

**TOWN BOARD
REGULAR MEETING**

MONDAY

October 6, 2025

Meeting Location: New Woodstock Firehouse – 2632 Mill Street, New Woodstock

Supervisor Reger opened the meeting at 7:30 p.m. with all Councilors present.

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Supervisor Reger announced the November Town Board meeting will be a week earlier than normal, Monday, November 3, 2025 and will be held at its normal location, the Town Hall, 7 Albany Street, Cazenovia.

Further, he announced the Town Board will have a budget work session at the Town Hall on Monday, October 27, 2025 at 5:00 p.m. regarding the 2026 Preliminary Budget.

Motion by Councilor Fallon, seconded by Councilor Golub to accept the minutes from the September 8, 2025 regular meeting. The motion was unanimously approved.

Supervisor Reger asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda.

Public comment #1:

Robert Kukenberger said he previously spoke at a public meeting and voiced his concerns about businesses in general but, in particular, rentals on private roads. He reiterated he is concerned and will continue to be concerned due to the fact that there are plenty of private roads around Cazenovia, especially around the Lake. Many of these private roads are one lane, like the one he lives on which is Marlyn Park Drive. The private road he lives on has about a dozen houses, some on the Lake, some not on the Lake. They do not have an HOA, but he wished they did. He felt one should have been formed years ago and it is hard to do so after the fact, but there have been discussions. He said on his road the property owners own to the center line of the road with an easement for everybody to use the roadway. Children ride their tricycles and bicycles and people walk their dogs. He is concerned with the added traffic. Renters could be perfectly fine people, but most likely won't be accustomed to the use of a private road. In closing, he mentioned this was his primary objection to the proposed Law.

Motion by Councilor Fallon, seconded by Councilor Race to open the public hearing relative to Local Law D – 2025, entitled "A Local Law to Amend the Code of the Town of Cazenovia by Adding a New Chapter Short-term Rentals in the Town of Cazenovia."

Public comment:

[Robert Kukenberger’s comments in Public Comment Period #1 related to the Proposed Law on Short-term Rentals in the Town of Cazenovia.]

Lisa Silverman seeked confirmation that the submitted letters were entered into the record.

Clerk Sunderman confirmed they were part of the file.

Motion by Councilor Golub, seconded by Councilor Johnson to close the public hearing. The motion was unanimously approved.

Resolution No. 142 presented by Councilor Fallon, seconded by Councilor Race

LOCAL LAW NO. D OF 2025

(“A Local Law to Amend the Code of the Town of Cazenovia by Adding a New Chapter Regulating Short-Term Rentals in the Town of Cazenovia”)

WHEREAS, pursuant to the provisions of the New York State Constitution and the New York State Municipal Home Rule Law, titled “A Local Law to Amend the Code of the Town of Cazenovia by Adding a New Chapter Regulating Short-Term Rentals in the Town of Cazenovia,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on May 12, 2025; and

WHEREAS, a public hearing was held on such proposed local law on the 9th day of June, 2025, by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, as a result of the public hearing held on June 9, 2025 and written comments received on proposed Local Law No. D-2025, the Town Board determined to *revise and amend* proposed Local Law No. D-2025, which revisions provide better clarification and direction; and

WHEREAS, proposed Local Law No. D-2025, as revised and amended, was presented and re-introduced at a regular meeting of the Town Board of the Town of Cazenovia held on July 14, 2025; and

WHEREAS, a public hearing on proposed Local Law No. D-2025, as revised and amended, was scheduled for August 11, 2025 by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, previously on May 12, 2025 the enactment of proposed Local Law No. D-2025 was determined to be a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and that the aforementioned law would not result in any adverse environmental impacts, resulting in the issuance of a Negative Declaration; and

WHEREAS, previously on July 14, 2025, the Town Board of the Town of Cazenovia reaffirmed its Negative Declaration made on May 12, 2025 for purposes of SEQRA with respect to the enactment of proposed Local Law No. D-2025, as now revised and amended;

WHEREAS, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the Madison County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

WHEREAS, the Town Board of the Town of Cazenovia has now determined that it is in the public interest to enact said proposed Local Law No. D-2025.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact proposed Local Law No. D-2025 as Local Law No. 5-2025 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 5 OF 2025**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CAZENOVIA
BY ADDING A NEW CHAPTER REGULATING
SHORT-TERM RENTALS IN THE TOWN OF CAZENOVIA**

Be it enacted by the Town Board of the Town of Cazenovia as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE & INTENT.

After significant consideration and study, the Town of Cazenovia Town Board has determined that short-term, transient rentals, in some instances, can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town. The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income to Town residents. To address the balancing of the issues of community harmony and the deleterious impacts of such uses (including noise, traffic, parking and other impacts) the Town formed a committee of various stakeholders, including property owners, zoning, planning and other Town Officials to study the potential for regulating these uses. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing such uses under appropriate circumstances.

**SECTION 3. AMENDMENT OF THE CODE OF THE TOWN OF CAZENOVIA TO
INCLUDE A NEW CHAPTER 132.**

The Code of the Town of Cazenovia is hereby amended to include a new Chapter 132, titled “Short-Term Rentals,” to read in its entirety as follows:

**“CHAPTER 132
SHORT-TERM RENTALS**

§132-1 **Definitions.**

SHORT-TERM RENTAL

Any portion of real property rented for compensation in exchange for on-site lodging for a period of 31 consecutive days or less in a permanent residential structure. For the purpose of this Chapter, the term “short-term rental” shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies to the extent that such uses are permitted elsewhere in this Code.

§132-2 **Presumption of dwelling unit as short-term rental property.**

- A. The presence of the following shall create a presumption that all or a part of the property is being used as a short-term rental:
 - (1) where all or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 31 days or less; and/or
 - (2) where all or a part of the property is offered for lease for a period of 31 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the Town of Cazenovia Code Enforcement Officer (“Code Enforcement Officer”) that the premises is not operated as a short-term rental.

§132-3 **Required short-term rental special use permit.**

- A. Short-term rentals are a specially permitted use as granted by the Zoning Board of Appeals in all areas and districts of the Town, unless expressly limited, subject to the issuance of a Short-Term Rental Special Use Permit as set forth in and in compliance with the terms of this Chapter.
- B. Owners shall not use their property as a short-term rental without first being registered with Madison County for purposes of occupancy tax registration (subject to applicable New York State law) and obtaining a Short-Term Rental Special Use Permit from the Town of Cazenovia.
- C. A Short-Term Rental Special Use Permit shall be valid for two (2) years and must be renewed 45 days prior to expiration of the current Short-Term Rental Special Use Permit if the premises are to continue to operate as a short-term rental.
- D. The Short-Term Rental Special Use Permit is not transferable to a new owner. The new owner of the premises subject to a Short-Term Rental Special Use Permit must file a new Short-Term Rental Special Use Permit application and be granted a Short-Term Rental Special Use Permit.
- E. Notwithstanding the foregoing, those properties with short-term rental commitments existing on the date this Section takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals but must apply for a Short-Term Rental Special Use Permit within 60 days of this law’s

effective date for all future short-term rental commitments. In the event such an application is denied, all commitments shall be cancelled.

