

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, February 25, 2008, at 7:00 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, Codes Enforcement Officer
Jeanne Kulesa, Comptroller
Anita Barnello, Assessor
Linda Sacco, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Representative from Star News

The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.
A moment of silence was observed in honor 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 FEBRUARY 11, 2008 MEETING MINUTES

Motion was made by Mr. Corl, seconded by Mr. Rybak, to approve the minutes of the February 11, 2008 town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway – Chris Woznica asked that he be given authorization to advertise and set a date to accept bids for a road striper, which is a budgeted item.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to set March 10, 2008 at 11:00 a.m. to accept bids for a road striper to be used by the Highway Department.

The motion was approved as follows:

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

Police – Chief Snell stated that they will be holding their awards ceremony on Wednesday, March 12, 2008 at 6:00 p.m. at the Town Hall.

Comptroller - None

Park & Recreation - Jody Rogers asked for Town Board approval for the Supervisor to sign the Onondaga County Community Development 2007 Grant Contract which is in the amount of \$20,000.00 for the Senior Center Energy Conservation Project, which is contingent on attorney approval.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize the Supervisor to execute the Onondaga County Development 2007 Grant Contract in the amount of \$20,000.00 for the Senior Center Energy Conservation Project, contingent on the approval of the Town Attorney.

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 approval for the Supervisor to sign the Onondaga County 2008 Contract Agreement for the operation of the Youth Bureau Funded Program CanTeen. The Contract period is January 1, 2008 through December 31, 2008, contingent on the Attorneys approval.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak to authorize the Supervisor to execute the Onondaga County 2008 Contract Agreement for the operation of the Youth Bureau Funded Program CanTeen. The Contract period is January 1, 2008 through December 31, 2008, contingent on the Attorneys approval.

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 she had collaborated with the North Syracuse School District, specifically, Dr. Morton, on a Community Grant Application for the CanTeen in the amount of \$200,000.00. The application was delivered to Congressman Walsh's Office last Friday. The program is utilizing technology and media resources to teach independent living and life skills. It is a grant that we had placed two years ago, through the school and we were told to again submit it this year. If you would like to see a copy of it, I can make a copy for you.

Jody Rogers - My last item is that my Department recently submitted nominations to the Central New York Recreation and Parks Society for the 2007 award categories and we were informed that two of our nominations won the award. The first is the 2007 volunteerism award and it was won, by Don Bickel of Lakeshore Road. He serves as a volunteer at the CanTeen and has been there for the past five years and has logged at least 1,200 hours through December and continues to stay with us. He is also a driver for Meals on Wheels on Tuesdays and fills in on other days. He started with us in 2002, when we first started and is retired from Lockheed Martin and we are very excited for him.

The other award that we won was the 2007 Promotional Brochure Award for Town, Village and private category and this will go to Julie Raddell for her in house creation of our program brochure that we put out twice a year. The award ceremony is this Thursday in Baldwinsville for all the award winners.

Mr. Dudzinski extended his congratulations on behalf of the board and himself to both Don Bickel and Julie Raddell.

Attorney - Heather Cole stated that she had a couple of items for Executive Session if the board is agreeable. They should have received a memorandum from their office on both. One is regarding a Tax Certiorari, Verizon, New York vs. the Town of Cicero, and the second is regarding a potential continuation of employment with a particular contractor in the Town that is C. Mattes Incorporated.

Engineer – Absent due to illness.

Zoning – None

Assessor - Anita Barnello requested permission from the board to investigate with Attorney Heather Cole, the differences in assessing condominiums. Currently, our town doesn't have any condominiums and without anything in the town's statutes we may be subjected to lower than typical market value if we don't look into this ahead of the game. Anita asked to be allowed to explore this information and the different avenues.

Mr. Corl – I don't have a problem with you proceeding with this.

Motion was made by Mr. Rybak, seconded by Mr. Corl, to authorize Anita Barnello to investigate with the help of Attorney Heather Cole the difference in assessing condominiums.

The motion was approved as follows:

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

APPROVAL OF ABSTRACT # 4 OF 2008

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to approve Abstract # 4 of 2008 as follows:

General Fund	Voucher #384 to Voucher #505	In the amount of	\$2,073,995.68
Highway Fund	Voucher #86H to Voucher #103H	In the amount of	\$ 227,444.64

The motion was approved as follows:

Mr. Conway: Yes
 Ms. Tarwacki: Yes, without any Wladis Law Firm fees
 Mr. Rybak: Yes
 Mr. Corl: Yes
 Mr. Dudzinski: Yes

BUDGET MODIFICATIONS

Jeanne Kulesa explained that the budget amendment for the \$1,395.00 was to cover expenses as the budget was lower then how we came in for expenses in 2007 and we will be taking from the Fund Balance, only for Fire Protection and their special districts. They have their own separate account. The second one is for Trash and is a larger amount of \$52,421.77. It is the same situation and there wasn't enough money budgeted, so I need to amend the budget in order to do that. I believe that the tipping fee went up as it does just about every year and I don't believe it was put into the 2007 budget and we had to pay those fees. So, it was additional in 2007.

