

TOWN BOARD

MONDAY

July 13, 2020

Zoom Meeting

<https://madisoncounty-ny.zoom.us/j/95819851526>

Meeting ID: 958 1985 1526

Dial by your location

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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 July meeting was held via videoconferencing. This meeting notice 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.

This meeting was video-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: *A "Thank You" note from Cazenovia Area Senior Association (CASA) was read to the Town Board "thanking" them for the donation of \$ 7,750.00 to support educational and recreational activities to residents 55 years of age and older.*

Motion by Councilor Race, seconded by Councilor Andersen to accept the minutes from the June 8, 2020 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: *There were no comments.*

The Town Board heard the grievance applications of Daniel Kuper in relation to:

- **Lincklaen House Realty, LLC Service ID: 7890**
 - Bill Amount: \$ 5,852.20 Usage: 123,900 ft.³
- **Cazenovia Hospitality, LLC Service ID: 0385**
 - Bill Amount: \$ 11,337.10 Usage: 240,600 ft.³

Dan Kuper, owner, stated his case regarding charges from the Water Pollution Control Facility for the above-referenced establishments. He felt it was devastating for the rate to go up two times what it was previously. He talked to hotel owners in other towns and the combined water and sewer charges range from \$ 7,100.00 for DeWitt and Utica being the highest at \$ 11,200.00.. He thought if a business uses more, they should pay less.

Supervisor Zupan explained a public hearing was conducted and no one attended. He suggested businesses come to the Town Board and ask them to look at the rates for next year. He explained Jim Cunningham, the WPCF Operator, got the rates for comparable-sized plants and the Town of Cazenovia had one of the lowest rates around. The Town's rates can't be compared to Onondaga County because the County's plant is very large. He said in recent conversations with Councilor Race he learned that Mr. Kuper was unaware he could install a sub-meter when the hotel pool gets filled.

Mr. Kuper expressed his dismay with the College's new rate, which doesn't pay property taxes, being charged the same rate as other users.

Supervisor Zupan said very few people grieved their bills with the new rates. Therefore, he reiterated that local businesses could get together and make a pitch to lower the rates.

Mr. Kuper inquired if they could look back at the rates from the prior year?

Supervisor Zupan said no because a budget was set and they need to bring in about the same amount of money. He further explained it went to one rate so it was the same across the board and not so convoluted with seven different rates.

Councilor Race echoed the Supervisor's statement. He stated the Operator runs multiple other plants around Central New York and most everyone uses one rate.

Jim Cunningham, Operator, stated the Village of Hamilton charges \$ 7.41/1,000 ft.³, Skaneateles \$ 6.20/ 1,000 ft.³, City of Ithaca \$ 5.80/1,000 ft.³ and Watkins Glen \$ 10.00/1,000 ft.³. In Onondaga County, a user also pays for an appropriate-sized water meter. Onondaga County is hard to compare to because they have 340,000 users and the Town of Cazenovia has 1,800.

Supervisor Zupan stated if a lot of water is used with the pool and watering the lawn, a decrease should be noticed for next year with the addition of the sub-meter.

Mr. Kuper reiterated the cost should go down as usage goes up.

Mr. Cunningham checked the Village of Cazenovia website and found that the rate goes up as more water is used. He stated the Town is flat for the Water Pollution Control Facility rate.

Mr. Kuper said the pool is drained one to three times per year and it is topped off weekly.

Councilor Race asked Mr. Kuper what he would like done besides a lower rate?

Mr. Kuper thought the Board should re-evaluate the rate structure.

Councilor Race said it is fair to everyone because it is based on the usage and it's a flat rate.

Mr. Kuper said at the Hampton they water the garden and lawn, as well as, fill the pool. At the Lincklaen House they make soups and drinks and everything goes out the building which is why restaurants should be a different rate.

Councilor Race asked for an estimate for water in the pool.

The general consensus of the Board was to help him with his bill.

Supervisor Zupan reminded the Board a certain number has to be met to operate the plant.

J. Cunningham said the Hampton Inn is one of the biggest users, using over a million gallons of water.

The Town Clerk gave the numbers from the previous bills and mentioned Mr. Kuper was paying about \$ 10,000.00 more.