§132-4

Short-term rental special use permit application requirements.

- A. Applications for a Short-Term Rental Special Use Permit may be obtained from the Code Enforcement Officer. Short-Term Rental Special Use Permit applications shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board. The application shall include the following:
- (1) A list of each property owner and the name of any manager or management agency managing the property, including names, addresses, telephone numbers (24 hours a day, 7 days a week) and email addresses of each.
 - (2) The signatures of all owners or their designated agents.
 - (3) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this Chapter.
 - (4) An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this Chapter, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed short-term rental.
 - (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this Section. The contact person may be an owner, or an agent within 30 minutes driving time from the short-term rental designated by the owner(s) to serve as a contact person and shall respond to any correspondence or concern (written or verbal) from the Code Enforcement Officer within 24 hours. Serious concerns shall be addressed immediately.
 - (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a licensed professional, but must include the following:
 - (a) The location of buildings and required and proposed parking on a recent survey to scale.
 - (b) Basement: location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.
 - (c) First floor: all rooms including bedrooms, windows, exits and any heating/cooling units.
 - (d) Second floor: all rooms including bedrooms, windows, exits and any heating/cooling units.
 - (e) Attic (if present): all rooms including bedrooms, windows, exits and any heating/cooling units.

- (f) Additional items that are deemed necessary by the Issuing Officer/Board.
- (7) A statement that none of the owners of the subject properly have had a Short-Term Rental Special Use Permit revoked within the previous year for any rental properties owned individually or together with others at any location.
- B. All completed applications are subject to a floor plan review and approval by the Code Enforcement Officer.
- C. Owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards stated below must petition to the Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals in accordance with the Town Code, Town's Zoning Code and Town Law §276-a, subject to the requirements of the NYS Uniform Fire Prevention and Building Code.

§132-5

Short-term rental standards.

- A. Property requirements.
 - (1) Property must comply and meet all current NYS Uniform Fire Prevention and Building Code provisions, as amended.
 - (2) There shall be one (1) working smoke detector in each sleeping room and one (1) additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the current NYS Uniform Fire Prevention and Building Code.
 - (3) Evacuation map and procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
 - (4) There shall be an ABC fire extinguisher installed per code on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the Short-Term Rental Special Use Permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the Short-Term Rental Special Use Permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
 - (5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway in the size required by the NYS Uniform Fire Prevention and Building Code and 911.
 - (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - (7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process and subsequent inspections. Any defects found shall be corrected prior to Short-Term Rental Special Use Permit issuance.

Provide the up-to-date inspection sticker on the panel in the last five (5) years.

- (8) All fireplaces shall comply with all applicable laws and regulations.
 - (9) The property must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan included with the application. Renters shall utilize off road, on-site parking during their stay. A parking plan shall be approved by the Code Enforcement Officer at the time of a permit being issued. There shall be no on-street parking associated with such use. All proposed parking spots shall be cleared with the Code Enforcement Officer. All parking shall be plowed and cleared in the winter.
 - (10) Maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application. The maximum occupancy of any short-term rental unit shall not exceed 12 people, including permanent residents and renters.
 - (11) The waste removal/septic system at the property shall meet all state requirements.
 - (12) In the event that the property has a private septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any short-term rental unit exceed 12 people total. The subject septic system shall be reviewed and approved by the county at the time of application.
 - (13) If a private septic system, same shall have been pumped within the past four (4) years and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be provided to the Code Enforcement Officer. Proof of adequate capacity shall be submitted to the Code Enforcement Officer. Once a Short-Term Rental Special Use Permit is issued, the septic system must be pumped at least once every two (2) years.
 - (14) The water supply to the property shall meet all state requirements.
 - (15) No signage shall be permitted on the premises.
- B. Insurance standards. All applicants and Short-Term Rental Special Use Permit holders must provide “evidence of property insurance” and a “certificate of liability insurance” indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the Short-Term Rental Special Use Permit.
- C. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be always secured with tight-fitting covers to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.

- D. Rental contract. All applicants and Short-Term Rental Special Use Permit holders shall have a rental contract, which includes the following:
- (1) Maximum property occupancy.
 - (2) Maximum on-site parking provided; and acknowledgement on-street parking is prohibited.
 - (3) Good neighbor statement providing:
 - (a) The short-term rental is in a residential area in the Town of Cazenovia and renters must be considerate of the residents in neighboring homes.
 - (b) Guests are required to observe quiet hours from 9:30 p.m. through 7:30 a.m. No events shall be allowed.
 - (c) All renters will be subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct.
 - (d) Littering is illegal and failure to dispose of pet waste properly (if applicable) is prohibited.
 - (e) Recreational campfires must be attended and not disturbing the neighbors from size or smoke. Bonfires are not permitted. All campfires shall have a maximum flame height of three (3) feet from the base of the fire's origin. Appropriate fire extinguishment means and apparatus shall be on-hand during the fire and all fires must be attended. Fires shall be fully extinguished before leaving.

§132-6 **Procedure upon filing application.**

- A. Short-Term Rental Special Use Permit applications shall be filed with the Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Such applications shall then be forwarded to the Zoning Board of Appeals for consideration for a Special Use Permit per §165-114. Only completed applications will be accepted by the Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
- (1) Proof of being registered with Madison County (if required by applicable law) for occupancy tax purposes was not provided. Evidence of a completed application for such purposes intended for submission to Madison County may suffice.
 - (2) The application, documentation required by this Section was not included or the full permit fee was not paid.
 - (3) A previously issued Short-Term Rental Special Use Permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.

- B. Upon receipt of a completed Short-Term Rental Special Use Permit application, property owners adjacent to and within 500' of the property boundary of the short-term rental will be notified of the application by the Town of Cazenovia via post card or e-mail. Such notice shall be sent at least 15 days prior to the public hearing scheduled for the application.
- C. Upon the Code Enforcement Officer's notification of the approval of a Short-Term Rental Special Use Permit application, all documents and information required by this Section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to verify that all short-term rental requirements and conditions have been met. Advertisement and marketing of the rental units shall not occur until the application is fully approved.
- D. Upon approval of the Short-Term Rental Special Use Permit application by the Zoning Board of Appeals and inspection of the subject premises by the Code Enforcement Officer, a Short-Term Rental Special Use Permit will be issued. Short-Term Rental Special Use Permits issued pursuant to this Section shall state the following:
 - (1) The names, addresses and phone numbers of each person or entity that has an ownership interest in the short-term rental property.
 - (2) The name, address and phone number of a primary contact person who shall be available during the entire time the short-term rental property is being rented.
 - (3) The maximum occupancy and vehicle limits for the short-term rental property.
 - (4) Identification of the number of and location of parking spaces available.
 - (5) Any conditions imposed by the Zoning Board of Appeals and/or Code Enforcement Officer.

