

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, April 27, 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  
Tracy Cosilmon, Town Clerk

Others Present: Christopher Woznica, Highway Superintendent  
Sharon Edick, Receiver of Taxes  
Andrew Scherer, Sergeant  
Jody Rogers, Director of Parks & Recreation  
Wayne Dean, Director of Planning & Development  
Jeanne Kulesa, Comptroller  
Brad Brennan, Assessor  
Bonnie Smith, Secretary to Supervisor  
Heather Cole, Esquire, Town Attorney  
Mark Parrish, O'Brien & Gere  
Michelle Baines, O'Brien & Gere  
Tom Leo, Post Standard

Absent: C. Vernon Conway, Councilman

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.  
A moment of silence was observed in respect 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. Corl, 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: Absent  
Ms. Tarwacki: Yes  
Mr. Rybak: Yes  
Mr. Corl: Yes  
Mr. Dudzinski: Yes

APPROVAL OF APRIL 13, 2009 MEETING MINUTES

Motion was made by Mr. Corl, seconded by Ms. Tarwacki, to approve the minutes of the April 13, 2009 town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway

Chris Woznica explained that in the past, the highway department has done their own maintenance regarding the sandblasting and painting of our town vehicles and equipment. We no longer will be allowed to do this under PESH regulation, as we do not have a specific booth with ventilation to comply with these qualifications.

I, therefore, ask that a separate code line specifically for maintenance be established. I also need to bid out the sandblasting and painting of our equipment and will present that at our next meeting.

However, one of our vehicles has already been sandblasted and it is ready for paint. I am asking that we seek bids for this vehicle, now and to have a separate code line for the Highway Department.

Ms. Tarwacki stated that this is crazy. Just put the equipment in the salt barn.

Chris Woznica – We can't as the law requires that we have an enclosed down ventilated booth and you can not spray outside due to the fumes getting into the air, with EPA. It is very involved. I am waiting for a call from a gentleman from PESH, as we may not be able to do any sandblasting because of the particulate that becomes airborne causing dust pollution. So, we're going to have to put out bids.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize that a separate code line specifically for maintenance of town highway vehicles and equipment be created and to authorize the Highway Superintendent to solicit bids to paint the highway equipment and to come back to the board at the next meeting, with cost proposals from vendors, as presented.

The motion was approved as follows:

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

Police – None

Comptroller - None

## Park &amp; Recreation

Jody Rogers stated that they were notified by NYS Recreation and Park Society that the Decathlon program at the Cicero Senior Center was selected from the statewide selection process for the "Exceptional Program Award Class II", for 2009.

The class II category is for all communities with populations 25,000 – 75,000 across NY State. Judy Dickson, Senior Center Coordinator and Julie Raddell Recreation Supervisor represented the Town at the award ceremony April 19<sup>th</sup>. A great deal of planning and hard work went into the overall implementation of the program which was designed around the Olympics being held in China during 2008. Activities were adapted from Olympic events for the senior exercise group to perform. The program had 35 - 40 seniors involved 3 days per week over the 10 week period. It was informational, educational, physical and more importantly, everyone involved had a great time.

This is the second award the senior center has won over the years. The other award from the state was the "Outstanding Facility Award" in 2004.

Jody also stated that she received a letter that was sent to the Supervisor from Assemblyman Stirpe stating that we received \$14,800.00 in a Member item for the CanTeen for rent payments for six months this year, which will allow us to stay in our facility until the end of the year. I would also like to thank everyone.

Ms. Tarwacki extended thanks to Assemblyman Stirpe for getting the money for the CanTeen, as they are in continual fund raising mode in order to stay there. This was a great benefit for the young people.

Jody Rogers – Thanked the vendors and all the people who donated items to The Raise the Rent activity that was held yesterday. They raised almost \$15,000.00. We are fully funded for this year and we are working into next year, so that we can stay afloat to stay another year beyond 2009.

## Attorney

Heather Cole stated that Bob Popyk, owner of some real property adjacent to Riverfront Park is no longer interested in keeping this and was interested in swapping that property with the Town of Cicero for a paper road. If this is another area of Brewerton that this board may like to acquire, we can work with Mr. Popyk to do that. It would give you some additional real property around Riverfront Park for your revitalization and improvements to that park. It would abandon what is a paper road and has never been constructed near Mr. Popyk's property, so that he can have additional property where he is, that he could say, he fully owns. I do not have any more details at this point, but, Mr. Popyk is here if you would like to ask him any questions. If, this is something you would like to do, we could pursue it.

Mr. Dudzinski – Yes, let's get some information together so that everyone can take a look at it.

Heather Cole – Secondly, I have a number of items for Executive Session. One of them is the discussion of a Tax Certiorari matter with Walgreens vs. the Town of Cicero and several employment issues, that I would like to discuss with you at the board's pleasure.

Engineer – None

Zoning - None

Mr. Dudzinski asked Wayne Dean if he had a chance to look into the hydrant on East Taft Road.

Wayne Dean explained that at the last meeting, he hadn't spoken with OCWA about it but, has finally gotten through to them today and asked what the purpose of this was for

and why should the Town be stuck paying for this hydrant. I was told that they threw it out, hoping that we would do it and that he has also gone through this with the Town of Clay. I was told if we don't want it, we don't have to pay for it.

Mr. Dudzinski- Thank you, but, we're not interested.

Assessor Brad Brennan announced that Linda Yancey has completed her work with the Town of Cicero and is starting a re-evaluation company and wish her well with that and thank her for all the fine work she has done for the town. Without her help we wouldn't have had our roll done in time and would be as good and reliable as it is.

With Linda moving on, I would like the board's approval to start interviewing for the position of Real Property Appraisal Aide. I would like that position to be full time and that would eliminate the need for a Data Collector. That person could take care of both functions.

Mr. Dudzinski – Should we accept Linda's resignation, first?

Heather Cole – Yes

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to accept the resignation of Linda Yancey effective immediately.

**Discussion:**

Ms. Tarwacki asked if the Assessor's job is a Civil Service.

Brad Brennan – Yes, it is.

Ms. Tarwacki – Is there a list?

Brad Brennan – I believe there still is. We would have to canvass the list first.

Ms. Tarwacki – What is the salary range for that person?

Jeanne Kulesa – I don't know. Civil Service doesn't necessarily have an established range for it. I told Brad, that we would have to get together and see what he thought would be appropriate. At this point, we're just looking for permission to get the list from Civil Service, so that he can review it and see who is on there. We need to look at his budget and see what we have left for the year and what we had budgeted and to come up with some numbers, to see what would be appropriate. Anything that he decided would have to come before the board to get final approval. It is, so that we can start the process. He wouldn't hire anybody, without getting board approval.

Mr. Dudzinski – The motion on the floor is only for Linda Yancey's resignation.

**Continuation of the vote**

The motion was approved as follows:

Mr. Conway:	Absent
Ms. Tarwacki:	Yes, for the resignation
Mr. Rybak:	Yes
Mr. Corl:	Yes
Mr. Dudzinski:	Yes

Brad Brennan – To answer your question, I think the salary range would be \$30,000.00 to \$40,000.00. I would like to start the interview process and obviously, once I can find a person that is appropriate, then I would have to come before the board for the appointment.

