

TOWN BOARD

MONDAY

May 10, 2021

Zoom Meeting

<https://madisoncounty-ny.zoom.us/j/92197941869>

Meeting ID: 921 9794 1869

Dial by your location

1 646 558 8656 US (New York)

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

The Town of Cazenovia is committed to practicing the social distancing guidelines that are currently in place. In accordance with the Governor's Executive Order 202.1, our May meeting was held via videoconferencing. The meeting notification was posted on the Town's website and on the sign board at the outside entrance of the Town Hall and published in the newspaper.

Supervisor Zupan announced the Town Board will resume in person meetings starting with the next work session on June 9, 2021 at 7:00 p.m. Although, due to the number of attendees and social distancing requirements, the Planning Board and Zoning Board of Appeals meetings will continue to be held via videoconferencing until further notice.

This meeting was recorded.

The Town Supervisor asked the Town Clerk to take a roll call attendance of all Board members.

Roll call:

Councilor Andersen	Present
Councilor Race	Present
Councilor Golub	Present
Councilor Reger	Present
Supervisor Zupan	Present

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Race, seconded by Councilor Andersen to accept the minutes from the April 12, 2021 Regular Meeting and May 5, 2021 Special Meeting. The motion was unanimously approved.

Motion by Councilor Reger, seconded by Councilor Golub to accept the minutes from the April 26, 2021 Special Meeting.

Roll call:	
Councilor Andersen	Yes
Councilor Race	Excused
Councilor Golub	Yes
Councilor Reger	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:

Gerry Mehlbaum of 2103 Ballina Road said he appreciated, along with his neighbors, the Board's consideration of the proposed moratorium.

David Eilers of 2148 Ballina Road spoke in favor of Resolution #60 as drafted.

Supervisor Zupan said this will give the Town Board and Planning Board time to look over the solar law.

Resolution No. 60 presented by Councilor Race, seconded by Councilor Andersen

TOWN OF CAZENOVIA LOCAL LAW NO. A OF 2021

(“A Local Law Imposing a Twelve (12) Month Moratorium on All Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Cazenovia)

To introduce proposed Local Law No. A-2021 , titled “A Local Law Imposing a Twelve (12) Month Moratorium on All Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Cazenovia,”

WHEREAS, proposed Local Law No. A-2021 has been introduced and will be considered for enactment pursuant to the provisions of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments; and

WHEREAS, the Town of Cazenovia has recently seen an increase in applications for commercial sized solar farm uses within the Town; and

WHEREAS, such proliferation has caused the Town to determine to assess the state of its laws and regulations concerning such uses; and

WHEREAS, this moratorium will enable the Town of Cazenovia to undertake a review to comprehensively address the issues involved with commercial free-standing solar photovoltaic (PV) systems within the Town of Cazenovia; and

WHEREAS, the Town recognizes the potential benefits and desirability of renewable forms of energy, including commercial free-standing solar photovoltaic (PV) systems, but has determined that time and research are necessary to determine how to properly regulate such systems and institute updated regulations concerning this changing field; and

WHEREAS, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve the status quo while this issue is examined by the Town; 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 (SEQRA) with respect to the proposed enactment of said Local Law; and

WHEREAS, the adoption of said Local Law is a Type II action for purposes of environmental review under SEQRA thus concluding the environmental review process.

NOW, THEREFORE, it is

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2021 at the Town Hall located at 7 Albany Street, Cazenovia, New York on June 14, 2021 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 pending action of this Local Law, the Town of Cazenovia will neither accept nor process any application pertaining to commercial free-standing solar photovoltaic (PV) systems.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 60 adopted.

Resolution No. 61 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZING THE EXECUTION OF THE HERBICIDE APPLICATION
CONTRACT WITH SOLITUDE LAKE MANAGEMENT**

**Treatment and Application of ProcellaCOR EC
on Cazenovia Lake (2021 Treatment)**

WHEREAS, the Town of Cazenovia has considered the possibility of treatment of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

WHEREAS, after impartial evaluation of all viable alternatives, a chemical treatment program using the chemical Triclopyr, with a brand name of Renovate, appeared to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake; and

WHEREAS, previously in 2009 the Town Board authorized the distribution and posting of a Request for Proposal to qualified contractors who have been certified to undertake such treatments; and

