

**TOWN BOARD
REGULAR MEETING**

MONDAY

October 3, 2022

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

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

Pledge of Allegiance.

Correspondence:

Supervisor Zupan announced the November Town Board meeting will be on Monday, November 7, 2022 back to its normal location, the Town Hall, 7 Albany Street, Cazenovia.

Motion by Councilor Race, seconded by Councilor Golub to accept the minutes from the September 12, 2022 regular meeting

Roll call:

Councilor Race	Abstain
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

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

Public comment #1: *There were no comments.*

Supervisor Zupan explained the Town needs to do the following action in order to apply for a grant to replace all the water mains in Mt. Pleasant Water District.

Motion by Councilor Race, seconded by Councilor Reger to open the public hearing relative to the map, plan, and report including an estimate of cost in relation to the proposed increase and improvement of the facilities pursuant to Town Law § 202-b for the Mt. Pleasant Water District.

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. 123 presented by Councilor Race, seconded by Councilor Reger

PUBLIC INTEREST ORDER OF THE TOWN BOARD OF THE TOWN OF CAZENOVIA IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE MOUNT PLEASANT WATER DISTRICT PURSUANT TO TOWN LAW § 202-b IN THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK

WHEREAS, the Town Board of the Town of Cazenovia, Madison County, New York, has had under consideration the increase and improvement of the facilities of the Mount Pleasant Water District, in said Town (the “District”), consisting of the construction of: (1) 4,600 lf of 6-inch and 8-inch water main and valves with ductile iron piping and appurtenances with the Town Highway rights-of-way; (2) replacement of the 24 existing water service connections with new ¾ inch copper; and (3) new blow-offs at water main ends to allow for proper flushing, all as further described in a map, plan and report prepared by Dunn & Sgromo Engineers, PLLC, competent engineers duly licensed in the State of New York, including an estimate of the cost which are on file in the office of the Town Clerk where they may be inspected during regular office hours or by request to the Town Clerk; and

WHEREAS, the maximum estimated cost to said District of such increase and improvement of facilities is determined to be Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) and with an estimated cost to the typical property of One Thousand Six Hundred Five and 00/100 Dollars (\$1,605.00); and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law on an ad valorem basis, in an amount sufficient to pay the principal and interest on said bonds as the same become due; and

WHEREAS, the Town Board of the Town of Cazenovia previously determined the project to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), and it was determined by the Lead Agency to not result in any significant adverse environmental effects, and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, at a meeting of said Town Board duly called and held on September 7, 2022, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Mount Pleasant Water District at an aggregate maximum estimated cost of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) and with an estimated cost to the typical property of One Thousand Six Hundred Five and 00/100 Dollars (\$1,605.00), and to hear all persons interested in the subject thereof concerning the same at the New Woodstock Volunteer Fire Department, 2632 Mill Street, New Woodstock, New York 13122, in said Town, on the 3rd day of October, 2022, at 7:30 P.M.; and

WHEREAS, said notice of said public hearing was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice at which all persons desiring to be heard were duly heard.

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Cazenovia, Madison County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that pursuant to Town Law §202-b it is in the public interest to make the increase and improvement of the facilities of the Mount Pleasant Water District in the Town Cazenovia, consisting of the construction of: (1) 4,600 lf of 6-inch and 8-inch water main and valves with ductile iron piping and appurtenances with the Town Highway rights-of-way; (2) replacement of the 24 existing water service connections with new ¾ inch copper; and (3) new blow-offs at water main ends to allow for proper flushing together with the appurtenances, equipment and incidental improvements association therewith.

Section 2. This Order shall take effect immediately.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 123 adopted.

Supervisor Zupan said the Town has to bond for the total amount of the work. The Town Board is hopeful it will be covered in grants. There will be no increase in water rates in Mt. Pleasant because of this work.

