

A Public Hearing was held by the Village Board of Trustees on September 7, 2017, to hear comments regarding an application of Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a/ Verizon Wireless for a Special Use Permit to construct and operate a stealth wireless communications facility in the steeple of the existing building at 17 West Genesee Street.

Members Present: Mayor Dick Clarke
Trustee Mark Wilder
Trustee Ruth Cico
Trustee Bruce Stebbins
Trustee Megan O'Donnell
Trustee Mike Shepard

Others Attending – Attorney Bob Baldwin; Code Enforcement Officer Gregg Humphrey; Village Clerk Maureen Butler; Treasurer Anna Custer; Engineer Steve Darcangelo; Chief of Police Mike Lefancheck; Diane Trimble; Nathan Vander Wal, representative from Nixon Peabody, LLP; Colin Fazio; Lawrence Lundgren; Chuck Brody; Andrew Millard and Joe Loffredo, representatives from the Public Access Channel.

The Public Hearing was called to order at 7:30 p.m. by Mayor Clarke and the Pledge of Allegiance was recited.

Comments in favor of the proposal:

Attorney Nate Vander Wal, from Nixon Peabody, LLP, representing Verizon Wireless, gave highlights of their plight to install a cell tower at 17 West Genesee Street. Verizon Wireless is required to monitor existing coverage and anticipate an increase in customers. It was discovered that there is a network issue in Baldwinsville and the surrounding area. The three current cell tower sites are running at capacity. Therefore, another tower is needed. An available location is the steeple at the Methodist Church located at 17 West Genesee Street. Verizon Wireless had presented a site plan to the Planning Board that was originally turned down due to the equipment location on Charlotte Street. The rejected plan was revised by Verizon and was once again turned down by the Planning Board. A new plan with a different location (southwest corner of the parking lot) was subsequently presented and approved by the Planning Board with two conditions. The first condition is to change the proposed diesel fuel generator to a natural gas generator. Verizon concurred with this change and has revised the project plan to reflect this change. The second condition is to incorporate a portion of the prior second plan into the new plan by installing a sidewalk along the southern boundary of the Church, in an area that is not being affected by the project. Verizon believes that while a municipality is authorized to impose reasonable conditions on an approval of a Special Use Permit, no such reasonable conditions exist. Verizon states that the requested sidewalk area is no longer relevant to the new location and that the request is improper. Therefore, Verizon asks for the approval of the Special Use Permit excluding the sidewalk requirement. If the Village Board feels that this condition is reasonable and requires the sidewalk condition Verizon asks that the writing be revised to state that Verizon will pay the village for the sidewalk installation and not do it themselves.

The ARB also recommended that the Special Use Permit be granted with those conditions.

Attorney Baldwin asked Vander Wal for confirmation that because of the type of facility there would be no co-location unlike a tower. Vander Wal believed this is the case because in essence it is a co-location in itself.

Comments against the proposal: there were none.

Resolution #110/2017 Motion by Trustee O'Donnell, second by Trustee Wilder
Resolved that the Public Hearing be adjourned and closed @ 7:45 p.m.

Carried

Respectfully submitted,
Maureen Butler
Village Clerk

**Minutes of the Meeting of the Village Board of Trustees held at 7:45 p.m. at Village Hall,
16 West Genesee Street, Baldwinsville, NY.
September 7, 2017**

Resolution #111/2017 Moved by Trustee Shepard, second by Trustee Cico
Resolved that the minutes from the Village Board meeting of August 17, 2017, be approved.

Carried

Citizen's Comments

There were none.

Trustee's Comments

Trustee O'Donnell added Item G. to the agenda – motion to appoint Gregg Humphrey as inspector and Steve Darcangelo as engineer to inspect unsafe properties at 8, 10, 12, 14, 17 1/2 Wood Street and 7 Water Street. Humphrey and Darcangelo will then make a report to the village board and notify property owners to hire their own inspectors and have them make reports also.

Trustee Cico relayed to the viewing audience that the Christmas Tree Lighting will be held on November 25th and to save the date.

An executive session regarding a contractual issue was added as Item H. by Trustee Wilder.

