

**TOWN BOARD
REGULAR MEETING**

MONDAY

April 10, 2023

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

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Golub, seconded by Councilor Johnson to accept the minutes from the March 13, 2023 regular meeting.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Abstain

Supervisor Zupan asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda.

Public comment #1:

Nicki Donlin inquired at what point she could speak about the item on the agenda for fair housing.

Supervisor Zupan replied there is a separate public hearing for this topic.

Supervisor Zupan stated April is Fair Housing Month in the Town of Cazenovia.

Motion by Councilor Race, seconded by Councilor Golub to open the public hearing relative to the topic of Fair Housing in the Town of Cazenovia.

Public comment:

Nicki Donlin, 3565 Rippleton Road inquired why fair housing was up for public debate and conversation.

Supervisor Zupan said this is done annually and it is procedural. He told her there is nothing going on with fair housing in the Town of Cazenovia.

Nicki Donlin said she was curious because of the activity that is going on currently. She knew it was an item on tonight's agenda and thought she would use this opportunity for clarification.

John Langey, Esq. said this is separate from the housing compact the Governor has proposed. The Town has been doing this for at least eight years. It is part of a requirement to be eligible for certain grants and it has been on the books for a long time and is done annually. He welcomed the fact there are actually participants to speak this year.

Stanley Maziuk of 4494 Syracuse Road said he saw the agenda item, as well. He did not know what specifically was going on. He’s aware of Governor Hochul’s plan and in his opinion, he doesn’t support being told how to do our zoning. He mentioned last week’s Cazenovia Republican article explained the Burton Street Housing Visions project and how it transformed from senior housing to senior housing plus something else. He said Mayor Wheeler commented that he could not control it once the project was started. He hoped that any future initiatives, the projects will err on the side of caution.

Arthur Bigsby said he understands it is Fair Housing Month and the town is just following suit. His question was regarding Burke’s Landing, as well. He wondered when the Town knew there was going to be a supportive services component to the financing the developer obtained.

Supervisor Zupan stated the Town Board only approved the annexation of land and the rest was handled by the village.

Arthur Bigsby said an endorsement letter was given December of 2020 which came after the supportive services component of the loan came out in the Republican. He wondered if the town was aware of the loan terms.

Supervisor Zupan said not when he signed the letter.

Arthur Bigsby looked for clarification and said the developer did not tell the village nor the town prior to the Republican having the article come out. He thought that was odd.

Supervisor Zupan hesitantly agreed, but said he would need to review minutes of the town meeting. He said there was never a presentation at the Town Board level.

Nicki Donlin said the local realtor community would love to be engaged when housing and the general housing picture in Cazenovia is discussed. She said they are all trying to navigate what is happening and are being asked a lot of important questions. She felt it would be helpful to involve any local realtor because they are hearing first-hand what people want in Cazenovia.

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

Supervisor Zupan said the Comprehensive Plan is getting close and the Committee asked for assistance to finish it. He said EDR will help in the process of finalizing the plan so it can be brought to the Board.

Resolution No. 42 presented by Councilor Reger, seconded by Councilor Race

**AUTHORIZING THE TOWN OF CAZENOVIA SUPERVISOR
TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH ENVIRONMENTAL DESIGN & RESEARCH, D.P.C.
FOR A PROPOSED COMPREHENSIVE PLAN UPDATE**

WHEREAS, previously in 2008 the Town of Cazenovia approved a Joint Town and Village of Cazenovia Comprehensive Plan (“2008 Joint Comprehensive Plan”) to provide guidance with dominant development patterns, existing land uses and zoning regulations, as well as anticipated future land development and uses; and

WHEREAS, the Town of Cazenovia has determined that, in light of recent changes in land development and uses, the 2008 Joint Comprehensive Plan should be reviewed and amended accordingly; and

WHEREAS, the firm of Environmental Design & Research, D.P.C. (“EDR”) previously provided professional planning services to the Town of Cazenovia in connection with the 2008 Joint Comprehensive Plan; and

WHEREAS, EDR has now presented the Town of Cazenovia with a Proposal for Comprehensive Plan Update, dated March 30, 2023, to provide professional planning services to the Town; and

WHEREAS, the Town Board desires to enter into an agreement with EDR for such services; and

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

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the necessary documents associated with entering into an agreement and retaining Environmental Design & Research, D.P.C. for professional planning services, in an amount not to exceed Fifty-Four Thousand Four Hundred Thirty-Eight and 00/100 Dollars (\$54,438.00) without further authorization, subject to final review and approval by the Town’s legal counsel.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 42 adopted.

Supervisor Zupan said Madison County came out with a new program and it will cost one hundred dollars per computer, per month. The eleventh computer will be one hundred fifty dollars. This will cost the town roughly \$ 13,000 annually. He said, in the past, occasionally we would receive an invoice. He said they will provide virus protection and firewalls for this fee, as well.