Resolution No. 124 presented by Councilor Race, seconded by Councilor Reger

BOND RESOLUTION DATED OCTOBER 3, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF MOUNT PLEASANT WATER DISTRICT, IN THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Mount Pleasant Water District, in the Town of Cazenovia, Madison County, New York, at a maximum estimated cost of \$750,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which the Town Board has determined will not have any significant adverse impact on the environment; and

RESOLVED, by the Town Board of the Town of Cazenovia, Madison County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Mount Pleasant Water District, in the Town of Cazenovia, Madison County, New York, consisting of the construction of: (1) 4,600 lf of 6-inch and 8-inch water main and

valves with ductile iron pipping and appurtenances with the Town Highway rights-of-way; (2) replacement of the 24 existing water service connections with new ¾ inch copper; and (3) new blow-offs at water main ends to allow for proper flushing, together with original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses therewith, there are hereby authorized to be issued \$750,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$750,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$750,000 bonds of said Town authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such specific object or purpose or the Town Board shall appropriate other monies of the Town therefor, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar-for-dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Cazenovia, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Mount Pleasant Water District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such

recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor’s sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 124 adopted.

NOTE FOR THE RECORD - The timely receipt (9/29/2022) of the 2023 Tentative Budget and the timely distribution of same to the Town Board (electronically 9/30/2022 and paper copies 10/3/2022 at the Regular Meeting.)

Supervisor Zupan said, currently, for the Town outside the Village a 3% increase is being proposed which equates to .04¢/\$ 1,000.00 tax rate increase. The majority of that was because of inflation. The work session will be October 12, 2022 for the budget.

**Resolution No. 125 presented by Councilor Reger, seconded by Councilor Race
2023 TENTATIVE/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, 2023; 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 3, 2022, 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, 2023; 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 2023 Town Budget at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on Monday, November 7, 2022 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 Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 125 adopted.

Resolution No. 126 presented by Councilor Race, seconded by Councilor Johnson

TOWN OF CAZENOVIA LOCAL LAW E OF 2022

(“A Local Law Updating the Code Enforcement Program In the Town of Cazenovia”)

To introduce proposed Local Law No. E-2022 updating the Code Enforcement Program in the Town of Cazenovia:

WHEREAS, proposed Local Law E-2022 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Cazenovia, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law E-2022 at the Town of Cazenovia Town Hall located at 7 Albany Street, Cazenovia, New York on November 7, 2022 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Cazenovia and to any affected municipalities described above.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 126 adopted.

Resolution No. 127 presented by Councilor Reger, seconded by Councilor Golub

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE
BIOSOLIDS DISPOSAL AGREEMENT WITH MADISON COUNTY
DEPARTMENT OF SOLID WASTE & SANITATION**

WHEREAS, the Town of Cazenovia Town Supervisor received correspondence from the Madison County Director of Solid Waste Management; and

WHEREAS, the correspondence reviewed the terms of the current Biosolids Agreement between the Town and the County and the fees for disposal of the biosolids; and

WHEREAS, the current 5-year Agreement will expire this November and the County does not wish to renew the contract at the current rate of \$ 42.00/ton; and

WHEREAS, Madison County will provide a new contract with a disposal rate of \$ 60.00/ton.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute a new Biosolids Agreement with Madison County, pending review by the Attorney for the Town.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 127 adopted.

Resolution No. 128 presented by Councilor Johnson, seconded by Councilor Race

RESOLUTION OF THE TOWN BOARD APPROVING AGREEMENT WITH MADISON COUNTY FOR SNOW AND ICE CONTROL ON THE COUNTY ROAD SYSTEM

WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 22-402 on September 13, 2022 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose from **October 1, 2022 through April 30, 2023** at rates specified in the Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of Cazenovia, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

AGREEMENT BETWEEN THE COUNTY OF MADISON AND THE TOWN OF CAZENOVIA

THIS AGREEMENT made the 1st day of October, 2022 by and between the County of Madison, hereinafter call the “County” acting through F. JOSEPH WISINSKI, County Superintendent of Highways and the Town of Cazenovia hereinafter call the “Town”.

