

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, February 23, 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
Toni Brauchle, Director of Parks & Recreation
Wayne Dean, Director of Planning & Development
Jeanne Kulesa, Comptroller
Bonnie Smith, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Michelle Baines, O'Brien & Gere

Absent: Linda Yancey, Acting Assessor
Jody Rogers, Director of Parks & Recreation

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

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

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

S.E.Q.R.

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

The motion was approved as follows:

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

APPROVAL OF FEBRUARY 9, 2009 MEETING MINUTES

Motion was made by Mr. Rybak, seconded by Mr. Corl, to approve the minutes of the February 9, 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 requested an expenditure of \$6,700.75 to Five Star Ford, as the additional cost for repairs to the brakes and transmission on the Payloader, to come out of Account Code DB513049.

Jeanne Kulesa stated that she just found out about it this afternoon, so it will be one that will be added. They are only going to need to mod \$1,000.00 from one account to the other, so I will add it to the budget modifications.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$6,700.75 to Five Star to repair the brakes and transmission on the Payloader to be taken from code DB513049.

The motion was approved as follows:

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

Chris Woznica stated that their fax machine which is about 10 years old quit working and asked for permission to dispose of it.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to declare an old fax machine that is no longer in working condition and used by the Highway Department as junk, and to authorize for its disposal.

The motion was approved as follows:

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

Police

Chief Snell requested an expenditure of \$4,236.00 to repair a police vehicle that was involved in a loss with a deer and applying the town's deductible of \$500.00. The monies will be reimbursed by the insurance company.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski to authorize an expenditure of \$4,236.00 to repair a police vehicle that was involved in a loss with a deer, with the town's deductible of \$500.00 applied and to be reimbursed by the town's insurance company.

The motion was approved as follows:

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

Chief Snell stated that he had given the board a memo regarding a grant that is coming out under the Stimulus Package. The Office of Community Oriented Policing has a billion dollars in grant funding for the hiring of Law Enforcement Officers, entry level. This grant will allow you to hire an officer for three years with full benefits and they will pay the full salary and benefits for three years. It will be a very competitive grant as this resurfaces. We haven't had Cop's money in several years. I have spoken with Jennifer at the Wladis Law Firm and she will help us write this grant if you will allow me to write this.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize Chief Snell, with the help of Jennifer from the Wladis Law Firm to write a grant through the Stimulus Package and the Office of Community Oriented Policing to hire an entry level officer for three years with salary and benefits to be paid via the grant as presented.

The motion was approved as follows:

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

Ms. Tarwacki asked if this grant would pay both salary and benefits.

Chief Snell – Yes, both salary and benefits for three years.

Ms. Tarwacki – How long are they in training?

Chief Snell – One year. The training costs will be assumed by the grant and then they will pay for two additional years past that.

Ms. Tarwacki – That will be for one person.

Chief Snell – I am going to apply for two positions as I would be applying for two additional persons for the department in the next two years. I will apply for them now, but the grant probably wouldn't go through before September and we wouldn't realize the hire's until January when the Academies usually start, if we are fortunate enough to get the grant.

Mr. Rybak – We're not even sure we will get this grant.

Chief Snell - That's right as it is very competitive. There will be 20 positions and we will be competing with the Sheriff's Department, State Police and other towns and villages. I think we have a good chance as we are under staffed.

Ms. Tarwacki stated that she worried whether we would be able to cover that in three years in addition to everything else we're trying to cover.

Mr. Rybak – Other municipalities have run into that and it comes to the point where you have to lay off people or look for other funding. We'll have to cross that bridge in three years.

Continuation of the vote:

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

Comptroller Jeanne Kulesa stated that in the month of March we will be making a lease payment in the amount of \$9,386.35 which is budgeted for the Police vehicle that we purchased last year and next year will be the last lease payment on it. Also the budget note for the trash will be due in March as well in the amount of \$866,123.79. Of that amount \$16,123.79 is interest. You will be seeing those in our next abstract.

Park & Recreation

Liz Laquidari and Hannah Iannuzzi thanked everyone for their support to the CanTeen

Attorney Heather Cole updated the board by stating that we are close to having a final agreement with Salina to share an Assessor. Hopefully, that will be firmed up within the next week or two. I also received e-mails from Brad Brennan and in anticipation of that going forward I have begun to work with Theresa Frank from ORPS for the reassessment project for the town. Theresa anticipates that they're going to be able to have a draft RFP over to our office within the next few days, which I will in turn forward to all of you. Hopefully, by your next meeting, you will be able to solicit proposals based on that RFP.

Secondly, people may have heard that Verizon FIOS is looking to come into the Syracuse area and they have approached a number of municipalities about Franchise Agreements and one of them being the Town of Cicero. Chet and I sat in a very preliminary meeting with some Verizon Representatives a week or two ago and they have provided me with a draft Franchise Agreement, which I am in the process of reviewing. I hope to get it to you in the near future for your consideration and it will require a public hearing and will also need to be approved by the NYS Public Service Commission. The Town Board will need to consider how much you may wish to receive from Verizon for the Franchise Fee. Municipalities are entitled to take anywhere between zero to five percent.

