

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, March 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
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 MARCH 09, 2009 MEETING MINUTES

Motion was made by Mr. Corl, seconded by Mr. Rybak, to approve the minutes of the March 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 explained that they had a PO that went over from Crossroad for freight for gutter brooms in the amount of \$67.00 and secondly we had a PO overage of \$2.10 for Drake Oil.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize paying the overage on PO's in the amount of \$67.00 to Crossroads and \$2.10 for Drake Oil.

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 he has made a couple of telephone calls to Mufale Builders, regarding the garbage up on Carmel Runne and asked that Zoning or the Town Board write a letter or contact Mufale, regarding the trash as it is ungodly and all over.

Mr. Dudzinski asked Wayne Dean to take care of that.

Wayne Dean explained that they have had this discussion with them every year and they say they can't patrol it. They will clean it up and have in the past but, I'm not saying they will now, but, I will ask them to.

Mr. Dudzinski – Please contact them and ask if they will work with us on it.

Wayne Dean – I will.

Police

Chief Snell suggested that after talking with Chris regarding this situation, that area should be posted with No Littering Signs, until they get some development in there. We may need to look at our Ordinance to see if the fine is heavy enough.

Comptroller

Jeanne Kulesa explained that the NYS Retirement System is requesting that our biweekly payments to them be made via electronic debit. Currently, we are mailing a check to NYS after each payroll to remit the employees contributions and I would like to ask the board to approve making payments to the NYS Retirement electronically and for the Supervisor to sign the necessary paperwork.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to authorize the Comptroller to file payments to the NYS Retirement, electronically, and for the Supervisor to sign the necessary paperwork.

The motion was approved as follows:

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

Park & Recreation

Jody Rogers reminded the community that the Robin's Egg Hunt, better known as the Easter Egg Hunt is next Saturday, April 4, 2009 at Skyway Park for children 3 to 9 and we are registering now.

Attorney

Heather Cole - The settlement figures that the board approved regarding four separate Certiorari Matters involving Bayshore North Apartment Complex, have been revised and the actual amounts that the property will be assessed at are larger than what was initially approved. Phase I was moved from \$44,900.00 to \$46,806.00, Phase II was moved from \$37,060.00 to \$38,630.00, Phase III was moved from \$30,892.00 to \$32,201.00 and Phase IV was moved from \$27,860.00 to \$29,040.00. They are slightly more in the town's favor.

Secondly, an individual brought to the town's attention that the original notifications that were mailed out to property owners regarding brush pickup have an error on them. They say that brush, leaves and grass clippings must be placed in bio-degradable bags and the Contract doesn't really require that. Tracy has posted a notice on the town's website indicating that individuals may put them in bio-degradable bags but, do not have to. Would the board like the contractor to mail new notices to clarify that?

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to request the Contractor being Altman Enterprises, Waste Management LLC, to send out new postcards with the correct information.

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

Linda Yancy thanked everyone for allowing her to serve as the Assessor and stated that she has really enjoyed working with the people in Cicero and felt they were a nice group of people.

Tax - None

Town Clerk – None

APPROVAL OF ABSTRACT #6 OF 2009

Jeanne Kulesa explained the reason for the high amount for the abstract as it is for the Fire Contracts for Brewerton, Cicero, South Bay, and Bridgeport as well as the payment to the Library.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve Abstract #6 of 2009 as follows:

General Fund Voucher #482 to Voucher #597 In the amount of \$2,684,854.49
Highway Fund Voucher # 29H to Voucher #147H In the amount of \$ 70,067.76

The motion was approved as follows:

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

NO BUDGET MODIFICATIONS

SET PUBLIC HEARING DATE FOR PROPOSED
FRANCHISE AGREEMENT WITH VERIZON

Heather Cole explained that the Supervisor, the Comptroller and herself have had a couple of initial meetings with Verizon who would like to provide cable service within the Town of Cicero. They currently provide internet and telephone services through FIOS and would now like to begin providing television service that requires a Franchise Agreement with the town. The Town can decide how much it may want to receive in Franchise Fees from Verizon and that agreement would require a public hearing and must also be approved by the NYS Public Service Commission. A draft copy will be coming to the board within days.

Ms. Tarwacki – This agreement doesn't prohibit anyone else from providing cable service to the town?

Heather Cole – No, Time Warner Cable already provides service in the town and will continue to provide service. Both entities would have that ability.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set April 27, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider the proposed Franchise Agreement with Verizon.

