

**TOWN BOARD
REGULAR MEETING**

MONDAY

June 10, 2024

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

Pledge of Allegiance.

Correspondence: *There was no unshared correspondence.*

Supervisor Reger acknowledged June is Gun Violence Awareness Month and Pride Month.

Supervisor Reger read the following statement to acknowledge June as LGBTQ+ Pride Month.

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

Whereas, June 28, 2024, marks the 55th 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

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

Whereas, 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

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

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

Whereas, 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.

Now, by the Town Board of the Town of Cazenovia on this 10th day of June, 2024, that the Town Board recognizes and supports the month of June 2024 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.

Motion by Councilor Johnson, seconded by Councilor Golub to accept the minutes from the May 13, 2024 regular meeting. The motion was unanimously approved.

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

Public comment #1:

Brendan Rigby of Cobb Hill Road thanked the folks on the Town Board that worked with the citizen group regarding the commercial mobile services communication law. He said a lot of time and attention went into making changes to the proposed law.

Motion by Councilor Fallon, seconded by Councilor Johnson to open the public hearing relative to Local Law A – 2024, entitled "A Local Law to Amend Chapter 165 (Zonings) of the Town Code of the Town of Cazenovia With Respect to §165-102 (Commercial Mobile Service Facilities)."

Public comment: *There were no comments.*

Supervisor Reger said this law has been reviewed for the six to nine months. Councilors Johnson and Fallon and John Langey's Office worked with the citizens group. He informed the audience this was the public hearing if anyone had additional comments.

Motion by Councilor Fallon, seconded by Councilor Johnson to close the public hearing.

Resolution No. 80 presented by Councilor Johnson, seconded by Councilor Fallon

TOWN OF CAZENOVIA LOCAL LAW NO. 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, from comments received from the public and the Town Board, proposed Local Law No. A-2024 was revised and amended; and

WHEREAS, an additional public hearing was scheduled for June 10, 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. 3-2024 as follows:

**“TOWN OF CAZENOVIA
LOCAL LAW NO. 3 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 (RF) radiation.
- (4) The technology underlying commercial mobile service requires that transmitting facilities be located in proximity to one another, as RF 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) The nature of wireless communication service requires that each single tower site connect to neighboring sites as part of a larger network for effective service. As such, the Town finds that community involvement at the earliest stages of planning will promote efficient location and establishment of wireless communication facilities and increase the reliability of proposed telecommunication network changes.
- (5) 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) Applicants shall provide written notification to all property owners within a one (1) mile radius of the proposed tower site with a copy of such notice to the Town Planning Board or Zoning Board of Appeals, [consistent with Section C] within 30 days of the execution of a contract with a landowner that obligates the landowner to submit an application to the Town to build a tower.
- (2) To facilitate wireless coverage through selection of the best site, any applicant shall discuss a comprehensive wireless coverage plan for the municipality in advance of a specific provider's/landowner's application.
- (3) 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.
- (4) 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.
- (5) 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 (RF) radiation 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.
- (6) 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.
- (7) 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.
- (8) Maximum tower height measured from ground surface. 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. To minimize visual impact, the applicant shall present an option for stealth towers in wooded areas with a maximum height of 20 feet above the existing crown canopy top measured from the tallest tree within a 100 foot radius around the tower. In non-wooded areas, the applicant shall limit height to a maximum of 75 feet when adequate coverage can be achieved.
- (9) 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.
- (10) Tower design preference. The Town may require 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.

- (11) 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.
- (12) 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.
- (13) Restriction on multiple towers. No more than one tower may be permitted on any parcel of land.
- (14) Tower separation. For towers 130 feet or taller, 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. For towers less than 130 feet, there is no minimum tower separation as the Town finds that visual impacts are minimized by installation of a larger number of towers at a lower height than by fewer towers at a taller height.
- (15) Retrofit of existing towers. Any tower additions that add height to an existing tower shall require site plan approval and/or a use or area variance under this Article.

