

**TOWN BOARD  
REGULAR MEETING**

**MONDAY**

**September 12, 2022**

**CASUAL ATTIRE**

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

**Pledge of Allegiance.**

**Correspondence:** *There was no unshared correspondence.*

*Supervisor Zupan announced the October Town Board meeting will be at the New Woodstock Firehouse (2632 Mill Street) and as with prior years due to budgetary reasons, it will be the first Monday of the month, October 3, 2022.*

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**Motion by Councilor Reger, seconded by Councilor Johnson to accept the minutes from the August 8, 2022 regular meeting and September 7, 2022 special meeting. The motion was unanimously approved.**

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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.*

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**Motion by Councilor Golub, seconded by Councilor Reger to open the public hearing relative to the renewal of Burdin's Junkyard Permit. The motion was unanimously approved.**

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

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

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*Supervisor Zupan stated he visited the junkyard and it is basically in the same condition as Roger's inspection last year. Burdins are aware they have one year left and this is the last permit they will receive. He said they will have the site cleaned up by next September.*

**Resolution No. 106 presented by Councilor Reger, seconded by Councilor Golub**  
**BURDIN'S JUNKYARD ANNUAL PERMIT RENEWAL**

To approve the renewal for one year, from October 2022 thru September 2023, of Donald Burdin's Junkyard License, also known as Don's Auto Barn: (Resolution No. 85-1991)

1. The license is limited to storage and dismantling.
2. All waste (gasoline, diesel, gear oil, transmission fluid, motor oil, battery acid, brake fluid, radiator water, anti-freeze, and windshield solvent) are to be disposed of off-site in compliance with NYS Law.
3. Maximum of 200 cars.
4. Topography, natural growth and timber and other considerations already accomplish the purposes of fencing and screening, therefore the requirements for fencing and screening are reduced by this legislative body.
5. Aesthetic conditions – the governing board has taken into account the clean, wholesome and attractive environment which is of importance to the continued general welfare of its citizens.
6. The license fee is due prior to license issuance.

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 106 adopted.**

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**Motion by Councilor Johnson, seconded by Councilor Golub to open the public hearing relative to Local Law D – 2022, entitled "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia."**

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

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

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*Supervisor Zupan stated this is something that is done every year. If the Town Board doesn't go over the limit, in November or December, the law will be rescinded.*

**Resolution No. 107 presented by Councilor Reger, seconded by Councilor Johnson**

**TOWN OF CAZENOVIA LOCAL LAW D OF 2022**

**("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. D-2022, "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 August 8, 2022; and

**WHEREAS**, a public hearing was held on such proposed local law on this 12<sup>th</sup> day of September 2022, 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. D-2022 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. D-2022.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact proposed Local Law No. D-2022 as Local Law No. 5-2022 as follows:

**“TOWN OF CAZENOVIA  
LOCAL LAW NO. 5 of 2022**

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 2023, 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 2023 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 Race**                    **Excused**  
**Councilor Golub**                **Yes**  
**Councilor Reger**                **Yes**  
**Councilor Johnson**            **Yes**  
**Supervisor Zupan**              **Yes**

**Supervisor Zupan declared Resolution No. 107 adopted.**

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**Resolution No. 108 presented by Councilor Reger, seconded by Councilor Johnson**

**MODIFICATIONS TO OCTOBER & NOVEMBER  
TOWN BOARD MEETING DATES**

To change the next two Town Board meetings to the following dates due to NYS Law as it relates to meeting for budget and adoption processes:

- **Monday, October 3, 2022 - New Woodstock Firehouse, 2632 Mill Street, New Woodstock**
- **Monday, November 7, 2022 - Cazenovia Town Office, 7 Albany Street, Cazenovia**

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

**Supervisor Zupan declared Resolution No. 108 adopted.**

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**Resolution No. 109 presented by Councilor Johnson, seconded by Councilor Reger**

**BUDGET WORK SESSION**

To approve the scheduling of a budget work session on **Wednesday, October 12, 2022 at 7:00 p.m.** At said work session, the Town Board may further discuss any business which may come before the Board in the form of a special meeting.

