

TOWN BOARD

MONDAY

April 12, 2021

Zoom Meeting

<https://madisoncounty-ny.zoom.us/j/91523808495>

Meeting ID: 915 2380 8495

Dial by your location

1 646 558 8656 US (New York)

Supervisor Zupan opened the meeting at 7:31 p.m. with all Councilors present.

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

This meeting was recorded.

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

Roll call:

Councilor Andersen	Present
Councilor Race	Present
Councilor Golub	Present
Councilor Reger	Present
Supervisor Zupan	Present

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Race, seconded by Councilor Reger to accept the minutes from the March 8, 2021 Regular 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.*

Supervisor Zupan stated April was Fair Housing Month in the Town of Cazenovia and annually a public hearing is held.

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

Public comment: *There were no comments.*

Motion by Councilor Race, seconded by Councilor Andersen to close the public hearing.

Supervisor Zupan said this is similar to the grant Empire Brewery received from CDBG – a certain number of jobs will have to be created.

Resolution No. 39 presented by Councilor Race, seconded by Councilor Reger

**IN THE MATTER OF SCHEDULING A PUBLIC HEARING FOR
CONSIDERATION OF AN APPLICATION BY THE TOWN OF CAZENOVIA
FOR THE BENEFIT OF MADISON COUNTY DISTILLERY, LLC TO THE
NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
(OFFICE OF COMMUNITY RENEWAL)**

WHEREAS, the Town Board of the Town of Cazenovia wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) for funding to support an expansion by Madison County Distillery, LLC of its operations located at 2412 Route 20 East within the Town of Cazenovia (the “Project”); and

WHEREAS, the Town is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding.

NOW, THEREFORE BE IT RESOLVED that the Town of Cazenovia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard concerning the Project and the proposed involvement of the Town of Cazenovia in the CDBG application as above-described; and be it further

RESOLVED that the Public Hearing shall be held on May 5, 2021 at 7:00 P.M. at the Town Offices located at 7 Albany Street, Cazenovia, New York; and be it further

RESOLVED that, due to the COVID-19 emergency, such Public Hearing shall be held electronically via Zoom videoconferencing; and be it further

RESOLVED that the Town Clerk shall duly publish a notice of said hearing in the official newspaper of the Town at least eight (8) days prior to the scheduled public hearing.

Roll call:

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

Supervisor Zupan declared Resolution No. 39 adopted.

John Langey, Esq. said the Participation Plan is quite lengthy and it was received just this past Friday. He wanted the Town Board to have time to review the plan before adopting a final version Therefore, the enclosed resolution adopts a draft version of the Plan.

Resolution No. 40 presented by Councilor Race, seconded by Councilor Golub

CONSIDERATION OF ADOPTING A TOWN OF CAZENOVIA HOUSING AND URBAN DEVELOPMENT SECTION 3 PARTICIPATION PLAN

WHEREAS, previously the Town of Cazenovia has adopted a Fair Housing Plan to recognize the need for housing opportunities for low- and very-low income persons residing in our State; and

WHEREAS, the New York State Office of Homes and Community Renewal and Housing and Urban Development (“HUD”) offer, from time-to-time, funding opportunities through the Community Development Block Grant Program, which monies are available to the residents of the Town from HUD; and

WHEREAS, opportunities for funding through the New York State Office of Homes and Community Renewal are contingent upon the adoption of a “Section 3 Participation Plan,” as that term is defined in the Housing and Urban Development Act of 1968, as amended; and

WHEREAS, the Town of Cazenovia desires to from time-to-time participate in such funding opportunities for the benefit of its residents; and

WHEREAS, a proposed Draft Section 3 Participation Plan has been prepared for review and consideration by the Town Board.

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby accepts the Draft Town of Cazenovia Housing and Urban Development Section 3 Participation Plan (For Section 3 Covered Contracts) as appended hereto for further consideration and review for future adoption.

TOWN OF CAZENOVIA

HOUSING AND URBAN DEVELOPMENT SECTION 3 PARTICIPATION PLAN

24 CFR Part 135

(For Section 3 Covered Contracts)

Background:

Section 3 of the Housing and Urban Development Act of 1968, as amended, (“Section 3”) requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low income persons¹.

¹ 124 CFR 135.1

Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended and 24 CFR Part 135, the Town of Cazenovia (the “Town”) adopts this Section 3 Participation Plan for Section 3 Covered Contracts. The policy will provide direction for implementing Section 3, when required.

Policy Statement:

The Town of Cazenovia shall provide opportunities to low- and very low-income persons residing in the State of New York (as defined in §135.5 of 24 CFR Part 135) and to businesses meeting the definition of “Section 3 Business Concern” (as defined by 24 CFR Part 135). Accordingly, the Town shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of “Section 3 Covered Contracts” below.) There is nothing in this policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements.

Definitions:

The Town incorporates into this policy the definitions contained in §135.5 of 24 CFR Part 135.

Defined Terms of Policy:

Section 3 - Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.

Section 3 Recipient - means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 Resident - A section 3 resident is:

- a public housing resident; or
- a low- or very low-income person residing in the metropolitan area or non- metropolitan county in which the Section 3 covered assistance is expended.

Section 3 Business Concern(s) - Section 3 Business Concerns are businesses that can provide evidence that they meet one of the following:

- 51% or more owned by Section 3 residents; or
- At least 30% of its full time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
- Provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

Section 3 Covered Assistance - Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-Based Paint Abatement, etc.

The following definition for Section 3 Covered Assistance comes from 24 CFR 135.5: Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;

- 1) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
- 2) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;
- 3) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
 - i. Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
 - ii. Housing construction; or
 - iii. Other public construction project which includes other buildings or improvements, regardless of ownership.

Section 3 Covered Contract - means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. “Section 3 Covered Contracts” do not include contracts awarded under HUD procurement program, which are governed by the Federal

Acquisition Regulation System (see 48 CFR, Chapter 1). “Section 3 Covered Contracts” do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (*i.e.*, the installation of the furnace) and thus is covered by Section 3.

Section 3 Covered Project - A Section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, or other public construction, etc.