WHEREAS, by public bid, only one bid was received by the Town within the required time as posted therein, such bid being submitted by Allied Biological, Inc. (now known as “SOLitude Lake Management”); and

WHEREAS, the original bid request set forth a two (2) year treatment period for 2009 and 2010; and

WHEREAS, Allied Biological, the only bidder, has explicit knowledge of the conditions and needs of the treatment of Cazenovia Lake with the herbicide Triclopyr; and

WHEREAS, previously in 2012 (Phase III), 2014 (Phase IV), 2017 (Phase V) and 2019 (Phase VI), Allied Biological was declared to be a sole source provider for purposes of public bidding; and

WHEREAS, continuity in the method of application and treatment by the contractor has been determined to be of significant importance for this action; and

WHEREAS, the six (6) previous treatments, while highly successful for many areas of the Lake, have certain limitations, including some residual requirements in areas which were otherwise untreated or treated at lower levels such that regrowth and repopulation of Eurasian watermilfoil has occurred at levels which should now be addressed; and

WHEREAS, it has been proposed to continue the limited treatment of the Lake for the Spring of 2021, utilizing an alternate herbicide known as ProcellaCOR EC, which herbicide has shown positive results in other studies and applications on freshwater bodies in New York State and has been approved for use by the New York State Department of Environmental Conservation in such instances; and

WHEREAS, for all of the above reasons, the Town Board hereby declares the Phase VII portion of the treatment of Cazenovia Lake with the herbicide ProcellaCOR EC to be through a “sole source” provider and no additional public bidding is therefore required; and

WHEREAS, the Town has applied and approval is pending for a Pesticide Application Permit from the New York State Department of Environmental Conservation relating to the treatment of Cazenovia Lake with the herbicide ProcellaCOR EC for 2021; and

WHEREAS, the Board has been presented with a Herbicide Application Contract (the “Contract”) which Contract incorporated the “Cazenovia Lake 2021 Eurasian Water Milfoil Control Option A: 190 Acres,” received on April 21, 2021.

NOW, THEREFORE, IT IS RESOLVED that the Town Board of the Town of Cazenovia hereby determines to enter into a Herbicide Application Contract for the treatment and application of ProcellaCOR EC on Cazenovia Lake with SOLitude Lake Management of Hackettstown, New Jersey pursuant to their proposal dated April 21, 2021, in an amount not to exceed One Hundred Fifty-Nine Thousand Five Hundred Dollars and 00/100 (\$ 159,500.00) (with additional costs for sampling, posters, etc., as estimated in the proposal); and it is further

RESOLVED that the Supervisor is authorized to enter into a written Contract for such services after preparation of same and review by the Town’s Attorney; and it is further

RESOLVED that this Resolution and the Contract for services is specifically conditioned upon the timely receipt of a Pesticide Application Permit from the New York State Department of Environmental Conservation allowing the Town of Cazenovia to undertake the action at a time most beneficial for the eradication of Eurasian watermilfoil from the Lake in 2021; and it is further

RESOLVED that this Resolution is further conditioned upon the availability of funds equal to or in excess of the amount of Contract price.

Roll call:
Councilor Andersen **Yes**
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Reger **Yes**
Supervisor Zupan **Yes**

Supervisor Zupan declared Resolution No. 61 adopted.

Supervisor Zupan stated the annual road tour will be Sunday, May 16, 2021 at 6:30 a.m. The Town Board will meet Dean Slocum, Highway Superintendent, at the Town Office as the starting point.

Resolution No. 62 presented by Councilor Race, seconded by Councilor Reger

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS

– 2021 –

Town of Cazenovia Madison County, NY

Pursuant to the provisions of section 284 of the Highway law, we agree that money levied and collected in the Town of Cazenovia for the repair and improvement of highways, and received from the State for State Aid for the repair and improvements of Highways, shall be expended as follows:

1. **General repairs.** The Sum of **\$ 48,000** shall be set aside to be expended for primary work and general repairs upon all road miles of Town highway, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **Improvements.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - a. On Meadow Hill Road, a distance of .18 miles
 - i. for the sum of **\$ 11,603.79**
 - ii. Project type – Cold Mix Pave
 - iii. Width of Surface – 19.0’
 - iv. Thickness – 1.5”
 - b. On Hedge Lane, a distance of .26 miles
 - i. for the sum of **\$ 17,064.38**
 - ii. Project type – Cold Mix Pave
 - iii. Width of Surface – 19.0’
 - iv. Thickness – 1.5”

