

TOWN BOARD

MONDAY

October 6, 2014

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

Pledge of Allegiance.

Correspondence: There was no unshared correspondence to report.

Motion by Councilor Driscoll, seconded by Councilor Race to accept the minutes from the September 8, 2014 meeting. The motion was unanimously approved.

Motion by Councilor Moran, seconded by Councilor Race to accept the minutes from the October 1, 2014 work session. The motion was unanimously approved.

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

Public comment #1: There were no comments.

Motion by Councilor Andersen, seconded by Councilor Race 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" as revised and amended.

Supervisor Zupan stated this is a public comment period and there will not be a dialogue. He stated if a technical or legal question arises, Mr. Langey, the Attorney for the Town, will answer. He said if a generic question is asked, he will respond on behalf of the Board.

Public Comment:

Samuel Woods of 5211 East Lake Road expressed frustration that there was not an opportunity for open dialogue. He stated the neighbors in the vicinity of his house do not feel the sound levels in the new proposed law are reasonable levels. He stated he is a neurotologist and almost all of his practice is ear and ear-related disorders. He said he has a fair amount of knowledge in sound and the concept of loudness and the logarithmic scale of decibel levels. He presented handouts to the Board that included a logarithmic scale of decibel levels and a graph of perceived loudness vs. dB(A). He explained a very soft sound will get to 55 dB(A) quickly, but it takes a lot of sound intensity to get to 70 dB(A) because of the logarithmic scale. He stated it is deceiving to look at a meter on a table because every 6-10 decibels the loudness doubles. He said a logarithmic scale is different than a linear scale. He stated he downloaded a sound meter on his phone after reviewing about 4-5 different versions. He placed his cell phone on the table with the sound meter application displayed and the meter fluctuated between 55-60 dB(A) with his normal speaking voice. He did a demonstration and started to play a stereo and continuously reset the sound meter as he turned up the volume to demonstrate the intensity and loudness at 70 dB(A). He urged the Board to table the noise ordinance and take their time with the proposed law.

Duane Cramer of 4714 Syracuse Road stated he has a large piece of property next to him that could put him in a similar situation as the neighbors of Oweria Vineyards are currently experiencing. He submitted a packet to the Board members that contained a letter dated October 6, 2014, a duplicate letter from June 8, 2014, the DEC (Department of Environmental Conservation) guidelines, as well as, a graph. He stated he was very surprised the noise limits were increased at the last meeting. He said his profession is developing power plants and normally, he is in the position to convince people that what is being proposed will not cause significant noise impacts. He stated he is very well versed regarding noise. He said the proposed levels are enabling noise emissions that will have a significant impact based on the DEC regulations. He said the noise levels from around the State are more restrictive than what is being proposed in Cazenovia. He stated Cazenovia is a quiet town and he guaranteed the night ambient level is 40 dB(A) or below. He made reference to the DEC Table B, which showed an impact of 20 dB(A) or above to be considered very objectionable to intolerable and that is the limit that is being proposed. He gave the example of a backyard conversation at about 55 dB(A) and if noise at 70 dB(A) was coming across the property line; the backyard conversation would be drowned out. He said our ears respond differently to music with a beat or a base versus a crowd or a party with a "white noise" type of impact. He felt that repetitive type of noise should be addressed in the ordinance. He felt that if multiple events are proposed, the special events ordinance should take into account a noise assessment.

Supervisor Zupan asked Mr. Cramer what he felt would be a reasonable level to put into the law.

Duane Cramer said there should be a distinction between "one off" and multiple events. He said in a "one off" situation 50 dB(A) is not unreasonable for the wee hours of the night. He stated it is still 10 dB(A) above the ambient in most of the Town and it is bordering on what the DEC would consider to be objectionable. He said the DEC guidelines state anything above 6 dB(A) justifies additional investigation.

Supervisor Zupan inquired about the hours.

Duane Cramer said 7:00 p.m. or 8:00 p.m. He said his kids were in bed at 8:00 p.m. and in the summer, their windows were open. He stated with the windows open; the difference between indoors and outdoors is 3 dB(A).

