

**TOWN BOARD**

**MONDAY**

**April 8, 2019**

**Supervisor Zupan opened the meeting at 7:30 p.m. with all Councilors present.**

**Pledge of Allegiance.**

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

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**Supervisor Zupan stated there are two special meetings this Wednesday, April 10, 2019 at the Town Office. The first meeting will begin at 5:00 p.m. relating to the SEQRA process for the proposed 2019 Cazenovia Lake Treatment.**

**He further stated immediately following that meeting, the Towns of Cazenovia and Nelson will have a Joint Town Board Meeting regarding the Route 20 Water District Project.**

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**Motion by Councilor Golub, seconded by Councilor Andersen to accept the minutes from the March 6, 2019 special meeting and March 11, 2019 regular 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:** *There were no comments.*

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**Supervisor Zupan stated April is Fair Housing Month in the Town of Cazenovia.**

**Motion by Councilor Race, seconded by Councilor Driscoll to open the public hearing relative to the topic of Fair Housing in the Town of Cazenovia.**

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

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

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**Motion by Councilor Race, seconded by Councilor Andersen to open the public hearing relative to Local Law C – 2019, entitled “A Local Law to Amend Chapter 130 (Sewers and Sewage Disposal) of the Town Code of the Town of Cazenovia.”**

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

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

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**Resolution No. 60 presented by Councilor Race, seconded by Councilor Golub**

**TOWN OF CAZENOVIA LOCAL LAW C OF 2019**  
(“A Local Law to Amend Chapter 130 (Sewers and Sewage Disposal)  
of the Town Code Of the Town of Cazenovia”)

**WHEREAS**, pursuant to the Municipal Home Rule Law, a proposed local law titled “A Local Law to Amend Chapter 130 (Sewers and Sewage Disposal) of the Town Code Of the Town of Cazenovia,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on March 11, 2019; and

**WHEREAS**, a public hearing was held on such proposed local law on this 8<sup>th</sup> day of April, 2019, by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, the enactment of Proposed Local Law No. C-2019 has previously been determined to be an Unlisted Action and will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. C-2019.

**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. C-2019 as Local Law No. 1-2019 as follows:

**“TOWN OF CAZENOVIA  
LOCAL LAW NO. 1 OF 2019**

**A LOCAL LAW TO AMEND CHAPTER 130 (SEWERS AND SEWAGE DISPOSAL)  
OF THE TOWN CODE OF THE TOWN OF CAZENOVIA**

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

**SECTION 1. AUTHORITY.**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2.**

Section 130-117 (“Billing period”) of Chapter 130 of the Town Code of the Town of Cazenovia is hereby deleted in its entirety and is now to read as follows:

“§130-117     **Billing period**

The billing period for sewer rents and charges shall be assessed biannually, as established by the Town Board.”

**SECTION 3.**            **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>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 60 adopted.**

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**Resolution No. 61 presented by Councilor Race, seconded by Councilor Driscoll**

**TOWN OF CAZENOVIA LOCAL LAW A OF 2019**

(“A Local Law to Amend Chapter 165 (Zoning) of the Town Code to Regulate the Specially Permitted Use of Bed-and-Breakfast/Owner Occupied Transient Occupancy Lodging in the Town of Cazenovia”)

**WHEREAS**, on February 11, 2019 the Town Board of the Town of Cazenovia introduced proposed Local Law No. A-2019, “A Local Law to Amend Chapter 165 (Zoning) of the Town Code to Regulate the Specially Permitted Use of Bed-and-Breakfast/Owner Occupied Transient Occupancy Lodging in the Town of Cazenovia,” which Local Law would amend Chapter 165 (Zoning) with respect to regulating the specially permitted use of Bed-and-Breakfast/Owner Occupied Transient Occupancy Lodging in the Town of Cazenovia; and

**WHEREAS**, said proposed Local Law A-2019 had been introduced and would be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, on February 11, 2019, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) declared that adoption of Local Law No. A-2019 was an Unlisted Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

**WHEREAS**, a public hearing on the aforementioned Local Law was noticed for March 11, 2019 and publication of the Notice of Public hearing as accomplished as per law; and

**WHEREAS**, a public hearing was conducted on March 11, 2019 and upon completion was closed; and

**WHEREAS**, on or about February 14, 2019 proposed Local Law No. A-2019 was referred to the Madison County Planning Department in accordance with General Municipal Law §239; and

**WHEREAS**, on or about March 11, 2019 the Town of Cazenovia received the Madison County Planning Department’s General Municipal Law Report which was returned for local determination and which further contained multiple comments to proposed Local Law No. A-2019; and

**WHEREAS**, as a result of the public hearing held on March 11, 2019 and the comments provided to the Town Board by the Madison County Planning Department, the Town Board determined to revise and amend proposed Local Law No. A-2019, which revisions clarify that such uses are not home occupations as otherwise provided in the Zoning Law, amends the total number of nights such use may occur per year and other revisions; and

**WHEREAS**, the Town Board believes that such revised and amended Local Law No. A-2019 should be considered for further public comment; and

**WHEREAS**, the full text of said Local Law No. A-2019, as revised and amended, is on file at the Clerk’s Office at the Town of Cazenovia Town Offices located at 7 Albany Street, Cazenovia, New York and may be viewed by all interested persons during normal business hours, between 9:00 a.m. and 4:00 p.m., Monday-Thursday and Friday 8:00 a.m. and 3:00 p.m.

