

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Monday, September 14, 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
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: Charlotte Tarwacki, Councilor

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 and the anniversary of 9/11.

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

APPROVAL OF AUGUST 24, 2009 MEETING MINUTES

Motion was made by Mr. Rybak, seconded by Mr. Corl, to approve the minutes of the August 24, 2009 town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway

Chris Woznica asked for approval to purchase miscellaneous frames, grates and risers from Syracuse Castings in the amount of \$2,500.00.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to authorize an expenditure of \$2,500.00 to Syracuse Castings to purchase miscellaneous frames, grates and risers, Account Code DB5110.49.

The motion was approved as follows:

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

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$2,700.00 to purchase 150 yards of topsoil from Gerber Topsoil.

The motion was approved as follows:

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

Chris Woznica asked for approval for Tracey Road Equipment to do an emergency repair the Badger in the amount of \$1,221.67.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,221.67 to Tracey Road Equipment to repair the Badger, Account Code DB5130.55.

The motion was approved as follows:

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

Police

Chief Snell stated that over the past couple of years, he has received complaints regarding the grass level on Honeycomb, Snowshoe and the power lines. He explained that he has looked into this through the Zoning Office and found that the property owners own all of the property. There is a right of way to the power lines, for National Grid. Stuff is being dumped on the property over there on either side, where it comes out onto a town road and the grass is tall. The kids are riding their bikes, mini bikes, motor bikes, cross country vehicles and ATV's and are cutting across and being kids they aren't paying attention. I wanted to bring this to the board's attention because some of the people up there are becoming anxious when they're walking as the kids are coming across and because the grass is so high. I know it is private property up there, but, it is a public safety issue at this point and I think we need to address it some how.

Wayne Dean – It is private property and as we discussed, one of the solutions I have is to ask for services to mow those properties for one time and then inform the property owners that it is their property and that we aren't going to keep doing it. From that point, each time we have to do it, we would have to charge them on their property taxes. I have tried to contact National Grid, but, haven't been successful in doing that, though I don't expect any cooperation from them. They come in every 3, 4 or 5 years and brush hog.

Mr. Dudzinski – It is private property that is in question, is that correct?

Wayne Dean – Yes

Mr. Rybak – Have we had any contact with the owners yet?

Wayne Dean – Not this year and I am not sure, what has happened in the past.

Mr. Dudzinski asked Chris Woznica if this was cut before.

Chris Woznica stated that it was done last year.

Mr. Dudzinski – I don't think we have much of a choice. We're not supposed to use taxpayers dollars on private property.

Wayne Dean – That is why I suggested that we cut it once, and I don't know if you feel that is a good way to go.

Mr. Rybak – First of all, I'd suggest that you contact them to see what kind of a response you get from them. Are they going to comply or do we need to go ahead as you just said and cut it and put it on the tax bill. It is a safety issue which needs to be addressed.

Chief Snell – Being a right of way, does National Grid have any responsibility for cutting it, because they don't have any use of the property because National Grid has the legal right of way to it?

Wayne Dean – They have a use for it and it is their property and they can use it under the restrictions of National Grid or the power authority.

Mr. Corl – I would think the property owner would be responsible and I would suggest they are notified in letter form.

Wayne Dean – I will try to contact them directly or by letter, which I prefer, so that it is documented.

Mr. Corl – That's a good idea.

Comptroller – None

Park & Recreation

Jody Rogers announced that the Town’s Fall Festival is September 26, 2009 at South Bay Fire Department from 10:00 a.m. to 3:00 p.m.

Attorney

Heather Cole asked the board to enter into Executive Session at their convenience regarding a pending tax certiorari matter being Circle Road Plaza, LLC v. Town of Cicero, et al.

Engineer – None

Zoning

Wayne Dean – Last week Mayor Heindorf of North Syracuse called and wanted our department to provide inspection services for the village on an as needed basis. I would like the board’s permission to enter into an agreement with them to provide these services. After talking with Mayor Heindorf and with Heather, we feel it would be good to put a time limit on this and to provide these services until November 1, 2009. At that time we can revisit the situation and see if they have hired anyone to fill the vacant position down there, or whether they want us to continue, or to expand the services that we’re providing. Right now, this would be for inspection services only of new houses that are being built in the Northland Development.

Mr. Rybak asked if that will be a formal agreement.

Heather Cole – Yes and stated that she wished to express to the town and will also express this to the village, that because her office represents both the Town of Cicero and the Village of North Syracuse, that any negotiations be strictly between the two parties and if both parties are willing, she would formalize that and put it in writing and is willing to do so. She just wanted to note the nature of the potential conflict that exists. Wayne has also put some thoughts together and will forward them to the village.

