

**TOWN BOARD
REGULAR MEETING**

MONDAY

February 12, 2024

Supervisor Reger opened the meeting at 7:30 p.m. with four Councilors present. Councilor Golub was excused.

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Motion by Councilor Race, seconded by Councilor Johnson to accept the minutes from the January 8, 2024 regular meeting. The motion was unanimously approved.

Note for the Record: *Acceptance of the January 23, 2024 special meeting minutes that finalized the State Environmental Quality Review Act (SEQRA) process for the proposed 2024 Lake Treatment will be postponed until the March 11, 2024 regular meeting because a quorum of Town Councilors is necessary that were present at the January 23, 2024 meeting.*

Supervisor Reger asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda. He explained there will be a separate comment period for the Mobile Services Law.

Public comment #1:

There were no comments, except for Randy Nash seeking clarification if this was the time to talk about the law that is being discussed this evening.

Court Clerk Kerry Bishal presented the 2023 financials in relation to Town Court Justice D. Christian Fischer's accounting records for review by the Town Board. Judge Fischer was also in attendance.

Kerry Bishal presented a report known as the "Annual Checklist for Review of Justice Court Records" to the Town Clerk. The Town Clerk circulated the document to the Town Board.

Ms. Bishal informed the Town Board that everything is going well and the financial numbers are on the report that she just submitted.

Justice D. Christian Fischer stated Kerry Bishal does a fantastic job, monthly reports are impeccable and match to the penny every month. He mentioned to the Board an inherited issue that they are presently working through. He said he took over for Judge Moore and was appointed temporarily. Once it was determined Judge Moore would not return and that his appointment would be more long term, he requested Kerry Bishal as his clerk. She is the Village court clerk and Judge Moore had a different clerk. He stated he inherited what was left of Judge

Moore's bank account and the records weren't as pristine as his. He worked through some funds in there, but they are not 100% sure where all the funds belong. They believe it is bond bail money, but do not have a lot of details, other than it is roughly \$ 3,500.00. He said the next step with the Town Clerk's help is "to punt" to the State Comptroller.

K. Bishal said she needs to come to the Town Office and look at the records. She believes if she looks at the files, she will be able to refine that number and she hopes to accomplish this task in the very near future. She stated the number has gotten better because she worked with the Town Clerk and the Clerk provided some information that showed check numbers and then she was able to record it into the software. She said it is a very time-consuming process.

Judge Fischer said nobody has requested the money back yet.

Kerry Bishal said if any bail receipts are located in the records, they will try to reach out to the person that posted the bail. She would send them a letter and let them know bail was being held and request them to supply her with the original receipt. She said she is also sending a letter regarding people that have outstanding money due. She said the money would be turned over to the State Comptroller's Office as forfeited bail and then ultimately be returned to the Town of Cazenovia.

Justice Fischer inquired if anyone had questions regarding court operations, in general. He said the Madison County Sheriff's Department and New York State Police have traffic tickets on a regular basis.

Kerry Bishal said the Dog Control Officer is bringing tickets and the violations need to go on separate tickets, not five or six on one ticket.

John Langey, Esq. said he reviewed the ticket process with the Dog Control Officer.

Kerry, John and Chris had a discussion as to the process of a court case involving a dog.

Judge Fischer said everything was running well. He said Cazenovia has become the "court of choice" when there is a conflict elsewhere in the County. He said there are a lot of people coming to his court, even though the rule is it's supposed to be an adjoining town.

Kerry Bishal said they do not mind the heavier load-the more the merrier.

John Langey, Esq. said the Town is lucky Judge Fischer is an admitted attorney and long-time practicing lawyer that is very familiar with interpreting the law which is great for Cazenovia.

Supervisor Reger told Judge Fischer if it gets to be too burdensome to let him know.

Kerry Bishal commented it is nice to have Shea [Court Clerk Palmer] at the Village Office now and being there centrally.

Resolution No. 23 presented by Councilor Fallon, seconded by Councilor Race

COURT CLERK KERRY BISHAL'S ACCOUNTING RECORDS AUDIT

Relative to the Town Board's audit of Town Justice D. Christian Fischer's accounting records at the 2/12/2024 regular meeting, all appear to be accurate and in good order.

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

Supervisor Reger declared Resolution No. 23 adopted.

Resolution No. 24 presented by Councilor Johnson, seconded by Councilor Fallon

**COURT CLERK IRENE “SHEA” PALMER’S
ACCOUNTING RECORDS AUDIT**

Relative to the Town Board's audit of Town Justice Fred Palmer’s accounting records at the 2/7/2024 work session, all appear to be accurate and in good order.

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

Supervisor Reger declared Resolution No. 24 adopted.

Supervisor Reger recapped the purpose of amending Local Law A – 2024, entitled "A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to § 165-102 (Commercial Mobile Service Facilities). He read the Purpose as outlined in Section 3 (B) 1-3 as follows:

A. *Purpose.*

- (1) *The purpose of this section is to establish predictable and balanced regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town of Cazenovia wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.*
- (2) *This section also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures in order to further minimize adverse visual effects from telecommunications towers.*

- (3) *This section is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall it be used to unreasonably discriminate among the providers of functionally equivalent services consistent with current federal regulations.*

Motion by Councilor Race, seconded by Councilor Johnson to open the public hearing relative to Local Law A – 2024, entitled "A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to § 165-102 (Commercial Mobile Service Facilities)." The motion was unanimously approved.

Public comment:

Randy Nash and Brendan Rigby were invited to come to the table to speak with the Town Board.

R. Nash of 3805 Rippleton Road stated he wanted to clarify some of the information that was discussed at the work session last Wednesday. He said quite a bit of information was submitted on re-writing the law by some concerned citizens. He said one of the major revisions was related to cell tower height and he was curious why this information was left out of the draft of the law. He focused the Board's attention on the section of the law "Additional submission requirements for towers," section (3)(G)(2)(h-1) and read the following "Photo documentation shall also be provided to demonstrate that no more than 20 feet of the structure and associated antenna are visible from all residential properties within ½ mile of the site at the time of application." He said the issue they are trying to deal with is the installation of camouflage towers. For camouflage towers to work, they can only be 20 feet above the tree line in an effort to hide them. Once higher than this, it will become visual on the landscape. He said, the other evening, he asked the question if this was meant for future towers that are 20' above the tree line. He said he received a response from the Supervisor confirming that is what the statement meant. He said as long as towers are only going up 20' above the tree line, he felt they were somewhat in agreement. He said the next day he re-read the law word-for-word and does not feel that is what the interpretation is and it is different from the language he submitted. He feels it is saying 20' visually, meaning from ½ mile you can only see 20' of the tower, not that the tower is 20' above the tree line. He made reference to the cell tower in New Woodstock in regards to the law, there are some words that can be interpreted differently. He said he went to every house within ½ mile of the tower and the tower is close to 200' in the air. Due to the fact it does not have a light on it, he knew it wasn't 200'. He estimated it to be 80'-100' above the tree line, but not a single house sees 20' of the tower, except for one. He said a tower 100' above the tree line is going to be detrimental to the landscape, no matter the number of pine branches on a fake tree. All the people in ½ mile do not see it, but the rest of New Woodstock and Cazenovia see the tower. He does not think this language will work for camouflage towers. He suggested the language of the proposed law be further discussed with some variations.

