

**TOWN BOARD**

**MONDAY**

**February 8, 2021**

**Zoom Meeting**

<https://madisoncounty-ny.zoom.us/j/96076130200>

**Meeting ID: 960 7613 0200**

**Dial by your location**

**1 646 558 8656 US (New York)**

**Supervisor Zupan opened the meeting at 7:30 p.m. with four Councilors present. Councilor Golub was delayed in arriving.**

*The Town of Cazenovia is committed to practicing the social distancing guidelines that are currently in place. In accordance with the Governor's Executive Order 202.1, our February meeting was held via videoconferencing. The meeting notification was posted on the Town's website and on the sign board at the outside entrance of the Town Hall and published in the newspaper.*

***This meeting was recorded.***

*The Town Supervisor decided to wait a couple minutes for Councilor Golub to join.*

*The Town Supervisor asked the Town Clerk to take a roll call attendance of all Board members.*

**Roll call:**

<b>Councilor Andersen</b>	<b>Present</b>
<b>Councilor Race</b>	<b>Present</b>
<b>Councilor Golub</b>	<b>Not Present*</b>
<b>Councilor Reger</b>	<b>Present</b>
<b>Supervisor Zupan</b>	<b>Present</b>

**\*Shortly after roll call, Councilor Golub joined the meeting.**

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

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**Motion by Councilor Race, seconded by Councilor Andersen to accept the minutes from the January 11, 2021 regular meeting.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Abstain</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

\*\*\*\*\*

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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*John Langey, Esq. asked Liz Moran of Ecologic, LLC if she would guide the Town Board through the Environmental Assessment Form (EAF).*

*Liz Moran introduced her colleague, Michelle McGinnis, who has worked with her on the Environmental Impact Statement. Once L. Moran confirmed everyone had Part 2 of the Full EAF, she started the review process and said this review helps identify potential project impacts. She stated Part 2 helps form the basis of the Scoping Document and the Draft Environmental Impact Statement (DEIS). She mentioned she provided the Town Board with a “Draft” of the DEIS. In preparation for reviewing Part 2 with the Town Board she explained it is a systematic approach to answering questions and to what extent the proposed action could have, in terms of impacts, on the environment. For this review, application of ProcellaCOR EC, up to 190 acres of the Cazenovia Lake littoral zone. She mentioned this is the 7<sup>th</sup> round of chemical treatment, but it is a different chemical, so they are taking a very detailed look at it.*

*She reviewed each question on Part 2 of the Full EAF.*

**Question #1: Impact on Land-Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.**

*She stated the answer is no. There will be no facilities, access or changes to the lake. She explained once “no” is the answer to the main question, then the ancillary questions can be ignored.*

**Question #2: Impact on Geological Features-The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.**

*She explained the form is meant to be applicable to a broad-range of projects. So, the answer is no.*

**Question #3: Impact on Surface Water-The proposed action may affect one or more wetlands or other surface water bodies.**

*She said the answer is yes. This is a program to apply organic chemicals to Cazenovia Lake. She explained once you answer yes, the ancillary questions have to be addressed, 3a-3l. On the form, you choose between “no, or small impact may occur” or “moderate to large impact may occur.” She reviewed each question 3a-3h, 3k with a no response and for some of the answers gave a slight explanation.*

**She focused on Question 3i. Impact on Surface Water – The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.**

*She said this one is a yes, with a small impact. She explained the limited concentration and dose of chemicals that are being applied. The short half-life of the chemicals and the nature of these*

*chemicals, they are classified as practically non-toxic by EPA. They have done a lot of due diligence on the snails downstream. She wanted to bring this particular question to the Board's attention because they can change the answer to yes. She said it does not change the Environmental Impact Statement because they go into a lot of detail. She said typically if it is a small impact or an impact that you know can be mitigated by complying with the permit conditions, then you can check "no or small impact box" and stated this is a judgement call.*

*She asked legal counsel his opinion.*

*John Langey said he agreed with Liz's explanation and the size of the impact seems accurate and consistent of what has been done in the past.*

*She mentioned Question 3j. Impact on Surface Water – The proposed action may involve the application of pesticides or herbicides in or around any water body.*

*She said the answer is yes.*

*Question #4: Impact on groundwater-The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

*She said the answer is no because Cazenovia Lake has to be thought about as a discharge zone for groundwater, not a source. By adding herbicides into the shoreline (littoral zone), it settles, kills the plants and has a very short half-life and does not infiltrate down into groundwater. She explained she answered no to that section. She reminded the Town Board, when the first round of Renovate was used, Madison County Health Dept. asked them to take a closer look at this because the Oweria Point water supply wells. She said some pre-imposed monitoring of the wells to confirm that in fact there's no risk of that migration.*

*Question #5: Impact on flooding-The proposed action may result in development on lands subject to flooding.*

*She said no, nothing is being done to change the water level.*

*Question #6: Impacts on air-The proposed action may include a state regulated air emission source.*

*She said no.*

*Question #7: Impact on Plants and Animals-The proposed action may result in a loss of flora or fauna.*

*She answered yes to the main question and said some of these questions are a judgement call.*

*She explained Question 7a. Impact on Plants and Animals – The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.*

*She said no or small impact may occur. The endangered species that is the greatest focus is the Chittenango Amber Ovate snail downstream in Chittenango Falls. She stated since the toxicity study was done by ESF, she felt they are on very safe scientific ground by saying small or no impact on that species.*

*Councilor Andersen inquired if DEC or whomever may look at this, would find it clear that the study supports a very minimal impact.*

*L. Moran confirmed yes. She said when you review the concentrations and doses they were testing compared to what is going to be applied in Cazenovia Lake there is no impact. They could not discern an impact on the test population. She explained the Environmental Impact Statement will focus on this. She stated DEC and Fish and Wildlife Service will need to look at the entire study in context and have access to the calculations of dilution and dosing. She said Glenn Sullivan of SOLitude has run some models.*

*Supervisor Zupan wondered if the north end of Cazenovia Lake would need to be dammed off for the endangered plant species.*

*L. Moran said the barriers will have to be installed to protect the wetland in the northern end and explained this is a mitigation and anticipates it will be in the wetland permit.*

*Supervisor Zupan wasn't sure with the new chemical.*

*L. Moran explained it has the same type of motive action as Renovate. It attacks flowering plants, not the grasses and most of the native species that are of concern are grasses. She said some will be susceptible and it is in the Environmental Impact Statement, as well.*

*Councilor Golub inquired about farmer mitigation and thought that wasn't required.*

*L. Moran said no farmer mitigation.*

**Question #8: Impact on Agricultural Resources-The proposed action may impact agricultural resources.**

*She said yes. The label restricts use for agricultural irrigation for a period between six hours and one day for the dosage that is applied in the lake. She explained if you were a farmer with a pump in the lake right at the treatment site you would have to wait six hours before you could irrigate. She said the downstream vegetable farmers on Chittenango Creek this is not going to be an issue because it is six hours to one day, as opposed to Renovate that was either 90 or 120 days, depending on how quickly it got down to the no-detect level. She thought this was great news in terms of managing and cost.*

*She summarized question 8 and said yes was answered for the main question, but all the sub-questions had a no response.*

*Supervisor Zupan inquired about notifying Cazenovia Golf Club because they pump water out of the lake to irrigate their golf course.*

*L. Moran said they should not do it for six hours that day.*

*Supervisor Zupan did not want it to fall through the cracks since the farmers weren't being notified.*

**Question #9: Impact on Aesthetic Resources-The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.**

*She said no.*

**Question #10: Impact on Historic and Archeological Resources-The proposed action may occur in or adjacent to a historic or archaeological resource.**

*She said no.*

**Question #11: Impact on Open Space and Recreation-The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.**

*She said yes, but all of them are no or small impact. She said for swimming it is like Renovate and there will not be a restriction on contact recreation. She said if the permits are in place early enough in June, school will still be in session and the Recreation Program will have not started yet.*