Section 3 Covered Community Planning and Development Funding - Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFA). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Section 3 Thresholds - The requirements of Section 3 are applicable to HUD’s direct “recipients” –for Section 3 covered project(s) for which the amount of the assistance is more than **\$200,000**.²

Contractors and Subcontractors are also subject to Section 3’s requirements when performing any type of activity on Section 3 covered activity for which the amount of the assistance is in excess of \$200,000 and the contract or subcontract exceeds \$100,000.³

If a recipient receives Section 3 covered housing construction or public infrastructure or community development assistance in excess of \$200,000, but no individual contract exceeds \$100,000, Section 3 requirements will only apply to the recipient.

Finally, it should be noted that there are no thresholds for Section 3 covered Public and Indian Housing assistance.⁴ That is, all activities related to Public and Indian Housing assistance are covered by Section 3 regardless of the amount.

Responsibilities:

1. If the Town receives community development or housing assistance covered by Section 3, it has the responsibility to comply with Section 3 in its own operations. This responsibility includes:
 - Notifying Section 3 residents and businesses about job opportunities and contracts generated by Section 3 covered assistance so that residents may seek jobs and

² See 24 CFR 135.3 (a) (3) (ii).

³ 24 CFR 135.3 at 135 (3) (ii) (B).

⁴ *Id.* at 135.3 (a) (3) (i).

- businesses may submit bids/proposals for available contracts;
- Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
 - Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
 - Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.
2. The Town has a responsibility to “ensure compliance” of their contractors and subcontractors. This means that a sub-recipient must:
- Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
 - Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
 - Respond to complaints made to the recipient by Section 3 residents or business concerns that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
 - Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient’s contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

Goals:

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements. To demonstrate compliance with the “greatest extent feasible” requirement of Section 3, contractors must meet the goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns. To meet the goals, contractors must select Section 3 residents based on the following priorities pursuant to § 135.34, 24 CFR Part 135:

- First Priority - Residents of the development where the work is to be performed.
- Second Priority - Other residents of the neighborhood where the work is to be performed.
- Third Priority - Other residents of the neighborhood who are participants in HUD-Youthbuild or others federal, state, and local job programs being carried out in the city or county area.
- Fourth Priority - Other persons from the project metropolitan area who meet the definition of Section 3 resident contained in §135.5 of 24 CFR Part 135.

Employment:

All contractors will seek low- or very low-income persons residing in the property metropolitan area for 30% of all new hires. When applicable, the contractor must show evidence of seeking project residents for 15% of the new hires.

Eligibility for employment or contracting -nothing in this policy shall be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot perform the contract.

Preference for Section 3 Business Concerns:

Preference shall be awarded to Section 3 Business Concerns according to the following system:

1. Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.
2. Where the Section 3 Covered Contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 Business Concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system.

Competitive Bids: Procurement by Sealed Bids (Invitations for Bids)

Preference in the award of Section 3 Covered Contracts that are awarded under a sealed bid process may be provided as follows:

1. Bids shall be solicited from all businesses (*i.e.* Section 3 Business Concerns and non-Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:
 - A) is within the maximum total contract price established in the Town’s budget for the specific project for which bids are being taken; and
 - B) is not more than “X” higher than the total bid price of the lowest responsive bid from any responsible bidder. “X” is determined as follows:

X = lesser of:

When the lowest responsive bid is less than \$100,000 10% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 9% of that bid or \$16,000

At least \$200,000, but less than \$300,000 8% of that bid or \$21,000

At least \$300,000, but less than \$400,000 7% of that bid or \$24,000

At least \$400,000, but less than \$500,000 6% of that bid or \$25,000

At least \$500,000, but less than \$1 million5% of that bid or \$40,000

At least \$1 million, but less than \$2 million.4% of that bid or \$60,000

At least \$2 million, but less than \$4 million.3% of that bid or \$80,000

At least \$4 million, but less than \$7 million.2% of that bid or \$105,000

\$7 million or more 1.5% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 Business Concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.
3. In both paragraphs 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the “greatest extent feasible” requirement of Section 3.

Compliance:

HUD holds HCR accountable for compliance with Section 3 requirements. In contracts entered into with HCR, recipients agree to comply with Section 3. When a housing partner is unable to meet Section 3 goals, HCR will place the burden of proving compliance with Section 3 on the recipient.

The minimum numerical goal for employment 30 percent of the aggregate number of new hires shall be Section 3 residents annually - *i.e.*, 1 out of 3 new employees needed to complete a Section 3 covered project/activity shall be a Section 3 resident.

The minimum goals for contracting are:

- Ten percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, shall be awarded to Section 3 businesses; and
- Three percent of the total dollar amount of all non-construction Section 3 covered contracts, shall be awarded to Section 3 businesses.

Safe harbor and compliance determinations: In the absence of evidence to the contrary (*i.e.*, evidence that efforts to the “greatest extent feasible” were not expended), if the Town or contractor meets the minimum numerical goals shown above, the recipient or contractor is considered to have complied with Section 3 preference requirements.

The Town will be expected to demonstrate why it was not feasible to meet the goals. At a minimum, if recipients of Section 3 Assistance are unable to meet their Section 3 training, hiring, and contracting goals, they should *sponsor or participate* in upward mobility programs, hire eligible residents in trainee positions with regard to training and employment, or form Section 3 joint ventures with various local employment agencies.

Data Collection and Reporting:

The Town will collect and submit required Section 3 data and complete Section 3 reporting requirements.

Certification:

I certify that to the best of my knowledge and belief all of the information on this form is correct. I also understand that failure to report completely and accurately may result in sanctions under my policy, including but not limited to voidance of the policy, and in criminal or civil penalties.

Signed by _____ Title _____

Date _____ Attest _____

Reviewed by _____ Approved by _____

Comments:

Roll call:

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

Supervisor Zupan declared Resolution No. 40 adopted.

John Langey, Esq. said all stormwater facilities have a maintenance schedule that memorializes the terms which then gets recorded in the County Clerk’s Office. If the property was to ever sell, the new owner would understand it is an ongoing requirement.

