

**TOWN BOARD  
REGULAR MEETING**

**MONDAY**

**June 13, 2022**

**Supervisor Zupan opened the meeting at 7:30 p.m. with 4 Councilors present. Councilor Race was absent.**

**Pledge of Allegiance.**

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

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**Motion by Councilor Reger, seconded by Councilor Golub to accept the minutes from the May 9, 2022 regular meeting and May 30, 2022 special meeting. The motion was unanimously approved.**

**Approval of the minutes from the May 17, 2022 Special Meeting was tabled until a quorum of members was present to vote. (Councilors Golub and Reger were absent from the May 17, 2022 meeting.)**

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

**Public comment #1:** *There was no unshared correspondence.*

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*Supervisor Zupan read the following statement to acknowledge June as LGBTG+ Pride Month...*

*Whereas, the Town Board of the Town of Cazenovia welcomes and encourages diversity and inclusion within our community; and*

*June 28, 2021, marks the 52<sup>nd</sup> anniversary of the Stonewall uprising in New York City, which sparked the gay rights movement, and is the nationwide month to recognize the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Plus (LGBTQ+) community; and*

*Celebrating Pride Month raises awareness and provides support and advocacy for the LGBTQ+ community, and is an opportunity to become educated, engage in dialogue, strengthen alliances and build understanding; and*

*While there has been remarkable progress toward the acceptance and equality, members of the LGBTQ+ community continue to face discrimination, intolerance and hate; and*

*Whereas, we must commit to supporting and accepting LGBTQ+ individuals, in particular, our youth, who compared to their peers are far more likely to experience violence and bullying at school; to suffer from depression; to struggle with substance abuse; and to have attempted suicide; and*

*We must remain vigilant in deterring oppression and discrimination against people on the basis of sex, gender identity or expression, or sexual orientation; and*

*By protecting the rights of every individual, we enhance and strengthen the value of everyone throughout our entire society; and*

*We affirm our support for LGBTQ+ residents in our community and stand with them to protect their civil rights and their ability to live openly, equally and without fear; and*

*Now, by the Town Board of the Town of Cazenovia on this 13<sup>th</sup> day of June, 2022, that the Town Board recognizes and supports the month of June 2022 as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning, and Plus (LGBTQ+) “Pride Month;” and we urge all residents to celebrate and build a culture of inclusiveness and acceptance – during this month and every month.*

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*Supervisor Zupan recognized “Gun Violence Awareness Month.” He said while everyone recognizes the 2<sup>nd</sup> Amendment, he thinks New York State is making great progress in tightening up the gun laws. Representatives at the State and Federal levels have to continue to be pushed to make common sense laws. It is getting out of hand and we should feel safe to send our children to school without police officers patrolling the hallways. He thought the Town Board should draw up a statement and send to our representatives expressing the Town Board’s support of rational gun laws.*

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*Supervisor Zupan explained this proposed local law that will allow individuals in adjacent municipalities to serve on the Cazenovia Advisory Conservation Commission (CACC).*

**Resolution No. 74 presented by Councilor Reger, seconded by Councilor Golub**

**TOWN OF CAZENOVIA LOCAL LAW NO. C OF 2022**  
**(“A Local Law to Amend Chapter 9 (“Conservation Commission”)**  
**of the Town Code of the Town Of Cazenovia”)**

To introduce proposed Local Law No. C-2022 , titled “A Local Law to Amend Chapter 9 (“Conservation Commission”) of the Town Code of the Town of Cazenovia,”:

**WHEREAS**, proposed Local Law No. C-2022 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

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

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

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

**WHEREAS**, the adoption to said Local Law is an Unlisted Action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

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

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

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law No. C-2022 is an Unlisted Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

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

**RESOLVED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2022 at the Town Hall located at 7 Albany Street, Cazenovia, New York on July 11, 2022 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 Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</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 Reger, seconded by Councilor Johnson**

**AUTHORIZE SEQRA LEAD AGENCY DESIGNATION FOR THE DELPHI FALLS COUNTY PARK IMPROVEMENTS PROJECT**

To authorize the Town Supervisor to execute the May 31, 2022 Lead Agency Designation Letter from Madison County Planning Department concerning the proposed Delphi Falls County Park Improvements which include a loop trail, ADA falls viewing area, small parking area (50 spaces), vault restrooms, pedestrian bridge and a new visitor center with restrooms.

