

**TOWN BOARD
REGULAR MEETING**

MONDAY

OCTOBER 4, 2021

Meeting Location: New Woodstock Firehouse – 2632 Mill Street, New Woodstock

Masks Required for In-person Meetings

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

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Supervisor Zupan announced the November Town Board meeting will be on Monday, November 8, 2021 and back to its normal location, the Town Hall, 7 Albany Street, Cazenovia. He thanked the audience for attending on such a rainy autumn evening.

Motion by Councilor Golub, seconded by Councilor Andersen to accept the minutes from the September 13, 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. He further explained there will be individual public hearings on the proposed cannabis law, relief from the solar moratorium and tax cap topics.

Public comment #1: *There were no comments.*

Motion by Councilor Reger, seconded by Councilor Golub to open the public hearing relative to the request from TJA Clean Energy, LLC and TJA-NY-Barrett Rd New Woodstock, LLC for relief from Local Law 1 of 2021 which Local Law placed a 12-month moratorium on all applications for the construction and location of new commercial solar energy facilities within the Town.

Supervisor Zupan asked John Langey, Attorney for the Town to explain the process to the Board.

John Langey, Esq. gave a summary of past events for the benefit of the Town Board, as well as, the audience. He said last February or March the Lucas Property on Barrett Road was hosting an application for a 5-megawatt solar project at which time the project went under extensive review. In February of 2021, the Planning Board approved a site plan for the project. In March of 2021, the Zoning Board approved a special use permit for the project. This was the first large solar farm the Town had ever approved. The project went through an extensive review which he felt was successful. Through the review and immediately after, they noticed dozens of other solar applications happening in Madison County (he works for several municipalities throughout the County). He explained the Town is always looking for ways to make the laws better. After this

project was approved, a committee was formed by the Town and a moratorium was put in place in April or May of 2021. The newly formed committee immediately started having meetings which has been making great progress on some potential amendments to the solar law. In the interim, the folks from TJA NY Barrett, LLC advised the Town they had a need to amend their project. The solar folks were advised by Town representatives that a moratorium had been passed. The moratorium casts a pretty wide net and prevents anyone from doing much of anything on large solar projects when the moratorium is in place. He said in the moratorium there is a clause that if an applicant can show certain things, they may be able to get out from the moratorium. In this instance, TJA would like the Town Board to consider letting them out. The law was written that any applicant that wants to get relief from the moratorium needs to address the standards for a use variance in order for the Town Board to consider them out from the moratorium's requirements. If they do get relief, it allows the applicant the opportunity to go back to the Planning Board and Zoning Board of Appeals to consider the changes, whatever they might be. He said the only thing that will happen tonight is a public hearing about this request. He explained the audience will hear from the applicant and their representatives and the public's comments. He said the Board does not have to vote tonight. There will not be any approval of a new or modified project tonight, that will happen in the future by the Planning Board and Zoning Board of Appeals, if the moratorium is relaxed.

Supervisor Zupan said the applicant can explain why they are seeking relief, followed by the Board asking questions, then the public.

***Andy Leja, Esq.** of Barclay Damon was present as counsel for TJA Clean Energy. He also introduced Mike Frateschi, project manager for this application. He said they want to provide some information to the Town Board to further their request for relief from the moratorium. On September 1st, his colleague, Matthew Kerwin offered a letter to the Town Board outlining the reasons why the relief was needed, as well as updated site plans showing more details. He said they are present tonight to provide additional details under ¶ 6 of the Local Law that gives some relief provided the applicant is able to show the necessary elements akin to a use variance. He said this is not exactly a use variance application which is why he says akin. In a typical use variance, an applicant is required to demonstrate dollars and cents proof there is no other reasonable economic return available for the property under the other permitted uses under that zone. This is not the case because the applicant is already permitted to construct the facility in that area. He said an extensive review was done as mentioned previously by Mr. Langey. The use variance test, in essence, is all about hardship. It measures the hardship to the applicant without the use variance against the hardship to the community if the variance was to be granted. He wanted to focus on the hardship aspect and has dollars and cents proof to discuss with the Board, as well as logistical hardships that have occurred through no fault of the applicants. He wanted Mike Frateschi to explain why they are asking for relief and why they can't do the project as currently approved. He said they want to go back to the Planning and Zoning Boards and get their blessing so they can move forward with a slightly modified project. He said it involves single rack versus double rack.*

***Mike Frateschi** of TJA Clean Energy explained the difference in the racking. The project is single access trackers which are racking systems that tilt with the sun over the course of a day. As the sun rises in the east, the panels face east and as the sun travels to the west, the panels face west. The single access trackers have a standard configuration where the racking sits in the middle of the panel and the panel tilts at its mid-point. Therefore, the highest point is the earliest parts of the*

