



**Village of East Syracuse**  
 204 North Center Street, East Syracuse, NY 13057  
 Tel: 315-437-3541 Fax: 315-463-2150

**Mayor**  
 Robert T. Tackman

**Board Meeting**  
**January 6, 2020**

**Deputy Mayor**  
 Kimberly Liedka

**7:00 pm**

**Trustees**  
 Mary Albanese  
 Margaret Raesky  
 Dominic Celletti

**Minutes**

**Time: 7:11pm**

**Present:** Mayor Tackman, Deputy Mayor Liedka, Trustee Albanese, Trustee Celletti and Trustee Raesky

**Justice**  
 Joseph Zavaglia

**Absent:** None

**Manager/Clerk**  
 Michael Moracco

**Also Present:** DPW Superintendent Randy Hughson, Parks Director Tom Richardson, Village Manager/Clerk Michael Moracco, Deputy Clerk Patty McCarthy, Fire Chief Michael Cramer, Director of Codes Chris Shields, Village Attorney Robert Germain, Holly Glassford, Janet Mattox, Sally Seeley and Herb Schrayshuen.

**Parks & Recreation**  
 Thomas Richardson

**DPW Superintendent**  
 Randy Hughson

**Code Enforcement**  
 Christopher Shields

1. **Motion** by Trustee Albanese, seconded by Deputy Mayor Liedka to accept the following vouchers for payment from the Consolidated Fund Abstract, **vouchers numbered** 60846 through 60927 in the amount of \$113,127.32 .

**Fire Chief**  
 Michael Cramer

**Polling the Board**

**Mayor Tackman - Yes**  
**Deputy Mayor Liedka - Yes**  
**Trustee Albanese - Yes**  
**Trustee Celletti - Abstained**  
**Trustee Raesky - Yes**

**Motion Carried R-2020-001**

2. **Motion** by Deputy Mayor Liedka, seconded by Trustee Raesky to approve **Election Results. ATTACHED**

**Polling the Board: All in favor- Yes Motion Carried R-2020-002**

3. **Motion** by Trustee Albanese, seconded by Trustee Raesky to approve **Standard Work Day - Required Reporting Elected Officials.**

**Standard Work Day  
Required Reporting Elected and Appointed Officials**

ALL ELECTED OFFICIALS
Mayor
Deputy Mayor
Trustees
Judge

APPOINTED OFFICIALS (FULLTIME)
Village Clerk
Village Manager
Court Clerk
DPW Superintendent

APPOINTED OFFICIALS (PARTTIME)
Associate Justice
Treasurer

TITLE	NAME	CURRENT TERM	TIME KEEPING SYSTEM	STANDARD WORK DAY
Mayor	Robert T. Tackman	1/1/18 - 1/1/22	No	6
Deputy Mayor	Kimberly A. Liedka	1/1/18 - 1/1/22	No	6
Trustee	Marye. Albanese	1/1/18 - 1/1/22	No	6
Trustee	Margaret Raesky	1/1/20 - 1/1/24	No	6
Trustee	Dominic Celletti	1/1/20 - 1/1/24	No	6
Court Clerk	Bridget Albanese	1/1/20 - 1/1/21	Yes	8
DPW Superintendent	Randy Hughson	1/1/20 - 1/1/21	Yes	8
Village Clerk	Michael Moracco	1/1/20 - 1/1/21	Yes	8
Village Justice	Joseph J. Zavaglia	1/1/20 - 1/1/21	No	6
Associate Justice	Helena Glassford	1/1/20 - 1/1/21	No	6
Treasurer	Terry Knaflewski	1/1/20 - 1/1/21	Yes	8
Village Manager	Michael Moracco	1/1/20 - 1/1/21	Yes	8

must complete  
must complete

**Polling the Board: All in favor-Yes Motion Carried R-2020-003**

4. **Motion** by Deputy Mayor Liedka, seconded by Trustee Raesky to approve **Appointed Department Liaisons.**

**DPW - Trustee Celletti**

**Parks & Recreation - Trustee Albanese**

**Justice Court - Trustee Raesky**

**Fire Department - Deputy Mayor Liedka**  
**Village Office - Trustee Albanese**  
**Codes Enforcement - Deputy Mayor Liedka**  
**Police Commission - Mayor Tackman**  
**Town Board - Mayor Tackman**

**Polling the Board: All in favor-Yes Motion Carried R-2020-004**

5. **Motion** by Deputy Mayor Liedka, seconded by Trustee Albanese to schedule **Public Hearing on Monday February 3, 2020 at 6:30 pm** to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

**Polling the Board: All in favor - Yes Motion Carried R-2020-005**

6. **Motion** by Trustee Albanese, seconded by Deputy Mayor Liedka to schedule **Public Hearing on Monday February 3, 2020 at 6:31pm** to review 5-G Small Cell. **ATTACHED**

**Polling the Board: All in favor- Yes Motion Carried R-2020-006**

7. **Motion** by Trustee Albanese, seconded by Deputy Mayor Liedka to approve payment to **Public Sector HR Consultants** for \$7,726.65.

**Polling the Board:**

**Mayor Tackman - Yes**  
**Deputy Mayor Liedka- Yes**  
**Trustee Albanese-Yes**  
**Trustee Celletti - Abstained**  
**Trustee Raesky - Abstained**

**Motion Carried R-2020-007**

8. **Motion** by Trustee Albanese, seconded by Deputy Mayor Liedka to approve annual elevator service contract with **Otis** \$2576.88.

**Polling the Board:**

**Mayor Tackman - Yes**  
**Deputy Mayor Liedka - Yes**  
**Trustee Albanese - Yes**  
**Trustee Celletti - Abstained**  
**Trustee Raesky-Yes**

**Motion Carried R2020-008**

9. Motion by Deputy Mayor Liedka, seconded by Trustee Albanese to approve Laserfiche Software Program for records management and pay full installation payment of \$8,140.00 then \$2,592 annual payments.

Polling the Board:

Mayor Tackman - Yes  
Deputy Mayor Liedka - Yes  
Trustee Albanese- Yes  
Trustee Celletti - No  
Trustee Raesky - Yes

Motion Carried R-2020-009

10. Motion by Deputy Mayor Liedka, seconded by Trustee Albanese to approve Germain & Germain to serve as Village Attorney for one year.

Polling the Board: All in favor- Yes Motion Carried R2020-010

11. Motion by Deputy Mayor Liedka, seconded by Trustee Albanese to approve Arcadis as Village Engineer for one year.

Polling the Board:

Mayor Tackman - Yes  
Deputy Mayor Liedka - Yes  
Trustee Albanese- Yes  
Trustee Celletti - Abstained  
Trustee Raesky - Yes

Motion Carried R-2020-011

12. Motion by Deputy Mayor Liedka, seconded by Trustee Raesky to approve C&S Companies to provide engineering services in connection with the Village of East Syracuse Hanlon Pool facility for one year.

Polling the Board:

Mayor Tackman - Yes  
Deputy Mayor Liedka - Yes  
Trustee Albanese - Yes  
Trustee Celletti - Abstained  
Trustee Raesky-Yes

Motion Carried R-2020-012

13. Motion by Trustee Albanese, seconded by Trustee Raesky to approve F.J. Pompo & Company to perform an audit on the Village records for June 2019 to May 2020, and prepare the NYS OSC AUD.

Polling the Board:

Mayor Tackman - Yes

Deputy Mayor Liedka-Yes  
 Trustee Albanese - Yes  
 Trustee Celletti - Abstained  
 Trustee Raesky - Yes

Motion Carried R-2020-013

**14.Motion** by Trustee Albanese, seconded by Trustee Raesky to approve **F.J. Pompo & Company** to perform an audit on the Court records for June 2019 to May 2020.

**Polling the Board:**

Mayor Tackman - Yes  
 Deputy Mayor Liedka - Yes  
 Trustee Albanese- Yes  
 Trustee Celletti -Abstained  
 Trustee Raesky - Yes

Motion Carried R-2020-013

**15. Motion** by Trustee Celletti, seconded by Trustee Raesky to approve **Crowley Insurance** as insurance agent for the Village of East Syracuse for one year.

Polling the Board: All in favor - Yes **Motion Carried R2020-014**

**16. Motion** by Trustee Raesky, seconded by Trustee Albanese - To offer the following schedule of events for February Break 2020:

Monday, February 17<sup>th</sup> **Sky Zone** \$8.00 VR/\$10.00 NR

10:00 -11 :00

No transportation

Tuesday, February 18<sup>th</sup> **Bingo & Movie** Free

11:00-2:00

Village Office - 2<sup>nd</sup> Floor

Wednesday, February 19<sup>th</sup> **Parent Child Paint Da** \$5.00

10:30- 12:00

East Syracuse Elementary

Wednesday, February 19<sup>th</sup> **CNY Karate** Free

12:15-1:30

## East Syracuse Elementary

Thursday, February 20<sup>th</sup>     **Bowling- Rock & Bowl** cost is \$7.00

At Village Lanes

Ages 4-12

11:00 - 12:30

Friday, February 21<sup>st</sup>     **3 on 3 Basketball Tourney**

\$5 to Steve Graham

At ESE 1<sup>st</sup> - 5<sup>th</sup> grade

10:00 - 12:00

Friday, February 21<sup>st</sup>     **Intramurals & Pizza Party**

At ESE \$5 to Steve Graham

12:15 - 2:30PM

Polling the Board: All in favor - Yes **Motion Carried**     **R2020-015**

**Motion** by Trustee Albanese, seconded by Trustee Raesky to offer **Baby Sitting Course** during February Break.     \$50.00 - Paid Directly to Eaves  
February Break - Date TBA - Course conducted by EAVES.

Polling the Board: All in favor- Yes **Motion Carried**     **R2020-041**

**Motion** by Deputy Mayor Liedka, seconded by Trustee Albanese to approve the following schedule of activities for the Parks & Recreation Department:

- Tuesday, February 1<sup>st</sup> **Family Trivia Night**  
 Free  
 Municipal Building  
 6:00 pm
- Friday, March 6<sup>th</sup> **Family Movie Night**  
 Free  
 Municipal Building  
 6PM snacks & refreshments  
 Wear your pajamas!
- Saturday, March 14<sup>th</sup> **Build It with LOWES** Cost is \$5  
 9AM to 11AM  
 Municipal Building  
 Snacks & refreshments
- Saturday, April 4<sup>th</sup> **Breakfast with the Easter Bunny** \$3.50/person  
 Heman Street Apts \$12/family  
 9:15 to 10:45 am
- Saturday, April 11<sup>th</sup> **Annual Easter Egg Hunt** Free  
 10AM Sharp!  
 Ellis Field Park  
 Ages 10 and under
- Easter Coloring Contest** Free  
 Register before April 9<sup>th</sup>  
 Winners announced April 11<sup>th</sup>

Polling the Board: All in favor - Yes **Motion Carried R2020-042**

**Motion** by Deputy Mayor Liedka, seconded by Trustee Raesky to approve the following Senior Activities:

Thursday, January 16 <sup>th</sup>	<b>Movie &amp; Pizza Day</b>	Cost is \$4
Thursday, March 19 <sup>th</sup>	<i>TBA</i>	
Thursday, April 16 <sup>th</sup>	Pizza, popcorn and refreshments	
Thursday, February 13 <sup>th</sup>	<b>Valentine's Day Party</b>	Cost is \$3
	Heman Street Apartment	
	10-1:30PM	
	Lunch, Valentine BINGO	
	Entertainment	
Thursday, March 12 <sup>th</sup>	<b>St. Patrick's Day Party</b>	Cost is \$4
	Heman Street Apartments	
	10-1:30PM	
	Corned Beef & cabbage lunch	
	Entertainment	
Thursday, April 2 <sup>nd</sup>	<b>Easter Luncheon</b>	Cost is \$4
	Heman Street Apts	
	10:00 - 1 :30 pm	
	Entertainment	
Thursday, April 6 <sup>th</sup>	<b>Movie &amp; Pizza Day</b>	Cost is \$3
	Pizza, popcorn and refreshments	

To Approve: Senior trip to **Movie Tavern Theater in Cicero** (date and movie to be announced). Cost is \$5.00 includes movie and bus transportation.

To approve the senior trip to **Turning Stone Casino** on Tuesday, **February 27<sup>th</sup> and Thursday, May 7<sup>th</sup>** for adults 21+ years of age. Cost for Village residents is \$16, \$18 for non-residents. Trip includes motor coach transportation, \$15 free play or \$15 BINGO Bucks, and \$5 lunch coupon.

To approve a senior trip to **Annual ESM Musical "Cinderella"** on Saturday, March 7<sup>th</sup>. Cost is \$5.00. No transportation.

To approve the senior trip to **Del Largo Casino** on Thursday, **March 25<sup>th</sup>** for adults 21 + years of age. Cost for Village residents is \$20 and \$22 for non-residents. Trip includes motor coach transportation and free play

To Approve - **Saturday, April 25<sup>th</sup> - Ocrra Annual Earth Day Cleanup**. Volunteers meet at Village Deli at 9:00 am. Hotdogs, ice cream and water are provided at conclusion of cleanup for all volunteers courtesy of Village Deli.

To Approve: **Men's Adult Basketball League**. ESM High school Tuesday Evenings 6 - 9. March 3 - May 26.  
\$100 registration Fee

To Approve- **Family Day at Syracuse Mets Game** on Sunday, May 17<sup>th</sup> • Cost is \$6 for VR & \$ 8 for NR -

includes ticket to game. No transportation, and tail gate party in parking lot at 12:00 noon.

Polling the Board: All in favor- Yes **Motion Carried**  
**R2020-043**

17. **Motion** by Trustee Albanese, seconded by Trustee Celletti to approve accepting the Resignation of Ryan Howels

Polling the Board: All in favor - Yes **Motion Carried R2020-016**

#### **18. Mayors Comments**

- a. Mayor request a motion be approved to sign allowing Onondaga County be the Lead Agency for the County Sewer Service Consolidation Project SEQRA
- b. Mayor informed board the Arcadis invoice was for a several month period and included all engineering projects for the Village. Arcadis was updating their invoicing system.
- c. Mayor notified the Board of the Resignation letter from Holly Glassford, Associate Justice
- d. Mayor in contact with Police regarding public safety. Looking into adding cameras and a more obvious police presence with possible grants. He will reach out to Assemblywoman Hunter for funding.
- e. Safe Zone update - possibly in parking lot across the street from Village office or in parking lot next to Crowley Insurance Company and adding cameras for extra security.
- f. Mayor requests approval to attend NYCOM meeting, February 9 - 11, 2020.

- g. First Amendment Audits are being held at several municipalities, The Mayor has scheduled a mandatory employee meeting January 24, 2020 at 10am.
- h. County Executive Community Develop Projects Grants due at end of January. Mayor suggested a small committee including Village Manager/ Clerk Moracco, DPW Superintendent Hughson, Codes Officer Shields and Deputy Mayor Liedka to meet at a future time to plan further.

**19. Motion** Trustee Albanese, seconded by Trustee Raesky to approve signing County Sewer Service Consolidation Project SEQRA naming Onondaga County as Lead Agency.

Polling the Board: All in favor - Yes **Motion Carried R2020-016**

**20. Motion** by Trustee Celletti, seconded by Deputy Mayor Liedka to approve the **Resignation** of **Associate Justice Holly Glassford**

Polling the Board: All in favor- Yes **Motion Carried R2020-017**

**21. Motion** by Trustee Celletti, seconded by Trustee Raesky to **appoint Courtney Hill as Associate Justice**

**Polling the Board:**

**Mayor Tackman - Yes**

**Deputy Mayor Liedka - Abstained**

**Trustee Albanese - Yes**

**Trustee Celletti - Yes**

**Trustee Raesky - Yes**

**Motion Carried R-2020-018**

**22. Motion** by Trustee Raesky, seconded by Deputy Mayor Liedka to approve Mayor Tackman to attend NYCOM Conference February 9 - 11, 2020.

Polling the Board: All in favor - Yes **Motion Carried R2020-020**

### **23. Trustee Comments**

- Trustee Albanese reminded board of a budget meeting scheduled for Thursday Jan. 30<sup>th</sup> at 7:00am.

- Deputy Mayor Liedka request extending the Design Guideline Committee by 6 months. The Design Guideline Committee is working with East Syracuse Minoa High School student for the illustrations.

**24. Motion** by Trustee Albanese, seconded by Mayor Tackman to add a 6 month extension to the Design Guidelines Committee.

Polling the Board: All in favor - Yes **Motion Carried R2020-021**

#### **25. Village Clerk / Manager Comments**

- a. Village Clerk/ Manager Moracco request board to consider increasing NYS Disability Coverage.
- b. Village Clerk/ Manager Moracco updated the new Trustees on Tree Report provided by Herb Schrayshuen.

#### **26. Department Reports**

- a. Codes
- b. DPW
- c. Fire
- d. Parks

#### **27. Community Comments**

- Sally Seeley asked about the Neighborhood Watch Program meeting in December. Codes Officer Shields said next meeting was not scheduled due to holidays
- Sally Seeley asked about if Bennett Manor and Heman St Apartments will be inspected. Codes Officer Shields said he was waiting to get a list of tenants from both buildings and that all are co-operating.
- Herb Schrayshuen asked for legislation to set up Tree Program and reiterated his concern with a tree on neighbor's property.
- Herb Schrayshuen asked when E-Codes will be available.

**28. Motion** by Trustee Albanese, seconded by Deputy Mayor Liedka to enter **Executive Session** to discuss legal issues at **8:14pm**

Polling the Board: All in favor - Yes **Motion Carried R2020-022**

**29. Motion** by Deputy Mayor Liedka, seconded by Trustee Albanese  
**to Adjourn**

Polling the Board: All in favor- Yes **Motion Carried R2020-023**

**Meeting Adjourned; 9:03 pm**

I, Michael Moracco, Village Clerk of the Village of East Syracuse, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Village Board of Trustees of the Village of East Syracuse at a Board of Trustees meeting of the Board duly called and held on the 6<sup>th</sup> day of January, 2020.