Wayne Dean stated he would also see that they are passed on to the Board Members.

Heather Cole – Hopefully, Wayne can move forward and we should have something put together for the next meeting for the board to act on.

Assessor

Brad Brennan requested approval of payment to ACLF in the amount \$1,985.03 and to the US Post Master in the amount of \$2,290.63 for the mailing of property re-evaluation information that was sent to all residents.

The motion was approved as follows:

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

Tax - None

Town Clerk – None

APPROVAL OF ABSTRACT #17 OF 2009

Motion was made by Mr. Rybak, seconded by Mr. Dudzinski, to approve Abstract #17 of 2009 as follows:

General Fund Voucher #1973 to Voucher # 2122 In the amount of \$588,738.07 which includes a lease payment to M & T in the amount of \$12,913.42.

Highway Fund Voucher #426H to Voucher #461H In the amount of \$332,216.38 which includes \$60,577.19, lease payment to M & T as well as a payment to Barrett Paving in the amount of \$170,975.78.

The motion was approved as follows:

- Mr. Conway: Yes
- Ms. Tarwacki: Absent
- 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:

BUDGET MODIFICATIONS

Misc

<u>FROM</u>	<u>CODE</u>	<u>ACCT</u>	<u>AMOUNT</u>	<u>TO</u>	<u>CODE</u>	<u>ACCT</u>
	SD85401 0400	Personal Svces	\$ 313.91		SD85404 0400	Contractual
	SD85401 0400	Personal Svces	\$ 138.64		SD90808 0400	Teamsters Legal
	SD85401 0400	Personal Svces	\$ 346.60		SD90308 0400	Social Security
	SW83404 0200	Contractual	\$ 7.23		SW19304 0120	Spec Items - Judgements
	SW83404 0200	Contractual	\$ 42.64		SW19304 0120	Spec Items – Judgements

AMENDMENTS

To recognize Community Development Revenue and Expense – Gateway Park Lighting

Revenue	A2797	38,382
Expense	A85104	38,382

The motion was approved as follows:

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

PUBLIC HEARING FOR 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.-09-170.0, 087.-09-16.0, 087.-16-01.0, 087.-16-02.0, 087.-16-03.0, 087.-16-04.0 (WALLINGTON MEADOWS & WHITING ROAD)

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

The public notice read as follows:

**TOWN OF CICERO
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Cicero on September 14, 2009, at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, New York regarding the adoption of a Local Law of the Town of Cicero for the year 2009 which would amend the Town of Cicero Zoning Ordinance as follows:

The following properties in the Town of Cicero, New York, presently located in Agricultural district as defined in the Town of Cicero Zoning Ordinance adopted June 5, 2001, are hereby rezoned and designated Residential R10 under said Ordinance, subject to all regulations created and established relative to said Residential R10 district.

Tax Map No./SBL	Property Address	Reputed Owner
087.-12-18.0	Whiting Road/FL 44	Beverly & Frank Pontillo
087.-12-17.0	Whiting Road/FL 44 1162595	Zachary Zucherman
087.-12-16.0	8655 Whiting Road	Zachary Zucherman
087.-12-15.0	8790 Alizarin Ave	Eric & Melissa Enquist
087.-11-09.0	8727 Whiting Road	Corrine & Patrick Micale
087.-11-08.0	8731 Whiting Road	Charles K. Pike
087.-11-07.0	8735 Whiting Road	Charles & Kim Smith
087.-11-06.0	8739 Whiting Road	Charles & Kim Smith
087.-11-05.0	8741 Whiting Road	John P. DiCicco
087.-11-04.0	8745 Whiting Road	Brenda Bianchi & Louis Verginio
087.-11-03.0	8749 Whiting Road	Valeria S. Gilbert
087.-11-02.0	8753 Whiting Road	Kathleen B. Champlin
087.-09-18.0	8795 Raulli Drive	Theresa & William Davis
087.-09-17.0	8761 Whiting Road	Joan & Robert Hummer
087.-09-16.0	6522 Lakeshore Road	Heather & Joseph Goldthwaite
087.-16-01.0	Whiting Road	Richard Vogt
087.-16-02.0	8631 Whiting Road	Richard C. Vogt
087.-16-03.0	8627 Whiting Road	Italo A. Salamone
087.-16-04.0	8623 Whiting Road	Alan Gilbert

Please take further notice that the environmental significance of the proposed Local Law will be reviewed at said public hearing. Any resident of the Town of Cicero shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at Cicero Town Hall, 8236 South Main Street, Cicero, New York.