Ms. Tarwacki –It wasn't put in the budget? What about the contact?

Ms. Tarwacki - Wasn't put in the budget? What about the contact?

Jeanne Kulesa - In the contract, yes, but, I don't believe when the 2007 budget was done, that dollar amount was taken into account.

Ms. Tarwacki – So, he billed us separately?

Jeanne Kulesa – No, it came billed with each bill you got and was put into that bill. For a period of time Chris McCarthy did not pay the difference and was only paying the flat fee they had paid the year prior because he hadn't gotten any information that the tipping fee had gone up. We've had some meetings with them relative to the new year and this is one of their issues. I told them if they would get me OCCRA's information showing that the tipping fee went up, we would pay them for that dollar amount. So, we had to do that.

Ms. Tarwacki - When we bid for a new trash contract, will that be part of the trash contract or will this be a separate item again?

Heather Cole – It always is part of the contract but, you might not know from year to year how much OCCRA is going to increase the fee and there is no way to foresee how much the tipping fee is going to go up if it does at all.

Mr. Dudzinski – All Chris wanted was documentation, so he wouldn't pay them.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the following budget Modifications as follows:

Misc

From	Code	Account	Amount	To	Code	Acct
2007	SD85404 0400	Contractual	\$3,598.91	SD90308 0400		Social Security
2007	SD8504 0400	Contractual	\$ 254.16	SD90558 0400		Disability
2007	SD85404 0400	Contractual	\$ 415.92	SD90808 0400		Legal/Teamsters

Amendments

2007 Fire Protection						
	SF34104		\$1,395.00			
2007 Trash (SR)						
	SR1604		\$52,421.77			

The motion was approved as follows:

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

**SET PUBLIC HEARING FOR STOP SIGNS IN
WALLINGTON MEADOWS SECTION 6**

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set March 10, 2008 at 7:00 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date for a public hearing to consider the installation of Stop Signs in Wallington Meadows, Section 6, at the intersection of Brandy Lane with Stop Signs on Pizzuto Drive at the east entrance, the intersection of Lavender Lane with Stop Signs on Brandy Lane at the west entrance and the intersection of Whiting Road with Stop signs on Brandy Lane at the east entrance, based on the final plan approved by the Planning Board, where the developer suggested Stop Signs and where the Planning Board, Highway Superintendent and Police had input on this and to be known as a Local Law of 2008.

The motion was approved as follows:

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

ACCEPT ROADS AND EASEMENT IN WALLINGTON MEADOWS SECTION 6

Heather Cole stated that based on the final plan accepted by the Planning Board per the memorandum dated February 8, 2008 with the deed for the roads and easements in Wallington Meadows, Section 6, I ask that you move on that as presented and to accept the roads and the easements for drainage facilities and sanitary sewer facilities. I would note that the developer is going to be required to post securities with the town to cover those things. There will be a separate agreement for Highway Securities, such that the town is able to keep money for two years after the top coat is installed, to insure that everything is done properly and if you need to go back in there to correct things, you have the funds to do it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to accept the roads and easements in Wallington Meadows, Section 6 as presented subject to the developer posting the necessary securities.

The motion was approved as follows:

Mr. Conway: Yes
Ms. Tarwacki: Yes

Discussion: Mr. Rybak asked if we have ever explored the ideas of holding on to securities longer than two years or would that be in violation of a law.

Heather Cole - It isn't necessarily a violation of law, but, it is based on what the Engineers and your previous Planning Director thought was reasonable. If you wanted to explore a longer period, you could certainly do that.

Chris Woznica agreed as we have some issues with some developments that are three or four years old.

Heather Cole stated they could look into it and if Chris and Wayne want to propose to us a different time length, and we can certainly try to put it in writing for the board to approve and adopt.

Continuation of the vote:

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

PUBLIC HEARING FOR 2008 COMMUNITY DEVELOPMENT

Proof of publication and posting was presented to the Town Board by Town Clerk Tracy M. Cosilmon. Mr. Dudzinski offered to read the notice in its entirety. There was no request to do so, therefore the reading was dispensed with.

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 25th day of February, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the Town's Application for the 2008 Community Development Block Grant funding cycle through Onondaga County, as well as proposed amendments to the Town's Five Year Consolidated Plan as required by the US Department of Housing and Urban Development. Information on the Town's projects is available at the Parks and Recreation Department, 8236 S. Main Street, Cicero, NY.

