

**TOWN BOARD
REGULAR MEETING**

MONDAY

SEPTEMBER 13, 2021

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

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Supervisor Zupan announced the October Town Board meeting will be at the New Woodstock Firehouse (2632 Mill Street) and as with prior years due to budgetary reasons, it will be the first Monday of the month, October 4, 2021.

Motion by Councilor Andersen, seconded by Councilor Race to accept the minutes from the August 9, 2021 Regular Meeting and August 9, 2021 Special Meeting. The motion was unanimously approved.

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

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

Motion by Councilor Reger, seconded by Councilor Andersen to open the public hearing relative to the renewal of Burdin's Junkyard Permit.

Supervisor Zupan stated the Codes Enforcement Officer inspected the property and it was all in compliance.

Public comment: *There were no comments.*

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

Resolution No. 105 presented by Councilor Race, seconded by Councilor Golub

BURDIN'S JUNKYARD ANNUAL PERMIT RENEWAL

To approve the renewal for one year, from October 2021 thru September 2022, of Donald Burdin's Junkyard License, also known as Don's Auto Barn: (Resolution No. 85-1991)

1. The license is limited to storage and dismantling.
2. All waste (gasoline, diesel, gear oil, transmission fluid, motor oil, battery acid, brake fluid, radiator water, anti-freeze, and windshield solvent) are to be disposed of off-site in compliance with NYS Law.
3. Maximum of 200 cars.

- 4. Topography, natural growth and timber and other considerations already accomplish the purposes of fencing and screening, therefore the requirements for fencing and screening are reduced by this legislative body.
- 5. Aesthetic conditions – the governing board has taken into account the clean, wholesome and attractive environment which is of importance to the continued general welfare of its citizens.
- 6. The license fee is due prior to license issuance.

Roll call:

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

Supervisor Zupan declared Resolution No. 105 adopted.

Supervisor Zupan said the solar company has asked for relief and according to Local Law (#1-2021) it requires them to appear before the Town Board to seek relief and they are allowed to have a public hearing.

John Langey, Esq. expanded on the Supervisor’s comments. He stated earlier in the year the Town adopted a moratorium on new solar projects. However, prior to that time, the Planning and Zoning Boards approved a project out on the Lucas property. The applicants and their attorney are here tonight and can briefly address the Town Board. He explained, for tonight’s purposes, the public hearing would be scheduled. The applicant would come back next month and further explain their position. Additionally, the public can give comments about relief from the moratorium, itself. He said the local law, when created, did give exceptions for certain projects to allow them to gain relief from the moratorium. He said there are standards and criteria which will be addressed at next month’s public hearing.

Supervisor Zupan invited the solar company to brief the Board on their request.

Mike Frateschi of TJA Clean Energy and Andy Leja of Barclay Damon were present to explain the changes to the project.

***M. Frateschi** said they are seeking relief because when they were granted their original special use permit, they proposed a system of single access trackers that were one panel wide. He explained single access trackers are oriented north to south and sit in the center of the rack and tilt. They are at a 60° tilt during the earliest part of the morning or latest part of the evening when the sun is at the lowest elevation. The total height at that time was 8’ which the approval was based on. He further explained they are seeking relief because there is a shortage of materials on this tracker. The tracker is used widely on these types of projects–construction shortages and COVID have created a “bottleneck” which has caused lead times to be “through the roof.” He said they have found a solution to this single access tracker system with the same concept. However, a panel will sit on either side of the tracking system and tilt 60°. The total height is 14’6” which is still below*

the maximum height of the Town’s solar law, but different than the height approved in their special use permit. He said the lead time is drastically less which is what they are pushing for to move this project forward. He said it is time-sensitive with some of the incentives that are locked in.

John Langey, Esq. said if relief is granted, the project has to go back to the Planning Board and Zoning Board of Appeals for a detailed review. He said the process does not end with the Town letting someone out from under the moratorium.

***M. Frateschi** responded to a question and said they have factored in screening for the additional height. He said in the packet they provided to the Town, the site plan outlines the old system. They were able to shrink it down where there was concern about the viewshed, it is shaped like a bowl. The system was on a higher part of the bowl and they brought it down lower and provided additional screening. He said on the photo simulation it is a better viewshed than before.*

Resolution No. 106 presented by Councilor Race, seconded by Councilor Golub

**IN THE MATTER OF SCHEDULING A PUBLIC HEARING FOR
CONSIDERATION OF RELIEF FROM LOCAL LAW NO. 1 OF 2021
(A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM
ON ALL COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE TOWN OF CAZENOVIA)**

WHEREAS, the Town Board of the Town of Cazenovia had enacted Local Law No. 1 of 2021 (“A Local Law Imposing a Twelve (12) Month Moratorium on All Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Cazenovia”), which Local Law imposed a twelve (12) month moratorium on all applications for the construction and location of new commercial solar energy facilities within the Town; and

WHEREAS, previously, the Town of Cazenovia Zoning Board of Appeals and the Town of Cazenovia Planning Board approved applications for a Special Use Permit and Site Plan approval, respectively, for the construction and operation of a commercial solar facility on premises located 2405 Barrett Road, New Woodstock (Town of Cazenovia), New York (Tax Map No. 147. -1-28); and

WHEREAS, the applicant, TJA-NY Barrett Rd New Woodstock, LLC has now advised the Town of Cazenovia of the need to amend and modify its prior approvals due to a lack of availability of materials necessary to the construct the project as approved; and

WHEREAS, pursuant to Section 6(A) of Local Law No. 1 of 2021, the Town Board may at its option consider relief from the strict application of the moratorium; and

WHEREAS, the standard applicable to such relief are those of a use variance pursuant to Town Law.

