

**TOWN BOARD
REGULAR MEETING**

MONDAY

December 13, 2021

Masks Required for In-person Meetings

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

Correspondence: *There was no unshared correspondence.*

Supervisor Zupan presented a proclamation to outgoing Town Board Councilor, Kristi Andersen.

**Town of Cazenovia Town Board
Ms. Kristi Andersen, Town of Cazenovia Town Councilor
Proclamation**

Whereas, the Town Board of the Town of Cazenovia is proud and honored to have worked alongside Ms. Kristi Andersen for more than 15 years; and

Whereas, her extraordinary service to the voters of the Town of Cazenovia as a Town Board Councilor, are unsurpassed, unequalled, and unrivaled by all; and

Whereas, her wisdom, knowledge, and dedication to her numerous duties have proven she is an asset to Cazenovia, its citizens and this organization; and

Whereas, as Town Councilor, Kristi helped adopt and update zoning and subdivision regulations, as well as, the Village & Town of Cazenovia Comprehensive Plan; and

Whereas, her dedication and the Town's commitment to climate change helped secure the Climate Smart Bronze Award and thus thousands of dollars in future grant money; and

Whereas, as Town Board Councilor, Kristi helped to secure funding for a variety of key projects: several Farmland Projection Implementation Grants, GoCaz.com, Scenic Byways Grant, and numerous CACDA projects; and

Whereas, her knowledge and expertise on a broad spectrum of topics have been a tremendous asset to the Town Board and all of the organizations to which she has donated her time and talents; and

Whereas, she has demonstrated local leadership by serving as a board member and president of the Cazenovia Children's House, the Friends of the Library, the Board of Trustee of the Library, and CACDA.

Whereas, her exceptional abilities, enthusiasm, determination, professionalism, energy, warm personality, and total dedication to her work has played an instrumental and beneficial role in the Town of Cazenovia's future.

Now therefore, be it resolved: the Town Board of the Town of Cazenovia recognizes and honors Kristi Andersen. She is loved, will be missed, and will always be considered a friend of Cazenovia.

Councilor Golub said he was reading through the November 8, 2021 meeting minutes and he seconded the motion to close the public hearing.

John Langey, Esq. asked Councilor Golub if he was stating that he closed the public hearing on the preliminary budget.

Councilor Golub confirmed and said the minutes currently reflect Councilor Reger’s name. He stated he wanted to bring it up to show support to Supervisor Zupan.

Motion by Councilor Race, seconded by Councilor Reger to amend the minutes from the November 8, 2021 regular meeting. The motion was unanimously approved.

Motion by Councilor Andersen, seconded by Councilor Reger to approve the minutes as amended from the November 8, 2021 regular meeting. The motion was unanimously approved.

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

Public comment #1:

Anne Ferguson of Cazenovia Heritage, inquired if the Gothic Cottage would be discussed this evening.

Supervisor Zupan stated no.

Ms. Ferguson said she would hold her comments until item #17 (the second comment period).

NOTE FOR THE RECORD:

Local Law #3 – 2021 “A Local Law Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Consumption Establishments within the Town of Cazenovia” was adopted on October 4, 2021. The local law was subject to permissive referendum and a petition was received on November 22, 2021 requesting such referendum. However, the petition did not contain the requisite number of signatures to be considered a valid petition. Therefore, the law goes into effect without any referendum.

Supervisor Zupan explained under the current law, the Deputy Highway Superintendent has to be a resident of the Town of Cazenovia. This law will allow the deputy to be from an adjacent town.

Motion by Councilor Race, seconded by Councilor Andersen to open the public hearing relative to Local Law D – 2021, entitled "A Local Law Relative to the Residency of the Deputy Town Highway Superintendent in the Town of Cazenovia."

Public comment: *There were no comments.*

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

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

**LOCAL LAW NO. D OF 2021
("A Local Law Relative to the Residency of the
Deputy Town Highway Superintendent in the Town of Cazenovia")**

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. D of 2021, titled "A Local Law Relative to the Residency of the Deputy Town Highway Superintendent in the Town of Cazenovia," was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on November 8, 2021; and

WHEREAS, a public hearing was held on such proposed local law on December 13, 2021 by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D of 2021.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact Proposed Local Law No. D of 2021 as Local Law No. 4 of 2021 as follows:

**"TOWN OF CAZENOVIA
LOCAL LAW NO. 4 OF 2021**

**A LOCAL LAW RELATIVE TO THE RESIDENCY OF THE DEPUTY TOWN
HIGHWAY SUPERINTENDENT IN THE TOWN OF CAZENOVIA**

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The Town Board of the Town of Cazenovia adopts this Local Law to establish residency requirements for the position of Deputy Highway Superintendent in the Town of Cazenovia.