Michael Moracco

Village Clerk



**ELECTION RESULTS**

**TRUSTEES CANDIDATES**

Margaret Raesky	312
Dominic J. Celletti	300



## Standard Work Day Required Reporting Elected and Appointed Officials

ALL ELECTED OFFICIALS
Mayor
Deputy Mayor
Trustees
Judge

APPOINTED OFFICIALS (FULLTIME)
Village Clerk
Village Manager
Court Clerk
DPW Superintendent

APPOINTED OFFICIALS (PART TIME)
Associate Justice
Treasurer

TITLE	NAME	CURRENT TERM	TIME KEEPING SYSTEM	STANDARD WORK DAY
Mayor	Robert T. Tackman	1/1/18 - 1/1/22	No	6
Deputy Mayor	Kimberly A. Liedka	1/1/18 - 1/1/22	No	6
Trustee	Mary C. Albanese	1/1/18 - 1/1/22	No	6
Trustee	Margaret Raesky	1/1/20 - 1/1/24	No	6
Trustee	Dominic Celletti	1/1/20 - 1/1/24	No	6
Court Clerk	Bridget Albanese	1/1/20 - 1/1/21	Yes	8
DPW Superintendent	Randy Hughson	1/1/20 - 1/1/21	Yes	8
Village Clerk	Michael Moracco	1/1/20 - 1/1/21	Yes	8
Village Justice	Joseph J Zavaglia	1/1/20 - 1/1/21	No	6
Associate Justice	Helena Glassford	1/1/20 - 1/1/21	No	6
Treasurer	Terry Knaflewski	1/1/20 - 1/1/21	Yes	8
Village Manager	Michael Moracco	1/1/20 - 1/1/21	Yes	8

must complete  
must complete



VILLAGE OF EAST SYRACUSE  
PROPOSED LOCAL LAW# \_\_\_\_ OF 2020

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF EAST SYRACUSE  
TO CREATE NEW CHAPTER \_\_\_\_ . TITLED  
"SMALL CELL WIRELESS DEPLOYMENT REQUIREMENTS"

Be it enacted by the Mayor and Trustees of the Village of East Syracuse 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.**

The Code of the Village of East Syracuse is hereby amended to include a new Chapter \_\_\_\_\_ titled "Small Cell Wireless Deployment Requirements", which shall read in its entirety as follows:

**"CHAPTER \_\_\_\_\_, SMALL CELL WIRELESS DEPLOYMENT REQUIREMENTS**

**(1)- Purpose and Definitions**

**Purpose and Intent.**

A. **Purpose.** The purpose of this Chapter is to regulate the placement of certain Wireless Communication Facilities in the Village. The standards set forth herein are created to provide objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the Village shall consider when reviewing an Application:

1. The location of the ground-mounted Communication Facilities;
2. The location of a Wireless Facility on a Pole or other device;
3. The appearance and concealment of Communication Facilities, including those relating to materials used or arranging, screening and landscaping;
4. The design and appearance of a wireless Support Structure including any height requirements adopted in accordance with this Chapter.

This Chapter applies to the Public ROW but does not restrict the Town's right to regulate Communication Facilities on non-Town owned property or outside of the Public ROW under the same terms and conditions set forth herein.

B. **Intent.** In enacting this Chapter, the Village is establishing uniform standards to address issues presented by certain wireless facilities, including without limitation, to:

1. prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
2. prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. prevent interference with existing facilities and operations of facilities presently lawfully located in rights-of-way or public property;
4. ensure efforts are made to preserve the character of neighborhoods in which facilities are installed;
5. protect against environmental damage, including damage to trees, public and private property; and
6. facilitate the appropriate and reasonable deployment of small wireless facilities to provide the benefits of reliable access to wireless telecommunications technology, broadband and 9-1-1 services to homes, businesses and schools within the Town.

**(2) Definitions.**

- A. "Administrative Review" means ministerial review of an Application by the Village relating to the review and issuance of a Permit, including review by the Code Enforcement Officer to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter and the Design Standards and General Guidelines For Small Cell Wireless Telecommunication Facilities adopted by the Board contemporaneously herewith.
- B. "Antenna" means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- C. "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted, or incorporated, by the Village.
- D. "Applicant" means any Person who submits an Application under this Chapter.
- E. "Application" means a written request, on a form provided by the Town, for a Permit.
- F. "Authority" or "Village" means the Village of East Syracuse or any agency, subdivision or any instrumentality thereof.
- G. "Collocate" means to install or mount a Small Wireless Facility on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. "Collocation" has a corresponding meaning.
- H. "Communications Facility" means, collectively, the equipment at a fixed location(s) within the Public ROW or on public or private property that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and

comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

- I. "Communications Service" means cable service, as defined in 47 U.S.C. §522(6); information service or broadband, as defined in 47 U.S.C. §153(24); or telecommunications service, as defined in 47 U.S.C. §153(53).
- J. "Communications Service Provider" means a provider of Communications Services and includes a cable operator, as defined in 47 U.S.C. §522(5).
- K. "Decorative Pole" means a Pole that is specially designed and placed for aesthetic purposes.
- L. "Discretionary Review" means review of an Application by the Village Planning Board relating to the review and issuance of a Permit that is other than an Administrative Review.
- M. "Eligible Facilities Request" means an eligible facility request as set forth in 47 C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.
- N. "FCC" means the Federal Communications Commission of the United States.
- O. "Laws" means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- P. "Ordinary Maintenance and Repair" means inspections, testing and/or repair of existing Communication Facilities that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.
- Q. "Permit" means a written authorization (in electronic or hard copy format) to install, at a specified location(s) in the Public ROW or at a specific location on public or private property, a Communications Facility, Tower or a Pole to support a Communications Facility.
- R. "Permittee" means an Applicant who has received a Permit under this Chapter.
- S. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.
- T. "Pole" means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way. A Pole does not include a Tower or Support Structure.
- U. "Provider" means a Communications Service Provider or a Wireless Services Provider and includes any Person who owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.

- V. "Public Right-of-Way" or "Public ROW" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Village has to permit use of the area or Public Utility Easement for Communications Facilities or Poles, Towers and Support Structures that support Communications Facilities. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Village.
- W. "Public Utility Easement" means, unless otherwise specified or restricted by the terms of the easement, the area on, below, or above a property in which the property owner has dedicated an easement for use by utilities. Public Utility Easement does not include an easement dedicated solely for the Town's use, or where the proposed use by the Provider is inconsistent with the terms of any easement granted to the Village.
- X. "Replace" or "Replacement" means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable Town regulations, in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.
- Y. "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of no more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the Provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.
- Z. "State" means the State of New York.
- AA. "Support Structure" means a freestanding structure other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.
- BB. "Tower" means any structure built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.
- CC. "Wireless Facility" means the equipment at a fixed location(s) that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.
- DD. "Wireless Infrastructure Provider" means a Person, including a Person authorized to provide telecommunications service in the State, that builds or installs wireless communication transmission equipment, wireless telecommunications facilities or wireless telecommunications support structures, but that is not a Wireless Services Provider.
- EE. "Wireless Services" means any services provided using wireless telecommunications facilities.

FF. "Wireless Services Provider" means a Person who provides Wireless Services and is authorized to provide such services pursuant to an FCC license.

**(3) Governance of Deployment in ROW**

**Access to Public ROW:**

A. Agreement. Prior to installing any Communications Facility in a Public ROW, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a License Agreement ("License Agreement") with the Village, which shall be filed with the Onondaga County Clerk's Office, expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed pursuant to the adopted Town Design Standards and General Guidelines.

1. General Terms. The License Agreement shall include:

a. The term of the License Agreement shall be annual, which shall renew automatically unless terminated by the Village upon ninety (90) days' written notice.

b. The License Agreement authorizes the Provider's non-exclusive use of the Public ROW for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and any Tower, to provide the services expressly authorized in the License Agreement, subject to applicable Laws, this Chapter and the terms and conditions of the License Agreement. The License Agreement authorizes use only of the Public ROW in which the Village has an actual interest. It is not a warranty of title or interest in any Public ROW and it does not confer on the Provider any interest in any particular location within the Public ROW. No other right is granted except as expressly set forth in the License Agreement. Nothing herein shall authorize the use of the Town's Poles, Towers, Support Structures, or other structures in the Public ROW. All use of Town Poles, Towers, Support Structures, and other structures in the Public ROW shall require the execution of an "Attachment Agreement," and the payment of separate fees for such use.

c. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public ROW in a safe condition, and in good order and repair and in compliance with the Village Design Standards and General Guidelines for Small Cell Wireless Telecommunication Facilities.

d. The Provider shall keep and maintain liability insurance in the amount of \$1,000,000 for each incident and an umbrella policy in the amount of

License Agreement

Insurance

\$5,000,000 for each Communication Facility in a Public ROW. The Village shall be named an additional insured on each policy on a primary, non-contributory basis. The Provider shall provide the Village with proof of such insurance in a form acceptable to legal counsel for the Village. Each insurance policy shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' written notice prior to the cancellation of the insurance policy. The insurance policies shall be issued by an insurance company licensed to do business in New York State and shall have a Best's rating of at least A.

- e. The License Agreement shall include the name and contact information for the Provider to be called in cases of emergencies.
- f. Licensees using space in ducts, conduits and on Poles must comply with the terms of this License Agreement, unless expressly exempted by the Town.
- g. The Village shall have the right to access books and records, including audit rights, of the Provider to determine that all applicable fees and payments have been made to the Town.
- h. The Provider shall provide proof to the Village that it has a license or authority from the owner to use an existing Pole, Tower or Support Structure in the Public ROW for a Communications Facility.
- i. The terms and conditions set forth herein are not exclusive and the Village reserves the right to require additional terms and conditions to the License Agreement.

2. Public ROW Construction and Installation Requirements.

a. ROW Permit.

Permit

(1) Unless expressly authorized in this Chapter or in writing by the Village, no Person may construct, maintain or perform any other work in the Public ROW related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Chapter, and any other permit or authorization required by applicable Laws.

(2) The Village shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has executed a License Agreement required by this Chapter, or otherwise has a current and valid franchise with the Town expressly authorizing use of the Public ROW for the Communications Facilities, Poles or Towers proposed in

the Application, all applicable fees have been paid and the work requested conforms to the Village's Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities.

b. Location of New Facilities.

- (1) The Provider shall not locate or maintain its Communications Facilities, Poles and Towers so as to unreasonably interfere with the use of the Public ROW by the Village, by the general public or by other persons authorized to use or be present in or upon the Public ROW.
- (2) Aboveground placement of new poles and equipment cabinets shall meet the requirement set forth in this Chapter.
- (3) Unless otherwise agreed to in writing by the Village or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public ROW, the Provider with permission to occupy the same portion of the Public ROW shall locate its Communications Facilities underground at its own expense. The Village may, in its sole discretion, approve aboveground placement of equipment cabinets, pedestals and similar equipment, pursuant to this Chapter. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above-ground, the Provider and Village shall work to find a suitable location for such facilities or equipment, which may be outside the Public ROW.

c. Construction Standards. In performing any work in or affecting the Public ROW, the Provider, and any agent or contractor of the Provider, shall comply with the provisions of this Chapter and all other applicable Laws, including the Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities.

d. Restoration Requirements.

- (1) The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public ROW that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public ROW as required in this Chapter and all other applicable Laws.
- (2) If the Provider fails to timely restore, repair or replace the Public ROW as required in this subsection, the Village or its contractor may do so and the Provider shall pay the

Village's costs and expenses in completing the restoration, repair or replacement.

e. Removal, Relocation and Abandonment.

- (1) Within sixty (60) days following written notice from the Village, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public ROW, including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Chapter), whenever the Village has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any Village improvement, the operations of the Village in, under or upon the Public ROW, or otherwise is in the public interest. The Provider shall be responsible to the Village for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.
- (2) The Village retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public ROW, as the Town may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Village shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases the Village shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.
- (3) A Provider shall notify the Village of abandonment of any Communications Facility, Pole, Support Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than thirty (30) days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Village determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of

its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public ROW unless the Town agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers. Upon the issuance of a Permit, the Provider shall provide a removal bond in the amount estimated for the removal of all of the Communication Facilities that are the subject of an Application, such estimated amount to be determined by the Code Enforcement Officer, after consultation with the Engineer for the Town.

(4) If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Village or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Town incurs arising from the delay.

f. As-builts and Maps - Maps showing the location of equipment in ROW and as-builts after construction shall be provided to the Village within thirty (30) days after completion of construction, in conformance to the requirements of the Engineer for the Village.

**B. Fees and Charges.**

1. **Permit Application Fee.** Every Applicant for a co-location shall pay a Permit application fee of \$500.00 for a single up-front Application, which Application may include up to five (5) Small Wireless Facilities, and \$100.00 per Application for each additional Small Wireless Facility thereafter. The fee shall be paid upon submission of the Application.

Co-Location Fee

2. Every Application for a new pole in the Public ROW shall pay a Permit application fee of \$1,000.00. The fee shall be paid upon submission of the Application.

Pole Fee

3. **License Agreement Fee.** Every Person requesting a License Agreement from the Village shall pay an administrative fee of \$340.00, which shall include the legal costs of drafting such License Agreement.

License Fee

4. **ROW Use Fee.** In exchange for the privilege of non-exclusive occupancy of the Public ROW, the Provider shall pay the Village \$270 per Small Wireless Facility, per year,

ROW Use Fee

for as long as the License Agreement is effective. The ROW Use Fee shall be due and payable within thirty (30) days of issuance of the License Agreement.

Attachment Fee

5. Attachment Fees. The Provider shall be subject to an additional attachment fee of \$500.00 if the Small Wireless Facilities will be attached to property (either real or personal) owned by the Village. No attachment will be allowed except after issuance of a Permit pursuant to an Attachment Agreement.
6. Other Fees. The Applicant or Provider shall be subject to any other generally applicable fees of the Village or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of Village owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public ROW, as set forth in Attachment Agreements authorizing such use.
7. No Refund. Except as otherwise provided in a License Agreement, the Provider may remove its Communications Facilities, Poles or Towers from the Public ROW at any time, upon not less than thirty (30) days prior written notice to the Village, and may cease paying to the Village any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public ROW. In no event shall a Provider be entitled to a refund of fees paid prior to removal of its Communications Facilities, Poles or Towers.

**(4) Permit Applications.**

- A. Permit Required. Unless expressly authorized in this Chapter or in writing by the Village, no Person may construct, install or maintain in the Public ROW any Communications Facilities or Poles built for the primary purpose of supporting Communications Facilities, or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public ROW, without first receiving a Permit. Notwithstanding the foregoing, in the event of an Emergency, a Provider or its duly authorized representative may work in the Public ROW prior to obtaining a Permit, provided that the Provider shall attempt to contact the Town prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than twelve (12) hours after commencing the Emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.
- B. Permit Application Requirements. The Application shall be made by the Provider or its duly authorized representative and shall contain the following:
  1. The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.

2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
  3. A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Chapter. The Applicant shall state whether the Applicant believes the proposed work is subject to Administrative Review or Discretionary Review and if the Permit is an Eligible Facilities Request.
  4. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.
  5. Detailed construction drawings regarding the proposed Communication Facility.
  6. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.
  7. For any new aboveground facilities or structures, accurate visual depictions or representations, if not included in the construction drawings.
  8. If new construction, a plan demonstrating how co-locations on the new Pole, Tower or Support Structure would be possible for other Providers who may wish to deploy small cell technology in the geographic area of the subject Application.
- C. Proprietary or Confidential Information in Application. Applications are public records that may be made available pursuant to the New York State Freedom of Information Law. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contains proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the Town shall treat the information as proprietary and confidential, subject to the requirements of the New York State Freedom of Information Law and the Village’s determination that the Applicant’s request for confidential or proprietary treatment of Application materials is reasonable.
- D. Ordinary Maintenance and Repair. A Permit shall not be required for Ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable Laws and shall notify the Village in writing at least forty-eight (48) hours before performing the Ordinary Maintenance and Repair.
- E. Material Changes. The Village may require payment of an additional Permit application fee in the event the Village determines, in its sole discretion, that material changes to an Application after submission amount to a new Application

and will materially increase the time and/or costs of the Permit review process. Unless otherwise agreed to in writing by the Village, any material changes to an Application, as determined by the Village in its sole discretion, shall be considered a new application for purposes of the time limits set forth herein unless otherwise provided by applicable Laws.

- F. Application Fees. Unless otherwise provided by applicable Laws, all Applications pursuant to this Chapter shall be accompanied by the Fees required under this law.
- G. Effect of Permit. A Permit from the Village authorizes an Applicant to undertake only the activities in the Public ROW specified in the Application and Permit, and in accordance with this Chapter and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public ROW; a Permittee or Provider must obtain all necessary approvals and pay all necessary fees from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public ROW.
- H. Duration. Any Permit for construction issued under this Chapter shall be valid for a period of ninety (90) days after issuance and can be extended for an additional ninety (90) days upon written request of the Applicant, if the failure to complete construction is a result of circumstances beyond the reasonable control of the Applicant.
- I. An Applicant may simultaneously submit up to five (5) Applications for Communications Facilities, or may file a single, consolidated Application covering a batch of not more than twenty (20) such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Village. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communication Facility were a separate Application. No Applicant shall submit more than one (1) consolidated application over a six (6) month period. The Code Enforcement Officer has the discretion to determine whether a Provider is submitting a consolidated Application through the submission of multiple single Small Wireless Facilities.

**(5) Administrative Review.**

- A. Permitted Use. The following uses within the Public ROW shall be permitted uses, subject to Administrative Review and issuance of a Permit as set forth in this Chapter. All such uses shall be in accordance with all other applicable provisions of this Chapter, including without limitation, those set forth below and the terms of any License Agreement. Administrative Review will not be available for consolidated Applications or simultaneous Applications for more than five (5) Communication Facilities.