Mayor's Comments

Mayor Clarke noted:

- that the Shacksboro Book Sale is being held September 7th – September 11th.
- that the 1977-1981 Baldwinsville wrestling teams will be honored by the Syracuse Hall of Fame on October 16, 2017, at the Oncenter.
- that the last day to revise a municipality's shared services proposal is Friday, September 8, 2017. On Wednesday, September 13th there will be a vote to accept the plan.
- that the Heartland Passage tour celebrating the bicentennial of the Erie Canal will be held at Mohegan Manor on Saturday, September 23rd.

Department Heads

Attorney Bob Baldwin added an executive session regarding proposed litigation to the agenda as Item I.

Code Enforcement Officer Gregg Humphrey updated the board:

- that Phase I at the Landings at Meadowood has been completed.
- that property owners in the business district have been notified about their unsafe sidewalks and repair has begun.
- that he (village) has been given access to the foreclosure database that New York State has started in order to confirm that the banks are maintaining their foreclosure properties. Some of the properties that Humphrey has identified are on the database and he will be adding those that are not. This database will help the village identify which banks are handling the foreclosures.

Village Clerk Maureen Butler made the following announcements on behalf of Ruth Troy and the Canton Woods Senior Center:

- September is National Senior Center Month; the theme for 2017 is *Senior Centers: Masters in Aging!*

- Walk for the Woods is Saturday, September 16th at 9:00 a.m., rain or shine. If interested, you can register at Canton Woods or on the village's website.
- A flu shot clinic will be held on Friday, September 22nd from 10:00 a.m. – 11:30 a.m. Please remember to bring your insurance card.
- For a listing of other special events planned for National Senior Center Month go to www.baldwinsville.org for the newsletter or stop by Canton Woods.

Treasurer Anna Custer noted that the bond funding in the amount of \$262,000.00 has been received. Invoices for the specified bond funding can be submitted for payment.

Engineer Steve Darcangelo stated that he would like to review the list of shared services prior to it being sent in.

Police Chief Mike Lefancheck said that due to the success of the drop off receptacles for prescription drugs and needles located in Village Hall a new schedule has been put in place to empty the receptacles.

Pending Business

- **Waiver of penalty for Fobes Island Development**

Nothing new at this time.

- **Re-adoption of previous resolutions**

Resolution #112/2017 Moved by Trustee Stebbins, second by Trustee Wilder
Resolved to receive the bids for the 2017 Sidewalk Replacement Project #7 on Tuesday, August 22, 2017, at 2:00 p.m.
Carried

Resolution #113/2017 Moved by Trustee Stebbins, second by Trustee Wilder
Resolved to award the 2017 Sidewalk Replacement Project #7 contract to Concrete Slipform, Inc. for a total bid price of \$261,700.00 as bid on Tuesday, August 22, 2017.
Carried

- **Proposal for PMI security deposit refund**

Resolution #114/2017 Moved by Trustee Shepard, second by Trustee O'Donnell
Resolved to approve a proposal with Eric Binion that the rental fee of \$2,000.00 from his cancelled Tuesday, August 1, 2017, Paper Mill Island event will be split/refunded as follows: \$750.00 - refunded to Eric Binion/After Dark Productions; \$750.00 - guaranteed reservation date to be used in 2018; \$500.00 - Village to retain this portion of the canceled reservation fee.
Carried

Trustee Shepard discussed the proposal with Eric Binion and he was in agreement. Binion, at the request of the board, sent a detailed list of the issues that he has had with the rental of Paper Mill Island.

- **Special Use Permit – Verizon Wireless – 17 West Genesee Street**

Resolution #115/2017 Moved by Trustee Stebbins, second by Trustee O'Donnell
Resolved to approve an application of Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a/ Verizon Wireless, for a Special Use Permit to construct and operate a stealth wireless communications facility in the steeple of the existing building at 17 West Genesee Street in the Village of Baldwinsville, New York, subject to conditions as set forth with a change in Section 2, item B. to reflect that a sidewalk will be constructed by the village with costs incurred by the applicant.
Carried

After reviewing the July 25, 2017, recommendation from Jamie Sutphen, Village of Baldwinsville Planning Board Attorney, the board discussed and approved the Special Use Permit with the following conditions:

1. the outside equipment must run on gas, not diesel;
2. a sidewalk conforming with village sidewalk standards shall be installed by the applicant on Charlotte Street as same was shown on the prior presented plan;
3. if the Village Board approves the Special Use Permit with the conditions listed, the applicant need not return to the Planning Board; rather, the Village Engineer will review the final technical engineering details for the improvements, site and sidewalk to be conformed with village standards.

