

## TOWN BOARD

MONDAY

May 12, 2014

**Supervisor Zupan opened the meeting at 7:30 P.M. with four Councilors present. Councilor Race was delayed in arriving.**

**Pledge of Allegiance.**

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

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**Motion by Councilor Andersen, seconded by Councilor Driscoll to accept the minutes from the April 15<sup>th</sup> (monthly) meeting, April 25<sup>th</sup> (special) meeting and May 5<sup>th</sup> (special) 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:**

*Peter Muserlian of 5276 East Lake Road inquired if comments had been received on the proposed Special Events Law from the Department of Agriculture and Markets.*

*John Langey stated on Friday, May 9<sup>th</sup> he had a conversation with John Rusnica and Robert Somers from Ag. & Markets. He said they told him they had a number of comments that they were going to memorialize in writing, but did not give specifics to the comments. He stated Ag. & Markets was unable to have the comments available for the meeting tonight. He also mentioned they had obtained a copy of the noise ordinance and were going to comment on that, as well.*

*Supervisor Zupan stated the Board will move forward and set the public hearing. He said if there are minor changes in the law, they can go ahead with the public hearing. If there are major changes, the Board will postpone the public hearing for another thirty days to incorporate the changes into the law. He explained the Mass Gathering Law can't be addressed without the Noise Ordinance Law because the Noise Ordinance Law is referenced in the Mass Gathering Law. He stated if there are not major changes to the Noise Ordinance Law, they can go ahead with it and have the public hearing.*

**John Langey** said another way there could be additional changes is if someone from the public made comments that the Town Board wanted to incorporate into the laws. He explained that every time a substantive change is made to the law, it has to go back to the Town's attorney to "redraft" and then it gets reintroduced at the next meeting. He said the process can continue if the changes are very minor.

**Peter Muserlian** stated he felt the "noise ordinance" and "public events ordinance" violated Ag. & Markets Law 305a.

**Brian Keeler** of 5237 East Lake Road, inquired if a format could be used to track the changes to the proposed laws.

**Councilor Andersen** said it might be difficult to identify where an exact change came from if it is a combination of comments from several individuals.

**Councilor Moran** suggested a form in which the comments could be listed, followed by a narrative of what was done with them. The Town Board concurred.

**Brian Keeler** stated he thought the source of the comment was important.

There were no further comments.

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## **Resolution No. 70 presented by Councilor Driscoll, seconded by Councilor Moran**

### **PROPOSED LOCAL LAW 2 OF 2014**

("A Local Law to Enact a Noise Ordinance in the Town of Cazenovia by adding a New Chapter 112 to the Code of the Town of Cazenovia")

Introduced proposed Local Law No. 2-2014, "A Local Law to Enact a Noise Ordinance in the Town of Cazenovia by adding a New Chapter 112 to the Code of the Town of Cazenovia" which Local Law, would establish rules for regulating noise in the Town of Cazenovia.

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

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

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

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

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

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

**NOW, THEREFORE,**

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

**RESOLVED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. 2-2014 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on June 9, 2014 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

**Roll call:**

<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. 70 adopted.**

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*At 8:02 p.m., Councilor Race joined the meeting.*

**Resolution No. 71 presented by Councilor Driscoll, seconded by Councilor Andersen**

**PROPOSED LOCAL LAW 3 OF 2014**

(“A Local Law to Repeal Chapter 56 of the Code of the Town of Cazenovia and Replace it With a New Chapter 56 to Regulate Special Events in the Town of Cazenovia”)

Introduced proposed Local Law No. 3-2014, “A Local Law to Repeal Chapter 56 of the Code of the Town of Cazenovia and Replace it With a New Chapter 56 to Regulate Special Events in the Town of Cazenovia,” which Local Law, would establish lawful and appropriate procedures for conducting special events in the Town of Cazenovia.