Ms. Tarwacki – Is that for them to install?

Heather Cole stated that from what she understood the lines themselves are pretty much installed, because those are what are being used for internet and telephone service. This doesn't sound like it will require a lot of extra digging, because they can run the new fiber optics through the pre-existing lines that have been laid. This will just be for television service.

Heather stated that her third item is that she had a number of litigation matters to discuss with the Board in Executive Session. They are E & E Associates vs. the Town of Cicero, Bayshore North Apartments, vs. the Town of Cicero and the Town of Cicero vs. Scott Chatfield.

Her final item is that in the interest of moving the Brewerton project along, there was some discussion about potentially purchasing a couple of dilapidated houses that are up on Bennett Street. Our office has been able to negotiate some option agreements for the town to potentially purchase those houses. The intent as I understand it is to purchase those houses with the funds that have become available through Senator Schumer. Both property owners have indicated their desire to sign an option agreement. The consideration for the option agreement would be \$500.00 for each property. One property owner has signed the agreement and we're still trying to track down the other. The Town Board would need to authorize those \$500.00 payments to be made. The total would be \$1,000.00. I have spoken with Jeanne regarding this and she stated that it could be taken out of the towns contractual if you would like to move forward with that.

Mr. Dudzinski asked if we should wait for the other property owner.

Heather Cole stated that the property owner who has currently signed won't be affected until the town makes the payment, otherwise there wouldn't be any consideration and it's not a binding agreement. So, it is really up to the board whether you wish to go ahead with the one or wait for both.

Mr. Dudzinski – So we need a resolution to pay the \$500.00?

Heather Cole – Yes

Mr. Dudzinski stated the property owner that we have is Mr. White.

Heather Cole – Yes, that is correct and I believe it is the Gunther property that we're waiting on.

Ms. Tarwacki stated that the Schumer money, is approximately \$764,000.00 and she wanted to know if the purchase of the houses can be used for this.

Heather Cole – It could be considered a right of way acquisition, because it would be purchased for transportation related improvements, which would be expanding the parking lot that is up there near Riverfront Park. It is something we have had initial discussions with the DOT. Right of way acquisition is possible with that money. I also received news from the DOT last week that the potential work agreement may be approved at the State level any day that would allow you to get moving on that and would be consistent with what you approved at one of your earlier meetings.

Ms. Tarwacki stated that she worries about them yanking the money back as everybody is tightening up and squeezing down and she is also worried about them yanking the money back and then being stuck and having a similar scenario such as the Commons, where something was promised and then fell through and then the town got stuck. As far as the \$500.00, that's fine. I will talk with you more about going forward with the other.

Heather Cole – Sure

Mr. Conway stated that the money is already with the DOT.

Heather Cole stated that from her understanding, yes.

Ms. Tarwacki – It is in their bank account, not ours.

Mr. Conway – It's in NYS

Heather Cole – Yes

Ms. Tarwacki – NYS is worse than Washington.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to enter into an Option Agreement with the property owner of one of two houses in Brewerton in lieu of the town paying \$500.00 to the Whites at this time.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Yes for, one property
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

Engineer – None

Zoning - None

Tax – Sharon Edick thanked the board for allowing her to go to NY City for the training and stated that it was excellent. There are going to be things in the budget that will affect everyone in this town. A lot of organizations in towns are trying to get representatives together to dispute different things. In 2004 I started going to Albany and working with the ORP’s people and the conversation back then, was bank codes which are very important to me. That is how everyone’s bill gets to their bank and is a process that the Assessor is responsible for through NYS Law. The Assessor’s took a stand in 2004 and said they didn’t want the extra work. Since I’ve come here to work, I’ve done the bank codes for the Tax Office or the Assessor because it was important for us. ORP’s has asked me again to come with it and I’m trying to represent all the Tax Receivers in NYS, because we either have to stand together and take this responsibility over, or it’s going to get lost. The Assessors are presenting legislation that says they no longer want the job and they don’t want to be responsible and that they are not going to do it. If the Receivers don’t pick it up, we’re going to have some trouble, so I’m going to fight like crazy because everyone here, who has an escrow account needs to know that the bills will get to where they are suppose to go in a timely manner. We’re going to try and pick it up, but, if I ask once in awhile to sneak off, that’s what I’m going to be working on. Last but not least, at the last board meeting there was an approval to spend up to \$150.00 for what was referred to as a side base line, so that the Zoning Office could have additional access to version 4, which is the County’s Citric Program. My office has had it as long as it has been there and all of our computers have it. I didn’t talk about it that evening, but I have since talked with the County and they have four people who can get into it, and there is no cost. All you need to do is ask and get permission. Wayne and I have opened a new communication line between our two offices and are doing a few things that will help him and hopefully all of us.