Tracy Cosilmon
Town Clerk

Discussion:

Wayne Dean stated that these are similar to the last zone change and are parcels that were established years ago, before the surrounding property was changed. All of these parcels are used now, or are vacant, or they're used for residential purposes, but they're zoned Agricultural though they could not be used for agricultural purposes. As I've said in the past, I'm trying to clear up our zoning map a little and these are small parcels that are adjacent to one another that I'd like to change.

The public hearing was opened at 6:45 p.m.

Speaking for – Tom Beaulieu, 6121 Palm Summit Circle, stated that he assumed that the Zoning Office was doing this as there hasn't been an application for a site plan on any of these lots and this is just clearing up a zoning issue

Wayne Dean – That's correct.

Tom Beaulieu – As part of this subdivision and going through the town code, I see there are at least four intersections that are Local Laws that show Stop Signs being put on the books, but there are no stop signs in that subdivision at this time. Who would be responsible to make sure that was implemented?

Chris Woznica - The developer is responsible for the new section of Wallington Meadows and we are for the ones in the old section.

Tom Beaulieu stated that for the record he thought they are Pizutto and Alizarin Avenue, Pizutto Drive and Lavendar Lane, Brandy and Pizutto and thought Chris may have put up a stop sign at Brandy and Whiting Road. A truck came out of there the other day and almost hit me, because the Stop Sign is missing. There are some serious tort liabilities there and I am sure you weren't aware of it, so I wanted to make sure you knew. I also know you had a sign there at Brandy and Whiting.

Chris Wozncia – If the street comes onto a county road it is the responsibility of the County or it becomes the responsibility of the State if the road comes onto a state road, or it becomes the towns responsibility if the road comes on to a town road.

Tom Beaulieu stated that the sign may have been stolen or clipped by a truck mirror, though he didn't see it laying there. Who is responsible for putting up these signs? If there is an accident there, we're going to be held liable.

Mr. Dudzinski stated that he has spoken about these concerns with Chris and he goes out and checks it.

Chris Woznica – The Developer is responsible for putting those signs up.

Tom Beaulieu – That development has been there for over a year.

Chris Woznica – I will call him in the morning.

Speaking against:

Charles E. Smith stated that he sees no need for this zone change and wanted to know what his tax liability would be in this case if it is changed from Agricultural to R-10.

Brad Brennan – The assessment won't change due to a zone change.

Charles Smith – I don't mean the assessment, I mean the tax base itself.

Brad Brennan explained that the assessment wouldn't change and that he couldn't answer about the tax base because the entire town is the tax base.

Charles Smith – You mean there is no difference in actual tax base.

Heather Cole – No.

Charles Smith – I'm at a loss. We do lose certain things on that property. If I wanted to put a fruit stand in front of my house, I could do that under Agricultural, but, can't do that under residential.

WayneDean – You could do that.

Charles Smith – What would make this advantageous to me for this zoning change?

Heather Cole – It makes your property conform to the zoning regulations. If you wanted to do something at your property it's likely you wouldn't be able to do it right now, because it wouldn't meet the zoning regulations for agricultural, but, if you wanted to add a porch or a deck, now your zoning would be consistent with what your property is used for and is more likely that you would be able to make that type of improvement.

Charles Smith – Quite frankly, the only difference in these zoning changes, that I've found and I've made several outside improvements over the years, which I've bought building permits for, is a two foot variance from the line, where you can build a structure. These lots are considerably larger than the residential, which are behind me.

Mr. Corl – You're trying to keep with the characteristics of the neighborhood.

Wayne Dean – That's correct.

Mr. Corl asked Wayne to tell everyone what this is about.

Wayne Dean explained that there was a request and when we looked at it, nothing could be done with the lot because it did not conform with an agricultural type lot as it was too small.

Mr. Smith asked what the size of the lot is supposed to be for these agricultural improvements.

Wayne Dean – The smallest legal agricultural lot is one acre.

Mr. Smith – My lots together, equal an acre, so, it would make a difference to me. Why can't you do this on an individual basis and not just arbitrarily changing everybody's zoning? I'm happy they way I am right now.

Heather Cole – Generally speaking, changing one property amongst a midst of properties is called spot zoning and is not permissible. It is actually more legally permissible to change a large area to be more consistent with what the property is actually used for, than it is to re-zone individual parcels on a piecemeal basis.

