

TOWN BOARD

MONDAY

June 9, 2014

Supervisor Zupan opened the meeting at 7:30 P.M. with all Councilors present.

Pledge of Allegiance.

Correspondence: No unshared correspondence to report.

Motion by Councilor Driscoll, seconded by Councilor Race to accept the minutes from the May 12, 2014 meeting. The motion was unanimously approved.

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

Public Comment Period #1: There were no comments.

(An opportunity to comment on any item on the meeting agenda)

Motion by Councilor Andersen, seconded by Councilor Driscoll to open the public hearing relative to Local Law No. 2 – 2014, entitled "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."

Supervisor Zupan explained the meeting "rules of procedure" to the audience and stated the comments should pertain to the proposed law and not past difficulties. He said the audio expert, Kyle Williams of Barton & Loguidice, will be present at the July meeting. He stated all comments will be taken into consideration.

Public Comment:

Nancy Muserlian of Owerá Vineyards talked about the history of Owerá Vineyards and what they are proposing to do to minimize the noise. She thought the noise ordinance could possibly create future road blocks for other projects the Board may want to consider. She further read and submitted an email from college student, **Beezly Kiernan**. The email addressed opposition to the noise ordinance and that it would not support local business, but be a burden to add regulations. Lastly, it was mentioned the Town already has a special events law for events with more than 1,000 people.

Tom Fucillo, counsel for Owerá Vineyards, stated it was his position the laws are not necessary. He said the timing of the proposed law was the same as Owerá Vineyard's noise and he encouraged the Board to make a determination at the end of the season to see if the law is still necessary. He expressed his concerns that the law would have an impact on the development of the Town and the quality of life for citizens in the Town and the laws would have to be enforced. He said the definition of "unreasonable noise" was too subjective and the thresholds are too low. He thought part of the law was arbitrary; how it exempted non-commercial events, municipally-sponsored events and athletic events. He said the regulation of sound should be measured from the closest receptor or the receptor's property line. He did not feel the sound level at the generator's property line should matter, if there is no receptor.

Dawn Schmidt of Owerá Vineyards started to read a letter from John Henneberg of Henneberg Tavern. Due to the nature of the letter which was a letter of support for Owerá Vineyards, **Supervisor Zupan** terminated Ms. Schmidt's comment period.

Deborah Cramer of 4714 Syracuse Road read portions of a letter written by her husband, Duane Cramer. She stated his occupation is a developer of large power plants and he has gained experience with addressing noise in sensitive settings. She discussed several points of his letter which included but were not limited to: proposed ordinance is designed as a free-standing regulation that applies in general; concern as "drafted" may become viewed as establishing acceptable noise impacts regardless of the frequencies of events (the proposed levels not appropriate for events occurring frequently; sounds with a cyclic amplitude variation (beat) add to the sounds perceptibility. She stated, in practice, the noise emanated from an event as measured at the surrounding receptors would have to be equal to, or less than, the level of ambient noise occurring at the sensitive receptor. It was suggested, in his letter, the noise emissions be limited to the greater of the ambient noise level or 45 dB(A) during daytime hours and 40 dB(A) during evening hours. She closed by encouraging the Board to read her husband's letter which she submitted to the file.

Howard Krumstiek of 2941 West Lake Road stated his wife owns a bed and breakfast. He said his past experience with a noise issue, involved a barking dog and the Town has a very strict ordinance against dogs barking.

Laurel Eveleigh, counsel for concerned citizens at the North end of the lake, commended the Board for considering an ordinance. She stated, as "drafted," she thought it was a solid foundation for noise problems, recognizing that it is a proposal that will impact the entire town and future. She said the ordinance does not talk about enforcement of procedures: who is taking the measurements, what is the procedure for having the sound testing, etc. She urged clarification because she did not feel the mechanisms were clear from the text of the law. She further stated she did not feel the law depicted reading low-registered tones, like the beat of a drum and she felt strongly the sound readings should be measured on a sound-level meter from the property line of the offending noise maker. Lastly, she felt a waiver should only be granted by the Town Board.