The motion was approved as follows:

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

DISCUSSION OF SHARED SERVICES AGREEMENT WITH
TOWN OF SALINA FOR ASSESSOR

Mr. Dudzinski - This is an issue that we've been working on for an extended period of time. One of the significant things by sharing an Assessor, is that we're going to be able to save between \$20,000.00 to \$25,000.00 immediately, as soon as the decision is made

to share that individual. This person is one of the most capable individuals in this part of the state and is well mannered, easy to talk with and if there is an issue he is more than willing to sit down with you by appointment and talk.

Brad Brennan explained that he has been the Assessor in the Town of Salina for 22 years and that during his time they did a re-evaluation and have been doing yearly reviews, since 2001. They have accomplished a lot in the time he has been there and hopefully, we can move forward with a similar project in the Town of Cicero. As Chet mentioned, we can save money on the Assessor's salary and benefit package and it will help us save more, down the road.

Ms. Tarwacki – The newspapers reported a \$100,000.00 savings from the calculations from our Comptrollers Office. That's between, \$20,000.00 to \$25,000.00 for the Town of Cicero. Is the Town of Salina saving \$75,000.00 to \$76,000.00?

Brad Brennan – I don't believe that figure was correct and I did speak with the Supervisors on that. I am not sure where that number came from, but it didn't come from us. I didn't agree with that number. It may be a compilation of the \$92,000.00 that both towns will receive when the re-evaluation is done and the formal coordinated assessing comes into being. We're talking \$180,000.00 there.

Mr. Dudzinski - I was going to ask you about the part that you just mentioned.

Brad Brennan - It would be a one time savings and that is why it isn't a number that we've been discussing too much, because we're looking at the long term savings here.

Ms. Tarwacki - The Town of Cicero is going to begin the process that could run \$700,000.00 to a million dollars for the re-evaluation process. I'm concerned about the monies that are being juggled back and forth and how things are going to be to be accomplished.

Brad Brennan- I understand that.

Ms. Tarwacki – The final draft that I received says that the Town of Cicero has to defend and indemnify the Town of Salina for acts of omission of the Assessor, while the Assessor is working in the Town of Cicero. That worries me a little because I don't totally understand that.

Heather Cole – The other option is if the board at some point wants to enter into Executive Session, to speak directly with Brad and the Comptroller about some of these issues, I would remind you that is an option for you. As far as that clause, it is something that Salina's Attorney and Insurance Carriers require. The way I read that, is that, if an act of the Assessor were to cause either or both municipalities to be sued and that act occurred as a result of his actions in the Town of Cicero, that the Town of Cicero would be responsible for indemnifying the Town of Salina, because the acts would have occurred in his capacity as Cicero's Assessor, but, in all likelihood, the Town of Salina would get named in the lawsuit, because he will technically, be an employee of the Town of Salina.

Mr. Rybak asked if the Town of Salina has the same language in their agreement.

Heather Cole explained that she didn't think it is reciprocal language because of the nature of the relationship and having said that, would be covered through the insurance for Salina in his capacity and in working for the Town of Cicero. So, he would be insured for his actions. I can certainly speak with their attorney and we can make it more reciprocal. I am not sure because of the nature of the agreement that it would be applicable.

Ms. Tarwacki stated this was a little disconcerting to her, though she didn't anticipate a problem, but, hoped it would be reciprocal.

Heather Cole stated that she would speak to them and that she could understand and appreciate the concern.

Mr. Corl thanked Brad for being in attendance and for taking on the project and asked him to explain how he envisions, sharing his time.

Brad Brennan explained that he was used to multitasking and is able to return calls within a half a day and believed that he can still do that. His plan is to spend two and a half days in each town and take calls in either town, if that will be okay with the Board and Supervisor, as he is able to handle these calls within minutes and it wouldn't tie him up, or take him away from other work that needs to be done. His plan is to look into having his e-mails forwarded to Cicero, as anything that comes through e-mail, is how he generally works with the attorneys, as he would know right away and would be able to deal with those things immediately. Returning a call is never a problem.

Theresa Frank, Regional Director of ORP's in Syracuse, stated that as she said before, nothing is locking the town into trying this. The town hasn't had a high success rate with the past couple of Assessors and she thought the town was looking for a refreshing change right now. She felt this was a step in the right direction and reiterated that there is nothing locking the town in and hopes that this works. The only tricky little thing down the road is after the reassessment and both towns are at 100%, and you get that benefit of getting the cap aid from the State, you would have to pay back a pro rated share of the State Aid, if you were to disband, as they want you to be in it for ten years. Even then, you can get out of it at any time. It can't hurt to try this. Brad is a very competent person and I have worked with him for years and I wouldn't have recommended him originally, if I didn't think he was competent. He works very well with the public and I feel very comfortable that this is a good step and certainly, can't hurt you to try it.