SECTION 2. AUTHORITY.

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

SECTION 3. SUPERCESSION.

This Local Law shall supersede Town Law § 23(1) and Public Officers Law § (3)(1).

SECTION 4. RESIDENCY REQUIREMENT.

The person holding the position of Town of Cazenovia Deputy Highway Superintendent, need not be a resident or elector of the Town of Cazenovia provided, however, that such person shall reside in a Town in Madison County that adjoins the Town of Cazenovia.

SECTION 5. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

Roll call:

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

Supervisor Zupan declared Resolution No. 148 adopted.

Bryan R. Smith, Highway Superintendent, appointed Edward M. Nelson as Deputy Highway Superintendent for the remainder of the year.

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

TOWN OF CAZENOVIA LOCAL LAW E OF 2021
(“A Local Law Repealing Town of Cazenovia Local Law No. 2 of 2021
(Repealing the 2% Tax Cap Override)”)

To introduce proposed Local Law No. E-2021, “A Local Law Repealing Town of Cazenovia Local Law No. 2 of 2021 (Repealing the 2% Tax Cap Override),” which Local Law would repeal Local Law No. 2 of 2021 (“A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Cazenovia”) in its entirety, and made the following motion:

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 in the consideration of a proposed action, an involved agency shall make a determination whether the 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 (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is a unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law E-2021 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2021 at the Town Hall located at 7 Albany Street, Cazenovia, New York on January 10, 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.

Roll call:

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

Supervisor Zupan declared Resolution No. 149 adopted.

Supervisor Zupan stated the contractor that was awarded the bid for the water meter installation project is having trouble with his insurance company getting a performance bond. He said the project is for \$ 70,000 and they did the work in the Mt. Pleasant Water District without any problems.

Councilor Andersen asked John Langey, Esq. if he has had past experiences with issues like this.

John Langey, Esq. said this one is out of the ordinary because they are paying the contractor per meter installation. His opinion is it is not a tremendous risk because if they don't do the installation, they don't get paid. Therefore, the contract, in essence, takes care of itself.

Supervisor Zupan added the contractor is also guaranteeing their work for 90 days.

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

AUTHORIZING THE WAIVER OF A PERFORMANCE BOND FOR THE INSTALLATION OF RESIDENTIAL WATER METERS IN THE NEW WOODSTOCK WATER DISTRICT, TOWN OF CAZENOVIA, NEW YORK

WHEREAS, the Town of Cazenovia has previously awarded a contract for the provision of services related to the installation of residential water meters in the New Woodstock Water District at its meeting on September 13, 2021; and

WHEREAS, the performance of the project and the work includes proof of procurement and submission of a Performance Bond; and

WHEREAS, in accordance with the contract the payment for the work is on a “piece” basis wherein for each satisfactorily completed installation of a new Neptune R900 (3/4”) water meter the Town has agreed to pay Five Hundred Fifty and 00/100 Dollars (\$550.00) per unit, such that if any individual unit has not been installed, there shall be no payment for same; and

WHEREAS, recently the successful bidder, Fonseca & Griffin Plumbing & Mechanical, LLC has advised that a Performance Bond is not commercially available to them for such work; and

WHEREAS, the Town of Cazenovia has considered the benefit of said Bond and the payment of work on an “as completed” basis such that it has been determined that the Bond is not necessary in this instance.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the waiver of the requirement for a Performance Bond for the above-referenced work.

Roll call:

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

Supervisor Zupan declared Resolution No. 150 adopted.

Supervisor Zupan said this resolution is to adjust the rates for hotels because the Town Board felt they were paying a disproportionate fee for their services. The Town Board will readjust next year if this revised fee structure does not work.

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

AUTHORIZING THE AMENDMENT OF SEWER RENTS, FEES AND CHARGES OF THE TOWN OF CAZENOVIA IN ACCORDANCE WITH GENERAL MUNICIPAL LAW ARTICLE 14-F AND CHAPTER 130 OF THE CODE OF THE TOWN OF CAZENOVIA (HOTEL CHARGES)

WHEREAS, pursuant to New York General Municipal Law Article 14-F and Chapter 30 of the Code of the Town of Cazenovia, the Town Board of the Town of Cazenovia is authorized to establish and impose, by resolution, sewer rents, fees and charges for the collection, conveyance, treatment and disposal of sewage, the operation and maintenance of the sewer system, the payment of interest on and amortization of debt incurred for construction of the sewer system, the construction of sewage and disposal works and other activities necessary for the efficient operation of the Town of Cazenovia Water Pollution Control Facility and the sewer system; and

WHEREAS, the Town of Cazenovia previously established such rents, fees and charges according to the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof, as well as by the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or upon any other equitable basis determined by the Town Board of the Town of Cazenovia, including but not limited to any combination of the foregoing; and

WHEREAS, the Town Board has determined to amend the sewer fees and charges which sewer rents, fees and charges, as amended, are set forth in the proposed “Town of Cazenovia Sewer Rent, Fee and Charge Schedule” (“Schedule”), attached to and made a part hereto; and

WHEREAS, pursuant to Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), the proposal to amend the sewer rents, fees and charges has been determined to be a Type II Action for purposes of SEQRA, thus concluding the environmental review process.

