

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday, June 9, 2010, 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
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Toni Brauchle, Parks & Recreation
Wayne Dean, Director of Planning & Development
Shirlie Stuart, Comptroller
Brad Brennan, Assessor
Anthony Rivizzigno, Town Attorney
Ronald DeTota, II PE, C & S Engineers

Absent: Pamela Williamson, Secretary to Supervisor
Jody Rogers, Director of Parks & Recreation

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 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

APPROVAL OF MAY 26, 2010 MEETING MINUTES

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve the minutes of the May 26, 2010 town board meeting.

The motion was approved as follows:

Mr. Conway:	Abstain, as I wasn't here.
Mr. Jennings:	Yes
Ms. Zambrano:	Yes
Mr. Corl:	Yes
Ms. Boyke:	Yes

DEPARTMENT HEAD INPUT

Town Clerk

Tracy Cosilmon announced the Town's Rabies Clinic will be held on June 28, 2010 from 5:00 to 7:00 p.m. in the Town Highway Garage. Everyone was encouraged to come and that people should bring past immunization records and that a \$10.00 donation would be appreciated.

Tracy also explained that every effort has been made to repair the air conditioning units in the Tax and Supervisor's Offices, so that we wouldn't have the expense of having to buy new ones. I have been working with different vendors to obtain the necessary quotes, and am waiting for one. At this time I am requesting approval, not to exceed, \$6,000.00 to replace these units.

Ms. Boyke explained that every effort was made to switch out parts and to make repairs to the units, but, unfortunately it didn't work, and that there is a necessity to replace these units.

Motion was made by Ms. Boyke, seconded by Mr. Conway, to authorize an expenditure not to exceed \$6,000.00 to purchase new air conditioners for both the Tax and Supervisor's Offices.

The motion was approved as follows:

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

Highway

Chris Woznica stated that the Highway is on their summer hours from 6:00 a.m. to 4 p.m. Monday through Thursday and that the office is opened from 8:00 a.m. to 12:00 noon on Friday.

Police

Joe Snell asked for approval of an expenditure of \$1,284.34 to Drivers Village, for maintenance of various police vehicles during the month of May which exceeded their monthly allowance by \$200.00.

Motion was made by Mr. Conway, seconded by Mr. Corl, to approve the expenditure of \$1,284.34 to Driver's Village for maintenance of various police vehicles during the month of May.

The motion was approved as follows:

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

Chief Snell stated that both he and Angela Kliest attended the Central NY Neighborhood annual picnic at which Angela received an award from them for her dedication and commitment to the town residents and for her constant leadership with the policing program.

Comptroller - None

Parks & Recreation

Toni Brauchle reminded everyone that the Community Festival is this weekend on Friday and Saturday behind Sacred Heart Church. The parade will begin promptly at noon on Saturday.

Zoning

Wayne Dean asked for approval for himself and his staff to attend a training seminar for a total cost of \$60.00.

Motion was made by Mr. Conway, seconded by Ms. Zambrano, to authorize an expenditure of \$60.00 for Wayne Dean and his staff to attend a training seminar in Syracuse, NY.

The motion was approved as follows:

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

Wayne Dean attended a FEMA Meeting in Syracuse this morning. It was informative but they have not made a lot of progress in adopting the new maps. A copy of all of the handouts, he received will be given to the board members mailboxes tomorrow which explains the program and that the tentative schedule for the maps to be available, will be next year in June 2011. Until then, everyone is still working with the old maps. Also in the Town of Cicero they've added 136 parcels to the flood plain and they have removed 419 for a total net loss of 283 parcels in the town. If anyone has any questions regarding this, I can assist them. There is a map which is color coded that depicts the areas that are affected and very few areas that are zoned residential that have been added. This won't have a dramatic effect on the town.

Ms. Boyke - We've received a lot of calls regarding this and it would be good to keep that map handy.

Assessor

Brad Brennan stated that Grievance Day went very well and we heard everything in the allotted time. I think it went very well.

Tax - None

APPROVAL OF ABSTRACT #11 OF 2010

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve Abstract #11 of 2010 as follows:

General Fund	Voucher #959 to Voucher # 1057	In the amount of \$846,609.49
Highway Fund	Voucher #301H to Voucher # 330H	In the amount of \$ 85,265.14

The motion was approved as follows:

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

BUDGET MODIFICATIONS

Motion was made by Ms. Zambrano, seconded by Mr. Jennings, to approve the following budget modifications.