Resolution No. 41 presented by Councilor Race, seconded by Councilor Andersen

**AUTHORIZING THE SUPERVISOR TO EXECUTE AND ENTER INTO
A STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT
BETWEEN *DAVID LUCAS AND TJA-NY-BARRETT RD NEW WOODSTOCK, LLC*
AND THE TOWN OF CAZENOVIA**

The Town of Cazenovia Town Supervisor is hereby authorized to execute the “Stormwater Control Facility Maintenance Agreement” for site plan approval and special use permit approval granted to the Lucas premises located at 2447 Barrett Road, New Woodstock upon final review and approval 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. 41 adopted.

Supervisor Zupan said the purpose of this next resolution is to protect the Town so if any damage is done to the road, the solar company will fix it.

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

**AUTHORIZING THE SUPERVISOR TO EXECUTE AND ENTER INTO
A MUNICIPAL ROAD MAINTENANCE AGREEMENT BETWEEN
TJA-NY-BARRETT RD NEW WOODSTOCK, LLC
AND THE TOWN OF CAZENOVIA**

The Town of Cazenovia Town Supervisor is hereby authorized to execute the “Municipal Road Maintenance Agreement” in connection with the use of Barrett Road for the construction of a ground-mounted solar energy facility at the Lucas premises located at 2447 Barrett Road, New Woodstock upon final review and approval 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. 42 adopted.

John Langey, Esq. said when the subdivision was approved it was intended to be a private road. A period of time has gone by without any of the lots being built on in the subdivision. About a month ago, the Planning Board approved a site plan for the construction of a house. In that process, he noticed the road did not come to completion. John Dunkle and Dean Slocum reviewed the road. There is no Homeowner's Association to take care of the road for long-term maintenance. The new proposal is to make it a Town road, but there is some work to be done. Therefore, John Dunkle gave an estimate of what it would cost to finish the road which is \$ 65,000.00. Art Bixby, Esq. is the attorney representing Tim Moore, the subdivision owner. John said he and Art will come to an agreement on the language of the highway construction and maintenance agreement. The agreement will be signed, a bond will be posted and the Browns will be able to begin construction of their home. The Town will have the security to make sure the road is in good shape. After that, the Town will be in a position to accept as a Town road.

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

**CANNON CREST SUBDIVISION (GREEN & MOORE DEVELOPMENT, LTD.)
AUTHORIZATION TO EXECUTE A
HIGHWAY CONSTRUCTION AND MAINTENANCE AGREEMENT**

WHEREAS, previously **Timothy Moore**, as **President of Green & Moore Development, LTD.** (hereinafter “Developer”) executed a Drainage Construction and Maintenance Agreement, dated June 14, 2012, associated with a certain subdivision known as “Cannon Crest Subdivision” in the Town of Cazenovia and described in the Final Plat Plan of said subdivision, prepared by David A. Vredenburgh, dated April 13, 2011, as last revised January 25, 2012, which said Final Plat is expressly incorporated as part of this Agreement; and

WHEREAS, the prior Agreement proposed to construct certain drainage and erosion control facilities within said subdivision; and

WHEREAS, originally the Developer proposed to construct a private roadway to service the lots for said subdivision, such that a Road Construction Agreement was not necessary at said time; and

WHEREAS, the Developer has now requested through his representatives to have the partially constructed road, known as “Cannon Crest Drive”, be dedicated and accepted by the Town of Cazenovia; and

WHEREAS, the Developer has been previously advised that prior to the acceptance of said road, the Developer must post construction securities for completion of the road improvements, further subject to the Town Engineer and Town Highway Superintendent’s review and approval; and

WHEREAS, the Developer has proposed to post security in the form of cash, letter of credit or construction bond; and

WHEREAS, it will be necessary for the Developer and Town to enter into a Highway Construction and Maintenance Agreement supplementing the original Drainage Construction and Maintenance Agreement, dated June 14, 2012.

NOW, THEREFORE, it is

RESOLVED that the Town of Cazenovia hereby authorizes the Town Supervisor to execute the Highway Construction and Maintenance Agreement between Green & Moore Development, LTD and the Town of Cazenovia, subject however to the posting of sufficient construction securities, as determined by the Town Engineer (Sixty-Five Thousand and 00/100 Dollars (\$65,000.00)) and further subject to final review and approval by the Town Attorney;

and it is further

RESOLVED that the ultimate dedication and acceptance of the roads shall require additional and further approval of the Town Board through its customary procedure; and it is further

RESOLVED that upon the placement of acceptable security with the Town and execution of the Highway Construction and Maintenance Agreement, the Developer is authorized to obtain no more than one (1) Building Permit for purposes of the construction of a single-family home on the site.

Roll call:

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

Supervisor Zupan declared Resolution No. 43 adopted.

John Langey, Esq. said the Town is getting very close to the end of the SEQR process. He explained this resolution is stating you have a Final Environmental Impact Statement which is ready to be fully accepted and if there is any additional comment from the public – make it now. He said Liz Moran did a fine job on the Final Supplemental Environmental Impact Statement and he feels it is in good shape to be accepted, the Notice of Completion.

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

(ADOPTING THE NOTICE OF COMPLETION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT)

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

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

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

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

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

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

WHEREAS, the present action represents a seventh phase of treatment to 190± acres (defined areas) of Cazenovia Lake infested by Eurasian watermilfoil (see map attached); and

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

WHEREAS, it has been previously determined by the Town Board, on December 14, 2020, that the Town of Cazenovia would assume Lead Agency status for SEQR purposes for this action and said Lead Agency status has been confirmed; and

WHEREAS, on February 8, 2021 the Town Board, as Lead Agency, adopted a Positive Declaration requiring the preparation of a 2021 Draft Supplemental Environmental Impact Statement (“SEIS”) to evaluate the potential negative environmental impacts of this action; and

WHEREAS, the Town Board, as Lead Agency, has caused the preparation of a Draft and Final Scoping Document to guide and identify the relevant areas of discussion for an Environmental Impact Statement and said Final Scoping Document was adopted on March 3, 2021; and