Codes Office

1. Collocation of a Small Wireless Facility that does not exceed the maximum height set forth herein or a Collocation that qualifies as an Eligible Facilities Request.
2. Modification of a Pole, Tower or Support Structure or Replacement of a Pole for Collocation of a Communications Facility where the modification or Replacement qualifies as an Eligible Facilities Request.
3. Construction of a new Decorative Pole or a monopole Tower (but no other type of Tower) to be used for a Small Wireless Facility that does not exceed the maximum height set forth herein, provided that there are existing poles of similar height within one hundred (100) feet of either side of the proposed new Pole or monopole Tower.
4. Construction of a Communications Facility, other than those set forth in subsections (1), (2) or (3) in this involving the installation of coaxial, fiber-optic or other cabling, that is installed underground or aboveground between two or more existing Poles or an existing Pole and an existing Tower and/or existing Support Structure, and related equipment and appurtenances.

B. Application Review.

1. The Village shall review the Application either under the Administrative Review or Discretionary Review, as the case may be, and, if the Application conforms with applicable provisions of this chapter and this Section, the Village shall issue the Permit, subject to the Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities. set forth in this Chapter.
2. Except as otherwise provided by applicable Laws, the Village shall:
  - a. Within ten (10) days of receiving an Application, notify the Applicant if the Application is incomplete and identify the missing information. The Applicant may resubmit the completed Application within thirty (30) days without additional charge, in which case the Village shall have ten (10) days from receipt of the resubmitted Application to verify the Application is complete, notify the Applicant that the Application remains incomplete or, in the Village's sole discretion, deny the Application; and
  - b. Make its final decision to approve or deny the Application within sixty (60) days for a collocation, and ninety (90) days for any new structure, after the Application is complete (or deemed complete in the event the Village does not notify the Applicant that the Application or resubmitted Application is incomplete).
3. The Village shall advise the Applicant in writing of its final decision.

Shot clock

C. Maximum Height of Permitted Use. Small Wireless Facilities, and new, modified or Replacement Poles, Towers and Support Structures in the Public ROW may be

approved through Administrative Review as provided in this Chapter only if the following requirements are met:

Administrative  
Review <35'

1. Each new, modified or Replacement Pole, Tower or Support Structure installed in the Public ROW shall not exceed Fifty (50) feet in height.
  2. New Small Wireless Facilities in the Public ROW shall not exceed fifty (50) feet in height.
- D. The Village's Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities: Standards for installation of facilities and poles built for the sole or primary purpose of supporting Communications Facilities, or Towers shall be adopted by the Village Board and shall be published on the official Village Website and made available to all Applicants at their request or upon submission of an Application. The Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities must be strictly adhered to and shall constitute a condition precedent to the granting of any permitting pursuant to the Local Law. The Design Standards shall be subject to change upon upon a majority vote of the Village Board.

**(6) Discretionary Review and Approval.** All other uses within the Public ROW not expressly set forth or referenced shall require compliance with, and issuance of, a site plan approval pursuant to the Village Code. In determining the deployment and placement of Communication Facilities, the Planning Board shall consider the following criteria and its impact on the surrounding neighborhood during the Site Plan review process: (i) the design standards set forth in this Chapter; (ii) the compatibility of further deployments and their potential impact on the surrounding neighborhood; (iii) the potential for Collocation of other Provider's Communication Facilities; and, (iv) the density fulfillment needs of the neighborhood.

Planning  
Board

**(7) General Public ROW Installation Requirements.**

- A. General Work Requirements.
1. General safety and compliance with Laws. The Permittee shall employ due care during the installation, maintenance or any other work in the Public ROW, and shall comply with all safety and Public ROW protection requirements of applicable Laws, Applicable Codes, and any generally applicable Village guidelines, standards and practices, and any additional commonly accepted safety and Public ROW-protection standards, methods and devices (to the extent not inconsistent with applicable Laws).
  2. Traffic control. Unless otherwise specified in the Permit, the Permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The Permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the Village.

3. Interference. The Permittee shall not interfere with any existing facilities or structures in the Public ROW, and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any Public ROW.
  4. Utility Locates. Before beginning any excavation in the Public ROW, the Permittee shall comply with DIG SAFELY NEW YORK, INC.
- B. Compliance with Permit.
1. All construction practices and activities shall be in accordance with the Permit and approved final plans and specifications. The Village and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. All work that does not comply with the Permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall be removed at the sole expense of the Permittee. The Village may stop work in order to assure compliance with the provision of this Chapter.
  2. In addition to obtaining a Permit for installation of a Communications Facility, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers in the Public ROW, an Applicant must obtain all other required permits.
- C. Mapping Data. The Permittee shall provide to the Village as-builts, in a format designated by the Village or otherwise compatible with such format, showing the location of Communications Facilities, Poles, Support Structures and Towers upon completion of the permitted work.

**(8) Attachment to and Replacement of Decorative Poles.** Notwithstanding anything to the contrary in this Chapter, an Applicant may not install a Small Wireless Facility on a Decorative Pole, or replace a Decorative Pole with a new Decorative Pole unless the Village has determined, in its sole discretion as part of the Administrative Review process, that each of the following conditions has been met:

- A. The Application qualifies for issuance of a Permit under the provisions of this chapter; and
- B. The attachment and/or the replacement Pole is in keeping with the aesthetics of the Decorative Pole.

**(9) Guidelines**

- A. Compliance. All Communications Facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Town of Clay Code, the Design Standards and General Guidelines for Small Cell

Wireless Telecommunications Facilities and any other applicable local, state, and federal rules and regulations.

- B. **Underground Utilities.** All service lines to the proposed Communications Facility shall be underground if all other utilities in the immediate area are also underground.
- C. **Power and Fiber Optic Supply.**
  - a. **Independent Power Source Required.** Communications Facilities subject to a License Agreement may not use the same power source providing power for the existing facilities original to the purpose of the Support Structure, unless specifically authorized by the owner of the Support Structure and approved by the Village Engineer. An independent power source must be contained within a separate conduit on the existing Support Structure.
  - b. Providers shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
- D. **Wiring, Cables and Conduit Requirements.**
  - a. All wiring and cables must be housed and fully concealed within the steel or other metal Support Structure pole and extended vertically within a flexible conduit. In non-steel or solid Support Structures, all wiring and cables must be fully concealed and appropriately protected and covered with a material that matches the non-steel or solid Support Structure so as not to be visible from public view.
  - b. Above ground wires, cables, connections and conduits are prohibited, except as specified in this Design Guideline Manual based on the Support Structure.
  - c. Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the Pole except completely within the approved enclosures or cabinets.
- E. **Lighting.** Lighting associated with Communications Facilities is prohibited, except when incorporated into new or existing approved decorative lighting poles and/or streetlights. Any internal lights associated with electronic equipment must be shielded from public view.
- F. **Signage.** Signage is prohibited on all Communications Facilities and Support Structures, including stickers, logos, and other non-essential graphics and information unless required by the FCC.
- G. **Work Permits.** All Providers must obtain a work permit from the Village for any activity described in the Code.

- H. **Public Safety Communications.** Small Wireless Facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by the occupants of nearby properties.
- I. **Existing Support Structures**
- J. **Collocation Encouraged.** The collocation of Communications Facilities on existing Poles, Towers and Support Structures is strongly encouraged to minimize the extent of intrusion of redundant Support Structures within the Public ROW or on private property. An entity seeking to place facilities in the Village shall demonstrate co-location is not commercially, structurally and/or practically feasible.
- K. **Structural Integrity of Existing Support Structures.**
  - a. The Village shall not authorize any attachments to Village-owned infrastructure, Pole, Tower or Support Structure that negatively impacts the structural integrity of said infrastructure, Pole, Tower or Support Structure.
  - b. The Village may condition approval of the Collocation on replacement or modification of the Communications Facility at the Provider's cost if the Village determines that replacement or modification is necessary for compliance with the construction and/or safety standards of the Village. A replacement or modification of the Communications Facility shall conform to the applicable design guideline(s) and the Village's applicable specifications for the type of structure being replaced. The Village shall retain ownership of a replacement Support Structure.
- L. **Maximum Permitted Height.** For an existing Communications Facility or support structure, the Antenna and any associated shroud or concealment material which are permitted to collocate at the top of the existing Support Structure shall not increase the height of the existing Support Structure by more than five feet (5') or a total of fifty feet (50') from grade.
- M. **Reserved Space.** The Town may reserve space for future public safety or transportation uses in the Public ROW or on a Pole, Tower or Support Structure owned by the Town in accordance with an approved plan in place at the time an Application is filed.
  - a. A reservation of space shall not preclude placement of a Pole or the Collocation of a Communications Facility.
  - b. If replacement of the Village's Pole or Support Structure is necessary to accommodate the Collocation of the Communications Facility and the future use, the Provider shall pay for the replacement of the Pole or Support Structure and shall design and construct the replacement Pole or Support Structure in a manner that is able to accommodate the future use.

- c. New Pole, Tower or Support Structures
- N. Location.
- a. Required Setbacks.
    - (1) The centerline of a new Pole, Tower or Support Structure shall be installed in alignment with existing street trees and other poles along the same Public ROW whenever possible.
    - (2) In no case shall a new Pole, Tower or Support Structure be located less than what is required in the License Agreement from any of the road-way/face of curb, sidewalk, or shared use path as measured to the nearest part of the Support Structure.
    - (3) New Poles, Towers or Support Structures shall be located a minimum of six feet (6') from any permanent object, structure or existing lawful encroachment into the Public ROW, or as determined in the License Agreement.
    - (4) Support Structures for Small Wireless Facilities located outside of the Public ROW shall be set back from the property line of the lot on which it is located a distance equal to not less than the total height of the facility, including the Support Structure, as measured from the highest point of such Support Structure to the finished grade elevation of the ground on which it is situated, plus 10% of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, and other forms of screening and/or structural characteristics of the proposed Support Structure.
  - b. Required Spacing. A minimum of three hundred linear feet (300 l.f.) between Poles, Towers, Support Structures or Communication Facilities is required. To the extent feasible, any new or replacement Pole, Tower or Support Structure constructed in the Public ROW shall be located at the property line between two (2) residentially zoned properties and not in the direct line of site from the front of a residential structure.
  - c. Placement of Poles Between Property Lines. When feasible, all poles shall be installed as close to the adjoining property line as possible, unless not feasible, to curtail impacts on primary structures.
- O. Maximum Permitted Height. For a new Support Structure in all districts, the overall height of the Pole, Tower and Support Structure and any collocated Antennas shall not be more than fifty feet (50) in height above established grade measured at the base of the Support Structure.

**P. Design Requirements.**

- a. **Shape and Dimensions.** All new Poles, Towers or Support Structures shall be constructed of solid hot-dipped galvanized steel and shall be round with the Pole shaft tapered in diameter from the base to the top with a maximum of twelve inches (12") at the base.
- b. **Aesthetics.** In appropriate locations and districts, decorative poles shall be utilized to complement the existing character of the applicable corridor of the Village.
- c. **Transformer Base.** All new Poles, Towers or Support Structures shall include a one-piece cast aluminum alloy transformer base in a breakaway design, consistent with engineering standards subject to the Engineer for the Village's review and approval.
- d. **Foundation/Footer.**
  - (1) All new Poles, Towers or Support Structures shall be supported with a reinforced concrete foundation or footer that is designed by a professional engineer, subject to the Engineer for the Village's review and approval.
  - (2) Anchor bolts must be constructed from steel (high strength) per ATSM A36, threaded (J-Type/L-Type), hot dip galvanized steel per ODOT CM Item No. 711.02, and in a strength and diameter recommended by a professional engineer, subject to the Engineer for the Village's review and approval.
  - (3) All anchor bolts must be concealed from public view with an appropriate Pole boot or cover, powder coated to match the Pole, Tower or Support Structure.
- e. **Color.** New Poles, Towers or Support Structures, including the breakaway transformer base, shall have a powder coated finish in dark earth tone colors such as dark green, dark brown, gray, or black, consistent with the color of other Poles, Towers or Support Structures in the immediate vicinity, unless other colors are approved by the Town.
- f. **Compliance with the Village Design Standards and General Guidelines for Small Cell Wireless Telecommunications Facilities** is a condition precedent to obtaining any Town approvals.

- Q. Multiple Requests.** If multiple requests are received by the Village to install two (2) or more Poles, Towers or Support Structures that result in the violation of the applicable spacing requirements outlined herein, or to collocate two (2) or more Communications Facilities on the same Pole, Tower or Support Structure, the

Village may resolve conflicting requests through whatever reasonable and nondiscriminatory manner it deems appropriate.

- R. **Alternate Location.** The Village reserves the right to propose an alternate location to any proposed location of a new Pole, Tower or Support Structure, that is within one hundred feet (100') of the proposed location or within a distance that is equivalent to the width of the Public ROW in or on which the new structure is proposed, whichever is greater, which the Provider shall use if it has the right to do so on reasonable terms and conditions and the alternate location does not impose technical limits or significant additional costs.
- S. **Waiver.**
  - a. A Provider may seek a waiver from the Planning Board of the undergrounding or alternative location requirements for the placement of a new Pole, Tower or Support Structure to support Communications Facilities if the Provider is unable to achieve its service objective using a Communications Facility under the following circumstances:
    - (1) From a location in the Public ROW where the prohibition does not apply;
    - (2) In a utility easement the Provider has the right to access; or
    - (3) In or on other suitable locations or structures made available by the Village subject to reasonable rates, fees, and terms.
  - b. The Village shall process waivers in a reasonable and nondiscriminatory manner that does not have the effect of prohibiting the provision of Wireless Services.
- T. **Antenna.**
- U. **Location.** All Antenna to be installed on new or existing Poles, Towers or Support Structures shall be mounted flush to the top of the Pole, Tower or Support Structure and aligned with the centerline of the Pole, Tower or Support Structure, unless otherwise agreed to by the Town based on the specific context and characteristics of the Communications Facility.
- V. **Size.** Each Antenna shall be located entirely within an enclosure of not more than three cubic feet (3 ft<sup>3</sup>) in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an enclosure of not more than twelve cubic feet (12 ft<sup>3</sup>) in volume.
- W. **Design.**
  - a. **Shape.** Antennas shall be cylindrical in shape or shall be located entirely within a cylindrical canister or shroud.

- b. Color. Exposed Antennas and Antenna enclosures shall match the color specifications of the Pole, Tower or Support Structure, unless other colors are approved by the Village.
- X. Small Wireless Facilities Installed on Support Structures
  - Y. Size. Exclusive of the Antenna, all wireless equipment associated with the Communications Facility shall not cumulatively exceed twenty-eight cubic feet (28 ft<sup>3</sup>) in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
  - Z. Equipment Enclosures. All Communications Facilities mounted to Poles, Towers or Support Structures or located on the ground shall be fully contained within enclosures or cabinets.
  - AA. Required Clear Height. All Communications Facilities mounted to a Pole, Tower or Support Structure shall provide a minimum of ten feet (10') of clear space on the Pole as measured from established grade to the lowest point of any facility/equipment cabinets or concealment apparatus mounted to the Pole, Tower or Support Structure.
  - BB. Maximum Horizontal Offset from Support Structure. Communications Facility equipment cabinets or enclosures shall not extend more than ten inches (10") beyond the Pole, Tower or Support Structure centerline in all directions.
  - CC. Design.
    - a. Cabinet or Enclosure Shape. Communications Facility equipment cabinets or enclosures shall be rectangular in shape, with the vertical dimensions being greater than the horizontal. Generally, the cabinet or enclosure shall be no wider than the maximum diameter of the Support Structure.
    - b. Installation. All Pole mounted equipment cabinets or enclosures must be installed as flush to the Pole as possible. Any installation brackets connecting the cabinets or enclosure to the Pole shall not extend more than two inches (2") from the Pole and shall include metal flaps (or wings) to fully conceal the gap between the cabinet and Pole.
    - c. Color. Cabinets or enclosures shall match the color specification of the Pole, Tower and/or Support Structure, unless other colors are approved by the Village.
  - DD. Ground Mounted Small Wireless Facilities
  - EE. Location.

- a. Required Setbacks.
  - (1) In no case shall ground mounted Small Wireless Facilities be located no less than required in the License Agreement from the road-way/face of curb, sidewalk, or shared use path as measured to the nearest part of the cabinet or enclosure.
  - (2) Ground mounted Communications Facilities and associated required screening or shrouding shall be located a minimum of six feet (6') from any permanent object or existing lawful encroachment into the Public ROW.

FF. Size. All Communications Facility equipment shall not cumulatively exceed twenty-eight cubic feet (28 ft<sup>3</sup>) in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

GG. Maximum Permitted Height. The maximum height for ground mounted Communications Facilities shall not exceed two and one-half feet (2½') as measured from established grade at the base of the facility.

HH. Equipment Enclosures Required. All ground mounted Communications Facilities shall be fully contained within enclosures or cabinets.

## II. Design Requirements.

- a. Concealment. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching the materials of the Support Structure, unless other materials are approved by the Village. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two (2) years of installation. Landscaping shall be continuously maintained but shall not result in overgrowth of the public right-of-way area and shall minimize its presence while achieving the goal of screening.
- b. Concrete Pad or Slab. In accordance with state and local standards approved by the Code Enforcement Officer.
- c. Breakaway Design. All objects placed within the Public ROW shall feature breakaway design.
- d. Color. Ground mounted Communication Facility cabinets and enclosures shall have a powder coated finish in dark earth tone colors such as dark green, dark brown, gray, or black, unless other colors are approved by the Village.