morning and the latest parts of the evening, at the tip of the rack. At nighttime, it goes back to a tabletop formation. Due to COVID, there has been a huge influx of these racks and everything is “bottlenecked.” In order to continue the project, a solution they were able to find that won’t put the project in jeopardy is to move from a panel where the racking is set in the center to a racking that is two panels wide. To explain the differences in the designs, he used his display board as a panel and showed it would be one panel and another panel above that with the racking in the middle of the two panels. He said this increases the height of the racking from 8’ to 14 ½’. They took the site plan and consolidated the footprint. The site is shaped like a bowl and the highpoints of the bowl were the most sensitive areas for viewshed along Route 80 and partially on Barrett Rd. They moved the facility and brought it down and consolidated it more to the lower part of the bowl and provided a little more landscape screening which masked the facility even more than the previous site plan. He showed his display board which consisted of two construction time tables. The top table was based on the single panel racking and the bottom one was based on the two-panel racking. When they got their site plan approval and special use permit, they filed with NYSERDA for a project incentive. The incentive is needed in order for the project to stay afloat. They were granted the incentive and as part of it, they have 912 days from site plan approval to a commercial operation (when they turn the facility on). They were granted the incentive on April 8, 2021 and 912 days beyond that is October 7, 2023. This is the absolute end date—they cannot go beyond that—construction has to be complete and the facility working. In the first case, the LNTP (Limited Notice to Proceed) is when the funding starts, engineering begins and they can start to pull building permits. When the building permits are pulled, they hit FNTP (Full Notice to Proceed) and can go through procurement and start the ordering of materials. This is the date when a lot of the long lead times start. He mentioned there are e-mails from the contractor they are working with and the single access trackers are at 35-weeks lead time, but now there is a delay in the ports adding an additional 5-10 weeks. Conservatively, they are using 40 weeks from FNTP for racking. Alternatively, on the double-racking panels, they have confirmation from their supplier they can handle and deliver the material in 20 weeks, half the time. He said with post-delivery, plus FNTP + 40 weeks, it brings them to a delivery date of December 23, 2022. The issue with this date is they go through Christmas and New Years and winter shutdown begins, as well as inefficiencies with electrical and construction. There is a lot of hand labor and people in the field working and the inefficiencies are too great for them to work through the winter. He said with the winter shutdown “red column,” they could start the post installation approximately March 1st. He said this is a very conservative rating. They had geotechnical equipment at the site, mid-March, to do an investigation and when they were on some of the hills, they were sliding off. The site has to be somewhat dry in order to drive piles into the ground. He used March 1st, but said there is some variation with that date. Beyond that, the two schedules are very similar as far as duration with each task. The single panel racking brings the date to September 6, 2023 which gives one month and a day until the incentive deadline. He reiterated there is a lot of variables, pile-driving is one of them, if they hit rock it is a major delay. The difference is with the double-panel racks because the delivery is 20 weeks which brings a post-delivery date of August 5, 2022. It allows construction to continue through the summer and into the fall and they will get to substantial completion by December 5, 2022. From the substantial completion date, they need to get National Grid to come out and do their witness testing of the facility, as well as, completion of the checklist and punch list items that are required. The remaining items, even if they go into the New Year, there is no inefficiencies because there is no labor in the field, maybe one or two workers racking the system up. He said the double-racking facility gives an ultimate end date of COD, February 20, 2023. He said there could be variables with the double-panel, too. If rock is hit, it would affect either panel

system which would add time to either project. The double racking gives a lot bigger window versus the one-month time table which is why they are present tonight.

Andy Leja stated the NYSERDA deadline of October 7, 2023 is hard and fast for the incentives and they cannot play with that date or get an extension. He provided a document, the program manual from NYSERDA, NY SUN for Upstate and Long Island dated September 2021-Version 13 that reviews project timelines. He read an excerpt about project timelines, “commercial industrial projects have 912 days from the project approval date, the date the project is marked approved in the port to complete the system installation and submit for commercial operation payment approval.” He said it documents a hard fast date from the agency, itself. The NYSERDA incentives are essential to the survivability of the project. The project goes south without them and does not make economic sense and would have to be abandoned. With the NYSERDA date looming, they are trying to give themselves a cushion to make sure they can get everything turned on and operating before the October 7th date. He said there are a lot of steps and variables in the construction process that may extend the time. The 20-week interval gives them adequate cushion to take on whatever happens to get them to commercial operation in sufficient time to meet the NYSERDA deadline, in regards to single rack arrival from the Far East as opposed to double rack arrival from a country in Europe.

Councilor Andersen leafed through the NYSERDA literature and said it does state an extension can be requested.

Andy Leja said that is correct. An extension can be requested and theoretically they give them, but they have not seen that happen. They were told it would be extraordinarily difficult to get an extension.

Supervisor Zupan asked if they had documentation from NYSERDA that states they are currently enrolled in the program.

Andy Leja stated he didn't have that with him, but that is something he can provide. He did provide the Town Board with an e-mail from the supplier to Mike Frateschi dated September 22, 2021.

M. Frateschi clarified the e-mail was from the single panel supplier and the bottom portion of the e-mail is from Teresa Zhao of GameChange Solar who is supplying the single access panels and who is corresponding with Osea Nelson of Light Edison and Light Edison is the procurement electrical contractor for the project.

Andy Leja read from the e-mail which said Ms. Zhou of GameChange is advising that due to the backup at port, clearing customs they are having clients add 4-6 weeks lead time. It further said the 35 weeks is the current projected best case scenario, but delivery times can be longer, sometimes significantly. There is an alternate vendor in process that is confident they can hit the 20-24-weeks lead time discussed, the double panel supplier from Europe. He felt this e-mail substantiated they are exploring all different ways to try to handle this situation. He stated the applicant did not want to abandon the single rack system. He said there is no way the applicant could comfortably meet the NYSERDA deadline, in time. He mentioned the tie-ups in the ports which has been part of the news lately. The Port of Los Angeles backup is 62 ships waiting to unload and typically there are 0 ships at any given time waiting to unload. He said, normally, it is a very efficient process, but currently there are 62 ships lined up as of September 25th. He provided an article from the New York Post detailing this information. He said the backup is expected to extend far into 2022 which is according to the Wall Street Journal.

Councilor Andersen asked why it was thought the double racks would be able to get here more expeditiously.

M. Frateschi said the first part of the lead time is due to the backlog of other projects for GameChange. Ideematec is a European company that aren't in the states yet. They are bringing in this technology and trying to get their foot in the door. Their contractor has several projects coming in and are able to give them a multitude of projects and get a lot of volume coming through. Therefore, their backlog is not as bad as the single panel.

Councilor Race inquired about the delays in shipping?

M. Frateschi said there still could be potential delays.

Andy Leja said they wanted to present the best timeline for both types of racks to compare apples to apples. He said the shipping delay adds too much time to get them where they need to be by October 2023.

Councilor Race wanted clarification on the dates.

M. Frateschi said the walk-away timeline for the double panels is February 20, 2023 and September 6, 2023 for the single panels.

Councilor Race said one style panel give 3-4 weeks to spare as opposed to 6-8 months to spare.

M. Frateschi said this is another variable because National Grid has to do their witness testing. They have a backlog of projects coming in for 2022 from all the projects that were put on hold. He said they have a lot of work and they can't count on them to be expeditious.

Councilor Golub asked about consolidating the footprint.

M. Frateschi explained if the project goes over a 5% slope, they have to use level spreaders in order for the facility not to be considered impervious area. Over 10% slope, it is considered impervious area and they have to treat it with post-construction stormwater maintenance. In this case, there are several spots that are over 10% even with level spreaders. They were able to get a lot of the facility off the steep spots and bring them in which reduced the impervious coverage and the overall acreage and reduced the viewshed impact from Route 80. He said it is an overall benefit for the project.

Supervisor Zupan inquired if the Board were to grant relief from the moratorium will the panels be ordered or will they wait until the Planning Board and Zoning Board of Appeals grant approval.

