

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held a Special Town Board Meeting on Wednesday, November 16, 2011, at 6:00 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  
Joseph Snell, Police Chief  
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

The meeting was opened at 6:00 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. 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

## PUBLIC HEARING TO CONSIDER A LOCAL LAW FOR A 2% TAX CAP

Ms. Boyke explained that the public hearing this evening is to override the tax levy that is established by General Municipal Law 3-c.

Tony Rivizzigno explained that the local law will allow the town to pass a budget that exceeds a 2% increase and without such a law, the town budget would be limited. If the budget is 2% or less, you wouldn't need any local law. If you exceed the 2%, you must pass a local law in order to exceed the 2%.

Ms. Boyke stated that the budget that sits before us this evening is at 2.75% and is in the limit of the 2% cap. With that, 2.75%, it wouldn't be necessary for us to proceed with the local Law.

Shirlie Stuart – Not unless you change the budget.

Tony Rivizzigno – In case anyone in the audience doesn't understand, you can increase the 2%, only because there are certain things in the budget that are exempted from the 2% increase. That's why we're at 2.75%, but, we're still under the 2% cap by five hundred some dollars.

Ms. Boyke opened a discussion up to the board as she has heard nothing from any of the board members.

Discussion:

Mr. Jennings – I think the idea of putting a local law into effect would be a good move. As was just stated, if this should go up or if something should be added this evening, we're going to have to do it. This has to be passed before the budget is passed. Is that correct?

Ms. Boyke – Correct.

Mr. Jennings – Therefore, I'll stick with my original thought of saying, as a comfort zone, that we should enact the local law for the 2% tax cap.

Ms. Zambrano – I think the intent of the public hearing is to have input from the public, before we make up our minds. I'd like to hear from the public.

Mr. Corl – Typically, that would be the process that we would follow. You would open the public hearing and solicit input from the community and then we would comment. I would agree that we should follow typical protocol if anyone wanted to speak on the issues.

Mr. Jennings – I don't think it matters, if the Supervisor is asking for anything from the board. We have discussed this in the past. I am not against this and this is a public hearing, but, I think the public needs to know where the board stands as well. We are part of the public, I believe.

Ms. Boyke – with that, I will proceed with the public hearing.

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

The public notice read as follows:

Proposed 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 16<sup>th</sup> day of November 2011, at 6:00 P.M. at The Town Hall for the Town of Cicero, 8236 S. Main Street, Cicero, New York to consider The following: A local Law to override the tax levy limit established in General Municipal Law 3-c. The extent of the local law will be reviewed by the Town Board at the public hearing. The local law shall also be available for review in the Town Clerk's office.

Ms. Boyke stated that the Attorney has already spoken in regards to the local law.

The public hearing was open at 6:06 p.m.

Speaking for - None

Speaking against - Tom Beaulieu felt it would be a mistake to lock yourselves in with a \$500.00 range. If you find it necessary to raise taxes more than 2.75%, and you pass this law, you will be locking yourselves into 2.75% and you won't have any options. I think you have to explore some of the opportunities that the people in the public are going to present tonight, that you, do not want to do that. They are locked in under state law the way they set it up in Albany and 2% is the cap unless they pass a specific ordinance.

Speaking neutral:

Tim Burtis – I would suggest that we submit ourselves to the State as they do govern us and stay within their limits of 2%.

Ray Shader stated that we should stay within the 2% if possible as we can still run the town by it. I'm for not passing it.

Deborah Gardner stated that she had a few observations and the fire department volunteers do not get paid. The paving was cut by 40% this year and over 23% of the budget is employee benefits and there are no cuts in benefits. Just about everyone on the payroll is getting a raise. Our codes are not enforced consistently as they should be and I say all this, because there is a lot more. I don't feel that this is a good budget, I don't think that it shows any sacrifice, I don't see any increase in the services I, as a resident, am being offered. I don't think that the Town Board did as good a job as they could have. Therefore, I think you should stay within the State mandated limits of the 2%. You are going to have to buckle down and do a better job in the next two days or just stick within it.

The public hearing was closed at 6:14 p.m.

Board Comments

Mr. Corl - Obviously, everybody up here is cognizant of taxes and I never want to raise taxes. Family budgets are tight and people can't afford to make mortgage payments, so, I'm not in favor of raising taxes. The board is entrusted in making sure that services are provided within the town, such as paving, plowing roads, Police protection and other quality of life issues that the Parks Department and Codes provides, so there's a balance here. The board has a duty and obligation to the residents to do the best we can under the circumstances, to keep it within the 2%, if not 0%, which is what I like to see and has been accomplished in the past. With what is presented, here, there'd be a lot of sacrifices on the departments and I think it would behoove this board to have begun the process earlier in the budget cycle and come up with some creative solutions, so that we could have protected some of the funds for different departments and getting it to 2% or less. I am not in favor of raising taxes or the tax cap, or exceeding the tax cap, but, obviously, we have to balance that with certain budgetary items that we have to provide to residents.