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

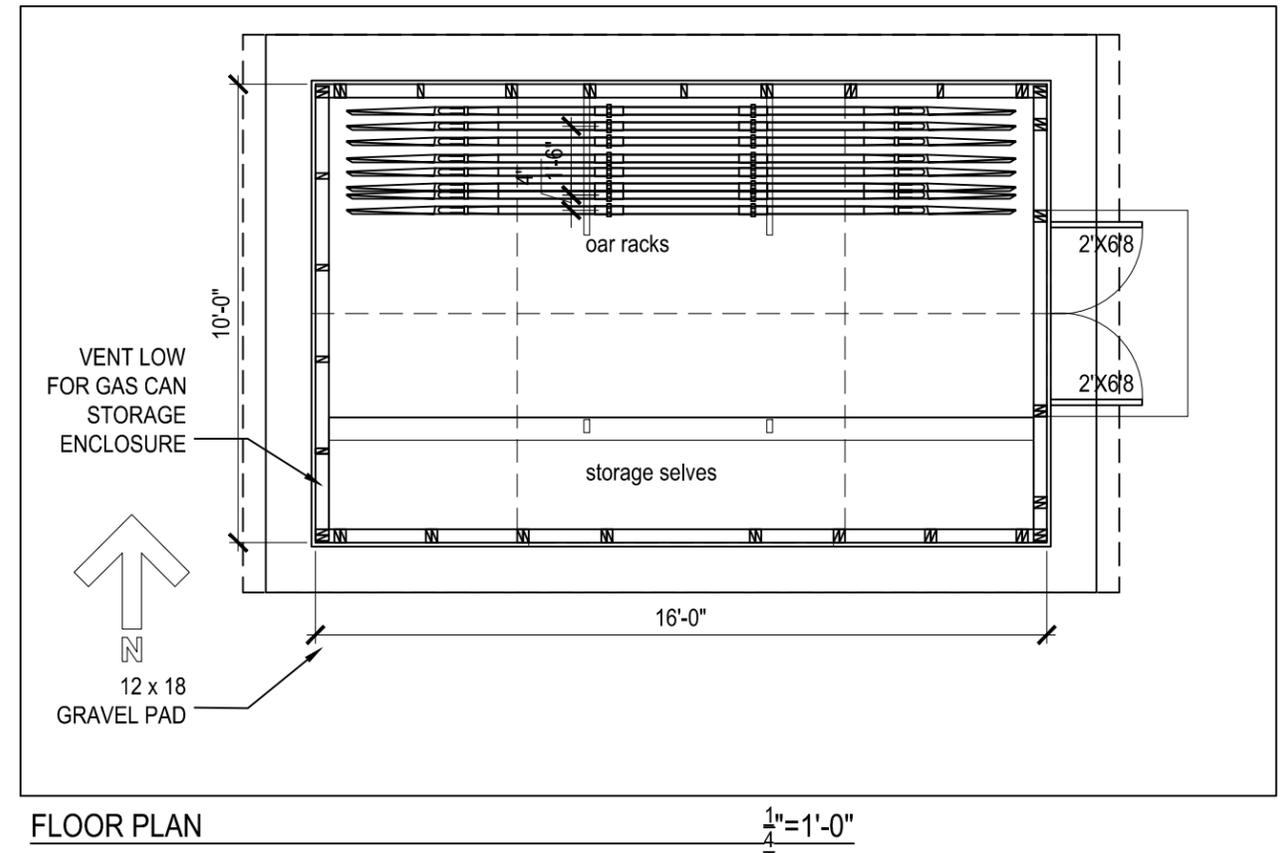