Budget Modifications – 2010
Board Meeting – 06/09/2010

AMOUNT	FROM CODE	TO CODE
\$ 110.00	A677242 Supplies	A677253 Bus Maintenance
\$ 212.00	B702048 Special Activities	B702049 Misc
\$ 130.00	B312052 Community Policing Material	B312053 Membership Renewal
\$2,000.00	DB513055 Hwy Machinery-other	DB513053 Snow Blower Repair
\$ 600.00	DB42204 Drug Testing Laboratory	DB501041 Drug Testing Admin
\$ 600.00	DB514243 Snow/Fuel	DB513045 Motors/Starters/Alternator
\$ 500.00	DB511045 Typar/Pipe	DB513045 Motors/Starters/Alternator

The motion was approved as follows:

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

YOUTH BUREAU, PARKS & RECREATION STAFF APPOINTMENTS

Motion was made by Mr. Jennings, seconded by Ms. Zambrano, to approve the following staff appointments.

Recreation Attendant (Day Camp)
Hire Rate: \$7.25/hour; B7140.1
Hire Date: June 21, 2010

Gannon Andrews, 8100 Ashery Lane, Cicero
Riley Battaglini, 7929 Joss Farm Way, Cicero
Alisha Blasi, 6226 Kenlaren Cr., North Syracuse
Aubrey Harris, 8377 Cicero Stage, Cicero

The motion was approved as follows:

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

YOUTH BUREAU, PARKS & RECREATION PURCHASE APPROVALS

Motion was made by Mr. Corl, seconded by Ms. Zambrano, to authorize an expenditure not to exceed of \$1,300.00 to purchase participant kits for the Start Smart Program, from National Alliance for Youth sports to be paid via fees, Budget Code B7020.44.

The motion was approved as follows:

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

HIGHWAY PURCHASE APPROVAL

Motion was made by Mr. Conway, seconded by Ms. Zambrano, to authorize an expenditure not to exceed \$1,400.00 to Snyder Maintenance for a repair of a fuel pump motor, Account Code A5132.4.

The motion was approved as follows:

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

Ms. Boyke - We have received a resignation letter from Jason Mott, member of the Planning Board. Also, at the end of June the NSA Contract for technical support will expire. We have been doing an evaluation of the entire system and the Chief has been helpful in getting that done. We are going to go out with an RFP and if we don't have any results, we'll do it on a per diem basis.

Chief Snell asked if Ms. Boyke has talked with NSA about doing this per diem.

Ms. Boyke – We have not, this is something we need to discuss.

Chief Snell – I would need to discuss that with them to see if it is something they would be willing to do. They will be happy to submit another proposal.

Mr. Corl asked what the cost is for the support.

Joe Snell – The cost is \$15,000.00 which was budgeted and we only went for 6 months this year, with the idea that we would re-evaluate it and do an RFP to see whether or not, we can get into the same quality for less cost.

Ms. Zambrano explained that it was supposed to be budgeted at \$15,000.00, but only \$12,000.00 was put into the budget, so we couldn't go for the entire year.

Chief Snell – You are correct.

Ms. Zambrano – That is why we went to 6 months. I think we need to get an RFP out there as quickly as possible. Ms. Zambrano asked Chief Snell to explain some of NSA responsibilities.

Chief Snell explained that under their agreement, they are to maintain our servers, mail and data servers which is the brain for everything that we do. That's critical for the Police Department as everything we do is through the internet with Onondaga County. If there was a major infrastructure problem we would have someone immediately on a 24 hour basis who would respond. They also come in and remedy minor problems that are

network associated. There are some things that aren't covered under the maintenance agreement, such as adding hardware, or lines, and they would charge additionally.

Ms. Zambrano asked how often they check on the system and if they issue a report.

Chief Snell stated they come in after hours and he has seen them here quite often and that Wayne Freeman would have that information. They don't give us a report, but we could request one.

Ms. Zambrano stated that she was one of the board members who would like to see some kind of a report that they were even here as she didn't have any idea of how often they come or what they do.