NOW, THEREFORE BE IT RESOLVED that the Town of Cazenovia Town Board hereby determines to schedule a Public Hearing to consider the requested relief of TJA Clean Energy LLC and TJA-NY Barrett Rd New Woodstock, LLC for relief from the strict application of Local Law No. 1 of 2021; and be it further

RESOLVED that the Public Hearing shall be held on October 4, 2021 at 7:30 P.M. at the New Woodstock Volunteer Fire Department Firehouse located at 2632 Mill Street, New Woodstock, New York and the Town Board shall further hear all individuals desiring to speak on said requested relief; and be it further

RESOLVED that such application is hereby deemed to be a Type II Action pursuant to State Environmental Quality Review Act (“SEQRA”), thus concluding the environmental review.

Roll call:

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

Supervisor Zupan declared Resolution No. 106 adopted.

Supervisor Zupan said this is done each year because the State holds municipalities to no more than a 2% increase in revenue. This local law allows municipalities to override the limit.

Resolution No. 107 presented by Councilor Race, seconded by Councilor Andersen

TOWN OF CAZENOVIA LOCAL LAW B OF 2021
 (“A Local Law Overriding the Tax Levy Limit Established
 in General Municipal Law §3-C in the Town of Cazenovia”)

To introduce proposed Local Law No. B-2021, relating to the ability of the Town of Cazenovia to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for the fiscal year 2022 in excess of the “tax levy limit,” and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Cazenovia, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE,

RESOLVED AND DETERMINED the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. B-2021 at the New Woodstock Volunteer Fire Department Firehouse located at 2632 Mill Street, New Woodstock, New York in the Town of Cazenovia on October 4, 2021 at 7:30 p.m., or as soon thereafter as the matter can be heard at which time all persons interested in the subject shall be heard.

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

Supervisor Zupan declared Resolution No. 107 adopted.

Resolution No. 108 presented by Councilor Reger, seconded by Councilor Race
MODIFICATION TO OCTOBER
TOWN BOARD MEETING DATE & LOCATION

To change the October Town Board meeting to the following date due to NYS Law as it relates to meeting for budget and adoption processes:

Monday, October 4, 2021
New Woodstock Volunteer Fire Department Firehouse, 2632 Mill Street, New Woodstock

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

Supervisor Zupan declared Resolution No. 108 adopted.

Resolution No. 109 presented by Councilor Race, seconded by Councilor Reger
BUDGET WORK SESSION

To approve the scheduling of a budget work session on Monday, **October 18, 2021 at 7:00 p.m.** At said work session, the Town Board may further discuss any business which may come before the Board in the form of a special meeting.

Roll call:

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

Supervisor Zupan declared Resolution No. 109 adopted.

Resolution No. 110 presented by Councilor Race, seconded by Councilor Golub

TOWN OF CAZENOVIA LOCAL LAW NO. C OF 2021
 (“A Local Law Pursuant to Cannabis Law §131 Opting Out of
 Licensing and Establishing Retail Cannabis Dispensaries and
 On-Site Consumption Establishments Within the Town of Cazenovia)

To introduce proposed Local Law No. C-2021 , titled “A Local Law Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Consumption Establishments Within the Town of Cazenovia”:

WHEREAS, proposed Local Law No. C-2021 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Cazenovia, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (“SEQR”) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria; and

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

NOW, THEREFORE,

BE IT RESOLVED AND DETERMINED, that the enactment of this proposed local law is an unlisted action under SEQR, that there are no other involved agencies and the Town

Board shall act as lead agency; and it is further

RESOLVED AND DETERMINED, that the Town Board has determined that this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2021 at the New Woodstock Volunteer Fire Department Firehouse located at 2632 Mill Street, New Woodstock, New York on October 4, 2021 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED, that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Cazenovia and to any affected municipalities described above.

Roll call:

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

Supervisor Zupan declared Resolution No. 110 adopted.

