

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, October 26, 2009, at 6:30 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

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

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

Absent:

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance. A moment of silence was observed in remembrance of our troops that are in harms way and for the 103 people that were killed in the bomb blast in Iraq.

Mr. Dudzinski indicated where the fire exits were and read the following statement:

The Cicero Town Board acknowledges the importance of full public participation in all public hearings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room. At this time please turn off your cell phones and be sure to speak into the microphones to enable all to hear.

S.E.Q.R.

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

The motion was approved as follows:

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

APPROVAL OF OCTOBER 14, 2009 MEETING MINUTES

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the minutes of the October 14, 2009 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 stated that they received the bid to clean out the trench in the oil/water separator in their building from EPS out of Vermont, sole bidder for approximately \$3,000.00.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of approximately \$3,000.00 for EPS of Vermont, sole bidder, to clean the oil/water separator in the Highway Building.

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 have three digital cameras that they use for their crime scene investigations of which two have been damaged and are unable to be repaired or would cost more than they would cost to replace them. We contacted the NYS Police and they are currently using a NIKON D3000 digital camera at \$780.00 each, which includes two lenses that we need. Together it will be \$1,560.00 and I won't be asking for the flashes as we may be able to use the ones we currently have and these would be from State bid.

Ms. Tarwacki – A \$780.00 doesn't have a flash included?

Chief Snell explained that high end cameras don't include the flash and they need directional ability with the flash for a lot of things they do, so it needs to be separate from the camera.

Mr. Rybak explained that these are digital SLR cameras which single lens reflex and are faster for this type application and come with two lenses and the lenses, if purchased alone, would be at least \$200.00 each.

Chief Snell – By going through State bid, we're saving \$600.00 - \$700.00.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$1,560.00 to purchase two NIKON D3000 digital cameras through State bid.

The motion was approved as follows:

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

Comptroller – None

Park & Recreation - Jody Rogers stated that there are two interns working at the CanTeen who are supplementing their staff. Secondly, Judy Dickson from the Senior Center submitted paperwork for a small mini grant through the County. She received \$375.00 and our match is \$125.00 to run a program for seniors which is a journal writing program. A person comes in and works with the seniors and helps them put down their thoughts and historical things from their lifetime. Lastly, Julie Raddell was selected by the National Recreation Park Association for the Young Professional Award, which allowed her full payment for registration for the National Conference and a stipend towards her travel, air flight and accommodations at Salt Lake City, Utah. She represented the Northeast Region at the National Conference in early October, which was an honor for her and our department. She was able to meet with the Mayor and other top individuals in Salt Lake City.

Attorney - Heather Cole explained that one of the items she was bringing up was a follow up from a previous Executive Session with the Board regarding WalMart Tax Certiorari Litigation. The final paperwork has been drawn up and the terms are the same as what were discussed with the board in Executive Session last time. There have been some minor changes to the actual stipulation settlement since the copy you received, but nothing substantive that will change the merits of your resolution, or the merits of your settlement. I am happy to meet with the board again to review it in Executive Session this evening if you would like. However, the terms haven't changed and if you are comfortable in proceeding with it, you can adopt the resolution that was presented to you last week. This will not involve any refunds from the Town, because the assessment will be corrected before tax bills are generated.

Brad Brennan – Everything is fine on that.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl to approve as presented, the following resolution pertaining to WalMart’s Certiorari Litigation as follows:

RESOLUTION
Wal-Mart Real Estate Business Trust v. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2009 (March 1, 2009 Taxable Status Date) for the real estate known as tax map parcel 044.-01-17.2, located at 8060 Brewerton Road, Town of Cicero, County of Onondaga, was filed by Wal-Mart Real Estate Business Trust (“the Petitioner”), and was duly served in accordance with the Real Property Tax Law; and

WHEREAS, the Respondents, with the assistance of the Attorneys for the Town, will Answer the Petition timely if a settlement is not reached prior to the date on which an Answer is due; and

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

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

The parties have agreed that the assessment should be reduced, as follows:

Year	Tax Parcel ID No.	Previous Assessment	Reduced Assessment	Fully equalized value not to exceed
2009 (March 1, 2009 taxable status date)	044.-01-17.2	\$650,000	\$588,000	\$12,000,000
2010 (March 1, 2010 taxable status date)	044.-01-17.2	N/A	\$566,750	\$11,566,326

2011 (March 1, 2011 taxable status date)	044.- 01-17.2	N/A	\$588,00	\$12,000,000
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and

WHEREAS, it appears to be in the best interests of the Town of Cicero to settle said matters without further attendant legal and appraisal costs relating to said matters; NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cicero as follows:

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

The motion was approved as follows:

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

Engineer - None

Zoning - None

Assessor - None

Tax - None

Town Clerk - None

APPROVAL OF ABSTRACT #20 OF 2009

Motion was made by Mr. Rybak, seconded by Mr. Conway, to approve Abstract #20 of 2009 as follows:

General Fund Voucher #2358 to Voucher # 2478 In the amount of \$492,469.27

This includes a large payment of \$71,700.00 to the NYS Comptroller’s Office, which represents 3 months of Justice Fines. The State was behind in getting reports to us as we normally pay that on a monthly basis.

Highway Fund Voucher #517H to Voucher #536H In the amount of \$ 93,960.93

This includes payment to Lan-Co for \$10,200.00

The motion was approved as follows:

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

BUDGET MODIFICATIONS

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

Discussion:

Jeanne Kulesa explained that most of the budget modifications are small and that they are moving some money around in preparation for year end. Some money was moved from Personnel Services overtime in the amount of \$22,548.00 to Mechanic because we hired a second mechanic that was needed. We move Fuel-Summer in the amount of \$17,400.70 to Fuel – Winter. I needed more in our medical line for Highway, so I moved some of that money out of Social Security in the amount of \$11,000.00 and \$3,181.12 from Leases to those accounts. At the bottom, you will see an amendment for Parks & Recreation and this is for the programs that are run. Jody and Julie have taken the time to go through and look at the revenues we are going to be bringing in for the year and the expenses. The programs have gone very well and they would like to revise their budget and the revenue will be an increase of \$22,300.00 and the expense will go up \$16,200.00. They have done very well this year.

BUDGET MODIFICATIONS

Zoning

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	B168043	Computer Software	\$500.00		B168041	Computer Mtnce

Highway

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	DB513042	Tires	4,000.00		DB513049	Loader -Rpr
	DB51101	Sum. Personal Svce	998.40		DB19304	Judgement/Claim
	DB511011	Sum. Pers. Svce OT	22,548.00		DB51301	Mechanic
	DB513045	Motors	2,000.00		DB513053	Snowblower
	DB514040	Fuel-Summer	17,400.70		DB514243	Fuel – Winter
	DB514045	Brush	180.00		DB90608CDL	CDL Reimb
	DB97854	Leases	3,181.12		DB90608	Medical
	DB90308	Social Security	11,000.00		DB90608	Medical
	DB90808	Legal	2,500.00		DB90608	Medical
	DB97307	BANS -Interest	227.22		DB90608	Medical

Amendments

Parks & Rec – Programs Expense and Revenue

Expense	B702044	Program Exp	16,200.00	Increase expense
Revenue	B2001	Recreation Fees	22,300.00	Increase revenue

The motion was approved as follows:

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

SET THURSDAY, NOVEMBER 5, 2009 AT 6:00 P.M FOR A PUBLIC HEARING TO
 CONSIDER THE 2010 FIRE PROTECTION CONTRACTS
 AND FOR THE 2010 ANNUAL PRELIMINARY BUDGET MEETING
 AND FOR REGULAR TOWN BOARD MEETING TO FOLLOW IMMEDIATELY
 AFTERWARD

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to set Thursday, November 5, 2009 at 6:00 p.m. at Cicero Town Hall, 8236 South Main St., Cicero, NY for a public hearing to consider the 2010 Fire Protection Contracts and the 2010 Annual Preliminary Budget and for the Regular Town Board Meeting to follow immediately afterward.