Mr. Smith stated that in that case, he would suggest that you canvass the people involved on an individual basis rather than on one request and let the majority rule.

Heather Cole – That is what the Town Board did, by calling a public hearing and notifying all of the property owners of the proposed change.

Mr. Smith – The proposed change doesn't really, spell much out. The postcard that was sent doesn't really explain the differences between the zoning changes and what is or is not advantageous to the property owner. We still don't have sewers and are still on septic systems and we have open ditches on both of my properties and will be a handsome, sum to fill in, if I ever choose to do so. All of our utilities are above ground and highly conforms to our residence and area as it is now. I can not see where it is advantageous to the people involved to do this.

Carol Pardee, McKinley Road – I thought that we did away with R-10 a long time ago.

Heather Cole – No, the Planning Board typically discourages R-10 actual size lots during subdivisions, but the R-10 classification is still on the books. Wayne thought it was the most fitting for these particular lots.

Carol Pardee- I thought they went above that.

The hearing was closed at 7:55 p.m.

Board Comments:

Mr. Dudzinski asked where the property is located.

Mr. Smith – It's located in the middle.

Mr. Conway – Is it where they built the pole barn?

Mr. Smith – No, the pole barn is on the other side. I own four properties down from that pole barn.

The board looked at the map.

Mr. Rybak – For the record we did get a positive resolution back from the County Planning Board regarding the zone change, stating that the existing parcels appear to conform with the existing area, yard and book regulations for the R-10 district as established in Article IV of the Zoning Code for the Town of Cicero and the proposed zone change appears to be in keeping with the surrounding community character.

Mr. Corl explained that over the last 6 or 8 months, Wayne has periodically gone around the town and looked at areas such as this, where places don't quite conform, which is similar to what was done in North Syracuse several years ago. He has been taking our Master Plan and looking at the surrounding neighborhoods and making everything uniform. I think he has been trying to clean up some of the spot zoning within the town.

John DiCicco, 8741 Whiting Road – The taxes won't go up if you change the zoning. Is that right?

Heather Cole – They might go up, but, not as a result of the rezoning.

John DiCicco – We're going to be assessed as residential.

Heather Cole – You are going to be assessed at what your property is based on the value of your property.

John DiCicco – Is there any difference being zoned Agricultural as opposed to Residential?

Heather Cole – No

Mr. Dudzinski – The only difference is that it will be listed as Residential in the books, rather than Agricultural.

John DiCicco – It will be better for re-sale, right?

Mr. Dudzinski – As Brad said, it isn't going to cost you more in taxes because you changed the code. I believe that is exactly what he said.

John DiCicco – Question isn't audible.

Mr. Dudzinski asked Brad to answer Mr. DiCicco's question.

Brad Brennan stated that he could not hear his question.

Mr. Dudzinski - Mr. DiCicco believes that the assessed value will go up if zoning goes to Residential rather than staying Agricultural.

Brad Brennan – No, that isn't going to have any impact on it. I assess at the properties use and not what the zoning is, so changing that zone will have no impact on the assessment.

Mr. Dudzinski explained that this is being done to clean up different areas as Jim mentioned. There's a street in North Syracuse, called Oak Street which is zoned agricultural and as long as I can remember, there have been houses there. These are things that have fallen through the cracks and Wayne is trying to clean it up so that the entire area is either Residential or Agricultural.

Mr. DiCicco stated that on the assessment forms you need to fill out all of the stuff you have there. If it's easier to build on, will that raise the assessment?

Heather Cole – The assessed value is only going to change if you make the improvement.

Brad Brennan - Yes

Mr. Corl – It’s no easier to build on a Residential lot or an Agricultural lot, So, I don’t think it would affect a vacant lot and what it is assessed for.

Brad Brennan – As long as you’re allowed to put that building there, we’re going to assess what the market value is regardless of the zoning.

Mr. Corl asked if the property was being used for any type of farming or for keeping animals.

Mr. DiCicco – Yes

Mr. Corl – Do you have cows, chickens or pigs?

Mr. DiCicco – No

Mr. Smith – Why would somebody ask for a zoning change when there is actually, no difference?

Wayne Dean – As we’ve said, we’re trying to clear up some of the areas from over the years. Everything around them has changed and reflects the true use of the property.

Mr. Corl asked if anyone has come forward and asked to have their property re-zoned because they have a specific use for it.

Wayne Dean – No

Mr. Smith – So, nobody has requested it.

Mr. Corl – It’s administrative through the Zoning Office.