Resolution No. 111 presented by Councilor Race, seconded by Councilor Reger

**RESOLUTION OF THE TOWN BOARD APPROVING AGREEMENT
WITH MADISON COUNTY FOR SNOW AND ICE CONTROL ON
THE COUNTY ROAD SYSTEM**

WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 21 on August 10, 2021 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose from **October 1, 2021 through April 30, 2022** at rates specified in the Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of Cazenovia, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

**AGREEMENT BETWEEN THE COUNTY OF MADISON AND
THE TOWN OF CAZENOVIA**

THIS AGREEMENT made the **1st** day of **October, 2021** by and between the County of Madison, hereinafter call the “County” acting through F. JOSEPH WISINSKI, County Superintendent of Highways and the Town of **Cazenovia** hereinafter call the “Town”.

WITNESSETH: that for the consideration and upon the terms and conditions hereinafter provided the Town agrees to furnish its machinery, labor, and material therefore and to keep, within good reason, the paved portion of the highways herein described free from snow and treated with abrasives in accordance with the rules and regulations as set forth by the County Superintendent of Highways and which are part of this Agreement for the year **October 1, 2021 through April 30, 2022.**

IT IS FURTHER AGREED that the Town will forward to the County a “Certificate of Insurance”, covering all Town vehicles used under this Agreement, with at least \$1,000,000 of Fleet and Public Liability Protection for each occurrence.

IT IS FURTHER AGREED that the County will pay the Town the sum of Twenty dollars and forty cents (\$20.40) per lane mile upon which snow and ice control services are performed, Twelve dollars and twenty-three cents (\$12.23) per lane mile upon which regular salt brine is applied, Thirteen dollars and seventy-three cents (\$13.73) per lane mile upon which salt brine with 5% magnesium chloride is applied and a loader rate of One hundred twenty dollars and no cents (\$120.00) per hour for snow bank removal under certain circumstances with prior approval from County Highway Superintendent. The Town shall bill the County for services hereunder on a monthly basis by submitting a listing of the respective dates, times, roads, and miles on which services were performed pursuant to this agreement and such other information as the County Highway Superintendent determines necessary. Payment shall be made in accordance with Madison County’s terms and submission by the Town of properly completed requests for payment.

IT IS FURTHER AGREED that the Town Board by Resolution accepts the proposal of the County for Snow and Ice Control on the County Road System as noted hereunder for the sum of money per lane mile as set forth below.

<u>County Road</u>	<u>Lane Miles (both ways)</u>	<u>Road Length (one way)</u>
BALLINA ROAD	.98	.49
CONSTINE BRIDGE ROAD	1.78	.89
DAMON ROAD	4.70	2.35
DELPHI ROAD	5.00	2.50
EAST LAKE ROAD	8.70	4.35
EAST ROAD-JUDDVILLE TO NW	3.80	1.90
EAST ROAD-JUDDVILLE TO VILLAGE	6.98	3.49
FABIUS ROAD	3.96	1.98
JUDDVILLE ROAD	3.20	1.60
NORTH LAKE ROAD	1.68	.84
NUMBER NINE ROAD	3.28	1.64
WEST LAKE ROAD	4.80	2.40

Total Reimbursement Mileage will be the sum of each individual road length multiplied by the number of trips each way.

IT IS FURTHER AGREED no changes may be made to the plowing/sanding routes listed on the current Agreement, unless mutually agreeable by both parties, any cancellation or change of service must be done, in writing, at the termination of this Agreement

IT IS FURTHER AGREED that the Town will keep the entire width of the pavement free from snow and sanded within reason; shall provide its equipment and personnel to maintain this condition at all times. Keeping the pavements clear of snow will necessarily require keeping the shoulders clear to retard that formation of drifts and afford space for the safe plowing from the pavement in a succeeding storm.

IT IS FURTHER AGREED that all materials used by Towns must pass a 3/8” sieve.

IT IS FURTHER AGREED that to receive payment for any road, the Town must keep the same open for traffic for its entire length and will not receive any payment if only portions are kept open, except by previous agreement with the County.

IT IS FURTHER AGREED that the Town will make every effort to eliminate slippery conditions on the pavements, and that steep hills, sharp curves, intersection, and straight sections will be sanded or otherwise treated to restore said traction for reasonable and careful use.

IT IS FURTHER AGREED that the Town Superintendent shall submit a Daily Report of Operations (original) to the County Highway Department, on a form furnished to the Town by the County Highway Superintendent.

IT IS FURTHER AGREED that the County Highway Department shall be the sole judge as to the method used in performance of this Agreement and the County reserves the right to withhold payment under this Agreement and to correct any conditions in any way which does not meet requirements and deduct the cost of this work from the amount of this Agreement.

IT IS FURTHER AGREED that if the Town is unable to obtain liability insurance coverage relative to the services to be rendered under this Agreement and so notifies the County, the County will either:

a. Add the Town as an additional insured to its liability insurance policy covering the plowing and sanding of County roads;

or

b. Indemnify the Town for any loss arising out of a claim for personal injury to third persons and property damage sustained by third persons because of the alleged negligence of the Town in the performance of the plowing and sanding services pursuant to this Agreement, exclusive of any liability covered in the New York Standard Automobile Liability Policy, including No Fault Insurance provisions; as the County may elect.

