

**TOWN BOARD
REGULAR MEETING**

MONDAY

PATRIOT DAY

September 11, 2023

Deputy Race opened the meeting at 7:30 p.m. with four Councilors present. Supervisor Zupan was excused.

Pledge of Allegiance.

Deputy Race asked for a moment of silence in remembrance of September 11th.

Correspondence: *There was no unshared correspondence.*

Deputy Race 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 2, 2023.

Motion by Councilor Reger, seconded by Councilor Golub to accept the minutes from the August 14, 2023 regular meeting. The motion was unanimously approved.

Deputy Race asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda and further explained there is a separate public hearing on the tax cap override law.

Public comment #1:

Deputy Race explained to a couple of commenters who tried to speak about the tax cap that there was a separate public hearing for that topic that will be discussed momentarily.

Motion by Councilor Johnson, seconded by Councilor Reger to open the public hearing relative to Local Law A – 2023, entitled "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Cazenovia."

Public comment:

Martin Eittel asked Deputy Race to describe the citations that were just named.

John Langey, Esq. stated it is from General Municipal Law, section 3-c.

Mr. Eittel asked about the law.

Deputy Race asked Mr. Eitel to come forward and state his name.

Martin Eitel of 2898 Tuscarora Road asked what is the state law in regards to the limit and the limit that is being imposed on the taxpayers?

Deputy Race explained no limit has been imposed yet. The budget cycle has not started. The law limits the amount a town can raise the levy, 2% or less. He said what is being done tonight has been being done for the past 11 years, ever since the law was passed. He mentioned this is the first time anyone has noticed it which is good because the more you know the more you understand. He explained, during the budget process, if the Town Board determines, they have to exceed the limit for fiscal reasons, they will have the ability to do it. If they do not pass this local law and there is a problem there is no going back. The Town would have to cut services, etc. He further explained the Town Board is passing the local law to give them the ability to override the limit which has only been done four times in the last ten years, never above 2%. He said the rate fluctuates annually.

Councilor Reger said the rate is 2%, but the inflationary factor is 7.17%.

The Town Clerk pointed out to Mr. Eitel that this local law does not impact him because he is a Town of Nelson resident.

Mr. Eitel *said he received his school tax bill.*

Deputy Race explained the Town of Cazenovia does not control the Cazenovia Central School District budget.

Mr. Eitel *said he was present about his school tax bill because it jumped 7%.*

Deputy Race informed the audience the Town of Cazenovia has the lowest tax rate in Madison County and they are proud of that fact. He said the tax rate for outside the Village is \$ 1.55/ \$ 1,000.00 of assessed value. The Town tax, as a whole, on a \$ 300,000 house is about \$ 450.00. He said a 2% raise in the rate on a \$ 300,000 property would be \$ 9.00 overall. He said the same rules apply to the School district, County and Village. These entities have far higher tax rates and far bigger tax bills attached to them. The Town of Cazenovia has no control over those budgets.

Nancy Sager *of 3207 Coulter Road said she was concerned that there was not a lot of publicity about this. She did not realize the tax rate was what it is for a \$ 300,000 piece of property. She said it is a Town & County tax. She understood the County was a greater proportion. She was concerned that there wasn't an article in the Cazenovia Republican as opposed to a small one-two line legal notice.*

Deputy Race explained this is a formality and the budget hasn't been started yet. Kate Hill of the Cazenovia Republican publishes articles when the budget hearings occur and when the budget is due, in addition to the public hearings. He further explained this is a formality and used the analogy of putting a key in the lock, before even starting to open the door.

Nancy Sager *inquired what would be some items that would boost the tax rate over and above.*

Councilor Reger turned to the audience and gave an overview. He said the municipal law and tax cap timing is a little confusing. He understood the confusion and how this topic could be conflated with other issues and how other things that have to be paid for in the Town result in an assumption for the need to override the tax cap. He said in 2012 the state created a law that all municipalities in New York State have to report when going into their budget cycle. He said the Town is entering their budget cycle right now. The department heads have been asked for their budgetary numbers for 2024. The budget has to formally be submitted to the state in November. He said as the numbers are being put together, the final number is yet to be determined.