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the amendment of the sewer fees and charges which sewer rents, fees and charges, as amended, are set forth in the attached “Town of Cazenovia Sewer Rent, Fee and Charge Schedule”; and be it further

RESOLVED that the attached Schedule shall be effective as of its filing in the Office of the Town Clerk; and be it further

RESOLVED that additional future amendments to the Schedule may be made by further resolution of the Town Board.

**TOWN OF CAZENOVIA
SEWER RENT, FEE AND CHARGE SCHEDULE**

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

- For meters reading in gallons: A base rate of \$162.50, with an additional charge of \$4.70 per 748 gallons when usage exceeds 23,562 gallons

- For meters reading in cubic feet: A base rate of \$162.50 with an additional charge of \$4.70 per 100 cubic feet when usage exceeds 3,150 cubic feet
- Exceptions: For parcels serviced by individual water supply wells (non-metered parcels), a bi-annual base rate charge of \$162.50 shall apply.
- For Hotel Operations, the following charges will apply:
 - Based on per room usage of 50 gallons/day
 - Assumed Room Occupancy of 50%
 - Utilize standard rate of \$4.70
 - Annual gallons less base gallons multiplied by \$4.70 rate to establish charges

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

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

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

Sub-Meter Rental Deposit Fee.....	\$ 300.00
Sewer Lateral Permit Fee.....	\$ 200.00
Inspection Fees.....	\$ 100.00
As-Built Drawing Deposit Fee.....	\$ 250.00
Connection/Hook-Up Fee.....	\$ 150.00
Wastehauler License Fee.....	\$ 300.00
Wastehauler Dumping Fee (per 3,000 gallons).....	\$ 350.00
Wastewater/Industrial Discharge Permit Fee.....	\$ 2,500.00
Abnormal Sewage Surcharge (per pound of BOD).....	\$ 0.30

Operation and Maintenance Charge for Town/Outside of Village Users - Bi-annual charge of \$25.00 commencing with August 2020 Billing Cycle

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

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

Roll call:

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

Supervisor Zupan declared Resolution No. 151 adopted.

Resolution No. 152 presented by Councilor Reger, seconded by Councilor Andersen

AUTHORIZING THE RENEWAL OF INDUSTRIAL WASTEWATER DISCHARGE PERMIT NO. T520B FOR CONNECTION BY ROCALE, LLC (d/b/a MEIER’S CREEK BREWING COMPANY) TO THE TOWN OF CAZENOVIA WATER POLLUTION CONTROL FACILITY UNTIL DECEMBER 31, 2024

WHEREAS, previously, Rocale, LLC (d/b/a Meier’s Creek Brewing Company) (hereinafter “Brewery”) had been issued Industrial Wastewater Discharge Permit No. T520B (with general conditions and special conditions) allowing for the discharge of certain industrial classified sewage to the Treatment Plant, subject to the requirements of Local, State and Federal Permits and Regulations; and

WHEREAS, on December 7, 2021, the Town of Cazenovia received a request from Rocale, LLC (d/b/a Meier’s Creek Brewing Company) expressing their desire to renew Industrial Wastewater Discharge Permit No. T520B for a three year period, ending December 31, 2024; and

WHEREAS, the Town of Cazenovia Water Pollution Control Facility (hereinafter “Facility”) has reviewed their renewal request along with the current Industrial Wastewater Discharge Permit (No. 520B).

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Cazenovia, as operator of the “Town of Cazenovia Water Pollution Control Facility”, does hereby conditionally grant to Rocale, LLC (d/b/a Meier’s Creek Brewing Company) a renewal of Industrial Wastewater Discharge Permit No. T520B until December 31, 2024 subject to the limitations and conditions of said permit and applicable regulations.

Roll call:

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

Supervisor Zupan declared Resolution No. 152 adopted.