The motion was approved as follows:

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

CONTRACT DRAWING APPROVAL FOR 9651 BREWERTON ROAD
STORM SEWER RELOCATION

O'Brien & Gere's Letter of October 20, 2009



October 20, 2009

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

Attn: Chester Dudzinski, Jr., Supervisor

Re: 9651 Brewerton Road (Dr. Carroll)
Storm Sewer Relocation
File: 0101/45309

Dear Board Members:

We have reviewed the following in regard to the above referenced project for conformance with Town Code requirements and the Town Sanitary Sewer and Drainage Facility Standards:

1. Project Description dated October 20, 2009
 2. Drainage Petition Plan dated April 1, 2009
 3. Plan and Profile dated March 18, 2009 revised October 20, 2009.
- L.J.R. Engineering, P.C. prepared the above items.

The project consists of the construction of approximately 160 feet of 24-inch diameter storm sewers that will replace an existing Town storm that crosses 9651 Brewerton Road. The existing storm sewer is to be abandoned to accommodate an addition to the building on the site. Our review of the referenced materials indicates they are in substantial compliance with Town standards. The Petition Materials are acceptable for the Town Attorney to utilize in preparation of the materials to hold a public hearing for consideration of acceptance of the facilities.

Our office will inspect construction of the facilities to confirm they are constructed in accordance with the Contract Drawings. A pre-construction meeting must be held prior to the start of construction.

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

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

Gary D. Cannerelli, P.E.
Vice President

Alex Wisnieski, LJR Engineering stated that he was the site Engineer for Tom Carroll who currently operates a Dental Practice at 9651 Brewerton Road on the northwest corner of Guy Young Road and Brewerton Road. Dr. Carroll recently received site plan approval to construct a 1,300 square foot addition to his office and make related site improvements. Currently, there is a 24 inch diameter town storm sewer that extends north/south through his property. The proposed building expansion footprint conflicts with this existing storm sewer location. Therefore we are proposing to relocate approximately 160 feet of the storm sewer and its associated easement to allow for the proposed site redevelopment. It is proposed to abandon the existing storm sewer and easement and then reconstruct the relocated portion. Dr. Carroll will construct that at his cost and dedicate the easement to the town. The drawings have been prepared in accordance with town standards. I have submitted full size sets to the Town Engineer as well as Wayne's Office.

Ms. Tarwacki – I would like to see how you're going to move that without affecting properties on either side.

Alex Wisnieski showed Charlotte the drawings and gave her an explanation.

Michelle Baines – We prepared our review letter dated October 20, 2009 and the materials that LJR provided to us and felt they were in substantial compliance with the town's standard, so we're recommending Contract Drawing approval tonight.

Heather Cole – There will be a public hearing on the petition plans and you should be in a position to set that for your next meeting.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to approve the Contract Drawings as presented for 9651 Brewerton Road (Dr. Carroll).

The motion was approved as follows:

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

Heather Cole - We will set a public hearing date at the next meeting for the petition plans for 9651 Brewerton Road.

HARBOUR VILLAGE SECURITY REDUCTION

O'Brien & Gere's letter of October 21, 2009

October 21, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

RE: Harbour Village

FILE: 0101/25439.338 & 0101/37123

Dear Board Members:

The Developer for the referenced project has requested the securities for the referenced project be reviewed and reduced. Based upon a review of the status of the facilities and a field visit on October 20, 2009 the following are recommendations relative to the securities.

The following summarizes adjustments to the guarantee securities:

		Original <u>Amount</u>	Amended <u>Amount</u>
1. Sanitary Sewers	=	\$ 6,800	\$ 0
2. Storm Sewers	=	\$ 4,500	\$ 0
3. Swales/Flood Routes	=	\$ 8,000	\$ 8,000
4. Stormwater Management Area	=	\$ 2,000	\$ 0
5. Roads	=	\$ 17,200	\$ 17,200
6. Monuments	=	<u>\$ 1,200</u>	<u>\$ 1,200</u>
		\$ 39,700	\$ 26,400

In addition to the guarantee period securities noted above, the Town should obtain the following securities for work not completed as noted during the site inspection on October 21 ,2009:

		Original <u>Amount</u>	Amended <u>Amount</u>
1. Complete swale and flood routes		\$ 21,500	\$ 19,000 (1)
2. Complete storm water management area		\$ 10,000	\$ 5,000 (1)
3. Install grate on yard drain on Lot 39 and DI-7B		\$ 1,000	\$ 0
4. Locate and raise MH-HV-168 to grade.		\$ 0	\$ 500
5. Install stop/yield signs		\$ 750	\$ 750
6. Complete sump pump laterals		\$ 7,750	\$ 0
7. Install concrete catch basin aprons		\$ 6,500	\$ 6,500
8. Install top course on the roads		<u>\$ 34,400</u>	<u>\$ 34,400</u>
	Total	\$ 81,900	\$ 66,150

(1) See attached Swale/Stormwater Management Area Inspection Report for items that need to be addressed for swale, flood routes and the stormwater management area. Consideration should be given to holding building permits and/or certificates of occupancy until this work is completed.

We recommend the Code Enforcement Office and Town Highway Superintendent be consulted to identify additional securities that may be required as a result of their review. It should be noted that the condition of the roads and gutters was not inspected at this time as this will be addressed prior ton installation of the top course.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Gary D. Cannerelli, P.E.
Vice President

Michelle Baines explained that agenda item #9 relates to the Harbour Village subdivision and that O'Brien & Gere prepared a letter dated October 21, 2009 based on a request from the developer and based on a review of the status of the facilities and a field visit that Mark Parrish performed on October 20, 2009. We are recommending the following adjustment to the securities. In terms of Guaranteed Securities, the original amount was \$39,700.00 and we're recommending they be reduced to \$26,400.00. In terms of Punchlist Securities, we're recommending an adjustment in the amount from \$81,900.00 to be reduced to \$66,150.00.

Chris Woznica - As of last week, we still haven't received any stop signs and I don't believe they've been put in place yet.

Michelle Baines – On the bottom of the first page of our letter, where it says install stop/yield signs, the amended amount and the original amount are the same. We did recognize that they haven't been installed.

Michelle Baines – That was the Developers letter but, we clarified that in our letter that it had not been done, so we're still holding those securities.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to reduce Guarantee Securities for the Developer of Harbor Village from \$39,700.00 to \$26,400.00 based upon a review of the status of the facilities and field visit and in addition to the guarantee period securities for the town to obtain securities for work not completed from \$81,900.00 to the reduced amended amount of \$66,150.00 and for the Codes Enforcement Office and Town Highway Superintendent being consulted to identify additional securities that may be required as recommended by O'Brien & Gere.

The motion was approved as follows:

Mr. Conway:	Yes
Ms. Tarwacki:	Yes, noting that Stop Signs should be put in as they are going along.
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

DISCUSSION OF BROWNFIELD OPPORTUNITY AREAS GRANT PROGRAM FOR BREWERTON AND BRIDGEPORT

Heather Cole stated that the board should have received information from their office dated October 16, 2009 regarding two applications on behalf of the town for the NYS Brownfield Opportunity Area Program. One will be for Bridgeport and one will be for Brewerton. These are initial studies to determine what if any Brownfield areas you may have in those areas of your town and what can be done to maximize the potential of those areas, given the fact that they may be Brownfield Opportunity areas. I am happy to answer any questions you may have otherwise I would ask you to consider moving on both resolutions as presented.

Mr. Dudzinski stated that there are possibly two in Brewerton and that there may be one for Bridgeport.

Heather Cole – Yes that is correct. Through your work with SUNY EFS and the LWRP Program, in Brewerton you're actually able to enter the BOA Program at Phase II instead of Phase I, because you've already done some of the initial work to determine where the Brownfield areas may be.

Mr. Corl asked that some of the benefits be identified.

Heather Cole – The BOA Program helps you determine how to best market those sites and what the best areas for cleanup are and what are the best targets, which helps you to develop and revitalize those areas as you have a better understanding of what contamination might exist on them or what sort of underdevelopment might exist in the location.

Heather read from the States Application as follows:

A Brownfield or Brownfield site is defined in NY State Environmental Conservation Law, Article 27 Title 14 as follows: If any real property be redevelopment or reuse of which may be complicated by the presence of potential presence of a contaminant through a community supported planning process. This program enables community leaders to establish a clear vision to revitalize and improve an area, so that they become economically and environmentally sustainable.