§132-7 **Conformity and display of short-term rental special use permit.**

Short-Term Rental Special Use Permits are subject to continued compliance with the requirements of these regulations.

- A. If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this Chapter, the Code Enforcement Officer may request permission from an owner of the Short-Term Rental Special Use Permit to enter the premises and to conduct an inspection with the property owner (or their agent) of the short-term rental property for purposes of ensuring compliance with this Section. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the Short-Term Rental Special Use Permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the Short-Term Rental Special Use Permit.

- B. The Short-Term Rental Special Use Permit, maximum occupancy limit, maximum parking, contact form with emergency numbers and emergency contact, and standards shall be prominently displayed inside and at the front entrance of the short-term rental.
- C. The Short-Term Rental Special Use Permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the Short-Term Rental Special Use Permit. If, based on such changes, the Code Enforcement Officer issues an amended Short-Term Rental Special Use Permit; the owners must immediately post the amended Short-Term Rental Special Use Permit inside and near the front entrance of the short-term rental.
- D. The Short-Term Rental Special Use Permit holder must conspicuously display the Short-Term Rental Special Use Permit number in all advertisements for the applicable short-term rental.

§132-8

Compliance.

- A. Violations of this Section or of any Short-Term Rental Special Use Permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Chapter and other applicable provisions of the Code of the Town of Cazenovia, including the penalty provisions of Chapter 135.
- B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Chapter or of any Short-Term Rental Permit issued pursuant to this Chapter, the Code Enforcement Officer shall promptly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Chapter, the owners and/or contact agent shall be notified in writing by First-Class Mail and Certified Mail/Return Receipt of said violations and the Code Enforcement Officer may take any or all the following actions:
 - (1) Attach conditions to the existing Short-Term Rental Special Use Permit.
 - (2) Suspend the Short-Term Rental Special Use Permit. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk.
 - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the Short-Term Rental Special Use Permit by the Code Enforcement Officer.
 - (4) Issue a court appearance ticket for violation of this Chapter.
 - (5) Revoke the Short-Term Rental Special Use Permit. Should a Short-Term Rental Special Use Permit be revoked, all owners of the short-term rental are prohibited from obtaining a Short-Term Rental Special Use Permit on the property for one (1) year after the date of revocation. The Code Enforcement Officer shall send notices of revocation to the property owners, to Madison County and shall file a copy with the Town Clerk.

§132-9 Application for renewal of short-term rental special use permit.

Renewal permits will be granted for an additional two (2) year term if the following conditions are met:

- A. Application for renewal of the Short-Term Rental Special Use Permit shall be made at least 45 days prior to expiration of current Short-Term Rental Special Use Permit and requires payment of renewal fee.
- B. At the time of application for renewal, the owner or designated agent shall present the previous Short-Term Rental Special Use Permit along with any proposed changes highlighted.
- C. The property shall have undergone an inspection performed by the Code Enforcement Officer and the Zoning Board of Appeals has renewed the Short-Term Rental Special Use Permit. A public hearing may be waived by the Zoning Board of Appeals.
- D. Any violations shall be remedied prior to renewal of a Short-Term Rental Special Use Permit.

§132-10 Grounds for suspension or revocation of short-term rental special use permit.

The Code Enforcement Officer may immediately suspend or revoke a Short-Term Rental Special Use Permit based on any of the following grounds:

- A. Applicant has falsified or failed to provide information in the application for a Short-Term Rental Special Use Permit or the application for Short-Term Rental Special Use Permit renewal.
- B. Applicant has failed to meet or comply with any of the requirements of this Chapter.
- C. The owner is in violation of any provision of the Code of the Town of Cazenovia related to the premises.
- D. The owner has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to the occupancy of the short-term rental.
- E. Any conduct on the premises, which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance.
- F. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

§132-11 Appeals and hearings.

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when a property owner's application for a Short-Term Rental Special Use Permit is revoked. A notice of appeal must be filed with the Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the revocation with the Town Clerk. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.

§132-12 **Enforcement, fines and penalties.**

- A. This Chapter may be enforced by the Code Enforcement Officer or any other officer, employee or agent appointed by resolution of the Town Board. For purposes of this Chapter, all such persons are considered a “Code Enforcement Officer”. All such Code Enforcement Officers are authorized to issue violation notices and appearance tickets.
- B. Whenever the Town determines that there is a violation of any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the NYS Uniform Fire Prevention and Building Code, or determines that there has been a failure to comply with any provision or requirement related to the registration, reporting, collection, accounting, disclosure or payment of County bed/occupancy taxes, the Town may serve upon the Owner an order, in writing, directing the Owner to remedy and correct the violation within the time specified in the order.
- C. If, after the expiration of 14 business days, the violation has not been remedied and corrected, the Code Enforcement Officer may serve an appearance ticket upon the Owner requiring the Owner to appear before the Town Justice of the Town of Cazenovia at a time to be specified in such notice.
- D. Whenever the Town finds that an emergency condition exists, which condition requires immediate attention in order to protect the health or safety of the public or of any owner or occupant, the Town may issue an order by service of notice in a manner set forth above and reciting the existence of such emergency condition requiring that remedial action be taken immediately. Any person to whom such an order is directed shall comply therewith immediately.
- E. Failure to comply with an order when notice has been provided in accordance with this Chapter shall constitute a separate and distinct violation of this Chapter.
- F. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.
- G. In addition to and not in lieu of any other remedies, any person who violates any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the NYS Uniform Fire Prevention and Building Code, or who violates or fails to comply with any lawful order promulgated hereunder, shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$200 nor more than \$250; for conviction of a second violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$350 and not more than \$500; for conviction of a third violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$750 and not more than \$1,250; for conviction of a fourth violation and for each subsequent violation committed within 12 months of any prior violation, such person shall be subject to a fine in an amount not less than \$2,000 and not more than \$3,000.
- H. A renewal license shall not be issued and no license shall be issued to any other person for the subject premises until all violations for which the Owner has been convicted are remedied and corrected.

- I. Civil penalties and injunction. In addition to and not in lieu of any other remedies, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this Chapter or any order promulgated hereunder. The civil monetary penalties shall be in accordance with and not exceed the monetary penalties set forth above.
- J. Service of Notice of Violation/Order to Remedy or an Appearance Ticket may be served personally on the Owner or it may be sent by First-Class Mail and by Certified Mail/Return Receipt Requested to the Owner’s tax bill address for the subject property. Service shall be deemed complete upon personal delivery to the Owner or if sent by mail, seven (7) business days after the Order to Remedy or Appearance Ticket is mailed to Owner.”