- JJ. Construction and Safety Requirements
- KK. Approval of the collocation, replacement or modification of a Pole, Tower or Support Structure is conditioned upon the Provider's assumption of costs if the Town determines such is necessary for compliance with its written construction or safety standards.
- LL. Prevention of failures and accidents. Any Provider who owns a Communications Facility sited in the Public ROW or upon Town-owned property shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than the best available technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.
- MM. Compliance with fire safety and FCC regulations. Communications Facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property, public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- NN. Wind and Ice. All Communications Facilities shall be designed to withstand the effects of wind gusts and ice to the standard designed by ANSI, as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/ EIA/ TIA-222, as amended).
- OO. Surety bond or equivalent financial tool for cost of removal. All Providers shall procure and provide to the Town a renewable bond, or shall provide proof of an equivalent financial mechanism, which may include a funds set-aside and a letter of credit, to ensure compliance with all provisions of these Standards and Guidelines. The renewable bond or equivalent financial method shall cover the cost to remove unused or abandoned Small Wireless Facilities or damage to Village property caused by a Provider or its agent for each Communications Facility which the Provider installs in the Public ROW or upon Village-owned property.
- PP. Indemnify and Hold the Town Harmless. Any Provider who owns or operates a Communications Facility or a Pole, Tower or Support Structure in the Public ROW or upon Village-owned property shall, to the fullest extent permitted by law, indemnify, protect, defend, and hold the Town and its elected officials, officers, employees, agents, and volunteers harmless from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility. With respect to the penalties,

damages or charges referenced herein, reasonable attorneys' fee, consultants' fees and expert witness fees are included in those costs that are recoverable by the Village.

QQ. Said Provider shall also hold the Village and/or its agent(s) harmless in the event any action by the Town and/or its agent(s) negligently or recklessly disrupts, destroys, and/or incapacitates the small cell facility or wireless support structure situated in the Public ROW or Town-owned property in accordance with these Design Guidelines and Standards.

**(10) Violation of this Chapter.** Violation of any of the provisions of this Chapter shall be a violation punishable with a civil penalty of \$250.00 for each violation. Each day that a violation occurs or is permitted to exist by the Applicant or Provider constitutes a separate offense.”

**(11) THE EFFECTIVE DATE.**

This local law shall take effect upon the filing with the Secretary of State.

**VILLAGE OF EAST SYRACUSE**  
**Design Standards and General Guidelines**  
**For Small Cell Wireless Telecommunication Facilities**  
**(Adopted \_\_\_\_\_, 2020)**

These Standards and General Guidelines were adopted by the Village of East Syracuse on \_\_\_\_\_, relating to the placement of small cell wireless facilities in the Village.

**A. General Design Guidelines**

1. **Compliance.** All Communications Facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Town of Clay Code, and any other applicable local, state, and federal rules and regulations.
2. **Underground Utilities.** All service lines to the proposed Communications Facility shall be underground if all other utilities in the immediate area are also underground.
3. **Power and Fiber Optic Supply.**
  - a. **Independent Power Source Required.** Communications Facilities subject to a License Agreement may not use the same power source providing power for the existing facilities original to the purpose of the Support Structure, unless specifically authorized by the owner of the Support Structure and approved by the Village Engineer. An independent power source must be contained within a separate conduit on the existing Support Structure.
  - b. Providers shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
4. **Wiring, Cables and Conduit Requirements.**
  - a. All wiring and cables must be housed and fully concealed within the steel or other metal Support Structure pole and extended vertically within a flexible conduit. In non-steel or solid Support Structures, all wiring and cables must be fully concealed and appropriately protected and covered with a material that matches the non-steel or solid Support Structure so as not to be visible from public view.
  - b. Above ground wires, cables, connections and conduits are prohibited, except as specified in this Design Guideline Manual based on the Support Structure.

- c. Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the Pole except completely within the approved enclosures or cabinets.
  5. Lighting. Lighting associated with Communications Facilities is prohibited, except when incorporated into new or existing approved decorative lighting poles and/or streetlights. Any internal lights associated with electronic equipment must be shielded from public view.
  6. Signage. Signage is prohibited on all Communications Facilities and Support Structures, including stickers, logos, and other non-essential graphics and information unless required by the FCC.
  7. Work Permits. All Providers must obtain a work permit from the Village for any activity described in the Code.
  8. Public Safety Communications. Small Wireless Facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by the occupants of nearby properties.
- B. Existing Support Structures
  1. Collocation Encouraged. The collocation of Communications Facilities on existing Poles, Towers and Support Structures is strongly encouraged to minimize the extent of intrusion of redundant Support Structures within the Public ROW or on private property. An entity seeking to place facilities in the Town shall demonstrate collocation is not commercially, structurally and/or practically feasible.
  2. Structural Integrity of Existing Support Structures.
    - a. The Village shall not authorize any attachments to Village-owned infrastructure, Pole, Tower or Support Structure that negatively impacts the structural integrity of said infrastructure, Pole, Tower or Support Structure.
    - b. The Village may condition approval of the Collocation on replacement or modification of the Communications Facility at the Provider's cost if the Village determines that replacement or modification is necessary for compliance with the construction and/or safety standards of the Village. A replacement or modification of the Communications Facility shall conform to the applicable design guideline(s) and the Village's applicable specifications for the type of structure being replaced. The Town shall retain ownership of a replacement Support Structure.
  3. Maximum Permitted Height. For an existing Communications Facility or support structure, the Antenna and any associated shroud or concealment material which are permitted to collocate at the top of the existing Support Structure shall not increase the height of the existing Support Structure by more than fifty feet (50') or a total of fifty feet (50') from grade.

4. Reserved Space. The Town may reserve space for future public safety or transportation uses in the Public ROW or on a Pole, Tower or Support Structure owned by the Town in accordance with an approved plan in place at the time an Application is filed.

- a. A reservation of space shall not preclude placement of a Pole or the Collocation of a Communications Facility.
- b. If replacement of the Village's Pole or Support Structure is necessary to accommodate the Collocation of the Communications Facility and the future use, the Provider shall pay for the replacement of the Pole or Support Structure and shall design and construct the replacement Pole or Support Structure in a manner that is able to accommodate the future use.

C. New Pole, Tower or Support Structures

1. Location.

a. Required Setbacks.

- (1) The centerline of a new Pole, Tower or Support Structure shall be installed in alignment with existing street trees and other poles along the same Public ROW whenever possible.
- (2) In no case shall a new Pole, Tower or Support Structure be located less than what is required in the License Agreement from any of the road-way/face of curb, sidewalk, or shared use path as measured to the nearest part of the Support Structure.
- (3) New Poles, Towers or Support Structures shall be located a minimum of six feet (6') from any permanent object, structure or existing lawful encroachment into the Public ROW, or as determined in the License Agreement.
- (4) Support Structures for Small Wireless Facilities located outside of the Public ROW shall be set back from the property line of the lot on which it is located a distance equal to not less than the total height of the facility, including the Support Structure, as measured from the highest point of such Support Structure to the finished grade elevation of the ground on which it is situated, plus 10% of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, and other forms of screening and/or structural characteristics of the proposed Support Structure.

- b. **Required Spacing.** A minimum of three hundred linear feet (300 l.f.) between Poles, Towers, Support Structures or Communication Facilities is required. To the extent feasible, any new or replacement Pole, Tower or Support Structure constructed in the Public ROW shall be located at the property line between two (2) residentially zoned properties and not in the direct line of site from the front of a residential structure.
  - c. **Placement of Poles Between Property Lines.** When feasible, all poles shall be installed as close to the adjoining property line as possible, unless not feasible, to curtail impacts on primary structures.
2. **Maximum Permitted Height.** For a new Support Structure in all districts, the overall height of the Pole, Tower and Support Structure and any collocated Antennas shall not be more than fifty feet (50') in height above established grade measured at the base of the Support Structure.
3. **Design Requirements.**
- a. **Shape and Dimensions.** All new Poles, Towers or Support Structures shall be constructed of solid hot-dipped galvanized steel and shall be round with the Pole shaft tapered in diameter from the base to the top with a maximum of twelve inches (12") at the base.
  - b. **Aesthetics.** In appropriate locations and districts, decorative poles shall be utilized to complement the existing character of the applicable corridor of the Town.
  - c. **Transformer Base.** All new Poles, Towers or Support Structures shall include a one-piece cast aluminum alloy transformer base in a breakaway design, consistent with engineering standards subject to the Engineer for the Village's review and approval.
  - d. **Foundation/Footer.**
    - (1) All new Poles, Towers or Support Structures shall be supported with a reinforced concrete foundation or footer that is designed by a professional engineer, subject to the Engineer for the Town's review and approval.
    - (2) Anchor bolts must be constructed from steel (high strength) per ATSM A36, threaded (J-Type/L-Type), hot dip galvanized steel per ODOT CM Item No. 711.02, and in a strength and diameter recommended by a professional engineer, subject to the Engineer for the Town's review and approval.
    - (3) All anchor bolts must be concealed from public view with an appropriate Pole boot or cover, powder coated to match the Pole, Tower or Support Structure.

- e. **Color.** New Poles, Towers or Support Structures, including the breakaway transformer base, shall have a powder coated finish in dark earth tone colors such as dark green, dark brown, gray, or black, consistent with the color of other Poles, Towers or Support Structures in the immediate vicinity, unless other colors are approved by the Village.
4. **Multiple Requests.** If multiple requests are received by the Village to install two (2) or more Poles, Towers or Support Structures that result in the violation of the applicable spacing requirements outlined herein, or to collocate two (2) or more Communications Facilities on the same Pole, Tower or Support Structure, the Village may resolve conflicting requests through whatever reasonable and nondiscriminatory manner it deems appropriate.
  5. **Alternate Location.** The Village reserves the right to propose an alternate location to any proposed location of a new Pole, Tower or Support Structure, that is within one hundred feet (100') of the proposed location or within a distance that is equivalent to the width of the Public ROW in or on which the new structure is proposed, whichever is greater, which the Provider shall use if it has the right to do so on reasonable terms and conditions and the alternate location does not impose technical limits or significant additional costs.
  6. **Waiver.**
    - a. A Provider may seek a waiver from the Planning Board of the undergrounding or alternative location requirements for the placement of a new Pole, Tower or Support Structure to support Communications Facilities if the Provider is unable to achieve its service objective using a Communications Facility under the following circumstances:
      - (1) From a location in the Public ROW where the prohibition does not apply;
      - (2) In a utility easement the Provider has the right to access; or
      - (3) In or on other suitable locations or structures made available by the Village subject to reasonable rates, fees, and terms.
    - b. The Village shall process waivers in a reasonable and nondiscriminatory manner that does not have the effect of prohibiting the provision of Wireless Services.
- D. Antenna**
1. **Location.** All Antenna to be installed on new or existing Poles, Towers or Support Structures shall be mounted flush to the top of the Pole, Tower or Support Structure and aligned with the centerline of the Pole, Tower or Support Structure, unless otherwise agreed to by the Village based on the specific context and characteristics of the Communications Facility.

2. **Size.** Each Antenna shall be located entirely within an enclosure of not more than three cubic feet (3 ft<sup>3</sup>) in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an enclosure of not more than twelve cubic feet (12 ft<sup>3</sup>) in volume.
3. **Design.**
  - a. **Shape.** Antennas shall be cylindrical in shape or shall be located entirely within a cylindrical canister or shroud.
  - b. **Color.** Exposed Antennas and Antenna enclosures shall match the color specifications of the Pole, Tower or Support Structure, unless other colors are approved by the Village.

**E. Small Wireless Facilities Installed on Support Structures**

1. **Size.** Exclusive of the Antenna, all wireless equipment associated with the Communications Facility shall not cumulatively exceed twenty-eight cubic feet (28 ft<sup>3</sup>) in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
2. **Equipment Enclosures.** All Communications Facilities mounted to Poles, Towers or Support Structures or located on the ground shall be fully contained within enclosures or cabinets.
3. **Required Clear Height.** All Communications Facilities mounted to a Pole, Tower or Support Structure shall provide a minimum of ten feet (10') of clear space on the Pole as measured from established grade to the lowest point of any facility/equipment cabinets or concealment apparatus mounted to the Pole, Tower or Support Structure.
4. **Maximum Horizontal Offset from Support Structure.** Communications Facility equipment cabinets or enclosures shall not extend more than ten inches (10") beyond the Pole, Tower or Support Structure centerline in all directions.
5. **Design.**
  - a. **Cabinet or Enclosure Shape.** Communications Facility equipment cabinets or enclosures shall be rectangular in shape, with the vertical dimensions being greater than the horizontal. Generally, the cabinet or enclosure shall be no wider than the maximum diameter of the Support Structure.
  - b. **Installation.** All Pole mounted equipment cabinets or enclosures must be installed as flush to the Pole as possible. Any installation brackets connecting the cabinets or enclosure to the Pole shall not extend more than two inches (2") from the Pole and shall include metal flaps (or wings) to fully conceal the gap between the cabinet and Pole.

- c. Color. Cabinets or enclosures shall match the color specification of the Pole, Tower and/or Support Structure, unless other colors are approved by the Town.

F. Ground Mounted Small Wireless Facilities

1. Location.

a. Required Setbacks.

- (1) In no case shall ground mounted Small Wireless Facilities be located no less than required in the License Agreement from the roadway/face of curb, sidewalk, or shared use path as measured to the nearest part of the cabinet or enclosure.
- (2) Ground mounted Communications Facilities and associated required screening or shrouding shall be located a minimum of six feet (6') from any permanent object or existing lawful encroachment into the Public ROW.

2. Size. All Communications Facility equipment shall not cumulatively exceed twenty-eight cubic feet (28 ft<sup>3</sup>) in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

3. Maximum Permitted Height. The maximum height for ground mounted Communications Facilities shall not exceed two and one-half feet (2½') as measured from established grade at the base of the facility.

4. Equipment Enclosures Required. All ground mounted Communications Facilities shall be fully contained within enclosures or cabinets.

5. Design Requirements.

a. Concealment. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching the materials of the Support Structure, unless other materials are approved by the Village. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two (2) years of installation. Landscaping shall be continuously maintained but shall not result in over-growth of the public right-of-way area and shall minimize its presence while achieving the goal of screening.

b. Concrete Pad or Slab. In accordance with state and local standards approved by the Code Enforcement Officer.

- c. Breakaway Design. All objects placed within the Public ROW shall feature breakaway design.
- d. Color. Ground mounted Communication Facility cabinets and enclosures shall have a powder coated finish in dark earth tone colors such as dark green, dark brown, gray, or black, unless other colors are approved by the Village.

G. Construction and Safety Requirements

- 1. Approval of the collocation, replacement or modification of a Pole, Tower or Support Structure is conditioned upon the Provider's assumption of costs if the Village determines such is necessary for compliance with its written construction or safety standards.
- 2. Prevention of failures and accidents. Any Provider who owns a Communications Facility sited in the Public ROW or upon Town-owned property shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than the best available technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.
- 3. Compliance with fire safety and FCC regulations. Communications Facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property, public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- 4. Wind and Ice. All Communications Facilities shall be designed to withstand the effects of wind gusts and ice to the standard designed by ANSI, as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/ EIA/ TIA-222, as amended).
- 5. Surety bond or equivalent financial tool for cost of removal. All Providers shall procure and provide to the Village a renewable bond, or shall provide proof of an equivalent financial mechanism, which may include a funds set-aside and a letter of credit, to ensure compliance with all provisions of these Standards and Guidelines. The renewable bond or equivalent financial method shall cover the cost to remove unused or abandoned Small Wireless Facilities or damage to Village property caused by a Provider or its agent for each Communications Facility which the Provider installs in the Public ROW or upon Village-owned property.

H. Indemnify and Hold the Village Harmless. Any Provider who owns or operates a Communications Facility or a Pole, Tower or Support Structure in the Public ROW or upon Village-owned property shall, to the fullest extent permitted by law, indemnify, protect, defend, and hold the Village and its elected officials, officers, employees, agents, and volunteers harmless from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which

might arise out of, or are caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fee, consultants' fees and expert witness fees are included in those costs that are recoverable by the Village.

- I. Said Provider shall also hold the Village and/or its agent(s) harmless in the event any action by the Village and/or its agent(s) negligently or recklessly disrupts, destroys, and/or incapacitates the small cell facility or wireless support structure situated in the Public ROW or Village-owned property in accordance with these Design Guidelines and Standards.