Laurel Eveleigh, counsel for concerned citizens at the north end of the lake, referred to the chart that Duane Cramer submitted earlier to the Board showing the comparison of noise limits for various locations throughout the State and pointed out the nighttime dB(A)'s are at 50 for many of the areas. She highlighted New York City's ordinance that states anything above an increase in 7 dB(A) over the ambient as unacceptable. She stated the proposed limits being 25 or 30 dB(A) above the ambient makes her question why a law is being proposed. She was further concerned with the change in hours and thought the change would be a significant impact. She did not think the Village sound levels should be used as a model for the Town because there are different factors, restaurants, bars and bands which are being compared to neighborhoods. She referred to the DEC table and said anything adding 10-15 dB(A) to the background noise is considered to be very noticeable, 15-20 dB(A) is considered objectionable and over 20 dB(A) is very objectionable to intolerable. She stated the numbers being proposed in the ordinance are in excess of 20 dB(A) higher than what is estimated to be the ambient noise level.

Mark Costa of 1710 North Lake Road made reference to the Town's Comprehensive Plan and said the Comprehensive Plan states the Town is to protect the unique character of the community which is a "bedroom community" where people work in the city and commute to Cazenovia to live and rely on the Town as a quiet repose. He further inquired if the Town consulted with the assessor to see if the change in ambient levels would have a potential impact on property values.

Gail Woods of 5211 East Lake Road said she contacted the Town a couple of years ago when her daughter was going to get married and was surprised to learn the Town did not have any rules for weddings. She further stated she recently purchased a national wedding magazine and there is a whole article on outdoor weddings and the pros/cons of weddings at wineries and breweries. She summarized the article and said many wineries are in residential areas where a noise ordinance would affect the party and most end at 9:00 or 10:00 p.m. She thinks 11:00 p.m. is too late. She said the article expressed at a winery, wine may be the only game and you may be out of luck if you are looking for a full bar. She concluded, by reiterating, that this is a statewide and even national issue.

Bruce Race of 5320 East Lake Road submitted a commentary to the Board entitled, "Environmental Noise Pollution in the United States: Developing an Effective Public Health Response" that was in the February 2014 issue of Environmental Health Perspectives. He stated the article said that environmental noise can lead to sleep disturbance, hypertension and a variety of other health issues. The commentary made reference to a 1974 EPA (Environmental Protection Agency) study that a 24-hour exposure limit of a 55 dB(A) level average total and 10 dB(A) penalty between 10:00 p.m. and 7:00 a.m. which would drop the level to 45 dB(A).

Supervisor Zupan thanked the audience for their comments and reminded them this law is not just for Owerla Vineyards, but is town-wide. He suggested to the Town Board to leave the public hearing open and get the information submitted to the Town's noise expert.

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

John Langey stated the Board can direct counsel to make amendments to the local law. He stated if amendments are made, the proposed law will have to be reintroduced and another public hearing will have to be held. He also mentioned the gentleman that was the noise expert became ill and was unable to make the last Planning Board meeting. He further stated another associate from the same firm Barton & Loguidice, Jeff Reed, who is very capable has stepped in to assist Kyle Williams and will continue with this project for the time being.

Supervisor Zupan stated no changes have been made in the last 3 or 4 months to the proposed law and they are focusing on the noise ordinance prior to the special events law.

The public hearing was continued from the September 8, 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:

Brian Keeler of 5237 East Lake Road seeked confirmation from the Town Board that they would not pass the special events law prior to adopting the noise ordinance.

Supervisor Zupan stated the special events law references the noise ordinance, therefore the noise ordinance would have to be passed first. He said they have been going back in forth with the Department Agriculture and Markets.

***Duane Cramer** reiterated that he thinks there should be some coupling between the special events permit and noise issue and evaluating cumulative effects from multiple events.*

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

★ **NOTE FOR THE RECORD** - The timely receipt (9/30/2014) of the Highway Department's Annual Equipment Inventory List.

★ **NOTE FOR THE RECORD** - The timely receipt (9/30/2014) of the 2015 Tentative Budget and the timely distribution of same to the Town Board (electronically 9/30/2014 and paper copies 10/1/2014 at Work Session/Special Meeting.)

