

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Thursday, November 5, 2009, at 6:30 p.m., at the Brewerton Fire Department, 9625 Brewerton Rd., Brewerton NY, 13029 rather than the Cicero Town Hall to accommodate the anticipated number of people attending the meeting.

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

THE REGULAR TOWN BOARD MEETING CONTINUED FOLLOWING THE
2010 ANNUAL PRELIMINARY BUDGET MEETING AS FOLLOWS:

DEPARTMENT HEAD INPUT

Highway - None

Police

Chief Snell explained that recently the town office facilities went through a security audit. The Police Department was cited for lack of secure entry at the northwest entry. The audit indicated that the entry should have the same security as does the main entrance. I spoke with the Town Clerk, who instructed me to get quotes for the work of which I received two quotes. One is from C. O'Brien Inc., in the amount of \$2,300.00 and the other was from Dave Beck's remodeling in the amount of \$2,776.20 Should the board choose to approve this expenditure, I would recommend O'Brien Construction Services as they were the lowest bidder and I am also in receipt of their necessary insurance documentation.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,300.00 for C O'Brien Inc. to put a secure entry at the northwest entry of the Police Department per recommendation of the recent audit, to be paid from the Building Fund.

The motion was approved as follows:

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

Park & Recreation

Jody mentioned that they were notified that they will be getting another Community Development Grant next year in the amount of \$43,000.00 and it will go to Gateway Park Improvements.

Attorney – None

Engineer – None

Zoning

Wayne Dean asked for authorization for C. Mattes, Inc. to install a French drain at the property located at 8798 Emmons Mercantile. This work is required to correct a drainage problem in the rear of the property which contributes to flooding and wet areas in the rear yard. The cost of the work is \$8,200.00 and will be paid for from the drainage budget.

Mr. Conway explained that this is the property that was discussed at the last meeting. Three weeks ago, we walked that with O'Brien & Gere and the backyards over there were all flooded. Gary went back over on Friday and there was about 2 feet of water. Evidently, someone dumped their swimming pool. This really needs to be fixed.

Mr. Dudzinski – This is a perfect example that when the developer and the builder's come to town, to watch them more closely. A lot of these things get pushed aside. They come in and get the CO's and do their grading and move on and we get stuck.

Mr. Conway – This is why we're talking about a second building permit for asbuilts and if they don't do the asbuilts, they won't get a CO.

Mr. Dudzinski – We should get some type of securities.

Mr. Conway – Something needs to be done.

Ms. Tarwacki – That's true. How many times have we had to re-do someone's problem, that wasn't done the right way, to start with? Way too many times. We could make an adjustment on the budget if we could eliminate these things.

Mr. Rybak – It isn't just drainage either, it's roadways, gutter and everything.

Ms. Tarwacki agreed.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$8,200.00 for C. Mattes, Inc. to install a French drain at the property located at 8798 Emmons Mercantile to correct a drainage problem in the rear of the property that contributes to flooding an wet areas in the rear yard.

The motion was approved as follows:

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

Wayne Dean also asked for approval to do two projects. One is to excavate a ditch adjacent to 5794 Bartell Road to alleviate flooding at that address at a cost of \$500.00. secondly I would like approval to clean out and regrade the drainage swale west of Terry's Transmission on Taft Road for the cost of \$900.00 and would like approval for Little Diggers to correct those problems, with the cost to come out of the drainage budget.

Ms. Tarwacki asked if this is because the trucking company has a gravel and dirt lot in there which goes down hill into his swale.

Wayne Dean – It drains back there and he doesn't impact where we are working.

Mr. Corl asked Wayne where he got the quote from. Is Little Diggers new?

Wayne Dean – Yes, it's Don Stewarts Company and he approached me. He had done some projects for Jody and has done a good job. He did work at Plank Road.

Ms. Tarwacki – It's about time we had some competition.

Wayne Dean – His price was the lowest.

Mr. Corl asked Jody if she was satisfied with his work.

Jody Rogers – Yes, he has done an excellent job.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure of \$500.00 for Little Diggers, to do drainage work at 5794 Bartell Road and to authorize and expenditure of \$900.00 to regrade the property at Terry's Transmission on West Taft Road.

The motion was approved as follows:

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

Assessor

Brad Brennan mentioned that as far as the reassessment project, we don't know how long the State will fund that. They have been funding Assessment Maintenance Aid for at least 12 or 13 years. In making our decision to go forward, we did predicate it on getting those funds. When we complete the process of the reassessment in 2011, if the town then goes into a consolidated assessment program and if it maintains the 100 percent for years going forward from 2011, that maintenance will pay the full cost of that project within approximately 10 years. So, we will be getting that money back as long as the State doesn't have to stop those reimbursements.

Tax – None

Town Clerk – None

BUDGET MODIFICATIONS

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

Jeanne Kulesa stated that there are several small budget modifications but wished to bring to the boards attention, the amendment at the end. Jody has received Community Development Funds for Gateway Park in the amount of \$26,216.20, so we need to recognize this both as a revenue and an expense that we paid out for it.

