

## **TOWN BOARD**

**MONDAY**

**August 11, 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 Driscoll, seconded by Councilor Moran to accept the minutes from the July 14, 2014 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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**The public hearing was continued from the July 14, 2014 meeting 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."**

**Public Comment:**

*Anne Ferguson of Route 92 inquired about the impact on not-for-profit events and if any changes had been made to the laws?*

*Supervisor Zupan stated no changes have been made.*

*Councilor Andersen added the Board is waiting for the Department of Agriculture and Markets (Ag. & Markets) to weigh in again.*

*Supervisor Zupan said it will be publicized when the FINAL draft is out so people can voice their concerns.*

*Councilor Andersen stated if the law is "redrafted" it will be on the Town's website.*

*The Town Clerk mentioned, it was decided at the last meeting, the changes would be made in "red" to make them easily identifiable.*

**Motion by Councilor Andersen, seconded by Councilor Driscoll to continue the public hearing. The motion was unanimously approved.**

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*Councilor Andersen mentioned the special events law depends on the noise ordinance, but the noise ordinance is independent of the special events law.*

**The public hearing was continued from the July 14, 2014 meeting 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:**

*Sarah Webster of 4133 Burlingame Road reiterated some of her comments from two months ago. She stated it is only fair and equitable that different types of uses get limited number of events, but Not-For-Profits should be allowed more. She thought For-Profit businesses can be more encroaching on neighborhoods. She further suggested that the Board stipulate where these businesses could go and how big a piece of property they need to go on. She did not think one should be in the middle of a neighborhood and it be called agricultural.*

*Supervisor Zupan stated the determination is up to Ag. & Markets.*

**Motion by Councilor Moran, seconded by Councilor Driscoll to continue the public hearing. The motion was unanimously approved.**

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**Motion by Councilor Driscoll, seconded by Councilor Andersen to open the public hearing relative to Local Law No. D – 2014, entitled "A Local Law to Amend Chapter 165 (Zoning) of the Town Code to Amend Permitted Uses in the New Woodstock Hamlet Overlay and New Woodstock Central Business Overlay Districts in the Town of Cazenovia."**

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

**Motion by Councilor Andersen, seconded by Councilor Moran to close the public hearing. The motion was unanimously approved.**

\*\*\*\*\*

**Resolution No. 111 presented by Councilor Driscoll, seconded by Councilor Andersen**

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2014, "A Local Law to Amend Permitted and Specially Permitted uses in the New Woodstock Hamlet Overlay and New Woodstock Central Business Overlay Districts in the Town of Cazenovia," was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on July 14, 2014; and

**WHEREAS**, a public hearing was held on such proposed local law on August 11, 2014 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 proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

**WHEREAS**, the enactment of Proposed Local Law No. D-2014 has previously been determined to be a Type I Action pursuant to the SEQR review process; and

**WHEREAS**, previously on the 14<sup>th</sup> day of July, 2014, after significant consideration and review, the proposed action to adopt the Local Law was deemed not to have any adverse environmental impact and the Town Board adopted a Negative Declaration in conjunction with the SEQR process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. D-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. D-2014 as follows:

**PROPOSED LOCAL LAW NO. 3 OF 2014**

**A LOCAL LAW TO AMEND CHAPTER 165 (ZONING)  
OF THE TOWN CODE TO AMEND PERMITTED AND  
SPECIALLY PERMITTED USES IN THE NEW  
WOODSTOCK HAMLET OVERLAY AND NEW  
WOODSTOCK CENTRAL BUSINESS OVERLAY  
DISTRICTS IN THE TOWN OF CAZENOVIA**

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

**SECTION 1.**

Article IX (“New Woodstock Hamlet Overlay (NWHO) District) of Chapter 165 the Town Code of the Town of Cazenovia is hereby amended by amending section 165-28 (“Permitted structures and uses”) to read in its entirety as follows:

**“§ 165-28. Permitted structures and uses.**

In the New Woodstock Hamlet Overlay (NWHO) District, only the following structures and uses shall be permitted:

- A. Dwelling, single-family.
- B. Farm and farming.
- C. Home occupation in a principal residential structure (subject to the provisions of §165-100).
- D. Residential accessory use.”