Resolution No. 135 presented by Councilor Race, seconded by Councilor Andersen

2015 TENTATIVE/PRELIMINARY BUDGET

WHEREAS, the Town Supervisor of the Town of Cazenovia duly filed with the Town Clerk the Tentative Budget of said Town for the fiscal year beginning January 1, 2015; and

WHEREAS, the Town Clerk of the Town of Cazenovia, duly presented said Tentative Budget to the Town Board on September 30, 2014 as prescribed by law and again at a work session held on October 1, 2014, at which time such Tentative Budget was considered, discussed and reviewed.

NOW, THEREFORE, BE IT RESOLVED, that said Tentative Budget is hereby set forth, and be it

FURTHER RESOLVED, the said Tentative Budget is hereby approved as and shall become the Preliminary Budget of the Town of Cazenovia, for the fiscal year beginning January 1, 2015; and be it

FURTHER RESOLVED, that said Preliminary Budget shall be kept in the Office of the Town Clerk of the Town of Cazenovia, and said Town Clerk is hereby authorized to reproduce copies of same for public distribution upon request; and be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of the proposed 2015 Town Budget at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on Tuesday, November 4, 2014 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested 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. 135 adopted.

Resolution No. 136 presented by Councilor Race, seconded by Councilor Andersen

SNOW AND ICE CONTROL ON THE COUNTY ROAD SYSTEM

WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 253-14 on September 9, 2014 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose from **October 1, 2014 through April 30, 2015** at rates specified in the Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of Cazenovia, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

**AGREEMENT BETWEEN THE COUNTY OF MADISON
AND THE TOWN OF CAZENOVIA**

THIS AGREEMENT made the 1st day of October, 2014 by and between the County of Madison, hereinafter call the “County” acting through F. JOSEPH WISINSKI, County Superintendent of Highways and the Town of Cazenovia hereinafter call the “Town”.

WITNESSETH: that for the consideration and upon the terms and conditions hereinafter provided the Town agrees to furnish its machinery, labor, and material therefore and to keep, within good reason, the paved portion of the highways herein described free from snow and treated with abrasives in accordance with the rules and regulations as set forth by the County Superintendent of Highways and which are part of this Agreement for the year **October 1, 2014 through April 30, 2015.**

IT IS FURTHER AGREED that the Town will forward to the County a “Certificate of Insurance”, covering all Town vehicles used under this Agreement, with at least \$1,000,000 of Fleet and Public Liability Protection for each occurrence.

IT IS FURTHER AGREED that the County will pay the Town the sum of Seventeen dollars and fifty-three cents (\$17.53) per lane mile upon which snow and ice control services are performed and a loader rate of One hundred twenty dollars and no cents (\$120.00) per hour for snow bank removal under certain circumstances with prior approval from County Highway Superintendent. The Town shall bill the County for services hereunder on a monthly basis by submitting a listing of the respective dates, times, roads, and miles on which services were performed pursuant to this agreement and such other information as the County Highway Superintendent determines necessary. Payment shall be made in accordance with Madison County’s terms and submission by the Town of properly completed requests for payment.

IT IS FURTHER AGREED that the Town Board by Resolution accepts the proposal of the County for Snow and Ice Control on the County Road System as noted hereunder for the sum of money per lane mile as set forth below.

<u>County Road</u>	<u>Lane Miles (both ways)</u>	<u>Road Length (one way)</u>
BALLINA ROAD	.98	.49
CONSTINE BRIDGE ROAD	1.78	.89
DAMON ROAD	4.70	2.35
DELPHI ROAD	5.00	2.50
EAST LAKE ROAD	8.70	4.35
EAST ROAD-JUDDVILLE TO NW	3.80	1.90
EAST ROAD-JUDDVILLE TO VILLAGE	6.98	3.49
FABIUS ROAD	3.96	1.98
JUDDVILLE ROAD	3.20	1.60
NORTH LAKE ROAD	1.68	.84
NUMBER NINE ROAD	3.28	1.64
WEST LAKE ROAD	4.80	2.40

Total Reimbursement Mileage will be the sum of each individual road length multiplied by the number of trips each way.

IT IS FURTHER AGREED no changes may be made to the plowing/sanding routes listed on the current Agreement, unless mutually agreeable by both parties, any cancellation or change of service must be done, in writing, at the termination of this Agreement

IT IS FURTHER AGREED that the Town will keep the entire width of the pavement free from snow and sanded within reason; shall provide its equipment and personnel to maintain this condition at all times. Keeping the pavements clear of snow will necessarily require keeping the shoulders clear to retard that formation of drifts and afford space for the safe plowing from the pavement in a succeeding storm.