- c. On Woodfield Road, a distance of 0.47 miles
 - i. for the sum of \$ **49,190.77**
 - ii. Project type – Cold Mix Pave
 - iii. Width of Surface – 18.0’
 - iv. Thickness – 1.5”
- d. On Stone Quarry Road, a distance of 1.58 miles
 - i. for the sum of \$ **157,488.62**
 - ii. Project type – Cold Mix Pave
 - iii. Width of Surface – 22.0’
 - iv. Thickness – 2.0”
- 3. **Improvements.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:

a. On the following roads:

NAME	DISTANCE
Burlingame Road	2.72
Dugway Road	0.59
Cobb Hill Road	2.40
Rippleton Cross Road	1.17
Lane Road	0.90
Holmes Road	1.39
Coulter Road	.67
Cheese Factory Road	.22
	10.06 miles

- b. a distance of 10.06 miles
- c. for the sum of \$ **101,071.84**
- d. Project type – chip seal

The total amount of improvements not to exceed the amount of \$ **384,419.40**

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 62 adopted.

The Town Board was asked to stop in this week to sign the Agreement or sign before the road tour.

Resolution No. 63 presented by Councilor Race, seconded by Councilor Andersen

ANNUAL HIGHWAY EQUIPMENT RENTALS

Pursuant to Highway Law, Article 7, § 143 to authorize the rental of equipment for Highway Department use for 2021:

All Roads

Rental of all equipment shall not exceed \$ 30,000.00.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 63 adopted.

Resolution No. 64 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZE THE PROCUREMENT OF A SALT STORAGE ROOF SYSTEM FOR THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT

WHEREAS, the Town of Cazenovia Town Board authorized the procurement of a 42x94 Salt Storage Roof System in 2015 to protect the Town’s salt reserves necessary for the appropriate maintenance of Town of Cazenovia roads and highways; and

WHEREAS, most recently, the Town of Cazenovia Town Board was notified by the Town of Cazenovia Highway Superintendent of the need for an additional structure for the surplus roadway materials; and

WHEREAS, the Highway Superintendent has obtained a quote for said structure from Eagle Associates of Cazenovia, LLC through contract pricing offered by the Office of General Services {Sourcewell (formerly NJPA) Contract 091319-BRT} is compliant with the provisions of General Municipal Law § 104; and

WHEREAS, the Town of Cazenovia Highway Department has utilized said services to obtain a quote, which quote upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

WHEREAS, the quote for such equipment has been determined to be One Hundred Seventy-Two Thousand Twenty-Three Dollars and 44/100 (\$ 172,023.44); and

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute any necessary documents to purchase a 66x60 Britespan Building System Salt Storage Shed with a 2’ raised pier foundation and one end wall in an amount not too exceed One Hundred Seventy-Two Thousand Twenty-Three Dollars and 44/100 (\$ 172,023.44) from Eagle Associates of Cazenovia, LLC, 3592 Cobblestone Drive, Cazenovia, New York 13035 through contract pricing offered by the Office of General Services {Sourcewell (formerly NJPA) Contract 091319-BRT} upon the terms provided in the submitted

proposal, subject to financing and further subject to review by the Attorney for the Town.

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

Supervisor Zupan declared Resolution No. 64 adopted.

Supervisor Zupan explained both ends of the salt shed are open and it was determined that if one end was enclosed the material would stay drier and be better protected from the elements.

**Resolution No. 65 presented by Councilor Race, seconded by Councilor Reger
AUTHORIZE THE PROCUREMENT OF AN END WALL FOR THE
EXISTING SALT STORAGE ROOF SYSTEM AT THE
TOWN OF CAZENOVIA HIGHWAY DEPARTMENT**

WHEREAS, the Town of Cazenovia Town Board authorized the procurement of a 42x94 Salt Storage Roof System in 2015 to protect the Town’s salt reserves necessary for the appropriate maintenance of Town of Cazenovia roads and highways; and

WHEREAS, most recently, the Town of Cazenovia Town Board was notified by the Town of Cazenovia Highway Superintendent of the need for an end wall to partially enclose the existing structure; and