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 be colored so as to reduce visual obtrusiveness, with a galvanized finish or painted a neutral or a camouflaging color, , subject to any FAA restrictions.
 - (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, be designed so that they can be retrofitted, with site plan approval, to accommodate at least two providers. However, such co-location standards shall maintain the lowest tower height possible for the single applicant.
- (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 network 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 fall zone (tower height plus 10%) 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 icelfall 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] 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 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 Editor's Note: Appendix I is on file in the Town offices.

- [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	Yes
Councilor Golub	Yes
Councilor Johnson	Yes
Councilor Fallon	Yes
Supervisor Reger	Yes

Supervisor Reger declared Resolution No. 80 adopted.

Resolution No. 81 presented by Councilor Golub, seconded by Councilor Johnson

AUTHORIZING THE TOWN OF CAZENOVIA SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF CAZENOVIA AND THE VILLAGE OF CAZENOVIA FOR THE HOSTING, USE AND OPERATION OF A BOAT CLEANING STATION FOR CAZENOVIA LAKE TO BE HOUSED AT THE VILLAGE’S LAKESIDE PARK

WHEREAS, the Town of Cazenovia (the ‘Town’) and the Village of Cazenovia (the ‘Village’) have each recognized the importance of protecting the quality of the waters of Cazenovia Lake as an important environmental and economic resource to the Community; and

WHEREAS, both the Town and the Village have undertaken extraordinary measures to protect Cazenovia Lake from the threats caused by invasive species through various measures and programs; and

WHEREAS, the Town and the Village desire to work cooperatively in continuing those efforts to maintain the quality and integrity of the waters of Cazenovia Lake; and

WHEREAS, the Town and Village are authorized to enter into Intermunicipal Agreements and other cooperative agreements pursuant to General Municipal Law Article 5-G; and

WHEREAS, previously the Town and the Village have discussed the hosting of a boat cleaning station at Lakeside Park (located on Forman Street in the Village), which is the site of the Village’s boat launch facility (the ‘Boat Launch Park’); and

WHEREAS, previously the Town obtained a New York State Department of Environmental Conservation Grant to procure a boat cleaning station for Cazenovia Lake in partnership with the Village of Cazenovia; and

WHEREAS, on November 6, 2023 the Town declared its intent to work cooperatively with the Village to obtain the funds necessary to procure a boat cleaning station for Cazenovia Lake, as a part of the Village and Town’s joint desire to protect to and enhance the quality of the Lake’s waters and combat the proliferation and introduction of aquatic invasive species into Cazenovia Lake; and

WHEREAS, a grant from the New York State Department of Environmental Conservation has been successfully obtained by the Town to acquire said boat cleaning station; and

WHEREAS, the Town has purchased a boat cleaning station, which boat cleaning station would provide for decontamination of water craft being introduced into the waters of Cazenovia Lake and which would entail the inspection of said watercraft; and

WHEREAS, an Intermunicipal Agreement has been prepared for the Town and Village with respect to the hosting, use and operation of said boat cleaning station at the Boat Launch Park; and

WHEREAS, the execution of an Intermunicipal Agreement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated thus ending the environmental review process.

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes the Town Supervisor to execute the above-referenced Intermunicipal Agreement with the Village of Cazenovia, without further authorization, subject to final review and approval by the Town’s legal counsel.

Roll call:

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

Supervisor Reger declared Resolution No. 81 adopted.

Councilor Golub commented on the upcoming resolution and said there is less and less of European Frog-Bit every year. Therefore, headway is being made. If they can’t eradicate it, they will at least try to stay on top of it.