<b>PUBLIC SECTOR HR CONSULTANTS LLC</b>	
<b>14 Knollwood Drive</b>	
<b>Glenville, NY 12302</b>	
Phone # (518) 399-4512	Fax # (518) 384-1963

<b>BILL TO:</b>
Village of East Syracuse Attn: Mike Moracco, Village Manager/Clerk 204 North Center Street East Syracuse, NY 13057

## Invoice

Date	Invoice #
12/31/2019	4126

Terms
Due on receipt

Description	Amount
Workplace Investigation - services of Ronni Travers As per attached Billing Detail Sheet	5,445.00
Workplace Investigation - services of Jeff Travers As per attached Billing Detail Sheet	1,996.50
Travel Expenses - October 8-9, 2019 258 miles @ \$.58/mile = \$149.64 Thruway tolls = \$10.46 Lodging = \$125.05 Total = \$285.15	285.15
<b>Total</b>	<b>\$7,726.65</b>



**VILLAGE OF EAST SYRACUSE  
BILLING DETAIL  
Ronni Travers Workplace Investigation  
Invoice #4126**

<b>DATE</b>	<b>HOURS</b>	<b>RATE</b>	<b>FEE</b>	<b>DESCRIPTION OF SERVICE</b>
9/26/19	0.5	\$165	\$82.50	<i>Initial information exchange and discussion of outline of investigation(s)</i>
9/30/19	0.8	\$165	\$132.00	<i>Email communcations and develop interview schedule</i>
10/7/19	3.2	\$165	\$528.00	<i>Prepare interview questions</i>
10/8-9/19	3.8	\$82.50	\$313.50	<i>Round Trip travel time</i>
10/9/19	7.8	\$165	\$1,287.00	<i>On-site employee interviews</i>
10/14/19	2.0	\$165	\$330.00	<i>Draft investigation report</i>
10/14/19	1.3	\$165	\$214.50	<i>Telephone interviews - Bunk-in students</i>
10/21/19	1.0	\$165	\$165.00	<i>Telephone interview - Fire Chief</i>
10/22/19	1.8	\$165	\$297.00	<i>Draft investigation report</i>
10/26/19	0.8	\$165	\$132.00	<i>Draft investigation report</i>
11/5/19	3.6	\$165	\$594.00	<i>Draft investigation report</i>
11/6/19	1.8	\$165	\$297.00	<i>Draft investigation report</i>
11/7/19	3.8	\$165	\$627.00	<i>Draft investigation report</i>
11/8/19	2.7	\$165	\$445.50	<i>Finalize and transmit investigation report</i>
<b>TOTALS</b>	<b>34.9</b>		<b>\$5,445.00</b>	



**VILLAGE OF EAST SYRACUSE  
BILLING DETAIL  
Jeff Travers Workplace Investigation  
Invoice #4126**

<b>DATE</b>	<b>HOURS</b>	<b>RATE</b>	<b>FEE</b>	<b>DESCRIPTION OF SERVICE</b>
10/3/19	1.0	\$165	\$165.00	<i>Review documentation to prepare for investigation</i>
10/4/19	0.8	\$165	\$132.00	<i>Prepare interview questions</i>
10/8/19	0.9	\$165	\$148.50	<i>Prepare interview questions</i>
10/8-9/19	3.8	\$82.50	\$313.50	<i>Round Trip travel time</i>
10/9/19	4.8	\$165	\$792.00	<i>On-site employee interviews</i>
10/10/19	0.5	\$165	\$82.50	<i>Telephone interview</i>
11/1/19	0.6	\$165	\$99.00	<i>Draft investigation report</i>
11/6/19	0.8	\$165	\$132.00	<i>Draft investigation report</i>
11/7/19	0.8	\$165	\$132.00	<i>Finalize and transmit investigation report</i>
<b>TOTALS</b>	<b>14.0</b>		<b>\$1,996.50</b>	





EMBASSY SUITES  
HOTELS\*

Embassy Suites Syracuse  
6646 OLD COLLAMER RD  
SYRACUSE, NY 13057  
United States of America  
TELEPHONE 315-446-3200 • FAX (315) 437-3302  
Reservations  
www.embassysuites.com or 1 800 EMBASSY

TRAVERS, RONNI  
  
14 KNOLLWOOD DR  
  
GLENVILLE NY 12302  
UNITED STATES OF AMERICA

Room No: 539/KNGN  
Arrival Date: 10/8/2019 7:27:00 PM  
Departure Date: 10/9/2019 9:09:00 AM  
Adult/Child: 2/0  
Cashier ID: C1BRADLEY  
Room Rate: 110.67  
AL:  
HH #: 817320094 GOLD  
VAT #  
Folio No/Che: 936430 A

TAX #:  
Confirmation Number: 84289585

Embassy Suites Syracuse 10/9/2019 9:08:00 AM

DATE	REF NO	DESCRIPTION	CHARGES
10/8/2019	4760474	GUEST ROOM	\$110.67
10/8/2019	4760474	STATE TAX	\$8.85
10/8/2019	4760474	CITY TAX 1	\$5.53
10/9/2019	4760531	VS *6475	(\$125.05)
**BALANCE**			\$0.00

Hilton Honors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 5,700 hotels and resorts in 113 countries, please visit [Honors.com](http://Honors.com)

Thank you for staying with us. Visit [embassysuites.com](http://embassysuites.com) for more information on hotel packages, subscribe to our E-announcements newsletter, or plan your next stay at close to 200 destinations.

CREDIT CARD DETAIL

APPR CODE	01436D	MERCHANT ID	6103402
CARD NUMBER	VS *6475	EXP DATE	03/24
TRANSACTION ID	4760531	TRANS TYPE	Sale





One Farm Springs  
Farmington, CT 06032

CUSTOMER NO.	DATE	INVOICE NO.
443918	12/20/19	NBS05017120

# INVOICE

AMOUNT DUE ON SERVICE CONTRACT:
<b>2,576.88</b>

Enclose This Coupon With Your Payment.  
Make Check Payable To:  
OTIS ELEVATOR COMPANY

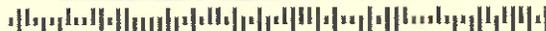
Mail payment to:



OTIS ELEVATOR COMPANY  
P.O. BOX 13716  
NEWARK NJ  
07188-0716

MB 01 022000 40504 B 78 A

VILLAGE OF EAST SYRACUSE  
EAST SYRACUSE MUNICIPAL  
204 N CENTER ST  
EAST SYRACUSE NY 13057-2412



PLEASE SEND CORRESPONDENCE TO YOUR LOCAL OFFICE AS SHOWN BELOW

0NBS05017120 0000257688 4

★ DETACH RETURN DOCUMENT ALONG PERFORATION ★

## INVOICE

### OTIS ELEVATOR \*\* SERVICE CONTRACT CHARGES \*\*

<u>CUSTOMER NO.</u>	<u>DATE</u>	<u>INVOICE NO.</u>
443918	12/20/19	NBS05017120

BUILDING NBS443158 EAST SYRACUSE MUNICIPAL B  
CONTRACT NBS05017

SERVICE FROM 01/01/20 TO 12/31/20	2,863.20	
EXTENDED TERM DISCOUNT- 10.00%	286.32-	
<b>TOTAL CURRENT CHARGES DUE</b>		<b>2,576.88</b>

- - - PRICE ADJUSTMENT - - -

IN ACCORDANCE WITH THE PROVISION FOR THE ADJUSTMENT OF PRICE AS SET FORTH IN THE CONTRACT ENTERED INTO BETWEEN US FOR THE SERVICE OF ELEVATOR EQUIPMENT:  
THE FORMER PRICE OF 232.40 HAS BEEN ADJUSTED AS INDICATED BELOW BASED UPON THE CHANGES THAT HAVE OCCURRED IN THE ELEVATOR EXAMINERS' COST AND IN MATERIAL INDEX BETWEEN NOVEMBER, 2018 AND NOVEMBER, 2019. THE ADJUSTED PRICE BECOMES EFFECTIVE JANUARY 01, 2020 AND SHALL REMAIN IN EFFECT UNTIL DECEMBER 31, 2020 WHEN IT WILL BE SUBJECT TO ADJUSTMENT.

CLAUSE 1 - BASED ON CHANGES IN PRODUCER METALS AND METAL PRODUCTS COMMODITY INDEX:

(A)	(B)	(C)=B/A	(D)	(E)=C*D
FORMER INDEX	CURRENT INDEX	RATIO OF CHANGE	FORMER MATERIAL	CURRENT MATERIAL
226.1000	215.1000	95.13490	17.52	16.67

CLAUSE 2 - BASED ON CHANGES IN ELEVATOR EXAMINERS' HOURLY COST:

(A)	(B)	(C)=B/A	(D)	(E)=C*D
FORMER EXAMINERS' COST	CURRENT EXAMINERS' COST	RATIO OF CHANGE	FORMER LABOR	CURRENT LABOR
87.1623	90.0237	103.28284	214.88	221.93
				238.60 PER MO

LESS DISCOUNT AMOUNT OF	23.86	214.74	NET AMOUNT/MO
<b>YOUR NEW INVOICE AMT</b>		<b>2,576.88</b>	<b>TOTAL</b>

FOR ANY QUESTIONS CONCERNING THIS INVOICE, CONTACT OTIS AT: 1-315-463-6615  
OR WRITE OTIS ELEVATOR BLDG TR-7 P.O. BOX 4808 SYRACUSE NY 13221  
PAYMENT DUE UPON RECEIPT- PLEASE PAY PROMPTLY

WE CERTIFY THAT THE GOODS WERE PRODUCED IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF SECTIONS 6, 7 AND 12 OF THE FAIR LABOR STANDARDS ACT, AS AMENDED, AND OF REGULATIONS AND ORDERS OF THE UNITED STATES DEPARTMENT OF LABOR ISSUED UNDER SECTION 14 HEREOF.  
OVERDUE PAYMENTS SHALL BEAR AN INTEREST CHARGE ON THE OVERDUE AMOUNT CALCULATED FROM THE PAYMENT DUE DATE OF THE INVOICE AT THE RATE OF ONE AND ONE HALF PERCENT (1.5%) PER MONTH OR THE MAXIMUM RATE ALLOWED BY APPLICABLE LAW, WHICHEVER IS LESS.





**Michael Moracco**

---

**From:** Bryant Abbuhl <babbuhl@rbs-usa.com>  
**Sent:** Friday, December 20, 2019 3:54 PM  
**To:** Patricia McCarthy; Michael Moracco  
**Cc:** Jim Kreitner  
**Subject:** RBS - Laserfiche quote  
**Attachments:** RBSLaserficheQuote.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Mike and Patty,

Here is your proposal for the initial building and installation of your document management solution and the annual license. I have included the option to bill the professional services installations as a 60 month lease payment as well.

Laserfiche Installation – 37 Hours Professional Services	
Installation	\$8,140
60 month lease terms available	\$179 per month
Laserfiche Cloud Document Management With Process Automation - 4 Annual Licenses Included	
	\$2,592 per year

Also included are the following:

**Production Environment Configuration:**

- Setup Laserfiche Cloud account and four Cloud user accounts
- Setup one Laserfiche “East Syracuse” Repository with root folders for Minutes, Codes, Local Laws, Personnel and Resolutions
- Security – setup up to three Groups (Admin, Edit, View)

***Create Laserfiche templates***

- Minutes index fields
  - Date
  - Type (Special, Regular, etc.)
- Codes index fields
  - Name
  - Date
  - Type (Property, Permits, Rental Inspection, Fire Inspection)
- Local Laws index fields
  - Number
  - Year
- Personnel index fields
  - Name

- Resolutions index fields
  - Number
  - Year

***Install Laserfiche Import Agent***

- Configure five import profiles one for each document type
  - Store in an “Import” folder under the root of each document type for capture profile workflow processing
- Create five Capture Profile workflows one for each document type
  - Each workflow will monitor the Import folder of a respective document type and process found documents
  - A capture profile task in each workflow will have OCR zones setup for document indexing
  - Index field data will be used to organize documents into sub folders

**Admin Training**

- One – two-hour session – Train the trainer session showing client IT admin how to maintain Laserfiche including Repository, Metadata, Workflow and Import Agent

**User Training**

- Two – one-hour sessions – Train the trainer sessions showing client end users how to use Laserfiche features including import and search.

It has been a pleasure working on this project with you so far, a I look forward to the next steps.

Please let us know if you have any questions. We can set up another call as soon as Monday if you would like.

**Bryant Abbuhl**

Branch Manager/Technology Consultant

Repeat Business Systems, Inc.

(315)937-1501 ext 430

Mobile: (518) 859-8125

[babbuhl@rbs-usa.com](mailto:babbuhl@rbs-usa.com)



***Your partner for IT services and network management***

**Ice Skating Rink**

**Hours**

Monday – Thursday – 4 – 7

Friday                      5 – 9

Saturday & Sunday    1 – 6

**Prices**

Village Residents        Free

Non – Residents        \$1.00 admission  
                                  \$1.00 skate rental



## Park Activities & Trips

16

**Motion** - To offer the following schedule of events for February Break 2020:

Monday, February 17 <sup>th</sup>	<b>Sky Zone</b> 10:00 -11:00 No transportation	\$8.00 VR/\$10.00 NR
Tuesday, February 18 <sup>th</sup>	<b>Bingo &amp; Movie</b> 11:00 – 2:00 Village Office – 2 <sup>nd</sup> Floor	Free
Wednesday, February 19 <sup>th</sup>	<b>Parent Child Paint Day</b> 10:30 – 12:00 East Syracuse Elementary	\$5.00
Wednesday, February 19 <sup>th</sup>	<b>CNY Karate</b> 12:15 – 1:30 East Syracuse Elementary	Free
Thursday, February 20 <sup>th</sup>	<b>Bowling- Rock &amp; Bowl</b> At Village Lanes Ages 4 - 12 11:00 – 12:30	Cost is \$7.00
Friday, February 21 <sup>st</sup>	<b>3 on 3 Basketball Tourney</b> At ESE 1 <sup>st</sup> – 5 <sup>th</sup> grade 10:00 – 12:00	\$5 to Steve Graham
Friday, February 21 <sup>st</sup>	<b>Intramurals &amp; Pizza Party</b> At ESE 12:15 – 2:30PM	\$5 to Steve Graham

**Motion** – To offer **Baby Sitting Course** during February Break. \$50.00 – Paid Directly to Eaves  
February Break – Date TBA – Course conducted by  
EAVES.

**Motion** – To approve the following schedule of activities for the Parks & Recreation Department:

Tuesday, February 18 <sup>th</sup>	<b>Family Trivia Night</b> Municipal Building 6:00 pm	Free
Friday, March 6 <sup>th</sup>	<b>Family Movie Night</b> Municipal Building 6PM snacks & refreshments Wear your pajamas!	Free
Saturday, March 14 <sup>th</sup>	<b>Build It with LOWES</b> 9AM to 11AM	Cost is \$5

Municipal Building  
Snacks & refreshments

Saturday, April 4<sup>th</sup>      **Breakfast with the Easter Bunny**      \$3.50/person  
Heman Street Apts      \$12/family  
9:15 to 10:45 am

Saturday, April 11<sup>th</sup>      **Annual Easter Egg Hunt**      Free  
10AM Sharp!  
Ellis Field Park  
Ages 10 and under

**Easter Coloring Contest**      Free  
Register before April 9<sup>th</sup>  
Winners announced April 11<sup>th</sup>

*Ken - Margaret  
YES*

**Motion** – To approve the following Senior Activities:

Thursday, January 16<sup>th</sup>      **Movie & Pizza Day**      Cost is \$4  
Thursday, March 19<sup>th</sup>      TBA  
Thursday, April 16<sup>th</sup>      Pizza, popcorn and refreshments

Thursday, February 13<sup>th</sup>      **Valentine's Day Party**      Cost is \$3  
Heman Street Apartment  
10 – 1:30PM  
Lunch, Valentine BINGO  
Entertainment

Thursday, March 12<sup>th</sup>      **St. Patrick's Day Party**      Cost is \$4  
Heman Street Apartments  
10 – 1:30PM  
Corned Beef & cabbage lunch  
Entertainment

Thursday, April 2<sup>nd</sup>      **Easter Luncheon**      Cost is \$4  
Heman Street Apts  
10:00 – 1:30 pm  
Entertainment

Thursday, April 6<sup>th</sup>      **Movie & Pizza Day**      Cost is \$3  
Pizza, popcorn and refreshments

To Approve: Senior trip to **Movie Tavern Theater in Cicero** (date and movie to be announced). Cost is \$5.00 includes movie and bus transportation.

To approve the senior trip to **Turning Stone Casino** on Tuesday, **February 27<sup>th</sup>** and **Thursday, May 7<sup>th</sup>** for adults 21+ years of age. Cost for Village residents is \$16, \$18 for non-residents. Trip includes motor coach transportation, \$15 free play or \$15 BINGO Bucks, and \$5 lunch coupon.

To approve a senior trip to **Annual ESM Musical "Cinderella"** on Saturday, March 7<sup>th</sup>. Cost is \$5.00. No transportation.

To approve two 4 week sessions of **Kids Karate Program at CNY Karate School** on March 6, 13, 20, 27 and May 1, 8, 15, 22 for \$49.00 per person per session.

To approve the senior trip to **Del Largo Casino** on Thursday, **March 26<sup>th</sup>** for adults 21+ years of age. Cost for Village residents is \$20 and \$22 for non-residents. Trip includes motor coach transportation and free play

To Approve - **Saturday, April 25<sup>th</sup> – Oorra Annual Earth Day Cleanup**. Volunteers meet at Village Deli at 9:00 am. Hotdogs, ice cream and water are provided at conclusion of cleanup for all volunteers courtesy of Village Deli.

To Approve: **Men's Adult Basketball League**. ESM High school Tuesday Evenings 6 – 9. March 3 – May 26. \$100 registration Fee

To Approve – **Family Day at Syracuse Mets Game** on Sunday, May 17<sup>th</sup>. Cost is \$6 for VR & \$ 8 for NR – includes ticket to game. No transportation, and tail gate party in parking lot at 12:00 noon.



17

Ryan Howles  
509 Demong Dr,  
Syracuse, NY 13214

---

January 6, 2020

Village of East Syracuse  
204 N. Center St  
East Syracuse, NY 13057

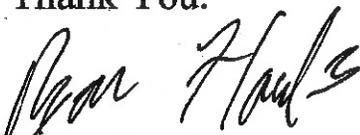
Dear Dawn Cramer,

I would like to inform you of my intention to resign as a caretaker with the Village of East Syracuse. My last day of employment with the village will be January 17, 2020.

I appreciate the opportunities I was given during my tenure at the Village of East Syracuse.

Please let me know what assistance you'll need from me during the transition period.

Thank You.



Ryan Howles



**NEW YORK STATE DISABILITY COVERAGE**

<b>Criteria</b>	<u>Annual</u>		<u>Quarterly</u>	
Mandatory Coverage	\$21 M	\$45.60 F	\$25.80 M	\$55.20 F
Benefit 50% of weekly wage max \$170/wk				

**Options:**

		<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
<b>Increase Weekly Max</b>					
1.5 Xs	increases weekly max to \$255/wk	\$32.40	\$67.80	\$38.40	\$82.20
2 Xs	Increases weekly max to \$340/wk	36.00	79.20	44.40	94.80
3 Xs	Increases weekly max to \$510/wk	46.80	102.60	57.00	122.40
4 Xs	Increases weekly max to \$680/wk	91.20	199.80	111.00	237.60
5 Xs	Increases weekly max to \$850/wk	117.00	256.80	142.80	306.00

**Paid Family Leave**

**Accidental Death & Dismemberment**

\$50,000	\$12.00	Annual
\$100,000	24.00	"

**Add In Hospital Coverage – If in the hospital**

		<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Statutory	increases weekly max to \$340/wk	\$23.40	\$49.80	\$27.60	\$60.00
1.5 Xs	increases weekly max to \$425/wk	34.80	74.40	40.20	88.80
2 Xs	Increases weekly max to \$510/wk	39.00	84.60	46.80	101.40
3 Xs	Increases weekly max to \$680/wk	49.80	108.00	59.40	129.00
4 Xs	Increases weekly max to \$850/wk	100.80	205.80	113.40	244.80
5 Xs	Increases weekly max to \$1020/wk	129.60	262.80	145.20	312.60





December 20, 2019

Village of East Syracuse  
Document Management Solution Proposal:

Repeat Business Systems, Inc. is a vibrant technology leader with a big heart focused on service, integrity and true partnership. Founded in 1987, Repeat Business Systems has three divisions: Hardware, Software, and IT Consulting. We provide workflow efficiencies and cost savings analysis. RBS has won many local and national awards. These include Small Business of the Year, Top Workplaces, Family Owned Business of the Year, and Best Places to Work. Extensive customer surveys have found >95.7% satisfaction with our customer service. We look forward to becoming your trusted partner in technology.