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

**Supervisor Zupan declared Resolution No. 109 adopted.**

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*Supervisor Zupan said this next resolution relates to the Intermunicipal Agreement for the Route 20 Water District. It is to amend the IMA so the rates will stay the same in the Towns of Nelson and Cazenovia.*

*John Langey, Esq. stated he has been working with the Town of Nelson (Jim Cunningham) and Supervisor Zupan, as well as Jim Stokes for the Village of Cazenovia. There is a contingency for the Village to sign-off on this agreement. There was a large drop in assessed value when GHD left and this is an attempt to put the rates back in place. The burden ended up shifting onto the users in the Town of Cazenovia portion of the district.*

*Supervisor Zupan said this will probably need to be addressed again next year when the GHD building comes back “online” and the Car Wash is in operation.*

**Resolution No. 110 presented by Councilor Reger, seconded by Councilor Golub**

**AUTHORIZE AN AMENDMENT (FIRST) TO THE INTERMUNICIPAL AGREEMENT FOR THE ROUTE 20 WATER DISTRICT**

**WHEREAS**, previously the Town of Cazenovia, the Town of Nelson and the Village of Cazenovia entered into an Intermunicipal Agreement Relative to the Supply of Water and Management, Maintenance, Operation, Billing, Construction and Financing for the Town of Nelson Route 20 Water District and the Town of Cazenovia Route 20 Water District (the “Original IMA”), and

**WHEREAS**, pursuant to the terms of the Original IMA, the parties have anticipated that from time to time the terms of said Original IMA may be amended upon agreement by all parties; and

**WHEREAS**, the parties have acknowledged large changes to the relative assessed values in the Town of Cazenovia, such that the originally contemplated pro rata share of each participating municipality in the payment of indebtedness for the two districts has created unexpected outcomes; and

**WHEREAS**, the parties wish to amend the Original IMA to better reflect the original intent of the sharing of the debt service for the two districts; and

**WHEREAS**, the Town of Nelson Town Board has approved the proposed first amendment to the Original IMA as more specifically addressed in the Amended IMA (a copy of which is attached as Schedule A hereto);

**NOW THEREFORE**, it is

**RESOLVED**, that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the attached Amended IMA, conditioned, however, upon the approval of the terms of said Amendment by the Village of Cazenovia.

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**FIRST AMENDMENT TO THE INTERMUNICIPAL AGREEMENT  
RELATIVE TO THE SUPPLY OF WATER AND MANAGEMENT,  
MAINTENANCE, OPERATION, BILLING, CONSTRUCTION AND FINANCING  
FOR THE TOWN OF NELSON ROUTE 20 WATER DISTRICT AND  
THE TOWN OF CAZENOVIA ROUTE 20 WATER DISTRICT**

This **FIRST AMENDMENT** to the Intermunicipal Agreement Relative to the Supply of Water and Management, Maintenance, Operation, Billing, Construction and Financing for the Town of Nelson Route 20 Water District and the Town of Cazenovia Route 20 Water District, made as the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **VILLAGE OF CAZENOVIA**, a municipal corporation with offices located at 90 Albany Street, Cazenovia, New York 13035 (“Village”), the **TOWN OF NELSON**, a municipal corporation with offices located at 4085 Nelson Road, Cazenovia, New York 13035 (“Nelson”), and the **TOWN OF CAZENOVIA**, a municipal corporation with offices located at 7 Albany Street, Cazenovia, New York 13035 (“Cazenovia”):

**WHEREAS**, previously the Town Board of the Town of Nelson has formed, pursuant to the provisions of Article 12-A of the Town Law, a water district in the Town now known as the “Town of Nelson Route 20 Water District” (“the Nelson District”); and

**WHEREAS**, previously the Town Board of the Town of Cazenovia has formed, pursuant to the provisions of Article 12-A of the Town Law, a water district in the Town now known as the “Town of Cazenovia Route 20 Water District” (“the Cazenovia District”); and

**WHEREAS**, in furtherance of the management, maintenance, operation, billing, construction and financing of the Water Districts, the Town of Nelson and the Town of Cazenovia, along with the Village of Cazenovia, have entered into a certain Intermunicipal Agreement dated February 11, 2019 (“the Original IMA”); and