WHEREAS, the Town Board, as Lead Agency, has directed the preparation of a Draft Supplemental Environmental Impact Statement (“Draft SEIS”) for the purpose of the application (treatment) of the herbicide, ProcellaCOR EC to portions of Cazenovia Lake for control of the invasive aquatic plant species, Eurasian watermilfoil (*Myriophyllum spicatum*); and

WHEREAS, Town Board, as Lead Agency, has received and accepted the Draft SEIS for the proposed treatment and application of ProcellaCOR EC on Cazenovia Lake and on March 3, 2021 issued its Notice of Completion of the Draft SEIS for purposes of public review and comment; and

WHEREAS, the Town Board, as Lead Agency, caused the preparation of a Final Supplemental Environmental Impact Statement (“Final SEIS”) for the purpose of the application (treatment) of the herbicide ProcellaCOR EC to portions of Cazenovia Lake for control of the invasive aquatic plant species, Eurasian watermilfoil (*Myriophyllum spicatum*); and

WHEREAS, the Town Board, as Lead Agency, has now received the Final SEIS for the proposed treatment and application of ProcellaCOR EC to Cazenovia Lake; and

WHEREAS, the Town Board, as Lead Agency, caused the filing of the Final SEIS in response to the public comment and review of the Draft SEIS issued by the Town of Cazenovia Town Board; and

WHEREAS, members of the Town of Cazenovia Town Board, as Lead Agency, have reviewed the Final SEIS for completeness in response to the final scoping document and in response to all comments received on the Draft SEIS.

NOW, THEREFORE BE IT RESOLVED that the Town of Cazenovia Town Board determines that the information submitted in the Final SEIS for the proposed treatment and application of ProcellaCOR EC on Cazenovia Lake as a Phase VII treatment is complete with respect to the scope, content and adequacy for the purpose of commencing public review and

consideration pursuant to Article 8, State Environmental Quality Review Act (“SEQRA”) of the Environmental Conservation Law; and

BE IT FURTHER RESOLVED that the attached Notice of Completion of the Final SEIS, under the provisions of State Environmental Quality Review (“SEQR”), shall be filed, circulated and published in accordance with the requirements of 6 N.Y.C.R.R. Part 617.12 of SEQRA.

CAZENOVIA LAKE

2021 Herbicide Application Plan

Areas proposed for treatment to control Eurasian Watermilfoil:

Site	Acres	Ave. Depth (ft)	Volume (acft)
A1	3	3.7	11.1
A2	2.7	4.7	12.69
B1	13	6.1	79.3
B2	2.6	3.0	8.4
B3	6.7	6.3	42.21
C	7.6	8.1	61.56
D	13.4	4.6	61.64
E	6.5	6.3	40.95
F	5.6	7.0	39.2
G	9.7	6.7	64.99
H	18	6.7	120.6
K	32.9	4.3	141.47
L	59.6	6.4	381.44
M	6.2	3.7	30.34

TOTAL 189.7

PROCELLACOR EC				
Site	Dose (PDU)	Conc. (ppb)	Dose oz/acft	Total Amt (oz)
A1	3	5.79	9.51	105.6
A2	3	5.79	9.51	120.7
B1	3	5.79	9.51	754.1
B2	3	5.79	9.51	79.9
B3	3	5.79	9.51	401.4
C	3	5.79	9.51	585.4
D	3	5.79	9.51	586.2
E	3	5.79	9.51	389.4
F	3	5.79	9.51	372.8
G	3	5.79	9.51	602.5
H	2	3.60	6.34	764.6
K	2	3.60	6.34	896.9
L	2	3.60	6.34	2416.3
M	3	5.79	9.51	288.5