However, the State gives two different factors that the Town has to abide by which is the inflationary factor. The rate for 2023 is 7.17% and 2% is the other part of that equation. The state allows the lesser of the two numbers, even though we are in an inflationary period currently. The 2% has to be used as part of the formula to come up with the overall tax levy. The tax levy is what the Town needs to cover all the expenditures and appropriations for the upcoming year. He said the numbers are being put together currently for 2024. He further explained in order to even consider going over the final number for the levy, the Town has to override the tax cap. In order to do that, a local law has to be passed. He showed the audience a document that listed all the times the tax cap has been overridden since the state required this. Since 2013, the Town has only had to go over the tax cap four times. He said the times the inflationary rate was used and was less than 2% that is the times the cap was exceeded. He said the Town is trying to provide all the services that the residents require such as maintaining and plowing the roads, senior programs, youth recreation, water pollution control facility, insurances, etc. Last year, the allowable rate for the inflation factor was 7.17% and it was 2%. He complimented all the department heads for trying to balance the budget. For the 2023 budget, the Town was \$ 20,515 less than the allowable limit and the tax cap local law was still passed to allow the flexibility. He said the law ended up getting repealed because the tax cap law was not needed. In closing, he said everyone takes this serious because these are taxpayer dollars, yet they are trying to provide the best services to the residents.

***Nancy Sagar** said she is hearing rumblings in the community that there are going to be major things thrown into the budget that will crank their taxes way up, such as sewer and water hook-ups and new housing like Burton Street.*

Deputy Race reiterated this is the Town of Cazenovia. He said the sewer plant is fifty years old and things that happen in the sewer district, only apply to the district. Only properties that have access to the sewer plant are in the district and special use districts are only taxed to the users that are in the district.

***Nancy Sagar** said the Town & County tax bill is all together. She wondered what happens with the County when the Town is doing the budget for the Town. She said the county taxes go up considerably because of the Medicaid usage.*

Deputy Race said the majority of the County tax does go to Medicaid and Medicare.

***Nancy Sagar** wondered if this same process happens at the County level.*

Deputy Race said absolutely.

Councilor Reger said everything that the Town does is public and the more people that come out, helps take away the veil of any secrecy.

***Nancy Sagar** felt that was true and reiterated the need for advertising.*

Deputy Race said the agenda is on the website and lets people know everything that will be discussed. He reiterated the meeting schedule.

***Nancy Sagar** asked if the taxpayers vote on the budget.*

Deputy Race said there is plenty of time for public comment on the budget process. He acknowledged the Town Board has the final say, unlike the school district budget.

***Joseph Spilka** of 7 Gillette Lane inquired if overriding the tax cap was a yearly vote.*

Deputy Race said it is done every single year. He reiterated his analogy of putting the key in the lock to open the door to start the whole process.

Joseph Spilka mentioned he has a camp in the Town of Inlet and he said they chose not to participate and they tend to be way over budget.

Deputy Race said every municipality has to participate, but nobody is required to stay within the cap.

Councilor Reger said in order to exceed the levy limit, you have to pass this law.

Joseph Spilka said he has noticed a considerable amount of building beyond the Village, in the Town. He feels it is the most that he has seen in 20 years. He asked if the Town foresees new construction as added tax revenue for the budget from all the additional housing.

Deputy Race said not on an annual basis. He said as the tax base grows it is one of the things that keeps the tax rate low. He said expenses continue to increase. If there is new construction on a road and four homes are built; and the house is assessed at \$ 300,000, the Town tax will be \$ 1,500.00 in total tax. He said the tax rate is low, so the tax bill is comparably low.

Joseph Spilka inquired how many new housing starts in the last year.

The Town Clerk told Mr. Spilka to call the Town Office because that information is available in a report.

Joseph Spilka wanted to make sure the 2% cap wasn't being done away with completely.

Deputy Race assured him it was a yearly process.

Joseph Spilka inquired about the newest main expense.

Deputy Race said fuel and insurances, but personnel is the highest expense.

Joseph Spilka said it is high in Inlet because you have to pay more tax to keep good employees.