**SECTION 2.**

Article IX (“New Woodstock Hamlet Overlay (NWHO) District) of Chapter 165 the Town Code of the Town of Cazenovia is hereby amended by amending section 165-29 (“Permitted uses by special use permit”) to read in its entirety as follows:

**“§ 165-29. Permitted uses by special use permit.**

The following structures and uses shall be permitted in the NWHO District only upon the issuance of a special use permit by the Zoning Board of Appeals as provided in §165-114 of this chapter (and, where applicable, site plan approval from the Planning Board):

- A. Bed-and-breakfast.
- B. Boardinghouse/rooming house.
- C. Day-care center.
- D. Dwelling, two-family.
- E. Family day-care home.
- F. Funeral home/mortuary.
- G. Library.”

### **SECTION 3.**

Article X (“New Woodstock Central Business Overlay (NWCBO) District) of Chapter 165 the Town Code of the Town of Cazenovia is hereby amended by amending section 165-32 (“Permitted structures and uses”) to read in its entirety as follows:

#### **“§ 165-32 Permitted structures and uses.**

In the New Woodstock Central Business Overlay (NWCBO) District, only the following structures and uses shall be permitted:

- A. All uses allowed as of right in the NWHO District.”

### **SECTION 4.**

Article X (“New Woodstock Central Business Overlay (NWCBO) District) of Chapter 165 the Town Code of the Town of Cazenovia is hereby amended by amending section 165-33 (“Permitted uses by special use permit”) to read in its entirety as follows:

#### **“§ 165-33 Permitted uses by special use permit.**

The following structures and uses shall be permitted in the NWCBO District only upon the issuance of a special use permit by the Zoning Board of Appeals as provided in §165-114 of this chapter (and, where applicable, site plan approval from the Planning Board):

- A. All specially permitted uses allowed in the NWHO District.
- B. Apartment complex and senior housing.
- C. Assembly, fabrication or packaging of previously prepared materials.
- D. Bakery.
- E. Bank/Finance.
- F. Business office.
- G. Café or restaurant.
- H. Construction services (which use shall not allow the outdoor storage of construction materials or equipment).
- I. Educational facility.
- J. Emergency service facility.
- K. Farm stand.
- L. Grocery store.
- M. Government facility.
- N. Hair care/beauty salon.
- O. Horticulture, landscaping, garden center, florist operation.
- P. Hospital, clinic, health care and medical office.
- Q. Hotel and motel.
- R. Light manufacturing.
- S. Liquor store.
- T. Lumberyard.
- U. Private club.
- V. Public utility.
- W. Publishing.

- X. Religious use.
- Y. Retail store.
- Z. Scientific and technical services.
- AA. Tavern.
- BB. Warehousing.”

## **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. 111 adopted.**

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**Motion by Councilor Andersen, seconded by Councilor Moran to open the public hearing regarding Kristin Wallace's application for extension of the Ten Eyck Avenue Sewer District #4, Tax Map #: 95.-21-2-1.12, located on Ten Eyck Avenue.**

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

**Motion by Supervisor Zupan, seconded by Councilor Andersen to close the public hearing. The motion was unanimously approved.**

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**Resolution No. 112 presented by Councilor Driscoll, seconded by Councilor Moran**

### **IN THE MATTER OF THE APPLICATION OF KRISTIN WALLACE**

**FOR THE EXTENSION OF THE TEN EYCK AVE. SEWER DISTRICT NO. 4  
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**, a written Petition, dated May 21, 2014, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Cazenovia, Madison County, New York, for the extension of the Ten Eyck Ave. Sewer District No. 4 (to be known as the “Wallace Property Sewer District”) in said Town, bounded and described as set forth on Schedule “A” attached hereto; and

**WHEREAS**, all costs in connection with the extension of said sewer district, including all legal and engineering expenses incurred by the Town, and all costs of construction of sewage facilities necessary to serve said district extension and also all costs and expenses incidental to the acquisition of necessary lands and rights of way therefore will be paid by the petitioner, their grantees, successors or assigns, who will subsequently execute, if necessary, an instrument conveying title to all or such portions of such sewage facilities including lands or rights of way that may be required by the Town Board of the Town of Cazenovia, free and clear of all liens and encumbrances, to the said sewer district extension at no expense to said District or the Town of Cazenovia; and

