

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on April 2, 2019 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Ms. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Ms. Patricia Dickman	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor

Absent/Excused: Mr. Claude Sykes Supervisor

Also present:

Mr. Kevin Gilligan	Town Attorney
Mr. Jason Hoy	Engineer
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Town Board Meeting on March 19, 2019:

074-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on March 19, 2019 as published.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Public Hearing on Local Law A-2019, Waterfront Overlay District:

075-19-000 MOTION BY Mr. Dudzinski, seconded by Ms. Dickman, to recess the regular meeting, open the public hearing and waive reading the legal notice published on March 24, 2019 in the *Post Standard*.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Ms. Sabin said this local law was introduced at the last meeting and is designed to protect views of the river for those with waterfront property. She said it prohibits structures within 150 feet of

the river unless a road intersects within that space and then it only applies to the portion adjacent to the river.

Ms. Sabin asked if anyone had any questions or wanted to speak in favor of the proposed local law. No one spoke.

Ms. Sabin asked if anyone wanted to speak against the proposed local law. No one spoke.

076-19-000 MOTION BY Mr. Tupper, seconded by Ms. Dickman, to close the public hearing and resume the regular meeting at 7:05 pm.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Consider adoption of Local Law A-2019 Waterfront Overlay District:

Ms. Sabin said the town has not received comments from the Onondaga County Planning Board yet so this adoption will need to be tabled to the next meeting.

Award bids on swimming pool rehabilitation:

Ms. Sabin said the lowest bid was from Patterson Stevens in the amount of \$134,000.00.

077-19-036 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to declare the swimming pool rehabilitation Type II under SEQRA with Town Board as lead agency and determine there will be no significant adverse environmental impact, add \$140,000 to the 2019 budget for account line A.7180.0411, Swimming Pool Repairs and award the bid for the swimming pool rehabilitation to Patterson Stevens in the amount of \$134,000.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Appoint Wendy Van Der Water as Town Councilor, term to expire 12/31/19:

Ms. Sabin said Mrs. Van Der Water was previously on the Board and her appointment will fill the vacancy left by Rick Zaccaria. Ms. Sabin said Ms. Van Der Water's previous experience will be an asset to the Board.

078-19-002 MOTION BY Ms. Lesniak, seconded by Mr. Dudzinski, to appoint Wendy Van Der Water as Town Councilor, term to expire 12/31/19.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve contract with International Union of Operating Engineers for 1/1/19-12/31/22:

Ms. Sabin said membership is voting on this proposed contract this week so the Board will wait for their approval. This item will be tabled to the next meeting.

Approve attendance of Clerk and Deputy Clerk at NYSTCA conference in Syracuse May 6 – 7th at a cost not to exceed \$450.00:

079-19-027 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve attendance of Clerk and Deputy Clerk at NYSTCA conference in Syracuse May 6 – 7th at a cost not to exceed \$450.00.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve Highway Superintendent attendance at Cornell Local Roads Highway School June 3 – 5th, \$110.00 registration fee plus lodging and meals not to exceed \$250.00

080-19-027 MOTION BY Mr. Dudzinski, seconded by Mr. Tupper, to approve Highway Superintendent attendance at Cornell Local Roads Highway School June 3 – 5th, \$110.00 registration fee plus lodging and meals not to exceed \$250.00.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve park attendant employment and salary:

081-19-038 MOTION BY Ms. Dickman, seconded by Ms. Lesniak, to approve Wayne Bailey as a park attendant at a rate of \$12.00 an hour effective April 3, 2019.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve demolition of 125 Peck Road by Crisafulli Trucking:

Ms. Sabin said this property was deemed unsafe in January and a hearing was held for the property owner who failed to attend. She said they were given until March to either repair or demolish the unsafe structure on the property and to date nothing has been done. She said at this time it is appropriate for the town to contract for the demolition and the amount will be placed on the taxes for the property. Ms. Sabin said the Board must also approve air monitoring and that cannot be done by same company that is doing the demolition.

082-19-001.1 MOTION BY Mr. Dudzinski, seconded by Ms. Van Der Water, to authorize the Deputy Supervisor to sign a contract with Crisafulli Trucking to demolish the structure at 125 Peck Road Ext in the amount of \$18,300.00 and approve payment for air monitoring in the amount of \$350.00.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve Policy Statement Regarding Future Telecommunication Technology Regulation and Permitting Within Town:

Mr. Gilligan said cell towers now transmit their signals using line of sight. He said the new technology of 5G wireless will use antennae placed on any poles, like a utility pole. He said the FCC has determined this new technology is more important than local interests and have left towns no ability to say “no” to this. He said the proposed policy statement for consideration tonight lays out regulations the town can impose regarding this new technology. He said it is mostly concerning criteria like camouflaging and location of the antenna and transmission boxes. He said it also lays out fees the town can impose on telecommunication companies who want to place them in the town.

083-19-052 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve the following policy statement:

WHEREAS, the Town of Van Buren has a review and permitting process to maintain the safety and general welfare of the public rights-of-way in Chapters 148 and 170 of the Town of Van Buren Town Code; and

WHEREAS, the Town of Van Buren has established a permitting process for telecommunication installations in Chapter 200-32 of the Town of Van Buren Town Code; and

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

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

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

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

WHEREAS, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting processes outlined in Chapters 148, 170 and 200 emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that statute may be necessary to continue to pursue the intentions of that statute as new technology is proposed to be installed within the Town; and

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

NOW THEREFORE, BE IT RESOLVED that no other agency has the legal authority to adopt the proposed resolution in the Town of Van Buren, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect on the environment, thus

concluding the environmental review under the State Environmental Quality Review Act; and be it further

RESOLVED that the Town of Van Buren hereby reserves the right to further define “small commercial wireless facilities,” which are defined, in part, by the Declaratory Ruling and Third Report and Order (“Order”) issued by the Federal Communications Commission (“FCC”) as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider requiring permit review and approval pursuant to Chapters 148, 170 and 200, as such now exists, or as may be modified by local law in the future; and be it further

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

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

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

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

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

- (8) The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

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

RESOLVED that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of Van Buren, as may be necessary to assist in the review of such permits as are currently outlined in Chapters 148, 170 and 200, or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

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

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

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

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Dickman welcomed Ms. Van Der Water to the Board and said she is looking forward to working with her.

Ms. Dickman said she attended the electronics recycling event at the Fairgrounds over the weekend. She said it was very well attended and noticed much less crowded after 11:00 am.

Ms. Dickman said there is an informational meeting on Solar Energy at Canton Woods on April 8th at 1:30 pm.

Highway Superintendent Comments: None

Supervisor Comments:

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Ms. Sabin said the Onondaga County Legislature approved the transfer of Syroco to Ranalli Restoration Project LLC to redevelop the plant that is currently not in use.

Ms. Sabin said the Onondaga County Executive has issued a statement encouraging all residents to complete their 2020 Census forms. In particular, the income portion, because that information is what is used when designating the areas for the Community Development Block Grants.

Ms. Sabin said Assemblyman Magnarelli has sent a letter to the NYSDOT requesting an update on the traffic signal study for Downer Street and Rt. 690. He also asked for the Rt. 48 paving project to be expedited.

Engineer Comments:

Mr. Hoy said Mr. Foster asked him to inform residents that lawn repairs from winter plowing will start tomorrow. He expects them to take about 3 – 4 weeks to be completed. If your lawn has not been repaired by then please contact the department.

Attorney Comments: None

Citizen Comments: None

084-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board Meeting on April 16, 2019 at 7:00 pm.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Meeting closed 7:32 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 4/3/19