**WHEREAS**, pursuant to said Original IMA, the financing of the project, including the project indebtedness, is based upon each Town bearing a “pro-rata share of the balance of the Total Project Cost and Project Indebtedness” as defined within the Original IMA, as “based upon the percentages determined by dividing the sum of the total assessed value of all properties within each Town’s District” into a Total Project Cost of \$19,830,300, being the sum of the total assessed values of all properties within both Districts; and

**WHEREAS**, the Original IMA further requires that each Town shall pay their respective share based upon that Town’s relative percentage of overall assessed value; and

**WHEREAS**, it is recognized that from time-to-time assessed values within each portion of the Towns may fluctuate depending on numerous factors; and

**WHEREAS**, it has been recognized that since the execution of the Original IMA, the relative taxable values contained within each Town have fluctuated, such that an amendment to the Original IMA should be implemented to reflect an appropriate current and fair pro-rata share for each Town.

**NOW, THEREFORE**, in consideration of mutual promises of the parties set forth herein and in the Original IMA, and for other good and valuable consideration, it is hereby agreed as follows:

1. The following adjusted pro-rata shares shall be incorporated into the Original IMA and Section 3 (“Financing of the Project”) of the Original IMA is hereby amended to reflect the following changes:

Total assessed value within the Town of Cazenovia (2023) = \$4,492,431

Total assessed value within the Town of Nelson (2023) = \$13,012,900

and it is further agreed that:

“Each of the Town’s shall bear their pro-rata share of the balance of the Total Project Cost and Project Indebtedness based upon the percentages determined by dividing the sum of the total assessed value of all properties within each Town’s District into \$17,505,331, being the sum of the total assessed value of all properties within both Districts. As such, the

Cazenovia District’s pro-rata share of the Total Project Cost is 25.65% and the Nelson District’s pro-rata share of the Total Project Cost is 74.35% for Tax Year 2023. Each Town’s pro-rata share of the balance of the Total Project Cost and Project Indebtedness as described above shall remain in effect unless and until the Towns mutually agree in writing to amend said pro-rata shares.”

2. Section 7 (“Water Supply Cost”) of the Original IMA shall be amended to reflect that the charges for water supply cost shall be based upon “100 cubic gallons of water passing through each meter.”

3. Section 9 (“Water District Operation and Maintenance) of the Original IMA shall be amended to now read in its entirety:

“9. Water District Operation and Maintenance. In consideration of the charges to be paid by the Towns and the users of water within the Districts, during the term of this agreement, the Village shall respond to any customer concerns and shall perform such routine maintenance to the mains, pumps, storage tanks and other facilities of the Districts as may be reasonably prudent to keep all facilities of the Districts in good operating condition. By way of illustration, routine maintenance services provided by the Village under this section would include water testing, flushing, changing charts, reading meters, greasing pumps, and snow plowing of the driveways and entrances to the pump station and water storage tank. The Districts, and/or the users within the Districts, will be responsible for the cost of all repairs to the facilities of the Districts, whether such repair services are provided by the Village or by a third party. All costs incurred for the future use and consumption of electricity by the Districts shall in the first instance be paid by the Town of Nelson to the utility provider. Thereafter, the Cazenovia District shall promptly reimburse the Nelson District for the Cazenovia District’s pro-rated share of electricity charges as determined by metered usage, as well as other costs of operation of the Districts payable to third parties paid by the Town of Nelson on behalf of the Town of Cazenovia. All other costs and charges to the Districts shall be borne by the Towns in accordance with their respective pro rata shares for debt service costs as set forth in section 3 above, unless otherwise specified herein.”

The balance of the original IMA shall remain in full effect and force unless otherwise changed and mutually agreed upon in writing. This Agreement shall be deemed to replace those portions of the original IMA, as referenced herein, and shall in all respects supersede those terms of the prior IMA as of the effective date of this Agreement set forth above and all other provisions shall remain in effect.

