

**TOWN BOARD
REGULAR MEETING**

MONDAY

June 12, 2023

Supervisor Zupan opened the meeting at 7:30 p.m. with four Councilors present. Councilor Johnson was excused.

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Supervisor Zupan read the following statement to acknowledge June as LGBTQ+ Pride Month...

Whereas, the Town Board of the Town of Cazenovia welcomes and encourages diversity and inclusion within our community; and

June 28, 2021, marks the 52nd anniversary of the Stonewall uprising in New York City, which sparked the gay rights movement, and is the nationwide month to recognize the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Plus (LGBTQ+) community; and

Celebrating Pride Month raises awareness and provides support and advocacy for the LGBTQ+ community, and is an opportunity to become educated, engaged in dialogue, strengthen alliances and build understanding; and

While there has been remarkable progress toward the acceptance and equality, members of the LGBTQ+ community continue to face discrimination, intolerance and hate; and

Whereas, we must commit to supporting and accepting LGBTQ+ individuals, in particular, our youth, who compared to their peers are far more likely to experience violence and bullying at school; to suffer from depression; to struggle with substance abuse; and to have attempted suicide; and

We must remain vigilant in deterring oppression and discrimination against people on the basis of sex, gender identity or expression, or sexual orientation; and

By protecting the rights of every individual, we enhance and strengthen the value of everyone throughout our entire society; and

We affirm our support for LGBTQ+ residents in our community and stand with them to protect their civil rights and their ability to live openly, equally and without fear; and

Now, by the Town Board of the Town of Cazenovia on this 12th day of June, 2023, that the Town Board recognizes and supports the month of June 2023 as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning, and Plus (LGBTQ+) “Pride Month;” and we urge all residents to celebrate and build a culture of inclusiveness and acceptance – during this month and every month.

Supervisor mentioned there is a parade on Saturday with a kick-off time of 11:30 a.m. with line-up behind the library and proceeding down to Lakeland Park. He encouraged everyone to show support for this section of the constituency.

Supervisor Zupan said June is also Gun Violence Awareness Month and it is his hope to see rational discussions on both sides of the issue and come up with some protection for people against all the gun violence.

Motion by Councilor Reger, seconded by Councilor Golub to accept the minutes from the following meetings:

- **May 8, 2023 regular meeting**
- **June 7, 2023 special 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: *There were no comments.*

Supervisor Zupan stated last year the Town was denied funding for this project, but the application will be re-submitted and hopefully will be successful this round.

Resolution No. 73 presented by Councilor Race, seconded by Councilor Reger

RE-AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE APPLICATION FOR A WATER INFRASTRUCTURE IMPROVEMENT (WIIA) GRANT IN RELATION TO THE Mt. PLEASANT WATER DISTRICT

WHEREAS, the Town of Cazenovia submitted an application in 2022 for grant funding through the New York State Environmental Facilities Corporation Grant Program relating to improvements of the facilities at the “Mt. Pleasant Water District;” and

WHEREAS, the Town was notified in November of last year that they were denied grant funding for their proposed improvements to the “Mt. Pleasant Water District;” and

WHEREAS, the Town Board has since learned there is additional funding available in 2023 for water infrastructure projects and may have a better chance to be awarded funding; and

WHEREAS, the Town Board authorizes the Town of Cazenovia Supervisor to re-submit a grant application.

NOW, THEREFORE, BE IT RESOLVED the Town of Cazenovia Supervisor is hereby authorized to execute the Grant Application to the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project. Said documents are subject to review and approval by the Attorney for the Town.

Roll call:

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

Supervisor Zupan declared Resolution No. 73 adopted.

Supervisor Zupan said Madison County Distillery has used the funding for the Community Development Block Grant and this is a step in the process to close out the project.