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an

involved agency shall make a determination whether a given action is subject to the aforementioned law; and

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

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

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

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

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

**NOW, THEREFORE,**

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

**RESOLVED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. 3-2014 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on June 9, 2014 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Abstain</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. 71 adopted.**

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**Resolution No. 72 presented by Councilor Race, seconded by Councilor Andersen to approve the following agreement for 2014:**

# **AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS 2014**

Town of Cazenovia

Madison County, NY

Pursuant to the provisions of section 284 of the Highway law, we agree that money levied and collected in the Town of Cazenovia for the repair and improvement of highways, and received from the State for State Aid for the repair and improvements of Highways, shall be expended as follows:

1. General repairs. The sum of **\$25,140** shall be set aside to be expended for primary work and general repairs upon all road miles of town highway, including sluices, culverts and bridges having a span of less than twenty-five feet and boardwalks or the renewals thereof.
2. Improvements. The following sums shall be set aside to be expended for the permanent improvement of Town highways:
  - a. On Grassy Lane, a distance of .61 miles
    - i. for the sum of **\$53,000**
    - ii. Project type – cold mix pavement
    - iii. Width of Surface – 20’
    - iv. Thickness – 3”
3. Sealing. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

Name	Distance	Width
PEARL	0.23	18
ELM	0.15	18
SUMMERFIELD	0.38	20
SYOSSETT	0.5	20
ORMONDE	0.29	22
INDIAN LOOKOUT	0.17	20
HUNTINGTON	0.18	21
MT. PLEASANT	0.28	20
OXBOW	0.38	18
MARK LANE	0.31	24
CHRISTIAN DRIVE	0.32	24
ALLEN	0.04	20
OWERA POINT	0.46	17
HEDGE LANE	0.25	20

MEADOW HILL	0.18	18
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	4.12	

- a. a distance of 4.12 miles & 48,646 square yards
  - i. for the sum of **\$98,237**
  - ii. Project type – Slurry Seal
  - iii. Width of Surface – Varies
- 4. Sealing. The following sums shall be set aside to be expended for the permanent improvement of town highways:

CHARLES	0.44
LORENZO FARMS	1.82
STANLEY EAST	0.94
STANLEY WEST	0.36
GRASSY LANE	0.58
WOODFIELD	0.39
BETHEL	0.34
COE	0.39
TEMPERANCE	1.1
WEST LAKE	1.67
CAZ TERRACE	0.2
	<hr/>
	8.23

- a. a distance of 8.23 miles
    - i. for the sum of **\$86,623**
    - ii. Project type – Chip Seal
    - iii. Width of Surface – Varies
- The total amount of improvements not to exceed the amount of **\$263,000**.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 72 adopted.**

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**Resolution No. 73 presented by Councilor Race, seconded by Councilor Moran** to authorize the Highway Superintendent to order the installation of the brine system and purchase the hoses associated with said system on the 2014 Western Star truck as set forth in the proposal from Tracey Road Equipment dated 3/25/2014 for a total purchase price of \$ 2,100.00 all pursuant to the Town of Cazenovia Procurement Policy.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 73 adopted.**

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**Resolution No. 74 presented by Councilor Driscoll, seconded by Councilor Race** to authorize the Highway Superintendent to purchase a Veritech 3400-gallon tank with spray bar (equipment) as set forth in the proposal from Tracey Road Equipment dated 3/15/2014 for a total purchase price of \$ 19,179.00 all pursuant to the Town of Cazenovia Procurement Policy.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 74 adopted.**

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**Resolution No. 75 presented by Councilor Race, seconded by Councilor Andersen** to authorize the Highway Superintendent to purchase a model C10150 Three-Way Selector with Relief and specified options (equipment) as set forth in the proposal from Tracey Road Equipment dated 3/3/2014 for total purchase price of \$ 5,258.00 all pursuant to the Town of Cazenovia Procurement Policy

<b>Roll call:</b>	
<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 75 adopted.**

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***Councilor Moran** stated the Cazenovia Lake Association has helped the Town identify and recruit cooperating landowners that have agreed to have the piezometers installed on their property. She explained better data is achieved if more piezometers are located on various elevations of a single property because it helps track the plume. She said the Town will own the equipment and the piezometers are reusable. She stated Gypsy Bay will be the control site because it has no septic systems.*

**Resolution No. 76 presented by Councilor Moran, seconded by Councilor Driscoll** to authorize the Town of Cazenovia to purchase the below-referenced equipment as part of the phosphorus study on Cazenovia Lake being conducted by Daniel Kopec, graduate student in Lake Management from the State University New York College at Oneonta (SUCO).

