

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on Wednesday May 27, 2009, at 6:30 p.m., at the Cicero Town Hall, 8236 S. Main Street, Cicero, NY 13039.

Present: Chester A. Dudzinski, Jr., Supervisor
James Corl, Jr., Councilman
Charlotte Tarwacki, Councilor
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
Mark Parrish, O'Brien & Gere

Absent: William Rybak, Councilman

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance Lead by Eagle Scout Gregory M. Lang, who was then presented a Certificate of Achievement for his accomplishment.

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 of your cell phones and be sure to speak into the microphones to enable all to hear.

S.E.Q.R.

Motion was made by Mr.Dudzinski, seconded by Mr.Corl , that all actions taken tonight are Type Two (2) or Unlisted actions and have a negative impact on the environment unless otherwise determined.

The motion was approved as follows:

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

APPROVAL OF MAY 11, 2009 MEETING MINUTES

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve the minutes of the May 11, 2009 town board meeting.

The motion was approved as follows:

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

DEPARTMENT HEAD INPUT

Highway

Chris Woznica stated that he received a phone call from Gerber Topsoil today and that they are \$400.00 over a PO. The original PO was in the amount of \$2,850.00 and we are \$400.00 over that.

Jeanne Kulesa – They have the money for it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway to authorize an expenditure of an additional \$400.00 to Gerber Topsoil to pay for the cost of topsoil.

The motion was approved as follows:

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

Police

Chief Snell - We have received two grants. One is for the equipment that they have installed in their vehicles called LPR's, which are license plate readers. They are expensive and were from a grant from the State of New York. They allow us to actually read every plate that drives away from or towards a vehicle instantaneously and will tell them if a license or registration has been suspended, or if the insurance is lapsed, or whether the owner of the vehicle is wanted. It also allows us, if there is a crime in the area to track all of the plate numbers that may pass by our vehicle after that crime. It is a great asset for us to have. The other grant that we received is for equipment that is on its way which is a track system. It is a computerized system that allows us to write our tickets and do accident reports on the computer and print the tickets out with a supporting deposition, which is a time saver for our officers and will save some paperwork.

Mr. Dudzinski asked how successful have we been with the little black boxes so far.

Chief Snell said that they have been successful and there have been several arrests for suspended licenses. The rate has gone up about 40%.

Comptroller

Jeanne Kulesa stated that earlier in the month we had a sewer break on Running Brook Lane and Lan Co did the emergency repair which is in the amount of \$14,360.73 and I need board approval to pay the invoice.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway to authorize an expenditure of \$14,360.73 to Lan Co to pay their invoice for repairing a sewer break on Running Brook Lane.

The motion was approved as follows:

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

Park & Recreation

Jody Rogers asked for approval of \$1595.00 for installation of 100 amp electrical service for Sleeth Park as part of the grant. The vendor would be Palmer Electric who was the lowest cost.

Motion was made Mr. Dudzinski, seconded by Ms. Tarwacki, to authorize an expenditure of \$1,595.00 for Palmer Electric to install 100 amp electrical service to Sleeth Park as part of the grant.

The motion was approved as follows:

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

Attorney

Heather Cole stated that she wished to update the board regarding a Tax Certiorari Litigation Matter on New Dimensions vs. the Town of Cicero in Executive Session at the board's pleasure.

Engineer - None

Zoning

Wayne Dean – At the last meeting I asked for a not to exceed figure of \$150.00 to secure and abandoned house on Florence Ave. I requested prices and was able to get that done for \$50.00.

Assessor

Brad Brennan reminded everyone that Grievance Day is next Tuesday, June 2, 2009 and that grievances would need to be in by 4:30 p.m. so, that we can give them an appointment with the board.

Tax - None

Town Clerk – None

Chief Snell requested approval to send three Officers to the Glock Armor School. One officer would be for re-certification and it would be the first time for the other two Officers. The cost is \$150.00 per officer and it is a one day course. This will save us money over time as it allows us to inspect and repair our own weapons.

Motion was made by Mr. Corl, seconded by Ms. Tarwacki to authorize an expenditure of \$150.00 each for a total of \$450.00, for three Police Officers to attend the Glock Armor School for one day.

The motion was approved as follows:

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

APPROVAL OF ABSTRACT #10 OF 2009

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to approve Abstract #10 of 2009 as follows:

General Fund	Voucher #990 to V#1090	In the amount of \$300,973.36
Highway Fund	Voucher #240H to 267H	In the amount of \$ 74,308.58

The motion was approved as follows:

Mr. Conway: Yes
 Ms. Tarwacki: Yes, but, we're running out of money fast and we need to tighten our belts in the next 6 months.
 Mr. Rybak: Absent
 Mr. Corl: Yes
 Mr. Dudzinski: Yes

BUDGET MODIFICATIONS

Jeanne Kulesa stated that she didn't have any Budget Modifications, but had an amendment. Parks & Recreation has secured a grant from Al Stirpe in the amount of \$10,000.00 so my amendment is to put \$10,000.00 into expense and revenue in the budget. We have already received \$9,000.00 of that money up front and when the project is completed, the rest will come.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to approve the following budget Amendment from the Stirpe Grant.