M. Frateschi stated they will have to wait and are anticipating January 3rd for both scenarios when LNTP starts. Therefore, procurement would start once the building permit is pulled, probably around March 14th.

Andy Leja said if the Board grants the exemption they will proceed in quick order to the Planning Board and Zoning Board of Appeals and estimated a three-month process between both boards.

J. Langey stated they would need to go back to both boards for amended approvals.

Andy Leja thought with the shrinking of the footprint for the facility and the additional screening, they are comfortable the Planning and Zoning Boards will be receptive to the modifications and it shouldn't take seven months.

Andy Leja said in regards to hardship, there are four criteria for the use variance. The dollar and cents proof that he mentioned earlier, about there being no other reasonable economic return

available. He said for this case it translates to the hardship to the applicant if the moratorium exception is not granted versus if it is granted. If it is not granted, the applicant is put in the place of not being able to modify their plans. They would have to sit and wait and hope the single racks come through within the 40-week time frame and hope that everything else goes correctly to meet the deadline. He said if it becomes untenable to meet the deadline, the applicant would have to pull the plug on the project. He said M. Frateschi ran some numbers and he can provide backup on this information: engineering - \$ 150,000; legal costs - \$ 34,000; development costs - \$ 439,000; interconnection - \$ 964,000. If the project does not move forward and is terminated at a certain point, a portion of it is reimbursable and thought it would be about \$ 900,000.00. He said 1.6 million dollars is invested in this project and if it can't go forward, the applicant loses about \$ 700,000.00 of its own capital. The timeline gives no cushion for them to qualify for the NYSERDA incentives which are vital under the single-rack design. They need to come back before the Planning and Zoning Boards to modify their design to get the cushion to be comfortably within the timeline. He said \$ 700,000 is a fairly significant number.

J. Langey responded to a question about economic hardship and thought it would be on the homeowner not the applicant. He said this is a unique instance, so the use variance standard will not be looked at as strictly. He reiterated this is unique and they are allowed to present their case for the Board to evaluate it, but did not think it was unfair for them to make the arguments they are making.

Andy Leja said the property owner will be out of significant sums as well because they are benefitting directly from the project, itself. TJA has no other use for the land, other than a solar facility.

Andy Leja said this is a fully approved project in which they are looking for some minor modifications. They are not looking to add new land, but actually shrink the footprint and introduce some new equipment.

Andy Leja reviewed the next test for a use variance. Is the relief unique? He said decisively yes. There will not be another solar provider before the Board asking for relief from the moratorium because no one else has an approval. This project was approved before the moratorium was enacted.

The next question, will the relief alter the character of the neighborhood. He said the neighborhood character is not what is there right now, but what would be there, if not for the supply shortage/delay. Both Planning and Zoning Boards approved this 5 MW facility on Barrett Road. He said that's what is to come, compared to the relief you grant which will allow the shrinking of the footprint. You are actually mitigating the impacts of the existing approved project further by allowing it to shrink. He said the neighborhood character before the moratorium kicked in was going to be a solar facility in the midst of a valley. He said it will still be a solar facility amidst a valley, but with a smaller footprint. He felt the neighborhood character, pre-moratorium to post-moratorium really did not change.

Andy Leja said the self-created hardship aspect is a drop dead type of test for any use variance applicant, but it was not self-created. They tried to show with various submittals the single rack system was specced out, proposed, and thoroughly studied by the Boards. The applicant had committed to using the system, but because of COVID and shipping delays, the incremental adjustment that increased shipping time renders the use of the single racks very tentative and very risky. To mitigate the risk, they have gone to another system that has further mitigation to the

impacts of the facility. The shipping delays are beyond anyone's control and are forecasted to go well into next year. They argue it is a hardship that has been imposed upon them. He concluded his comments by asking for relief and opened up the discussion for comments and questions.

Supervisor Zupan inquired if the 14' panels are more efficient than the smaller panels?

M. Frateschi said they are marginally more efficient which is how they were able to consolidate more and get the two panels closer together to add an efficiency to the inter-row spacing between the aisles.

Andy Leja stated every few months more efficient solar panels are manufactured. The life span of a solar facility has panels up to 25 years old. However, they will be replaced long before that time because with each passing year a solar panel loses a little efficiency. Additionally, panels are being made more and more efficient and there comes a tipping point where it doesn't pay to keep the old panel there generating only a percentage of what could be produced with the newest technology. The double rack versus the single is where the shrinking of the footprint occurs.

Councilor Golub inquired if the Board was to grant relief from the moratorium at the November meeting, would it work into the timetable?

Chair Ridler was present at this meeting and was asked about the timing. He said that would work but he was unsure if that would improve the opportunity for the Planning Board to make a decision because getting on the agenda still requires a thorough review including a public hearing.

John Langey, Esq. asked Chair Ridler if they could tentatively be placed on the November agenda.

After a small discussion, it was determined if the Town Board was to grant relief it would occur after the Planning Board meeting in November.

Councilor Golub inquired if it could be voted on at the budget special meeting on October 18, 2021.

J. Langey said as long as it was noticed as a public meeting and if the public hearing is closed or continued at tonight's meeting.

Supervisor Zupan said the Board would need to receive information from the applicant so they could review it by the 18th of October.

Andy Leja said he wanted the submitted documents from tonight to be supplemental information to Matt Kerwin's letter of September 1, 2021.

M. Frateschi confirmed he could get the NYSERDA number, as well as, the date they put the application on the portal to show the timeline and completion date.

Andy Leja said this is what starts the 912-day clock. If the Board chooses to make their decision in respect to this, they will proceed expeditiously to the Planning and Zoning Board.

Supervisor Zupan said he would like something from the European company that the solar panels are available and this is the lead time to get them to the United States, even more so, Central New York. He would like to see something on their letterhead.

Councilor Reger asked if the double racks cause more ground disturbance.

M. Frateschi said no because it is less racking.

Supervisor Zupan opened the hearing to the audience and asked if there were questions or comments.

Rachel Hunt said she is one of the people that will be looking at this from her house and was curious why she wouldn't have been notified when this started.

Supervisor Zupan said people are notified that are within 500' of the property lines which is why she was not noticed by mail.

John Langey further explained there is also a publication and a sign goes up for pending Planning or Zoning applications.