Brendan Rigby of 3593 Cobb Hill Road referenced H (1) of the proposed law "no more than 20 feet visible within a ½ mile." He said our sight lines are quite long in the Town of Cazenovia, probably a ½ mile or more. He did not feel it was protective enough in terms of aesthetic conditions. He wondered if there was a way to make it more protective and more preserving. He said none of it has the goal to prohibit wireless communication because he enjoys his Wi-Fi, too. He did not think the engineering had been fully proved to demonstrate the heights are needed as

the current law states. He appreciated the amount of time and effort that went into the proposed changes and many of the things that were suggested by the concerned citizens did get incorporated. He said many of the items that were incorporated were drawn from other towns and tested by those towns. He thought the proposed legislation is a market improvement over the current law. He referred to some of the more subtle points that needed revisiting.

John Langey, Esq. asked for Mr. Rigby to elaborate on his comment about being tested in other communities. He was curious if they survived litigation on their law.

Brendan Rigby *was unsure if the Town of Pompey had been sued and lost or won.*

John Langey, Esq. did not think they had been sued because he knew the Attorney that Pompey had up until just recently. He said his struggle was on trying to figure out how the law would work from a practical standpoint. He said an applicant has to demonstrate these requirements. He said 80 % – 90% of the suggestions have been incorporated.

Randy Nash *said he sees the role as the attorney is to give advice, but as the elected officials to determine if it [the law] was practical or not.*

John Langey, Esq. agreed with Mr. Nash and said he only gives advice.

Randy Nash *said the Town Board is the one to make the decision.*

Supervisor Reger said the goal is to incorporate what the Town Board can add within reason which plays into what Mr. Langey said about being able to defend-could it be upheld by a court.

John Langey said he is unsure, also. He said when he read the sentence about 20' from various points, he is unsure how an applicant could demonstrate that to the Board. He thought maybe it was a science question that an engineer could solve. He expressed this area of the law is highly regulated. He said the Town can require an applicant to demonstrate they have a gap in coverage or there is a weakness in coverage. The town has always hired their own independent expert to verify the information and demonstrate the exact height need and nothing higher. He mentioned he is doing this in another town right now where the applicant is being told to bring it down as low as it can be. He said it happened with a prior application in this Town which started this discussion. He said at the end of the day, the Town Board wants to adopt a law that won't immediately get dragged into court. Once again, he expressed he is unsure how this is going to work and not get challenged.

Brendan Rigby *said he feels the measurement is an approximation of what is thought to be an undesirable visual impact. He said it is not arbitrary and capricious if it is a way of putting into words something that might be unbecoming to the eye. He explained if something is protruding in excess of 20' above the visible tree line, you might look askant of that and perceive it differently than something that is taller or shorter. From his earlier experience with the previous application and the lawyers from Verizon, he felt it was the case that the tower engineers wanted the tower to be infinity or whatever the law says is the tallest. He compared it to asking the fox, how the fence around the hen house should be designed.*

John Langey, Esq. said the town hires their own engineer. They do not accept the word of the applicant's engineer. The town hires an independent engineer, who happens to work for nothing but municipalities. He felt the independent engineer will do the best he can for the residents of the municipality.

Randy Nash inquired if this was the venue that should be used to discuss this? He felt there was no right or wrong answer. He thought this was just the public comment.

Supervisor Reger confirmed this is the opportunity for public comment.

Randy Nash said there are a number of variations out of theme here that could be added to satisfy everyone. He said everyone wants a cell phone and companies want to give service, but the problem is dealing with the towers. He said he was sorry he missed the meeting last July when a smaller group met to discuss the law.

Councilor Race responded to the comment that the attorney can't direct the Town Board on what to do. He felt that was 100% true. However, Mr. Langey has been the attorney for almost decades and his opinion and advice is one of the things that the Town Board leans on to do things in a proper manner for the concern of everyone. He said they hire independent engineers and try to provide mitigation by looking for alternative locations, but, in the long run, everyone wants and needs a cell phone.

John Langey, Esq. explained the process that he used when reviewing the concerned citizen's changes to the current local law. He did not see an issue with 80% of the proposed changes by the residents. Then, based on his experience with other laws relating to commercial mobile services and case law, he flagged some of the proposed changes. He is not saying it can't be upheld if they go to court, but he does not like his chances with the original language. He said the proposed law got whittled down to the language that he thought would be satisfactory. He referenced the process that was used for the solar law in which there were a lot of committee meetings and felt it might be a good idea to reconvene and look at the wording in this situation. However, he reminded the Town Board if there is a change to the proposed law, it will trigger a new public hearing and another Madison County referral. He said the Town Board can either table it tonight and have more meetings for different language or adopt what has been presented after this public hearing. He said it can be like the solar law, get adopted and then be fine-tuned in the near future.

Councilor Fallon wondered if they could err on the side of caution and not adopt it tonight and table it.

Councilor Johnson was fine with tabling the proposed law.

Supervisor Reger asked Councilor Fallon if she would like to participate in the committee meetings that were suggested.

John Langey, Esq. said he would be willing to attend, also.

Councilors Johnson and Fallon were asked to take the lead on setting up a meeting with Randy Nash and Brendan Rigby.

Motion by Councilor Johnson, seconded by Councilor Fallon to close the public hearing. The motion was unanimously approved.

Motion by Councilor Johnson, seconded by Councilor Race to table resolution #25. The motion was unanimously approved.

Supervisor Reger declared Resolution No. 25 tabled.

Resolution No. 25 presented by Councilor _____, seconded by Councilor _____

TOWN OF CAZENOVIA LOCAL LAW A OF 2024

(“A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia With Respect to § 165-102 (Commercial Mobile Service Facilities)

WHEREAS, pursuant to the provisions of the New York State Constitution and the New York State Municipal Home Rule Law, titled “A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to §165-102 (Commercial Mobile Service Facilities),” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on January 8, 2024; and

WHEREAS, a public hearing was held on such proposed local law on the 12th day of February 2024, 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. A-2024 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, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the Madison County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

WHEREAS, the Town Board of the Town of Cazenovia has now determined that it is in the public interest to enact said proposed Local Law No. A-2024.

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. A-2024 as Local Law No. 2-2024 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 2 OF 2024**

**A LOCAL LAW TO AMEND CHAPTER 165 (ZONING) OF THE TOWN CODE
OF THE TOWN OF CAZENOVIA WITH RESPECT TO §165-102
(COMMERCIAL MOBILE SERVICE FACILITIES)**

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. PURPOSE & INTENT.

The Town of Cazenovia acknowledges the need, demand and national policy supporting the availability of commercial mobile services to the public. Similarly, the Town recognizes the valid concerns and interests its residents have in the aesthetic enjoyment of their homes and properties. The purpose of these provisions relating to commercial mobile services is to encourage the location of commercial mobile service towers, to the extent they are needed, in nonresidential areas of the Town, to encourage the shared use of existing and new towers as a means of reducing the overall need for towers in the Town, to minimize the adverse impacts of commercial mobile service facilities located in the Town and to balance the sometimes competing needs of such uses and their neighbors while at the same time accommodating the public interest in and demand for such services. The Town Board of the Town of Cazenovia finds that amending its current Code regarding commercial mobile service facilities will assist in meeting these needs and is therefore reasonable and appropriate.