Resolution No. 82 presented by Councilor Race, seconded by Councilor Fallon

AUTHORIZATION FOR THE APPOINTMENT OF THREE TEMPORARY LABORERS IN RELATION TO THE CONTINUATION OF THE TREATMENT OF CAZENOVIA LAKE FOR THE ERADICATION OF THE INVASIVE SPECIES EUROPEAN FROG-BIT (*HYDROCHARIS MORSUS-RANAE*)

WHEREAS, previously the Town of Cazenovia has determined that the protection and restoration of water quality, aesthetic conditions, recreational usage and the aquatic habitat of Cazenovia Lake and its surrounding area is in the best interest of the entire community with respect to environmental stewardship, cultural heritage and economic interest; and

WHEREAS, the Town of Cazenovia in previous years has authorized the treatment of the Lake and its surrounding areas to address the identified presence of the invasive species European Frog-bit (*Hydrocharis morsus-ranae*) which have presently been identified to be located in various portions of Cazenovia Lake and its surrounding shorelines; and

WHEREAS, the Town of Cazenovia has previously noted that this species is highly invasive and poses a threat to the Lake and to its uses; and

WHEREAS, the Town of Cazenovia has determined that the eradication of European Frog-bit (*Hydrocharis morsus-ranae*) can be accomplished through a combination of specially trained hired temporary workers and volunteers who will hand-pull plants from Cazenovia Lake; and

WHEREAS, the Town of Cazenovia Town Board previously authorized the creation of three temporary positions at a specified rate to assist in the hand-pulling of this invasive species; and

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Cazenovia hereby authorizes the appointment of Kelly Cardarella and Claire Ladd at an hourly rate of Fifteen and 00/100 Dollars (\$15.00) per hour for a maximum of 70 hours each for the project services relating to the eradication of the invasive species European Frog-bit (*Hydrocharis morsus-ranae*).

BE IT FURTHER RESOLVED that Town Board of the Town of Cazenovia hereby authorizes the appointment of William Snyder at an hourly rate of Twenty-one and 43/100 Dollars (\$21.43) per hour for oversight of the project relating to the eradication of the invasive species European Frog-bit (*Hydrocharis morsus-ranae*).

Roll call:

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

Supervisor Reger declared Resolution No. 82 adopted.

Supervisor Reger said they have been working very closely with Lauren Lines (Executive Director of CACDA) on a number of different grant applications. As a result of the DEC permit level changes, there are some significant upgrades that need to be made to the facility. The upgrades will be in the ballpark of 11 million dollars.

Resolution No. 83 presented by Councilor Race, seconded by Councilor Johnson

RE-AUTHORIZING THE TOWN OF CAZENOVIA SUPERVISOR TO EXECUTE THE APPLICATION DOCUMENTS AND GRANT MATERIALS IN SUPPORT OF THE IMPROVEMENTS TO THE TOWN OF CAZENOVIA WATER POLLUTION CONTROL FACILITY AND TO UNDERTAKE SAID IMPROVEMENTS

WHEREAS, the Town of Cazenovia has previously determined to construct improvements to the Town of Cazenovia Water Pollution Control Facility (“Town of Cazenovia WPCF”) located at 4500 Route 13 North in the Town of Cazenovia by utilizing financing from various sources, including the Water Infrastructure Improvement Act (WIIA) Grant Program and Water Quality Improvement Project (WQIP) Program through the New York State Department of Environmental Conservation (“NYSDEC”), the Clean Water State Revolving Fund (CWSRF) through the New York State Environmental Facilities Corporation (“NYSEFC”), the Water and Waste Disposal Loan & Grant through the United States Department of Agriculture Rural Development (“USDA RD”), the Pro-Housing Capital Grant from NYS Empire State Development (“ESD”), as well as funds previously authorized by bonding and any other identified funding sources; and

WHEREAS, the Town of Cazenovia Town Board previously authorized the engagement of GHD to provide assistance to the Town to study and recommend improvements to the Town of Cazenovia WPCF as consulting engineers; and

WHEREAS, the improvements to the Town of Cazenovia WPCF shall consist of rehabilitation of the systems’ existing final settling tanks, the addition of one (1) new final settling tank, construction of new primary settling tanks and the addition of UV disinfection improvements, along with other necessary appurtenances; and

WHEREAS, the current identified sources of financing for the proposed \$11,850,000 project include grant monies of approximately \$3,000,000 from the above-referenced granting authorities (NYSDEC, NYSEFC and USDA RD), \$1,000,000 from the North Border Regional Commission, \$1,000,000 from Congressionally Directed Spending, \$3,000,000 from the Pro-Housing Communities Capital Grant, as well as amounts previously authorized by Bond Resolution; and

WHEREAS, GHD has prepared and is preparing the documents necessary to re-submit applications to the various funding sources.