SECTION 4. AMENDMENT OF ARTICLE IV (“RURAL A (RA) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Article IV (“Rural A (RA) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-9 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-9 Permitted uses by special use permit.
 - O. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

SECTION 5. AMENDMENT OF ARTICLE V (“RURAL B (RB) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Article V (“Rural B (RB) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-13 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-13 Permitted uses by special use permit.
 - Z. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

SECTION 6. AMENDMENT OF ARTICLE VIII (“AGRICULTURE OVERLAY (AO) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Article VIII (“Agriculture Overlay (AO) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-25 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-25 Permitted uses by special use permit.
- (17) Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

SECTION 7. AMENDMENT OF ARTICLE IX (“NEW WOODSTOCK HAMLET OVERLAY (NWHO) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Article IX (“New Woodstock Hamlet Overlay (NWHO) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-29 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-29 Permitted uses by special use permit.
- H. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

SECTION 8. AMENDMENT OF SECTION 165-69 (“BED-AND-BREAKFAST ESTABLISHMENTS/OWNER-OCCUPIED TRANSIENT OCCUPANCY LODGING”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Section 165-69 (“Bed-and-breakfast establishments/owner-occupied transient occupancy lodging”) of the Code of the Town of Cazenovia is hereby amended to eliminate the terms “owner-occupied transient occupancy lodging” so that said Section shall now read in its entirety as follows:

“§165-69 Bed-and-breakfast establishments.

Bed-and-breakfast establishments (hereinafter "bed-and-breakfasts"), shall be allowed as elsewhere provided in this chapter, but in all instances shall only be allowed upon the issuance of a special use permit by the Zoning Board of Appeals and shall be subject to the following additional requirements:

- A. The title owner shall live on the premises of the bed-and-breakfast establishment and shall be physically present on the premises during the nighttime hours (7:30 p.m. to 7:30 a.m.) of said transient occupancy.
- B. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character or appearance of the residential premises.
- C. One attached or detached sign of not more than two square feet in area shall be permitted, subject to the regulations of this chapter.

- D. The maximum number of overnight guests shall not exceed two per bedroom. In no case shall more than a total of six overnight guests be permitted at any bed-and-breakfast establishment.
- E. Breakfast only shall be offered and only to overnight guests, subject to appropriate Health Code and Fire Code regulations.
- F. No events, meetings or other activities for people who are not overnight guests shall be permitted.
- G. Any special use permit granted pursuant to this Section shall be issued on an annual basis with a renewal required for the continued approved use. Applicant(s) shall submit a renewal request at least 60 days prior to the expiration of the current special use permit.
- H. Applicant(s) must demonstrate appropriate available on-premises parking for the proposed bed-and-breakfast use. Parking shall demonstrate one space for each vehicle used by the owner occupant(s) of the premises plus a minimum of one space for each proposed transient occupant. Additional spaces may be required by the Zoning Board of Appeals based upon site characteristics and maximum number of persons permitted to occupy the dwelling unit per the terms of the special use permit issues to the applicant. Parking shall not be permitted on lawns. On-street parking is prohibited.
- I. No recreational vehicles, campers, trailers or motor vehicles larger than a one-ton pick-up truck associated with the bed-and-breakfast use may be parked upon the premises during any bed-and-breakfast occupancy. The number of automobiles and/or light-duty pick-up trucks that may be parked on-site in association with any bed-and-breakfast lodging shall be limited to the number of off-street parking spaces designated on the site plan approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall review all applications in relation to the physical limitations of the subject premises, as well as proximity to adjoining uses in the surrounding neighborhoods in order to determine appropriate parking requirements and occupancy limits.
- J. No bed-and-breakfast lodging facility shall be located above the second floor of any building unless such floor has a fire sprinkler system or has otherwise been constructed in accordance with the requirements of the applicable New York State Code requirements for residential occupancy of such floors.
- K. The operator of the bed-and-breakfast facility shall maintain a register of all guests staying at the facility, their permanent addresses and the date(s) of their stay. This register shall be immediately made available to the Code Enforcement Officer as part of any investigation of any complaints regarding guest's behavior and/or to determine compliance with the requirements of any special use permit issued.
- L. No person may be the owner operator of more than one bed-and-breakfast facility within the Town of Cazenovia at any one time.

- M. The operator of the bed-and-breakfast facility must at all times be current in the payment of all real property taxes and special assessments and shall be responsible for compliance with all other applicable legal and regulatory requirements, including but not necessarily limited to compliance with New York State Building, Property Maintenance and Safety Codes and registration and collection of state and local sales taxes and county occupancy taxes. When available, applicant(s) shall register to have applicable taxes and fees collected or remitted by any associated internet host platform.
- N. The operator of the bed-and-breakfast facility shall provide to the Town proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than \$1,000,000 in respect to personal injury or death, and in an amount of not less than \$100,000 in response to property damage.
- O. All proposed bed-and-breakfast facilities shall be physically inspected for appropriate physical condition and Code compliance prior to the issuance of a final certificate for the proposed use by the Code Enforcement Office. Such certificate shall be issued on an annual basis.

A special use permit issued pursuant to these regulations may be revoked by the Zoning Board of Appeals upon instances where it has been demonstrated that the operator of said bed-and-breakfast facility has failed to comply with these regulations and/or any conditions set by the Town of Cazenovia Zoning Board of Appeals in its approval of the proposed bed-and-breakfast facility.”

SECTION 9. AMENDMENT OF SECTION 165-61 (“DEFINITIONS”) OF THE CODE OF THE TOWN OF CAZENOVIA.

Section 165-61 (“Definitions”) of the Code of the Town of Cazenovia is hereby amended to eliminate the defined term of “Owner-Occupied Transient Occupancy Lodging” in its entirety and to amend the defined term “Bed-and-Breakfast” to now read in its entirety as follows:

“BED-AND-BREAKFAST

A specially permitted use occurring in an existing one-family dwelling operated by the permanent resident(s) of the dwelling who are also on-site, present and sleeping overnight within the residence while providing short-term overnight lodging to transient guests, with no meal other than breakfast meals offered to such guests. Such presence by the homeowner shall be continuous during the nighttime hours (7:30 p.m. to 7:30 a.m.) to ensure appropriate oversight of the bed-and-breakfast establishment and guests. A bed-and-breakfast must be the primary residence of the owner(s)/proprietor(s) and comply with the requirements of §165-69. It is the intent of the use of a bed-and-breakfast to maintain the residential character of the primary use of the premises as a dwelling by the titled owner and to limit deleterious impacts such as noise, traffic, excessive parking and other impacts.”

SECTION 10. AMORTIZATION OF EXISTING USE SHORT-TERM RENTALS.

