

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, August 24, 2009, at 6:30 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Chester A. Dudzinski, Jr., Supervisor
James Corl, Jr., Councilman
Charlotte Tarwacki, Councilor
William Rybak, Councilman
C. Vernon Conway, Councilman
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent
Sharon Edick, Receiver of Taxes
Joseph Snell, Police Chief
Jody Rogers, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Jeanne Kulesa, Comptroller
Brad Brennan, Assessor
Bonnie Smith, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Michelle Baines, O'Brien & Gere

Absent:

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.
A moment of silence was observed in remembrance of our troops that are in harms way.

Mr. Dudzinski 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 into the microphones to enable all to hear.

S.E.Q.R.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, that all actions taken tonight are Type Two (2) or Unlisted actions and have a negative impact on the environment unless otherwise determined.

The motion was approved as follows:

Mr. Conway: Yes
Ms. Tarwacki: Yes
Mr. Rybak: Yes
Mr. Corl: Yes
Mr. Dudzinski: Yes

Mr. Dudzinski explained that at a Make a Wish function last week he had the opportunity to meet a very special family that has two very special sons. During a discussion, he learned that their youngest son Bobby, liked fire trucks, so all of the fire departments, who I wish to thank, found badges, helmets and T shirts, hats, coloring books, etc. that were given to him. A frame containing various fire department badges that was presented to Bobby to hang in his room was shown to those in the audience. Because of this very special person, I would like to make a resolution to declare this Bobby Day, in the Town of Cicero. A certificate was presented to Bobby.

South Bay Fire Department was also present to take Bobby and his family on a ride in a fire truck, to give him the full experience.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to declare August 24, 2009 "Bobby Day" in the Town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

APPROVAL OF JULY 27, 2009 MEETING MINUTES

Motion was made by Mr. Rybak, seconded by Mr. Conway, to approve the minutes of the July 27, 2009 town board meeting.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Abstain
Mr. Dudzinski:	Yes

DEPARTMENT HEAD INPUT

Highway

Chris Woznica asked for authorization to put a 1990 FMC Vanguard 4000 Sweeper in as is condition, that does not run and a 1988 FMC Vanguard 4000 Sweeper in as in condition that does run, that he wished to declare as surplus and to put them out for bid.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to declare as surplus and authorize that a 1990 FMC Vanguard Sweeper and a 1988 FMC Sweeper in as condition, be put out for sealed bid on September 14, 2009 at 10:00 a.m. at Cicero Town Hall, 8236 South Main St. Cicero, NY 13039.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Chris Woznica stated that he would approval from the board to do a Highway Department budget modification from Budget Code DB5142.41, (salt) in the amount of \$140,000.00 leaving \$253,613.56 to Budget Code DB5112.55 (paving), to do one more road this year.

Mr. Dudzinski asked if that would be enough for Chris to get through the end of the year.

Chris Woznica - Yes

Mr. Corl asked which areas Chris had in mind.

Chris Woznica – The last roads will be in the Ridgecrest area being, Ridgecrest, Sunrise and Sunset.

Motion was made by Mr. Dudzinski , seconded by Mr. Rybak, to authorize a budget modification be done for the Cicero Highway Department from Budget Code DB5142.41, in the amount of \$140,000.00 (salt) leaving \$253,613.56 in Budget Code DB5112.55 (paving).

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

Police - None

Comptroller – None

Park & Recreation

Jody Rogers stated that the Highway Department has been instrumental in helping her department both with letting them borrow a chipper to do some clean up at Plank Road and Ron Reardon welded the cap at William Park for us. I wish to thank Chris for his continued support.

Mr. Rybak asked how the situation was at the Beach.

Jody Rogers explained that the beach is closed due to the geese problem.

Attorney

Heather Cole – The securities that are currently being held for siltation and erosion control measures at the Hancock Airpark, were posted some time ago by the Hancock Field Corporation. You recently accepted some roads in that area and an indemnification agreement for those roads. There has been discussion relative to the siltation erosion and they are no longer being needed, but, the town has never formally adopted a resolution authorizing the Town Clerk to transfer those securities back to the developer. The Supervisor’s Office received an e-mail regarding that today. If the board is ready to do this, I believe your security interests are satisfied and that the siltation erosion control measures are no longer necessary and you have an indemnification agreement for the roads and other utilities in that area.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to release siltation and erosion securities for Hancock Airpark back to the developer, Hancock Field Corporation.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

Heather Cole – The next item I have is for Executive Session at the board's pleasure. We have some employment history issues to review and I would ask that you consider having the Comptroller come into the Executive Session for that. We also have some Tax Certiorari Litigation to discuss being Wal Mart, Kinney Drugs and New Dimensions and to consider having the Assessor join us for those discussions.