Resolution No. 74 presented by Councilor Race, seconded by Councilor Reger

**RESOLUTION CALLING FOR A SECOND PUBLIC HEARING FOR
MADISON COUNTY DISTILLERY, LLC
COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, the Town Board of the Town of Cazenovia wishes to hear public comments relating to the recently completed Community Development Block Grant (“CDBG”) project supporting the expansion of the Madison County Distillery at 2412 Route 20 East within the Town, and

WHEREAS, The CDBG program is administered by the New York State Office of Community Renewal (OCR), and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons, and

WHEREAS, OCR requires that grant recipients hold a public hearing to provide information to the public and to consider citizen comments regarding CDBG funded projects to help make determinations for the future use of CDBG funds, therefore be it

RESOLVED, that the Town Board of the Town of Cazenovia hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

RESOLVED, that the Public Hearing shall be held on July 10, 2023, at 7:30 p.m. in the Town Offices, 7 Albany Street, Cazenovia, New York; and be it further

RESOLVED, that at least eight (8) days’ notice of such hearing shall be given by the Town Clerk by the due posting thereof in the Town Offices and on the Town’s website, and by publishing such notice at least once in the official newspaper of the Town.

Roll call:

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

Supervisor Zupan declared Resolution No. 74 adopted.

Supervisor Zupan said this next resolution is for individuals that are before the Court and need an interpreter.

John Langey, Esq. stated Judge Fischer made the request because he's had to do a few arraignments and hearings and some people that appear do not speak English. This company has multiple interpreters. He reviewed the contract and feels it is relatively inexpensive for the service that is being offered.

**Resolution No. 75 presented by Councilor Race, seconded by Councilor Golub
AUTHORIZING THE TOWN OF CAZENOVIA SUPERVISOR TO EXECUTE THE
MASTER SERVICE AGREEMENT WITH LANGUAGE LINE SERVICES, INC.
FOR THE TOWN OF CAZENOVIA JUSTICE COURT**

WHEREAS, the Town of Cazenovia maintains a Justice Court within the New York State Unified Court System; and

WHEREAS, the Town of Cazenovia Justice Court exercises jurisdiction over a broad range of matters, including vehicle and traffic, small claims, evictions, civil matters and criminal offenses; and

WHEREAS, in the administration of its duties, the Justice Court Justices and their Staff, as well as those charged with criminal offenses, have occasion to interact with individuals speaking a variety of languages; and

WHEREAS, the Town of Cazenovia Justice Court Justices have advised the Town of Cazenovia Town Board of the need to obtain interpretive services on a case-by-case basis; and

WHEREAS, the Town Board has been presented with a Master Service Agreement from Language Line Services, Inc. for on-demand interpreting services and translation services; and

WHEREAS, the Town Board has caused the Master Service Agreement to be reviewed by its legal counsel and desires to enter into the Master Service Agreement, which includes terms that allow for termination upon one hundred twenty (120) days' notice for any reason and thirty (30) days' notice for cause; and

WHEREAS, such action constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated thus ending the environmental review process.

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the Master Service Agreement with Language Line Services, Inc. without further authorization, subject to final review and approval by the Town's legal counsel.

Roll call:

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

Supervisor Zupan declared Resolution No. 75 adopted.

**Resolution No. 78 presented by Councilor Reger, seconded by Councilor Golub
STANDARD WORK DAY AND REPORTING RESOLUTION
FOR ELECTED AND APPOINTED OFFICIALS**

BE IT RESOLVED, that the Town of Cazenovia hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs. Max 8 hrs.	Name (First and Last)	Current Term Begin & End Dates	Record of Activities Result	Pay Frequency
Elected Officials					
Appointed Officials					
Code Enforcement Officer	6	Charles E. Ladd, II	1/1/2023-12/31/2023	9.06	Bi-Weekly

Roll call:

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

Supervisor Zupan declared Resolution No. 78 adopted.

Resolution No. 79 presented by Councilor Race, seconded by Councilor Reger

**BOOKKEEPER ATTENDANCE AT THE OFFICE OF THE
NEW YORK STATE COMPTROLLER SEMINAR**

To approve the bookkeeper, Elizabeth B. Merrill’s attendance at the Office of the New York State Comptroller Seminar in Utica, New York on June 28, 2023 with registration and mileage expenses paid.