The Town Board of the Town of Cazenovia has determined that it is reasonable to allow established legal short-term rentals to be provided with sufficient time to comply with this Chapter. Therefore, a period of 120 days from adoption of this Chapter is hereby established for any existing short-term rental to obtain the Short-Term Rental Special Use Permit to continue as a short-term rental property. No portion of this Section shall be deemed to provide for a right to establish or re-establish a short-term rental on site nor to continue short-term rentals which have not either been previously approved or were lawfully existing. Further, the Town Board has determined that utilization of any property in the Town of Cazenovia prior to the adoption of this Law does not establish a pre-existing legal non-conforming use or business under the Town’s Zoning Law or the Code of the Town of Cazenovia.

SECTION 11. CONFLICT WITH STATE LAWS (SUPERSESION).

To the extent that any provisions of this Chapter are inconsistent with any New York State law or provision, including but not limited to the New York State Town Law, Executive Law or similar provisions relating to short-term rentals, the Town Board of the Town of Cazenovia hereby declares its intent to supersede those sections of the Town Law pursuant to its home rule powers under New York Municipal Home Rule Law Article 2, §10 et seq.

SECTION 12. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 13 EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State.”

Roll call:	
Councilor Race	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 142 adopted.

Resolution No. 143 presented by Councilor Johnson, seconded by Councilor Fallon

ADOPTING AMENDMENTS TO THE TOWN OF CAZENOVIA FEE SCHEDULE

WHEREAS, the Town of Cazenovia has, from time-to-time, adopted various Schedules of Fees relative to the reimbursement of the costs associated with land use approvals, permits, inspections, dog licensing and other similar type fees; and

WHEREAS, previously the Town of Cazenovia Town Board has recognized that the existing Schedule of Fees should be amended to reflect the costs associated with administering the programs relating to said fees, including interpretation of the Town’s Code and determinations made by the Town’s Planning, Building and Codes Enforcement Office; and

WHEREAS, the Town Board has received a proposed amendment to the Fee Schedule, which amendment is attached hereto as Schedule “A”, with regard to the issuance of Short-Term Rental Permits issued by the Town’s Zoning/Code Enforcement Officer pursuant to Chapter 132 of the Code of the Town of Cazenovia; and

WHEREAS, the Zoning Department recommended the fees associated with the bed and breakfast should also be amended to align with the Short-Term Rental Permit fees; and

WHEREAS, the Zoning Department further recommended the fee schedule for building permits should be updated to include fees for an electrical service upgrade and stand-by generator; and

WHEREAS, the Town desires to adopt an amendment to the Fee Schedule relative to the issuance of such Permits; and

WHEREAS, the adoption of an amendment to the Fee Schedule for such purposes has been determined to be a Type II Action for purposes of the State Environmental Quality Review Act (“SEQRA”) and will have no significant adverse effect on the environment pursuant to 6 N.Y.C.R.R. Part 617 *et seq.*; and

WHEREAS, the Town Board has determined that the attached amendment to the Fee Schedule is fair and appropriate for the referenced permits, applications and services and bears a rational relationship to the expenses incurred to process and issue such permits.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby adopts the following Fee Schedule amendment set forth in Schedule “A”, until otherwise amended or modified.

“Schedule A”

FEE SCHEDULE

DEVELOPER & PROJECT DEPOSIT FEES

Relative to Local Law No. 3 – 2006 (adopted 9/11/06)

DEPOSIT FEES

Site Plan Review Deposit Fee.....all zones, all kinds, each lot	\$	350.00
Area Variance Deposit Fee	\$	350.00
Use Variance Deposit Fee.....all zones, all kinds, each	\$	650.00
Appeal of Zoning/Code Enforcement Officer Determination	\$	350.00
Interpretation of Code Provisions	\$	350.00

MINOR Special Use Permit Deposit Feeall zones, all kinds, each\$ 350.00
MAJOR Special Use Permit Deposit Fee.....all zones, all kinds, each\$ 3,500.00

Subdivision Deposit Fee:

Minor Subdivisions (*1 – 4 lots*)\$ 350.00 each application
 Major Subdivisions (*5 – 10 lots*)\$ 350.00 each application
 11 – more lots\$ 2,500.00 each application
 Line Eliminations & Any Line Adjustments.....\$ 350.00 each application

CELL TOWER - (initial siting)

Cell Tower NON-REFUNDABLE Deposit Fee (each).....\$ 3,500.00
 plus Cell Tower REFUNDABLE Deposit Fee (each)\$ 3,500.00

CELL TOWER - CO-LOCATION (on existing tower)

Cell Tower NON-REFUNDABLE Co-location Fee (each)\$ 750.00
 plus Cell Tower REFUNDABLE Co-location Fee (each).....\$ 750.00

Windmills Develop & Project Deposit Fee (includes co-locations).....\$ 300.00



APPLICATION FEES

Site Plan Review Application Feeall zones, all kinds, each\$ 150.00
 Special Use Permit Application Feeall zones, all kinds, each\$ 150.00
 Variance Application Feeall zones, all kinds, each\$ 150.00
 Windmills Application Fee(includes co-locations).....\$ 150.00
 Small Cell Wireless Fees See Chapter 134, §3-B
 Commercial Solar Farm.....\$ 4,000.00

Line Change Application Fee:

Rural Aper line\$ 150.00
 Rural Bper line\$ 100.00
 Lake, Commercial & Industrial.....per line\$ 150.00

Subdivision Application Fee:

Rural Aper lot\$ 350.00
 Rural Bper lot\$ 350.00
 Lake, Commercial & Industrial.....per lot\$ 350.00

Building Permit \$ 30.00 plus \$ 7.50 per 100 sq. ft. plus \$ 45.00 per inspection,
 plus any or all of the following:

Building Permit Renewalrepeat original fee
 Certificate of Occupancy\$ 50.00
 Temporary Certificate of Occupancy (each)\$ 100.00
 Fence Permit.....\$ 50.00
 Septic System Inspection.....\$ 75.00
 Septic System Permit.....\$ 75.00
 Septic Tank Replacement.....\$ 75.00
 Solar Panel Installation Permit\$ 75.00
 Electrical Service Upgrade.....\$ 75.00
 Stand-by Generator.....\$ 75.00

Swimming Pool Permit (above-ground).....	\$ 60.00
Swimming Pool Permit (in-ground)	\$ 120.00
Wood Burning Device Permit	\$ 75.00
Wood Burning Device Inspection	\$ 75.00
Water Meter - <i>same as purchase price for Town</i>	\$ 119.00

MISCELLANEOUS PERMITS

Operating Permit.....	\$ 50.00
Home Occupation Permit.....	\$ 50.00
Bed & Breakfast Special Use Permit	\$ 350.00
Special Use Permit Annual Inspection Bed & Breakfast Special Use Permit Renewal	\$ 350.00
Short-Term Rental Special Use Permit.....	\$ 350.00
Short-term Rental Special Use Permit Renewal	\$ 350.00
Demolition Permit	\$ 50.00
Land Disturbance Permit (per permit)	\$ 50.00