NOW THEREFORE, BE IT RESOLVED that the Town of Cazenovia Town Board hereby authorizes Town Supervisor Kyle Reger to execute the application forms and other necessary documents for consideration of funding opportunities to the NYSDEC, NYSEFC, USDA RD and ESD, as well as any other applicable sources, and such supporting information as is necessary without further resolution; and it is further

RESOLVED that the Town of Cazenovia Town Board authorizes the submission of the application and ancillary documentation to all identified funding sources; and it is further

RESOLVED that the Town of Cazenovia Town Board hereby authorizes the proposed improvements, as described in this resolution, subject to the above financing and additional procedures as identified by the Town’s legal counsel.

Roll call:

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

Supervisor Reger declared Resolution No. 83 adopted.

Supervisor Reger mentioned the WIIA grant will be for the infrastructure of the Mt. Pleasant Water District which will be Phase II of the project.

Resolution No. 84 presented by Councilor Race, seconded by Councilor Fallon

RE-AUTHORIZING THE TOWN OF CAZENOVIA SUPERVISOR TO EXECUTE THE APPLICATION DOCUMENTS AND GRANT MATERIALS IN SUPPORT OF IMPROVEMENTS TO THE MT. PLEASANT WATER DISTRICT AND TO UNDERTAKE SAID IMPROVEMENTS

WHEREAS, the Town of Cazenovia previously determined to construct improvements on behalf of the Town of Cazenovia Mt. Pleasant Water District, which improvements would consist of the replacement of all of the existing 4,600 feet of 6-inch and 8-inch water main and valves with new ductile iron piping and appurtenances within the Town Highway rights-of-way relating to the existing system, to replace all of the 24 existing water service connections to the edge of the

rights-of-way with new ¾-inch copper, and placement of a curb stop which will be connected to the existing service on private property (the “Improvements”); and

WHEREAS, the Town of Cazenovia has previously submitted two (2) applications (2022 and 2023) for grant funding through the New York State Environmental Facilities Corporation (“NYSEFC”) Grant Program relating to said Improvements of the facilities; and

WHEREAS, the Town was denied said funding for said Improvements to the Mt. Pleasant Water District; and

WHEREAS, the Town Board has learned that additional funding opportunities are currently available for the proposed Improvements project; and

WHEREAS, a plan for financing has been identified for the project which is anticipated to cost \$750,000, of which the Town will commit/match approximately \$300,000 by way of \$113,000 from the District Fund Balance and \$204,848 of available American Rescue Plan Act (“ARPA”) Funds; and

WHEREAS, the Town will also seek additional funding opportunities through all available sources to support the proposed Improvements without further resolution; and it is further

RESOLVED that the Town of Cazenovia Town Board authorizes the submission of the application and ancillary documentation to all identified funding sources, including the WIIA Grant (in the requested amount of up to \$450,000 through the NYSEFC; and it is further

RESOLVED that the Town of Cazenovia Town Board hereby authorizes the proposed Improvements, as described in this resolution, subject to the above financing and additional procedures as identified by the Town’s legal counsel.

Roll call:

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

Supervisor Reger declared Resolution No. 84 adopted.

Resolution No. 85 presented by Councilor Race, seconded by Councilor Golub

RE-AFFIRM THE CLIMATE SMART COMMUNITIES TASK FORCE AND APPOINT A CLIMATE SMART COMMUNITY COORDINATOR

WHEREAS, the Town of Cazenovia believes that climate change poses a real and increasing threat to our local and global environment, which is primarily due to the burning of fossil fuels; and

WHEREAS, previously, the Town of Cazenovia Town Board adopted the Climate Smart Pledge on April 13, 2009 becoming a Climate Smart Community; and

WHEREAS, the Town Board of the Town of Cazenovia recognizes the need to create a team of local officials, professionals and stakeholders that can promote and support the plans, policies and programs that are part of a Climate Smart Community and are necessary in achieving the Climate Smart Community Certification; and