Executive Session

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to enter into Executive Session to discuss the employment of a particular person and I invite the attorney, the Comptroller and Mr. Brennan 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 6:49 p.m.

The meeting reconvened at 6:58 p.m.

Heather Cole - Tracy, we had a motion by Counselor Rybak, seconded by Supervisor Dudzinski, to close the Executive Session and return to open session. One item of outstanding business is for the board to approve a shared services agreement with the Town of Salina with Brad Brennan, acting as Assessor at the salary of \$91,000.00 per year, to be split equally, between the two municipalities, along with other costs specified in the agreement and the start date will be Wednesday, March 25, 2009. There will be a reciprocal indemnification clause included within the agreement which will be given to Tracy to include in the minutes.

Motion was made by Mr. Rybak, seconded by Mr. Corl, to enter into a Cooperative Agreement to Share Assessor Services with the Town of Salina and Brad Brennan as Assessor, as follows:

Cooperative Agreement to Share Assessor Services

THIS AGREEMENT made as of the ____ day of _____ 2009 by and between the Town of Cicero, County of Onondaga, a municipal corporation as defined by section 119-n of the General Municipal Law, with its offices at 8236 S. Main Street, Cicero, NY (“Cicero”), and the Town of Salina, County of Onondaga, a municipal corporation as defined by said statute, with its offices at 201 School Road, Liverpool, NY (“Salina”).

WHEREAS, the Town of Salina has in its employment a Town Assessor; and

WHEREAS, the Town of Cicero is in need of certain assessing services; and

WHEREAS, the Towns, as of the date of this Agreement, contain almost exactly the same number of tax parcels, there being a difference of only seven (7) parcels between the two Towns; and

WHEREAS, New York State General Municipal Law §119-0 authorizes the Towns to enter into cooperative agreements and New York State Real Property Law §576 authorizes a person serving as assessor in one town to also serve as assessor in another town pursuant to such a cooperative agreement;

NOW, THEREFORE, the Towns agree as follows:

1. While the Salina Assessor shall be solely an employee of the Town of Salina during the term of this Agreement, the Town of Cicero, in accordance with Real Property Tax Law §576, shall appoint the person who occupies the position of Salina Assessor as Assessor in the Town of Cicero pursuant to and subject to the terms of this Agreement. For purposes of this Agreement, that person shall be referred to as the “Assessor.” It is intended that the Assessor will spend equal time in each Town during any given year, until there shall exist a material difference in the number of tax parcels in each Towns and the Towns have renegotiated this Agreement as a result thereof.
2. The Assessor at all times must meet the minimum qualification standards for real property assessors established by the New York State Board of Real Property Services.
3. The Assessor shall be responsible for assessing all parcels of real property located in Cicero for the purpose of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also perform for the Town of Cicero all other duties as required for assessors by the Real Property Tax Law and rules of the State Board of Real Property Services.
4. Each Town retains its separate respective right to establish separate respective dates applicable to the assessment process in each respective assessing unit, including taxable status date, and the dates for filing the tentative and final assessment rolls. Nothing in this Agreement shall be construed to require Cicero to set the same dates as Salina or to require Salina to set the same dates as Cicero. The Town of Cicero shall re-schedule its grievance day so that it will not conflict with the Town of Salina, which shall continue to hold its grievance day on the fourth Tuesday in May.
5. The Town of Salina shall pay the Assessor’s salary and reimbursable expenses, and make employer’s contributions for retirement, social security, health insurance, and other similar benefits. Salina shall also pay all fees and charges associated with the Assessor’s requirements pursuant to paragraph 2 of this Agreement, as well as any expenditures applicable to the Assessor pursuant to any collective bargaining agreement to which the Assessor is a party. Collectively, the above-described expenses and costs, as well as the costs associated with paragraph 6, below, shall be referred to as the “Costs.” Cicero agrees to share the Costs incurred by the Town of Salina as employer of the Assessor equally such that each Town pays fifty percent (50%) of the Costs. The Assessor shall not be

reimbursed for travel expenses associated with the Assessor's work in Salina or Cicero.