Dan Kuper confirmed the pool was 20,000 gallons and the hose is run for 2 hours each week to top off the pool.

The Town Board worked through the calculation of what was used, 9,626 ft.³ (20,000 to fill the pool and 1,000 week to top it off).

Councilor Race said it would be hard to factor the items at the Lincklaen House, but the pool is a definite number.

Supervisor Zupan said the goal is to keep the treatment plant running efficiently and the Board can look at the rate structure and re-evaluate.

Jim Cunningham said it is a 200-year old sewer system and the Town will need to bond for some big items. They can fine-tune numbers to reflect what the costs are, but they are some of the lowest costs in the State for the size of the plant.

Supervisor Zupan asked the Board what they wanted to do about Cazenovia Hospitality.

Councilor Race thought the pool should be backed out of the invoice and going forward it will be a non-issue if it is metered.

The Board recalculated the number and determined it was \$ 452.62.

Councilor Golub suggested doubling the number to show good faith and make it more significant.

The Board agreed to \$ 1,000.00 off the Cazenovia Hospitality invoice.

D. Kuper appreciated the reduction and wanted to get local businesses together with the Town Board to discuss the rates.

Supervisor Zupan encouraged Mr. Kuper to get businesses together.

D. Kuper mentioned to the Board the sales tax dollars that the businesses bring into the local community.

Supervisor Zupan brought the proposal before the Board to lower Cazenovia Hospitality by \$ 1,000.00 and keep the Lincklaen House bill the same.

D. Kuper wondered if Empire Brewery had a negative impact on the treatment plant?

Supervisor Zupan said yes. However, no damage was done to the plant with Jim Cunningham as the Operator, but it did increase operating costs.

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

AUTHORIZE CREDITS TO CERTAIN USER’S ACCOUNTS OF THE WATER POLLUTION CONTROL FACILITY

To authorize the Sewer Billing Clerk to issue credits in the amounts shown to the following accounts of the Water Pollution Control Facility and the re-issuance of new bills:

- **Eric Olson** (Susan Light)
 - Service ID: 5580 (4 Forman Street) **\$ 132.00**
- **Russell Anixter**
 - Service ID: 1110 (2 Naomi Drive) **\$ 379.29**
- **Concetta DeCew**
 - Service ID: 8070 (19 Albany Street) **\$ 520.68**
- **Cazenovia Hospitality, LLC**
 - Service ID: 0385 (25 Lakers Lane) **\$ 1,000.00**

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 Race, seconded by Councilor Reger

AUTHORIZING THE PROCUREMENT OF A NEW 2020 WACKER EW100-E1402 WITH TRADE-IN

WHEREAS, the Town of Cazenovia Highway Department has previously advised the Town Board of the Town of Cazenovia of its continuing need to repair, replace and update its fleet of equipment; and

WHEREAS, the Town of Cazenovia Highway Department has advised of its desire to acquire a new 2020 Wacker EW100-E1402 with specified equipment; and

WHEREAS, in 2014 the Town of Cazenovia Town Board authorized the use of piggybacking pursuant to GML §103 where the procedures of competitive bidding have been observed and the equipment to be procured has complied with the Town of Cazenovia’s Procurement Policy at ¶7 therein; and

WHEREAS, the Town has investigated the possibility of the use of piggybacking for the procurement of the compact hydraulic wheeled excavator and has determined that such equipment

is available for acquisition and purchase through the method of piggybacking through the competitive bidding procedures (GML §103) pursuant to Sourcewell Contract #040319-WAC resulting in an award of a contract from retailer Admar Supply Company Inc. for a total purchase price of One Hundred Sixty-Four Thousand Four Hundred Six and 00/100 Dollars (\$164,406.00), being more particularly described as a 2020 Wacker EW100-E1402 with cab, AC, long dipper stick, rear dozer blade, AWS, front stabilizers and 3rd circuit control (\$152,625.00), together with 1 rotating beacon kit (\$294.00), 1 AM/FM radio - MP3 player (\$294.00), 2 bucket pin kits (\$622.00), 1 light mount rear of cab (\$180.00), hydraulic thumb (\$92.00), 1 hydraulic thumb hose kit (\$3,818.00), 36” digging bucket (\$1,723.00), a 60” grading bucket (\$2,000.00) and a mechanical quick coupler (\$2,057.00); and