WHEREAS, the Town Board established a Climate Smart Communities Task Force in 2019; and

WHEREAS, the purpose of the team was to serve as a central body of leadership that promotes and supports climate mitigation and adaptation in the community. The CSC task force serves as an advisory committee that advises and collaborates with local government to accomplish plans, programs and activities that are part of the CSC Certification program; and

WHEREAS, the CSC Task Force is tasked with meeting at least twice a year and maintaining meeting minutes and attendance records for each meeting; and

WHEREAS, the Task Force will have a CSC Coordinator who is responsible for convening and managing the task force as Chair, serving as a liaison between the CSC task force and the Chief Executive Officer and other officials, and interfacing with the New York State Department of Environmental Conservation on the CSC program as needed.

NOW, THEREFORE, it is RESOLVED AND DETERMINED, that the Town of Cazenovia Town Board hereby re-affirms the task force which shall consist of five members including the CSC Coordinator.

BE IT FURTHER RESOLVED, the Task Force will consist of the following people: Town Board Members, Jimmy Golub; Kelli Johnson, CACDA Executive Director, Lauren Lines, U-CAN members Laurie Dudley and Geoffrey Navias. Councilor Kelli Johnson shall serve as CSC Coordinator of said Committee.

Roll call:

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

Supervisor Reger declared Resolution No. 85 adopted.

Resolution No. 86 presented by Councilor Race, seconded by Councilor Golub

AUTHORIZING THE TOWN OF CAZENOVIA’S PARTICIPATION IN THE NEW YORK COMMUNITY SOLAR SUBSCRIPTION PROGRAM THROUGH NYSERDA AND SOLAR SIMPLIFIED

WHEREAS, the Town of Cazenovia is a Climate Smart Community and previously achieved the status of bronze level through the New York State CSC Certification Program; and

WHEREAS, the Town Board continuously strives to find ways to reduce greenhouse gas emissions and prepare for the effects of climate change; and

WHEREAS, the Town Board explored community solar and found it to be an avenue to reduce the carbon footprint for Town-owned (commercial-sized) properties; and

WHEREAS, community solar will allow the Town to take advantage of local solar power and save up to ten percent on the various electricity accounts for town properties; and

WHEREAS, this action is recognized by the CSC Certification Program and will aid the Town of Cazenovia in the re-certification of its bronze-level status; and

WHEREAS, Solar Simplified, a community solar company, presented the Town with an overview of their program and its benefits; and

WHEREAS, the Town Board is interested in enrolling in Solar Simplified’s program which will also open up potential opportunities for grant funds through various sources including NYSERDA; and

WHEREAS, the determination to participate in the Program is deemed a Type 2 action for purposes of the State Environmental Quality Review Act such that no additional environmental review is necessary.

NOW THEREFORE, BE IT RESOLVED and DETERMINED, the Town of Cazenovia Town Board authorizes the Town Supervisor to execute all necessary documentation to participate and enroll in the Solar Simplified, LLC community solar program, pending review by the Attorney for the Town.

Roll call:

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

Supervisor Reger declared Resolution No. 86 adopted.

Resolution No. 87 presented by Councilor Johnson, seconded by Councilor Golub

AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A LETTER OF INTENT FOR THE PRO-HOUSING CERTIFICATION

The Town Board of the Town of Cazenovia authorizes the Town Supervisor to execute the following Letter of Intent to the New York State Homes and Community Renewal for designation as a Pro-Housing Community. This designation will help the Town of Cazenovia for consideration of State-funded grant programs.

June 10, 2024

New York State
Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207
prohousing@hcr.ny.gov

Re: Town of Cazenovia Pro-Housing Certification

To whom it may concern:

Thank you for the opportunity to submit a Letter of Intent for the Pro-Housing Communities Program. The Town of Cazenovia looks forward to participating in this program.

Sincerely,

Kyle Reger, Supervisor
Town of Cazenovia

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

Supervisor Reger declared Resolution No. 87 adopted.