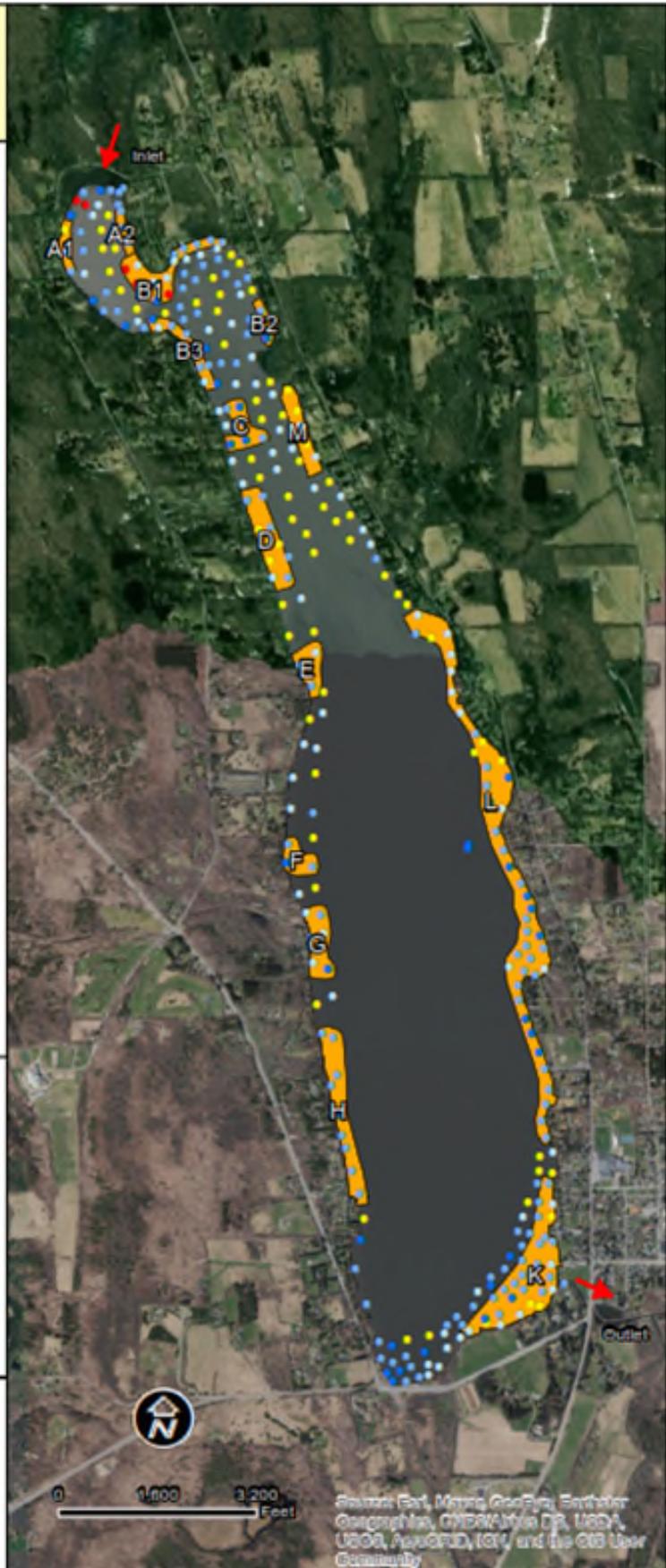
Total 8566.4

2020 Eurasian Watermilfoil Distribution Survey by Racine-Johnson Aquatic Ecologists

Percent of Mean Rake Toss Abundance



888-480-3253
www.solitudelakemanagement.com



**617.21
Appendix G
State Environmental Quality Review**

**NOTICE OF COMPLETION OF
FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT**

Lead Agency: Town of Cazenovia Town Board

Project Number:

Address: 7 Albany Street, Cazenovia, New York 13035

Date: April 12, 2021

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

A Final Supplemental Environmental Impact Statement (“Final SEIS”) has been completed and accepted for the proposed action described below. The action was deemed a Type I action pursuant to a Positive Declaration issued on February 8, 2021. Public consideration of the Final SEIS shall end on April 23, 2021.

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

Description of Action:

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

There will be multiple treatment areas proposed for this seventh phase application as described in the Draft and Final SEIS.

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

Potential Environmental Impacts:

1. Water Resources - It has been determined that the lead agency should evaluate the potential impacts of the proposed use of ProcellaCOR EC on the general water quality and aquatic habitat of Cazenovia Lake. Included in an analysis will be a discussion focused on surface water and any projected impacts on groundwater quality. The potential for an herbicide treatment to affect the risk of developing cyanobacterial blooms will be reviewed.
2. Impact on Potable Water Supply and Human Health - Property owners abutting Cazenovia Lake are reported to use lake water as a source of drinking water, as well as for cooking and bathing. The Final Supplemental Environmental Impact Statement addresses the potential negative impacts on the health of residents drawing water for potable use (as noted in the past, the Town strongly discourages consumption of lake water) and mitigation measures associated with the introduction of ProcellaCOR EC to the drinking water supply and any potential impacts on human health. In addition, residences along the northern portion of the lake shoreline are served by a community groundwater supply (known as Owera Point). The Final SEIS considers the potential impacts of the application of ProcellaCOR EC to the groundwater and any necessary mitigation.
3. Impact on Terrestrial Flora - The Final SEIS addresses the potential adverse impacts if lake water treated with ProcellaCOR EC is applied to lawns and gardens and food crops.
4. Impact on Aquatic Flora - The Final SEIS addresses potential negative impacts on non-targeted plant species, which may be incidentally affected by treatment of the lake water with ProcellaCOR EC. Included will be an update and discussion from the 2020 annual survey of rare, threatened and endangered plant species.
5. Impact on Aquatic Fauna - The Final SEIS addresses potential negative impacts on aquatic fauna, in and around Cazenovia Lake. Cazenovia Lake maintains a diverse community of fish and reptile species, as well as waterfowl. The Final SEIS analyzes the potential impact of the treatment of the lake with ProcellaCOR EC on all aquatic fauna, especially the fish community, and discuss the impacts on snails found in the area of Chittenango Park Falls.
6. Impact on Wetlands - The site contains both federally protected and state protected wetlands. The current proposal appears to place portions of the treatment adjacent to protected wetland areas. The Final SEIS provides details in the form of a written discussion on the potential impact on regulated wetlands and proposed mitigative measures for same.
7. Impact on Recreational Pursuits and Economic Stability - It is recognized that Cazenovia Lake is a source of recreational opportunities for residents of the Town, as well as visitors. The Final SEIS reviews the potential impacts of treatment of the lake with ProcellaCOR EC on recreational pursuits, as well as economic aspects of the treatment, including impacts on rentals, property values, etc.
8. Impact on Aesthetics and Human Perceptions - The introduction of an herbicide into Cazenovia Lake has the potential to change the aesthetic condition of lake water by eliminating submerged and emergent plant material and thus will have some effect on its visual quality. Additionally, residents may hold opinions relating to the treatment of lake water with any chemical substance. Therefore, the Final SEIS addresses these potential impacts. Focusing on, among other issues, impacts on visual quality (changes in appearance with reduced macrophyte density) and the potential for risk from application of any chemicals.
9. Consideration of Phases I, II, III, IV, V and VI - The Final SEIS discusses the impacts and results of the Phase I, II, III, IV, V and VI treatments.

A Copy of the Final SEIS may be obtained from:

Contact Person: William Zupan, Supervisor
Address: Town of Cazenovia, 7 Albany Street, Cazenovia, New York 13035
Telephone Number: (315) 655-9213

The Final SEIS may be viewed at: www.townofcazenovia.org

A Copy of this Notice Sent to:

Involved:

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

Interested:

- Commissioner of Health, Madison County Health Department, P.O. Box 605/138 North Court St., Wampsville, New York 13163
 - NYS Office of Parks, Recreation and Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, New York 12188-0189
 - New York State Canal Corporation, 30 South Pearl Street, Albany, New York 12207
 - New York State Canal Corporation, 149 Northern Concourse, Suite 400, North Syracuse, New York 13212
 - Persons requesting Draft SEIS
 - Environmental Notice Bulletin, Room 538, Albany, New York 12333-1750.
-
- Copies of the Final SEIS must be distributed according to 6 N.Y.C.R.R. 617.12(b).