Mark Costa of 1710 North Lake Road expressed that excessive noise has a negative impact on property values. He said people move to rural neighborhoods because they want to escape the noise of a city. He made reference to the World Health Organization which has produced a report on the negative effects of noise on a person's health.

Tom Gunerman of 4576 East Lake Road felt the proposed law needed to be tightened because it is too subjective and vague in some areas and portions of the "uninterpretable enforcement" need to be addressed.

Sam Woods of 5211 East Lake Road commended the Board for tackling the issue. He reiterated the number of events has an impact on the noise level. He felt the more events, the numbers chosen are considerably higher than they ought to be and the number of events should tie into the noise level. He concluded by stating, as the number of events increases, the level of sound and impact needs to be lowered.

There were no further comments.

Motion by Supervisor Zupan, seconded by Councilor Andersen to continue the public hearing.

Motion by Councilor Driscoll, seconded by Councilor Moran to open the public hearing relative to Local Law No. 3 – 2014, entitled "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."

Public Comment:

Tom Fucillo, counsel for Oweria Vineyards, stated the definition of special events is too broad and confusing as laid out. He said every marketing event that Oweria could have, could be interpreted to require a permit. He stated the law potentially applies whenever over one hundred people are in attendance, collectively or at one time, and more than one hundred visitors can come throughout the course of the day for wine tasting. He felt one hundred was too small of a number and two hundred should be considered. He said a portion of section 56-4 "definitions" was confusing and asked if all the conditions need to apply or just one of them. He mentioned in section 56-4, the section pertaining to traffic was confusing and he wanted clarification regarding what is meant by substantial increase or disruption. He said under section 56-4 "special event definition," it refers to the service of food which is solely within the providence of the Dept. of Agriculture and Markets. He stated the proposed law provides exceptions and identical events are excluded because no remuneration is received. He felt the application requirements were very detailed and onerous. Lastly, the 60-day requirement denied an owner flexibility.

Linda Osborne of 4571 Ridge Road stated she holds fund-raising events at her house from May until October. She said she was not opposed to the noise ordinance but had concerns with the special events permit. She stated the 60-day notice will not always be doable and she does not always know how many people will attend until a week prior to the event. She stated she is used to working with charities that have a zero-budget and she does not want to have to incur additional costs.

Matthew Critz of Critz Farms felt this was a law that is not needed because many parts of the law are already governed by agencies in the Town, County, State, etc. He said this was a burden for people doing charity and special events at their homes. He stated if the Town Board feels that the health and safety of the Town is at jeopardy, there should be no exceptions to the proposed law. He said a homeowner holding a one-time wedding is much less equipped to handle 150 people than a facility who does this more frequently.

Sarah Webster of 4133 Burlingame Road applauded the Board for taking the initiative on the proposed laws. She said residential neighborhoods are now turning into other things; what used to be agricultural is still agricultural, but now events are involved that create noise and changes to the quality of life. She felt constant noise, Friday-Sunday is the problem, not one or two times a month which is more manageable and less objectionable. She agreed with the suggestion to "tighten up" and maybe limit the number of events in the mixed-use areas.

Laurel Eveleigh, counsel for concerned citizens at the North end of the lake, commended the Board. She had several comments and suggestions that included, but were not limited to the following: under "application requirements," not to exceed six events in a three-month period is too many because it is one event every other week. She suggested an absolute, not to exceed number and felt other areas of that section needed clarification. She said the residential

neighborhoods are being impacted by the special events. She stated under the "application requirements" the proposed law requires disclosure of the purpose of the event and the admission fee. She felt that if it was required to disclose if there were admission charges, per person fees and any facility rental fees it will give a good read if the events are charitable or for-profit events. She said this will determine if a commercial business is running in a residential zone. She added there is a lot of discretion in the proposed law under the "application review procedures and standards." A portion of the law states the Code Enforcement Officer should be required to deny any permit where he/she finds any impacts as set forth in the section. She feels if any of the impacts are found, the permit should not be granted.