A711045 ST	\$10,000.00 Expense
A3060 ST	\$10,000.00 Revenue

The motion was approved as follows:

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

SET PUBLIC HEARING DATE FOR PROPOSED EXCHANGE OF A PORTION OF PROPERTY ON RIVERFRONT PARK FOR A PAPER ROAD

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set June 22, 2009 at 6:30 p.m. Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider the proposed exchange of a portion of property on Riverfront Park for a paper road, which is Telford Road.

The motion was approved as follows:

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

**SET PUBLIC HEARING DATE FOR THE CROSSINGS
LIGHTING DISTRICT EXTENSION**

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to set June 22, 2009 at 6:30 p.m. Cicero Town Hall, 8236 South Main Street, Cicero, NY for a public hearing to consider the Crossing Lighting District Extension per the following resolution.

**RESOLUTION FOR PUBLIC HEARING
Extension of The Crossings Lighting District**

WHEREAS, written petitions have been submitted by the owners of real property within the proposed lighting district extension, containing the required signatures, which as been presented and filed with the Town Board of the Town of Cicero, for the extension of a lighting district in the Town, which is made up of the tax map numbers described on Exhibit A; and

WHEREAS, the improvements consist of an electric street lighting system serving the proposed lighting district at the approximate locations set forth and described in a certain map and plan now on file in the office of the Town Clerk; and

WHEREAS, the maximum amount to be expended for the performance or supplying of said electrical street lighting service by National Grid shall be hereafter contracted by the Town Board acting for and on behalf of the proposed lighting district, for the illumination of streets or highways in the proposed lighting district pursuant to Section 198(6) of the Town Law of the State of New York at a total annual charge currently anticipated to be approximately \$18,519.33 per annum (approximately \$139.25 per parcel), which said expense shall be levied and collected from the several lots and parcels of land within the proposed lighting district;

NOW, THEREFORE, IT IS RESOLVED

1. A public hearing shall be held on June 22, 2009, at 6:30 p.m. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY, at which time and place the Town Board will hear all persons interested in the subject.
2. The improvements proposed constitute a Type II action under SEQRA and will not have a significant impact on the environment.
3. The Town Clerk shall publish notice of the public hearing as required by law.

The resolution was approved as follows:

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

**CONTINUATION OF PUBLIC HEARING FOR FRANCHISE AGREEMENT
WITH VERIZON**

Deferred

CONTINUATION OF PUBLIC HEARING FOR ZONE CHANGE FROM AGRICULTURAL TO R-10 FOR 119, 118, 117,116,115,113,110,109,108,107,106,105, 104,103,102,100 AND LV PALMER LOT 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 RD.

The public hearing was left open from the last meeting.

Speaking for - Ron Sharpe stated that he was here on behalf of his partner and himself and that they own 3 properties being considered in this zone change that are located on Bear Road, being 5635, 5637 and there is an additional lot on the corner, which fronts on Oak Drive, though it legally fronts on Bear Road, because it is a narrow side, which is directly across the street from the Shopping Center. There are 4 or 5 lanes of traffic in front of these properties. It has been our thought that these properties should be changed to commercial, so that we can eliminate these driveways. One of the properties had a fire and the others are marginal. We've not spent a lot of money, but, we've maintained them, so that they are able to be occupied. We've had the same tenant in one of the properties for 20 years and two years in the other. You have stopped at the Coppertop parking lot in your proposal and then you are proposing General Commercial from there to the corner and would suggest that you continue it along Bear Road to Oak Drive, which would allow us to eliminate 3 driveways on Bear Road and would improve traffic and would also give us a chance to add something of value there.

Heather Cole – You don't have a county response back yet so I think it would be easy enough to revise the Local Law Draft that is before you and to advise the County of the proposed change. You would have to wait for their referral anyway, so, if you would like to keep the public hearing open, I will revise the Local Law and you can deal with it at your next meeting.

Mr. Corl asked if it would need to be published again, seeing there is a separate issue.

Heather Cole – I am not sure, because it is more of a modification to what has already been published. Anyone who is interested in this is already on notice. It has been, but, if you wish, we can, but, I'm not sure you need to.

Mr. Corl – Typically you fill out a zone change application and then you come before the board. What are the circumstances in going in the route that we're going?

Wayne Dean - This is being requested by my office and it is not a private matter. This is one of those areas that I feel should be cleaned up and changed to meet the overall plan for the town.

Heather Cole – He is just suggesting that instead of changing if from AG to Residential, that you change if from AG to GC. If the board is agreeable to that, I'll change that for you.

The hearing was left open to the next meeting which is June 8, 2009.