Engineer – None

Zoning

Wayne Dean – The first resident up on Hawkeye in Saddlecreek is requesting to install a pool in his back yard that would intrude into the drainage easement approximately 6 feet. Normally, I wouldn't even listen to this, but, in this case, I showed Chet and Vern pictures today, but, the previous owners of the property planted cedar trees in the easements and brought up the grade. It is a fairly deep channel and it doesn't appear that the pool would make this situation any worse. Considering my job is to keep things out of the easement, I can't condone putting it there and would like the board to consider permitting him to put his pool there.

Mr. Rybak stated that he would like to take a ride out there to take a look at it before the board does any action on it.

Mr. Corl asked Wayne to circulate the survey he has in regard to this matter.

Mr. Dudzinski – The pool is going to be on the inside of the trees, so the main channel won't be obstructed.

Wayne Dean presented pictures of the area in question and stated that it is an extremely small back yard.

Eyal Obadia, owner of the property at 9466 Hawkeye Drive explained that he is trying to put a 16ft x 32 ft pool in his backyard.

Mr. Corl asked if this was deferred for two weeks if it would cause an issue with the timing of getting to get it done.

Mr. Obadia explained that he hasn't signed the contract yet, but, they could be ready to go at any time if we were given the go ahead.

Mr. Rybak – The berm won't be affected at all?

Mr. Obadia – No.

Mr. Corl – I don't have an issue with it and the pictures clearly define that there is already an intrusion with the trees there.

Mr. Corl asked Mr. Obadia if he had any problems in signing an indemnification agreement, which is prepared by our Town Attorney.

Mr. Obadia had no problem.

Motion was made by Mr. Dudzinski, seconded by **NO SECOND**, to give the right to the owner of 9466 Hawkeye Drive, Brewerton, NY, to encroach into the town easement 6 feet, to allow him to install a pool, subject to signing an indemnification agreement, to be prepared by the Town's Attorney.

Discussion:

Mr. Conway, I would like to add something to that motion. When they take the spoils out of the pool that grade can not be any higher than what it is now and between where the pool is going in and the house. Those spoils can be put past where the trees are, but, any other spoils that are left will have to be taken out.

Mr. Rybak – You can not alter that drainage easement at all, with any fill.

The motion was seconded by Mr. Corl, to include that modification.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	No, because the town has spent too much money already, rectifying encroachment in easements.
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Wayne Dean – We have been trying to get a handle on all of these drainage problems. O'Brien & Gere has looked at a number of them and we have a fairly good understanding of what we can accomplish this season. To finish the one, that we're looking at, O'Brien & Gere has requested another \$2,500.00 to obtain permits for additional work that is required for some of these projects and I would like to request authorization for \$2,500.00 for O'Brien & Gere.

Mr. Rybak – What type of permits are we looking at.

Wayne Dean explained that the permits are from the Army Corp and the DEC, and are in coordination with them for the work we want to do, because some of it, is in the wetlands.

Ms. Tarwacki – Is this in regards to the drainage committee?

Wayne Dean – Yes it is.

Mr. Corl – The \$2,500.00 will come from the drainage fund?

Wayne Dean – Yes

Mr. Corl – Will it be for any particular project?

Michelle Baines – We identified Jacob and Jillian Lane and Grandview Drive.

Wayne Dean – There is some additional work to be done on Grandview and Amanda Lane.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure of \$2,500.00 to O'Brien & Gere to obtain permits for drainage projects in the Town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Wayne Dean – John Woznica , owner of Northern Pines is doing some work out there and is before the Planning Board now. He is making modifications to the course and is adding a large pavilion. That work is going to require a new septic system for the golf course. He is going to install that, but, he just had a Health Department violation out there that requires him to put a grease trap to catch the grease from his existing kitchen. He would like to install that. To install the tank that will be used as a distribution box on a future system. He would like to install it now and use it as a holding tank, for the grease that comes out of the kitchen. To be used as a holding tank, the regulations require authorization from the board and for him to post \$1,000.00 security in case there is any problem. I would request the board’s approval for the installation of a holding tank at Northern Pines Golf Course.

Mr. Rybak asked how long of a time period would we be holding securities or if it is for ever.

Wayne Dean – No, he expects to complete the work on the new system next year. So, it would be about a year.

Ms. Tarwacki asked if he was pumping grease out now or contents from his current septic system.

Wayne Dean – The grease is flowing into his current septic system and the Health Department just discovered that and cited him with a violation. They want the grease entrapped before it goes into the septic system.

Mr. Rybak asked if the tank would be removed once the new system is installed.

