

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, September 28, 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  
Bonnie Smith, Secretary to Supervisor  
Heather Cole, Esquire, Town Attorney  
Michelle Baines, O'Brien & Gere

Absent: Brad Brennan, Assessor

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 of 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

APPROVAL OF SEPTEMBER 14, MEETING MINUTES

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to approve the minutes of the September 14, 2009 town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway

Chris Woznica asked the board to adopt a resolution accepting Alethean Club, a new road in The Crossings that was previously overlooked.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to accept the new road, Alethean Club in The Crossings Development.

The motion was approved as follows:

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

Sweepers out to bid

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize that two sweepers that are no longer of use to the town, be put out for bid in the local newspaper and to set October 14, 2009 as the date to receive bids 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

Declare Truck #51 a 1989 Auto Car as surplus and put up for bid at the County Auction

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to declare the 1989 Auto Car, truck #51 as surplus and of no use to the town and to put it out for bid at the County Auction to be held in October.

The motion was approved as follows:

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

Chris Woznica – The Highway Department has a Fischer Plow out back that had been involved in an accident about three years ago which is just junk now. We’re going to cut

off the part that we can use and scrap the rest and we need to declare that as surplus as well.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to declare the Fisher Plow , serial #14051, that was involved in an accident three years ago, 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 |

Police - None

Comptroller – None

Park & Recreation

Jody Rogers asked for approval of an expenditure of \$1,085.00 to send ten youth and two chaperones to the Onondaga Council on Alcoholism/Addictions, Inc, Prevention Network Annual Teen Institute Conference Training Leadership weekend to be held November 5th through 8th 2009, Budget Code B7310.41CO.

Motion was made by Mr. Rybak, seconded by Mr. Corl, to authorize an expenditure of \$1,085.00 to send ten youth and two chaperones to the Onondaga Council Training Leadership weekend to be held November 5 – 8, 2009 Budget Code B7310.41CO.

The motion was approved as follows:

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

Jody Rogers asked for approve not to exceed \$1,600.00 to rent a 109” tree spade from Timber Tree service, sole vendor in the area, to move two trees. One is to move a tree down at Sleeth Park towards the rear of the property and the other is to move a permanent Christmas tree being a 20 foot blue spruce to the site for our holiday tree lighting.

Mr. Dudzinski asked Jody if she checked with Mike Maloney as he may have one.

Jody Rogers stated that she would check with him before going forward with this if you wish.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure, not to exceed \$1,600.00 to rent a 109” tree spade from Timber Tree Service, to move two trees, at Sleeth Park contingent on checking with Mike Maloney to see if he has this equipment available, budget code, A7110.459.

The motion was approved as follows:

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

Jody Rogers mentioned that the lighting is in at Gateway Park and that she has received compliments from the residents on Rinaldo Blvd. They are very appreciative of the security lights on their street and into the park.

Jody also asked for approval in the amount of \$520.00 for Tim Richards, Bill Alley, Bill Lawrence and Mike Hogan to attend the Annual Conference Sports Turf Managers of NY Conference that will be held November 12 and 13, 2009 in Syracuse, NY.

Motion was made by Mr. Dudzinski seconded by Mr. Rybak, to authorize an expenditure of \$520.00 for Tim Richards, Bill Alley, Bill Lawrence and Mike Hogan to attend the Annual Conference Sports Turf Managers of NY Conference that will be held November 12 and 13, 2009 in Syracuse, NY.

The motion was approved as follows:

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

Jody Rogers thanked Chris Woznica and Chief Snell and their staffs, the Village and all who assisted and Loomis Pardee and Ray Schrader for their expertise in moving historical buildings. Due to all the help we were able to move the building for relatively, little money and place it at Sleeth Park.