**VILLAGE OF CAZENOVIA**

**TOWN OF NELSON**

By: \_\_\_\_\_  
**Kurt Wheeler, Mayor**

By: \_\_\_\_\_  
**James Cunningham, Supervisor**

**TOWN OF CAZENOVIA**

By: \_\_\_\_\_  
**William Zupan, Supervisor**

**STATE OF NEW YORK )**  
**COUNTY OF MADISON ) ss.:**

On the \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public in and for said State, personally appeared **Kurt Wheeler, Mayor of the Village of Cazenovia**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
**Notary Public**

**STATE OF NEW YORK )**  
**COUNTY OF MADISON ) ss.:**

On the \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public in and for said State, personally appeared **James Cunningham, Supervisor of the Town of Nelson**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
**Notary Public**

**STATE OF NEW YORK )**  
**COUNTY OF MADISON ) ss.:**

On the \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public in and for said State, personally appeared **William Zupan, Supervisor of the Town of Cazenovia**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
**Notary Public**

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

**Supervisor Zupan declared Resolution No. 110 adopted.**

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**Resolution No. 111 presented by Councilor Reger, seconded by Councilor Golub**

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

To authorize the Sewer Billing Clerk to issue a credit in the amount shown to the following account of the Water Pollution Facility and re-issue a new bill for \$ 162.50

- **Miller, Matthew**  
Service ID: 8370 (4453 Route 13 North)    **\$ 282.62 Credit**

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

**Supervisor Zupan declared Resolution No. 111 adopted.**

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*Supervisor Zupan stated Empire Management sold part of the apartments on Carriage Lane. Between the sale and closing, the bills were misplaced. They are requesting the penalty to be waived because they always pay timely and paid everything else.*

**Resolution No. 112 presented by Councilor Johnson, seconded by Councilor Reger**

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

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

- **Empire Management Co., Inc.**  
Service ID: 0621 (11 Carriage House Circle)    **\$ 151.67 Credit**
- **Empire Management Co., Inc.**  
Service ID: 0622 (17 Carriage House Circle)    **\$ 111.56 Credit**

- **Empire Management Co., Inc.**  
Service ID: 0623 (23 Carriage House Circle)      **\$ 98.00 Credit**
- **Empire Management Co., Inc.**  
Service ID: 0624 (10 Carriage House Circle)      **\$ 131.22 Credit**

<b>Roll call:</b>	
<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 112 adopted.**

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**Resolution No. 113 presented by Councilor Reger, seconded by Councilor Golub**

**AUTHORIZING THE SALE OF A 1987 MARKLIFT HYDRAULIC MANLIFT TO THE TOWNS OF LINCOLN AND SMITHFIELD**

**WHEREAS**, the Town of Cazenovia Highway Department owns a 1987 Marklift Hydraulic Manlift (Serial Number: 489M3922); and

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

**WHEREAS**, the Town inquired as to the potential sale of the equipment through various avenues and means; and

**WHEREAS**, the Towns of Lincoln and Smithfield have offered to purchase said manlift from the Town of Cazenovia Highway Department for Four Thousand and 00/100 Dollars (\$ 4,000.00); and

**WHEREAS**, an analysis of the manlift was undertaken by the Town of Cazenovia Highway Superintendent; and

**WHEREAS**, the Town Board having determined that this manner of sale is likely to facilitate the best price for the equipment.

**NOW, THEREFORE, IT IS**

**RESOLVED AND DETERMINED**, that, pursuant to Section 142(5) of the New York State Highway Law, this Board authorizes the Town of Cazenovia Superintendent of Highways to sell the aforementioned equipment to the Towns of Lincoln and Smithfield as is, without any warranties, express or implied, for a purchase price of Four Thousand and 00/100 Dollars (\$ 4,000.00); and it is further

**RESOLVED AND DETERMINED**, that the Town of Cazenovia Superintendent of Highways is hereby authorized to sign any papers and take all actions to give full force and effect to this resolution and it is further

**RESOLVED AND DETERMINED**, that the proceeds of said sale shall be deposited into the appropriate Town of Cazenovia Highway Fund, as required pursuant to Section 142(5) of the New York State Highway Law.

