

TOWN BOARD

MONDAY

June 14, 2021

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

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Race, seconded by Councilor Reger to accept the minutes from the May 10, 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: *There were no comments.*

Motion by Councilor Reger, seconded by Councilor Golub to open the public hearing relative to Local Law A - 2021, entitled “A Local Law Imposing a Twelve (12) Month Moratorium on All Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Cazenovia.”

Public comment:

Gerry Mehlbaum of 2103 Ballina Road said he submitted his full statement to the Town Clerk earlier in the day. He mentioned his background which consisted of employment at Potomac Power Company in Washington, D.C. He encouraged the Town Board to enact Local Law A-2021 imposing the 12-month moratorium. He felt it was critical for everyone to embrace renewable energy including solar power, yet in the rush to solar, it is equally important for communities, like Cazenovia, to plan for smart solar. Passively allowing companies like Community Power Group to dot the Cazenovia landscape with such plants poses significant threats to the quality and character of the community. Among which would be the loss of the spirit of the Comprehensive Plan, loss of trust in zoning laws and regulations, loss of prime valuable farmland, loss in the value of homes, farms and business and loss of the ability to autonomously administer local laws. The proposed moratorium provides a great opportunity to engage the entire community through education and communication. The Town needs a proactive approach to address the many technical issues regarding solar, to contend with solar developers seeking private gain to support state solar goals, as well as, maintain the character and economy vital to Cazenovia. Approving a “Sadlon-type” solar power project would be a major precedent setting event and would be nearly impossible to say no to other proposed

commercial or industrial projects in other similarly situated sites. He thanked the Board for their consideration and urged them to enact the proposed local law.

Supervisor Zupan asked for clarification from legal counsel regarding the length of the moratorium.

John Langey, Esq. stated the language of the local law states if an updated solar law gets adopted, in the interim, it will end the current 12-month moratorium. He explained just because it is for 12 months, doesn't necessarily mean it will last 12 months. He said when the work gets done and a new law is adopted that's deemed acceptable by the Town Board, at that time the 12-month moratorium would end.

Dave Eilers of 2148 Ballina Road said the moratorium is needed because while the Board has been aware of the development for about a year-the public has not, if it wasn't for the article in the Cazenovia Republican. The public is eight months behind in this notification. He realizes solar is very desirable, but so is prime farmland. Based on his research, only seven acres out of every thousand is reserved for farmland. There is a reason farm-to-table is important. Greenhouse gases are very important, but it is not a trade-off for breathing, eating or having power. He thinks the moratorium and a time for public comment is advisable and he encouraged the Board to reach out to the community and as many stakeholders, as possible.

Kim Mitchell of 2162 Ballina Road, lives on an adjacent parcel to the Sadlon Farm. She said over the past few months they have listened to the Zoning Board meetings. She mentioned she would like consideration put into place for what can be done with solar panels. She did not buy that property to build a home and live next to an energy source. She wanted to live in an agricultural area and would like to see the preservation of the agricultural areas like she sees consideration for projects on the lake. She has observed the changes that people want to make on their lakefront homes and the Boards take into account if it will change the look and feel of the lakeside. She would like to see the same measures considered for agricultural areas, too.

Gordon Moore of 2127 Rippleton Cross Road stated he would be in favor of solar panels on East Road. Mostly his concerns are not local, but global. He thinks politics have gotten short-sighted. He mentioned a quote from Robert E. Lee that "the most beautiful word in the English language is duty." He thinks every generation has got one and this generation has to address the environmental issues and global warming. He said it effects people differently and feels it is inconvenient. He mentioned some examples of military service from his friends and family and expressed they were doing their duty for another generation, his generation. He does not think solar will have a big impact on him, but he has to do his duty. He mentioned he has witnessed gradual environmental impacts, in his lifetime, and gave an example. He said individuals throw hundreds of billions of tons of pollutants in this little thin wafer-we will not have anything left. He said he does not care about the local impact, inconvenience or viewshed. He reiterated he was in favor of the solar farm no matter who it inconveniences or why. He said it is for generations to come because there will not be a globe left.

Jim Curtis of 3552 East Road said he is part of the Curtis Family and 200+ years they have been farmers in that area. At one time, they owned the four farms and that area is classified by many as the best agricultural area in Cazenovia and one of the best agricultural areas in Madison County. He felt the changes in population that the country is going to experience, we can't afford to lose agricultural land as prime as this land. He didn't think solar farms need to be on prime agricultural farmland. He said the solar panel farm has proposed digging ditches 5-6 feet deep.