**Question #12: Impact on Critical Environmental Areas-The proposed action may be located within or adjacent to a critical environmental area (CEA).**

*She said the Cazenovia Town Board designated Cazenovia Lake and its shoreline as a Critical Environmental Area. Yes has been chosen for this response, but there is no significant impacts.*

**Question #13: Impact on Transportation-The proposed action may result in a change to existing transportation systems.**

*She said no.*

**Question #14: Impact on Energy-The proposed action may cause an increase in the use of any form of energy.**

*She said no.*

**Question #15: Impact on Noise, Odor and Light-The proposed action may result in an increase in noise, odors, or outdoor lighting.**

*She said no.*

**Question #16: Impact on Human Health-The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.**

*She said yes because it is an organic chemical that is being added, but all the boxes have been checked to reflect no, or small impact may occur. She stated DEC wants you to look at critical receptors as part of the environmental justice approach. She highlighted a few of the sub-questions and said the majority of them were not relevant.*

**Question #17: Consistency with Community Plans-The proposed action is not consistent with adopted land use plans.**

*She said there is nothing in this plan that is inconsistent with an adopted land use plan for Cazenovia Lake or our watershed.*

**Question #18: Consistency with Community Character-The proposed action is inconsistent with the existing community character.**

*She said no.*

*She said that concludes the review. She said there is an expected outcome we know from past EIS' and EAF's that the focus will be on what happens when you add an organic chemical to a lake and try to manage weed population. She explained John Langey took the information and created a Scoping Document. The Town Board has also been provided with a Draft Environmental Impact Statement to help expedite the process. The outline of that Draft, the Table of Contents, turns into the Scoping Document. It reflects what was looked at in Part 2 of the EAF and then the EIS gets structured from that.*

FULL ENVIRONMENTAL ASSESSMENT FORM  
PART 2  
(ATTACHED)

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**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <span style="float: right;"><input checked="" type="checkbox"/> NO      <input type="checkbox"/> YES</span> (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input checked="" type="checkbox"/> NO      <input type="checkbox"/> YES</span> (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span> (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

\*\*\*\*\*

*John Langey said they just completed the requirement to review the questions for this potential action. He said the Town Board is in a position to vote on the foregoing resolution.*

**Resolution No. 19 presented by Councilor Andersen, seconded by Councilor Golub**

**TOWN BOARD SEQR RESOLUTION  
(ADOPTING POSITIVE DECLARATION)**

**Treatment and Application of ProcellaCOR EC  
on Cazenovia Lake (2021 Treatment)**

**WHEREAS**, the Town of Cazenovia has since 2009 undertaken numerous treatments of portions of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

**WHEREAS**, after impartial evaluation of all viable alternatives in 2008, a chemical treatment program using the aquatic herbicide Triclopyr, with a brand name of “Renovate,” was determined to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake and has been used successfully (along with the subsequent herbicide Renovate 3 in later years) in the northern, central and southern portions and spot treatment areas of the Lake subject to New York State Department of Environmental Conservation (NYSDEC) Permits; and

**WHEREAS**, after discussions with recognized experts in the subject field, consultation with the NYSDEC and conversations with other stakeholders concerning the Lake’s health, it has been determined that continued chemical treatment of the Lake can be beneficial and it has been further determined to utilize an alternate herbicide known as “ProcellaCOR EC”, which herbicide has shown positive results in other studies and applications on freshwater bodies in New York State and has been approved for use by the NYSDEC in such instances; and

**WHEREAS**, the chemical ProcellaCOR EC has (like Renovate and Renovate 3) been subject to rigorous federal and state environmental reviews prior to its approval for use in New York State lakes for control of Eurasian watermilfoil; and

**WHEREAS**, the Town Board has determined to pursue an additional new supplemental application to NYSDEC for a chemical treatment program using ProcellaCOR EC as part of an integrated long-term control strategy of Eurasian watermilfoil; and

**WHEREAS**, the Town Board has caused the completion and submission of a Full Environmental Assessment Form; and

**WHEREAS**, the Town Board now desires to undertake an additional (2021) treatment and application of Cazenovia Lake with “ProcellaCOR EC” in an area of approximately 190± acres (defined areas) of Cazenovia Lake, subject to the granting of approval, licenses and permits from the NYSDEC as may be necessary; and

**WHEREAS**, it has been previously determined by the Town Board, on December 14, 2020, that:

- 1) This action will require a separate and additional review under SEQR.
- 2) The following are involved and/or interested agencies in connection with the SEQRA review: NYSDEC (including Region 7); U.S. Army Corps of Engineers; Village of Cazenovia Board of Trustees; Madison County Health Department;

New York State Office of Parks, Recreation and Historic Preservation; and the New York State Canal Corporation.

- 3) The action is a Type I action.
- 4) The Town of Cazenovia Town Board will assume lead agency status for SEQR review purposes; and

**WHEREAS**, notices of the Town’s intent to take Lead Agency status were transmitted on or about January 5, 2021 and no objections were received; and

**WHEREAS**, as part of the six (6) previous treatments of those portions of Cazenovia Lake and as part of the process for the granting of the six (6) previous permits to treat Cazenovia Lake with the herbicide Triclopyr and Renovate 3, the Town Board caused to be prepared a Draft Environmental Impact Statement and subsequently thereto a Final Environmental Impact Statement, which Environmental Impact Statements were subject to rigorous revisions and study; and

**WHEREAS**, Supplemental Environmental Impact Statements were prepared for the 2010, 2012, 2014, 2017 and 2019 applications of the herbicide Triclopyr and Renovate 3 to the Lake, which Supplemental Environmental Impact Statements were subject to rigorous revisions and study; and

**WHEREAS**, the Board has reviewed a proposed Positive Declaration which would require the preparation of a 2021 Supplemental Environmental Impact Statement (“SEIS”) to evaluate the potential negative environmental impacts of this action using the herbicide ProcellaCOR EC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cazenovia hereby adopts the Positive Declaration dated February 8, 2021 as attached hereto and directs the Town’s legal counsel to provide notice of same to all involved and interested agencies and to publish in the Environmental News Bulletin as may be required by law.

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617.21  
Appendix F  
State Environmental Quality Review  
**POSITIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number: Town of Cazenovia

Date: February 8, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Cazenovia Town Board, as lead agency, has determined that the proposed action described below may have a significant effect on the environment and a Draft Supplemental Environmental Impact Statement will be prepared.

**Name of Action:** Application (treatment) of the herbicide ProcellaCOR EC to certain portions of Cazenovia Lake evidencing increased presence and proliferation of the invasive aquatic plant Eurasian watermilfoil (*Myriophyllum spicatum*).

**SEQR Status:** Type I   
Unlisted

**Description of Action:**

The action involves treatment of approximately 190± acres (defined areas) of Cazenovia Lake through the application of the herbicide "ProcellaCOR EC". The treatment is designed to address the increased presence and proliferation of the invasive aquatic plant Eurasian watermilfoil (*Myriophyllum spicatum*) which had dominated the Lake surface area and the aquatic plant community in recent years. This action represents a seventh phase of treatment (2021 treatment) and will complement previous treatments of the entire Lake.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Cazenovia, New York (Treatment of selected portions  
of Cazenovia Lake -- 1,164 ± surface acres)  
(See attached map)

**Reasons and Findings Supporting This Determination:**

- I. After considering the action contemplated and reviewing the Long Environmental Assessment Form prepared by the Lead Agency and after reviewing the criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. §617 et seq.), the Town Board as Lead Agency finds that the proposed action may have a significant impact on the environment based upon the following findings:
  - a. The proposed action involves the introduction of an herbicide into portions of Cazenovia Lake (approximately 190± acres (defined areas)) to control the invasive species Eurasian watermilfoil (*Myriophyllum spicatum*). The action therefore has a potential negative impact on untargeted aquatic plant species.
  - b. The proposed action has a potential negative impact on protected wetlands within the Cazenovia Lake Watershed.
  - c. The proposed action has a potential negative impact on animal life in Cazenovia Lake and in particular fish communities.
  - d. The proposed action has a potential negative impact on drinking water resources, human health and animal health for those property owners that utilize the Lake as a source of drinking water and bathing water.
  - e. The proposed action has a potential negative impact on recreational use of Cazenovia Lake for limited periods of time.
  - f. The proposed action has a potential negative impact on the use of Cazenovia Lake water for irrigation.
  - g. The consequences of the eradication of Eurasian watermilfoil (*Myriophyllum spicatum*) from portions of the Lake may have potential negative impact on fish species and aquatic fauna and flora presently in the Lake.