Juanitz Critz of Critz Farms stated she agreed with her husband and the attorney. She said she does not think the law is necessary because there are zoning laws that control commercial operations and people who try to do commercial operations in non-commercial zones. She stated she has been active on not-for-profit boards and these events are key to the Town and the proposed law would significantly impact the ability for the organizations to hold events. She concluded that the extra responsibility, power, and discretion is more than the Code Enforcement Officer (C.E.O.) should have to be burdened with.

Gail Woods of 5211 East Lake Road stated Critzes operation is in a very different location and she thinks it is not an Ower-a-based problem, but the beginning of a problem that exists all over the state. She said she had a wedding at her house and she was surprised there were no rules because everyone needs guidance.

Berta Keeler of 5237 East Lake Road thanked the Board regarding the proposed laws and said she agreed with Mrs. Woods. She said her only comment is regarding the traffic flow, and asked that portion be kept in the proposed law. She concluded by stating that she is greatly affected by the noise.

There were no further comments.

Motion by Councilor Driscoll, seconded by Councilor Race to continue the public hearing.

Resolution No. 81 presented by Councilor Race, seconded by Councilor Andersen

**Proposed Local Law C of 2014
(Amending Chapter 142 of the Town Code of the Town of Cazenovia
to Include Regulations for Construction in Highways)**

Introduced proposed Local Law No. C-2014, titled “A Local Law to Amend Chapter 142 (Streets and Sidewalks) of the Town Code to Add Regulations for Construction in Highways in the Town of Cazenovia,” which Local Law would establish regulations for issuance of permits for driveways and for construction within highways 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, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. C-2014 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

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

RESOLVED AND DETERMINED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. C-2014 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on July 14, 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:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 81 adopted.

Kristin Wallace explained the background of this parcel to the Board and her desire to have sewer added to the property.

John Langey said Ms. Wallace would have to approach the Village and Madison County Sewer District for permission to connect to the sewer, in addition to the application she has made to the Town, for the extension of a sewer district.

Resolution No. 82 presented by Councilor Driscoll, seconded by Councilor Race

IN THE MATTER OF THE APPLICATION OF

KRISTIN WALLACE

**FOR THE EXTENSION OF A SEWER DISTRICT TO
ENCOMPASS LANDS IN THE TOWN OF CAZENOVIA,
COUNTY OF MADISON AND STATE OF NEW YORK
(TO BE KNOWN AS THE “WALLACE PROPERTY SEWER DISTRICT”)**

WHEREAS, the Town Board of the Town of Cazenovia (the “Town Board” and the “Town”, respectively), in the County of Madison, State of New York, has received a petition, dated May 21, 2014, pursuant to Article 12 of the Town Law, for an extension of a Sewer District (to be known as the “Wallace Property Sewer District”) encompassing lands in the Town of Cazenovia, County of Madison and State of New York, in an area generally known as “Tax Map Parcel No. 95.21-2-1.12” (more commonly known as Ten Eyck Avenue, Cazenovia, New York), which petition is signed by the owner of taxable real property situate in the proposed District extension, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed District extension, as shown upon the latest completed assessment roll of said Town, and including the signature of resident owner of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed District extension, owned by resident owner according to the latest completed assessment roll; and

WHEREAS, said petition purported to describe the boundaries of the proposed District extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed District extension is bounded and described in the attached Schedule “A”; and

WHEREAS, following preparation of a map, plan and report (including a proposed sanitary sewer connection diagram) prepared by Easterly Engineering, competent engineer duly licensed by the State of New York, dated July 25, 2006, for the proposed extension of said District, which District will not include any new construction but instead will require a connection to the existing sanitary sewer systems therein (at Petitioner’s sole cost and expense), consisting generally of connection of a four (4”) inch sewer lateral to an existing sewer line located on the west side of South Ten Eyck Avenue opposite Petitioner’s premises; and