WITNESSETH: that for the consideration and upon the terms and conditions hereinafter provided the Town agrees to furnish its machinery, labor, and material therefore and to keep, within good reason, the paved portion of the highways herein described free from snow and treated with abrasives in accordance with the rules and regulations as set forth by the County Superintendent of Highways and which are part of this Agreement for the year **October 1, 2022 through April 30, 2023**.

IT IS FURTHER AGREED that the Town will forward to the County a “Certificate of Insurance”, covering all Town vehicles used under this Agreement, with at least \$1,000,000 of Fleet and Public Liability Protection for each occurrence.

IT IS FURTHER AGREED that the County will pay the Town the sum of Twenty dollars and forty cents (\$20.40) per lane mile upon which snow and ice control services are performed, Twelve dollars and twenty-three cents (\$12.23) per lane mile upon which regular salt brine is applied, Thirteen dollars and seventy-three cents (\$13.73) per lane mile upon which salt brine with 5% magnesium chloride is applied and a loader rate of One hundred twenty dollars and no cents (\$120.00) per hour for snow bank removal under certain circumstances with prior approval from County Highway Superintendent. The Town shall bill the County for services hereunder on a monthly basis by submitting a listing of the respective dates, times, roads, and miles on which services were performed pursuant to this agreement and such other information as the County Highway Superintendent determines necessary. Payment shall be made in accordance with Madison County’s terms and submission by the Town of properly completed requests for payment.

IT IS FURTHER AGREED that the Town Board by Resolution accepts the proposal of the County for Snow and Ice Control on the County Road System as noted hereunder for the sum of money per lane mile as set forth below.

<u>County Road</u>	<u>Lane Miles (both ways)</u>	<u>Road Length (one way)</u>
BALLINA ROAD	.98	.49
CONSTINE BRIDGE ROAD	1.78	.89
DAMON ROAD	4.70	2.35
DELPHI ROAD	5.00	2.50
EAST LAKE ROAD	8.70	4.35
EAST ROAD-JUDDVILLE TO NW	3.80	1.90
EAST ROAD-JUDDVILLE TO VILLAGE	6.98	3.49
FABIUS ROAD	3.96	1.98
JUDDVILLE ROAD	3.20	1.60
NORTH LAKE ROAD	1.68	.84
NUMBER NINE ROAD	3.28	1.64
WEST LAKE ROAD	4.80	2.40

Total Reimbursement Mileage will be the sum of each individual road length multiplied by the number of trips each way.

IT IS FURTHER AGREED no changes may be made to the plowing/sanding routes listed on the current Agreement, unless mutually agreeable by both parties, any cancellation or change of service must be done, in writing, at the termination of this Agreement

IT IS FURTHER AGREED that the Town will keep the entire width of the pavement free from snow and sanded within reason; shall provide its equipment and personnel to maintain this condition at all times. Keeping the pavements clear of snow will necessarily require keeping the shoulders clear to retard that formation of drifts and afford space for the safe plowing from the pavement in a succeeding storm.

IT IS FURTHER AGREED that all materials used by Towns must pass a 3/8” sieve.

IT IS FURTHER AGREED that to receive payment for any road, the Town must keep the same open for traffic for its entire length and will not receive any payment if only portions are kept open, except by previous agreement with the County.

IT IS FURTHER AGREED that the Town will make every effort to eliminate slippery conditions on the pavements, and that steep hills, sharp curves, intersection, and straight sections will be sanded or otherwise treated to restore said traction for reasonable and careful use.

IT IS FURTHER AGREED that the Town Superintendent shall submit a Daily Report of Operations (original) to the County Highway Department, on a form furnished to the Town by the County Highway Superintendent.

IT IS FURTHER AGREED that the County Highway Department shall be the sole judge as to the method used in performance of this Agreement and the County reserves the right to withhold payment under this Agreement and to correct any conditions in any way which does not meet requirements and deduct the cost of this work from the amount of this Agreement.