(Note: the above findings are consistent with previous findings assumed by the Lead Agency from previous successful treatments of Cazenovia Lake with Triclopyr and Renovate 3).

**For Further Information:**

Contact Person: Hon. William Zupan, Town Supervisor

Address: Town of Cazenovia, Town Hall, 7 Albany Street, Cazenovia, New York 13035

Telephone Number: (315) 655-9213

**A Copy of this Notice Sent to:**Involved:

- 1) NYS Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- 2) NYS Department of Environmental Conservation, Region 7, 615 Erie Blvd. West, Syracuse, New York 13204-2400
- 3) U.S. Army Corps of Engineers, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, New York 10278-0090
- 4) U.S. Army Corps of Engineers, Auburn Field Office, 7413 County House Road, Auburn, New York 13021
- 5) Village of Cazenovia Board of Trustees, c/o Katherine A. Burns, Clerk, 90 Albany Street, Cazenovia, New York 13035

**(Continuation from Positive Declaration)**

Interested:

- 6) Commissioner of Health, Madison County Health Department, P.O. Box 605/138 North Court St., Wampsville, New York 13163
- 7) NYS Office of Parks, Recreation and Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, New York 12188-0189
- 8) New York State Canal Corporation, 30 South Pearl Street, Albany, New York 12207
- 9) New York State Canal Corporation, 149 Northern Concourse, Suite 400, North Syracuse, New York 13212

# CAZENOVIA LAKE

## 2021 Herbicide Application Plan

Areas proposed for treatment to control Eurasian Watermilfoil: 

Site	Acres	Ave. Depth (ft)	Volume (acft)
A1	3	3.7	11.1
A2	2.7	4.7	12.69
B1	13	6.1	79.3
B2	2.8	3.0	8.4
B3	6.7	6.3	42.21
C	7.6	8.1	61.56
D	13.4	4.6	61.64
E	6.5	6.3	40.95
F	5.6	7.0	39.2
G	9.7	8.7	84.39
H	18	6.7	120.6
K	32.9	4.3	141.47
L	59.6	6.4	381.44
M	8.2	3.7	30.34

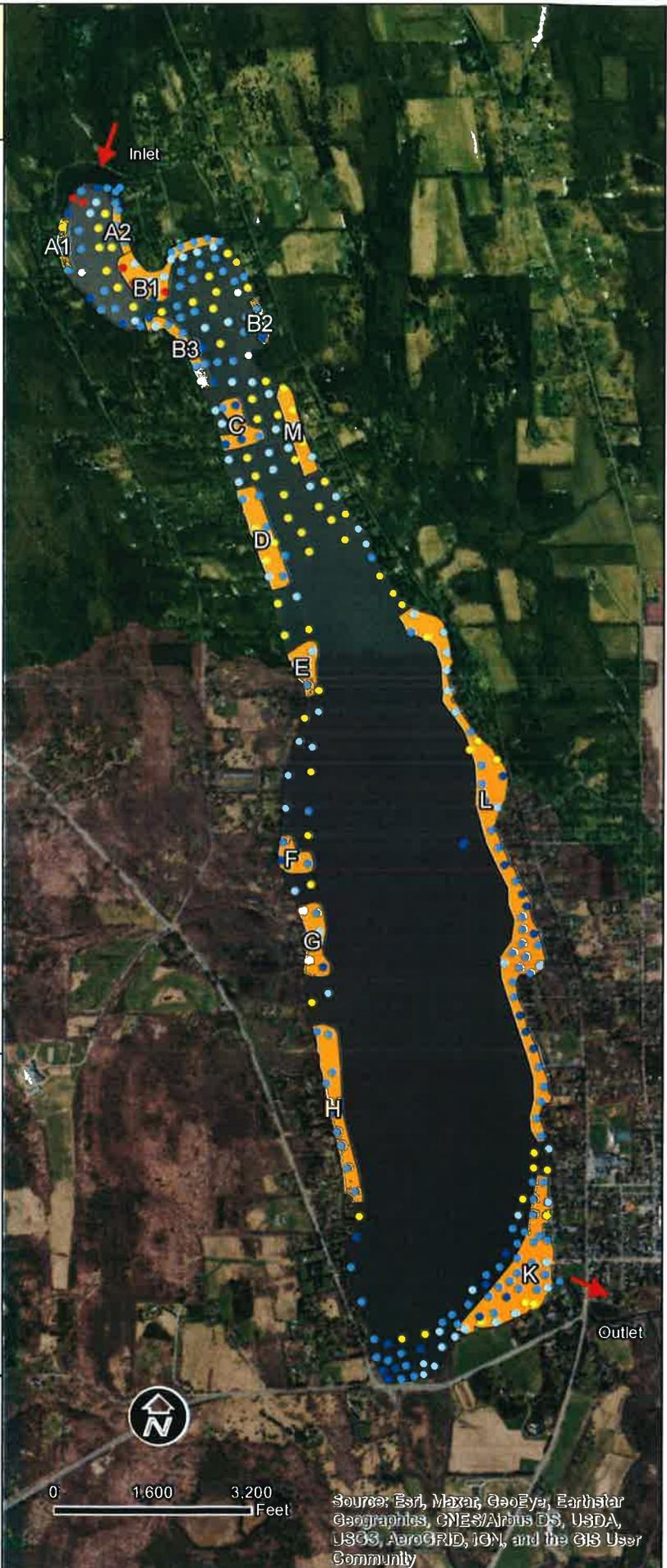
**TOTAL 189.7**

PROCELLACOR EC				
Site	Dose (PDU)	Conc. (ppb)	Dose oz/acft	Total Amt (oz)
A1	3	5.79	9.51	105.6
A2	3	5.79	9.51	120.7
B1	3	5.79	9.51	754.1
B2	3	5.79	9.51	79.9
B3	3	5.79	9.51	401.4
C	3	5.79	9.51	585.4
D	3	5.79	9.51	586.2
E	3	5.79	9.51	389.4
F	3	5.79	9.51	372.8
G	3	5.79	9.51	802.5
H	2	3.86	6.34	764.6
K	2	3.86	6.34	896.9
L	2	3.86	6.34	2418.3
M	3	5.79	9.51	288.5

**Total 8566.4**

2020 Eurasian Watermilfoil Distribution Survey by Racine-Johnson Aquatic Ecologists

Percent of Mean Rake Toss Abundance



**SOLITUDE**  
LAKE MANAGEMENT

888-480-5253  
www.solitudelakemanagement.com

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

\*\*\*\*\*

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

**Supervisor Zupan declared Resolution No. 19 adopted.**

\*\*\*\*\*

*John Langey said the Scoping Document is a focusing document that says you don't have to look at everything in the environment relative to the treatment. The Town Board has drilled down on the items that need review. He said the Environmental Impact Statement will review the potential impacts the Town Board just identified. He said if the Town Board adopts this resolution the Draft Scoping Document is what they will work from to complete the Draft Environmental Impact Statement.*

**Resolution No. 20 presented by Councilor Race, seconded by Councilor Reger**  
**TOWN BOARD SEQR RESOLUTION**  
**(ADOPTING SCOPING DOCUMENT)**

**Treatment and Application of ProcellaCOR EC**  
**on Cazenovia Lake (2021 Treatment)**

**WHEREAS**, the Town of Cazenovia in the past has undertaken numerous treatments of portions of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