WHEREAS, the proposed District extension will include only one (1) parcel owned by Kristin Wallace and the Petitioner shall be required to obtain the approval of the Village of Cazenovia for connection to the Village sewer system and any work on Village rights-of-way and the approval of the Madison County Sewer District for connection prior to undertaking any work. There will be no new construction financed by the Town of Cazenovia. Said map, plan and report are now on file in the Office of the Town Clerk; and

WHEREAS, no other agency (including any Federal agency) is involved within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to this matter, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the extension of a special district is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board had 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 extension of the proposed District, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.11 and has compared the impacts which may be reasonably expected to result from said action against said criteria.

IT IS HEREBY RESOLVED AND DETERMINED, that extension of the said Sewer District and construction of improvements therein will have no significant adverse effects on the environment, and this Resolution shall constitute a negative declaration under SEQR for the following reasons:

The improvements shall consist of the below ground connection to an existing sanitary sewer facilities to provide sanitary sewer service for the proposed parcel. Such installation will result in no substantial adverse changes in existing air quality, water quality or noise levels, and no substantial increase in solid waste production and no substantial increase in the potential for erosion, flooding or drainage problems. There will be minor and temporary removal and destruction of vegetation during installation of the facilities. No substantial interference with or adverse effects on animal life is anticipated. None of the other criteria listed in 6 N.Y.C.R.R. Part 617.11 have been identified as being relevant to this action. The Petitioner will be required to obtain the approval of the Village of Cazenovia and the Madison County Sewer District.

NOW THEREFORE, BE IT ORDERED, that a hearing of the Town Board of said Town of Cazenovia shall be held at the Town Hall located at 7 Albany Street in said Town, on the 14th day of July, 2014, at 7:30 p.m., or as soon thereafter as the matter can be heard, to consider said Petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said Petition as may be required by law or proper in the premises; and it is further

ORDERED, that certified copies of this Order shall be duly published and posted as required by law.

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cazenovia, County of Madison and State of New York, bounded and described as follows: Commencing at stone monument marking the north line of the Corporation of the Village of Cazenovia, on the west line of Linclae Street; thence north 29 deg. East on said line 2 chains 27 1/3 links to the center of Ten Eyck Avenue; thence north 61 deg. West along the center of Ten Eyck Avenue 4 chains and 65 3/4 links; thence South 29 deg. West 2 chains and 27 1/3 links; thence south 61 deg. East 4

chains 65 ¾ links to the place of beginning, containing one acre and 9 36/100 rods of land, be the same more or less. Together with any right, title or interest that the grantor may have or claim to have in and to any lands or highways adjoining the described premises.

ALSO, ALL THAT OTHER PIECE OR PARCEL OF LAND, situate in the Town of Cazenovia, Madison County, New York, bounded as follows: Beginning in the center of Ten Eyck Avenue at the west line of lands now or formerly of Charles and Keziah King, said King property being the parcel above described; thence south 29 deg. West 2.27 chains along said King land to a stake; thence north 61 deg. West 5.14 chains to a stake; thence north 17 deg. 45' east 1.20 chains along said center line to a curve therein; thence south 61 deg. East 4.38 chains to the place of beginning, containing one acre and 32 96/100 rods of land, be the same more or less. Together with any right, title or interest the grantor may have or claim to have in and to any lands or highways adjoining the described premises.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 82 adopted.

Resolution No. 83 presented by Councilor Moran, seconded by Councilor Driscoll

**O-We-Ra Point Estates
Conservation Easement**

authorizing the Town of Cazenovia to accept the Deed of Conservation Easement offered by William J. Camperlino to the Town of Cazenovia consistent with the Town of Cazenovia Planning Board approval of the O-We-Ra Point Estates Subdivision, approved on April 3, 2014 and further authorizing the Supervisor to execute the proposed Conservation Easement for the O-We-Ra Point Estates subdivision and necessary recording documents.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 83 adopted.