Budget Modifications

Parks & Rec

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Account</u>
	B714040	Supplies	683.00		B72704	Band Concerts
	B714040	Supplies	646.00		B702049	Misc
	B714040	Supplies	309.37		B702047	Brochure
	A6772471	Cleaning	9.33		A677250	Taxes
	A6772471	Cleaning	101.44		A677255	Postage

Misc

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Account</u>
	B90898	Flex Admin	\$ 200.00		B90808	Teamsters Legal
	B16802	Equipment	\$ 212.33		B19304	Judgements
	A16802	Equipment	\$ 478.74		A16804	Contractual
	A90108	State Retirement	\$ 429.29		A97854	Lease Installments
	A90108	State Retirement	\$ 120.00		A90898	Flex Admin

Police

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Account</u>
	B312043	Fuel	\$ 1,391.00		B312050	Camera Supply

Highway

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Account</u>
	DB16802	Equipment	129.00		DB16804	Software

Amendments

Revenue

A2797 26,216.20 Increase
 To recognize Comm Develop funds for Gateway Park

Expense

A85104 26,216.20

The motion was approved as follows:

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

SET PUBLIC HEARING DATE FOR DRAINAGE IMPROVEMENTS AT
 9651 BREWERTON ROAD

Motion was made by Mr. Dudzinski, seconded by No Second, to set January 4, 2010 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider the Petition Plans for the drainage improvements at 9651 Brewerton Road as follows:

RESOLUTION

**Oneida River, Oneida Lake & Chittenango Creek Drainage District Improvement
 9651 Brewerton Road (U.S. Route 11)**

WHEREAS, the Cicero Town Board has received a petition and petition plans for improvements to the Oneida River, Oneida Lake & Chittenango Creek Drainage District; and

WHEREAS, the petition plans call for the construction of approximately 160 lineal feet of 24-inch diameter storm sewer and related appurtenances for the relocation of an existing 24-inch diameter storm sewer; and

WHEREAS, the proposed project is shown on a petition plan prepared by L.J.R. Engineering, P.C., dated April 1, 2009, and having file number 886.001, and the petition plans are on file in the office of the Town Clerk for public inspection; and

WHEREAS, the improvements will be constructed by the developer at an estimated cost of \$7,500.00, and will then be dedicated to the Town of Cicero at no cost; and

WHEREAS, there will be an annual operation and maintenance charge by the Town of Cicero for the Oneida River, Oneida Lake and Chittenango Creek Drainage Improvement, which in 2009 is \$2.13 per thousand of assessed value; and

WHEREAS, the Town Board wishes to call a public hearing on the proposed improvements;
 NOW, THEREFORE, IT IS RESOLVED:

1. A public hearing shall be held on November 23, 2009, at 6:30 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY, at which time and place the Town Board will hear all persons interested in the subject.
2. The improvements proposed constitute a Type II action under SEQRA and will not have a significant impact on the environment.
3. The Town Clerk shall publish notice of the public hearing as required by law.

Heather Cole explained that when the board, moves on the resolution as it was presented to you, because it gives the details to the nature of their improvement, they will just substitute out, the proposed date in there and set it for the January date.

Mr. Dudzinski – Correct

Tracy Cosilmon - Is there a second

Mr. Rybak seconded the motion.

The roll was called:

Mr. Conway – Yes

Ms. Tarwacki – Why are you moving it so far out? Why are we moving it to January instead of before the snow flies and the ground freezes?

Mr. Dudzinski – No, special reason.

Ms. Tarwacki – Isn't it proposed to be November 23, 2009?

Mr. Dudzinski – Would you like to change that?

Mr. Corl – Would that hold up this project?

Heather Cole – He's moving forward.

Ms. Tarwacki – Why don't we just do it on **November 23, 2009?**

Mr. Dudzinski – Put a motion on the floor if you want to change it.

Ms. Tarwacki – Lets, vote on the resolution that is presented.

Mr. Corl - We're in the middle of a roll call Charlotte.

Mr. Corl – Can we just amend the date as part of this resolution? Just amend the date, Charlotte.

Ms. Tarwacki – That's what I'm trying to say.

Heather Cole – You made a motion and there was a second. Charlotte is trying to amend the motion and everyone agrees, so why don't we just take the roll. The original motion was for a public hearing to be November 23, 2009.

The motion was amended to set November 23, 2009 at 6:30 p.m. as the date for a public hearing to consider the drainage improvements at 9651 Brewerton Road, Dr. Carroll's property.