Resolution No. 153 presented by Councilor Race, seconded by Councilor Reger

TOWN BOARD CORRECTIVE RESOLUTION

**AUTHORIZE THE PROCUREMENT OF AN EVOLIS
RADAR SPEED SIGN WITH PROGRAMMABLE MESSAGE DISPLAY**

To correct the November 8, 2021 Town Board Resolution (Resolution No. 144) relative to the procurement of an Evolis Radar Speed Sign with programmable message display, to wit:

The Town of Cazenovia Town Board Resolution adopted on November 8, 2021 shall hereby be amended to read in its entirety as follows:

To authorize the purchase of a 14” Solar Evolis Radar Speed Sign with Programmable Message Display, Internal Solar Power Regulator; Traffic Data Collection, Analysis Software, 12-Volt 22Ah Battery, 80W solar panel with mounting kit and connection cables in an amount not too exceed Two Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$ 2,995.00) from Elan City, Inc., 10-34 44th Drive, Long Island City, NY 11101.

Roll call:

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

Supervisor Zupan declared Resolution No. 153 adopted.

Supervisor Zupan said this is a tow-behind trailer that can be moved to different locations throughout our Town.

Resolution No. 154 presented by Councilor Reger, seconded by Councilor Race

**AUTHORIZE THE PROCUREMENT OF A PORTABLE SOLARTECH
“SILENT ADVISOR” RADAR SPEED TRAILER**

To authorize the procurement of one (1) “Silent Advisor” Portable Radar Speed Trailer (RST-1000) being 56” wide with stacked speed limit and LED speed displays. Additionally, the communications package, free lifetime remote access and GPS tracking, 45AMP onboard battery charger and traffic cone carrier are accessories to be purchased in addition to the radar trailer unit. Said equipment and accessories will be purchased from J.C. Smith, Inc., 345 Peat Street, Syracuse, New York in an amount not too exceed Ten Thousand Four Hundred Eighty-Two and 00/100 Dollars (\$ 10,482.00), per the quote dated December 2, 2021.

Roll call:

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

Supervisor Zupan declared Resolution No. 154 adopted.

Resolution No. 155 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZING THE APPOINTMENT OF THERESA CURLEY

WHEREAS, the Town of Cazenovia has previously determined it would be in the best interest of the Town to create and staff the position of “Clerk, Part-Time” to assist with the administration of the Town Offices; and

WHEREAS, the duties of the position “Clerk, Part-Time” would entail assisting residents in-person and on the telephone with general questions, issuing dog licenses, issuing handicap parking tags, tax collection, issuing hunting and fishing licenses, and issuing Madison County landfill punch cards, as well as preparation of building permit records for digitalization, organizing, indexing and database entry, all under the direct supervision of the Town Clerk; and

WHEREAS, the Town of Cazenovia may employ an individual to perform such duties and services at a rate set by the Town Board and subject to Town Board approval; and

WHEREAS, the Town of Cazenovia now desires to employ Theresa Curley as a part-time employee to perform the aforesaid duties of “Clerk, Part-Time”, as more particularly discussed herein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby appoint Theresa Curley as a Clerk, Part-Time pursuant to the following terms:

1. Theresa Curley shall perform the following duties under the direct supervision of the Town Clerk, to wit:
 - assisting residents in-person and on the telephone with general questions, issuing dog licenses, issuing handicap parking tags, tax collection, issuing hunting and fishing licenses, and issuing Madison County landfill punch cards;
 - prepare building permit records for digitalization, organizing, indexing and database entry;
2. The part-time position hereby appointed shall be at an hourly rate of Seventeen and 50/100 Dollars (\$17.50) per hour, the services performed by Theresa Curley shall not exceed a maximum of twenty (20) hours per week (with the exception of certain time periods to be established by the Town Clerk), such position shall be non-competitive under New York State Civil Service Law and this appointment shall be effective December 14, 2021; and be it further

RESOLVED that the position so appointed and the work to be performed by Theresa Curley shall not, in any way, alter her status as a part-time employee of the Town of Cazenovia.

Roll call:

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

Supervisor Zupan declared Resolution No. 155 adopted.

Resolution No. 156 presented by Councilor Race, seconded by Councilor Golub

TOWN JUSTICE, FRED PALMER’S ACCOUNTING RECORDS AUDIT

Relative to the Town Board's audit of Town Justice Fred Palmer’ accounting records at the 12/8/2021 work session, all appears to be accurate and in good order.

Roll call:

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

Supervisor Zupan declared Resolution No. 156 adopted.

Resolution No. 157 presented by Councilor Andersen, seconded by Councilor Reger

TOWN JUSTICE, D. CHRISTIAN FISCHER’S ACCOUNTING RECORDS AUDIT

Relative to the Town Board's audit of Town Justice D. Christian Fischer’s accounting records at the 12/8/2021 work session, all appears to be accurate and in good order.