**WHEREAS**, after impartial evaluation of all viable alternatives, the chemical treatment program using the chemical Triclopyr, with a brand name of “Renovate,” was determined to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake and has been used successfully in the northern, central and southern portions and spot treatment areas of the Lake subject to New York State Department of Environmental Conservation Permit; and

**WHEREAS**, after discussions with recognized experts in the subject field, consultation with the New York State Department of Environmental Conservation and conversations with other stakeholders concerning the Lake’s health, it has been determined that continued treatment of the Lake can be beneficial and it has been further determined to utilize an alternate herbicide known as “ProcellaCOR EC”, which herbicide has shown positive results in other studies and applications on freshwater bodies in New York State and has been approved for use by the New York State Department of Environmental Conservation in such instances; and

**WHEREAS**, the chemical ProcellaCOR EC has (like Renovate and Renovate 3) been subject to rigorous federal and state environmental reviews prior to its approval for use in New York State lakes for control of Eurasian watermilfoil; and

**WHEREAS**, the Town Board has determined to pursue an additional new supplemental application to New York State Department of Environmental Conservation for a chemical treatment program using ProcellaCOR EC as part of an integrated long-term control strategy of Eurasian watermilfoil; and

**WHEREAS**, the Town Board has caused the completion and submission of a Full Environmental Assessment Form; and

**WHEREAS**, the Town Board now desires to undertake an additional (2021) treatment and application of Cazenovia Lake with “ProcellaCOR EC” in an area of approximately 190± acres (defined areas) of Cazenovia Lake, subject to the granting of approval, licenses and permits from the DEC as may be necessary; and

**WHEREAS**, it has been previously determined by the Town Board, on December 14, 2020, that:

- 1) This action will require a separate and additional review under SEQR.
- 2) The following are involved and/or interested agencies in connection with the SEQRA review: New York State Department of Environmental Conservation (including Region 7); U.S. Army Corps of Engineers; Village of Cazenovia Board of Trustees; Madison County Health Department; New York State Office of Parks, Recreation and Historic Preservation; and the New York State Canal Corporation.
- 3) The action is a Type I action.
- 4) The Town of Cazenovia Town Board will assume lead agency status for SEQR review purposes; and

**WHEREAS**, notices of the Town’s intent to take Lead Agency status were transmitted on or about January 5, 2021 and no objections were received; and

**WHEREAS**, as part of the six (6) previous treatments of those portions of Cazenovia Lake and as part of the process for the granting of the six (6) previous permits to treat Cazenovia Lake with the herbicide Triclopyr and Renovate 3, the Town Board caused to be prepared a Draft Environmental Impact Statement and subsequently thereto a Final Environmental Impact Statement, which Environmental Impact Statements were subject to rigorous revisions and study; and

**WHEREAS**, Supplemental Environmental Impact Statements were prepared for the 2010, 2012, 2014, 2017 and 2019 applications of the herbicide Triclopyr and Renovate 3 to the Lake, which Supplemental Environmental Impact Statements were subject to rigorous revisions and study; and

**WHEREAS**, the Town Board hereby deems it appropriate and advisable to undertake a hard look and examination of the potential impacts of the proposed treatment known as ProcellaCOR EC as an alternative; and

**WHEREAS**, the Board on February 8, 2021 approved a Positive Declaration which would require the preparation of a 2021 Supplemental Environmental Impact Statement (“SEIS”) to evaluate the potential negative environmental impacts of this action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cazenovia hereby adopts the attached Draft Scoping Document for this action and directs the forwarding of the Draft Scoping Document to all involved and/or interested agencies for review and comment (such comments to be received in writing by March 1, 2021); and it is further

**RESOLVED**, that the Town Board hereby requests comment on the Draft Scoping Document from all interested persons (such comments to be received in writing by March 1, 2021).

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## **DRAFT SCOPE - TOWN OF CAZENOVIA LEAD AGENCY**

### **TREATMENT OF PORTIONS OF CAZENOVIA LAKE WITH THE HERBICIDE PROCELLACOR EC (PHASE VII - APPROXIMATELY 190± ACRES OF DEFINED AREAS OF CAZENOVIA LAKE) TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK (2021 TREATMENT)**

#### **SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) DRAFT SCOPE OF ISSUES TO BE ADDRESSED**

**Name of Project:** Application (treatment) of herbicide ProcellaCOR EC to portions of Cazenovia Lake for control of the invasive aquatic plant Eurasian watermilfoil (*Myriophyllum spicatum*).

**Project Location:** Town of Cazenovia, New York  
(Cazenovia Lake -- 1,164± surface acres)/(See attached map)  
(2021 Treatment Area is approximately 190± acres of defined areas of Cazenovia Lake)

**SEQRA Classification:** Type I Action

**Lead Agency:** Town of Cazenovia Town Board  
7 Albany Street  
Cazenovia, New York 13035

**Contact:** Hon. William Zupan, Town Supervisor  
Town of Cazenovia  
7 Albany Street  
Cazenovia, NY 13035  
Telephone Number: (315) 655-9213

**Public Comments on Draft Scope:** March 1 2021

#### **PRELIMINARY ORGANIZATION OF THE DEIS SCOPE**

\* The EIS may draw conclusions, where appropriate, from the environmental data and analysis contained in the original (2009) Environmental Impact Statement and the 2010, 2012, 2014, 2017 and 2019 Supplemental Environmental Impact Statements prepared by the Town of Cazenovia. ProcellaCOR EC received its full aquatic registration from EPA in February 2018 and is registered for use in a number of states, including New York State. ProcellaCOR EC is classified as a reduced risk pesticide by EPA.

\* Incorporation of original and Supplemental Final Environmental Impact Statements (2009, 2010, 2012, 2014, 2017 and 2019) by reference.

## Section

### Description of the Proposed Action

Potential Significant Adverse Impacts (impact on water quality; impact on drinking water supply and water contact recreation; impact on aquatic plant and animal life; impact on terrestrial vegetation; impact on wetlands; impact on recreational opportunities)

### General Guidelines

- I. Front Material
  - A. Cover Sheet
  - B. List of Consultants Involved With the Project
  - C. Table of Contents
- II. Summary
  - A. Brief Description of the Proposed Action
  - B. List of Involved Agencies and Required Approvals/Permits
  - C. Anticipated Impacts and Proposed Mitigation Measures (impact on water quality; impact on drinking water supply and bathing water; impact on aquatic plant and animal life; impact on wetlands; impact on recreational opportunities; impact on irrigation)
  - D. Project Alternatives
- III. Description of Proposed Action
  - A. Project Overview
  - B. Approvals
  - C. Site Description
  - D. Surrounding Uses and Facilities
  - E. Detailed Description of Proposed Action
  - F. Project Purpose, Needs and Benefits
- IV. Environmental Analyses (Existing Conditions, Potential Impacts and Mitigation Measures)
  - A. Water Resources - It has been determined that the lead agency should evaluate the potential impacts of the proposed use of ProcellaCOR EC on the general water quality and aquatic habitat of Cazenovia Lake. Included in an analysis will be a discussion focused on surface water and any projected impacts on groundwater quality. The potential for an herbicide treatment to affect the risk of developing cyanobacterial blooms will be reviewed.
  - B. Impact on Potable Water Supply and Human Health - Property owners abutting Cazenovia Lake are reported to use lake water as a source of drinking water, as well as for cooking and bathing. The supplemental environmental impact statement will address the potential negative impacts on the health of residents drawing water for potable use (as noted in the past, the Town strongly discourages consumption of lake water) and mitigation measures associated with the introduction of ProcellaCOR EC to the drinking water supply and any potential impacts on human health. In addition, residences along the northern portion of

the lake shoreline are served by a community groundwater supply (known as Oweria Point). The SEIS will consider the potential impacts of the application of ProcellaCOR EC to the groundwater and any necessary mitigation.