Resolution No. 88 presented by Councilor Race, seconded by Councilor Fallon

**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
Elected Officials					
Town Supervisor	6	Kyle M. Reger	01/01/2024- 12/31/2027	17.75	Bi-Weekly

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

Supervisor Reger declared Resolution No. 88 adopted.

Resolution No. 89 presented by Councilor Race, seconded by Councilor Fallon

AUTHORIZE DISPOSAL OF OBSOLETE EQUIPMENT

<u>Item</u>	<u>Manufacturer</u>	<u>Model</u>	<u>Serial #</u>	<u>Name</u>
Monitor	Acer	H274HL	ETLTAOW01023004BC94350	Supervisor's Assistant
24-Port GB Switch	Belkin	F505141-24	47A35000293	Town Office
Fax Machine	Brother	Intell; Fax 2820	U61325G1N891637	Town Office
External Hard Drive	Rocket Fish	RF 3.5" SATA HD Enclosure Kit RF-AHD35	None	Highway Dept.
Laptop	Dell	Latitude 5480	85936S2	Bookkeeper
Computer	HP Elitedesk	800 G3 SFF	2UA74716FJ	Deputy Clerk
Computer	HP Elitedesk	800 G3 SFF	2UA74716FK	Town Clerk
Keyboard	Logitech	Y-R0067	1938SYOA1HK8	Supervisor's Assistant
Computer	HP Compaq	500 BMT	MXL028IN8G	Highway Dept. (water)
Printer	HP Officejet Pro	K550	MY72C712T1	Codes Enforcement
Drafting Lamp	Not Stated	Very Old	N/A	Town Office
Battery Backup & Surge Protector	APC	Back-UPS 550	4B1505P39280	Supervisor's Assistant
Battery Backup & Surge Protector	APC	Back-UPS 550	4B1218P42658	Deputy Clerk
Battery Backup & Surge Protector	APC	Back-UPS 550	4B1524P24931	Town Clerk
External Hard Drive	Western Digital	My Passport Ultra	WXD1A36C68NY	Deputy Clerk
Shredder	Fellowes	99CI	160104AB0185906	Town Office
Printer	HP Color Laser Jet	Pro M479FDW		Highway Dept.
Adding Machine	Canon	MP25DV	3085543	Town Clerk
Multimedia Speaker System	Kinyo	PA-230	0040049	Town Office
Digital Voice Recorder	Olympus	DS-2	N4123	Deputy Clerk
Cordless Mouse & Keyboard Receiver	Logitech	C-SF17	LNA45233817	Town Office
Keyboard	Logitech	Y-RQ57	SCC50911150	Town Office
Cordless Mouse	Logitech	M-RR95	LZC485112731	Town Office
Mouse	Spare	P801	CD9600305690	Town Office
Keyboard	Logitech	Y-R0009	1736SY04A068	Town Clerk
Monitor	HP Pro Display	P232	6CM7120W7Q	Deputy Clerk
Monitor	HP Pro Display	P232	6CM7140CNP	Town Clerk
Monitor	HP Pro Display	P232	6CM7140CNJ	Town Clerk

Equipment will be taken to Madison County for hard drive cleaning before disposal.

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

Supervisor Reger declared Resolution No. 89 adopted.

Resolution No. 90 presented by Councilor Race, seconded by Councilor Fallon

**AUTHORIZE A CREDIT TO USER’S ACCOUNTS
OF THE WATER POLLUTION CONTROL FACILITY**

To authorize the Sewer Billing Clerk to issue a credit for the penalty incurred in the amount shown to the following accounts of the Water Pollution Facility:

- Heffernan, Patricia
Service ID: 3540 (16 Corwin Street) \$ 17.50 Credit
- Garay, Patricia
Service ID: 9206 (8 South Meadow Drive) \$ 17.50 Credit

Roll call:

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

Supervisor Reger declared Resolution No. 90 adopted.