Town of Cazenovia

BY: _____
Supervisor

BY: _____
Town Superintendent of Highways

County of Madison

BY: _____
Madison County Highway Superintendent

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

Supervisor Zupan declared Resolution No. 111 adopted.

Resolution No. 112 presented by Councilor Reger, seconded by Councilor Andersen

AUTHORIZE A SPEED STUDY REQUEST FOR A SECTION OF EAST ROAD (COUNTY ROUTE 65)

To authorize the Town Clerk to file the required New York State Vehicle and Traffic Form (TE 9a) with Madison County to request a lower maximum speed limit for a section of East Road from the “Y” at approximately 4048 Chenango Street heading south to 3857 East Road (approximate location of the entrance to the Wellington subdivision) in the Town of Cazenovia:

Currently 45 M.P.H. to 30 M.P.H.

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

Supervisor Zupan declared Resolution No. 112 adopted.

Supervisor Zupan asked for the Town Councilor's input on how to proceed on the next resolutions for propane given the fact the fixed price in the proposal can't be honored for any less than the 36 months as discussed at the work session.

Dean Slocum, Highway Superintendent, said with the current provider, we would be paying \$ 1.79/gallon versus the \$ 1.60 being proposed. He thinks the \$ 1.60 will be an excellent price for this year, but it is a gamble for the next two years. He confirmed it would be locked in at \$ 1.60. He said propane can be \$ 5.00/gallon or .99 cents a gallon. Right now, it is trending upwards.

The Board thought Resolution 113A was the better option.

Resolution No. 113A presented by Councilor Golub, seconded by Councilor Andersen

**AWARDING BID TO
MIRABITO ENERGY PRODUCTS
Successful Bidder**

(Proposals for Supply of Propane to the Town of Cazenovia)

WHEREAS, the Town of Cazenovia previously made a Request for Proposals for the supply of propane for the following locations: (1) New York State Police - New Woodstock Substation, 2116 Main Street, New Woodstock, New York; (2) Town of Cazenovia Highway Garage, 3425 Constine Bridge Road, Cazenovia, New York; and (3) Town of Cazenovia Water Pollution Control Facility, 4500 Route 13 North, Cazenovia, New York; and

WHEREAS, the Town previously directed the preparation of specifications for the request for proposals; and

WHEREAS, the Town caused to be made solicitations for said Request for Proposals; and

WHEREAS, one (1) timely proposal was duly received by the Town of Cazenovia in response to the Request for Proposals as previously authorized; and

WHEREAS, said bid was received and opened on September 1, 2021 at 3:30 p.m. at the Cazenovia Town Hall, 7 Albany Street, Cazenovia, New York; and

WHEREAS, the Town has conducted due diligence and a review of the specifications of the timely bid package; and

WHEREAS, the bid response has been reviewed carefully by the Town Board; and

WHEREAS, the Town of Cazenovia has determined that the proposed action considered herein is a Type II action and will have no significant adverse effect on the environment, pursuant to 6 N.Y.C.R.R. Part 617.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby awards the successful bid for the supply of propane as above-described and as more specifically set forth in the bid specification documents to **Mirabito Energy Products** of The Metrocenter, 49 Court Street, P.O. Box 5306, Binghamton, New York 13902, as the lowest responsive, responsible bidder, for a total bid as set forth in the proposal dated September 1, 2021, subject to other required matters set forth in the bid solicitation documents; and it is further

RESOLVED that the Town of Cazenovia Supervisor is authorized to execute the necessary documentation to effectuate the resolution as above-described, subject to final review by the Town's legal counsel.

Roll call:

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

Supervisor Zupan declared Resolution No. 113A adopted.

Resolution No. 113B presented by Councilor _____, seconded by Councilor _____

**~~AUTHORIZING THE REJECTION OF ALL PROPOSALS RECEIVED
AND TO RESOLICIT REQUESTS FOR PROPOSALS FOR
SUPPLY OF PROPANE TO THE TOWN OF CAZENOVIA~~**

~~WHEREAS, the Town of Cazenovia previously made a Request for Proposals for the supply of propane for the following locations: (1) New York State Police – New Woodstock Substation, 2116 Main Street, New Woodstock, New York; (2) Town of Cazenovia Highway Garage, 3425 Constine Bridge Road, Cazenovia, New York; and (3) Town of Cazenovia Water Pollution Control Facility, 4500 Route 13 North, Cazenovia, New York; and~~

~~WHEREAS, the Town previously directed the preparation of specifications for the request for proposals; and~~

~~WHEREAS, the Town previously caused to be made solicitations for said Request for Proposals; and~~

~~WHEREAS, one (1) proposal was duly received by the Town of Cazenovia in response to the Request for Proposals as previously authorized; and~~

~~WHEREAS, the terms of said Request for Proposals specifically provided that the Town of Cazenovia reserves the right to reject any or all proposals and the Town of Cazenovia has complete discretion regarding all proposals to solicit new proposals; and~~