CAZENOVIA LAKE

2021 Herbicide Application Plan

Areas proposed for treatment to control Eurasian Watermilfoil:

Site	Acres	Ave. Depth (ft)	Volume (acft)
A1	3	3.7	11.1
A2	2.7	4.7	12.69
B1	13	6.1	79.3
B2	2.6	3.0	8.4
B3	6.7	6.3	42.21
C	7.6	8.1	61.56
D	13.4	4.6	61.64
E	6.5	6.3	40.95
F	5.6	7.0	39.2
G	9.7	6.7	64.99
H	18	6.7	120.6
K	32.9	4.3	141.47
L	59.6	6.4	381.44
M	6.2	3.7	30.34

TOTAL 189.7

PROCELLACOR EC				
Site	Dose (POU)	Conc. (ppb)	Dose oz/acft	Total Amt (oz)
A1	3	5.79	9.51	105.6
A2	3	5.79	9.51	120.7
B1	3	5.79	9.51	754.1
B2	3	5.79	9.51	79.9
B3	3	5.79	9.51	401.4
C	3	5.79	9.51	585.4
D	3	5.79	9.51	556.2
E	3	5.79	9.51	389.4
F	3	5.79	9.51	372.8
G	3	5.79	9.51	602.5
H	2	3.60	6.34	764.6
K	2	3.60	6.34	896.9
L	2	3.60	6.34	2418.3
M	3	5.79	9.51	286.5

Total 8566.4

2020 Eurasian Watermilfoil Distribution Survey by Racine-Johnson Aquatic Ecologists

Percent of Mean Rake Toss Abundance



SOLITUDE
LAKE MANAGEMENT

888-480-3253
www.solitudelakemanagement.com



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

Roll call:

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

Supervisor Zupan declared Resolution No. 44 adopted.

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

2021 RAKE TOSS PLANT SURVEY CAZENOVIA LAKE

To authorize the Town Supervisor to execute an agreement with Racine-Johnson Aquatic Ecologists, to survey Cazenovia Lake in September and October 2021 for aquatic plant species presence and abundance by the rake-toss method at pre-determined sample locations selected by using a 2008 survey performed by Allied Biological, Inc. and to provide a written report with electronic backup that documents plant species presence, identification to at least genus but generally plant species, abundance at the pre-determined GPS sample locations and contrast the results to previous plant surveys conducted by Allied Biological, Inc. and Racine-Johnson Aquatic Ecologists. The report will be provided in a formal similar to annual written reports of survey results to the Town of Cazenovia by Racine-Johnson Aquatic Ecologists for 2009 thru 2020. The report will be provided no later than November 1, 2021. The cost for survey and reporting will be invoiced to the Town of Cazenovia in an amount not to exceed \$ 9,000.00.

**AGREEMENT BETWEEN THE TOWN OF CAZENOVIA
AND RACINE-JOHNSON AQUATIC ECOLOGISTS
FOR MACROPHYTE SURVEY OF CAZENOVIA LAKE**

This Agreement is made between the TOWN OF CAZENOVIA, a municipal corporation, located in the County of Madison, State of New York at 7 Albany St. Cazenovia NY 13035 (“**Town**”) and RACINE-JOHNSON AQUATIC ECOLOGISTS, a New York Limited Liability Company, having an office at Ellis Hollow Rd. Ithaca NY 14850 (“**Consultant**”).

WITNESSETH

WHEREAS, The Town requires an annual survey of the aquatic vegetation present in Cazenovia Lake in order to determine appropriate management actions

WHEREAS, the Consultant is desirous of performing such services and the Town is desirous of contracting with the Consultant to provide such services,

NOW, in consideration of the covenants, conditions and provisions contained herein, it is hereby AGREED as follows:

1. The Consultant agrees to complete the 2021 rake-toss survey of the established network of monitoring stations in Cazenovia Lake, using the standard NYSDEC-approved methods. Consultant will use comparable methods as were employed in prior annual surveys of Cazenovia Lake he completed between 2009 and 2020.
2. The Consultant shall be paid for providing such services not to exceed the amount of nine thousand dollars (\$ 9,000.00).
3. The Town shall have access to, and ownership of, all data, results, documents, and other materials produced by conduct of the annual survey.
4. The Consultant will provide one paper and three CD copies of all written reports to the Town by November 1, 2021.
5. The relationship of the Consultant to the Town is that of an independent contractor. As such, the Consultant shall receive no fringe benefits from the Town including but not limited to medical insurance, retirement benefits, workers' compensation, disability, unemployment insurance, or any other benefits or remuneration other than that set forth in paragraph 2 hereinabove.
6. Any additional services requested by the Town and agreed to by the Consultant must be set forth in a written change order setting forth the agreed upon amount of compensation for such additional work. Authorization of any additional services are subject to and contingent upon resolution of the Town Board.
7. Consultant shall invoice the Town for professional services at project completion.
8. Consultant has issued the Town a Certificate of Insurance demonstrating that Consultant carries Professional Liability Insurance in the minimum amount of one million dollars per occurrence and in the aggregate and General Public Liability Insurance in a minimum amount of one million dollars per occurrence and in the aggregate; Automotive Liability Insurance in a minimum amount of one million dollars per occurrence and in the aggregate; and all worker's compensation and disability insurance required by law. The Certificates provide that the Town, as a Certificate Holder, shall be entitled to 10 days written notice in advance of any policy of insurance being cancelled or terminated.
9. Consultant hereby agrees to indemnify, defend and hold harmless the Town, its officers, employees, consultants, contractors and agents for, from and against any and all loses, damages, costs and expenses, including attorney's fees, liabilities, fines and penalties resulting from any and all claims, proceedings or actions of whatsoever kind of nature whether or not finally adjudicated, including any settlement thereof, arising out of or in connection with or on account of any failure to negligence in the performance of this Agreement by Consultant or its employees, contractors, agents or assigns and such liability shall survive the termination of this Agreement.
10. Consultant also represents and warrants that it is in full compliance with all Federal and State Labor Laws pertaining to its operations and in particular as a contractual consultant to a municipality of the State of New York.

11. The Town shall provide Consultant access to and use of any historical maps, drawings, measurements, or lake monitoring data within their possession.

12. Permission for access to Town-owned property is granted by the Town of Cazenovia to the Consultant immediately upon execution of this Agreement.

13. This Agreement represents the entire Agreement of the parties and may not be modified or changed except with written agreement signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of April 2021.