The motion was approved as follows:

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

ADOPTION OF RESOLUTION AUTHORIZING APPRAISALS OF REAL PROPERTY FOR ASSESSMENT PURPOSES AT A MAXIMUM COST OF \$750,000 AND AUTHORIZING THE ISSUANCE OF \$725,000 IN BONDS

Jeanne Kulesa stated that the board should have received a copy of this resolution. In order to pay for the reevaluation in 2010, the contact calls for us to pay \$400,000.00 to GAR, Associates. In 2011, we would pay an additional \$325,000.00 for a total of \$725,000.00. I have been in touch with Tom Meyers from Orrick, who is the person we use for Bond Counsel, to issue a BAN. This resolution is asking you to authorize \$725,000.00 to pay for the project. However, we will do this in installments. \$400,000.00 for 2010 and the second installment will occur around this time, next year for 2011. I need this, in order to go forward, so that we can work with the Bank to borrow the money and have the money deposited into our account in January of 2010, to make the first payment to GAR, by the end of January 2010.

Motion was made by Mr. Rybak, seconded by Ms. Tarwacki, to adopt a resolution authorizing appraisals of Real Property for Assessment purposes at a maximum cost of \$750,000 and authorizing the issuance of \$725,000 in Bonds as follows:

BOND RESOLUTION DATED NOVEMBER ____, 2009.

A RESOLUTION AUTHORIZING APPRAISALS OF REAL PROPERTY FOR ASSESSMENT PURPOSES IN AND FOR THE TOWN OF CICERO, ONONDAGA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$725,000, AND AUTHORIZING THE ISSUANCE OF \$725,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Cicero, Onondaga County, New York, as follows:

Section 1. Appraisals of real property for assessment purposes in and for the Town of Cicero, Onondaga County, New York, is hereby authorized at a maximum estimated cost of \$725,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$725,000 bonds of said Town hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 53 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Cicero, Onondaga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by

Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

BOND RESOLUTION DATED NOVEMBER ____, 2009.

A RESOLUTION AUTHORIZING APPRAISALS OF REAL PROPERTY FOR ASSESSMENT PURPOSES IN AND FOR THE TOWN OF CICERO, ONONDAGA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$725,000, AND AUTHORIZING THE ISSUANCE OF \$725,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Specific object or purpose:	Appraisals of real property in the Town of Cicero for assessment purposes
Maximum Estimated Cost:	\$725,000
Period of probable usefulness:	Five years
Amount of obligations to be issued:	\$725,000

bonds

The resolution was adopted as follows:

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

APPROVAL TO UPDATE THE TOWN OF CICERO CODE BOOK BY GENERAL CODE PUBLISHERS NOT TO EXCEED \$9,644.20 A BUDGETED ITEM.

Tracy Cosilmon requested approval for General Code Publishers, to update the Town's Code Book, which is an annual expense. Due to the volume of information that needs to be printed, we have been given a not to exceed amount, of \$7,405.20 to print the supplements for the code books. I would also like to explain to the board that Wayne and I have looked into this and we would like to have this put in electronic format for his office, so that it would be readily available for his Code Enforcement Officer's to eventually have it on their laptops in their vehicles, to enable them to look up codes. The cost for this is \$1,495.00 and there would be a maintenance fee of approximately \$1,000.00, which would not be applicable this year. This was all explained in my memo to the board members.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak to authorize an expenditure not to exceed \$7,405.20 to update the Town of Cicero Code Book, 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

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,495.00 to have the code book put in electronic format for the Zoning Office, which will require an annual maintenance fee of approximately, \$1,000.00.

The motion was approved as follows:

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

**DISCUSSION OF SECTION 211 RETIREMENT WAIVER
FOR CHIEF JOSEPH SNELL**

Jeanne Kulesa requested that the Town Board authorize the Town Supervisor to sign and submit the 211 waiver (New York State Retirement and Social Security Law) request for Chief Joseph Snell which expires on 12/31/2009. The 211 waiver request will be submitted to the New York State Civil Service Commission.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize the Town Supervisor to submit the section 211 waiver request to the State Civil Service for Chief Joseph Snell per the resolution as follows:

The motion was approved as follows:

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

APPROVAL FOR SUPERVISOR TO SIGN OCCRA 2010 HAULER & MUNICIPAL REGISTRATION RENEWAL PERMIT

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize the Supervisor to execute the annual 2010 Hauler & Municipal Registration Renewal Permit for both Parks & Recreation and Highway.

The motion was approved as follows:

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

YBPR PURCHASE APPROVALS

(24” Snowblower and 21” Snowblower)

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,649.00 to purchase a 24 inch, 11 ½ HP commercial grade, electric start snowblower, from North Syracuse Lawn & Snow and \$519.00 to Creekside to purchase a 21 inch snowblower, budget code A7110.2.

The motion was approved as follows:

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

HIGHWAY PURCHASE APPROVALS

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$4,753.20 to purchase cutting edges/rubber blades and plow shoes from Oswego Tool & Steel, Account Code DB513046.1

The motion was approved as follows:

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

Truck #9 tires

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$2,680.00 to Iroquois Tire, to purchase tires for truck #9, Account Code, DB5130.42.

The motion was approved as follows:

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

Engineer Comments - None

Attorney Comments - None

Board Comments - None

There being no further business, the meeting was adjourned at 9:10 p.m.

Tracy M. Cosilmon
Cicero Town Clerk