WHEREAS, the Highway Superintendent has obtained a quote for said structure from Eagle Associates of Cazenovia, LLC through contract pricing offered by the Office of General Services {Sourcewell (formerly NJPA) Contract 091319-BRT} is compliant with the provisions of General Municipal Law § 104; and

WHEREAS, the Town of Cazenovia Highway Department has utilized said services to obtain a quote, which quote upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

WHEREAS, the quote for such end wall has been determined to be Forty-Two Thousand Five Hundred Eighty-Nine Dollars and 00/100 (\$ 42,589.00); and

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute any necessary documents to purchase an end wall for the existing 42x94 Britespan Building System Salt Storage Shed in an amount not too exceed Forty-Two Thousand Five Hundred Eighty-Nine Dollars and 00/100 (\$ 42,589.00) from Eagle Associates of Cazenovia, LLC, 3592 Cobblestone Drive, Cazenovia, New York 13035 through contract pricing offered by the Office of General Services {Sourcewell (formerly NJPA) Contract 091319-BRT} upon the terms provided in the submitted proposal, subject to financing and further subject to review by the Attorney for the Town.

Roll call:
Councilor Andersen **Yes**
Councilor Race **Yes**
Councilor Golub **Yes**
Councilor Reger **Yes**
Supervisor Zupan **Yes**

Supervisor Zupan declared Resolution No. 65 adopted.

Resolution No. 66 presented by Councilor Race, seconded by Councilor Andersen

CONSIDERATION OF ADOPTING A TOWN OF CAZENOVIA HOUSING AND URBAN DEVELOPMENT SECTION 3 PARTICIPATION PLAN

WHEREAS, previously the Town of Cazenovia has adopted a Fair Housing Plan to recognize the need for housing opportunities for low- and very-low income persons residing in our State; and

WHEREAS, the New York State Office of Homes and Community Renewal and Housing and Urban Development (“HUD”) offer, from time-to-time, funding opportunities through the Community Development Block Grant Program, which monies are available to the residents of the Town from HUD; and

WHEREAS, opportunities for funding through the New York State Office of Homes and Community Renewal are contingent upon the adoption of a “Section 3 Participation Plan,” as that term is defined in the Housing and Urban Development Act of 1968, as amended; and

WHEREAS, the Town of Cazenovia desires to from time-to-time participate in such funding opportunities for the benefit of its residents; and

WHEREAS, a proposed Draft Section 3 Participation Plan was prepared for review and consideration by the Town Board.

WHEREAS, at their April 12, 2021 meeting, the Town Board accepted the Draft Plan and no further changes have been made to such Plan; and

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby adopts the Final Town of Cazenovia Housing and Urban Development Section 3 Participation Plan (For Section 3 Covered Contracts) as appended hereto.

TOWN OF CAZENOVIA

**HOUSING AND URBAN DEVELOPMENT
SECTION 3 PARTICIPATION PLAN**

24 CFR Part 135

(For Section 3 Covered Contracts)

Background:

Section 3 of the Housing and Urban Development Act of 1968, as amended, (“Section 3”) requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low income persons¹.

Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended and 24 CFR Part 135, the Town of Cazenovia (the “Town”) adopts this Section 3 Participation Plan for Section 3 Covered Contracts. The policy will provide direction for implementing Section 3, when required.

Policy Statement:

The Town of Cazenovia shall provide opportunities to low- and very low-income persons residing in the State of New York (as defined in §135.5 of 24 CFR Part 135) and to businesses meeting the definition of “Section 3 Business Concern” (as defined by 24 CFR Part 135). Accordingly, the Town shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of “Section 3 Covered Contracts” below.) There is nothing in this policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements.

Definitions:

The Town incorporates into this policy the definitions contained in §135.5 of 24 CFR Part 135.

Defined Terms of Policy:

Section 3 - Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be

¹ 124 CFR 135.1

given to low- and very low-income persons or business concerns residing in the community where the project is located.

Section 3 Recipient - means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 Resident - A section 3 resident is:

- a public housing resident; or
- a low- or very low-income person residing in the metropolitan area or non- metropolitan county in which the Section 3 covered assistance is expended.