MISCELLANEOUS ZONING FEES

Well Flow Inspection	\$ 60.00
Zoning & Codes Violation.....	\$ 750.00

SEPTIC

Septic System Dye Test	\$ 60.00
Septic Tank Inspection.....	\$ 50.00
Alternative Septic System Fee - Madison County Approved.....	\$ 60.00
Deep Hole Test	\$ 50.00

STORM WATER MANAGEMENT

Permit Inspection Fee	\$ 35.00
Application Fee.....	\$ 100.00
Stormwater, Erosion, & Sediment Control CD	\$ 5.00
Culvert Pipe and Associated Equipment.....	\$ At Cost

MOTOR VEHICLE

Permit for On-Site Sale of Motor Vehicle	\$ 15.00
Permit for On-Site Restoration of Motor Vehicle...each	\$ 15.00

DOG FEES

Unneutered & Unspayed dog	\$ 25.00
<small>(includes \$3.00 Population Control fee to NYS.) (Unneutered & unspayed Guide Dogs & Police Work Dogs are exempt from the \$ 22.00 license fee portion only)</small>	
Neutered & Spayed dog	\$ 18.00
<small>(which includes \$1.00 Population Control fee to NYS.) Neutered & Spayed Guide Dogs & Police Work Dogs are exempt from the \$ 17.00 license fee portion only)</small>	
Replacement Identification Tag	\$ 5.00
<small>(replacement of lost or stolen tag)</small>	

Dog Impoundment Fee (redemption fee).....	1st impoundment	\$ 40.00
	2nd impoundment (<i>within 1 year period</i>).....	\$ 50.00
	+ \$3/day boarding fee after 24 hours	
	3rd impoundment (<i>within 1 year period</i>)	\$ 100.00
	+ \$3/day boarding fee after 24 hours	
	subsequent impoundments (<i>within 1 year</i>)	\$ 100.00
	+ \$3/day boarding fee after 24 hours	

SOUTH CEMETERY

Per lot, for single grave	\$ 250.00
Per lot, for two or more graves	\$ 200.00
Casket interment (each)	\$ 225.00
Ash interment (each).....	\$ 75.00
Friday/Saturday funeral (additional fee).....	\$ 150.00

MISCELLANEOUS FEES

Copy Machine Copies (<i>all sizes, black & white/color</i>) (each)	\$ 0.25	
Return Check Charge	\$ 20.00	
Fireworks Permit Application Fee	\$ 100.00	
Circus Application Fee	\$ 25.00	
Gypsy Bay Park Key Deposit	\$ 25.00	
Junk Yard License.....	\$ 50.00	
Mass Public Assemblies	application fee	\$ 100.00
	security deposit per 15 acres of assemblage area	\$ 500.00
Peddling & Solicitation (LL 2-2011)	\$ 100.00	

WATER RENT, FEE AND CHARGE SCHEDULE

Cazenovia Consolidated Water District (New Woodstock/Wellington Users)

New Woodstock (*March & September Billing*)

Non-profits (<i>March only</i>).....	\$ 25.00
Hydrant (<i>March only</i>)	\$ 97.50
Single-Family Residential (<i>Bi-annually</i>)	\$ 50.00
Two-Family Residential (<i>Bi-annually</i>)	\$ 100.00
Three-Family Residential (<i>Bi-annually</i>)	\$ 150.00
Four-Family Residential (<i>Bi-annually</i>).....	\$ 200.00
Commercial (<i>1-Comm., Bi-annually</i>)	\$ 125.00
Commercial (<i>2-Comm., Bi-annually</i>)	\$ 250.00
Mixed Use (<i>Bi-annually, 2102 Main Street</i>).....	\$ 225.00
Mixed Use (<i>March, 2607 School Street</i>)	\$ 150.00
Mixed Use (<i>September, 2607 School Street</i>)	\$ 125.00

Wellington (*March & September Billing*)

Current Rate003¢/gallon
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Mt. Pleasant (*March & September Billing*)

Single-Family Residential (<i>Bi-annually</i>)	\$ 150.00
Water Meter Opt-Out Charge (all districts)	\$ 450.00

SEWER DISTRICT

Special Improvement District	filing fee	\$ 150.00
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SEWER CONNECTION INSPECTIONS ARE TO BE PERFORMED BY THE TOWN’S ENGINEER AND PAID BY THE APPLICANT – AT NO COST TO THE TOWN

SEWER RENT, FEE AND CHARGE SCHEDULE

Sewer Rents (based upon metered water consumption) **Bi-Annual Billing** (*effective April 1, 2020*)

- For meters reading in gallons: A base rate of \$175.00, with an additional charge of \$5.00 per 748 gallons when usage exceeds 23,562 gallons
- For meters reading in cubic feet: A base rate of \$175.00 with an additional charge of \$5.00 per 100 cubic feet when usage exceeds 3,150 cubic feet
- Exceptions: For parcels serviced by individual water supply wells (non-metered parcels), a bi-annual base rate charge of \$175.00 shall apply
- For Hotel Operations, the following charges will apply:
 - Based on per room usage of 50 gallons/day
 - Assumed Room Occupancy of 50%
 - Utilize standard rate of \$5.00
 - Annual gallons less base gallons multiplied by \$5.00 rate to establish charges

Operation and Maintenance Charge for Town/Outside of Village Users - \$25.00

Final Bills: (for the period of time outside the regular biannual billing cycle);
 Calculated on a pro-rated basis (\$175.00 base charge/182.5 days) = \$0.96 daily rate
 Additional Charge of \$5.00 per 748 gallons when usage exceeds 23,562

Penalties and Late Charges: All charges shall be paid within 30 days of invoicing. A 10% penalty shall be due for late payments.

**Note: 100 Cubic Feet of water is equal to 748 gallons 6300 ft³ = 47,124 gallons*

Appeals/Grievances: Any property owner who wishes to appeal or grieve a charge associated with sewer rents and fees may contact the Town Office to schedule consideration of an appeal by the Town Board.

Sub-Meter Rental Deposit Fee.....	\$ 300.00
Sewer Lateral Permit Fee.....	\$ 200.00
Inspection Fees.....	\$ 100.00
As-Built Drawing Deposit Fee.....	\$ 250.00
Connection/Hook-Up Fee	\$ 150.00
Wastehauler License Fee	\$ 300.00
Wastehauler Dumping Fee (per 3,000 gallons)	\$ 350.00
Wastewater/Industrial Discharge Permit Fee.....	\$ 2,500.00

Abnormal Sewage Surcharge (per pound of BOD)\$ 0.30

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 143 adopted.

