

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero town Board held a Special Meeting on Monday, November 7, 2011 at 8:30 a.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Judy A. Boyke, Supervisor
Jessica Zambrano, Councilor
Lynn Jennings, Councilor
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway
Sharon Edick, Receiver of Taxes
Jody Rogers, Director of Parks & Recreation
Wayne, Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Anthony Rivizzigno, Town Attorney

Absent: C. Vernon Conway, Councilor
James Corl, Jr. Councilor

The meeting was opened at 8:30 a.m. with the Pledge of Allegiance.

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

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

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

Motion was made by Ms. Boyke, seconded by Mr. Jennings, that all actions taken today 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: Absent
Mr. Corl: Absent
Mr. Jennings: Yes
Ms. Zambrano: Yes
Ms. Boyke: Yes

Ms. Boyke explained that the purpose of this Special Meeting is to adopt a local law regarding the 2% tax cap and have asked Shirlie to give a summary.

Shirlie Stuart explained that the tax cap is simply an equation that the State Comptroller's Office has determined as the amount of tax levy we can raise over the prior years tax levy. In essence, if we looked at our summary of the first page of the budget, you'd think it would be 2%, but, there are some many factors that go into it, that it will be about 3½ % over last years as they factor in retirement and your pilots. We need by law to stay within those limits which is about \$312,000.00 up and above last years tax levy. Those are the figures coming from the Preliminary Budget which was filed at the end of

September. The local law will enable us to extend our percentage above that and it allows us to pull in more tax levy than what the State Comptroller's Office is recommending.

Ms. Boyke – With that tax cap, everything that is above the 3½ % is frozen. Is that correct?

Shirlie Stuart explained that we do not have a local law and if we do not pass the budget, then the process is to go back to the Preliminary Budget that was filed at the end of September, which is at 14.58%. Anything up and above their equation of 2% will be taken by the Comptroller's Office and put in a reserve and would be used against next years tax levy.

Ms. Boyke – That would be without the local Law?

Shirlie Stuart – Yes, it would be without the local law. With the local law, we're not under those guidelines of only having X percentage over last years tax levy.

Ms. Boyke – The money isn't frozen?

Shirlie Stuart – Not if you do all of the procedures.

Ms. Zambrano asked Shirlie to repeat what she said.

Shirlie Stuart explained that 14.58% is what the tax levy was in the Preliminary Budget that was filed on September 28th with Tracy. If we do not pass this as a local law, and if the Budget does not pass, we have up to November 20th, it goes back to the Preliminary Budget. Anything up above their equation of what we may raise in tax levy is frozen by them. They would take that money next year and put it towards what we would have to raise next year in tax levy's.

Ms. Boyke – It's like a savings account.

Shirlie Stuart – Yes, but, you're also going to be working with a budget with hundreds of thousands of dollars less in it and I am not quite sure, as I have never been up against what happens if, and can certainly make a phone call pursuant to that. I assume that the Fiscal Chief Officer would make the determination of how those funds would be used amongst your budget.

Ms. Zambrano – What is our tax levy right now?

Shirlie Stuart – The legal one is 14.58%. The one you're working on 10.01%.

Ms. Zambrano – I thought the last one we got had fallen.

Ms. Zambrano – How much was taken out of the reserve?

Shirlie Stuart – I don't have that in front of me.

Ms. Boyke – It was \$750,000.00.

Ms. Zambrano asked if the 14.58% included the 3 1/2%.

Shirlie Stuart – Yes, anything up and over. We need to get it down to stay within what their guidelines are. We took out 3 ½ over last years tax levy. The Preliminary sits at 14.58%.

Ms. Zambrano – If we can get it down, we won't need it.

Shirlie Stuart explained that if we're able to get it down, we won't need the local law. We had an example of how that was going to make the budget look, so, you need to keep that in mind too. We can do that, but you know what it causes.

Ms. Zambrano – Yes, it causes cuts in every department.

Shirlie Stuart – Right.