Village Attorney Bob Baldwin answered Trustee Stebbins' concerns regarding the approval of the site plan by stating that the site plan approval is within the approval process for the Special Use Permit. When asked about the legality of having the approval contingent on the sidewalk construction condition Attorney Baldwin assured Trustee Shepard that this condition is not out of the ordinary in this village. The Village's 2006 Central Business District Strategic Development Plan by EDR stated that the village has to concentrate on walk routes by constructing and expanding pedestrian traffic in the village. The street in which the church is located was mentioned specifically.

Baldwin also reminded the applicant that proof of insurance is required.

Church trustee Jeff Connor relayed to the board that due to the Church's use of that area they do not want curbing to be installed.

Attorney Nate Vander Wal, from Nixon Peabody, LLP, representing Verizon Wireless, asked for an estimate for the sidewalk and a copy of the resolution to give to Verizon.

New Business

- **Loan documents – Solvay Bank – Patrol Cars**

Resolution #116/2017 Moved by Trustee Shepard, second by Trustee O'Donnell

Resolved to authorize the mayor to sign the loan documents from Solvay Bank to purchase four police vehicles in the amount of \$167,082.04 over the next four years (\$44,681.18 per year). This is a budgeted item.

Carried

- **Settlement Agreement – PBA Charge**

Resolution #117/2017 Moved by Trustee O'Donnell, second by Trustee Shepard

Resolved to authorize the mayor to sign the Settlement Agreement with regard to the filed PBA *Improper Practice Charge*, PERB #U-35625, alleging violations of the collective bargaining agreement for the period of March 1, 2014 through February 28, 2017.

Carried

- **Surplus Declaration**

Resolution #118/2017 Moved by Trustee O'Donnell, second by Trustee Stebbins

Resolved to declare forty (40) dining chairs at Canton Woods Senior Center as surplus.

Carried

- **Resignation – Trustee Rick Presley**

Resolution #119/2017 Moved by Trustee Stebbins, second by Trustee O'Donnell

Resolved to approve, with regret, the resignation of Trustee Rick Presley from the Board of Trustees, effective September 1, 2017.

Carried

- **Surplus Declaration**

Resolution #120/2017 Moved by Trustee Wilder, second by Trustee Stebbins

Resolved to declare the 2008 Ford Crown Victoria water department car with 108,216 miles as surplus. This vehicle will be sold for scrap value.

Carried

- **Issuance of \$261,700.00 Bond – 2017 Sidewalk Replacement Program #7**

Resolution #121/2017 Moved by Trustee O'Donnell, second by Trustee Wilder
Resolved to authorize the issuance of a \$261,700.00 Statutory Installment Bond to finance the cost of the 2017 Sidewalk Replacement Program #7.

Carried

- **Abandoned Properties**

Resolution #122/2017 Moved by Trustee Wilder, second by Trustee O'Donnell
Resolved to appoint Gregg Humphrey as inspector and Steve Darcangelo as engineer to inspect unsafe properties at 8, 10, 12, 14, 17 1/2 Wood Street and 7 Water Street. Humphrey and Darcangelo will then make a report to the village board and notify property owners to hire their own inspectors and have them make reports also.

Carried

- **Executive Session-No Anticipated Action**

Resolution #123/2017 Moved by Trustee Shepard, second by Trustee O'Donnell
Resolved that the board retire into two executive sessions, one for a contractual issue and the other for proposed litigation at 9:00 p.m.

Carried

Resolution #124/2017 Moved by Trustee O'Donnell, second by Trustee Shepard
Resolved that the board returned from executive session at 9:25 p.m.

Carried

- **Motion to pay bills as audited**

Resolution #125/2017 Moved by Trustee O'Donnell, second by Trustee Cico
Resolved to pay the bills from their proper accounts, after audit.