Resolution No. 43 presented by Councilor Race, seconded by Councilor Golub

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

WHEREAS, the Town of Cazenovia has utilized the services of the Madison County Information Technology (IT) Department since 2017; and

WHEREAS, the Town has been presented with a new Inter-municipal Agreement from Madison County; and

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

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

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 43 adopted.

Supervisor Zupan said this is done annually and it allows residents of the Town of Cazenovia to get a sticker from the Village to access the lake with their boat.

Resolution No. 44 presented by Councilor Race, seconded by Councilor Golub

**AUTHORIZING THE SUPERVISOR OF THE TOWN OF CAZENOVIA
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT FOR
THE USE OF BOAT LAUNCH FACILITIES AT LAKESIDE PARK**

WHEREAS, the Village of Cazenovia previously adopted a policy to make the boat launch facilities at Lakeside Park available, free of charge, to residents of municipalities that have entered into an Inter-municipal Agreement with the Village; and

WHEREAS, in past years, the Town of Cazenovia and the Village of Cazenovia entered into such Inter-municipal Agreements; and

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

WHEREAS, the Town of Cazenovia and the Village of Cazenovia desire to extend such Inter-municipal Agreement subject to the terms therein; and

WHEREAS, the proposed action has been deemed to be a Type II action pursuant to 6 N.Y.C.R.R. Part 617.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cazenovia Town Supervisor be, and hereby is, authorized to execute the Inter-municipal Agreement for use of the Boat Launch Facilities at Lakeside Park for the 2023 season in the form substantially consistent with that attached hereto which Agreement will be an annual agreement.

**INTERMUNICIPAL AGREEMENT
BETWEEN
THE TOWN OF CAZENOVIA AND
THE VILLAGE OF CAZENOVIA**

THIS INTERMUNICIPAL AGREEMENT is made as of the ____ day of April, 2023, by and between the **VILLAGE OF CAZENOVIA**, a municipal corporation duly incorporated under the laws of the State of New York with an office at 90 Albany Street, Cazenovia, New York 13035 (hereinafter the “Village”) and the **TOWN OF CAZENOVIA**, a municipal corporation duly existing under the laws of the State of New York with an office at 7 Albany Street, Cazenovia, New York 13035 (hereinafter the “Town”).

R E C I T A L S

WHEREAS, the Village owns and maintains a boat launch facility known as Lakeside Park Boat Launch located on Forman Street in the Village (hereinafter the “Boat Launch”); and

WHEREAS, the use of the Boat Launch is currently restricted to permit holders only; and

WHEREAS, the Village desires to make the Boat Launch available to residents of the Town of Cazenovia (hereinafter “Town Residents”) for the 2023 season in exchange for financial assistance with the maintenance and upkeep of the Boat Launch and enforcement of applicable regulations pertaining to the Boat Launch; and

WHEREAS, the Town of Cazenovia agrees to pay the Village of Cazenovia an annual fee of Thirteen Thousand and 00/100 (\$13,000.00) Dollars for the 2023 season.

NOW THEREFORE, the Village and the Town mutually agree as follows:

1. Upon payment to the Village of the fee described above, the Village shall make Boat Launch use permits available to Town Residents with no annual fee upon the same terms and conditions applicable to Village residents who apply for such permits, with the same attendant rights and privileges available to Village residents. This Agreement is for the 2023 season and must be renewed on an annual basis by each Municipal Board.

2. Individual Town Residents must each apply for a permit at the Village Clerk’s office and will agree to the provisions contained in the document entitled “Regulations Governing Use of Lakeside Park Boat Launch and Boating Practices on Cazenovia Lake” as amended.

3. This Agreement may be terminated by either party at any time upon ninety (90) days prior written noticed served between July 1st and December 31st of any given calendar year. Upon early termination, the Village shall immediately return a pro-rated portion of such fee to the Town.

4. The payment from the Town to the Village contemplated herein shall be made no earlier than June 1st but no later than July 1st of each year this Agreement remains in effect as renewed. Funds for these annual payments shall be from appropriations only in the “part town” or “B” fund within the Town’s budget.

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

VILLAGE OF CAZENOVIA

Dated: _____ By: _____

Kurt Wheeler, Mayor

TOWN OF CAZENOVIA

Dated: _____ By: _____

William N. Zupan, Town Supervisor

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 44 adopted.

Resolution No. 45 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE
AN AGREEMENT WITH SCHUYLER’S SCAPES**

To authorize the Town Supervisor of the Town of Cazenovia to execute an agreement with Schuyler’s Scapes for the installation/removal of benthic mats pursuant to the Town of Cazenovia’s Benthic Mat Rental Program at \$0.60¢ per square foot (\$150.00 per mat) for an amount not to exceed Fourteen Thousand Eight Hundred Fifty and 00/100 Dollars (\$ 14,850.00). Said Agreement is subject to review by the Attorney for the Town.