WHEREAS, it has been determined by the Town of Cazenovia that the contract price for sale of the equipment specified herein meets the requirements of piggybacking as set forth in ¶7 of the Town of Cazenovia Procurement Policy, to wit:

- A. The contract involved was available for use by other governmental entities through the bid solicitation process. The Town of Cazenovia has determined that there is contained within the bidding municipality’s bid package a provision that the bid is open to and can be used by other municipalities.
- B. The specific contract was issued in accordance with the equivalent provisions of General Municipal Law §103; and

WHEREAS, as part of said acquisition, a trade-in shall be applied to said procurement and after application of said trade-in allowances of One Hundred Thousand and 00/100 Dollars (\$100,000.00) for a used 2016 Wacker EW100AWS Compact Hydraulic Wheeled Excavator (Serial #WNCE0606VPAL00279), it is anticipated that the balance necessary for purchase of said equipment will not exceed Sixty-Four Thousand Four Hundred Six and 00/100 Dollars (\$64,406.00); and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board that the Town of Cazenovia Town Supervisor is hereby authorized to purchase by order a new 2020 Wacker EW100-E1402 with equipment as specified above, from Admar Supply Company Inc. in an amount not to exceed Sixty-Four Thousand Four Hundred Six and 00/100 Dollars (\$64,406.00), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Town Fund, as adjusted by the above-noted trade-in allowance.

Roll call:

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

Supervisor Zupan declared Resolution No. 70 adopted.

Resolution No. 71 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZING THE PROCUREMENT OF
A NEW HIGHWAY MODEL 9’ SUPER P 304SS DUAL HYDRAULIC DRIVE
SPREADER WITH SPECIFIED EQUIPMENT**

WHEREAS, the Town of Cazenovia Highway Department has previously advised the Town Board of the Town of Cazenovia of its continuing need to repair, replace and update its fleet of equipment; and

WHEREAS, the Town of Cazenovia Highway Department has advised of its desire to acquire a new Highway Model 9’ Super P 304SS Dual Hydraulic Drive Spreader with specified equipment; and

WHEREAS, the Town Board in 2014, the Town of Cazenovia authorized the use of piggybacking pursuant to GML §103 where the procedures of competitive bidding have been observed and the equipment to be procured has complied with the Town of Cazenovia’s Procurement Policy at ¶7 therein; and

WHEREAS, the Town has investigated the possibility of the use of piggybacking for the procurement of the compact hydraulic wheeled excavator and has determined that such equipment is available for acquisition and purchase through the method of piggybacking through the competitive bidding procedures (GML §103) undertaken previously by the Oneida County DPW (Bid Reference Award #2061) resulting in an award of a contract from retailer Tracey Road Equipment, Inc. for a total purchase price of Eight Thousand One Hundred Eleven and 00/100 Dollars (\$8,111.00), being more particularly described as a new Highway Model 9’ Super P 304SS Dual Hydraulic Drive Spreader with standard equipment (including 12 gauge 304 stainless steel side sand ends; 10 gallon bottom and sills; inverted “V”, extended spinner hopper; hoses and fittings kit; and (4) 2” nylon ratchet strap hold-downs) (\$7,446.00) and an optional one piece heavy duty screen package (\$665.00); and

WHEREAS, it has been determined by the Town of Cazenovia that the contract price for sale of the equipment specified herein meets the requirements of piggybacking as set forth in ¶7 of the Town of Cazenovia Procurement Policy, to wit:

- C. The contract involved was available for use by other governmental entities through the bid solicitation process. The Town of Cazenovia has determined that there is contained within the bidding municipality’s bid package a provision that the bid is open to and can be used by other municipalities.
- D. The specific contract was issued in accordance with the equivalent provisions of General Municipal Law §103; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board that the Town of Cazenovia Town Supervisor is hereby authorized to purchase by order a new Highway Model 9’ Super P 304SS Dual Hydraulic Drive Spreader with standard equipment (including 12 gauge 304 stainless steel side sand ends; 10 gallon bottom and sills; inverted “V”, extended spinner hopper; hoses and fittings kit; and (4) 2” nylon ratchet strap hold-downs) and an optional one piece heavy duty screen package, from Tracey Road Equipment, Inc. in an amount not to exceed Eight Thousand One Hundred Eleven and 00/100 Dollars (\$8,111.00), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway

Department Fund, as adjusted by the above-noted trade-in allowance.