**NOW THEREFORE**, it is

**RESOLVED AND DETERMINED** that the Town Board of the Town of Cazenovia reaffirms its Negative Declaration made on February 11, 2019 for purposes of SEQRA with respect to the enactment of proposed Local Law No. A-2019; and be it further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a new public hearing as to the enactment of proposed Local Law No. A-2019 at the Cazenovia Town Offices located at 7 Albany Street in the Town of Cazenovia on May 13, 2019 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.

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

**Supervisor Zupan declared Resolution No. 61 adopted.**

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**Resolution No. 62 presented by Councilor Race, seconded by Councilor Andersen**

**TOWN OF CAZENOVIA LOCAL LAW B OF 2019**

    ("A Local Law to Amend Chapter 165 (Zoning)  
    of the Town Code to Provide for Luxury Camping  
    as Part of a Mixed Use in the Town of Cazenovia")

**WHEREAS**, on February 11, 2019 the Town Board of the Town of Cazenovia introduced proposed Local Law No. B-2019, "A Local Law to Amend Chapter 165 (Zoning) of the Town Code to Provide for Luxury Camping as Part of a Mixed Use in the Town of Cazenovia," which Local Law would amend Chapter 165 (Zoning) with respect to providing for luxury camping as part of a specially permitted mixed use in the Town of Cazenovia; and

**WHEREAS**, proposed Local Law B-2019 had been introduced and would be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

**WHEREAS**, on February 11, 2019, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) declared that adoption of Local Law No. A-2019 was a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

**WHEREAS**, a public hearing on the aforementioned Local Law was noticed for March 11, 2019 and publication of the Notice of Public hearing as accomplished as per law; and

**WHEREAS**, a public hearing was conducted on March 11, 2019 and upon completion was closed; and

**WHEREAS**, on or about February 14, 2019 proposed Local Law No. B-2019 was referred to the Madison County Planning Department in accordance with General Municipal Law §239; and

**WHEREAS**, on or about March 11, 2019 the Town of Cazenovia received the Madison County Planning Department's General Municipal Law Report which was returned for local determination for proposed Local Law No. B-2019; and

**WHEREAS**, as a result of the public hearing held on March 11, 2019, the Town Board determined to revise and amend proposed Local Law No. B-2019, which revisions provide better clarification as to the Zoning Districts and areas where such uses are permissible subject to Special Use Permit and Site Plan approval; and

**WHEREAS**, the Town Board believes that such revised and amended Local Law No. B-2019 should be considered for further public comment; and

**WHEREAS**, the full text of said Local Law No. B-2019, as revised and amended, is on file at the Clerk's Office at the Town of Cazenovia Town Offices located at 7 Albany Street, Cazenovia, New York and may be viewed by all interested persons during normal business hours, between 9:00 a.m. and 4:00 p.m., Monday-Thursday and Friday 8:00 a.m. and 3:00 p.m..

**NOW THEREFORE**, it is

**RESOLVED AND DETERMINED** that the Town Board of the Town of Cazenovia reaffirms its Negative Declaration made on February 11, 2019 for purposes of SEQRA with respect to the enactment of proposed Local Law No. B-2019; and be it further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a new public hearing as to the enactment of proposed Local Law No. B-2019 at the Town Hall located at 7 Albany Street, Cazenovia, New York on May 13, 2019 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>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 62 adopted.**

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**Resolution No. 63 presented by Councilor Driscoll, seconded by Councilor Golub**

**AWARDING BID TO  
M. HUBBARD CONSTRUCTION, INC.  
Successful Bidder**

**(Return Activated Sludge (RAS) Gallery Maintenance and Piping Upgrades  
For the Town of Cazenovia Water Pollution Control Facility)**

**WHEREAS**, the Town of Cazenovia previously authorized the solicitation of bids relative to the Return Activated Sludge (RAS) Gallery Maintenance and Piping Upgrades for the Town of Cazenovia Water Pollution Control Facility, which services would include demolishing and replacing certain inside process piping, valves and accessories; furnishing and installing new inside process piping, valves and accessories; surface preparation and re-finishing of certain inside process piping, valves and accessories, complete with all necessary equipment and accessories in compliance with the technical specifications prepared in association with the procurement for the Town of Cazenovia Water Pollution Control Facility, 4500 Route 13 North, Cazenovia, New York; and

**WHEREAS**, the Town previously directed the preparation of specifications for the solicitation of bids; and

**WHEREAS**, the Town caused to be made an Advertisement for Bids for said service; and

**WHEREAS**, one (1) proposal was duly received by the Town of Cazenovia in response to the Advertisement for Bids as previously authorized; and

**WHEREAS**, said bid was received and opened on April 3, 2019 at 1:00 p.m. at the Cazenovia Town Hall, 7 Albany Street, Cazenovia, New York; and

**WHEREAS**, the Town has conducted due diligence and a review of the specifications of the timely bid packages; and

**WHEREAS**, the bid response has been reviewed carefully by the Town Board; and

**WHEREAS**, the Town of Cazenovia has determined that the proposed action considered herein is a Type II action and will have no significant adverse effect on the environment, pursuant to 6 N.Y.C.R.R. Part 617.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Cazenovia Town Board hereby awards the successful bid for the Return Activated Sludge (RAS) Gallery Maintenance and Piping Upgrades for the POTW, which services would include demolishing and replacing certain inside process piping, valves and accessories; furnishing and installing new inside process piping, valves and accessories; surface preparation and re-finishing of certain inside process piping, valves and accessories; complete with all necessary equipment and accessories in compliance with the technical specifications prepared in association with the procurement for the Town of Cazenovia Water Pollution Control Facility, as above-described and as more specifically set forth in the bid specification documents, to **M. Hubbard Construction, Inc.** of 4225 Railroad Street, Mottville, New York 13119, as the lowest responsive, responsible bidder, for a total bid as set forth in the proposal dated April 3, 2019 (Two Hundred Forty-Three Thousand Eighteen and 00/100 Dollars (\$243,018.00), subject to other required matters set forth in the bid solicitation documents; and it is further