Supervisor Reger introduced the next resolution and explained the Town Board adopts this Local Law every year as part of the budget process. He submitted the preliminary budget, but said there are still a few unknowns. As they work through the process, if they have to exceed by even one penny, this is the protocol they have to follow in order to exceed the limit. However, as of right now, the tax cap is set at \$1,939,733, and the tentative budget is actually \$1,821,228.70. Therefore, they are currently under, but there's still several pieces of information that they'll be getting from the County and a few things with insurance that they'll be adjusting as they proceed.

Motion by Councilor Fallon, seconded by Councilor Johnson to open the public hearing relative to Local Law E – 2025, entitled "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia."

Public comment: *There were no comments.*

Motion by Councilor Johnson, seconded by Councilor Golub to close the public hearing. The motion was unanimously approved.

Resolution No. 144 presented by Councilor Race, seconded by Councilor Fallon

TOWN OF CAZENOVIA LOCAL LAW E OF 2025

(“A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia”)

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2025, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the

Town of Cazenovia,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on September 8, 2025; and

WHEREAS, a public hearing was held on such proposed local law on this 6th day of October 2025, by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in

its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. E-2025 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E-2025.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact proposed Local Law No. E-2025 as Local Law No. 6-2025 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 6 of 2025**

**(“A Local Law Overriding the Tax Levy Limit Established in
General Municipal Law § 3-C in the Town of Cazenovia”)**

Be it enacted by the Town Board of the Town of Cazenovia as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2026, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Cazenovia, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.”

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 144 adopted.

NOTE FOR THE RECORD - The timely receipt (9/30/2025) of the 2026 Tentative Budget and timely distribution of same to the Town Board (electronically 9/30/2025 and paper copies 10/1/2025 at the Work Session.)

Resolution No. 145 presented by Councilor Race, seconded by Councilor Fallon

**2026 TOWN OF CAZENOVIA TENTATIVE BUDGET
ADOPTED AS 2026 TOWN OF CAZENOVIA PRELIMINARY BUDGET**

WHEREAS, the Town Supervisor of the Town of Cazenovia duly filed with the Town Clerk the Tentative Budget of said Town for the fiscal year beginning January 1, 2026; and

WHEREAS, the Town Clerk of the Town of Cazenovia, duly presented said Tentative Budget to the Town Board as prescribed by law, at a regular meeting on October 6, 2025 (work session on October 1, 2025), at which time such Tentative Budget was considered, discussed and reviewed.

NOW, THEREFORE, BE IT RESOLVED, that said Tentative Budget is hereby set forth, and be it

FURTHER RESOLVED, the said Tentative Budget is hereby approved as is and shall become the Preliminary Budget of the Town of Cazenovia, for the fiscal year beginning January 1, 2026; and be it

FURTHER RESOLVED, that said Preliminary Budget shall be kept in the Office of the Town Clerk of the Town of Cazenovia, and said Town Clerk is hereby authorized to reproduce copies of same for public distribution upon request; and be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of the proposed 2026 Town Budget at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on Monday, November 3, 2025 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 145 adopted.

Resolution No. 146 presented by Councilor Golub, seconded by Councilor Fallon

AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN UPDATED INTERMUNICIPAL AGREEMENT AND LICENSE FOR THE TOWN OF DeRUYTER TO TEMPORARILY USE THE TOWN OF CAZENOVIA’S WEED HARVESTER AND ASSOCIATED EQUIPMENT

To authorize the Town of Cazenovia Supervisor to enter into an updated Intermunicipal Agreement and License with the Town of DeRuyter, which Intermunicipal Agreement and License would allow the Town of DeRuyter to temporarily use the Town of Cazenovia’s weed harvester and associated equipment with Town of Cazenovia employee operators to periodically address aquatic weed growth on DeRuyter Lake.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 146 adopted.

NOTES FOR THE RECORD

- ✓ The receipt (10/1/2025) of the Highway Department’s Annual Equipment Inventory List.

Resolution No. 147 presented by Councilor Johnson, seconded by Councilor Golub

AUTHORIZE SEASONAL CLOSING OF CERTAIN ROADS IN THE TOWN OF CAZENOVIA

To authorize the Town Clerk to give notice for the seasonal closing of the following roads for the 2025/2026 winter season:

- Corkinsville Road from the Lordon residence to the Town of Cazenovia Line
- Stanley Road from the Yates residence (2063 Stanley) to the Rathbun Road intersection

Roll call:
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Johnson **Yes**
Councilor Fallon **Yes**
Supervisor Reger **Yes**

Supervisor Reger declared Resolution No. 147 adopted.

Resolution No. 148 presented by Councilor Johnson, seconded by Councilor Race

APPROVE THE USE OF TOWN ROADS FOR THE 2025 PUMPKIN RUN

To approve the use of Ridge Road, Ten Eyck Avenue, Lincklaen Road and Syosset Drive for the 2025 PUMPKIN RUN, a fundraising event for the Cazenovia Central Schools Graduating Class of 2026 scheduled for Sunday, October 26, 2025 commencing at 1:00 p.m. It is understood the Cazenovia Village Police Department and Madison County Sheriff’s Department will be informed for traffic control and CAVAC will be on alert.

An endorsed certificate of liability insurance in the amount of one million dollars naming the Town of Cazenovia as an additional insured will be filed with the Town Clerk. The insurance certificate must be maintained throughout the date of the event. The area of the Town-owned “Green” located between Emory Avenue and Green Street will be utilized for the start and conclusion of the race and must be noted for coverage on the insurance certificate.

It should be understood no roads can be closed to local traffic and no paint products shall be applied to the roads.

Roll call:
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Johnson **Yes**
Councilor Fallon **Yes**
Supervisor Reger **Yes**

Supervisor Reger declared Resolution No. 148 adopted.

Resolution No. 149 presented by Councilor Race, seconded by Councilor Fallon

HIGHWAY DEPARTMENT NEW EMPLOYEES

To approve the following Highway Department employee’s appointments and hourly rates:

- Douglas Boyden Heavy Equipment Operator
- Chase Marston Heavy Equipment Operator

\$ 27.14/hour (Probationary Rate)/\$ 30.15/hour (Full Rate)

Roll call:
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Johnson **Yes**
Councilor Fallon **Yes**
Supervisor Reger **Yes**

Supervisor Reger declared Resolution No. 149 adopted.

Resolution No. 150 presented by Councilor Race, seconded by Councilor Johnson

TOWN CLERK AND ZONING DEPARTMENT RECORDS AUDIT

WHEREAS, the Town of Cazenovia Town Board performed an audit of the Town Clerk and Zoning Department records at a work session on October 1, 2025; and

NOW THEREFORE BE IT RESOLVED, that the 2024 financial records of the Town Clerk and Zoning Department appear to be complete and in good order.

Roll call:
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Johnson **Yes**
Councilor Fallon **Yes**
Supervisor Reger **Yes**

Supervisor Reger declared Resolution No. 150 adopted.