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

Supervisor Zupan declared Resolution No. 45 adopted.

Resolution No. 46 presented by Councilor Johnson, seconded by Councilor Race

**ESTABLISHMENT OF A BENTHIC BARRIER (BENTHIC MAT)
RENTAL FEE FOR THE 2023 SEASON**

WHEREAS, the Town of Cazenovia has previously undertaken a Benthic Mat Rental Program in 2013 to address the management of excessive weed growth, including invasive weed species in Cazenovia Lake; and

WHEREAS, on June 10, 2013, the Town of Cazenovia established a per mat rental fee of \$0.20 per square foot (\$50.00 per mat) for the year 2013; and

WHEREAS, the Town Board had previously determined to adjust the per square foot rental fee to a new rental fee of \$0.34 per square foot (\$85.00 per mat) with a four (4) mat limit per property owner for the 2015 -2018 seasons; and

WHEREAS, in 2019, the Town Board increased the fee per mat to \$0.36 per square foot (\$90.00 per mat) with a four (4) mat limit per property owner; and

WHEREAS, in 2020, due to the COVID-19 pandemic, the Mat Rental Program was suspended for the year; and

WHEREAS, for the 2023 season, the Town of Cazenovia Town Board has determined to keep the rental fee the same as it has been since 2019 at a rate of \$0.36 per square foot (\$90.00 per mat); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cazenovia hereby determines that the mat rental fee under the Town of Cazenovia Benthic Mat Rental and Installation Program be set for the year 2023 at \$0.36 per square foot (\$90.00 per mat) with a four (4) mat per property owner limit, all to be used in conjunction with the Town of Cazenovia Benthic Mat Rental and Installation Program Rental Agreement attached hereto.

**TOWN OF CAZENOVIA BENTHIC MAT
RENTAL AND INSTALLATION PROGRAM
RENTAL AGREEMENT**

THIS AGREEMENT is as of the ____ day of _____, 2023, by and between the **TOWN OF CAZENOVIA** (hereinafter “Lessor”) and Town Property Owner _____ (hereinafter “Lessee”) for the rental of no more than four (4) benthic mats for installation/removal on lakefront property on certain portions of Cazenovia Lake in the Town of Cazenovia. Lessor and Lessee agree as follows:

1. **Lease of Benthic Mats.** Subject to the terms and conditions of this Agreement, the Lessor leases to the Lessee and the Lessee rents from the Lessor no more than four (4) benthic mats (unless additional inventory becomes available) pursuant to the Town of Cazenovia’s Benthic Mat Rental Program.

2. **Annual Rental.** The Lessee shall pay to the Lessor, as rent for the installation, use and removal of the benthic mats, Ninety Dollars and 00/100 (\$90.00) for each mat issued. No more than four (4) mats shall be issued to any Property Owner unless additional inventory becomes available. Rental is for the 2023 Season.

3. **Ownership, Use and Acceptance of the Mats.**

a. The rented mats shall at all times be the sole and exclusive property of the Lessor. Lessee shall have no rights or property interests in the mat, except for the right to use same pursuant to the rules and regulations of the Town of Cazenovia Benthic Mat Rental Program.

b. Lessee acknowledges receipt of a copy of the “Rules and Regulations for Rental of Benthic Barriers (Benthic Mats) by Town Residents.” The rules and regulations are made a part of this Agreement by reference.

c. Lessee must use the approved Town of Cazenovia benthic mat installer. For the Year 2023, the installation/removal service has been awarded to Schuyler’s Scapes. Lessee shall make arrangements to contact Schuyler’s Scapes, Inc. to obtain information for the date of installation/removal of the mats.

d. The installation/removal of mats will occur on dates and times designated by the Town of Cazenovia and its Installation Contractor.

e. No mats may be installed in any sensitive areas on Cazenovia Lake. Mats must be installed in accordance with New York State Department of Conservation Easement Rules and Regulations. Lessee has determined that all leased mats are suitable for the use intended, and the Lessee has inspected the same and accepts the same as delivered. Lessor has made no representations or warranties, oral or written, expressed or implied, in connection with the mats.

f. Mats should be installed in water with a depth of no greater than 6’.

g. Lessee shall not make any alterations to or replacement of the mats and shall immediately contact the Town of Cazenovia for any issues relating to same.

h. Mats will be installed and removed upon the schedule agreed upon by the Lessor and its Installation Contractor.

4. **Indemnity.** Lessee assumes liability for and shall indemnify, protect, save and keep harmless the Lessor, its agents and servants from and against all losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements, including legal expenses of whatsoever kind and nature imposed upon, incurred by or asserted against the Lessor in any way relating to or arising out of this Agreement or the use of the mats. The indemnities contained in this Section shall continue in full force and effect, notwithstanding the termination of this Agreement.