**WHEREAS**, an order was duly adopted by the Town Board on June 9, 2014 for the hearing of all persons interested in the matter on the 14<sup>th</sup> day of July, 2014 at 7:30 p.m., or as soon thereafter as the matter could be heard, at the Town Hall in said Town; and

**WHEREAS**, due to a publication error by the Town’s duly appointed newspaper, the Town Board duly adopted an order renoticing the public hearing with a new hearing date of the 11<sup>th</sup> day of August, 2014 at 7:30 p.m., or as soon thereafter as the matter could be heard, at the Town Hall in said Town; and

**WHEREAS**, the public hearing having been duly held by the said Town Board on August 11, 2014, proof of posting and publication of the notice of said hearing as required by law having been received by the Town Board, and the Town Board having heard all persons interested in such matter; and

**WHEREAS**, the Town Board has received a 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, certifying that the plans for constructing sewerage facilities in said district extension are satisfactory and meet the requirements of the Town, subject to inspection by the Town engineers at petitioner’s cost and expenses upon installation of the facilities therein; and

**WHEREAS**, the permission of the State Comptroller shall not be required for the extension of said District nor the construction of said improvements since the Town shall not be required to finance the cost of said improvements by the issuance of bonds, notes, certificates, or other evidences of indebtedness of the Town; and

**WHEREAS**, June 9, 2014, the Town Board also determined that extension of the said District and construction of improvements therein will have no significant effects on the environment and that such determination constituted a negative declaration for purposes of environmental review; and

**NOW THEREFORE**, it is hereby

**RESOLVED AND DETERMINED**, that:

A. The petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient;

B. All the property and property owners within the proposed district extension are benefited thereby;

C. All the property and property owners benefited are included within the limits of the proposed district extension;

D. It is in the public interest to grant in whole the relief sought; and it is further

**RESOLVED**, that all future costs and expenses of operation, maintenance and improvements in said Consolidated District, including those relative to the district extension which is the subject of this resolution, shall be assessed, levied and collected from the several lots and parcels of land within the entire area of said Cazenovia Sewer District (as extended) deemed benefited thereby in proportion to the amount of benefit conferred upon same; and it is further

**RESOLVED**, that the said Ten Eyck Ave. Sewer District No. 4 be extended in the said Town of Cazenovia, Madison County, New York, to include the description and boundaries, as hereinbefore described to be known as Ten Eyck Ave. Sewer District No. 4, and it is further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be recorded and filed in accordance with the provisions of Article 12 of the Town Law.

**BE IT FURTHER RESOLVED**, that if the Town of Cazenovia Town Board shall approve the consolidation of the various existing Town of Cazenovia Sewers into a new Town of Cazenovia Consolidated Sewer District pursuant to General Municipal Law Article 17-A (currently anticipated to occur on September 8, 2014), then, in such case, the within Sewer District hereby approved shall be deemed to be included in the Town of Cazenovia Consolidated Sewer District as of the formation of the Consolidated District with no further action.

#### **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 Linclael 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 3/4 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.



|                           |               |
|---------------------------|---------------|
| <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. 112 adopted.**

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**Resolution No. 113 presented by Councilor Andersen, seconded by Councilor Driscoll**

**TOWN OF CAZENOVIA LOCAL LAW E OF 2014**  
 (“A Local Law Overriding the Tax Levy Limit Established  
 in General Municipal Law §3-C in the Town of Cazenovia”)

Introduced proposed Local Law No. E-2014, relating to the ability of the Town of Cazenovia to override the limit on the amount of real property taxes that may be levied by the Town of Cazenovia pursuant to General Municipal Law §3-c, and to allow the Town of Cazenovia to adopt a Town budget for the fiscal year 2015 in excess of the “tax levy limit,” and made the following motion:

**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 AND DETERMINED**, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. E-2014 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on September 8, 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. 113 adopted.**

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**Resolution No. 114 presented by Councilor Andersen, seconded by Councilor Driscoll** to authorize a public hearing at the September 8, 2014 meeting for the annual renewal of Burdin's Junkyard Permit (a.k.a. Don's Auto Barn).