Chief Snell – That isn't a problem.

Ms. Boyke - We'll table this until I am able to get together with the Chief on this.

PUBLIC INPUT

Don Snyder, Mud Mill Road stated he was concerned about the State Audit for the period ending December 31, 2008, which was done during the past administration. He wanted to make sure that the next time the auditor comes we don't have an audit that says we haven't made the necessary policy changes, to make sure that he doesn't slap us on the wrist again.

Ms. Boyke – We are aware of that and we have sat with them and we have already discussed and acknowledged the requests and requirements they are looking for. We have 90 days from that point and time to correct, and this was a procedural audit

Tony Rivizzigno – The Auditor sat with the board and explained what the deficiencies were in their opinion and they made some suggestions in regard to the procedures that everybody acknowledged. We agreed to come up with something in writing within 90 days, to answer their concerns.

Ms. Zambrano asked Mr. Rivizzigno if the response when received would become public.

Tony Rivizzigno – Yes, and it is public now.

Ms. Boyke – They told us not to make it public until our response.

Tony Rivizzigno – We had to acknowledge the fact that they had the report, which we did and now we have the 90 day period to answer.

Mr. Corl – It was posted on the internet. It's on syracuse.com which is a short article and then you can click on it and get the full report. It consists of 6 or 8 pages and has four recommendations for the board. A lot of it is with passwords and some administrative things, monies and controls and the acceptance of money in the Planning Office and things of that nature. It was a comprehensive report and the suggestions will be implemented. Some suggestions in the previous report were hard to implement because of resources in certain offices. Some things can not be remedied unless you add personnel.

Ms. Zambrano requested that the audit be put on the website.

Resident was concerned that the minutes weren't taken at the workshops that were held and also wanted to know when this meeting was held.

Ms. Boyke explained that minutes weren't taken as no action was taken

Tony Rivizzigno explained that the meeting was requested by the state

Resident understood that but, she wanted consistency.

Tom Beaulieu, 6121 Palm Summit presented the board with some photographs of some of the drainage issues in Hiller Park that he has been pressing for five years. In one of the photos, where work has been done, it shows that the outlets don't drain correctly and we have standing water. The outlet to the retention area, that I own, has been plugged up for several years and that basin was not designed to hold water like the newer ones and doesn't drain out until late spring or summer. I haven't been able to cut my lawn until late August or September until we've had two months of parched ground. Since we haven't had any action from the town, I took it upon myself to contact Jeffrey Till with Onondaga County Environmental Health Department and he came up and pulled the plans and he realizes this area is a potential breeding ground for mosquitoes. He plans to contact the Town of Cicero and will be asking them to mitigate that situation. At some point, that drainage area has to be cleaned. It's a mile wide and an inch deep, but, when it rains it's in everyone's backyards. When things are properly maintained we all know they don't work very well. Perhaps the drainage committee could give us some insight as to the plans for this, seeing it has been on the books for several years. I believe the town spent \$9,000.00 last year to have the engineers survey it and we haven't heard anything yet.

Ms. Zambrano – It has been on the books for several years.

Ron DeTota explained that the Drainage Committee has identified this issue and that they were in a position to assist until recently. They have been provided the record drawings and are in the process of inventorying them, to see what they have of which there is a considerable amount of paper. They are in the process of reproducing and categorizing those documents. I took a ride out there today as Mr. Till contacted me. He told me that he did test the grounds and did have Mosquito Control over there. It tested false for mosquitoes, as its characteristics have developed it, into a pond. Once we get a chance to look at the redesign documents we can take a harder look at the situation and come up with a recommendation.

Ms. Zambrano stated that the Drainage Committee visited that site and it is on their list to tackle. We met with Fischer Construction who was selected as the contractor for the drainage projects last Friday to review some of the contracts. At the time we met with them, the contract had not yet been signed. The agreement has since been signed and returned to Fischer who is in the process of making site visits with a representative from C & S and the Drainage Committee. I believe it is going to be taken care of. What Ron is talking about, is there was insufficient information about town mapping that was kept here at the town. We had to go and get that information and it has taken until June to get it from the previous engineering company. C & S is in the process of making this map so that we have complete information. Site visits have been made all over this town, without adequate information. We are trying to do a better job of making site visits and by having the actual property maps in front of us.