Mr. Smith – Is it pretty cumbersome, I guess, if places are zoned something different.

Mrs. Corl – It’s more to keep conformity within the town, with all the new development.

Mr. Smith stated that just because you want to change it on the books isn’t advantageous to the property owner.

A resident stated that he owns a pole barn on Whiting Road which is used for his boats which is zoned agricultural. The people came out and made him aware of the agricultural zoning and stuff and we built within those restrictions. Will this change any of that? This isn’t going to hurt this by any means?

Wayne Dean- No, it will not change your property at all.

Mr. Corl – There will be nothing non conforming about the properties.

Heather Cole – The Town Board should have received a draft environmental assessment form and if the board is comfortable with the conclusions found in it, I ask that you move on it as presented and you will be adopting a negative declaration for environmental purposes.

SEQR

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to declare a negative SEQR under the short form environmental assessment form and that there will be no significant impact on the environment with regard to the Zone Change from Agricultural to R-10 for the parcels in Wallington Meadows and Whiting Road as presented.

The motion was approved as follows.

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

Motion was made by Mr. Corl, seconded by Mr. Dudzinski, to approve the zone change from Agricultural to R-10 for the following parcels in Wallington Meadows and Whiting Road, Tax Map numbers, 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.-09-170.0, 087.-09-16.0, 087.-16-01.0, 087.-16-02.0, 087.-16-03.0, 087.-16-04.0 (WALLINGTON MEADOWS & WHITING ROAD) as presented.

The motion was approved as follows.

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

**RELEASE SECURITIES FOR MARRA MEADOWS SECTION NO. 1
Deferred to September 28, 2009 Town Board Meeting**

**RELEASE OF SECURITIES FOR ELTA BUSINESS PARK
Deferred to September 28, 2009 Town Board Meeting**

**RELEASE OF SECURITIES FOR MIRALAGO SECTION NO. 2
Deferred to September 28, 2009 Town Board Meeting**

ACCEPT BID FOR GRAVE DIGGING AT TOWN CEMETERIES

Mr. Dudzinski asked Jody to explain why we are digging graves.

Jody Rogers explained that the Town of Cicero has accepted six abandoned cemeteries in the town, one of which we definitely know that there are 30 to 40 graves that have the potential to be utilized in the next 20 years or so. The town needs to have someone on staff, so I thought it was best to have a contractual service to dig graves for either an earth burial with vaults, or cremations, rather than having town staff at time and a half with union employees for Saturday or Sunday. In the event we have a grave that needs to be dug, we'll have someone on contract that we can call, who will take care of it and deal with the Funeral Homes service people.

Heather Cole explained that when cemeteries are abandoned it is the town's legal responsibility to take over maintenance, so that is why Jody's department is handling these.

Mr. Rybak asked if these parties would contact Pexton directly.

Jody Rogers – They will contact my office or Tracy and the Funeral Home will let us know that there is someone to be interred. We will then verify the specific grave and that it is the right one and then we will contact Pexton. The Funeral Director will pay us directly and then we will release the funds to Pexton once he has completed his services from beginning to end.

Mr. Rybak – Where are all of the records for the various cemeteries being kept?

Jody Rogers – They are in my office.

Heater Cole – Jody is actually working on regulations for the operation and maintenance of the cemeteries so that all of those things are ironed out.

Mr. Dudzinski – I never dreamed that we would be involved in anything quite like this.

Jody Rogers – It is a service to the past residents of this town and if we don't and were to let them go, it would be very ugly. It is really a respectful service.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to award the bid to Pexton Cemetery Management Inc. for Grave Digging Services for the town owned cemeteries in the following amounts:

Earth Burial, \$250.00
Cremation \$85.00
Extra Charge Burial on Saturday \$50.00
Extra Charge Burial for Sunday \$100.00

The motion was approved as follows:

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

RELEASE OF PARTICIPANT FEE FUNDS FOR PARK DEVELOPMENT

Jody Rogers asked for authorization to release funds to Cicero Youth Soccer in the amount of \$24,400.00 from the "Participant Fee Fund". This money has been held for the work to be performed. The work is finally being undertaken through the league and I would like to release the funds to them. This fund was specifically created in 2003 for specific park development at Plank Road Park.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize the release of \$24,400.00 from the Participant Fee Fund to the Soccer League for specific work to be performed at Plank Road Park.