When you change mother nature, you can't take that land and put it back as it was originally. The Town Board and Planning Board really need to explore this as far as impacts on the land. In the future, we will be short on food as the population continues to grow. He said he would prefer to eat food that is grown in this country than any other place in the world. We have the most highly inspected food products and the safest food that is produced. In respect to the agricultural component, the moratorium is very important to look at that part of the law. He said he lives across the road from that field and inquired what would be the impact on his land, farm and house, in terms of the real estate value. He said when he sits on his lawn he can see the ridge of Cobb Hill, three miles away-a beautiful sight. He would rather see corn or alfalfa growing there and watch the wildlife travel through. The solar panels are not going to make him feel real comfortable as he sits on his lawn looking out to the west. He raised the question, if he was to sell his place, who would want to buy it knowing right now they can look three miles and see beautiful sunsets. If solar panels goes into that field, they look across the field and see solar panels. He did not think Cazenovia wanted to be identified as an industrial park.

***Dave Mitchell** of 2162 Ballina Road thanked the Board and felt they were doing the responsible thing. He felt what was being planned is circumventing the regulations. He said he is in favor of technology and the betterment of society and our environment. He said what is being proposed here is not a farm as described, but a utility. His background as a licensed engineer makes him familiar with scaling of projects and said the magnitude of what is being proposed for that piece of property is enormous. He felt if this is allowed to happen, there is a lot of other farmland in this town that can potentially be a solar site. He did not think as residents of Cazenovia that is what they want to happen. He said he is for solar, but there needs to be a measured, rationale approach, not to the scale of what is being proposed. He thanked the Board for not letting this go through unaddressed.*

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

Supervisor Zupan expressed he thought this was a good idea to allow time to update the solar laws because things are moving very quickly in this industry.

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

TOWN OF CAZENOVIA LOCAL LAW NO. A OF 2021

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

WHEREAS, pursuant to the provisions of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments, proposed Local Law No. A-2021, titled “A Local Law Imposing a Twelve (12) Month Moratorium on All Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Cazenovia,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on May 10, 2021; and

WHEREAS, a public hearing was held on such proposed local law on the 14th day of June, 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, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on May 10, 2021, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2021 was a Type II action and therefore would have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the Madison County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

WHEREAS, the Town Board of the Town of Cazenovia has now determined that it is in the public interest to enact said Proposed Local Law No. A-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. A-2021 as Local Law No. 1-2021 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM
ON ALL COMMERCIAL FREE-STANDING SOLAR
PHOTOVOLTAIC (PV) SYSTEMS WITHIN THE TOWN OF CAZENOVIA**

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

SECTION 1. AUTHORITY.

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

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Cazenovia to impose a twelve (12) month moratorium on all commercial free-standing solar photovoltaic (PV) systems within the Town of Cazenovia.

SECTION 3. LEGISLATIVE PURPOSE.

In recent months, the Town has become aware of increasing interest by developers of larger scale solar energy system applications in the Town and surrounding areas, such that the potential for solar energy uses are becoming increasingly prevalent in the Town of Cazenovia at a

commercial scale. Based upon this, the Town Board is of the opinion that a period of time is necessary to determine whether regulation of commercial freestanding solar power energy systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing solar power energy are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable Town officials to review and comprehensively address the various issues involved with these commercial level systems.

Further, the Town has recently undertaken a review of numerous large-scale solar energy systems and has determined its existing commercial solar regulatory framework is insufficient to balance the needs for protection of certain resources in the town with the needs of those who wish to undertake such uses.

The Town recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Town Board deems this moratorium emergent and immediately necessary for the Town.

SECTION 4. DEFINITIONS.

COMMERCIAL FREE STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS

A free standing solar photovoltaic (PV) system, including appurtenances, battery systems and associated equipment, and an area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider. Such use also includes any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law or any subsequent law.

SECTION 5. MORATORIUM.

A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system within the Town of Cazenovia and/or the processing or further processing of such applications.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this local law and shall expire on the earlier of: (i) the date twelve (12) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Commercial free-standing solar photovoltaic (PV) systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Town's Zoning or Planning Boards are included in the moratorium.

SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$500.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law Section 267-B in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with the Town's land use policy and Town character. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 8. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Town of Cazenovia or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

SECTION 9. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.”