Roger Cook, Codes Enforcement Officer, confirmed he put the sign on Barrett Road.

Jim Wright stated he is the adjacent landowner and received the notice in the mail. He reviewed the information prior to this meeting and as he understands the application; the same panels are used, it is just if they are mounting one to a tracker or two to a tracker.

M. Frateschi said the term panels has been used, but it is the racking.

J. Wright asked if there would be half the number of penetrations into the ground by using this racking.

M. Frateschi confirmed.

J. Wright asked if this has been reflected on the timeline since they only need to put in half as many posts.

M. Frateschi said they used the installation so it would actually be in their favor for the double. The contractor supplied them with the timeline for post installation and it is 45 days for both. The one with double can be assumed to be less.

J. Wright said the request is being based on the lead time for the tracking. He wondered if all the other components are readily available.

M. Frateschi said they have another long lead item, the transformer. However, the transformer does not get installed until the electrical installation and termination, probably November/December and he thought that should be fine timeline-wise. He confirmed they are set on panels, inverters, utility poles, fencing, site access items, seeding, and local pollinators.

Julia Wagner of Lane Road wondered about the snow load since we receive a lot in this region.

M. Frateschi said they are sized for the snow load in this area. The double panel racking has gone before the manufacturer and they have determined they will handle the snow load. The double racking sheds snow easier with the majority of the surface area being black. The black surface absorbs the sun more and sheds the snow.

Dave Eilers of 2148 Ballina Road said he understands the use variance the attorney laid out. To follow up on Councilor Andersen's comment, it does sound like there is recourse, without reading out of the NYSERDA manual, by providing the same evidence and getting a longer lead time so the original plan can remain in place. Additionally, in regards to the uniqueness test for a use variance, he believes there is a precedent if this site gets approved for 14 1/2' panels. Other applicants will probably want to do the same. He encouraged seeking recourse from NYSERDA because all the supply chain, lead time and port delays would apply to anyone in New York State and NYSERDA would certainly be aware of these issues.

J. Langey addressed the uniqueness that Mr. Eilers commented on. He said the uniqueness in this instance is incredibly specific to their project because it is the only one in the Town of Cazenovia that has ever received an approval and no other project can say that because we are already in the moratorium. He reiterated this applicant had an approval in hand and if they had the material, they could of built it, so it is quite unique in that aspect, but he understands Mr. Eilers point, as well.

J. Langey said currently the allowable height is 20' which is presently being reviewed by the Solar Sub-committee.

***D. Eilers** said he would like to give that legislative more time.*

***Gerald Mehlbaum** of 2103 Ballina Road submitted a letter to the Town Board. He did not think these were minor changes as presented to the Town Board and Planning Board. He said when you start changing site layouts, footprints, screening and height it no longer becomes a modest change. He does not have a legal background, but when he reads Section 6 of the relief provision from Local Law #1-2021-the relief is totally for the owner of the property. He doesn't see where this deprives the owner, but he will leave that to the lawyers. He is opposed to granting the relief because it is a significant change. A rigorous process happened last year when TJA was before the Planning Board. He thought the changes will have a dramatic impact and they need to be explored and looked at. To increase the height by 80% is not an insignificant change. Additionally, he wondered who benefitted from this. He thought the benefits were total for TJA-it is their problem and there issue. There is no benefit to the residents of New Woodstock or to the broader Cazenovia community. He didn't understand the rush to get this relief. He thought it was very important for the Board to encourage TJA to make every effort to procure the equipment as originally planned and approved and apply to NYS. They should apply to NYS because that is where the incentives come from not the Town of Cazenovia, so he strongly encouraged seeking relief from New York State. His last point was precedents-significant and long-lasting changes because other solar developers could cite these precedents. He concluded his comments by stating these are major changes, the approval of the relief would grant precedents and he would recommend denying the relief and urged TJA to make every effort possible to obtain the original equipment or other equipment they can get in an expeditious manner and to seek relief from New York State. If the project becomes financially untenable, TJA can reapply to the Town as a new project once the moratorium has been lifted. This will give all the residents of Cazenovia an opportunity for input which couldn't happen last year, due to COVID concerns and restrictions, which inhibited communication and discussion.*

***M. Frateschi** responded to a question and said they have not made application to NYSERDA for relief.*

***Chair Ridler** of the Planning Board encouraged them to reach out to NYSERDA because of the global, logistics problem that others in the same field are encountering.*

Supervisor Zupan asked the Town Board if this public hearing should be continued at the October 18, 2021 Special Meeting or the regular November Town Board meeting to get the information from the developers of what they have requested.

Councilor Race said timewise, if it is something that is going to go through, it shouldn't be held up with the Town Board any longer than it has to be.

The consensus of the Town Board was to continue the public hearing on October 18, 2021 at 7:00 p.m. at the Town Hall.

Motion by Councilor Race, seconded by Councilor Reger to continue the public hearing until October 18, 2021 at 7:00 p.m. The motion was unanimously approved.

Motion by Councilor Race, seconded by Councilor Golub to open the public hearing relative to Local Law B – 2021, entitled "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia."

Supervisor Zupan said this is done every year. Since it has been in effect, he thinks it has only been overrode once. This year the tax rate will remain the same as last year. However, this is just done in case the Town has to go over the rate.

Public comment: *There were no comments.*

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

Resolution No. 121 presented by Councilor Race, seconded by Councilor Andersen

TOWN OF CAZENOVIA LOCAL LAW B OF 2021

("A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia")

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2021, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Cazenovia," was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on September 13, 2021; and

WHEREAS, a public hearing was held on such proposed local law on this 4th day of October, 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, the enactment of Proposed Local Law No. B-2021 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-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. B-2021 as Local Law No. 2-2021 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 2 of 2021**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2022, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Cazenovia, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.”

Roll call:

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

Supervisor Zupan declared Resolution No. 121 adopted.

NOTE FOR THE RECORD - The timely receipt (9/30/2021) of the 2022 Tentative Budget and the timely distribution of same to the Town Board (electronically 9/30/2021 and paper copies 10/4/2021 at the Regular Meeting.)