Ms. Tarwacki – I'm expecting many phone calls from you, as I want to be involved.

Brad Brennan - Absolutely

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize the Assessor to canvass the Civil Service list, for a candidate for the position of a Real Property Appraisal Aide and to conduct interviews of those persons.

The motion was approved as follows:

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

Tax – None

Town Clerk – None

APPROVAL OF ABSTRACT #8 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve Abstract #8 of 2009 as follows:

General Fund Voucher #762 to Voucher #869      In the amount of \$287,715.74  
 Highway Fund Voucher #183H to Voucher #209H      In the amount of \$248,259.53

The motion was approved as follows:

Mr. Conway:	Absent
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:

Misc

FROM	CODE	ACCT	AMOUNT	TO	CODE	ACCT
	A10104	CONTRACTUAL	\$ 32.77		A19504	SPECIAL ITEM TAX

The motion was approved as follows:

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

SET PUBLIC HEARING DATE FOR FASTRAC ROUTE 31 AND ROUTE 298  
SEWER PETITION PLANS

Heather Cole – The town has received a petition and petition plans from the owner of Fastrac, located at the approximate intersection of Routes 31 and 298 in the town, for improvements to the Lakeshore Sewer District, Contract number 72. The Town Board received that information as well as our office and a proposed resolution that would set a public hearing for May 11, 2009. If the board would like to do that, I would suggest they move on it as presented. We then move to item #14 on the agenda, which isn't related but, the board may wish to address them the same time.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set May 11, 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 the sewer petition plans for Fastrac located at Route 31 and Route 298.

The motion was approved as follows:

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

Wayne Dean – Fastrac does not own that station anymore. Two weeks ago, it changed ownership to a private individual.

Mr. Dudzinski – It is the former Fastrac building.

Engineer

**(Agenda item #14)**

**APPROVAL OF CONTRACT DRAWINGS FOR FASTRAC SEWER  
EXTENSION**

Jeff Hillenbrand Plumbley Engineering introduced himself.

Michelle Baines explained that this is related to the Lakeshore Sewer District and they are looking for the construction of approximately 105 feet of 8 inch diameter gravity sanitary sewer to serve the former Fastrac Store. A portion of this is going to be within the state right of way in Route 31, so they will require a DOT Permit. The proposed sanitary sewers will replace and existing sewer lateral on the site that is in poor condition. O'Brien & Gere reviewed the plans and we have a few minor comments, but, are generally comfortable with the contract drawing. So, we would recommend that the board approves those drawings.

Ms. Tarwacki - I want to see what the young man has there.

Michelle Baines – That's just the cover sheet to the plan. I have the full set and they are on file in Tracy's office and I may have a copy here.

Mr. Dudzinski – I believe O'Brien & Gere has looked at these as Michelle commented.

Heather Cole – The project description was also attached to our information that we gave to you a week ago.

Charlotte looked at the proposed plan.

Michelle Baines – The existing gravity sewer out there is owned by the county, so the connection is going to be made to that gravity sewer. There is an existing lateral that crosses behind the lot that is going to be replaced as well because it is in bad shape.

Ms. Tarwacki – Replacing the manhole cover, is all part of it.

Michelle Baines – Yes, we had a few minor comments. For example, the manhole cover should say sanitary sewer, so that there is no confusion as to what it is for. Our comments were very minor. We mentioned the DOT Permit and their need to obtain that and they also need to give us notice of their construction schedule and they need to coordinate with the County for that connection. We are comfortable with the actual design as proposed.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the Contract Drawings as presented for the construction of sanitary sewers in the Lakeshore Sewer District, Contract Number 72, for Fastrac located at the intersection of Routes 31 and 298 as follows:

**RESOLUTION**  
**Lakeshore Sewer District – Contract No. 72**  
**Fastrac Convenience Store**

WHEREAS, the Cicero Town Board has received a petition and petition plans for improvements to the Lakeshore Sewer District, to be known as Contract No. 72; and

WHEREAS, the petition plans call for the construction and dedication of approximately 105 linear feet of 8-inch diameter sanitary sewer and appurtenances to serve the existing Fastrac Convenience Store at the intersection of Routes 31 and 298 in the Town of Cicero; and

WHEREAS, the proposed project is shown on a petition plan prepared by Plumley Engineering, P.C., dated April 6, 2009, having project number 2003129, and the petition plans are on file in the office of the Town Clerk for public inspection; and

WHEREAS, the improvements will be constructed by the developer at an estimated cost of \$12,000.00, and will then be dedicated to the Town of Cicero at no cost; and

WHEREAS, there will be an annual operation and maintenance charge by the Town of Cicero for the Lakeshore Sewer District, which is currently \$7.00 for 2009; and

WHEREAS, there will be an annual charge by the Onondaga County Sanitary District for transmission and treatment of sewage, which in 2009 is \$318.37 per unit, with one unit being equivalent to 140,000 gallons of water usage; and

WHEREAS, the Town Board wishes to call a public hearing on the proposed improvements;

NOW, THEREFORE, IT IS RESOLVED:

1. A public hearing shall be held on May 11, 2009, at 6:30 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY, at which time and place the Town Board will hear all persons interested in the subject.
2. The improvements proposed constitute a Type II action under SEQRA and will not have a significant impact on the environment.
3. The Town Clerk shall publish notice of the public hearing as required by law.

The resolution was adopted as follows:

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

Michelle Baines – A motion is needed to request that the Supervisor sign the necessary forms and documents that need to go into the Health Department and to sign the cover sheet that Mr. Hillenbrand brought in.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize the Supervisor to execute the necessary forms and documents and the cover sheet that Mr. Hillenbrand of Plumley Engineering, brought in for the construction of sanitary sewers in the Lakeshore Sewer District, Contract Number 72 for the Fastrac located at the intersection of Routes 31 and 298 that are to be submitted to the Health Department as follows:

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

**RETURN TO ITEM #8 ON AGENDA**

**SET PUBLIC HEARING DATE FOR AMENDMENT  
TO CICERO CODE CHAPTER 179  
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**

Heather Cole – In reviewing the town's Local Stormwater Legislation to insure compliance with your SPDES Permit, Mark Parrish and I discovered that there is one paragraph missing in the Town's Local Legislation that is contained within the States Model Legislation. We would like to do a simple Local Law to include that paragraph into the town's legislation and I ask that you set a public hearing date for May 11, 2009 and it will be identical to what is in the States Model Legislation.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to set May 11, 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 the and amendment to the Cicero Code, Chapter 179 Stormwater Management and Erosion and Sediment Control, to be known as a Local Law of 2009.