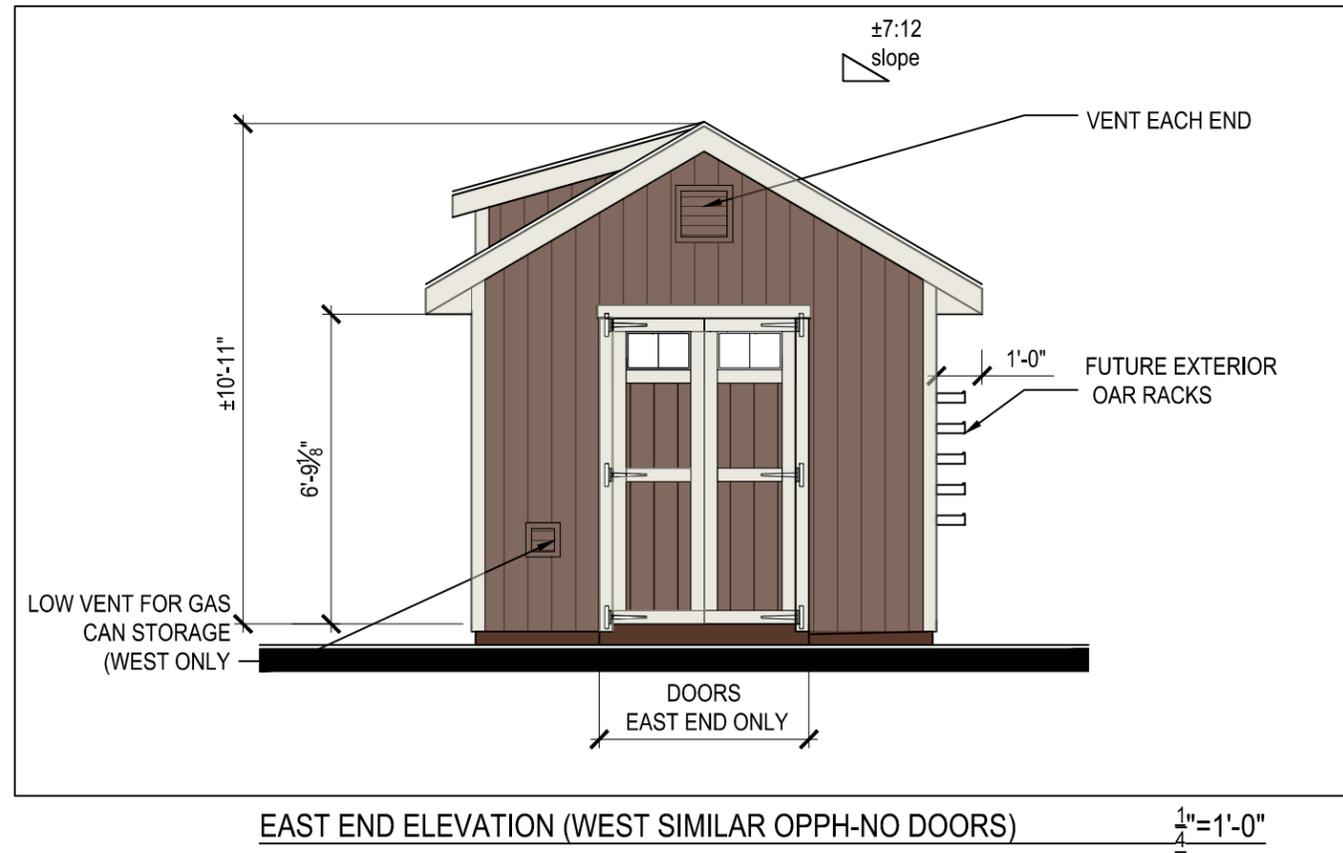
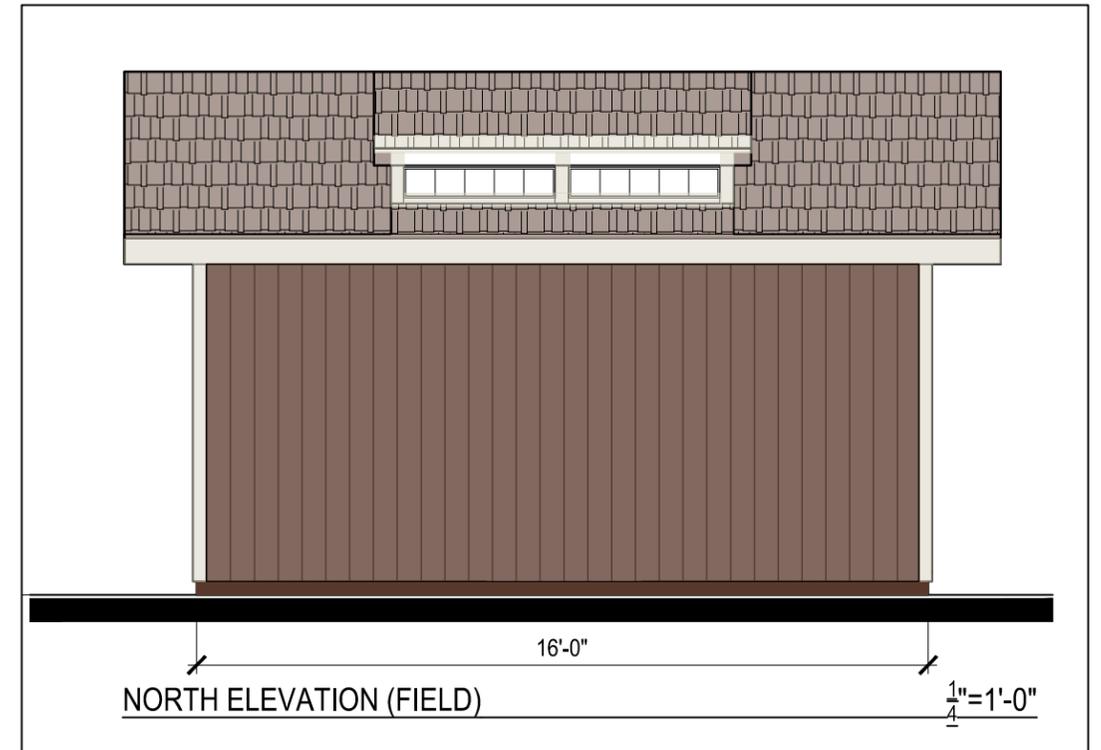