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

**Supervisor Zupan declared Resolution No. 113 adopted.**

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**Resolution No. 114 presented by Councilor Reger, seconded by Councilor Golub**

**APPOINT JOSHUA STACK AS A CAZENOVIA ADVISORY CONSERVATION COMMISSION (CACC) MEMBER**

To appoint Joshua Stack as a Member of the Cazenovia Advisory Conservation Commission (CACC) to complete the unexpired term of Don Ferlow. Pursuant to Local Law #4 - 2022, “successors shall be appointed for two-year terms except when appointed to fill a vacancy in an unexpired term.”

Joshua Stack’s appointment shall run through December 31, 2022.

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

**Supervisor Zupan declared Resolution No. 114 adopted.**

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**Resolution No. 115 presented by Councilor Reger, seconded by Councilor Johnson**

**JUDGE PALMER’S ATTENDANCE AT THE 2022 MAGISTRATE’S CONFERENCE**

To approve Judge Fred Palmer’s attendance at the Annual NYS Magistrate’s Conference in Saratoga Springs, New York, October 30 – November 2, 2022 with expenses paid.

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

**Supervisor Zupan declared Resolution No. 115 adopted.**

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**Resolution No. 116 presented by Councilor Johnson, seconded by Councilor Golub**

**APPROVE COUNCILOR REGER’S REMOTE ATTENDANCE AT THE OFFICE OF THE NEW YORK STATE COMPTROLLER ONLINE CLASSES**

To approve Town Councilor, Kyle Reger’s, remote attendance for online training provided by the *Office of the New York State Comptroller* for the following classes with registration fees paid:

- September 28 – 30, 2022 Introduction to Governmental Accounting
- October 12 – 13, 2022 Accounting Principles and Procedures

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 116 adopted.**

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**Resolution No. 117 presented by Councilor Johnson, seconded by Councilor Reger**

**NEW WOODSTOCK WOMEN’S SOFTBALL LEAGUE USE OF NEW WOODSTOCK BALL FIELD FOR FALL BALL MIXER**

To approve the use of the New Woodstock Ball Field by the New Woodstock Women’s Softball League for the fundraising event known as the Fall Ball Mixer on October 8, 2022. Said fundraiser will help with expenses for next season and will be an opportunity to introduce interested people to the sport.

This approval is granted with the understanding the New Woodstock Women’s Softball League Officers will have all participants sign a “player waiver” prior to participating in the Fall Ball Mixer. The Certificate of Liability insurance must name the Town of Cazenovia as the certificate holder and note the activities and state the time period of coverage. The liability insurance must be continuously maintained throughout the 2022 season.

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 117 adopted.**

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**Resolution No. 118 presented by Councilor Johnson, seconded by Councilor Reger**

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE  
THE LETTER OF SUPPORT FOR THE VILLAGE OF CAZENOVIA  
NY FORWARD APPLICATION**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Support to the Central New York Regional Economic Development Council for the application submitted by the Village of Cazenovia for improvements to downtown Cazenovia.

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September 12, 2022

Central New York Regional Economic Development Council  
620 Erie Boulevard W.  
Syracuse, NY 13204

Re: Village of Cazenovia NY Forward application

Dear Council Members:

I am writing on behalf of the Town of Cazenovia to express our support for the Village of Cazenovia application to the 2022 NY Forward program. Small historic downtowns are an important part of what makes upstate New York special and attracts people to our state. Cazenovia has the potential to become a model for small thriving downtowns that serve as a hub for surrounding rural communities.

Cazenovia has shown leadership in planning for smart growth that is consistent with community character. Both public and private investments have been made that have secured significant job growth and contributed to quality of life for residents. Cazenovia is poised to build upon these efforts through needed investment in affordable housing, added mixed use space, and enhanced arts and cultural opportunities within the existing downtown. With the assistance of a NY Forward award, these interrelated initiatives will be a catalyst for growth and allow downtown Cazenovia to continue to serve as a hub for the surrounding rural communities.

The Town of Cazenovia strongly supports the Village of Cazenovia 2022 NY Forward proposal. For further assistance, please contact my office at (315) 655-9213.

Sincerely,

William N. Zupan,  
Town Supervisor

cc: Town Board (*via e-mail only*)

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<b>Roll call:</b>	
<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 118 adopted.**

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**Resolution No. 119 presented by Councilor Reger, seconded by Councilor Johnson**

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE  
THE LETTER OF SUPPORT FOR THE VILLAGE OF CAZENOVIA  
MADISON COUNTY COLLEGE CORRIDOR DRI APPLICATION**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Support to the Central New York Regional Economic Development Council for the application submitted by the Village of Cazenovia to address needs that have been identified by providing additional goods, services and opportunities.