Tom Beaulieu was glad this was finally on the list as sometimes people expect their government to perform a little more efficiently than it has. I know money is very tight, but, we've been looking at this problem for over five years.

Karen Desroshier, 6117 Palm Summit stated that they are planning to dredge the creek way in the back and they feel it will allow the water to run out, but the problem I have is a little more compounded. A photo was shown of her property and she explained that without the retaining wall that was put up by J. J. Lane her front yard was falling down. The minutes of August 24, 2009 has a full explanation of what was done. I am hoping that the engineers will look at the drainage pipes that are 2 ½ feet under water, that can not pump out as they are gravity fed and can not run up hill. It is a two fold problem. You may be able to get the rest of the water to run out toward the back, but, you can't get the water from the sewers in the cul de sac. This would be a great time to come and look at it as it will not run out. The mosquitoes and muskrats come up to my front door. We have fox, coyotes and cats that have been mutilated on my lawn. It's awful. I hope we can get something done.

Ms. Zambrano asked Ron DeTota if he was aware of her complaint when you made your site visit.

Ron DeTota – No, I was actually on another destination that Mr. Woznica had sent me on, so, I figured along the way I'd stop and familiarize myself with what Mr. Tills spoke to me about.

Ms. Zambrano – It sounds like we need to look at this whole thing again.

Don Snyder - Member of the Drainage Committee stated that he has looked at every complaint that they've had that is on their records and have spent a lot of time. When we set up our priorities for this year's work, Palm Summit was on our list and is still on our list although it isn't high enough on our list where we can guarantee that it will be done this year. We have also not committed all of our funds this year. As a member of the committee and I think the rest of the committee will agree, that we will look at this again. We've looked at the site and we agree that it needs to be done, but, based on some other projects that they have, they are more serious than this one and those are the ones we're sending the contractor to look at with Wayne's department. Jessica and I have taken a personal interest in this due to the amount of help that is needed in this area. Remember folks, we live in a swamp.

Tom Beaulieu stated that at the meeting of May 26, it was mentioned by the Highway Superintendent that he had received a fax regarding some of the milling work and that Termark could do the work for less than Lan Co. According to Chris, he couldn't give a dollar figure, but, would have that information for the board at the next meeting. How will they be able to save approximately \$1,000.00 per day over the previous work, and if we bid it out for \$25,000.00 total, that would only be \$25,000.00 worth of work or 25 days.

Chris Woznica – Right now, we're only looking at Button Road and the quote from Lan Co was \$4,500.00 per day for milling. If we were to have used them for two days, it would have been \$9,000.00. Termarks price was \$3,500.00 per day and we used them for two days, which was \$7,000.00, so we saved \$2,000.00. That was the only price I was going to give this evening. I do not know what we're going to do for the rest of the year yet.

Tom Beaulieu – That's good. They're bidding this out on the day per use per diem kind of thing and you're not bidding it out per square yard that's milled out. Nobody's measuring that out?

Chris Woznica – That's a state bid price and they came up with a better price.

Tom Beaulieu – There was a big variance between 6 miles and 3.2 miles for the money you had scheduled.

Chris Woznica – It's just an approximate figure. We figure out how many days we're going to need the milling machine, how many days we need the paver and roller and their crew and we figure in the price of asphalt. When we first came in, we didn't have firm numbers of what the asphalt was going to be and we guessed on it. We thought we could do better earlier in the year. We are down to 3.2 miles because the prices have escalated. We might do some more, once we start taking the millings in and we get the credit for the milling. But, initially, this is an approximation.

Tom Beaulieu – I went to the State site and the bid prices for state wide top and binder course and didn't see that much difference from last year to now.

Chris Woznica – I don't have that in front of me. If you would like to call my office, I'd be glad to set up an appointment and go over it with you and my foreman and I will show you how we come up with our figures.

Tom Beaulieu stated that a question was brought up at the last meeting that the Comptroller had to resolve. I think it was the consolidated Highway Improvement Program and CHIPS money, the \$148,000.00 that was originally added into the \$500,000.00. Is that money not available until January 1st?

Shirlie Stuart – We received CHIPS from last year as revenue this year. The work that is done this year we're going to receive next year. The original \$600,000.00 that was appropriated is shown in the revenue.