Roll call:

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

Supervisor Zupan declared Resolution No. 71 adopted.

Resolution No. 72 presented by Councilor Race, seconded by Councilor Golub

BOND ANTICIPATION NOTE RESOLUTION DATED JULY 13, 2020.

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK, AUTHORIZING THE PURCHASE OF A NEW 2021 WESTERN STAR HEAVY DUTY TRUCK WITH SNOWPLOW EQUIPMENT, A NEW 2020 RUBBER-TIRED WACKER NEUSON EXCAVATOR, A NEW 2020 CHEVROLET SILVERADO MD 5500 4WD TRUCK WITH 11’ STAINLESS STEEL DUMP BODY AND FISHER 10.5’ XV2SS PLOW AND A NEW HIGHWAY MODEL 9’ SUPER P 304SS DUAL HYDRAULIC DRIVE SPREADER, WITH SPECIFIED EQUIPMENT, ALL FOR USE BY THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT AT A TOTAL MAXIMUM ESTIMATED COST FOR ALL ITEMS OF \$241,720 AND AUTHORIZING THE ISSUANCE OF UP TO \$241,720 OF SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two thirds of the total voting strength of the Town Board of the Town of Cazenovia, Madison County, New York (the “Town”), as follows:

Section 1. The purchase of a new 2021 Western Star Heavy Duty Truck with Snowplow Equipment, a new 2020 Rubber-Tired Wacker Neuson Excavator, a new 2020 Chevrolet Silverado MD 5500 4WD Truck with 11’ stainless steel dump body and Fisher 10.5’ XV2SS plow and a new Highway Model 9’ Super P 304SS Dual Hydraulic Drive Spreader, with specified equipment, for use by the Town of Cazenovia Highway Department, for a total purchase price of \$241,720, is hereby authorized.

Section 2. The maximum estimated cost of such class of objects or purposes is \$241,720 and the plan for the financing thereof is as follows:

By issuance of \$241,720 serial bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the 2021 Western Star Heavy Duty Truck with Snowplow Equipment, is fifteen (15) years, pursuant to Section 11.00(28) of the Local Finance Law. It is hereby determined that the period of probable usefulness of the new 2020 Rubber-Tired Wacker Neuson Excavator, is fifteen (15) years,

pursuant to Section 11.00(28) of the Local Finance Law. It is hereby determined that the period of probable usefulness of the new 2020 Chevrolet Silverado MD 5500 4WD Truck with 11’ stainless steel dump body and Fisher 10.5’ XV2SS plow and new Highway Model 9’ Super P 304SS Dual Hydraulic Drive Spreader, is fifteen (15) years, pursuant to Section 11.00(28) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed six (6) years.

Section 4. This Board shall act as lead agency, there are no other involved agencies and this is a Type II action pursuant to 6 NYCRR §617.5(c)(25) and will have no adverse impact on the environment, thus concluding the SEQR review of this action.

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

Section 6. The faith and credit of said Town of Cazenovia, Madison County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:
a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or
b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. An abstract or summary of this resolution which takes effect immediately shall be published in full in the Cazenovia Republican. the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Supervisor Zupan declared Resolution No. 72 adopted.

Councilor Race stated in doing speed reduction research he found that other than safety issues (school bus stops, etc.) reductions are strictly formula based (houses, number of curves, types of curves, width of road, etc.). The history of the road also plays into the equation. He further mentioned the Highway Superintendent purchased four hazard signs that say “slow” that will be installed on the road.

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

**AUTHORIZE A SPEED STUDY REQUEST
FOR RIPPLETON CROSS ROAD**

To authorize the Town Clerk to file the required New York State Vehicle and Traffic Form (TE 9a) with Madison County to request a lower maximum speed limit for the entire length of Rippleton Cross Road which is between East Road and State Route 13 in the Town of Cazenovia:

Currently 55 M.P.H. to 35 M.P.H.