Deputy Race agreed and said the employees do a remarkable job and in today's age there is so many places for employees to go. He asked a rhetorical question and said if you want a big increase, pay prevailing wage to plow your snow.

Councilor Johnson explained there is a document on the Town's website that explains the tax cap in depth.

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

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

TOWN OF CAZENOVIA LOCAL LAW A OF 2023

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2023, "A Local Law Overriding the Tax Levy Limit Established in

General Municipal Law §3-c in the Town of Cazenovia,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on August 14, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of September 2023, by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. A-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact proposed Local Law No. A-2023 as Local Law No. 2-2023 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 2 of 2023**

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

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

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

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Cazenovia, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

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

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

Deputy Race declared Resolution No. 112 adopted.

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

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

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

- **Monday, October 2, 2023 - New Woodstock Firehouse, 2632 Mill Street, New Woodstock**
- **Monday, November 6, 2023 - Cazenovia Town Office, 7 Albany Street, Cazenovia**

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

Deputy Race declared Resolution No. 113 adopted.

Resolution No. 114 presented by Councilor Golub, seconded by Councilor Johnson

BUDGET WORK SESSION

To approve the scheduling of a budget work session on **Monday, October 16, 2023 at 6:00 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 Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Deputy Race	Yes
Supervisor Zupan	Excused

Deputy Race declared Resolution No. 114 adopted.

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

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A CUSTOMER SERVICE AGREEMENT FOR ENTRANCE MATS AT THE TOWN HALL

To authorize the Town Supervisor of the Town of Cazenovia to execute a Customer Service Agreement for floor mats at the entrance of the Town Hall with Unifirst Corporation pending review by the Attorney for the Town.

Roll call:

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

Deputy Race declared Resolution No. 115 adopted.

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

AUTHORIZE PROCUREMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) FOR THE TOWN OF CAZENOVIA TOWN HALL & HIGHWAY GARAGE

To authorize the purchase of two Automated External Defibrillators (AED) from the company, DreamHug for use at the Town Hall and Town Highway Garage. Total expenditure shall not exceed Two Thousand Seven Hundred and 00/100 Dollars (\$ 2,700.00).

Roll call:

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

Deputy Race declared Resolution No. 116 adopted.

Resolution No. 117 presented by Councilor Golub, seconded by Councilor Reger

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 \$ 175.00

- **Kaiser, Bruce**

Service ID: 9550 (124 Emick Lane) \$ **32.43 Credit**

Roll call:

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

Deputy Race declared Resolution No. 117 adopted.

Resolution No. 118 presented by Councilor Reger, seconded by Councilor Golub to approve the following budget transfers and adjustments:

(Authority NYS Town Law section 12 “The town board, during a fiscal year, by resolution, may make additional appropriations or increase existing appropriations and shall provide for the financing thereof. Moneys therefor may be provided from the unexpended balance of an appropriation, from the appropriation for contingencies, from unappropriated unreserved fund balance or unanticipated revenues within a fund or by borrowing pursuant to the local finance law.”).

General Fund A

To transfer budget to accommodate flags purchased for Memorial Day to decorate veteran graves in New Woodstock.
 To: A 6510.4.018 Veterans Services CE \$250.00
 From: A 1990.4.000 Contingency Account (250.00)

General Fund B

To transfer budget to accommodate expenditures for narcotics and alcohol testing required for new employees and random testing. Due to a higher number of tests than provided for in original 2023 budget.
 To: B 4220.4.000 Narcotics & Alcohol Control CE \$1,000.00
 From: B 1990.4.000 Contingency Account (1,000.00)

Highway Fund DB

To transfer budget to accommodate additional paving expenses posted to Capital Outlay.
 To: DB 5112.2.000 Road Improvements Capital Outlay \$10,613.15
 From: DB 5110.4.036 Stone & Oil General Repairs CE (10,613.15)

To transfer budget to accommodate unanticipated unemployment insurance claim.
 To: DB 9055.8.000 Unemployment Insurance \$2,200.00
 From: DB 5110.4.036 Stone & Oil General Repairs CE (2,200.00)

Water Pollution Control Facility SS

To transfer budget to accommodate project costs for asset evaluation engineering.