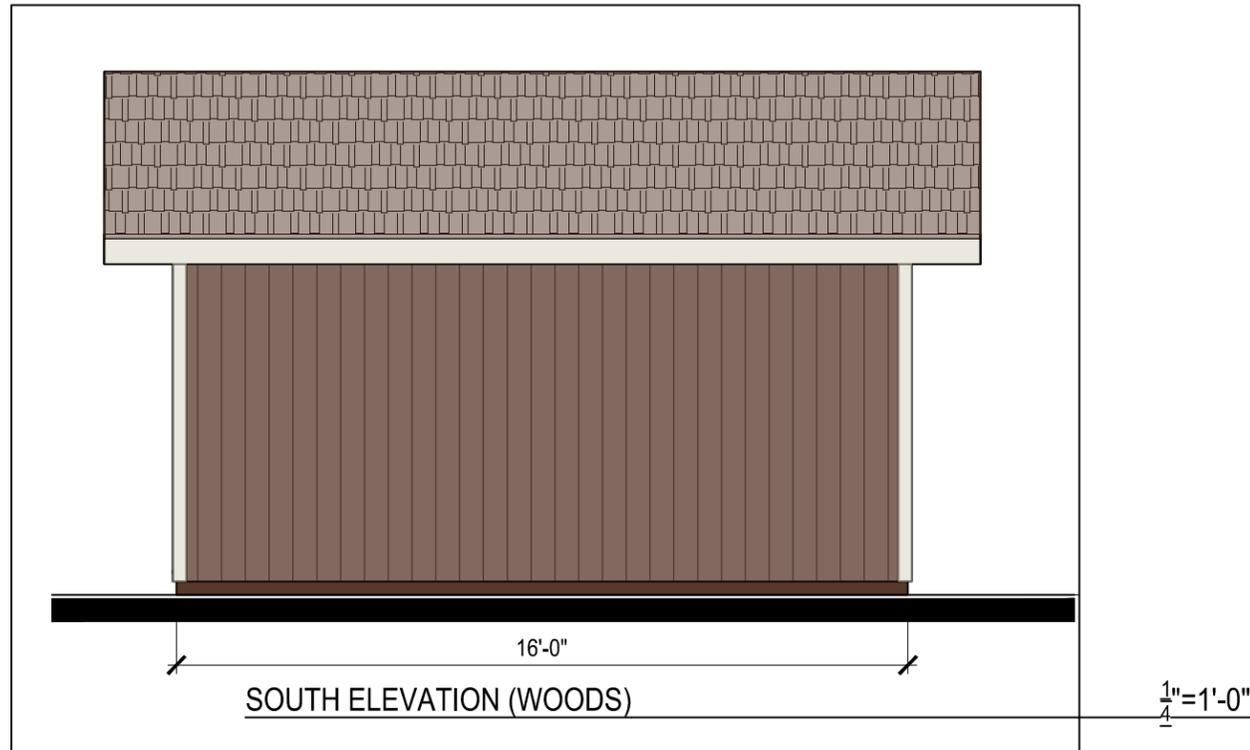
**Supervisor Zupan declared Resolution No. 75 adopted.**