Ms. Boyke – Is it yes or no for the tax cap, or are you not ready to make that decision?

Mr. Jennings – I would just like to pose a question to the Attorney or Comptroller or both. The fact is how many people out there and on this board could understand what this 2% tax cap is. I know that the Attorney has talked to Albany and Albany doesn't seem to understand what it is. That's the reason we need to enact the local law as a cushion, should we have to make adjustments to this budget it doesn't affect us one way or the other. If we just let it go, then we're locked in. we need to do something if we have to make changes to this budget. Again, I am not insulting anyone in this audience or on this board, but, I was provided a document on this tax cap that was sent from Albany, I read it, looked at it, talked to the Comptroller a few times and there are people

who really don't understand what this is about. Therefore, my thought is to enact the law, to use it and have a tax cap that we can work with.

Shirlie Stuart – If you don't act upon it this year, you will definitely have to next year, just so you know that, down the road.

Ms. Boyke – This is something that we would do every year?

Shirlie Stuart – Every year to 2016 you will have to pass a local law for the tax cap. Next year you're losing \$600,000.00 right off the top. If you look at the numbers and take the Special District number out of it, we're at 10%.

Ms. Boyke – Right

Shirlie Stuart - Next year is going to be a tough year and you're reducing fund balances and you probably have less than 2 million dollars in the fund balance this year.

Ms. Zambrano – Generally, I agree with the comments from the public and think we should stay within the 2% if at all possible. I believe the budget process preparation should start much earlier. It should have started at the beginning of the year, so I'm a little concerned and disappointed about what is in the budget.

Mr. Conway – I think that we know we're going to have problems next year because we do not have any monies to use. I think that this freezes us into the 2.75%. Am I right?

Ms. Boyke – Yes, if the budget passes.

Tony Rivizzigno explained that if we don't pass the law and you pass the budget as it is, you will have a tax increase of 2.75% which falls within the 2% cap then you're okay. If you don't pass this and you increase the budget beyond what it is right now, that increase, whatever that is goes into a reserve to be taken care of by the State. Shirlie or I can't figure out, who is going to do that. What you're doing, is taxing the people, but you can't use the money.

Mr. Conway – So, we don't know what will happen with the State if we go over.

Tony Rivizzigno – That's correct, we don't know how they're going to delegate that.

Mr. Conway – It really doesn't make sense.

Shirlie Stuart and Tony Rivizzigno - They'll take the funds.

Tony Rivizzigno – The State will limit us to the 2%. If we have a tax increase of 5%, let's say, the State will take 3% and allocate that to a reserve.

Ms. Boyke – You can't use it anyway as it's frozen.

Tony Rivizzigno – That's right. You can't use it.

Ms. Boyke – You can't use it, because it's frozen regardless of what the increase is.

Person – What happens to that money?

Ms. Boyke – We get it back.

Shirlie Stuart - As a credit.

Tony Rivizzigno- It's a credit for next year.

Ms. Boyke – I'd like to say a few things in regards to the budget. First of all, each year the budget starts in January and the first year, we found \$200,000.00 in 2010. In 2011 the budgets were submitted and were very strict and very tight. We have adhered to that

budget other than some things came up in the Justice area. As far as starting the budget any earlier, Shirlie starts the budget in July and it was submitted to Department Heads in September and we have been working on them and have had those budgets since September, when Shirlie put them all together. You really can't start any earlier because of your revenues. You know what your revenues are going to be at the end of the year, and you look at that because, with the Mortgage Tax that all changes. Obviously, the economic situation that we are in and with houses not selling and we aren't getting any Mortgage Tax. The revenues also come from our taxes and that's the Town Tax and Highway Tax. All the rest of that tax bill that you all get and you look at it closely, there are only three line items that pertain to you. All the rest will go into some type of reserve or they go to the County. We don't even see School Taxes. We collect it and send it on. I believe that all the Department Heads have looked at their budgets and all year long, they are monitored. We are in the situation where revenues are what they are. We have to make hard decisions. We have to make them at home and we know how much money we're going to have at home and that's what you live on. Whether it's a corporation, or your own personal account, we're accountable for it here for you people. As far as the local law to put the 2% override, it doesn't really matter, because, we're at 2.75% right now. It is a budget that is livable, but, it's not nice. Unfortunately, every year we end up stripping the Highway Department. The three areas are Highway, Parks & Recreation and the Police Department. We will have to make a decision on whether or not we're going to pass the local law.