TOWN OF CAZENOVIA

By: _____
William N. Zupan, Supervisor

**RACINE-JOHNSON AQUATIC
ECOLOGISTS LLC**

By: _____
Robert L. Johnson, President

Roll call:

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

Supervisor Zupan declared Resolution No. 45 adopted.

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

**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 2021 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, 2021, 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 2021 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 2021 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 2021 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 Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 46 adopted.

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

APPROVE USE OF GYPSY BAY PARK FOR 4TH OF JULY FIREWORKS

To approve the use of Gypsy Bay Park on the evening of the 4th day of July, 2021 or the alternative date being the 5th of September, 2021 (rain dates – July 5, 2021 or September 6, 2021, respectively) by the Cazenovia Lions Club/Majestic Fireworks, for the display of fireworks

This approval is contingent upon the following conditions:

- a. The Cazenovia Village Police and NYS Police must be notified, in writing, regarding traffic control well in advance of the event;
- b. *Majestic Fireworks* shall provide to the Town of Cazenovia proof of general liability insurance, naming the Town of Cazenovia as an “Additional Insured” and such proof shall be filed with the Town Clerk prior to the fireworks display. Said insurance must be in a minimum combined limit of One Million Dollars (\$1,000,000) General Liability and/or Umbrella policy for each occurrence/aggregate;
- c. The Cazenovia Lions Club shall demonstrate that it has made arrangements with the Cazenovia Volunteer Fire Department to be on-site during the fireworks display;
- d. The Cazenovia Lions Club shall make arrangements with CAVAC to be on-site during the fireworks display;
- e. The Cazenovia Lions Club and *Majestic Fireworks*, at all times, shall remain in compliance with the written requirements of the “Gypsy Bay Park Checklist,” (hereinafter referred to as the “GBP Checklist”) previously adopted by the Town of Cazenovia, which requirements are more fully set forth in said checklist with the following exceptions:
 - Item #6 on the “GBP Checklist” is not required.
 - Item #7 on the “GBP Checklist” is extended to the day after the fireworks display.

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

Supervisor Zupan declared Resolution No. 47 adopted.

Resolution No. 48 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE "PARK USE, GENERAL RELEASE AND INDEMNIFICATION AGREEMENT" BETWEEN THE CAZENOVIA LIONS CLUB AND THE TOWN OF CAZENOVIA FOR THE 4TH OF JULY FIREWORKS DISPLAY AT GYPSY BAY PARK

The Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the "Park Use, General Release and Indemnification Agreement" with *the Cazenovia Lions Club* in relation to the Fourth of July {or 5th of September (alternative date)} Fireworks Display at Gypsy Bay Park. A copy of said Agreement is on file in the Office of the Town Clerk.

Roll call:

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

Supervisor Zupan declared Resolution No. 48 adopted.

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

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE "PARK USE, GENERAL RELEASE AND INDEMNIFICATION AGREEMENT" BETWEEN MAJESTIC FIREWORKS, INC. AND THE TOWN OF CAZENOVIA FOR THE 4TH OF JULY FIREWORKS DISPLAY AT GYPSY BAY PARK

The Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the "Park Use, General Release and Indemnification Agreement" with *Majestic Fireworks, Inc.* in relation to the Fourth of July {or 5th of September (alternative date)} Fireworks Display at Gypsy Bay Park. A copy of said Agreement is on file in the Office of the Town Clerk.

Roll call:

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

Supervisor Zupan declared Resolution No. 49 adopted.

Resolution No. 50 presented by Councilor Race, seconded by Councilor Andersen

DESIGNATION OF POLLING PLACES

Pursuant to New York State Election Law 4-104 (*Registration and Polling Places; designation of*), “Every Board of Elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held.”

The Town Board of the Town of Cazenovia hereby designates and authorizes the Town Clerk to certify the following 2021 polling places for the Town of Cazenovia:

- District 1 – New Woodstock Free Library, 2106 Main Street, New Woodstock
- District 2 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)
- District 3 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)
- District 4 – Cazenovia Public Library, 100 Albany Street, Cazenovia
- District 5 – Cazenovia Public Library, 100 Albany Street, Cazenovia
- District 6 – American Legion Post 88, 26 Chenango Street, Cazenovia (*downstairs*)

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

Supervisor Zupan declared Resolution No. 50 adopted.

Resolution No. 51 presented by Councilor Race, seconded by Councilor Reger

AUTHORIZE A SPEED STUDY REQUEST FOR A SECTION OF EAST LAKE ROAD (COUNTY ROUTE 17)

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 Lake Road from the Village of Cazenovia Line heading north to 4576 East Lake Road 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. 51 adopted.

*****A

Resolution No. 52 presented by Councilor Race, seconded by Councilor Andersen

AUTHORIZING THE SALE OF A 2014 WESTERN STAR TRUCK TO THE TOWN OF FORESTBURGH

WHEREAS, the Town of Cazenovia Highway Department owns a 2014 Western Star Truck with a wing and front plow (Vin# 5KKHAEDV2EPFS6018) and other associated equipment; 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 Forestburgh has offered to purchase said truck and associated equipment from the Town of Cazenovia Highway Department for One Hundred Forty Thousand and 00/100 Dollars (\$ 140,000.00); and

WHEREAS, an analysis of the truck value 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 truck and associated 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 truck and associated equipment to the Town of Forestburgh, as is, without any warranties, express or implied, for a purchase price of One Hundred Forty Thousand and 00/100 Dollars (\$ 140,000.00); 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 Andersen	Yes
Councilor Race	Yes
Councilor Golub	Yes
Councilor Reger	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 52 adopted.