Ms. Zambrano stated that when we last met, you said we had a shortfall of \$330,000.00 and that was to get to this 10% to cover this budget.

Shirlie Stuart stated that she did that and also sent Ms. Zambrano a breakdown of how much was given back by the Highway Department, Police Department and Parks & Recreation to get it to 10%.

Tony Rivizigno – (inaudible)

Shirlie Stuart – Okay, the working budget goes back to the working budget. I didn't know if it went back to a budget that wasn't adopted by the board. With changes, you still have to have a local law.

Ms. Boyke – We need a public hearing for this Thursday.

Tony Rivizzigno – You could hold the public hearing open to November 15th.

Mr. Jennings explained that what we're looking at is going back in to the departments and cutting. I think if a call was made to various towns and villages around us, everyone is under the 2%. We know what Clay did, to get theirs. It's a fact of life and I am not in favor of layoffs, but, it is something we have to look at. We can't come on board with a 10% tax increase in this town, we need to go back to the departments and we need to start looking and need to get it done.

Ms. Boyke stated that she met with every Department Head and went through each one of their budgets items, line by line. I am going to sit with Shirlie this morning. She has been on vacation. I will give Shirlie everything that was discussed by Department Heads and have her run the number on those as well

Shirlie asked Tony Rivizzigno if he was telling her, that she needed the working number, because she keeps everything separate. The working Preliminary Budget is what we're going to present on Thursday, so it doesn't necessarily have to be during a workshop and doesn't have to be anything that is filed with the Clerk's Office? I thought once it was filed with the Clerk's Office, that's the one.

Tony Rivizzigno - You can revise that.

Shirlie Stuart – You can revise that, even though you have one board member, telling you to revise it? You can revise it, because the Supervisor is the Chief Fiscal Officer and that will be the budget that will be presented Thursday night?

Tony Rivizzigno - Inaudible

Shirlie Stuart – Okay.

Tony suggested that with the local law, to do it anyway as you have it in reserve. If we can't get it down below 2%, you have the local law, and if you don't do this today, we're out of time. Frankly, because this is new this year, I'm not sure what happens after. I tried to call the State and haven't gotten much satisfaction.

Shirlie Stuart stated that she called the Budget Officer at the State Level and talked with a nice gentleman who said he couldn't answer any of my questions.

Ms. Boyke – They can't, because they passed this law in such a hurry and I don't think it was very well thought out, but, we are being held responsible for it as well.

Ms. Zambrano stated that there are a lot of laws that aren't very well thought out that are passed anyway.

Tony Rivizzigno – If you call a public hearing for a local law and word it to get the budget below 2%, you'd use it.

Ms. Boyke – We'd have to use it and it would be like a safety net so to speak.

Tony Rivizzigno – Yes

Mr. Jennings – Originally I said, we should go ahead and pass the 2%, whether we use it or not, as we would have it on paper and there was some objection, or something that might affect it.

Shirlie Stuart stated that she didn't think anyone disagreed with Lynn, when he said to pass it, just so we'd have it. I guess there was concern as to how the community would take it.

Ms. Zambrano – Hypothetically, if we pass a local law and it has a 10% tax levy increase, what happens next year?

Shirlie Stuart – Next year, it is generated off the tax levy we establish this year and you can do the same thing, all over again. There was some talk about, whatever you raise this year, will be taken back.

Shirlie Stuart - That will be factored into next year's equation. But, next year, you are going to have to remember that we're losing \$600,000.00 in sales tax revenue right off the top.

Ms. Zambrano – I know, but that's a different issue. The 10% this year means what?

Shirlie Stuart – The dollar amount of the tax levy will be used in the equation to figure what we can raise next year.

Ms. Zambrano – You're right and on top of that we're going to lose \$600,000.00.

Shirlie Stuart – Next year, you know for sure that you're going to have to pass a local law, unless something happens and we get some revenue.

Ms. Boyke stated that we need a miracle and where somebody drops a bag of money on us.