REDUCTION OF SECURITIES FOR LYONS RUNNE

Mark Parrish reviewed O'Brien & Gere's Letter of May 21, 2009 for Lyons Runne Section No. 1 which is inserted as follows:



May 21, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

RE: Lyons Runne Section No. 1

FILE: 0101/25439.230 & 36900

Dear Board Members:

Our office recently conducted a site inspection for the purpose of determining the status of securities related to the project. Based upon the results of the inspection the following are our recommendations relative to the securities:

Guarantee Securities

		<u>Original Amount</u>	<u>Amended Amount</u>
1. Sanitary Sewers	=	\$ 14,000	\$ 0
2. Storm Sewers	=	\$ 8,225	\$ 0
3. Swales/Flood Routes	=	\$ 12,500	\$ 0
4. Detention Basins	=	\$ 2,000	\$ 0
5. Roads	=	\$ 32,000	\$ 32,000
6. Monuments	=	<u>\$ 6,600</u>	<u>\$ 6,600 (1)</u>
		\$ 75,325	\$ 38,600

(1) The Director of Planning and Development should be consulted to determine if the securities for the monuments can be released.

Punchlist Securities

		<u>Original Amount</u>	<u>Amended Amount</u>
1. Repairs to stormwater management area	=	\$ 5,000	\$ 0
2. Grade swales and flood routes	=	\$ 25,000	\$ 0
3. Swale underdrain	=	\$ 12,500	\$ 0
4. Restore roads and lawns in Mariners Landing	=	\$ 7,500	\$ 0
5. Miscellaneous sanitary sewer/storm sewer items	=	\$ 500	\$ 0
6. Install concrete catch basin aprons.	=	\$ 13,500	\$ 0
7. Install top course on the roads.	=	<u>\$ 48,000</u>	<u>\$ 0</u>
		Total \$ 112,000	\$ 0

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Gary D. Cannerelli, P.E.
 Vice President

Mark Parrish stated that they recently conducted an inspection of Lyons Runne and the developer has completed the Punchlist items that were previously identified and in addition he has put the top course on the road. The other utilities have been put in long enough, that the guarantee securities can be reduced. We are recommending release of the Punchlist Securities from \$112,000.00 down to 0 and the Guarantee Securities be reduced from \$75,325.00 to \$38,600.00. That will cover the guarantee period for the roads and also monuments, which will need to be installed.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway to release Punchlist Securities from \$112,000.00 to 0 and that the Guarantee Securities be reduced from \$75,325.00 to \$38,600.00 for Lyons Runne Section No. 1, per the recommendation of O'Brien & Gere.

The motion was approved as follows:

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

REDUCTION/RELEASE OF SECURITIES FOR BAYSHORE MANOR PHASE VI



O'Brien & Gere's letter of May 21, 2009 inserted as follows:
 May 21, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

RE: Bayshore Manor Section
 No.6
 FILE:0101/25439.296 &
 0101/37142

Dear Board Members:

Our office recently conducted a site inspection for the purpose of determining the status of securities related to the project. Based upon the results of the inspection the following are our recommendations relative to the securities:

Guarantee Securities

		<u>Original Amount</u>	<u>Amended Amount</u>
7. Sanitary Sewers	=	\$ 3,200	\$ 0
8. Storm Sewers	=	\$ 1,350	\$ 0
9. Swales/Flood Routes	=	\$ 2,900	\$ 0
10. Stormwater Management Area	=	\$ 1,000	\$ 0
11. Roads	=	\$ 3,200	\$ 0
12. Monuments	=	<u>\$ 1,200</u>	<u>\$ 1,200 (1)</u>
		\$ 12,850	\$ 1,200

(2) The Director of Planning and Development should be consulted to determine if the securities for the monuments can be released.

(3)

Punchlist Securities

		<u>Original Amount</u>	<u>Amended Amount</u>
8. Grade and vegetate swales and flood routes	=	\$ 3,800	\$ 0
9. Complete storm water management area	=	\$ 9,800	\$ 0
10. Concrete valley gutters	=	<u>\$ 2,450</u>	<u>\$ 0</u>
		Total \$ 16,050	\$ 0

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Gary D.Cannerelli, P.E.
Vice President

Mark Parrish stated that the roads and top course in Bayshore Manor, Phase 6 have been in for 2 years and the utilities have been in for 3 to 4 years. The other Punchlist items that have been identified have been completed. We are recommending that the Punchlist Securities be released completely. Previously, there was a total amount of \$16,050.00 being held and that the Guarantee Securities be reduced from \$12,850.00 to \$1,200.00, which is for monuments.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to release Punchlist Securities in the amount of \$16,050.00 completely and to reduce Guarantee Securities from \$12,850.00 to \$1,200.00 for monuments for Bayshore Manor Section No. 6 per the recommendation of O'Brien & Gere.