Roll call:

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

Supervisor Zupan declared Resolution No. 157 adopted.

Resolution No. 158 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZE THE SUBMISSION OF TWO LOCAL BUSINESSES TO ASSEMBLYMAN SALKA’S OFFICE FOR NOMINATION TO THE NEWLY CREATED NEW YORK STATE HISTORIC BUSINESS PRESERVATION REGISTRY

WHEREAS, the Town of Cazenovia is in receipt of correspondence from Assemblyman John Salka’s Office; and

WHEREAS, the correspondence notified the Town Board the Assembly and Senate passed legislation in 2020 creating a registry within the Office of Parks, Recreation and Historic Preservation known as the “New York State Historic Business Preservation Registry;” and

WHEREAS, Assemblyman Salka requested nominations for small businesses within our community that have served as the backbone of the village and town and have been in operation for over 50 years; and

WHEREAS, the Town of Cazenovia Town Board after consideration thought Holmes Acre Dairy Farm and Buyea’s True Value were businesses that demonstrated generational, long-standing presence within our community.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cazenovia Town Board authorizes a letter be sent to Assemblyman Salka’s Office to recommend Holmes Acre Dairy Farm and Buyea’s True Value as nominations for inclusion on the New York State Historic Business Preservation Registry.

Roll call:

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

Supervisor Zupan declared Resolution No. 158 adopted.

Resolution No. 159 presented by Councilor Race, seconded by Councilor Golub to approve the following 2021 budget transfers:

(Authority NYS Town Law section 12 “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.”).

General Fund A

Increase estimated revenue to recognize aid received from American Rescue Plan Act. Appropriate budget for new sub-account to accommodate CPA consultant fees for revenue loss calculation and discussions. (Budget Modification)

To: A 4089.000 Federal Aid, Other (revenue) \$340.00
To: A 1220.4.001 Supervisor CE ARPA Consulting 340.00

Increase estimated revenue to recognize aid received from American Rescue Plan Act. Appropriate budget for new sub-accounts to accommodate premium payments to sixteen (16) employees. (Budget Modification)

To: A 4089.000 Federal Aid, Other (revenue)	\$24,000.00
To: A 9901.9.001 Transfers, Other Funds related to ARPA	13,500.00
To: A 1220.1.001 Secretary to Supervisor Premium Pay	1,500.00
To: A 1355.1.001 Assessor Premium Pay	1,500.00
To: A 1410.1.001 Town Clerk Premium Pay	1,500.00
To: A 1430.1.001 Deputy Clerk & Bookkeeper Premium Pay	3,000.00
To: A 5010.1.001 Superintendent of Highways (2) Premium Pay	3,000.00

Increase estimated revenue to recognize aid received from American Rescue Plan Act. Appropriate budget for new sub-accounts to accommodate Salt Shed construction and dozer rental. (Budget Modification)

To: A 4089.000 Federal Aid, Other (revenue) \$173,523.44
To: A 5190.2.001 Stockpile EQ ARPA Project 173,523.44

Increase budget to accommodate CazCares 2020 payment for 2nd half of 2020, paid in 2021.

To: A 6326.4.000 Other Economic Opportunity CE\$2,500.00
 From: A 1990.1.000 Contingency Account (2,500.00)

Increase budget to accommodate holiday celebration.

To: A 7550.4.000 Celebrations CE \$500.00
 From: A 1990.1.000 Contingency Account (500.00)

Increase budget to accommodate 2021 A portion of annual retirement payment not anticipated in original budget.

To: A 9010.8.000 State Retirement \$1,885.00
 From: A 1990.1.000 Contingency Account (1,885.00)

General Fund B

Increase estimated revenue to recognize aid transferred from American Rescue Plan Act. Appropriate budget for new sub-accounts to accommodate premium payment to one (1) employee. (Budget Modification)

To: B 5031.000 Interfund Transfers \$1,500.00
 To: B 8010.1.001 Zoning Officer Premium Pay 1,500.00

Increase budget to accommodate 2021 B portion of annual retirement payment not anticipated in original budget.

To: B 9010.8.000 State Retirement \$355.00
 From: B 1990.1.000 Contingency Account (355.00)

Highway Fund DA

Increase estimated revenue to recognize aid received from American Rescue Plan Act. Appropriate budget for new sub-accounts to accommodate premium payments to eight (8) employees. (Budget Modification)

To: DA 5031.000 Interfund Transfers \$12,000.00
 To: DA 5142.1.001 Snow Removal Premium Pay 12,000.00

Increase budget to accommodate 2021 DA portion of annual retirement payment not anticipated in original budget.