SECTION 3. AMENDING §165-102 (“COMMERCIAL MOBILE SERVICE FACILITIES”) OF ARTICLE XX (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAS SOLAR ENERGY SYSTEMS”) OF CHAPTER 165 (“ZONING”)

Section 165-102 (“Commercial mobile service facilities”) of Article XX (“Commercial Towers, Television and Radio Towers, Commercial Mobile Services and Satellite Dish Antennas Solar Energy Systems”) of Chapter 165 (“Zoning”) of the Town Code of the Town of Cazenovia is hereby deleted in its entirety and now shall read as follows:

“§165-102. Commercial mobile service facilities.

No commercial mobile service facility shall hereafter be located, constructed, erected, changed, altered, used or added to in any district except in conformity with the following provisions:

A. Findings.

- (1) While the federal government has regulated the commercial mobile industry, it has reserved to local governments the power to regulate uses with regard to placement, construction, and other issues.
- (2) Local governments may not exclude such uses or unreasonably discriminate among providers of functionally equivalent services.
- (3) According to federal law, local governments may not regulate such uses on the basis of radio frequency radiation (RFR).
- (4) The technology underlying commercial mobile service requires that transmitting facilities be located in proximity to one another, as low-frequency signals are passed from one service cell to another, in relay fashion.
- (5) The Town has an interest in minimizing the number of towers that are located within its borders.

- (6) The installation of tower structures can have an aesthetically detrimental impact upon surrounding properties, especially in residential areas.
- (7) In many cases, antennas mounted on existing structures and towers (i.e., co-location) can provide commercial mobile service with minimal or no aesthetic impacts upon neighboring uses.
- (8) Where the construction of new towers is necessary in order to provide commercial mobile services, often it is possible to house more than one such provider on such structure, thus reducing the proliferation of new tower construction.

B. Purpose.

- (1) The purpose of this section is to establish predictable and balanced regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town of Cazenovia wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.
- (2) This section also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures in order to further minimize adverse visual effects from telecommunications towers.
- (3) This section is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall it be used to unreasonably discriminate among the providers of functionally equivalent services consistent with current federal regulations.
- (4) Applicants are encouraged to meet with the Town Code Enforcement Officer and Town Planning Board Chair prior to the submission of an application for site plan approval to review the requirements of the Code and this Chapter.

C. Approvals required for commercial mobile service facilities.

- (1) Antennas. Antennas and accessory equipment related thereto, other than towers, are permitted in all use districts in the Town, provided they are placed on existing structures 30 feet or more in height, other than one-family and two-family dwellings, subject to the following:
 - (a) Located in nonresidential zoning districts and 20 feet in antenna height or less: site plan approval issued from the Town of Cazenovia Planning Board.
 - (b) Located in nonresidential districts and in excess of 20 feet in antenna height: special use permit issued from the Town of Cazenovia Zoning Board of Appeals.
 - (c) Located in residential districts: special use permit issued from the Town of Cazenovia Zoning Board of Appeals.

- (2) Towers. Towers and accessory equipment related thereto are permitted only in Commercial Overlay (COMO) and Industrial Overlay (IO) Districts, subject to the following:
 - (a) Towers 150 feet in height or less: site plan approval issued from the Town of Cazenovia Planning Board upon the general guidelines, requirements and aesthetic design and standards contained herein.
 - (b) Towers over 150 feet in height but not greater than 200 feet in height: special use permit issued by the Town of Cazenovia Zoning Board of Appeals.
 - (c) Towers proposed to be located within any other district shall obtain a use variance pursuant to applicable law and shall be required to comply with the submission requirements for site plan approval as set forth in this chapter and the general guidelines, requirements and design standards set forth herein.
- (3) Commercial mobile service antennas or towers, other than those specifically allowed under this Subsection C are not permitted in the Town of Cazenovia.

D. General guidelines and requirements.

- (1) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such lot and building requirements, the dimensions of the entire lot shall control, even though such antenna or tower may be located on leased parcels within such lots.
- (2) Nonconforming uses. Towers that are constructed and antennas that are installed in accordance with these provisions shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (3) Proof of compliance with other laws.
 - (a) All commercial mobile service facilities must meet or exceed all applicable federal, state and local laws, rules and regulations, including but not limited to any rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations within six months of the effective date of such changes or amendments, unless a more restrictive compliance schedule is mandated by the controlling agency.
 - (b) The operator of any commercial mobile service facility sited within the Town of Cazenovia shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation (RFR) emission standards. Such annual certification

shall be delivered to the Town Codes Enforcement Officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special permit and/or use variance granted for such facilities.

- (4) Compliance with building codes. The owner of any commercial mobile service facility shall locate, construct, erect, use and maintain such facility in accordance with all applicable building codes.
- (5) Height restrictions. The building height restrictions otherwise applicable in the zoning use district in which a commercial mobile service facility is located shall not apply to facilities approved in accordance with these regulations. When measuring structure height in connection with antennas on existing structures, height shall be measured from the mean elevation at finished grade to the highest point of the existing structure. When measuring antenna height in connection with antennas mounted on existing structures, such height shall be measured from the point of such existing structure at which the antenna is mounted to the highest point of the antenna.
- (6) Maximum tower height. Applicants shall demonstrate that the maximum height proposed for a tower shall not exceed that which is reasonably necessary for adequate service or coverage. In no event shall any tower exceed a height of 200 feet. Tower height shall be measured from the average elevation at grade level to the highest point of the tower structure, including all antennas and accessory equipment attached thereto.
- (7) Tower inspections. Towers shall be inspected annually on behalf of the tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Town Codes Enforcement Officer no later than December 31 of each calendar year.
- (8) Tower design preference. All sites will incorporate camouflage to minimize aesthetic impacts associated with the installation. Such camouflaging shall be appropriate to the agricultural/residential/hamlet nature of the Town, shall be of appropriate scale for the camouflage technique selected. If it not feasible to achieve camouflaging, applicants shall propose a monopole design.
- (9) Maintenance and repair. All commercial mobile service facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs, which may be undertaken at any time with prior notice to the Town Codes Enforcement Officer.
- (10) Existing structures. By way of illustration, existing structures, as referred to in these regulations governing the siting of commercial mobile service facilities, shall include but not be limited to signs, church spires, belfries, cupolas, domes, monuments, water towers, preexisting tower structures, windmills, chimneys, smokestacks, buildings, utility towers, clock towers, silos, barns or other agricultural buildings, steeples, radio or television towers and commercial parking lot light poles.

- (11) Restriction on multiple towers. No more than one tower may be permitted on any parcel of land.
- (12) Tower separation. A minimum radius of 4,000 feet must be maintained between any proposed tower and any existing tower, whether located in the Town of Cazenovia or in any adjacent municipality, unless it is demonstrated that the additional tower is necessary for adequate service and/or coverage.