The motion was approved as follows:

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

PUBLIC HEARING TO CONSIDER THREE (3) REQUESTS FOR A WAIVER FROM THE MORATORIUM ON COMMERCIAL DEVELOPMENT IN THE HAMLET OF BREWERTON. (CICERO LOCAL LAW NUMBER 5 OF 2009). THE REQUESTS ARE FOR THE PROPERTIES KNOWN AS 5771 MILLER ROAD, 9680 ROUTE 11 AND 9643 ROUTE 11

Mr. Dudzinski stated that the properties ARE requesting a waiver from the Moratorium on commercial development in the Hamlet of Brewerton. They are the former Brewerton Bait Shop, 5771 Miller Road, 9680 Route 11, Oswego Valley Insurance Co., and 9643 Route 11, being the former Brewerton Hardware Store.

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

The public notice read as follows:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Cicero on the 27th day of April, 2009, at 6:30 P.M. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider three (3) requests for a waiver from the moratorium on commercial development in the Hamlet of Brewerton (Cicero Local Law number 5 of 2009). The requests are for the properties known as: (1) 5771 Miller Road; (2) 9680 Route 11; (3) 9643 Route 11.

Wayne Dean stated that these are request for relief from the moratorium to allow these companies to begin some exterior work such as siding. Brewerton Bait Shop would like to put on a new roof as they have leaking inside. It is just basically exterior work to dress up these properties. Because it is in the moratorium area, they need relief from the moratorium.

Heather Cole – As you may recall from the past, you would need to make a finding that it would be a substantial financial burden on these properties to make them wait any longer to do these improvements. Your moratorium isn't going to be in effect much longer and your design standards are just about finalized, which is the reason for the moratorium in the first place. You may want to consider allowing these property owners some relief, so they can start to get to work.

The public hearing was opened at 6:53 p.m.

Speaking for:

Helen Carrol, 5419 Bennett Street stated that she was in favor of lifting the moratorium for these three properties.

Bob Popyk, 8764 Riverside House Path stated that he was in favor of fluffing up Brewerton in any possible way we can and he agreed with Helen wholeheartedly.

Speaking against - None

The hearing was closed at 6:54 p.m.

Board Comments:

Ms. Tarwacki – When does the moratorium end?

Heather Cole – I think it was extended for 6 months in the January time frame. So, I think it may be June or July, is what I recollect. I spoke with Paul Fritz today regarding the status of our zoning regulations and I know he did a walk of the downtown Brewerton area with Wayne and Pat Leone and I think Mark Parrish, to determine what areas should fall within which zoning classifications, and he is planning on setting up another meeting for that committee to get together and finalize the regulations within the next couple of

weeks. Hopefully, that will be back in front of you and when that is addressed the moratorium will expire on its own terms.

Ms. Tarwacki – I want to know if the three people had an opportunity to look at what is recommended for design standards and if what they are proposing is close to that.

Heather Cole – I am not sure if they have, but the moratorium itself requires them to be compliant with whatever regulations are put into place.

Wayne Dean – They are aware of the standards.

Ms. Tarwacki – That makes me more comfortable.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to approve the request for a waiver from the Moratorium on Commercial Development in the Hamlet of Brewerton, being Local Law 5, of 2009 for the properties known as 5771 Miller Road, 9680 Route 11 and 9643 Route 11.

The motion was approved as follows:

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

Mr. Dudzinski thanked Bob Popyk, Helen Carrol and Mr. Daley and any others who have taken it upon themselves to spend their own money to help revitalize the Hamlet of Brewerton. We have money for it, but, when you work with State and Federal Government, it is a long drawn out process. Unfortunately, if you miss one of their steps, they take money away from you, so you need to be very cautious. We want to make sure that this project is a success, which I know it will be, because of people like Mr. Popyk, Helen and the others up there. It's going to be great when it's done.

Wayne Dean – Excuse me, but, I'd like to add Mr. Walczyk's name to your list.

Mr. Dudzinski – Of course, he is our local Judge who has done a very nice project up there.

#### PUBLIC HEARING FOR FRANCHISE AGREEMENT WITH VERIZON

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 the Town Board of the Town of Cicero will hold a Public Hearing on Monday, April 27, 2009, at 6:30 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039, to receive public comment concerning a cable franchise agreement

between the Town of Cicero and Verizon New York, Inc. Copies of the franchise application and proposed franchise agreement are on file in the Village Clerk's Office and may be viewed during normal business hours which are 8:30 a.m. to 4:30 p.m., Monday through Friday. All interested persons will have the opportunity to be heard during the public hearing in regard to the proposed franchise agreement. By resolution of the Cicero Town Board. Tracy M. Cosilmon, Town Clerk

Tom McCarroll representative and Verizon's, Vice President for Government and External Affairs for NYS, thanked the Supervisor and the Board for allowing him to speak at this meeting. He explained that the Town of Cicero is poised to be one of the first Central NY Regions to open the doors to cable choice competition into FIOS TV. We commend you for holding this hearing and bringing these benefits to the residents of Cicero. Customers and critics alike, love FIOS TV and they use terms like razor sharp and stunning, to describe our picture quality. It is a great service and has really changed the game in this industry. It is the first time that the customer has control over the cable market place. For less than \$50.00 a month, customers can get 348 digital channels of which about 100 are high definition and thousands of movies and shows on demand. This all comes from a company with a one hundred year track record of giving back to this community. The economic impact on this region from Verizon's decision to build the state of the art fiber optic network here, is very significant. It is significant as well for the many talented union employees of Verizon who seek growth and innovation as part of their future in Central New York. Verizon has invested 1.3 billion dollars alone last year in NY to upgrade its network and create new services. That network is backed by more than 800 dedicated employees who live and work right here in Onondaga County and there volunteer efforts are supported by nearly a million dollars in the Verizon Foundation donations, to Onondaga County profits in 2008 alone. We are going to be there for many years to come, delivering the services and technology that so many residents must have to be prepared to work and compete in the 21<sup>st</sup> century economy. On behalf of my colleagues who helped to negotiate this agreement, Denise Reedy and Jeremy Shofer, we thank you and the Town's Attorney, Heather Cole, for bringing us to this important point. We appreciate the hard work that went into this agreement and can not wait to begin delivering FIOS to the Town of Cicero.

Denise Reedy, Franchising Manager with Verizon, echoed Mr. McCarroll's remarks about how Verizon is very much looking forward to bringing a choice of cable providers to the Town of Cicero and offered to answer any questions.

Heather Cole asked Denise to explain about what kind of service Verizon already provides and what they would like to provide and why there is a need for a Franchise Agreement.

Denise Reedy – In response to Heather's question, this is a multiple phase project. The first phase of the project was the upgrade of our telecommunications network, which you may have seen over the past couple of years. This was the placement of fiber all the way to the home and is state of the art and no other provider is bringing fiber all the way to the home. That is what we're doing now and is Phase I. This will allow people who want to upgrade to fiber based services, either the internet, or voice based services, at their option, migrate over. The second phase of the project is the introduction of video. We are going to place equipment in our central offices that will enable us to put a video signal over that fiber to the home. In order to provide the video signal to the home, we need a Franchise Agreement from the town. As Tom mentioned, we are making significant investment not only in upgrade of the fiber plant, but, also in the equipment required to provide video to the home.

Mr. Corl asked if there are any other communities in Central NY that have a similar agreement.