**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. 114 adopted.**

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**Resolution No. 115 presented by Councilor Driscoll, seconded by Councilor Andersen**

**Authorize the Bidding for  
One New 2015 Pickup Truck**

**WHEREAS**, the Town of Cazenovia Highway Department has advised it has analyzed the use of equipment, and

**WHEREAS**, the Town of Cazenovia Highway Department has advised it desires to acquire a pickup truck; and

**WHEREAS**, funds have been budgeted for such equipment acquisition; and

**WHEREAS**, the Town Board, after due deliberation, has determined that the acquisition of such equipment would be in the best interest of the Town; and

**WHEREAS**, the Highway Superintendent has ascertained that such equipment may be available through the public bidding process.

**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 of a new pickup truck, as follows:

**One (1) New 2015 3/4 Ton Truck with Crew Cab XLT 4x4, Power Equipment Group, Running Boards, Trailer Tow Package, and 8.5' Stainless Steel V-Plow**

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**NOTICE TO BIDDERS**

The Town Board of the Town of Cazenovia will receive sealed bids on the following until 3:45 p.m. on September 2, 2014 at 7 Albany Street, Cazenovia, New York:

**One (1) New 2015– 3/4 Ton Truck Crew Cab XLT 4x4 with Power Equipment Group, Running Boards, Trailer Tow Package & 8.5' Stainless Steel V-Plow.**

All bids received pursuant to this notice will be publicly opened on September 2, 2014 at 4:00 P.M. at the Town Hall and considered at a regular meeting of the Town Board on September 8, 2014 at 7:30 P.M.

Additional specification forms for this equipment may be obtained at the Town of Cazenovia Town Hall, 7 Albany Street, Cazenovia, New York 13035.

All bids must be accompanied by a certificate executed pursuant to section 103-d of the General Municipal Law of the State of New York. These certificates are available from the Town Clerk. Be further advised that the Town Board may consider any bid which provides the Town with the “best value” as determined under Local Law 1 of 2014 and shall consider the following factors:

1. Lowest cost and convenience of maintenance or service of the truck
2. Durability and quality of the equipment;
3. Product life;
4. Highest resale value.

Such factors shall be evaluated by any submitted materials offered by the responsive bidder, as well as independent research by the Town of Cazenovia.

The Town Board of the Town of Cazenovia reserves the right to reject any or all bids offered.

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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. 115 adopted**

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**Resolution No. 116 presented by Councilor Moran, seconded by Councilor Andersen** to approve Judge Fred Palmer's attendance at the Annual Magistrate's Conference in Syracuse, New York, September 21 – September 24, 2014, with expenses paid.

**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. 116 adopted.**

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**Resolution No. 117 presented by Councilor Moran, seconded by Councilor Andersen** to approve the Highway Superintendent, Timothy L. Hunt's, attendance at the *New York State Association of Town Superintendents of Highways Conference* in Callicoon, New York, September 16 – September 19, 2014, with expenses paid.

**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. 117 adopted.**

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**Resolution No. 118 presented by Councilor Driscoll, seconded by Councilor Andersen**

**OBSOLETE PHONE EQUIPMENT**

**WHEREAS**, the Town Board has been advised that certain Town-owned telephone equipment has become obsolete and is no longer needed for Town purposes; and

**WHEREAS**, the Town Board is authorized to dispose of such Town property as it deems expedient, and

**WHEREAS**, the Town has procured new replacement equipment for the aged, and outdated existing phone system such that the obsolete equipment may be disposed, **NOW THEREFORE**, be it resolved that the Town of Cazenovia Town Board declares the said telephone equipment to be obsolete and of no further Town purposes and authorizes that the obsolete telephone equipment be recycled through the new telephone equipment provider, I.T.S. (Internal Telecommunication Systems, Inc.)

**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. 118 adopted.**

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**Resolution No. 119 presented by Councilor Driscoll, seconded by Councilor Andersen** to approve the use of Ridge Road on Sunday, September 14, 2014, for a 19-mile and a 39-mile bike race to benefit the Two Smiles One Hope Foundation for Duchenne Muscular Dystrophy. A one million dollar liability insurance certificate has been filed with the Town Office naming the Town of Cazenovia as “also insured.” The insurance certificate must be maintained uninterrupted throughout the date of the event.

**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. 119 adopted.**

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**Resolution No. 120 presented by Councilor Moran, seconded by Councilor Andersen** to approve a refund of \$ 318.10 to Bryan Wendel for an interpretation fee that was not scheduled on the fee schedule.

