

## **TOWN BOARD**

**MONDAY**

**January 13, 2014**

**Supervisor Zupan opened the meeting at 7:30 P.M. with three Councilors present. Councilor Race was absent.**

**Pledge of Allegiance.**

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

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**Motion by Councilor Moran, seconded by Councilor Andersen to accept the minutes from the prior meeting. The motion was unanimously approved.**

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

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

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**Resolution No. 1 presented by Councilor Moran, seconded by Councilor Andersen to appoint Thomas M. Driscoll to fill the vacant Town Board Councilor seat, effective immediately.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 1 adopted.**

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**Councilor Driscoll took the oath of office administered by the Town Clerk.**

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**Motion by Councilor Andersen, seconded by Councilor Moran to open the public hearing relative to Local Law No. 1 – 2014, entitled “A Local Law Authorizing Purchasing Based on Best Value.”**

**Public Comment:** There were no comments.

**Motion by Councilor Driscoll, seconded by Councilor Moran to close the public hearing.**

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**Resolution No. 2 presented by Councilor Moran, seconded by Councilor Andersen**

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 1-2014, “A Local Law Authorizing Purchasing Based on Best Value,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on December 9, 2013; and

**WHEREAS**, a public hearing was held on such proposed local law on January 13, 2014, 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. 1-2014 has previously been determined to be a Type II Action pursuant to the SEQRA review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. 1-2014.

**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. 1-2014 as Local Law No. 1-2014 as follows:

**“PROPOSED LOCAL LAW NO. 1-2014**

**A Local Law Authorizing Purchasing  
Based on Best Value**

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

**SECTION 1. TITLE**

This law shall be known as the “Local Law Authorizing Purchasing Based on Best Value.”

**SECTION 2. DECLARATION OF INTENT**

General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Town of Cazenovia Town Board hereby determines that it is in the best interest of the Town of Cazenovia and its residents for the Town of Cazenovia Purchasing Agent (hereafter referred to as “Purchasing Agent”) to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder are:

- (a) Lowest cost of maintenance for good(s) or service(s);
- (b) Durability of good(s) or service(s);
- (c) Higher quality of good(s) or service(s); or
- (d) Longer product life of good(s) or service(s).

**SECTION 3. AUTHORITY**

On and after the effective date of this law, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

- (a) Where the basis for award is the best value offer, Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall

be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

(b) Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.

(c) The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative Committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Town of Cazenovia Procurement Policy.

#### **SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **SECTION 5. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.”

#### **Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 2 adopted.**

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***Anne Saltman**, principal planner, with the Central New York Regional Planning & Development Board spoke with the Board regarding a Climate Action Plan. She stated a few years ago the Town of Cazenovia signed a pledge to become a Climate Smart Community which has enabled the Town to be eligible for technical assistance and educational opportunities through the Department of Environmental Conservation and Regional Planning & Development Board. She said the Climate Action Plan is the second of two phases; the first phase was completed last year which involved the compilation of the greenhouse gases emission inventory. She said she is*

*proposing the data from the greenhouse gas inventory be presented in a Climate Action Plan. She stated this would involve establishing a partnership between the Town of Cazenovia, SUNY College of Environmental Science and Forestry (ESF) and the Regional Planning Board. She suggested the Town could designate a liaison to work with 5-6 ESF students and their professor. She said this would involve approximately 3 meetings with the Town. She explained the plan would entail working with the Town to establish goals and objectives for energy use reductions, and, at the conclusion of the project, a final report, called a Climate Action Plan would be presented. She felt the Town would benefit from this resource.*

*The Board designated Tim Hunt to be the point-of-contact for this program.*

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**Resolution No. 3 presented by Councilor Driscoll, seconded by Councilor Andersen**

**PROCUREMENT POLICY**

**WHEREAS**, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid; and

**WHEREAS**, Town Boards are required to periodically update the Town's adopted Procurement Policy; and

**WHEREAS**, comments have been solicited from all officers in the Town of Cazenovia involved in the procurement process; and

**WHEREAS**, the Town Board of the Town of Cazenovia desires to readopt and update its Town Procurement Policy.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Cazenovia, in a regular session duly convened that the Town of Cazenovia, does hereby adopt the following updated Procurement Policy, which Policy is intended to apply to all goods and services which are not required by law to be publicly bid:

***"PROCUREMENT POLICY FOR THE TOWN OF CAZENOVIA"***

***(Adopted and Effective 01/13/2014)***

1. A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply

or service is not subject to competitive bidding.

B. The following items are not subject to competitive bidding pursuant to Sec. 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under New York State and county contracts; and surplus and secondhand purchases from another governmental entity.

C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual or department head making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the item or service is exempt, a memo from the purchaser detailing the circumstances which lead to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by the use of written requests for proposals, written quotations, verbal quotations or any other methods that assure its goods will be purchased at the lowest price and favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from the agencies for the blind or severely handicapped pursuant to Sec. 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Sec. 186 of the correction Law; purchases under State contracts pursuant to Sec. 104 of the General Municipal Law, as amended; purchases under county contracts pursuant to Sec. 103(3) of the General Municipal Law.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method of Purchase
\$250 - \$999	At the discretion of the purchasing agent or department head unless otherwise

	established by Town Board resolution
\$1,000 - \$4,999	Two (2) written or verbal quotations will be secured plus the approval of the Town Board, unless otherwise established by Town Board resolution
\$5,000 - \$19,999	Three (3) written quotations shall be secured plus approval of the Town Board
\$20,000 & up	Formal sealed bids shall be secured in conformance with General Municipal Law Sec. 103
Estimated Amount of Public Works Contract	Method of Purchase
\$250 - \$999	At the discretion of the department head making the purchase unless otherwise established by Town Board resolution
\$1,000 - \$4,999	Two (2) written or verbal quotations shall be secured by the purchaser or department head plus the approval of the Town Board, unless otherwise established by Town Board resolution
\$5,000 - \$34,999	Three (3) written proposals shall be secured plus the approval of the Town Board
\$35,000 & up	Formal sealed bids shall be secured in conformance with General Municipal Law Sec. 103

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the required number of proposals be a bar to the procurement.