Jody Rogers – I would like to give some information about Community Development Funds. Projects must generally be located in the shaded areas indicated on the map that was distributed to the board. If they are eligible, they would fall into one of three categories and can overlap into two. It should benefit low income persons, eliminate slum or blighted conditions or benefit elderly or handicapped. The maximum amount of funds available from Community Development for this year is \$100,000.00 on any one project. The town must contribute at least 25% of the project cost through either taxation, special districts, fund raising or in kind services. The projects if approved must be completed and funds expended within that year. Tonight's public hearing for what projects the town would be putting forth to Community Development for the 2008 funds if available we would find out in October and then the money would be spent in 2009. I have two projects to discuss which are as follows:

This is a three issue Public Hearing.

1. First - Public presentation and review of both project applications
2. Secondly - Board decision on a priority ranking for both projects.
2. Thirdly - Board motion to amend the Five Year Consolidated Plan 2005-2009 to include your two new projects in the 2008 fiscal year.

I have included a synopsis of the 2008 Community Development Projects prepared for submission. I also included a DRAFT copy of the actual application which will have some minor changes and any potential changes made following the public hearings. Neither of these projects was listed on the 5 Year Comprehensive Plan 2005 – 2009 for the Town and will have to be included on an amended plan as well.

PROJECT #1***Gateway Community Park – Improved Lighting Project and Trail Extension***

Total Grant: \$111,000 Requested by CD: \$83,250 Town Share: \$27,750
(Town share in-kind and 277 Park funds)

Project Description:

This project has three components. The first section of the project is to create a sense of security and safety for neighbors/park users as well as extend the time frame for residents to use the equipment installed (basketball court, playground unit walking trail and picnic pavilion) with 2007 CD funds. There are two types of lighting proposed for this project: area and recreational. The need for lighting in the park was voiced by residents at meetings held in Bridgeport. The neighbors wanted to be able to see what was transpiring in the park as well as have the ability to use equipment longer into the evening due to work schedules. The area lighting (up to 1,200 feet covered) would be installed along the driveway and road in the park to grant neighbors and users a sense of security and safety. The recreational lighting would extend the hours for users into the evening.

The second part of the project is to extend the walking trail (500 feet) to complete the loop to the parking lot. The trail currently ends abruptly by the basketball courts and this extension would bring users back to the starting point without retracing their steps.

The final portion is to remove existing aluminum wiring and conduit to the light poles on field #1. This has become a maintenance concern as the wiring is no longer serviceable for its original purpose of lighting a ball field. By removing this hardware, it will eliminate one more attractive nuisance this hardware elicits to persons who tend to vandalize the equipment.

PROJECT #2***Sleeth Park Development and Beautification Project***

Total Grant: \$ 53,970 Requested by CD: \$ 40,470 Town Share: \$ 13,500
(Town share from 277 Park Funds.)

Project Description:

General improvements are proposed to a parcel of land donated to the Town, which was originally owned by early residents of the Town of Cicero, the Sleeth family. The improvements are to be done to eliminate a parcel that has become a dumping ground for trash and an eyesore with in the business district on Rt. 11. The development will begin with the installation of 90 feet of sidewalk along Rt. 11 to extend the existing sidewalk in a southerly direction as required by the Cicero Planning Board for any property improved along the Rt. 11 corridor. We propose to remove dead and over-grown trees and add fill, topsoil and seed. Then the parcel will have 50 feet of sidewalk extending westward to a concreted focal point that will have benches and lighting adjacent to Mud Creek waterway. The Town will plant the town's holiday evergreen tree as well as annual/perennials flowers and flowering trees to create a "garden park". Improving this area will carry on the efforts taken by Tracy Cosilmon, as well as the Chamber, when they worked at beautifying the Rt. 11 stretch with our banners and the installation of hanging flower baskets and striking Oneida Lake blue banners welcoming persons to the community.

Jody explained that there is three things that the board needs to do this evening. First is to agree or approve the projects, the second is to give it a ranking as to which of the two projects you wish to be the predominant one for this year, if we put both of them in. The third thing is to amend our five year Comprehensive Plan, which is a 2005 to 2009 plan, when you have done the other two items.

Mr. Dudzinski – We need to approve the process first.

Jody Rogers – Yes

Mr. Dudzinski stated that Onondaga County designates the areas and not us. They call them economically depressed areas within the town and it has a lot to do with things that they look at. There is a portion of Brewerton that will be in that area again, next year. We involved them in the process sometime last summer. Next year, they will also have green block on the Brewerton areas.

The public hearing was opened at 7:24 p.m.

Speaking for - Jody Rogers stated that as Director of Parks and Recreation she supports both projects and would also like to acknowledge that the park fund has approximately \$140,000.00 in it, so there is money available for these projects.