To: DA 9010.8.000 State Retirement \$380.00
 From: DA 5142.1.000 Snow Removal PS (380.00)

Highway Fund DB

Increase budget to accommodate 2021 DB portion of annual retirement payment not anticipated in original budget.

To: DB 9010.8.000 State Retirement \$2,330.00
 From: DB 5110.1.000 General Repairs PS (2,330.00)

Mt. Pleasant Water SW2

To appropriate Fund Balance we must make a calculation that Fund Balance is available in Mt. Pleasant Water SW2 by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SW2510 Estimated Revenues \$34,604.00
 Plus SW2599 Appropriated Fund Balance 0,000.00
 Actual Subtotal \$34,604.00

Present Year Actual:

SW2980 Actual Revenues to Date \$36,033.23
 Plus Other Revenues Expected by year end 0.00
 Plus SW2909 Fund Balance at beginning of year 115,781.42
 Actual Subtotal \$151,814.65

Actual Subtotal less Budgeted Subtotal = Amount Available \$117,210.65

To appropriate fund balance for pump replacement not anticipated in original budget.

To: SW2 8320.4.000 Source Power Pump CE \$3,000.00
 From: SW2 599 Appropriated Fund Balance (3,000.00)

To transfer budget from Transmission/Distribution PS to Purification CE to accommodate unanticipated expenses related to water purification funding account to year end.

To: SW2 8330.4.000 Purification CE 1,000.00
 From: SW2 8340.1.000 Transmission/Distribution PS (1,000.00)

Joint Route 20 Water District (SW4)

To move budget into appropriate account for reimbursement for short-term interest payment to the Town of Nelson.

To: SW49797.7.000 Debt Interest Other Governments \$1,990.00
 From: SW4 8350.4 Common Water Supply CE (1,990.00)

Roll call:

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

Supervisor Zupan declared Resolution No. 159 adopted.

Attorney's Report: *John Langey, Esq. reported at the January 2022 meeting, the water consolidation resolutions will be before the Board and a public hearing will be scheduled for February. The solar project is ongoing and the Committee is getting very close to the ability to bring the proposed regulations to the Town Board for review, comment and hopefully a public hearing in the early part of the spring, with adoption thereafter. Additionally, he has been working on some language for a proposed code amendment. He handed out copies to the Town Board for informational purposes only. It is a potential local law that will assist farm operations in finding another method of income while staving off the need for farmers to be forced to sell their lands to maximize profits through various leases, sales, subdivisions and development. He said this local law will introduce proposed limited additional uses to the farmlands when deemed not to be harmful to surrounding properties. He mentioned there are a lot of parameters-many of which are generic. He informed the Board the Planning Board continues to be busy and the Lucas Solar Project is moving along nicely. The Zoning Board of Appeals has a large application for a cell tower on Cobb Hill Road. The Town has hired, at the applicant's expense, an RF (radio frequency) engineer that will report back to the Zoning Board to verify information from the applicant's RF engineer. John Dunkle, Engineer for the Town, is also engaged in this project. There is a balloon test that will happen this weekend, weather dependent. If the date gets changed, the Town Clerk's Office will get notified to change the date on the website. He explained two red balloons will be floated and the lower balloon is the top of the cell tower. They will let everyone know, in particular, the residents. The Zoning Board is requesting the applicant do computer simulated drawings of what it might look like from different vantage points.*

Supervisor's Report: *Reported he has been working with the bookkeeper on budget transfers and funding for some different projects. He worked with Jim Cunningham, Operator of the Water Pollution Control Facility, on the RFQ for the new clarifier. The Operator is waiting for the DEC to circle back around with him to provide specifics for the permit which will aid in drafting the RFQ. He said he's been part of a lot of the resolutions to keep things running smoothly.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the weather station has been installed and will be on-line in the next few days. This winter has been sporadic and they have the year's supply of salt in the salt shed.*

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported John Langey, Esq. has already described a lot of the details from the Planning and Zoning Boards. CACDA has done a lot of things-in the near future, a CACDA newsletter will be mailed to individuals that have donated to the organization. It has been a good year, despite the pandemic. The GOCAZ Adventure Challenge had 200 participants and allowed CACDA to update the GOCAZ website and add restaurants and shopping to the site. CACDA helped with the grants to restore Carpenter's Barn. There was the \$ 200,000 grant from Office of Community Renewal that will be given out to new businesses or ones that want to expand. The Burton Street Park Project has been delayed because of some deed restrictions, but now has grants and fundraising money which should make it happen in 2022. She said there are 5 or 6 more grant projects happening. She thanked the Town Board and said she will continue to "bug" the Board about the Gothic Cottage, solar items and the Comprehensive Plan. She said she has been on the Town Board with Councilor Race for 16 years.*

Supervisor Zupan thanked her for her service and said she has been a great role model.