5. **Inspection.** The Lessor may inspect the equipment from time-to-time to determine that it is being used in a manner in which it was intended.

6. **Entire Agreement.** This Agreement contains the entire agreement between the parties. There are no other understandings or agreements between them.

IN WITNESS WHEREOF, the parties have executed this Agreement.

TOWN OF CAZENOVIA, LESSOR

By: _____
Hon. William N. Zupan, Supervisor

_____, Lessee

_____, Lessee

RULES AND REGULATION FOR RENTAL OF BENTHIC BARRIERS (BENTHIC MATS) BY TOWN RESIDENTS

The Town of Cazenovia Town Board hereby established the following Rules and Regulations (*Effective May 1, 2016, last revised April 8, 2019*)

1. These rules and regulations will govern the administration and regulation of the Town of Cazenovia’s Benthic Barrier/Benthic Mat Program, designed to facilitate the control of Eurasian watermilfoil and other invasive weeds bordering certain areas of Cazenovia Lake. The Town of Cazenovia in administering this program reserves the right to modify, update or repeal, in whole or in part, any of these rules and regulations by resolution at any time. Final interpretation of these rules and regulations rests exclusively with the Town of Cazenovia Town Board. All property owners will be required to comply with the following Rules and Regulations as a condition to the rental of Benthic Barrier Mats:
2. Town and Village residents are allowed to rent mats pursuant to these Regulations.
3. Property owners will be limited to a total (maximum) of four (4) mats per owner (*i.e.* per property tax parcel) per year (unless additional inventory becomes available after all owners’ initial requests have been addressed). (Each individual mat is approximately 12.5’ x 20’ section or approximately 250 sq. ft.).
4. Annual rental cost per Benthic Mat shall be set at \$90.00 per mat (\$0.36/sq. ft.), subject to annual adjustment by the Town Board. The rental fee includes the rental of the mat, installation of the mat by the Town’s retained contractor, removal of the mat by the Town’s retained contractor, pick-up and storage by the Town of Cazenovia. Installation and removal will be on the dates and times designated by the Town of Cazenovia and its contractor.
5. No mats may be installed in any sensitive areas in the Lake. Please contact the Town of Cazenovia prior to rental with respect to the allowed locations for the installation of mats.
6. Mats must be rented on an annual basis and will be issued on a first come, first served basis. Supplies of mats are limited to existing Town inventories and there is no guarantee of availability.
7. Each renter will be required to sign a Rental Agreement at the time of rental.
8. In the event additional inventory becomes available, additional mats may be rented on a first come, first served basis.

- 9. Each renter will be required to release the Town of Cazenovia from any liability associated with the renting, installation, removal and use of the mats.
- 10. Mats may only be installed within the period of time set by the Town of Cazenovia Town Board. The selected period of time shall be designated so as to create the least amount of impact on fish spawning seasons.
- 11. No Planning Board approval will be required for the rental and/or placement of Benthic Mats.
- 12. The renter shall be required to clearly locate the area within which it desires the placement of the rented mat. The Town of Cazenovia and/or its contractor will supply flagging materials to determine placement of the mats. The Town and its contractor reserve the right to designate final location based on safety and cost factors.
- 13. It is anticipated that the installation contractor will accomplish placement of all mats during the same time period. Renters are encouraged to coordinate with the contractor to be available at the time of installation.
- 14. Renters will be required to cooperate with the placement process in order to ensure appropriate installation and to avoid any delay in same.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 46 adopted.

Supervisor Zupan stated this is to allow the Bookkeeper to do wire transfers, twice a year.

Resolution No. 47 presented by Councilor Race, seconded by Councilor Reger

**AUTHORIZING THE TOWN OF CAZENOVIA TO ENTER IN THE
“PREMIER BUSINESS CONNECT ACCESS AND USER AGREEMENT” WITH
COMMUNITY BANK N.A. RELATIVE TO WIRE TRANSFER SERVICES**

WHEREAS, the Town of Cazenovia from time-to-time has found it necessary to undertake certain wire transfers relative to the receipt of funds and payment of funds associated with Town transactions; and

WHEREAS, the Town of Cazenovia Bookkeeper has reviewed available services relative to such wire transfer services; and

WHEREAS, the Town of Cazenovia has an existing relationship with Community Bank N.A. and their wire transfer services; and

WHEREAS, Community Bank N.A.’s program known as “Premier Business Connect Access Plus” would allow for the utilization of Community Bank N.A. to assist the Town with wire transfer services; and

WHEREAS, the Town Board desires to enter into an agreement for such services; and

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

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the necessary documents associated with Community Bank N.A.’s Premier Business Connect Plus wire transfer services to effectuate the purpose of this resolution, subject to final review by the Town’s legal counsel.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 47 adopted.

