

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, March 9, 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
Linda Yancey, Acting Assessor
Bonnie Smith, Secretary to Supervisor
Heather Cole, Esquire, Town Attorney
Michelle Baines, O'Brien & Gere
Tom Leo, Post Standard
Sarah Hall, Star News

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.

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 23, 2009 MEETING MINUTES

Motion was made by Mr. Rybak, seconded by Mr. Corl, to approve the minutes of the February 23, 2009 town board meeting.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: No, there is too much editing of Taxpayers remarks.
- Mr. Rybak: Yes
- Mr. Corl: Yes
- Mr. Dudzinski: Yes

DEPARTMENT HEAD INPUT

Highway - None

Police

Chief Snell asked for approval to send Officer Meyers to the Regional Technique and Interrogation Seminar to be held in Syracuse at the cost of \$595.00 and which is a budgeted item.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize and expenditure of \$595.00 to send Officer Meyers, who has been an investigator for a year, to the Regional Technique and Interrogation Seminar, to be held in Syracuse and 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

Comptroller – None

Park & Recreation

Jody Roger thanked everyone who supported the fund raiser held at the CanTeen last Saturday and that they raised nearly \$1,400.00.

Jody also asked for approval of the Cicero Chamber of Commerce/Cicero Community Festival Parade Permit and that she has spoken with the Chief Snell and Sgt. Carroll of the State Police and everyone is on board with this.

(Cicero Chamber of Commerce /Cicero Community Festival Parade Permit)

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the Cicero Chamber of Commerce/ Cicero Festival Parade Permit set for Saturday June 13, 2009 at 6:10 p.m.

The motion was approved as follows:

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

Attorney

Heather Cole stated that she had some items for Executive Session to be addressed at the pleasure of the board. First is an employment history issue and second are two Tax Certiorari Litigation Matters being Conifer Bridgeport Associates and the other is an individual by the name of Bouthillier

Engineer - None

Zoning - None

Assessor - None

Tax – None

Town Clerk – None

APPROVAL OF ABSTRACT #5 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve Abstract #5 of 2009 as follows:

General Fund Voucher #374 to Voucher #481 in the amount of \$1,502,323.21
Highway Fund Voucher #116 to Voucher #128H in the amount of \$ 75,178.25

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:

Town clerk

FROM	CODE	ACCT	AMOUNT	TO	CODE	ACCT
2009	A14104	Contractual	120.00		A141041	Records Contractual

The motion was approved as follows:

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

PUBLIC HEARING TO AMEND THE TOWN’S CONSOLIDATED (5 YEAR) PLAN FOR COMMUNITY DEVELOPMENT AND APPROVAL OF APPLICATION FOR 2009 COMMUNITY DEVELOPMENT

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 9th day of March, 2009, at 6:30 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the Town's Application for the 2009 Community Development Block Grant funding cycle through Onondaga County, as well as proposed amendments to the Town's Five Year Consolidated Plan as required by the US Department of Housing and Urban Development. Information on the Town's projects is available at the Parks and Recreation Department, 8236 S. Main Street, Cicero, NY.

Jody Rogers explained that the first part of this is to amend the five year consolidated plan. After reviewing the plan and the submission of the two applications that she has given to the board, she stated that we do not have to make any changes as it already includes Sleeth Park beautification and Gateway Community Park improvements, so we do not have to do that portion of it this evening. The other portion is the public hearing for the actual application submittal.

Jody stated that she was submitting two applications to Community Development and that the first was for the Sleeth Garden Park Beautification and Development Project which is located on the corner of Factory and Route 11 and is the area where our holiday tree ceremony takes place. Jody also submitted a grant totaling \$55,600.00 of which the town's share would be \$13,900.00 and of those monies, approximately, \$12,800.00 would be coming from the Park Fund and the balance of that which is a little over \$1,000.00 is for in kind forces doing work, such as landscaping, planting trees and those kinds of things. I am looking at installing sidewalk along Route 11 and a sidewalk into an area that would be a focal point of the Town's Christmas Tree and would have some benches, some decorative lighting to give it security, a sign noting that the park was given by the Sleeth family and that it is a town facility and a fence that would border between our property and the neighboring residential property.

Mr. Dudzinski explained that the Christmas tree is located is on the opposite side of the stream from where the town tree is now and is adjacent to the green house located up on Route 11 and that the Sleeth family gave that property to us.