- C. Impact on Terrestrial Flora - The SEIS will address the potential adverse impacts if lake water treated with ProcellaCOR EC is applied to lawns and gardens and food crops.
- D. Impact on Aquatic Flora - The SEIS will address potential negative impacts on non-targeted plant species, which may be incidentally affected by treatment of the lake water with Renovate. Included will be an update and discussion from the most recent annual survey of rare, threatened and endangered plant species.
- E. Impact on Aquatic Fauna - The SEIS will address potential negative impacts on aquatic fauna, in and around Cazenovia Lake. Cazenovia Lake maintains a diverse community of fish and reptile species, as well as water fowl. The SEIS will analyze the potential impact of the treatment of the lake with ProcellaCOR EC on all aquatic fauna, especially the fish community, and discuss the impacts on snails found in the area of Chittenango Park falls.
- F. Impact on Wetlands - The site contains both federally protected and state protected wetlands. The current proposal appears to place portions of the treatment adjacent to protected wetland areas. The SEIS will provide details in the form of a written discussion on the potential impact on regulated wetlands and proposed mitigative measures for same.
- G. Impact on Recreational Pursuits and Economic Stability - It is recognized that Cazenovia Lake is a source of recreational opportunities for residents of the Town, as well as visitors. The SEIS will review the potential impacts of treatment of the lake with ProcellaCOR EC on recreational pursuits, as well as economic aspects of the treatment, including impacts on rentals, property values, etc.
- H. Impact on Aesthetics and Human Perceptions - The introduction of an herbicide into Cazenovia Lake has the potential to change the aesthetic condition of lake water by eliminating submerged and emergent plant material and thus will have some effect on its visual quality. Additionally, residents may hold opinions relating to the treatment of lake water with any chemical substance. Therefore, the SEIS will address these potential impacts. Focusing on, among other issues, impacts on visual quality (changes in appearance with reduced macrophyte density) and the potential for risk from application of any chemicals.

V. Reasonable Alternatives to be Considered

- A. No action alternative
- B. Harvesting (with updated information from past seasons)
- C. Biological controls using grass carp, weevils, and/or aquatic moths
- D. Suction dredging to remove plant material
- E. Benthic barriers (with discussion of past season results and trends)
- F. Application of an herbicide with 2,4-D as the active ingredient
- G. Integrated macrophyte management approach incorporating multiple control measures
- H. Dredging

VI. Adverse Impacts That Cannot Be Avoided if the Proposed Action is Implemented

VII. Sources and Bibliography

VIII. Appendices

- A. SEQRA Documentation
- B. Official Correspondence
- C. Technical Studies

IX. SEIS - Supplemental Areas of Analysis for EIS

The following additional areas of concern will be addressed in the SEIS:

- A. Original (2009), 2010, 2012, 2014, 2017 and 2019 (Supplemental) Program Review and Results with Renovate OTF<sup>®</sup> and Renovate 3
- B. Annual Macrophyte Surveys (2008 - 2017)
- C. Triclopyr Toxicity testing for pulmonate snails
- D. Residual Monitoring in lake and downstream waters
- E. Discussion of Lake Management Plan's Implications to the Project
- F. Chemical Application Summary: 2009, 2010, 2012, 2014, 2017 and 2019 (Renovate OTF<sup>®</sup> and Renovate 3)
- G. Discussion of proposed 2021 Treatment Areas and use of ProcellaCOR EC rather than Renovate OTF<sup>®</sup> or Renovate 3
- H. Posting and Notices to Landowner's and Lake Users

## **GENERAL GUIDELINES**

This scoping document relates to the process by which the lead agency has identified the potentially significant adverse impacts related to the proposed action that are to be addressed in the Supplemental Environmental Impact Statement, including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues. Scoping provides a Project Sponsor with guidance on matters which must be considered and provides an opportunity for early participation by involved agencies and the public in the review of the proposed action. The primary goals of scoping are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant.

The SEIS for the development shall cover all items in this Scope of Issues document. Each impact issue can be presented in a separate subsection which includes a discussion of existing conditions, significant impacts associated with the proposed action, and mitigation measures designed to minimize the identified impacts.

Narrative discussions shall be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in a graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site shall include adjacent homes, other neighboring uses and structures, including but not limited to wells and subsurface sanitary sewage disposal systems, roads and water bodies within a distance of not less than fifty (50') feet from the property line of the proposed action based upon existing available data sources.

Information shall be presented in a manner that can be readily understood by the public.

**NOTICE TO ALL INVOLVED/INTERESTED AGENCIES** - The enclosed document is a draft scoping document. Any involved agencies which wish to have the lead agency consider any amendment to the draft scoping document should contact the responsible officer of the lead agency within twenty (20) days of the date of this document.

# CAZENOVIA LAKE

## 2021 Herbicide Application Plan

Areas proposed for treatment to control Eurasian Watermilfoil: 

Site	Acres	Ave. Depth (ft)	Volume (acft)
A1	3	3.7	11.1
A2	2.7	4.7	12.69
B1	13	6.1	79.3
B2	2.8	3.0	8.4
B3	6.7	6.3	42.21
C	7.6	8.1	61.56
D	13.4	4.6	61.64
E	6.5	6.3	40.95
F	5.6	7.0	39.2
G	9.7	8.7	84.39
H	18	6.7	120.6
K	32.9	4.3	141.47
L	59.6	6.4	381.44
M	8.2	3.7	30.34

**TOTAL 189.7**

PROCELLACOR EC				
Site	Dose (PDU)	Conc. (ppb)	Dose oz/acft	Total Amt (oz)
A1	3	5.79	9.51	105.6
A2	3	5.79	9.51	120.7
B1	3	5.79	9.51	754.1
B2	3	5.79	9.51	79.9
B3	3	5.79	9.51	401.4
C	3	5.79	9.51	585.4
D	3	5.79	9.51	586.2
E	3	5.79	9.51	389.4
F	3	5.79	9.51	372.8
G	3	5.79	9.51	802.5
H	2	3.86	6.34	764.6
K	2	3.86	6.34	896.9
L	2	3.86	6.34	2418.3
M	3	5.79	9.51	288.5