Mr. Dudzinski – Those places would be like gas stations.

Heather Cole explained that a former Dry Cleaner’s would typically be considered a Brownfield site.

NYS Departments of State and Environmental Conservation
Brownfield Opportunity Areas Program for Bridgeport

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize the Supervisor to execute the New York State Departments of State and Environmental Conservation Brownfield Opportunity Areas Program Application for the Hamlet of Bridgeport and that the Town of Cicero will be the Lead Applicant as follows:

NEW YORK STATE
DEPARTMENTS OF STATE AND ENVIRONMENTAL CONSERVATION
BROWNFIELD OPPORTUNITY AREAS PROGRAM

LEAD APPLICANT RESOLUTION

Brownfield Opportunity Areas Name: The Hamlet of Bridgeport

Resolution authorizing the items listed below pursuant to §970-r of the General Municipal Law.

WHEREAS, The Town of Cicero

(Name of lead Applicant)

Herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

WHEREAS,
§970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY
The Town of Cicero
(Name of lead Applicant)

(Title of Designated Authorized Representative for lead Applicant)

1. That the Town Supervisor
(Title of Designated Authorized Representative for lead Applicant)

is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to sign and submit the application, execute the SAC, request SAC advances and reimbursements, redistribute SAC reimbursements as appropriate, submit Project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;

2. That the Applicant agrees that it will complete the Project;

3. That the Applicant agrees that it will fund its portion of the Applicant’s 10% share of the Project; and

4. That this Authorization take effect immediately.

The Resolution was adopted as follows:

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

NYS Departments of State and Environmental Conservation
Brownfield Opportunity Areas Program for Brewerton

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, authorize the Supervisor to execute the New York State Departments of State and Environmental Conservation Brownfield Opportunity Areas Program Application for the Hamlet of Brewerton and that the Town of Cicero will be the Lead Applicant and to be added as follows:

NEW YORK STATE
DEPARTMENTS OF STATE AND ENVIRONMENTAL CONSERVATION
BROWNFIELD OPPORTUNITY AREAS PROGRAM

LEAD APPLICANT RESOLUTION

Brownfield Opportunity Areas Name: The Hamlet of Brewerton

Resolution authorizing the items listed below pursuant to §970-r of the General Municipal Law.

WHEREAS, The Town of Cicero

(Name of lead Applicant)

Herein called the "Applicant", after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable; and

WHEREAS,
§970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY
The Town of Cicero
(Name of lead Applicant)

1. That The Town Supervisor
(Title of Designated Authorized Representative for lead Applicant)

is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to sign and submit the application, execute the SAC, request SAC advances and reimbursements, redistribute SAC reimbursements as appropriate, submit Project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;

- 2. That the Applicant agrees that it will complete the Project;
- 3. That the Applicant agrees that it will fund its portion of the Applicant's 10% share of the Project; and
- 4. That this Authorization take effect immediately.

The Resolution was adopted as follows:

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

YOUTH BUREAU AND PARK AND RECREATION PURCHASE APPROVALS

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure not to exceed \$200.00 to defray the holiday meeting expense for the Parks & Recreation Commission who meets during the year with no financial compensation.

The motion was approved as follows:

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

Youth Basketball Instructions

Motion was made by Mr. Dudzinski, seconded Mr. Corl, to authorize an expenditure not to exceed \$2,450.00 each, for John Haas and Gary Dembkowski to provide Youth Basketball Instructions, to be paid via fees, Budget Code B7020.44.

The motion was approved as follows:

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

HIGHWAY DEPARTMENT PURCHASE APPROVALS

Chris Woznica stated in the 2010 that they are proposing to replace truck #1 and #3, with two F150 Ford Pickup trucks. After meeting with the Budget Officer we found that we have some extra money that we received from Barrett's Paving for the millings. We have an excess of \$60,000.00 in credits, which offset our paving budget. Tom Squires suggested that we purchase these trucks this year, to reduce next year's budget. We are asking for approval to purchase two 2010, F150 Ford Pickup trucks off State Contract from Burdick Ford in the amount of \$48,114.00 which includes an \$8,700 trade in on both trucks. Both of our current trucks have excess of 100,000 miles on them and both are in need of transfer cases due to the rotting out from the salt.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$48,114.00 to Burdick Ford to purchase two 2010 F150 4x4 Ford Pickup trucks, for the Highway Department, Account Code DB51102.

