

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, July 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
Charlotte Tarwacki, Councilor
William Rybak, Councilman
C. Vernon Conway, Councilman
Tracy Cosilmon, Town Clerk

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

Absent: James Corl, Jr., Councilman

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: Absent
Mr. Dudzinski: Yes

Mr. Dudzinski read a letter from a resident of the Town of Cicero.

As a property owner in the Town of Cicero I am interested in anything that happens here, therefore I have been attending the Town meetings for almost a year.

At the meeting of June 22, 2009 at 6:30 p.m., I found myself unable to hear the Board Members or Department Heads, even with them using the microphones. This has been an ongoing problem and needs to be addressed.

There are those in attendance who seem to believe that everything deserves a comment or a discussion making it impossible for anyone to hear the proceedings. Is it possible for the Sergeant of Arms to stop continuous chatter in the audience and suggest these people use the three minute guidelines to speak their minds?

It is discouraging for those of us who are interested in all of the proceedings to be distracted by snide remarks and comments from people who don't have the nerve to speak up at the proper time, but, are making it difficult for the rest of us to hear.

We attend the Board meetings to obtain knowledge of what is happening in the Town of Cicero and those who find it necessary to talk during the meeting should be asked to take their discussion to the hallway.

Mr. Dudzinski stated that since there is a concern from a resident, he would just ask everyone to please keep their comments to themselves to enable people to hear everything.

APPROVAL OF JUNE 22, 2009 MEETING MINUTES

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the minutes of the June 22, 2009 town board meeting.

The motion was approved as follows:

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

APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES OF JULY 10, 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the Special Town Board Meeting Minutes of July 10, 2009.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway

Chris Woznica asked for an emergency approval to rent a sweeper from J & J Equipment in the amount of \$2,332.00 as theirs broke down in the middle of a project.

Motion was made by Mr. Dudzinski seconded by Mr. Conway, to authorize an expenditure of \$2,332.00 to J & J Equipment to rent a sweeper for 3 days.

The motion was approved as follows:

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

Chris Woznica stated that he needed approval for an emergency repair to truck #41, to Beam Mack, in the amount of \$1,178.00.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$1,178.00 to Beam Mack, for an emergency repair to truck #41.

The motion was approved as follows:

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

Police Chief Snell honored volunteer Gary Gianni who will be moving to Houston Texas for 6 years of service with the VIP's and for his dedication and commitment to the program and awarded him with a commendation letter on behalf of the Police Department.

Comptroller – None

Parks & Recreation – None

Attorney

Heather Cole stated that the Public Service Commission has asked for some minor language changes within Verizon's Franchise Agreement that are referencing where and how, in the agreement, the service area for Verizon is going to be defined. My understanding is that it is going to be on next months Public Service Commissions Agenda, for hopefully, final Franchise approval and just wanted to bring this to the board's attention.

Heather Cole explained that the next two items are follow ups on outstanding Tax Certiorari Litigation and that the board should have received information from their office, including draft stipulations and a draft resolution that would resolve the outstanding litigation associated with Walgreen's and Bouthillier. She offered to meet with the board in Executive Session to discuss this with them if they would like. We have previously discussed these in Executive Session and if you are comfortable in moving forward without that, you can move on the resolutions as presented, at the board's pleasure during the meeting.

Motion was made by Mr. Dudzinski, seconded by Rybak to approve the settlement of the Tax Certiorari litigation matter with Walgreens vs the Town of Cicero as presented.

RESOLUTION
Walgreens v. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2008 (March 1, 2008 Taxable Status Date) for the real estate known as tax map parcel 089.-01-68.6, located at 6189 Route 31, Town of Cicero, County of Onondaga (the "Premises"), was filed by Walgreens ("the Petitioner"), and was duly served in accordance with the Real Property Tax Law; and

WHEREAS, the Respondents, with the assistance of the Attorneys for the Town, having duly made and filed their Answers to the Petitions; and

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

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

(a) The parties have agreed that the Petition shall be discontinued, with prejudice, that the final assessment for the Premises for tax year 2009/10 (taxable status date of March 1, 2009) shall be as follows:

Tax Parcel ID No.	Previous Assessment	Reduced Assessment
089.-01-68.6	\$322,779	\$50,555

and refunds are specifically disallowed; and

(b) Per Real Property Tax Law Section 727, the Town agrees that the final value of the Premises shall be at a maximum full market value of \$1,037,735 for assessment roll years 2010/2011 (taxable status date of March 1, 2010) and 2011/2012 (taxable status date of March 1, 2011). The resultant final assessment of the Premises shall be determined by multiplying this stipulated assessed value by the final equalization rates for the Town established for years 2010/11 and 2011/12, as reduced by the terms of any applicable Real Property Tax Law Section 485-b exemption in the Town. So long as the final equalized value of the property does not exceed \$1,037,735 for such rolls established by the Town on or about July 1, 2010 and July 1, 2011, the Petitioner waives its right to grieve the assessment for the Premises for those years; and

WHEREAS, it appears to be in the best interests of the Town of Cicero to settle said matters without further attendant legal and appraisal costs relating to said matters;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cicero as follows:

1. The Town Board authorizes a stipulation of settlement of said pending proceeding on the terms set forth herein.
2. The Attorneys for the Town be and are hereby are authorized to consent to entry of appropriate court orders to accomplish said settlements and upon entry of the court orders directing the establishment of assessment for 2009, and to execute stipulations of discontinuance of the said proceedings.
5. This Resolution shall take effect immediately.

The motion was approved as follows:

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

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the settlement of the Tax Certiorari litigation matter with Bouthillier vs the Town of Cicero, as presented.

RESOLUTION
Bouthillier v. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2008 (March 1, 2008 Taxable Status Date) for the real estate known as tax map parcel 053.-02-08.0, located at 8025 Thompson Road, Town of Cicero, County of Onondaga (the "Premises"), was filed by Bruce W. Bouthillier ("the Petitioner"), and was duly served in accordance with the Real Property Tax Law; and

WHEREAS, the Respondents, with the assistance of the Attorneys for the Town, having duly made and filed their Answers to the Petitions; and

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

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

- (a) The parties have agreed that the final assessment for the Premises for tax year 2008/09 (taxable status date of March 1, 2008) shall be as follows:

Tax Parcel ID No.	Previous Assessment	Reduced Assessment
053.-02-08.0	\$3,800	\$1,470

and

(b) the Petitioner is entitled to a refund on taxes previously paid for the 2008-2009 tax year, so long as payment is made within forty-five (45) days of the date of filing and service of an application for such refunds; and

(c) the action pending under Onondaga County Index Number 2008-7826 shall be dismissed with prejudice so long as the Town and School District comply with the terms of the stipulated settlement; and

WHEREAS, it appears to be in the best interests of the Town of Cicero to settle said matters without further attendant legal and appraisal costs relating to said matters;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cicero as follows:

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

The motion was approved as follows:

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

Engineer

Michelle Baines stated that this relates to the Brownfield Opportunities Areas Grant Application, that the town attorney's are preparing. We have been asked to prepare a map to go along with that grant application to the Department of State for the Brewerton and Bridgeport areas. We are proposing to do 22 maps. Some of the information already exists but, it would be the creation of the maps that would go along with the application. Our estimated fee to prepare these maps is \$2,250.00.

Mr. Dudzinski stated that he has spoken with Gary Cannerelli and Mark Parrish and found that most of these maps need to be made as they aren't in existence.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$2,250.00 for O'Brien & Gere to prepare maps for the Brownfield Opportunities Areas Grant Application to go with the application to the Department of State for the Brewerton and Bridgeport areas.

Discussion:

Ms. Tarwacki asked Jeanne Kulesa which line this will come out of.

Jeanne Kulesa – The Engineering Line.