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**Resolution No. 76 presented by Councilor Johnson, seconded by Councilor Golub**

**APPROVE THE PLACEMENT OF A STORAGE AND OAR SHED  
BY THE CAZENOVIA ROWING CLUB AT GYPSY BAY PARK**

The Town of Cazenovia Town Board approves the placement of a 16’x10’x10’11” storage and oar shed as outlined on the drawing titled Cazenovia Rowing Club Storage and Oar Shed dated June 10, 2022 including the placement on the Google Earth map. At the rowing club’s sole cost and expense, trees shall be planted at the southern end of the building to screen the structure. The trees that are planted shall be in compliance with the plant list in the *Cazenovia Lakefront Development Guidelines*. Said structure shall be removed if the rowing club isn’t granted approval in a future year or is otherwise directed to remove it. Lastly, any debris from the existing oar shed and any residual wood chips need to be removed within 30 days from placement of the new structure.



CAZENOVIA ROWING CLUB STORAGE AND OAR SHED 6.10.22



CRC

PREVIOUS SHED  
LOCATION

PROPOSED  
SHED LOCATION

LORENZO STATE  
HISTORIC SITE

CAZENOVIA ROWING CLUB -REPLACEMENT EQUIPMENT SHED

Google Earth

1985

Imagery Date: 10/10/2019 42°55'30.50" N 75°51'56.31" W elev 0 ft eye alt 1345 ft

EXISTING SHED LOCATION



PROPOSED  
EQUIPMENT SHED



CAZENOVIA ROWING CLUB -REPLACEMENT EQUIPMENT SHED

Google Earth



**Roll call:**  
**Councilor Race**                    **Excused**  
**Councilor Golub**                   **Yes**  
**Councilor Reger**                   **Yes**  
**Councilor Johnson**               **Yes**  
**Supervisor Zupan**                **No**

**Supervisor Zupan declared Resolution No. 76 adopted.**

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**Resolution No. 77 presented by Councilor Reger, seconded by Councilor Johnson**

**AUTHORIZE A SPEED STUDY REQUEST FOR A SECTION OF DELPHI ROAD (COUNTY ROUTE 46)**

To authorize the Town Clerk to file the required New York State Vehicle and Traffic Form (TE 9a) with Madison County to request a lower maximum speed limit for the section of Delphi Road State from Route 13 heading west to the Town of Pompey town line:

**Currently 55 M.P.H. to 45 M.P.H.**

**Roll call:**  
**Councilor Race**                    **Excused**  
**Councilor Golub**                   **Yes**  
**Councilor Reger**                   **Yes**  
**Councilor Johnson**               **Yes**  
**Supervisor Zupan**                **Yes**

**Supervisor Zupan declared Resolution No. 77 adopted.**

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**Resolution No. 78 presented by Councilor Johnson, seconded by Councilor Golub**

**AUTHORIZING THE EXECUTION OF A TREE & SHRUB CARE PROPOSAL WITH BARTLETT TREE EXPERTS**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the “*Tree & Shrub Care Proposal*” dated June 6, 2022 from Bartlett Tree Experts. The proposal outlines the recommended treatment of shrubs at the Gothic Cottage that are infested with tent caterpillars (or possibly webworms). Total cost shall not exceed the price of Two Hundred Sixty-four and 00/100 Dollars (\$ 264.00) as stated in said proposal.

**Roll call:**

**Councilor Race**                    **Excused**  
**Councilor Golub**                **Yes**  
**Councilor Reger**                **Yes**  
**Councilor Johnson**            **Yes**  
**Supervisor Zupan**              **Yes**

**Supervisor Zupan declared Resolution No. 78 adopted.**

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**Resolution No. 79 presented by Councilor Reger, seconded by Councilor Johnson**

**APPOINTMENT OF DOG CONTROL OFFICER**

To appoint Daniel Hilts as Dog Control Officer for the Town of Cazenovia at an annual salary of \$5,985.46, bi-weekly \$ 230.21. This position is part-time and is New York State and Local Retirement System optional for enrollment.

**Roll call:**

**Councilor Race**                    **Excused**  
**Councilor Golub**                **Yes**  
**Councilor Reger**                **Yes**  
**Councilor Johnson**            **Yes**  
**Supervisor Zupan**              **Yes**

**Supervisor Zupan declared Resolution No. 79 adopted.**

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**Resolution No. 80 presented by Councilor Reger, seconded by Councilor Golub**

**STANDARD WORK DAY AND REPORTING RESOLUTION  
FOR ELECTED AND APPOINTED OFFICIALS**

**BE IT RESOLVED**, that the Town of Cazenovia hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs. Max 8 hrs.	Name (First and Last)	Current Term Begin & End Dates	Record of Activities Result	Pay Frequency
<b>Elected Officials</b>					
Town Councilor	6	Kelli M. Johnson	1/1/2022-12/31/2025	3.74	Bi-Weekly
<b>Appointed Officials</b>					
Code Enforcement Officer	6	Roger S. Cook	1/1/2022-12/31/2022	13.20	Bi-Weekly
Highway Superintendent	8	Bryan R. Smith	1/1/2022-12/31/2022	23.55	Bi-Weekly
Town Clerk	8	Connie J. Sunderman	1/1/2022-12/31/2022	24.20	Bi-Weekly
Deputy Town Clerk	8	Susan P. Wightman	1/1/2022-12/31/2022	20.98	Bi-Weekly

**Roll call:**

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Abstain</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 80 adopted.**

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**Resolution No. 81 presented by Councilor Reger, seconded by Councilor Johnson**

**COURT CLERKS CONFERENCE**

To approve Court Clerk, Shea Palmer’s attendance at the NYSAMCC 42<sup>ND</sup> Annual Conference in Albany, New York on October 16, 2022 – October 19, 2022 with expenses paid.