The motion was approved as follows:

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

Jeanne Kulesa asked if a Budget Modification could be done now, to pay for those.

Mr. Dudzinski - Yes

Jeanne Kulesa – I would like to modify the budget from account DB514211 to DB51102 in the amount of \$50,000.00.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize a budget modification from Account Code DB514211 to Account Code DB51102 in the amount of \$50,000.00 as presented.

The motion was approved as follows:

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

PUBLIC INPUT 3 MINUTES PER SPEAKER

Resident – In regards to the interns that are working at the CanTeen, can you please tell me what the cost is to the Town or to the State?

Jody Rogers – There is no cost for either of those young ladies.

Paul Henson, Ridgecrest Dr. commended the board and the Supervisor for not taking any raise next year in his proposed budget. He also wished to point out the sales tax revenue. They have proposed a 39% increase for the Town of Cicero Budget and the County is proposing a 1% increase. I know that these are all tied together and there is \$169,833.00 that is unaccounted for at the end of the year. The County proposed a 6% decrease and ended up with a 10% decrease and I wanted to make that comment because I think the numbers are fudged.

Mr. Dudzinski – We'll check with our Budget Officer as that is a good catch.

Mr. Corl – With the Sales Tax, we take a set amount every year. So, even if the county collects less, the town takes X amount each and every year. We will look into it.

Mr. Dudzinski asked Mr. Henson to point that out to them at the end of the meeting so that they can look into it.

Tom Beaulieu – I think we allowed somewhere along the account codes \$800,000.00 in Mortgage Taxes and we've been carrying that forward for the last three years. If we're not going to be collecting that, why are we using such a high number?

Mr. Dudzinski - That is something we will ask the Budget Officer.

Tom Beaulieu – It has been 3 years and I think it has been coming in every year lower than \$800,000.00. Having looked at some of the numbers, for revenues from that line item plus the Zoning Office, those numbers are going to come in perhaps, \$200,000.00 under budget. How are you going to close that gap from last year's budget into 2010?

Mr. Dudzinski – Unfortunately, I can't look into the future, but, I can only hope that things are going to turn around and we won't have to face this problem. We all know that the Stock Market is trying to turn itself around and the economy is turning around slowly. So there's a good possibility that it may not be as big of a problem as we think it could be. If we get there and we find there is a problem, we'll have to make the necessary changes and go from there.

Tom Beaulieu stated that he was sure that the Comptroller could at least substantiate that we may be \$200,000.00 under the proposed revenues from last years budget. So, if you've got to pay for the pie, then you've got less of a pie at the end of the year. How are you going to make that up? Are you going to borrow that money out of the Fund Balance?

Mr. Rybak stated that we aren't at the end of the year yet.

Tom Beaulieu – Let's assume that we're close to it. You're going to have a budget gap that you're going to have to make up sometime. You have got to start dealing with it now. I asked the same question last year at budget time and was told that there wasn't a Plan B. We've had a year to determine if we were going to be short on revenues and what we were going to do and we don't know yet.

Mr. Dudzinski – If the problem comes up, we'll take a serious look at it.

Tom Beaulieu asked a question regarding the debt service for the trash which was the end of the tape.

Jeanne Kulesa responded by saying that was a Special District and was not the payment for trash.

Tom – I knew it wasn't

Jeanne Kulesa explained that it was a BAN payment that fell off this year and was the last payment for the Senior Center.

Tom Beaulieu – We carried that for four or five years. What was that for?

Jeanne Kulesa – The Senior Center and it was the last year to make the payment so we won't have that next year.

Tom Beaulieu – Very good, thank you. You're looking for ways to cut the budget and you have \$3,000.00 allocated towards a Town Historian. Why are we carrying that when we could probably have somebody do it for free? We've argued about that for the last few years. That person never comes to any Town Board Meetings, so, why are we paying somebody \$3,000.00 for a non-existent service?