Section 3 Business Concern(s) - Section 3 Business Concerns are businesses that can provide evidence that they meet one of the following:

- 51% or more owned by Section 3 residents; or
- At least 30% of its full time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
- Provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

Section 3 Covered Assistance - Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-Based Paint Abatement, etc.

The following definition for Section 3 Covered Assistance comes from 24 CFR 135.5: Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;

- 1) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
- 2) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;
- 3) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:

- i. Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
- ii. Housing construction; or
- iii. Other public construction project which includes other buildings or improvements, regardless of ownership.

Section 3 Covered Contract - means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. “Section 3 Covered Contracts” do not include contracts awarded under HUD procurement program, which are governed by the Federal

Acquisition Regulation System (see 48 CFR, Chapter 1). “Section 3 Covered Contracts” do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (*i.e.*, the installation of the furnace) and thus is covered by Section 3.

Section 3 Covered Project - A Section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, or other public construction, etc.

Section 3 Covered Community Planning and Development Funding - Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFA). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Section 3 Thresholds - The requirements of Section 3 are applicable to HUD’s direct “recipients” –for Section 3 covered project(s) for which the amount of the assistance is more than **\$200,000**.²

Contractors and Subcontractors are also subject to Section 3’s requirements when performing any type of activity on Section 3 covered activity for which the amount of the assistance is in excess of \$200,000 and the contract or subcontract exceeds \$100,000.³

If a recipient receives Section 3 covered housing construction or public infrastructure or community development assistance in excess of \$200,000, but no individual contract exceeds \$100,000, Section 3 requirements will only apply to the recipient.

² See 24 CFR 135.3 (a) (3) (ii).

³ 24 CFR 135.3 at 135 (3) (ii) (B).

Finally, it should be noted that there are no thresholds for Section 3 covered Public and Indian Housing assistance.⁴ That is, all activities related to Public and Indian Housing assistance are covered by Section 3 regardless of the amount.

Responsibilities:

1. If the Town receives community development or housing assistance covered by Section 3, it has the responsibility to comply with Section 3 in its own operations. This responsibility includes:
 - Notifying Section 3 residents and businesses about job opportunities and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts;
 - Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
 - Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
 - Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.

2. The Town has a responsibility to “ensure compliance” of their contractors and subcontractors. This means that a sub-recipient must:
 - Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
 - Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
 - Respond to complaints made to the recipient by Section 3 residents or business concerns that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
 - Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient’s contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

Goals:

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements. To demonstrate compliance with the “greatest extent feasible” requirement of Section 3, contractors must meet the goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns.

⁴ *Id.* at 135.3 (a) (3) (i).

To meet the goals, contractors must select Section 3 residents based on the following priorities pursuant to § 135.34, 24 CFR Part 135:

- First Priority - Residents of the development where the work is to be performed.
- Second Priority - Other residents of the neighborhood where the work is to be performed.
- Third Priority - Other residents of the neighborhood who are participants in HUD-Youthbuild or others federal, state, and local job programs being carried out in the city or county area.
- Fourth Priority - Other persons from the project metropolitan area who meet the definition of Section 3 resident contained in §135.5 of 24 CFR Part 135.

Employment:

All contractors will seek low- or very low-income persons residing in the property metropolitan area for 30% of all new hires. When applicable, the contractor must show evidence of seeking project residents for 15% of the new hires.

Eligibility for employment or contracting -nothing in this policy shall be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot perform the contract.

Preference for Section 3 Business Concerns:

Preference shall be awarded to Section 3 Business Concerns according to the following system:

1. Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.
2. Where the Section 3 Covered Contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 Business Concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system.

Competitive Bids: Procurement by Sealed Bids (Invitations for Bids)

Preference in the award of Section 3 Covered Contracts that are awarded under a sealed bid process may be provided as follows:

1. Bids shall be solicited from all businesses (*i.e.* Section 3 Business Concerns and non-Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:

A) is within the maximum total contract price established in the Town’s budget for the specific project for which bids are being taken; and

B) is not more than “X” higher than the total bid price of the lowest responsive bid from any responsible bidder. “X” is determined as follows:

X = lesser of:

When the lowest responsive bid is less than \$100,000 10% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 9% of that bid or \$16,000

At least \$200,000, but less than \$300,000 8% of that bid or \$21,000

At least \$300,000, but less than \$400,000 7% of that bid or \$24,000

At least \$400,000, but less than \$500,000 6% of that bid or \$25,000

At least \$500,000, but less than \$1 million5% of that bid or \$40,000

At least \$1 million, but less than \$2 million.4% of that bid or \$60,000

At least \$2 million, but less than \$4 million.3% of that bid or \$80,000

At least \$4 million, but less than \$7 million.2% of that bid or \$105,000

\$7 million or more 1.5% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 Business Concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.
3. In both paragraphs 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the “greatest extent feasible” requirement of Section 3.