**RESOLVED** that the Town of Cazenovia Supervisor is authorized to execute the necessary documentation to effectuate the resolution as above-described.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 63 adopted.**

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*John Langey, Esq. said the FCC announced new regulations at the beginning of 2019 because some large carriers were going to build out the 5G network. He said the 5G network is a shift from the tall towers upwards of 300’ to small cell towers in similar height to a telephone pole. He stated the FCC has told municipalities these upgrades have to be allowed because it is part of the new network to allow for better data which is being encouraged in the United States. He said the FCC is granting municipalities some limited control rights, in terms of aesthetics of the shorter poles. Additionally, he said a schedule can be set up for administration fees, as companies approach municipalities. He said the resolution is announcing the present intent to control the aesthetics of the telecommunication upgrades and to set a fee schedule as authorized by the FCC. He stated, furthermore, the resolution announces the Town’s intent to pass a larger more comprehensive local law.*

**Resolution No. 64 presented by Councilor Race, seconded by Councilor Golub**

**POLICY STATEMENT REGARDING FUTURE TELECOMMUNICATION TECHNOLOGY REGULATION AND PERMITTING WITHIN THE TOWN**

**WHEREAS**, the Town of Cazenovia has jurisdiction and responsibility to maintain the safety and general welfare of the public rights-of-way; and

**WHEREAS**, the Town of Cazenovia Office of Highway Superintendent may establish a permitting process for telecommunication installations in the public rights-of-way; and

**WHEREAS**, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly; and

**WHEREAS**, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the adverse effects of wireless telecommunication facilities through an established permitting process; and

**WHEREAS**, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers; and

**WHEREAS**, the Town does not intend to limit the use of in-house wireless communication devices installed solely for the use of the property owner or business; and

**WHEREAS**, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting process and by emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that process may be necessary to continue to pursue these intentions as new technology is proposed to be installed within the Town; and

**WHEREAS**, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology.

**NOW THEREFORE, BE IT RESOLVED** that no other agency has the legal authority to adopt the proposed resolution in the Town of Cazenovia, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect on the environment, thus concluding the environmental review under the State Environmental Quality Review Act; and be it further

**RESOLVED** that the Town of Cazenovia shall reserve the right to define and/or further define “small commercial wireless facilities,” which are defined, in part, by the Declaratory Ruling and Third Report and Order (“Order”) issued by the Federal Communications Commission (“FCC”) as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider requiring permit review as currently established or as may be established, or as may be modified by local law in the future; and be it further

**RESOLVED** that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons and property within the Town; and be it further

**RESOLVED** that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of Cazenovia, including visual impacts, existing vegetation, residential character and lighting; and be it further



**RESOLVED** that all applications for the construction or installation of a new small wireless facility or modification of an existing wireless facility shall require the submission of documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Town; and be it further

**RESOLVED** that the Town, consistent with the Order, hereby imposes, at a minimum, the following standards upon small commercial wireless facilities to address aesthetic and safety concerns as part of the review and permitting process:

- (1) Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
- (2) Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with and the consent of the municipality with respect to snow removal and storage;
- (3) To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
- (4) Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
- (5) Where appropriate, small wireless facilities in the public right-of-way shall be collocated on existing structures, whenever possible;
- (6) Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
- (7) Facilities shall be painted or shielded with street-design materials; and
- (8) The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

**RESOLVED** that all standards governing small commercial wireless facilities as set forth in the aforementioned Order are hereby acknowledged and reaffirmed; and be it further

**RESOLVED** that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of Cazenovia, as may be necessary to assist in the review of such permits or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

**RESOLVED** that any approval for a small wireless facility that is proposed for Town property or in the public right-of-way shall require the applicant to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its elected officials, officers, employees, representatives and agents, from any and all damages, costs or charges which might arise out of, or be caused by, the placement, construction, erection, modification, location, product

performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of the small wireless facility; and be it further

**RESOLVED** that the Town of Cazenovia Town Board hereby establishes an application fee of \$500.00 for a single up-front application of a small wireless facility, that may include up to five (5) sites, and \$100.00 per application for each site thereafter; and be it further

**RESOLVED** that the Town further imposes a recurring charge for each small wireless facility to be situated within the public right-of-way to be \$270.00 per site per year, which shall include all related access, permitting and rental fees.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 64 adopted.**

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**Resolution No. 65 presented by Councilor Driscoll, seconded by Councilor Race**

**AUTHORIZING THE SUPERVISOR OF THE TOWN OF CAZENOVIA TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT FOR THE USE OF BOAT LAUNCH FACILITIES AT LAKESIDE PARK**

**WHEREAS**, the Village of Cazenovia previously adopted a policy to make the boat launch facilities at Lakeside Park available, free of charge, to residents of municipalities that have entered into an Inter-municipal Agreement with the Village; and

**WHEREAS**, in past years, the Town of Cazenovia and the Village of Cazenovia entered into such Inter-municipal Agreements; and

**WHEREAS**, Inter-municipal Agreements are authorized pursuant to General Municipal Law Section 119(o); and

**WHEREAS**, the Town of Cazenovia and the Village of Cazenovia desire to extend such Inter-municipal Agreement subject to the terms therein; and

**WHEREAS**, the proposed action has been deemed to be a Type II action pursuant to 6 N.Y.C.R.R. Part 617.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Cazenovia Town Supervisor be, and hereby is, authorized to execute the Inter-municipal Agreement for use of the Boat Launch Facilities at Lakeside Park for the 2019 season in the form substantially consistent with that attached hereto which Agreement will be an annual agreement.