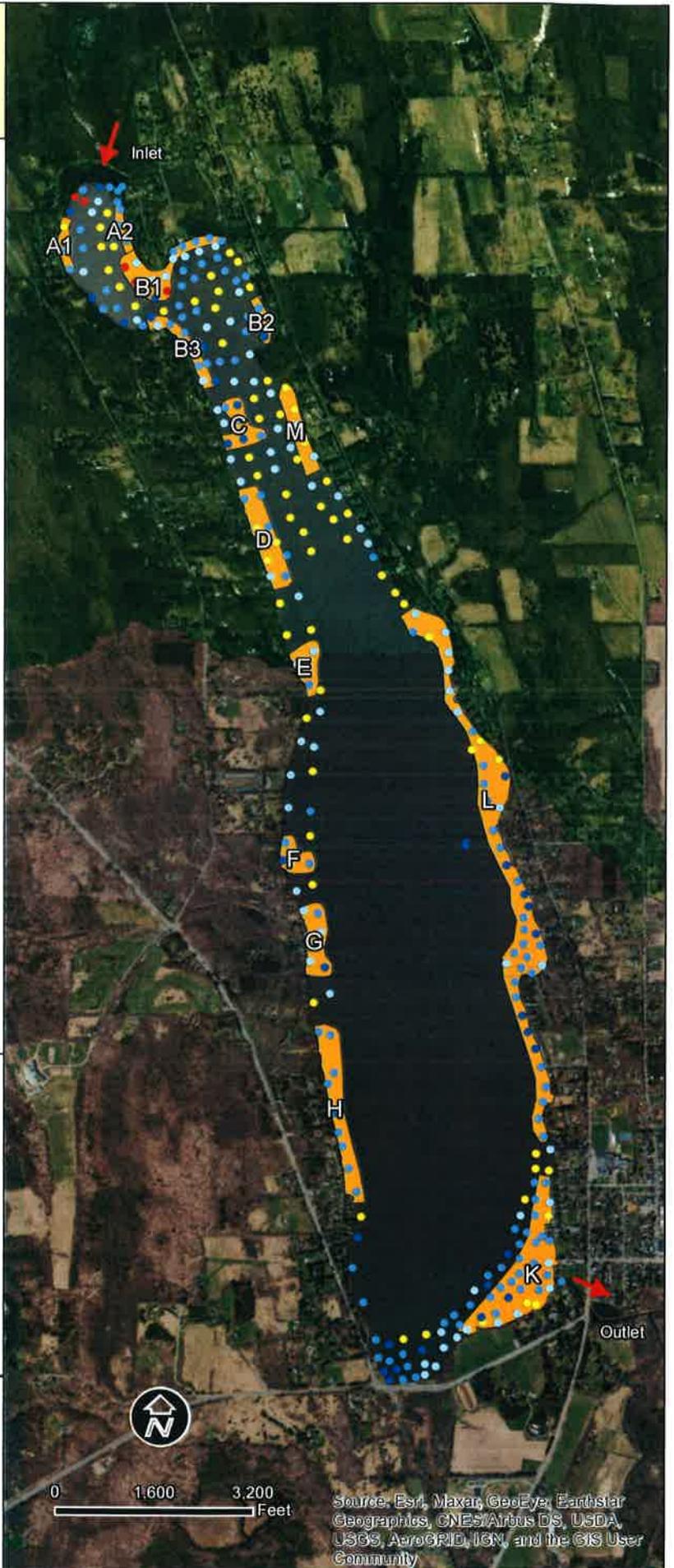
**Total 8566.4**

2020 Eurasian Watermilfoil Distribution Survey by Racine-Johnson Aquatic Ecologists

Percent of Mean Rake Toss Abundance



888-480-5253  
www.solitudelakemanagement.com



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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

**Supervisor Zupan declared Resolution No. 20 adopted.**

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*Supervisor Zupan said this resolution is a result of a revision to the previous agreement. The Town will receive approximately an extra \$150.00 per year.*

**Resolution No. 21 presented by Councilor Race, seconded by Councilor Golub**

**AUTHORIZING THE TOWN OF CAZENOVIA TOWN SUPERVISOR TO  
 ENTER INTO A PAYMENT IN LIEU OF TAX (“PILOT”) AGREEMENT  
 WITH TJA-NY-BARRETT RD NEW WOODSTOCK, LLC  
 (Lucas Property: 2405 Barrett Road, New Woodstock, TM No. 147.-1-28)**

**WHEREAS**, previously the Town of Cazenovia was presented with an application from TJA-NY-Barrett Rd New Woodstock, LLC (the “Developer”), with respect to the Developer’s intent to construct and operate a solar energy system/solar farm in the Town of Cazenovia on certain premises located at 2405 Barrett Road, New Woodstock (Tax Map No. 147.-1-28) and to further enter into a Payment in Lieu of Tax Agreement (“PILOT”), all pursuant to New York State Real Property Tax Law §487(9); and

**WHEREAS**, previously the Town Board on November 2, 2020 authorized the execution of the PILOT Agreement; and

**WHEREAS**, subsequently additional negotiations have occurred with the Developer, representatives of Madison County and the Town of Cazenovia, such that a revised PILOT Agreement has been offered for review and approval at a higher PILOT amount; and

**WHEREAS**, the Town of Cazenovia has reviewed the revised PILOT Agreement and desires to execute same; and

**WHEREAS**, the execution and entering into of said PILOT Agreement has been determined to be a Type II action for purposes of environmental review under SEQRA, thus concluding the environmental review process; and

**WHEREAS**, the terms of the revised PILOT Agreement for solar energy systems presented by TJA-NY-Barrett Rd New Woodstock, LLC calls for an initial annual payment of One Thousand Two Hundred Thirty-Eight and 69/100 Dollars (\$1,238.69) to the Town of Cazenovia as payment in lieu of taxes for said facility; and

**WHEREAS**, pursuant to said terms of the revised PILOT Agreement, the annual payment shall be increased by a two percent (2%) escalation factor every year for a period of fourteen years thereafter; and

**WHEREAS**, pursuant to RPTL §487 and the revised PILOT Agreement, the term of said PILOT Agreement shall be fifteen years.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute and enter into the revised PILOT Agreement between the Town of Cazenovia and TJA-NY-Barrett Rd New Woodstock, LLC for property located at 2405 Barrett Road, New Woodstock (Tax Map No. 147.-1-28) upon said terms and final review and approval of legal counsel for the Town.

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 21 adopted.**

\*\*\*\*\*

**Resolution No. 22 presented by Councilor Race, seconded by Councilor Andersen**

**AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH MADISON COUNTY**

**WHEREAS**, the majority of Towns in Madison County have requested Highway related services from the County; and

**WHEREAS**, as a result of such request an Agreement was drafted for the interested towns by Madison County; and

**WHEREAS**, the Town of Cazenovia felt it would be advantageous to execute such Agreement as a safeguard for continuity of services to the residents; and

**WHEREAS**, a detailed list of the requested services is attached hereto; and

**WHEREAS**, this Agreement for Services between January 1, 2020 and December 31, 2020 has been reviewed by the Attorney for the Town and Madison County; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute and enter into the Agreement between the Town of Cazenovia and Madison County.

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**A G R E E M E N T**

THIS AGREEMENT, by and between the COUNTY OF MADISON, a municipality of the State of New York, John M. Becker, Chairman, Madison County Board of Supervisors, with principal offices at 138 N. Court Street, Wampsville, NY 13163 (mailing: PO Box 635, Wampsville, NY 13163) hereinafter called the "County" and, the Town of Cazenovia, with principal offices at 7 Albany Street, Cazenovia, NY 13035, hereinafter called the "Town"(or "City");

**W I T N E S S E T H**

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- 1) **TERM:** The term of this contract shall be from January 1, 2020 through December 31,

2020. This contract may be terminated without cause by either party hereto at any time upon thirty (30) days written notice of the intention to so terminate. The County reserves the right to terminate this Agreement for cause at anytime.

- 2) SCOPE OF SERVICES: Services shall be provided as outlined in Schedule A attached hereto and made a part hereof. The Town (or City) shall report directly to F. Joseph Wisinski, or his/her designee.
- 3) INDEPENDENT CONTRACTOR: For the purposes of this contract, the Town (or City) shall be considered an independent contractor and hereby covenants and agrees to act in accordance with that status, and the Town (or City), the employees and agents of the Town (or City) shall neither hold themselves out as, nor claim to be, officers or employees of the County of Madison, and shall make no claim for, nor shall be entitled to, workers' compensation coverage, medical and unemployment benefits, social security or retirement membership benefits from the County.
- 4) HOLD HARMLESS: Regarding the operations and responsibilities concerning this Agreement, the Town of Cazenovia further covenants and agrees to indemnify, defend and hold harmless the County of Madison, its officers, agents and employees from and against any and all loss or expense that may arise by reason of liability for damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Town of Cazenovia, its employees or agents in connection with this Agreement.  
  
Regarding the operations and responsibilities concerning this Agreement, the County of Madison further covenants and agrees to indemnify, defend and hold harmless the Town of Cazenovia, its officers, agents and employees from and against any and all loss or expense that may arise by reason of liability for damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the County, its employees or agents in connection with this Agreement.
- 5) STATUTORY COMPLIANCE: In acceptance of this Agreement, the Town (or City) covenants and agrees to comply in all respects with all Federal, State and County laws, rules, regulations and ordinances which pertain hereto and to the performance hereof, including but not limited to those regarding services for municipalities including but not limited to Workers' Compensation and Employers' Liability Insurance, hours of employment, wages and human rights.
- 6) LICENSES AND PERMITS: The Town (or City) hereby agrees that they will obtain at their own expense all licenses or permits for the work performed under this contract, if any are necessary, prior to the commencement of work.