Resolution No. 48 presented by Councilor Reger, seconded by Councilor Golub

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

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

**LICENSE AGREEMENT
(Intermunicipal Agreement)**

THIS LICENSE AGREEMENT (the “Agreement”) is made as of April __, 2023, between the TOWN OF CAZENOVIA, with offices at 7 Albany Street, Cazenovia, New York 13035 (the “Town”) and the VILLAGE OF MANLIUS FIRE DEPARTMENT, with offices at 8200 Cazenovia Road, P.O. Box 236, Manlius, New York 13104, individually and on behalf of the Village of Manlius Fire Department (the “VMAFD”).

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

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

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

WHEREAS, the Town and the VMAFD have entered into discussions pertaining to the VMAFD's use of a portion of the Premises for purposes of such VMAFD training and practice exercises beginning on the effective date of this Agreement; and

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

NOW, THEREFORE, it is mutually agreed:

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

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

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

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

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

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

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

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

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

TENTH: All notices may be given by mail addressed to the Town at 7 Albany Street, Cazenovia, New York 13035, and to the VMAFD at 8200 Cazenovia Road, P.O. Box 236, Manlius, New York 13104 or such further addresses as may be given to the other party during the term of this Agreement.

ELEVENTH: The Supervisor of the Town has executed this Agreement pursuant to a Resolution adopted by the Town Board, at a meeting thereof held on April __, 2023. Hon. William Zupan, Supervisor, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said Town. This instrument shall be executed in duplicate. A copy of this Agreement shall be permanently filed after execution thereof, in the office of the Clerk of the Town.

TWELFTH: The Fire Chief of the Village of Manlius Fire Department has executed this Agreement pursuant to an authorization granted at a meeting thereof held on April __, 2023. Fire Chief Jansen Casscles, whose signature appears hereafter is duly authorized and empowered to execute this Agreement and enter into this Agreement on behalf of the said VMAFD. This instrument shall be executed in duplicate.

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

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

TOWN OF CAZENOVIA

VILLAGE OF MANLIUS FIRE DEPT.

William N. Zupan, Town Supervisor

Jansen Casscles, Fire Chief

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 48 adopted.

Resolution No. 49 presented by Councilor Race, seconded by Councilor Johnson

**AUTHORIZING THE SALE OF A 2018 KUBOTA SVL75-2 TRACK
LOADER TO THE TOWN OF NELSON**

WHEREAS, the Town of Cazenovia Highway Department owns a 2018 Kubota SVL75-2 Track Loader (Serial Number: 36682); and

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

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

WHEREAS, the Town of Nelson offered to purchase said track loader from the Town of Cazenovia Highway Department for Forty-five Thousand and 00/100 Dollars (\$ 45,000.00); and

WHEREAS, an analysis of the track loader was undertaken by the Town of Cazenovia Highway Superintendent; and

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

NOW, THEREFORE, IT IS

RESOLVED AND DETERMINED, that, pursuant to Section 142(5) of the New York State Highway Law, this Board authorizes the Town of Cazenovia Superintendent of Highways to sell the aforementioned equipment to the Town of Nelson as is, without any warranties, express or implied, for a purchase price of Forty-five Thousand and 00/100 Dollars (\$ 45,000.00); and it is further

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

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

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 49 adopted.

Resolution No. 50 presented by Councilor Johnson, seconded by Councilor Golub

AUTHORIZING THE APPOINTMENT OF ERIN KING

WHEREAS, the Town of Cazenovia previously determined it would be in the best interest of the Town to create and staff the position of “Clerk, Part-Time” to assist with the administration of the Town Offices and created such position in December 2021; and

WHEREAS, a vacancy has occurred in this position and the Town Clerk has recommended to the Town Board filling this vacancy; and

WHEREAS, the duties of the position “Clerk, Part-Time” would entail assisting residents in-person and on the telephone with general questions, issuing dog licenses, issuing handicap parking tags, tax collection, issuing hunting and fishing licenses, and issuing Madison County

landfill punch cards, as well as preparation of building permit records for digitalization, organizing, indexing and database entry, all under the direct supervision of the Town Clerk; and

WHEREAS, the Town of Cazenovia may employ an individual to perform such duties and services at a rate set by the Town Board and subject to Town Board approval; and

WHEREAS, the Town of Cazenovia now desires to employ Erin King as a part-time employee to perform the aforesaid duties of “Clerk, Part-Time”, as more particularly discussed herein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby appoint Erin King as a Clerk, Part-Time pursuant to the following terms:

1. Erin King shall perform the following duties under the direct supervision of the Town Clerk, to wit:
 - assisting residents in-person and on the telephone with general questions, issuing dog licenses, issuing handicap parking tags, tax collection, issuing hunting and fishing licenses, and issuing Madison County landfill punch cards;
 - prepare building permit records for digitalization, organizing, indexing and database entry;
2. The part-time position hereby appointed shall be at an hourly rate of Eighteen and 00/100 Dollars (\$18.00) per hour, the services performed by Erin King shall not exceed a maximum of twenty (20) hours per week (with the exception of certain time periods to be established by the Town Clerk), such position shall be non-competitive under New York State Civil Service Law and this appointment shall be effective April 11, 2023; and be it further

RESOLVED that the position so appointed and the work to be performed by Erin King shall not, in any way, alter her status as a part-time employee of the Town of Cazenovia.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 50 adopted.