Roll call:

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

Supervisor Zupan declared Resolution No. 79 adopted.

Resolution No. 80 presented by Councilor Golub, seconded by Councilor Reger

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE
THE LETTER OF SUPPORT FOR IMPROVEMENTS TO THE
BURTON STREET PARK TO THE NEW YORK STATE DEPARTMENT OF
STATE DIVISION OF LOCAL GOVERNMENT**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Support to the New York State Department of Local Government for the grant application submitted by the Village of Cazenovia.

May 30, 2023

Mr. Kyle Wilber
New York State Department of State
Division of Local Government
One Commerce Plaza
99 Washington Avenue, Suite 1015
Albany, NY 12231-0001

Dear Mr. Wilber:

I would like to express my support for the Northern Border Regional Commission Catalyst Grant Application submitted by the Village of Cazenovia. The funds from this grant would be used to assist with enhancement of infrastructure at Burton Street Park.

As a rural community with a population of approximately 2,700, provision of public services is challenging. Burton Street Park is a municipal park within the village that is used for year round recreational activity including baseball, basketball, box lacrosse, hockey, and ice skating. It is an important resource for area youth to enjoy both organized and informal physical activity.

The existing building that supports park activity is in disrepair and limits the possibilities of the park for year round use. The restroom facilities are not universally accessible and are often in need of repair. The present structure lacks suitable indoor space which would encourage greater use of the park for winter activity.

The enhancements included in this proposal will provide a safer, universally accessible, and more enjoyable experience for residents and visitors. The park location within the downtown provides a walkable place for recreation that will reduce miles driven and carbon emissions. The improvements will expand park use and enhance community vitality and directly related economic activity.

I ask that you give this application serious consideration for funding. It would be an excellent investment to help assure that this park will continue to be experienced in a positive way by residents and visitors for many years to come.

Sincerely,

William N. Zupan,
Town Supervisor

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

Supervisor Zupan declared Resolution No. 80 adopted.

Resolution No. 81 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZE A CREDIT TO A USER’S ACCOUNT OF THE
WATER POLLUTION CONTROL FACILITY**

To authorize the Sewer Billing Clerk to issue a credit for the penalty incurred in the amount shown to the following accounts of the Water Pollution Facility:

- **Heffernan, Patricia**
Service ID: 3540 (16 Corwin Street) **\$ 16.25 Credit**

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

Supervisor Zupan declared Resolution No. 81 adopted.

Resolution No. 82 presented by Councilor Race, seconded by Councilor Golub

to approve the following 2023 budget modifications:

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

General Fund A

To create budget for Town Board resolution 71 – 2023 adopted June 7, 2023, adding to estimated revenue and expenditures for A.R.P.A. related expenditures (budget modification).

To: A 4089.000 Federal Aid, Other (revenue)\$204,858.33

To: A 8740.2.001 Watershed Protection EQ ARPA Related 204,858.33

Highway Fund DA

To appropriate revenue received for sales of equipment of \$45,000, of which existing 2023 budget estimated \$30,000 of revenue (a net of \$15,000) for equipment purchase authorized upon adoption of Town Board resolution 26 – 2023 on February 13, 2023 (budget modification).

To: DA 2665.000 Sales of Equipment (revenue)\$15,000.00

To: DA 5130.2.000 Machinery EQ 15,000.00

Roll call:

Councilor Race Yes

Councilor Golub Yes

Councilor Reger Yes

Councilor Johnson Excused

Supervisor Zupan Yes

Supervisor Zupan declared Resolution No. 82 adopted.