Mr. Jennings – I know, we've talked about this, but, for the residents, who are here, what does the 2.75% equate to per 100,000 value on a home?

Shirlie Stuart - \$15.00 more than last year.

Mr. Jennings – I think that's the figure people want to here and not the percentage.

Ms. Boyke – Is that \$15.00 per 100,000?

Shirlie Stuart – Its \$15.00 per 100,000 assessed valuation over last year.

Motion was made by Mr. Jennings, seconded by **NO SECOND**, to enact a Local Law for a 2% Tax Cap to give the town a cushion should we have to make any changes to this budget.

Ms. Boyke – Is there a second? There is no Second, so I'll close the public hearing.

**NO VOTE**

#### 2012 FINAL BUDGET

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to adopt the 2012 Final Budget as it stands now, at 2.75%.

Discussion:

Mr. Corl – I've said everything, I was going to say, before. I don't like to raise taxes. There are things I presented to this board, like going out for bid on items, that haven't been followed during the budget cycle.

Ms. Boyke – Jim, would you be more specific on that as long as you are going to say that.

Mr. Corl stated that a year ago he made a couple of resolutions to make sure that we go out for bid on professional services within the town, so that we could see what the best value the town would be getting for their dollar. However there was a failure to follow through on that even though the board adopted those resolutions.

Ms. Boyke asked for specifics regarding those.

Mr. Corl stated there were Engineering and Counsel Fee's. The bid was put together by him and Ms. Zambrano put together the bid for Engineering, but, there was a lack of follow through by the board, which could have resulted in a savings for the town. Also, this year, I made a proposal to enter into a 10 year agreement for the Assessor Position, to share it with Salina, which would have resulted in about \$80,000 worth of revenue for the town this year for the program. We recently purchased a half million dollars of equipment, which I opposed, that we will be paying for in this budget. There were a lot of things that were not done, which is why we're facing and had to face over the last couple weeks, a crunch. We've taken a process, which should take several months, since January of this year and condensed it within a four week period and everyone left scrambling. There was no time to come up with creative solutions or find ideas from every Board Member. That's where we are unfortunately and that's my take on the budget.

Ms. Zambrano stated she had a few questions. Shirlie was asked if she could give a total for employee benefits and how much it's costing.

Shirlie Stuart – It's 22% of the total budget.

Ms. Zambrano – I've been concerned about spending all year long. I'm not anti-Union, but earlier this year this board passed a collective bargaining agreement 3 to 2. It was an increase in this economy and I'm not sure we can afford this, particularly in the absence of any discussion, creative solutions for consolidation of services or shifting services for looking at other ways to provide services. Correct me if I'm wrong, but is it funded in the budget for a full time Assessor?

Shirlie Stuart – Yes

Ms. Zambrano stated that she voted to discontinue the one shared service we had, so that we could see if we could negotiate a better shared service and now this budget contains an amount to fund a full time position. There was a lot of spending that went on and I wasn't against the Highway spending, but, my concern was that maybe we should wait and see how much money we were going to have. I've tried to watch the spending as much as possible and have voted against a lot of things. I don't think at the end of the year, that we needed to approve purchasing hardware and software at a cost of \$60,000.00 in the absence of a plan. There have been a lot of issues about spending and I don't think this board was very conservative about it and I don't think we should use the budget as a leverage to get horrendous cuts.

Mr. Jennings explained that there have been some valid and very good points, but, I think I pointed out at the last meeting that the ½ million dollars that we will be spending for the equipment for the highway is very much needed. We all know how the wear and tear on the equipment is. As I said at the last board meeting, we have safety concerns for our residents. Somebody mentioned the Police and I agree. I also stated that safety starts with the highway Department. If they can't maintain the roads and they can't plow or patch the potholes with the new hot patch and maintain it, then it makes it more difficult and more dangerous for our Officers to get out on the road as well as our residents. It was a much needed thing and is expensive. There has also been mentioned 0% and we know was there for 4 years and know why it was there and how it happened. To me that was a gross mistake on the part of the board at that time to use fund reserves or our savings, to bring it down to 0% increase for the residents. That's what's putting us in this bind today. There are a lot of things that reflect back on the previous board and there are a lot of things we've done wrong as well, but, we have to move forward. My final statement is, if we can act as a board of one, together, we can certainly accomplish some goals this year coming up. I think everyone needs to look at that.

Mr. Conway – I don't want to, but, think I have to go with the 2.75%.

