010 to the Planning Board from the Town Planning Board Engineer with such local law to be known as Local Law No. 5 of 2010.

The Resolution was adopted was as follows:

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

Ms. Zambrano stated that she was pleased that we are part of this Green House Project and being part of this new concept in elder care which is revolutionary and is embryonic across the country. We are lucky to have this type of facility in our community and can consider ourselves as being one of the pioneers, as there are only 2 or 3 in NY State. The Crew from Pioneer and Alex of LJR Engineering and the others involved, have had a lot of other requirements, not only Town of Cicero requirements, but, health care requirements to meet. They worked through those requirements and design specifications with other agencies in reviewing these plans.

David Norcross – The Dept. of Health will have over sight in this project and that certificate of need process is ongoing through the State of NY. The first round of

comments is back and I believe they are hopeful to get on the August cycle for DOH review.

REQUEST FOR PROPOSAL FOR TECHNICAL INFORMATION SUPPORT
SYSTEM IN THE TOWN OF CICERO

Tony Rivizzigno stated that he and Chief Snell have gotten together and have done the RFP and that he was bringing it up tonight to get authorization so that it could get out more quickly than waiting until the next meeting. He was just asking the Board for authorization to send the RFP out and publish it as well.

Ms. Zambrano stated that she just received it, hadn't reviewed it and preferred to wait.

This item will be addressed at the next Town Board meeting on July 28, 2010.

AUTHORIZATION TO APPLY FOR NEWYORK STATE
PARK GRANT FOR BREWERTON REVITALZATION PROJECT

Tony Rivizzigno stated that they were made aware of the possibility of a grant through the NY State Historic, Park and Recreation Office about a week or ten days ago, through Saratoga Associates and that with them, he has prepared an application for a \$400,000.00 Grant. I have given the board the project narrative and I have the grant application. We're talking about the area that was formally where you were considering the farmer's market and rest area. It is a \$400,000.00 grant application with matching funds from the Town. The thing that makes it attractive is that you can use the funds that we're already expending on other parts of the project as our match, including the purchase of the buildings. The application was due today so I delivered it to the State Parks Department. They needed a copy of the resolution and I advised them that the Board would be meeting tonight and if they adopted it, I would forward them a copy the resolution tomorrow morning.

Mr. Corl – This has nothing to do with Riverfront Park or the restroom facilities.

Tony Rivizzigno – We can use the facilities as our match.

Mr. Corl – It's in conjunction with both of them.

Tony Rivizzigno – We're trying to get money wherever we can get money.

Motion was made by Ms. Boyke, seconded by Ms. Zambrano, to adopt a resolution in support of an application to the New York State Office of Parks, Recreation and Historical Preservation for its fiscal year 2010 -2011 Grant Program for the Brewerton Revitalization Project as follows:

RESOLVED, That Judy A. Boyke, Supervisor of the Town of Cicero, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000.00, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the Town of Cicero for the Hamlet of Brewerton Revitalization Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

The Resolution was adopted as follows:

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

There being no further business before the Town Board, the meeting was adjourned at 5:34 p.m.

Tracy M. Cosilmon
Town Clerk