Compliance:

HUD holds HCR accountable for compliance with Section 3 requirements. In contracts entered into with HCR, recipients agree to comply with Section 3. When a housing partner is unable to meet Section 3 goals, HCR will place the burden of proving compliance with Section 3 on the recipient.

The minimum numerical goal for employment 30 percent of the aggregate number of new hires shall be Section 3 residents annually - *i.e.*, 1 out of 3 new employees needed to complete a Section 3 covered project/activity shall be a Section 3 resident.

The minimum goals for contracting are:

- Ten percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, shall be awarded to Section 3 businesses; and
- Three percent of the total dollar amount of all non-construction Section 3 covered contracts, shall be awarded to Section 3 businesses.

Safe harbor and compliance determinations: In the absence of evidence to the contrary (*i.e.*, evidence that efforts to the “greatest extent feasible” were not expended), if the Town or contractor meets the minimum numerical goals shown above, the recipient or contractor is considered to have complied with Section 3 preference requirements.

The Town will be expected to demonstrate why it was not feasible to meet the goals. At a minimum, if recipients of Section 3 Assistance are unable to meet their Section 3 training, hiring, and contracting goals, they should *sponsor or participate* in upward mobility programs, hire eligible residents in trainee positions with regard to training and employment, or form Section 3 joint ventures with various local employment agencies.

Data Collection and Reporting:

The Town will collect and submit required Section 3 data and complete Section 3 reporting requirements.

Certification:

I certify that to the best of my knowledge and belief all of the information on this form is correct. I also understand that failure to report completely and accurately may result in sanctions under my policy, including but not limited to avoidance of the policy, and in criminal or civil penalties.

Signed by _____ Title _____

Date _____ Attest _____

Reviewed by _____ Approved by _____

Comments:

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

Supervisor Zupan declared Resolution No. 66 adopted.

Supervisor Zupan said this resolution was slightly modified this year. The Rowing Club can have a picnic table at the site and they will be eliminating the Memorial Day fundraiser that they have held in the past.

Resolution No. 67 presented by Councilor Reger, seconded by Councilor Race

**CAZENOVIA ROWING CLUB USE OF A
PORTION OF GYPSY BAY PARK**

To approve the following specific uses and no others from the Cazenovia Rowing Club for the use of a portion of Gypsy Bay Park for the 2021 rowing season with the following conditions:

1. Approval for 2021 must be obtained by CRC from NYS Office of Parks, Recreation and Historic Preservation and a copy of the approved permit submitted to the Town Clerk’s Office a minimum of 10 days prior to any use of Gypsy Bay Park in 2021.
2. The half-day annual “Learn to Row” event is permissible.
3. Any special CRC event must have the approval of the Cazenovia Town Board.
4. Any special event that will necessitate parking along US Route 20 will require CRC to hire a special agency to direct traffic and to complete Form Perm 33C with submission to New York State Dept. of Transportation.
5. A one million dollar liability insurance certificate naming the Town as also insured must be received by the Town Office covering the 2021 season. The insurance certificate must be continuously maintained throughout the 2021 CRC season.
6. No more than the current approved 64 ft. floating dock is allowed. Highly visible markings must be placed and maintained at the corners of the dock.
7. The CRC is allowed the use of one club-provided picnic table which is located near the oar house.

8. Approval for usage of the park is for CRC members only, includes only residents of the Cazenovia School District, and on a seasonal basis. Permission for usage by others must be granted by the Cazenovia Town Board. Refrain from using the rowing club's website to promote access to Cazenovia Lake as a membership benefit.

9. This approval authorizes the use of one vehicle to take the shells to the racks in the spring and the use of one vehicle to remove them in the fall, and only one or two vehicles to transport the shells as needed to allow CRC to participate in summer and fall races. A schedule of such races will be provided to the Town Board for the 2021 rowing season. The un-authorized use of motorized vehicles within the boundaries of Gypsy Bay Park may jeopardize the future use of the park by CRC. Parking at the racks is not permitted.