4. If a contract is not awarded to the lowest responsive, responsible offerer, an explanation shall be provided and kept by the Town. The documentation will include an explanation of how the award will achieve savings or how the offer was not a responsible or responsive one. A determination that the offer is not from a

responsible or a responsive party may not be challenged under any circumstances. A purchase may also be made in conformance with the best value practice as adopted by the Town of Cazenovia Local Law Authorizing Purchasing Based on Best Value.

5. Pursuant to General Municipal Law Sec. 104-b(2)(f), there are circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interests of the Town. In the following circumstances it may not be in the best interests of the Town of Cazenovia to solicit quotations or documents as a basis for not accepting the lowest bid:

A. Professional services or services requiring special technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skills, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines:

- (1) whether the services are subject to state licensing requirements;
- (2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (3) whether the services require a personal relationship between the individual and municipal officials.

Professional technical services shall include, but are not limited to, the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of a municipally-owned property;



computer software or programming services for customized programs or services involving a substantial modification and customization of prepackaged software.

B. Emergency purchases pursuant to Sec. 103(4) of the General Municipal Law. Due to the nature of this exception, these goods and services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety and/or welfare of the residents. This section does not preclude alternate proposals if time permits.

C. Purchases of surplus and secondhand goods subject to written approval of the Town Board. Purchases from auctions are subject to prior Town Board approval.

D. Goods under \$250 and public works contracts for less than \$500. The time and documentation required is more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such contracts would be awarded based on favoritism.

6. Notwithstanding anything to the contrary, included in the Policy, the following special additional provisions for Highway Department purchases shall apply:

A. The Highway Superintendent may contract the purchase of equipment and tools, without additional Town Board approval up to \$3,000. (Highway Law 142(1a)).

B. When highway machinery is to be purchased, the Town Board shall authorize the Supervisor to procure such equipment. (Highway Law 266)

C. The Highway Superintendent shall file with the Town Board, before September 30<sup>th</sup> of each year, written recommendations on equipment that should be purchased and the projected costs thereof. (Highway Law 142(3)).

D. The Highway Superintendent may sell equipment when the Town Board approves. Such equipment may also be used as trade-in for new equipment. (Highway Law 143).

E. Upon Town Board approval and subject to applicable law, needed machinery may be leased or rented by the Highway Superintendent, upon whose order payment will be made by the Supervisor from Highway repair funds. (Highway Law 143). Written estimates shall be obtained by the Highway Superintendent for review by the Town Board, as needed.

F. Equipment may be purchased under installment contract pursuant to General Municipal Law 109-b when approved by the Town Board.

G. That the Town Board and the Highway Superintendent shall develop a system to track costs associated with each of the Town's vehicles, including repairs and refurbishing, noting gas, parts, equipment and labor for the upkeep, maintenance and repair of each of said vehicles and such other pertinent cost information as may be needed to evaluate the expended life of the vehicle and for evaluation as to the need for replacement and procurement.

7. Notwithstanding the provisions of this Procurement Policy, the Town of Cazenovia may, for purposes of public purchases, utilize the provisions of General Municipal Law Sec. 103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law Sec. 103, the Town of Cazenovia may purchase through the bids solicited by the U.S. Government, New York State and/or any other political subdivision (Counties, Towns, Villages, School Districts, etc.) provided those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law Sec. 103(16). Prior to such purchase, the Town of Cazenovia will ensure that a piggyback purchase qualifies as follows:

A. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Cazenovia should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the Town of Cazenovia or other municipalities. This determination should be made on a case-by-case basis.

B. The specific contract must have been issued in accordance with the provision of General Municipal Law Sec. 103.

8. The Town Board shall review this Procurement Policy annually, and where needed, update the Policy.

9. This Policy shall go into effect upon Town Board resolution approval.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 3 adopted.**

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**Resolution No. 4 presented by Councilor Moran, seconded by Councilor Andersen, as follows:**

- a.** to designate The Cazenovia Republican and the Oneida Daily Dispatch as the Town's Official Newspapers.
- b.** to designate the Town's official bank as Oneida Savings Bank (State Bank of Chittenango.)
- c.** to designate the second Monday of each month at 7:30 P.M. as the regular Town Board meeting date and time, with the exception of the October and November meetings, which are hereby changed to the first Monday due to NYS Law regarding budgetary requirements, and further to designate the Wednesday preceding the monthly meeting for work sessions as needed.
- d.** to establish a \$100.00 Petty Cash Fund for the Town Clerk's use.
- e.** to authorize the issuance of the payroll on a bi-weekly basis only.
- f.** to authorize town business mileage reimbursement to be in accordance with the current federal reimbursement rate.
- g.** to authorize the renewal with Digital Towpath for website hosting for 2014, pursuant to Resolution No. 52-2006, dated 6/12/06.
- h.** to authorize the imposition of a \$20.00 fee on each check tendered as payment and subsequently returned for insufficient funds and like reasons.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 4 adopted.**

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**Resolution No. 5 presented by Councilor Moran, seconded by Councilor Driscoll to re-affirm the following “Rules of Procedure,” pursuant to Town Law 63:**

1. All meetings of the Town Board will be conducted according to NYS Town Law, Article 4 - TOWN BOARDS, §63 :  
§ 63. Presiding officer and rules of procedure.  
The supervisor, when present, shall preside at the meetings of the town board. In the absence of the supervisor, the other members shall designate one of their members to act as temporary chairman. A majority of the board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all the members of the town board. The board may determine the rules of its procedure, and the supervisor may, from time to time, appoint one or more committees, consisting of members of the board, to aid and assist the board in the performance of its duties.
2. All written correspondence addressed to the Town Supervisor, Town Board, Highway Superintendent or Town Clerk must contain the printed name of the correspondent and if sent in a representative capacity similarly with the legal name of the entity as well to warrant being considered business of the board.
3. Any matter of new business, not considered part of the Board’s usual agenda, that will require a vote at the Board’s regular monthly meeting, must be submitted in writing to the Town Clerk by 12 o’clock noon on the Friday preceding the scheduled board meeting. Receipt of new business by 12 o’clock noon on the Friday preceding the scheduled board meeting in no way implies that the Town Board will address the matter. The decision to consider or deny new business will remain solely at the discretion of the Town Board.
4. Two public comment periods will be offered during Town Board meetings. The intent of the public comment period is for residents to express an opinion or bring information to the attention of the Town Board. The first comment period will be held prior to consideration of resolutions; comments received during this period are limited to matters on the agenda for consideration. The second public comment period will be held prior to adjournment and is not limited to matters on the meeting agenda; however, topics must be relevant to the conduct and authority of the Town Board.