Attorney

Heather Cole – The Town Board should have received some information the end of last week about this issue that is not on the agenda. I just want to run through it with you and if you want to defer acting on it, that's fine. The Town Board re-zoned some property owned by the Jacobs on Eastman Road and Northern Blvd back in May of last year. The original application for the zone change requested a changed to Industrial, but, the request was then modified to ask for the zone change to General Commercial Plus. The Jacob's attorney recently contacted me, because he thought there may have been an error in the town board meeting minutes from when the zone change was approved. I think he may be correct. The actual Minutes state that the town board approved a zone change to Industrial, but, everything else such as the public notice, the information provided to the Town Board, the SEQR notification and negative declaration and the Local Law that has been filed, all said that the zone change was to General Commercial Plus. I was wondering if we could get a clarifying resolution on the record that the intent was to have the zone change to General Commercial Plus and not Industrial. I think it was just a typographical error in the minutes that no one caught. If you want to take this under advisement now and act on it next time, or act on it now, it is completely up to you.

Mr. Corl – My recollection is that it was General Commercial Plus and I remember specifically the discussion that we had.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to amend the minutes of May 28, 2008 to include the language for the zone change for the Jacobs property to be General Commercial Plus, which is known as Local Law 12, 2008.

The motion was approved as follows:

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

Engineer – None

Zoning – None

Tax – None

Assessor

Town Clerk

Tracy Cosilmon announced that the 2010 Tentative Budget is available for view in her office in the Town Clerk’s Office. The next Town Board Meeting is Wednesday, October 14, 2009 at 6:30 p.m. as the Town Hall is closed on October 12, 2009 in observance of Columbus Day.

APPROVAL OF ABSTRACT #18 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #18 of 2009 as follows:

|              |                                 |                               |
|--------------|---------------------------------|-------------------------------|
| General Fund | Voucher #2123 to Voucher # 2224 | In the amount of \$557,991.64 |
| Highway Fund | Voucher #462H to Voucher #481H  | In the amount of \$243,413.45 |

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

| <u>FROM</u> | <u>CODE</u>  | <u>ACCT</u>          | <u>AMOUNT</u> | <u>TO</u> | <u>CODE</u>  | <u>ACCT</u>           |
|-------------|--------------|----------------------|---------------|-----------|--------------|-----------------------|
|             | SD85401 0400 | Personal Svces       | \$ 313.91     |           | SD19304 0400 | Spec Items-Judgements |
|             | SD85404 0400 | Contractual          | \$ 3,800.00   |           | SD90308 0400 | Social Security       |
|             | SD85404 0400 | Contractual          | \$ 311.94     |           | SD90808 0400 | Teamsters Legal       |
|             | A16804       | Computer Contractual | \$ 17.76      |           | A168041      | Computer Mtnce        |
|             | A69894       | Brewerton Eco Assist | \$ 3,571.64   |           | A97854       | Lease Installments    |

Highway

| <u>FROM</u> | <u>CODE</u> | <u>ACCT</u>         | <u>AMOUNT</u> | <u>TO</u> | <u>CODE</u> | <u>ACCT</u> |
|-------------|-------------|---------------------|---------------|-----------|-------------|-------------|
|             | DB51101     | Summer personal Sve | \$ 404.68     |           | DB19104     | Judgements  |
|             | DB4142.42   | Snow/Sand           | \$ 3,000.00   |           | DB51424MB   | Mailboxes   |

Town Clerk

| <u>FROM</u> | <u>CODE</u> | <u>ACCT</u> | <u>AMOUNT</u> | <u>TO</u> | <u>CODE</u> | <u>ACCT</u>        |
|-------------|-------------|-------------|---------------|-----------|-------------|--------------------|
|             | A162040     | Buildings   | \$ 750.00     |           | A1620405    | Park/Rec Pole Barn |

The motion was approved as follows:

|             |     |
|-------------|-----|
| Mr. Conway: | Yes |
|-------------|-----|

**Discussion:**

Ms. Tarwacki: We should note that another one that that is high is Brewerton Eco. Asst. to the Lease Installments.

Jeanne Kulesa explained that those are the leases that we budgeted for in the A Fund and that it wasn't enough money.

