



Kirwan Law Firm, P.C.  
ATTORNEYS AT LAW

TOWN OF CICERO

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January 5, 2016

**ENGAGEMENT LETTER**

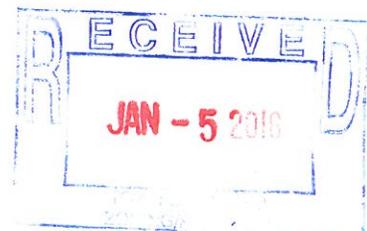
Hon. Mark Venesky  
Supervisor, Town of Cicero  
P.O. Box 1517, 8236 S. Main Street  
Cicero, NY 13039

***Re: Zoning Board of Appeals***

Dear Supervisor Venesky:

Thank you for retaining Kirwan Law Firm, P.C. to represent you in connection with the Town of Cicero Zoning Board of Appeals (ZBA). This letter sets forth the terms of our representation. If you have any questions, please feel free to contact me.

- 1. SERVICES PROVIDED.** Kirwan Law Firm, P.C. will provide legal services to you in connection with the Town of Cicero Zoning Board of Appeals (ZBA). "Legal services" as used in this agreement include attendance at monthly meetings, consultation, advice, negotiations and research where appropriate. You authorize us to take any steps which, in our sole discretion, we deem necessary to properly represent the ZBA.
- 2. FEES AND COSTS.** As I understand it, the annual retainer to be paid is in the amount of \$5,000.00, payable in equal quarterly installments. You will pay us fees for legal services as provided in this agreement.
- 3. LITIGATION SERVICES.** Any matters involving litigation are outside the scope of the basic engagement referenced above and such costs will be paid in addition to the amount set forth herein, at the rate of One Hundred Fifty Dollars (\$150.00) per hour.



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**4. OUR WITHDRAWAL.** If we decide there has been an irretrievable breakdown in the attorney/client relationship or a material breach of this agreement or if a bill remains unpaid beyond 30 days, we may, if no lawsuit has yet been commenced on your behalf, withdraw from representation. If a lawsuit is pending, we may apply to the court to withdraw as your attorneys. If that happens, you will be provided with notice and an opportunity to be heard in court. If you owe any fees or expenses at the time of our withdrawal, we may, in addition to any other remedy, seek a lien on any money or property that is awarded to you in the action brought on your behalf.

**5. FEE DISPUTES.** In the event of a dispute involving a fee, you may have the right to elect to resolve that dispute by arbitration in Onondaga County, under Part 137 of the Rules of the Chief Administrator of the Courts and the arbitration rules promulgated by the Onondaga County Bar Association.

Kindly indicate your understanding and acceptance of the terms set forth in this Retainer Letter and Agreement by signing the enclosed copy and returning it to me in the enclosed, self-addressed envelope. Once again, thank you for retaining Kirwan Law Firm, P.C. to represent you.

Thank you.

Very truly yours,

KIRWAN LAW FIRM, P.C.



Terry J. Kirwan, Jr.  
TJK/pk

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I HAVE READ AND UNDERSTAND THE WITHIN RETAINER LETTER AND AGREEMENT, HAVE RECEIVED A COPY, AND ACCEPT ITS TERMS.

DATED: January 6, 2016

  
\_\_\_\_\_  
Hon. Mark Venesky

**ZONING BOARD OF APPEALS CHAIR AND PAYRATE:**

Councilor Becallo moved the adoption of a resolution to re-appoint Gary Natali as Chair of the Zoning Board of Appeals (01/01/16 to 12/31/16), at a rate of \$214.20 per occasion. Motion was seconded by Councilor Conway.

Ayes – 5 and Noes – 0. *Motion carried.*

**RITA WICKS AS ZONING BOARD OF APPEALS MEMBER:**

Councilor Becallo moved the adoption of a resolution to appoint Rita Wicks as a Zoning Board of Appeals Member for a 5 year term (01/01/16 to 12/31/20). Motion was seconded by Councilor Cushman.

Ayes – 5 and Noes – 0. *Motion carried.*

Supervisor Venesky thanked Don Snyder for his service to Zoning Board of Appeals. He said Don has been a dedicated person who has certainly given up his time and a lot of thought into the town, and we will miss him here.

**APPOINT TERRY LUCKETT AS (AD-HOC) MEMBER FOR ZONING BOARD OF APPEALS:**

Supervisor Venesky moved the adoption of a resolution to appoint Terry Lockett as Ad-hoc member for the Zoning Board of Appeals for a 2 year term (01/01/16 to 12/31/17). Motion was seconded by Councilor Cushman.

Ayes – 5 and Noes – 0. *Motion carried.*

**ZONING BOARD OF APPEALS ATTORNEY AND PAYRATE:**

Councilor Karp moved the adoption of a resolution to appoint Terry Kirwan as Attorney for the Zoning Board of Appeals at an annual rate of \$5,000.00 per year for 2016. Motion was seconded by Councilor Becallo.

Ayes – 5 and Noes – 0. *Motion carried.*

**BOARD OF ASSESSMENT REVIEW CHAIR AND PAYRATE:**

Councilor Karp moved the adoption of a resolution to appoint Jerilee Stevens as Chair of the Assessment Review Board (01/01/16 to 12/31/16), at a rate of \$147.90 per session. Motion was seconded by Councilor Cushman.

Ayes – 5 and Noes – 0. *Motion carried.*

**RE-APPOINT ROBERT DIFLORIO AS MEMBER OF THE BOARD OF ASSESSMENT REVIEW:**

Councilor Cushman moved the adoption of a resolution to re-appoint Robert DiFlorio as a member for the Board of Assessment Review for a 5 year term (01/01/16 to 12/31/20). Motion was seconded by Supervisor Venesky.

Ayes – 5 and Noes – 0. *Motion carried.*

**BOARD OF ETHICS CHAIR:**

Supervisor Venesky moved the adoption of a resolution to reappoint Bill Bradley as Chair of the Board of Ethics, effective for a one year-term (01/01/16 to 12/31/16). Motion was seconded by Councilor Conway.

Ayes – 5 and Noes – 0. *Motion carried.*