Resolution No. 84 presented by Councilor Race, seconded by Councilor Moran 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 at an hourly rate of \$ 175.00 per hour and to execute the Retainer Agreement associated with same. Special counsel is requested in relation to a certain appeal taken by Owera Vineyards with respect to the April 22, 2014 determination by the Code Enforcement Officer, Roger Cook, relating to the activities within the tent structure as "outside" activities for purposes of the facilities hours of operation.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 84 adopted.

Resolution No. 85 presented by Councilor Race seconded by Councilor Driscoll {to re-adopt Resolution No. 76 – 5/12/2014 (with the quantity and cost revised)} to authorize the Town of Cazenovia to purchase an additional 8 piezometers and the associated hardware bringing the total piezometer count to 48, as part of the phosphorus study on Cazenovia Lake conducted by Daniel Kopec, graduate student in Lake Management from the State University New York College at Oneonta (SUCO).

The total cost of the equipment shall not exceed \$ 12,000.00.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 85 adopted.

Resolution No. 86 presented by Councilor Driscoll, seconded by Councilor Andersen to authorize Dunn & Sgromo, PLLC, to complete the task order as requested by the Town to provide engineering to improve access from the parking lot of McNitt State Park to Cazenovia Lake. The cost shall not exceed \$ 9,500. This authorization is contingent upon New York State Parks and Recreation acknowledging in writing they will pay for the actual construction costs associated with the lake access modification.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 86 adopted.

Resolution No. 87 presented by Councilor Race, seconded by Councilor Moran

CLIMATE ACTION PLAN

To participate in a Joint Climate Action Plan with the Village of Cazenovia, to wit:

WHEREAS, Central New York Regional Planning & Development Board previously discussed with the Town of Cazenovia Town Board the implementation of a Climate Action Plan for the Town; and

WHEREAS, the Town of Cazenovia previously determined to become a “Climate Smart Community” allowing the Town of Cazenovia to participate and be eligible for certain technical assistance and educational opportunities through the Department of Environmental Conservation and Regional Planning & Development Board; and

WHEREAS, the Village of Cazenovia had previously likewise determined to participate in becoming a “Climate Smart Community”; and

WHEREAS, Phase 1 of the Community Action Plan was completed last year relating to a greenhouse gases emission survey and inventory; and

WHEREAS, the Town of Cazenovia has participated with the SUNY College of Environmental Science and Forestry (ESF) and the Regional Planning Board in furtherance of the Community Action Plan; and

WHEREAS, the Community Action Plan entails the development of particular goals and objectives for energy use reductions by the Town, all to be included in the Climate Action Plan; and

WHEREAS, the Town of Cazenovia deems it advisable to partner with the Village of Cazenovia in pursuit of the achieving the goals and objectives for both the Town and the Village.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cazenovia hereby determines to participate with the Village of Cazenovia in the development of a Joint Climate Action Plan and the establishment of goals and objectives for reductions in energy use by the Town and Village.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 87 adopted.

Resolution No. 88 presented by Councilor Race, seconded by Councilor Moran

**NORTHERN BORDER REGIONAL COMMISSION GRANT
EMPIRE BREWING COMPANY**

WHEREAS, the Director of the Madison County Center for Economic Development and the Central New York Regional Planning Board previously identified the Northern Border Regional Commission as a potential source of federal grant funds to help offset the costs of developing public infrastructure in support of economic development projects; and

WHEREAS, the Town of Cazenovia and the Madison County Center for Economic Development have been working with a Cazenovia resident, owner of Empire Brewing Co., to investigate the feasibility of developing a microbrewery in Cazenovia to enhance economic development and create jobs in our rural community; and

WHEREAS, the Empire Brewing Co. has purchased property within the Town of Cazenovia as a microbrewery site, which said property is not currently served by public sewer, and engineering plans and estimates to extend municipal sewers to this area have been developed; and