**Continuation of the vote:**

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

DISCUSSION OF CONTRACT WITH SARATOGA ASSOCIATES FOR BREWERTON  
 REVITALIZATION PROJECT

**Discussion:**

Heather Cole explained that agenda item 7 is the discussion of Saratoga Associates Contract for the revitalization project in Brewerton. This is for the use of funds that the town obtained from Senator Schumer quite some time ago that are being administered by the NYS Department of Transportation. A small committee has been meeting regularly with Saratoga Associates who was selected to be the contractor for that project to work out a scope of services. In an agreement the Department of Transportation required that they thoroughly review the agreement and approve it. We have since gotten word that the DOT approves of the contract. Our office has contacted Saratoga Associates about some few relatively minor legal changes that we would like to the agreement and those will be worked out within the next day or so. I believe there are representatives of Saratoga Associates who are here that can speak to you as to what this contract covers and entails. You all have a copy to review as well.

Mr. Dudzinski asked if there were any highlights that they would like to bring to the boards attention.

Gordon Perkins, Project Manager for the Brewerton Revitalization Project explained that this is a Federally Funded Project, so, they will be following a set of rigorous design standards outlined by the DOT. Generally, this will involve creating a baseline survey, coming up with design criteria and what the people and the town want, what's necessary and what is required of our design. We will then get into design alternatives as well as a Master Plan that builds on all the work that's currently been done for the Brewerton Revitalization Project. We will then get into final design for the Waterfront Park and design details which will get the project ready for bidding and construction.

Ms. Tarwacki stated that she hasn't had much input on this or knowledge about it until she found this thing in her mailbox. The first time she looked at it was on the 24th and that copy was illegible. I got another copy today, which allows her to better see what is going on. I would like to know, if you can explain a little bit about how your work is going to either build on EDR's work or are you replicating their work. What specifically, will you be doing that they failed to do?

Gordon Perkins – We are building on their work and we have no intention of replicating anything that they have done. To date, we are planning on taking all their public comments and all of their public input and building on that and incorporating into our design. We're taking it to the next step basically. EDR was looking at the entire village or hamlet of Brewerton and looking at potential actions and we're going to take that to the next step an put that to practice to work on the Route 11 and Waterfront Park design.

Ms. Tarwacki – This is federal money that the DOT is holding? Is there any requirement for matching money from us? What's the deadline for use of that money?

Heather Cole - This contract is for nine months and there is no time limit that I'm aware of from the DOT or Federal Governments end, saying that the money must be used by X date. My understanding is that you will only need to pay this consultant and then you will be reimbursed from the DOT. So, you will pay out and then be reimbursed, just as what was done, with the LWRP Funding that you utilized.

Mr. Dudzinski – This is just one of the steps that is required.

Ms. Tarwacki – What fund is this coming out of?

Jeanne Kulesa – This would be an A Fund. We currently, don't have anything on the books so we would have to amend the budget if we want to recognize the revenue and the expense this year. Otherwise if we want to just do the expense, we would need to do a modification.

Ms. Tarwacki stated that she received e-mail requests asking when payments will be made. She also asked if the payments would be split over months or into next year, or will they be made this year. She explained that she was concerned about the money as we have a tight budget for the rest of this year and we're preparing a budget for next year.

Heather Cole explained that it was her understanding that this consultant intends on billing some, this year, but, mostly next year.

Jeanne Kulesa stated that was her understanding. I did get one e-mail and we anticipate an October 16, 2009 billing that will be approximately \$15,000.00 to get us going. I would imagine there will be one in November and December as well. They couldn't tell me what that amount will be, right now. The DOT have said that we'll have to fill out some forms to get reimbursement and turn around time is supposed to be 30 to 45 days. We did have to deal with DOT for some money for East Circle Drive and the turn around was that time frame. It was much quicker than we are getting money from the LWRP Grant, which has taken longer.

Ms. Tarwacki – We've have three months left of this year to sustain and A fund has some money.

Jeanne Kulesa – We have some money left in town contractual in the amount of \$43,000.00, so it would be a place to mod some money into Brewerton Economic Assistance Account. I would say we would start there and go from there, if that is what the board wants to do.

Ms. Tarwacki stated that she was also questioning the money that we're going to have to pay for this before we get reimbursed into next year, that isn't budgeted. I didn't hear anything about it, in the budget meeting.

Jeanne Kulesa – Next year's budget is something that will have to be included and I have to talk with our Budget Officer about that. Those monies need to be budgeted as well as revenue, in anticipation that whatever monies we put out, we'll get in. So, the bottom line is zero. I have made him aware.

Ms. Tarwacki – We can't write a check without having the money in there.