Wayne Dean – No, at that time it will be turned into a distribution box for his new system.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize John Woznica to put in a holding tank to catch grease from the kitchen at Northern Pines Golf Course until his new septic system is installed and with him depositing \$1,000.00 in securities with the town.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Assessor - None

Tax

Sharon Edick - Our four school districts will be meeting this week to adopt the 2009 – 2010 School Budget. School Tax collection will begin on the 8th of September. We are still collecting Village of North Syracuse taxes and we’re going to place all of the exemption renewal applications in with the tax bills as it is a big savings to the homeowners and taxpayers, which is about 10 ½ cents per envelope. Also, if you don’t get your exemption forms, you will need to call the Assessor’s Office and anyone who is going to be 65 in 2010 needs to apply for their senior exemption which is again, through Brad’s Office.

Mr. Rybak asked Heather if the motion that was just passed, was contingent on her drawing up a formal agreement.

Heather Cole – I was going to draw one up.

Mr. Rybak – I just wanted that to be part of the motion.

Town Clerk

Tracy Cosilmon reminded the hunters and fisherman that the lifetime license for individuals that are currently age 65 is \$50.00 and the privilege includes the big game, small game, fishing, turkey and DMP. You need to act on this before October 1, 2009 as there have been changes.

APPROVAL OF ABSTRACT #15 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #15 of 2009 as follows:

General Fund Voucher #1673 to Voucher # 1804 In the amount of \$532,408.47 which includes payments to Feher Rubbish and Altman.

Highway Fund Voucher #373H to Voucher # 393H In the amount of \$115,711.68 which includes payment to Barrett Paving in the amount of \$58,751.00

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

APPROVAL OF ABSTRACT #16 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #16 of 2009 as follows:

General Fund Voucher #1805 to Voucher # 1972 In the amount of \$447,184.32 which includes our first payment to GAR Associates.

Highway Fund Voucher #394H to Voucher # 425H In the amount of \$239,402.28 which includes the payment to Lan Co in the amount of \$30,600.00 and another for Barrett Paving for \$121,530.00.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

BUDGET MODIFICATIONS

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the following budget modifications:

Misc

FROM	CODE	ACCT	AMOUNT	TO	CODE	ACCT
	B16802	Equipment	\$ 361.91	B19304	Special Items/Judgments	
	A16802	Equipment	\$ 1,000.00	A16804	Contractual -Supplies IT	

Town Clerk

FROM	CODE	ACCT	AMOUNT	TO	CODE	ACCT
	A162040	Buildings	\$ 4,000.00	A35204	Animal Control	

Jeanne Kulesa – I would like to add the Budget Modification that you approved tonight for the Highway to move salt to paving, so that will be **from DB514241 (salt) to DB511.255 (paving) in the amount of \$140,000.0.**

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

PUBLIC HEARING FOR STOP SIGNS REQUEST FOR
THE INTERSECTION OF TENDER TRAIL AND FARM GATE PATH

Chris Woznica stated that the signs have already been put up. He thought it was approved at the last meeting.

Mr. Dudzinski – We need to hold a public hearing first.

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 24th day of August, 2009, at 6:30 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that would establish a stop sign on Tender Trail at the intersection of Farm Gate Path in the Eldan Meadows residential subdivision.

Tracy M. Cosilmon, Town Clerk.

The public hearing was opened at 7:00 p.m.

Speaking for - None

Speaking against -None

The hearing was closed at 7:00 p.m.

Board Comments

Mr. Conway was glad the sign is up.

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to authorize the installation of a Stop Sign at the Intersection of Tender Trail and Farm Gate Path, to be known as a Local Law of 2009.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

PUBLIC HEARING FOR COLD WAR VETERAN'S EXEMPTION

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 24th day of August, 2009, at 6:30 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that allow for a partial exemption from real property taxes for qualifying Cold War veterans. The extent of the exemption will be reviewed by the Town Board at the public hearing. The local law is available for review in the Town Clerk's Office.

Tracy M. Cosilmon, Town Clerk.

Brad Brennan explained that this is an exemption for those who do not have an exemption. There are certain dates for all exemptions and this would expand that for the Cold War Times. We were considering the maximum level which is \$12,000.00 for meeting the time requirements and a maximum of \$40,000.00 for Veterans Disability.

The public hearing opened at 7:03 p.m.

Speaking for:

Deborah V. Gardner stated that she was for this as her husband is a Veteran, but, she would like one thing added if possible and that is, to receive the exemption a person must have had an honorable discharged from the Service.

Brad Brennan – That' part of it.

Deborah V. Gardner – I did not know that. Good.

Resident – If this is adopted, will this result in revenue loss to the town? Is this further compensated by the State in terms of taxes lost?

Brad Brennan – No it doesn't. It will shift some of the taxes to other property owners.