- a. Each commenter will be limited to three minutes; comments must be addressed to the Town Board. Written material of any length may be submitted.  
The Supervisor or presiding officer may adjust the time limit at his or her sole discretion.
- b. Repetitive or redundant statements are discouraged.
- c. No member of the audience (or the Town Board) shall engage in any demonstration, vocal or otherwise, including booing or applause or any other actions that will disrupt the orderly conduct of the Town Board meeting.
- d. Audience members in violation of these rules of conduct will be asked to refrain from disruptive behavior or leave the meeting.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 5 adopted.**

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**Resolution No. 6 presented by Councilor Driscoll, seconded by Councilor Andersen to appoint John R. Langey of Costello, Cooney & Fearon as Attorney for the Town for the year 2014, at a rate not to exceed \$60,000 annually, to be invoiced monthly for general legal services, and further for non-general legal services, to authorize the rate of \$150.00 per hour (a reduced rate) for additional legal services, which includes but is not limited to litigation, municipal bond work, major non-routine projects and environmental matters, etc.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 6 adopted.**

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*Supervisor Zupan appointed Councilor Race as Deputy Town Supervisor.*

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**Supervisor Zupan made the following appointments of Town Board members as liaisons for areas of oversight and interest, monthly reports will be presented, as needed:**

<u>Councilor Race</u>	--	Highway Department, South Cemetery, Water Districts
<u>Councilor Andersen</u>	--	Planning & Zoning, CACDA, Shared Services, CACC
<u>Councilor Moran</u>	--	Future of the Town Office & Cazenovia Lake Watershed Council
<u>Councilor Driscoll</u>	--	Cazenovia Lake Association, Cazenovia Lake Watershed Council, Senior Recreation & Joint Youth Recreation, State Police, Parks, New Woodstock Fire Department, High Impact Industrial Use Zoning

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**Resolution No. 7 presented by Councilor Driscoll, seconded by Councilor Moran to make the following appointments and re-appointments:**

Connie Sunderman.....	Registrar of Vital Statistics, Records
.....	Management Officer, and Foil Officer
Susan Wightman.....	Planning/Zoning Clerk, Planning Board
.....	Secretary, ZBA Secretary
Roger Cook.....	Zoning & Codes Enforcement Officer
Elizabeth Merrill.....	Bookkeeper
Barbara Howland.....	Secretary to the Town Supervisor
.....	Water Districts Collector
Gordon Baker.....	Dog Control Officer
Monica James.....	Gothic Cottage Housekeeping
New Woodstock Regional	
Historical Society .....	Town Historian
Timothy Hunt.....	Highway Superintendent

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 7 adopted.**

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*The Town Clerk appointed Susan P. Wightman as First Deputy Town Clerk (Tax Collector) & First Deputy Registrar of Vital Statistics for 2014.*

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**Resolution No. 8 presented by Councilor Moran, seconded by Councilor Driscoll to appoint the following Town Board members as commissioners of the town sewer districts and to maintain liaison with the Madison County Sewer District Board for the operation, maintenance and the imposition of taxes as a self-supporting benefit district within the Town of Cazenovia.**

Supervisor Zupan  
Councilor Andersen  
Councilor Race

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 8 adopted.**

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**Resolution No. 9 presented by Councilor Driscoll, seconded by Councilor Moran to approve the following hourly and annual salaries in amounts not to be exceeded and as provided in the 2014 Town Budget:**

Budget Officer.....(Zupan)	A1340.1	annual	\$ 880.00
Assessor .....(Fitts)	A1355.1	annual	\$ 51,200.00
Registrar of Vital Stats.....(Sunderman)	A4020.1	annual	\$ 4,741.00
Records Manage Officer ....(Sunderman)	B1460.1	annual	\$ 5,911.00
Zoning Officer.....(Cook)	B8010.1.23	annual	\$ 19,308.00
Codes Officer .....(Cook)	B3620.1	annual	\$ 8,203.00
Deputy Town Clerk .....(Wightman)	A1430.1.12	15.09 per hr @ 35 hr /wk	\$ 15,105.00
Zoning Department Clerk..(Wightman)	B8010.1.10	15.09 part of wkly hrs above	\$ 12,359.00
Gothic Cottage Cleaning ....(James)	A1620.1	annual	\$ 2,820.00
Dog Control Officer.....(Baker)	A3510.1	annual	\$ 4,621.00
Town Historian .....(NW Hist)	A7510.4	annual	\$ 2,500.00

Planning Bd Chairman .....(Palmer)	B8020.1.25	annual	\$ 1,486.00
ZBA Chairman .....(Fischer)	B8010.1.25	annual	\$ 1,486.00
Bookkeeper.....(Merrill)	A1430.1.37	27.82 per hr @ 30hr /wk	\$ 43,437.16
Secretary to Planning Bd ...(Wightman)	A8020.1.10	15.09 per hr @ 20hr /mo	\$ 3,621.30
Secretary to ZBA .....(Wightman)	B8010.1.24	15.09 per hr @ 10hr /mo	\$ 2,568.36
Secretary to Supervisor .....(Howland)	A1220.42	16.48 per hr @ 15hrs / wk	\$ 12,855.00
Water Districts Collector ...(Howland)	SW8310.1	16.48 per hr @ 5hrs / wk	\$ 4,285.00
Justice Clerk.....(Palmer)	A1110.1.10	12.88 per hr	\$ 4,635.00
Justice Clerk.....(Williams)	A1110.1.10	12.88 per hr	\$ 4,635.00
Highway Superintendent....(Hunt)	A5010.1	annual	\$ 62,660.00

Highway Department hourly rates

Contract Laborer.....	\$13.11 hourly rate
Machinery Equipment Operator.....	\$18.46 hourly rate
Heavy Equipment Operator .....	\$20.80 hourly rate
Mechanic .....	\$21.42 hourly rate
Deputy Highway Superintendent .....	\$21.42 hourly rate

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 9 adopted.**

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*Tim Hunt, Highway Superintendent, appointed James Wheelin as Deputy Highway Superintendent.*

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**Resolution No. 10 presented by Councilor Moran, seconded by Councilor Driscoll to adopt the following holiday schedule for 2014:**