Roll call:

Councilor Andersen	Excused
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 Reger

**RESOLUTION SCHEDULING A PUBLIC HEARING TO AUTHORIZE
AN AMENDMENT TO THE SENIOR CITIZEN REAL PROPERTY
TAX EXEMPTIONS PURSUANT TO NYS REAL PROPERTY TAX LAW §467**

WHEREAS, §467 of the New York State Real Property Tax Law provides for and authorizes exemptions to be granted for individuals 65 year of age or over, upon satisfaction of the procedures set forth in said §467 of the NYS Real Property Tax Law; and

WHEREAS, the Town of Cazenovia, previously in or around January 1995 (Resolution No. 15), authorized the allowance of the Senior Citizen Assessment Exemption from such section allowable to the State’s maximum limits at that time; and

WHEREAS, §467 of the NYS Real Property Tax Law has been amended from time-to-time to provide for higher income limits for said exemption; and

WHEREAS, the Town of Cazenovia desires to offer the following amendment to the January 1995 Resolution (Resolution No. 15) to provide for a Senior Citizen Assessment Exemption, with amended income levels, as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes a public hearing to be held on July 12, 2021 at 7:30 p.m. at the Town Offices located at 7 Albany Street, Cazenovia, New York, for purposes of considering the amendment to the Senior Citizen Assessment Exemption authorized under §467 of the NYS Real Property Tax Law, utilizing the following income levels and exemption schedule:

Income Level	% Exemption
\$29,000 or less	50%
\$29,001 - \$29,999	45%
\$30,000 - \$30,999	40%
\$31,000 - \$31,999	35%
\$32,000 - \$32,899	30%
\$32,900 - \$33,799	25%
\$33,800 - \$34,699	20%
\$34,700 - \$35,599	15%
\$35,600 - \$36,499	10%
\$36,500 - \$37,399	5%

Roll call:

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

Supervisor Zupan declared Resolution No. 72 adopted.

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

**AUTHORIZE THE SUPERVISOR OF THE TOWN OF CAZENOVIA
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
WITH MADISON COUNTY FOR COMPUTER NETWORKING,
INFORMATION TECHNOLOGY CONSULTING AND SERVICES**

WHEREAS, the Town of Cazenovia has recognized the need for information technology (IT) support; and

WHEREAS, previously, in January of 2017, the Madison County Department of Information Technology offered their computer networking, IT services through an Inter-municipal Agreement; and

WHEREAS, Inter-municipal Agreements are authorized pursuant to General Municipal Law Section 119(o); and

WHEREAS, the Town of Cazenovia has found the support and consulting services of the Madison County IT Department to be beneficial to the Town; and

WHEREAS, under the terms of the original Agreement it would renew automatically four times, each for a period of one year; and

WHEREAS, the original Agreement has expired, and it has been determined the Agreement should be updated and once again, executed by all parties; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cazenovia Town Supervisor be, and hereby is, authorized to execute the Inter-municipal Agreement for Information Technology services pending review by the Attorney for the Town.

Roll call:

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

Supervisor Zupan declared Resolution No. 73 adopted.

Supervisor Zupan explained this will allow the Town to do direct deposits for payroll and payment of some vendor invoices.

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

**AUTHORIZING THE EXECUTION OF A BUSINESS ONLINE SERVICES AND
AUTOMATED CLEARINGHOUSE ORIGINATION SERVICE AGREEMENT
THROUGH COMMUNITY BANK N.A.**

WHEREAS, the Town of Cazenovia has previously utilized payroll service assistance through Paychex to undertake Town payroll services for Town employees; and

WHEREAS, previously the Town Board authorized the purchasing and utilization of payroll modules from Edmunds GovTech; and

WHEREAS, the Town of Cazenovia Town Board desires to enter into an Agreement with Community Bank, N.A. for certain online business services, including Community Bank N.A.’s automated clearinghouse origination service and wire transfer services associated with automated payroll payments for Town employees and payments to vendors.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Supervisor is hereby authorized to execute the necessary Business Online Application and associated Agreements to effectuate the purposes of this resolution, subject to final review by the Town’s legal counsel.

Roll call:

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

Supervisor Zupan declared Resolution No. 74 adopted.

Supervisor Zupan stated the 1-mile and 10-mile are virtual this year so this approval will be for the 5K only.

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

JULY 4TH FOOT RACE 2021

To approve the use of Ridge Road, Glenwood Road, and Preston Road for the “Annual Cazenovia July 4th Foot Race 2021” scheduled for Sunday, **July 4, 2021** commencing at 8:00 a.m. It is understood that the Madison County Sheriff’s Department and the Cazenovia Village Police Department will be utilized for traffic control and that CAVAC will be on-site.