Ed Zaleski, Van Antwerp Drive stated this is a great project with a lot of potential.

Sherry Mitchell, Diffin Road stated she liked the first project as it would be nice to have something in our own backyard to go to instead of having to go elsewhere.

Speaking against - None:

The hearing was closed at 7 25 p.m.

Board Comments:

Mr. Conway explained that we have \$140,000.00 in funds towards this, and we're looking at \$27,000 for one and \$13,000 for the other which leaves about \$100,000.00. I think it is a good idea to do both.

Jody Rogers explained that they will only accept one project from us, so we have to decide which one you feel is the priority. We can put both of them in, because they can decide a second ranking if that's what they decide.

Mr. Conway asked Jody which one was more important.

Jody Rogers – I think I'd like to finish the Gateway Project as the community has requested it. This would be a completion in my mind and for the residents as well and I think they will be quite pleased with the final project.

Mr. Dudzinski – Won't the Cicero Little League start using the fields on a more regular basis.

Jody Rogers – Yes, Little League will be using two out of the four fields or two out of the three that are serviceable on a regular basis at least two days a week. It will see more activity.

Ms. Tarwacki – Having attended some of those meetings with the Bridgeport folks, in regards to this park that is my first choice. I would like to follow through with what those folks would like to see as well as the Town of Cicero's commitment to helping them to improve that park for their own use.

Mr. Rybak – I agree. We're well underway at Gateway, so why prioritize the second one. We have plenty of time to bring Sleeth Park into your recommended conditions. I think we should finish Gateway first.

Mr. Corl – I also agree. I've been at the last meeting in Bridgeport and I think with the improved lighting and the investment that has been made will help protect that area and give the residents more time to enjoy that area. I think it is a great project and we've been working on it for awhile.

Jody Rogers – It has been about four years.

Mr. Dudzinski – The Community Development Projects that we've been able to do in the Town of Cicero have been great for everybody. We've been able to accomplish a lot of things and I would also like to continue with the Bridgeport Project because we need things that are happening over there. It has been said, that Bridgeport is the forgotten end of town. If we complete this project, people will really enjoy it. I think the baseball people don't feel Bridgeport is as far away as they thought it was.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve both projects for the 2008 Community Development and ranking Gateway Park as priority number one and to amend the five year plan to add to the 2008 project list, the Gateway Project and the Sleeth Park as presented.

The motion was approved as follows:

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

PUBLIC HEARING DISCUSSION FOR ZONE CHANGE
EASTMAN ROAD/NORTHERN BLVD. TAX MAP # 055-02-01, 055-02-27
AND 055-02-28

PUBLIC HEARING DEFERRED ONCE AGAIN. THE APPLICANT PAID FOR THE PUBLICATION THIS TIME AND SAID HE WILL PAY FOR THEM AGAIN NEXT TIME. IF THERE ARE FURTHER DATES IN THE FUTURE, HE WILL ALSO BE PAYING FOR THEM. EVERY TIME HE DEFERS, IT ISN'T COSTING THE TOWN TAXPAYERS ANYTHING. THIS WILL BE MOVED TO APRIL 28, 2008.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to reset the date April 28, 2008 at 7:00 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a Zone Change for Eastman Road/ Northern Blvd., Tax Map # 055-02-01, 055-02-27 and 055-02-28.

The motion was approved as follows:

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

PUBLIC HEARING FOR WINDMILL MORATORIUM

Heather Cole – Wayne had asked the board to consider imposing such a moratorium so the he and I would have some actual legislation for the town on windmills and how they can be constructed, and where, the size of them, etc. We have prepared this moratorium and I will note that it is based very heavily on one prepared by the Town of Lyme. They have a significant amount of wind powered generating facilities there, and their attorney was kind enough to provide us with some information we could tweak and use in our own municipality. You have all received a copy of that draft moratorium and it was sent down to the County for their review as well as your surrounding municipalities. To my knowledge, the County Planning Board hasn't had a chance to review this yet. So, you

don't have their referral and you won't be able to make your final determination tonight, but, you can still have your public hearing. I am fairly certain you will have their response by the next meeting, so you can defer a decision until then. I would also like to note for the public's interest that moratoriums are consider Type II actions for SEQR, so no SEQR determination is necessary.

Wayne Dean stated that he had suggested this be drafted as we have had a number of requests for construction of private windmills, not large ones like they have up north, but, smaller ones that are for personal use. I had a person come in today asking what the status was of our legislation regarding this or how fast it would be done because he was considering one. This will be a topic that we have to address.

Mr. Dudzinski – Some of the windmills that they have out there run about \$12,000.00 per house and can be 75 to 100 feet tall.