The motion was approved as follows:

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

RELEASE OF SECURITIES FOR MARRA MANOR (WATERVIEW CIRCLE)



May 21, 2009

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

Attention: Chester Dudzinski, Jr., Supervisor

Re: Marra Manor (Waterview Circle)

File: 0101/25438

Dear Board Members:

An inspection was conducted on May 15, 2009 for the purposes of determining if the \$15,500 in securities being held for the roads for the above referenced project could be released. It was determined that the roads and related facilities are in acceptable condition and the securities can be released. In addition the \$2,000 in securities being held for the removal of sediment from the detention basin can be released.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Gary D. Cannerelli, P.E., Vice President

Mark Parrish stated that there are two security issues for Marra Manor and Waterview Circle. \$15,500.00 was being held for the roads. The top course has been on for two years and our inspection indicates that the subdivision is in good condition and we are recommending that be released. There was also \$2,000.00 being held for a detention basin and Wayne and I have looked at that and we feel it can be released.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to release securities in the amount of \$15,500.00 being held for roads in Marra Manor and to also release securities in the amount of \$2,000.00 being held for detention basins.

The motion was approved as follows:

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

RELEASE OF EROSION & SEDIMENTATION SECURITIES FOR WALMART

Wayne Dean stated that he recommends that \$169,000.80 being held for Erosion & Sedimentation Securities for Wal Mart be released as he didn't have any issues with those.

Tracy Cosilmon – It is in the form of a Bond.

Ms. Tarwacki – We just have to write a letter and not give anything back.

Tracy Cosilmon – Correct

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to write a letter releasing the Bond for Erosion and Sedimentation Securities for Wal Mart, per recommendation of the Director of Planning and Development, Wayne Dean.

The motion was approved as follows:

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

AUTHORIZE O'BRIEN & GERE TO INVESTIGATE DRAINAGE PROBLEMS NOT TO EXCEED \$17,000.00

Wayne Dean stated that he received a proposal from O'Brien & Gere to investigate a number of drainage issues in an amount not to exceed \$17,000.00. Both he and Gary Cannerelli have looked at the drainage problems, of which there are 9 and we would also have Ianuzi go out and do cross sections and surveying, to determine exactly what needs to be done in those areas.

Mr. Dudzinski asked that the 9 areas be identified.

Wayne Dean provided the following:

Palm Summit Circle, Glendora Road, Bartel Road, Warren Drive, North of Torchwood across Lakeshore Road, Belnor Drive, Osborne Drive at Dawns Ridge and Jacob and Jillian Lane in Brewerton.

Mr. Corl – What is the status of Jillian Lane, since we brought that up?

Wayne Dean - I thought Ianuzi was going to get in there to do the surveying per my conversation with them last week. I spoke with Hal today, and they did not get in there last week as they are waiting for this authorization and then they will get to it as soon as they can.

Mark Parrish – The proposal includes surveying work totaling plus or minus, \$7,000.00 for LeBeau Acres, the Hiller Park project and the John’s Landing project. In addition to the engineering work there is also the surveying work that has been identified and included.

Jeanne Kulesa – Is that in addition to the \$17,000.00?

Mark Parrish – No, that’s included.

Jeanne Kulesa – That will be coming out of Drainage, right?

Wayne Dean – Yes it is.

Motion was made by Mr. Dudzinski, seconded by Mr. Corl, to authorize an expenditure not to exceed \$17,000.00 for O’Brien & Gere to investigate drainage problems and for Ianuzi’s to do surveying work.

The motion was approved as follows:

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

PRESENTATION OF MS4 SPDES PROGRAM ANNUAL REPORT

Mark Parrish – The first year of the second MS4 SPDES Permit Program has ended and we need to submit the annual report. As part of the program we needed to make that available to the public and also make a presentation at a public meeting of the report. The purpose here is to briefly discuss the report and take any comments that the public might have on it.

Essentially the report changed the format considerably from previous years. Since we are in the first year of the new permit, they have made it more of an operational type thing. We are basically filling in numbers for various aspects of the program, such as, how many active construction sites and permitted facilities are in operation, how many stormwater management areas we have, how many miles of road we’ve swept and all those types of things for all of the minimum measures that the program consists of. I am not going to go through all of them as the board has heard this for the past five years and they are fairly familiar with the program. There is not a lot of verbiage in this report and is really just numbers reporting what we’ve done for the last year. I would be happy to take any questions from the public if they have any.

Mr. Dudzinski – Do we need a resolution?

Mark Parrish – No, you don’t. You will just need to sign the report and then we will submit it as it is due, by June 1, 2009.

Tom Beaulieu, Palm Summit Circle stated that he was glad to see that amongst these drainage areas that need to be reviewed that Palm Summit will be looked at. I don’t know if that had anything to do with the duck pond that we have out there about a week ago, but, it is a necessary job. My question is this: It is pretty much a fill in the blanks thing, now that they have changed the format, so that the responsibility is going to the town for implementation of that procedure.