Attorney's Report:

John Langey, Esq. reported the final steps were completed this evening in relation to the local law on cell tower communications which was a Town Board and community collaboration. He said a Wind-Energy Committee will meet for the first time tomorrow morning to review those regulations. This will be a lengthy process and the Committee anticipates meeting every two weeks. Councilors Johnson and Golub will be the representatives from the Town Board on this Committee. He said the Planning Board just completed their review of the solar project. Now, those applicants will move to the Zoning Board of Appeals for a special use permit. He mentioned the Planning Board did a great job on this 5-megawatt project. He mentioned there are several larger renewable energy projects that are “knocking on the door” of the Town.

John Langey responded to a question regarding the review process for renewable energy projects. He explained with these types of uses for solar and wind, the Planning Board and Zoning Board of Appeals each review from their unique perspective. Typically, the Planning Board does the “heavy lifting” on this type of application and this is how it worked for the previous application on Barrett Road. Then, it will transition to the Zoning Board of Appeals so they can review and comment on the application. He said the recent approval from the Planning Board consisted of a lengthy resolution with multiple conditions. The conditions are designed to strike a balance with the community and the project sponsor. It is a good idea for both the Planning Board and Zoning Board of Appeals to review the application and the Planning Board seems like the logical starting place.

Supervisor's Report: *Reported he was engaged with all the items before the Town Board this evening. The Town Comprehensive Plan is making good progress. The second public information hearing was two weeks ago. He encouraged everyone to go to the stand-alone website for the Comprehensive Plan. The public comment period will be left open for the remainder of the month. He said there is a QR Code you can scan with your phone. He encouraged feedback and said there will be copies at the Town Office, New Woodstock Library and Cazenovia Public Library. On another note, he said the Town Board did the road tour and it was good to see the upcoming projects. He thanked Bryan Smith and Evan Spaulding, Highway Superintendent and Deputy Superintendent for giving the tour. He said this past month has been tremendous with the volume of work the whole team has encountered. He thanked everyone at the table for their efforts, as well as the staff. Lastly, he mentioned Maureen Fellows, Village Trustee, just had her final Village Board meeting last week. He said he had the privilege of working with her for five years and she has been an excellent resource and asset for our community. He congratulated and thanked her for all her service throughout the years.*

Supervisor Reger said treatment of Cazenovia Lake will occur on June 12-13, 2024 with a rain date of June 14, 2024. He stated there was an issue with the applicator boat so it had to be postponed.

Councilor Golub said harvesting will be delayed for 10 days.

(Office Hours): June 29, 2024 10 a.m.-1:00 p.m.

Councilor Race (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported construction season has started. Owahgena Road and West Lake Road have been milled and prepared for re-surfacing. He said they also plan on doing a project on Michigan Road, as well as the Ridge Road project. Everything else is running smoothly.*

Councilor Golub (Cazenovia Lake Association, Cazenovia Lake Watershed Council, Renewable Energy, UCAN, Future of the Town Office, Anti-racism Coalition): *Reported last week the cleaning station was delivered and it is now operational. He urged everyone to use the public boat launch at Lakeside Park, especially if it is a boat coming from another lake. He said if you live on the Lake [or in the Town of Cazenovia], there is no cost involved with utilizing the boat launch. On another front, he said he had a meeting with Solar Simplified and this will save the Town about 10% on its electricity. He said down the road it will entitle the Town to a \$ 60,000.00 grant. He said at the last CLA meeting, Jim Cunningham gave a presentation on sewer vacuum systems and septics and said it was very informative. Lastly, tomorrow the Committee will start on the wind law.*

Councilor Johnson (CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Renewable Energy & Future of the Town Office): *Reported a lot of the information from CACDA has already been shared at tonight’s meeting. She wanted to acknowledge a comment from Lauren Lines and said a lot of time goes into grants by the Town and Village staff. When it is time to work on the upcoming budget, additional staff to assist with the workload may need to be considered. On another note, she said on June 24th the beach will be open and registration is open for youth rec and people can register at cazrecdesk.com. She reported she had a conversation with Greg Molloy, Morrisville-Eaton Central School District Superintendent, and they started the discussion regarding students from their district being part of our recreation program. She lastly said they are thinking about resubmitting the grant for the Gothic Cottage this year.*