**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. 120 adopted.**

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**Resolution No. 121 presented by Councilor Moran, seconded by Councilor Andersen to approve the following 2014 budget transfers and modifications:**

**2014 Budget Year**

General Fund A

Transfer budget from Assessor CE Grievance Board to Assessor CE for office supplies purchases specific to re-val and Assessor printer.

|  |          |
|--|----------|
| To: A1355.4 Assessor CE                      | \$200.00 |
| From: A1355.4.21 Assessor CE GRIEVANCE BOARD | (200.00) |

Transfer budget from Sidewalks EQ to Sidewalks CE for purchases of tools for sidewalk upkeep & renovations.

|                            |            |
|----------------------------|------------|
| To: A5410.4 Sidewalks CE   | \$5,000.00 |
| From: A5410.2 Sidewalks EQ | (5,000.00) |

General Fund B

Budget modification as per Cazenovia Lake Association donation toward Allied Biological Water Quality Monitoring (received as revenue on August 8, 2014 into B2705 Gifts and Donations).

|   |            |
|---|------------|
| Increase budget to: B8740.4 Watershed Protection CE | \$3,865.00 |
|---|------------|

Highway Fund DB

Transfer budget from General Repairs Stone & Oil to Capital Outlay for permanent road repairs.

|  |            |
|--|------------|
| To: DB5112.2 Capital Outlay                      | \$5,220.00 |
| From: DB5110.4.36 General Repairs CE STONE & OIL | (5,220.00) |

**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. 121 adopted.**

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*Supervisor Zupan presented the Highway Superintendent with a Certificate of Appreciation from Madison County for supporting the Madison County Solid Waste Management E-Waste Collection event on May 3, 2014 at the Town of Cazenovia Highway Garage. There was a total of 6 events throughout Madison County with a grand total of 35.13 tons of E-waste collected. Cazenovia had the largest collection event taking in 11.15 tons of E-waste.*

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**Attorney's Report:** Wendy Reese, Esq. was present for John Langey at this month's meeting.

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**Supervisor's Report:** *Reported he has started working on the budget for 2015. He further reported there was a question regarding the roadside trees at Oweria Vineyards. He stated the Planning Board wanted some trees cut to improve the line of sight. Also, the Town of Cazenovia Highway Superintendent asked the County to look at a portion of one tree. He added there were six-eight big Maple trees that were dying. He said the County cut everything so they could put in a ditch to drain the water from the road back into Oweria's property. He concluded that East Lake Road is a County road and the County did the work.*

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**Councilor Andersen** (Planning & Zoning, CACDA, Shared Services, CACC): *Reported that the State Department of Agriculture and Markets currently has another round of funding for the Purchase and Development Rights Program-Farmland Protection Grant. She stated the Cazenovia Preservation Foundation has submitted the project, which is the Pushlar Farm on the eastern edge of Fenner Road. She said it is a good farm and important place, in terms, of maintaining green space around the village. She further stated, months ago, the Town applied to the Department of Environmental Conservation for a water quality improvement grant to help with drainage runoff into the lake. She said it was supposed to be announced a while ago, but there is no indication as to when they will learn about that application.*

**Councilor Moran** (Future of the Gothic Cottage & Cazenovia Lake Watershed Council): *Reported the Town Board met with Holmes, King, Kallquist & Associates. She stated they have gone through the costing of renovations for the Gothic Cottage and are now expanding their due diligence to other properties within Cazenovia that have been brought to the Board's attention. She further reported the Watershed Council met in July and tentatively, on November 15th there will be a Cazenovia Lake Mini Forum.*

**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 and piggy-backed on Councilor Moran's report that there will be a presentation at the November Cazenovia Lake Forum by the Oneonta Study Group that will provide feedback about the seepage of phosphate into the lake. Additionally, he said the youth program has been very successful and the children are doing things to help the community, such as building the bluebird boxes. Lastly, he said, the New Woodstock Highway Garage building is in disrepair and it is going to have to be determined how to proceed.*

**Supervisor Zupan** asked 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:**

*Anne Ferguson of Route 92 suggested the stumps be removed in front of Oweria Vineyards.*

*The Highway Superintendent stated the County has already started removing the stumps.*

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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 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 Moran, seconded by Councilor Andersen to approve payment of the bills. The motion was unanimously approved.**

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**Motion by Councilor Moran, 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