Roll call:

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

Supervisor Zupan declared Resolution No. 73 adopted.

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

**AUTHORIZING THE SUPERVISOR TO EXECUTE AND ENTER
INTO A STORMWATER CONTROL FACILITY MAINTENANCE
AGREEMENT BETWEEN MICHAEL SILBERBERG
AND THE TOWN OF CAZENOVIA**

The Town of Cazenovia Town Supervisor is hereby authorized to execute the “Stormwater Control Facility Maintenance Agreement” for site plan approval granted to the Silberberg premises located at 4577 East Lake Road, Cazenovia upon final review and approval 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. 74 adopted.

Resolution No. 75 presented by Councilor Race, seconded by Councilor Andersen

TOWN BOARD CORRECTIVE RESOLUTION

**AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO
A LICENSE AGREEMENT (INTERMUNICIPAL AGREEMENT)
WITH THE MUNNSVILLE VOLUNTEER FIRE COMPANY DBA
VILLAGE OF MUNNSVILLE FOR
TRAINING AND PRACTICE EXERCISES AT
THE TOWN OF CAZENOVIA HIGHWAY GARAGE**

To correct the May 13, 2019 Town Board Resolution (Resolution No. 91) relative to the Munnsville Volunteer Fire Company Training and Practice Exercises at the Town of Cazenovia Highway Garage.

The Town of Cazenovia Town Board Resolution adopted May 13, 2019 (Resolution No. 91) shall hereby be amended to read in its entirety as follows:

To authorize the Town of Cazenovia Supervisor to enter into a License Agreement (Intermunicipal Agreement) with the Munnsville Volunteer Fire Company DBA Village of Munnsville, which Agreement would allow the Munnsville Volunteer Fire Company DBA Village of Munnsville to utilize the Town of Cazenovia Highway Garage and its associated open lands located at 3425 Constine Bridge Road, Cazenovia to conduct training and practice exercises for its members.

**LICENSE AGREEMENT
(Intermunicipal Agreement)**

THIS LICENSE AGREEMENT (the “Agreement”) is made as of _____, 2020, between the TOWN OF CAZENOVIA, with offices at 7 Albany Street, Cazenovia, New York 13035 (the “Town”) and the VILLAGE OF MUNNSVILLE with offices at 5840 Middle Road, Munnsville, New York 13409, (the “Village”), individually and on behalf of the Munnsville Volunteer Fire Company (the “MVFC”).

WHEREAS, the Town owns the parcel and building located at 3425 Constine Bridge Road, Cazenovia, New York 13035, in Madison County, New York, which parcel and building contains the Town highway garage and open lands utilized by the Town of Cazenovia for municipal purposes (the “Premises”); and

WHEREAS, the MVFC desires an area upon which to conduct training and practice exercises for its members; and

WHEREAS, the Town desires to share with the Village and the MVFC certain portions of the Premises for conducting such training and practice exercises; and

WHEREAS, the Town and Village (on behalf of the MVFC) have entered into discussions pertaining to the Village’s use of a portion of the Premises for purposes of such MVFC training and practice exercises beginning on the effective date of this Agreement; and

WHEREAS, each party has reviewed its costs and expenses incurred or expected to be incurred as a result of this shared arrangement, and each has determined its costs to be *de minimis* and essentially equal to the benefit that each party is receiving from the other.

NOW, THEREFORE, it is mutually agreed:

FIRST: The Town hereby provides a license to the Village or the MVFC as more particularly set forth herein.

SECOND: The Town will not charge the Village or the MVFC rent or other fees for limited use of the Premises as set forth herein.

THIRD: The MVFC shall utilize certain portions of the Premises solely for the purpose of conducting training and practice exercises for the members of the MVFC and shall conduct such exercises in an area mutually agreed upon the parties and at such times, dates and hours as mutually agreed upon by the parties.