Wayne Dean – The ones I've seen aren't that tall.

Mr. Dudzinski – we want to make sure, what ever we do, that it is in the best interest of all the town residents before something happens.

Proof of publication and posting was presented to the Town Board by Town Clerk Tracy M. Cosilmon. Mr. Dudzinski offered to read the notice in its entirety. There was no request to do so, therefore the reading was dispensed with.

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 25th day of February, 2008, at 7:00 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider a local law imposing a six-month moratorium on wind power generating facilities. During the period of the moratorium the Town shall endeavor to establish a comprehensive set of regulations for the establishment or construction of wind power generating facilities. Information regarding the proposed local law is available for review in the Town Clerk's Office.

Heather Cole explained that the moratorium will be for six months with the ability to extend for an additional six months if necessary. I think Wayne and I will be able to get you a draft law, well before the six months is up.

The public hearing was opened at 7:33 p.m.

Speaking for - None:

Speaking against - None

The hearing was closed at 7:34 p.m.

Board Comments:

Mr. Conway stated that that we will have to go with these sooner or later, but we need to decide if we will do the same as with radio towers etc.

Mr. Dudzinski – I don't agree with you Mr. Conway.

Ms. Tarwacki stated it was a good idea to move forward with this. We may have to consider putting something up here, to lower costs once the types and sizes are decided.

Mr. Rybak – With our search for alternative energy sources, this is coming and we should have been on top of it long before now. We didn't realize it would take off as quickly as it has. We need to get this moratorium in place so that we can get some legislation on the books.

Mr. Corl – This is to protect the residents for right now and to put some specifications together. It is also my understanding we have for the Counties recommendation. They are meeting tomorrow.

Heather Cole – Yes and you should be able to vote on this at your first meeting in March.

Mr. Dudzinski – Can we just leave the public hearing open or closed?

Heather Cole – You can do either.

Mr. Rybak asked what will be done relative to the people who are coming in with this request.

Wayne Dean – Hold them off as I have been doing.

MR. DUDZINSKI STATED THAT HE THOUGHT THE PUBLIC HEARING SHOULD REMAIN OPEN, IN THE EVENT SOMEONE READS ABOUT THIS IN THE PAPER AND WISHES TO EXPRESS THEIR COMMENTS.

THE PUBLIC HEARING WAS LEFT OPEN (NO MOTION NO VOTE)

PARKS & RECREATION & YOUTH BUREAU PUCHASE APPROVALS AND CONTRACT APPROVAL

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$3,000.00 for John P. Goodman, FAIA, architect for technical services for the 2007 Community Development Senior Center Energy Conservation project, Budget Code A6772.48.

The motion was approved as follows:

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

PARKS & RECREATION & YOUTH BUREAU STAFF APPOINTMENT/DELETION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl to accept the deletion of Thomas McBride as a Recreation Attendant at the CanTeen, effective February 12, 2008.

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. Dudzinski, seconded by Mr. Corl, to hire Elizabeth Keyes, effective February 26, 2008 as a part time Recreation Attendant at the Can Teen for a maximum of 1040 hours out of CanTeen Personal Code.

The motion was approved as follows:

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

HIGHWAY PURCHASE APPROVALS

Two 10 wheel truck chassis, including warranty a budgeted item

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$214,149.56 (\$107,074.78 each), to purchase two, 2008 10 wheel truck chassis, including warranty from Beam Mack Sales, Inc. per State Bid, Account Code: Lease Program, which is a budgeted item.

The motion was approved as follows:

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

2 Dump Bodies and plow equipment – budgeted item

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$160,902.00 (\$80,451.00 each) from Viking Chives, per State Bid under Account Code: Lease Program which is a budgeted item.

The motion was approved as follows:

Mr. Conway: Yes and these will replace two old trucks and we have more roads to plow. We will keep one of the older ones for reserve.
 Ms. Tarwacki: Yes and we're purchasing them on a lease program, so we're spreading the cost out over several years and that is a favorable practice.
 Mr. Rybak: Yes
 Mr. Corl: Yes
 Mr. Dudzinski: Yes

(Two 13' 304 Stainless Steel sanders – Budgeted item)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$28,380.00 or \$14,190.00 each from vendor, Tracy Road Equipment per State Bid and Account Code: Lease Program.

The motion was approved as follows:

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

APPROVAL OF TASER INSTRUCTION SCHOOL – POLICE DEPARTMENT
 MARCH 25 – 26, 2008
 SEND FIREARMS INSTRUCTOR SERGEANT ANDREW SCHERER
 TOTAL COST \$549.00

Chief Snell asked for authorization for Sergeant Andrew Scherer to attend taser Instruction School in Middletown, NY on March 25 through 26 at a cost of \$549.00 and to use the town vehicle.