E. Aesthetics and design standards.

- (1) The Town of Cazenovia is largely undeveloped and is characterized by rolling hills with scenic vistas. Preservation of its skyline, to the extent practicable, is an important asset both to the Town and residents of Central New York. Accordingly significant attention must be paid to the visual intrusion potential of telecommunications towers consistent with the needs for communications within the area.
- (2) Fencing. The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower, as well as any and all accessory equipment and structures used in connection therewith.
- (3) Landscaping. All commercial mobile service facilities located, installed or constructed at ground level, including towers, tower anchors, accessory structures to towers or antennas or fencing surrounding such uses, shall be visually screened from adjoining residential properties and public rights-of-way by one row of native evergreen shrubs or trees capable of forming a continuous hedge of at least six feet in height within two years of planting. Additional vegetative screening may be required, as needed, in order to minimize adverse visual impacts on neighboring properties. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the appropriate site plan or special permit review and approval. Such landscaping shall be preserved, maintained and replaced as needed.
- (4) Signs. Signs shall not be permitted on commercial mobile service towers, antennas or related accessory facilities, except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
- (5) Lighting. Commercial mobile service facilities shall not be artificially lighted, unless so required by the FAA. If lighting is required, the lighting alternatives and design used shall be the minimum mandated by the FAA.
- (6) Utility connections. All utility connections to commercial mobile service facilities shall be installed beneath the ground surface.
- (7) Color.
 - (a) Towers. Towers shall either be maintained with a galvanized finish, painted gray or, subject to any FAA restrictions, be painted a neutral color, so as to reduce visual obtrusiveness.

- (b) Antennas. Antennas and accessory equipment installed on existing structures shall be painted a color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (c) Accessory structures located at ground level. Accessory equipment and structures (other than towers) located at ground level shall be painted neutral colors that will blend with their natural surroundings to the maximum extent possible.
- (8) Tower access and parking. A road and parking for one vehicle shall be provided in order to assure adequate emergency and service access. Maximum use of existing roads and drives shall be made, and at all times ground and vegetation disturbance shall be minimized.
- (9) Antennas affixed to the face of existing structures. Antennas affixed to the face of existing structures may not protrude in excess of five feet horizontally between the antenna and the existing structure face.
- (10) Tower co-location. Commercial mobile service towers shall, to the maximum extent possible, be designed to provide for co-location (use) by at least two providers, or be designed so that they can be retrofitted to accommodate at least two providers. However, such co-location standards shall emphasize the lowest tower height possible.
- (11) Accessory equipment located on building roofs. Any accessory equipment located on building roofs shall be located so as not to be seen or so as to minimize visibility from ground level.
- (12) System connections. Where technologically feasible, connections between commercial mobile service facilities and the system of which they are a part shall be made by use of land line cable rather than by parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.
- (13) Tower setbacks. Towers shall not be located closer than 200 feet to the nearest residential property line. In all other cases, towers shall be set back from adjoining properties a distance equal to at least the height of such tower. Furthermore, other telecommunication accessory facilities shall comply with all existing setbacks within the affected zone. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the Zoning Board or Planning Board to contain substantially onsite all icfall or debris from tower failure and/or to preserve privacy of adjoining residential and public property.
- (14) Visibility. All commercial mobile service facilities shall be sited, located and designed so as to have the least possible practical visual impact on the environment and surroundings.
- (15) Fall zones. Telecommunication facilities shall be constructed so as to minimize the potential safety hazards and be located in such a manner that if the facility should

fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other telecommunication facilities.

F. Factors and considerations in granting special use permits for commercial mobile service facilities. The following factors and considerations shall be considered by the Zoning Board of Appeals in reviewing applications for special use permits related to commercial mobile service facilities in addition to the standards and findings required in Article XII of the Zoning Ordinance:

- (1) The applicant must demonstrate that location of the commercial mobile service facility, as proposed, is necessary to meet the frequency reuse and spacing needs of the applicant's system and to provide adequate service and coverage to the intended area.
- (2) The applicant must demonstrate that all reasonable measures have been taken to minimize the visual impacts of the proposed facilities.
- (3) Additional standards and factors to be considered in reviewing special use permits relating to towers:
 - (a) Height of the proposed tower.
 - (b) Proximity of the proposed tower to residential structures and residential district boundaries.
 - (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding existing tree coverage and foliage.
 - (f) Design of the proposed tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (g) Proposed ingress and egress to site.
 - (h) Alternatives analysis. The applicant must demonstrate that no existing structure, tower or alternative technology that does not require the construction of a new tower can accommodate the applicant's coverage and service needs, i.e., that the proposed site is the most appropriate site among those available. Evidence submitted to demonstrate that no such alternative is reasonably available may consist of the following:
 - [1] No existing towers or structures which meet the applicant's engineering requirements are located within the geographic area (search ring).
 - [2] Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - [3] Existing towers or structures do not have sufficient structural strength or space to support applicant's proposed needs.
 - [4] The applicant's proposed antenna would cause electromagnetic interference with the existing or planned antennas on the existing

towers or structures, or such existing or planned antennas would cause such interference with the applicant's antenna.

- [5] The existing tower or structure owner is unwilling to provide access, or the fees, costs or contractual provisions required by the owner of the existing tower or structure in order for the applicant to co-locate on such tower or structure are unreasonable. Costs exceeding new tower construction are presumed to be unreasonable.
- [6] The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- [7] There is no governmental (federal, state or local) property available to the applicant within the geographical area (search ring) which will meet the applicant's engineering requirements.

(i) Vegetation and screening.

- [1] Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter shall take place prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.
- [2] The Zoning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

G. Application materials and supporting documentation.

- (1) The following information shall be submitted in support of any application (site plan, special permit, variance) for a commercial mobile service facility. This information is required in addition to any other information or documents required under sections of the Zoning Ordinance pertaining to site plan review, special use permits or variances.
 - (a) Full application on forms provided by the Town with review fees, including the names, addresses, phone and fax numbers of the following involved parties, as appropriate:
 - [1] The landowner of the project site to be purchased or leased;
 - [2] The service provider-corporate and point of contact [include the FCC license number and certificate of need as a public utility (as/if applicable)];
 - [3] Engineering consultant(s);
 - [4] Legal representative(s); and
 - [5] Other authorized service providers proposing to co-locate on the tower now or in the near future.

- [6] Where co-location is proposed, provide the names, addresses and phone numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed.
- (b) Full environmental assessment form (long-form EAF), including a visual environmental assessment form (VEAF).
- (c) The make and model of the planned facility.
- (d) The manufacturer's design data pertaining to installation.
- (e) The applicant's maintenance and inspection schedule.
- (f) Identification of the effects such facility will have on other existing facilities.
- (g) A safety analysis and certification by a licensed professional engineer that the proposed facility will be in compliance with all applicable FAA and FCC laws and regulations.
- (h) Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial mobile service facility.
- (i) Inventory of existing sites. Each applicant shall provide an inventory of its existing tower sites or other buildings or structures suitable for potential co-location within the Town or within three miles of the border thereof, including specific information regarding the height, location and design of each tower facility or structure, including the name, address and phone number of the owners. The Town may share this information with other applicants without representing or warranting that such sites are available or suitable.
- (j) A site plan. An applicant seeking approval for siting a commercial mobile service facility shall submit:
 - [1] A narrative description of the proposed use, including:
 - [a] Existing site improvements, including access, utilities, and the presence of existing towers, buildings, or other structures;
 - [b] Vegetative cover (*e.g.*, plant cover types, species, tree types (average, minimum, and maximum); relative condition (health) of the vegetation; and tree stand (density) slopes;
 - [c] Soils and the depth to bedrock;
 - [d] Wetlands and surface water bodies;
 - [e] Site drainage;
 - [f] Any special plant and animal habitats contained on the NYSDEC Natural Heritage Program database;