Mark Parrish – Yes, essentially, the first five years of the program is what I call the developmental stage and was where we were developing the program. Now that that program is in place it is in the implementation stage as Tom said. We are just implementing the program and reporting what is done.

Tom Beaulieu stated that he hasn't reviewed the plan as he has done in other years but, he believed that the Town Highway Department would fall under the same parameters as anyone else and would come in and set up siltation devices, etc.

Mark Parrish – They should be implementing best management practices for the projects.

Tom Beaulieu asked if we were to put some structures in and placed topsoil around those, we should have siltation devices in place to prevent siltation into the device and to keep it clean. Is that right?

Mark Parrish – I think that should be done, depending on specific conditions.

Tom asked Chris Woznica if they planned to do that.

Chris Woznica explained that when they install a catch basin, very little if any sediment gets into a catch basin. The pipe goes in and we concrete around the pipe and there is no sediment going into the catch basin at the time of installation.

Tom Beaulieu asked if topsoil were placed around it, what is done to prevent the topsoil from getting in the catch basin if it rained.

Chris Woznica – We hydro-seed it and in the past have put a piece of fabric under the catch basin lid and remove it once the grass comes in. So, far, that hasn't been a problem.

DISCUSSION OF SEWERS FOR THOMPSON ROAD, GRIFFIN ROAD AND COBBLESTONE DRIVE

Ms. Tarwacki stated that there have been inquiries from people who live on Thompson Road, after attending two of the meetings with the County relative to the improvement of Thompson Road. We began, by looking for a pipe that is under the road while they had the road torn up, but, after investigation and looking at some of the issues, we needed to determine who would be interested in sewers along that section of Thompson Road from the sports complex down to Believer's Chapel, which is on the south side. The north side is already connected into The Crossings. The people on the south side along Griffin Road and at least one person on Cobblestone Drive want sewers, depending on the cost and how it would all come about. I thought it would be a matter on just asking people if they were interested, but, each person had a story to tell about their expectations. When I took my survey around, I asked people if they knew the cost, if they would be interested. Of 60% of those asked, only two people said no, as they thought their septic systems were adequate. As it appears, those two people would be at the end of the line if this were to come about. I gave this information to Wayne to see the best way, to do this. People had several different ideas in how to do this. Ms. Tarwacki also asked what the numbers meant on the paperwork.

Heather Cole stated that Bonnie took a look at the assessed value of the tentative boundaries of the proposed area to be given sewers and then what percentage of assessed value it might be for those interested in sewers as that is what is required to create and extend special districts. You need to have at least 50% of the assessed value. Based on the signatures you've taken, you have about 60%. I think your next step would be to talk with O'Brien & Gere about doing a feasibility study seeing if sewers were to be installed, how much and the time frame for that type of thing.

Mr. Dudzinski – I think we need a resolution for O'Brien & Gere to go forward with the study.

Jeanne Kulesa – Could we get an estimate as to how much it will cost? You have to remember that it is a Special District and sewers are low in money. We just had a \$14,000.00 sewer break. That's obviously, not something we planned for and I hope we don't have another one this year. This is a Special District Account and it is limited on funds. I wouldn't say it is something we couldn't do this year, but, I'd like to have an idea for them to work it up, as it would come out of those accounts.

Ms. Tarwacki – Fortunately, that end of Thompson Road, isn't due until next year but could possibly be pushed back, but, we would need an estimate of cost.

Mark Parrish – I can give you an estimate to do the feasibility study and what the scope of services would be at the next meeting. It would confirm the area to be served and coming up with a preliminary plan in how to serve it and what the facility is going to consist of and putting a preliminary cost estimate for that and then boil that down, to a user cost, so that the people within the service area would know the cost. At that point you would probably want to take that back to them and explain to them, the cost involved and see if they want to proceed from there in putting together a formal petition and having a public hearing that would be necessary to get the project funded and then ultimately constructed. I will provide you with this information at the next meeting.

Mr. Corl – If this project was to go forward, the initial start up cost would be borne, even if people didn't want that? Would that be divided amongst that?

Heather Cole – It would depend if you are extending a district or creating a new district. If you're going to create a district, and it's going to encompass people that said they didn't want sewers, would get sewer in and they will be charged for them as long as more than 50% of the assessed value want sewers.

Ms. Tarwacki – Is this preliminary look see at how this is to be done, going to all of these people?

Heather Cole – No, that can be done out of the General Fund.

Mr. Corl – If you do proceed on this, would the initial startup cost be done in a one year hit, or spread over time, or is that something you will have to look at?

Jeanne Kulesa – It is something the town would have to incur debt for. They would have to front the money for the large cost to put them in and then over time those homeowners would bear the debt divided by 15 years in addition to the maintenance for the sewers. When the debt is paid off, that would no longer show up on their tax bills.