Resolution No. 51 presented by Councilor Race, seconded by Councilor Johnson to approve the following Highway Department employee appointments and hourly rates:

Kelly Dougherty	\$ 21.97/hour
Jason Cordell	\$ 25.02/hour

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

Supervisor Zupan declared Resolution No. 51 adopted.

Resolution No. 52 presented by Councilor Reger, seconded by Councilor Johnson to make the following Board appointment:

<u>Board</u>	<u>Term Length</u>	<u>Term Expiration</u>
Roger Cook	PB Alternate Member	Remainder of 2023

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

Supervisor Zupan declared Resolution No. 52 adopted.

Resolution No. 53 presented by Councilor Johnson, seconded by Councilor Golub

CAZENOVIA ROWING CLUB USE OF A PORTION OF GYPSY BAY PARK

To approve the following specific uses and no others from the Cazenovia Rowing Club for the use of a portion of Gypsy Bay Park for the 2023 rowing season with the following conditions:

1. Approval for 2023 must be obtained by CRC from NYS Office of Parks, Recreation and Historic Preservation and a copy of the approved permit submitted to the Town Clerk’s Office a minimum of 10 days prior to any use of Gypsy Bay Park in 2023.
2. The half-day annual “Learn to Row” event is permissible (*1st Saturday in June*).
3. Any special CRC event must have the approval of the Cazenovia Town Board.
4. Any special event that will necessitate parking along US Route 20 will require CRC to hire a special agency to direct traffic and to complete Form Perm 33C with submission to New York State Dept. of Transportation.

5. A one-million-dollar liability insurance certificate naming the Town as also insured must be received by the Town Office covering the 2023 season. The insurance certificate must be continuously maintained throughout the 2023 CRC season.

6. No more than the current approved 64 ft. floating dock is allowed. Highly visible markings must be placed and maintained at the corners of the dock.

7. A 16’x10’x10’11” storage and oar shed located in the approved location, per Resolution #76-2022.

8. The CRC is allowed the use of one club-provided picnic table which is located near the oar house.

9. Approval for usage of the park is for CRC members only, includes only residents of the Cazenovia School District, and on a seasonal basis. Permission for usage by others must be granted by the Cazenovia Town Board. Refrain from using the rowing club's website to promote access to Cazenovia Lake as a membership benefit.

10. This approval authorizes the use of one vehicle to install the docks in the spring and the use of one vehicle to remove the docks in the fall. Throughout the season, rowing equipment shall be carried into and out of the park from the fence line near Route 20. The un-authorized use of motorized vehicles within the boundaries of Gypsy Bay Park may jeopardize the future use of the park by CRC. Parking at the racks is not permitted.

11. No duplication of CRC's single key to the Gypsy Bay Park gate is authorized. There is no authorization for use of the key by other than responsible CRC members.

12. CRC must limit user membership of Gypsy Bay to not more than a total of 150 members.

13. The CRC must protect the Town of Cazenovia, by naming the Town of Cazenovia on the US Rowing Waiver as an entity that is exempt from liability for the Cazenovia Rowing Club members.

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 53 adopted.

Resolution No. 54 presented by Councilor Race, seconded by Councilor Johnson

**CAZENOVIA BASEBALL & SOFTBALL ASSOCIATION
USE OF NEW WOODSTOCK BALL FIELD**

To approve the use of the New Woodstock Ball Field by the Cazenovia Baseball & Softball Association for the 2023 season.

This approval is contingent upon the submission of a one million dollar liability insurance certificate to the Town Clerk prior to any use of the field. The certificate must name the Town of Cazenovia as the certificate holder and note the activities and state the time period of coverage. The liability insurance must be continuously maintained throughout the 2023 season.

It is understood that the use of this ball field will be for practices only – not games.

The New Woodstock Women’s Softball League uses this field, as well. The Cazenovia Baseball & Softball Association will receive a copy of the Women’s schedule and should use the field at times that do not conflict with their league.

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

Supervisor Zupan declared Resolution No. 54 adopted.