The motion was approved as follows:

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

Zoning

Wayne Dean stated that he put a memo in everyone's mail boxes late this afternoon regarding some drainage projects and that he just received quotes from C. Mattes. We're looking at doing approximately 6 jobs, totaling \$21,250.00 which is a not to exceed number. These are the smaller drainage projects and we are still waiting for a recommendation from O'Brien & Gere on the larger projects. I have received information from Steve Snell from O'Brien & Gere and I've been going over those projects which will be ready for the next meeting at the end of August. I would like the board's permission to have C. Mattes do these projects.

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to authorize an expenditure not to exceed \$21,250.00 for C. Mattes to do various drainage projects in the Town of Cicero.

The motion was approved as follows:

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

Assessor - Brad Brennan stated that as part of our contract with GAR Associates, we are supplying them with 8 sets of tax maps, so that their field personnel can have those available. I have requested those from County Tax Mapping and I need authorization to spend the amount of \$1,524.00 for those maps.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak to authorize an expenditure of \$1,524.00 to purchase tax maps to be used by GAR Associates Field personnel.

The motion was approved as follows:

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

Jeanne Kulesa stated that she wanted the board to be aware that they have received word that the sewer line lateral on Marigold Lane has broken and they will have to replace at least 5 feet of pipe. We don't have a price yet, but, the county will have to do the work and when it is completed, we will receive a bill.

Tax - None

Town Clerk Tracy Cosilmon stated that Wayne Freeman, requested approval to discard between 4 and 10 old computers that are no longer working. Most of the equipment was broken and Wayne was able to take some usable parts out of them. The computers were from the Assessor's Office, the Court and there were a couple pieces of equipment that were in the electrical room that were old and non-working.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to declare the old broken computer equipment as surplus and no longer of use to the town and to authorize for their disposal.

The motion was approved as follows:

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

Town Clerk Tracy Cosilmon stated that the Justice Office has gotten new chairs for their office and that they have no use of the 3 older chairs, which are in fair condition. Jeanne Kulesa has advised that these can be put out for bid.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize that the 3 older chairs which are in fair condition and no longer needed for use by the town, be put out for sealed bids, to be accepted until August 4, 2009.

The motion was approved as follows:

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

APPROVAL OF ABSTRACT #13 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve Abstract #13 of 2009 as follows:

General Fund Voucher #1358 to Voucher # 1545 In the amount of \$982,684.45
 Highway Fund Voucher #326H to Voucher # 353H In the amount of \$137,140.54

The motion was approved as follows:

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

APPROVAL OF ABSTRACT #14 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve Abstract #14 of 2009 as follows:

General Fund Voucher #546 to Voucher #1672 In the amount of \$364,531.26
 Highway Fund Voucher #354H to Voucher #1672H In the amount of \$198,316.93

The motion was approved as follows:

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

BUDGET MODIFICATIONS

Jeanne explained that most of the items were small, and that the larger items were amendments to the budget. The first is in order to pay GAR \$200,000.00 this year we need to do an amendment of \$200,000.00 to code A135542 so that I can make those payments. The second is an amendment which is revenue and expense in the same amount. We received in \$28,265.00 from NY State for Brewerton LWRP Grant, so I need to put that on the books, so that we can recognize the revenue.

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

Misc

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Acct</u>
	A142044	Legal-Litigation	\$ 5,000.00		A14204	Legal Contractual
	A90308	Social Security	\$.12		A97307	BAN- Interest
	B16802	Equipment	\$ 500.00		B16804	Contractual
	B97854	Leases	\$ 42.62		B90808	Teamsters Legal
	B19904	Contingency	\$ 2,000.00		B19304	Special Items /Judgement

Highway

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Acct</u>
	DB511242	Roadside Drainage	240.00		DB514043	Topsoil

Town Clerk

<u>From</u>	<u>Code</u>	<u>Acct</u>	<u>Amount</u>	<u>to</u>	<u>Code</u>	<u>Acct</u>
	A162040	Building Contractual	\$ 1,500.00		A1620405	Parks/Rec Pole Barn

Amendments**2009 Payments to GAR for Townwide Revaluation**

A135542	Misc	\$200,000.00
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Recognize Payment received from NYS for Brewerton LWRP Grant

A3789	Revenue	28,265.00
A69894	Expense	28,265.00

The motion was approved as follows:

Mr. Conway: Yes
 Ms. Tarwacki: Yes, but I'd like to mention that our revenue isn't coming in as we anticipated and it behooves us to continue to crunch down on what we're spending.

Mr. Rybak: Yes
 Mr. Corl: Absent
 Mr. Dudzinski: Yes

**CONTINUATION OF PUBLIC HEARING TO CONSIDER A FORM BASED CODE FOR
THE HAMLET OF BREWERTON**

Paul Fritz stated that since the last draft they have made some very minor changes to the previous draft. One change was in light of Charlotte's comment, regarding the Planning Board's review of painting and is to clarify their intent in the zoning code. We empowered the Planning Board with some provision that will allow them to make a call, if some architectural standards or guidelines are too stringent, so that they can relax on them, if necessary. We have also received very few comments since our review on June 22.

Public hearing continued 6:50 p.m.

Speaking for – Helen Carrol stated that she was in favor of the form based code and that it will be very beneficial to the Brewerton revitalization.

90Mr. Popyk, 8764 Riverside House Path stated that everyone has seen the codes and think they look good and that he is in favor of getting this project rolling.

Speaking Against – None

The public hearing closed at 6:52 p.m.

Board Comments:

Mr. Conway – It looks good.

Mr. Dudzinski – For anyone, who hasn't gone to Brewerton, Ginny's Brick House is painted. They've started on the Oswego Valley Insurance Company, by redoing the front. The old Hardware Store is being painted and Daley's will have their new sign up shortly. The Flaherty's are in the process of removing some texture 1/11 on property closest to the bridge on the right hand side and are coming up with their color schemes.

Heather Cole explained that the board would need to adopt a negative declaration under SEQRA for the Form Based Zoning Code for the Downtown Core and Hamlet Gateway Districts as it will have no significant adverse environmental impact which is based on the long environmental assessment form, EAF, prepared by the Town's consultant for this project.

(SEQR)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to adopt a negative declaration resolution under SEQRA for the Form Based Zoning Code for the Downtown Core and Hamlet Gateway Districts in Brewerton, which will have no significant adverse environmental impact, and which was based on the Long Environmental Assessment Form, EAF, prepared by the Town's consultant for this project.

RESOLUTION**Determination the Environmental Non-Significance under the State Environmental Quality Review Act regarding the Adoption of a Form-Based Code for the “Downtown Core” and “Hamlet Gateway” in the Hamlet of Brewerton**

WHEREAS, the Town of Cicero (the “Town”) was awarded a Local Waterfront Revitalization Program (“LWRP”) grant through the New York State Environmental Protection Fund to create a comprehensive plan and marketing plan for the Hamlet of Brewerton (the “Hamlet”); and

WHEREAS, the Town engaged the services of a consultant to help prepare a Strategic Revitalization Plan for the Hamlet (the “Plan”); and

WHEREAS, the Town adopted the Strategic Revitalization Plan in 2008; and

WHEREAS, as an implementation project for the Plan, the Town’s consultant, together with an advisory committee, prepared a draft Form-Based Code for the “downtown core” and “hamlet gateway” portions of the Hamlet, which has been presented to the Town Board for review and consideration (the “Project”); and

WHEREAS, the Project was referred to the Onondaga County Planning Board, and the OCPB recommended that the Project be approved, and also commended the Town for developing and adopting a form-based code; and

WHEREAS, on May 27, 2009 the Town Board declared the Project a Type I Action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to act as lead agency with regard to the Project; and

WHEREAS, all involved agencies have either consented to the Town Board’s request to act as lead agency or more than thirty (30) days have elapsed since the Town Board notified the agencies of its desire to act as lead agency; and

WHEREAS, the coordinated review process under SEQRA has been completed; and

WHEREAS, the Town Board has reviewed the Project and the associated Full Environmental Assessment Form; and

WHEREAS, the Town Board held a public hearing regarding the adoption of the Plan and the Project on June 22, 2009, which was continued until July 27, 2009;