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**INTERMUNICIPAL AGREEMENT  
BETWEEN  
THE TOWN OF CAZENOVIA AND  
THE VILLAGE OF CAZENOVIA**

**THIS INTERMUNICIPAL AGREEMENT** is made as of the \_\_\_\_ day of April, 2019, by and between the **VILLAGE OF CAZENOVIA**, a municipal corporation duly incorporated under the laws of the State of New York with an office at 90 Albany Street, Cazenovia, New York 13035 (hereinafter the “Village”) and the **TOWN OF CAZENOVIA**, a municipal corporation duly existing under the laws of the State of New York with an office at 7 Albany Street, Cazenovia, New York 13035 (hereinafter the “Town”).

**RECITALS**

**WHEREAS**, the Village owns and maintains a boat launch facility known as Lakeside Park Boat Launch located on Forman Street in the Village (hereinafter the “Boat Launch”); and

**WHEREAS**, the use of the Boat Launch is currently restricted to permit holders only; and

**WHEREAS**, the Village desires to make the Boat Launch available to residents of the Town of Cazenovia (hereinafter “Town Residents”) for the 2019 season in exchange for financial assistance with the maintenance and upkeep of the Boat Launch and enforcement of applicable regulations pertaining to the Boat Launch; and

**WHEREAS**, the Town of Cazenovia agrees to pay the Village of Cazenovia an annual fee of Thirteen Thousand and 00/100 (\$13,000.00) Dollars for the 2019 season.

**NOW THEREFORE**, the Village and the Town mutually agree as follows:

1. Upon payment to the Village of the fee described above, the Village shall make Boat Launch use permits available to Town Residents with no annual fee upon the same terms and conditions applicable to Village residents who apply for such permits, with the same attendant rights and privileges available to Village residents. This Agreement is for the 2019 season and must be renewed on an annual basis by each Municipal Board.

2. Individual Town Residents must each apply for a permit at the Village Clerk’s office and will agree to the provisions contained in the document entitled “Regulations Governing Use of Lakeside Park Boat Launch and Boating Practices on Cazenovia Lake” as amended.

3. This Agreement may be terminated by either party at any time upon ninety (90) days prior written noticed served between July 1st and December 31st of any given calendar year. Upon early termination, the Village shall immediately return a pro-rated portion of such fee to the Town.

4. The payment from the Town to the Village contemplated herein shall be made no earlier than June 1st but no later than July 1st of each year this Agreement remains in effect as renewed. Funds for these annual payments shall be from appropriations only in the “part town” or “B” fund within the Town’s budget.

IN WITNESS WHEREOF this Agreement has been duly executed as of the date and year first written above.

**VILLAGE OF CAZENOVIA**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kurt Wheeler, Mayor

**TOWN OF CAZENOVIA**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
William Zupan, Supervisor

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**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 65 adopted.**

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**Resolution No. 66 presented by Councilor Race, seconded by Councilor Driscoll**

**2019 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 2019 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 formal similar to annual written reports of survey results to the Town of Cazenovia by Racine-Johnson Aquatic Ecologists for 2009 thru 2018. The report will be provided no later than November 1, 2019. The cost for survey and reporting will be invoiced to the Town of Cazenovia in an amount not to exceed \$ 9,000.00.

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**AGREEMENT BETWEEN  
TOWN OF CAZENOVIA  
AND  
RACINE-JOHNSON AQUATIC ECOLOGISTS  
FOR  
MACROPHYTE SURVEY OF CAZENOVIA  
LAKE**

**AGREEMENT BETWEEN TOWN OF CAZENOVIA AND RACINE  
JOHNSON AQUATIC ECOLOGISTS FOR MACROPHYTE  
SURVEY OF CAZENOVIA LAKE**

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 2019 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 2018.
2. The Consultant shall be paid for providing such services not to exceed the amount of *nine thousand dollars* (\$ 9,000.00).
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 by November 1, 2019.
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 hereby agrees to indemnify, defend and hold harmless the Town, its officers, employees, consultants, contractors and agents for, from and against any and all loses, damages, costs and expenses, including attorney's fees, liabilities, fines and penalties resulting from any and all claims, proceedings or actions of whatsoever kind of nature whether or not finally adjudicated, including any settlement thereof, arising out of or in connection with or on account of any failure to negligence in the performance of this Agreement by Consultant or its employees, contractors, agents or assigns and such liability shall survive the termination of this Agreement.
10. 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.
11. The Town shall provide Consultant access to and use of any historical maps, drawings, measurements, or lake monitoring data within their possession.
12. Permission for access to Town-owned property is granted by the Town of Cazenovia to the Consultant immediately upon execution of this Agreement.
13. 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 April 2019.