Resolution No. 55 presented by Councilor Reger, seconded by Councilor Race

**NEW WOODSTOCK REGIONAL HISTORICAL SOCIETY REQUEST
FOR THE USE OF HERITAGE PARK IN NEW WOODSTOCK**

The Town of Cazenovia Town Board approves the New Woodstock Regional Historical Society request for the use of Heritage Park including the Gazebo as outlined in the March 21, 2023 letter from the President of the New Woodstock Regional Historical Society to the Town Board. The park will be used for a total of five concerts in June, July and August, as well as the Christmas tree lighting on December 9th or 10th. If food is served, it is understood the New Woodstock Regional Historical Society will secure all necessary permitting that may be required from the Madison County Department of Health.

This approval is contingent upon receipt of an endorsed certificate of liability insurance naming the Town of Cazenovia as an additional insured from the New Woodstock Regional Historical Society in the amount of one million dollars in coverage that must be maintained throughout the event. The certificate of liability insurance shall be filed with the Town Clerk no later than one week prior to the first event scheduled for June 16, 2023.

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

Supervisor Zupan declared Resolution No. 55 adopted.

Resolution No. 56 presented by Councilor Johnson, seconded by Councilor Reger

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE LETTER OF SUPPORT FOR A FEASIBILITY STUDY FOR THE ARTS TO THE CENTRAL NEW YORK COMMUNITY FOUNDATION

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Support to the Central New York Community Foundation for the grant application submitted by the Cazenovia Area Community Development Association (CACDA).

April 5, 2023

Danielle Johnson
Central New York Community Foundation
431 East Fayette Street, Suite 100
Syracuse, NY 13202

Dear Ms. Johnson,

I would like to express my support for the grant application submitted by the Cazenovia Area Community Development Association (CACDA). This grant would fund a feasibility study for the creation and preservation of affordable and sustainable spaces for artists and arts and cultural organizations.

In December of 2022, Cazenovia College announced their permanent closure following the Spring 2023 semester. The college has been an anchor institution located in the heart of the village for 199 years. The arts and cultural contributions of the college were extensive and the economic impact is significant. A 2019 study assessed the annual economic impact of the college at \$50 million.

Several college buildings, including the Jephson Campus, Reisman Hall, and the Catherine Cummings Theatre, are special use buildings for the arts and contain infrastructure to serve various artistic pursuits. In order to identify viable future uses for these valuable arts resources and fill the arts and cultural gaps that will be left by the college closure, a robust feasibility study is needed.

Following discussion and collaboration with area stakeholders, arts organizations, and community members, CACDA seeks to develop a feasibility study with Artspace, a nonprofit arts organization specializing in creating, owning, and operating affordable spaces for artists and creative businesses. Artspace projects include live/work apartments for artists and their families, working artist studios, arts centers, commercial space for arts-friendly businesses, and other projects.

Local arts organizations have made strides in recent years to enhance the visibility of Cazenovia as a destination for the arts. The goal of this effort is to fill significant gaps left by the college closure in order to maintain the arts and cultural offerings provided for this rural region.

The Town of Cazenovia has committed \$5,000 in matching funds for this project. I fully support this application for funding and ask that you give it serious consideration.

Sincerely,

William N. Zupan,
Town Supervisor

cc: Town of Cazenovia Town Board (via e-mail)

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

Supervisor Zupan declared Resolution No. 56 adopted.

Resolution No. 57 presented by Councilor Race, seconded by Councilor Golub

**HIGHWAY SUPERINTENDENT ATTENDANCE
AT THE 2023 HIGHWAY SCHOOL**

To approve Bryan Smith, Highway Superintendent’s attendance at the 2023 Highway School in Ithaca, New York on June 5-7, 2023 with registration fees & lodging paid.

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

Supervisor Zupan declared Resolution No. 57 adopted.

**Resolution No. 58 presented by Councilor Race, seconded by Councilor Golub
AUTHORIZE A CREDIT TO A USER’S ACCOUNT OF THE
WATER POLLUTION CONTROL FACILITY**

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

- **Miller, Matthew**
Service ID: 8370 (4453 Route 13 North) **\$ 535.64 Credit**

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 58 adopted.

**Resolution No. 59 presented by Councilor Race, seconded by Councilor Reger
AUTHORIZE CREDITS TO USER’S ACCOUNTS OF THE
WATER POLLUTION CONTROL FACILITY**

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

- **Miller, Matthew**
Service ID: 8370 (4453 Route 13 North) **\$ 69.81 Credit**
- **Lorenzo State Historic Site**
Service ID: 7210 (*Lorenzo Stable*) **\$ 17.60 Credit**
- **Lorenzo State Historic Site**
Service ID: 7220 (*Lorenzo Museum*) **\$ 16.25 Credit**
- **Lorenzo State Historic Site**
Service ID: 7230 (*Route 13/School House*) **\$ 16.25 Credit**

Roll call:

Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 59 adopted.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the highway department has hired two of the three spots that are open. Summer hours have resumed for the season, at the highway department. He said clean-up has started and they have a pretty aggressive road maintenance program this year.*