Mr. Dudzinski stated that he wasn't going to pass any judgement on the Town Historian because he believed that if he were to call Mr. Mafrici and ask him to come to a Town Board Meeting to do a presentation, he'd come.

Tom Beaulieu – I'm sure he would, but, if we haven't had a presentation, why are we paying somebody \$3,000.00 for something that we're not getting? If you're looking to cut things out of the budget, there's one, right there.

Mr. Dudzinski – We'll take it under consideration.

Mr. Corl stated that he was sure if Tom wanted to go to Mr. Mafrici's Office he'd be more than willing to show you some things he does throughout the year, tell you about presentations he has made, the archival information he has in keeping those records.

Tom Beaulieu believed that Lona Flynn did this for nothing and when she left we started paying for this. We'd see her once in a while, but, we don't see the new person at all.

Mr. Dudzinski stated that he would contact Mr. Mafrici and tell him that we'd like to see him at a couple of Town Board Meetings, so that he can explain what he has done with the past history of Cicero, for you.

Tom Beaulieu – You're looking for ways to cut money, so \$3,000.00 here, or \$7,000.00 there starts adding up to some real bucks.

Mr. Dudzinski – I agree with you.

Ms. Tarwacki stated that she believed that we had a presentation about the work that he did and the cost he expends. He makes a lot of copies of information to take with him when he makes presentations to schools, senior groups, or to anybody who asks him to make a presentation. He has copying costs, picture duplication costs and things like that.

Tom Beaulieu – There is \$500.00 in fees, besides the money he is paid. I'm sure \$500.00 covers a lot of that. Are you saying that you know for a fact that he's gone to different schools and done presentations?

Ms. Tarwacki – Yes, he gave us a memo.

Tom Beaulieu – So, you're comfortable in still paying that?

Ms. Tarwacki – I'm not willing to not have this town have a Historian.

Tom Beaulieu – That wasn't my question.

Ms. Tarwacki stated that she didn't know, but, was not willing to tell Mr. Mafrici that his services aren't needed any longer.

Tom Beaulieu – Maybe he would volunteer, rather than being paid.

Ms. Tarwacki – Well, let us know if he wants to do it.

Tom Beaulieu - It isn't my place to ask him. My next question is in regard to milling credits. Instead of buying pickup trucks with that, the money should be used to pay for the mix that you get when you do the blacktop. It's a credit and why would we use a credit that we should be paying a bill down with, to buy pickup trucks.

Mr. Dudzinski explained that if we didn't use the credit, we'd have to come up with the cost of the pickup trucks, which in turn, would cost more money to the taxpayer.

Tom Beaulieu – You still have to pay the bill for the mix.

Chris Woznica – That bill was paid with the credits and we're all done paving and still have \$50,000.00 worth of credit there. We either use them or lose them, as we wouldn't have that next year. We wouldn't get that credit added on to next paving budget.

Tom Beaulieu - Could you have gotten a credit toward this year's bill?

Chris Woznica – It did go toward this year's bill. The bill has been paid and we still have \$50,000.00 worth of credit there.

Tom Beaulieu – You didn't pay for all of the mix with the milling credit.

Chris Woznica – The milling credit came in after all of the bills were paid. After all of the paving bills were paid we were taking millings in at the end of the year as we still had a pile that we couldn't get in. By the time we got done paying all of the bills, we still had millings out back, we took them in and ended up with \$50,000.00 worth of credit, so we still had money in the budget.

Tom Beaulieu – I still think it's a poor procedure if you've got credits towards the mix. If you have to buy trucks, you take it out of a different fund. If you have credit for asphalt products, it should pay for the mix itself. Lastly, coming back down from Brewerton this evening, I happened to go by A& P Auto and I noticed that they have vehicles outside the fence parked four rows deep to the right of way and they're probably supposed to have all of that stuff behind the fences. Does anyone know why those vehicles would be parked out there?

Mr. Dudzinski – Wayne Dean will check into that tomorrow.

Attorney Comments - None

Engineer Comments - None

Board Comments

Mr. Dudzinski – Have a safe Halloween everyone.

There being no further business before the board, the meeting was adjourned at 7:15 p.m.

Tracy M. Cosilmon
Town Clerk