IT IS FURTHER AGREED that all materials used by Towns must pass a 3/8" sieve.

IT IS FURTHER AGREED that to receive payment for any road, the Town must keep the same open for traffic for its entire length and will not receive any payment if only portions are kept open, except by previous agreement with the County.

IT IS FURTHER AGREED that the Town will make every effort to eliminate slippery conditions on the pavements, and that steep hills, sharp curves, intersection, and straight sections will be sanded or otherwise treated to restore said traction for reasonable and careful use.

IT IS FURTHER AGREED that the Town Superintendent shall submit a Daily Report of Operations (original) to the County Highway Department, on a form furnished to the Town by the County Highway Superintendent.

IT IS FURTHER AGREED that the County Highway Department shall be the sole judge as to the method used in performance of this Agreement and the County reserves the right to withhold payment under this Agreement and to correct any conditions in any way which does not meet requirements and deduct the cost of this work from the amount of this Agreement.

IT IS FURTHER AGREED that if the Town is unable to obtain liability insurance coverage relative to the services to be rendered under this Agreement and so notifies the County, the County will either:

- a. Add the Town as an additional insured to its liability insurance policy covering the plowing and sanding of County roads; or
- b. Indemnify the Town for any loss arising out of a claim for personal injury to third persons and property damage sustained by third persons because of the alleged negligence of the Town in the performance of the plowing and sanding services pursuant to this Agreement, exclusive of any liability covered in the New York Standard Automobile Liability Policy, including No Fault Insurance provisions; as the County may elect.

Roll call:

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

Supervisor Zupan declared Resolution No. 136 adopted.

Resolution No. 137 presented by Councilor Race, seconded by Councilor Moran to authorize the Town Clerk to give notice of the seasonal closing of certain roads for the winter of 2014/2015, as follows:

CORKINSVILLE ROAD – from the Lordon residence to the T/Cazenovia Line

Roll call:

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

Supervisor Zupan declared Resolution No. 137 adopted.

Resolution No. 138 presented by Councilor Moran, seconded by Councilor Driscoll

**2014 RAKE TOSS PLANT SURVEY
CAZENOVIA LAKE**

To authorize the Town Supervisor to execute an agreement with Racine-Johnson Aquatic Ecologists, to survey Cazenovia Lake in September and October 2014 for aquatic plant species presence and abundance by the rake-toss method at pre-determined sample locations selected by using a 2008 survey performed by Allied Biological Inc. and to provide a written report with electronic backup that documents plant species presence, identification to at least genus but generally plant species, abundance at the pre-determined GPS sample locations and contrast the results to previous plant surveys conducted by Allied Biological Inc and Racine-Johnson Aquatic Ecologists. The report will be provided in a format similar to annual written reports of survey results to the Town of Cazenovia by Racine-Johnson Aquatic Ecologists for 2009 thru 2013. The report will be provided no later than November 15, 2014. The cost for survey and reporting will be invoiced to the Town of Cazenovia in an amount not to exceed \$8,500.00

**AGREEMENT BETWEEN TOWN OF CAZENOVIA AND
RACINE JOHNSON AQUATIC ECOLOGISTS FOR SERVICES**

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

WITNESSETH

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

WHEREAS, the Consultant is desirous of performing such services and the Town is desirous of contracting with the Consultant to provide such services,
NOW, in consideration of the covenants, conditions and provisions contained herein, it is hereby AGREED as follows:

1. The Consultant agrees to complete the 2014 rake-toss survey of the established network of monitoring stations in Cazenovia Lake, using the standard NYSDEC-approved methods. Consultant will use comparable methods as were employed in prior annual surveys of Cazenovia Lake he completed between 2009 and 2013.
2. The Consultant shall be paid for providing such services not to exceed the amount of *eight thousand five hundred dollars* (\$8,500.00).
3. The Town shall have access to, and ownership of, all data, results, documents, and other materials produced by conduct of the annual survey.
4. The Consultant will provide one paper and three CD copies of all written reports to the Town.
5. The relationship of the Consultant to the Town is that of an independent contractor. As such, the Consultant shall receive no fringe benefits from the Town including but not limited to medical insurance, retirement benefits, workers’ compensation, disability, unemployment insurance, or any other benefits or remuneration other than that set forth in paragraph 2 hereinabove.
6. Any additional services requested by the Town and agreed to by the Consultant must be set forth in a written change order setting forth the agreed upon amount of compensation for such additional work. Authorization of any additional services are subject to and contingent upon resolution of the Town Board.
7. Consultant shall invoice the Town for professional services at project completion.
8. Consultant has issued the Town a Certificate of Insurance demonstrating that Consultant carries Professional Liability Insurance in the minimum amount of one million dollars per occurrence and in the aggregate and General Public Liability Insurance in a minimum

amount of one million dollars per occurrence and in the aggregate; Automotive Liability Insurance in a minimum amount of one million dollars per occurrence and in the aggregate; and all worker's compensation and disability insurance required by law. The Certificates provide that the Town, as a Certificate Holder, shall be entitled to 10 days written notice in advance of any policy of insurance being cancelled or terminated.

9. Consultant also represents and warrants that it is in full compliance with all Federal and State Labor Laws pertaining to its operations and in particular as a contractual consultant to a municipality of the State of New York.
10. The Town shall provide Consultant access to and use of any historical maps, drawings, measurements, or lake monitoring data within their possession.
11. Permission for access to Town-owned property is granted by the Town of Cazenovia to the Consultant immediately upon execution of this Agreement.
12. This Agreement represents the entire Agreement of the parties and may not be modified or changed except with written agreement signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of October 2014.

TOWN OF CAZENOVIA

By: _____
William N. Zupan, Supervisor

RACINE-JOHNSON AQUATIC ECOLOGISTS LLC

By: _____
Robert L. Johnson, President

Roll call:

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

Supervisor Zupan declared Resolution No. 138 adopted.

Resolution No. 139 presented by Councilor Race, seconded by Councilor Andersen

PROPOSED 7 PINES WATER DISTRICT

WHEREAS, residents of the area known as “7 Pines” have approached the Town of Cazenovia to discuss the feasibility of providing public water to this area, which is currently serviced by individual wells and other private water sources; and

WHEREAS, to determine the potential for the formation of a water district for the 7 Pines area is necessary to obtain a preliminary review and report from the Town’s Engineer for such a public improvement; and

WHEREAS, it is in the best interest of the neighbors and the Town to undertake such a study and to have a public information meeting with the Town’s Engineer and members of the Town Board.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town of Cazenovia Town Board hereby authorizes the Town Engineer to undertake a preliminary review and study of a proposed water district for the residents of 7 Pines in the Town of Cazenovia; and it is further

RESOLVED AND DETERMINED, that the Town shall expend an amount not to exceed Three Thousand Five Hundred Dollars (\$ 3,500.00) for said preliminary review and report, which amount, if a formal district has been formed, will be charged to the 7 Pines Water District.

Roll call:

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

Supervisor Zupan declared Resolution No. 139 adopted.

Resolution No. 140 presented by Councilor Andersen, seconded by Councilor Race to adopt the Town of Cazenovia Employee Manual as amended to include the Workplace Violence Policy in the manual and include the Highway Department Work Rules as an Appendix.

Roll call:

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

Supervisor Zupan declared Resolution No. 140 adopted.

Resolution No. 141 presented by Councilor Race, seconded by Councilor Moran to approve the following 2014 budget transfers and modifications:

2014 Budget Year

General Fund A

Transfer budget from Unallocated Insurance to Town Board CE to cover code updates as per addition of local laws.

To: A1010.4 Town Board CE	\$800.00
From: A1910.1 Unallocated Insurance	(800.00)

Transfer budget from Contingency to Superintendent of Highways CE for NYS AOTSOH conference expenses.

To: A5010.4 Superintendent of Highways CE	\$700.00
From: A1990.1 Contingency	(700.00)

Transfer budget from Contingency to Garage CE Repairs for new flooring at Highway Garage.

To: A5132.4.11 Garage CE REPAIRS	\$5,000.00
From: A1990.1 Contingency	(5,000.00)

Transfer budget from Contingency to Sidewalks CE for additional expenses on repair work.