Jody Rogers - There is a small parcel of land located towards at the rear of the property on Factory and Route 11 that owned by someone else, who has allowed us to continue to having our ceremonies there. This is also an extension of the monies that Chet obtained through Assemblyman Stripes Office in the amount of \$10,000.00 was used for cleaning the site, removing dead trees, doing some landscaping and movement of land and bringing land materials in, so that we can put in these amenities for the project.

The second project is the Gateway Park Recreation Facility Enhancement Project, which is a Grant for \$60,400.00, of which the town would be responsible for \$17,400.00. Of that amount \$16,000.00 would come from the Park Fund and the balance would be in kind labor from both my department and maybe an MEO from the Highway Department for the use of a bulldozer on the project. The balance would be \$43,000.00 from Community Development Funds, which are HUD Funds and that come through the County. I would ask that the board put a priority rating of number #1 for Sleeth Park and number #2 for Gateway Park, so that we can complete the project that we're starting this construction year on Sleeth's Park in order to get the improvements in by next year.

The public hearing was opened at 6:40 p.m.

Speaking for - None

Speaking against - None

The hearing was closed at 6:41 p.m.

Board Comments:

Ms. Tarwacki asked why Sleeth Park was put before Gateway Park as there are a lot of expectations for that park from the community.

Jody Rogers stated that she would like to get Sleeth Park completed so that we can have an actual area for our holiday program to take place which is on town property. The initial funds coming from Assemblyman Stirpe's Office gave us the impetus to move forward and put that in. It was also priority #2 last year, so I moved it up. This summer I have a \$70,000.00 Community Development Grant that I obtained for Gateway Park. This summer during the construction season we will be working on both area and recreational lighting and the extension of the trail.

Jody also mentioned that Ms. Tarwacki and other Board Members attended a meeting with the folks from Bridgeport and that all of their recommendations have been done. The playground equipment that was put out there is for children ages 5 through 12. There are a lot of younger children and families there, that shouldn't use the equipment without adult supervision, so my new grant is to place a pre-school playground unit, swing set and teeter totters for 2 to 5 year olds. I believe that we may have a good chance of getting both, because the amounts are less than the total amount that you can ask for, which is \$75,000.00 to \$100,000.00.

Ms. Tarwacki – Those folks are expecting some movement.

Jody Rogers – I went back through the list that I had given to the board and Chief Snell when we had our meeting out there and the only thing that we really hadn't touched on, was a tennis court. I did not put that in, because the cost of a tennis court is well over \$50,000.00 to \$60,000.00 and I felt that more children could get use out of that playground equipment and that it is probably a project that we could get approved, verses the tennis court.

Mr. Corl – You said the \$12,800.00 would be used for Sleeth Park Project, through Park Funds?

Jody Rogers – Yes, through our 277 subdivision funds and I asked Jeanne for an amount on that fund and I am holding the committed funds from that including these two, which is \$60,000.00 - \$65,000.00. I am holding that fund, not to go below \$100,000.00, so that we can sit on that money for future projects.

Mr. Corl – Is the number that was provided in the grant, including the fence and other amenities that you mentioned?

Jody Rogers – For the Garden Park, it includes sidewalks, concrete landing, brick circle around the holiday tree, the tree itself, benches, decorative landscaping, lampposts, park sign, labor and engineering. The fencing is in this grant that I am doing this summer, with the \$10,000.00, so that we can determine whose property is whose. That will be done this year, with the \$10,000.00 I have.

Motion was made by Mr. Corl, seconded by Mr. Rybak, to adopt a resolution authorizing submission of an application for Community Development Funds with Sleeth Park being the first priority and Gateway Park being the second priority.

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

DISCUSSION OF 2009 MS4 PROGRAM

Michelle Baines – The Town Board should be in receipt of two letters dated March 4, 2009 and both of them relate to the municipal separate stormwater system which is an ongoing program that the town is involved in. The first letter relates to the work that the CNY Planning and Development Board have been doing over the past couple of years in assisting various towns that are in that program. In the letter, we talked about what the CNY Regional Planning Development Board has put together for 2009. They have assembled a compliance assistance proposal and this proposal involves work that they are going to do in 2009 and part of 2010, related to a lot of the education and outreach work that needs to be done in order to comply with the MS4 requirements. The town participated in the program last year and we are recommending that the town participate again this year because the CNY Planning and Development Board works with a lot of municipalities and it is a cost effective way of dealing with a lot of these requirements that the DEC has. We recommend that the town participate in the program this year and there is a fee involved with it. The fee goes down, depending on how many municipalities participate. Last year, there were 29 towns that participated and cost \$3,448.00. There is a resolution that was attached to the letter that we're recommending that the town board pass. In that resolution, it says, the cost shall not exceed \$5,000.00 which is based on a minimum of 21 towns participating.