Resolution No. 122 presented by Councilor Race, seconded by Councilor Golub

2022 TENTATIVE/PRELIMINARY BUDGET

WHEREAS, the Town Supervisor of the Town of Cazenovia duly filed with the Town Clerk the Tentative Budget of said Town for the fiscal year beginning January 1, 2022; and

WHEREAS, the Town Clerk of the Town of Cazenovia, duly presented said Tentative Budget to the Town Board as prescribed by law, at a regular meeting on October 4, 2021, at which time such Tentative Budget was considered, discussed and reviewed.

NOW, THEREFORE, BE IT RESOLVED, that said Tentative Budget is hereby set forth, and be it

FURTHER RESOLVED, the said Tentative Budget is hereby approved as is and shall become the Preliminary Budget of the Town of Cazenovia, for the fiscal year beginning January 1, 2022; and be it

FURTHER RESOLVED, that said Preliminary Budget shall be kept in the Office of the Town Clerk of the Town of Cazenovia, and said Town Clerk is hereby authorized to reproduce copies of same for public distribution upon request; and be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of the proposed 2022 Town Budget at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on Monday, November 8, 2021 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

Roll call:

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

Supervisor Zupan declared Resolution No. 122 adopted.

Supervisor Zupan introduced the next public hearing and said the Town has two choices which is do nothing and that would automatically opt us in to having on-site consumption and dispensaries. Currently, in the Town of Cazenovia with the zoning laws that are in place, the only place that such a use would be allowed would be Main Street, New Woodstock. He further explained if the Town doesn't do anything, they will be in forever. However, if they choose to opt out this year, they can opt back in if we have zoning laws to move them on Route 20.

Motion by Councilor Reger, seconded by Councilor Race to open the public hearing relative to Local Law C – 2021, entitled "A Local Law Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Consumption Establishments Within the Town of Cazenovia."

Public comment:

Dave Eilers inquired about the difference of doing nothing or opting out.

Supervisor Zupan stated if we opt out it is good until we opt back in. He said there is also the option to have a dispensary, but not the consumption part. New York State is not going to have any rules or regulations in effect until the fall of 2022.

Councilor Race stated once you are in, you are in.

Mark Braiman of 4775 East Lake Road wanted to speak against the opting out law. He mentioned his background as an educator and has encountered many people in his life who suffered academically on account of cannabis use. He did not think this should have ever been dealt with through criminal law. As he understands the law, there will still be criminal liability for selling cannabis in the Town of Cazenovia. He feels it is a safer place if there are areas where people can purchase the product. He shared his recollection of a student at Syracuse University, Simeon Popov who was murdered when delivering pizzas. This student was doing his job and entered an apartment where there was a large quantity of marijuana being stored for sale and he was killed, basically for being at the wrong place at the wrong time. He felt the ill effects from criminalization far outweigh the bad effects of use. It is one of the most benign drugs known to humanity, the number of deaths directly related to cannabis use is far lower than alcohol use, yet that is permitted. There are numerous establishments to manufacture and sell alcohol throughout the Town of Cazenovia.

Supervisor wanted Mr. Braiman to understand a person can still grow it for personal use in the Town of Cazenovia without the law being passed.

Mark Braiman said he understood that, but there are people in Town that do not have property. Additionally, he is not in the position to till his own soil and grow his own. He felt the quality and reproducibility that will be available by having official dispensaries is great. There is a review process in order to be a licensed dealer and it is a lot less likely that a dealer would sell something of unknown quality, strength and purity.

Dave Eilers inquired if there was another public hearing.

Supervisor Zupan said this is it and the Town Board can either continue or close the public hearing.

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

John Langey, Esq. stated if the Board were to adopt the law to “opt out” it is designed to only be approved by way of a permissive referendum. If it gets adopted tonight, a summary of the action has to be published in the paper. A petition can be submitted and passed if there are sufficient signatures which would make it go to a public vote. Depending on how the majority of the vote would go, would determine the outcome.

Resolution No. 123 presented by Councilor Race, seconded by Councilor Golub

TOWN OF CAZENOVIA LOCAL LAW NO. C OF 2021

(“A Local Law Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Consumption Establishments Within the Town of Cazenovia)

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2021, a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the Town of Cazenovia was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on September 13, 2021; and

WHEREAS, a public hearing was held on such proposed local law on October 4, 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 Law 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 September 13, 2021, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. C-2021 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the enactment of proposed Local Law No. C-2021 was subject to a permissive referendum pursuant to Municipal Home Rule Law §24 as set forth in Cannabis Law §131; and

WHEREAS, it is the determination of this Board that it is in the public interest of the residents of the Town of Cazenovia to enact said proposed Local Law No. C-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. C-2021 as Local Law No. 3-2021 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 3 OF 2021**

**A LOCAL LAW PURSUANT TO CANNABIS LAW §131
OPTING OUT OF LICENSING AND ESTABLISHING
RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION
ESTABLISHMENTS WITHIN THE TOWN OF CAZENOVIA**

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

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and Cannabis Law §131.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Cazenovia to opt the Town of Cazenovia out from hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

SECTION 3. LOCAL CANNABIS RETAIL DISPENSARY AND ON-SITE CONSUMPTION OPT-OUT.

The Town Board of the Town of Cazenovia, County of Madison, hereby opts-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments from locating and operating within the boundaries of the Town of Cazenovia.

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Department of State. Pursuant to Cannabis Law §131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.”

Roll call:

Councilor Andersen Yes

Councilor Andersen said she has spoken to Councilor Golub a lot about this topic. Also, her brother recently passed, but benefitted a lot from medical marijuana. She feels the State is going into this and has not legislated or regulated this very well. She thinks if they wait a little while, they could decide where and what conditions they want to have on dispensaries or on-site consumptions and then they can opt in.

Councilor Race Yes

Councilor Race said he has talked to Councilor Golub, as well. He agreed with Councilor Andersen and feels the state has a propensity to pass laws without any forethought or thinking the things through. He made reference to the SAFE Act and those types of situations. The Town can opt in at any time, but once we are in-we are in.

Councilor Golub No

Councilor Golub said the legalization of cannabis is not the issue being discussed, but whether or not to permit a dispensary. He said access to cannabis is going to be there whether the Town opts in or out. He said anyone that wanted it when it was illegal had plenty of access to it. When it is legal and there are dispensaries, even if they are not in our Town, people will have access to it. He doesn't think the argument can be made that keeping dispensaries out will keep cannabis away because it won't. If there is a dispensary, you will have people checking your ID, drug dealers are not checking ID's. Additionally, when it is purchased from a drug dealer, you might not have the quality and a person would be unsure if it is laced with something. He thinks the quality control would be better done by the State. It is not about whether cannabis is good. We, as a society, currently sell a lot of products that are harmful. In his opinion, there is no reason to wait and see. Prohibition is over and it is a legal product. He did not know if there is another legal product that is being singled out, prohibition is over, so let's move on.