Denise Reedy – They are all pretty much similar and there are over 100 agreements throughout the State of NY. This is the early stage of the approval process within Central New York and we do have an agreement with the Town of Clay. We have presented it to North Syracuse and we are now presenting it to the Town of Cicero.

Mr. Corl – Have any of the others approved it.

Denise Reedy – The Town of Clay has approved it and North Syracuse is in the approval process right now.

Ms. Tarwacki – So, you will be providing competition with Time Warner?

Denise Reedy – Yes, that's correct. Time Warner has a non-exclusive agreement and ours is non – exclusive as well. We are competing against each other, so customers can either buy video service from Time Warner or from us. They can go to Direct TV. It is one more option for them to choose from in how they want to get their video services.

Heather Cole – Verizon has asked us to defer action this evening until a later meeting as there are some issues they want to see resolved with Clay's Agreement before you act on ours.

Mr. Rybak – Is that 2D?

Heather Cole – Yes. Section 2D that is in the current Time Warner Cable Franchise Agreement for most municipalities in this area requires that municipalities insert language to any other cable franchise agreements requiring additional cable franchise providers to indemnify Time Warner for damage done to Time Warner's cable equipment. It is something that the Town of Clay didn't feel they needed to insert in the Verizon Agreement and we agree with that position. North Syracuse has also taken that position. I believe that the issue will be resolved within the Town of Clay, between Verizon and Time Warner, as it was the first go around issue. When it is resolved, we can come back either, with how it was resolved, and determine how you can move forward. It is probably better to delay action until we have an answer on that.

Mr. Rybak – We will just conduct a public hearing then and table it.

Heather Cole – Yes, that's correct and Denise, if I misspoke please feel free to correct me.

Denise Reedy – I think you got it.

The public hearing was opened at 7:23 p.m.

Speaking for:

Resident – I am all for competition and have been a customer of Time Warner for many years and don't mind looking at the competition. What will the town get out of this?

Heather Cole – The Town is able to accept anywhere from between 0 to 5 percent in Franchise Fees. Franchise Fees, will be based on gross revenue coming into the cable franchise company. The Town of Cicero now agrees to accept 3 percent from Verizon and that is what you are currently accepting from Time Warner. It needs to be what is called a level playing field at the time that your Time Warner Agreement expires next year. Verizon has agreed to pay whatever you may want to receive from Time Warner. If you decide that you would like to move up to 5 percent for both, you could do that. If you would like to decrease to 2 percent, you could do that as it will be up for discussion and negotiation at that time.

Resident – One of the things I would like to town board to consider with so many people using wireless devices and with it becoming increasingly more important for people to check their e-mails when they are on the road to take care of business. When I come to the Town Hall, I can't use my PDA, I can not check my e-mail and can not get on the internet because you have a secured wireless network and that is the way it should be. My suggestion is that you write into this agreement and any future agreement with Time Warner, that these companies set up some hot spots for instance, a wireless network totally divorced from the town's network at the Town Hall and perhaps one at the Senior

Citizen Center, or other spots in town. It would be a nice little service for those of us who are wired and those of us who will become wired in the future.

Jim Calagiovanni, 8747 Rauli Drive stated he was in favor of the competition and thought it was a wonderful thing and a big opportunity for the Town of Cicero for Verizon to be doing this for us. I have family member downstate that subscribe to FIOS TV and have nothing but the best to say about their service and I am looking forward to witnessing that first hand living in the Town of Cicero.

Lynn Jennings, 213 East Patricia Lane stated that he has Verizon DSL right now and am very happy with it. Is this FIOS going to have something that is comparable to the beep-beep roadrunner, as far as speed?

A person in the audience stated it is fantastic.

Kathy Kinville, 6389 Jane Lane stated she was a management employee of Verizon and works for the department that supports this service. She appreciated the opportunity to tell everyone why she supported the Verizon Franchise. As a resident and voter in Cicero, she is proud that the community has the opportunity to enjoy the benefits of an all digital fiber optic video network. The new network offers virtually unlimited bandwidth for data and video applications, far beyond the reach of a copper network. This comes at a critical time. Onondaga County has a growing need for consumer bandwidth and Verizon's broadband services will satisfy this demand. With Verizon's new network, come jobs, taxes and other revenue enhancements to our community. For decades Verizon has been an economic force in Onondaga County. Without a doubt Verizon, has been a long outstanding friend and partner to our community. We should welcome their entry to the local cable marketplace and embrace the benefits of pending competition. Thank you for your consideration at this critical time. I also have FIOS service at home and the internet flies.

Alexis Scanlon, 6345 Asa Eastwood, Cicero, NY stated that she was also a Verizon employee and was involved in the build of the FIOS network downstate as well as in the Syracuse area, when it was built. In addition to that, I was a field foreman and was doing a lot of field surveys and was approached by several of our customers, being both Time Warner and Verizon customers. Their main question to me was, what are you doing? What is the service going to provide and will it have video service? Unfortunately 2 ½ years ago, when we started building in the area, we didn't have the video service. The majority of the people I spoke with stated that they were interested in knowing more about the product. I am definitely interested in the competition.

Mr. Dudzinski - Those are the same comments that I received.

Joanne Esposito, 6222 Gulfstream Path, stated that she was also a Verizon employee and has been for 30 years and that she did go down to New Jersey to help their FIOS for their video. It is absolutely, beautiful. We were one of the first people in the upstate NY area to look at the internet as well as the telephone. I think everyone is really happy with it and are all for it. I would like to be the first to get the video, before Clay.

Ray Schader, 7229 Bridgeport Road, stated that he was in favor of it, but, wondered how long it will take to get out to Rattlesnake Gulch. I am currently with Time Warner as they are the only one I can use for my telephone.

Mr. Dudzinski – I'm sure they'd be happy to research that for you.

Speaking against:

Robert Donabello, 8749 Riverside House Path stated that he didn't know if he was for or against the project, but, had a question about the installation of equipment. I've seen it going on in the Town of Clay, but, would like to know first hand.

Denise Reedy – For clarification, are you talking about in the right of way, or in the home?

Robert Donabello stated that it is in the right of way.

Denise Reedy – What we're doing in the right of way is doing like for like. If our copper plant is aerial, we'll lash the fiber to the aerial in the rights of way. If it's underground, we are going to bury our plant underground and we use directional boring, so there is this as minimal destruction as possible. Directional boring allows us to go underneath driveways and other obstacles, to the degree possible. We try to keep the disruption to a minimum. What we also do when deploying the fiber, is that we notify the neighborhoods in advance. If there is going to be underground, we have door hangers and the door hangers should have a 1-800 number on it. If there is any problems, with the deployment of the fiber, that number can be used to call and complain about the problem, or if there is an issue, or any questions. We do make that available.

Mr. Rybak – You've already run fiber optics through the neighborhoods. I have a box on my front lawn. Are you going to just run another fiber optics cable through that same boring that you've put down under driveways and whatever? Is that what the intent is?

Denise Reedy – The intent is to run it parallel where the plant is today. You are going to see some fiber hubs in the neighborhoods and they are used to distribute to the individual homes. For those who choose to order a fiber based service, we'll run the fiber from the fiber hub to the home.