The motion was approved as follows:

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

YOUTH BUREAU STAFF APPROVALS

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to approve the following staff as follows:

Corbie Sanderson, 230 West Genesee Apt. 303, Syracuse, NY
Hire Title: Recreation Attendant to replace S. Demko
Hire Rate \$10.00 per hour, Budget Code B7020.1
Hire Date: September 16, 2009

Recreation Attendant (FWS Staff)
Hire Rate \$7.25 per hour, Account Code B7020.11
Hire Date: October 1, 2009

Jake Copani, 106 Elizabeth, North Syracuse
Connor Irwin, 8853 Waterview Circle, Cicero
Aimee Geis, 227 Elm, North Syracuse
Robert LaVeck, 7312 Island Road, Cicero
Isaiah Timmons, 5838 Glenboro Road, Cicero
Patricia White, 9599 Horseshoe Island Road, Clay

The motion was approved as follows:

ELECTRIC SERVICE SLEETH PARK
BACKHOE WORK DUE TO OLD FOUNDATION

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$1,505.00 for Palmer Electric to do backhoe work for the electric service at Sleeth Park, Budget Code A7110.459.

The motion was approved as follows:

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

Lumber for Sleeth Park Structure

Jody Rogers stated that the Village of North Syracuse asked if we were interested in the Waiting Station that was on the old trolley line, which is currently housed at the Toll Road Park in the Village of North Syracuse. They couldn't find a home for it, because the two facilities in Clay and Cicero didn't have room for it, so we decided that we would take it. It was built in 1906 or earlier. It is in rough shape, but, we are actually going to try and move it tomorrow from its location at Toll Park in the village to Sleeth Park, with a great deal of help from Chris's men and a couple of my men. We hope to have it moved by some time tomorrow to that deck and it will be a neat addition right on the Plank Road as it has a lot of historical value.

Mr. Dudzinski asked how many of these buildings are left.

Jody Rogers – There are three left. Marcellus has one, Elbridge has one and this would be the last one. Chet brought this to our attention that this building was well worth saving as part of our history.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$3,000.00 to Liverpool Lumber, per County Contract, for lumber for the Sleeth Park structure, Budget Code A7110.45.

The motion was approved as follows:

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

Jerseys for Youth Basketball Program

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure of \$2,800.00 to purchase jerseys for the Youth Basketball Program through Papa's Sports, Budget Code B7020.44.

The motion was approved as follows:

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

Topsoil

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize an expenditure of \$1,200.00 to purchase topsoil from Jack Brown & Sons, per County Contract, Account Code A7110.45.

The motion was approved as follows:

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

APPROVAL TO AUTHORIZE D. JARVIS PAINTING TO PAINT THE HIGHWAY GARAGE FOR APPROXIMATELY \$3,500 AND \$1,700 TO DO CEMENT WORK ON THE SIDE OF THE HIGHWAY GARAGE

Tracy Cosilmon stated that we are in need of a new Highway Garage, but, unfortunately we do not have the funds at this time. I am requesting approval for D. Jarvis Painting to paint the Highway Garage for approximately \$3,500.00 and \$1,700.00 to do the cement work on the side of the Highway Garage to keep up with general maintenance. The Police decking will be stained and the weeds will be cleaned up. There will also be an expenditure of \$825.00 to paint the Parks and Recreation Pole Barn doors and safety poles that does not require board approval. I received two verbal quotes from other companies and D. Jarvis Painting, providing the lowest estimate. Work will commence the week of September 28, 2009.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$3,500.00 to D. Jarvis Painting, to paint the Highway Garage and \$1,700.00 to do cement work.

The motion was approved as follows:

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

EXECUTIVE SESSION

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to enter into Executive Session to discuss litigation in the Tax Certiorari Matter of Circle Road Plaza vs. the Town of Cicero and the employment history of a particular person and I invite the Attorney, the Assessor and Comptroller into the Executive Session and we ask the Highway Superintendent to come in on the employment history and we will be reconvening.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 7:19 p.m.

The meeting reconvened at 7:34 p.m.

Tracy, motion was made by Mr. Dudzinski, seconded by Mr. Corl, to close the Executive Session and return to open session. We have a couple items of outstanding business. I will take the first and that is to resolve Tax Certiorari litigation with the Petitioner being Circle Road Plaza, LLC. There are three parcels at issue and I will give you the resolution to include in the minutes specifying the separate parcels with their respective assessed values. The total full market value for the parcels at this time is now going to be \$5,000,000.00. If the board will move on the motion as presented, I would appreciate it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to adopt a resolution, resolving the Tax Certiorari Litigation Matter with Circle Road Plaza vs. the Town of Cicero as follows:

RESOLUTION

Circle Road Plaza, LLC vs. Town of Cicero, et al.