**New Year's Day: 1/1**  
**Martin Luther King Day: 1/20**  
**President's Day: 2/17**  
**Good Friday: 4/18**  
**Memorial Day: 5/26**  
**Independence Day: 7/4**  
**Labor Day: 9/1**  
**Columbus Day: 10/13**  
**Veteran's Day: 11/11**



**Thanksgiving: 11/27**  
**Day after Thanksgiving: 11/28**  
**Christmas: 12/25**  
**Day after Christmas: 12/26**

**Roll call:**  
**Councilor Andersen**      **Yes**  
**Councilor Race**          **Absent**  
**Councilor Moran**        **Yes**  
**Councilor Driscoll**      **Yes**  
**Supervisor Zupan**      **Yes**

**Supervisor Zupan declared Resolution No. 10 adopted.**

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**Resolution No. 11 presented by Councilor Andersen, seconded by Councilor Driscoll to approve the procurement of a blanket undertaking from a duly authorized corporate surety covering the officers, clerks, board members, and employees of the Town. Pursuant to Town Law § Oaths of Office and Undertaking, the Official Undertaking shall be filed with the Madison County Clerk.**

**Roll call:**  
**Councilor Andersen**      **Yes**  
**Councilor Race**          **Absent**  
**Councilor Moran**        **Yes**  
**Councilor Driscoll**      **Yes**  
**Supervisor Zupan**      **Yes**

**Supervisor Zupan declared Resolution No. 11 adopted.**

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**Resolution No. 12 presented by Councilor Moran, seconded by Councilor Andersen pursuant to Resolution No. 18 of 2004,**

**“the Town Board shall, at the annual organizational meeting, appoint the Chairmen of the CACC, Zoning Board of Appeals, and the Planning Board, each to one calendar year terms. Said chairmen shall serve at the pleasure of the Town Board.”**

**to re-appoint Michael Palmer as Chairman of the Planning Board,  
Chris Fischer as Chairman of the Zoning Board of Appeals,  
and Damian Vanetti as Chairman of the CACC for the year 2014.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 12 adopted.**

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**Resolution No. 13 presented by Councilor Driscoll, seconded by Councilor Andersen to approve the following appointments:**

<b><u>Board Member</u></b>	<b><u>Term</u></b>	<b><u>Term Expiration</u></b>
Hugh Roszel, Planning Board	7 years	12/31/2020
Chris Fischer, ZBA	5 years	12/31/2018
Robert Ridler, BAR	5 years	12/31/2018
Don Ferlow, CACC	2 years	12/31/2015
Mathew Webber, CACC	2 years	12/31/2015
Tara Hartley, CACC	2 years	12/31/2015

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 13 adopted.**

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**Resolution No. 14 presented by Councilor Moran, seconded by Councilor Driscoll to authorize the Town Supervisor to execute a Substance Abuse Testing Agreement with Industrial Medical Associates for the year 2014:**

**INDUSTRIAL MEDICAL ASSOCIATES**  
**SUBSTANCE ABUSE TESTING PROGRAM**  
**Random Testing Program**  
**Stand Alone – DOT 2014**

**THIS AGREEMENT** is made as of the 1st day of January, 2014 by and between **Industrial Medical Associates, P.C. (IMA)** whose address is 961 Canal Street, Syracuse, New York 13210 and **TOWN OF CAZENOVIA** (**Customer**) whose address is **7 Albany Street, Cazenovia, New York 13035.**

**WHEREAS:**

**CUSTOMER**

- has developed a substance abuse policy which complies with the United States Department of Transportation (“DOT”) and other legal obligations;
- has trained it’s Supervisors in compliance with the DOT;
- remains solely and exclusively responsible for all requirements and facets of its alcohol and controlled substances testing program, including, but not limited to those listed in Attachment A;
- requires a variety of Controlled Substances Testing and related Services as part of the customer’s program and **IMA** is prepared to offer such services.

**NOW THEREFORE, IMA, for the initial term of January 1, 2014 through December 31, 2014, renewable annually with the timely submission of a company roster shall provide the following Controlled Substance Testing and Related Services:**

- **RANDOM SELECTION:** **IMA** shall provide the selection of the Drivers for random alcohol and controlled substance testing using the method and frequency prescribed by the Federal Regulations;
- **CONTROLLED SUBSTANCES TESTING:** **IMA** shall provide for the randomly selected Drivers and for those Drivers identified by **Customer** as needing a DOT-required pre-employment test, post accident test, reasonable suspicion test, return-to-duty test, or follow-up test:
  - (1) designation of a qualified specimen collection site for Drivers to provide urine specimens;
  - (2) collection of the specimens using the split sample method;
  - (3) handling and transportation of the specimens in compliance with chain-of-custody requirements;
  - (4) initial and confirmatory testing of the specimens for DOT designated controlled substances by a properly certified laboratory;
  - (5) review of controlled substances test results by a qualified Medical Review Officer (MRO);

- (6) verification of all confirmed positive controlled substances tests by the MRO;
- (7) communication of all controlled substances test results to Customer's Designated Management Official.

- **ALCOHOL TESTING SERVICES:** IMA shall arrange for performance of the following Alcohol Testing Services on and for the randomly selected Drivers and for those drivers identified by **Customer** as needing a DOT-required post accident test, reasonable suspicion test, return-to-duty test or follow-up test:
  - (1) performance of screening and confirmation alcohol tests by a qualified Breath Alcohol Technician (BAT) using an approved evidential breath testing device and the DOT mandated breath alcohol testing form;
  - (2) communication of all alcohol test results to **Customer's** Designated Management Official.
- **ASSISTANCE IN PREPARATION OF DOT-REQUIRED ANNUAL REPORTS:** IMA shall provide **Customer** with annual reports to aid in the preparation of the required DOT MIS report.
- **CALENDAR SUMMARY REPORTS:** IMA shall provide **Customer** with alcohol and controlled substances testing data specific to the employees upon whom the aforementioned tests were performed. Such data includes, but is not limited to, laboratory semi-annual and annual statistical summaries.

**FEES:**

- IMA shall perform its obligations under this Agreement for the sums specified at the then current Pricing as per the attached **IMA STAND ALONE DOT RANDOM TESTING PROGRAM PRICING 2014**.