Attorney's Report: *John Langey, Esq. reported there was a meeting recently regarding the WIIA (Water Infrastructure Improvement Act) grant for the Water Pollution Control Facility which will involve a number of steps. At the last work session, a couple of resolutions were adopted that the engineer needed for the project. He made the Town Board aware there are a lot of steps in this process. On another note, he said most of the agreements have been signed for the Lucas Solar Farm Project. He stated the developer is currently looking for access from the road. He has to return a call to the Town of DeRuyter Supervisor who inquired about travel over their section of the road. He needs to speak to the developer and see how he wants to move forward. In regards to the "cell tower law," they are getting ready to make recommendations on some potential changes. On the solar project at the highway garage, he said there is nothing new. However, there is a change in the law regarding assessing solar projects. He will work with the Assessor, Brian Fitts on this recent change. There is a new formula that involves a depreciation factor and the assessor will have to apply this calculation to any new solar project and each year it will go down in value. PILOT Agreements are being drafted to try to bypass the depreciation factor and it is yet to be seen if it will be challenged.*

Supervisor's Report: *Reported his work over the past month has included many of the items on the agenda including the Water Pollution Control Facility. He worked on the town's insurance because a 30-35% increase in cost is being proposed. He has been trying to get the number down to a more reasonable number.*

Supervisor Zupan added the United Climate Action Network (UCAN) as an area of oversight for Councilor Golub.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported they did the road tour this past Sunday. The paving program is ready to begin. They have a full staff for the first time in a while.*

Councilor Golub {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-racism Coalition, UCAN}: *Reported the CLA is sending out an RFP for the dam removal study to ensure the hydrology decreases the backflow, yet still allows fish to swim upstream and minimizes any downstream flooding. In regards to the turf construction project, the school had agreed to let the CLA sit at the table. In regards to the design, an item of contention was the rubber tire fill. The school agreed to use the polyethylene, but that is not going to happen. They will use tire crumb that has been washed to remove most of the toxins. The Geothermal Committee has been meeting and has zeroed in on a possible project, but he won't disclose it until they talk to the property owner. He continues to take NYSERDA geothermal webinars each month*

Councilor Reger (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *Reported it was another busy month for the Planning and Zoning Boards. On another note, the trooper barracks is getting a new roof and he has made Sergeant McVickers aware of the project. Councilor Johnson and he have been discussing the "cell tower law." They are going to have a meeting with some individuals and might be able to get back to the group by the next meeting. There have two additional meetings scheduled for the Town Comprehensive Plan which meets twice a month. He contacted the CazCares Director and they have noticed an increase in families being serviced and are now up to about 140 families. They do a tremendous job supporting the community.*

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:

Rebecca Garden was present as a representative of the Anti-racism Coalition. She said Councilor Johnson shared the ARC's response to the Madison County Board of Directors [sic] banning migrants being relocated here from New York City. She said she would be happy to discuss if any member had questions.

The Town Board said they received an e-mail from Councilor Johnson.

R. Garden said she also spoke with the Village of Cazenovia Board to see if they wanted to make a statement. Mayor Wheeler expressed it was a national issue and has nothing to do with the Village. She said she wrote about the first outbreak of Corona Virus in Madison County which was amongst migrant workers. They were living in similar conditions, in a chain hotel. In her opinion, assuming that negotiations with businesses can be made about housing migrants for work, it would seem reasonable negotiations can be made with New York City about housing individuals who are similarly seeking asylum. She wondered what message this sends when there is a ban? She felt it sends a message whether or not Cazenovia welcomes refugees.

Supervisor Zupan said he's the Town Supervisor and sits on the Board of Supervisors at Madison County. It was discussed at the County level and he voted in favor of the ban on immigrants. He said it was not because they are immigrants, but because they would be coming up here without

any support. They are not allowed to work until their first court hearing. They were looking to send 600 immigrants and they are usually single, young men with no support. New York City was giving whoever held the bonds, money to house the people. There would have been 600 immigrants in Madison County who can't work until their first court date-sometime in January. Food, housing and health benefits would have to be provided. Madison County is having a hard time taking care of their own homeless population. They were discussing Morrisville, Cazenovia-any place that had a hotel. The problem is there's not the support capabilities to handle that many people without bankrupting Madison County.

R. Garden *said she has not seen a lot of information on this so these are details she was unaware of. However, the suit does charge there are resources accompanying the migrants. She asked if Madison County does not accept people in crisis, who will? On another note, she felt it would be helpful to explain the position of the County in better detail.*

Supervisor Zupan said there is an Afghan-refugee family in Cazenovia. They came through the normal process and they have a home in the village. The gentleman in the family could immediately seek work and is now a gainfully employed long-haul truck driver. He said in his opinion, the federal government does not have a program to allow the people to work and they are needed. If the people could work to support themselves, it wouldn't be a problem. He asked who supports them for six months.