**TOWN OF CAZENOVIA**

By: \_\_\_\_\_  
William N. Zupan, Supervisor

**RACINE-JOHNSON AQUATIC ECOLOGISTS LLC**

By: \_\_\_\_\_  
Robert L. Johnson, President

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**Roll call:**  
**Councilor Andersen**      **Yes**  
**Councilor Race**            **Yes**  
**Councilor Golub**          **Yes**  
**Councilor Driscoll**       **Yes**  
**Supervisor Zupan**        **Yes**

**Supervisor Zupan declared Resolution No. 66 adopted.**

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**Resolution No. 67 presented by Councilor Race, seconded by Councilor Andersen**

**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE  
AN AGREEMENT WITH WINDSONG FARM LANDSCAPE SERVICES, INC.**

To authorize the Town Supervisor of the Town of Cazenovia to execute an agreement with Windsong Farm Landscape Services, Inc. for the installation/removal of benthic mats pursuant to the Town of Cazenovia’s Benthic Mat Rental Program at \$0.44¢ per square foot (\$110.00 per mat) for an amount not to exceed \$15,070.00. Said Agreement is subject to review by the Attorney for the Town.

**Roll call:**  
**Councilor Andersen**      **Yes**  
**Councilor Race**            **Yes**  
**Councilor Golub**          **Yes**  
**Councilor Driscoll**       **Yes**  
**Supervisor Zupan**        **Yes**

**Supervisor Zupan declared Resolution No. 67 adopted.**

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**Resolution No. 68 presented by Councilor Race, seconded by Councilor Driscoll**

**ESTABLISHMENT OF A BENTHIC BARRIER (BENTHIC MAT)  
RENTAL FEE FOR THE 2019 SEASON**

**WHEREAS**, the Town of Cazenovia has previously undertaken a Benthic Mat Rental Program in 2013 to address the management of excessive weed growth, including invasive weed species in Cazenovia Lake; and

**WHEREAS**, on June 10, 2013, the Town of Cazenovia established a per mat rental fee of \$0.20 per square foot (\$50.00 per mat) for the year 2013; and

**WHEREAS**, the Town Board had previously determined to adjust the per square foot rental fee to a new rental fee of \$0.34 per square foot (\$85.00 per mat) with a four (4) mat limit per property owner for the 2015 -2018 seasons; and

**WHEREAS**, the Town Board has decided to increase the fee per mat to \$0.36 per square foot (\$90.00 per mat) with a four (4) mat limit per property owner for the 2019 season; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cazenovia hereby determines that the mat rental fee under the Town of Cazenovia Benthic Mat Rental and Installation Program be set for the year 2019 at \$0.36 per square foot (\$90.00 per mat) with a four (4) mat per property owner limit, all to be used in conjunction with the Town of Cazenovia Benthic Mat Rental and Installation Program Rental Agreement attached hereto.

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**TOWN OF CAZENOVIA BENTHIC MAT  
RENTAL AND INSTALLATION PROGRAM  
RENTAL AGREEMENT**

**THIS AGREEMENT** is as of the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the **TOWN OF CAZENOVIA** (hereinafter “Lessor”) and Town Property Owner \_\_\_\_\_ (hereinafter “Lessee”) for the rental of no more than four (4) benthic mats for installation/removal on lakefront property on certain portions of Cazenovia Lake in the Town of Cazenovia. Lessor and Lessee agree as follows:

1. **Lease of Benthic Mats.** Subject to the terms and conditions of this Agreement, the Lessor leases to the Lessee and the Lessee rents from the Lessor no more than four (4) benthic mats (unless additional inventory becomes available) pursuant to the Town of Cazenovia’s Benthic Mat Rental Program.

2. **Annual Rental.** The Lessee shall pay to the Lessor, as rent for the installation, use and removal of the benthic mats, Ninety Dollars and 00/100 (\$90.00) for each mat issued. No more than four (4) mats shall be issued to any Property Owner unless additional inventory becomes available. Rental is for the 2019 Season.

3. **Ownership, Use and Acceptance of the Mats.**

a. The rented mats shall at all times be the sole and exclusive property of the Lessor. Lessee shall have no rights or property interests in the mat, except for the right to use same pursuant to the rules and regulations of the Town of Cazenovia Benthic Mat Rental Program.

b. Lessee acknowledges receipt of a copy of the “Rules and Regulations for Rental of Benthic Barriers (Benthic Mats) by Town Residents.” The rules and regulations are made a part of this Agreement by reference.

c. Lessee must use the approved Town of Cazenovia benthic mat installer. For the Year 2019, the installation/removal service has been awarded to Windsong Farm Landscape Services, Inc. Lessee shall make arrangements to contact Windsong Farm Landscape Services, Inc. to obtain information for the date of installation/removal of the mats.

d. The installation/removal of mats will occur on dates and times designated by the Town of Cazenovia and its Installation Contractor.



e. No mats may be installed in any sensitive areas on Cazenovia Lake. Mats must be installed in accordance with New York State Department of Conservation Easement Rules and Regulations. Lessee has determined that all leased mats are suitable for the use intended, and the Lessee has inspected the same and accepts the same as delivered. Lessor has made no representations or warranties, oral or written, expressed or implied, in connection with the mats.

f. Lessee shall not make any alterations to or replacement of the mats and shall immediately contact the Town of Cazenovia for any issues relating to same.

g. Mats will be installed and removed upon the schedule agreed upon by the Lessor and its Installation Contractor.

4. **Indemnity.** Lessee assumes liability for and shall indemnify, protect, save and keep harmless the Lessor, its agents and servants from and against all losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements, including legal expenses of whatsoever kind and nature imposed upon, incurred by or asserted against the Lessor in any way relating to or arising out of this Agreement or the use of the mats. The indemnities contained in this Section shall continue in full force and effect, notwithstanding the termination if this Agreement.