IT IS FURTHER AGREED that if the Town is unable to obtain liability insurance coverage relative to the services to be rendered under this Agreement and so notifies the County, the County will either:

- a. Add the Town as an additional insured to its liability insurance policy covering the plowing and sanding of County roads;
- or
- b. Indemnify the Town for any loss arising out of a claim for personal injury to third persons and property damage sustained by third persons because of the alleged negligence of the Town in the performance of the plowing and sanding services pursuant to this Agreement, exclusive of any liability covered in the New York Standard Automobile Liability Policy, including No Fault Insurance provisions; as the County may elect.

Town of Cazenovia

BY: _____
Supervisor

BY: _____
Town Superintendent of Highways

County of Madison

BY: _____
Madison County Highway Superintendent

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 128 adopted.

NOTES FOR THE RECORD

✓ The timely receipt (9/26/2022) of the Highway Department’s Annual Equipment Inventory List.

Resolution No. 129 presented by Councilor Race, seconded by Councilor Johnson

**AUTHORIZING THE SUPERVISOR TO ENTER INTO
AN INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF HAMILTON
TO PROVIDE SALT BRINE FOR SNOW REMOVAL
TO THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT**

WHEREAS, the Town of Cazenovia Town Board, pursuant to Article 5-G of the General Municipal Law, has continued to seek out opportunities for shared services to benefit the taxpayers of the Town; and

WHEREAS, the Town of Cazenovia Highway Department has identified a source of materials (salt brine) to be used for Town highways; and

WHEREAS, the costs for the purchase of said materials would be at a reduced price than if obtained by the Town of Cazenovia independently; and

WHEREAS, the Town of Cazenovia and Village of Hamilton initially entered into an Intermunicipal Agreement for the 2016-2017 winter season, as well as each subsequent winter season; and

WHEREAS, the Village of Hamilton has presented to the Town of Cazenovia an “Intermunicipal Agreement to Provide Salt Brine for Snow Removal” for the 2022-2023 winter season; and

WHEREAS, the entering into such Agreement has been determined to be a Type II action pursuant to State Environmental Quality Review.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Supervisor of the Town of Cazenovia to execute the “Intermunicipal Agreement to Provide Salt Brine for Snow Removal”.

INTERMUNICIPAL AGREEMENT TO PROVIDE SALT BRINE FOR SNOW REMOVAL

THIS INTERMUNICIPAL AGREEMENT is entered into as of this _____ day of _____, 2022 by the **Village of Hamilton** a municipal corporation duly incorporated under the laws of the State of New York with an office at 3 Broad Street, Hamilton, New York 13346 (hereinafter the “Village”) and the **Town of Cazenovia**, a municipal corporation duly existing under the laws of the State of New York with an office at 7 Albany Street, Cazenovia, New York 13035 (hereinafter the “Purchaser”).

R E C I T A L S

WHEREAS, the Village and the Purchaser desire to cooperate in the utilization of the Village’s facilities and equipment for producing salt brine for snow removal purposes; and

WHEREAS, the Village and the Purchaser desire to memorialize the terms of their agreement in this regard.

NOW THEREFORE, in consideration of the terms and conditions contained herein, the parties to this Agreement do hereby agree as follows:

1. The Village agrees to sell salt brine to Purchaser, subject to availability, upon the terms and conditions stated herein. It is understood and agreed that in the event of limited availability of salt brine, Village snow removal needs shall take priority over those of Purchaser, and the Village shall have no liability to Purchaser in any event for any Village failure to sell brine to Purchaser under this Agreement.
2. The Village shall utilize salt from the Village stockpile to produce salt brine utilizing the Village’s brine production facilities.
3. To cover the Village's water costs, labor and operation, and maintenance costs for the brine production equipment, the salt brine will be sold to Purchaser at a cost of 10 cents per gallon over the Village's cost, currently estimated at approximately \$.0955 per gallon. If magnesium chloride is used in the brine mix, the Purchaser shall have delivered periodically throughout the winter months to the Village DPW Building the magnesium chloride utilized in the mix of the purchaser’s Brine.
4. The Village shall invoice the Purchaser for the cost of the salt brine sold, and state on the invoice the amount of salt utilized to manufacture the brine sold to Purchaser. Upon receipt of the invoice, Purchaser shall deliver to the Village the same quantity of salt stated in the invoice to replenish the Village stockpile. Delivery of the replacement salt by Purchaser shall be coordinated with the Village DPW Foreman.
5. This Agreement shall be deemed effective November 1, 2022 and shall remain in effect until terminated or modified in writing by either Village or Purchaser. Either party may terminate this Agreement at any time upon written notice.
6. The Town of Cazenovia shall defend, indemnify and hold harmless the Village of Hamilton, its officers, agents, and employees from any and all claims or lawsuits for damages, losses and expenses of any kind, including attorneys’ fees and court costs, for any and all bodily injury, sickness, disease or death to any third parties,

or injury to, or destruction of personal property of any third parties, to the maximum extent permitted by law in all instances, when any such damages, destruction, loss or expense arises out of this Agreement and/or the performance of services hereunder by the Village of Hamilton. At all times during the term of this Agreement, the Town of Cazenovia shall cause the Village of Hamilton to be named as an additional insured with respect to this Agreement under the Town of Cazenovia general liability insurance policy, and **shall provide the Village of Hamilton with a certificate of insurance showing the Village of Hamilton listed as an additional insured under said general liability policy.**

IN WITNESS WHEREOF the parties have executed this Agreement as of the date and year first above written and pursuant to the authorizing resolutions of their respective governing boards.

Village of Hamilton

Dated: _____

By: _____

RuthAnn S. Loveless, Mayor

Purchaser

Dated: _____

By: _____

William N. Zupan, Town Supervisor

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 129 adopted.

Resolution No. 130 presented by Councilor Johnson, seconded by Councilor Golub

**AUTHORIZE A SPEED STUDY REQUEST
FOR STONE QUARRY ROAD**

To authorize the Town Clerk to file the required New York State Vehicle and Traffic Form (TE 9a) with Madison County to request a lower maximum speed limit for the entire length of Stone Quarry Road (Route 20 intersection to Ballina Road intersection) in the Town of Cazenovia:

Currently 55 M.P.H. to 45 M.P.H.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 130 adopted.

Resolution No. 131 presented by Councilor Race, seconded by Councilor Reger
AUTHORIZE SEASONAL CLOSING OF A
SECTION OF CORKINSVILLE ROAD

To authorize the Town Clerk to give notice of the seasonal closing of Corkinsville Road from the Lordon residence to the Town of Cazenovia Line for the winter of 2022/2023.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 131 adopted.

Resolution No. 132 presented by Councilor Golub, seconded by Councilor Race
AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE
THE RENTAL SERVICE AGREEMENT WITH CINTAS
FOR THE HIGHWAY DEPARTMENT

To authorize the Town Supervisor to execute a rental service agreement with Cintas for highway department employee uniforms and facility services products for the Highway Garage. Such agreement is on file in the Office of the Town Clerk and has been reviewed by the Attorney for the Town and is deemed satisfactory.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 132 adopted.

Resolution No. 133 presented by Councilor Reger, seconded by Councilor Johnson

AUTHORIZE THE TOWN SUPERVISOR AND TOWN CLERK TO EXECUTE THE ONLINE SERVICE AUTHORIZATION CERTIFICATE FOR THE FIRST NATIONAL BANK OMAHA CREDIT CARD

To authorize the Town Supervisor and Town Clerk to execute the Online Service Authorization Certificate as set forth below.

This is to certify that:

Each of the undersigned [Supervisor William Zupan and Town Clerk Connie Sunderman] hold the title indicated in the organization [Town of Cazenovia] and have authority to deliver this certificate.