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September 12, 2022

Central New York Regional Economic Development Council  
620 Erie Boulevard W.  
Syracuse, NY 13204

Re: Madison County College Corridor DRI application

Dear Council Members:

Madison County is fortunate to be home to three exceptional institutions of higher education located in the rural downtown villages of Cazenovia, Morrisville, and Hamilton. Cazenovia College, SUNY Morrisville, and Colgate University represent three schools that provide a broad array of educational opportunities for college students. Included are a small liberal arts college, a state university offering innovative, applied education, and a leading American university. All three campuses are vital drivers of the economies in the rural villages where they are located.

The Madison County higher education partnership has a transformative vision to create an interconnected corridor of “college towns”. The geography of these three villages make this an ideal partnership that will enhance the visibility of Madison County and Central New York as a hub for higher education. Investment in these unique downtowns will help to demonstrate that together they offer a critical mass of world class arts and culture, recreation, shopping, dining, and employment opportunities. These quality of life features are necessary to continue to attract students and

employees to this area. In addition, the desirability of college town life, even for those not affiliated with the college, is well documented and our villages can capitalize on this in attracting residents and businesses. Although each of these communities are small and rural in nature, when combined and viewed as a corridor and enhanced through transformative downtown revitalization, they will offer everything that is valued in larger college towns.

The projects proposed in this Downtown Revitalization Initiative plan will fill the gaps that have been identified through a holistic analysis of the corridor. These projects were designed to provide the additional goods, services, and opportunities that college students, faculty, and staff have indicated are desired.

Enhancement of the college corridor downtowns will be the needed catalyst to transform this part of Central New York into a nationally recognized hub for higher education. I ask that you give this innovative application serious consideration for funding.

Thank you.

Sincerely,

William N. Zupan,  
Town Supervisor

cc: Town Board *(via e-mail only)*

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**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 119 adopted.**

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**Resolution No. 120 presented by Councilor Golub, seconded by Councilor Reger**

**TOWN CLERK (TAX COLLECTOR) RECORDS AUDIT**

**WHEREAS**, the Town of Cazenovia Town Board performed an audit of the Town Clerk (Tax Collector) in relation to her tax collection records at a work session on September 7, 2022; and

**NOW THEREFORE BE IT RESOLVED**, that the 2022 financial records for tax collection of the Town Clerk (Tax Collector) appear to be complete and in good order.

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 120 adopted.**

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**Resolution No. 121 presented by Councilor Reger, seconded by Councilor Johnson**

**TOWN CLERK AND ZONING DEPARTMENT RECORDS AUDIT**

**WHEREAS**, the Town of Cazenovia Town Board performed an audit of the Town Clerk and Zoning Department records at a work session on September 7, 2022; and

**NOW THEREFORE BE IT RESOLVED**, that the 2021 financial records of the Town Clerk and Zoning Department appear to be complete and in good order.

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 121 adopted.**

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**Resolution No. 122 presented by Councilor Reger, seconded by Councilor Johnson to approve the following 2022 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.”).

**Highway Fund DB**

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

*Present Year Budget:*

DB 510 Estimated Revenues	\$1,274,445.00
Plus DB 599 Appropriated Fund Balance	<u>0,000.00</u>
Actual Subtotal	\$1,274,445.00

*Present Year Actual:*

DB 980 Actual Revenues to Date	1,121,627.45
Plus Other Revenues Expected by year end	100,000.00
Plus DB 909 Fund Balance at beginning of year	<u>586,571.42</u>
Actual Subtotal	\$1,808,198.87

**Actual Subtotal less Budgeted Subtotal = Amount Available** **\$533,753.87**

To appropriate fund balance for unanticipated increases in diesel fuel for General Road Repairs Gas & Diesel.  
 To: DB 5110.4.031 Gas & Diesel Fuel General Repairs CE \$15,000.00  
 From: DB 599 Appropriated Fund Balance (15,000.00)