FOURTH: The Village and MVFC shall indemnify and hold Town harmless against any claim for damage which is made against the Town by reason of any act by the Village or the MVFC in the use of said Premises and hold the Town harmless for any expense in connection therewith and will cause the Town to be named as an additional insured under the Village's (and applicable MVFC) general liability policies. The Village/MVFC will provide the Town with evidence of such coverage(s) showing that the Town has been added as an insured to the policy.

FIFTH: The Village and the MVFC shall and will take good care of the portion of the Premises utilized herein and appurtenances thereto while using or in possession of the agreed upon portion of the Premises. The Village and/or the MVFC will, at its/their own cost and expense, make all repairs to the Premises so affected by such use.

SIXTH: The Village/MVFC will not make or allow to be made any alterations or additions to any portion of the Premises without first obtaining the Town's written consent.

SEVENTH: The Town and the Village/MVFC shall promptly make all efforts to execute and comply with all statutes, ordinances, rules, orders, regulations and requirements of the federal and state governments, any and all of their departments and bureaus applicable to the Premises.

EIGHTH: The Town or the Village/MVFC may terminate this License and Agreement, with or without cause, upon ninety (90) days written notice thereof. In the event no termination notice is received, such Agreement shall continue on an annual basis.

NINTH: This Agreement may not be altered, modified or canceled except by an instrument in writing duly acknowledged by the parties hereto.

TENTH: All notices may be given by mail addressed to the Town at 7 Albany Street, Cazenovia, New York 13035, and to the Village of Munnsville at 5840 Middle Road, P.O. Box 158, Munnsville, NY 13409 or such further addresses as may be given to the other party during the term of this Agreement.

ELEVENTH: The Supervisor of the Town has executed this Agreement pursuant to this *Corrective* Resolution adopted by the Town Board, at a meeting thereof held on July 13, 2020. Hon. William Zupan, Supervisor, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said Town. This instrument shall be executed in duplicate. A copy of this Agreement shall be permanently filed after execution thereof, in the office of the Clerk of the Town.

TWELFTH: The Mayor of the Village has executed this Agreement pursuant to a Resolution adopted by the Village Board of Trustees, at a meeting thereof held on _____,

2020. Hon. Richard Snider, Mayor, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said Village. This instrument shall be executed in duplicate. A copy of this Agreement shall be permanently filed after execution thereof, in the office of the Clerk of the Village.

THIRTEENTH: All the provisions, covenants and conditions contained in this Agreement shall apply to and bind and inure to the benefit of any successors and assigns of the parties hereto.

IN WITNESS WHEREOF, this Agreement has been duly executed on the date and year first written above.

TOWN OF CAZENOVIA

**VILLAGE OF MUNNSVILLE
INDIVIDUALLY AND ON BEHALF OF
THE MUNNSVILLE VOLUNTEER
FIRE COMPANY**

William Zupan, Town Supervisor

Richard Snider, Village Mayor

Roll call:

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

Supervisor Zupan declared Resolution No. 75 adopted.

Resolution No. 76 presented by Councilor Race, seconded by Councilor Golub

**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**

WHEREAS, pursuant to New York General Municipal Law Article 14-F and Chapter 130 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, in consideration of the proposed amendments to the sewer fees and charges, it has been recognized that certain parcels served by individual water supply wells routinely experience breakage and damage to water meters used in association with such service, it being determined that it is fair and equitable to charge a bi-annual base rate charge of \$162.50 for each such parcel; and

WHEREAS, the Town further desires to correct a typographical error to certain usage fees for parcels utilizing certain stated volumes of water above the stated base amounts; 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.

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*

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. 76 adopted.

Resolution No. 77 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZE THE PROCUREMENT OF WATER METERS
FOR THE MT. PLEASANT WATER DISTRICT**

To authorize the procurement of 25-Neptune T-10 Water Meters with Integrated E-Coder and other associated hardware, 1-year N360 SaaS Essentials software subscription including setup, 1-belt clip transceiver, and 1-android tablet. The cost of said equipment shall not exceed Nine Thousand Four Hundred Ninety-Two and 50/100 Dollars (\$ 9,492.50), as per the Ti-Sales quote dated May 11, 2020.

Roll call:

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

Supervisor Zupan declared Resolution No. 77 adopted.