Jeanne Kulesa - The Chief stated this is not a budgeted item and in order to do this we need to take from a current line.

Chief Snell - That isn't true. The purchase of these items is not budgeted, but, the training is budgeted. We don't have the resources to purchase tasers at this time and will be looking for grant funding this year for it. This is the last time in New York State that the training will be offered. If we had to have training in NY City, it would cost more.

Jeanne Kulesa – I'm sorry, I misunderstood.

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to authorize an expenditure of \$549.00 for Sergeant Andrew Scherer to attend Taser Instruction School March 25th and 26th 2008, in Middletown, NY.

The motion was approved as follows:

Mr. Conway: Yes
Ms. Tarwacki: Yes

Discussion: Mr. Rybak asked Chief Snell, after Andrew Scherer is trained will he start out much like the city did, where the Supervisors were the only ones carrying them and then move on from there when they become available.

Chief Snell – They are about \$900.00 each plus we would need to do the training. We're hoping with the grant funding that it will include the training and we will probably just purchase enough for the Supervisors right now.

Mr. Rybak – The replacement cartridges and everything else is pretty expensive.

Chief Snell- They would have to be budgeted items and we don't intend on using them that much. The city has had some great success although the first couple of years, they used them excessively. Now, individuals know that they exist and they are just freely raising their hands and giving up. It has been cost effective by reducing officer injury and liability to the town as well as injuries to suspects as well.

Continuation of the vote:

Mr. Rybak: Yes

Discussion: Mr. Corl asked how the grant opportunities looked this year.

Chief Snell- They looked good until I read that the Federal Government has cut it by twenty five million dollars. I believe that the Senate is looking to get more money back into the JAG Grant, which comes to the State via the Burn Grant. We will be applying for the Burn Grant this year and it will be included that.

Mr. Rybak – Is there anything under Homeland?

Chief Snell – Homeland is being used to enhance our video systems and to replace our doors with security doors.

Continuation of the vote:

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 litigation in the matter of Verizon, New York, Incorporated vs. the Town of Cicero and the employment and history of a particular corporation in the town and invite our attorney, the Assessor into the Executive Session and we will be reconvening.

The meeting adjourned into Executive Session at 7:44 p.m.

The motion was approved as follows:

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

The meeting reconvened from Executive Session 8:00 p.m.

Heather Cole – Tracy, Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to close the Executive Session and return to open session. We have two items from the Executive Session. The first is a Consent Order and Stipulation in the Matter of Verizon of New York, Incorporated vs. the Town of Cicero. This is a real property tax assessment certiorari proceeding. I am going to outline the terms of the stipulation and send you a copy and ask that you insert it in the minutes.

At Chambers of the Supreme Court of the State of New York, held in and for County of Onondaga, in Syracuse, New York on the ____ day of _____, 2008.

PRESENT: HONORABLE DONALD A. GREENWOOD
SUPREME COURT JUSTICE

In the Matter of the Application of

CONSENT ORDER

VERIZON OF NEW YORK INC. (formally,
New York Telephone Company),

INDEX NOS. 2006-4163;
2007-3989
R.J.I. NOS. 33-06-2529;
33-07-2316

Petitioner,

-vs.-

THE ASSESSOR, BOARD OF ASSESSMENT
REVIEW AND THE TOWN OF CICERO,
NEW YORK,

Respondents.

Upon reading and filing the annexed STIPULATION settling and discontinuing the above-entitled proceedings, it is

ORDERED, that the above-entitled proceedings be and the same are hereby settled and discontinued with 2007 reduction in assessments as set forth on Schedule "A" attached hereto, for the tax assessment roll years 2007 and 2008, and it is further

ORDERED, that all other terms and conditions of the annexed Stipulation of settlement be incorporated herein, and it is further

ORDERED, that Petitioner waives refunds on the 2006 and 2007 proceedings to which it otherwise might have been entitled, and it is further

PATRICK J. RAYMOND • ATTORNEY AT LAW • 66 HAWLEY STREET • BINGHAMTON, NEW YORK 13905

ORDERED, that the officers having custody of the assessment roll upon which the above-mentioned assessments and any taxes levied thereon are entered, shall forthwith correct the said entries in conformity with this Order and shall note upon the margin of said roll opposite said entries that the same have been corrected by the authorization of this Order, and it is further

ORDERED, that the 2006 and 2007 proceedings are discontinued on the merits, and it is further

ORDERED, that the above is to be without costs or disbursements as against one or the other.