Each Organization has duly authorized, in accordance with its governing and charter documents, and hereby ratifies and confirms, the following:

RESOLVED, that the Town of Cazenovia Town Board authorizes the use of online Services (the Services) in connection with its accounts at First National Bank Omaha;

FURTHER RESOLVED, that the Organization agrees to the terms of the Online Service Agreement with Bank (specifically including, but not limited to, the terms of Section 2 thereof pertaining to User IDs, Passwords and Security) (the Agreement) and hereby authorizes any officer or representative of the Organization to execute such applications, agreements and other documents, including revisions thereto, as may be necessary or appropriate in the opinion of such officer or representative to obtain the Services and to bind the Organization to the Agreement;

FURTHER RESOLVED, any representative of the Organization with present or future authority to open additional accounts in the name of the Organization (the Master Agent) is authorized to appoint from time to time the Administrator referred to in the Agreement, it being understood that: (1) the Administrator will have the ability to add, delete, and modify User IDs and passwords and to determine the persons that will have access thereto and the type of access they have; and (2) any one person in possession of a User ID and password will be permitted to use the Services, which may include the making of payments from the accounts of the Organization; regardless of whether such person is an authorized signer on the Organizations accounts and regardless of whether any of such accounts otherwise require two or more signatures or have other restrictions. The Bank may accept appointments of the Administrator orally, but is entitled to require written confirmation thereof. Upon acceptance of such an appointment, the Bank may so note on this form or any other similar or related forms pertaining to the Organizations accounts at the Bank;

FURTHER RESOLVED, that the Bank shall be under no obligation to make any inquiries in order to verify or confirm: (1) any representations on instructions of any Master Agent; (2) instructions received from the Administrator; (3) any transactions effected through the use of the Organizations User IDs or passwords; or (4) the application of the Organization funds; it being understood that the Bank shall in no way be responsible for misapplication of the Organizations fund by virtue of the authority herein given;

FURTHER RESOLVED, that the power and authority granted by these resolutions shall continue in full force and effect until notice in writing is received by the Bank of the cancellation or modification thereof. Such notification must specifically state that it relates to Online Services, describe the termination or change requested, and be delivered to the Bank in a time and manner that affords the Bank a reasonable time to act thereon; and

FURTHER RESOLVED, that to the extent these resolutions are inconsistent with any prior resolutions of the Organization, these resolutions shall control. These resolutions shall further control over any resolutions pertaining to the Organizations deposit accounts at Bank, if a Master Agent instructs the Bank to include such accounts in the Services.

ORGANIZATION(S): Town of Cazenovia

IN WITNESS WHEREOF, each of the undersigned has executed this Online Services Authorization Certificate as of

Company Administrator Signature Required:

William N. Zupan,
Town Supervisor

Date

Authorized Officer Signature Required:

Connie J. Sunderman,
Town Clerk

Date

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

Supervisor Zupan declared Resolution No. 133 adopted.

Supervisor Zupan said Madison County told the Tax Collector to increase the fee to \$ 2.00 to cover the costs of second notices.

Resolution No. 134 presented by Councilor Race, seconded by Councilor Golub

TO APPROVE AN INCREASE IN THE SECOND NOTICE FEE IN RELATION TO TAX COLLECTION

To approve the levying of a \$2.00 fee to every delinquent tax parcel relative to Chapter 680 of Real Property Tax Law No. 987 (1). The governing body may adopt a resolution for the expense of mailing such notices, which shall be an additional penalty of not more than two dollars chargeable against the parcel.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 134 adopted.

Supervisor Zupan said the purchase of this software will help with tax collection and minimize the work being done long-hand.