NOW, THEREFORE, it is resolved that:

1. The Town Board has considered the Project, reviewed the Full Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR Section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the Project.
2. The Project will not result in any large and important environmental impacts, and, in fact, will enhance the Town’s ability to review and examine environmental concerns with future developments to which the Form-Based Code will apply, and, therefore, the Project will not have a significant impact on the environment.
3. The following criteria have been considered with the possible long-term, short-term and cumulative effects which may reasonably be expected to result from the Project:
 - a. The Project will not result in a physical change to the project site.
 - b. The Project will have no effect on any unique or unusual land forms found on at the site.
 - c. The Project will not affect any water body designated as protected.
 - d. The Project will not affect any non-protected existing or new body of water.
 - e. The Project will not affect surface or groundwater quality or quantity.
 - f. The Project will not alter drainage flow or patterns, or surface water runoff.
 - g. The Project will not affect air quality.
 - h. The Project will not affect any threatened or endangered species.
 - i. The Project will not affect non-threatened or non-endangered species.
 - j. The Project will not affect agricultural land resources.
 - k. The Project will not affect aesthetic resources.
 - l. The Project will not impact any site or structure of historic, prehistoric or paleontological importance.
 - m. The Project will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
 - n. The Project will not impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision 6 NYCRR 617.14(g).
 - o. The Project will not affect existing transportation systems.
 - p. The Project will not affect the community’s sources of fuel or energy supply.
 - q. The Project will not result in objectionable odors, noise or vibration.
 - r. The Project will not affect public health and safety.

- s. The Project will affect the character of the existing community, in that the Plan will protect the existing, traditional character and will enhance character as change occurs.
 - t. The Project will not likely result in public controversy related to potential adverse environmental impacts.
4. The Town Board hereby adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the Project, authorizes the Supervisor to sign a negative declaration determination of non-significance, authorizes the attorneys for the Town to forward a copy of the negative declaration determination of non-significance to the DEC, the Syracuse-Onondaga County Planning Agency, and to have notice of the same published in the Environmental News Bulletin.

The motion was approved follows:

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

(Adopt Form Based Code)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the Form Base Code for the Hamlet of Brewerton as presented, and to be known as a Local Law of 2009 as follows:

The Resolution was adopted as follows:

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

CONTINUATION OF PUBLIC HEARING FOR ZONE CHANGE FROM AGRICULTURAL TO R10 FOR 119, 118, 117, 116,115, 113, 110, 109, 108, 107, 106, 105, 104, 103, 102, 100 AND Lv PALMER Lt 19 1146697 LOCATED ON OAK DRIVE. ALSO, A ZONE CHANGE FROM AGRICULTURAL & GENERAL COMMERCIAL TO GENERAL COMMERCIAL FOR 5641 AND 5643 BEAR ROAD AND 7777 BREWERTON ROAD

Wayne Dean explained that this is one of the areas that was missed by zoning as they have gone through and zoned parcels around there and it will clean up the map in this area, making it easier to understand and easier to explain to people.

Heather Cole – I would also note that this was referred to the County and they came back with a neutral comment and took no position. If you are ready to move forward, you should also have a draft SEQR resolution for this.

The public hearing continued at 6:51p.m.

Speaking for- None

Speaking against – None

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

Board Comments:

Mr. Conway stated he felt it was time we change this as it has been four months now.

SEQR

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to adopt a negative declaration for SEQR purposes based on the forms and resolutions the board received.

The motion was approved as follows:

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

Motion was made by Mr. Conway, seconded by Mr. Dudzinski, to approve the zone change from Agricultural to R10 for 119, 118, 117, 116, 115, 113, 110, 109, 108, 107, 106, 105, 104, 103, 102, 100 and Lv Palmer, Lt 19 1146697 located on Oak Drive and also a zone change from Agricultural & General Commercial to General Commercial for 5641 and 5643 Bear Road and 7777 Brewerton Road, 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:	Absent
Mr. Dudzinski:	Yes

PUBLIC HEARING TO ESTABLISH A PROCEDURE FOR THE TOWN TO CUT
EXCESSIVE BRUSH AND GRASS AND TO CHARGE THE ASSOCIATED COST BACK
TO THE LANDOWNER

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 July, 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 allow the Town to take remedial action to correct threats associated with overgrown brush, grass, rubbish, weeds and noxious plants upon a default by a property owner to remove such overgrown brush, grass, etc. The proposed local law is available for review in the Town Clerk's Office.

Wayne Dean - This is an attempt to allow us to get these properties cleaned up faster after we receive complaints. It isn't going to be as fast as everyone would like, but it will certainly help in the future.

Mr. Dudzinski explained that in the light of people losing their homes and with foreclosures, we get calls weekly regarding people in neighborhoods around the town that don't cut their grass and that it looks terrible. Wayne and I have talked about this for some time and with the procedures we had in the past, it could take two months. People are very frustrated with this, so I think this is a good measure that will help us and is a step in the right direction. If we have to tweak it a little more, we will.

The public hearing was opened at 6:58.m.

Speaking for:

A person in the audience agreed.

Mike Boyle, 5984 Hebrides Trail stated he was in favor of getting a property owner to keep their property tidy, but, who sets the guidelines? What is the maximum height a lawn can be?

Wayne Dean – There is a minimum height that has been established by the NYS Building Code.

Mike Boyle – Minimum or maximum?

Heather Cole – Minimum in order to do something.

Wayne Dean – It is 10 inches. We don't want to start cutting lawns when they are 4 inches high, or we'd be mowing them every week.

Mike Boyle – Is there going to be a Lawn Police going around looking for this, or is it going to be on somebody's call?

Wayne Dean – Both and our inspectors are on the road daily and if they spot one, they file it. We also get complaints on a daily basis and we follow up on them.

Mike Boyle – Are there any legal issues with going on to someone's property?

Heather Cole – It is set up so that there is proper notice and due process given to the property owner before steps are taken by the town and before any associated costs are placed on the owners tax bill.

Mr. Dudzinski – We have always given people the opportunity to mow their own grass, but, sometimes they just ignore us.

Wayne Dean – The problem we have now, is that a lot of these houses are in foreclosure and we're dealing with banks. We have a couple, where the owners have passed away and we're dealing with an estate. There are a number of different circumstances and this will allow us to get it done and put it on the tax roll.

Mike Boyle – If somebody is hurt from the town, who is doing this, where will the liability lie?

Mr. Dudzinski – We do not do it. We subcontract it out.

Mike Boyle – Where does the liability lie?

Mr. Dudzinski – With the company, that's doing the work.

Mike Boyle – So, even though the town would be employing and exercising against the property owner, the property owner if somebody gets hurt, is not responsible?

Mr. Dudzinski – That's a legal question.

Heather Cole – What we typically do, when anybody is performing work on behalf of the town, that we make sure they have liability insurance and that the town is named as an additional insured.

Mike Boyle – I would think you would want the town to be held harmless in their work.

Heather Cole stated that was what the additional insurance is for.

Speaking against - None

The hearing was closed at 7:00 p.m.

Board Comments:

Mr. Conway – This is a problem that we've had in the town for 20 years and isn't anything new. Normally, it is an abandoned house or where someone has died. We end up doing this and assess the cost to their tax bill. This has been a long time coming and we really do need it.

Ms. Tarwacki – I have a question. Say you generate additional taxes for a property and the people have abandoned the property because of foreclosure and just left. It is now sitting there and the bank owns it and the bank isn't paying for mowing and cutting and it sits on the tax rolls. If people now buy this house, are they responsible for that.

Heather Cole stated that generally speaking, yes. When you take title to a premises you're responsible for any back taxes that the property may be subject to.

Ms. Tarwacki – Could that be a detriment to them selling a property?

Wayne Dean stated that it was his understanding that at the end of the year the County pays our share of the taxes on the property and when the property is sold, or goes to auction, the County gets that money. By the end of the year, we're all square and the County is reimbursed by the new owners when it is sold.