Jeanne Kulesa – I know what you're saying.

Ms. Tarwacki – In certain funds, we're down to the wire already this year.

Jeanne Kulesa – This will all be A Fund.

Ms. Tarwacki – Will your organization be designing the streetscape for that first couple of blocks on Route 11?

Gordon Perkins – We will be establishing design alternatives and taking it up to construction documents, but, we're not going to complete the construction documents under this contract.

Ms. Tarwacki asked Mr. Gordon, if the firm will be addressing where sidewalks, curbs and parking lots will be.

Gordon Perkins – Yes

Ms. Tarwacki – Will you be working with the state and determining where the rights of way are?

Gordon – We will be establishing those rights of way and Bergman Associates will be doing this survey and it will be approved by the DOT.

Mr. Corl asked Jeanne Kulesa, if they would have to modify any money, if this were approved tonight.

Jeanne Kulesa stated that she would rather that the modification be done now if they can.

Mr. Corl asked if that would be in the amount of \$15,000.00.

Jeanne Kulesa – If you were to do that, I think it should be for more. We can do it meeting by meeting if you want, but, it is up to the board.

Mr. Dudzinski – Which way is the easiest for you?

Jeanne Kulesa – It would be easier if we could do more, as we would have more flexibility. Obviously, if it goes over, I'd be back before the board.

Mr. Duzinski – What is the total number that you need?

Jeanne Kulesa explained that she didn't know what the total number will be and that one account had \$40,000.00. I don't know if you want to move \$30,000.00 right now which may give us two months. I also don't know what the second billing will be and think it will depend on how quickly things move.

Mr. Corl asked if Jeanne could foresee any major expenditure's out of that line.

Jeanne Kulesa – No, Town Board Contractual is extra money, so to speak, that is in there and is money we have budgeted to get our financial statement turned over correctly and audited. It's not going to happen for this year but, it has been put back in the budget for next year, which was one of our goals. We're not doing that, but the money will not have another purpose. \$30,000.00 was the amount we had budgeted for that.

Ms. Tarwacki – More than likely, you will have to come back.

Jeanne Kulesa – Maybe that would be, in late November.

Ms. Tarwacki – I think we should take the \$30,000.00 now and see where else we can take some from in order, to back fill it.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the contract with Saratoga Associates for the Brewerton Revitalization Project contingent on the Town Attorney's review.

The motion was approved as follows:

Mr. Conway:            Yes

Discussion:

Ms. Tarwacki, stated that she is uncomfortable with it, and wishes to pass on the vote at this time:

Mr. Dudzinski – You can't do that.

Heather Cole – That would need to be recorded as a No, Tracy.

**Continuation of the Vote**

Ms. Tarwacki: No  
 Mr. Rybak: Yes  
 Mr. Corl: Yes  
 Mr. Dudzinski: Yes

Jeanne Kulesa asked for approval for a Budget Modification from Account A10104 Town Board Contractual, to A69894 Economic Assistance for Brewerton in the amount of \$30,000.00.

Motion was made by Mr. Corl, seconded by Mr. Rybak to authorize a Budget Modification from Account A10104 Town Board Contractual, to A69894 Economic Assistance for Brewerton in the amount of \$30,000.00.

The motion was approved as follows:

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

**RESOLUTION IN SUPPORT OF 2009-2010 APPLICATION TO NYS FOR  
 BREWERTON REVITALIZATION PROJECT REVITALIZATION PROGRAM  
 GRANT**

**Discussion:**

Heather Cole explained that their office as the Economic Development Consultant has submitted another Grant Application to the LWRP. That is the program where you received the initial grant to do a strategic revitalization plan for Brewerton. You all should have received a copy of the application that has been submitted. It is asking for funds to create a waterway boardwalk type design in the Hamlet. I believe the application has been submitted or will be submitted soon, because the deadline is fast approaching. We are asking for a resolution in support of the application designating the Town Supervisor to act as the authorized representative on behalf of the Town of Cicero, to act with regard to this application, should it ultimately, be granted.

Ms. Tarwacki - Wait a minute. This looks like this is \$250,000.00 of which the town has to pay \$125,000.00.