Resolution No. 135 presented by Councilor Golub, seconded by Councilor Reger

AUTHORIZE THE PROCUREMENT OF TAX COLLECTION SOFTWARE AND THE TOWN SUPERVISOR TO EXECUTE THE AGREEMENT FOR SUCH PURCHASE

To authorize the procurement of tax collection software called Total Collection Solution (TCS) from Systems East, Inc. per the quote dated September 21, 2022. Said software shall not exceed Three Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$3,995.00). Beginning in 2024 an annual maintenance fee will be charged in the amount of Six Hundred and 00/100 Dollars. (\$600.00) with a maximum increase of 3% for each subsequent year the software is used.

Further, to authorize the Town Supervisor of the Town of Cazenovia to execute the agreement for procurement of such software pending review by the Attorney for the Town.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 135 adopted.

Resolution No. 136 presented by Councilor Reger, seconded by Councilor Johnson

APPROVE USE OF TOWN ROADS FOR THE 2022 PUMPKIN RUN

To approve the use of Ridge Road, Ten Eyck Avenue, Lincklaen Road and Syosset Drive for the 2022 PUMPKIN RUN, a fundraising event for the Cazenovia Central Schools Graduating Class of 2023/2025 scheduled for Sunday, October 30, 2022 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 Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 136 adopted.

Resolution No. 137 presented by Councilor Race, seconded by Councilor Reger

WATER DISTRICTS COLLECTOR RECORDS AUDIT

WHEREAS, the Town of Cazenovia Town Board performed an audit of the Water Districts Collector records at a work session on September 28, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the 2021 financial records of the Water Districts Collector records appear to be complete and in good order.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 137 adopted.

Resolution No. 138 presented by Councilor Golub, seconded by Councilor Johnson to approve the following 2022 budget transfers:

Authority NYS Town Law section 112 “The town board, during a fiscal year, by resolution, may make additional appropriations or increase existing appropriations and shall provide for the financing thereof. Moneys therefor may be provided from the unexpended balance of an appropriation, from the appropriation for contingencies, from unappropriated unreserved fund balance or unanticipated revenues within a fund or by borrowing pursuant to the local finance law.”).

Highway Fund DB

To transfer budget for Suit-Kote paving invoice and T.H. Kinsella stone invoice (balance remaining in budget \$114,742.10).

To: DB 5112.2.000 Capital Outlay	\$61,000.00
From: DB 5110.1.000 General Repairs PS	(61,000.00)

Mt. Pleasant Water District

To appropriate Fund Balance we must make a calculation that Fund Balance is available in Mt. Pleasant Water District by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SW2 510 Estimated Revenues	\$30,900.00
Plus SW2 599 Appropriated Fund Balance	<u>0,000.00</u>
Actual Subtotal	\$30,900.00

Present Year Actual:

SW2 980 Actual Revenues to Date	\$28,535.83
Plus Other Revenues Expected by year end	3,607.00
Plus SW2 909 Fund Balance at beginning of year	<u>117,726.33</u>
Actual Subtotal	\$149,869.16

Actual Subtotal less Budgeted Subtotal = Amount Available ***\$118,969.16***

To appropriate fund balance for unanticipated increases for repairs to Mt. Pleasant Water District.

To: SW2 8340.4.000 Transmission/Distribution CE	1,000.00
From: SW2 599 Appropriated Fund Balance	(1,000.00)

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 138 adopted.

Attorney's Report: *John Langey, Esq. said he heard back from the Village on the Route 20 IMA. There are a few changes they would like to consider and he will look at it more carefully. He said, by in large, they are fine with the changes that are being made as far as the reallocations. The Town of Nelson made a few suggested edits. He will review with both Supervisors before the next meeting. Additionally, he said the new code program is getting implemented and is required throughout the State of New York. The Town is well on its way to getting it adopted before the end of the year. He further mentioned the Planning Board and Zoning Board of Appeals continue to be very active.*