5. **Inspection.** The Lessor may inspect the equipment from time-to-time to determine that it is being used in a manner in which it was intended.

6. **Entire Agreement.** This Agreement contains the entire agreement between the parties. There are no other understandings or agreements between them.

**IN WITNESS WHEREOF**, the parties have executed this Agreement.

**TOWN OF CAZENOVIA, LESSOR**

By: \_\_\_\_\_  
Hon. William N. Zupan, Supervisor

\_\_\_\_\_, Lessee

\_\_\_\_\_, Lessee

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**RULES AND REGULATION FOR RENTAL OF BENTHIC BARRIERS (BENTHIC MATS) BY TOWN RESIDENTS**

The Town of Cazenovia Town Board hereby established the following Rules and Regulations (*Effective May 1, 2016, last revised April 8, 2019*)

1. These rules and regulations will govern the administration and regulation of the Town of Cazenovia’s Benthic Barrier/Benthic Mat Program, designed to facilitate the control of Eurasian watermilfoil and other invasive weeds bordering certain areas of Cazenovia Lake. The Town of Cazenovia in administering this program reserves the right to modify, update or repeal, in whole or in part, any of these rules and regulations by resolution at any time. Final interpretation of these rules and regulations rests exclusively with the Town of Cazenovia Town Board. All property owners will be required to comply with the following Rules and Regulations as a condition to the rental of Benthic Barrier Mats:
2. Town and Village residents are allowed to rent mats pursuant to these Regulations.

3. Property owners will be limited to a total (maximum) of four (4) mats per owner (*i.e.* per property tax parcel) per year (unless additional inventory becomes available after all owners' initial requests have been addressed). (Each individual mat is approximately 12.5' x 20' section or approximately 250 sq. ft.).
4. Annual rental cost per Benthic Mat shall be set at \$90.00 per mat (\$0.36/sq. ft.), subject to annual adjustment by the Town Board. The rental fee includes the rental of the mat, installation of the mat by the Town's retained contractor, removal of the mat by the Town's retained contractor, pick-up and storage by the Town of Cazenovia. Installation and removal will be on the dates and times designated by the Town of Cazenovia and its contractor.
5. No mats may be installed in any sensitive areas in the Lake. Please contact the Town of Cazenovia prior to rental with respect to the allowed locations for the installation of mats.
6. Mats must be rented on an annual basis and will be issued on a first come, first served basis. Supplies of mats are limited to existing Town inventories and there is no guarantee of availability.
7. Each renter will be required to sign a Rental Agreement at the time of rental.
8. In the event additional inventory becomes available, additional mats may be rented on a first come, first served basis.
9. Each renter will be required to release the Town of Cazenovia from any liability associated with the renting, installation, removal and use of the mats.
10. Mats may only be installed within the period of time set by the Town of Cazenovia Town Board. The selected period of time shall be designated so as to create the least amount of impact on fish spawning seasons.
11. No Planning Board approval will be required for the rental and/or placement of Benthic Mats.
12. The renter shall be required to clearly locate the area within which it desires the placement of the rented mat. The Town of Cazenovia and/or its contractor will supply flagging materials to determine placement of the mats. The Town and its contractor reserve the right to designate final location based on safety and cost factors.
13. It is anticipated that the installation contractor will accomplish placement of all mats during the same time period. Renters are encouraged to coordinate with the contractor to be available at the time of installation.
14. Renters will be required to cooperate with the placement process in order to ensure appropriate installation and to avoid any delay in same.

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**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 68 adopted.**

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**Resolution No. 69 presented by Councilor Driscoll, seconded by Councilor Race**

**APPROVE USE OF GYPSY BAY PARK FOR 4TH OF JULY FIREWORKS**

To approve the use of Gypsy Bay Park on the evening of the 4<sup>th</sup> day of July, 2019, (rain date – July 5, 2019) by the Cazenovia Lions Club/Majestic Fireworks, for the display of fireworks

This approval is contingent upon the following conditions:

- a. The Cazenovia Village Police and NYS Police must be notified, in writing, regarding traffic control well in advance of the event;
- b. *Majestic Fireworks* shall provide to the Town of Cazenovia proof of general liability insurance, naming the Town of Cazenovia as an “Additional Insured” and such proof shall be filed with the Town Clerk prior to the fireworks display. Said insurance must be in a minimum combined limit of Three Million Dollars (\$3,000,000) General Liability and/or Umbrella policy for each occurrence/aggregate;
- c. The Cazenovia Lions Club shall demonstrate that it has made arrangements with the Cazenovia Volunteer Fire Department to be on-site during the fireworks display;
- d. The Cazenovia Lions Club shall make arrangements with CAVAC to be on-site during the fireworks display;
- e. The Cazenovia Lions Club and Majestic Fireworks, at all times, shall remain in compliance with the written requirements of the “Gypsy Bay Park Checklist,” (hereinafter referred to as the “GBP Checklist”) previously adopted by the Town of Cazenovia, which requirements are more fully set forth in said checklist with the following exceptions:
  - Condition "B" as stated above supersedes item #1 on the "GBP Checklist." (*The Cazenovia Lions Club should file with the Town Clerk a one million dollar liability insurance certificate naming the Town of Cazenovia as an additional insured.*)
  - Item #6 on the “GBP Checklist” is not required.