Laserfiche Installation – 37 Hours Professional Services	
Installation	\$8,140
60 month lease terms available	\$179 per month
Laserfiche Cloud Document Management With Process Automation - 4 Annual Licenses Included	
\$2,592 per year	

Thank you for this opportunity. If you have any questions, please contact me at (315) 937-1501 or [babbuhl@rbs-usa.com](mailto:babbuhl@rbs-usa.com). Professional services install is subject to adjustment based on scope, but has been built as accurately as possible from our discovery conversations.

Sincerely,  
Bryant Abbuhl



## Code Enforcement – December 2019

### Highlights

1. December is a very busy month. Rental registration packets went out to approximately 380 properties, and the registration forms, consent to inspect forms, and fees have been coming in daily.
2. We're in the early stages of working with Wal-Mart with their total store remodel that will be occurring this year. The footprint will not be changing.
3. Working with Romano Toyoto on Basile Rowe with their customer waiting area and office remodel.
4. Steel for the Bosnian Mosque on Hartwell Ave was holding up the progress, however they did receive a delivery a few weeks ago and have made some movement.
5. Working daily with the DPW regarding vehicles parking over the sidewalks impeding the sidewalk plows.
6. Garbage remains to be a problem with trash bags not being placed at the curb inside sealed containers and animals getting at the garbage tearing open the bags. Both State code and Local code requires all trash bags on the exterior property to always be in sealed garbage cans. For rental properties, the landlord is responsible for providing sealed garbage containers for their tenants.

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading.

Main body of handwritten text, consisting of several paragraphs of cursive script. The text is very faint and difficult to read.



### DPW Activity-DECEMBER 2019

**SNOW OPERATION**-Plowed 9 times, salted 11 times hauled snow from main st, parking lots, sidewalk plow was out 6 times.

**LEAVES**-After snow melted away hauled all piles that we could get. Cleaned & put away leaf blower & box.

**BUILDING & YARD**-Finished cleaning yard & hauled away all old scrap. Put equipment away for winter cleaned up & arrange pole barn & shed to make more room for storage.

**SIGN WORK**-Replace stop sign at Bridge & Chevy Dr for the state(state supplied the sign), went around the village & straight up & replace different bad ones.

**FLOODING**- Have been in contact with Eric from the state about Rte.290 @ tractor supply and kwik fil they are looking at maps and where drainage problems are

**NYMIR**- We had a safety lesson on truck safety master disconnect switches and to everyone use them here it which comes from the DPW garage fire in Sodus. yrs ago

*Eric  
Hanson-  
flooding*

~~10~~



**Fire Calls for 12/1/19-12/31/19**

Fire, Other	4	
Vehicle Fire	1	
Rescue-EMS		13
Motor Vehicles with Injuries	1	
Motor Vehicle with no injuries	7	
Gasoline or other flammable liquid spill		1
Natural Gas Leak	3	
Building/Structure weakened or collapse		1
Service Call	2	
Lockout	1	
Water Problem	1	
Smoke/Odor Call	5	
Public Service Asst		1
Assist Invalid		1
Unauthorized Burning	0	
Good Intent	4	
Dispatched/Canceled en Route		10
Alarm Activations-unintentional		12
C/O Detector, No C/O	<u>1</u>	
	69	

Mutual Aid Calls

Given/Received

27001 Bridgeport	
27020 North Chittenango	
34008 Cicero	1
34009 Clay	
34011 DeWitt	5
34016 Fayetteville	2
34018 Hinsdale	
34022 Kirkville	
34025 Liverpool	
34026 Lyncourt	1
34028 Manlius	
34030 Mattydale	2
34032 Minoa	
34037 North Syracuse	1
34051 Syracuse	<u>        </u>
	12

Hotels calls in December total of 6 Alarms



## **Parks & Recreation – Director Tom Richardson**

The intergenerational program continued at the Heman Street Apts on **December 4<sup>th</sup>**. 2<sup>nd</sup> & 3<sup>rd</sup> graders sang the 12 days of xmas for the seniors. The family times staff were on site to write an article on the program.

Seniors and children attended *Lights on Lake* on **Thursday, December 5<sup>th</sup>**. There was a stop at Heid's on way home

The Village Tree Lighting Ceremony took place on **Monday, December 9<sup>th</sup>** at the Village Hall. Thank you to Music Teacher Samantha Darling and The Treble makers for singing Christmas Carols. Children enjoyed the evening by singing carols, and having cookies and Hot Chocolate. The evening was topped off with a visit from Santa.

The Village House Lighting Contest and Hayride was also on **Monday, December 9<sup>th</sup>**. 13 houses entered competition. 1<sup>st</sup> place 107 Kinne Street, 2<sup>nd</sup> Place 106 McCool and 3<sup>rd</sup> place 108 West Ave. Thanks again to Empower Credit Union for Sponsoring Event.

On **December 11<sup>th</sup>** the Treble Makers from ESE came to Heman Street for the senior program. They sang Christmas carols for the Seniors.

46 children, adults and seniors attended Disney on Ice on **Thursday, December 12<sup>th</sup>** at the East Syracuse War Memorial.

Family Movie Night was held on **Friday, December 13<sup>th</sup>**. The movie Grinch was shown. Children enjoyed popcorn, and green treats and refreshments

Breakfast with Santa on **Saturday, December 14<sup>th</sup>** was a success. Approximately 140 people (children & their families) attended. Participants were served pancakes, Eggs & sausage, had a picture taken with Santa and had the chance to make Christmas crafts.

25 Seniors attended A Syracuse Christmas Carol on **Sunday, December 15<sup>th</sup>** at the Redhouse Theater.

The Senior Christmas Party at American legion was attended by 55 seniors on **Thursday, December 19<sup>th</sup>**. Thank you to Mrs. McGinley Class and Miss Albanese Class from East Syracuse Elementary. The children put on a Christmas concert and made Christmas crafts for all the seniors. Parks & Rec staff and volunteers made all food for party. Thank you to East Syracuse recreation Committee for donating money to event to keep price down so more seniors could attend

Over 50 children participated in the 2<sup>nd</sup> Annual letters to Santa Program. Thank you to Cori Tackman for sending out responses to children letters.

20 seniors, adults and children attended the musical Beauty and the Beast on **December 26<sup>th</sup>** at the Syracuse Stage.

Tubing at Four Season on December 27<sup>th</sup> was cancelled due to warm weather.

Seniors played cards at the Village Municipal Building on Thursday, December 5<sup>th</sup>. Next Party will be on January 17<sup>th</sup>.

The next Bennett manor luncheon will be held on Tuesday, January 21<sup>st</sup>

Senior movie day will be on Thursday, January 16<sup>th</sup> on the 2<sup>nd</sup> Floor Village office. Movie TBA.

Upcoming trips include the Turning Stone Casino on January 28<sup>th</sup>

Deadline for Food \$ense program is Friday, January 10<sup>th</sup>. Call Tom Richardson at 952 – 0038 to get your order in.

The Ice skating rink at Ellis Field Park is ready to go. Just waiting for cold weather.

Winter brochure will be out shortly. Copies can be found at Village office, at the Recreation Department and on the Village Web site, as well as the Recreation Department Facebook page.

17

Ryan Howles  
509 Demong Dr,  
Syracuse, NY 13214

---

January 6, 2020

Village of East Syracuse  
204 N. Center St  
East Syracuse, NY 13057

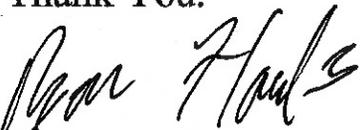
Dear Dawn Cramer,

I would like to inform you of my intention to resign as a caretaker with the Village of East Syracuse. My last day of employment with the village will be January 17, 2020.

I appreciate the opportunities I was given during my tenure at the Village of East Syracuse.

Please let me know what assistance you'll need from me during the transition period.

Thank You.

  
Ryan Howles



21a

### NEW YORK STATE DISABILITY COVERAGE

<b>Criteria</b>	<u>Annual</u>		<u>Quarterly</u>	
Mandatory Coverage	\$21	M \$45.60	F \$25.80	M \$55.20
Benefit 50% of weekly wage max \$170/wk				

**Options:**

		<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
<b>Increase Weekly Max</b>					
1.5 Xs	increases weekly max to \$255/wk	\$32.40	\$67.80	\$38.40	\$82.20
2 Xs	Increases weekly max to \$340/wk	36.00	79.20	44.40	94.80
3 Xs	Increases weekly max to \$510/wk	46.80	102.60	57.00	122.40
4 Xs	Increases weekly max to \$680/wk	91.20	199.80	111.00	237.60
5 Xs	Increases weekly max to \$850/wk	117.00	256.80	142.80	306.00

**Paid Family Leave**

**Accidental Death & Dismemberment**

\$50,000	\$12.00	Annual
\$100,000	24.00	"

**Add In Hospital Coverage – If in the hospital**

		<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Statutory	increases weekly max to \$340/wk	\$23.40	\$49.80	\$27.60	\$60.00
1.5 Xs	increases weekly max to \$425/wk	34.80	74.40	40.20	88.80
2 Xs	Increases weekly max to \$510/wk	39.00	84.60	46.80	101.40
3 Xs	Increases weekly max to \$680/wk	49.80	108.00	59.40	129.00
4 Xs	Increases weekly max to \$850/wk	100.80	205.80	113.40	244.80
5 Xs	Increases weekly max to \$1020/wk	129.60	262.80	145.20	312.60



November 4, 2018

To: The Trustees of the Village of East Syracuse Trustees

C/O Village Clerk Michael Moracco

From: Herb Schrayshuen

Re: Renewed Request for action regarding the public safety threat located at 106 West Avenue.

This letter is a request for the Village of East Syracuse to take additional public safety related protective action to protect the public from the safety threat posed by the Norway spruce (hereinafter referred to as "the tree") located at 106 West Avenue, East Syracuse NY.

The public safety threat continues as it was when I first approached the Village Board of Trustees in April 2018. Individuals, including children occupying the six properties I identified as being at risk in April 2018 (including the tree owner), the general public occupying or traveling through the public right of way and the power and telecommunication facilities continue to be at significant risk when this tree falls depending on the direction it falls. The risk must be remedied in a controlled way.

#### Background

In response to my prior request and the assessment of an arborist, Village Code Enforcement Office agreed that the tree located at 106 West Avenue was unsafe. As a result the Village of East Syracuse brought a code enforcement action via Case # 18070043.01, File #2018-01 in the Village of East Syracuse Village Court against the owner of the tree. The objective was to confirm the public safety risk to six adjacent properties and the public right of way if the tree 106 West Avenue were to fall and to implement risk mitigation measures.

The attached document (Attachment 1) was recently obtained from the Village public records officer under the New York Freedom of Information Law and is referred to herein as the Brooks Report. The owner of the tree commissioned the Brooks Report.

The Brooks Report reaches a number of conclusions supporting the fact that the tree continues to be unsafe. These are listed and page referenced as follows:

- "...it is my opinion the spruce tree should now be removed."-page 2
- "Trees may be privately owned but involve community responsibilities."-page 3
- "The Village of East Syracuse well knows the devastating losses due to trees within the village from numerous storm events in recent years<sup>13,14</sup>"-page 9
- "When the contractor uncovered the major buttress root of the spruce, he recognized this [risk] and showed good common sense and stopped."-page 10

I encourage the Trustees to read this report in its entirety. This report from the Village records is being brought to the attention of the Village Trustees as supporting evidence to conclude that the tree remains unsafe.



By ignoring the recommendations in the Brooks Report in her possession and testifying contrary of the conclusions of the report, the tree owner is behaving with grave indifference to the potential impact on neighboring properties and the public right of way when her tree falls.

Considering the foregoing points, the public safety risk posed by this tree remains an issue worthy of further action by the Village of East Syracuse Board of Trustees.

#### **The Village needs to develop a sound public policy regarding tree safety**

There have been numerous tree issues and many near miss tree incidents over the years in the Village. Most recently there was a tree incident in the vicinity of 220 West Avenue. Trees are a continuing public safety issue (note the DPW continuing reports to the Trustees regarding Ash Borer tree damage issues) which calls for public policy development and local legislation by the Village of East Syracuse Board of Trustees. Reliance on single individual code enforcement Court cases or Village DPW clean-up after trees fall does not adequately provide protection to the public. It takes too long and the outcome of Court cases can be uncertain as has been demonstrated.

#### **What action(s) might be considered by the Trustees?**

The Village of East Syracuse Board of Trustees is the legislative body with jurisdiction over public safety in the Village of East Syracuse. The Trustees have numerous options at their disposal to address the tree safety risk in general and the specific risk at 106 West Avenue in particular:

1. A new case can be brought. The Village could start over with a new, independent arborist assessment and opinion as to the safety of the tree.
  - a. If the tree is found to be safe, no further action would be needed.
  - b. If the tree is found to be unsafe the arborist's opinion can be brought to the Court again based on the new arborist's opinion and possibly even the Brooks Report.
2. The Village can legislate and create rules for managing tree safety risks both on Village public rights of way and on private property when trees pose a safety risk to the public or neighbors. Some thoughts and local examples regarding potential actions include:
  - a. The Village of Minoa has a mechanism for handling these matters which may be a model for the Village of East Syracuse. This should be investigated as an option by the Village Trustees.
  - b. The Village of Cazenovia has a Tree Commission with administrative procedures to deal with unsafe tree situations both on public and private land, which may be a model.
  - c. The Village can create its own Tree Code and administrative procedure for handling unsafe trees before they injure people or damage property.
  - d. The Village Trustees, based on the Brooks Report prepared by the tree owner, can simply order the tree to be removed or shortened (to say 40 ft from 80ft) so that it no longer poses a risk to the public, but limits the risk exposure to two properties (104 West Avenue and the 106 West Avenue property). This is no different than an order to remove the remains of an unsafe home which has burned.
3. Similar to the disposition of the Village Police Department several years ago, the Village of East Syracuse can cede jurisdiction of its tree issues to the Town of DeWitt for application of DeWitt's existing administrative processes for dealing with unsafe trees.

The Court decision on June 11, 2019 has removed any incentive for the tree owner at 106 West Avenue to deal with the known safety risk posed by her tree. From the Village of East Syracuse's perspective the Court's decision should not be the "end of the road" for action because the fact remains that the tree is unsafe. The Brooks Report confirms this as a fact. The Court's decision does not protect the public interest from a safety perspective.

### **Summary Conclusion**

Based on the Brooks Report, the tree at 106 West Avenue remains a high probability, high impact safety risk with potential for personal injury not only to the tree owner, but to other Village of East Syracuse residents and members of the public at large. There is also significant potential for property damage when the tree at 106 West Avenue falls. This situation calls for action by the Village of East Syracuse local government which is the authority having jurisdiction over the matter.

The Village Code Enforcement Office initially believed that the tree is unsafe and initiated the Code enforcement action as a result of that belief. I again thank the Village for its efforts in that regard, but unfortunately the initial approach taken did not result in mitigation of the public safety risk. Unlike the Court, the Village of Syracuse Trustees can review the Brooks Report and consider its implications relative to public safety.

If, in light of the additional information provided with this letter, the Code Office and Village Trustees believe the tree at 106 West Avenue continues to be unsafe, the Village Trustees must take action(s) perhaps different from those previously employed to eliminate or mitigate the risk of the occurrence of potentially grievous harm. In my opinion, the Brooks Report makes it clear that further action by the Village of East Syracuse government is justified and in the public interest. Some potential approaches have been provided for the Village Board of Trustees consideration. There may be other approaches that the Village Trustees and their legal and technical advisors can develop.

I know the Village Trustees have many competing priorities for their time and attention. I thank the Village of East Syracuse Trustees for their continued interest and attention to this public safety threat. I hope the Trustees will give this matter the priority it deserves. I look forward to hearing back from the Trustees as to their choice of next steps to be undertaken to mitigate the public safety risk.

I will help in any way that I reasonably can to help the Village of East Syracuse Trustees fulfill their duty to protect the public interest by making the Village of East Syracuse a safer place relative to tree related risks.