APPROVAL OF ABSTRACT #4 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #4 of 2009 as follows:

| | | |
|--------------|--------------------------------|-------------------------------|
| General Fund | Voucher #298 to Voucher # 373 | In the amount of \$308,110.49 |
| Highway Fund | Voucher #90H to Voucher # 115H | In the amount of \$ 85,987.18 |

The motion was approved as follows:

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

BUDGET MODIFICATIONS

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the following budget modifications adding DB513046 Filter/Batt to DB513049 for Payloader repairs in the amount of \$1,000.00 as explained earlier.

Parks & Rec

| FROM | CODE | ACCT | AMOUNT | TO | CODE | ACCT |
|------|---------|-------------|-----------|----|---------|---------------|
| 2008 | B702044 | Program Exp | \$ 306.81 | | B702041 | Office Supply |

Misc

| FROM | CODE | ACCT | AMOUNT | TO | CODE | ACCT |
|------|--------------|----------------|-------------|----|----------|-----------------------|
| 2008 | A10104 | Contractual | \$ 2.56 | | A10101 | Personal Svces |
| 2008 | A36204 | Misc Safety | \$ 82.57 | | A362041 | Marine Beacon |
| 2008 | B16802 | Equipment | \$ 196.75 | | B168041 | Comp Mtnc |
| 2008 | B90608 FR/LK | Medical Ins LK | \$ 500.00 | | B90558C | Disability Ins |
| 2008 | B90608 | Medical Ins | \$ 229.12 | | B90558C | Disability Ins |
| 2008 | B90608 | Medical Ins | \$ 4,794.60 | | B90608 C | Medical Ins – CanTeen |

Police

| FROM | CODE | ACCT | AMOUNT | TO | CODE | ACCT |
|------|---------|---------------|-------------|----|------------|-----------------|
| 2008 | B31201 | Personal Svce | \$ 119.68 | | B31201 OT | OT |
| 2008 | B31201 | Personal Svce | \$ 417.87 | | B312011 | Office Salaried |
| 2008 | B31201 | Personal Svce | \$ 3,351.89 | | B31201D OT | OT |
| 2008 | B31201 | Personal Svce | \$ 1,727.43 | | B31201E OT | OT |
| 2008 | B31201 | Personal Svce | \$ 728.12 | | B31201H | Holiday Pay |
| 2008 | B312046 | Telephone | \$ 472.26 | | B312046T | Utilities |
| 2008 | B312046 | Telephone | \$ 95.10 | | B312048 | Radio/Equip |

Highway

| FROM | CODE | ACCT | AMOUNT | TO | CODE | ACCT |
|-------|-----------|----------------|-------------|----|------------|--------------------|
| 2008 | DB513043 | Hoses/Parts | \$ 1.32 | | DB513041 | Truck Parts/Brakes |
| 2008 | DB513043 | Hoses/Parts | \$ 274.38 | | DB513042 | Tires/parts/Rpr |
| 2008 | DB513043 | Hoses/Parts | \$ 1.18 | | DB513049 | Payloader/Rpr |
| 2008 | DB90608 | Medical/Dental | \$ 1,468.87 | | DB90608 EX | Eyecare Reimb |
| 2008 | DB90608 | Medical/Dental | \$ 17.20 | | DB90608 LI | Emp/Ben-Life |
| 2008 | DB90608 | Medical/Dental | \$ 352.00 | | DB90608 MA | Meal Allowance |
| Added | DB3513046 | Filters/Batt | \$ 1,000.00 | | DB513049 | Payloader Rprs |

Amendments

2009 To carryover Grant Funds from 2008 to 2009 budget

| | | | |
|---------|-----------|-------------|------------|
| Revenue | B2230 | \$ 4,989.83 | DCJS Grant |
| Expense | B312021DJ | \$ 4,989.83 | |

2009 To carryover Grant Funds from 2008 to 2009 budget

Homeland Grant

| | | |
|---------|-----------|-------------|
| Revenue | B3389 HG | \$ 7,529.25 |
| Expense | B312021HG | \$ 5,662.75 |

2008 To recognize decrease in revenue

| | | |
|---------|-----------|---------------------|
| Revenue | B3389 CO | \$1,250.40 decrease |
| Expense | B73101 CO | \$1,250.40 decrease |

2008 To recognize Friends Revenue

| | | |
|---------|-----------|-----------------|
| Revenue | B2705 FC | 517.75 increase |
| Expense | B73101 CO | 517.75 increase |

2009 To Purchase Highway Vehicles – approved at TB 2-9-09

| | | |
|---------|-----------|-------------|
| DB51302 | Equipment | \$52,347.16 |
|---------|-----------|-------------|

2009 To make the Budget Note Payment for the Trash

| | | |
|---------|-------------|---------------|
| SR97306 | BAN Payment | \$ 850,000.00 |
| SR97307 | Interest | \$ 16,123.79 |

Discussion:

Ms Tarwacki asked Chris Woznica if the trucks that were purchased were \$26,000 each.

Chris Woznica – Yes, each.