6. The Town of Salina shall be responsible for procuring general liability, public officials, umbrella and workers' compensation insurance that applies to the Assessor while he is acting on behalf of the Town of Cicero. Cicero shall name Salina as an "additional insured" with regard to Cicero's general liability, public officials, umbrella and workers' compensation insurance. As noted in paragraph 5, above, Cicero shall pay fifty percent (50%) of the insurance premiums required under this paragraph 6. The Town of Salina shall provide the Town of Cicero with written documentation as to how said premiums have been calculated.
7. The Assessor's salary pursuant to this Agreement shall be Ninety One Thousand and no/100 (\$91,000.00) in 2009, which shall be pro-rated as of the effective date of this Agreement and shall be split equally between Cicero and Salina as specified in paragraph 5, above. The Assessor is a member of Teamsters Local 317 in Salina, and the Assessor's salary shall be subject to any annual salary increase specified in any collective bargaining agreement between Teamsters Local 317 and Salina, as well as any longevity payments. For each subsequent year of this Agreement any salary increase or longevity payment specified in a collective bargaining agreement applicable to the Assessor shall be based on the Assessor's salary pursuant to this Agreement (i.e., in 2009, \$91,000.00). The Town of Cicero shall be responsible for fifty percent (50%) of the Assessor's contractually-mandated salary increase or longevity benefit as specified in paragraph 5, above.
8. Each Town shall employ and pay its own assessment office clerical and/or support staff as each Town deems appropriate. The day-to-day activities of the respective assessment office staff shall be subject to the control and supervision of the Assessor. A staff member of one Town may perform services for the other Town with the approval of the Chief Fiscal Officer of each Town. Should services be performed, detailed records of time and any reimbursable expense shall be kept, and the costs (salary or wage, benefits and expenses) shall be assessed or credited as appropriate as against the other Town. Each Town shall have access to the records of such time and expense, and shall receive a quarterly report of the records and information on costs incurred. Said report shall only be required to be generated if such costs have been incurred.
9. The Town of Cicero shall pay its share of the Costs incurred by the Town of Salina in two installments, one-half (1/2) by February 28 of each year and one-half (1/2) by September 15 of each year. The payments shall be paid to the Chief Fiscal Officer of the Town of Salina. In the event there are additional costs incurred by, or credits due, for the expenses described in paragraph 7 above, the installment due from the Town of Cicero shall be increased or reduced accordingly. Salina shall submit an invoice for the Costs to Cicero, to the attention of the Comptroller, thirty (30) days prior to February 28 and September 15 each year.
10. The Chief Fiscal Officer of the Town of Salina shall determine, at the end of each fiscal year of this Agreement, each Town's share of all costs and expenses incurred under this Agreement, and provide a copy of such determination to the Chief Fiscal Officer of the Town of Cicero for review. If either Town has paid more than its share for the fiscal year, such amount of overpayment or underpayment shall be credited or added to the next year's payments.
11. If the Towns cannot agree on the number of parcels in each Town, the municipalities shall request the County Director of Real Property Tax Services, for purposes of this Agreement, to determine the number of parcels contained within each Town. It is understood between the Towns that if there becomes a disparity of more than twenty-five (25) parcels between the two Towns that the Towns will in good faith renegotiate the allocation of costs set forth in paragraph

- 5. Parcel counts will be based on the most current final assessment roll of each Town.
- 12. Upon failure of the Town Boards of the Towns of Cicero and Salina to settle disputes or disagreements arising between themselves as to the provisions of this Agreement, including the failure of one of the Town's to pay its share of the Costs and expenses incurred under this Agreement within six (6) months of the date said payment is due, or the performance of the Assessor, such disputes or disagreements shall be submitted to binding arbitration by three (3) disinterested individuals, each of whom shall be qualified and recognized arbitrators, one to be selected by the Town Board of the Town of Cicero, one to be selected by the Town Board of the Town of Salina, and the third to be selected by the first two chosen. The arbitration process shall be enforceable under the Civil Practice Law and Rules of the State of New York.
- 13. In the event that the appointed Assessor shall resign or otherwise be unable to remain in office, the Towns agree that Salina will make every effort to appoint a replacement individual to serve within ninety (90) days of such resignation or removal.
- 14. This Agreement shall remain in effect until terminated. Either Town may terminate this agreement on sixty (60) days' written notice to the other. Neither Town may terminate this Agreement between November and July of any given year. This Agreement may only be terminated between August and October in any given year.