**DEFAULT PROCEDURE:**

- If either party breaches any of its obligations under this Agreement, then the other party shall transmit a default notice specifying the nature of the default, and the defaulting party shall have 7 days from the date of the default notice to cure the default.

**TERMINATION OF AGREEMENT:**

- Either **IMA or Customer** may terminate this Agreement upon 30 days prior written notice to the other party or non-compliance with the default procedure.

Unless specifically extended in writing by the customer, this contract will terminate on December 31, 2014.

## **ATTACHMENT A**

### **TOWN OF CAZENOVIA (Customer) CUSTOMER'S RESPONSIBILITIES PERTAINING TO DEPARTMENT OF TRANSPORTATION CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM**

1. **REMEDIAL ACTION AND REMOVAL FROM SAFETY-SENSITIVE FUNCTIONS:** When a driver tests positive for alcohol or a controlled substance, **Customer** shall take all remedial actions required by the Driver's employer under the Federal Regulations, including, but not limited to, removing and prohibiting that Driver from performing safety-sensitive functions.
2. **COMMUNICATION WITH MRO, BAT, AND SUBSTANCE ABUSE PROFESSIONAL:** **Customer** shall communicate directly with the MRO, or designated representative of the MRO, the BAT, and substance abuse professional regarding the Drivers' alcohol and controlled substances tests and all matters pertaining thereto.
3. **RECORD RETENTION:** **Customer** or Authorized Agent shall retain all records pertaining to alcohol and controlled substances testing required by the Federal Regulations.
4. **MAINTAINING CONFIDENTIALITY:** **Customer** shall maintain the confidentiality of all results and records associated with alcohol and controlled substances testing in compliance with all local, state, and federal laws, ordinances, and regulations, including, but not limited to, the Federal Regulations.
5. **DRIVER SELECTION:** **Customer** shall select Drivers for pre-employment tests, post-accident tests, reasonable suspicion tests, return-to-duty tests, and follow-up tests, as appropriate.
6. **DRIVER AVAILABILITY AND COMPLIANCE:** **Customer** shall cause its Drivers to actually make themselves available for the performance of the Controlled Substances Testing Services and to comply with all of the instructions provided by **IMA**. **IMA** shall not have any obligation to perform

or arrange for performance of the Controlled Substances Testing Services on or for any Driver that either fails to actually make himself or herself available for the performance of the Controlled Substances Testing Services or who fails to comply with all of the instructions provided by the Independent Contractor.

**IMA STAND ALONE DOT  
RANDOM TESTING PROGRAM PRICING 2014**

<b>Urine Drug Screen Package</b> (package includes collection, MRO, lab analysis)	<b>\$ 61.00 per test</b>
<b>Breath Alcohol Screen</b>	<b>\$ 34.00 per test</b>

**IMA's STAND ALONE DOT RANDOM TESTING PROGRAM includes:**

- Urine Drug Screen Collection Package - includes collection, Medical Review Officer (MRO) Services, and Lab Analysis by SAMHSA(certified laboratory)
- Breath Alcohol Testing
- Random Testing Program Management
- Record Management and Retention
- Drug/Alcohol Statistical Summary Reports
- DOT Audit Assistance
- DOT Regulation Updates
- Substance Abuse Professional Referral

**ADDITIONAL SUBSTANCE ABUSE TESTING PRICING**

<b>Urine Drug Screen Package</b> <i>for Pre-Employment, Post Accident, Reasonable Suspicion, Follow-Up, or Return-to-Duty</i> (package includes collection, MRO, lab analysis)	<b>\$ 61.00 per test</b>
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<b>Breath Alcohol Screen</b> <i>for Post Accident, Reasonable Suspicion, Follow-Up, or Return-to-Duty</i>	<b>\$ 34.00 each</b>
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<b>After Hours</b> Hourly fee assessed, in addition to test fee, for any collection done outside the regular business hours of IMA's No. Syracuse location (regular business hours are Mon – Fri, 6:30 am - 5:00 pm)	<b>\$ 80.00 per hour</b>
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**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 14 adopted.**

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**Resolution No. 15 presented by Councilor Moran, seconded by Councilor Andersen to approve the formation of an advisory committee which will be known as the Gothic Cottage Citizens Advisory Committee and to make the following appointments as members of said committee:**

Timothy Hunt  
Mary Pringle Symonds  
Mathew Webber  
Karen Reynolds  
Brian Pincelli

**Any expenses of said Committee shall first be approved by formal action of the Town Board.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 15 adopted.**

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**Resolution No. 16 presented by Councilor Driscoll, seconded by Councilor Andersen**

**TOWN BOARD RESOLUTION  
REGARDING CHEMICAL TREATMENT OF  
EURASIAN WATERMILFOIL IN CAZENOVIA LAKE  
(Potential 2014 Treatment)**

**WHEREAS**, protection and restoration of the water quality, aesthetic condition, recreational usage and aquatic habitat of Cazenovia Lake is in the best interest of our entire community with respect to environmental stewardship, culture heritage and economic interests; and

**WHEREAS**, the invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil, has become increasingly abundant in Cazenovia Lake and degrades the lake's water quality, aesthetic value and recreational potential; and

**WHEREAS**, for decades the Cazenovia Lake Association has attempted to manage the symptoms of excessive weed growth through harvesting and other measures with only limited success; and

**WHEREAS**, a Cazenovia Lake Summit was held on November 15, 2008 to bring together experts in effective control measures for Eurasian watermilfoil in lakes, including a senior representative of the Lakes Division of the New York State Department of Environmental Conservation; and

**WHEREAS**, after impartial evaluation of all viable alternatives, a chemical treatment program using the chemical Triclopyr, with a brand name of Renovate, appeared to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake; and

**WHEREAS**, the chemical Triclopyr has 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**, in the early Summer of 2009, the Town received a permit from the New York State Department of Environmental Conservation to apply the herbicide Triclopyr for certain portions of the Lake (Northern); and

**WHEREAS**, a second phase of treatment of the Lake occurred in the Summer of 2010 for the central and southern portions of the Lake and a third treatment occurred in 2011; and

**WHEREAS**, the treatments occurring pursuant to the Summer 2009, 2010 and 2011 applications have been deemed to have had measureable levels of success; and

**WHEREAS**, the three (3) previous treatments, while highly successful for many areas of the Lake, have certain limitations, including some residual requirements in areas which were otherwise untreated or treated at lower levels such that regrowth and repopulation of Eurasian watermilfoil has occurred at levels which should now be addressed; and

**WHEREAS**, the consulting firm Allied Biological Inc. of Hackettstown, NJ has proposed to offer professional services to prepare a pesticide application permit to New York State Department of Environmental Conservation for a proposed 2014 treatment on behalf of the Applicant for a fee not to exceed **\$ 1,125.00** without additional authorization; and

**WHEREAS**, Volume 6 NYCRR, Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as early as possible and within twenty (20) days of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the Town Board has completed and submitted a Short Form Environmental Assessment Form and the same has been reviewed and considered by the Board.