Councilor Andersen said the people that work for the Town are wonderful. She mentioned Mr. Schepp's letter in which he gave praise to the various offices within the Town.

Supervisor Zupan said Kristi will continue on the Committee for the Town Hall.

Councilor Andersen said perhaps the best thing she ever did was hiring John Langey, Esq. She praised him for his service.

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported he will miss Councilor Andersen-she was the one that asked him to run for the Town Board. On another note, he said the CLA did not meet this past month. He doesn't have much to report in that area-except for some issues with beavers. He said the weather station will be mounted on the front of the highway garage. For the solar regulations, he hopes this will be completed before the one-year moratorium.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported the Joint Youth Recreation Task Force met at the Town Hall earlier this evening. Kristin Brink, Director, agreed to come back next year and they've started to lay out the plans for 2022. The Planning and Zoning Boards do a tremendous job and he will meet with the Chairs of those boards over the holidays. On a different front, he mentioned CazCares did a tremendous job with the Thanksgiving baskets*

and Christmas. They reach out to folks within our community. He thanked the State Police and said he spent quite a bit of time with them. As a result of the last meeting and as the Town moves forward with protocols for bias-related offenses, the BCI has a specially trained team of investigators. If any such offenses happen, they will be one of the first calls. He said they are required to routinely check back in with the State. Lastly, he thanked Councilor Andersen and said she is a wealth of knowledge and he appreciated her time.

Supervisor Zupan informed the public that Madison County has decided not to honor the mask mandate. He has a resolution in front of the County to make them honor the masking mandate. He said it would be appreciated if a letter of support for the masking mandate could be sent to the Board of Supervisors of Madison County before Thursday. He thought as many letters as possible would be helpful to give this resolution a possibility of being passed.

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. He further stated the policy has been modified slightly. Speakers are asked to give their name and the municipality in which they are a resident.

Public comment #2:

Anne Ferguson, of Syracuse Road, Cazenovia stated she was present to represent Cazenovia Heritage. She stated she learned at last week's Town Board work session Cazenovia Heritage's Compromise Plan was dismissed for future consideration because of the cost. She was curious about the cost and who provided those figures.

Supervisor Zupan said he was speaking for himself, but he dismissed it because the Town Office discussion has been a topic since his time on the Board. The Board has narrowed their options down to Holmes, King, Kallquist & Associates or build new and that is what he would like to focus on.

Councilor Race did not feel expense was primary to dismissing the plan.

Anne Ferguson said she would like to make a few points. Cazenovia Heritage does have preliminary estimates, the cost is comparable to HKK's Plan C. She said the Compromise Plan has elevations, cost and a floor plan. She was curious what else the Board was looking for to consider this plan. She said after the elevations and plans were developed, she met with each person on the first floor that worked out of the building the most. She further mentioned she would like to meet up with Councilor Race once a mutually convenient time can be scheduled. Once she has met with everyone, she would like to take her results to Supervisor Zupan. She felt since everyone was present she could recap the results. Roger Cook supports the Compromise Plan and Councilor Reger is open to considering this plan. She met with Councilor-Elect Johnson who acknowledged there were flaws with Plan C and was open to the Compromise Plan. She said she met with the Town Clerk and Deputy Clerk and they did not offer an opinion, but were not opposed to the Compromise Plan. The Zoning Board of Appeals would like to consider the plan. She felt there were flaws and concerns with Plan C. She expressed her dismay with HKK for submitting Plan C as a plan. She felt there was a major flaw. If there was a fire or active shooter, the Clerk's Office has no easy escape route. She felt HKK should have put that basic standard into their plan. She said she came to the August work session and presented a

preliminary sketch of the Compromise Plan and stated at that time Cazenovia Heritage would be involved. She said after the work session she asked HKK develop elevations and a floor plan for the Cazenovia Heritage Plan. She stated an e-mail came from the Supervisor that no further plans should be submitted to HKK for development.

Supervisor Zupan said his e-mail said they weren't going to pay HKK anything else to develop more plans.

Anne Ferguson concurred with his reply. Additionally, she said there are no elevations for Plan C and there isn't anything to visually show the public.

Supervisor Zupan said they have looked at-at least seven buildings. The building at the end of the lake, the NAPA building, etc.

A. Ferguson *said as part of the feasibility, there is another plan, the Cazenovia Heritage Plan.*

Supervisor Zupan said this Town Board decided to look at the feasibility of Plan C or build new. He said this is how they will proceed unless the Town Board wants to shift gears and revisit it next month and open it up to the "Compromise Plan." Additionally, he added it is not a compromise, it should be called the "Heritage Plan."