Resident – The town currently adopted the Alternate Veterans Exemption?

Brad Brennan - Yes

Mr. Cervantes stated he was already getting the ultimate Veteran's Exemption, because he is a Veteran of a war time period, however as he gets closer to retirement, he and his wife have been looking for places to retire and one thing that prevents him from committing to a location such as Central NY, is property taxes. I had a home in NC, that was valued at \$200,000.00 and which I paid \$2,200.00 in school and property tax. When you're on a fixed income, it really makes you consider where you could apply the \$6,000.00. This will benefit a lot of Veterans. I don't see many Cold War Veterans here, but, when you consider the period from 1945 to 1991, that will open this up to a lot of people that were not qualified, because they were not Veterans of a War Time Period. As you consider this, I understand that this will place a burden on other taxpayers.

Ed Zaluski – A WWII Veteran was in favor.

Dan Smith, Hiller Heights, Navy Veteran felt it isn't necessary to put dates on specific incidents. He explained that he was willing to do what ever he had to do to protect his county because he loves this country.

Lynn Jennings stated that he was a 23 year Veteran and had two tours in South East Asia, so he's had his exemption and thinks that this Cold War Exemption is long over due. He asked Brad if there is a time frame of service.

Brad Brennan – Yes

Heather Cole stated that it no longer requires that service be for more than 365 days. I think it used to require that.

Lynn Jennings stated that they had to serve at least 365 days. As I said, before, it's long overdue.

Ms. Tarwacki – As a gentleman said, is it an honorably discharge requirement too?

Brad Brennan – Yes it is.

Mr. Cervantes – The States definition of a Veteran puts a lot of people like my self at a disadvantage. Although I have two Bronze Star Medals and I have fought in Iraq for a year and Afghanistan for a year, by definition of the State, I am not a Veteran, as I am not honorably discharged yet. Because I have continued to serve and volunteer I am denied the additional 10% on top of the 15% although I've been awarded two Bronze Stars. The State doesn't define me as a Veteran except for the fact that I enlisted in 1988 for a four year tour during Desert Storm, which allowed me to qualify for the Alternate Veterans Exemption. I found it shocking and it disturbed me quite frankly. I know there isn't anything you guys can do, because you can't implement your own definition of Veteran, but, I would ask you guys to think about that. Somebody needs to take a look at it, as you are placing Active Duty Military at a disadvantage, by that strange definition.

Speaking against - None

The hearing was closed at 7:10 p.m.

Board Comments:

Mr. Conway stated that he thought this was a very good thing to do and it does say that they have to have 365 days of Active Duty.

Mr. Dudzinski – My position has been very clear when it come to the Military. As far as I am concern, we can never give them enough for the time they've been away from home and for what they have had to sacrifice.

Mr. Rybak asked Brad Brennan if he had gotten any preliminary numbers as to how many people this could effect.

Brad Brennan – There is no way to estimate that. We tried to get numbers from the Veterans Administration, but, it would appear that we could expect about the same number that already have the other exemption, because of the huge time period. We may be talking about 1,000 people.

Ms. Tarwacki – You will have to take into consideration that time period up until the abolishment of the Draft. It was required for a young man to be in the military service and that was all through the Cold War. I think there will be quite a few people and initially, that concerned me that we would be losing that much in revenue. I do feel it is well deserved that Veterans get some recognition. It is unfortunate that there is an error in not covering those who are currently serving.

Brad Brennan – We won't loose revenue. It will shift it. All exemptions are like that, except for the STAR Exemption. On that one, we do get the funding from the State, but, any other exemption does shift some of the burden.

Mr. Rybak – Have any other townships entertained this yet?

Brad Brennan – We were waiting for the County and it looks like they will be passing it. Salina is considering it also and Manlius was the first to enact it.

Mr. Rybak – I would like to suggest that the Supervisor give a letter of support to the Major and his fight to get that over turned.

Mr. Dudzinski invited Mr. Cervantes to stop into his office sometime.

Heather Cole – I just want to check with the board to see if they want to go with the maximum extent of the exemption, which is 15% or the maximum up to \$12,000.00.

Mr. Dudzinski – Yes

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the Cold War Exemption with the extent of the exemption at 15% or to a maximum of \$12,000.00, to be known as a Local Law of 2009.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

CONTINUED DISCUSSION OF INTERSECTION OF KATHAN ROAD AND ONEIDA DRIVE

Mr. Dudzinski stated that the Stop Signs have been already been removed as they weren't put up properly.

Chief Snell – They were installed illegally.

Mr. Dudzinski- The problem has been taken care of.