Ms. Tarwacki explained that there are two people at the end of Thompson near Route 31 who would like sewers and I told them to write a letter requesting that the pipe be put underneath and that those two would bear the cost of hooking up to that pipe.

Mark Parrish – Are those on your map?

Ms. Tarwacki – No, they weren't part of my survey. I spoke to the woman and told her to send a letter to Chet requesting that pipe. Did anyone do that?

Mr. Dudzinski – I haven't seen anything yet.

Ms. Tarwacki – Maybe I need to go and push them again and will talk to this lady about getting it done.

ACCEPT RESIGNATION OF STEVE MORGAN, BUDGET OFFICER

Mr. Dudzinski explained that Steve Morgan needed to resign his position as Budget Officer as he is to busy at his other job. He has done a very good job.

Ms. Tarwacki – The Supervisor is responsible for the Budget under Suburban Town.

Motion was made by Ms. Tarwacki, seconded by Mr. Conway, to accept the resignation of Steve Morgan, Budget Officer effective immediately with regret.

The motion was approved as follows:

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

ACCEPTANCE OF THOMAS SQUIRES AS BUDGET OFFICER FOR 2010 BUDGET

Mr. Dudzinski introduced Thomas Squires.

Ms. Tarwacki asked Thomas if he has done municipal budgets before.

Thomas Squires stated that he worked for the County of Onondaga and works with the budgets there preparing budgets for their department and he works extensively with the budgets for the County, but has not worked in putting together a Town Budget. This would be his first time.

Mr. Dudzinski – It is very similar to a County Budget.

Thomas Squires – Yes, it is Municipal Budgeting and Accounting.

Ms. Tarwacki – You would work very closely with Ms. Kelusa.

Thomas Squires – Absolutely

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to accept the appointment of Thomas Squires as Budget Officer for the 2010 Budget at the payrate of \$10,000.00.

The motion was approved as follows:

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

ACCEPTANCE/AUTHORIZE SUPERVISOR TO EXECUTE DEEDS FOR ROADS AND EASEMENTS IN HANCOCK AIRPARK SECTIONS A AND B 6TH AMENDMENT

Heather Cole – The Planning Board approved an amended final plan for Section A and B of the Hancock Airpark and that includes most of General Irwin and Stewart Dr.. The board should have received information from our office and if they would like to dedicate those roads, to the town and take over ownership we need authorization for the Supervisor to execute the appropriate documents on behalf of the town. Securities will be taken and held for those public utilities.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to authorize the Supervisor to execute the deeds for roads and easements in Hancock Airpark Sections A and B, which is the 6th amendment and for securities to be held for public utilities.

The motion was approved as follows:

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

DISCUSSION OF FORM BASED CODE FOR HAMLET OF BREWERTON

Heather Cole stated that they had the final meeting of the Brewerton Design Standards Committee, this afternoon, and there is now a solid draft to be presented to the board. It doesn't vary much from what you reviewed last fall, other than it now, includes an additional section of the Hamlet, to be covered by a Form Based Code. I would assume that within the next couple of weeks, if not before then, that the draft will be in the board's hands and will be on file in the Town Clerk's Office. We are going to work with the Town Clerk to make sure it is online as well. The Planning Board was provided copies of it and they were asked to review and comment on it. To my knowledge, we haven't received any substantial comments from the Planning Board, with regard to it. To clarify the two different areas to be covered, there is the downtown core area which is south from the bridge to Guy Young Road and then from Guy Young Road down to Orangeport and Miller Roads. Miller Road is the Hamlet Gateway District. The Hamlet Gateway is much the same standards as the downtown core except that it is tailored to a slightly different type of area than that core district in the town. If the board is agreeable tonight, I'd like to ask authorization for the Zoning Office to send this updated draft to the County Planning Board for their review. I would also ask that you consider setting a public hearing for perhaps the second meeting in June and as before, to declare this a Type I action with the intent to act as Lead Agency and we would assist in sending out the necessary letters to other involved agencies and get their responses. If you are in agreement, I will propose 3 separate motions to you.

The first is to send it down to the County Planning Board

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to send a draft for the Form Based Code for the Hamlet of Brewerton to the County Planning Board for their review and comments as presented.

The motion was approved as follows:

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

Heather Cole - The second is to set a public hearing date for June 22, 2009

Motion was made by Mr. Dudzinski, seconded by Ms. Tarwacki, to set June 22, 2009, at 6:30 p.m. at Cicero Town Hall, 8236 South Main Street, Cicero, NY, for a public hearing to consider a Form Based Code for the Hamlet of Brewerton.

The motion was approved as follows:

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

Heather Cole – The third would be to declare the project a Type I action under SEQR and your intent to act as Lead Agency for the project.

Motion was made by Mr. Dudzinski, second by Ms. Tarwacki, to declare the project for the Form Based Code, for the Brewerton Hamlet a Type I Action under SEQR and that the Town of Cicero will act as Lead Agency for the project.