- 40-shielded drive point piezometers
- 1-manual drive head assembly for the drive point piezometers
- 1-250 ft. 5/8" x 1/2 " open tubing
- 200 ft. 3/4" galvanized iron pipe
- 120-3/4" thread cut
- 60-3/4" galvanized couplings
- 40-3/4" galvanized cap

The total cost of the equipment shall not exceed \$ 9,525.00.

<b>Roll call:</b>	
<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 76 adopted.**

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**Resolution No. 77 presented by Councilor Driscoll, seconded by Councilor Andersen** to authorize the waiver of the requirement for the posting of a bond as set forth in Exhibit B (2014 Specifications), Section 10 of the Owner-Contractor Agreement between the Town of Cazenovia and Allied Biological, Inc.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 77 adopted.**

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**Resolution No. 78 presented by Councilor Race, seconded by Councilor Andersen** to approve the formation of an advisory committee whose purpose is to make recommendations to the Town Board regarding implementation of the Farmland Protection Plan. The committee will be known as the Farmland Protection Plan Advisory Committee and the following appointments will be made as members of said committee.

Judith Gianforte  
Vincent Wagner  
David Lucas  
Paul Pushlar  
Kirsten Tolman (Bea)

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>Yes</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. 78 adopted.**

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**Resolution No. 79 presented by Councilor Race, seconded by Councilor Moran**

**BEQUEST FROM ESTATE OF JULIA F. HULLAR**

**WHEREAS**, the Town of Cazenovia has received correspondence and documentation indicating a bequest has been made from the Estate of Julia F. Hullar in the amount of \$10,000, the purpose of said bequest being to support the "Trees for Village Beautification program," and

**WHEREAS**, the Town in consultation with Village of Cazenovia officials has determined that the bequest should be properly be used for the support of trees in the Village and, also for the support of trees on Town-owned and controlled properties in the Village of Cazenovia, and

**WHEREAS**, the Town has previously budgeted a one-time payment to the Village of \$1,000 for tree improvements for trees located in the Town-owned Green which payment would now be included in the remittance of the \$10,000 bequest from the Estate of Julia F. Hullar,

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Cazenovia Town Board hereby determines and directs that the bequest from the Estate of Julia F. Hullar to the Town of Cazenovia, in memory of her father, Edward Griffen Beckwith Fox be used for the beautification of trees in the Village of Cazenovia by transfer of said funds to the Village of Cazenovia exclusively for said purposes, and it is further

**RESOLVED**, that the transfer is made conditionally upon agreement by the Village that a portion of the bequest (\$ 1,000) be specifically utilized for the care and beautification of trees associated with Town-owned Green (which allocation shall be discussed with the Town prior to implementation), the balance of said bequest be used by the Village to support the care and beautification of trees in the Village of Cazenovia and that the previously budgeted amount of \$ 1,000 from the Town to the Village be credited to this transfer, and it is further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute any documentation necessary to effect this resolution.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 79 adopted.**

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**Resolution No. 80 presented by Councilor Andersen, seconded by Councilor Moran** to approve the scheduling of a work session on **June 17, 2014 at**

**7:00 p.m.** for the purpose of meeting with Holmes, King, Kallquist and Associates to discuss the various architectural designs for the Gothic Cottage that were submitted to the Town Board on May 7, 2014.