Ms. Tarwacki stated she thought they were cheaper than that.

Jeanne Kulesa – I tried to explain the budget.

Ms. Tarwacki stated that she was scared about spending before receiving.

Continuation of the vote.

The motion was approved as follows:

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

Mr. Dudzinski stated that items 7 and 11 needed to be combined.

SET PUBLIC HEARING DATE FOR MARCH 9, 2009 TO AMEND THE TOWN'S
CONSOLIDATED (5 YEAR) PLAN FOR COMMUNITY DEVELOPMENT
AND APPROVE 2009 COMMUNITY DEVELOPMENT APPLICATION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set March 9, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date for a public hearing to consider an amendment to the Town's consolidated 5 year plan for Community Development and to approve the application for 2009 Community Development.

The motion was approved as follows:

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

PUBLIC HEARING FOR THE EXTENSION OF BREWERTON MORATORIUM

Proof of publication and posting was presented to the Town Board by Town Clerk.

The public notice read as follows:

NOTICE OF PUBLIC HEARING: TOWN OF CICERO

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 23rd day of February, 2009, at 6:30 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider a six-month Moratorium on construction of new commercial buildings or the exterior refurbishment or remodeling of commercial buildings in the Hamlet of Brewerton. Copies of the proposed moratorium are available for review in the Town Clerk's Office.

Heather Cole stated that the extension of the moratorium is extending the same term of the moratorium that was in place previously for an additional 6 months, so that the team that has been working on the zoning regulations for both the downtown core and the extension of another area of the hamlet. It was referred to the County Planning Board who essentially took no position on it. I will note for the public information that there is a provision to waive the moratorium if a property owner in Brewerton finds it a hardship on them.

The public hearing was opened at 6:55 p.m.

Speaking for - None

Speaking against - None

The hearing was closed at 6:56 p.m.

Board Comments:

Mr. Conway asked if they were going to be making exceptions for some of the people who have started stuff, or are we going to just say no for 6 months.

Heather Cole – People who have already obtained a waiver from you still have the benefit of that waiver.

Mr. Dudzinski stated that he and Wayne spoke with Dr. Carrol this morning and he has a situation up there that needs to be researched and looked at more closely than it has been.

Mr. Conway – I think we need to make some exceptions.

Mr. Dudzinski – This board has the right to do that with the moratorium.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the extension of the Brewerton Moratorium to be known as a Local Law.

The motion was approved as follows:

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

DISCUSSION OF SPECIAL DISTRICTS

Heather Cole explained that hopefully this will be educational and stated that there are a couple of other people who will have input on this. The reason we are discussing this is because the Town Board has received a couple of requests to establish new lighting districts in the town. That raised some questions about what the towns options are in creating special lighting districts and what the best method for doing that would be. The board should have received some information from our office that outlines the fact that there are a couple different ways to establish a special district in NYS. One of them is by petition of property owners and one of them is by Town Board initiative that is then subject to permissive referendum. We also wanted to make you aware that it is possible to consolidate the existing districts and it is also possible to extend the pre-existing district to encompass additional territories. In the past, when the town has received a request for a special district, particularly a lighting district, they've been created for small areas and have resulted in a bit of a hodge podge in some areas. We thought it might be prudent for the board to understand that creating small districts for one tiny area isn't the only option and that there are other options to think about for the best interest of the town. Dave Hess, from National Grid can speak to you about how the process works from their end. Your Assessor Linda Yancey, who was unable to be here, submitted a memo to you that I will read into the record.

Unfortunately, I will be unable to attend the Board meeting on February 23, 2009. There needs to be some study to the special districts issues. Lighting districts should be levied to an entire subdivision, not done in sections. There have been a number of corrections of errors this year which are due to inconsistencies and where houses that are side by side in the same subdivision have, or have not changed.

Consolidations would help greatly and reduce the numbers of problems that arise from all the separate budgets and trying to determine who is in and not in a district.

Consolidation of water and sewer districts would aid in administration and would reduce overall problems.

The majority of our corrections of errors for January were mistakes with special district charges.

Heather Cole – One of the areas that highlight's the potential problem in The Pastures is that there are five different lighting districts within The Pastures. I think Bonnie was able to give you some information that shows that. It doesn't have to be that way and you can do things differently. You can think through things more, before you create a district. In speaking with Sharon Edick today, she noted that the more special districts there are the longer the physical tax bill gets. She is getting to the point now, where some of the tax bills are two pages long, which costs more money to print and send out, which is just one other aspect to the problem. I will let Jeanne speak to the bookkeeping issues.