Sincerely,

Herb Schrayshuen  
Property Owner  
104 West Avenue, Syracuse NY

Attachment #1

Document obtained through Freedom of  
Information Law request to the Village of East  
Syracuse New York on October 7, 2019  
Received on October 10, 2019



**Tree Damage Observations  
Following Excavation  
Performed For:**

**Lucy Anne Forkhamer  
106 West Avenue  
Syracuse, New York**

**July 14, 2018**

**By: Arthur L. Brooks, CA#NY0366A,  
CF#3534, ASCA, TRAQ, NYICF, PCPP#43**

**Brooks**  
FORESTRY & RESOURCES  
MANAGEMENT COMPANY

## Table of Contents

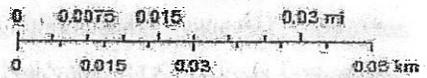
Summary.....	2-3
Assignment.....	4
Limits of the Assignment.....	4-5
Purpose and Use of the Report.....	5
Methods.....	6
Actual Current Use.....	6
Observations.....	7
Intended Roles of Tree Owners.....	7-8
Intended Roles of People Who Work on Trees.....	8
Remediation.....	8-9
Spruce and Site Ecology.....	9-10
Discussion.....	10-12
Conclusions.....	13-16
Bibliography.....	16-17
Assumptions and Limiting Conditions.....	17-19
Certification of Performance.....	19-20
Glossary of Terms.....	21-22
Appendix A: Example Valuation Format: Cost to Cure Method	
Appendix B: Photographic Summary	
Appendix C: Property Boundary Line Trees, Cornell Conservation Circular	

106 West Avenue, East Syacuse



June 30, 2018

1:1,128



## Summary

10 Trees are affected by the cutting and digging activities exposing, ripping and tearing roots along the Forkhamer south property line with heavy equipment. The property line is not defined except by wooden fence the owners have obeyed for decades. To the extent that any tree support systems are damaged, injured or destroyed on the south side of the fence it is directly due to the excavation activities. The damages to the roots are permanent. Once soil structure along roots is disturbed, it cannot be easily replaced. The longer trees stand, damages will become more apparent. The line of trees are a very substantial part of the Forkhamer back yard serving many functional purposes. Recognized thresholds and limits for soil and root removal have been exceeded by digging and removal of what is in net effect about half the supporting roots of trees. The soil level was excavated approximately 4.5 to 5 feet below the fence line and tree root grade leaving about a foot of soil along the fence line. The effects of digging go beyond the soil, fence and property line. Prior to this, the trees were healthy, the spruce was well-rooted, sound and growing strong as are other large spruce like this in the immediate area that have survived many storms.

Whoever decides to retain ANY tree along the boundary with damaged roots accepts current condition, increased inspection and maintenance, future risks that the trees may pose. To the extent that the Forkhamer family or whomever decides to retain or is willing to live with ANY root-damaged tree, increased level of risk would be accepted and the family must still be prepared to deal with the tree health problems this kind of ripping and tearing causes in trees. The digging is on the opposite side of natural tree lean, compounding risk, particularly with winds that occur out of the south. Any trees chosen to remain certainly bear increased scrutiny of the owners on a regular basis or after major storm events. Smaller trees do not necessarily present less risk of harm as Syracuse has tragically experienced in the recent past.

For whatever reason the contractor dug on both sides of the major supporting buttress root of the spruce including underneath of it but then stopped, placed soil partially back on top of the root, still leaving a portion of the underside exposed. That action was a disaster in the making, thus far avoided. Because of these conditions and actions, it is my opinion the spruce tree should now be removed. Any tree to be removed from Forkhamer property resulting from these digging activities should be appraised.

I am prevented from seeing the extent of all the root damage. I was not present when the roots were cut by the contractor. I can't see what the contractor saw prior to or during the digging. Some portions of roots lower on the slope in parts where the wall and soil do not cover reveal roots 1"-2" diameter ripped and dangling. For the size of the trees along the fence these are very substantial losses. I am prevented from measuring or observing roots now by the presence of the re-installed soil over roots, the retaining wall even if access to the construction property were granted. Further, the site and exposed roots continue to change. Risk assessment requires first hand observation of the defect in order to rate risk of failure for a specified time period. Information would also be required that the tree owner alone can not provide. Therefore, no risk assessment could be performed. Edge trees with new exposure, especially with cut root systems, are well recognized as presenting increased risk of failure.

There are many standards, laws, rules and Best Management Practices that govern operating on trees, the ordinary responsibilities afforded tree owners and the support necessary to have trees stand up before, during and after construction. In my opinion, excavation pre-empted, may have prevented tree owner responsibilities. There are many similar rules regarding trees growing on or extending over property boundary lines and self-help afforded to neighbors.

I don't find any recognized or commonly employed development practices here for the protection or conservation of trees, lessening of effects to neighbors that could have been employed at little expense, except that the contractor had the good common sense to stop digging up the spruce. A simple thing like cutting major roots cleanly with a saw would have gone a long way. No information has been presented to me that safety, health and well being of persons, property and trees was planned for and communicated before problems were encountered with the trees by digging.

I can not discern the purpose or reasoning of cutting away branches up 40 feet into the spruce tree then digging away soil on both sides of major buttressing roots. Construction plans must have changed.

Trees absolutely require lateral support and holding soils to be able to stand. Trees may be privately owned but they involve community responsibilities.

Below is a summary of my observations and conclusions of the trees. When referred to, pictures are captioned thus [1], [2], [3],...

### Introduction

Soils were excavated approximately two months ago during demolition of a structure located on the adjacent premises bordering the Forkhamer property south boundary. The contractor stopped excavation at some point during digging of the spruce tree roots. A Bartlett Tree Experts representative visited the property in mid-June and according to Mrs. Forkhamer, was asked by the neighbor to cut down the spruce tree on the Forkhamer property. Bartlett refused and as far as Brooks knows, did not produce any works of reference.

### Assignment

During our phone conversation of June 28, 2018 Lucy Forkhamer also represented by her son, Michael Forkhamer, agreed that Brooks Forestry and Resource Management Company, LLC would travel to the property and perform the following:

Brooks will visit the property, observe and describe present conditions of trees to the extent possible relative to construction from the Forkhamer property.

A written report of observations..

The nature and extent of construction effects will be observed and reported.

Observations will be performed of readily accessible parts, from the ground only and will not involve testing, aerial or subterranean observations of any kind except as is plainly visible..

The report will not include estimates of the costs of maintenance or correction of any defect or problem found but may offer opinion relative to remedial efforts.

Travel to the site will be as soon as possible. Brooks will work alone during the course of investigation.

A written report of findings will be submitted to Michael or Lucy Forkhamer.

Costs of work shall include public real property records research and aerial photo mapping, travel to and from the work site, time for examination and measurement of the trees and site conditions, pictures, writing a report of findings for Forkhamer use in resolving the matter.

### Limits of the Assignment

My investigation is based solely on my visual examination of the subject trees, June 30<sup>th</sup> and July 6, 2018. By direction of the tree owner, view of the trees and their growing parts is limited to the Forkhamer side of the fence and street. The precise location of the property boundary line is not readily observable. Therefore it is not known if the trunk of any tree mentioned in this report resides

on the property line. It is not the purpose of this work nor am I qualified to evaluate any contracted work activities of any parties that may be involved. I have no auditing, contract management or supervisory responsibilities in this agreement. Evaluation of the potential for long-term health and sustainability of the subject trees' response to this construction damage can only be determined over time by observing interactions between tree biology, weather forces, decay, and tree support mechanisms-how the trees respond. Insofar as any governmental action may have taken place prior to actual physical injury to or destruction of the trees, it is unknown to me and in such case is not within the scope of the comments and observations offered for consideration here. Root rots are extremely difficult to detect and assess because the extent and severity cannot easily be seen or characterized.<sup>1</sup> Likewise any root that received lateral cracking due to equipment pulling may not be observed. The extent of root damage and re-buried with soil after digging cannot be observed or characterized. The significance of decay in load-bearing portions of trees may reduce wood strength well in advance of any further visually noticeable defect or decay. Site conditions involving the roots of the trees are now continually changing. Trees will further have delayed response as soil supporting the existing attached roots becomes more desiccated and continues to fall away down-slope from the edge of the cut and behind the wall portions. Because of these changing conditions of the trees and covered remains, a risk rating cannot be performed. The above conditions are outside the scope of this engagement.

The tree owner decides priorities, the final disposition of the trees and any levels of care necessary, should it be decided any root damaged trees will be maintained. Should new information become available or be made known to me, I reserve the opportunity to change my opinion. This report is not intended as, and does not represent advise concerning any work-related responsibilities, legal matters or opinion involving the market value of real-estate, and should not be relied upon to take the place of advise from such licensed professionals who counsel in those matters. My observations reflect consideration of on-going professional/technical reviews relative to measurement of damages to amenity trees, plant physiology and appraisal.

### Purpose and Use of the Report

The purpose of this report is to evaluate current tree health and physiology, relationships to construction which is currently in progress near the subject trees. This report is intended to provide information the Forkhamer family can use to make decisions on their course of action regarding the large spruce and other trees located along the Forkhamer south boundary line. Upon submission, this

<sup>1</sup>Tree Risk Assessment Manual. International Society of Arboriculture. 2013.

report will become the property of Lucy Ann Forkhamer and therefore its use will be at her discretion subject to provisions contained at the end of the document.

## Methods

Observation and measurement of trees were conducted from the ground level from the Forkhamer property and the street without digging or sampling. A laser hypsometer was employed to approximate tree height. A nylon tape and diameter tapes were used for tree diameters at appropriate distances from the ground based on size and available portions.

## Actual Current Use

106 West Avenue is located in the Village of East Syracuse, County of Onondaga. The subject site is improved with an average condition single family residence, real property records parcel # 001.-10-15.0 (.16 acres), class 210. The residence was built around 1920 with additions of garage, porch and fencing in ensuing years. Mrs. Forkhamer indicates the spruce was growing on the property since her time of purchase from the original owner, decades ago. It was very likely planted though some spruce of the area have become naturalized. Other trees along the fence appear naturally established, grown and cultivated as edge trees over time. Bartlett Tree Experts have provided professional service to the property in the past and are familiar with the trees. The primary use is for personal residence, enjoyment and recreation. The tree line along the fence is integral to providing shade to the back yard from the south. Trees derive soil resources from the Forkhamer property and beyond the fence line. The tree line defines the view of the backyard and property perimeter. Trees limit view of neighbors, provide privacy as well as engineering functions of attenuating dust and noise. The presence of installed, managed and maintained landscape elements on the property is low. A step-down, stockade wooden fence along the gentle slope of the property and tree line. The yard is maintained to the fence. The true location of the boundary is not readily observed. The spruce and other trees are clearly visible on recent aerial photography.<sup>2</sup> Other wild, herbaceous plants grow along the fence. A siting area as well as other parts of the back yard are enclosed by white polymer constructed fencing.

## Observations of Tree and Site

Observations are as follows:

1. The precise distance of each tree on Forkhamer property relative to the property line can not be observed. The property line is not defined. The construction site is staked.

<sup>2</sup> Onondaga County N.Y. GIS, 2015 Aerial Photography.

2. The rooting systems of 10 trees are affected by the excavation: Black Walnut 8.7", Norway Maple 10.7", Mulberry 10.8", American Elm 6.5", Elm 5.9", Box Elder 14.3", 10.2", 8.5" and 6.0", spruce 27.8".
3. Crown sizes vary and are limited by competition in the row with trees spaced between 12 and 15 feet apart along the line.
4. The spruce is about 27.8 inches in diameter and 68 feet in height.
5. The spruce is located about two feet two inches north of and inside the fence line toward Forkhamer, about 8 feet from the white polymer fence defining the Forkhamer southwest yard corner. [2]
6. There are no readily observable signs of decay or significant defect in the main structure of the spruce.
7. The spruce crown is heavily lopped on the south side toward neighbors leaving long stubs to approximately 40 feet in height from the ground leaving the tree flagged, one-sided and heavy toward the Forkhamer residence. [8]
8. The lower trunk and zone of root taper look clean, well rooted and sound. [13],[14] Old branch scars from raising the crown through the years have closed. [2]
9. A large buttress root from the spruce passes under the fence. [14] Parts of this main supporting root are visible on the south side of the fence.
10. Digging on both sides and underneath of the spruce root has left an exposed portion.
11. Soil is placed on top of the root approximately two and half feet deep by four feet across. [4],[6],[7]
12. The depth of soil excavation along the property line is estimated at approximately 4.5-5 feet. [5],[6],[12]
13. I was unable to detect either any soil or root movement in the spruce associated with wind gusts at the time of visits.
14. A block retaining wall is partially constructed for about 35 feet along the tree line.
15. The wall obscures view of the cut area from over the fence near the Norway Maple and trees farthest from the Forkhamer residence at the southeast corner. [12]
16. Remaining portions of some roots destroyed by excavation protrude from the cut edge. More than one third, I estimate up to half of the rooting systems of individual trees are affected.
17. Trees along the fence line lean toward and shade the Forkhamer yard area. [10]
18. The distance from the fence to the line of tree trunks varies from about 2" to 8". [9],[10],[11]
19. Soil is excavated and removed about 50-60 feet along the line.
20. Soil is continuing to fall away from the root systems.

### Intended Roles of Tree Owners, Controlling Authorities, Property Managers<sup>3</sup>

1. Determine duty of care responsibilities.
2. Define and communicate tree risks.
3. Determine the need to inspect.
4. Determine target zone use and occupancy rates.
5. Determine Specify the level of inspection and assessment.
6. Establish the budget.

<sup>3</sup> Best Management Practices. Tree Risk Assessment. Standard Practices. ANSI A300 Part 9: Tree Shrub, and Other Woody Plant Management. Tree Structure Assessment.

7. Decide the level of acceptable risk.
8. Establish the inspection frequency.
9. Determine the scope of work to be done on trees.
10. Prioritize any work done on trees.
11. Choose among risk mitigation measures.

### Intended Roles of People Who Work on Trees<sup>4</sup>

Where professional/commercial operations, whether small or large, perform work such as tree trimming or removal on private property, exposes workers to a number of dangerous hazards.<sup>5</sup>

1. Tree Work Safety Review/Job Site Safety and Health Planning for Arboricultural Operations.<sup>6,7</sup>
2. Identify the Need for Follow-up Treatments.
3. Provide Requested Services:
  - a. Pruning, Removal, Support Systems, Protection Measures, Health Treatments, Replacement, Transplanting.

### Remediation of Damages

Costs should be estimated by competent contractors for the removal of the spruce or any other tree along the line chosen to remove. If any of the trees on Forkhamer property injured or destroyed are deemed to possess aesthetic, recreational, functional, engineering or architectural value, then the value of trees should be appraised.<sup>8</sup> Actual Current Use may provide the basis for the valuation method<sup>9,10</sup>. If trees are to be removed, it will be a severe impact to the Forkhamer property. To the extent that Mrs. Forkhamer owns a tree to be removed, a measure of damages may be the value of the injured or destroyed trees themselves or the extent to which the Forkhamer property and trees may be returned to a reasonable level of condition offered prior to the construction.<sup>11</sup> Methods

<sup>4</sup> BMP. Ibidem.

<sup>5</sup> OSHA Tree Care Operations: Stakeholder Meeting. Washington, D.C. July 13, 2016. Summary Report August 15, 2016. Fed. Reg. (81 FR 38117).

<sup>6</sup> OSHA. Ibidem.

<sup>7</sup> Standard Practices for Tree Operations-Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush-Safety Requirements. ANSI z133 Revised. 2017.

<sup>8</sup> Purdue University Extension. FNR-473-W. Tree Appraisal Lindsey Purcell. A summary of the International Society of Arboriculture Guide For Plant Appraisal, 9<sup>th</sup> ed. Authorized by the Council of Tree and Landscape Appraisers (CTLA). [www.fnr.purdue.edu](http://www.fnr.purdue.edu).

<sup>9</sup> Empire Envoy. April 2013. Case Studies in Current Use Valuation.

<sup>10</sup> Amenity Trees: Defining Concepts in Use. Univ. Georgia Warnell School of Forest Resources Publication SFR04-4, 2004.

<sup>11</sup> Summary of New York's Tree Laws. 2010. New York Legislative Commission on Rural Resources. Albany, N.Y. Public Brochure.

available for valuing the subject trees are: Cost To Cure Method, Replacement Cost Method, Trunk Formula Method.<sup>12</sup> Another measure may be the extent to which the Forkhamer land may be depreciated by a licensed real estate appraiser.

If any trees are chosen to remain, then there is acceptance of the peculiar, site specific risks the trees now pose. A plan of maintenance and regular inspection should be undertaken by qualified persons following the standards and Best Management Practices with the understanding that the net effect to the health and stability of the subject trees can be further compromised at any time as predisposed by the digging and disturbance.

The Village of East Syracuse well knows the devastating losses due to trees within the village from numerous storm events of recent years.<sup>13 14</sup>

### Brief Norway Spruce Ecology and Facts

My personal knowledge of the spruce species performance throughout New York State suggests the species is highly suitable for this site and conditions and is a naturalized species in central New York with known longevity beyond 80 years. Comparable individual specimen spruce can be found in the immediate neighborhood and in the following areas: Ledyard Estates, Cazenovia; Cornell Stockton Point Laboratories, Oneida Lake; private residences in the Limestone Hill Estates, Fayetteville.

Norway spruce is ranked as a "medium hazard unlikely to fail without additional factor such as construction damage."<sup>15</sup> The species is generally tolerant of small amounts of root severance but old, large trees are not. They are very sensitive to even slight amounts of cutting or fill (2" or more). (Penn State, 2005) (Matheny and Clark, 1998) In this disturbance, soils were lowered well below the roofing structures of the trees and they have been left exposed for a prolonged period. In a dry time of year, with high sun and wind exposure, soil desiccation is occurring laterally into the soil profile. Thus, root damage occurs far beyond the point of actual shattering of the roots and soil cut. The likelihood of failure increases with the number of roots cut and decreases with the distance from the trunk.

<sup>12</sup> Guide For Plant Appraisal, 9<sup>th</sup> Edition, 2000.

<sup>13</sup> Labor-Day Storm Special. Channel 9 News, September 7, 1998.

<sup>14</sup> East Syracuse Wind Storm Damage, July 8, 2014, May 30, 2013.

<sup>15</sup> Matheny, N.P. and James R. Clark. *Evaluation of Hazard Trees in Urban Areas*. 2<sup>nd</sup> Ed. 1994. International Society of Arboriculture. Pg. 81.

Cutting of the big sinker roots dramatically increases the possibility of wind-throw, particularly when soil is wet. It's common for this area to experience prolonged wet spring seasons with high winds and many past failures, including very recently, have been publicized in East Syracuse following storm events.