~~WHEREAS, the Town of Cazenovia has determined that it is in the best interest of the Town of Cazenovia and its taxpayers to reject all proposals and to resolicit for new proposals for the supply of propane to the Town of Cazenovia.~~

~~NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby rejects all proposals submitted to the Town in response to the Requests for Proposals for the supply of the propane to the Town of Cazenovia; and it is further~~

~~RESOLVED that the Town of Cazenovia hereby directs that a new solicitation be prepared for proposals for the supply of propane to the Town of Cazenovia, consistent with this resolution.~~

Resolution No. 114 presented by Councilor Race, seconded by Councilor Reger

**AWARDING BID TO
FONSECA & GRIFFIN PLUMBING & MECHANICAL
Successful Bidder**

(Installation of Residential Water Meters in the New Woodstock Water District)

WHEREAS, the Town of Cazenovia previously authorized the solicitation of bids relative to the installation of Residential Water Meters for the New Woodstock Water District in the Town of Cazenovia, which would include the installation of ¾” Neptune R900 water meters (supplied by the Town) in approximately 135 homes/dwelling units located in the New Woodstock Water District in the Hamlet of New Woodstock, which installation would include determining a feasible location on the incoming water service line, cutting the interior service pipe and installing all necessary fittings/adapters/reducers/spacers to then allow insertion of the new water meter with watertight connections, including any mounting or support devices needed to secure the meter. If there is not an interior shutoff valve upstream of the new meter, the Contractor will install a ¾” valve, all in compliance with the technical specifications prepared in association with the procurement; and

WHEREAS, the Town previously directed the preparation of specifications for the solicitation of bids; and

WHEREAS, the Town caused to be made an Advertisement for Bids for said service; and

WHEREAS, one (1) proposal was duly received by the Town of Cazenovia in response to the Advertisement for Bids as previously authorized; and

WHEREAS, said bid was received and opened on September 8, 2021 at 3:30 p.m. at the Cazenovia Town Hall, 7 Albany Street, Cazenovia, New York; and

WHEREAS, the Town has conducted due diligence and a review of the specifications of the timely bid package; and

WHEREAS, the bid response has been reviewed carefully by the Town Board; and

WHEREAS, the Town of Cazenovia has determined that the proposed action considered herein is a Type II action and will have no significant adverse effect on the environment, pursuant to 6 N.Y.C.R.R. Part 617.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby awards the successful bid relative to the installation of ¾” Neptune R900 water meters (supplied by the Town) in approximately 135 homes/dwelling units located in the New Woodstock Water District in the Hamlet of New Woodstock, which installation would include determining a feasible location on the incoming water service line, cutting the interior service pipe and installing all necessary fittings/adapters/reducers/spacers to then allow insertion of the new water meter with watertight connections, including any mounting or support devices needed to secure the meter. If there is not an interior shutoff valve upstream of the new meter, the Contractor will install a ¾” valve, all in compliance with the technical specifications prepared in association with the procurement, to **Fonseca & Griffin Plumbing** of 7393 Taft Park Drive, East Syracuse, New York 13057, as the lowest responsive, responsible bidder, for a total bid as set forth in the proposal dated September 8, 2021 (Seventy-Four Thousand Two Hundred Fifty and 00/100 Dollars (\$74,250.00)), subject to other required matters set forth in the bid solicitation documents; and it is further

RESOLVED that the Town of Cazenovia Supervisor is authorized to execute the necessary documentation to effectuate the resolution as above-described.

Roll call:

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

Supervisor Zupan declared Resolution No. 114 adopted.

Resolution No. 115 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZING THE SUPERVISOR TO EXECUTE PURCHASE CONTRACT DOCUMENTS FOR THE PURCHASE AND DELIVERY OF TWO (2) 2022 CHEVROLET SILVERADO 2500HD 4WD DOUBLE CAB VEHICLES W/FISHER 8’6” STAINLESS STEEL V-PLOWS FOR USE BY THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT

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

WHEREAS, the Town of Cazenovia Highway Department Superintendent has previously advised of the Department’s desire to acquire two 2022 Model Year Chevrolet Silverado 2500HD 4WD Double Cab Vehicles with specified equipment package, including LT equipment group, cruise control, cloth seat fabric and blue paint and Fisher 8’6” stainless steel V-plows; and

WHEREAS, the Town Board has placed a request through the Office of General Services Vehicle Marketplace (Mini Bid #7767) and received an offer and proposal on same; and

WHEREAS, purchase through the Office of General Services Vehicle Marketplace is compliant with the provisions of General Municipal Law §104; and

WHEREAS, the Town of Cazenovia Highway Department has utilized said services to obtain a bid, which bid upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

WHEREAS, the bid price for such equipment from the Office of General Services Vehicle Marketplace has been determined to be Forty-Three Thousand Two Hundred Two and 04/100 Dollars (\$43,202.04) per vehicle, without application of any applicable trade-ins or other allowances (Mini Bid #7767); and

WHEREAS, such procurement 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 any necessary documents to purchase two (2) 2022 Model Year Chevrolet Silverado 2500HD 4WD Double Cab Vehicles with specified equipment package, including LT equipment group, cruise control, cloth seat fabric and blue paint and Fisher 8’6” Stainless Steel V-Plows, in an amount not to exceed Forty-Three Thousand Two Hundred Two and 04/100 Dollars (\$43,202.04) per vehicle through the Office of General Services Vehicle Marketplace from Websmart (Bob Johnson Chevy West), 5049 Ridge Road West,

Spencerport, New York 14559 (NYS Contract # PC68967, Mini Bid #7767), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway Department Fund.