Tom Beaulieu - It's shown, but, you haven't collected it.

Shirlie Stuart – Last year is showing.

Tom Beaulieu – Did I understand that the \$148,000.00 would be expended on just some roads along Lakeshore, without specifically telling us which ones they were.

Chris Woznica stated that they did an approximation of roads that we had compiled a list of and the roads on that list came to just under \$600,000.00. We were wrong at the last meeting in the way we were appropriating the CHIPS. The roads that we plan on doing this year, with the money will be Lakeshore Road, Phase II, Button Road, Rosewood Circle, Factory Street, New Street and Crabtree Lane. The two roads that were listed along the lake last year were given wrong. We are not doing the roads along the lake.

Tom Beaulieu stated that there are many roads that need resurfacing and that you need to do the roads that have a high traffic volume instead of roads that have 20 or 25 homes. It doesn't make any sense to go out and put blacktop on roads like that and mill them out completely, when you could probably put on a ½ inch overlay and take care of any minor problems. They aren't carrying bus or truck traffic like a lot of the connector roads. I mentioned to the Supervisor, that it looks like you have a pipe collapsing over on Hogan Drive, which is getting progressively worse.

Chris Woznica – There are roads all over the town that are in bad shape.

Mr. Corl – Why were those particular roads chosen?

Chris Woznica – We compile a list based on the number of calls we get and how the road has presented itself during the winter months. The snowplow drivers will give me a good report. They ride every road in the town every day as do I. If I asked 30,000 residents in this town, which roads to do, I'd get 30,000 different answers. We do the best we can and I rely on the engineers in years past, in how we do the roads. They give us the formula. They go out and look at the roads, core it, and look at the condition of the sub-base. The way we're doing it now, we take them down to the sub-base and fill it with binder and top and it's the best bang for your money. Overlaying a road isn't like Route 31 that was put in by NY State. We have roads in this town that were put in by contractors and developers and over the years, weren't up to grade, so we have to go back and rebuild just about every road and that's where the initial cost is. We rely on our staff, take phone calls and that's how we base our roads. If I were to take care of Hogan Road that would be the only road we would do this year. We're keeping an eye on it and that's the best I can tell you. It hasn't failed yet and is still in pretty good shape. We can't do any roads in developments, because we don't do gutter work and you can't rebuild a road in a development without doing the gutters first. It doesn't do us any good to overlay it, to put a bandaid on it. I have never been a believer of putting a bandaid on something. I want to fix it right the first time and I feel it is the best way to spend the town's money. I can get 15 years out of a road by rebuilding it and only 5 years by putting in an overlay. I think that is the better way to go. I've relied on the engineers in years past and they have given me that way of thinking.

Ms. Boyke asked Tom to sit with Chris to share some of his expertise.

Tom Beaulieu stated that he spent 35 years building roads for NYS, but, he has other gentlemen who have professional engineer licenses that have volunteered in the past. I

also mentioned that, last fall. Those are the people you need to ask to take a look at these things and give you an idea. I understand what the Highway Superintendent's situation is. These roads are falling apart collectively all at the same time. He is never going to have enough money, let alone talk about gutters. You are never going to catch up unless somebody leaves you a huge amount of money in a will, to the Town of Cicero.

Chris Woznica – I would only say to that, although I appreciate Tom's knowledge and his staff's knowledge, we have a town engineer that we pay and that is who I believe we should be taking our advice from and not volunteers. If something does go wrong with the road and we were to do it wrong, we can't go back on the advice of volunteers as we have to go on the advice of the Town Engineer and that's who I believe we should stay with.

Ms. Boyke stated that if they would like, they could share information with our engineers as well.

Ms. Zambrano - Chris eluded to the previous engineers helping you out to identify problem roads. Was that part of the agreement with O'Brien & Gere?

Chris Woznica – No, I had a very good working relation with them and I hope to have the same with C & S. They helped me re-write the road spec's and brought them up to modern standards. We added more base and elevation and more pitch to the roads. I feel that was the way to go. They came out and looked at roads that we had questions on and they gave us advice on which way to go. Whether they charged us for that, I wouldn't know, you would have to ask the Comptroller or Mr. Corl. We worked with them on the roads, all the time.