Abstract #13

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|-----------------------|-----------------|----|-----------|
| • General Fund Checks | #42992 - #43050 | \$ | 35,270.21 |
| • Water Fund Checks | #24187 - #24203 | \$ | 11,963.22 |
| • Sewer Fund Checks | #23422 - #23425 | \$ | 385.82 |
| • Bond 17-18 Project | #1001 - #1009 | \$ | 9,253.63 |

Carried

- **Adjournment**

Resolution #126/2017 Moved by Trustee O'Donnell, second by Trustee Wilder
Resolved that the meeting be adjourned at 9:26 p.m., until the next village board meeting, at Village Hall on September 21, 2017, beginning at 7:30 p.m.

Carried

Respectfully submitted,

Maureen Butler
Village Clerk of the Village of Baldwinsville

RESOLUTION

A resolution approving the application by Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless for a Special Use Permit to authorize Verizon Wireless to construct and operate a stealth wireless telecommunications facility in the steeple of the existing building and install related equipment at the property located at 17 West Genesee Street in the Village of Baldwinsville, New York, subject to conditions as set forth.

The Board of Trustees of the Village of Baldwinsville (hereinafter "Board"), duly convened, does hereby resolve as follows:

Section 1. Pursuant to, and in accordance with, the provisions of the Wireless Telecommunications Facilities Siting Law for the Village of Baldwinsville (the "Siting Law"), the Board hereby finds and determines as follows:

Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless (hereinafter "Applicant") has filed an application (hereinafter "Application") with the Board for a Special Use Permit for a Wireless Telecommunications Facility (hereinafter "Special Use Permit") to authorize Applicant to install and operate a stealth wireless telecommunications facility and related equipment (hereinafter "Project") in an existing building located on property (hereinafter "Property") situated at 17 West Genesee Street in the Village of Baldwinsville, New York (hereinafter the "Village") owned by First United Methodist Church of Baldwinsville and leased to Applicant.

A. On August 3, 2017, the Board, acting as lead agency, conducted an uncoordinated environmental impact review, pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder, and determined that the Project will not have a significant adverse impact upon the environment and issued a Negative Declaration.

B. General Municipal Law section 239-M requires certain Special Use Permit applications to be referred to the County Planning Agency for recommendation before final action on the Special Use Permit is taken by the Board. As a result, the Board referred the Special Use Permit application to the County Planning Department and has received a recommendation that the matter involves a matter of local concern.

C. The Applicant has provided the detailed explanation required showing why location of the facility at an existing tower or structure on Village owned property is not feasible.

D. Based on the substantial evidence presented, the Board finds that the Property is not visually intrusive, is in the best interest of the health, safety and welfare of the Village and its inhabitants and will not have a deleterious effect on the nature and

character of the community and neighborhood.

Section 2. This Board hereby grants the Special Permit, subject to the following terms and conditions:

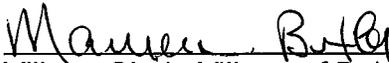
- A. The outside equipment shall be operated on natural gas and not diesel fuel.
- B. A sidewalk conforming with the Village sidewalk standards shall be installed by the Village with costs incurred by the Applicant on Charlotte Street as shown on the prior presented plan.
- C. The Applicant shall comply with the insurance requirements set forth in Code §345-103.
- D. The Planning Board, after having had the matter referred to them by this Board, having reviewed the complete site plan details, the matter does not need to be returned to that Board, however, any permits granted pursuant to this Resolution shall be subject to a final review by the Village Engineer with respect to technical engineering details for the improvements, and assurances that the site and sidewalk are in conformance with Village standards, to be constructed by the Village with the associated costs to be paid by the applicant.

Section 3. This Resolution shall take effect immediately.

CERTIFICATION

I, Maureen Butler, do hereby certify that I am the Clerk of the Village of Baldwinsville and that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Village of Baldwinsville Board of Trustees on September 7, 2017 at a meeting of said Board held at the Village Hall, 16 West Genesee Street, Baldwinsville, New York.

Dated: September 7, 2017



Village Clerk, Village of Baldwinsville,
Onondaga County, New York