A. Ferguson *said they feel it is a compromise for those that want to stay at the Gothic Cottage and those that feel the only way to get a modern facility is to move off site. She was unsure why the Board would not want a full understanding of the "Heritage Plan." She felt it would be better received by the public to have a public meeting.*

Councilor Andersen said there was a citizen's committee to involve the public as they reviewed the various plans from HKK.

A. Ferguson *said when you wait 11 or 12 years, what is another month to consider another plan. She suggested having a public meeting where both options can be considered. She felt Plan C and the Heritage Plan should be given consideration and then select the best one to compare to an off-site location.*

Supervisor Zupan said a new board member will be joining and maybe the dynamics might change. He felt the Town Board needs to look at both options and know what each of them cost. If the options are deemed too expensive, then they will look for more options and may come back to Cazenovia Heritage.

A. Ferguson *engaged the Town Board and they discussed the cost of Plan C versus the Heritage Plan.*

Councilor Golub said the Heritage Plan has two bathrooms and very intricate roof lines. He showed it to someone who is involved in historic building locally and in his opinion the Heritage Plan is more costly.

Councilor Golub said with the Heritage Plan the front rooms will be museum-like and unused as opposed to Plan C where the rooms will be utilized.

A. Ferguson *said she met with six or eight non-profit groups and they would be happy meeting at the Town Office starting tomorrow, for office space.*

Councilor Andersen inquired as to the groups she was referring to.

A. Ferguson didn't understand why the Board wouldn't take a couple more months and hold a public meeting to evaluate Plan C versus Cazenovia Heritage and then evaluate against the off-site location.

Councilor Race said he is against doing anything at the Gothic Cottage. He said the amount that will be spent they can build new and design for exactly what they want. He also expressed he is not opposed to keeping the Gothic Cottage. He said years ago, a very similar plan, prior to HKK, was presented to the Town Board. At that time, the numbers were ludicrous and he does not know how the numbers decreased since 2009.

Supervisor Zupan suggested the discussion be continued at the February 2022 work session.

Anne Ferguson agreed and thanked the Board.

Anthony Mercado stated he was from the Town of Cazenovia. He was present to comment on the November 8, 2021 Town Board meeting. He said Supervisor Zupan publicly accused him of an unlawful activity and threatened to have him arrested. He felt the Town Board's silence to Supervisor Zupan's comments made them share responsibility in "Supervisor Zupan's outbursts." In his opinion, the Board, in its entirety, is an immediate liability to the Town and residents of Cazenovia. He further expressed a financial burden was placed on him by failing to be allowed to share his opinion on allocation of taxpayer funds for the proposed 2022 budget. He was denied to comment on proposed local law B of 2021. [Local Law B of 2021 (Tax Cap Override) was passed on October 4, 2021 at the New Woodstock Firehouse-Mr. Mercado was not present at that meeting] He said another loss of opportunity came for him to comment the following day during the solar panel proposal hearing in the same building on November 9, 2021. He was denied to make a statement on the Barrett Road solar panel project, which at this point has many questions unanswered. He read a list of demands that included the following: 1) the Town Board initiate a roll call vote denouncing Mr. Zupan's behavior on November 8, 2021.

John Langey, Esq. told the Board they were not required to respond.

Mr. Mercado continued his list of demands 2) a vote of no confidence of Mr. Zupan; 3) Mr. Zupan resign his position of Town Supervisor for the Town of Cazenovia; 3) a vote of forfeiture of all benefits accumulated for Mr. Zupan during his tenure as Town Supervisor; 4) Councilor Andersen – issue an immediate public apology for supporting Mr. Zupan's false allegations of criminality; 5) Councilor Andersen write a letter of apology to him and the authorized commonly used print newspaper including the online version for the official newspaper of the Town. In closing, he said the demands are in no way all the actions he may or may not choose to consider at this time.

Laura Reeder stated she was resident of the Town of Cazenovia. She said she was present at the meeting last month that Mr. Mercado made reference to. She was moved to acknowledge the hurt and pain that people feel when they are rejected or threatened by public officials who have greater power over them and their livelihoods. She wanted to acknowledge she saw and heard what Mr. Mercado was referring to at the last meeting. She continues to stand in solidarity, not especially with his requests and demands, but with the understanding this is representative of one person. She stated she has heard other stories, not just about the Town Board, but about the treatment of people, in general.

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 Reger to approve payment of the bills. The motion was unanimously approved.

Motion by Councilor Golub, seconded by Councilor Race to adjourn this meeting.

At 8:37 p.m., Supervisor Zupan declared this meeting adjourned.

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