Jeanne Kulesa stated that for some of them, consolidation will be easier. The lighting district has been the one where we've had the most requests lately. From my point of view, for someone to come in and ask to have half of their street have lights, isn't really

conducive for our purpose. I think it needs to be bigger areas and should include the entire street and also streets that are two streets over, need to be looked at. At the rate we're going, we create a new lighting district every time someone comes in and currently, we have 16 districts. Going forward, I really wouldn't like to add any new ones, but, would like to put them into an existing one. The Pastures is a perfect example as they have five in there right now and there is still another street that would like to add lights. I don't want to create another street lighting district. I want to put them in one of the five that are here for now, so that we can get them in. I spoke with Dave Hess today and would truly like to consolidate all of these lighting districts into four or maybe five districts for the whole town, instead of having all of these small ones. There are different ways to do it and different things to think about and is something that other towns have done. I think by consolidating to a few, it will help with the paperwork and will help in the Assessor's office as there would be four or five basic ones rather than 18 different ones. In my opinion, the board needs to take some kind of control on the lighting districts and not just hand them out. It isn't that I don't want people to have lights, but, bigger areas and not just half of a street. If there are three streets near them, why can't we ask them to petition the other streets, then National Grid needs to come in only once instead of 3 or 4 times to put in lights.

Heather Cole – I want people to understand that the lights can't be installed and be effective until they have been budgeted for and taxes have been levied for them. In most cases the town can't pay the lighting district that exists until budget time and taxes have been levied. Sometimes it might take a year before the lights are able to exist because they have to be taxed for and paid for before they can be installed.

Ms. Tarwacki stated that if we as a town decided that the developer should put them in, they would be part of the land and part of the development and what is sold to the property owners and then we aren't doing this piece meal and will all become one parcel to what's being established. When National Grid comes in after the fact, and digs up driveways and under roads to make adjustments doesn't seem to be forward thinking. I think we should require that it be done at development time and then people are safe and there is no argument between neighbors making petitions to other neighbors. It is part of the landscape of our town.

Heather Cole - That's a valid point and given that there are two methods to create the district, either by petition or by Town Board initiative. I don't think that most developers would come in with a petition to create a lighting district and would probably need to be by Town Board initiative and that would be a function of the Planning Board in realizing what subdivisions are coming in and taking control of it.

Ms. Tarwacki – Or we could give instructions to the Planning Board as to how the landscape of our town should be.

Heather Cole – The ultimate authority rests with the Town Board and not the Planning Board.

Ms. Tarwacki – I'm saying this board would make direction to the Planning Board to let the developers know how we want our town to look.

Mr. Rybak – That would be fine, for any future development, but, what we're looking at, is what has already been established to get it under control. I have no problem in the future having the developers come in and put the streetlights in when they put the development in. We really have to look at these lighting districts.

Ms. Tarwacki – Having four or five major areas is a good idea and fitting the others into those four or five districts.

Sharon Edick – Jeanne's concern is all of the districts we already have, which is also a huge concern for my office as well. I have checked with the County and if we can get organized and make this into a lesser number of districts, the County will actually take and give them the new coding, so it's not like it's going to be more work for the

Assessor's Office to change the lighting district name, or how it's billed out. The County will come and help us do that. That would be a huge thing and it wouldn't be expensive and the County would be doing the work.

Mr. Corl stated that with a new development you would still have to have a permissive referendum, even if the Planning Board lets us know.

Heather Cole – Yes, if it's not a property owner driven process, then any resolution by this board to create the district would be subject to permissive referendum.

Ms. Tarwacki – If we were going to define how we want future development to be, we would take a permissive referendum from the people who are here? How are you going to do that?

Heather Cole – It is specifically laid out in the town law. If the Town Board wants to establish a district or extend a district, you have the obligation of establishing what the new parameters of the district are going to be. You would create the district and you would hold a public hearing on it and it would be subject to permissive referendum. A certain number of people within the defined district are required to sign a petition to actually send it to vote.

Mr. Corl – This would be opposed to having people actually going out and getting their own petitions signed and then coming to us.

Heather Cole – There are two different methods.

Mr. Corl stated that we would create a district unless people pass a petition against a district.

Heather Cole explained that this is why the law is written the way it is, but it seemed to her that it is set up by petition or permissive referendum, so that some way the public that is being effected has a chance to speak to the issue. That is probably why it is set up that way as it will show up as a line item on a tax bill if it is created. It will give the taxpayer the opportunity to decide whether he or she wants that to happen.

Mr. Rybak asked if we are able to consolidate a lighting district, like we have in The Pastures into one big lighting district.

Dave Hess, Representative with National Grid. Yes and I have no problem condensing all of the five existing districts within The Pastures into one. To me it's simple. Most municipalities will start the process now effective January of the next year for taxation purposes. To me, it is very simple to combine them. They have the same style lights in The Pastures and in The Crossings, so that can be done. Some districts may be set up as unit value verses advalorem. I don't know that on your end.

Mr. Corl – At the same time you could consolidate or add in those two or three roads that don't have them.

Dave Hess – Absolutely and we treat the Town of Cicero as one account and split them into different categories for the benefit of the town. I am not sure of the year, but I believe in 1997 you had 52 accounts and they were reduced to 3 and now it is building again.

Mr. Dudzinski stated that it is a bookkeeping nightmare.

Heather Cole asked Mr. Hess to explain why the price may change every year.