WHEREAS, the Cazenovia Area Community Development Association has agreed to administer a grant from the Northern Border Regional Commission; and

WHEREAS, the Town of Cazenovia will not be required to direct taxpayer funds to support this project or match the federal funds; and

WHEREAS, the Town of Cazenovia desires to participate in the Northern Border Regional Commission Fiscal Year 2014 Federal Grant Program; and

WHEREAS, the Town of Cazenovia desires to authorize the Town Supervisor to make and execute the pre-application and/or application to the Northern Border Regional Commissions (NBRC) for said grant and authorize him to execute any and all necessary NBRC grant documents on behalf of the Town relative thereto (this being a second such submittal from a previous authorization in May of 2012); and

WHEREAS, there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of this resolution, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to this resolution is an unlisted action for purposes of environmental review under SEQR; and

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

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

WHEREAS, the Town Board has considered the adoption of this resolution, 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 this resolution against said criteria.

NOW, THEREFORE BE IT RESOLVED that the Town Supervisor be, and hereby is, authorized to make and sign the pre-application and/or application to the Northern Border Regional Commission for the Northern Border Regional Commission Fiscal Year 2014 Federal Grant Program; and

BE IT FURTHER RESOLVED that the Town Supervisor be, and hereby is, authorized to execute any and all Northern Border Regional Commissions grant documents on behalf of the Town relative to said Grant.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	No
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 88 adopted.

Resolution No. 89 presented by Councilor Andersen, seconded by Councilor Driscoll to accept the resignation of Michael Palmer, as Chair of the Town of Cazenovia Planning Board effective July 1, 2014.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 89 adopted.

Resolution No. 90 presented by Councilor Race, seconded by Councilor Andersen to appoint Anastasia Urtz as Chair of the Town of Cazenovia Planning Board effective July 1, 2014.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 90 adopted.

Resolution No. 91 presented by Councilor Race, seconded by Councilor Moran relative to the audit of Barbara Howland, Water Districts Collector, at the 6/4/2014 work session, all financial records appear to be accurate and in good order.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 91 adopted.

Resolution No. 92 presented by Councilor Driscoll, seconded by Councilor Andersen to approve Court Clerks, Shea Palmer and Mary Williams, to receive annual training at SUNY Potsdam on July 29 – July 30, 2014 with expenses paid.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 92 adopted.

Resolution No. 93 presented by Councilor Race, seconded by Councilor Moran to approve the following modifications to the "*Town of Cazenovia Employee Manual*"

**TOWN OF CAZENOVIA
EMPLOYEE MANUAL**

Under "Section VI: Compensation" in Employee Manual, change paragraph entitled "**Credit for Paid Leave**" in "**Section 6.2 Overtime**" to read:

"and
holidays"
was
omitted

Credit for Paid Leave – Paid Time Off (PTO) and holidays will be included as time worked for the purpose of computing overtime. Bereavement leave, jury duty leave, and all military leave will not be included as time worked for the purpose of computing overtime.

Under "Section VI: Compensation" in Employee Manual, change paragraph entitled "**Payroll Period**" and "**Payday**" in "**Section 6.3 Pay Period and Check Distribution**" to read:

Payroll Period – Employees are paid on a bi-weekly basis. Employees who are required to report their hours (assuming a bi-weekly pay cycle) are paid with a one week lag time. Therefore, a bi-weekly employee being paid on any given Friday will be paid for hours worked for a two week period ending the Friday prior to the payroll date.