<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 81 adopted.**

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**Resolution No. 82 presented by Councilor Johnson, seconded by Councilor Reger**

**JULY 4<sup>TH</sup> FOOT RACE 2022**

To approve the use of Ridge Road, Glenwood Road, and Preston Road, for the “49th Annual Cazenovia July 4th Foot Race 2022” scheduled for Thursday, **July 4, 2022** 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.

**Roll call:**  
**Councilor Race**                    **Excused**  
**Councilor Golub**                **Yes**  
**Councilor Reger**                **Yes**  
**Councilor Johnson**            **Yes**  
**Supervisor Zupan**              **Yes**

**Supervisor Zupan declared Resolution No. 82 adopted.**

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**Resolution No. 83 presented by Councilor Golub, seconded by Councilor Reger**

**PROCUREMENT OF TELESCOPING FLAG POLES FOR SOUTH CEMETERY AND NEW WOODSTOCK HERITAGE PARK**

To approve the procurement of two (2) 25’ heavy-duty telescoping flag poles for South Cemetery and New Woodstock Heritage Park from Liberty Flagpoles of Hampden, MA. Each flagpole will have a satin aluminum finish and solar disk flag light. Said purchase shall not exceed One Thousand One Hundred Nineteen and 00/100 Dollars (\$ 1,119.00).

**Roll call:**  
**Councilor Race**                    **Excused**  
**Councilor Golub**                **Yes**  
**Councilor Reger**                **Yes**  
**Councilor Johnson**            **Yes**  
**Supervisor Zupan**              **Yes**

**Supervisor Zupan declared Resolution No. 83 adopted.**

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**Resolution No. 84 presented by Councilor Johnson, seconded by Councilor Reger to approve the following 2022 budget adjustment:**

Authority NYS Town Law section 112 “The town board, during a fiscal year, by resolution, may make additional appropriations or increase existing appropriations and shall provide for the financing thereof. Moneys therefor may be provided from the unexpended balance of an appropriation, from the appropriation for contingencies, from unappropriated unreserved fund balance or unanticipated revenues within a fund or by borrowing pursuant to the local finance law.”).

**Highway Fund DA**

Appropriate unanticipated revenue for sale of 2 2019 Chevy Silverado 2500 HD pick-up trucks via Auctions International (sale approval via Town Board Resolution No. 69 – 2022 adopted May 9, 2022) to Machinery CE increase Sales of Equipment revenue budget for same (budget adjustment).

To: DA 2665.000 Sales of Equipment (Revenue)	\$86,370.00
To: DA 5130.2.000 Machinery EQ	86,370.00

<b>Roll call:</b>	
<b>Councilor Race</b>	<b>Excused</b>
<b>Councilor Golub</b>	<b>Yes</b>
<b>Councilor Reger</b>	<b>Yes</b>
<b>Councilor Johnson</b>	<b>Yes</b>
<b>Supervisor Zupan</b>	<b>Yes</b>

**Supervisor Zupan declared Resolution No. 84 adopted.**

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*Supervisor Zupan wanted to “Poll the Board” on correspondence that was circulated today. He said when the Town Board went on the road trip in May, the island in the middle of Indian Lookout Road was discussed. The Town Board with the recommendation of the Highway Dept. decided to remove the island for snowplowing purposes. Some residents in that neighborhood submitted a letter in opposition to the removal. He wanted to check with the Board to make sure they were on the same page in removing the island in the interest of snowplowing and safety.*

*Councilor Golub asked for the Highway Superintendent to explain why it was a good idea to remove it.*

*Bryan Smith, Highway Superintendent, said it is an island in the middle of a cul-de-sac that has been minimally maintained. There are three struggling trees and occasionally someone adds wood shavings or mulch. He said, from his point of view, the radius is too small to go up and turn the snowplow around. It takes several attempts and it is a windy spot with blowing and drifting snow and is time-consuming to keep it open. They will apply asphalt to the whole area so the plow truck can pull in and continuously sweep in one direction. He thinks they will be able to clear better and it will be easier for the operator.*

*Supervisor Zupan said the turning radius of the trucks is another issue.*

*Councilor Golub inquired about a smaller island.*

*Bryan Smith said that will not affect the turning radius of the truck and it will still be an obstacle for the trucks.*

*Supervisor Zupan confirmed it was town land and within the right-of-way. He further explained this was once a private road that was brought up to standards and took over by the town. When it was a private road, they had their own vehicles plowing it.*

*Councilor Golub thought it was important the Highway Department had as few obstacles as possible.*

*The Town Board agreed to proceed with eliminating the island in the cul-de-sac on Indian Lookout Road.*

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**Attorney's Report:** *Reported the solar law was adopted last month. He is handling a 94-C application, the very large solar projects, in a couple other towns. He recommends the Town look at a Stand-alone Battery Storage Law. He is preparing a draft model law and wants to present it to Cazenovia. He does not think it will take long to get through-just a few meetings. He*

said the current law references battery storage. However, if the town was to get a 94-C application, a specific law should be sent to the siting committee at New York State so they can look at it.