Notices shall be sent to:

Town of Cicero
 Attn: Supervisor
 P.O. Box 1517
 8236 South Main Street
 Cicero, NY 13039

Town of Salina
 Attn: Supervisor
 201 School Road
 Liverpool, NY 13088

- 15. Cicero shall hold harmless, defend and indemnify Salina from any and all liability, claims or damages including reasonable attorneys' fees as may arise by reason of the act, error or omission of the Assessor occurring while performing services on matters concerning the Town of Cicero. Salina shall hold harmless, defend and indemnify Cicero from any and all liability, claims or damages including reasonable attorneys' fees as may arise by reason of the act, error or omission of the Assessor occurring while performing services on matters concerning the Town of Salina.

IN WITNESS WHEREOF, the Towns have hereunto set their hands and seals the day and year first above written.

Town of Cicero

Town of Salina

By: _____
 Chester A. Dudzinski, Jr.
 Supervisor

By: _____
 Mark A. Nicotra
 Supervisor

The motion was approved as follows:

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

Mr. Dudzinski read the following letter that was received by each board member from the Syracuse Chamber of Commerce.

On behalf of the business Community, the Greater Syracuse Chamber of Commerce sends our message of support to you regarding your vote tonight to share assessment services with the Town of Salina.

Government modernization can exist in a myriad of forms, is a high priority initiative for the more than 2,100 member organizations that comprise the Chamber, as well as the more than 150,000 tax paying men and women our members employ. Many of our members businesses are locating in the towns of Salina and Cicero. Accordingly, many of our member's employees live in these towns as well. Shared services that reduce costs and/or increase efficiency play a major role in mitigating our high property tax burden.

We commend your leadership for considering this shared service which we understand will create savings in the thousands of dollars for both towns. Actions such as this help distinguish Central New York as a good place to live and work.

We respectfully and strongly urge you to vote yes tonight. Thank you for your dedication to public service in our community. I look forward to an opportunity to personally thank you for your vote this evening.

Sincerely,

Deborah S. Warner
Vice President of Public Affairs and government Relation

Mr. Dudzinski – Each member of the board received this letter and the reason I didn't read it before, as I didn't want anyone to think that it influenced our decision, but, is something that is in the public record now.

DISCUSSION OF LOCAL LAW TO CHANGE GRIEVANCE DAY AND SET PUBLIC HEARING DATE

Brad Brennan stated that he was asking that Grievance Day be moved to the first Tuesday in June, so that he can be present at Salina and Cicero's Grievance Day, personally.

Heather Cole – We're going to do this by Local Law, so we need to set a public hearing date for April 13, 2009.

(Public Hearing Date Set)

Motion was made by Mr. Rybak, seconded by Ms. Tarwacki, to set the date April 13, 2009, at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider changing Grievance Day to the first Tuesday in June, to be known as a Local Law of 2009.

The motion was approved as follows:

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

DISCUSSION OF REQUEST FOR PROPOSALS FOR REASSESSMENT PROJECT

Brad Brennan asked the board to authorize us to send out the RFP on the reassessment project. The state has been instrumental in not only putting this together with me and we

completed it and got it to the board for review. The next step is to issue it to any contractors we think would be interested in bidding on that.

Heather Cole asked Brad if the dates have changed for issuance since they were originally put together.

Brad Brennan – No, not since the final draft.

Ms. Tarwacki – A lot has been said about this. Have there been any initial feelers?

Brad Brennan asked Charlotte if she meant from contractors.

Ms. Tarwacki – Yes

Brad Brennan – I do have three that have contacted me and I had one as early as today. They are waiting and there are at least three people interested in them.

Mr. Corl – It is important to note that in the requests, it specifically outlines what the organization is to do to make an application to put their business in, to get this proposal. There are certain requirements for staffing, experience and doing similar projects. It is very well drafted and I feel we will get very qualified people to do it.

Ms. Tarwacki asked if the people who have contacted Brad are local or from farther parts of the State.

Brad Brennan – There are two local contractors that have spoken with me and one from out of town.

Mr. Rybak asked Brad if he felt the list would grow after it is presented.

Brad Brennan - I hope so. We are going to research and try and find as many as possible.

Mr. Corl – After the bids come in, it sounds like there is going to be various opportunities for further investigation and interviews and those types of things.

Brad Brennan – Yes.

Motion was made by Ms. Tarwacki, seconded by Mr. Dudzinski, to authorize Brad Brennan to send out RFP's to contractors who may be interested in bidding for the reassessment project as presented.

The motion was approved as follows:

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

DISCUSSION OF PART TIME REAL PROPERTY APPRAISER

Jeanne Kulesa - In light of Brad becoming our Assessor, we need to create a position for Linda Yancey to work with us. I need to create for Civil Service purposes, a Real Property Appraiser position and get it on a roster. Secondly, I need approval for Linda Yancey to fill this position in a temporary capacity at the pay rate of \$35.00, so that she can continue to work with Brad, to get him up to speed.