- [g] Any historic or archaeological resources on the site and any historic resources adjacent to the site; and
 - [h] Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location; provide plans, elevations and details showing the proposed electronic communication facilities and existing antennas located on the tower.
- [2] A site plan in conformance with the Zoning Ordinance which, in addition to the items required to be shown hereunder, shall include the following items:
- [a] The exact location of the proposed facility, including any mounting devices, appendages, support structures and accessory equipment, storage cabinets, or other materials used in connection therewith.
 - [b] The location of all structures on the site.
 - [c] The maximum height, each of the proposed facility and any structure on which it is proposed to be affixed.
 - [d] The location, type and intensity of any lighting.
 - [e] Property boundaries, adjacent uses and zoning classifications; if part of a larger parcel; include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project.
 - [f] Names and addresses of adjacent property owners, as contained in public records.
 - [g] Landscaping and screening plan, including type and size of existing vegetation and any proposed removal of same.
 - [h] Location and nature of utility services and connecting land line.
 - [i] Location and nature of access.
 - [j] Details showing compliance with these regulations.
 - [k] Scale, North arrow, date and name of preparer.
 - [l] All bodies of water, wetlands, permanent or intermittent streams; and mean high water mark for larger bodies on or adjoining the project site.
 - [m] Existing and proposed topographic contours at two-foot intervals in and within 200 feet of all proposed areas to be disturbed.
 - [n] The proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures.

- [o] All trees four inches or greater in size (diameter at breast height, DBH) to be removed.
 - [p] All existing and proposed drainage and erosion control and stormwater management facilities.
 - [q] For any new or improved access roads or driveways, provide a grading plan, center-line profile, and cross sections (every 100 feet, showing proposed and existing contours at two-foot intervals) and identify the construction material(s) (*e.g.*, gravel, asphalt).
 - [r] Provide detailed construction plans and elevation of the proposed tower, antennas, equipment shelters (enclosing building, structure, cabinet, shed or box to contain batteries and electrical equipment); show all foundations, piers, structural supports, cross arms, guy wires and anchors, antenna-mounting mechanisms and signage; label the size, material and provide color samples of all towers, antennas, and accessory structures (*e.g.*, equipment shelters, security fencing, signage).
- (2) Additional submission requirements for towers.
- (a) Identification and description of any anti-climb device.
 - (b) A report from a licensed professional engineer which describes the tower, including its height and design, demonstrates the tower's compliance with applicable structural standards and describes the tower's capacity, including the number and types of antennas it can accommodate.
 - (c) A legal description (metes and bounds) of the site on which the tower is proposed to be located.
 - (d) The site plan shall also show distances between the proposed tower structure and structures on adjoining properties within 500 feet, together with the names and addresses of all property owners within 500 feet of the boundary of the property on which the tower is proposed, as contained in public records.
 - (e) A drawing of the proposed tower, including any proposed attachments, accessory equipment, cabinets or other items used in connection therewith.
 - (f) Identification and location of any commercial mobile towers located within the Town or within one mile of the Town, regardless of ownership.
 - (g) As-built drawings, within 30 days after completion of tower construction.
 - (h) Visual impact analysis as found in the sample provided in Appendix I of this Chapter.¹

¹ Editor's Note: Appendix I is on file in the Town offices.

[1] In addition, the applicant shall submit photo documentation to demonstrate the potential visual impacts from vantage points selected by the reviewing board. Photo documentation shall also be provided to demonstrate that no more than 20 feet of the structure and associated antenna are visible from all residential properties within 1/2 mile of the site at the time of application to the Town. Visibility will be determined during warm months when leaves are on deciduous trees. The applicant will coordinate photo documentation efforts with the Town's Code Enforcement Officer. The photo documentation shall demonstrate the twenty-foot exposure compliance at a scale of approximately one inch equals 10 feet. The Zoning Board of Appeals will be the sole authority in determining whether the twenty-foot criteria have been met.

(i) Telecommunications data. The following documentation will accompany the initial application for new base transceiver station (BTS) facility construction or colocation. Two distinct classes of proposed sites are coverage sites and capacity sites. Some items listed below may not be required in cases where the reviewing board determines that the proposed site is suitable as proposed. Such cases may arise when it is determined that a site will not cause significant visual impact.

[1] Additional application document submissions relevant to BTS coverage sites:

[a] Search ring map with alternate sites marked.

[b] Existing cellular/PCS coverage propagation plot showing existing operational neighboring sites up to 1/2 mile beyond the boundary of the municipality.

[c] Depiction of all currently proposed sites that are not the subject of the pending application from the last two years.

[d] A list of a reasonable number of alternate primary and secondary sites/locations (one plot per proposed site, antenna elevation at the required height) evaluated by the applicant.

[e] A narrative of sufficient detail to demonstrate to the reviewing board why any individual site is deemed non-viable (technical and/or visual) and why the proposed site stands out as the best visual prospect of all the alternate sites.

[2] Initial application documents relevant to BTS capacity sites.

[a] History plot of busy hour capacity approaching sector capacity.

[b] Statistical call record data to demonstrate coverage capacity shortage.

- [c] Information demonstrating the proposed site will provide sufficient coverage overlap to the capacity challenged site(s).
 - [d] A narrative or outline addressing the antenna height required for the new capacity site and the reduction of antenna height (if so proposed) that results at neighboring sites. Such antenna height reductions may provide the opportunity for removal of tower sections so as to reduce the existing visual impact.
- H. Removal of unused towers; demolition bond. An applicant seeking permission to construct a commercial mobile service tower shall agree, in writing, to remove such tower and related facilities if it becomes obsolete or ceases to be used for its intended purpose for a period of 12 consecutive months. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The applicable board shall require the applicant to provide a demolition bond or other security acceptable to the Town for the purpose of removing such facilities in case the applicant fails to do so as required above.
- I. Fees.
 - (1) An applicant for site plan approval, a special use permit, or use variance for a commercial mobile service facility shall submit a nonrefundable fee, as established from time to time by resolution of the Town Board, to reimburse the Town for the costs of reviewing such applications. Such fee shall be a deposit, and the applicant shall reimburse the reasonable and necessary costs associated with review of its application.
 - (2) In addition to the preceding subsection, the applicable board(s) may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The applicant shall bear all reasonable and necessary costs associated with such consultation, which shall be assessed as an additional application fee. These additional costs shall be limited to the consultant's review of the site location alternatives analysis and its report to the applicable board(s).
- J. Exemptions. The following are exempt from the provisions of this section:
 - (1) Commercial mobile service facilities located on Town of Cazenovia property.
 - (2) Private, noncommercial television and radio antennas.
 - (3) Commercial mobile service facilities may be repaired or maintained without restriction.
 - (4) Law enforcement, fire control, E911 and medical emergency facilities.
- K. Waivers. In approving a site plan or special use permit, the Board of Appeals or the Town Planning Board, as the case may be, may waive any of the provisions of these regulations when it finds that doing so will have no detrimental impact on surrounding properties or on the public health, safety and welfare and that such waiver is in keeping with the purposes herein set forth.

- L. Power to impose conditions. In granting any site plan approval, special use permit or variance for a commercial service facility, the Board of Appeals or the Town Planning Board, as the case may be, may impose conditions to the extent that such board concludes that such conditions are necessary to minimize any adverse effect of the proposed tower on neighboring properties.

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon adoption.”

Roll call:

Councilor Race	_____
Councilor Golub	Excused
Councilor Johnson	_____
Councilor Fallon	_____
Supervisor Reger	_____

Supervisor Reger will declare Resolution No. 25 adopted.