- 7) CONTRACT MODIFICATIONS: This agreement represents the entire and integrated agreement between the County and the Town (or City) and supersedes all prior negotiations, representations or agreements either written or oral. This Agreement may be amended only by written instrument signed by both the County and the Town (or City).
- 8) SEVERABILITY: If any term or provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 9) CLAUSES REQUIRED BY LAW: The parties hereto understand and agree that each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein, and if through mistake or inadvertence such provision is not inserted, said clause shall be deemed to have been inserted and shall have the full force and effect of law.
- 10) LEGAL COMPLIANCE: The Town (or City) agrees to comply with all Federal, State, and local laws and regulations governing the provision of goods and services under this Contract, including the rules and regulations of the County.
- 11) EXECUTIVE ORDER 38: The Town (or City) acknowledges that if this is an agreement for which the Town (or City) will, in whole or in part, be compensated with New York State funds, in acceptance of this agreement the Contractor agrees to comply with New York State Executive Order Number 38, including all reporting obligations thereunder. Executive Order Number 38 can be found at the following website address: <http://executiveorder38.ny.gov/> and its implementing regulations at 19 NYCRR Part 144.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year hereinafter written.

COUNTY OF MADISON

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
John M. Becker  
Chairman, Board of Supervisors

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
Supervisor, T/C \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF MADISON )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared John M. Becker, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
Appointed in \_\_\_\_\_ County  
My Commission Expires:

\_\_\_\_\_  
Notary

STATE OF NEW YORK )  
COUNTY OF MADISON )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
Appointed in \_\_\_\_\_ County  
My Commission Expires:

\_\_\_\_\_  
Notary

SCHEDULE A  
SCOPE OF SERVICES

Various municipalities (specifically the Towns of Brookfield, Cazenovia, DeRuyter, Eaton, Fenner, Georgetown, Hamilton, Lebanon, Lenox, Madison, Nelson, Smithfield, Stockbridge, Sullivan, and the City of Oneida) within the County of Madison have requested services from the County Highway Department. As the Madison County Highway Department is able to provide these services, they are willing to do so pursuant to the terms of this agreement. These services include, but are not limited to, road shoulder installation, road paving, culvert installation, guiderail installation, and rock installation. Additionally, the Madison County Highway Department is willing and able to assist with general machine repair, clean up, and material hauling as requested.

Likewise, the above-referenced municipalities have provided services and assistance to the Madison County Highway Department as requested or needed. These services include, but are not limited to, mowing, material hauling, use of equipment, and general machine repair.

\*\*\*\*\*

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

**Supervisor Zupan declared Resolution No. 22 adopted.**

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*Supervisor Zupan stated this is another shared service agreement, just like the previous one adopted for 2020. However, this agreement is for 2021 and has snowplowing included in it so either department can help out on another due to the pandemic.*

**Resolution No. 23 presented by Councilor Race, seconded by Councilor Reger**

**AUTHORIZE THE SUPERVISOR TO EXECUTE AN  
AGREEMENT WITH MADISON COUNTY FOR 2021**

**WHEREAS**, the majority of Towns in Madison County may request Highway related services from the County; and

**WHEREAS**, as a result of such request an Agreement was drafted for the interested towns by Madison County; and

**WHEREAS**, the Town of Cazenovia felt it would be advantageous to execute such Agreement as a safeguard for continuity of services to the residents; and

**WHEREAS**, a list of potential services is attached hereto; and

**WHEREAS**, this Agreement for Services between January 1, 2021 and December 31, 2021 has been reviewed by the Attorney for the Town and Madison County; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute and enter into the Agreement between the

Town of Cazenovia and Madison County.

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A G R E E M E N T

THIS AGREEMENT, by and between the COUNTY OF MADISON, a municipality of the State of New York, John M. Becker, Chairman, Madison County Board of Supervisors, with principal offices at 138 N. Court Street, Wampsville, NY 13163 (mailing: PO Box 635, Wampsville, NY 13163) hereinafter called the "County" and, the Town of Cazenovia, with principal offices at 7 Albany Street, Cazenovia, NY 13035, hereinafter called the "Town"(or "City");

W I T N E S S E T H

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- 1) TERM: The term of this contract shall be from January 1, 2021 through December 31, 2021. This contract may be terminated without cause by either party hereto at any time upon thirty (30) days written notice of the intention to so terminate. The County reserves the right to terminate this Agreement for cause at anytime.
- 2) SCOPE OF SERVICES: Services shall be provided as outlined in Schedule A attached hereto and made a part hereof. The Town (or City) shall report directly to F. Joseph Wisinski, or his/her designee.
- 3) INDEPENDENT CONTRACTOR: For the purposes of this contract, the Town (or City) shall be considered an independent contractor and hereby covenants and agrees to act in accordance with that status, and the Town (or City), the employees and agents of the Town (or City) shall neither hold themselves out as, nor claim to be, officers or employees of the County of Madison, and shall make no claim for, nor shall be entitled to, workers' compensation coverage, medical and unemployment benefits, social security or retirement membership benefits from the County.
- 4) HOLD HARMLESS: Regarding the operations and responsibilities concerning this Agreement, the Town of Cazenovia further covenants and agrees to indemnify, defend and hold harmless the County of Madison, its officers, agents and employees from and against any and all loss or expense that may arise by reason of liability for damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Town of Cazenovia, its employees or agents in connection with this Agreement.

Regarding the operations and responsibilities concerning this Agreement, the County of Madison further covenants and agrees to indemnify, defend and hold harmless the Town of Cazenovia, its officers, agents and employees from and against any and all loss or expense that may arise by reason of liability for damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the County, its employees or agents in connection with this Agreement.

- 5) STATUTORY COMPLIANCE: In acceptance of this Agreement, the Town (or City) covenants and agrees to comply in all respects with all Federal, State and County laws, rules, regulations and ordinances which pertain hereto and to the performance hereof, including but not limited to those regarding services for municipalities including but not limited to Workers' Compensation and Employers' Liability Insurance, hours of employment, wages and human rights.
- 6) LICENSES AND PERMITS: The Town (or City) hereby agrees that they will obtain at their own expense all licenses or permits for the work performed under this contract, if any are necessary, prior to the commencement of work.
- 7) CONTRACT MODIFICATIONS: This agreement represents the entire and integrated agreement between the County and the Town (or City) and supersedes all prior negotiations, representations or agreements either written or oral. This Agreement may be amended only by written instrument signed by both the County and the Town (or City).
- 8) SEVERABILITY: If any term or provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 9) CLAUSES REQUIRED BY LAW: The parties hereto understand and agree that each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein, and if through mistake or inadvertence such provision is not inserted, said clause shall be deemed to have been inserted and shall have the full force and effect of law.
- 10) LEGAL COMPLIANCE: The Town (or City) agrees to comply with all Federal, State, and local laws and regulations governing the provision of goods and services under this Contract, including the rules and regulations of the County.
- 11) EXECUTIVE ORDER 38: The Town (or City) acknowledges that if this is an agreement for which the Town (or City) will, in whole or in part, be compensated with New York State funds, in acceptance of this agreement the Contractor agrees to comply with New York State Executive Order Number 38, including all reporting obligations thereunder. Executive Order Number 38 can be found at the following website address: <http://executiveorder38.ny.gov/> and its implementing regulations at 19 NYCRR Part 144.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year hereinafter written.