Motion was made by Mr. Dudzinski, **NO SECOND** to authorize Jeanne Kulesa to submit the paperwork to create the position for a Real Property Appraiser and to also approve Linda Yancey to fill the position in a temporary capacity at the pay rate of \$35.00 per hour to work with Brad Brennan to get him up to speed.

Discussion:

Ms. Tarwacki – Is there a not to exceed number of hours?

Jeanne Kulesa – A part time position is 1040 hours for the year. We will monitor her hours to be sure she doesn't go over, like any other position.

Motion was seconded by Mr. Corl

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

DISCUSSION OF CICERO V & T LAWS

Chief Snell stated that he had a conversation with our Assistant DA for our Cicero Town Court, and he has requested that we create a Local Section equivalent to Section 1102 Sub A, of the Vehicle and Traffic Law, which is failure to comply with a flag person. The reason for this is when he reduces a traffic summons from 3 points to 2 points we do not have a Local Ordinance that is a 2 point Ordinance, to reduce it to. Therefore, the State, gets, the fine money and we do not receive the fine money. This would allow him to reduce it to a local 2 point violation, when they reduce a 3 point ticket to 2 points. I have spoken with Heather and she is waiting for town board approval on this.

Heather Cole – You can do that by local law by setting a public hearing date for April 27, 2009.

(Public Hearing Date Set)

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set April 27, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, for a public hearing to consider creating a local section equivalent to Section 1102, Sub. A, of the Vehicle and Traffic Law, which is failure to comply with a flag person and to reduce the traffic summons from 3 points to 2 points, to be known as a Local Law of 2009.

The motion was approved as follows:

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

APPROVAL OF PROPOSED HYDRANT #12367 PROJECT NUMBER #9003488 IN THE EXISTING SNELLER ROAD WATER DISTRICT

Wayne Dean asked for approval for the installation of a hydrant where he believed the location was changed to the front of a banquet facility which is a wooden frame building instead of the hotel, which is concrete.

Mr. Dudzinski this request is for a hydrant on Sneller Road.

Wayne Dean – It is in the Sneller Road Water District.

Mr. Conway – It's about 550 feet down from Mud Mill.

Mr. Dudzinski – There must be some new lots down there.

Wayne Dean – I did not receive a copy of the map.

Mr. Conway – It is 530 feet south of Mud Mill on Sneller.

DEFER DECISION UNTIL THE NEXT MEETING FOR CLARIFICATION

**APPROVAL OF PHASE II STORMWATER PROGRAM
COORDINATION/COOPERATION WITH TOWN & VILLAGE MS4S PROPOSED
FEE STRUCTURE**

Wayne Dean stated that at the last meeting we discussed the MS4 Program and our working relationship with the County. We approved the first two phases of the program with the County and I would like to continue on tonight and ask the town to enter into an Inter-Municipal Agreement, to continue the services outlined in the paperwork that you have received. It would include maintenance of a hotline where people can call should they notice any problems and also for the County Personnel to do inspections. Those two items are of no cost to the town. The other remaining two items are for source track down and laboratory analysis of any problems they find. The Laboratory Analysis would be at their cost and the Source Track down will be at \$55.00 per hour. The Municipal Agreement is spelled out as to how it works, though I haven't discussed this with the County, or with the people handling it with the County, but, it appears that there is enough teeth in the agreement that we can have control over it. I don't want people going out there and doing things randomly but, would like to sit down with them and make sure, that there is a systematic approach to this. Source Track Down will contact us, when there is a problem and someone from my office, or I, will actually see, what they are talking about before authorizing them to go ahead. Since these problems are intermittent and may change, I'd like the board to set aside a lump sum amount of \$5,000.00 to be able to authorize them to do the work, rather than waiting for a board meeting to send them out to look for something. The laboratory analysis would also come out of that money and I will keep the board informed of any money expended and keep track of the account. Enough money would be maintained in the account to handle problems as they arise.

Mr. Corl explained that there are obviously certain requirements that the town has to comply with in the DEC regulations, MS4's and the Stormwater Permits. It is an opportunity where the county comes in and tells us that they are going to provide some services. There is also hotline rapport that is performed free of charge, there are routine inspections and then they will charge us \$55.00 per hour for further investigations and things like that.

Wayne Dean – The County is set up to do this and they do it regularly. They have the personnel, equipment and the experience and it will help us out.

Mr. Dudzinski – Is this one of those unfunded mandates?