AUTHORIZATION FOR JJ LANE TO STABILIZE A RETENTION BASIN EMBANKMENT AT 6117 PALM SUMMIT CIRCLE

Wayne Dean stated that he had put a note in each board members mailbox asking for approval to have JJ Lane do some work in the drainage basin on Palm Summit Circle to stabilize the bank of the retention basin that keeps subsiding and going into the basin and causing severe settlement near a residence. If left unchecked this situation could potentially cause damage to the house. The work would be accomplished by JJ Lane, by placing large rip rap and then filling in behind it and grading and seeding it and it will cost, not to exceed, \$25,000.00.

Mr. Dudzinski asked Ms. DesRosiers how much land has slid in there. Is it 6 or 8 feet?

Ms. DesRosiers – Yes and on the side of my property I have only enough land to drive my tractor to cut the grass and you're leaning. My entire front yard is eroding into this drainage. The dirt is all being pulled out from the water that is sitting there and not draining properly. I have lost a lot of my land and in just in the last 3 weeks I have three new heavy, heavy weeds growing that are taller than me, which are encroaching on landscaping. It is really bad and I am going to have structural damage if it isn't fixed.

Mr. Dudzinski – I've had the opportunity to go over and visit this with Wayne once or twice and there is no doubt that if something isn't done, it is eventually going to get where the corner of the house could be in jeopardy.

Ms. DesRosiers – The house is only 11 years old. It is a beautiful development, but it is just something that was not done properly.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure not to exceed \$25,000.00 for JJ Lane to stabilize a retention basin embankment at 6117 Palm Summit Circle, to be paid out of Drainage Fund.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

**AUTHORIZATION FOR C. MATTES TO PERFORM DRAINAGE WORK IN THE
JILLIAN LANE AREA**

Wayne Dean asked for authorization for Charlie Mattes to perform drainage work in the Jillian Lane area. We have done a study there and O'Brien & Gere has recommended cleaning and realigning the channel up there. I have looked at it and we've discussed it. If we tried to do other work, it would help the situation more, but, this is the only solution we can come up with, that will improve the situation. Although it won't eliminate the flooding in the backyards, it will improve. There is one area that is filled in about a foot with cattails and sedimentation that we're going to clean out because it is hindering flow upstream. I received a price quote from Charlie of \$30,500.00. I am also requesting money to have Iannuzi and Romans place the proper alignment grade stakes, so that it is done correctly. It is hard for a machine or a contractor to hold grade, because the grade is so flat there. The survey stakes would help the situation. I am requesting that the work be done by both of those firms. I also requested a price from JJ Lane for the work, who bid on the drainage work, when the contract was put out for bid two years ago and his price was considerable higher. I also had requested a price from Tarolli and they did not respond. I believe they are very busy this time of the year, so I am requesting that the work be done by Mattes and Iannuzi and Romans.

Mr. Dudzinski – That's \$35,000 and not \$30,500.00?

Wayne Dean – The cost will also be for Iannuzi and Romans for the survey and it would come out of the Drainage Budget. I don't expect to use it all.

Mr. Corl – This has been a project in the making for quite some time.

Wayne Dean – Yes it has.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure not to exceed \$35,000.00 for C. Mattes to perform drainage work in the Jillian Lane area and for Ianuzi and Romans to survey and place the proper alignment grade stakes and to be paid from the Drainage Budget.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

**JUNKYARD APPROVAL FOR THE FOLLOWING LOCATIONS
A& P, 8572 ROUTE 11, FEATHERLY'S, 7480 BULL STREET, BREWERTON AUTO
PARTS, 9413 ROUTE 11 AND BATTLES, 7443 THOMPSON ROAD**

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the following Junkyard License renewals at A& P 8572 Route 11, Featherly's 7480 Bull Street, Brewerton Auto Parts, 9413 Route 11 and Battles, 7443 Thompson Road.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

RELEASE OF SECURITIES FOR MARRA MEADOWS SECTION NO. 1
Deferred to September 14, 2009

RELEASE SECURITIES FOR ELTA BUSINESS PARK
Deferred to September 14, 2009

RELEASE SECURITIES FOR MIRALAGO SECTION NO. 2
Deferred to September 14, 2009

DISCUSSION FOR ROADS FOR CICERO COMMONS

O'Brien & Gere's Letter of August 18, 2009

August 18, 2009

Town Board
 Town of Cicero
 P.O. Box 1517
 Cicero, New York 13039-1517

Attn: Chester Dudzinski, Jr., Supervisor

Re:Cicero Commons Street
 Dedication

File:0101.25439.347

Dear Board Members:

Our office has been requested to inspect the condition of the roads within the Cicero Commons to determine if they are adequate for dedication to the Town. The rights-of-way proposed to be dedicated include:

- Meltzer Campus Court
- Knowledge Lane
- Approximately 1,200 feet of right-of-way for a loop road located south of the west end of Meltzer Campus Court
- Approximately 350 feet of right-of-way for a stub road located north of the east end of Meltzer Campus Court

Meltzer Campus Court from Route 11 to Knowledge Lane and Knowledge Lane were constructed in 1998 under a Town contract to provide access to the Northern Onondaga County Public Library site. The remaining roads including improvements to Meltzer Campus Court from Route 11 to Knowledge Lane were constructed in 2001 during development of the Cicero Twin Ice Rinks project. Our office inspected the original construction of these facilities. The roads have minor cracking of the pavement surface but are generally in good condition given their age. The Town Highway Superintendent has indicated the cracks should be sealed and should be consulted relative to the cost of this work. It is our understanding there are some funds available for this work.

Approximately 150 feet of the stub road located north of the west end of Meltzer Campus Court has not been constructed. The Board should consider if securities should be taken to guarantee construction of the remainder of the road. Alternatively and upon consultation with the Town Attorney the Board could acknowledge that it will be the responsibility of the Developer desiring to utilize the right-of-way to bear the costs of the future road construction.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,
 O'BRIEN & GERE ENGINEERS, INC.

Heather Cole stated that the board should have received a letter from O'Brien & Gere. This is something that has been pending for a while. Only a portion of Meltzer Court which is the road leading into the Commons area was ever actually dedicated and deeded to the town. O'Brien & Gere has gone out and inspected the rest of the roads in that area and have determined that they are in substantially good condition. There are some fairly minor cracks and repairs that Chris would like to repair with money that is still being held in an escrow account with the town. One thing I want to bring to your attention is that there is 150 feet of road that would extend roughly north parallel to the parking lot for The Commons, that was never actually constructed. O'Brien & Gere suggested that we try and get securities for that road to be developed, but at this point, being that the property owners have changed hands a number of times. I'm not sure how practical that is. The money that is currently being held is not enough to construct that road. What I discussed with Mark Parrish and may be a reasonable way to proceed is to accept the roads as they are including 150 feet of road that has not been constructed. That portion would be essentially a paper road for future cross connection if it were ever needed and whoever wanted to come in and would possibly need that cross connection could construct that 150 feet. If the board is comfortable with that, you could act on O'Brien & Gere's letter as presented. We have copies of the instrumentalities to record the transfer to the County Clerk's Office in our office, for the Supervisor's signature.

Mr. Dudzinski – A paper road is basically a stub street.

Heather Cole – Yes, it's a stub street.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to accept the rights of way and roads within the subdivision including the establishment of a paper street for approximately 150' of stub road located north of the west end of Meltzer Campus Court located north of the west end of Meltzer Campus Court that has not yet been constructed, and for the developers escrow account to be used by the Towns Highway Department to perform minor repairs to the roads as recommended by the Town's Attorney as presented.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

APPROVAL OF CICERO/CLAY SNOW OWLS PERMIT

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the annual Cicero/Clay Snow Owls Permit and to authorize the Supervisor to sign the necessary paperwork.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

APPROVAL OF THE 2009 POLLING LOCATIONS

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the 2009 Polling sites.

**2009 TOWN OF CICERO POLLING SITES FOR PRIMARY
AND GENERAL ELECTIONS**

Districts	1	Cicero Town Hall
	15	Cicero, NY 13039
Districts	2	South Bay Fire House
	8	8819 Cicero Center Rd.
	20	Cicero, NY 13039
Districts	3	North Syracuse Village Community Center
	5	North Syracuse, NY 13212
	6	
Districts	4	Brewerton Fire Dept.
	11	Brewerton, NY 13029
	21	
Districts	7	Bellewood Baptist Church
	14	445 Church St.
		North Syracuse NY 13212
Districts	9	Cicero Fire House
	10	8379 North Main St.
		Cicero, NY 13039
Districts	12	Smith Road Elementary School
	18	5959 Smith Road
		North Syracuse, NY 13212
Districts	13	Wedgewood Apts. (Rec Room)
		7851 Route 298
		Kirkville, NY
Districts	16	Believers Chapel
	17	7912 Thompson Road
	24	Cicero, NY 13039
	28	
Districts	19	Cicero Elementary School
	23	5979 Route 31
	25	Cicero, NY 13039
Districts	22	J. H. Spire American Legion
	25	5575 Legionnaire Dr.
	27	Cicero, NY 13039

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

YBPR PURCHASE APPROVALS
(Lacrosse Camp Instructions)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$1,100.00 to Ryan Thayer for Lacrosse Camp Instructions to be reimbursed via fees, Budget Code B7020.44.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Upgrades to electrical at Gateway Park installed in 1977