R. Garden *said she would take this information back to her organization in hopes of lobbying for this kind of support. She felt it was about opening up communication and the messaging around these issues.*

Supervisor Zupan felt everyone at the table was sensitive to the plight of the immigrants. He said all of our forefathers came from other countries. He said his grandfather came to America with two dollars in his pocket. We are all sensitive to the plight of the immigrants, but the issue is to find a program that allows them to work instead of being held in a camp with no employment.

R. Garden *commented her organization was ready to help in any way they could.*

Supervisor Zupan suggested she reach out to her federal representatives. It is a federal problem because there hasn't been a good immigration policy in decades.

Anne Ferguson *was present on behalf of Lauren Lines from CACDA who was seeking confirmation of the approval to apply for a grant for the stabilization of the Gothic Cottage. She said she has been in contact with Councilor Johnson and she expressed the Town Board had concerns about the public accessibility requirement for State funds. She said they got approval to proceed with the grant application in April and wondered if they could move forward because they desperately need to start the work on the application.*

Councilor Golub thought they had discussed at the road tour to apply for the \$ 500,000.00 matching grant and spread it out over five years.

Councilor Race said an action would have to be taken, officially. He wondered if the Town Board wanted to vote now.

Supervisor Zupan received confirmation that the grant is due at the end of July. He suggested a straw vote be done and in July a regular resolution could be passed.

A. Ferguson said Lauren Lines submits the application, but all the questions get farmed out. She said everyone involved has other jobs, so they really need to start working on the application. Councilor Race said it is a matching grant, but the grant money can be spread out over five years which could tie in the Host Community Funds as the matching portion without any further expense. According to Lauren Lines, the public accessibility is flexible to a certain extent.

Supervisor Zupan said if the grant is filed timely, it will put the town in the que for the grant. If something happens between now and when we get the grant, the town could decline accepting the grant.

Councilor Race didn't think denying the grant once it was awarded would be in anyone's best interest. He said it will give the individuals working on the grant more time and the Town Board more time to have further discussions about some of the caveats.

A. Ferguson wondered if the covenant agreement is what Councilor Race was referring to. She said from SHPO's point-of-view anything other than a private residence is publicly accessible. The public has to be allowed in to be sure tax payer dollars aren't being used to support a private residence. A lot of the covenant language is around that point. Many of the items and concerns in the covenants would be the same SHPO would raise today because the house is on the National Register. She thought it was a standard pro-forma form that the State uses for State funding. She said this is nothing new.

Councilor Race wanted John Langey to look at the language of the covenants.

The Town Board gave the grant writers authority to start the application process.

Supervisor Zupan said the Town Board will need a formal resolution to submit the grant application.

John Langey stated there is no such thing as a straw poll, other than to give knowledge.

Resolution No. 83 presented by Councilor Race, seconded by Councilor Golub to authorize the advancement of the New York State Office of Parks, Recreation, and Historic Preservation grant application for the stabilization of the Gothic Cottage with anticipated further action at a future meeting on this matter.

Roll call:

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

Supervisor Zupan declared Resolution No. 83 adopted.

A. Ferguson further asked about the report that was presented at the April work session. She said there were four things that the Board agreed to move forward on and she wondered about the progress. The list included the non-capital maintenance items, undertaking a hazardous material assessment and doing a building site drainage and mitigation plan. She couldn't recollect the fourth item.

Supervisor Zupan said none of these items are in the budget so estimates would need to be obtained and then it could be included in the budget.

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 Reger, seconded by Councilor Race to approve payment of the bills. Supervisor Zupan recused himself from payment of the Cunningham Trucking invoice. Otherwise, the motion was unanimously approved.

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

At 8:13 p.m., Supervisor Zupan declared this meeting adjourned.

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