This approval is contingent upon receipt of an endorsed Certificate of Liability Insurance, naming the Town of Cazenovia as an additional insured with coverage in the amount of One Million Dollars. The insurance certificate should describe the name of the activity, including date and time and must be maintained throughout the date of the event. The Certificate of Liability Insurance shall be filed with the Town Clerk no later than Friday, June 25, 2021. Since the area of the Town-owned “Green,” located between Emory Avenue and Green Street will be utilized that must also be noted for coverage on the insurance certificate.

Roll call:

Councilor Andersen	Excused
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 Reger

**NEW WOODSTOCK FREE LIBRARY USE OF
HERITAGE PARK IN NEW WOODSTOCK FOR A FAMILY MOVIE NIGHT**

To approve the use of New Woodstock Heritage Park including the gazebo on Friday, July 30, 2021 at 9:00 p.m. by the New Woodstock Free Library. The library would like to use the site to host a free family movie night.

This approval is contingent upon receipt of an endorsed Certificate of Liability Insurance, naming the Town of Cazenovia as an additional insured with coverage in the amount of One Million Dollars. The insurance certificate should describe the name of the activity, including date and time and must be maintained throughout the date of the event. The Certificate of Liability Insurance shall be filed with the Town Clerk no later than Friday, June 25, 2021.

Roll call:

Councilor Andersen	Excused
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 Golub

20th ANNUAL CAZENOVIA TRIATHLON

To approve the use of Hoffman Road, Ridge Road, and Chard Road (portion of road course that utilize Town roads) as part of the 2021 Cazenovia Triathlon on **Saturday, August 28, 2021**. The Town of Cazenovia has a non-discriminatory policy.

The races that will occur are the Sprint Triathlon, Sprint Aqua Bike (swim/bike), Olympic Triathlon, Olympic Aqua Bike, Sprint Relay and Olympic Relay. The starting and finish lines for all four races are at Lakeside Park. It is understood that the Madison County Sheriff’s Department and the Cazenovia Village Police Department will be utilized for traffic control and that CAVAC will be on-site.

This approval is contingent upon receipt of an endorsed Certificate of Liability Insurance, naming the Town of Cazenovia as an additional insured with coverage in the amount of One Million Dollars. The insurance certificate should describe the name of the activity, including date and time and must be maintained throughout the date of the event. The Certificate of Liability Insurance shall be filed with the Town Clerk no later than Friday, August 20, 2021.

Roll call:

Councilor Andersen	Excused
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 Race
APPOINT GERALD RASMUSSEN AS A
PLANNING BOARD MEMBER

To appoint Gerald Rasmussen as a Member of the Planning Board to complete the unexpired term of Hugh Roszel ending December 31, 2027.

Roll call:

Councilor Andersen	Excused
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 Reger, seconded by Councilor Golub

(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 transfer additional budget required to accommodate increased payroll processing fees (average Paychex cost per month in 2020 was \$627.38, for 2021 through May average is \$824.14), payroll software module & hardware for payment window (a.k.a. point of sale) purchases from Edmunds GovTech not anticipated in original budget.

To: A 1430.4 Personnel CE	\$12,900.00
From: A 1990.1 Contingency Account	(12,900.00)

General Fund B

To transfer additional budget required to accommodate engineering fees and related costs for drainage projects and BridgeNY grant as regards Kiley Road culvert not anticipated in original budget.

To: B 1440.4 Engineer CE	\$16,000.00
From: B 1990.1 Contingency Account	(16,000.00)

Wellington Water SW3

To appropriate Fund Balance we must make a calculation that Fund Balance is available in Wellington Water SW3 by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SW3510 Estimated Revenues	\$21,240.00
Plus SW3599 Appropriated Fund Balance	<u>0,000.00</u>
Actual Subtotal	\$21,240.00

Present Year Actual:

SW3980 Actual Revenues to Date	\$16,680.00
Plus Other Revenues Expected by year end	4,500.00
Plus SW3909 Fund Balance at beginning of year	<u>30,861.52</u>
Actual Subtotal	\$52,041.52

Actual Subtotal less Budgeted Subtotal = Amount Available **\$30,801.52**

To transfer budget to accommodate generator purchase and electric labor not anticipated in original budget.
To: SW3 8320.2 Source Power Pump EQ \$20,000.00
From: SW3 599 Appropriated Fund Balance (20,000.00)