Payday – Under normal circumstances, paychecks will be issued on a Friday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Under "Section VII: Employee Benefits" in Employee Manual, change paragraph entitled "**Eligibility**" in "**Section 7.1 Holidays**" to read:

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time FLSA exempt employee is entitled to observe holidays which fall upon a normally scheduled work day. For example, if a part-time FLSA exempt employee normally works Monday and a holiday is scheduled for a Monday, that employee will be paid their normal salary although they do not work on the scheduled holiday. A part-time FLSA non-exempt employee is eligible for holiday pay for six (6) of the above-referenced holidays (that are non-working days) as determined by the Town Board. A part-time FLSA non-exempt employee is required to provide to their

Department Head the six (6) selected holidays no later than the third week of January. A temporary, or seasonal employee is not eligible for holiday pay.

Under "Section VII: Employee Benefits" in Employee Manual, eliminate "**Section 7.2 Vacation Leave**" and "**Section 7.3 Sick Leave**" and replace with the newly created **section 7.2.1 entitled "Paid Time Off"** to read:

Paid Time Off (PTO)

Paid Time Off (PTO) is to be used for vacations, illness, family illness, medical appointments, personal business or emergencies. PTO does not replace the Town's holiday, jury duty leave or bereavement leave schedules.

Eligibility

Full time employees are entitled to use PTO each year. PTO is earned on an accrual basis (i.e. each month) and accrued as you work. You will not accrue PTO while you are on any unpaid leave or workers' compensation. Part-time employees who work a minimum of 20 hours per week are eligible for PTO. The accrual period begins January 1st of each year.

Allowance

A newly hired full-time employee will be credited with PTO on a pro-rated basis immediately upon hire. The number of pro-rated days will be credited at a rate of ½ day per month. After the first 6 months of employment, a newly hired full time employee will receive 1 ½ PTO day each month of continuous service to a maximum of 10 days for the first year of employment.

After the first 6 months of employment, a newly hired part-time employee will receive a ½ day of PTO per each month of continuous service to a maximum of 2 ½ days for the first year of employment.

On the second January of their employment and thereafter, full time and part-time employees will earn PTO annually as follows:

Completed and Continuous Years of Service

	Paid Time Off (PTO)	
	<u>Full-Time</u>	<u>Part-Time</u>
One to four years	15 Days	5 Days
Five to fifteen years	20 Days	7 ½ Days
Fifteen years plus	25 Days	10 Days

Continuous Service

Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service.

Scheduling

Except in the case of unforeseen illnesses, an employee must receive prior approval from the employee's Department Head to take PTO (Highway employees must request their PTO by April 15th and seniority will be recognized in scheduling this PTO time). PTO credits may not be used in increments of less than one hour. The Department Head will have total discretion in the approval of PTO leave.

Accumulation

An employee may accumulate PTO leave up to a maximum of 240 hours. Any credits remaining unused at the end of the last business day of the calendar year in excess of 240 hours shall be cancelled.

Separation of Employment

An employee who resigns, retires or is laid off will receive cash payment for unused PTO leave up to the maximum of 240 hours to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In cases of death of an employee, the Town will pay an employee's designated beneficiary for any unused PTO up to a maximum of 240 hours. An employee who is involuntarily terminated from employment by the Town is not eligible for cash payment of any unused PTO leave.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 93 adopted.

Resolution No. 94 presented by Councilor Andersen, seconded by Councilor Driscoll to approve the use of Wright Road and Ridge Road as part of a 5K race (2nd Annual Little Moe 5K Walk/Run) including village streets on **Saturday, September 13, 2014** by SKANDA Equine (located on Moseley Road) to benefit SPCA Equine Rescue. The Madison County Sheriff's Office will be available as needed. CAVAC will be on-site throughout the event. With starting and finish

lines at Lorenzo Historic Site, the route is as follows: Forman St, Wright Rd, Ridge Road, Sullivan St, Emory Ave, and Forman St. **This approval given conditional that a one million dollar certificate of liability insurance stating the event name and date, and which states "the Town of Cazenovia is additionally insured," the certificate to be submitted to the Town of Cazenovia Office no later than Tuesday, September 2, 2014.**

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

Supervisor Zupan declared Resolution No. 94 adopted.