**Mt. Pleasant Water District**

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

*Present Year Budget:*

SW2 510 Estimated Revenues	\$30,900.00
Plus SW2 599 Appropriated Fund Balance	<u>0,000.00</u>
Actual Subtotal	\$30,900.00

*Present Year Actual:*

SW2 980 Actual Revenues to Date	\$28,535.83
Plus Other Revenues Expected by year end	3,607.00
Plus SW2 909 Fund Balance at beginning of year	<u>117,726.33</u>
Actual Subtotal	\$149,869.16

**Actual Subtotal less Budgeted Subtotal = Amount Available** **\$118,969.16**

To appropriate fund balance for unanticipated increases for electricity and repairs for Mt. Pleasant Water District.

To: SW2 8320.4.000 Source Power Pump CE	\$1,630.00
To: SW2 8340.4.000 Transmission/Distribution CE	1,000.00
From: SW2 599 Appropriated Fund Balance	(2,630.00)

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 122 adopted.**

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**Attorney's Report:** *John Langey, Esq. reported he will follow-up on the IMA that was adopted earlier this evening. His office has been assisting John Dunkle, Engineer for the Town, with the water project in Mt. Pleasant. He has been helping with the procedural steps which will come before the Board next month. There is a business on Route 20 in Nelson that would like to connect to the sewer. He will assist the WPCF Operator and the Town with the steps for connecting.*

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**Supervisor's Report:** *Reported he has been assisting with the Mt. Pleasant Grant, as well. He has started work on the budget and the worker's compensation insurance is going down by \$ 3,000 from last year. Lastly, he has been working on the Route 20 Water agreement.*

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**Councilor Golub** {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-Racism Coalition: *Reported the Cazenovia*

Lake Association (CLA) is paying for a study on Chittenango Creek. The clean-up went well. In regards to the Lakeland Park wall restoration, the most difficult part is complete. The goal is to finish the final section this year. The rake toss study is done and anecdotal reports show milfoil is very low and the consensus of the CLA Board is to wait another year before treatment. Although, this is not final decision. The second round of sampling for plankton and vertebrates is being done this month. The harvester is currently on DeRuyter Lake and will be back to Cazenovia Lake for another day or two of harvesting in some “rough spots.”

**Councilor Reger** (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *The Planning and Zoning Boards have been very busy. He thanked Don McCrimmon of the CACC for all of his time with the solar law recently. He will be following up with a meeting with the subgroup and will follow up with the Town Board next month. They continue to make progress on the Comprehensive Plan and will meet on the 21<sup>st</sup> of September. Lastly, CazCares assist roughly 125 families with fresh foods. They had a great back to school program and helped support children with school supplies. He said they applied for a grant in conjunction with the library from the Jim & Juli Boeheim Foundation. They were awarded the grant called “Snuggle Up and Read.” Five hundred books were provided in three different increments for underprivileged children.*

**Councilor Johnson** {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: *CACDA applied for the College Corridor Grant in the resolution that was passed earlier this evening. The recreation program is complete for this year and the breakdown is as follows: Village of Cazenovia - 58, Town of Cazenovia – 125, Town of Fenner – 34, Town of Nelson – 23 and other-18. There were 259 registrants for the whole summer which declined as the weeks progressed (week 1 – 60, week 2 – 57, week 3 – 59, week 4 – 47, week 5 – 40). They have some ideas for next year to make a few adjustments. The program ended this year with a surplus so that will go toward what they need for next year’s equipment. She said they didn’t need to close even once for algal blooms and they used the College one time due to inclement weather.*

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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.*

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**Note for the Record:** *Resolution #3-2022 authorized business mileage reimbursement to be in accordance with the federal reimbursement rate of 58.5 ¢/mile. The IRS increased the standard business mileage rate for the second half of 2022 in response to the increase in gasoline prices. Effective July 1, 2022, the standard mileage rate for business travel is 62.5¢ per mile.*

**The Town Clerk presented the monthly bills list.**

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

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

**Motion by Councilor Reger, seconded by Councilor Johnson to approve payment of the bills. The motion was unanimously approved.**

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

**At 7:55 p.m., Supervisor Zupan declared this meeting adjourned.**

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