10. No duplication of CRC's single key to the Gypsy Bay Park gate is authorized. There is no authorization for use of the key by other than responsible CRC members.

11. CRC must limit user membership of Gypsy Bay to not more than a total of 150 members.

12. The CRC must protect the Town of Cazenovia, by naming the Town of Cazenovia on the US Rowing Waiver as an entity that is exempt from liability for the Cazenovia Rowing Club members.

13. Any mandate that is in place during the rowing club's season as a result of the Governor's Executive Order must be followed.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 67 adopted.

Resolution No. 68 presented by Councilor Reger, seconded by Councilor Race

**CAZENOVIA BASEBALL & SOFTBALL ASSOCIATION
USE OF NEW WOODSTOCK BALL FIELD**

To approve the use of the New Woodstock Ball Field by the Cazenovia Baseball & Softball Association for the 2021 season.

This approval is contingent upon the submission of a one million dollar liability insurance certificate to the Town Clerk prior to any use of the field. The certificate must name the Town of Cazenovia as the certificate holder and note the activities and state the time period of coverage. The liability insurance must be continuously maintained throughout the 2021 season.

It is understood that the use of this ball field will be for practices only – not games.

The New Woodstock Women’s Softball League uses this field, as well. The Cazenovia Baseball & Softball Association will receive a copy of the Women’s schedule and should use the field at times that do not conflict with their league.

All participants shall observe appropriate CDC social distancing measures at all times.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 68 adopted.

Resolution No. 69 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A
LETTER OF SUPPORT FOR THE *VILLAGE OF CAZENOVIA*
COMMUNITY PROJECT FUNDING APPLICATION**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the below-referenced Letter of Support to the Village of Cazenovia for the *Village of Cazenovia Community Project Funding* application submitted by the Village.

April 15, 2021

Mayor Kurtis Wheeler
Village of Cazenovia
90 Albany Street
Cazenovia, NY 13035

RE: Village of Cazenovia Community Project Funding

Dear Mayor Wheeler:

I am writing to express my support for community project funding application for the Village of Cazenovia Fire Department.

The objective of this project is to purchase an aerial platform truck to replace the current vehicle purchased in 1999. The aerial apparatus is essential for protecting the numerous multi-story buildings in this rural community that include residential, commercial, college, and public school properties. Without this apparatus, lives and property would be at significant risk. In addition,

this investment helps protect lives and property in neighboring communities that have fewer multi-story buildings but still have property and lives that would be at risk if the aerial apparatus were not available to share. This vehicle is a regional asset for this rural geographic area not only because it is apparatus that other smaller departments lack, but because the Cazenovia Fire Department has robust volunteer staffing capacity with the training and experience needed to be effective.

The Village of Cazenovia has been increasingly challenged to budget for future fire department expenses due to several reasons outside of local control. All forms of capital expenses (especially fire apparatus) are rising faster than the rate of inflation. Reductions in aid and lost revenues to local governments are causing the village to struggle to keep essential fire equipment up to date which could lead to life-threatening situations in an emergency.

I ask that you give this application serious consideration for funding.

Sincerely,

William N. Zupan,
Town Supervisor

cc: Town of Cazenovia Town Board

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 69 adopted.

Resolution No. 70 presented by Councilor Andersen, seconded by Councilor Reger

AUTHORIZE THE TOWN OF CAZENOVIA AS A PARTICIPATING MEMBER OF THE “CAZENOVIA WELCOMES REFUGEES” ORGANIZATION

WHEREAS, “Cazenovia Welcomes Refugees” (CWR) is a collaborative initiative that began in 2016; and

WHEREAS, CWR’s mission is to engage with refugees as they integrate into American Life and to engage with residents of Cazenovia to create a welcoming place for refugees to live, work, go to school and enjoy recreation; and

WHEREAS, CWR’s representation includes organizations from education, government, faith communities, non-profit groups, refugee resettlement organizations, businesses and private citizens; and

WHEREAS, the mission of CWR aligns with the vision the Town of Cazenovia Town Board has for all citizens of the community as a place to live, work and prosper in a beautiful community; and

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby commends the “Cazenovia Welcomes Refugees” Organization and supports the goals and activities of this Organization.