Councilor Reger Yes

Councilor Reger said a lot of good points have been brought up. He agrees with the sentiments of Councilors Andersen and Race and in his mind would like to see more data and there is a lot of information coming out from around the country at locations. He feels it makes sense to understand the implications of that before the Board moves forward.

Supervisor Zupan Yes

Supervisor Zupan said it will give more time to look at all the rules and regulations that the State will put out this coming year. It will also give the Town time for an additional location besides Main Street in New Woodstock for a dispensary or an establishment. He is willing to look at this in another year.

Supervisor Zupan declared Resolution No. 123 adopted.

Supervisor Zupan said the New Woodstock Memorial Association is closing due to lack of members. The idea is to give it to the Town and we will decide what to do with it. If they end up selling the property, it will go into a dedicated line in the budget to benefit the Hamlet of New Woodstock. He said there are some legal things that need to be done.

Resolution No. 124 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZING THE ACCEPTANCE OF 2037 MAIN STREET, NEW WOODSTOCK, NEW YORK FROM THE NEW WOODSTOCK MEMORIAL ASSOCIATION

WHEREAS, the New Woodstock Memorial Association is the purported owner of 2037 Main Street, New Woodstock, New York 13122, which comprises two parcels, Tax Map ID Nos. 146.8-1-7 and 146.8-1-8 (the “Property”); and

WHEREAS, New Woodstock Memorial Association has approached the Town Board with a proposal to transfer the Property to the Town of Cazenovia for no consideration; and

WHEREAS, an Agreement to Transfer the Property from New Woodstock Memorial Association to the Town of Cazenovia has been presented to the Town Board;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cazenovia hereby authorizes the Town to enter into the Agreement to Transfer the Property, thereby accepting the transfer of the Property from New Woodstock Memorial Association for no consideration, subject to final review of the Town attorney; and it is further

RESOLVED AND DETERMINED that the Town Board of the Town of Cazenovia hereby authorizes the Town to purchase an abstract of title for the Property, at a cost not to exceed \$2,000, unless further authorized by the Town Board; and it is further

RESOLVED AND DETERMINED that the Town of Cazenovia Supervisor is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution.

Roll call:

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

Supervisor Zupan declared Resolution No. 124 adopted.

Supervisor Zupan stated an RFQ is being circulated to find an engineer that is qualified to do work at the sewer treatment plant. Jim Cunningham, Operator, will review the qualifications and make a recommendation to the Town Board on who to hire.

Resolution No. 125 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZING A REQUEST FOR QUALIFICATIONS FOR COMPLETION OF ENGINEERING SERVICES RELATED TO THE TOWN OF CAZENOVIA WATER POLLUTION CONTROL FACILITY (ASSET EVALUATION)

WHEREAS, the Town of Cazenovia Town Board has been advised by the Operator of the Town’s Water Pollution Control Facility of the need to obtain an asset evaluation from qualified individuals relative to the Town’s Water Pollution Control Facility located on Route 13 North,

Cazenovia, New York; and

WHEREAS, such services are professional in nature such that they are exempt from public bidding requirements as set forth in General Municipal Law Section 103; and

WHEREAS, the Water Pollution Control Facility Operator has prepared for the Town Board’s review and consideration a written Request for Qualifications (“RFQ”) document for distribution to professionals with experience in such services; and

WHEREAS, the performance of a Wastewater Treatment Plant Asset Evaluation is a Type II action for purposes of the State Environmental Quality Review Act (SEQRA), such that there would be no potential negative environmental impacts from such action.

NOW, THEREFORE, BE IT

RESOLVED that the Town of Cazenovia Town Board does hereby authorize the Town to solicit for qualifications from competent engineering firms, consistent with the attached Request for Qualifications document (“Town of Cazenovia WWTP Asset Evaluation”) with a return date of November 5, 2021, subject to final review of the Town’s Water Pollution Control Facility Operator and the Town’s legal counsel.

Roll call:

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

Supervisor Zupan declared Resolution No. 125 adopted.

Supervisor Zupan explained accountants will look at our records which will enable the Town to spend the American Recovery Act money, while adhering to the guidelines of the Federal and State governments. He said the Town will receive \$ 434,000 over two years, we have up to \$ 611,000 that can be spent on what the Town wants to and doesn’t have to fit into the narrow guidelines that the Federal and State governments have set.

Resolution No. 126 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZE THE SUPERVISOR TO EXECUTE A PROFESSIONAL CONSULTING SERVICES ENGAGEMENT LETTER WITH BONADIO & CO., LLP

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021 as a result of the COVID-19 pandemic; and

WHEREAS, the Town of Cazenovia will receive two disbursements of ARPA funding from the Federal government; and

WHEREAS, there are regulations and guidelines as to how the funding can be spent; and

WHEREAS, the Town of Cazenovia was made aware Bonadio & Co., LLP, a certified public accounting firm, was assisting Madison County as well as several other municipalities within the County; and

WHEREAS, the Town requested a proposal from said firm; and

WHEREAS, a Letter of Engagement for Professional Consulting Services dated September 1, 2021 was received from Bonadio & Co., LLP; and

WHEREAS, the Town desires to retain the services of Bonadio & Co. LLP for professional consulting services for guidance and compliance with the use of the ARPA funding.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the Letter of Engagement from Bonadio & Co., LLP.

Roll call:

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

Supervisor Zupan declared Resolution No. 126 adopted.

NOTES FOR THE RECORD

Highway Superintendent, Dean Slocum, completed the *Annual Certification of Local Highway Mileage* for 2021, with the following miles reported:



Total Centerline Miles of roads owned by the Town of Cazenovia.....	58.00 Miles
Total Lane Miles of roads owned by the Town of Cazenovia	115.38 Miles



The timely receipt (9/23/2021) of the Highway Department’s Annual Equipment Inventory List.

Resolution No. 127 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZE SEASONAL CLOSING OF A SECTION OF CORKINSVILLE ROAD

To authorize the Town Clerk to give notice of the seasonal closing of Corkinsville Road from the Lordon residence to the Town of Cazenovia Line for the winter of 2021/2022.