Another Person – Just to supplement what Denise is saying, we have the vast majority of the town wired with the fiber, so most of this build has taken place already. I think it is going very smoothly within the town and if there have been any individual issues we've addressed them. There wouldn't need to be any additional fiber placed on the roadway to serve you. They would just have to replace the drop wire.

Resident – Does it require the digging of driveways or lawns, in order to install this equipment?

Mr. Dudzinski – When they were in front of my house, they directional bored the road and the driveway. It was a little hole in the ground with a machine and it went in the direction, they wanted it to go in.

Mr. Rybak – Mine was dug by hand.

Mr. Dudzinski – Does, that answer your question?

Resident – It answers the question, but, I saw a lot of digging in my friend's neighborhood. We put sod in and I live near Bob Popyk. I would not want any of my sod or my driveway dug up. That is what I saw over in the Town of Clay. So, they would actually have to come on to the property to actually bore the cable underneath the driveway. Is that correct?

Mr. Dudzinski – I think we need an expert to tell us.

Denise Reedy – The work that we're doing right now in the right of way is part of our Title Two Telecom Network and we already have authority to be in the right of way to place that fiber and what we're asking for in terms of the video franchise is only asking for permission to insert that video signal over that plant to the home. We already have the authority to place this fiber and if there are any issues, you should report to Verizon and they will take care of them promptly. We have been deploying fiber across the country and there have been some issues, but, we address them as soon as we are notified.

Ms. Tarwacki – Are you placing sod where sod has been laid?

Denise Reedy – Yes

Resident - What about driveways that have been disrupted?

Denise Reedy – As I mentioned, we use directional boring whenever we can. If in fact the construction or deployment of the fiber has disrupted a driveway, please notify us and we will take care of it.

Resident stated he was talking about his new cement driveway. How are you going to repair a brand new cement driveway?

Mr. Rybak – I have a cement driveway and they have gone through and done their digging in my area.

Resident asked if it were underneath.

Mr. Rybak responded that they went underneath.

Resident wanted to know how it's going to be returned to the way it was.

Mr. Rybak – I only have the little box which is the only evidence of them being there.

Resident – I already have the box from who ever is out there now. But, that is what I'm really concerned with. I don't mind if a competitor comes in, but I don't want my driveway being dug up and repaired. That would be a disaster.

Mr. Rybak – I wouldn't either.

Verizon Rep. – I appreciate the comments being made here, but, I'd like to point out to the board that the issue before you is not asking for authority for us to do this construction. We have that authority and very well may have already constructed the fiber in front of this gentleman's house. I don't know, but, in terms of the question in front of you, as Denise has said, it's strictly a matter of a Franchise Agreement which allows us to offer video over that network. We take these issues very seriously and if there are specific issues from a specific resident, we will address them. That certainly is not the issue that we're here talking to you about today.

Mr. Dudzinski – He is just bringing up a concern.

Verizon Rep. – We appreciate that and like I said, maybe, we've already built the network in front of his house, or if there are any issues associated with the construction, we would resolve that.

Mr. Dudzinski – It has been in my yard for two years.

Verizon Rep – The build had been going on in Cicero for a couple of years.

Resident – If I told you where I live in Brewerton, could you tell me?

Verizon Rep. – Take this gentleman's name and address and we can find out if the construction has been done. We'd be happy to do that for you.

Heather Cole stated that you can close the public hearing or leave it open, but Verizon asked that you defer action to your second meeting, which is May 27, 2009.

The hearing was closed at 7:23 p.m.

### **DECISION DEFERRED TO MAY 27, 2009**

#### **PUBLIC HEARING FOR CICERO LOCAL VEHICLE & TRAFFIC LAWS**

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 27th day of April, 2009, at 6:30 p.m. at the Town Hall, Town of Cicero, 8236 South Main Street, Cicero, New York to consider the following: a local law that would add a new section to Chapter 198, Vehicles and Traffic, of the Town Code of the Town of Cicero. Said section will read as follows: “No person shall fail or refuse to comply with any lawful order or direction of any Police Officer or Flagperson or other person duly empowered to regulate traffic. Words in this section shall be defined as set forth in the New York State Vehicle and Traffic Law.” The proposed local law is available for review in the Town Clerk’s Office.

Police Officer Andrew Scherer stated that the officers employ the violations to Vehicle and Traffic Laws under the Town’s Code and that the town gets the fine proceeds from those. We are looking to create some latitude for the District Attorney’s Office, to reduce charges and currently there is no way for the reduction to be made.

Heather Cole – An example would be speeding, and how many miles over the limit. It could be a 3, 4 or 5 point charge. There is nothing on the Cicero Local Books that is a 2 point violation and many times the District Attorney’s Office would reduce something from a higher number point violation to a lower number point violation. So, the Local Law that is before you is a 2 point violation that the Chief thought might be a good idea, to put on the books at a local level, for the District Attorney’s consideration.

Mr. Rybak – I think this was suggested by the local District Attorney that handles our Traffic Court. This will give the ability to look to a Town Ordinance, rather than to the State.

The public hearing was opened at 7:23 p.m.

Speaking for - None

Speaking against – None

The hearing was closed at 7:24 p.m.

Board Comments:

Ms. Tarwacki stated that it sounded like a good idea to her.

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to approve an amendment to the Town of Cicero Local Vehicle and Traffic Law that No person shall fail or refuse to comply with any lawful order or direction of any Police Officer or Flagperson or other person duly empowered to regulate traffic, to be known as a Local Law of 2009 as presented.

The motion was approved as follows:

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

Mr. Rybak read the following into the record:

**No person shall fail or refuse to comply with any lawful order or direction of any Police Officer or Flagperson or other person duly empowered to regulate traffic. Words in this section shall be defined as set forth in New York State Vehicle and Traffic Law, to be Article 13, miscellaneous provisions of the Code of the Town of Cicero.**

DISCUSSION OF FEDERAL AID HIGHWAY AND MARCHISELLI AID  
LOCAL PROJECT AGREEMENT FOR BREWERTON REVITALIZATION

Heather Cole – The board may recall that several meetings ago, you approved an initial project proposal form, describing what you would like to use the funds obtained from

Senator Schumer for in the Hamlet of Brewerton. Specifically, it's for transportation related improvements. The board has been given a copy of the Standard Federal Aid Highway and Marchiselli Aid Local Project Agreement that has been prepared by the Department of State. What they are looking for is Town Board authorization, for the Supervisor to execute it on behalf of the Town. I would like you to know, that there have been some changes, since the board received the agreement and since we last discussed the parameters of the funding. You may recall that the funding amount is \$764,400.00. We were told initially that there would be an 80/20 percent split on that and that the DOT would pick up 80 percent of project costs and the town would have to reimburse the additional 20 percent. That was changed so that the town only needed to reimburse 20 percent of design phase services, which was a substantial savings for you. I then got notification last week that actually, the Department of Transportation is going to fund 100 percent of the entire project. So, there will be no town contribution or no town match, which I think, is probably good news to you. I have received a revised insertion page for one of the pages in your agreement that clarifies that the town will not be contributing anything initially, towards the project and that the town will not need to contribute the match. The other thing that is going on right now, which I've worked with Jeanne on, is to put a notice in the NYS Contract Reporter, which is a publication that will allow contractors to see what sort of projects are going on throughout the State. Maybe they would be able to provide their services for you, so that you can obtain a consultant to work with you on the Design and Implementation Phases of this project, because you do need to be working with someone that is approved by our Local Region III, Department of Transportation. That is the next step that we're going through. If anyone has any questions regarding the agreement, I will try to answer them otherwise, authorizing the Supervisor to sign will get the ball rolling.