The motion was approved as follows:

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

Heather Cole stated that she anticipates that there will be another document in Tracy's Office that should outline the differences between the zoning that exists in that area now, verses, what will be in effect when hopefully, this new legislation is adopted. I think it will be a useful tool for people who want a snapshot of what the differences may be.

**DISCUSSION OF STANDARD WORK DAY RESOLUTION
(NYS AND LOCAL EMPLOYEES RETIREMENT SYSTEM)**

Jeanne Kulesa – The Board has a memo and Heather has given the Board a Resolution for a standard work day. NYS Retirement, requires that every few years, that we or the board adopt a Resolution to state what a Standard Work Day is, so that when I send my information in, on a monthly basis for employees, I am reporting proper days. This is a resolution that the board had talked about and I need approval for it.

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to adopt the following Standard Work Day Resolution pertaining to the NYS and Local Employees Retirement System as follows:

**RESOLUTION
Standard Work Day for Town of Cicero Employees**

RESOLVED, that the Town Board of the Town of Cicero hereby establishes the following as a standard work day for elected and appointed officials, as well as all other Town employees, for the purposes of determining days worked reportable to the New York State and Local Employees' retirement System:

Five (5) day work eight (8) hour work day.

The Resolution was adopted as follows:

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

**APPROVAL TO HIRE PATRICK BORT, JUSTICE DEPARTMENT PART-TIME
SUMMER POSITION EFFECTIVE JUNE 1, 2009, NOT MORE THAN 20 HOURS
PER WEEK FOR 10 WEEKS AT \$10.00 PER HOUR**

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to hire Patrick Bort, part time for the Justice Department effective June 1, 2009 for not more than 20 hours per week for 10 weeks at \$10.00 per hour.

The motion was approved as follows:

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

ACCEPT BID FOR GATEWAY PARK SITE LIGHTING AND TRAIL EXTENSION

Jody Rogers - We received seven formal bids on the Gateway Lighting and Trail Extension Project and the lowest bid was for \$68,100.00 and the highest bid was \$96,500.00. Upon recommendation of our Landscape Architect Engineering Firm, Maxim and Horst, I'd like approval to select Emerald Electrical Contractors, Inc. at an amount of \$68,100.00 for the Gateway Lighting Project, contingent on meeting all of the Community Development requirements.

Motion was made Mr. Dudzinski, second by Mr. Conway, to award the bid to Emerald Electrical Contractors, Inc., in the amount of \$68,100.00, for the construction of Gateway Park site lighting and Trail Extension, contingent on their meeting all of the Community Development requirements.

The motion was approved as follows:

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

DISCUSSION OF LAWN COMPLIANT PROCEDURES

Wayne Dean – This spring we have received a number of complaints on the upkeep of lawns, especially since the growing season is at its height. At this time we have a list of 9 properties that we've received complaints on. I would like the board to be aware of this and would like to know how we should handle this. The code requires the grass to be 10 inches long, before we can do anything on it. 10 inches, makes for a pretty unsightly lawn. Once it reaches that height, we get complaints and then we need to try to find the owner. A lot of these properties are in foreclosure and the owners have left town and the banks have taken them over. We then have to notify the bank and they have their maintenance people come out and take care of these. It is something that is time consuming and isn't easy to do for our department. People don't realize that we can't just immediately mow these properties and I don't advocate that we get into the property maintenance business, although that is one alternative, if we have to. It is difficult for me to approach a landscaper to get a price for cutting a lawn as that cost would depend on what kind of a mess it is. It depends on size, if there is debris to be removed, etc., so they can't just give you a price per lawn. They have to go out and look at each individual parcel in order to tell you what it would be. We then would have to evaluate the proposals before having someone go out and do it. It is a long drawn out process and would like any input or the board's recommendation as to what we should do.

Mr. Conway – If we have this done, can't it be added on to their tax bill, if we can't find the owner of the property?

Heather Cole – You actually, don't have a procedure in place for that to happen. If that is something you want to consider being able to do, that is something that we could present to you for consideration.

Mr. Conway – I think we should.

Mr. Dudzinski – We need to speed the process up as this isn't a new problem, but, is something that has existed for years.

Wayne Dean – The lawns are just one issue. We have swimming pools, security issues and other issues, we could apply this to.

Mr. Dudzinski – The problem is the complainant doesn't want to wait for this to be taken care of and I don't blame them. I wouldn't want to wait two months. We need to speed the process up to give Wayne the ability to get the properties cleaned up quicker.

Ms. Tarwacki – Perhaps there are some individuals who would be available on call, similar to animal control or something like that. That would speed it up.

Wayne Dean – Would they be paid by the hour and would they give us a proposal for each individual property? Those are questions that I have.

Mr. Conway – I think you'd have to get a proposal for each job.