Roll call:
Councilor Andersen Excused
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 office has been doing many talks to Towns within Madison County about the new cannabis legislation. He offered to come to the Town Board and do a PowerPoint presentation on this new law. He explained there are issues that directly address local communities. Therefore, he wants to bring the facts to the Board so they can make informed decisions in regards to the opt-out provision. He said he will be meeting with the Town Clerk about the water district consolidation project to tighten it up and have it ready by the next meeting. He mentioned the Planning and Zoning Boards continue to be extremely busy in the Town. He said the meetings have been rather lengthy but it is due to the thoroughness of the Boards. He said the Planning and Zoning Boards both handled the solar application on the Lucas Property. He felt it was a tremendous success because the project was well-balanced into the landscape where it was proposed to be. Initially, it was to be in a different location, but the Boards worked with the Developer to get it in the best suited area of the property. He said it was adjusted half a dozen times and there were concessions. He said based on his experience with other towns and villages and solar projects, he recognized the law that the Town has, although it is very good, could stand to have a retake to include decommissioning issues, bonding, size and siting. He has been working with Councilor Golub for several months and welcomes working with the Town Board, Planning or Zoning Boards to get the law into shape.

Supervisor's Report:

Supervisor Zupan reported lake treatment is over and in seven days the chemical was below 1 ppb so the signs can be removed. He thanked the Town Clerk for keeping the project on track. He mentioned in the past, signs had to be installed all the way to Oneida Lake. However, now, the signage ends at the Mill Street Dam. He said 67 gallons of ProcellaCOR were used. For other business, he said there has been a lot of “nuts & bolts” involved with the daily functioning of the Town. He said he has been working on the American Recovery Act and the State won't release funding until July or August. He thinks there is enough spots to spend the money so they do not have to do any financing on things they want to do in the near future. He lastly mentioned they will utilize CACDA for the administration of the funding.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the paving has been completed on Stone Quarry Road. The Town of Forestburgh has picked up the Western Star Plow truck.*

Dean Slocum, Highway Superintendent, stated they are building the truck at Tracey Road Equipment and delivery will be near the end of July.

Councilor Race said Thursday is Dale Goodfellow’s last day because he is retiring. The Highway Department will be in the process of looking for two people because Dean will be retiring later in the year. He said the goal is to fill the positions as interested applicants apply, yet keep the continuity of the culture to promote a positive work environment. He said the goal is to have a complete crew by winter.

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported there were some suspicious blooms of HABs, but they do not have a confirmed report. He said they treated on the 1st of June and sample at five various locations. Three of the locations were under 1 ppb within a day of treatment. He said the south end of the Lake and the control of the water has been an item of interest. Some data has been compiled over a period of time and there is more sediment and phosphorus from Chittenango Creek than any other tributary. He said the answer is to lower the water in that area. However, the issue is it will not be aesthetically pleasing. If it does get lowered, some stream maintenance will have to be done and he is hopeful grant money will be awarded. The funding would be used to add rocks, vegetation and the narrowing of the stream in the area known as “The Willows.” He said, in essence, they want to eliminate the function of the Mill Street Dam, but not the structure, itself. He confirmed the Canal Corporation is involved in this process.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported softball is up and running. The Baseball Organization said thank you for the use of the New Woodstock Field. Kristen Brink is a great hire for the Youth Recreation Program. The program kicks off July 12th. He added he has attended the planning and zoning meetings and finds it impressive how detailed the meetings seem to be. He said he has been working with various parties on the demolition law.*

Supervisor Zupan asked if any member of the public cared to use the second comment period to speak to the board regarding any area of Town Board oversight.

Public comment #2: *There were no comments.*

The Town Clerk presented the monthly bills list.

The Town Board's method-of-choice for review of the monthly bills:

The Town Board's first review takes place when detailed lists of the monthly bills are emailed to them on the weekend preceding the meeting. As a second review, the Town Clerk reads aloud the monthly bills list as the Town Board followed along with hard copies. The invoices are present at the meeting and the Town Board visually inspects them and discusses them at their discretion.

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

Supervisor Zupan asked for a motion to move into Executive Session. Supervisor Zupan stated no further business would be conducted after coming out of Executive Session.

At 8:22 p.m., motion by Councilor Race, seconded by Councilor Reger to go into Executive Session for the purposes of attorney-client privileged advice.

The Board invited the following individuals into the Session:

- **John R. Langey, Attorney for the Town**
- **Connie J. Sunderman, Town Clerk**

At 9:23 p.m., motion by Councilor Race, seconded by Councilor Golub to adjourn the Executive Session.

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

At 9:23 p.m., Supervisor Zupan declared this meeting adjourned.

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