Supervisor Reger introduced the next resolution regarding a section of Ridge Road and said since 1955 there have been a number of subdivisions that have been filed for this stretch of Ridge Road that have had discrepancies along the way.

John Langey, Esq. gave a more in-depth explanation. He said when they were exploring the drainage district on Ridge Road, they found a few subdivision maps that had been filed over the years. He said when a subdivision is formed and if a road is involved, they typically ask the developer to formally dedicate it to the municipality so it becomes a formal town road. He gave an example of a normal process and referenced the Cannon Crest subdivision. He said when the Jephson Estates tract was subdivided, they could not find a record of the actual portion of Ridge Road being formally dedicated to the Town. However, there is an exception under the law, if a subdivision plat is filed in the County Clerk’s Office, the map, itself, and what is depicted on the map (the road and easements) is an offer of dedication by the person filing the map. The Town has a right to accept that offer by form of a resolution. He said this will formally be the Town’s after tonight. He said it has always been the Town’s because of the travel track of the road and a highway by use. However, this is a better way to do it.

Resolution No. 26 presented by Councilor Race, seconded by Councilor Johnson

ACCEPTING DEDICATION OF PORTION OF RIDGE ROAD

WHEREAS, a final Subdivision Map of the Jephson Estates was filed as Map Number 1973 in the Madison County Clerk’s Office on April 13, 1984; and

WHEREAS, said Subdivision Map delineated a portion of Ridge Road and included delineated lots with lot lines abutting the said Ridge Road; and

WHEREAS, said Subdivision Map was revised on two occasions by the Final Revised Map of Jephson Estates (filed as Map Number 2106 in the Madison County Clerk’s Office on September 15, 1986) and by the Revised Map of Lots 11, 12, 13 Jephson Estate Tract (filed as Map Number 2251 in the Madison County Clerk’s Office on May 10, 1988); and

WHEREAS, said revisions again delineated a portion of Ridge Road and included delineated lots with lot lines abutting the said Ridge Road; and

WHEREAS, an Amended Map of Jephson Estates Section II was filed as Map Number 3184 in the Madison County Clerk’s Office on May 30, 1996; and

WHEREAS, said Amended Map again delineated a portion of Ridge Road and included delineated lots with lot lines abutting the said Ridge Road; and

WHEREAS, pursuant to New York Town Law Section 279, all streets and highways shown on a filed subdivision map are offered for dedication unless there is a notation to the contrary on the filed map; and

WHEREAS, the Subdivision Map (as subsequently revised) and the Amended Map did not include any notation to the contrary; and

WHEREAS, New York Town Law Section 279 further provides that all such roads and highways are considered private until such time as the local legislative body accepts the same by resolution; and

WHEREAS, the offer of dedication by the filing of the Subdivision Map (as subsequently revised) and the Amended Map has not been revoked by the fee title owner; and

WHEREAS, the Town Board has reviewed the facts and circumstances of this matter and has determined that the portion of Ridge Road reflected on the Subdivision Map (as subsequently revised) and the Amended Map should be accepted by the Town.

NOW, THEREFORE, BE IT RESOLVED, the Town of Cazenovia Town Board hereby accepts the dedication of Ridge Road as reflected on the Subdivision Map (Map Number 1973) (as subsequently revised by Map Numbers 2106 and 2251) and the Amended Subdivision Map (Map Number 3184) as a Town Road.

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 26 adopted.

Resolution No. 27 presented by Councilor Race, seconded by Councilor Fallon

AWARDING BID TO

CUNNINGHAM EXCAVATION, INC.

**Successful Bidder for the
Ridge Road Highway and Drainage Improvements
(Ridge Road Stormwater Infrastructure Project)**

WHEREAS, the Town of Cazenovia previously authorized the solicitation of bids relative to the proposed Ridge Road Highway and Drainage Improvements (Ridge Road Stormwater Infrastructure Project) (the “Project”) to be undertaken along portions of Ridge Road, which Project would consist of the removal of an existing storm sewer system and curbing on approximately 1,400 feet of Ridge Road, installation of a new storm sewer system, re-profiling of the existing pavement, and repairs to damaged sections off-site storm sewer piping. Re-paving of Ridge Road will be bid as an alternative. Said bid solicitation also specified that all necessary equipment and accessories shall be in compliance with the technical specifications prepared by Dunn & Sgromo Engineers, PLLC; 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, fourteen (14) bids were duly received by the Town of Cazenovia in response to the Advertisement for Bids as previously authorized; and

WHEREAS, said bids were received and opened on January 24, 2024 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 responses have been reviewed carefully by the Town Board; and

WHEREAS, the Town of Cazenovia has previously determined that the proposed action 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 Ridge Road Highway and Drainage Improvements (Ridge Road Stormwater Infrastructure Project), consisting of the removal of an existing storm sewer system and curbing on approximately 1,400 feet of Ridge Road, installation of a new storm sewer system, re-profiling of the existing pavement, and repairs to damaged sections off-site storm sewer piping, to **Cunningham Excavation, Inc.**, P.O. Box 420, 3592 Cobblestone Drive, Cazenovia, New York 13035, as the lowest responsive, responsible bidder, for a total bid as set forth in the proposal dated January 24, 2024 (Three Hundred Two Thousand One Hundred Thirteen and 00/100 Dollars (\$302,113.00)), 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 upon satisfactory review by the Town Attorney, as well as the confirmation of all necessary permits and financing.

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 27 adopted.

Supervisor Reger read the attached resolution. He also noted New York State reviews applications for utility projects under section 94-c of the State Law. In 2020, the accelerated renewable energy growth and community benefit act legislation was enacted to streamline the process for state review of utility-scale renewable energy facilities to assist in meeting state renewable energy targets outlined in the Climate Leadership and Community Protection Act (CLCPA). In 2021, the Office of Renewable Energy Siting (ORES) began to oversee the permitting of commercial wind and solar projects of 25 megawatts or greater statewide. He said projects with smaller generation capacity are still permitted at the municipal level. He said an applicant can request ORES if it is between 20-25 megawatts for their review, but it is not an automatic review. He said there is an increase in activity in Madison County for renewable energy which is coming across Fenner, Nelson and Cazenovia, diagonally, along the transmission lines. He commented there is an interested company, AES, global energy company that is in the very beginning exploratory process of targeting a 100-megawatt facility, but nothing has been filed at this point. They are open to discuss possibilities with the town as they are in the exploratory phase. Jen Wong of the Cazenovia Preservation Foundation (CPF) has met with them and provided the solar siting toolkit which gives the best locations for solar suitability, as well as the conservation values. He said it maps out the best areas for solar siting. This new Committee will work along side the applicants to serve as public outreach, education and communication. He said 94-c will allow the State to be lead agency for planning and siting versus the Town of Cazenovia Planning Board.

John Langey, Esq. said as recent as last week, 94-c is being modified by the State to make an even more stream-lined process and there is currently pending legislation. The resolution will account for 94-c and any alterations to 94-c. John Langey said Municipal Home Rule is an extremely important power that towns and villages have in controlling their own destiny. He further added projects that are 5 and 10-megawatts will be handled by the municipality, as well as the SEQRA aspect. However, projects over 20 megawatts will be handled entirely by the State.

Supervisor Reger said to give a little perspective, 100 megawatts is hundreds of acres.