Roll Call:

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

Supervisor Zupan declared Resolution No. 127 adopted.

Supervisor Zupan mentioned this next resolution is done yearly.

Resolution No. 128 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZING THE SUPERVISOR TO ENTER INTO
AN INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF HAMILTON
TO PROVIDE SALT BRINE FOR SNOW REMOVAL
TO THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT**

WHEREAS, the Town of Cazenovia Town Board, pursuant to Article 5-G of the General Municipal Law, has continued to seek out opportunities for shared services to benefit the taxpayers of the Town; and

WHEREAS, the Town of Cazenovia Highway Department has identified a source of materials (salt brine) to be used for Town highways; and

WHEREAS, the costs for the purchase of said materials would be at a reduced price than if obtained by the Town of Cazenovia independently; and

WHEREAS, the Town of Cazenovia and Village of Hamilton initially entered into an Intermunicipal Agreement for the 2016-2017 winter season, as well as each subsequent winter season; and

WHEREAS, the Village of Hamilton has presented to the Town of Cazenovia an “Intermunicipal Agreement to Provide Salt Brine for Snow Removal” for the 2021-2022 winter season; and

WHEREAS, the entering into such Agreement has been determined to be a Type II action pursuant to State Environmental Quality Review.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Supervisor of the Town of Cazenovia to execute the “Intermunicipal Agreement to Provide Salt Brine for Snow Removal”.

**INTERMUNICIPAL AGREEMENT TO PROVIDE
SALT BRINE FOR SNOW REMOVAL**

THIS INTERMUNICIPAL AGREEMENT is entered into as of this _____ day of _____, 2021 by the **Village of Hamilton** a municipal corporation duly incorporated under the laws of the State of New York with an office at 3 Broad Street, Hamilton, New York 13346 (hereinafter the “Village”) and the **Town of Cazenovia**, a municipal corporation duly existing under the laws of the State of New York with an office at 7 Albany Street, Cazenovia, New York 13035 (hereinafter the “Purchaser”).

R E C I T A L S

WHEREAS, the Village and the Purchaser desire to cooperate in the utilization of the Village’s facilities and equipment for producing salt brine for snow removal purposes; and

WHEREAS, the Village and the Purchaser desire to memorialize the terms of their agreement in this regard.

NOW THEREFORE, in consideration of the terms and conditions contained herein, the parties to this Agreement do hereby agree as follows:

1. The Village agrees to sell salt brine to Purchaser, subject to availability, upon the terms and conditions stated herein. It is understood and agreed that in the event of

limited availability of salt brine, Village snow removal needs shall take priority over those of Purchaser, and the Village shall have no liability to Purchaser in any event for any Village failure to sell brine to Purchaser under this Agreement.

2. The Village shall utilize salt from the Village stockpile to produce salt brine utilizing the Village’s brine production facilities.
3. To cover the Village's water costs, labor and operation and maintenance costs for the brine production equipment, the salt brine will be sold to Purchaser at a cost of 10 cents per gallon over the Village's cost, currently estimated at approximately \$.0955 per gallon. If magnesium chloride is used in the brine mix, the Purchaser shall have delivered periodically throughout the winter months to the Village DPW Building the magnesium chloride utilized in the mix of the purchaser’s Brine.
4. The Village shall invoice the Purchaser for the cost of the salt brine sold, and state on the invoice the amount of salt utilized to manufacture the brine sold to Purchaser. Upon receipt of the invoice, Purchaser shall deliver to the Village the same quantity of salt stated in the invoice to replenish the Village stockpile. Delivery of the replacement salt by Purchaser shall be coordinated with the Village DPW Foreman.
5. This Agreement shall be deemed effective November 1, 2021 and shall remain in effect until terminated or modified in writing by either Village or Purchaser. Either party may terminate this Agreement at any time upon written notice.
6. The Town of Cazenovia shall defend, indemnify and hold harmless the Village of Hamilton, its officers, agents, and employees from any and all claims or lawsuits for damages, losses and expenses of any kind, including attorneys’ fees and court costs, for any and all bodily injury, sickness, disease or death to any third parties, or injury to, or destruction of personal property of any third parties, to the maximum extent permitted by law in all instances, when any such damages, destruction, loss or expense arises out of this Agreement and/or the performance of services hereunder by the Village of Hamilton. At all times during the term of this Agreement, the Town of Cazenovia shall cause the Village of Hamilton to be named as an additional insured with respect to this Agreement under the Town of Cazenovia general liability insurance policy, and **shall provide the Village of Hamilton with a certificate of insurance showing the Village of Hamilton listed as an additional insured under said general liability policy.**

IN WITNESS WHEREOF the parties have executed this Agreement as of the date and year first above written and pursuant to the authorizing resolutions of their respective governing boards.

Village of Hamilton

Dated: _____

By: _____
RuthAnn S. Loveless, Mayor

Purchaser

Dated: _____

By: _____
William N. Zupan, Town Supervisor

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

Supervisor Zupan declared Resolution No. 128 adopted.

Resolution No. 129 presented by Councilor Race, seconded by Councilor Andersen

APPOINT MICHAEL PALMER AS AN ALTERNATE MEMBER TO THE ZONING BOARD OF APPEALS

To appoint Michael Palmer to fill the Alternate Member vacancy on the Zoning Board of Appeals.

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

Supervisor Zupan declared Resolution No. 129 adopted.

Resolution No. 130 presented by Councilor Reger, seconded by Councilor Race

APPROVE USE OF TOWN ROADS FOR THE 2021 PUMPKIN RUN

To approve the use of Ridge Road, Ten Eyck Avenue, Lincklaen Road and Syosset Drive for the 2021 PUMPKIN RUN, a fundraising event for the Cazenovia Central Schools Graduating Class of 2023/2024 scheduled for Sunday, October 31, 2021 commencing at 1:00 p.m. It is understood the Cazenovia Village Police Department and Madison County Sheriff’s Department will be informed for traffic control and CAVAC will be on-site.

An endorsed certificate of liability insurance in the amount of one million dollars naming the Town of Cazenovia as an additional insured will be filed with the Town Clerk. The insurance certificate must be maintained throughout the date of the event. The area of the Town-owned “Green” located between Emory Avenue and Green Street will be utilized for the start and conclusion of the race and must be noted for coverage on the insurance certificate.