To: A5410.4 Sidewalks CE	\$500.00
From: A1990.1 Contingency	(500.00)

Transfer budget from Contingency to Sanitary Sewer CE for CACDA assistance with Sewer District Consolidation project.

To: A8120.4 Sanitary Sewer CE	\$990.00
From: A1990.1 Contingency	(990.00)

Transfer budget from Unallocated Insurance to Watershed Protection CE to cover benthic mat removal services.

To: A8740.4 Watershed Protection CE	\$625.00
From: A1910.1 Unallocated Insurance	(625.00)

General Fund B

Budget modification as per non-budgeted Cazenovia Lake Association donation toward Allied Biological Water Quality Monitoring (received as revenue on September 30, 2014 into B2705 Gifts and Donations and deposited October 2, 2014).

Increase budget to: B8740.4 Watershed Protection CE	\$940.00
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Transfer budget from Contingency to Watershed Protection PS to cover Highway Employee hours on Lake Harvester and related Employer's Portion of Social Security.

To: B8740.1 Watershed Protection PS	\$3,000.00
To: B9030.8 Town's Portion Social Security	230.00
From: B1990.1 Contingency	(3,230.00)

Highway Fund DA

To appropriate Fund Balance we must make a calculation that Fund Balance is available in Highway Fund DA by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SL510 Estimated Revenues	\$96,205.00
Plus SL599 Appropriated Fund Balance	<u>00,000.00</u>
Subtotal	\$96,205.00

Present Year Actual:

SL980 Actual Revenues to Date	\$287,882.13
Plus Other Revenues Expected by year end	1,100.00
Plus 909 Fund Balance at beginning of year	<u>107,569.09</u>
Subtotal 1	\$396,551.22
Less previously appropriated for other uses (highway equipment)	<u>193,332.10</u>
Subtotal 2	\$203,219.12

Actual Subtotal 2 less Budgeted Subtotal = Amount Available ***\$107,014.12***

Appropriate Fund Balance to increase budget for Snow Removal CE Sand & Stone Dust and Salt to take advantage of lower salt and sand prices before threatening increases as per State bid prices.

To: DA5142.4 Snow Removal CE Sand & Stone Dust	\$14,000.00
To: DA5142.4 Snow Removal CE Salt	\$5,000.00
From: DA599 Appropriated Fund Balance	(19,000.00)

Highway Fund DB

Budget modification as per non-budgeted Federal Emergency Aid and Extreme Winter Recovery received for 2013 expenses.

Increase budget to partially cover box culvert purchases:

DB5112.2 Capital Improvements	\$17,300.00
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To appropriate Fund Balance we must make a calculation that Fund Balance is available in Highway Fund DB by running the following calculation to prove that Fund Balance is available:

Present Year Budget:

SL510 Estimated Revenues	\$135,000.00
Plus SL599 Appropriated Fund Balance	<u>54,200.00</u>
Subtotal	\$189,200.00

Present Year Actual:

SL980 Actual Revenues to Date	\$151,847.12
Plus Other Revenues Expected by year end	500.00
Plus 909 Fund Balance at beginning of year	<u>340,999.57</u>
Subtotal 1	\$493,346.69
Less previously appropriated for other uses (Capital Improvements above)	<u>17,300.00</u>
Subtotal 2	\$476,046.69

Actual Subtotal 2 less Budgeted Subtotal = Amount Available ***\$286,846.69***

Appropriate Fund Balance to increase budget for Capital Improvements for purchase of box culverts.

To: DB5112.2 Capital Improvements	\$3,000.00
From: DB599 Appropriated Fund Balance	(3,000.00)

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

Supervisor Zupan declared Resolution No. 141 adopted.

Attorney's Report: John Langey reported he received word that part of the grant for the consolidation of the sewer districts can be applied toward updating Town sewer district regulations and he will commence work on it soon. He said the regulations would be based upon the DEC's most recent regulations. He also mentioned the Board had wanted to charge a nominal sum for O & M for the newly created district but the district formation was not on the final roll in July therefore it cannot be done. He stated he created a letter to notify the property owners that they are in the newly formed, consolidated sewer district and fees will be assessed to the property.

The Board stated they had received a copy of the letter and were fine with it.