Ms. Zambrano asked Shirlye Stuart to look into how much was spent in fees for the previous engineers for road engineering and how that was accomplished.

Ms. Zambrano asked Chris if he had any reports.

Chris Woznica – Yes, we received reports any time there was something going on with the roads, whether, they were state or county roads or a new development. Reports were received weekly or twice a week and we have all of their inspection reports.

Mr. Corl stated that we had a general retainer with O'Brien & Gere just like we have with C & S. We can do the investigation into those specific invoices, but, I think you will find that most of it was under the general retainer.

Ms. Zambrano – The general retainer was \$35,000.00 and O'Brien & Gere charged \$38,000.00 for drainage activities in 2009 and that was above and beyond the retainer. A \$35,000.00 retainer doesn't go any place and I also think \$38,000.00 is a fair piece of change.

Mr. Corl - Since we're talking about the audit, the recommendations in the verbal audit was to RFP for professional services. We could probably get a fair assessment across the board as to different prices and also get a competitive type bidding system for professional type services to look at. I asked for this earlier this year to make sure we're getting the best bang for the buck.

Ms. Boyke stated that they are a different administration and will take their recommendations.

Board Comments

Ms. Boyke stated that she was looking into instituting a Farmer's Market in the Brewerton area and has secured permission from the owner of the Nice & Easy, Mr. John McDougal. He has been kind enough to offer up his property this year. With the help of Tracy, we're in the process of getting the formalities done to make sure we know what is required. We're hoping the Farmers Market in Brewerton will bring some new life down there.

Ms. Zambrano reminded everyone that Dr. John Howard will be at the next Town Board Meeting on June 30, 2010 to talk about the swamp and mosquito issues. The title of his presentation is, (The Cicero Swamp a Naturalist Heaven, But, What Can We Do About The Mosquitoes). Dr. Howard monitors and researches the mosquitoes in the Cicero Swamp and he has been invited to present his findings to the community and will discuss the history and ecology of the swamp, various species of mosquitoes, including those that are potentially harmful to our health and the effects and disadvantages of spraying as well as other interesting and unique features of the swamp which are many. This will be a powerpoint presentation, so I encourage everyone to come.

Ms. Boyke – We have started our listening sessions for the Police Study. The first one was at the Cicero Fire Department last night and it went quite well. It took some encouragement for individuals to ask questions. The next session is next Wednesday at the Brewerton Fire Department and next Thursday at the South Bay Fire Department. The sessions are scheduled from 7:00 p.m. to 9:00 p.m. We did break up a little earlier last evening due to the shyness of the audience.

Mr. Jennings asked Sharon Edick if she had something she could present from her recent trip.

Sharon Edick – It doesn't happen until next week.

Ms. Boyke - Chief Snell gave us some answers to some of the questions that came up at the last board meeting relative to speed limits and we are in the process of evaluating that as well.

Mr. Corl stated that earlier, we talked about the Brewerton Fireworks money and that he had the opportunity to look at the memo which Mr. Rivizzigno's Office provided. It appears there is some reliance on a 1981 State Comptroller opinion relative to those monies being given to the Brewerton Chamber of Commerce for their fireworks display. Traditionally, we've always done that. If we're prohibited from providing funds for this particular event, and I don't know if it is due to liability or this particular law. I'm looking for clarification on that.

Tony Rivizzigno – It's not necessarily a liability, it's a Comptroller's opinion in that we shouldn't give money to an activity that we don't control. There is also a 1979 Comptroller's opinion that deals specifically with fireworks. The one that you are reading doesn't talk about that specifically, but another Comptroller's opinion basically says that if you're going to give money for a fireworks display, you have to control it, control the activity and control the money. The concern isn't liability so much, although that is a concern, but, it's being in violation of how the Comptroller says what we can spend our money on.

Mr. Corl – The way I read the 1979 opinion was that that particular town was entering into an agreement with the Little League to put on a fireworks Independence Day Event. If you don't have control of the event, what then does the board say next year, when we budget money and provide funds for the parades, or the Memorial Day Event or the Historical Society.

Tony Rivizzigno – Those are specifically permitted under Section 64 of the Town Law and there is a whole list of Veteran's situations that you can contribute to. It's not something where you can do whatever you want. You would have to look under the law to see what you can do and Section 64 has a whole bunch of activities that the town could entertain and specifies what you can spend money on.