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

Supervisor Zupan declared Resolution No. 70 adopted.

Attorney's Report: *John Langey, Esq. said the introduction of the moratorium comes at a good time because there are a lot of applications for large-scale solar projects in Cazenovia and the surrounding communities. He mentioned there was a committee meeting the other day which generated a number of changes to the Town’s regulations. The moratorium will provide a chance to memorialize the thoughts. There is a public hearing scheduled in relation to the possible adoption of the moratorium. Later, there will be a public hearing on the potential changes to the solar law. Additionally, he is working with Supervisor Zupan to finalize the Route 20 Water Project. There will be a closing coming up with the Environmental Facilities Corporation (EFC). He will be working with the Town Clerk and Supervisor to get the water district consolidation to completion. Lastly, he mentioned the Town Board will have to talk with him about the cannabis legislation because there will be certain activities for the Board to consider if they want to participate in or not. He thought another meeting should occur to discuss this issue in the near future and how it coordinates with what the Village is proposing to do.*

Supervisor's Report: *Supervisor Zupan said he has been assisting with the Route 20 Water Project trying to finalize it. He has been working on lake treatment with the Town Clerk. Additionally, he has been looking at the salt storage building and the end wall for the existing building and it’s financing. He worked with the Attorney on the proposed solar moratorium. Lastly, the Town has received some additional guidance on the State and Local recovery funds that are going to be available to the Town. The funding can be used for water, sewer, stormwater run-off and COVID relief.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported everything at the Highway Garage is moving along. The extra salt building will help with the storage of materials that don't fit in the existing building, but some other equipment, as well.*

Dean Slocum said the new plow/dump truck chassis is at Tracey Road Equipment. They will start putting that together in the next three weeks so delivery should be mid-July, if all goes well.

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported the Planning Board had a record meeting the other night-50 attendees and it lasted three hours. She gave an update on CACDA, their current projects and all the grants that have been awarded or are in process through them. The enhancement at Burton Street Park, Canal wall repairs, signage project with DOT, etc. The idea that there are too many road signs in the Village; are they all necessary, yet some are required. They will look at ways to consolidate signs and remove the repetitive ones. Carpenter's Barn is being renovated and they have submitted grants for that project. She said all the pending grants have funding in the amount of roughly one million dollars. She gave praise to Lauren Lines for her grant writing skills and the Town benefiting from such a skilled grant writer.*

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported he went for a walk with Dave Miller, President of the Cazenovia Lake Association, in the area between the two dams. Mr. Miller has been working closely with the Canal Corporation. They would like to get more data, but they think a way to solve the problem is to lower the water level between the two dams by opening the dam on Mill Street and direct the flow of water down the creek as opposed to back into the Lake. On the Gothic Cottage front, he has been talking to Lauren Lines of CACDA and Stephanie Sedgwick from the State about the Town Office. If the Town was to do renovations at the Gothic Cottage, would there be State money for historic preservation, especially since increasing accessibility is an avenue where funding does seem to exist. Additionally, there was a productive meeting on the solar law with Roger Cook, Codes Enforcement Officer, Ann Ferguson, Chair Robert Ridler and Councilor Andersen. He said at this point they are working on changes to the solar law.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Echoed Councilor Andersen's comments regarding the Planning Board. He remarked that Chair Ridler and John Langey do a tremendous job and there is a lot going on before both the Planning and Zoning Boards. The Farmer's Market was this past Saturday with an inch of snow on the ground. The Director, Lacey Cashman, was very please with the first one of the year. He said a lot has been going on this past month with Youth Rec. Registration opened today via RecDesk. All four municipalities have been meeting regularly and the new Director, Kristen Brink, has done a fantastic job getting all the details set and ready to go. He mentioned he has been working with Caz Baseball and their use of the New Woodstock Ball Field. Lastly, he mentioned CazCares continues to help the community members that need assistance. He said in 2020, they were able to provide to 2,532 families which fed 7,368 people.*

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: *There were no comments.*

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 Race, seconded by Councilor Andersen to approve payment of the bills. The motion was unanimously approved.

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

At 8:03 p.m., Supervisor Zupan declared this meeting adjourned.

Signed: *Connie J. Sunderman*

Connie J. Sunderman, Town Clerk