Ms. Tarwacki asked if this would be rolled into the taxes or would it be a separate fee?

Jeanne Kulesa – It would be a line item.

Ms. Tarwacki – We were talking about a couple hundred dollars.

Wayne Dean – It would vary by the size of the lawn and how bad shape it is in and what cleaning would have to be done in order to get in there with a lawn mower, etc. It would depend upon a lot of things. In the past, it has been anywhere from \$50.00 to \$150.00.

Ms. Tarwacki – It is unfortunate that people are walking away from this because it is something they can't afford and the properties are being overgrown. It's a sad situation that neighborhoods are getting like this.

Wayne Dean – We refer to this as just brush and lawn, but, it also applies to swimming pools that have been left. There are a number of issues that we want to treat the same way.

Mr. Conway – In the past banks or the company that sells real estate would clean them up. There weren't that many.

Wayne Dean – The banks are still doing it, but, it takes them a long time to get motivated to do it.

Mr. Rybak - You restricted yourself to residential districts. Is there any reason why we haven't included Neighborhood Commercial or General Commercial properties that are abandoned?

Wayne Dean – That's a good question. We didn't address that.

Heather Cole – We didn't, but we can.

Wayne Dean – I can name two properties being the old Dell Dealership and the old China Town which are commercial properties that need to be cleaned up now and mowed.

Mr. Rybak – Shouldn't we add this to this, before we pass it?

Heather Cole – Which section are you looking at?

Mr. Rybak – It is in the definitions.

Heather Cole – Would you like to amend it tonight to also include Commercial and Industrial Districts?

Wayne Dean - I think that's a good idea. We don't see the number of complaints in those areas as we do in residential, but, it is still unsightly.

Mr. Conway – I think it is a good idea to add that.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to change legislation that would allow the Town to take remedial action to correct threats associated with overgrown brush, grass rubbish, weeds and noxious plants upon a default by a property owner and to remove such overgrown brush, etc., and to charge the associated costs back to the property owner and to add an amendment, whereby this will also pertain to Commercial and Industrial Districts, 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:	Absent
Mr. Dudzinski:	Yes

DISCUSSION OF ZONE CHANGE FROM AGRICULTURAL TO R-10 ON THE FOLLOWING PARCELS: 087.-12-18.0, 087.-12-17.0, 087.12-16.0, 087.-12-15.0, 087.-11-09.0, 087.-11-08.0, 087.11-07.0, 087.-11-06.0, 087.-11-05.0, 087.-11-04.0, 087.-11-03.0, 087.-11-02.0,087.-09-18.0, 087.-09-17.0, 087.-09-16.0, 087.-16-01.0, 087.-16-02.0, 087.-16-030,087.-16-04.0 (Land between Wallington Meadows and Whiting Road)

Discussion:

Wayne Dean explained that this is another area that has been forgotten by the zone changes and are the houses on the east side of Whiting Road in front of Wallington Meadows that extend from William's farmer's field all the way north to Lakeshore Road. There is one row of parcels that were originally built on when it was still Agricultural and then the tracts behind them were developed and changed to Residential. The parcels in front are still Agricultural in a Residential District and we have received a request to change four of these. When we were looking at the map we decided that it would make sense to go all the way north to Lakeshore Road.

Mr. Dudzinski – It is very similar to Oak Drive.

Wayne Dean – Yes, it is very similar.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to set September 14, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY as the date for public hearing to consider a zone change from Agricultural to R-10, for the strip of land between Wallington Meadows and Whiting Road.

The motion was approved as follows:

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

DISCUSSION OF STOP SIGN REQUEST FOR THE INTERSECTION OF TENDER TRAIL AND FARM GATE PATH

Discussion:

Chief Snell stated that he and Chris Woznica have reviewed the request for a Stop Sign at the Intersection of Tender Trail and Farm Gate Path and have no problem with installing a Stop Sign at that location as it meets all of the Federal requirements.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to set August 24, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider a stop sign at the intersection of Tender Trail and Farm Gate Path.

The motion was approved as follows:

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

DISCUSSION OF THOMPSON ROAD SANITARY
SEWER SERVICE

O'Brien & Gere's letter of July 22, 2009



July 22, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

Re: Thompson Road Area Sanitary Sewer
Service Feasibility Study

File: 0101/44696

Dear Board Members:

O'Brien & Gere has investigated the provision of sanitary sewer service to properties along Thompson Road, Griffin Drive and Cobblestone Drive. We have utilized available sanitary sewer plans, tax map data, and conducted a field visit to prepare this letter report. A preliminary layout of the facilities that could provide service to the properties within the service area along with a preliminary estimate of the project costs and user costs has been prepared. The results of the study are summarized herein.

There are thirty (30) properties that are located within the service area that has been studied. Twenty-six (26) properties within the service area have houses with the remainder being either vacant or having accessory structures for adjacent houses such as garages. All of the properties are within the Cicero Sewer District. Our investigation indicates that sanitary sewer service can be provided to a majority of the properties within the service area by extension of a gravity sanitary sewer main from existing sewers located on Griffin Drive and John Gray. Extension of facilities from the sanitary sewer along Cobblestone Drive is not considered feasible due to the depth of the sewer and grades within the service area. The properties along Cobblestone Drive and Tax Parcels 053-02-40.1 and 053-02-07.0 have not been included within the service area as these properties either cannot readily be provided gravity service or have indicated that they do not desire sanitary sewer service. The properties within the service area, the existing and proposed facilities and boundaries of alternatives that are discussed herein are shown on the attached General Plan.

Preliminary project cost estimates have been prepared for serving the entire service area and two alternatives that would serve only a portion of the service area. The first alternative would include the properties along Thompson Road by extension of a sanitary sewer from John Gray. The second alternative would include the properties along Griffin Drive by extension of a sanitary sewer from Griffin Drive.

Properties within the service area would be responsible for the debt service costs associated with the improvements necessary to provide sanitary sewer service. Project costs, which include the construction, engineering, legal and miscellaneous costs have been estimated in a range due to fluctuations in construction costs that have recently been observed. The unit cost for properties has been determined assuming the project costs would be bonded for a 20-year period with a 4% interest

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Town Board
July 22, 2009
Page 2

improvements properties would be charged annually for operation and maintenance of Town sewers and a charge to the Onondaga County Consolidated Sanitary District for transmission and treatment of sewage. The 2009 charge for operation and maintenance of the Town sewers is \$7.20 per unit and for the County is \$318.37 per unit. The following table provides a summary of the estimated unit cost for providing facilities to the entire service area and each of the alternatives:

Alternative	Project Cost Range	Debt Service Unit Cost Range	Total Annual Cost Including Town and County Charges
Entire Service Area	\$320,000 to \$400,000	\$1,120 to \$1,380	\$1,445.57 to \$1,705.57
Thompson Road Properties	\$210,000 to \$260,000	\$1,290 to \$1,590	\$1,615.57 to \$1,915.57
Griffin Drive Properties	\$140,000 to \$170,000	\$790 to \$980	\$1,115.57 to \$1,305.57

It is recommended the Town provide the results of the feasibility study to the residents within the service area to determine if these costs are affordable by the property owner for provision of sanitary sewer service. Should it be determined that the costs are acceptable the Town can consider preparation of formal petition materials for consideration of the project. Also, it should be noted that should the project progress the State Comptroller's approval will be required as the total annual cost to a typical user is above the \$739 limit established for waiver of approval for Town Sewer Districts in 2009.