Wayne Dean - Yes

Heather Cole – Wayne, will you ask them to set aside the \$5,000.00 from the drainage budget.

Wayne Dean – Yes, this would be funded out of the drainage budget.

Mr. Corl – Can you do that Jeanne?

Jeanne Kulesa explained that we will just need to do up a PO in the amount of \$5,000.00 or whatever the board authorizes and make it payable to whomever and that will create the encumbrance and put the money aside. As he needs it, he'll draw down the \$5,000.00.

Mr. Corl – Will that be a sub-category in the drainage fund?

Jeanne Kulesa – No, it won't. It will be something that we will track off the PO, but, we'll always, be able to know, because we track that on our side as well.

Wayne Dean – Hopefully, we won't, but, last week we did encounter one that we noticed ourselves and called the DEC to go out and look at it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve Phase II Stormwater/Coordination/Cooperation with Town & Village MS4S proposed fee structure as presented and to authorize the Comptroller to create a Drainage Account in the amount of \$5,000.00 in which to draw on, should there be a need, as presented and contingent on final legal review.

The motion was approved as follows:

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

ACCEPT BIDS FOR MOWING AND VEGETATION CONTROL

Jody Rogers stated that bids were received and opened on Friday and the board was given the list. Six bids were received and the lowest bidder was S. Roundy Property Maintenance. I would like to recommend that we go with the 3 year contract with S. Roundy, being the low bid at \$9,550.00 per year to do four cemeteries with the disclaimer that of the four, one of the cemeteries has not been turned over to the town yet, so the payment will be adjusted based on what cemeteries he's mowing, until Riverside Cemetery becomes part of our Cemetery Program. I would also ask that the board approve it contingent on a favorable reference from a current employer that he is working for now. I haven't been able to get a hold of the person in Syracuse, that he is working for and I just want to make sure he can handle this job. I understand that he has a contract with the City of Syracuse, doing parks and some cemeteries.

Jody explained that the other bids were for vegetation control at various parks and cemeteries and the low bid was Highpoint Lawn Service. I would like to go with a three year contract as well. They had the contract last year and the first year for vegetation control for all sites is \$4,260.00 per year.

Motion was made by Mr. Dudzinski, seconded by **NO SECOND**, to award the bid for a 3 Year Mowing Contract for 2009 to 2011, to S. Roundy Property Maintenance for mowing the cemeteries and parks in the amount of \$9,550.00 per year, contingent on receiving a favorable reference from his current employer and to also award a 3 Year Contract for Vegetation Control, to Highpoint Lawn Service.

Discussion:

Mr. Rybak – I know you want a contingency put on the motion, but, what happens if it comes back negatively?

Jody Rogers explained that she would go with the second bidder on the list who is E. K. Property Maintenance and who I know is reliable and who bid \$10,500.00.

Mr. Corl – That's a good idea.

The motion was Seconded by Ms. Tarwacki

The motion was approved as follows:

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

YBPR WORKSHOP REQUEST

Motion was made by Mr. Corl, seconded by Ms. Tarwacki, to authorize an expenditure of \$80.00 for Jody Rogers to attend a two day workshop entitled Designing Streets for Bicyclists, sponsored by Cornell Local Roads Program, to be held May 21 -22, 2009 in Utica, NY and to use a town vehicle.

The motion was approved as follows:

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

YBPR STAFF APPOINTMENTS

Motion was made by Ms. Tarwacki, seconded by Mr. Corl, to authorize to hire the following individuals as Recreation Attendants for FWS, at the payrate of \$7.15 per hour effective April 13, 2009, Budget Code B7020.11 as follows:

Danielle Anderson, 8185 Rizzo Drive, Clay, NY
 Emily Agan, 414 Meadow Road, Syracuse, NY
 Zachary Maurer, 33 Church St. Parish, NY
 Tanner Russell, 11 Holly Lane, Liverpool, NY
 Danielle Trombley, 4174 Pisces Circle, Liverpool, NY

The motion was approved as follows:

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

YBPR PURCHASE APPROVALS

Topsoil

Motion was made by Ms. Tarwacki, seconded by Mr. Dudzinski, to authorize an expenditure not to exceed \$3,600.00 to Jack Brown & Sons per County Contract to purchase 9 loads of CP4, PR-4, SR CEN-1 topsoil, budget codes A7110.45 and A6772.42.

The motion was approved as follows:

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

Infield Mix

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to authorize an expenditure of \$2,400.00 to Jack Brown & Son, per County Contract, to purchase 6 loads of G and CP Infield Mix.