Roll call:

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

Supervisor Zupan declared Resolution No. 115 adopted.

Resolution No. 116 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZING THE SUPERVISOR TO EXECUTE PURCHASE CONTRACT DOCUMENTS FOR THE PURCHASE AND DELIVERY OF A 2022 CHEVROLET SILVERADO 2500HD 4WD DOUBLE CAB VEHICLE FOR USE BY THE TOWN OF CAZENOVIA HIGHWAY DEPARTMENT

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

WHEREAS, the Town of Cazenovia Highway Department Superintendent has previously advised of the Department’s desire to acquire a 2022 Model Year Chevrolet Silverado 2500HD 4WD Double Cab Vehicle with specified equipment package, including LT equipment group, cruise control, cloth seat fabric and blue paint; and

WHEREAS, the Town Board has placed a request through the Office of General Services Vehicle Marketplace (Mini Bid #7769) and received an offer and proposal on same; and

WHEREAS, purchase through the Office of General Services Vehicle Marketplace is compliant with the provisions of General Municipal Law §104; and

WHEREAS, the Town of Cazenovia Highway Department has utilized said services to obtain a bid, which bid upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

WHEREAS, the bid price for such equipment from the Office of General Services Vehicle Marketplace has been determined to be Thirty-Nine Thousand Nine Hundred Thirty-Nine and 00/100 Dollars (\$39,939.00), without application of any applicable trade-ins or other allowances (Mini Bid #7769); and

WHEREAS, such procurement 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 any necessary documents to purchase a 2022 Model Year Chevrolet Silverado 2500HD 4WD Double Cab Vehicle with specified equipment package, including LT equipment group, cruise control, cloth seat fabric and blue paint, in an amount not to exceed Thirty-Nine Thousand Nine Hundred Thirty-Nine and 00/100 Dollars (\$39,939.00) through the Office of General Services Vehicle Marketplace from Joe Basil Chevrolet, Inc. 5111 Transit Road, Depew, New York 14043 (NYS Contract # PC68942, Mini

Bid #7769), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway Department Fund.

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

Supervisor Zupan declared Resolution No. 116 adopted.

Resolution No. 117 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZE FIRSTLIGHT AS THE PHONE CARRIER FOR THE TOWN OF CAZENOVIA HIGHWAY GARAGE

WHEREAS, the Madison County IT Dept. has provided the Town of Cazenovia with IT support since 2017 and has offered to expand their support to include phone services through the County’s phone carrier, FirstLight; and

WHEREAS, the Town reviewed the costs of switching providers and found the savings to be significant without compromising service; and

WHEREAS, it is understood Madison County will invoice the Town of Cazenovia at a per phone line cost each month.

NOW, THEREFORE, BE IT RESOLVED, the Town of Cazenovia Town Board authorizes FirstLight to be the phone carrier at the Town of Cazenovia Highway Garage; and it is further

RESOLVED, that the Town of Cazenovia Town Supervisor is hereby authorized to execute any paperwork to effectuate this change, pending review by the Attorney for the Town.

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

Supervisor Zupan declared Resolution No. 117 adopted.

Resolution No. 118 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZE THE SUPERVISOR TO EXECUTE AN UPDATED LETTER OF SUPPORT FOR THE LANDING AT BURKE MEADOWS PROJECT

WHEREAS, The Town Board of the Town of Cazenovia authorized the Town Supervisor to execute the below-referenced Letter of Support to Housing Visions Consultants, Inc. and Community Action Program for Madison County demonstrating the Town of Cazenovia’s support to address the need for affordable rural housing options for seniors and families in Cazenovia and the surrounding Madison County communities at their November 2, 2020 meeting.

WHEREAS, the Community Action Program contacted the Town to provide an updated Letter of Support as they are re-applying for funding for Madison County

NOW, THEREFORE, BE IT RESOLVED, the Town Supervisor is authorized to execute the following Letter of Support.

September 13, 2021

Benjamin Lockwood, President & CEO
Housing Visions Consultants, Inc.
1201 E. Fayette St., Suite 26
Syracuse, New York 13210

Antara Mitra, Executive Director
Community Action Program for Madison County
3 Main Street Morrisville, NY 13408

Dear Mr. Lockwood, Ms. Mitra:

I am writing in strong support of The Landing at Burke Meadows project situated in Cazenovia, in Madison County, and for the projects Homeless Housing Assistance program capital funding application, NYS Homes and Community Renewal capital funding application and for the NYS Empire State Supportive Housing Initiative application.