He responded to Supervisor Zupan’s remark about looking at the cell tower law.

John Langey, Esq. said the cell tower law can be looked at, but it is really driven by FCC regulations. The two big rules with our law is you have to apply for a use variance, but then there is a relaxed standard under the Federal law. The applicant has to show there is a need-gap in coverage. The Planning and Zoning Boards have the right to suggest other locations that are sufficient for the need: is there a gap out there? And where should it go? If there is a gap, the Town has a little say as to where it can go. He reiterated he can look at the law and see if anything new can be added.

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**Supervisor's Report:** Reported he met with the Engineer from GHD and Jim Cunningham, WPCF Operator, and they have started the process to look at the treatment plant and upgrading it. It is 50 years old and needs upgrades. They will look at the trunk lines and pinch points and forecast out for 30 years. On another note, he is working on Ridge Road drainage and is getting a quote to TV some of the old drain lines. The neighbors are receptive to it and are willing to work with the town. Lastly, he met with the insurance agent for the Town insurance.

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**Councilor Golub** {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-Racism Coalition}: Councilor Reger reported, today, he met with representative from Abundant Solar, Chris Carrick of the CNY Regional Planning and Development Board and Bryan Smith to go over the proposed solar project at the Highway Garage. In regards to the CLA, the Mill Street Dam will be open all summer and during the big rain event, a week ago ,there was no backflow issues. He mentioned Mayor Wheeler talked to the Canal Corp and 90% of the old dam can come down but has to maintain a certain portion for historic preservation. There has to be a study to find out if there are any flooding hazards downstream. A survey is underway for potential stream restoration. Harvesting shall begin the 3<sup>rd</sup> week in June, after certain fish have finished spawning.

**Councilor Reger** (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): Reported the Planning Board is extremely busy and he gives them credit for all their efforts, along with John. He continues the transition with Councilor Johnson. The Comprehensive Plan Committee continues to work on updating the document and it is a great group. Lastly, he acknowledged Highway Superintendent, Bryan Smith’s service and appreciated his time and effort.

**Councilor Johnson** {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: Reported Joint Youth Recreation has a waiting list for Week 1 because it is full. They are watching the numbers for the other weeks. However, Week 5 (last week) has low enrollment numbers, at this point, which isn’t abnormal. There will be no diving this summer because the wall is getting repaired. There will be a middle section with lap lanes and a shallow section. The swim hours will be Monday – Saturday 10-7 and Sunday 12-6. Lifeguards will get the lines in the water, this

*Saturday. On another note, CACDA meets this week. The Consolidated Funding application was circulated to the Town Board. There may be funding for comprehensive plans. The Heat Smart Campaign continues with 2 out of 5 sign-ups and there is a table at the Farmer’s Market.*

*Councilor Golub stated if someone qualifies for HEAP they can basically get the system for free. He personally purchased one and has air and heat and will never have to cut firewood again.*

*Councilor Johnson said on July 22<sup>nd</sup> there will be a celebration of CACDA’s founders at 7:00 p.m. at Carpenter’s Barn. She also added the grantees have completed their training for the Microenterprise Program and are beginning to get funds. CoWorks could use some members and currently have nine.*

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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:**

***Randy Nash** of 3805 Rippleton Road wanted to address the Board about the current cell phone law. He was unsure how long it has been since the adopted law was revisited to reflect new technology. He said Bill Johnson, Radio Frequency Engineer, who the Zoning Board hired to look into the cell tower in Cazenovia. Mr. Johnson told him every ten years cell phone technology is changing. He felt the current town law has statements that are detrimental to the town. 5G is the new direction of cell phone coverage and the way the law is written a 5G network won’t be possible in Cazenovia because there is a tower restriction of 4,000 feet between towers. With 5G, it is his understanding that antennas are much closer together than that. He mentioned the 120’ cell tower that everyone has driven by on Route 92 en route to Syracuse. He further explained it is not the Pine-like tree near Lyndon Corners. It is a cell tower just south of Manlius up on Indian Hill Road. The tower can’t be seen from anywhere in Fabius, Pompey, Manlius or Cazenovia as you are driving down Route 92. He has actually taken people down Indian Hill Road and the tower is not visible without pointing it out to his observers. The tower is 150 paces off the road. The Town of Cazenovia law states that whenever a tower goes up, it has to be a co-locater. The Indian Hill tower is only 20’ above the tree line and it can’t be seen anywhere in the Town of Pompey. The Town law says the tower has to be able to accommodate five additional co-locaters. Every time a co-locater is added, there needs to be an additional 8’-10’ to a minimum height. If a tower is 50’ above the tree line, there is no way to hide it. He encouraged a review of the current law be done.*