Councilor Fallon (Planning & Zoning, CACC, Shared Services & New York State Police): *Reported she has been attending the Planning Board and Zoning Board of Appeals meetings and is impressed by the members of both Boards and the work they do. She thanked everyone that worked on the cell tower law and shared it was a positive experience for her. The constituents that helped were very helpful, thorough and did a lot of research. She thought it was a wonderful conclusion that the information was reviewed, considered and incorporated into our law. She said the Major Renewable Energy Facility Committee will be meeting with the representatives from Fenner and Nelson so the towns are prepared for any upcoming projects.*

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

Public comment #2:

Anne Ferguson *inquired about the horse water troughs in the Town. She said the Town of Cazenovia owns two of them, one being on East Lake Road and the other on Number Nine Road. She said they were built in the early 1900’s and they are in disrepair. She stated last year, Cazenovia Heritage had a mason look at the fountains. The mason said it did not require a specialized skill. She proposed Cazenovia Heritage would be willing to pay for the cost in having them repaired and the labor involved. She inquired if the highway workers would be capable to undertake the project. Otherwise, she said Cazenovia Heritage will hire someone to do it. Carl Stearns offered to give specifications on the mortar and any oversight that might be needed. She said once they are repaired, flowers could be planted in them which would look nice for the Town.*

Councilor Race said it does not fall under the Highway Department, but he would be willing to take a look. He said if time is of the essence that could be a problem. He stated they could look at it in the Fall and might be able to get to it. He suggested she contact Bryan Smith, but didn’t promise there were any masons “in the house.”

Anne Ferguson *responded to a question and said she has talked to Lorenzo about the one at their site and there are discussions about moving it in front of the fountain in the Village.*

Anne Ferguson *inquired about the current status of the location of the Town Office and the preservation of the Gothic Cottage.*

Supervisor Reger said they have been discussing this right along and talked to Lauren Lines recently about this because the grant application is due at the end of July.

Anne Ferguson reported Cazenovia Heritage recommended the engagement of a professional project manager to undertake the evaluation for the location of the Town Offices. She felt the project manager would evaluate what the requirements should be and could undertake a formal evaluation of the four options which she believed were still on the table. She reminded Supervisor Reger, last January, he suggested if the Town Office was to move off-site a study should be done to determine the future use of the Gothic Cottage. She felt a consulting firm could do both projects. She said there is almost \$ 900,000.00 in the reserve fund for the future of the Town Offices and she felt this project would be an appropriate expenditure of these funds. She said it has been nearly 17 years discussing what should be done at the Gothic Cottage. She expressed her frustration with the lack of a project management structure or a committed project plan to

discuss. She felt the Town Board has a full plate and the Board does not have the capacity to undertake these projects to execute them and get them done. She said when there are new Board members every two to four years that adds to the “stops and starts” along the way and changes in scope. She thought there was a large gap between intention and action. She said in the seventeen years, there still is not a written set of agreed upon requirements by the Board that has received public input. She thought that was required before a decision can be made. She said it has been ten months since the Board “killed” the grant application that would have provided funding for the preservation of the Gothic Cottage. She was curious if last year’s data was being used, if the application were to be resubmitted. She felt it was embarrassing that it has been this long and would be even more embarrassing not to do anything this year. She respectfully asked for it to be on the agenda for July to hire or engage an RFP to hire an professional project management consultant to get these two projects done.

Will Shamblen *inquired what equipment was being disposed of in the resolution.*

Connie Sunderman, Town Clerk, said it is all the obsolete computer equipment. The Town has a five-year rotation schedule for their computers and the Town Board has to authorize the disposal of equipment. She explained anything with a hard drive has to be wiped and then sent to LoJo’s Technology in Oneida.

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 Johnson to approve payment of the bills in the amount of \$ 262,059.91. Councilor Race recused himself from payment of the Suit-Kote invoice. Otherwise, the motion was unanimously approved.

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

At 8:16 p.m. p.m., Supervisor Reger declared this meeting adjourned.

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