Ms. Tarwacki – So, this negates the prior vote that we did, for \$125,000.00?

Heather Cole – Essentially, it makes it moot.

Ms. Tarwacki – I makes it moot?

Heather Cole – Yes and you never appropriated any funds initially anyways. It was just evidencing it and intending to do it. Now, you didn't even need to intend to do it.

Ms. Tarwacki - As long as we have that on the record.

Heather Cole – Yes

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize the Supervisor to execute an agreement regarding Federal Aid Highway and Marchiselli Aid, for the Local Project Agreement for Brewerton Revitalization as presented.

The resolution was adopted as follows:

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

Mr. Dudzinski stated that it is a very lengthy agreement.

Heather Cole – I will give a copy to Tracy and a copy can be viewed in the Town Clerk's Office.

#### DISCUSSION OF MODIFICATIONS TO LOT 1 IN THE BLUFFS SUBDIVISION

Heather Cole – This is regarding The Bluff's residential subdivision which is 6 or 7 lots adjacent to Oneida Shore's County Park overlooking Oneida Lake. The potential owner of lot 1 in that subdivision, which is directly adjacent to Oneida Shores Park, is proposing to make some improvement to the lot within what is a designated easement and flood

plain, adjacent to the Oneida Shores Park property line. The Town's Engineer has reviewed project plans for that to occur. Michelle will be able to address that from an engineering perspective and I believe that the applicant is here to ask you for permission to do that within a town easement.

Mr. Dudzinski asked if Mr. Trasher should tell us what he would like to do first.

James Trasher, of CHA, stated he was representing a group of people. Dave Valenti and Tony Puglissi were the developers of The Bluff's Development. Kevin Walma and his wife are the potential owners of the site, being lot number 1, which we are here to talk to you about tonight. Paul and PJ Joynt, from Lan Co, are the contractors who completed the work on site. (A plan was put up for everyone to see what he was talking about).

James Trasher pointed out the lake and The Bluff's Development on the plan stating that it was developed into a 6 lot subdivision. Lots, 2, 3 and 4 are under construction. We are here to talk about lot number 1. There is a drainage easement parallel to the park and as part of the project and going through the Planning Board process, the developer's installed a large stone wall at the request of the Town Planning Board to limit any type of sediment or erosion into the lake. At the request of the County Park, they installed a wrought iron fence and removed the chicken wire fence that was along Oneida Shores Park. They did pretty much any improvement that the Planning Board wanted because they were developing this into a premiere residential subdivision. As part of this, they have a contract on lot 1 with Kevin Walma and his wife for the purchase and then the building of a house on lot number 1. Based on the size and orientation of the house, it would require an impact of approximately 120 feet to the proposed drainage easement. To correct some of the verbiage of the town attorney, it is not a flood plain. It is a 100 year Flood Route for the detention basin. We did a couple of drainage studies for the Town Engineer. There is an existing pipe and catch basin which is upstream from where the driveway was. On our first plan, we used that as the existing pipe to pass any potential floods. In the second analysis, we put a second parallel pipe in, that if the existing pipe underground was clogged in any way it would cross to the low point and there would still be a pipe to pass the stormwater within the easement, out to the lake. We went through the requests that the Town Engineer and the Drainage Committee had, as related to the drainage easement. We are here to request that the board allow the filling or placement of a parallel pipe, parallel to the existing pipe, so that a driveway can be constructed, before the residential home.

Mr. Dudzinski asked Michelle Baines if she had any comments.

Michelle Baines stated that O'Brien & Gere prepared a letter dated April 23, 2009, which the board should have received.

We reviewed the latest grading plan that CHA had prepared in addition to some culvert calculations and what our review indicated, was that the new pipe is of sufficient size to carry the design stormwater flow. In terms of the 24 inch pipe, it can convey that flow. From a technical standpoint, we're comfortable with that. I know there are other issues with encroachment, but, we're saying from an engineering standpoint, what they have proposed will satisfy those requirements.

Mr. Corl – In the past, we have had people approach the board regarding encroachment on the easements and they have signed waivers, saying they would be responsible if the town needed to get in there and be responsible for the work or cost that the town were to bear. Would your clients be willing to do that?

Jim Thrasher – Yes, and Mr. Walma would be the one executing such an agreement. He is fully aware of it and we've talked about it for the past month.

Mr. Walma – Thanked the board for the opportunity to speak. He and his wife have spent a great deal of time researching a place to live for their family. They look forward to participating in life on the lake as a member of the community. We've spent a significant amount of time in design and feel that there will be contribution here, both to the community for this approval. We consider this an improvement as well as a responsibility to take on a level of maintenance, as this easement would be part of his lot. We are willing to be sure that it drains appropriately as well as sign an agreement.

Mr. Dudzinski asked Mr. Walma, if anything ever happened if he would be willing to go in there and have it repaired.

Mr. Walma – Yes

Mr. Corl asked if he has seen the standard agreement or if it has been provided to him.

Heather Cole – We haven't and this is a little more substantial than what we've done in the past. If the board wanted to go forward, we would tailor something specific to the situation.

Mr. Rybak asked if this agreement would stay with the property and not with the owners.

Heather Cole - If that is the way that the board would like it I'll set it up that way.

Mr. Rybak – It would stay with the property in case you wanted to sell down the road. Whoever was to come in would need to be made aware that they take on a responsibility that you've had up to that point.

Mr. Walma - That's correct and I look forward to reviewing that language, but that is the intention we are providing here. The cost associated with replacing the driveway, we're willing to accept.

Mr. Corl – We could record that with the County Clerk, so that it is on record.

Ms. Tarwacki asked Wayne Dean what the opinion of the Oneida Shores County Parks folks was, regarding how the drainage is going to flow.

Wayne Dean stated that he called their planner today and he indicated that he didn't that have a problem with it and he also indicated that they did not make it a stipulation of the approval of The Bluff's itself. It was a misunderstanding and has been discussed. It has been mentioned that it was the Parks who requested to have a flood route there, but, I could not find anything in our files that indicated that. The gentleman that I talked with today could not recall it and thought that it may have been the County Planning Agency that requested it. I went through my files and found their resolution and the only thing they asked for is that the developer must provide a fence buffer between the residential properties and Oneida Shores County Park. It doesn't say anything about drainage. As far as I can see, the park is fine with it and didn't request any drainage work or requirement.