**NOW, THEREFORE**, upon motion of Councilor Driscoll, seconded by Councilor Andersen, it is

**RESOLVED**, that the Town Board of the Town of Cazenovia hereby notices all agencies involved, if any, that it shall be lead agency for this action; and it is further

**RESOLVED**, that the Town Board of the Town of Cazenovia hereby determines that the proposed action is an Unlisted Action, the proposed action does not involve any federal agency and the proposed action does not involve more than one agency such that there shall not be a coordinated review; and it is further

**RESOLVED**, that the Town Board hereby determines the proposed action will not have



a significant effect on the environment, and this Resolution shall constitute a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the NYCRR, Section 617.3, since the proposed action is limited to the funding and execution of an application for a 2014 treatment of Eurasian watermilfoil currently harming Cazenovia Lake; and it is further

**RESOLVED**, that the Supervisor be and hereby is authorized to enter into an agreement with Allied Biological Inc. of Hackettstown, NJ pending review by the Attorney for the Town, for professional services for an amount not to exceed **\$ 1,125.00** without prior written authorization.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 16 adopted.**

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**Resolution No. 17 presented by Councilor Driscoll, seconded by Councilor Andersen**

**TOWN BOARD SEQR RESOLUTION  
(LEAD AGENCY DESIGNATION)  
Treatment and Application of Triclopyr  
("Renovate") on Portions of Cazenovia Lake  
(Potential 2014 Treatment)**

**WHEREAS**, previously, the Town of Cazenovia has considered the possibility of treatment of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*; and

**WHEREAS**, the Town has also previously determined that protection and restoration of the water quality, aesthetic condition, recreational usage, and aquatic habitat of Cazenovia Lake is in the best interest of our entire community with respect to environmental stewardship, culture heritage, and economic interests; and

**WHEREAS**, it has been recognized that the invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil, has become increasingly abundant in Cazenovia Lake and degrades the lake's water quality, aesthetic value, and recreational potential; and

**WHEREAS**, for decades the Cazenovia Lake Association has attempted to manage the symptoms of excessive weed growth through harvesting and other measures with only limited success; and

**WHEREAS**, a Cazenovia Lake Summit was held on November 15, 2008 to bring together experts in effective control measures for Eurasian watermilfoil in lakes, including a senior representative of Lakes Division of the New York State Department of Environmental Conservation; and

**WHEREAS**, after impartial evaluation of all viable alternatives, a chemical treatment program using the chemical Triclopyr, with a brand name of "Renovate," appeared to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake; and

**WHEREAS**, the chemical Triclopyr has 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**, a Generic Supplemental Environmental Impact Statement was accepted by the New York State Department of Conservation with regard to Renovate; and

**WHEREAS**, representatives of the Leadership Group of the Cazenovia Lake Summit met with the members of the Cazenovia Lake Watershed Council on November 19, 2008 to review the findings of the Cazenovia Lake Summit and reach consensus on an integrated strategy for control of Eurasian watermilfoil in Cazenovia Lake; and

**WHEREAS**, consensus was reached to pursue an application to New York State Department of Environmental Conservation for a chemical treatment program using Triclopyr as part of an integrated long-term control strategy of Eurasian watermilfoil; and

**WHEREAS**, on December 8, 2008, the Town of Cazenovia accepted the recommendation of the Cazenovia Lake Watershed Council and authorized the Cazenovia Town Board to join the Cazenovia Village Trustees as Applicants for a pesticide application permit to New York State Department of Environmental Conservation for chemical treatment of a portion of Cazenovia Lake using the chemical Triclopyr; and

**WHEREAS**, in the early Summer of 2009, the Town received a permit from the New York State Department of Environmental Conservation to apply the herbicide Triclopyr for certain portions of the Lake (Northern); and

**WHEREAS**, the treatment occurring pursuant to the Summer 2009 application was deemed to have been successful such that the Town Board undertook a second treatment for the Central and Southern portions of Cazenovia Lake in 2010 and a third treatment in 2012; and

**WHEREAS**, the treatments were deemed to be successful for certain portions of the Lake; and

**WHEREAS**, the three previous treatments, while highly successful for many areas of the Lake, have certain limitations, including some residual requirements in areas which were otherwise untreated or treated at lower levels such that regrowth and repopulation of Eurasian watermilfoil has occurred at levels which should now be addressed; and

**WHEREAS**, the Town Board now desires to undertake an additional treatment and application of Cazenovia Lake with Renovate in the year 2014 for certain portions of the Lake evidencing increased presence and proliferation of Eurasian watermilfoil, subject to the granting of approval, licenses and permits from the DEC as may be necessary; and

**WHEREAS**, this action will require a separate and additional review under SEQR; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as early as possible and within twenty (20) days after submission of a complete application/action, an involved agency shall make a determination whether a given action is subject to the aforementioned law.