**Resolution No. 78 presented by Councilor Reger, seconded by Councilor Golub
MADISON COUNTY RURAL HEALTH COUNCIL
REQUEST FOR THE USE OF HERITAGE PARK IN NEW WOODSTOCK**

The Town of Cazenovia Town Board approves the Madison County Rural Health Council’s request for the use of the New Woodstock Heritage Park including the gazebo on Tuesday, August 4, 2020 for the last meeting of the Diabetes Prevention Program scheduled for 10:00 a.m. to 11:00 a.m.

It is understood that there will be ten or less participants and social distancing must be practiced.

This approval is contingent upon receipt of an endorsed certificate of liability insurance naming the Town of Cazenovia as an additional insured from the Madison County Rural Health Council in the amount of one million dollars in coverage that must be maintained throughout the event.

The certificate of liability insurance shall be filed with the Town Clerk no later than July 28, 2020.

Roll call:

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

Supervisor Zupan declared Resolution No. 78 adopted.

**Resolution No. 79 presented by Councilor Race seconded by Councilor Reger
WATER DISTRICTS COLLECTOR RECORDS AUDIT**

WHEREAS, the Town of Cazenovia Town Board performed an audit of the Water Districts Collector records at a work session (via Zoom) on July 8, 2020; and

NOW THEREFORE BE IT RESOLVED, that the 2019 financial records of the Water Districts Collector records appear to be complete 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. 79 adopted.

Attorney's Report: *John Langey, Esq. reported his firm has finally heard back from the cable company regarding the franchise agreement and he should have the paperwork in order by the August meeting. He mentioned he didn't have any further update regarding the Lucas solar project that was at the last Planning Board meeting. He has to work with John Dunkle (engineer) on some items for that project. The Route 20 Water District project is moving forward. On another note, he heard back from the folks for the Car Wash on Route 20 and they are executing the stormwater agreement that will get recorded.*

Councilor Golub inquired about the status of the Abundant Solar Project at the Town Highway Garage.

John Langey responded he hadn't heard from them and asked Councilor Golub to reach out to them for follow-up.

Supervisor's Report: *Reported he thought the insurance was done last month, but the final touches were just completed. On the Route 20 Water project, they are working their way through some equipment and the amount of money to pay for it. He said the sales tax is still strong and only 2% down from last year which is good news since a lot of the town is run with sales tax. He said the Lake Association requested help with the snail study so they can change product for lake treatment and he wanted to take this time to discuss it with the Board. The snail study is \$ 11,000.00 and there is money in the budget since there wasn't any lake treatment. He wanted the Councilor's input to pay for the study or split it 50/50. The new product would be a substantial savings over the Renovate that is currently used. He thought it was a good idea according to the professor who is doing the snail study and it might be the only year she is available as well.*

Councilor Golub responded to a question and said there is less of an environmental impact and it is cheaper and probably more effective. Treatment would switch to every third year.

Councilor Andersen said she spoke to Dave Miller of the Lake Association and it sounds good all the way around-cheaper, less frequent and fewer environmental impacts.

The Town Board concurred they would pay for the entire cost of the study.

Supervisor Zupan said this would be used in 2023 since there is not enough time to get everything in order for 2021.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported everything was good at the highway department and the paving program wrapped up for 2020. The drainage project on Syossett is basically complete. The new truck is in the shop and is being assembled.*

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported the Codes Enforcement Officer, Attorney for the Town and she met the Stone Quarry Art Park Executive Director, Emily Zaengle. They have a use permit to do the Pottery Fair and various other events. However, it is only documented in "the record" in Zoning Board of Appeals minutes from 1993 chaired by Bill Zupan. The Director was concerned about having something written down that was current and covered the permissible things the Art Park could do. It was also a way they could ask to do some different things. It was determined that the Codes Enforcement Officer would write a letter basically saying what the*

understanding was for acceptable uses of the property. Legal counsel would review the letter. Additionally, she said the Town and Village will be getting money from the State and points towards grants for the Waterfront Revitalization Plan. This plan has to be developed under the guidelines of the State. They have to conduct several public meetings where people get to weigh in on ideas. Jocelyn Gavitt figured out a great way to have a public meeting in this time of social distancing. The meeting is scheduled for July 27th. After that, they will apply for funding to fix the swim wall and some other items at Lakeland Park as well as areas of the lakeshore and creek shore.