- Item #7 on the “GBP Checklist” is extended to the day after the fireworks display.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 69 adopted.**

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**Resolution No. 70 presented by Councilor Race, seconded by Councilor Golub**

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE "PARK USE, GENERAL  
RELEASE AND INDEMNIFICATION AGREEMENT"  
BETWEEN THE CAZENOVIA LIONS CLUB AND THE TOWN OF CAZENOVIA  
FOR THE 4TH OF JULY FIREWORKS DISPLAY AT GYPSY BAY PARK**

The Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the "Park Use, General Release and Indemnification Agreement" with *the Cazenovia Lions Club* in relation to the Fourth of July Fireworks Display at Gypsy Bay Park. A copy of said Agreement is on file in the Office of the Town Clerk.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 70 adopted.**

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

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE "PARK USE, GENERAL RELEASE AND INDEMNIFICATION AGREEMENT" BETWEEN MAJESTIC FIREWORKS, INC. AND THE TOWN OF CAZENOVIA FOR THE 4TH OF JULY FIREWORKS DISPLAY AT GYPSY BAY PARK**

The Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the "Park Use, General Release and Indemnification Agreement" with *Majestic Fireworks, Inc.* in relation to the Fourth of July Fireworks Display at Gypsy Bay Park. A copy of said Agreement is on file in the Office of the Town Clerk.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 71 adopted.**

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**Resolution No. 72 presented by Councilor Race, seconded by Councilor Driscoll**

**JULY 4<sup>TH</sup> FOOT RACE 2019**

To approve the use of Ridge Road, Glenwood Road, and Preston Road, for the "47th Annual Cazenovia July 4th Foot Race 2019" scheduled for Thursday, **July 4, 2019** commencing at 8:00 a.m. It is understood that the Madison County Sheriff's Department and the Cazenovia Village Police Department will be utilized for traffic control and that CAVAC will be on-site.

A one million dollar liability insurance certificate, naming the Town of Cazenovia as "also insured" has been filed with the Town Clerk.

The insurance certificate should describe the name of the activity, including date and time and must be maintained throughout the date of the event. Since the area of the Town-owned "Green," located between Emory Avenue and Green Street will be utilized that must also be noted for coverage on the insurance certificate.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 72 adopted.**

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**Resolution No. 73 presented by Councilor Driscoll, seconded by Councilor Race**

**NEW WOODSTOCK WOMEN’S SOFTBALL LEAGUE  
USE OF NEW WOODSTOCK BALL FIELD**

To approve the use of the New Woodstock Ball Field by the New Woodstock Women’s Softball League for the 2019 season.

This approval is contingent upon the submission of a one million dollar liability insurance certificate to the Town Clerk prior to any use of the field. The certificate must name the Town of Cazenovia as the certificate holder and note the activities and state the time period of coverage. The liability insurance must be continuously maintained throughout the 2019 season.

Completed “player waiver” forms, signed by all players, coaches, and participants in any capacity, must be submitted to the Town Clerk’s Office by May 1, 2019 or prior to any use of the field, whichever date comes first.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 73 adopted.**

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**Resolution No. 74 presented by Councilor Race, seconded by Councilor Driscoll**

**CAZENOVIA ROWING CLUB USE OF A  
PORTION OF GYPSY BAY PARK**

To approve the following specific uses and no others from the Cazenovia Rowing Club for the use of a portion of Gypsy Bay Park for the 2019 rowing season with the following conditions:

1. Approval for 2019 must be obtained by CRC from NYS Office of Parks, Recreation and Historic Preservation and a copy of the approved permit submitted to the Town Clerk’s Office a minimum of 10 days prior to any use of Gypsy Bay Park in 2019.
2. A one-day Memorial Day Fund Raiser by CRC to be held at the Gypsy Bay parking area is permissible.
3. The half-day annual “Learn to Row” event is permissible.
4. Any special CRC event must have the approval of the Cazenovia Town Board.
5. Any special event that will necessitate parking along US Route 20 will require CRC to hire a special agency to direct traffic and to complete Form Perm 33C with submission to New York State Dept. of Transportation.
6. A one million dollar liability insurance certificate naming the Town as also insured must be received by the Town Office covering the 2019 season. The insurance certificate must be continuously maintained throughout the 2019 CRC season.

7. No more than the current approved 64 ft. floating dock is allowed. Highly visible markings must be placed and maintained at the corners of the dock.
8. Approval for usage of the park is for CRC members only, includes only residents of the Cazenovia School District, and on a seasonal basis. Permission for usage by others must be granted by the Cazenovia Town Board. Refrain from using the rowing club's website to promote access to Cazenovia Lake as a membership benefit.
9. This approval authorizes the use of one vehicle to take the shells to the racks in the spring and the use of one vehicle to remove them in the fall, and only one or two vehicles to transport the shells as needed to allow CRC to participate in summer and fall races. A schedule of such races will be provided to the Town Board for the 2019 rowing season. The un-authorized use of motorized vehicles within the boundaries of Gypsy Bay Park may jeopardize the future use of the park by CRC. Parking at the racks is not permitted.
10. No duplication of CRC's single key to the Gypsy Bay Park gate is authorized. There is no authorization for use of the key by other than responsible CRC members.
11. CRC must limit user membership of Gypsy Bay to not more than a total of 150 members.
12. The CRC must protect the Town of Cazenovia, by naming the Town of Cazenovia on the US Rowing Waiver as an entity that is exempt from liability for the Cazenovia Rowing Club members.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 74 adopted.**

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**Resolution No. 75 presented by Councilor Race, seconded by Councilor Golub**

**APPROVED TRAINING FOR PLANNING AND ZONING MEMBERS**

**WHEREAS**, pursuant to Town Law, all Planning Board and Zoning Board of Appeals members in New York State, as well as Alternate Members of those boards, must complete a minimum of four hours of training each year; and

**WHEREAS**, the Town Board of the Town of Cazenovia specifies which activities qualify as training to satisfy the state requirements; and

**WHEREAS**, a training opportunity has been presented to the Town Board that is not on the list of approved agencies, commissions, associations, universities, or other organizations; and

**WHEREAS**, the Town Board considers the “7<sup>th</sup> Annual Continuing Education Program – Issues in Local Zoning Law 2019” sponsored by Syracuse University and the Town of DeWitt on April 27, 2019 as a beneficial training opportunity; and

**NOW THEREFORE, BE IT RESOLVED AND DETERMINED**, any Planning Board or Zoning Board of Appeals Members and Alternate Members that wish to attend the April 27, 2019 training opportunity will receive four credit hours as set forth in the registration flyer.