Mr. Corl – I am just concerned that by going down that road, we're going to have issues with other organizations and that you're singling out this organization. The other issue is when we waive fees for different events for fireworks. We're going down that road where we put ourselves in the position, where we may not be able to do those things. I would suggest, since Brewerton has recently found out about this and has previously relied on this money, is to make the contribution this year and then have an overall

evaluation of what the town donates to organization and the waiving of fees and that type thing.

Tony Rivizzigno – You can do whatever you want to do. All I'm telling you is that in my opinion these would be against the Comptroller's opinion that we do not spend the money that way. That doesn't mean you can't do it. I'm just giving you my opinion. I would also say in terms of waiving the fees, that contributing is giving and waiving is giving up. There is a distinction there. Whether some court says, no, I'm wrong, and they may, but, it's just my opinion. I think until the Comptroller says those are activities you can be involved with, I don't think we should.

Mr. Corl – I appreciate that and those comments. I would encourage the board to make the obligation this year and then we can revisit the whole issue, if the board would like to do that.

Tony Rivizzigno stated that we could ask the Comptroller for an opinion, specifically to our case. You may not like what you get back, and you're going to be stuck with it. Again it's a board decision and not my decision.

Ms. Boyke – Before we do anything else with that, she asked Chief Snell to give an approximate estimate of what they budgeted to support that event.

Chief Snell stated that it would be a rough estimate but believed that it was \$400.00 or \$500.00 of manpower for that one event. We start shutting the roads down at 4:30 p.m. and getting our people in place. You have to bring people in on overtime and part time which is additional and wouldn't be scheduled. We rely on Volunteer's.

Ms. Boyke – Are we budgeted for that?

Chief Snell – Yes, and he'll bring the information regarding this to the next board meeting.

Mr. Corl – If that theory applies, that we're providing that, and we go along with what has been recommended, then we really shouldn't be doing that either.

Ms. Zambrano – You're absolutely correct.

Tony Rivizzigno – When I talked about fireworks, it was specific to fireworks. If you look at Section 64, there is a lot of stuff that you can do in terms of contributions, but, we were asked specifically about the fireworks and my opinion is on the fireworks question. If you look in McKinney's Law, there's a Comptrollers opinion that talks about fireworks.

Mr. Corl – I am concerned about consistency but wanted to ask the board if they would consider making the donation and then we could revisit the issue.

Mr. Jennings explained that one of the points is that no one in the past ever looked at it this way.

Shirlie Stuart stated that she believed that in 2004 or 2005 that board looked at this and the past legal did agree that we should not be doing it.

Mr. Corl – Was that fireworks or overall?

Shirlie Stuart explained that it was the same literature that she provided at that time and the board made a determination not to do it and it wasn't put in the budget. I will do some research to find the exact year and it is the same thing that Tony is saying. Legal gave you that advice.

Mr. Corl - My thought was to do it this year and then look at it.

Mr. Jennings - I think we had better look at it, Jim. You also mentioned the waivers given for fireworks display, for some organizations. I know it's only \$75.00 for these fire work applications, but the \$75.00 could work for the town. We really need to start looking at those.

Ms. Zambrano – In doing the internal audit, we are finding things that aren't compliant. This board is going forward cautiously rather than going forward on precedent, because we haven't been very confident.

Mr. Corl – This is just about providing funds that an organization has counted on.

Ms. Boyke stated that all of their fireworks are supplemented by donations from the merchants of the town and others for as many years that they have had this. If you got \$10,000.00 in donations for fireworks, that's how many fireworks you buy.

Mr. Jennings, - What is the amount of money that is spent on the fireworks?

Helen Carroll – I believe it is \$15,000.00 or \$18,000.00.

Mr. Jennings – How long does the fireworks display last?

Helen Carroll stated they last about 20 minutes.

Mr. Corl stated that is inclusive of the cost associated with the event including the fireworks. They have the fireworks, but, there is probably \$4,000.00 - \$5,000.00 of other costs associated with putting on the event.

Helen Carroll stated that there are several costs involved with putting this on.

Mr. Corl invited everyone to attend the Community Festival this weekend.

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

Tracy M. Cosilmon
Town Clerk