It should be understood no roads can be closed to local traffic and no paint products shall be applied to the roads.

Roll call:

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

Supervisor Zupan declared Resolution No. 130 adopted.

Resolution No. 131 presented by Councilor Race, seconded by Councilor Golub

AUTHORIZE TRAINING CREDIT FOR THE “HISTORIC PRESERVATION: TOOL FOR COMMUNITY PLANNING & DEVELOPMENT” PRESENTATION

To authorize credit hours for the presentation “Historic Preservation: Tool for Community Planning & Development” presented by Bob Corby, former Mayor of Pittsford, NY on October 13, 2021.

Credit hours will be recorded in accordance with the length of the webinar. Any Planning Board or Zoning Board of Appeals Member that wishes to take this class will have the hours applied to their annual training activity credits.

Roll call:

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

Supervisor Zupan declared Resolution No. 131 adopted.

Resolution No. 132 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZE CREDIT FOR THE TRAINING SESSION PROVIDED BY TOWN OF CAZENOVIA CODES ENFORCEMENT OFFICER

To authorize credit hours for the training session being offered by Roger Cook, Town of Cazenovia Zoning & Codes Enforcement Officer on October 23, 2021. The training session will describe the zoning process, as well as State Environmental Quality Review Act (SEQRA) process.

Credit hours will be recorded in accordance with the length of the training session. Any Planning Board or Zoning Board of Appeals Member that wishes to take this class will have the hours applied to their annual training activity credits.

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

Supervisor Zupan declared Resolution No. 132 adopted.

Resolution No. 133 presented by Councilor Race, seconded by Councilor Andersen to approve the following 2021 budget transfers:

(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 accommodate additional cost for postage and supplies for Tax Collection.

To: A 1330.4.000 Tax Collector CE	\$200.00
From: A 1990.1.000 Contingency	(200.00)

Wellington Water SW3

Transfer budget for additional electrical labor cost for generator installation.

To: SW3 8320.2.000 Source Power Pump EQ	\$400.00
From: SW3 8320.1.000 Source Power Pump PS	(400.00)

Joint Route 20 Water District (SW4)

To move budget into accounts recommended by Laird Petrie, Associate Examiner of OSC, to be used to report debt service reimbursed to Town of Nelson.

To: SW4 9797.6.000 Debt Principal Other Governments	\$11,012.00
To: SW4 9797.7.000 Debt Interest Other Governments	7,278.00
From: SW4 8350.4 Common Water Supply CE	(11,012.00)
From: SW4 9730.7.000 Bond Anticipation Notes w/ EFC Interest	(7,278.00)

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

Supervisor Zupan declared Resolution No. 133 adopted.

Councilor Race, Liaison to the Highway Department, presented a proclamation to Dean Slocum,

Highway Superintendent whose last day is Thursday, October 28, 2021.

Proclamation
Town of Cazenovia Town Board
Mr. Dean L. Slocum,
Town of Cazenovia Highway Superintendent

Whereas: The Town Board of the Town of Cazenovia is proud and honored to have worked alongside Mr. Dean Slocum for the last ten years, four of which as Town Highway Superintendent; and

Whereas: his wisdom, knowledge, and dedication to this position have proven he is an asset to Cazenovia, its citizens and this organization. Mr. Slocum was instrumental in procuring Madison County IT Department support which include high speed internet and phone service, thereby greatly improving productivity and reducing costs at the highway garage; and,

Whereas: he has served with honor and dignity as Highway Superintendent and has maintained an exemplary department with respect from his crew due to his thorough understanding and appreciation of their responsibilities and duties; and

Whereas: he treated the trucks and equipment, of which he was the steward, as his own; from purchasing at the best possible price, to polishing, maintaining, and finally selling for optimum return. As the “Propane Cost CZAR” we never ever OVERPAID; and

Whereas: Dean will not only leave a void at the Highway Department but will be greatly missed by the staff at the Town Hall, as the duties of both locations are often integrated. Whenever asked to do a job, task, or follow up with a constituent; Dean was ON IT! Never one to leave a job for later, we knew it was done and done right.

Now therefore, be it resolved: the Town Board of the Town of Cazenovia recognizes and honors Dean L. Slocum. He is loved, will be missed, and will always be considered a friend of Cazenovia. **“Under Promise & Over Deliver.”**

Attorney's Report: *John Langey, Esq. reported there is a Solar Sub-committee meeting tomorrow morning at 8:00 a.m. at the Town Office. At that meeting, he will circulate a new draft which is getting very close to the actual text of the law, itself. He stated the cannabis law has some additional follow-up in which he will coordinate with the Town Clerk. The water district consolidation is moving forward. He asked to meet with the Town Supervisor about the demolition law. Lastly, he will continue to shepherd the Legion Building acquisition and potential disposition of the building.*

Supervisor's Report: *Reported at this late hour he will keep his report brief. All the resolutions that have been voted on tonight have had his involvement.*

Martin Slocum *volunteered to oversee the Legion in regards to keeping it heated and he will get*

it winterized. He will call Bryan Smith, Deputy Highway Superintendent, when oil delivery is needed.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported all is well. The new salt shed is being built and they are ready for winter.*

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported she has been working on the solar law with the Solar Committee and John Langey. She mentioned she has been doing other projects, but she kept her report brief due to the late hour.*

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported the Lake Summit is set for November 13, 2021.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Thanked the New Woodstock Fire Department for hosting this meeting tonight. He spoke with Ron Fazio and the new rescue truck is in service as of last Sunday. Additionally, he spoke with Steve Fountain, Station Commander of the New York State Police, who monitors the New Woodstock Barracks. They do a great job of keeping us safe. The Youth Recreation meeting occurred last week and they debriefed this past summer and laid out the game plan for next year. On another note, CazCares does a great job and have had an uptick in their demand. They will do another Sneaker Drive in conjunction with the school. The Fresh Food Day will be next Tuesday, October 12, 2021.*

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 Andersen, seconded by Councilor Reger to approve payment of the bills. Councilor Race recused himself from payment of the Suit-Kote invoice. Otherwise, the motion was unanimously approved.

Supervisor Zupan thanked the audience for attending the meeting.

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

At 9:20 p.m., Supervisor Zupan will declare this meeting adjourned.

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