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure of \$1,060.00 to Emerald Electric Inc. to do upgrades to the electrical at Gateway Park which was installed in 1977 and to complete the work to meet current code on the Community Development project.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Replace door and frame at Senior Center

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,825.00 to CNY Commercial Door Systems, Inc. to replace the door and frame at the Senior Center, from Budget Code A6772.48 and A6772.42.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Sandblast, prime and paint two one ton dump bodies

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$6,047.00 to Northside Collison to sandblast, prime and paint two one ton dump bodies being years 2002 and a 2004, to slow down the rusting and rotting to extend the life of the truck and to replace strobe lights for plowing, Budget Codes A7110.41 and A7110.40.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

SET BID DATE FOR GRAVE DIGGING AT TOWN CEMETERIES

Jody Rogers explained that the Town of Cicero has 6 Cemeteries that they maintain. If someone were to come providing a deed showing that they have a lot, plot or grave, in one of our cemeteries, I have no one on board to dig a grave, whether it be an earth burial or a cremation. I have gone to Pine Plains and have spoken with Dick Williams, people at Hillside in Central Square and a number of the men from the Cemetery Association and have even watched grave digging at Pine Plains. It is not something I would want town employees to do. I want someone who is experienced as you don't know what you are going to run into in the older cemeteries, so I'd like to put grave digging services out to bid, to bring someone on board that if in the event we have someone come forth and needs to have a grave dug and a burial done, we would have somebody who is experienced and on contract, much like dog control or nuisance animal services and those types of things. I put this together and it is a draft. I am still waiting on the liability limits. I've talked with Heather and it looks good as far as she knows. I have talked with a number of other townships that now maintain abandoned cemeteries.

Ms. Tarwacki – We're not talking about a retainer?

Jody Roger – We're talking about an amount such as \$500.00 or \$650.00. These folks would put in what they would charge, whether it is during the week or on weekends, which is a different rate. They would do the service and the Funeral Director, or Funeral Home, would pay the town and this service person would submit a bid to us as long as the grave is restored as it should be and then we, the town would then cut a check to the person who is on contract.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set September 14, 2009 at 10:00 a.m. to accept sealed bids at Cicero Town Hall, 8236 South Main Street, Cicero, NY for Grave Digging Services for various cemeteries in the Town of Cicero.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

ACCEPT RESIGNATION OF SAMANTHA DEMKO
PARKS & RECREATION ATTENDANT

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to accept the resignation of Samantha Demko as Parks & Recreation Attendant effective August 5, 2009.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

HIGHWAY PURCHASES
(Milling for Whittmore Tract)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$16,800.00 for Termarks Const. LLC, to do milling of the Whittmore Tract, Account Code DB5112.42.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

(Paving Operators & Equipment)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$50,000.00 to Lan Co Paving for paving operators and equipment, Account Code DB5112.42.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

ACCEPT BIDS FOR THREE (3) SECRETARY CHAIRS FORMERLY USED IN THE JUSTICE OFFICE

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to award the bid for the secretary chairs in as is condition, to Penny Chase in the amount of \$10.00 and to Mary Lou Cole in the amount of \$15.00 and to declare the third chair as surplus and to authorize for its disposal.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

EXECUTIVE SESSION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to enter into Executive Session to discuss the employment history of a particular persons, Tax Certiorari Litigation in the matter of WalMart Real Estate Business Trust, Kinney Drugs and New Dimensions and I ask that the attorneys and that the Comptroller and the Assessor be available and we will be reconvening.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

The meeting adjourned into Executive Session at 7:34p.m.

The meeting reconvened from Executive Session at 8:05 p.m.

Heather Cole – Tracy, we had a motion by Councilor Tarwacki, seconded by Councilor Rybak, to close the Executive Session and return to open session. We have one item of outstanding business and that is to resolve the Tax Certiorari Litigation in the matter of Kinney Drugs vs. the Town of Cicero. The reduced assessed value for the property will be \$55,370.00 and there will be no refunds paid for taxes in 2008. The provisions of Real Property Tax Law 727 shall apply.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to resolve the Tax Certiorari Litigation matter with Kinney Drugs, Inc. vs. the Town of Cicero.