**NOW, THEREFORE, BE IT RESOLVED**, upon motion of Councilor Driscoll, seconded by Councilor Andersen, that the Town Board of the Town of Cazenovia hereby determines that:

1. The action is subject to SEQR.
2. The following are involved and/or interested agencies in connection with the SEQRA review:

INVOLVED	INTERESTED
New York State Department of Environmental Conservation 50 Wolf Road Albany, New York 12233-0001	Commissioner of Health Madison County Health Department P.O. Box 605/ 138 North Court St. Wampsville, New York 13163
New York State Department of Environmental Conservation Region 7 615 Erie Blvd. West Syracuse, New York 13204-2400	NYS Office of Parks, Recreation and Historic Preservation Empire State Plaza Agency Building 1 Albany, New York 12238
U.S. Army Corps of Engineers Jacob K. Javits Federal Building 26 Federal Plaza, Room 2109 New York, New York 10278-0090	NYS Thruway Authority & Canal Corp. 200 Southern Blvd. P.O. Box 189 Albany, New York 12201-0189
Village of Cazenovia Board of Trustees c/o Katherine A. Burns, Clerk 90 Albany Street Cazenovia, New York 13035	NYS Thruway Authority & Canal Corp. Suite 250, 2nd Floor 290 Elwood Davis Road Liverpool, New York 13088-0308

3. The action is a Type I action; and
4. The Town of Cazenovia Town Board will assume lead agency status for SEQR review purposes; and
5. Lead Agency notices will be sent out to the involved and/or interested agencies; and
6. The action will require the submission of a Long Form Environmental Assessment Form to provide information with regard to the environmental issues pertinent therein; and it is further

**RESOLVED**, that the Town Board of the Town of Cazenovia hereby shall notify all agencies, interested/involved, that it shall be lead agency for this action unless it receives written objection to this determination within thirty (30) days from the date of mailing of such notice.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 17 adopted.**

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**Resolution No. 18 presented by Councilor Driscoll, seconded by Councilor Andersen**

**TOWN BOARD RESOLUTION  
AUTHORIZING THE SOLICITATION OF BIDS  
FOR THE PROCUREMENT OF A WEED HARVESTER  
FOR THE TOWN OF CAZENOVIA FOR USE ON CAZENOVIA LAKE**

WHEREAS, protection and restoration of the water quality, aesthetic condition, recreational usage and aquatic habitat of Cazenovia Lake is in the best interest of our entire community with respect to environmental stewardship, culture heritage and economic interests; and

WHEREAS, the invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil, has become increasingly abundant in Cazenovia Lake and degrades the lake's water quality, aesthetic value and recreational potential; and

WHEREAS, the Town Board has considered multi-faceted measures to address the proliferation of Eurasian watermilfoil in Cazenovia Lake and has addressed same over the years through a successful program of chemical treatment, stormwater management and local legislation practices; and

WHEREAS, it has been determined that certain other areas of Cazenovia Lake weed growth may be safely addressed through a consideration of limited and controlled program of weed management by way of harvesting; and

WHEREAS, the Town of Cazenovia has determined to explore the use of a weed harvester as part of its multifaceted program to address this important issue (to wit, the procurement of a new 2014 model Aquatic Plant Harvester with a cutting capacity of 7-feet (width) and 6-feet (depth) with diesel engine, minimum power output of 45 hp with Shore Conveyor as more particularly specified in the Notice to Bidders).

NOW, THEREFORE, upon motion of Councilor Driscoll, seconded by Councilor Andersen, it is

RESOLVED, that the Town Board of the Town of Cazenovia hereby authorize the Highway Superintendent of the Town of Cazenovia to solicit and obtain bids through the public bidding process pursuant to GML §103, including the usage of best value practices (as adopted by Local Law 1 of 2014) for the purchase and/or lease purchase of a new Aquatic Plant Harvester with associated Shore Conveyor pursuant to the minimum bid specifications as contained in the proposed Notice to Bidders.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 18 adopted.**

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***J. Langey** informed the Board since the time of the appeal from Mr. Wendel, the Planning Board received a letter from Oweria Vineyards which stated they were withdrawing their request for site plan approval for the permanent structure. He said the Board should approve the resolution even with this latest development.*

**Resolution No. 19 presented by Councilor Moran, seconded by Councilor Andersen to authorize the Town of Cazenovia to retain Germain & Germain, LLP (Robert M. Germain, Esq. of Counsel) as Special Counsel to the Zoning Board of Appeals in relation to a certain appeal taken by Bryan Wendel with respect to the December 17, 2013 determination by Code Enforcement Officer Roger Cook relating to a proposed structure for Oweria Vineyards at an hourly rate of \$175.00 per hour and to execute the Retainer Agreement associated with same.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

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

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**BID OPENING RESULTS (1/6/2014)  
for One New 2014 - 1/2 Ton Truck**

<b>Bidder Name</b>	
<u>F. X. Caprara Ford, Inc.</u>	
Bid Amount:	\$ 44,590
Trade Allowance:	\$ 40,250
<b>Final Bid Price:</b>	<b>\$ 4,340</b>

**Resolution No. 20 presented by Councilor Driscoll, seconded by Councilor Andersen to authorize the award of bid for purchase of One New 2014 - 1/2 Ton Truck Crew Cab 4x4 premium package with leather to F. X. Caprara Ford, Inc. in an amount not to exceed \$ 4,340.00 with the exception of tax, title, and any applicable fees.**

<b>Roll call:</b>	
<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

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

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**BID OPENING RESULTS (1/6/2014)  
for One New 2014 - 3/4 Ton Truck**

<b>Bidder Name</b>	
<u>F. X. Caprara Ford, Inc.</u>	
Bid Amount:	\$ 44,775
{(Truck \$ 39,775) + (Plow \$ 5,000)}	
Trade Allowance:	\$ 41,215
<b>Final Bid Price:</b>	<b>\$ 3,560</b>

**Resolution No. 21 presented by Councilor Driscoll, seconded by Councilor Moran to authorize the award of bid for purchase of One New 2014 3/4 Ton Truck Extended Cab XL 4x4 with power equipment group, running boards and trailer tow package, 8.5' V-plow to F. X. Caprara Ford, Inc. in an amount not to exceed \$ 3,560.00 with the exception of tax, title, and any applicable fees.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

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

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**Resolution No. 22 presented by Councilor Andersen, seconded by Councilor Moran to authorize Barton & Loguidice to undertake the noise ordinance review services outlined in the proposal dated January 13, 2014.**

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

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

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**Resolution No. 23 presented by Councilor Andersen, seconded by Councilor Driscoll to approve the following 2013 budget transfers:**

General Fund A

To increase budget in Personnel PS – Deputy Clerk for additional personnel.

To: A1430.1.12 Personnel PS Deputy Clerk

\$2,077.00

From: A8740.4 Watershed Protection CE

(2,077.00)

General Fund B

To increase budget in Planning CE for unanticipated expenses for sound monitoring engineering fees.

To: B8020.4 Planning CE

\$725.00

From: B1990.4 Contingency

(725.00)

Highway Fund DB

To increase budget in General Repairs CE Gas & Diesel for additional expenses during snow plowing season unanticipated.