Heather Cole – That is correct. It hasn't been awarded yet and if it was to be awarded it would not be before you to consider budgeting and appropriating for at least two years, because you already have two applications that were approved through this program, that have not even been funded yet. You're not obligating anything right now.

Ms. Tarwacki – It isn't going to affect us this year?

Heather Cole – No

Mr. Corl – This allows Chet to act as a representative.

Heather Cole – Assuming that the application is ultimately awarded to help negotiate a work program agreement and that you'd be in the position to budget for this.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to adopt a resolution in support of the 2009 - 2010 application to NYS for the Brewerton Revitalization Project Revitalization Program Grant as follows:

**RESOLUTION  
2009-10 Application for Funds from the  
NYS Department of State, Division of Coastal Resources**

**RESOLVED, that the Town Supervisor is designated as the authorized Representative of the Town of Cicero to act on behalf of the Town in all matters related to The 2009-2010 LWRP grant, and he certifies to the best of his knowledge and belief that the information provided in the application is true.**

The Resolution was adopted as follows:

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

**AGENDA ITEMS, 9, 10 AND 11 DEFERRED UNTIL THE NEXT MEETING**

(9) RELEASE SECURITIES FOR MARRA MEADOWS SECTION NO. 1

(10) RELEASE OF SECURITIES FOR ELTA BUSINESS PARK

(11) RELEASE OF SECURITIES FOR MIRALAGO SECTION NO. 2

**ABANDONMENT OF CURRENT EASEMENT AND ACCEPTANCE OF NEW  
EASEMENT AT 9651 ROUTE 11**

Discussion:

Heather Cole – This is in regard to Dr. Carrol’s property up in Brewerton. As part of his site plan approval he will be expanding his building and will need to relocate a storm sewer on his property. Bob Walczyk is representing Dr. Carrol regarding this connection and I talked with Bob this afternoon. It appears, while an easement should have been recorded, for Dr. Carrol’s property a number of years ago, he can’t find it and the title, which doesn’t really surprise me. If it is alright with the board I would like to authorize the abandonment of any easement that the town may have had, that would be subject to permissive referendum. Tracy and I will work to get that published in the paper and then you will be accepting a new easement for where the new storm sewer will actually be located on his property.

Mr. Rybak asked Wayne Dean if he had any problems with that.

Wayne Dean – No, I don’t. It is a minor relocation.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize the abandonment of the current easement and accept the new easement located at 9651 Route 11, subject to permissive referendum.

The motion was approved as follows:

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

APPROVAL TO PAY LAN CO \$12,814.50 FOR RESTORATION WORK  
PERFORMED AT 7816 RUNNING BROOK LANE

Discussion:

Jeanne Kulesa asked for Town Board approval to pay the Lan Co bill in the amount of \$12,814.50. This was for restoration work done by Lan Co in connection with the February sewer break that took place on Running Brook Lane. It was a big project and they had to pour gutters. Clean up lawns, install asphalt and replace topsoil. O'Brien & Gere sent a copy which you should all have.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize the payment of \$12,814.50 to Lan Co for restoration work that was performed at 7816 Running Brook Lane.

The motion was approved as follows:

Mr. Conway:           Yes  
Ms. Tarwacki:        Yes

Discussion:

Mr. Rybak asked Chris Woznica if this would cheaper to have his department handle this in the future.

Chris Woznica – We've never done it before and it is in their contract. It was quite and extensive project.

**Continuation of the vote:**

Mr. Rybak:            Yes  
Mr. Corl:              Yes  
Mr. Dudzinski:        Yes

APPROVAL TO PAY C. MATTES \$8,500.00 FOR DRAINAGE WORK AT JILLIAN  
AND BEAR SPRINGS ROAD

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to pay C. Mattes, \$8,500.00 for drainage work at Jillian and Bear Springs Road.

The motion was approved as follows:

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

TOWN BOARD ACCEPTANCE OF COMPLETED TOWN JUSTICE AUDITS AS  
REQUESTED BY NEWYORK STATE

Jeanne Kulesa – The board should have received a memo with a copy of audits that were completed for each Town Justice that is required by NY State. They provide me with a form and information to collect and to send to them. Part of that, is that I need a resolution acknowledging that the required examination or audit was conducted and then I can send all of these materials to New York State as required.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to acknowledge that the required examination audit was completed for the Town Justices and to send the required materials to New York State.