Dave Hess – Our prices are set by the Public Service Commission and they have not changed since 1998 or maybe, 2001, for lighting. They can not change again until 2011. Next year we will do a cost study to figure out exactly how much it costs for lighting and submit that to the Commission to change pricing in 2011. Obviously, installing 3 lights at a time and then coming back and doing 3 more lights right next door, affects the cost

of service. The energy right now, is the only thing that fluctuates on the bill. None of the facilities will change, but the energy is a market race. It is not our power, we just pass it through and whatever the market is, will be what it is.

Mr. Corl – How do you determine where you put these 3 lights? Some people want them in their front yards and others don't.

Dave Hess – I typically space lights roughly 225 feet apart. I also try to base it on where the electrical facilities are because the closer the light goes to the distribution system it reduces the cost to the municipality.

Mr. Dudzinski – That's the green box.

Dave Hess – It may be the green box, or some people have two pedestals and not a flat box in between, called a hand pole where the power is.

Mr. Dudzinski – That is where the box is.

Dave Hess – Correct and the wooden poles are about 150 feet apart. That is how it is typically done. I don't look at who lives where and I try to get the intersections and existing curves. Most people say they don't want a light in front of their house, but, in reality that's the best spot to have a light, because a light is designed as a Type 3 distribution, where it sends a little bit back and more out and down. If anything, you would want the light on your property because it will shine out and not back and there is a house shield on it. Also the residents can not have unmetered power, only municipalities can have unmetered power for lighting. All street lights are unmetered, but, if a resident was to own the lights, there would be a meter. A municipality can have unmetered power.

Mr. Rybak – You're talking about carriage lights which are the ones that the homeowner puts in.

Dave Hess – If the homeowner is going to do have those, it will come off of their house or if they had a Homeowner's Association, they can meter all the lights. Right now, the only lights that the Town of Cicero owns are at the Commons. You own all and maintain all of those lights.

Heather Cole asked for an explanation of the difference.

Dave Hess – The Pastures have upgraded poles and illuminaires, which are the head lights.

Heather Cole – How is determined which one is used?

Dave Hess – In 2000, when the first section of the Pastures was developed, Mr. Bragman chose that style light and then it carried over into The Crossings for the Parade of Homes which is also Mr. Bragman's tract. That light may cost double to what a typical residential light may cost in a development.

Jeanne Kulesa - We can determine that right?

Dave Hess - Right

Jeanne Kulesa – If The Pastures has that, you would continue that and they would probably have to be their own district because they have special lights, but, you could then go forward and say everyone is going to have light type A, and so the rest of the town is the same, so that we could keep it uniform and I wouldn't have to split up all different areas because some people have fancy lights and others have plain lights. Then we would have the ability to only install these kinds of lights going forward. The Pastures and The Crossings will probably be the only exception to that.

Mr. Dudzinski – There wouldn't be a choice any longer.

Dave Hess – They will be directed that this is the only light allowed in our town. That was stated by another municipality and then they did upgrade to a different light style which was more expensive and I think the developer had to kick back a certain thousand dollars to the town for the cost of the upgraded light.

Wayne Dean – What is the light district made up of? Is it mostly the light and the illumination or the installation or power cost?

Dave Hess – The power cost typically in a development remains consistent. It has a 100 watt lamp and the poles will have a normal shaft that goes into the ground. I believe Waterview Circle has those and then you have the decorative fiberglass that is what is in The Pastures. Once you get to the term, decorative, that requires a foundation to hold the pole up. So, now you have a taxable piece of asset in the ground that drives the price.

Wayne Dean – If these lights are installed during the construction of the tract, is there a significant savings, because you're not digging or working around driveways and roads.

Dave Hess – We don't cut roads for lights and we definitely don't cut a driveway. We might put a sleeve under a driveway before there is a driveway there. That I might do. I tried this in a couple of municipalities to install the lights before the houses, because I knew certain areas were going to have lights. It didn't work out to be honest with you. I think they knocked over more poles with the construction vehicles then they left up. Then we switched and said, okay, let's try something different and put wire in the ground, so that we didn't have to dig up somebody's front yard and put a gas marker, just so we'd know where the wire is. They hit those, so now we're trying the hand poles and just mark the coil or just leave it. That is working out okay. If you are looking to reduce cost, you could install and run metered power. You could install and own the foundations in the ground for the poles that The Pastures uses. That could happen. For the other ones, I don't know if you would really be saving anything.

Mr. Dudzinski – This is something that we have to straighten out. There have been numerous conversations between Jeanne, Heather and myself. It is just a bookkeeping nightmare and takes an enormous amount of time and we need to do something to make it more simple, but effective.

Mr. Rybak – Would it be feasible to base it on the way it was done in prior years, going from 52 or 53?

Jeanne Kulesa – I don't know if we could get down to 3, but, I think it would be something small like four or five. I think the Pastures and the Crossing who have the fancier lights would be their own district. There are all different ways you could split up the town. One way you could do it, is for people who have lights, or get their energy overhead, because they still have lines on poles, verses the newer developments that have underground. So, we could split the town that way too and create a district.