To: DB5110.4.31 General Repairs CE Gas & Diesel	\$9,000.00
From: DB5110.1 General Repairs PS	(9,000.00)

New Woodstock Water

To increase budget in Transmission/Distribution PS for additional hours for Water Technicians work on Water Chores.

To: SW8340.1 Transmission/Distribution PS	\$5.00
From: SW8310.4 Administration CE	(5.00)

Wellington Water

To increase budget in Transmission/Distribution PS for additional hours for Water Technicians work on Water Chores.

To: SW8340.1 Transmission/Distribution PS	\$51.50
From: SW8310.4 Administration CE	(51.50)

To increase budget in Social Security (Town's Share) for Employer portion on hours above.

To: SW9030.8 Social Security (Town's Share)	\$.50
From: SW8310.4 Administration CE	(.50)

Mt. Pleasant Water

To increase budget in Transmission/Distribution PS for additional hours for Water Technicians work on Water Chores.

To: SW8340.1 Transmission/Distribution PS	\$50.00
From: SW8310.4 Administration CE	(50.00)

To increase budget in Social Security (Town's Share) for Employer portion on hours above.

To: SW9030.8 Social Security (Town's Share)	\$.55
From: SW8310.4 Administration CE	(.55)

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Absent</b>
<b>Councilor Moran</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

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

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**Attorney's Report:** John Langey reported the noise ordinance is under review and he anticipates to have something for the Board by the next meeting. He further reported the County referral comments were received back for the Zoning Board of Appeals challenge by Mr. Bryan Wendel; the County suggested that, perhaps, the Town Board look at a town-wide events policy and in their comments they included an example from the Town of Southold. He said he has



*been in communication with the Town of Southold Planning Department and he will have a report at the next meeting to see if that is something the Town Board would want to entertain. He said the grant money for the sewer consolidation was awarded to the Town and it will be used to start the sewer consolidation project and the money may also be used to update the sewer regulations for the consolidated sewer districts which are quite outdated and need stronger penalty sections for anyone who violates the rules for the inflow & infiltration problems. He further stated he would get a draft to the Board at the upcoming meeting. He also wanted the Board to consider him utilizing the services of Linda Mather, former Town Clerk, as a consultant because she can save the Board a lot of time and money with all her knowledge and her familiarity with the old records on the sewer districts. The Board concurred and agreed. He said Mrs. Mather would prepare a proposal of her fees. Lastly, he congratulated the people who worked on the grant because the Town of Cazenovia was awarded twice as much as any other awardee.*

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**Supervisor's Report:** Supervisor Zupan reported the position of Supervisor is a learning experience and he is "getting his feet firmly on the ground."

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**Councilor Andersen** (Planning & Zoning, CACDA, Shared Services, CACC): *Reported the long-term Oweria issue is off the Planning Board agenda at this time. She praised the Planning Board for their time and professionalism throughout the duration of this contentious issue. She further stated the grant from the Department of State for the Sewer District Consolidation was due to Lauren Lines of CACDA pulling the information together. She said Lauren Lines has submitted an application for a grant that will be around \$ 80,000 from the Department of Environmental Conservation for a Water Quality Improvement Grant. This grant would allow for the installation of better drainage in the Ridge/Wright Road areas and the Town would be eligible for this funding because it will help mitigate the runoff to the lake, as well as, do a lot for property owners in the general area. Lastly, she reported she is working on moving the Town Court to the Village Hall and will meet with Judges Palmer & Moore, as well as, Village Trustee Koennecke to establish a timeline for this change.*

**Councilor Moran** (Future of the Gothic Cottage & Cazenovia Lake Watershed Council): *Reported the formation of the Gothic Cottage Advisory Citizens Advisory Committee which was discussed earlier at the meeting. She said the Lake Watershed Council met on December 30, 2013 regarding the long-term integrated approach to weed management which would involve harvesting, chemical treatment in areas to treat the milfoil, the continued use of Benthic mats and trying to find other approaches including natural biological systems, as well as, being open to new potential solutions that may evolve. She said a student from SUNY Oneonta is doing an update to the Cazenovia Lake Management Plan. The student will send a survey to lake and watershed residences on their perception of lake usage and impairment, as well as their desires. Lastly, she stated there will be a technical workshop for people around the lake who have expressed willingness to participate in the piezometer survey to look at groundwater quality seeping into the lake.*

**Councilor Driscoll** (Cazenovia Lake Association, Cazenovia Lake Watershed Council, Senior Recreation & Joint Youth Recreation, State Police, Parks, New Woodstock Fire Department, and High Impact Industrial Use Zoning): *Reported he was honored to have been appointed to the Town Board and he has worked with various other Boards in the community.*

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:**

**Anne Redfern**, representative of the League of Women Voters inquired if the rules and procedures of the meetings could be posted on the website or at the office so they would be available for the public.

**Anne Saltman**, representative of the League of Women Voters invited everyone to the library on January 14, 2014 at 7:00 p.m. to listen to the guest speaker, Chris Carrick, who will discuss a regional sustainability plan.

**Samuel Woods** of 5211 East Lake Road stated his property was in close proximity to Oweria Vineyards. He said he is part of a core group trying to solve the issues, along with the Town. He expressed the group does not want to put Oweria Vineyards out of business; they want a farm winery which would be great for the community, but they do not want an event center. He said a long-term solution should be researched because, in his opinion, there is going to be a lot of mini Ag & Markets businesses that are going to “pop-up” around this area and it should be looked at as a town-wide issue. Lastly, he stated the group applauded the Town at looking at a noise ordinance and will applaud the Town if they move forward with a permitting process to look at events and put a limit on the number. He said he was unsure if the ZBA appeal would continue and ultimately it is up to Mr. Wendel who has made the application.

**Brian Keeler** of 5237 East Lake Road stated the Town should create “regulations” that would not discourage a business, but encourage the quality of life that is already in existence when new things move into an existing area. He also mentioned the regulations that govern what you can do with a piece of property should be looked at in holistic terms, in the event, a property changed owners.

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## **The Town Clerk will present 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 Driscoll, seconded by Councilor Anderson to approve payment of the bills.**

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**Motion by Councilor Moran, seconded by Councilor Kristi to adjourn this meeting.**

**Supervisor Zupan will declare this meeting adjourned.**

**Signed** \_\_\_\_\_  
Connie J. Sunderman, Town Clerk