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

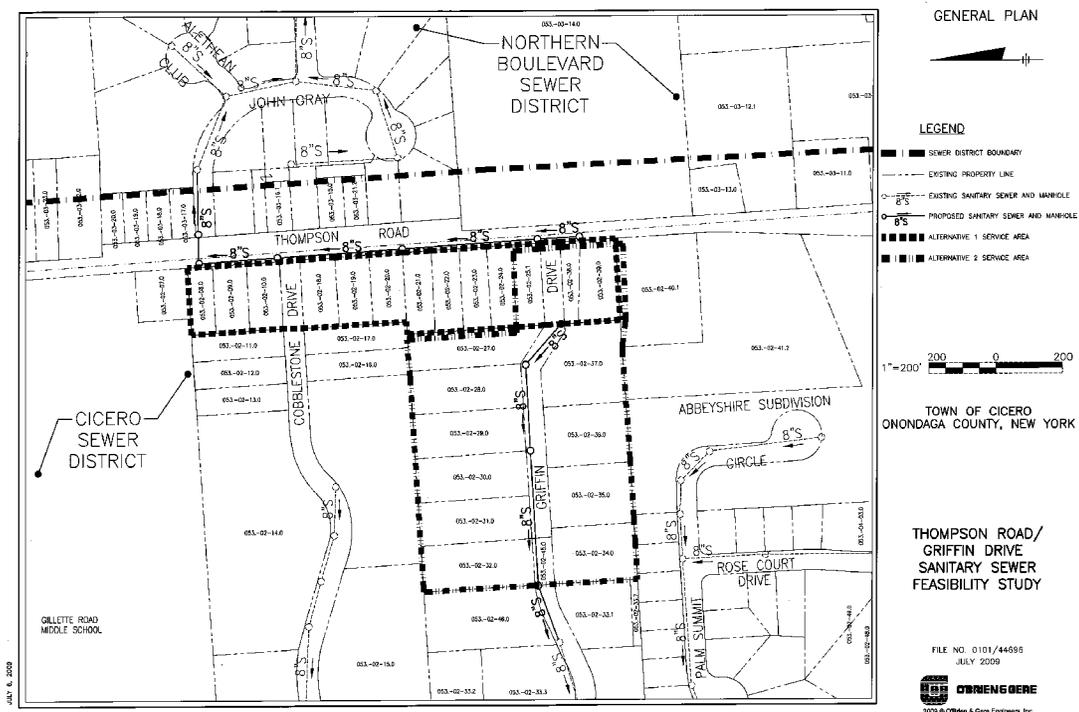
Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Gary D. Cannarella, P.E.
Vice President

cc: Wayne Dean, Director of Planning and Development - Town of Cicero
Tracy Cosilmon, Town Clerk-Town of Cicero
Jeanne Kulesa, Comptroller-Town of Cicero



Ms. Tarwacki stated that she had spoken with Mark Parrish today and that the sewer project along Thompson Road which includes Cobblestone and Griffin Drive is entirely feasible with gravity sewers. To me it was good news that there wouldn't have to be any kind of pump stations put in and it is good news financially for these folks. The parcels along Thompson Road would be connected with the sewers on John Gray in The Crossings. The parcels on Griffin Drive would flow with the gravity sewer down to Cobblestone Apartments, so it is also entirely feasible for these people here. There are a couple of properties that wouldn't be included and I have gone and spoken with the people. These are properties on the other side of Thompson Road on the Believers Chapel side, because that parcel could not be included with the gravity flow. It looks like Chuck Abbeys property and a couple by Griffin Drive may be included. I am not sure that is his or just a large lot next to it.

Michelle Baines – We looked at 3 alternatives. We looked at serving the entire service area, and then we also looked at just serving Thompson Road, which would be a separate gravity sewer and then the properties on Griffin Drive, which that again, would be a separate sewer. In order to develop construction costs and project cost fees, we included construction, engineering, legal and miscellaneous costs. We assumed that the financing would be by a 20 year loan at 4% which is reasonable and then we looked at existing construction costs. In addition to that, there is also the operation and maintenance component. There's a charge from the Onondaga County Consolidated Sanitary Sewer District for transmission and treatment of sewage and also a charge for being in the town sewer district. When you include those, include the construction costs and then engineering, legal and miscellaneous, the project cost range to serve the entire service area was \$320,000.00 to \$400,000.00. For just the Thompson Road properties it would be \$210,000.00 to \$260,000.00 and then for Griffin Drive properties, it was \$140,000.00 to \$170,000.00. We worked out the estimated annual cost based on that 20 year loan at 4% and including the operation and maintenance cost. What that works out to be for the number of properties serving the entire service area would range from just over \$1,400.00 to just over \$1,700.00. For the Thompson Road properties, it would be \$1,600.00 to \$1,900.00 and Griffin Drive would be \$1,100 to just over \$1,300.00 per parcel, per unit, for 20 years. Then the operation and maintenance costs are an ongoing fee that people would see every year, even after the debt service is paid off.

Ms. Tarwacki – So, it's all in this Northern Blvd. Sewer District?

Michelle Baines – I think it's actually in the Cicero Sewer District. That's the way it's shown on the general plan. It does appear that the John Gray sewers are in the Northern Blvd. Sewer District. We would be connecting across the district. Depending on the combination, if you are looking at alternative 1, 2 or 3, you're looking at over \$1,100.00 per year up to \$1,900.00 a year depending on which alternative is going to be considered. Another thing to note is that we put this in our letter report July 22, 2009. That is related to the State Comptroller and their approval of the cost. For 2009 for town sewer districts, the State Comptroller has established a limit of \$739.00. That is something to consider in comparing the cost that we developed.

Ms. Tarwacki – Before you send it to the State, do you have to go back to the folks and ask them if they want it or not?

Heather Cole explained that you would need an official petition from the property owners if they wanted to move forward with this. When the Town Board potentially acts on the petition and potentially approves the improvements, it is then sent to the State Comptroller for final approval.

Mr. Conway – The State has set a \$739.00 limit. What is done for the difference?

Heather Cole – You can do the difference, but, you would have to get their permission because it is over the threshold.

Ms. Tarwacki asked if the \$318.37 County Tax and the \$7.20 town costs are included in those numbers.

Michelle Baines – I believe it is because we list out the debt service and then we list out the total annual cost. The \$7.20 for the town sewer charge and the county charge of \$318.37 are included in that.

Heather Cole – The other thing is that county and town charge generally increases. That's not going to stay constant over 20 years.

Mr. Dudzinski asked Charlotte if she would like to check with the people and bring it back to the board.

Ms. Tarwacki – Yes, I will.

DISCUSSION OF GULF STREAM SECTION NO. 6, TOP COURSE



June 19, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

Re: Gulf Stream Section No. 6

File: 0101/25439.306 & 0101/38622

Dear Board Members:

Our office recently notified the Developer for the referenced subdivision that the top course is due to be installed this year. The Developer has requested this be deferred until 75% of the lots have been developed in accordance with the Town's past policy. It is noted this policy has been amended to state that "top course shall be installed after at least 75 percent of the proposed development is complete or prior to the third winter after the installation of the binder, whichever comes first." The policy was modified to reduce the length of time that the binder and gutters are subject to damage from weather and exposure. A review of the condition of the binder and gutters indicate they are currently in good condition. If the Developer's request to defer installation of the top course is granted an assessment of the status of the subdivision and condition of the roads should be conducted next year to determine if the top course should be installed.

The securities recommended for installation of the top course in 2007 was \$54,000 (3,600 lf @\$15/lf). We have discussed current costs for installation of the top course with the Town Highway Superintendent who estimates the cost is approximately \$20 per foot if Town forces were to perform the work. It should be noted this cost is based upon current prices for asphalt, which have been extremely variable due to fluctuating costs of petroleum. However, based upon this estimate an additional \$18,000 would be needed for the punchlist securities to cover the cost of the installation of the top course. As such, should the Board approve the Developer's request to defer installation of the top course it is recommended the Board obtain the additional securities and confirm the securities currently in place will remain effective until at least the end of 2010.

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Discussion:

Chris Woznica explained that Gulf Stream is developing very slowly and he doesn't want to wait 5, 6 or 7 years with out a top course on the roads. He hasn't had an opportunity to speak with Michelle or Mark Parrish about this.

Michelle Baines stated that in O'Brien & Gere's letter of June 19, 2009, we said that next year it would be important to go out again and reevaluate the conditions of the roads, gutters and all of the appurtenances. I think it should be evaluated in a year and most certainly we don't want to be in a position 5,6 or 7 years down the road where it isn't done.