The Landing at Burke Meadows is being created to address the unmet need of affordable rural housing options for both seniors and families in Cazenovia and the surrounding Madison County community. This historic little village is a thriving central hub in rural Madison County with a highly rated school district, multiple grocery stores, pharmacies, day cares and banks. The Landing at Burke Meadows project will provide to Cazenovia and those in the surrounding community with choice. Choice to reside in safe, quality, energy efficient affordable homes that are within their means. A place where seniors can choose age in place, where a family can live in the village and their children attend the highly rated schools and where those that may need supportive housing have the opportunity to thrive and grow.

The project will provide forty-nine units of safe, quality, energy efficient affordable homes. Rents for these units will range from truly affordable at 30%-60% of AMI to middle income at 60%-90% of AMI. Ten of the units are for permanent supportive housing in conjunction with Community Action Program for Madison County (CAP). The ESSHI grant will provide 10 units of permanent supportive housing to populations with severe mental illness, those fleeing domestic violence and homeless youth ages 18-25 years.

CAP is a nonprofit agency serving low income and vulnerable residents of Madison County since 1986 and in the housing arena since 1992. CAP is the designated Community Action agency for Madison County and has deep history and experience in serving the homeless and at risk of homeless populations in the county. They are the largest provider of housing programs for homelessness in Madison County providing both shelter and intensive case management to homeless families through permanent supportive housing, transitional housing, rapid rehousing, and homelessness prevention. CAP is the chair of the Madison County Committee of the Mohawk Valley CoC. They offer a large number of programs in other areas as well such as Early Head Start, WIC, Healthy Families, Kinship Coordination, mentoring, and child abuse prevention services.

Housing Visions Consultants (HVC) is a not-for-profit Developer, General Contractor, and Property Manager with a mission to be the catalyst for sustainable positive change in neighborhoods through real estate development and community collaboration. Based in Syracuse, NY, HVC works throughout Upstate New York and Pennsylvania, creating high quality housing and long-term community partnerships. HVC has successfully created over 1,600 units of housing, including buildings listed on the National Register of historic places and buildings that have earned LEED or Enterprise Green Communities certification. Their extensive and varied portfolio spans from low-income to market rate units, as well as units/projects serving special populations such as Veterans, seniors, physically disabled and survivors of domestic violence.

There is an urgent need for new supportive and affordable housing in Madison County. There are very few supportive housing units in Madison County as well as a shortage of high quality affordable housing units for families. We have confidence that CAP and HVC can provide the services needed to stabilize these families and lead to the long term health of our families and the community. This collaborative approach will help individuals and families regain stability by providing an opportunity for affordable housing and services. The Town of Cazenovia Town Board is in support of this project.

Sincerely,

William N. Zupan,
Town Supervisor

cc: Town of Cazenovia Town Board

To create budget for transfer into Highway Fund DA for cash purchase of 2021 Western Star with plowing equipment as per available fund balance proved out in calculation above (this transfer represents 17.62% of calculated amount available).

To: A 9901.0 Interfund Transfer \$183,000.00

To create budget for cash payment for salt shed building and labor (this transfer represents 20.67% of calculated amount available).

To: A 5190.2 Stockpile EQ \$214,615.00

Appropriate unanticipated revenue received from Cazenovia Lake Association for donation toward chemical treatment of Cazenovia Lake.

To: A 8740.4 Watershed Protection CE \$124,500.00

Transfer budget to accommodate additional labor required for building, watershed protection and cemetery services.

To: A 1620.1 Buildings PS \$800.00

To: A 8810.1 Cemeteries PS 210.00

From: A 1990.1 Contingency (1,010.00)

Highway Fund DA

Appropriate unanticipated revenue received from Sales of Equipment (\$101,000) and transfer from General Fund A (\$183,000) to accommodate cash purchase of Western Star truck with plowing equipment.

To: DA 5130.2 Machinery EQ \$284,000.00

Highway Fund DB

Appropriate unanticipated revenue to be received from NYS CHIPs to accommodate additional roads “chip sealed” (original budgeted revenue \$152,000, letter from NYS DOT quotes \$368,060.67 available to be claimed, difference is \$216,060.67) as well as two additional roads paved.

To: DB 5110.4.36 General Repairs CE Stone & Oil \$45,000.00

To: DB 5112.2 Road Improvements Capital Outlay 66,500.00

New Woodstock Water District SW1

To appropriate Fund Balance we must make a calculation that Fund Balance is available in New Woodstock Water SW1 by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SW1510 Estimated Revenues \$16,120.00

Plus SW1599 Appropriated Fund Balance 0,000.00

Actual Subtotal \$16,120.00

Present Year Actual:

SW13980 Actual Revenues to Date \$15,636.65

Plus Other Revenues Expected by year end 0.00

Plus SW1909 Fund Balance at beginning of year 163,358.43

Actual Subtotal \$178,995.08

Actual Subtotal less Budgeted Subtotal = Amount Available ***\$162,875.08***

Appropriate fund balance to accommodate New Woodstock Water District water meters.