Ms. Tarwacki asked if it would be necessary to discuss any possible overflow into the park, due to the pipes being blocked. You know as well as I that drainage issues aren't as forgiving an issue in town.

Wayne Dean – I agree and maybe, that could be a requirement, that any damage done as a malfunction of this pipe, will be at the cost of the homeowner.

Jim Thrasher explained that they have prepared as part of the project proposal, that the existing pipe underground could handle the overflow of the detention basin and have put in a safety measure, which is another pipe that is parallel that would have open end sections upstream and downstream. The property owner could be doing visual inspection

every time they mow their yard by bending over and looking down the pipe to see the other end, which is 100 to 120 feet long and would be able to tell if the pipe is free and clear. I am sure if there were a situation, the current property owner or future property owner would call to make sure there wasn't a problem. The first person, who would be impacted by it would be, their driveway or house, etc. I think we have taken precautions and the Engineers at O'Brien & Gere have noted that we have taken those precautions.

Wayne Dean – Correct me, if I'm wrong, Jim, but the first pipe, was a 12 inch pipe.

Jim Thrasher – Right

Wayne Dean – You're also placing a 24 inch pipe there which will give you four times the capacity.

Jim Thrasher – Right

Mr. Corl – That smaller pipe was going to be there anyways.

Wayne Dean - The smaller is there and was originally in the design.

Mr. Corl – The encroachment is really for the pavement, which is my understanding.

Jim Thrasher – The encroachment is for the paved area and is approximately 80 feet and the pipe is 120 feet.

Wayne Dean – It is also for fill too, Jim.

Mr. Dudzinski asked Heather if a resolution was needed to do this.

Heather Cole – Yes

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the request for a modification for lot 1 in The Bluff's subdivision, with the stipulation that the owner talked to board the about what was presented and with the agreement being signed by Mr. Walma.

The motion was approved as follows:

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

#14 AGENDA ITEM  
 APPROVAL OF CONTRACT DRAWINGS FOR FASTRAC SEWER EXTENSION  
**Was addressed earlier on the agenda**

ACCEPT SANITARY SEWER EASEMENT AT AIRPORT BUSINESS PARK  
 5801 EAST TAFT ROAD

Heather Cole stated that her office brought to the board's attention that the Planning Board approved a site plan for some parking lot modifications to the Airport Business Park. In the process of that review, it was noted that there was a town sanitary sewer at the site for which an easement was never dedicated to the town. The Planning Board made it a condition of site plan approval, that an easement be formally dedicated. The developer has sent a proposed agreement to us and it looks acceptable. I am looking for

authorization from the town board to fully accept the easement on behalf of the town and to authorize the Supervisor to execute any necessary documents.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl to accept the sanitary sewer easement at Airport Business Park, located at 5801 East Taft Road and to authorize the Supervisor to execute the necessary documents dedicating it to the town, as presented.

The motion was approved as follows:

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

#### SET BID DATE FOR GATEWAY PARK LIGHTING

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set the date May 19, 2009 at 10:00 a.m. at Cicero Town Hall, 8236 So. Main Street, Cicero, NY, to accept sealed bids for the construction of Gateway Park Site Lighting and Trail Extension, of which \$70,000.00 will be paid via Community Development Funds.

The motion was approved as follows:

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

#### YBPR STAFF APPOINTMENTS

None

#### YBPR PURCHASE APPROVALS

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,000 for Timber Tree Service to remove a tree in Sleeth Park per County Contract, budget code A7110.459ST from Stirpe item fund.

The motion was approved as follows:

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

#### HIGHWAY PURCHASES

Crack-fill

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$30,000.00 to Suite Kote, to purchase crack fill for various roads, per County Bid, account code DB5113.55.

The motion was approved as follows:

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

Asphalt & Binder

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$500,000.00 to purchase asphalt top and binder from Barrett Paving Materials, per State Bid account code DB5112.55.

The motion was approved as follows:

Mr. Conway: Absent

**Discussion:**

Ms. Tarwacki asked which roads were being done.

Chris Woznica – Hiller Drive for now. We have a tentative list, but, I don't want to go on record now in case we have to change.

**Continuation of the vote:**

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

Road Milling

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$25,000.00 to Termark Construction to do milling of various roads account code DB5112.55.

The motion was approved as follows:

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

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$45,000.00 to Lan Co Paving, for Paving Operators and equipment. Account code DB5112.55.

The motion was approved as follows:

Mr. Conway: Absent  
 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 the employment history of particular persons, and Tax Certiorari Litigation in the matter of Walgreens vs. The Town of Cicero and we ask that the Comptroller and the Assessor be available to join us and we will be reconvening.

The motion was approved as follows:

Mr. Conway: Absent

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

The meeting entered into Executive Session at 7:50 p.m.

The meeting reconvened from Executive Session at 8:31 p.m.

Heather Cole - Tracy, Motion was made by Mr. Corl, seconded by Mr. Rybak, to close the Executive Session and to return open session. We have no items of outstanding business.

PUBLIC INPUT 3 MINUTES PER SPEAKER

Resident - Please explain the phrase, paper road.

Heather Cole – When residential subdivisions in particular, are developed, a lot of times, the tract map will show individual lots with roads. Most of the time, those roads are actually constructed and dedicated to the town. Sometimes they never are, so they show up on maps that are filed down at the County as being a road, but, they are only on paper. They aren't actually real life. That's what a paper road is.

Mr. Dudzinski – Most of those roads are from way back.

Roy Mallette – East Taft Road read the following. At the meeting of 4/13/2009, I posed the following questions to the Town Board. The Supervisor said I should pose the questions to the Town Board, which I did. As, I said, before, I will take the Supervisor and Town Board at their word that they will answer questions to constituents.

On March 24, 2009 I sent an e-mail to the Town Clerk asking the following questions be given to the board.

How many trips were taken to Washington on behalf of Economic Development?  
How much money has been received since this project?  
Who applied for the Town Credit Card?  
Was this done with Board approval?  
Was the Brewerton Project authorized by the Town Board?  
Who authorized the attorney to redact all their vouchers?  
Please make sure that all board members receive a copy of this, and the Town Clerk did that.

Roy Mallette - Incidentally a Town Board Member can not be reached by the information posted on your website. Mr. Rybak does not have a publicized telephone. When I asked the Town Clerk, she advised me to contact him through the Supervisor's Office. Is that correct?

Mr. Rybak - I have a telephone and the number is on my business card.

Mr. Mallette – If I send you an e-mail, based on what's in that town website, it doesn't get to you.

Mr. Rybak explained that is why you were told to send it through Supervisor's Office and it will get to me.

Mr. Mallette – Where are you going to get it?

Mr. Rybak – Right here, in my mail.

Mr. Mallette – If I wanted to send you a personal e-mail, how do I send you a personal e-mail?

Mr. Rybak explained that he could direct it right to the Supervisor's Office at his e-mail address.

Mr. Mallette – Okay. Mr. Dudzinski said we were going to be prepared to answer your questions tonight, but, Heather was sick and that he didn't have an opportunity to speak with her that day. I would appreciate an answer to these questions from the Town Board and I'd like to start again with the same questions. How many trips were taken to Washington on behalf of Economic Development?