RESOLUTION

Kinney Drugs, Inc. v. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the years 2008 and 2009 (March 1, 2008 and March 1, 2009 Taxable Status Dates) for the real estate known as tax map parcel 069.-05-34.6, located at 7998-8000 Minoa-Bridgeport Road, Town of Cicero, County of Onondaga, were filed by Kinney Drugs, Inc. (“the Petitioner”), and were duly served in accordance with the Real Property Tax Law; and

WHEREAS, the Respondents, with the assistance of the Attorneys for the Town, timely served an Answer to the 2008 Petition, and will timely serve an Answer to the 2009 Petition; and

WHEREAS, the North Syracuse Central School District (the “School District”) having intervened in the actions; and

WHEREAS, the Respondents, School District and Petitioners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

The parties have agreed that the 2008 and 2009 assessments should be reduced, as follows:

Tax Parcel ID No.	Previous Assessment	Reduced Assessment
069.-05-34.6	\$86,950	\$55,370

with no refunds allowed to Petitioner for taxes paid based on the July 1, 2008 assessment; and

WHEREAS, the parties agree that the provisions of Real Property Tax Law Section 727 shall be applicable to this settlement. The maximum full value of the parcel shall be \$1,130,000 for the final rolls established on or about July 1, 2010, July 1, 2011 and July 1, 2012, and if the equalization rate for the Town changes, that the assessed valuation of the parcel shall be adjusted such the assessment is based on a full market value of \$1,130,000; and

WHEREAS, it appears to be in the best interests of the Town of Cicero to settle said matters without further attendant legal and appraisal costs relating to said matters;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cicero as follows:

1. The Town Board authorizes a stipulation of settlement of said pending proceeding on the terms set forth herein.
2. The Attorneys for the Town be and are hereby authorized to consent to entry of appropriate court orders to accomplish said settlements, including a stipulation of discontinuance of the said proceeding.
3. This Resolution shall take effect immediately.

The Resolution was adopted as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

PUBLIC INPUT 3 MINUTES PER SPEAKER

No Public Input

Engineer Comments - None

Attorney Comments - None

Board Comments

Ms. Tarwacki stated that she wanted to talk with Michelle Baines about the information she had asked for regarding Thompson Road and Griffin Road evaluation that O'Brien & Gere did and how much it was going to cost. She stated that she had spoken with Wayne Dean today and stated that she needed to have something before she could go back to the people. If she were to tell them that it's \$20,000.00 to put in a lateral, they're going to have a heart attack. I need to be able to explain this, so I'm asking you to provide me with information. I don't understand the information that I have been given and would like to go over it with you.

Michelle Baines – I think Mark Parrish may have left you a message. He was interested in actually sitting down with you and going through everything and how we came up with those preliminary costs and to also provide some additional information relative to current construction costs and what goes into designing and building these types of projects. If you are interested we can certainly do that.

Ms. Tarwacki – I need to have information that I can take with me to talk to them about, so that I can give a reasonable explanation. Who can afford \$20,000.00 in this day and age? I would like him to write something for me.

Michelle Baines – Typically, with these type projects, you have your debt service, the project costs and there is a certain amount of money that needs to be borrowed and then paid back by a certain number of property owners within that area. You also have that initial cost to connect to the sewer. I'm not sure exactly, where the \$20,000.00 came from.

Ms. Tarwacki – Gary told me that it doesn't include the cost to connect and they will have to pay \$5,000.00 - \$6,000.00 to connect, plus \$20,000.00 for the pipe in front.

Michelle Baines – I have our report and in that we estimated that in terms of what would need to be borrowed, to finance the project and then pay back, we estimated a range of \$1,100.00 to \$1,900.00 a year per benefitted property. That's over the lifetime.

Ms. Tarwacki – That's 20 years at \$2,000.00 a year. That totals \$40,000.00. I have to have something to take to them as I don't want to go back without good information.

Michelle Baines – Sure, we can definitely meet.

Mr. Corl read an excerpt from a newspaper article from Comptroller DiNopli as he felt it affected our local government.

New York's Local Governments might want to brace themselves for news coming out next month on how much they will have to pay to the fund employee pensions. State Comptroller DiNopoli said Thursday, that the rates which localities must contribute to the

NY State Common Retirement Fund is going to go up significantly, when it's going to be announced September 1, 2009, and it's going to hit local governments hard. It's just another example of more cost that the towns have to pick up for the State level. When you have State Politicians come into local governments saying it's you guys who are creating the higher tax burden for NY State residents, I think it's the other way around as everything passes down to us. This is something to keep in mind and we will be waiting for that report.

Mr. Dudzinski thanked South Bay Fire Department, Brewerton, Cicero, North Syracuse and Bridgeport, for all of their support that they gave to Bobby. It was pretty short notice when they called us and told us what was going on. We rallied the troops and we came up with a lot of nice things for him which he really enjoyed. Sharon and Tom Edick and Tracy were there with me and it was pretty moving. Whatever we could do to make him happy was fine with me. They did a wonderful job and I just want to thank them.

Tracy Cosilmon – You did a good job too.

There being no further business before the board, the meeting was adjourned at 8:15 p.m.

Tracy M. Cosilmon
Town Clerk