Resolution No. 28 presented by Councilor Johnson, seconded by Councilor Race

ESTABLISHMENT OF THE “MAJOR RENEWABLE ENERGY FACILITY COMMITTEE” AND DESIGNATION OF ITS MEMBERS

WHEREAS, in April of 2023, New York State enacted the Accelerated Renewable Energy Growth and Community Benefit Act; and

WHEREAS, this environmental legislation included a new Executive Law §94-c; and

WHEREAS, Executive Law §94-c created the Office of Renewable Energy Siting (ORES) which is a State Office concentrating solely on the siting of large-scale renewable energy generation facilities; and

WHEREAS, in response to the increasing number of these large-scale projects in Madison County, the Town Board of the Town of Cazenovia deems it important to create a committee known as the “Major Renewable Energy Facility Committee” (the Committee); and

WHEREAS, the Committee will collaborate with applicants in this process and serve as a mechanism for public outreach, education and communication; and

WHEREAS, the Committee shall consist of the following community representatives, Sheila Fallon (Town of Cazenovia Town Board), Robert Ridler (Town of Cazenovia Planning Board), Paul Curtin (Cazenovia Advisory Conservation Commission) and Jennifer Wong (Cazenovia Preservation Foundation).

NOW, THEREFORE, BE IT RESOLVED, the Town of Cazenovia Town Board authorizes the establishment of the “Major Renewable Energy Facility Committee” consisting of Sheila Fallon, Robert Ridler, Paul Curtin and Jennifer Wong in response to Executive Law § 94-c and/or any subsequent legislation approved by the NYS Legislature and Governor relative to such projects.

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 28 adopted.

Resolution No. 29 presented by Councilor Fallon, seconded by Councilor Johnson

APPOINTMENT OF THE TOWN OF CAZENOVIA SEWER ADVISORY COMMITTEE MEMBERS

WHEREAS, as a result of the transfer of ownership of the Madison County Sewer District treatment plant and corresponding sewerage system to the Town of Cazenovia in 2018, an intermunicipal agreement was executed between the Town of Cazenovia, Town of Cazenovia Consolidated Sanitary Sewer District, Village of Cazenovia, Town of Nelson and County of Madison, and

WHEREAS, pursuant to said intermunicipal agreement, the Town of Cazenovia Town Board is authorized to annually appoint five (5) members to a Sewer Advisory Committee; and

WHEREAS, the Town of Cazenovia, Town of Nelson and Village of Cazenovia must each be represented by at least one (1) member on the Committee who reside in each respective municipality; and

WHEREAS, the Committee is advisory in nature only and final decisions relative to the operation and management of the Town of Cazenovia Water Pollution Control Facility, sewer system and appurtenances thereto shall reside with the Town of Cazenovia Town Board; and

NOW, THEREFORE, BE IT RESOLVED that the following individuals are hereby appointed to the Town of Cazenovia Sewer Advisory Board for a one (1) year term commencing on February 12, 2024:

- Kyle Reger*
- Patrick Race*
- David Vredenburgh*
- James Cunningham*
- Joseph Lewis*
- Katherine Hahn*
- William Carr*

Roll call:

- Councilor Race** **Yes**
- Councilor Golub** **Excused**
- Councilor Johnson** **Yes**
- Councilor Fallon** **Yes**
- Supervisor Reger** **Yes**

Supervisor Reger declared Resolution No. 29 adopted.

Resolution No. 30 presented by Councilor Race, seconded by Councilor Fallon

HIGHWAY DEPARTMENT EMPLOYEE ATTENDANCE AT THE AMERICAN WATER WORKS ASSOCIATION ANNUAL MEETING

To authorize the attendance of Christopher Sgouris at the Annual Meeting of the American Water Works Association in Saratoga Springs, New York, April 8 – April 12, 2024 with expenses paid.

Roll call:

- Councilor Race** **Yes**
- Councilor Golub** **Excused**
- Councilor Johnson** **Yes**
- Councilor Fallon** **Yes**
- Supervisor Reger** **Yes**

Supervisor Reger declared Resolution No. 30 adopted.

Resolution No. 31 presented by Councilor Race, seconded by Councilor Johnson

AUTHORIZE TRAINING CREDITS TO MEMBERS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS OF THE TOWN OF CAZENOVIA

To authorize training credit hours for the 2024 Municipal Bootcamp Program Series Offered by Hancock Estabrook

Credit hours will be recorded in accordance with the length of each session. Any Planning Board or Zoning Board of Appeals Member that wishes to take these classes will have the hours applied to their annual training activity credits.

Roll call:	
Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 31 adopted.

Resolution No. 32 presented by Councilor Race, seconded by Councilor Fallon

AUTHORIZE A REFUND FOR A SPECIAL USE PERMIT APPLICATION FEE TO AN APPLICANT OF THE ZONING BOARD OF APPEALS

To authorize a refund to Randy Nash for a Special Use Permit application fee that was deemed un-necessary due to his agricultural status. Said refund shall be in the amount of One Hundred Fifteen and 00/100 Dollars (\$ 115.00).

Roll call:	
Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 32 adopted.

Resolution No. 33 presented by Councilor Race, seconded by Councilor Fallon

FARMLAND PROTECTION IMPLEMENTATION GRANT PROPOSAL

WHEREAS, the Cazenovia Preservation Foundation is applying for a Farmland Protection Implementation Grant through New York State Department of Agriculture and Markets for grant money to place a conservation easement on Our Farm [The Golubs] in Cazenovia; and

WHEREAS, the Town of Cazenovia endorses this application for the purchase of development rights because it meets the Town's criteria for long-term viability of farm operations; and

WHEREAS, in furtherance of the Town’s support, the Town Board wishes to authorize the Supervisor to execute a letter of Town support for the Farmland Protection Implementation Grant for Our Farm.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board authorizes the Town Supervisor to execute the Farmland Protection Implementation Grant proposal letter demonstrating the Town of Cazenovia’s support and the willingness to participate in the grant application process as needed by the Cazenovia Preservation Foundation, pending review by the Attorney for the Town.

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 33 adopted.

Resolution No. 34 presented by Councilor Race, seconded by Councilor Fallon

FARMLAND PROTECTION IMPLEMENTATION GRANT PROPOSAL

WHEREAS, the Cazenovia Preservation Foundation is applying for a Farmland Protection Implementation Grant through New York State Department of Agriculture and Markets for grant money to place a conservation easement on the Milin/Basic Farm in Cazenovia; and

WHEREAS, the Town of Cazenovia endorses this application for the purchase of development rights because it meets the Town's criteria for long-term viability of farm operations; and

WHEREAS, in furtherance of the Town’s support, the Town Board wishes to authorize the Supervisor to execute a letter of Town support for the Farmland Protection Implementation Grant for the Milin/Basic Farm.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board authorizes the Town Supervisor to execute the Farmland Protection Implementation Grant proposal letter demonstrating the Town of Cazenovia’s support and the willingness to participate in the grant application process as needed by the Cazenovia Preservation Foundation, pending review by the Attorney for the Town.

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 34 adopted.

Resolution No. 35 presented by Councilor Race, seconded by Councilor Fallon

**AUTHORIZE THE TOWN SUPERVISOR TO
EXECUTE A LETTER OF SUPPORT**

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Support to the Office of Community Renewal for the application being submitted by Cazenovia Area Community Development Association (CACDA) and The Partnership for Community Development (PCD) for a County-wide Micro-grant Program.