Mr. Dudzinski asked Heather if she had an answer to that.

Heather Cole stated that she didn't, but it was her understanding that Tracy provided Mr. Mallette with that information.

Mr. Mallette – Okay. How's 14 trips.

Mr. Dudzinski - 14

Mr. Mallette stated he had figures to prove it and that Mr. Dudzinski, had one trip on a town credit card.

Mr. Dudzinski stated that it was possible, but, would have to check with Jeanne.

Mr. Mallette asked Chet if he ever charged anything more on that credit card.

Mr. Dudzinski - No

Mr. Mallette – How much did the town receive on Economic Development?

Mr. Dudzinski there is one check from back in June of 2008.

Mr. Mallette – Did you get that check?

Mr. Dudzinski – That money is with the NYS DOT, right now.

Mr. Mallette – You don't have the money yet, do you?

Mr. Dudzinski – It is in the hands of the NYS Department of Transportation. They are the ones that hand the money out.

Mr. Mallette – According to your records, you have received \$62,403.36. Is that right?

Jeanne Kulesa – That is money you received from the LWRP Grant and is not money from the \$700,000.00 amount.

Mr. Dudzinski – That's correct, the State has it.

Mr. Mallette – Don't you have to pass that resolution you had on January 23<sup>rd</sup> to get that money? Is that part of the State deal?

Heather Cole explained that what they did on agenda item #12 tonight, will start the process for the town to begin using that money.

Mr. Mallette – Don't you have to go to a BAN to get the money?

Heather Cole stated that was what she explained. They no longer need to do that because the project is going to be reimbursed at 100 percent of project cost instead of a split.

Mr. Mallette – This is a lot of money. The stock market is down 40 percent and I think you should be very careful with the people's money. There were fourteen trips to Washington. Did anybody here check that?

Mr. Rybak – I had 4 trips to Washington, not 14.

Mr. Mallette – There were 14 and I'll prove them.

Mr. Rybak stated that the dates, being January 2008, September 2007, March 2006 and January 2007.

Mr. Mallette – These are your figures not mine. Did you know beforehand that anybody said, they were going to take a trip?

Mr. Dudzinski – Roy, I haven't been to Washington, DC, 14 times in my entire life.

Mr. Mallette showed Mr. Rybak some paperwork.

Mr. Rybak – I see underlined a trip to Washington, DC.

Mr. Mallette – There are 14 of them there. Look at the amount of money that was spent in airline fares.

Mr. Rybak asked Jeanne if she knew what this is about based on the figures in front of him.

Jeanne Kulesa – I don't know what he is looking at. I know that we provided information and there may be more than 4 trips total. The initial numbers I gave him are from the timeframe I have been here and I don't know where he's coming up with 14. We pulled so many records, for him.

Mr. Dudzinski – 14 is not an accurate number.

Jeanne Kulesa stated that she didn't provide this and she asked Roy if he created this.

Mr. Mallette – That's what you sent me.

Jeanne Kulesa – I didn't create that spreadsheet.

Mr. Mallette – I got it from here.

Jeanne Kulesa – The listing is from 2006 and I didn't provide that information, so, I don't know. I'm not saying it isn't accurate, but, I didn't provide it.

Mr. Mallette – Please start looking at the economic situation in this area. I have yet to see you vote down any resolution.

Heather Cole – I don't see 14 trips on this document. I see 14 charges that were associated with possibly 4 trips. I don't see charges for 14 separate trips.

Mr. Dudzinski – 14 trips is not an accurate number.

Mr. Mallette stated that on this same sheet, there are trips to movies, and trips to Albany and I'm not even including them. How many trips are you taking and none of this was done with Town Board permission? That's what bothers me. Are you all yes people? Is that what we've got?

Mr. Mallette asked Mr. Corl if he knew about these 14 trips that were taken.

Mr. Rybak – There are not 14 trips indicated on those papers that you have in your hand.

Mr. Mallette – There are 14 trips right here. Let me show you this right here.

Mr. Rybak – I just looked at them and so did the attorney and you were told that there weren't 14 trips. There are charges on there from various trips. That's not 14 trips.

Mr. Mallette – Maybe I'll see you someplace else about this.

Mr. Rybak – Is that a threat?

Mr. Dudzinski – Thank you, Roy. Is there anyone else?

Mr. Mallette – This is serious business.

Mr. Dudzinski – Roy, I just asked if there was anyone else who wanted to address the board.

Mr. Mallette – I am addressing the board. Did you answer any of the questions I asked you the other day?

Mr. Dudzinski – Yes

Mr. Mallette asked what he answered.

Mr. Dudzinski – I told you that I didn't go to Washington 14 times in my entire life, which is a true statement.

Mr. Mallette – You didn't go 14 times?

Mr. Dudzinski – No, I've never been to Washington, DC 14 times in my entire life.

Mr. Mallette – Some of these records aren't correct and he began to ask more questions.

Mr. Dudzinski – Roy, one of the things you have to remember and I'm sure Mr. DeStefano can back me up on this, that I made it very clear that public input was one, 3 minute limit per speaker and we've probably given you at least 12 minutes.

Mr. Mallette – Are you telling me that my 3 minutes are up.

Mr. Dudzinski - Yes

Board Comments:

Ms. Tarwacki stated that she wished that we could get this resolved for Mr. Mallette.

Mr. Rybak stated that there is no way we are going to be able to resolved this for him. The questions have been asked and answered several times by several departments. He is looking for an answer that doesn't exist and he figures if he keeps asking the same questions, over and over, that the answer will change and it's not going to.

Ms. Tarwacki – I wish there was a way we could sit down with him to make it ..... (not audible response)

Mr. Rybak stated that in the mean time we are spending thousands of dollars of Taxpayer's money on these FOIL requests that are the same questions being asked time and time again. The Comptroller's Office, the Supervisor's Office and Wayne's Office are coming up with all of these figures. It is not going to change and the answers are not going to change from these same things being asked over and over. The Taxpayer's are the ones, suffering for it. I am not denying FOIL requests, but, they get to be ridiculous after awhile, when it costs all these people dollars and cents. The same answers are given to the same questions that are asked.

Ms. Tarwacki – The law says that they get to ask it.

Mr. Rybak – What law?

Ms. Tarwacki – Freedom of Information.

Mr. Rybak stated that Mr. Freeman's opinions are just opinions.

Ms. Tarwacki – The Freedom of Information Act says you can ask the question.

Mr. Rybak – Right, but when you start to use it as a tool to drain Taxpayers money, then it becomes abusive.

Ms. Tarwacki asked Heather if it were part of the law.

Mr. Dudzinski – The annual tire day will be May 16, 2009 from 8:00 a.m. to 11:00 a.m. It will continue to be \$2.00 for passenger and light truck tires and \$8.00 for 20 inch to 24.5 inch tires and \$11.00 for a tractor size tire.

There being no further business before the board, the meeting was adjourned at 8:45 p.m.

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Tracy M. Cosilmon  
Town Clerk