*Supervisor Zupan responded to Mr. Nash’s comments and told him he has asked counsel to review the current law.*

*John Langey, Esq. said in 2019, the Town of Cazenovia adopted a 5G small cell wireless law that has been endorsed by the Association of Towns and Verizon. It has been generically approved by the FCC. It is “on the books” now, but there has not been an application for a 5G permit, yet. He added the small towers with 5G are shorter and closer together. In an effort to help mitigate the aesthetic impacts, the town adopted regulations and guidelines. He confirmed he will look at the “older” law that deals with the taller cell towers to see what can be added, as appropriate. Lastly, he mentioned anything that will get adopted will be subject to a public hearing.*

**Brendan Rigby** of 3593 Cobb Hill Road said Mr. Nash took him to the site on Indian Hill Road and echoed Mr. Nash's comment that it is very well disguised. He said Mr. Langey pointed out that the town is somewhat constrained by federal law. He is optimistic the Town can work within those restrictions to develop something novel and better. He said the current law considers cell towers as a use variance. He felt that process was fairly opaque and lacks transparency. The lack of communication ultimately benefits the tower building companies. He wondered if a process could be developed to promote richer communication among the affected parties before an agreement gets signed to build a cell phone tower.

Supervisor Zupan said the application would go to the Zoning Board of Appeals and would be noticed in the newspaper. The public will have comment period at the ZBA for the proposed tower. The Town is unaware of where a tower is being proposed until an application is made with them.

**Brendan Rigby** responded to Supervisor Zupan and inquired if something could be put in the law stating if you are a wireless communication facility building company and investigating a site, you need to tell the town?

John Langey said he could investigate that further. He said it would depend on if it was to interfere with contractual relations between a tenant and lessor. He thought it was an interesting question and should be considered.

**Randy Nash** said in the law that is written there is a paragraph that references having a pre-application meeting with the town and suggested it should be mandatory to have that language.

**Brendan Rigby** recommended a comprehensive coverage map. The cell phone companies have to prove they are remedying a coverage gap that exists. He said when cell phone companies do that they are only talking about their own service. He referenced a town in Massachusetts that created their own coverage map and approached from a more comprehensive view as opposed to reactionary.

John Langey, Esq. said it is a good comment, but two things come to his mind. The legality of it and a policy that the Town Board would have to consider. He said if the town was to engage an expert to look at the different areas to predetermine the best areas for cell towers, the Town Board would have to hire an expert. He said that is their bailiwick.

**Brendan Rigby** said, in his mind, he envisions it as part of the applicant's burden. If a company comes in and says there is a coverage gap, the applicant should prove if there is such a gap for any cell phone company.

John Langey, Esq. said the Planning and Zoning Boards currently have that authority.

Supervisor Zupan said if he is an AT & T customer, he wants to be able to use his phone anywhere in Cazenovia and wants all of the town covered with AT & T. He doesn't care if Verizon has gaps. He said the goal is to keep the number of towers down, so co-locating is encouraged. He felt 5G would change things considerably. He wondered from a legal standpoint, hypothetically, how can the town say Verizon has the town covered, so AT & T you can't fill your gaps in? He said it is a legal question for the attorney to review in updating the law.

***Brendan Rigby*** responded to mitigate the proliferation of towers is not to allow the applicant to declare the coverage gap and if the Town had a better sense of the coverage gap it would be helpful.

*John Langey, Esq.* said the expert the town had for the pending application was extremely good. He will test what is provided to the town and will run his own models to make sure everything that is being proposed is in according to Federal and Local Laws. Currently, the application is stalled.

***Brendan Rigby*** closed his comments by encouraging the Board to go see the tower on Indian Hill Road. He wondered if it would be appropriate to emphasis the language on the aesthetics and a structure that will blend in and whether it it could be a monopole or a monopine.

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

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

**At 8:21 p.m., Supervisor Zupan declared this meeting adjourned.**

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**Signed:** \_\_\_\_\_

Connie J. Sunderman, Town Clerk