Mr. Rybak – I think that we have a process already on the books and we should be able to base some of our findings on some of that, when we want to do this.

Jeanne Kulesa – I think so and it will be quite a task to do all of this. We would have to poll each district and see who is in it and who we are going to factor out. I think this will be a lengthy process, but, in the end it will be well worth it.

Mr. Rybak – We need to do it before we exceed 16 or 17 districts.

Jeanne Kulesa – Rights, because that's what happened. We're just adding new ones for half a street.

Mr. Dudzinski – Lets not get to 50 again.

Dave Hess explained that the last time they calculated the average cost for property they had three different groupings. Other municipalities have gone from 87 districts to three.

If the light pole was fed from underground and your houses electrical was underground and you have a light you would have this district and if you have a pole with a light, you're in this district and then they took all the intersection lights and made it town general.

Jeanne Kulesa – We can do it, however we would like to. All we have to do is define that and give that information to Dave and we would get bills that reflect what we want and people's bills would have consolidated number one or consolidated underground, or however we label them and we would get help from the County with that, so that there wouldn't be all these different districts named with streets. You won't have Eva Circle Lighting or Waterview Circle Lighting, etc.

Ms. Tarwacki stated that it wouldn't necessarily be geographic.

Jeanne Kulesa explained that it doesn't have to be and it is really up to us to define that and then we work with Dave to implement that.

Mr. Dudzinski – It would be one basic pole, because it wouldn't be fair to charge everyone the same rate.

Jeanne Kulesa – We're not going to do anymore fancy ones and we're all going to have the same one, which would be easier to fit in.

Mr. Corl – This is really a two step process. First we figure out what we're going to do with the old and consolidate and then amend the Local Law to figure out, what we're going to do in the future.

Heather Cole stated that she didn't think it is a local law, but is a summary of the procedures that is set forth in NYS Law and didn't think it is actually on the town's books. It is a summary of the petition method that's set forth in NYS. During the process you may decide to include this area in one of the consolidated districts, but, I think it is a logical way to approach the issue.

APPROVAL OF REVISED AGREEMENT WITH SEAWAY NAVIGATION & TOURS

Heather Cole explained Jody didn't want to see buses parked at Riverfront Park, so we tweaked the agreement so that patrons of Seaway can still park at Riverfront Park, but, not buses. The agreement already had a cancellation provision and the town has decided to leave it as is and not modify it as last discussed.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the revised agreement with Seaway Navigation & Tours.

The motion was approved as follows:

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

Addressed earlier in the meeting

APPROVE APPLICATION FOR 2009 COMMUNITY DEVELOPMENT

APPROVAL FOR WAYNE DEAN AND THREE ADDITIONAL CODE ENFORCEMENT OFFICERS TO ATTEND TRAINING SESSION FROM APRIL 14 THROUGH APRIL 17 (\$1,400 – Budgeted item)

Motion was made by Mr. Corl, seconded by Mr. Conway, to authorize an expenditure of \$1,400.00 for Wayne Dean and three additional Code Enforcement Officers to attend a training session from April 14 -17, 2009 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

YOUTH BUREAU PURCHASE APPROVALS

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize and expenditure up to \$300.00 to IKON for a Duplicator Service Contract, Budget Code B7020.41.

The motion was approved as follows:

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

Youth Basketball Instruction

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,643.00 to John Haas, for Youth Basketball Instruction to be reimbursed via fees, Budget Code B7020.44.

The motion was approved as follows:

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

Youth Basketball Instruction

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,400.00 to Gary Dembkowski, for Youth Basketball Instruction to be reimbursed via fees, Budget Code B7020.44.

The motion was approved as follows:

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

Youth Tumbling Instruction

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,295.00 to New Generation Gymnastics for Youth Tumbling Instructions, to be reimbursed via fees, Budget Code B7020.44.

The motion was approved as follows:

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

HIGHWAY PURCHASES

150 Yards of Topsoil

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$2,850.00 to Gerber Topsoil to purchase 150 yards of topsoil which is a budgeted item from Account Code DB5140.432.

The motion was approved as follows:

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

Topsoil/Item #4 Sandfill

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$12,500.00 to Jack Brown to purchase topsoil and #4 sandfill, which is a budgeted item from Account Code DB5110.47.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl to enter into Executive Session to discuss tax certiorari litigation in the matters of E & E Associates, LLC vs.the Town of Cicero, Bayshore North Apartments Phase 1 through 4 vs. the Town of Cicero and Town of Cicero vs. Chatfield, and would like to ask our attorney to enter into the Executive Session and we will be reconvening.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 7:28 p.m.