To: SS 8110.4.702 Asset Evaluation Engineering Sewer Admin CE	\$44,220.00
From: SS 8130.4.702 Contingency	(35,120.00)
From: SS 8130.4.700 Legal & Engineering Sewage Treat/Disposal CE	(9,100.00)

Roll call:

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

Deputy Race declared Resolution No. 118 adopted.

Attorney's Report: *Reported he continues to work on a number of local laws for the Town. He said Owera Vineyards has returned with a proposal for a permanent building that they would like to construct. Owera has hired a noise expert and the Planning Board has hired a noise expert to evaluate the results. There will be a public hearing at the next meeting and if necessary the public hearing will be continued to the next month. The Planning Board is trying to solve the noise issues that they hear about from the neighborhood. He said he did a memorandum on the solar project at the highway garage. He is interested in hearing the board members thoughts once they review. Lastly, he mentioned the IMA is going to have to be updated because of the adjusted assessed values for the Towns of Cazenovia and Nelson. He said Jim Cunningham at the Town of Nelson will address with his Board. He said if an adjustment is needed it will be done with the Town of Nelson to keep everything balanced out.*

George Schmidt thanked the Town Board for allowing Troop 18 to come and watch a meeting because they are working on their communications merit badge. He said they will one day become fine young leaders like a number of his former students.

Deputy Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the paving program is finished for this year. The maintenance program will be complete tomorrow and the drainage project will start in the next few days.*

Councilor Golub {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-racism Coalition, UCAN}: *Reported the Lake Association will be meeting the 3rd Tuesday of the month, as usual. He said they are zeroing in on the washing station they would like to purchase. This will protect the Lake from invasive species. They are looking at a waterless system which requires no electricity, water or hook up. He said it can be used by the boat owner so they won't have to hire someone, but it will be under the watch of the stewards. He reiterated the importance of lake health. He thought we might be able to get a grant. He said a law might be drafted requiring boat owners to use the boat launch which will have to be done in lockstep with the Village.*

Councilor Reger (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *Reported it was another busy month with planning and zoning. He thanked John for his outstanding guidance with the boards. He said an extensive amount of time has been spent on the Town Comprehensive Plan and on October 24th at 6:30 there will be a public outreach. He said the team has worked on this for over a year and have spent countless hours. He said EDR is pulling all the information together. On the 24th, they will give a brief overview and then solicit public feedback and their goal is to get a lot of comments. The team consists of Kristi Andersen, Liz Moran, Mike Palmer, Bob Ridler and Jennifer Wong. They have all done a tremendous job and have spent a lot of hours volunteering for the Town. He mentioned he is working on a number of budgetary items to get costs for next year. He has been working with the bookkeeper and Town Clerk. Lastly, he mentioned Josie Glos is donating her time to give CPR and AED training in four different sessions to five departments within the Town.*

Councilor Johnson {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: *Reported CACDA met August 16th and provided an update on the College. She said they are operating on a skeleton crew and the New York State Police is now the tenant. She said CACDA has its Art Trail at the end of the month which is taking place September 30th to October 1st. There will be a public forum to discuss reinventing the Cazenovia College campus on October 11th, 12:00-2:00 and 6:30 – 8:30 p.m. at the Hampton Inn. She stated there are four or five possible ideas to pursue with the grant funding that has been secured for feasibility. She mentioned part of the feasibility studies includes looking at parking. She shared a handout that highlighted the Youth Recreation Program for the 2023 season and said she would follow-up with an electronic copy. She mentioned the major points were to get ahead of the seaweed which shouldn't be a problem if lake treatment is planned for next year. There needs to be a solution for the diving board issue and the hiring of lifeguards. She said the expense of lifeguards is always increasing so they will need to include that in next year's budget to keep swim hours. The New Woodstock Fire Department will be getting back to her after their budget meeting tomorrow.*

Deputy Race 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:

Nancy Sager said a microphone is needed to increase the ability to hear.

Deputy Race said the Town Board realized that, hence, the Future of the Town Office. It will be helpful to get into a more conducive facility, too.

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 Johnson, seconded by Councilor Reger to adjourn this meeting. The motion was unanimously approved.

At 8:18 p.m., Deputy Race declared this meeting adjourned.

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