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported he attended a community outreach meeting to bring more people into the CLA. The buoy is finally in place and there is a sensor that measures temperature gradient and water quality which can lead to algae. Dave Miller and the CLA have been working with the Canal Corporation due to concerns with sediment flowing into the lake from the dam, where Chittenango Creek tees. He said there is a dam beyond Carpenter Pond (lake dam) and one on Mill Street (creek dam). The Canal Corp regulates the level of the lake by opening and closing these dams. When there is a lot of water, it flows into the lake with a lot of sediment. He said there is an automatic sensor on the lake dam, but not on the creek dam. They want to recalibrate the sensor that is there and would like to have a sensor on the creek dam. It can be operated remotely and will do a better job of operating the level of the lake.*

Supervisor Zupan said there was a meeting years ago that he sat in on and the Village wanted the creek dam to be closed so the dyke would fill with water for kayakers which is why it is very seldom open. He suggested to Councilor Golub the Lake Association include the Village in these conversations.

Regarding weed harvesting, Councilor Golub said there have not been many weeds—they get a couple loads a day when they harvest.

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported the Cazenovia COVID Response Team has been meeting less, but are still able to respond to the issues that are brought to them. He said they have not had a table at the Farmer’s Market for the past two weeks, but have checked in and things have been going well. He said the feedback has been great regarding the new location from the vendors and the patrons. He said the Response Team fields calls from rides to nutrition to even housing a college student who needed temporary housing. On the CazCares front, the fresh food day starts tomorrow. Last month it went great and over 120 families were served. The New Woodstock Fire Dept. will have a food drive this coming Saturday, July 18th 1-5. The last time it was done over 750 families were served. Regarding the youth recreation program, starting next week the summer program will begin. There will be three separate weeks which are not at full capacity. Kristin Romagnoli will be taking it over this summer with the help of Elizabeth Digiacomio. He said CRIS is really struggling to find drivers for medical transportation. He asked the Board to spread the word to their contacts. He said the issue at Gypsy Bay with the trash has improved significantly since the trash is being picked up more frequently. He mentioned the State Police and Sheriff’s Department did a great job in showing a presence for the areas where there were speed complaints.*

Councilor Reger responded to Supervisor Zupan’s inquiry about the number of participants in the Joint Youth Recreation Program. He said it is significantly less and had the exact numbers in his

email. He said because the numbers are quite a bit lower some children may be able to attend more than one week. He said he would follow-up with the exact numbers. He added a medical director was hired just in “the nick of time.”

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.

Supervisor Zupan inquired about the Village bill in regards to youth recreation. He said the Town was supposed to do a per person charge, he didn't think it was a set fee. He said the Town of Cazenovia residents are the Town's responsibility. He wanted a chance to review the IMA with the Village.

Councilor Andersen wondered if it was based on the number of kids in the previous year.

Councilor Reger said he checked with the Town Clerk and the Bookkeeper on what was set aside and the Bookkeeper confirmed the amount.

Supervisor Zupan said that was a swag number so it would cover the cost based on last year. He said if it is per child, they can have a discussion with the village to see what they need to keep the program viable. He said if they are down 200 kids the number should go down.

Councilor Reger confirmed the numbers for 2020, week 1 (30 children), week 2 (50 children), week 3 (26 children).

Supervisor Zupan once again confirmed he would like to review the agreement.

The Town Board concurred they would hold off on payment of the invoice for the Joint Youth Recreation invoice.

Motion by Councilor Golub, seconded by Councilor Andersen to approve payment of the bills with the exception of the Village of Cazenovia (Joint Youth) invoice. Councilor Race recused himself from payment of the Suit-Kote invoice. Supervisor Zupan, as a safeguard, recused himself from payment of the Cunningham Trucking, LLC invoice.

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

At 9:17 p.m., Supervisor Zupan declared this meeting adjourned.

Signed: *Connie J. Sunderman*

Connie J. Sunderman, Town Clerk