Resolution No. 95 presented by Councilor Race, seconded by Councilor Andersen to approve the refund of \$ 115.00 to Peter Judge for an un-needed Area Variance application fee.

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

Supervisor Zupan declared Resolution No. 95 adopted.

Resolution No. 96 presented by Councilor Driscoll, seconded by Councilor Race to approve the following 2014 budget transfers:

General Fund A

Increase budget in Town Board CE for Local Governments for Sustainability (ICLEI) membership unanticipated in 2014 budget.

To: A1010.4 Town Board CE	\$600.00
From: A1990.1 Contingency	(600.00)

Increase budget in Assessor CE for reevaluation mailings & handling expenses and computer purchase unanticipated in original budget (current computer purchased in June 2009).

To: A1355.4 Assessor CE	\$2,800.00
From: A1990.1 Contingency	(2,800.00)

Increase budget in Watershed Protection CE for benthic mat installation & removal unanticipated in original budget.

To: A8740.4 Watershed Protection CE	\$5,000.00
From: A1990.1 Contingency	(5,000.00)

Highway Fund DB

Increase budget in Environmental Control CE repairs made to Highway Garage Oil/Water Separator.

To: DB8090.4 Environmental Control CE	\$1,270.00
From: DB8540.4 Drainage CE	(1,270.00)

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 96 adopted.

Attorney's Report: *Reported in addition, to the noise ordinance and special events law; the consolidation of the sewer districts is still moving along at a nice pace. He said he has contacted John Dunkle and Dick Elliot who have agreed to help evaluate and value the existing systems that are in place, which is a requirement. He said once he receives that information, the Board will be in a position to "go public" with the consolidation plan. He stated he is anticipating something by the August meeting. He further stated Richard Andino, from his office, is updating the Town's sewer regulations which will be addressed after the consolidation and should match up nicely to the regulations the County passed last year. He concluded by stating in the next thirty days, the committee will be sifting through the public comments and coming back to the Board with some potential "draft" changes to the law.*

Supervisor's Report: *Reported he will start work on the Town budget because he wants plenty of time to prepare it. He stated if any departments need an increase/decrease, advise him so he can include those numbers. He mentioned he is assisting the Town Clerk upgrade the current phone system. He said Daniel Kopeck, the student doing the phosphorous study, noticed there is a lot of Filamentous Algae. Councilor Moran said it is good to know the algae was present prior to treating the lake.*

Councilor Race (Highway Department, South Cemetery & Water Districts): *Reported they*

are in the process of interviewing for the permanent and part-time positions that are available at the highway garage. He said Grassy Lane is paved and looks nice and the slurry is currently going down in the developments.

Councilor Andersen (Planning & Zoning, CACDA, Shared Services, CACC): *Reported she has been working with the attorney on the noise ordinance and special events law. She further mentioned for five years the State has not had a Farmland Protection Purchase of Development Rights program, but it has been restarted with another round of funding with a mid-July deadline. She said this year land trusts are allowed to be the applicant, in addition to municipalities. She stated the Cazenovia Preservation Foundation (CPF) will be the applicant, which will be better, and the Town will assist.*

Councilor Moran (Future of the Gothic Cottage & Cazenovia Lake Watershed Council): *Reported there will be an upcoming work session with the architects and the Advisory Board for the Gothic Cottage. She said she reminded the Advisory Board they should reach out to their peers for input.*

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 treatment of Cazenovia Lake will start tomorrow, June 10, 2014 and the warning signs have been installed. He said a lot of effort has been put into the Youth Recreation Program. He also reported Tim Hunt and the State Police Captain will meet with him to address the building in New Woodstock. He said they will look at numbers and suggest some potential ideas.*

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

Public comment #2: There were no comments.

(An opportunity to comment on any area of Town Board oversight)

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 follows 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 Moran to approve payment of the bills. Councilor Race recused himself from approval of the invoice from SuitKote. The motion was otherwise unanimously approved.

Motion by Councilor Race, 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