Resolution No. 53 presented by Councilor Reger, seconded by Councilor Race
SALE OF EQUIPMENT ON AUCTIONS INTERNATIONAL

Whereas, the Town Board has determined that in their best judgment regarding un-needed, worn out, and obsolete equipment, the sale of the following vehicles and/or equipment by use of online auction site www.auctionsinternational.com or by sale in any other legally acceptable manner, which will bring the maximum financial benefit to the taxpayers, is hereby authorized, and further, pursuant to Highway Law Section 142 and 271 (3), the Town Board has determined that the sale proceeds as stated below shall be applied to Town of Cazenovia Budget line *DA5130.2 MACHINERY Equipment*, exclusively intended for the purchase of highway department machinery, tools, equipment and implements to be used for general highway purposes:

Sale Price

Lot #1 – Ironton Utility Trailer	\$ 210.00
Lot #2 – Tail Gate Spreader	\$ 410.00
Lot #3 – 2011 Hudson 5-Ton Trailer	\$ 3,750.00
Lot #4 – Nokian Tires (2)	\$ 10.00
Lot #5 – Samsung Galaxy S8 Phones (4)	\$ 210.00
Lot #6 – Samsung Galaxy S8 Phones (4)	\$ 210.00
Lot #7 – Husqvarna 272K Demo Saw	\$ 150.00
Lot #8 – Husqvarna 268 Chain Saw	\$ 220.00
Lot #9 – Husqvarna 288 XP Chain Saw	\$ 410.00

Equipment is to be sold “as is” with no warranties.

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

Supervisor Zupan declared Resolution No. 53 adopted.

Resolution No. 54 presented by Councilor Race, 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 Control Facility and re-issue a new bill

- **Sgouris, Christopher**
 - Service ID: 9595 (109 Emick Lane) \$ **173.72**

Roll call:

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

Supervisor Zupan declared Resolution No. 54 adopted.

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

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

To approve the use of the New Woodstock Ball Field by the New Woodstock Women’s Softball League for the 2021 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 2021 season.

Completed “player waiver” forms with original signatures must be signed by all players, coaches, and participants in any capacity, must be submitted to the Town Clerk’s Office before the start of the season or prior to any use of the field, whichever date comes first.

All participants shall observe appropriate CDC social distancing measures at all times.

Participants shall wear appropriate PPE/masks as a preventative measure to avoid exposure and/or transmission of COVID-19.

Roll call:

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

Supervisor Zupan declared Resolution No. 55 adopted.

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

AUTHORIZE PROCUREMENT OF AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) FOR THE JOINT YOUTH RECREATION PROGRAM

The Town of Cazenovia Town Board hereby authorizes the purchase of one Automated External Defibrillator (AED) from the company, AED Leader to be used at the Joint Youth Recreation Program. Total expenditure shall not exceed One Thousand Two Hundred Seventy-five Dollars and 00/100 (\$ 1,275.00).

Roll call:

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

Supervisor Zupan declared Resolution No. 56 adopted.

Attorney's Report: *John Langey, Esq. said he will follow-up with the Board on the HUD Plan that was accepted tonight as a Draft. He will do the finishing touches with Mr. Bixby on the Cannon Crest Road Agreement and ultimately acceptance of that road by the Town Board. He mentioned the solar revisions are continuing and he thought he could meet with Councilors Andersen and Golub to go line-by-line on the changes before bringing it to the Town Board and offered to host the Zoom call. The water district consolidation project continues. He said at the end of the month he will give a presentation on short-term rentals at a NYS Lake Association meeting.*

Supervisor's Report: *Supervisor Zupan thanked the Board members for helping him out when he was away.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported the Highway Dept. is moving into Spring-everything is good and clean. They have some things they are working on, one being a possible new salt shed. He said the CHIPS runs were out last Friday and there is a substantial increase which is a good thing. Lastly, the highway dept. is back on 4-10's.*

Councilor Andersen {Planning & Zoning, CACDA, Shared Services, CACC, Future of the Town Office (Gothic Cottage)}: *Councilor Andersen said she has had some very preliminary conversations with Mayor Wheeler about consolidating courts. On another note, she said Councilor Golub and she had a conversation with Jen Wong of CPF about renewable energy siting. Jen Wong pointed them in the direction of a land trust called Scenic Hudson which has developed a GIS-based tool that has a lot of layers, soil, viewsheds, etc. Jen thought it would be helpful to use this tool in a more global view of where these types of projects should or should not*

be sited. Councilor Andersen said the current practice is to take these projects on as people apply. This program could give general guidance as to where would be potentially good or bad locations. She mentioned she would look more into this. She stated CPF has applied for a Colgate-intern this summer to assist. Lastly, she mentioned Scott Phillips thinks it would be a good idea as a town to educate homeowner’s more on what they can do to prevent glare and protect dark skies. He has written a potential letter and she has done some editing to it. More will be coming on this once it is in a more final form.

Councilor Golub {Future of the Town Office (Gothic Cottage), Cazenovia Lake Association & Cazenovia Lake Watershed Council}: *Reported the Foundation of Cazenovia Lake (FCL) will be merging with Cazenovia Lake Association because both organizations have similar objectives. The funds will be transferred. The FCL will still be long-term projects that would be part of the mission of the FCL involving, backflow, water quality, sediment run-off and HAB prevention. If people want to donate to these types of objectives, but not lake treatment, they still can. He said this will be another avenue for long-term donations which provides a little more flexibility. He said he participated in a community solar webinar for the Town of Manlius and what they are doing with community solar. Lastly, he mentioned Earth Week and said if you go on the U-CAN website you can register for Earth Week webinars.*

Councilor Reger (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department & Planning and Zoning): *Reported on a follow-up from the March meeting and thanked the State Police and Sheriff’s Dept. who were helpful in responding to the couple that joined the March meeting from Route 80 in New Woodstock. He stated the State Police were able to increase their presence and help out. He said in regards to the Youth Recreation Program, they hired a new Director, Kristen Brink, who is a teacher in the elementary school. He said he has been spending quite a bit of time on Youth Recreation to prepare for the upcoming season. In regards to the Farmer’s Market, he spoke with the Director and everything is on track for May 8th. He said CRIS is looking for more CRIS-CAT drivers. The vaccine request has slowed for the CAZ COVID team but wanted to thank the local pharmacies for all their help and their communication about extra doses in an effort to get people vaccinated.*

Supervisor Zupan asked if any member of the public cared to use the second comment period to speak to the board regarding any area of Town Board oversight.

Public comment #2: *There were no comments.*

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 Golub 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