Mr. Rybak – I would think if it isn't 75% completed by next year, we should make them put the top course on.

Mr. Tucci stated that when he did Sections 1,2,3,4 and 5, the policy was when you got ¾ of the houses in, the top course was done. We had a normal market from 1992 to 2005 but, we don't have a normal market now. There are 48 lots in Section 6 and eight of them have houses on them leaving us with 40 lots left. In the past when subcontractors came

into a development with their equipment it would tear up the binder and if construction tears up the binder, the developer is still on the hook, because he has to guarantee with securities. He also would then have to repair any damage before the top course could be put down. My request is, because things are so slow, if we put the top course down now, there will be construction over 40 more lots and I don't know for what period of time and damage will be done. My guarantee with the town is that two years after the top course is down, I'm done and you're going to be left with whatever problems there are. My recommendation would be to let me extend this and you're still going to have my guarantee. Mark is recommending that I post an additional \$18,000.00 because of the increased cost for putting the top coat down. You will still have me on the hook, should damage occur to the binder, as I would have to be repair the damage before I could put the top course down. O'Brien & Gere would have to inspect it to make sure they are satisfied before they would let me put it down. I posted securities so I don't see where the town is at risk. My request is that you allow me to not put it down right now.

Chris Woznica – I have no problem and I'm not saying George would do this, but, we've had in the past, where a developer has gone out of business and then we're hung. Examples: Bradt, Shiva and where the VFW is.

Michelle Baines – I think if the board is comfortable with that, feel free to go ahead and approve it.

Heather Cole – You will do this contingent on the extra security being posted. Our office will do an addendum to the original agreement, that references the additional securities that will be posted.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize deferral of top course installation for Gulf Stream Section No. 6, per the developer's request, subject to the developer posting an additional \$18,000.00 in securities and to confirm that the securities currently in place will remain effective as presented.

The motion was approved as follows:

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

DISCUSSION OF STOP SIGN REMOVAL AT THE INTERSECTION OF KATHAN ROAD AND ONEIDA DRIVE

Discussion:

Chief Snell stated that he was given a memo by the board regarding the Stop Sign on Kathan Road and Oneida Drive. That Stop Sign was put in there over 14 years ago, before I came here. I am assuming that it was put there because it was trying to restrict and reduce the amount of traffic that was going down that road. The problem is, those signs are not enforceable and they are illegally posted. My recommendation is that they be removed.

Mr. Dudzinski stated that he was down there the other day and it is very confusing.

Bob Popyk stated that with the Stop Sign, there is another sign that says No through Traffic at the entrance of Route 11. Would that be able to be removed as well since it is a commercial operation?

Chief Snell – I think we should speak with the people who reside there. It was put up because of their concerns, though it has probably had a change. I would like to talk to the people who live there first and get a sense if they wish to leave it up.

Mr. Conway explained that they were originally put there to direct people to Kathan Road over to the red light because the didn't want traffic backing up there. They also talked about making this a one way street.

Chief Snell – We still have a problem with the race traffic going down Kathan Road.

Mr. Conway – You get a lot of it off Route 81 which zips down that way to miss the light.

Chief Snell - Two years ago, I met with several residents at the Brewerton Fire Station, regarding that same issue and the amount of traffic on Kathan Road from the race cars. We did some heavy enforcement and I think we reduced some of it. I haven't received a lot of complaints this year. In fact it is the first year I haven't gotten a lot of complaints. It's probably due to the bridge and there getting off in Central Square, right now. I still think we need to bring this to the attention of the residents.

Mr. Popyk offered his help.

Chief Snell – I will speak with Mr. Popyk and I'll get back with you.

APPROVAL OF FIREWORKS PERMIT FOR CICERO POP WARNER FOOTBALL
ANNUAL FIREWORKS DISPLAY TO BE HELD ON SEPTEMBER 12, 2009 AT CENTRAL
PARK AT 9:00 P.M.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the Fireworks Permit for Cicero Pop Warner's Football Annual fireworks display to be held September 12, 2009 at Central Park at 9:00 p.m. and to waive the \$75.00 permitting fee and contingent on obtaining the Fire Chiefs signature.

The motion was approved as follows:

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

APPROVAL OF SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF CICERO
AND NORTH SYRACUSE CENTRAL SCHOOL DISTRICT

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize the Supervisor to execute the Shared Service Agreement between the Town of Cicero and North Syracuse Central School District.

The motion was approved as follows:

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

ACCEPT THE RESIGNATION OF LAURA CELUCH, CLERK I
EFFECTIVE JUNE 30, 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to accept the resignation of Laura Celuch Clerk I in the Justice Office, effective June 30, 2009.

The motion was approved as follows:

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

DISCUSSION OF COLD WAR VETERAN'S EXEMPTION

Brad Brennan asked the board to consider accepting the new Cold War Veterans Exemption. There are two levels available 10% and 15%. Each one has a selection of three levels. I would encourage the board to pass the 15% at the maximum level of \$12,000.00 full market value, so that the exemption could be meaningful in some manner. Other wise at the lower levels, I don't think it will help out very much. The exemption is a ten year exemption and will expire after ten years, but, if the Veteran has a disability related to the service, he can have 50% of that disability rating and that will continue and is not just a ten year portion and will continue as long as that owner has that home. The savings would be on Town and Highway Tax and the County hasn't passed this yet but, they are considering it. This exemption will cover some of the dates that

aren't already covered for Veterans running from September 2, 1945 through December 26, 1991 which would be the dates for those people applying.

Mr. Dudzinski – We would need a public hearing for this.

Heather Cole – That's correct and I would suggest the meeting in August and maybe Brad and I can get some draft legislation together for your review.

Ms. Tarwacki – That's a great many people

Brad Bennan – I would think so. This is for people who weren't eligible for the other combat or time of war exemptions as they fall into different categories.

Mr. Rybak – It's basically for anyone who was in the service in those days.

Brad Brennan – They would have had to have been in active duty for at least 365 days exclusive of time from training. It is also for the primary residence of a Cold War Veterans or the un-remarried surviving spouse of a deceased Cold War Veteran, who served on active duty for a period of more than 365 days in the United States forces exclusive of active duty for training, between September 2, 1945 and December 26, 1991.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to set the date August 24, 2009 at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero NY, for a public hearing to consider a Cold War Exemption.

The motion was approved as follows:

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

YOUTH BUREAU AND PARK AND RECREATION PURCHASE APPROVALS

(Truck Tires)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,646.76 per NYS Contract pricing to purchase tires for two dump trucks, Budget Code A7110.41.

The motion was approved as follows:

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

(Replace landing and ramp at William Park Recreation Building)

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,700.00 to Liverpool Lumber, per County Contract pricing to replace the landing and ramp at William Park Recreational Building, Budget Code A7150.42.

The motion was approved as follows:

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

(Tennis Instructions)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$3,500.00 to John Wojcik, for tennis instructions to be paid via fees.

The motion was approved as follows:

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

(Tree trimming Riverside Cemetery)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$1,440.00 for On Site Development per County Contract pricing to trim trees at Riverside Cemetery, Budget Code A8810.4.

The motion was approved as follows:

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

(Van Repairs)

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$1,780.00 to Lincoln Mercury Ford at Drivers Village to make emergency repairs to the van, Budget Code A7110.41.

The motion was approved as follows:

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

HIGHWAY DEPARTMENT PURCHASE APPROVALS
(Taken care of earlier in the meeting)

PUBLIC INPUT 3 MINUTES PER SPEAKER

Resident stated that she had two comments. The first is regarding the comment about not hearing everyone who speaks. I have trouble hearing everyone at times and I'm in front of the room. It is especially a problem when the speaker turns from the microphone. Perhaps you should take a look at the entire system. My second comment is, that according to the town's website, all property owners were to be notified of the town wide re-evaluation. I was not notified by the Town of Cicero or GAR Associates, nor were many of my friends and acquaintances.