Mr. Dudzinski - Isn't this one of the classic State's unfunded mandates?

Michelle Baines - Yes

Heather Cole – I spoke with Jeanne and this would come out of your Drainage Budget.

Mr. Dudzinski – Do you want to do the resolutions separately?

Michelle Baines – Yes, there is one relating to the Town Board participating in this Compliance Assistance Program with the CNY Planning and Development Board. We can do that separately from our resolution for our engineering services.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve submitting an application for the Town of Cicero to participate in the MS4 program as presented.

**Resolution Supporting Participation in the
Central New York Regional Planning & Development Board's
Year-Two MS4 Stormwater Compliance Assistance Program**

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of Cicero, herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002; and

WHEREAS, the Board has proposed to conduct a regional public education, outreach and training compliance program to "reduce municipal staff burdens, ensure message consistency, provide widespread priority audience targeting, and provide the most efficient use of limited municipal funds by distributing total program costs over a number of entities" within a fifteen month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD:

1. That Chester A, Dudzinski, Jr., as Supervisor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;
2. That the Municipality agrees that it will fund its portion of the cost of the Project according to the fee schedule included as Attachment C, and that 50% of the funds will be made available to the Board no later than May 1, 2009 to initiate the Project, and that 50% of the funds will be made available to the Board no later than December 1, 2009 to complete the project.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board no later than March 31, 2009.
4. That this Resolution will take effect immediately.

The Resolution was adopted 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 not to exceed \$21,750.00 for O'Brien & Gere to provide engineering services related to the minimum control measure that the town has to meet, per their letter of March 4, 2009.

The motion was approved as follows:

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

DISCUSSION OF SHARED SERVICE AGREEMENT WITH TOWN OF SALINA FOR ASSESSOR

Heather Cole stated that it was her understanding that the Town of Salina is discussing the current draft of the shared services agreement that would be between the Town of Cicero and the Town of Salina to share Assessor services. I would suggest that we hold off on this one tonight as there is one outstanding issue associated with insurance premiums between the two towns. If you don't mind, we will defer action on this until we have that ironed out.

DEFERRED

DISCUSSION OF REQUEST FOR PROPOSALS FOR REASSESSMENT PROJECT

Heather Cole – Your proposal to go forward on the reassessment has been prepared by the Salina Assessor in anticipation that he may soon be the Town of Cicero's Assessor. He had other arrangements this evening and needed to be in Salina and he also had some changes that he wanted to make to that proposal. I don't think it was anything substantive but, I think it is more like font spacing and that type of thing. If anyone has any questions on it, I will try to answer those as I have spoken with Brad and Theresa Frank from ORP's. You can move forward on it and say you are willing to issue that

proposal tonight for bids to come back March 16, 2009, or you can defer action until a representative from ORP's or someone else is here to review it with you.

Mr. Dudzinski – I would rather wait myself.

Ms. Tarwacki stated that she has a few question, so she'd rather wait.

Heather Cole – That's fine. If you would like to direct questions, to me, that would be fine or I can direct them elsewhere or put you in touch with someone who might be able to answer them.

DEFERRED

DISCUSSION OF ZONE CHANGE FOR TAX MAP 109.-01-06.0 MILLER CIRCLE, BREWERTON

Discussion:

Wayne Dean stated that the board members were all given a copy of a request from a homeowner in Brewerton, to change the zoning from AG to GC. The intent is that it is a low keyed small high tech industry consisting of machines that thread surgical needles and I believe there are 5 or 6 employees. This would create very minimal disturbance and there would be low numbers of deliveries, and those would be by FED EX or UPS.

Mr. Dudzinski – This piece of equipment that they make is probably very small.

Mr. Corl – Who is the applicant?

Wayne Dean – The owner is requesting it, but, the person we dealt with is a realtor. The applicant is Raymond Schubert

Heather Cole – If you would like to consider the proposal, I'd suggest that you hold a public hearing at least three meetings out, so that the Planning Board has time to review it and it has time to go down to the County. If for some reason, you decide, you don't want to go forward with it, you always have time to cancel the public hearing before it happens.

SET PUBLIC HEARING FOR APRIL 27, 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set April 27, 2009 at 6:30 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date for a public hearing to consider referring a zone change from AG to GC for the property located at Miller Circle, Brewerton, NY.

The motion was approved as follows:

Mr. Conway: Yes

Discussion:

Ms. Tarwacki asked if this would normally go to the Planning Board or ZBA first.