Mr. Jennings stated that before we enter into this we should sit down with Judy and find out what she and Shirlie come up with, so that we can come on board early enough and we know where we're at.

Ms. Boyke – As soon as I give her all of the numbers, I'm sure she'll e-mail it to everyone and you'll have an opportunity to look at it. It's not cast in stone and it's the numbers that each department has come up with.

Mr. Jennings – A phone call or e-mail will be just fine.

Shirlie Stuart – Once again, whatever I'm changing is what I'm presenting Thursday night. It's very confusing for me.

Ms. Boyke – I would like it to be changed and for other board members to look at it.

Shirlie Stuart – Absolutely

Ms. Boyke stated that every Department Head has presented their budget to her on an individual basis. She didn't know if anyone else has spoken to the Department Heads or

not, but, she wanted Shirlie, to put those numbers in, as each Department Head has agreed to this. We can then see where it is and the Board Members can have their input.

Ms. Zambrano – At what point, will the Board Members be able to go through the budget line by line with all other board members?

Ms. Boyke – There would have to be another workshop. We'd have an opportunity to do that from the time that we have our public hearing this Thursday, but before the 15th.

Ms. Zambrano – Can we plan a work shop to go along with this budget?

Ms. Boyke – Absolutely.

Ms. Zambrano – We haven't really done that.

Ms. Boyke – We haven't done that since personally discussing it with each of the Department Heads. We would need to set a workshop date

Shirlie Stuart – If you're going to close the public hearing on Thursday night you can do it then.

Tony Rivizzigno – The board can change the budget after that.

Shirlie Stuart – It's the 20th or the 18th.

Ms. Boyke – No, it's the 18th. What's the 15th date then?

Shirlie Stuart stated that on the 15th, you can leave the public hearing open and not close it.

Ms. Boyke – Our public hearing is this Thursday, so what is the 15th?

Shirlie Stuart – The 15th is only the public hearing factor and is how long you can keep it open. It has to be held on Thursday, but, you have the ability to not adjourn that public hearing until the 15th. If you're planning on having the public hearing on Thursday, and are closing it, your date to remember is the 18th.

Ms. Boyke – If we close the public hearing, can we still work on it. We have to make a decision.

Tony Rivizzigno – Your decision should be different, if you take into consideration what the public says. You may want to change some items or take something away. That's why you leave it open, so you can change the budget after the public hearing.

Ms. Boyke – We'll write all our information down and close the public hearing and discuss it again, amongst the board members.

Ms. Zambrano – We're talking about two public hearings here. We're talking about the one for the budget on Thursday, and we're talking about establishing a public hearing for the local law.

Tony Rivizzigno – The local law public hearing, would be the same night that you're adopting the budget. The reason being, is you have to adopt a local law first for the 2%, before you adopt a budget, but, they can be done at the same time.

Ms. Zambrano – We could adopt the local law first.

Tony Rivizzigno – You could adopt the local law first, but, then you would have to adopt the budget by the 20th and that falls on a Sunday. Theoretically, it might go till Monday, but, my thinking is, that to play it safe and make the deadline the 18th.

Ms. Boyke agreed and said it puts us within the perimeters of the notice for public hearing regarding a local law.

Ms. Zambrano – We have to set a date to adopt this budget, before the 18th.

Tony Rivizzigno – Right.

Ms. Zambrano – That will also be the date when we have the public hearing for the local law.

Ms. Boyke – Yes

SET PUBLIC HEARING FOR A LOCAL LAW FOR THE 2% TAX CAP

Motion was made by Ms. Boyke, seconded by Mr. Jennings, to set Wednesday, 7⁸ November 16, 2011, at 6:00 p.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, NY for a public hearing to consider adopting a Local Law regarding the 2% Tax Cap.

The motion was approved as follows:

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

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

The motion was approved as follows:

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

There being no further business before the board, the meeting was adjourned at 9:15 a.m.

Tracy M. Cosilmon
Town Clerk