Councilor Golub {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-Racism Coalition}: *Reported he has attended several U-CAN (United Climate Action Network) meetings. Earth Day is coming up and there will be activities and a lot of effort has gone in to make it a successful event. Earth Day is April 22nd, 12-4 there will be an EV Car Show at Cannon Park. Tree plantings and clean-up will be in the morning. Displays and workshops will be at the Presbyterian Church. Restaurants will be running specials. On a different note, on April 23rd at 7:00 p.m. there is a community outreach by the Lake Association hosted at Our Farm on Peth Road. The sea wall work at Lakeland Park has resumed. They are hoping to have a fully functional park by summer. Mayor Wheeler and Lauren Lines of CACDA met with New York State in hopes of obtaining a \$ 500,000 grant for the pier and swimming area. Boat launch permits have been mailed out and Bob Crichton of the CLA is testing the streams for zinc. He further mentioned he attended a webinar on Community Geothermal and is excited about this type of energy. The City of Troy and Oneonta are leaders in the State. He feels there are a lot of opportunities in Cazenovia for this type of energy. He said the sewage treatment plant can be used to capture the heat and cooling. It could be piped into downtown Cazenovia without digging up the roads and could be done through the sewer system. The turf field that is going in at the school, horizontal loops could be installed that could cool and heat the school buildings. The systems are durable and can last 100 years. The State offers money for these types of energy systems.*

Supervisor Zupan inquired about a committee on geothermal.

Councilor Golub agreed to form a committee.

Councilor Reger (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *Reported it was an active month for Zoning and Planning. He said a position is open for both boards and final interviews will be tomorrow night. He said, as earlier mentioned, they are working on some changes to the cell tower law and are working with some people in the industry to get their perspective. He said Liz Moran and Bob Ridler presented the EDR proposal for the Town Comprehensive Plan. The next meeting will be April 19th at 8:00 a.m. Lastly, he said CazCares has their Fresh Foods day tomorrow and they are working on their strategic plan which should be done in the next two to three months.*

Councilor Johnson {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: *Reported CACDA has used the feasibility study to leverage for State funding which can then be leveraged for federal dollars. There is hope in obtaining funding through the federal grant. On another note, the Joint Youth Recreation program is very desperate for lifeguards and the waterfront director has to have another layer of certification. She said lifeguards are desperately needed if anyone knows of any. She said lifeguards are paid \$ 17.00 or \$ 18.00/hour and the waterfront director gets around \$20.00 to \$ 25.00/hour. Budget-wise there have been discussions to make it a more attractive position. She said they have been brainstorming on some incentives to get lifeguards. She mentioned she was going to reach out to some neighboring towns.*

Gina Sadler of 12 South TenEyck raised her hand in response to Councilor Johnson’s request for lifeguards. She said she is from Long Island and at Long Beach there are beach lifeguards. The lifeguards that don’t make “beach” go to pools. She offered her assistance, such as talking to high school students. She said the distance between Long Island and Cazenovia is about 5 hours. However, if there was an incentive, maybe some students would come. She said she is a school social worker with the public schools and there is a large swim team because they have their own pool. One of the programs offered is lifeguard certification. She thought it would be a nice program to add to our high school curriculum.

Councilor Johnson said the electro-fishing boat saga continues with who will be the grantee in place of the College.

She said she is still trying to coordinate with Lauren Lines a tour of the Jephson Campus as a possibility for a future town hall.

Lastly, she reported she met with representatives from the ARC & National Abolitionist Hall of Fame. She said they each discussed their organization’s mission and she felt it was a fruitful conversation.

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:

Gina Sadler said she and her husband purchased 12 South Ten Eyck Avenue and she is a graduate of Cazenovia College. Her brother-in-law is a NYS Trooper and told them the Troopers signed a one-year lease with the College.

She was curious what the town had knowledge of and what the next steps might be and what the community needs to know. She briefly described her relatives training environment as a recruit. Even more, she wondered what the cadets will be doing when not in session. She said they will need places to stay and gave some possibilities.

Supervisor Zupan said she was the first one to say a lease had been signed. He said he hasn’t been told a thing. The Village is basically handling everything. The College is in the village with the exception of the equine center. He said there have been group meetings but not a lot of information has come out because nobody new anything until the bonds got sold. He said Mayor Wheeler wants to do it holistically. People have been hired to do studies and see what can be done with the buildings. At this point, the town has a “hands off” approach. He said he would like to look at the Jephson Campus across the street to see if it would make a good town hall.

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 Reger to approve payment of the bills. Supervisor Zupan recused himself from payment of the

Cunningham Trucking invoice. Otherwise, the motion was unanimously approved.

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

At 8:19 p.m., Supervisor Zupan declared this meeting adjourned.

Signed: *Connie J. Sunderman*

Connie J. Sunderman, Town Clerk