At said work session, the Town Board may further discuss any business which may come before it in the form of a special meeting.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</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. 80 adopted.**

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**Attorney's Report:** John Langey reported in addition to the noise ordinance and special events law, his office is moving along nicely on the sewer consolidation project. He stated as part of this project, he is putting together updated sewer regulations with all the DEC suggested protocols in them. He further stated he is working on a "hole" in the Town's ordinances which is, who has the authority to say where driveways can be located on Town land. He said a law is being put together. Currently, the Town Board sets-up the rules, but with the proposal, the highway superintendent will say where the appropriate location of a driveway cut can be. He concluded this would be addressed next month.

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**Supervisor's Report:** Supervisor Zupan stated at the County level, the County received 11 million from the State government for settling the Indian Land Claim. On the Town side, the Town received a "clean bill of health" for the three water systems ran by the Town. On the lakefront, he said the Renovate permit should be in this week or the week of 5/19/2014. He further stated in regards to the benthic mats, the DEC told him the Town would need to do a request for the "letter of understanding." He said the request will be sent in with the same conditions as last year with the exception of ten mats in the "swimming area" at Lakeland Park. He said there will be no mats allowed in the Northern end of Cazenovia Lake (where the wetlands are located) this year.

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**Councilor Race** (Highway Department, South Cemetery & Water Districts): Reported in approximately two weeks, the harvester and trailer will arrive that were purchased by the Town. He stated the more accessibility points on the lake, the better. He said the "Grassy Lane" project is coming along nicely and paving will be scheduled for the end of June because more pipe has to be added, etc.

**Councilor Driscoll** stated the Episcopal Diocese is supposed to call him back with permission to use Thornfield as an accessibility point for the harvester.

**Councilor Andersen** (Planning & Zoning, CACDA, Shared Services, CACC): *Reported CACDA has worked to get a lot of community volunteers to create the interactive website, GOCAZ.COM. She stated the website incorporates into one GIS-based website; the various trails, ski spots, places to swim, and places to fish in the Cazenovia area. She said the launch party is Thursday, May 15<sup>th</sup> at 6:00 p.m. at the Lincklaen House which will explain the website, in detail.*

**Councilor Moran** (Future of the Gothic Cottage & Cazenovia Lake Watershed Council): *Reported the Town Board met with the architects (Holmes, King, Kallquist & Associates) and she felt they will be an asset to the Board for the decision-making process. She said they did a great job of reviewing the needs and understanding how the Gothic Cottage is used and who needs access to the various areas. She further stated they did an analytical approach of what space is needed to do each job, who should be where and where the files should be located. She said the Councilors have a month to look over the various plans, come up with their questions before they meet with the architectural team again. She stated Councilor Race encouraged "HKK" to come up with some "guesstimates" for the five various schemes. She said the project will also include stabilizing the building, updating the HVAC, electrical service, meeting spaces and bathrooms. She lastly reported that the Lake Watershed Council hosted a meeting as part of the New York State Federation of Lake Associations annual meeting. She said Cazenovia was designated as the Sunday morning field trip and the meeting was very interactive and they had a good discussion.*

**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 that people are beginning to recognize the Town Board is trying all different types of things to improve the health of the lake. He said to his knowledge the Foundation for Cazenovia Lake has never given money before. He said he attended the joint recreation youth program meeting. He stated Elizabeth Digiacomio, program director, did a great job and presented the activities and the reason behind the various activities, along with some community service project ideas. He further stated he met with the State Trooper Zone Captain. He said it was expressed to him the interest of having a presence in Cazenovia. He stated the Captain is appreciative of his space in New Woodstock, but something will eventually have to be done with the repair of the building.*

**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:**

**Juanita Critz** inquired about the two proposed laws and their availability on the website.

The **Town Clerk** stated the proposed laws could be posted as early as tomorrow.

**Supervisor Zupan** explained to Mrs. Critz that a letter could be mailed with comments to the Town Board and it would receive as much consideration as if someone was present for the meeting.

*There were no further comments.*

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**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 read 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 Andersen to approve payment of the bills. The motion was unanimously approved.**

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**Motion by Councilor Driscoll, seconded by Councilor Andersen to adjourn this meeting. The motion was unanimously approved.**

**Supervisor Zupan declared this meeting adjourned.**

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