Resolution No. 151 presented by Councilor Race, seconded by Councilor Fallon

TOWN CLERK (TAX COLLECTOR) RECORDS AUDIT

WHEREAS, the Town of Cazenovia Town Board performed an audit of the Town Clerk (Tax Collector) in relation to her tax collection records at a work session on October 1, 2025; and

NOW THEREFORE BE IT RESOLVED, that the 2025 financial records for tax collection of the Town Clerk (Tax Collector) appear to be complete and in good order.

Roll call:
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Johnson **Yes**
Councilor Fallon **Yes**
Supervisor Reger **Yes**

Supervisor Reger declared Resolution No. 151 adopted.

Attorney's Report: *John Langey, Esq. said his office has been working with the Town of Nelson for some potential upgrades to the Route 20 water tower. This modification will require some procedures. The Town Engineer, John Dunkle is putting together a report for the upgrades. He anticipates to have this ready for the next meeting. He mentioned the Planning and Zoning boards continue to process applications, but it hasn't been quite as heavy as earlier in the year. Lastly, he said he has been working on a few real estate matters with the Town and continues to process local laws.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility, Water Districts): *Reported the extremely nice fall has certainly helped the highway department wrap up their work for the 2025 season. The next few days they will be putting shoulders on all the roads that were paved and improved. From there, the crew will transition to winter-mode, getting salt and sand ready and doing some miscellaneous tree work. Lastly, he mentioned the Department is now back to full contingent with the two new hires.*

Councilor Golub (Cazenovia Lake Association, Cazenovia Lake Watershed Council, Renewable Energy, United Climate Action Network (UCAN), Future of the Town Office, Anti-racism Coalition): *Reported on the impending removal of the dam on Mill Street in the Village of Cazenovia and said a grant was awarded for roughly \$1.3 million for the full removal of it. He read a statement from the CLA President, "This is great news and will enable us to eliminate a very large periodic point source of pollution entering the Lake. Additionally, it will restore the Creek and enable a more healthy overall ecosystem for fish and wildlife habitat."*

Councilor Johnson clarified, the grant was awarded to the Village of Cazenovia and the Cazenovia Lake Association was phenomenal in the process.

Councilor Johnson (CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Future of the Town Office, Anti-racism Coalition, Community Outreach): *Reported that CACDA, as part of the Downtown Revitalization and New York Forward grants, ran a survey on the front page of last week's Cazenovia Republican. She encouraged people to fill-out the survey which will be available for the next few weeks. The responses will help CACDA gain community input. In regards to the recreation study that wrapped up last week, the Town Board heard from Sarah Wall Bollinger who gave her recommendations for building a robust intergenerational recreation program. She said the report is available for viewing. The Town Board will be discussing some of the recommendations from the report moving forward. She lastly mentioned the Town is working with the Village to transfer the accounting part of the summer youth recreation program to the town in the coming year. She has been working with John Langey for modifications to that Intermunicipal Agreement.*

Councilor Fallon (Planning & Zoning, CACC, Shared Services, Renewable Energy, New York State Police): *Reported she has been attending the planning and zoning meetings and the Boards do a very good, thorough job and had nothing unusual to report.*

Supervisor's Report: *Echoed Councilor Johnson's comments regarding the recreation program. Sarah Wall Bollinger did a fantastic job and he felt opened the doors for the Boards to look at intergenerational activities to present to the community. He felt it was worth the funding that was received. He thanked Councilor Johnson for the work that she put into this project. He thanked Clerk Sunderman for her time in putting the resolutions and agendas together. Additionally, he gave accolades to Deputy Clerk Wightman for her efforts throughout the year.*

He commented on the annual tax collection and the amount of information and work that is involved and getting it balanced to the penny. He thanked the entire team for the remarkable job they do. In addition, he said he has spent time over the past month working on the budget. He complimented Liz Merrill, who heads the finance department, and said the Town is lucky to have her because sometimes municipal accounting can be a bit convoluted. He commented Liz is phenomenal in navigating this process. The budget will get approved at the next town board meeting.

Office Hours: Sunday, October 19, 2025 12:00-3:00 at the Gothic Cottage

Supervisor Reger asked if any member of the public cared to use the second comment period to speak to the board regarding any area of Town Board oversight. He reminded the audience to be mindful that this meeting is being recorded and asked commenters to say their name and address. Additionally, he said it is not a back and forth, but a time for the Board to hear what everyone has to say. He said his business cards are on the back window sill and on the table, which he gestured to, and he welcomed constituents to call him anytime. His cell phone is his preferred method of communication.

Public comment #2:

Jeanne Smith of 26 Forman Street inquired about an item on tomorrow’s agenda at Madison County. She wondered if the Board of Supervisor’s would be voting on some type of special patrol for the Sheriff’s Department and wondered if Supervisor Reger had information on that topic.

Supervisor Reger told Mrs. Smith they can talk after the meeting because this is public comment only.

Ralph Stowell said he lives on School Street about a half mile down the road. He expressed his disappointment with the road work on School Street. He acknowledged it looked nice in places. He said he has spent a lot of money on material for his circular driveway which has two entrances to the roadway. He was unsatisfied with the rocks along his lawn that are at least 4 inches in size. He did not think anybody would want to mow with conditions like that. He has driveway mix in his driveway and now has an incline to the new road which he did not have before. He was unsatisfied with the size of the stone used along the shoulders. He brought some stones with him and held up for the Town Board to see. He said Item# 4 should have been used and he is unsure why the town would accept anything but that size. He explained Item#4 is a two and minus, it has to be able to go through a two-inch screen. In his career, he has put down tons and tons of it. He reiterated his dissatisfaction and wondered what could be done about this situation.

Councilor Race confirmed with Mr. Stowell his meeting in the morning with the Highway Superintendent. He assured Mr. Stowell and said “we will work it out.” He said it will hopefully be to his satisfaction when the project is complete. He further clarified Bryan will address his concerns and make it acceptable.

The Town Clerk presented the monthly bills list.

The Town Board's method-of-choice for review of the monthly bills:

The Town Board's first review takes place when detailed lists of the monthly bills are emailed to them on the weekend preceding the meeting. As a second review, the Town Clerk reads aloud the monthly bills list as the Town Board followed along with hard copies. The invoices are present at the meeting and the Town Board visually inspects them and discusses them at their discretion.

Motion by Councilor Fallon, seconded by Councilor Golub to approve payment of the bills in the amount of \$ 283,843.58. Councilor Race recused himself from payment of the Suit-Kote invoice. Otherwise, the motion was unanimously approved.

Motion by Councilor Fallon, seconded by Councilor Johnson to adjourn this meeting. The motion was unanimously approved.

At 8:06 p.m., Supervisor Reger declared this meeting adjourned.

Signed: *Connie J. Sunderman*
Connie J. Sunderman, Town Clerk