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the years 2008 (March 1, 2008 Taxable Status Date) and 2009 (March 1, 2009 Taxable Status Date) for the real estate known as tax map parcels 035.-01-06.3/1, 035.-01-06.3 and 035.-01-06.4, located at 7687 Frontage Road, 7787-7785 Frontage Road, and 7700-7780 Frontage Road, respectively, Town of Cicero, County of Onondaga, were filed by Circle Road Plaza, LLC (“the Petitioner”), and was duly served in accordance with the Real Property Tax Law; and
 WHEREAS, the Respondents, with the assistance of the Attorneys for the Town, having duly made and filed their Answers to the Petitions; and
 WHEREAS, the North Syracuse Central School District (the “School District”) having intervened in the actions; and

WHEREAS, the Respondents, School District and Petitioners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:
 The parties have agreed that the assessments should be reduced, as follows:

Tax Parcel ID No.	Previous Assessment	Reduced Assessment
035.-01-06.3/1	\$43,125.00	\$4,630.00
035.-01-06.3	\$229,465.00	\$184,902.00
035.-01-06.4	\$73,800.00	\$55,468.00

and that Petitioner is entitled to a refund for taxes already paid; and

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

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

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

The Resolution was adopted as follows:

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

Jeanne Kulesa – The second item from Executive Session is that she needed the board’s approval to create a second Mechanic’s position on our Civil Service Roster.

Motion was made by Mr. Corl, seconded by Mr. Dudzinski to create a second Mechanics Position on the Civil Service Roster.

The motion was approved as follows:

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

Jeanne Kulesa stated that she needed the board’s approval for Chris Woznica to advertise for this position being the second Mechanic’s position.

Motion was made by Mr. Rybak, seconded by Mr. Conway, to authorize Chris Woznica to advertise for the position of a second Mechanic's position for the Highway and to actively look to hire someone.

The motion was approved as follows:

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

PUBLIC INPUT 3 MINUTES PER PERSON

Lewis Bersani., 7047 Lakeshore Road stated that he had two issues and asked for additional time to speak. He explained that a year ago he put a sign in front of his store about the Police and was sure everyone is aware of. He also presented a petition to the board and explained that this had been an issue on TV a year ago. The petition presented was to replace the Cicero Police Department with the Onondaga County Sheriff's as was done in the Town of Clay and to hire full time Firemen as a supplement to our Volunteers. Mr. Bersani suggested that a referendum be put on the next ballot, or whenever it's possible, for the people to decide this. Some of his reasons were to save money and to use this savings to hire firemen or EMT's in the town as we're lacking in those terribly. He stated that as a businessman during the day, he hears sirens going off, but, no one is responding to them as there are no people to do this and they are needed very badly.

Copies of the Petition were given to the board and are available for viewing in the Town Clerk's Office.

Mr. Dudzinski – Let, me try and understand what you're saying. Basically what you would like is to abolish the Cicero Police Department?

Mr. Bersani – Absolutely, and let the Sheriff's do like they do in Clay which was very successful. I also received an E-mail from the Supervisor from the Town of Clay who responded to me that this is working out very favorably.

Mr. Bersani stated that he, Mr. Conway and Chet had a meeting regarding his second issue which is regarding the Marina at the corner of Lakeshore and South Bay Road and the violations that were taking place there. One item has been resolved and that was the illegal power line that was put across that road and I have concerns about a couple other issues that I would like addressed. Copies of the correspondence I have had with you were distributed to the board.

Mr. Dudzinski suggested that each concern be addressed just like the meeting they had.

Mr. Bersani – Has there ever been a Certificate of Occupancy given for someone to live at that premises?

Wayne Dean – I haven't been able to locate one. A Certificate of Occupancy wouldn't allow somebody to live in it. It doesn't allow for the use of a building. A Certificate of Occupancy may have been given for the building itself, but, I haven't been able to locate it.

Mr. Bersani – My concerns are that there probably wasn't and that there have never been proper inspections, as everyone else has to have if they build something.

Mr. Dudzinski asked that Mr. Bersani's questions be directed to the board.

Mr. Bersani stated that there would be a safety concern if the electrical and sewage wasn't inspected properly. What would happen if that man moved out and someone else moved in and was electrocuted, or died from sewer gas or something, which is a possibility? Secondly, there was a garage built over two years ago in the back and I keep hearing stories about it being temporary. No one allows me to build a building to

store my stuff temporarily and then tear it down at a later date. It has been two years now and I got my FOIL information the other day. There has never been a permit issued for that or anything. Have taxes been paid on it? What is going to be the resolve of that?