February 12, 2024

Office of Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207

To Whom It May Concern:

The Town of Cazenovia supports Madison County’s application to the Community Development Block Grant (CDBG) Microenterprise Program.

The Microenterprise grants administered by the Partnership for Community Development (PCD) and Cazenovia Area Community Development Association (CACDA) over the past few years have provided vital funding opportunities to businesses of all kinds. These programs are an important part of preserving Cazenovia’s vibrancy and prosperity. We ask that you approve the County’s application for funding.

Sincerely,

Kyle M. Reger,
Town Supervisor

cc: Town of Cazenovia Town Board

Roll call:

Councilor Race	Yes
Councilor Golub	Excused
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 35 adopted.

Resolution No. 36 presented by Councilor Race, seconded by Councilor Fallon to approve the following 2023 & 2024 budget transfers:

(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.”).

2023 Budget Transfers

General Fund A

To increase Justices CE to accommodate court shared services payment to Village of Cazenovia for 2022 and 2023.

To: A 1110.4.000 Justices CE	\$7,835.00
From: A 1330.4.000 Auditor CE	(7,835.00)

Water Pollution Control Facility SS

To transfer budget into Miscellaneous Equipment Seage Treatment/Disposal EQ for building materials completed in December.

To: SS 8130.2.913 Misc Equipment Sewage Treatment/Disposal EQ	\$1,700.00
From: SS 8110.2.913 Misc Equipment Sewer Administration EQ	(1,700.00)

2024 Budget Transfers

General Fund A

To increase Town Clerk PS to accommodate longevity pay, not anticipated in the adopted 2024 budget.

To: A 1410.1.000 Town Clerk PS	\$400.00
From: A 1990.4.000 Contingency	(400.00)

To increase Superintendent of Highways PS to accommodate longevity pay, not anticipated in the adopted 2024 budget, to begin August 2024.

To: A 5010.1.000 Superintendent of Highways PS \$170.00
From: A 1990.4.000 Contingency (170.00)

General Fund B

To increase Zoning Clerk PS to accommodate longevity pay, not anticipated in the adopted 2024 budget.

To: B 8010.1.010 Zoning Clerk PS \$400.00
From: B 1990.4.000 Contingency (400.00)

Water Pollution Control Facility SS

To create and appropriate budget for new sub-account requested by Jim Cunningham to track Emergency Generator expenditures.

To: SS 8130.4.781 Emergency Gen Sewage Treatment/Disposal CE \$2,000.00
From: SS 8130.4.701 Erroneous Taxes Sewage Treatment/Disposal CE (2,000.00)

Roll call:

Councilor Race Yes
Councilor Golub Excused
Councilor Johnson Yes
Councilor Fallon Yes
Supervisor Reger Yes

Supervisor Reger declared Resolution No. 36 adopted.

Attorney's Report: *John Langey, Esq. said his office has been busy. The battery storage law is coming along. On another note, he said there are a couple pieces of litigation wrapping up that he can address privately with the Town Board, as needed. The Ridge Road Project is moving forward. The Remington Park solar project is advancing slowly. The applicant presented some photo simulations and the Planning Board is giving the application its due review. The folks at Abundant Solar were informed it did not look like this was a good time to proceed with the project at the Highway Garage site.*

Supervisor's Report: *Supervisor Reger said he has been engaged with everything on the agenda tonight. He mentioned he's received his assignments with Madison County and will serve on Government Operations, Planning, and Health & Human Services. He said he will keep the Board informed on "all things County" as time progresses. He thanked Liz Merrill, Bookkeeper, Connie Sunderman, Town Clerk, and John Langey, Esq. for all their support and counsel.*

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported "the Highway Department is in full winter-mode, Mother Nature is not." He said they are in the process of trying to find things to keep everyone busy.*

Councilor Johnson (CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Renewable Energy & Future of the Town Office): *Reported the group met about the Joint Youth Recreation Program to prepare for the summer season and the hiring of lifeguards. She said it is difficult to find people and to have competitive pay and the certification that goes along with it. She said the certification is expensive to be a lifeguard, so they are trying to think of an incentive if someone stays through the following season. She said in regards to CACDA, they are working on a \$ 50,000 grant for the next round of the Clean Energy Communities Act. She said the Town is trying to get re-certified for the bronze-level. Additionally, Lauren Lines has been meeting with the Environmental Facilities Corporation about ways to fund the Water Pollution Control Facility upgrades. She acknowledged the thank you notes from CRIS and CASA and is exploring the rest of the recreation program and what senior recreation looks like in our community.*

Councilor Fallon (Planning & Zoning, CACC, Shared Services & New York State Police): *Reported she was out of town for the Planning Board meeting. She met with Dale Bowers and Roger Cook, via Zoom regarding a proposed change to the setback requirements for lots that are less than an acre in regards to lakefront properties. On another note, she said she received confirmation from the Supervisor that they would meet with the State Police.*

Supervisor Reger 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:

Todd Townsend explained he lived near Lincklaen Road and Ten Eyck, just past the house on the corner. He said some drainage work was done this past summer and he thanked the town for their work. He said it fixed a lot of the problem, but when the work was done a new culvert was installed higher up that drains the yards on Lincklaen Road. He thinks it will drain the road also once the water starts to pool where it used to. He said an old culvert is down deeper and it wasn't removed it was just covered. This now causes the top 4-5' to dry out, but there is a natural creek that runs underground. The culvert was draining the lower part, but is now backing up. He said the Aronsons yard now has water sitting longer that it used to and the water is seeping out of the bottom culvert slower. He felt if a backhoe was taken up to the site, without tearing up the road, and cleared out where the old culvert was covered over and reinforced at the end it would help quite a bit.

Councilor Race asked if the discharge end of the culvert was plugged when the new culvert was put in. He said he would meet with him sometime in the near future up at the site. He said the manholes in different places have been made accessible so people can drain to them, if need be.

Mr. Townsend said they actually pump their sump to it. He said there is an incredible amount of water up there. When it rains hard, they are pumping 15,000-20,000 gallons of water a day. He thanked the Board for their time.

The Town Clerk presented the monthly bills list.

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

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

Motion by Councilor Race, seconded by Councilor Fallon to approve payment of the bills, pending clarification on the invoice for the Madison County Dept. of Solid Waste. The motion was unanimously approved.

The following day, Clerk Sunderman e-mailed the Town Board confirming there was no invoice on the February Bills List for Madison County Department of Solid Waste and the bill total of \$ 810,109.50 was accurate.

Councilor Reger mentioned he was holding his office hours on Saturday, March 2, 2024 from 10:00 a.m.-1:00 p.m. He said anyone is welcome. Lastly, he reported the Town Comprehensive Plan will met on Wednesday with EDR. He told the audience there will be a 5-minute recess and then the Town Board will go into Executive Session.

At 9:00 p.m., motion by Councilor Fallon, seconded by Councilor Race to go into Executive Session for the purposes of attorney-client privileged advice.

The Board invited the following individuals into the Session, if any.

- **John Langey, Attorney for the Town**
- **Connie Sunderman, Town Clerk**

At 9:25 p.m., motion by Councilor Fallon, seconded by Councilor Race to adjourn the Executive Session. The motion was unanimously approved.

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

At 9:26 p.m., Supervisor Reger declared this meeting adjourned.

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