Ms. Tarwacki – Perhaps we could put out a notice that we were seeking an individual to do this who would be willing to give us a price without taking 2 or 3 months to do it. I don't know if that would be legal or not.

Heather Cole – I'd wonder about a public bidding requirement and things like that. If a contractor is going to do a project and it's over a certain amount of money, it has to be publically bid. Example, if you had a contractor that was going to make more than \$20,000.00 you'd have public bidding requirements involved too. Jody just brought to my attention that she just took bids for cemetery mowing. That may be something to look into.

Ms. Tarwacki – That's a specific area.

Jody Rogers – If it were something that was drafted up, they may be able to give a quote if they are interested.

Mr. Dudzinski – That isn't the issue. The issue is when Wayne gets the complaint, how do we speed the process up from that point, to when he sends them to the property. That's what is slow.

Wayne Dean explained that you have to notify a person before their property can be cut. It doesn't take time to prepare a letter. It takes time to give them ample time to reply or not reply or for the mail to come back that it was undeliverable. That's what slows the process down. I've even had neighbors ask if they can go in and mow it and we can't advocate anyone going in and doing that as it would be trespassing.

Mr. Corl – It isn't just a grass issue, but, it's securing pools to make them safe.

Mr. Dudzinski – Normally it could draw out two months.

Wayne Dean – It could. Last year we did a couple of parcels and it did take at least a month.

Sharon Edick – One thing to think about, is if you are going to add those costs to the property that money isn't going to happen until January of the following year.

Heather Cole stated that is assuming that they pay their taxes.

Sharon Edick – If the bank does, that's one thing, but, if they don't you're never going to get the money back.

Ms. Tarwacki – We can pass the resolution to put the cost on the taxes, but, we're still in the same boat as to how long it will take.

Heather Cole – The bottom line is that even if you were to put something together that expedites the process as much as it can it's still not going to be quick enough for everyone's liking.

Mr. Corl – I don't know if other Local Municipalities have something on the books, whether the town has the authority to go onto that property if the grass reaches a certain height.

Heather Cole – That is something Wayne and I looked into in the past and is something we can get drafted up for you to review.

Mr. Dudzinski – It would be a Property Maintenance Ordinance.

Mr. Corl – By passing something like that, it would give us more accelerated authority, so that you wouldn't have to go through all of the various steps and you could say they were in violation and this is what is going to happen.

Heather Cole – That would set forth a procedure and a legitimization of eventually putting something on somebody's tax bill.

Mr. Corl – Could we have a report on this for the next meeting?

Heather Cole – I won't be at the next meeting, but, you will have something.

EXECUTIVE SESSION

Motion was made by Mr. Dudzinski, seconded by Mr. Conway, to enter into Executive Session to discuss litigation in the matter of New Dimensions vs. The Town of Cicero and I invite the Attorney, Assessor and Comptroller into the Executive Session and we will be reconvening.

The motion was approved as follows:

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

The meeting adjourned into Executive Session at 7:31 p.m.

The meeting reconvened from Executive Session at 7:48 p.m.

Heather Cole - Tracy, we had a motion by Supervisor Dudzinski, seconded by Councilor Tarwacki, to close the Executive Session and return to open session. We have no items of outstanding business.

PUBLIC INPUT 3 MINUTES PER SPEAKER

Resident asked if anything has happened regarding the proposed re-evaluation between the last meeting and this meeting.

Mr. Dudzinski – Not really

Heather Cole – The town has received the proposals and I believe Brad is reviewing those.

Brad Brennan – We have received the proposals and at some point we will have to discuss who was the most responsive.

Tom Beaulieu – 6121 Palm Summit asked the Comptroller regarding the Runningbrook repairs, who reviews the time and equipment, etc. to make sure everything they charge is actually in the parameters.

Jeanne Kulesa – Things like this are reviewed by Wayne or O'Brien & Gere. I believe in this case O'Brien & Gere sent this over with a cover letter, saying that they had reviewed it.

Mark Parrish – Our office reviews the work that is done by the Town's Sewer Contractor and also reviews the invoices to make sure that they are reasonable and meet the contract requirements.

Tom Beaulieu – So they'll look at the equipment to see that it wasn't oversized, because the bigger the piece equipment the more the hourly rate is, plus the maintenance cost to run it.

I also wanted to make comment that he noticed the baskets and banners that are up and stated that they looked very nice. He noticed this when he attended the Veterans Parade which was a very nice event for the town, that honors our Veterans in service. He wished to compliment Tracy for that.

Tom also wished Mr. Squires the best for putting a budget together for the town and is hopeful that he will be able to draft one that Councilor Corl and Supervisor Dudzinski can vote for.

Attorney – None

Engineer Comments - None

Board Comments

Tracy wanted to clarify that the amount of Securities for WalMart are in the amount of \$169,860.80 and I would like that reflected in the motion.

There being no further business before the board, the meeting was adjourned at 7:58 p.m.

Tracy M. Cosilmon
Town Clerk