The motion was approved as follows:

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

Mulch

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,900.00 to Millcreek to purchase mulch for the playgrounds, Park & Ride, flower beds, William Park, and the Senior Center.

The motion was approved as follows:

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

APPROVAL OF HIGHWAY PURCHASES

Runnercrush

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$17,250.00 to purchase 3,000 tons of runner crush from T. H. Kinsella which is a budgeted item, account code DB5110.42.

The motion was approved as follows:

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

4 week sweeper rental

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to authorize an expenditure of \$14,000.00 to rent two sweepers for four weeks from J & J Equipment, LLC, account code DB5140.48.

The motion was approved as follows:

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

Traffic paint and glass beads

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$22,000.00 to purchase traffic paint and glass beads from Crossroads Highway, account code A3310.4.

The motion was approved as follows:

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

Asst. size frames, grates & risers

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to authorize an expenditure of \$5,000.00 to purchase assorted size frames, grates and risers from Syracuse Castings, which is a budgeted item account code DB5110.49.

The motion was approved as follows:

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

25-2x2 frames and grates

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to authorize an expenditure of \$4,475.00.00 to purchase 25 2x2 frame and grates from Crossroads Highway which is a budgeted item account code DB5110.49.

The motion was approved as follows:

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

Grass Seed, Mulch Bales and Fertilizer

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize and expenditure of \$2,500.00 to purchase grass seed, mulch bales and fertilizer from Merritt Seed, which is a budgeted item from account code DB5140.41.

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

Ed Zaluski, Van Antwerp Dr., stated that he lives on the lakefront and wondered how he was going to make out on this. Is it going to affect my property too much, or will I have to pick up stakes and move?

Mr. Dudzinski – To be perfectly honest with you, I'm not sure. It may be something that Brad can answer.

Brad Brennan – Actually, I don't know the answer to that because I haven't looked at the value in relation to the assessments. In considering what happened last year, with the assessments, it looks like many of those lake properties are well under assessed, maybe grossly under assessed and there may be a big hit. There is nothing you can really do about that. Once we do a re-evaluation the intent is to get everything fairly assessed. Those who are under assessed will have to come up and those who are over assessed will come down. One thing, you will be able to do, is come in and talk with us, when it hits.

Ms. Tarwacki – Ed, make sure that you get all the exemptions that are coming to you, based on the new regulations that we voted in several months ago. Check with Linda, about all exemptions that might be coming to you.

Ed Zaluski – I will do that, thank you.

Mr. Dudzinski – We'll have the Town Clerk research them for you.

Ms. Tarwacki stated that she would like to have a copy of the answers to the questions when she gets them finished. He's been asking these questions over and over again, for some time and other people may want to know what the answers are. I'd like to have a copy too.

Attorney Comments - None

Engineer Comments - None

Board Comments

Mr. Rybak read the following letter from the State DOT into the record.

In response to your August 8, 2008 phone call conversation with Scott Bates of our office, we are pleased to advise you that our traffic engineers have completed a review of the Route 11 at Mud Mill Road intersection and determined that the installation of a three colored traffic signal would be appropriate.

The installation of a three color traffic signal will be incorporated to a state signal requirements project that is currently in progress. It is anticipated that the construction of the 3 color signal will be completed by the fall of 2010.

Your interest in this matter was very much appreciated.

Mr. Rybak told the people of Brewerton that the light will be coming and may take awhile, but, it's on the way.

Mr. Dudzinski – The South Bay Fire Department had a nice fund raiser the other night for their building fund and a lot of people were there to support them. If they ever have another function, I would encourage you to attend.

Tracy Cosilmon asked if anyone remembered the trolley line that ran on South Bay Road from the Syracuse City Line to Oneida Lake. According to the Herald it began in August of 1908 to give the Angler's Club and South Bay resident's service along that line. A book written by Lona Flynn called Cicero through the years and is where the information was taken from. I just wanted to announce that the North Syracuse Art Guild will be having a reception on Sunday, March 29, 2009 at 2:00 p.m. at the Community Center on Trolley Lane across from the Library. At that time they are going to have a mural that was painted of the last trolley's run, before its retirement. It will be presented to Mayor John Heindorf for placement in the community center, which is the original site of the trolley barn.

Jeanne and I also had a wonderful opportunity to participate in serving the seniors for their St. Patrick's Day lunch and I was amazed by how many seniors participated. Judy and her staff did an outstanding job and I was happy to be a part of it.

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

Tracy M. Cosilmon
Town Clerk