HONORABLE DONALD A. GREENWOOD
SUPREME COURT JUSTICE

Dated: Syracuse, New York
_____, 2008

PATRICK J. RAYMOND • ATTORNEY AT LAW • 68 HAWLEY STREET • BINGHAMTON, NEW YORK 13905

4. An Order may be entered upon this Stipulation by either party without further notice to the other party.

WLADIS LAW FIRM, P.C.
BY HEATHER M. COLE
ATTORNEY FOR TOWN OF CICERO

PATRICK J. RAYMOND, ESQ.
ATTORNEY FOR PETITIONER

PATRICK J. RAYMOND • ATTORNEY AT LAW • 66 HAWLEY STREET • BINGHAMTON, NEW YORK 13905

INTERVENOR ATTORNEY
KATHLEEN M. BENNETT, ESQ.
O/B/O N. SYRACUSE CSD

Schedule "A"

Town of Cicero

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<i>Tax Map No. Outside Plant Property</i>	<i>Assessment</i>	<i>Assessment as Reduced for 2007</i>	<i>Assessment as Reduced for 2008</i>
600.-63-190.100	\$89,490	\$81,435	\$73,382
600.-63-190.500	\$148	\$135	\$121
600.-63-190.600	\$9,332	\$8,492	\$7,652
600.-63-190.700	\$11,150	\$10,147	\$9,143

Heather Cole explained that the petitioner will receive a reduced assessment for tax roll years, 2007 and 2008 only. They will not receive any reduction for 2006 year and they will waive any and all refunds for years 2006 and 2007. The 2006 petition is going to be discontinued on its merit and essentially this is going to be a reduction in their assessment and is a Cellular Tower. For the next two years and in equal amounts over the two years and the reduction in the assessment is consistent with depreciation as explained and authorized by the Office of Real Property Services in New York State. We need a motion to accept that settlement and to authorize our firm to sign on behalf of the town.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to accept the settlement with Verizon of New York vs. Town of Cicero and to authorize the Wladis Law Firm to sign on behalf of the town.

The motion was approved as follows:

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

Heather Cole – The second item is a Change Order to the Contract with C. Mattes and the town for brush collection which I will read into the record.

The duration of the contract shall be to the later of January 31, 2009 or until all Christmas Trees from the 2008 holiday season have been removed. The total annual fee to be paid to the contractor shall be \$431,382.00 and all other provisions of the contract shall remain the same.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway to approve the Change Order to the Contract with C. Mattes for town brush collection as stated above.

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 about a year ago one of our employees redesigned the Town Seal which is on the podium. She has since painted us a brand new mural for the wall behind the dais. I wanted her to be here tonight, but, Bonnie Smith, who works in our Assessors Office, is the type person that doesn't like any type of recognition whatsoever. If you come into the town hall, please stop by tell her how beautiful it is. She is very talented and I think it is fabulous and just wanted to thank her publically.

Public Input 3 Minutes per speaker

Edward Hansen, Eileen Ave, asked if the park project is currently lighted.

Jody Rogers – No the field hasn't had lights on it since 1988.

Edward Hansen – Will it be now?

Jody Rogers – No, the softball, baseball field will not be lit for use at night. Just the playground, the basketball court, the picnic area and picnic shelter will be lit.

Ed Hansen asked what the anticipated cost will be to light areas such as that.

Jody Rogers explained that it is yet to be determined and is something that will be drafted up by O'Brien & Gere, when it is determined exactly what is being put out there. We are going with the most energy efficient fixtures in conjunction with a timer, so that they are only on, when they need to be on. That will be part of my budget.

Ed Hansen – Will it be similar to Gillette Road School?

Jody Rogers stated that there is a different illumination based on whether you are performing a sport, or recreation. If you were playing softball, the intensity of the lights needs to be much brighter and there needs to be more of them. In our area, where we are looking at lighting, in the picnic area, basketball court and playground, it needs to be lit enough so that you can see, but, not so you can perform an actual skill. It's for recreation and not for an actual sporting event.

Ed Hansen stated that the lights at Gillette Road are on at 10:00 p.m. and that is expensive and asked if this is paid by the school.

Jody Rogers – The users, pay for those facilities. If it's a school function, it is paid by school taxes.

Ed Hansen asked if they meter it out in some way and has been told that when they turn off the lights there is a liability issue there. Will we have the same thing here, with playgrounds being lit?

Mr. Dudzinski – I don't know what their policy is there.

Jody Rogers – There will be specific rules at the park, as to when those lights will be going off. We will extend use to perhaps 9:30 p.m. to 10:00 p.m. and then the lights will go off and the times will be posted. We will also have another meeting with the residents out there to determine what they feel is the best timing of that.

Mr. Corl - At a meeting some time ago, some residents felt that there should be dim illumination throughout the night would help deter vandalism, or kids gathering and things of that nature. I think illuminating some areas and not the entire area, could be beneficial.