Supervisor's Report: *Supervisor Zupan said he has been working on the budget with the bookkeeper, Liz Merrill. She does a fantastic job! During this time of inflation, he is happy with the budget and the Town has stayed under the 2% cap. Additionally, he has been working on the Mt. Pleasant Water District, as well as the drainage projects on Ridge and Lincklaen Roads.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported everything is going good and they are preparing for winter. The harvesting has been completed for this year.*

Councilor Golub {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-Racism Coalition}: *The Lake Summit will be November 5th at the Cazenovia Public Library on the bottom floor. The meeting is at 10:00 a.m. and the Summit begins at 10:30 a.m.*

Councilor Reger (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *Reported he had a busy month - the Planning Board and Zoning Board of Appeals had a full agenda. He has been working with both the Chairs to schedule a meeting with the CACC to review a few of the laws. He mentioned the Comprehensive Plan Committee continues to meet monthly and the team has done a tremendous job. They are hoping to meet with some of the other entities in November. The goal is to present a preliminary plan in early spring, to the Town Board. CazCares has seen an uptick with inflation. Lastly, he mentioned his attendance at the online accounting school and he found it beneficial.*

Councilor Johnson {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: *Reported CACDA applied for the Connective Corridor Grant-the feedback is the application is looking decent.*

Supervisor Zupan 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.

Public comment #2:

Anne Ferguson of Syracuse Road, Cazenovia wanted to follow-up on some items from the Town Board work session last week. She stated she was speaking as a fellow Cazenovian and not someone representing Cazenovia Heritage. She thought the meeting was significant and confirmed that the potential for a consolidation between the town and the village should be considered in the evaluation of plans for a new Town Office. She thought it was responsible and realistic and the Town Board would be remiss if this possibility wasn't considered in the next 25 years. She thought it was a game-changer and the requirement was not stated in any of the previous plans. Therefore, she felt it should be considered a new project and a perfect opportunity to confirm what the objectives and requirements are for the project. She questioned, is the objective to have the new Town Offices for 25 years or is it that, plus protect the Gothic Cottage in the long-term. She felt if it was the latter, the scope of the project had to encompass both. To accommodate the potential for consolidation as a requirement, she recommended the Board document and agree on all the requirements. She felt it was clear from last week that everyone had different requirements. She felt it would be beneficial for the public and the Town

Board if there was an actual process for evaluating alternatives. In her opinion, the current process seems to be around discussions. Albeit, discussions are important, she did not think it was a formal process. She suggested there be a process for evaluating the plans and how it fits the needs. She recommended scoring the plans to make it a subjective process versus an objective project, based on facts. She also suggested a grant would be helpful for the preservation work at the Gothic Cottage. She said no grant will support new construction, but it will support preservation work. She said various ideas were tossed out as suggestions at the work session. She wanted to remind the Town Board no private individual can apply for State monies, -it has to be a municipality or non-profit. She encouraged the Town to work with CACDA now and apply for a grant to cover the restoration work, such as the windows and plasterwork. She thought a plan needs to be developed of what will be done with the Gothic Cottage. This should be done before the Town decides to move off-site. Furthermore, she thought it was clear there is no expert in determining this. She felt by only choosing to move off site, the Board could be contributing to the further hollowing out of the Village and continuing the sprawl along Route 20. She recommended in some of the funds that are available, a consultant be hired to determine what are the most feasible uses of the building.

Russ LaFever inquired about the resolution on the Mt. Pleasant Water District and said he lives on Mt. Pleasant Drive. He wondered if there would be any increase in taxes for the water district?

Supervisor Zupan said if the work is going to be done, it will be funded through grants.

Councilor Johnson explained, to the students that were attending for their class, and said there is a work session the week before and a lot of this information was discussed in detail.

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 Golub, seconded by Councilor Reger to approve payment of the bills. Councilor Race recused himself from payment of the Suit-Kote invoice. Otherwise, the motion was unanimously approved.

Motion by Councilor Race, seconded by Councilor Johson to adjourn this meeting. The motion was unanimously approved.

At 8:08 p.m., Supervisor Zupan declared this meeting adjourned.

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