**Roll call:**

<b>Councilor Andersen</b>	<b>Yes</b>
<b>Councilor Race</b>	<b>Yes</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Driscoll</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 75 adopted.**

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**Attorney's Report:** *John Langey, Esq. reported the water district consolidation is moving forward. John Dunkle, Engineer for the Town, is working with Dean Slocum, Water District Administrator, on some valuation pieces for the districts. He said everything is prepped on his end and he will be ready to move ahead on this in the near future. He said things are moving along smoothly with the Route 20 Water District project and Supervisor Zupan will go into more details. He said they are on time and scheduling a closing with EFC for the project. He said his office will prepare a local law in relation to the 5G information he talked about earlier in the evening. He said the lake treatment project is on schedule and Elizabeth Moran, who is helping with the environmental component of the project, suggested a special meeting at the end of April to adopt the findings she is putting together and adopt the whole lake treatment process. He said the goal is to time the treatment so it is as effective as possible with killing the weeds. The Town Board discussed a time to hold a special meeting and settled on Tuesday, April 30<sup>th</sup> at 5:00 p.m.*

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**Supervisor's Report:** *Supervisor Zupan said he has been working on the Route 20 Water Project in trying to get the cost down. He said there will be a joint meeting on Wednesday with the Town of Nelson. He mentioned in regards to Mt. Pleasant Water District, they have been looking at different systems and have been talking with John Dunkle about a system that can remove arsenic, iron and magnesium. He stated there was recently a meeting with some of the stakeholders in the District and everyone is on board that things are moving in the right direction. He said he has been slightly working with J. Dunkle on the water district consolidation, but he wants to get Mt. Pleasant finalized first. He said he has been handling some constituent's complaints in the past few weeks.*

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**Councilor Race** (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Councilor Race said there is a buyer, Town of Windsor, for the truck that they will be "rolling over" in the equipment program. He stated spring cleanup has been ongoing and it should not be too bad with pure salt. He said the paving and sealing schedule has been determined. Additionally, he said he talked with Jim Cunningham about the EPA's new regulations and mapping out all the piping. He mentioned John LaGorga's daughter and Jamie Howard's daughter, are both first year engineer students and may do internships.*

**Councilor Andersen** (Planning & Zoning, CACDA, Shared Services, CACC): *Councilor Andersen said Councilor Golub and she were at a Climate Change Summit and it got her thinking about the Town's designation as a Climate Smart Community. She stated the Town took a pledge to be sustainable and take certain actions. Tim Hunt was the point-person when he was with the*



*Town, but she has assumed the role. She stated the Town has already taken certain steps such as the LED lighting, future insulation at the highway garage, adoption of the unified solar permit, and micro-hydro plant. She stated the CNY Regional Planning and Development Board met with the Town a few years ago and she has reached out to Amanda at this organization to assist with training of the online portal and the Town will be eligible for grants as more action items are completed.*

**Councilor Golub** (Future of the Gothic Cottage, Cazenovia Lake Association & Cazenovia Lake Watershed Council): *Councilor Golub stated he had a meeting with Councilor Race, Dean Slocum, Highway Superintendent, Chris Carrick of the CNY Regional Planning and Development Board to put up a large solar station at the highway garage. He said it would power everything that the Town uses including the sewage treatment plant, Town Offices, pump stations and highway garage. He said if a big enough system can be installed it could also service 100-200 homes. It would involve no money from taxpayers because a third entity installs the system and then the Town would purchase at a discount. He said the big stumbling box is a lot of the land is DEC wetland and the terrain might not be right. He stated at the next working session Chris will be presenting to the Town Board.*

**Councilor Driscoll** (Senior Recreation & Joint Youth Recreation, New York State Police, Parks, New Woodstock Fire Department, Cazenovia Lake Association and Cazenovia Lake Watershed Council): *Councilor Driscoll stated he had a good meeting with the CASA board and they are appreciative of the Town’s support. He hopes to have more information for the Town Board at the May meeting from the Youth Recreation Director.*

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

**Public comment #2:**

*Anne Redfern asked about the work session that the solar project would be discussed.*

*The Town Board told her May 8<sup>th</sup> at 7:00 p.m.*

*Roger Cook said on behalf of the New Woodstock Regional Historical Society he would like to thank the Board for allowing CACDA to apply for a grant. He said the Society did receive it from CNY Arts for the concert series. He said July 26<sup>th</sup> is Old Home Days and they would like to dedicate the gazebo on that date.*

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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 Golub, seconded by Councilor Driscoll to approve payment of the bills. Councilor Race recused himself from payment of the Suit-Kote invoice. Otherwise, the bills were unanimously approved.**

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

**At 8:19 p.m., Supervisor Zupan declared this meeting adjourned.**

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