Jessica Zambrano at the last Planning Board Meeting, the panel members passed a unanimous resolution to ask the Town Board to consider putting sidewalks into commercial areas of the town. I would like to know if that resolution has come to the board and if the board is going to consider the installation of sidewalks in commercial areas. If it has come to the board, and you are going to proceed, what is the time table for undertaking discussions on that issue?

Mr. Dudzinski asked at which meeting this was taken up.

Jessica Zambrano stated that it was at their last meeting.

Mr. Dudzinski – I was out of town last week, so, if it has come up I am not aware of it.

Wayne Dean – I don't believe it has gone to the board yet.

Mr. Dudzinski asked if they meant in front of existing.

Wayne Dean – I think they mean in front of existing commercial establishments to fill in the voids, between the newer ones and the established ones.

Jessica Zambrano stated they discussed specifically, Routes 31 and 11.

Mr. Dudzinski – My biggest concern, would be who would pay for these sidewalks.

Jessica Zambrano – That would be part of the discussion as to what the Town's expectation from the developers and from the property owners. Perhaps a Town Ordinance would be needed for maintenance of those sidewalks. I think it is an important issue and is a safety issue and I think it needs to be considered. I'm a little disappointed that it hasn't come here, but, they are busy and are probably working on getting that information to you.

Mr. Conway stated that he missed the last meeting due to illness, but, believed that this is under New York State Building Code now and that all new commercial has to have sidewalks. I do not know if you can go back on existing commercial and say that they have to have sidewalks in. I don't think you could do that legally.

Jessica Zambrano – As part of the discussion we could raise that question to the Town Attorney to see what would be possible. I do understand what you are saying.

Mr. Conway – I don't believe you could go back to a place that has been there for 20 years and say, hey, you've got to put sidewalks in. I know that I have talked with them several times when I was on the board about how we would address this. You could have someone put a sidewalk in that is five feet wide and 20 feet back from the road and the next establishment doesn't have 20 feet from the road, so where do they put the sidewalk?

Jessica Zambrano explained that the required width of sidewalks and where they should be placed is the issue and a Town Standard is needed.

Ms. Tarwacki stated that they inquired about asking the board to develop a standard so it becomes part of an Ordinance to give the Planning Board some teeth to take action, if people don't follow through.

Mr. Conway – If you have a State Code, you are required to follow the State Code and that he believed that the new code says the width of a sidewalk needs to be 5 feet wide.

Mr. Dudzinski – When it comes to our attention, we will look at it.

Deborah Gardner, Vernon Road stated that she attended the same meeting and was the second Planning Board Meeting that she attended and it was very interesting and she learned an awful lot. Ms. Gardner offered the video of the meeting that is on her website and offered the address to Mr. Conway, should Mr. Conway, wish to view it.

Attorney – None

Engineer Comments – None

Board Comments

Ms. Dudzinski stated that NAVAC will have a Fund Raiser on March 19, 2008 at Drivers Village. If anyone is interested, please attend.

Mr. Corl – Over the next few days I will be distributing amongst the Town Board Members a proposed Fence Ordinance, which is revised. I have been working with Wayne Dean and Heather Cole on this for some time. Please look it over and if there are any revisions you would like, please let me know, as I would like to have this ready by the next Town Board meeting so we can set a public hearing date. This Ordinance is to deal with residential properties and aesthetics and maintenance.

Mr. Dudzinski stated that March 1, 2008 is the last filing date for any exemptions. Please get them to the Assessors Office no later than March 1, 2008.

Mr. Dudzinski stated that a gentleman approached him today requesting a Stop Sign at the intersection of Cobblestone and Darby Farm Road, where it intersects with South Bay Road. He stated to me and Chief Snell that he would like to have two Stop Signs put on South Bay Road as there has been a lot of injuries there. He stated that he has also talked with his County Legislator and it was suggested that he proceed in this direction. I feel we need to see how the public feels about it.

Motion was made by Mr. Corl, seconded by Mr. Corl, to set March 10, 2008 at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date for a public hearing to consider Four Way Stop Signs at the intersection of Cobblestone and Darby Farm Road where it intersect with South Bay Road.

The motion was approved as follows:

Mr. Conway: No

Ms. Tarwacki: No, this will be tough

Mr. Rybak: Yes, and this will be aired at a public hearing.

Mr. Corl: Yes, I'm in favor. We've been asking for a stop light there and it is an issue that I agree with. We have the option of lowering the speed limit since becoming a Suburban Town

Heather Cole - I don't know about Stop Signs on County roads and I will look into seeing if you even have jurisdiction to put it up there.

Mr. Dudzinski: Yes, I don't agree with it, but feel we should hold a public hearing since he requested it.

There being no further business before the board, the meeting was adjourned at 8:12 p.m.

Tracy Cosilmon
Cicero Town Clerk