Heather Cole and Wayne Dean – Yes, but they always give you a referral on zone changes. All you're doing is referring it to them and setting a possible public hearing.

Mr. Conway – Yes, and it would have to come back from the County.

Mr. Duzinski – We make the decision on the land use.

Wayne Dean – This parcel is adjacent to the Brewerton South onramp onto Route 81 and is a wooded parcel that is only accessible from Miller Circle and it is not accessible from Route 81.

Heather Cole – This is outside of the Brewerton moratorium area.

Continuation of the vote:

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

ACCEPT BIDS FOR CEMETERY MOWING AND VEGETATION CONTROL

Jody Rogers explained that there was a need to reset the date for receiving sealed bids to March 20, 2009 at 11:00 a.m. for cemetery mowing and vegetation control of various parks as she inadvertently she failed to have the bid notice published. The bids that were received are being held and we will continue to receive bids and have an acceptance at the next meeting.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to reset the date, March 20, 2009 at 11:00 a.m., to receive sealed bids for cemetery mowing and vegetation control for various parks in the Town of Cicero.

The motion was approved as follows:

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

YOUTH BUREAU PARKS & RECREATION STAFF APPOINTMENT

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to appoint Ronald Ross, of Central Square to the position as Senior Center Bus Driver at the pay rate of \$10.50 per hour effective March 10, 2009.

The motion was approved as follows:

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

YBPR CONFERENCE REQUEST

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,090.00 for Judy Dickson and Julie Raddell to attend the annual NYS Recreation and Parks Conference April 19-22, in Long Island and to use their own vehicles, budget codes A6772.42 and B7020.46.

The motion was approved as follows:

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

YBPR PURCHASE APPROVALS

(Lumber)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,000.00 to Liverpool Lumber per County Contract, to purchase lumber for picnic tables, bleachers and play benches, budget code A7110.40.

The motion was approved as follows:

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

(Grass Seed)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$2,990.00 to purchase grass seed from Merritt Seed, which is a budgeted item, Account Code A7110.40.

The motion was approved as follows:

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

(Fertilizer)

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure not to exceed \$2,800.00 to purchase fertilizer from Merritt Seed, which is a budgeted item, Account Code A7110.40.

The motion was approved as follows:

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

(Professional Services)

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$8,500.00 to Maxian & Horst Landscape Architects, Land Planners to design, create bid documents, advertise, make recommendation of qualified bidder, oversee construction, change orders, submission of payments request to the town for the Gateway Community Improvement Project, 2008 funds of \$70,000.00 that was approved for area and recreational lighting and trail extension.

The motion was approved as follows:

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

(Duplicator Service Contract)

Jody Rogers explained that at the last meeting board approval was given for the Parks & Recreation Department to enter into a Duplicator Service Contract with IKON and that the contractor made a mistake in their quote. At this time they would like approval to enter into a Contract with Usherwood for Duplicator Services, in the amount of \$900.00 per year for up to 200,000 copies with an overage of \$.45 per copy, which is a budgeted under Account Code B7020.41.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to rescind the PO for a Duplicator Service Contract with IKON, due to an error that the Contractor made in the cost per sheet and to enter into a Contract for Duplicator Services with Usherwood, in the amount of \$900.00 per year.

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. Rybak, to discuss the employment history of a particular person in the town and a Tax Certiorari Litigation in the matter of Bouthillier vs. the Town of Cicero and Tax Certiorari Litigation in the matter of Conifer/Bridgeport Associates, vs. the Town of Cicero and to reconvene.

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 7:03 p.m.

The meeting reconvened at 7:31 p.m.

Heather Cole - Tracy, motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to close the Executive Session and return to open session. We have one item of outstanding business and that is to approve a Stipulation of Settlement in the matter of Conifer/Bridgeport Associates, vs. the Town of Cicero Tax Certiorari and I will ask the board to approve the resolution as a whole, as it is presented for the public's information. There was a 2007 petition in this matter that will be discontinued. The assessed value of the parcel, which is 069.-05-34.2 on Thompson Road, assessed value will be reduced from \$107,000.00 to \$96,000.00. There will be no interest on refunds if they are made within 45 days of demand and the town will waive its right to change the assessment pursuant to RPTL Section 727, Subdivision 2A or B.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to discontinue the Certiorari Matter with Conifer/Bridgeport Associates vs. the Town of Cicero as follows:

RESOLUTION**Conifer Bridgeport Associates v. Town of Cicero, et al.**

WHEREAS, Petitions and Notices to Review the Assessments for Taxation for the years 2007 and 2008 (March 1, 2007 and March 1, 2008 Taxable Status Dates, respectively) for the real estate known as tax map parcel 069.-05-34.2 in the Town of Cicero, County of Onondaga (the "Premises"), were filed by Conifer Bridgeport Associates ("the Petitioner"), and were duly served in accordance with the Real Property Tax Law; and

WHEREAS, the Petition for the year 2007 is pending in Onondaga County Supreme Court under Index Number 2007-4587, and the Petition for the year 2008 is pending in Onondaga County Supreme Court under Index Number 2008-5944; 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 record owner of the Premises as of August 28, 2008 is Wedgewood Apartments, LLC, which shall be joined as a necessary party to the action; and

WHEREAS, the Respondents, the 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 2007 Petition (Index Number 2007-4587) shall be discontinued with prejudice without costs to either party, and the 2008 assessment should be reduced, as follows:

Tax Parcel ID Number	Previous Assessment	Reduced Assessment
069.-05-34.2	\$107,000	\$96,000

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 a stipulation 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 settlement, and upon entry of the court orders directing the establishment of an assessment for 2008 in the amount of \$96,000, 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, except that the Town waives its rights to change the assessment pursuant to RPTL Section 727(2)(a) or (b).
5. In order to obtain the benefits this stipulation of settlement, the property must continue to qualify under RPTL Section 581-a, and the record property owner shall substantiate its qualification to the Assessor for the years 2009, 2010, 2011 not less than 30 days prior to the taxable status date for each year.
6. The 2007 Petition (Index Number 2007-4587) shall be discontinued with prejudice, without costs to either party.

7. 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

PUBLIC INPUT 3 MINUTES PER SPEAKER

Tim Murphy, Noel Road, stated that per the meeting of 2/23/09, the town is purchasing a couple of dilapidated houses on Bennett Street in Brewerton. What are they going to cost the town?

Mr. Dudzinski – We have no idea, as they haven't been appraised yet.

Tim Murphy – Why are you buying them?

Mr. Dudzinski – For the Brewerton revitalization.

Tim Murphy – How is that going to help with the revitalization and would that be for parking?

Mr. Dudzinski – At this point and time, we aren't sure.

Tim Murphy – So, you buy houses, and you're not sure what you're going to do.

Mr. Dudzinski – That's correct.

Tim Murphy – I see in the minutes Seaway Navigation Agreement was approved. How long is it approved for?

Heather Cole – Two years.

Tim Murphy – It's almost like you're buying houses to make parking for them. That's the impression that I got.

Mr. Dudzinski – It's very similar to the stimulus program that President Obama is doing, by bringing people into the area to increase business which helps the local economy.

Tim Murphy – It's kind of like approving the hotel on the corner of 11 and 31, as the Planning Board did on Wednesday, when that intersection is failing. But, what do I know?

Ms. Tarwacki stated that she thought she asked that question as to what those two houses were being purchased for and believed that Heather told her that the funds would be coming from the DOT and would be applied toward funding to parking areas.

Heather Cole – That's correct. The other idea that has been floated is perhaps rehabilitating one of those buildings to serve as a Visitor's Center or Location Center, which is also something that has been proposed and contemplated in your Local Waterfront Revitalization Program Plan.

Attorney - None

Engineer Comments - None

Board Comments

Mr. Dudzinski stated that he received a letter from County Executive Joanie Mahoney which was read into the minutes.

Dear Supervisor Dudzinski,

Taxpayers in Upstate New York pay some of the highest property taxes in the nation, much of that due to multiple layers of duplicative government. As County Executive I am committed to identifying the most efficient way to deliver government services. As such, I am pleased to officially appoint you as a founding member of the Onondaga County Shared Services Committee.

The Onondaga County Shared Committee will be a bipartisan committee made up of residents from both government and the private sector. They will be charged with looking for opportunities to modernize, merge and consolidate government services for taxpayers in Onondaga County, and will report to my office and to the County Legislature with their findings.

Thank you for your interest in serving on this very important committee, I look forward to working with you.

Sincerely,

Joanne M. Mahoney
County Executive

Mr. Dudzinski stated that this is a great opportunity for us, not only with our Assessor's Office, but, with other things. We have had numerous conversations with fire departments and with other people and how we could work together. I look forward to working on this and I think it will be an exciting committee to be on. It is kind of a cutting edge thing now days and everyone talks about it. Hopefully, I'll be able to have some good input on it and we'll move forward. I always look forward to a good challenge.

Town Clerk Comments – None

Tax – None

There being no further business before the board, the meeting was adjourned at 7:37 p.m.

Tracy M. Cosilmon
Town Clerk