Mr. Dudzinski – Brad, we need to find out why.

Brad Brennan – I'm sure some people didn't receive the mail. We have a stack of returned mail which we are going through. We're making our best effort. Certainly anyone who has any questions can give us a call and we'll mail out a packet for you. You should have received one and I'm sorry that you didn't.

Resident – I personally was not notified. No mail came addressed to me. Just about any friend of mine, who is a woman, wasn't notified if she had a spouse.

Brad Brennan – Something came to the house? Unfortunately, they weren't mailing one for the husband and one for the wife. There was just one to the home.

Resident – No, this did not come to the property owners. What I was given by my husband was addressed to John Gardner. I do not open his mail and do not always see his mail. I was not

notified by the Town of Cicero or Gar Associates. My husband and I have a fairly decent relationship, but, there are others in this town, where the second person wouldn't have been notified. I like to be notified of things if my name is on something. Sharon Edick always notifies me when it's time to pay the taxes.

Brad Brennan – They are only mailing out one per household, but, certainly, if anyone wants one, give me a call and we'll get a packet to you.

Resident – Can you add my name to future mailings? That's all I want at this point. You told me you couldn't.

Brad Brennan – We couldn't put the two names on the one line. You are on there and it's up to whoever is making the mailing, to select both fields, if the tax collector does it that way.

Resident – I want to know why GAR Associates or the Assessor's Office didn't extend the same courtesy that the Tax Receiver did.

Brad Brennan – I'm sorry, I couldn't answer that. You would have to ask them.

Resident – They told me to ask you.

Brad Brennan – I can't tell you why they did it, but, I can tell you how it happened though.

Resident – I just want you to know, that not everyone was notified.

Mr. Dudzinski- Brad will research it for you.

Lynn Jennings stated that he had a couple of comments and one is in reference to the survey that was sent out. I went to their class on the 12th and there was a limited amount of people. If anybody tried to call the 1-800 number, there not going to get through. They had a 718 area code, which is Staten Island, in the Bronx and it should have been 716 which is Buffalo. 518 is Albany and I tried that. I called the 1-800 Operator and I couldn't get any reference. There is nothing listed for GAR Associates or nothing to do with Assessments. I tried 3 different places and when I finally got through, I talked to some lady who was at the meeting the other day from the State and I don't know what her position is. It has got to be 518, because when I was at the Post Office, I called that number enough and I know 716 is Buffalo. I think it might be a typographical error and I think it is something we need to take a look at. Also the pre-sort first class mailing came out under a bulk permit #6667. Is that something that GAR owns or is that ours in the town?

Brad Brennan – That would be GAR Associates. They took care of all of the mailing.

Lynn Jennings – The return address on the envelope said Town of Cicero, so I wondered if we were paying something on that.

Brad Brennan – That is included in the postage. We're receiving the return mail so we can research the address.

Lynn Jennings – Good

Lynn Jennings also stated that the speakers are working great tonight and that he's hasn't had a problem getting his voice out there, but, when the board is talking back and forth, there not talking into the microphones. He stated that he mentioned this 6 months ago. The speakers up here are okay, but another set of speakers to the rear of the room facing in towards the board would greatly enhance the sound in here and it is something to look at. Lastly, as I was driving by Drivers Village, where there is a dumpster with a van stuck in it with a huge sign. That is one of the most distracting things on an intersection especially, when we've had problems with people turning left or right, or going straight ahead. Did they get a permit or do they need to have a permit? This is a distraction to drivers and needs to be removed or set back in Drivers Village off the main thoroughfare.

Mr. Dudzinski asked Wayne Dean to look into this tomorrow.

Wayne Dean – I will.

Mike Boyle, 5984 Hebrides Trail stated that he did get the letter from GAR and his wife opened it. I called the 1877 number and it went through. I have a couple of issues. I got the RFP response from GAR and it was very well done as I do RFP's all the time. A couple of questions came up in there that were pretty interesting. They had a sample in there from the City of Kingston and the

City of Kingston said they were going to perform an exterior inspection of the property. There was no request for an interior inspection. Why did Cicero ask for an interior?

Brad Brennan – The project is being done under State guidelines and one of the things we require is good information. The interior request is so that we can get better information. As you know, it is very simple to deny access to the property, but, we are required to ask that.

Mike Boyle – In the letter and when I was at the Assessment Meeting at the Senior Center the other day, I found it interesting that the way she presented it. If you're not at home and GAR shows up at the house, they will do the exterior inspection. Chief Snell, is that trespassing?

Heather Cole – They didn't say they would enter the property, did they?

Mike Boyle – No.

Brad Brennan – That's why we're requesting, that if you don't want them on your property to give them a call and we will not go on it.

Mike Boyle – There are people who didn't get the letter. So my concern is if somebody comes home to their house and saw people doing stuff around their home, some people may flip out. Under the ORP's manual, which I've read online, it says in the training manual that an Assessor goes to the door and asks to come in, and is told no, or they ask to do an interior inspection and are told, no, they are to leave the property and do it from the right of way. Why should the property owner have the burden to call GAR or anybody? It should be the burden of the town and the Assessment Office, not, the burden of the homeowner.

Heather Cole – I would say if GAR gave the impression that if you weren't home, they would come on your property anyways, that was not the proper thing for them to have said.

Mike Boyle – Then you need to speak with Cindy, because I asked her that specific question at the Senior Center.

Brad Brennan explained that this is what they are to do and that's why were asking people, who don't want us, to call because that's what happens in these contracts and most people have no problem with that as long as they've been notified, which they have. Those who are having a problem are calling GAR and telling them not to come out.

Mike Boyle – In my opinion, it is nobody's business to go on anyone's property unless they have permission to do so. There is a thing called the Fourth Amendment to the Constitution. I think there may be a constitutional issue if you have people going on their property to take measurements, when they aren't home. If people come home and see people around their property you could have some serious fist fights, or anything else. They need to wear a badge. The other question in the RFP says that the town required a \$5,000,000.00 liability policy blanket and that they only proposed \$3,000,000.00. Did we get \$5,000,000.00 or is it still \$3,000,000.00?

Brad Brennan – Not Yet. There was a issue that we discussed earlier. Brad asked Heather if she recalled.

Heather Cole – I don't recall off the top of my head.

Mike Boyle – Has the contract been placed yet? Did they sign the agreement?

Brad Brennan – Yes

Mike Boyle – In the response, they put, only a \$3,000,000.00 blanket but, it said that \$5,000,000.00 was the requirement in the RFP.

Mike Boyle – In the RFP response, it also said that the person or Municipal Officer that represents the Town of Cicero as the Contract Administrator, which should be the legal office.

Heather Cole – Yes

Mike Boyle – In the RFP response, it also said that it's about 10 to 20 percent of the assessments will more than likely be appealed, especially, given the current economic times, which makes potentially 2,500 challenges. I think it will be a lot more than that. So, if there are questions that come up in the assessments, will that go to the Legal Office, or does that go to the Assessors Office?

Heather Cole - I think it would depend on what stage of the grievance process you're at.

Brad Brennan – During the informal hearing process is when they will be seeing 2,500 – 3,000 people, whatever the number may be and it will be handled at that informal hearing.

Mike Boyle – Any legal questions, go where, to the Assessment Office, or to the Legal Office?

Brad Brennan – If it isn't an assessment question it would go to our legal.

Mike Boyle – An example: If there is a site survey issued and something on the schematic that doesn't jive, that would go to the legal office. Have we taken into account any legal fees that will have to be implemented above the \$935,000.00?

Heather Cole – The way that the current Retainer Agreement with the town is written, is that our office does not charge outside the Retainer Agreement for any assessment related issues up until there is an Article 7 Petition that is formerly placed before a Judge. So, anything up until that point would be covered under the current Retainer Agreement.

Mike Boyle – That would include phone calls from many residents?

Heather Cole – I don't represent individual residents. So, I probably can't take calls from individual residents about town issues. I have to give legal advice to the town, meaning its officers and representatives.