To: SW1 8340.2 Transmission/Distribution EQ 32,100.00

From: SW1 599 Appropriated Fund Balance (32,100.00)

Roll call:

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

Supervisor Zupan declared Resolution No. 120 adopted.

The Town Board received correspondence from Roger Cook, Town of Cazenovia Codes Enforcement Officer, regarding an unsafe structure at 2539 Ballina Road, Cazenovia. Legal Counsel informed the Town Board of their options.

John Langey, Esq. stated there is a structure in the Town of Cazenovia the Codes Enforcement Officer has deemed unsafe. Roger will prepare a formalized report. Under Town Code, the Town Board has the right to receive the report, agree with it and either take the person to court to force them to take the building down or another option would be for legal counsel to send a letter on letterhead and suggest they ought to remove the structure. He said if a response is not received within a two-week period, he can commence the proceedings under the Local Law.

The Town Board all agreed, John Langey should send a letter to the owner.

Attorney's Report: *Reported he will follow-up with drafting a letter for the unsafe structure. He said the Solar Committee has been meeting on a regular basis and he has memos that have come from almost all the members of the Committee. Anne Ferguson has a list of items that should be addressed. He said he has created a document from their input and will give them a copy of the document at the next committee meeting. He said they are very close to the text being done to the changes they are proposing. Additionally, they are close with the GIS-based tool that will help the Committee frame up the best locations for solar projects within the Town. Additionally, they are working on modifying the guidelines of the siting of the projects and utilizing some standards from NYSEDA and Ag & Markets. He will provide a red-lined version at the next meeting. On another note, the Town Clerk has been assisting on the water consolidation project. Additionally, he has been working on the Lucas Project (Barrett Road Solar Farm). He will instruct the Board on the legal criteria that has to be considered that the folks will be asking for to be allowed out from the moratorium and it is use variance standard. He will go over that in greater detail at the next meeting.*

Supervisor's Report: *Reported he has been busy over the last month and was involved in all the resolutions that were presented at tonight's meeting. He has been working with an accounting firm to find ways to spend the American Recovery Money and to do an audit for the Town of Cazenovia books.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the highway crew has started construction of the new salt shed to save some cash on the project. After talking with the Highway Superintendent, the pick ups that will eventually be sold on Auctions International are hand-in-hand with what will be paid for the new trucks that were approved this evening. He said a little more paving will be done tomorrow.*

Dean Slocum, Highway Superintendent, said they took delivery of the new 2022 Western Star today.

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Reported she has been working on the solar law every few weeks. Additionally, on behalf of CACDA, she mentioned the grand re-opening of the restored Carpenter’s Barn. She said it is impressive the amount of organizations that worked on this project and that will benefit from it, Cazenovia Artisans, CPF, CACDA and many other art organizations. She encouraged all to stop by and see the building.*

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported they have been working on the details of the language for the solar law. He said the biggest crux is to figure out the right number of acres that are needed to have a commercial solar project, taking into consideration residences, industries and the school. The number is elusive and ranges from 24 acres to 1,000 acres. On another note, the Lake Association received the study from the tributaries. The report states the water from Chittenango Creek has more phosphorus and pollutants than normal and it contributes more than its share. This strengthens the argument something has to be done with the dams and now they have the data to prove it.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported the Youth Recreation program ended in July and the waterfront portion ended a little early due to the shortage of lifeguards. As in prior months, he gave credit to Kristin Brink for her outstanding job, especially her first year and the extra precautions the pandemic put on the program. The Cazenovia Triathlon was very successful and there was a great participant and spectator turnout. On another note, he has been working with the Cazenovia Rowing Club on some concerns and their rowing season will end sometime in October. For the Farmer’s Market, he will look into electric service for next year. October 23rd will be the last outdoors market. Caz Cares did a great job with the School Supplies Drive and they will also be doing a Sneaker Drive. In the past few weeks, they have noticed an uptick in their Food Drives. So far, they have been able to answer the call. He said the CazCOVID team will be having some discussions to be prepared in case their services are needed again.*

Supervisor Zupan mentioned if any Councilor has budgeting needs for their areas of oversight to let him know and he will try to put it in the budget.

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: Gerald Mehlbaum, 2103 Ballina Road complimented the Board for their accessibility and the ability for the public to be able to attend the Solar Committee meetings. He inquired about the documents from TJA Energy and their request for relief from the moratorium and wondered if they would be available to the public?

John Langey, Esq. said yes and the documents were filed in the Clerk's Office. He said the information should be FOILED. They have a written proposal on how to get out from under the moratorium and a copy of the moratorium. He confirmed it was all public record.

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

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

At 8:18 p.m., Supervisor Zupan declared this meeting adjourned.

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