The meeting reconvened from Executive Session at 7:36 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 of outstanding business. The first is a resolution that the board has reviewed that will be incorporated in the minutes for the public's benefit. That resolution will stipulate reduced assessed value for E & E Associates, LLC in their Tax Certiorari Petition. That is the portion of Lakeshore Plaza without Walgreen's on it. The previous assessment was \$135,309.00 and the reduced assessment will be \$92,000.00. The provision of Real Property Tax Law, Section 727 will apply and the petitioners are not entitled to interest if they demand a refund within 45 days of the paperwork being filed.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to adopt a resolution pertaining E & E Associates, LLC and Lakeshore Plaza, excluding Walgreens as presented as follows:

RESOLUTION
E&E Associates, LLC v. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2008 (March 1, 2008 Taxable Status Date) for the real estate known as tax map parcel 098.-01-68.4, located at 6195 Route 31, Town of Cicero, County of Onondaga, was filed by E&E Associates, LLC (“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, having duly made and filed their Answers to the Petitions; 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 2008 assessments should be reduced, as follows:

| Tax Parcel ID No. | Previous Assessment | Reduced Assessment |
|--------------------------|----------------------------|---------------------------|
| 098.-01-68.4 | \$135,309 | \$92,000 |

and that Petitioner is entitled to a refund for taxes already paid; 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 stipulations of settlement of said pending proceeding on the terms set forth herein.
2. The Attorneys for the Town be and are hereby are authorized to consent to entry of appropriate court orders to accomplish said settlements and upon entry of the court orders directing the establishment of assessments for 2008, to execute stipulations of discontinuance of the said proceedings.
3. The Supervisor of the Town of Cicero be and hereby is authorized to make and pay refunds of taxes, without interest, so long as payment is received by Petitioners’ attorneys within forty-five days from the date the Demand for Refund is served on the taxing entity.
4. The provisions of Real Property Tax Law Section 727 shall be applicable to this settlement.
5. This Resolution shall take effect immediately.

The resolution was adopted as follows:

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

Heather Cole – The second matter is a resolution that was read into the minutes.

RESOLUTION
Town of Cicero v. Chatfield

WHEREAS, the Town commenced an action against Scott F. Chatfield under Index Number 2004-2017 in Onondaga County Supreme Court; and

WHEREAS, that action was consolidated with another proceeding, such that the action was titled Town of Cicero v. Cicero Local Development Corp., Greater Cicero Local Development Corp., Peter Kip and Fiscal Advisors and Marketing, Inc. and Scott F. Chatfield under Onondaga County Index Number 2004-2016; and

WHEREAS, the Town desires to settle the matter as against Mr. Chatfield, upon terms mutually acceptable to both parties; and

WHEREAS, the settlement will not involve the expenditure of public funds; and

WHEREAS, the parties intend to request that the Court order that the terms of the settlement be confidential.

NOW, THEREFORE, it is resolved as follows:

1. The attorneys for the Town in this matter are authorized to execute a Stipulation of Settlement on behalf of the Town;
2. The Supervisor is authorized to execute a general release in connection with the settlement; and
3. The terms of the settlement shall be kept confidential

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to adopt the resolution regarding the matter Town of Cicero vs. Scott Chatfield as follows:

The resolution was adopted as follows:

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

PUBLIC INPUT 3 MINUTES PER SPEAKER

Resident asked if the fence law that was so hotly debated last spring is being enforced as there are a lot of temporary fences per her perception.

Mr. Dudzinski asked if she was referring to the orange construction tape.

Resident stated she thought it could only be up for 30 days.

Wayne Dean – I'll review it and get back up to you, though he believed temporary fences are allowed during the winter. I know what you are talking about, but, that's different.

Mr. Dudzinski – The reason they put that there is because everyone was backing in there and dumping things off.

Resident – Wasn't the issue to put up a proper fence?

Mr. Dudzinski stated that he believed that was a situation regarding neighbors.

Resident – My concern is if he should put up a proper fence or if he can use that type fence and leave it up month after month.

Roy Mallette, East Taft Road stated that on 1/26/09, the town approved a resolution for a BAN. Is that correct?

Heather Cole – No, there was no resolution for a BAN and no money has been received from a BAN.

Roy Mallette read a quote from President Obama and then stated that on 1/26/09 he asked if the Supervisor had a signature on something stating that the town would be receiving the money from the State and Federal Government. Roy asked the board if they had received a copy of his FOIL that he had submitted and stated that he has spoken with the Town Clerk and asked for an accounting of all the money that was spent or received for this project. He did receive copies of vouchers for a trip taken by Mr. Dudzinski and his guests that were billed to a VISA Card. How many trips were taken to Washington and where is the accounting I asked for? I also asked for the resolution authorizing the town to apply for this credit card. No one has given me an answer. Does anybody on the board feel that this is privileged information for the Town Board only?

Mr. Dudzinski told Roy that if he had a list of questions that he should submit them to the Town Board and we will get back to you.

Mr. Dudzinski asked Mr. Destefano to explain to Roy what was said as he didn't believe Roy heard him.

Attorney – None

Engineer Comments - None

Board Comments - None

There being no further business before the board, the meeting was adjourned at 7:45 p.m.

Tracy M. Cosilmon
Town Clerk