Mr. Dudzinski asked Wayne Dean if he was writing these down.

Wayne Dean – Yes

Mr. Bersani stated that per an article in the newspaper the County Health Department issued a violation from the County Health Department because he was dropping gray water on the ground and wanted to know if that is a town issue.

Mr. Dudzinski explained that he didn't know and asked Wayne if he knew.

Wayne Dean – That is with the County Health Department.

Mr. Bersani – When can I expect these answers?

Wayne Dean explained that he would contact Mr. Bersani as soon as he could find something out. He also restated that he hasn't been able to find anything in the files regarding a CO but, will look into seeing what we can do with that temporary garage.

Mr. Bersani stated the he keeps hearing the same thing, time after time and that this has been going on since April and beyond.

Mr. Dudzinski – Wayne will get back to you.

Tom Beaulieu asked for 6 minutes of time to speak to the board as Mr. Bersani did, as he had six issues.

Mr. Dudzinski explained that Mr. Bersani came in with a legitimate concern and he didn't believe that he has been in this room since 1993. He has taken the time to be here to ask a question and I believe that he deserves the extra time that was warranted. That is my position and you have 3 minutes.

Tom Beaulieu – You answered my question.

Lynn Jennings – On the letter that we just received from the Assessor or from the town, it stated that it was \$1,985.00 for the letter and \$2,290.00 for the mailing. Why didn't GAR pick this up rather than the town?

Brad Brennan – This was not one of the required mailings for them. They are paying for all other mailings. This is something the town wanted to do to keep people involved with the project, so this wasn't required of them.

Lynn Jennings – Most of the people I have talked to say that this was redundant and is the same thing that has been talked at the meetings that were held at the different places. I think the Taxpayers are paying for something that GAR should have been paying for.

Brad Brennan – I'm sorry if some people feel it's redundant. We thought it was very important to keep people involved and informed and that was the purpose of the letter.

Wayne Dean explained that inadvertently he forgot to ask for authorization for members of the Planning Board to attend the Lake Conference being held at Borio's on Wednesday. It is part of their training and would be paid for from the Training Budget and the cost is \$25.00 per person, for a total cost of \$75.00.

Motion was made by Mr. Dudzinski, seconded by Mr. Rybak, to authorize an expenditure of \$75.00 for Members of the Planning Board to attend the Lake Conference being held at Borio's Restaurant on Wednesday as part of their training.

The motion was approved as follows:

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

Board Comments:

Mr. Conway stated that he wished to say something about Mr. Bersani and his problems. I have stayed pretty well out of this all through the years. You can check and see how many nice letters that Mr. Avraham has said about me, that I've done, this, that or the other to him. (End of Tape)

Mr. Corl – Since the last town board meeting, Chet and I had the opportunity to attend the Rte 31 Corridor Study which was put on by the county and that project is just about completed and they have various recommendations that they will be submitting. Once that is completed, the State is going to take that information and have follow up meetings with the residents and hopefully make some formal recommendations and plans as to what they're going to do. The State representative indicated that within the next six months, there would be informational meetings to say this is their long term plans or goals as to how to resolve the issues on the state thoroughfares through the town. That project was probably, about four plus years in the making and that corridor study may have been longer. The town was instrumental in making it go forward smoothly. They requested early on, that the town prepare an updated Master Plan, which we did. We are doing everything we can to speed this process up a little bit. We will see what the next step is, with the State intervening.

Mr. Dudzinski – We have a very good working relationship with the NYS Department of Transportation. This is something that prior to all of these meetings, didn't exist. The unfortunate thing is that their hands are tied as much as ours. There is only so much money around and there are so many jobs to be done. They are trying as hard as they can. We'd all like it done tomorrow, but in all reality it isn't going to happen. They will work on it at a very slow pace and it will take awhile.

Mr. Zaluski – Their plans always say ten to twenty years and what's going to happen between now and ten years?

Mr. Dudzinski stated that they are going to make some small changes, but I don't know what they are. They talked about exits and entrances, new bridges, etc. One thing that was interesting is that they said they would like to extend Verplank Road all the way from Clay over to Route 81 and make a new bridge and an entrance. I looked at it and said why don't you go all the way up to Mud Mill Road and put the exits and entrances there? I was told that was a pretty good idea.

There being no further business before the board, the meeting was adjourned at 7:49 p.m.

Tracy M. Cosilmon
Town Clerk