The motion was approved as follows:

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

#### YOUTH BUREAU PARKS AND RECREATION STAFF APPROVALS

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to approve hiring Kevin Zuk, of Deersprings Road as a Recreation Attendant effective September 26, 2009 at the payrate of \$7.25 per hour.

The motion was approved as follows:

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

#### APPROVAL OF HIGHWAY SHARED SERVICES AGREEMENT WITH VILLAGE OF NORTH SYRACUSE

Heather Cole explained that their office prepared the agreement, but, didn't have anything to do with the negotiation of the terms. That was done by the Town and the Village, but, because my office represents both the town and the village, as with the Fire Protection Contracts, you should have a letter explaining that there may be a conflict of interest and asking you to waive that conflict with regard to our office's preparation of the agreement for both municipalities.

#### Conflict of Interest Agreement

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize the Supervisor to execute a Conflict of Interest Agreement asking the town to waive the conflict with regard to the Wladis Law Firm's preparation of the Shared Service Agreement with both Municipalities.

The motion was approved as follows:

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

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize the Supervisor to execute the Annual Highway Shared Services Agreement with the Village of North Syracuse.

The motion was approved as follows:

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

## APPROVAL OF NEW YORK STATE HIGHWAY PERMIT

## Discussion:

Chris Woznica explained that over the years, NYS has required permits to work in their right of ways. Examples are clearing snow from town roads that are on state highways, paving projects, digging ditches along a state highway in their right of ways. Over the last ten years they didn't keep up with the permits. We just received a new permit along with most of the towns in the county. They are reissuing these permits and it is something we need to do.

Mr. Dudzinski asked Heather if she has reviewed this.

Heather Cole – I have, but, it is an issue that the engineers can more appropriately review and I believe they have done that.

Mr. Corl looked at the permit application and asked Chris if he fills it out.

Chris Woznica – Yes

Mr. Corl – We do this every year?

Chris Woznica – We haven't. In the last ten years, it was never sent to us and a new person found that none of these have been recorded from any town, so he took the ball and started passing these out again.

Mr. Dudzinski – It sounds like the State is doing a little house cleaning.

Chris Woznica - It is something that is required from all municipalities.

Mr. Corl asked if we have to post a Surety Bond.

Jeanne Kulesa – No, we don't have to post a Surety Bond. O'Brien & Gere looked at that for us and there were two forms you could fill out. If you were to fill out the secondary form, you did not have to post a Surety Bond. I will just have to get an Accord from Haylor, Freyor and Coon, to attach, which should not be a problem.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to execute the New York State Highway Permit as required.

The motion was approved as follows:

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

## APPROVAL OF HIGHWAY PURCHASES

## Pipe, collars, flairs

Chris Woznica stated that this request was approved at last months meeting, under Crossroad Highway. The vendor now requires us to deal directly with the appropriate manufacturer, which is Contech Construction Products. We will amend the PO and put it under the new vendor, Contech Construction Products, rather than Crossroads Highway.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$3,263.70 to Contech Construction Products to purchase pipes, collars, and flairs from Account Code DB5110.45.

The motion was approved as follows:

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

#### Stakes

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$4,200.00 to Engebretsen's Sawmill, to purchase #3,500 stakes from Account Code DB51424MB.

The motion was approved as follows:

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

Chris Woznica wanted it noted that he has kept the price the same for the past four years and hasn't raised it.

#### PUBLIC INPUT 3 MINUTES PER SPEAKER

Jennifer Madeline, 8782 Wedgefield Lane moved into the Town of Cicero 2 ½ two years ago and as recently as last month, the environmental protection agency came to their home because the builder misrepresented the Energy Star Logo when he sold us a home. So, we had to pull our building permits and found that the builder grossly understated the size of our house, the contents of the home, the number of bedrooms, the fireplace, etc. Through FOIL, I pulled a lot of the other houses he built in our neighborhood and found that he has been consistent in doing this. I think that it has an impact to the revenue in the Town of Cicero. I just want to bring it to your attention to look closer at these applications. I am assuming that in our neighborhood alone, it is thousands of dollars of misrepresentation on building permits.