Mr. Dudzinski – I think any resident who calls, should be calling Brad and he can direct them in the right direction.

Mike Boyle – He could refer that to legal. I just want to know if you guys are charging .15 an hour. Let's cut to the chase.

Heather Cole – I just said, we're not charging outside the retainer up until there is an Article 7 Petition that is placed before a Judge on the Judges Calendar.

Mike Boyle asked Brad Brennan if he was part time.

Brad Brennan – Yes

Mike Boyle – In the RFP response on page 20, it said there would be an additional 15 hours per week. Is that the minimum or the maximum?

Brad Brennan – Probably the minimum. That will be flexible, depending on what is going on at any given time with the project.

Mike Boyle – There's no overtime with that?

Brad Brennan – There's no overtime.

Lynn Jennings – Cindy did allude to the fact that during this assessment, they would do it from the front of the property which is 16 feet, but, they were going to walk to the back of the property to take pictures in the back. To do that, especially where I live, they'd have to go on my neighbor's property. I am under the understanding that they are not supposed to go to the back of the property to take pictures from the back.

Brad Brennan – If you refuse them access, absolutely. They won't go back there. But, if you said, come on my property and that it's okay to measure the outside of my home they will do their best to get a shot from the back. If they can't they can't.

Lynn Jennings recommended that at future meetings they have a questionnaire for those in attendance to list any questions they may have. Many of these questions came up after the meeting as these are the type questions people have and they could be answered at the meeting.

Brad Brennan – There is no reason you couldn't just send in a question to GAR or to give them a phone call, or forward it to me as I would forward it.

Tom Beaulieu, 6121 Palm Summit stated that he planned on piggy backing on some of the questions that were raised tonight, but, has the Supervisor or any of the Council people attended some of these workshops that were put on over the weekend?

No response.

Tom Beaulieu – No one went then. I think I got your letter and according to GAR property inventory survey was mailed to each property owner. They said it was included in this letter. We were also discussing whether they have the right to enter your property and to measure. According to their collection process, which will take place from August of this year through April 2010, GAR will attempt to perform an interior and exterior inspection, which will include measurements and a collection of data about all of the structures, such as pole barns and anything else. I guess the legal question still has to be answered. If you refuse to give them access to your property, then they're not going to be able to measure the exterior of the home to determine what the square footage is.

Brad Brennan – That's correct.

Tom Beaulieu – How will they determine how to assess the fair value of the house without the overall configurations?

Brad Brennan – We will have to estimate it. We can use a survey, if it is available. We can look at the records we already as well as the pictometry and we will do our best.

Tom Beaulieu – They have also stated that they will take pictures from the right of way.

Brad Brennan stated that it would be from the road, but, not on your property.

Tom Beaulieu – They also indicated that anyone on their staff will have proper identification with them during all field inspections.

Brad Brennan – Correct

Engineer Comments - None

Attorney Comments - None

Board Comments

Mr. Dudzinski read the following letter from Helen Page.

To the Cicero Town Board,

I am writing this letter to the board regarding two serious fires that happened in my immediate neighborhood in the last ten years. The most recent fire being at 5996 Arentine Way, Cicero. First, I would like to say that I have the most respect for any man or woman, who are Firefighters, who give up their time and family and who often put their lives on the line to help the community. It takes a special person to be a volunteer.

My concern is, the time that it's taking for the trucks to be dispatched, and when mutual aid is brought in. I'd like to make sure that the Cicero Fire Department is fully staffed seven days a week, 24 hours a day. If this is not the case, with no disrespect to the Cicero Fire Department, I would like the Town to check into other sources for fire protection. As we all know, the Town of Cicero population is growing larger and larger. I thank you for reading my letter and ask that the Town Board take my request seriously.

Mr. Dudzinski stated he contacted Fire Control at 911. The dispatch went out to the fire at 1617 hours which is 4.17 in the afternoon. The first Chief which is car 2 called out in 2 minutes. The first engine called out, which was engine 1 from Cicero, got the call out at 1617 and they called out in 9 minutes. 9 Minutes is good and is a good response time. The second engine from Cicero was 10 minutes, which is also good. Unfortunately, when somebody is at a fire, it seems like it takes forever for the fire trucks to get there, but, the norm is by the time you leave home and we get to the fire house and get on the road, it's five minutes give or take and especially, if you're moving around at the wrong time of the day. For these guys to get there in 9 or 10 minutes, that's good.

Resident – The house was gone in 3 minutes.

Mr. Dudzinski – Unfortunately, the house was fully involved.

Chief Snell - I talked to the witness that was at the scene who first went over there. The residents pulled some of the propane tanks from grills off the deck and when he looked inside, that fire had been cooking for an awfully long time before it showed on the outside.

Mr. Dudzinski – I checked the times and it was a good response time. I don't know how they could have done it any faster. Secondly, I think we're on a roll with the State for reduction of speed. We've been notified that **Route 31 between Thompson Road and South Bay Road will be lowered to** 45mph. I think that will be more consistent with the rest of them.

There being no further business before the board, the meeting was adjourned at 7:56 p.m.

Tracy M. Cosilmon
Town Clerk



July 24, 2009

Town Board
Town of Cicero
PO Box 1517
Cicero, New York 13039-1517

Attention: Chester Dudzinski, Jr., Supervisor

Re: Brownfield Opportunity Areas Grant
Map Preparation

File: 0101/Prospective

Dear Board Members:

Our office has been requested by The Wladis Law Firm, P.C. to prepare maps to accompany a Brownfield Opportunity Areas (BOA) grant application to the New York State Department of State for the Brewerton and Bridgeport areas.

The maps to be prepared for the Brewerton area include:

- Community Context Map - depicting the location and relationship of the community to the immediate municipality, county and region.
- Study Area Context Map - depicting the location of the proposed Brownfield Opportunity Area in relation to the municipality, county and region.
- BOA Boundary Map - clearly showing and identifying the proposed location and boundaries of the proposed BOA.
- Existing Land Use Map - depicting the pattern of existing land use.
- Existing Zoning Map - depicting the location and type of zoning districts.
- Underutilized Sites Location Map - depicting the location, borders and size of brownfield sites and other underutilized, vacant or abandoned properties, whether privately or publically owned.
- Land Ownership Patterns Map - depicting the pattern of public and private land ownership.
- Natural Resources Map - depicting the existing natural resources and environmental features.
- Parks and Open Space Map - showing public and privately-owned lands dedicated for or committed to parks or open space use.
- Building Inventory Map - showing the location of key buildings.
- Historic or Architecturally Significant Areas Map - showing historic or architecturally significant areas and structures
- Transportation Systems Map - showing primary transportation networks and systems.
- Infrastructure and Utilities Map - showing primary infrastructure.

The maps to be produced for the Bridgeport area include:

- Community Context Map - depicting the location and relationship of the community to the immediate municipality, county and region.

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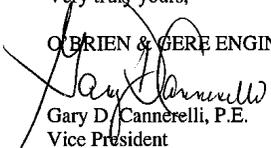
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- Land Ownership Patterns - depicting the pattern of public and private land ownership.
- Natural Resources Map - depicting the existing natural resources and environmental features.
- Actions for Revitalization Map - illustrating the location of key actions to be undertaken to revitalize the study area.

Some of the information to prepare the maps is available from the GIS developed during preparation of the Master Plan update, maps prepared for the Brewerton Local Waterfront Revitalization Plan and other commercial sources. Other information such as the boundaries of the BOA, underutilized site locations, location of key buildings, etc. are specific to the grant application and will need to be provided by the Town or Wladis Law Firm. An example of one of the maps to be produced that was prepared for another municipality is attached for informational purposes.

The estimated cost to provide the above scope of services is \$2,250. Our office is available to begin work on the project upon receipt of authorization from the Town.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.


Gary D. Cannarella, P.E.
Vice President

cc: Mark Parrish P.E. – O'Brien & Gere
Michele Baines, P.E. – O'Brien & Gere