Ms. Boyke – When you talk about excessive spending and you start out with an antiquated Zoning Department, that has been neglected and is working with dinosaur equipment and getting them upgraded, getting a system in that is compatible and is a system that other departments will be able to use. With the technology of today and the

era we're in, it's obvious that you have to spend money to stay up to speed or get in the game to even play. As far as services go, two years ago, we were spending \$250,000.00 a year on an attorney or more. The last two years, we've been around \$150,000.00 per year. I don't think we've gone wrong in the services that have been provided to the town. As far as the engineers go, they've been well within their retainer. We certainly haven't had to look elsewhere for money to pay for the engineering. All departments have been cooperative from day one. Granted, there are areas that you can't imagine something isn't going to be necessary. If you deplete the fund balances, you do two things. First of all, that's your savings account. If you deplete that, you have no emergency money and you also have no credit. So, if you had to bond, or had to borrow money, you wouldn't have that credit rating and we have an excellent credit rating right now. I want to commend Shirly and Diane for the job they have done. They have been working diligently, Saturday and evenings, to come up with this budget at 2.75%. As far as the 2% tax cap, maybe it's a good thing, and maybe it isn't, but, we still have to live with it. So with that I will ask Tracy to call the roll.

Mr. Corl – I don't think there's a motion on the floor.

Ms. Boyke – I made the motion and Lynn seconded it and then there was discussion.

Mr. Corl stated that as he said before that at 2% and even if it's \$15.00, or \$30.00, it's a lot of money for people and we should look at it that way. We could have done better with this budget and it also calls for all elected officials that are not the board, for a 3% raise which isn't sitting well with some people I've talked to. People in the public sector aren't getting raises and that's also a concern. I think we could do better with this budget and I'm certainly not in favor of it.

If this budget is not passed, you will go to the Preliminary Budget, which is 14.7%. So if this budget is not passed tonight, it will be at 14.7%.

The motion was **DENIED** as follows:

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

Mr. Jennings – What does this do to our local law?

Ms. Boyke – The local law is anything over that 2% goes into reserves.

Mr. Jennings stated that Mr. Corl made a statement to the people that you think that 0% would have been perfect. 2% is pretty close to perfect and then you turn around and vote no and inflict 14.7% on the residents that just elected you to serve the next two years. Ms. Zambrano, the same thing. We have talked about a 0% and you knew that would never happen. When the Supervisor initially cut \$500,000.00 to the Police, it was a wake up call to the department heads. The pay raises we gave to 3 Elected Officials, was 3%. We had non-union people that had absolutely nothing, who work here every single day and there are about 14 of them. Then you turn around and don't even mention that we gave the Teamsters 4 ½ % for 4 years, which is roughly a 16% increase. I think there is something drastically wrong and think that if we had an election tomorrow you'd see a lot different result. I guess, the bottom line Jim, it's your budget.

Ms. Boyke – I believe we have one item on the agenda in regards to Kildare Meadows.

Mr. Wickman stated that the developer and our office have been working to review all the securities that need to be posted and review the easement descriptions, road descriptions, and submit a letter to the board and the developer. He is aware of these monies. I did talk to Tony about this, and the board has a letter in regards to this, listing all the securities, deposits, fees, park fees, drainage securities, utility guarantees, road

guarantees, moneys for installation of the top coat on the road, park land contributions, some money to cover additional engineering services now, through the completion of the project, monument deposits and money for Stop Signs. Since all these monies have not been posted tonight, it is my request and recommendation that the board consider a motion accepting the easements and right of ways and agreeing to maintain the facilities contingent upon all these securities being posted. I spoke with Tony about that before he left and he agrees that is a reasonable way to proceed.

Ms. Boyke stated that she's had some e-mails as well that with your recommendation that we accept this and the posting of securities.

Doug Wickman – That's my recommendation and think that it's reasonable to proceed this way.

Motion was made by Mr. Corl, seconded by Ms. Zambrano to accept the easements and right of ways for Kildare's Meadow, Section No. 1, and for the developer to post securities as presented per recommendation of C & S Companies:

1:	Overland Drainage and Grading	\$57,150 Security
2:	Utility Maintenance guarantee	\$23,520 Security
3:	Road Construction Guarantee	\$25,250 Security
4:	Repairs and Topcoat Installation	\$49,900 Security
5:	Park Land Contribution	\$15,075 Fee
6:	Deposit to cover potential additional Engineering Fees	\$ 4,500 Deposit
7:	Monument Deposit	\$ 3,000 Deposit
8:	Stop Sign Installation	\$ 600. Deposit

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 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 7:10 p.m.

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Tracy M. Cosilmon  
Town Clerk