Secondly, I wanted to bring to your attention that our home had major issues. We counted 7 building violations that we found in the first year. I just don't want anyone to go through what we've been through in the last couple of years. Unresolved problems are a missing beam, our floor caving in, no attic access, fire violations everywhere. I'm not sure what I'm asking you to do, but, please, don't let this happen to anyone else. It is very frustrating.

Mr. Dudzinski – What direction could she possibly go in, Heather?

Jennifer Madeline - We've spent \$12,000.00 in legal fees right now.

Heather Cole suggested that she work with her own attorney.

Jennifer Madeline explained that they will have to sue the builder Dan Tagliamonte. There is a missing beam and they now have a sinking floor.

Mr. Dudzinski – Your e-mail was interesting. Wayne and I talked about it.

Jennifer Madeline – We've been talking about this in my neighborhood and it's amazing that no one has filed a formal complaint, so, I guess I am doing that, though I don't know if I need to do that in writing. I need your advice as to what to do.

Heather Cole – I think bringing it to the Town Board and Planning Board’s attention is the first step. I don’t know what the Town Board can do to help you, other than be aware that you’ve raised the issue. Other than that, I can’t give advice to town residents because I have to represent the town. I would have said to you, to consult your own attorney.

Mr. Rybak – My concern is that if they are underestimating the size on the building permit, the town is out of a lot of money.

Wayne Dean – When they go out and assess the home, they look at the house. They don’t go by what’s on the building permit. Maybe initially, they do, but, when they assess the house, that’s what they use. You can check that with Brad, but, that’s my understanding.

Mr. Rybak – When they are paying for their initial building permit, isn’t it based on the square footage of the house, in some cases?

Wayne Dean – It’s based on the value of the house.

Mr. Rybak – If they undervalue the house, we’re losing money.

Wayne Dean – They’re saving \$5.00 per thousand of value of the house. Keep in mind that the value of the house is shown on a permit and does not include the value of the land. It’s the house itself and it doesn’t include the utilities or the lot.

Mr. Rybak stated that he was curious if there is any criminality here. If the guy is misrepresenting the house and square footage and everything, he’s actually taking money from the town. If he’s done it with one house, he’s done it with several houses and that’s one development.

Wayne Dean explained that in our town, this was only where he has built.

Heather Cole – Jennifer has just handed me copies of that information and I will take a look at it with Wayne to see what might be feasible from the town’s end against this builder.

Jennifer Madeline – My basement has water flowing in from the sides. The foundation was never signed off on. The EPA was there because he put an Energy Star Label on the house and it was never even rated or considered to be rated.

Wayne Dean explained that Energy Star is above and beyond what the code is and that they don’t have anything to do with that.

Mr. Rybak – Do they look at the house before they put that up?

Wayne Dean – They do and I’ve actually seen them there, doing one of his houses. They seal it off and I talked to the person who was doing it and he explained it and how they take infiltration tests on the house. They were doing it on one of his houses in that tract, but, I don’t remember which one.

Jennifer Madeline – This will take a long time.

Ms. Tarwacki – For a long time, information from the building permit was entered into the tax rolls so that the tax levels were based on that.

Jennifer Madeline – My home has the wrong number of bedrooms and the wrong everything. It will be fixed as I brought in the paperwork. It’s very frustrating.

Heather Cole – Wayne and I will look into it and you are welcome to give me a call.

Attorney Comments - None

Engineer Comment – None

## Board Comments

Mr. Dudzinski announced that we have a new author amongst us. Heather Cole's Proper Planning Practices Revitalized Dilapidated Hamlet, which was in reference to Brewerton, was circulated throughout Talk of the Town for the entire State of New York. It is quite an accomplishment and was very well done. Congratulations Heather.

Secondly, the lights have been turned on the bridge in Brewerton for the first time in 50 years. One is on the Hastings side and one is on the Cicero side. They were turned on last Monday and I understand that it looks good. Things are happening slow, but for sure in Brewerton.

There being no further business before the board, the meeting was adjourned at 7:17 p.m.

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Tracy M. Cosilmon  
Town Clerk