John Langey stated the newly formed district will be on the tentative assessment roll in May of 2015. Lastly, he reported that discussion had occurred at the Planning Board meeting because of the tear down of the structure in New Woodstock, the building next to the library. He said the structure was not on the National Historic register and there was some concern that the existing Town code did not provide tools for the Planning Board to allow consideration of an effort to preserve a structure. He stated the Planning Board passed a resolution to ask the Town Board to consider if tools should be available to the Planning Board for tear downs.

Supervisor Zupan said this could be discussed at a work session.

Supervisor's Report: Supervisor Zupan reported that he is working on the budget and it is now a preliminary budget. He said a 7-page piezometer opinion study was mailed out and 25% of the 726 mailed out have been received back. He also mentioned the County received a grant for a 2 kilowatt solar farm that will provide about 65% of the electric needs of the County.

Councilor Race (Highway Department, South Cemetery & Water Districts): Reported the Highway Department is continuing to prepare for winter. The harvester and mats have been removed from the water. He said the mats are in the process of being cleaned and put away for the season. Lastly, he reported in front of the Wellington Water District a transformer blew earlier in the evening when a tree fell on it and the portable generator was immediately up and running which made it so the residents were never without water.

Councilor Andersen (Planning & Zoning, CACDA, Shared Services, CACC): *Reported that the Town received \$ 9,700 from the Department of Agriculture & Markets with the help of CACDA and the grant is to work on the Farmland Protection Plan recommendations to adjust zoning and subdivision laws to make definitions more consistent. She stated John Langey will work on the language once she has attended a webinar with Ag. & Markets to further understand the rules. She further stated in regards to shared services and the push from New York State government about consolidation; she is going to put an article in the Cazenovia Republican that lets the public know about the consolidation of 28 smaller districts into one. She additionally commented that she received feedback from the people that were concerned with traffic near Fenner Field and they are thrilled that the signs went up so quickly.*

Councilor Moran (Future of the Gothic Cottage & Cazenovia Lake Watershed Council): *Reported on the Future of the Gothic Cottage and stated she received the plans for the Village Municipal Building and delivered them to HKK (Holmes, King, Kallquist & Associates) who copied and scanned the plans. She stated HKK will go through the space calculations of what they think the Town would need for that space and look at it from a creative approach. She further stated the blue-green algal blooms were very severe this year and nobody should drink the water from the lake. She said there is a lot of information available on the Department of Environmental Conservation website and other public health websites about the risks associated with blue-green algal blooms. She responded to Councilor Race's inquiry that there is no technology to remove blue-green algal blooms.*

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 thirty days of harvesting were done this season and it was difficult in some areas of extensive growth because it had not been done in a long time. He said it is a step in the holistic approach going forward. He reminded everyone that the Lake Summit is November 22nd and the speakers will be Tim Hunt, Bob Johnson, Daniel Kopec and Thad Yorks. He further reported that the Joint Youth Recreation Council will discuss their year-end summary and he feels it was money well spent. He concluded his report and said there is some activity in New Woodstock and the group of people that he met with on how they want to see the hamlet going forward. He reiterated that something has to be done with the New Woodstock Highway Garage. He said there will be a discussion with the Superintendent of Cazenovia Central Schools and Pat Vogl of the School Board which may be another avenue to look at in regards to space inventory.*

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:

Berta Keeler of 5237 East Lake Road said she appreciated the effort of the Board and said the residents of the north end of the lake are there to work with the Board.

The Town Clerk presented the monthly bills list.

The Town Board's method-of-choice for review of the monthly bills:

The Town Board's first review takes place when detailed lists of the monthly bills are emailed to them on the weekend preceding the meeting. As a second review, the Town Clerk reads aloud the monthly bills list as the Town Board followed along with hard copies. The invoices are present at the meeting and the Town Board visually inspects them and discusses them at their discretion.

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

At 8:57 P.M., motion by Councilor Race, seconded by Councilor Driscoll to go into executive session to discuss the employment history of a particular individual that may lead to the appointment of that person to a particular position.

The Board invited Tim Hunt, Highway Superintendent, John Langey, Attorney for the Town, and Connie Sunderman, Town Clerk into the executive session.

Motion by Councilor Race, seconded by Councilor Andersen to return to the regular meeting. The motion was unanimously approved.

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

Supervisor Zupan declared this meeting adjourned.