COUNTY OF MADISON

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
John M. Becker  
Chairman, Board of Supervisors

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Supervisor, T/C \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF MADISON )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared John M. Becker, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
Appointed in \_\_\_\_\_ County  
My Commission Expires:

\_\_\_\_\_  
Notary

STATE OF NEW YORK )  
COUNTY OF MADISON )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
Appointed in \_\_\_\_\_ County  
My Commission Expires:

\_\_\_\_\_  
Notary

SCHEDULE A  
SCOPE OF SERVICES

Various municipalities (specifically the Towns of Brookfield, Cazenovia, DeRuyter, Eaton, Fenner, Georgetown, Hamilton, Lebanon, Lenox, Lincoln, Madison, Nelson, Smithfield, Stockbridge, Sullivan, and the City of Oneida) within the County of Madison have requested services from the County Highway Department. As the Madison County Highway Department is able to provide these services, they are willing to do so pursuant to the terms of this agreement. These services include, but are not limited to, road shoulder installation, road paving, culvert installation, guiderail installation, snow plowing, and rock installation. Additionally, the Madison County Highway Department is willing and able to assist with general machine repair, clean up, and material hauling as requested.

Likewise, the above-referenced municipalities have provided services and assistance to the Madison County Highway Department as requested or needed. These services include, but are not limited to, mowing, material hauling, use of equipment, snow plowing, and general machine repair.

\*\*\*\*\*

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

**Supervisor Zupan declared Resolution No. 23 adopted.**

\*\*\*\*\*

*Supervisor Zupan said the bookkeeper expressed this would make her job easier and the payback for the purchase is 2 2/3 years.*

**Resolution No. 24 presented by Councilor Race, seconded by Councilor Reger**

**AUTHORIZE THE PROCUREMENT OF THE PAYROLL MODULE  
FROM EDMUNDS GOVTECH AND FURTHER AUTHORIZE THE  
SUPERVISOR TO EXECUTE THE AGREEMENT FOR SUCH SOFTWARE**

To authorize the procurement of the Payroll Software Module from Edmunds GovTech as per the Sales Proposal dated January 21, 2021. Such procurement has an annual fee of Five Thousand Sixty-Two Dollars and 00/100 (\$ 5,062.00) for the next five years. In addition, a one-time implementation fee of Six Thousand Five Hundred Sixty-Two Dollars and 50/100 (\$ 6,562.50) will be incurred. Edmunds GovTech has provided a contract to be executed by the Supervisor of the Town in relation to such software module. The Town of Cazenovia Town Board authorizes the Supervisor to execute said contract pending satisfactory review by the Attorney for the Town.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 24 adopted.**

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**Resolution No. 25 presented by Councilor Reger, seconded by Councilor Andersen**

**APPOINT VALERIUS KOCH AS A ZONING BOARD OF APPEALS MEMBER**

To appoint Valerius Koch as a Member of the Zoning Board of Appeals to complete the unexpired term of James Wigge ending December 31, 2024.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 25 adopted.**

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**Attorney's Report:** *John Langey, Esq. said the Lucas Farm Solar Project was approved for site plan approval at last week's meeting. This is the first step and now they will go to the Zoning Board of Appeals for a special use permit. He thought that should go through fairly easy and from that point forward will be a management of the construction. He said there will be a road bond agreement in place which will come back to the Town Board for approval. Additionally, there is another solar project at the Sadlon Farm. He said this is a bigger project, 2-5 megawatts. He said the first hurdle, the applicant has to demonstrate that they are not going to have a negative impact on the soils. The Planning Board has tasked the applicant with that job. Councilor Golub and he are trying to make some changes to the solar regulations that will have a positive impact on protection of agricultural lands and additional protections for the Town. On another note, he said the distillery project is coming close to a vote. He has prepared a draft resolution for the Zoning Board to consider for some of the extra uses. He thought the other application of interest for the Town Board would be the one on the former Stearns & Wheeler building on Route 20 for apartments. He said they will be back at next month's Planning Board meeting for some additional review. He said it is very busy with applications right now.*

*There was an inquiry about the second solar project.*

*Councilor Andersen said it is at the corner of Ballina and East Roads.*

*John Langey, Esq. said there are a number of houses out there. The Lucas Project was relatively nestled in a quiet area with hardly any other homes, this project is different because there are more houses. He mentioned the Planning and Zoning Board of Appeals will have to be more sensitive to the impacts of a project like that to a neighborhood.*

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**Supervisor's Report:** *Supervisor Zupan said he is trying to get a consultant for the sewer rates, as he had promised and will be having a meeting with Jim Cunningham (WPCF Operator) later this week. In his absence, he tasked Councilor Reger with looking at a proposed demolition law. Councilor Race is looking at insurance. Additionally, he has met with Liz Merrill, Bookkeeper, to work out the payroll module that was approved earlier this evening. He also worked with Madison County on the Highway Agreement and has been reading the solar law that counsel provided.*

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**Councilor Race** (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported everything is fine at the highway garage. They are working in COVID-mode at this present time, but things are working fine. He mentioned Hank Chapman will be attending the next Zoom work session.*

*Dean Slocum, Highway Superintendent, added they may be getting natural gas to Wellington sometime this week. They are still waiting on the generator, but they will have the gas service ready.*

**Councilor Andersen** {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported she will continue to correspond with Scott Phillips and start to draft some type of educational recommendations for residential lighting-lower lumens and shielding. She said Mr. Phillips pointed out that we do not have those regulations for homeowners. She thought this could assist homeowners in having safe lighting that isn't bothersome. She echoed John's comments that the Planning and Zoning boards are busy. She said there is an opening on the ZBA making two vacancies for that Board. She mentioned applications have been received and interviews will be conducted in the near future to fill those vacancies. She will update the Board as things progress.*

**Councilor Golub** {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported the Cazenovia Lake Association will put some articles in the Republican to promote awareness and education. On the solar front, he said the law is very comprehensive and not just for the mega projects. However, that will be the part of the law with the changes. They are looking at three other towns solar laws that are more restrictive than Cazenovia's-Amherst, Farmington and Tully. They are trying to protect agriculture and prime soils and would like to have more restrictions on the larger projects. He thought the project at Sadlons underscores the need to do something before the fact as opposed to after. He attended a webinar about Natural Resources Inventories that was done in Columbia County. He said the Town of Cazenovia is already doing a lot of this. He mentioned a lot of this is in our Comprehensive Plan and it discussed making an inventory of open space, water resources, wildlife, cultural resources and land use.*

**Councilor Reger** (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported CazCares continues to meet the needs of the community and tomorrow is the next fresh food delivery. Last month, over 100 families were served. On the youth recreation front, they had a meeting with Nelson and Fenner. Kristin Romagnoli, Youth Recreation Director, has resigned. Therefore, they are on a search for another director. He asked everyone to get the word out for a replacement. He thanked Kristin for her time and said they were lucky to have her. He also said they are trying to find a new landing spot for home base because the barn will not be in use this summer. On another front, he is meeting with the Codes Enforcement Officer regarding the demolition law and hopes to have some discussion with the Town Board at the next work session. Additionally, he has been working with a representative from Windstream to do an analysis on the various town locations and possible internet/phone options. Lastly, he has been working with a number of groups to try and assemble a team to assist folks that need help signing up for the COVID vaccinations due to poor internet service or just needing help navigating the online registration process.*

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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:**

**David Miller** of the Cazenovia Lake Association thanked everyone for fast-tracking ProcellaCOR EC. He appreciated the efforts by Liz Moran on the Environmental Impact Statement and its impact. He said the CLA has to do a better job of communicating that information to the public which Councilor Golub eluded to earlier. He said people need to understand the impacts are being looked at.

**D. Miller** asked Supervisor Zupan if he heard from Fish and Wildlife?

Supervisor Zupan said Glenn Sullivan is handling that aspect and would be the one to call Fish and Wildlife.

**D. Miller** wondered about the general date and timeline for the permit.

Supervisor Zupan said it comes down to end of May-early June that the Town finds out they have a permit. He mentioned Don Nelson no longer heads up the permit process. He may reach out to them at the end of March.

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

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

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

**Motion by Councilor Race, seconded by Councilor Andersen to approve payment of the bills. Councilor Reger recused himself from payment of the Healthway invoice. The motion was unanimously approved.**

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

**At 8:32 p.m., Supervisor Zupan will declare this meeting adjourned.**

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