### Discussion

If trees belonging to a neighbor adjoining a premises under construction are at all considered for protection and safety before, during or after construction, this is synonymous with recognizing root and simultaneous crown preservation. It involves some idea of the ground support necessary to keep a tree standing. When the contractor uncovered the major buttress root of the spruce, he recognized this, showed good common sense and stopped.

Tree condition is a combination of tree health and tree structure and should be a major factor in determining suitability for compromises if there is any idea of tree conservation or removal in construction work. When roots are torn and ripped out of the ground, several mechanisms come into play as roots are shattered, ripped, cracked, pulled and torn: 1. If it can, the root tries to compartmentalize behind the wound, 2. small roots try to emerge from the destroyed ends. These new roots have a high mortality especially when soils become further desiccated due to drying or soils lowering. Dessication of roots can occur in minutes.

In my experience, tree death or failure as a result of construction to this depth and magnitude of drastically lowering the soil level and severing roots in close proximity to tree trunks, especially the extremely flat, surficially-rooted spruce, is seldom immediate. Much more often loss doesn't occur or make itself evident until years following the event, long after structural stability and aesthetic functionality is gone. Mechanisms of death and decline of spruce are well studied and published in the available literature. Many similar large spruce located on private properties have had their roots dug by heavy equipment along property boundaries in the Syracuse area, the effects of which can be readily compared. Mortality is normally preceded by a progressive pattern of weakening that will begin to be noticed in the crowns. This is followed by twig and branch dieback, structural leader dieback and attack

from pests followed by fungal and bacterial pathogens that destroy wood integrity. Droughty summers, high wind events, additional root or stem injuries from any natural or man-made cause and soils further falling away from the roots will hasten mortality. Tree roots were not judges here or severed cleanly and easily could have been.

Published thresholds suggest that trees can tolerate the removal of up to 30% of their root systems but may be structurally compromised at removals of more than one-third. Every tree and every species responds differently to varying site conditions. Here, the mature, superficially flat-rooted spruce tolerates far less disturbance. Their ability to withstand root removal is heavily dependent on having deeper soils with moisture availability. The excavation evidences very shallow root development within about 12"-14" of the soil surface. [5] The row of trees are now highly exposed. [1] Windthrow in spruces increases in diameters greater than 14 inches.<sup>16</sup>

Because it can be difficult to determine the full extent of a tree's root system, it is difficult to know when a certain percentage of roots have been affected. The common practical approach in construction is to provide a minimum critical root zone (CRZ) or sometimes called tree protection zone (TPZ), staying back some distance. Generally, tree protection zones should be at a minimum established outside the dripline of the tree. However, there are no hard and fast rules and this method of TPZ establishment can lead to areas that are either too large or too small or lead to modes of divisions of trees that are impractical. Here, the root systems extend beyond the drip line of the canopy of the trees and fence line as evidenced by very large size of the major buttressing root cut and exposed on the side of the excavation and the roots of the lesser 10 and 11 inch trees.[4]

Published guidelines for optimal TPZ for species ranked moderate in root disturbance tolerance, are approximately 1.0 feet of distance per inch of trunk area. (Penn. State. 2003)

<sup>16</sup> Hayes, E. Evaluating Tree Defects. 2<sup>nd</sup> Ed. 2001.

Trees are not very precise objects as a property boundary line or a construction footprint. It is assumed contractors and landowners will scale or manipulate any drawings that may have been performed for the construction site. This can allow a bit of adjustment to protect tree physical locations during construction, as the landscape and drainages are seldom built as precisely as plans suggest and various engineers connected to the project subsequently find and modify their respective works. Here, someone laid out the project soil cutting area with wooden staking. [7]

If the location of trees near a property line is deemed of consequence or important, there is no substitute for survey staking the site precisely before the excavation and development of protection measures consistent with tolerances prepared to reconcile with competing space, safety, health and wellbeing of the neighbor and their property, potential physical conflicts. These more specific directions would reflect accurate location of boundary lines, rough dimensioning and location of rooting structures relative to them. This would enable and provide foundation for field adjustments by the contractor like cleaning cutting roots instead of ripping and tearing, pulling out and destroying roots indiscriminately. Large woody roots are responsible for anchoring and supporting individual trees. When roots must be severed, they should be excavated by either air spade or by hand and severed cleanly with a saw.

Please consult legal counsel for any matters concerning the practice of or legal interpretations of law as may concern their applicability in these tree matters.

## Conclusions

1. 10 Trees located along the Forkhamer south boundary line are absolutely integral to the historical and current use and enjoyment of the Forkhamer property.
2. Construction damage occurred to the roots of all 10 trees. Mass grading construction activities removed or affected about half of the rooting systems of individual trees.

3. The precise level of affected root systems can not be known because roots are enclosed by wall or covered by soil, the level and extent of equipment activity was not observed.
4. Excavation irreparably damaged the supporting root systems of all 10 trees by ripping, tearing, pulling roots, removal, erosion and desiccation of supporting soils within the critical root zone of the row of trees.
5. The degree to which individual trees or a line of trees is newly exposed, directly affects the ability to withstand adverse weather conditions. The subject line of trees has partial exposure because they have some protection from the prevailing north and west. Because the trees have been open grown for their lives, they had previous exposure from all directions and better balanced root systems. That balance and adaptivity was destroyed with the cutting of major supporting roots. Abrupt exposure definitely increases the likelihood of failure.<sup>17</sup>
6. The large major buttress root of the spruce still remains partially unearthed. There is no way to discern the level and extent of construction damage to the root since it was re-buried.
7. For whatever reason, construction ceased at the spruce root.
8. All of the trees were healthy and growing well including the large spruce, prior to the event of digging roots. None of the trees have yet reached their natural limits.
9. The long existing tree line and large spruce located along the line should have caused prudent caution of the trees growing within inches of the fence when operating if there was any idea of safety, health and wellbeing of the Forkhamer persons and property and trees or of anyone within striking distance of the trees following construction.
10. When trees become newly exposed edge trees, stem and root failures accelerate.
11. Heavy, one-sided pruning of the spruce up 40 feet into the tree crown prior to the event of digging up roots, destroys uniform stress distribution and magnifies external stresses and loads on the tree.

<sup>17</sup> Tree Risk Assessment Manual 2013. International Society of Arboriculture.

12. The change is dramatic and sudden compared to the overall growth and adaptation of the subjects over time.
13. Some of these trees are in a naturally leaning condition. Missing 33% or more of the roots opposite a direction of lean exceeds recommended thresholds for removal.<sup>18 19</sup> Any winds out of the south for example that might be experienced during a summer thunder storm, would be further exposing the trees in the direction they are now since the root cutting, most vulnerable to.
14. Missing 1/3 or more of major buttress roots severed within three times the diameter of the tree, especially on a highly surficially rooted species as spruce, exceeds thresholds recommended for removal.<sup>20</sup>
15. There is a direct linear relation between the number and size of roots severed near the trunk and the forces the tree will be able to withstand.<sup>21</sup> One quarter inch diameter root can hold up to about 2,000 pounds of above ground tree weight.
16. Roots that are torn by large construction equipment can develop cracks that run laterally along the root, increasing the extent of damage.<sup>22</sup>
17. The appearance of green crowns should not at all be confused with structural health or stability issues.
18. Gradual decline and death of edge trees is likely. Each tree will respond differently.
19. When the branches or roots of a tree overhang or grow into the property of an adjoining landowner, the adjoining landowner may resort to self-help to remove those branches and or roots. Self-help extends to ordinary trimming and clipping, and does not extend to the destruction of, or injury to, the main support systems of the tree so as to not unreasonably injure or destroy the whole tree.<sup>23</sup> It is my understanding that self-help does not extend past the neighbors property line. . "As between the proprietors of adjacent lands, neither proprietor may excavate his own soil, so as to cause that of his neighbor to loosen and fall into the excavation. The right to lateral

<sup>18</sup> Hayes. 2001.

<sup>19</sup> Bartlett Research Laboratories. 1998.

<sup>20</sup> Ibidem.

<sup>21</sup> Pruning of Buttress Roots and Stability Changes of Red Mapl. Arboriculture and Urban Forestry 2014, 40(4): 230-236.

<sup>22</sup> Up By Roots. Healthy Soils and Trees in the Urban Environment. James Urban, 2008.

<sup>23</sup> Cornell University. 1980. Opinion of N.Y.S. Attorney General Sept. 23, 1930. Property Boundary Line Trees. Circular.

support is not so much an easement, as it is a right incident to the ownership of the respective lands."<sup>24</sup>

20. The only way to remove all risk is to remove all ten of the subject trees. To the extent someone makes a decision to retain or live with any of the trees where the roots are dug away, especially the 27" spruce, is to accept increased risk of failure and the responsibility for future periodic observation and maintenance should a problem be detected. All of the trees physically possess intermingled root systems that lend physical support to each other. They also support each other through their intermingled crowns and natural dampening that occurs when storms blow through.
21. To the extent that roots were dug away, construction stopped and was due to the contractors' perceived notion of instability that had or could occur, there is a responsibility to communicate.<sup>25</sup>
22. Precise boundary line staking prior to construction would provide the opportunity to observe the Forkhamer trees relative to the line proximity and excavating.
23. Plans for protecting trees along the construction area and property boundary line could have been initiated prior to beginning the construction sequence.
24. The contractor, when digging, exercised good common sense when stopping digging after encountering the large buttress spruce root.
25. A variety of construction elements and techniques could have been employed to reduce damages to trees.<sup>26</sup>
26. Through the course of their actual maintenance, adjoining landowners have obeyed the area near the tree line and wooden stockade fence as a practical boundary for decades of time.

### Bibliography

American National Standard (ANSI) A300 (Part 5). 2005. *Standard Practices for Management of Trees and Shrubs During Site Planning, Site Development, and Construction*. American National Standards Institute, Inc. New York, NY.

<sup>24</sup> Laura E. Ayers, Esq. 2016 *Handouts for the New York State Arborists Fall Conference*, September 25, 2016. Pg. 4.

<sup>25</sup> *Standard Practices for Tree Operations-Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush-Safety Requirements*. ANSI z133 Revised. 2017.

<sup>26</sup> Penn State. 2003. *Preserving Trees in Development Projects*.

American National Standard (ANSI) A300 (Part 9). 2011. Standard Practices for Tree Risk Assessment. American National Standards Institute, Inc. New York, NY.

Harris, R. W. 1992. *Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines*. 2<sup>nd</sup> ed. Englewood Cliffs, NJ: Prentice Hall. 674pp.

Laura E. Ayers, Esq. Sept. 25, 2016. New York Tree Law: All Bark and No Bite? Handouts for the New York State Arborists Fall Conference. Holiday Inn, Liverpool, N.Y.

Matheny, N. and James R. Clark. 1998. *Trees and Development: A technical guide to preservation of trees during land development*. International Society of Arboriculture.

Pennsylvania State University. 2003. *Preserving Trees in Development Projects*. Table 1. Measurements for tree protection zones.

### Assumptions and Limiting Conditions

This evaluation is subject to the following general assumptions and limiting conditions:

Lucy Forkhamer and Michael Forkhamer were consulted concurrent at the time of the field examination. Observations and conclusions expressed by this report are as of July 14, 2018. Examination is based on visual observation, measurements and photographs of the trees as well as observations of the immediate vicinity of the trees. Further:

1. No responsibility is assumed for the legal descriptions of the subject land where the tree(s) are located, or for matters including legal or title considerations. Title of the land is assumed to be good and marketable for any reference made to the amenity value of tree(s). Any and all existing liens and/or encumbrances if brought to my attention have been disregarded, and the subject tree(s) evaluated as though free and clear, under responsible ownership and competent management.
2. Attempts have been made to obtain information from reliable sources, and data has been verified insofar as possible. However, the consultant can neither guarantee nor be responsible for the accuracy or integrity of reported information, testing results, survey information, etc. supplied by others.
3. Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without Brooks written consent, and in any event only with the proper written qualification and only in its entirety.

4. The *CONSULTANT* herein by reason of this evaluation is not required to give further consultation, testimony, or be in attendance in court with reference to the trees and property in question unless arrangements have been previously made.

5. Loss or alteration of this report invalidates the entire report. Replacement or duplication shall be at the option of the *CONSULTANT*, at an additional cost and fee.

6. Sketches, graphs, diagrams, photos, reprints or other attachments that may be part of this report are being used as visual aids or for supportive documentation, and may not necessarily be to scale, nor should be construed as engineering, architectural, surveyor or licensed professional renderings, unless so noted on the specific document.

7. Unless expressed otherwise and elsewhere (A.) the information contained in this report covers only those items that were examined and reflect conditions at the time of observation; and, (B.) observations are limited to the visual examination of readily accessible components of the trees or plants without testing, dissection, excavation, or aerial assessment. There is no warranty or guarantee, expressed or implied, that additional information, problems or deficiencies in the observed or remaining trees on the property are present or may not arise in the future.

#### Disclosure.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees and forests. They attempt to reduce the risk of living near trees but cannot detect every condition that could possibly lead to the failure of a tree. Trees and other plant life are living, constantly changing organisms affected by innumerable factors beyond the arborists control. Trees fail in ways and because of conditions not fully understood. Conditions are often hidden within the tree and below the ground. Foresters cannot guarantee that a tree or group of trees will be healthy or safe under any circumstances, or for a specific period of time. Trees can be managed but they cannot be controlled. To live or work near trees is to accept some degree of risk and the only way to eliminate all risk associated with trees is to eliminate all of the trees. Likewise, remedial treatments if recommended, cannot be guaranteed. Work performed by others may result in conditions that may not be seen or that may occur over time. The tree owner may choose to accept or disregard any recommendations or seek additional advice.

Evaluations provided are based on limited visual observation methods from the ground. These limited visual observations do not include additional decay evaluations, aerial or subterranean testing or observations. Brooks is not responsible for discovery of conditions not contracted for, or conditions that would not normally be detected using the agreed upon visual method(s). Further, results may not remain accurate after observation due to changes in conditions, time, or other naturally occurring or man-related circumstances. Trees of any size appearing otherwise living and sound may become unsound under windy conditions above 45 miles per hour. Brooks shall provide information relative to the tree(s) subject of this evaluation however, the ultimate

decision to conduct any remedial measures, retain or remove a tree remains the responsibility of the tree owner. Brooks Forestry and Resource Management Company LLC offers no guarantees, stated or implied, as to tree, plant, or overall safety, health condition or fitness for any particular use.

Services are rendered in connection with evaluation or planning for the management of the owner's trees. The services may include the collection of data and may include preparation of reports concerning recommendations in connection with such management and may include analyses of potential impacts of one or more approaches. As a part of such data collection, certain estimates concerning potential values of trees may be developed for the purposes of general analysis or in comparing alternative approaches. Estimates of values for tree management are only intended to be useful in evaluating alternative approaches and relative contributions and benefits that trees provide and are not intended to form the basis for financial predictions or any decision, financial or otherwise.

Data collection methods for the management of trees are inherently more limited than data collection methods necessary to make predictions concerning present or future monetary values of existing trees. Also many variables affect the relative efficacy of any particular management approach (including, without limitation, weather conditions, which cannot be predicted with any reliability. Brooks can provide reasonable data and advice in choosing tree management approaches. However, no particular results can be assured with any degree of certainty.

### Certification of Performance

I, Arthur L. Brooks, do hereby certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct;

I have personally observed the tree(s) and/or the property referred to in this report.

The extent of the evaluation and/or appraisal is stated in the attached report and the Terms and Conditions;

The reported analyses, opinions and conclusions are limited only by the assumptions and limiting conditions contained herein and are my personal, unbiased professional analyses, opinions and conclusions;

I have no personal or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

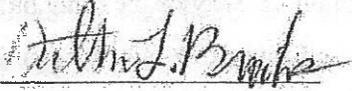
My compensation is not contingent on an action or event resulting from the analyses, opinions or conclusions in, or the use of this report;

No one provided significant professional assistance to me other than those specifically mentioned herein.

My analyses, opinions, and conclusions were developed and this report has been prepared according to commonly accepted forestry and arboricultural practices;

I further certify that I have appraised similar Norway Spruce trees in landscapes throughout the Syracuse area and New York State.

I am a member of the American Society of Consulting Arborists, a Society of American Foresters Certified Forester and an International Society of Arboriculture Certified Arborist. I have been involved in the practices of arboriculture, the science of forestry and the care and study of trees for more than 30 years.



Arthur L. Brooks



ASCA AMERICAN SOCIETY OF  
CONSULTING ARBORISTS

### Glossary of Terms

The following may be useful for understanding certain terms as may concern trees:

References: NYSDEC Handbook; *The Dictionary of Forestry*, 1998. Society of American Foresters, Bethesda, MD; Tree Risk Assessment Best Management Practices ANSI A300 Part 9; Webster's Dictionary 1958.

Consequences- are the effects or outcome of an event.

Crown -- The upper portions of a tree or shrub, including the main limbs, branches and twigs.

Decay - Process of degradation of woody tissues by fungi and bacteria

Hazard - The combination of a failure of tree or tree parts with the presence of an adjacent target

Event- is the occurrence of a particular set of circumstances.

Likelihood-in the context of trees is the chance of an event occurring, the chance of impacting a specific target, and the combination of the likelihood of a tree failing and the likelihood of impacting a specific target.

Risk-is combination of the likelihood of an event and severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target and the severity of the associated consequences.

Risk Targets- are people, property, or activities that could be injured, damaged or disrupted by a tree.

Root Crown - Area of transition and taper at the base of a tree where the roots and stem merge (synonym-root collar)

Structural Defect - Internal or external points of weakness which reduce the stability of the tree.

#### APPENDIX B:

Lucy Forkhamer

Photographic Summary  
Arthur L. Brooks, CF, CA, ASCA, TRAQ, CCF, PCPF, NYICF  
Tree Examination: Saturday, June 30, 2018 2:15 p.m.



Photo 1.  
Forkhamer on  
left.

Subject  
Spruce  
Tree

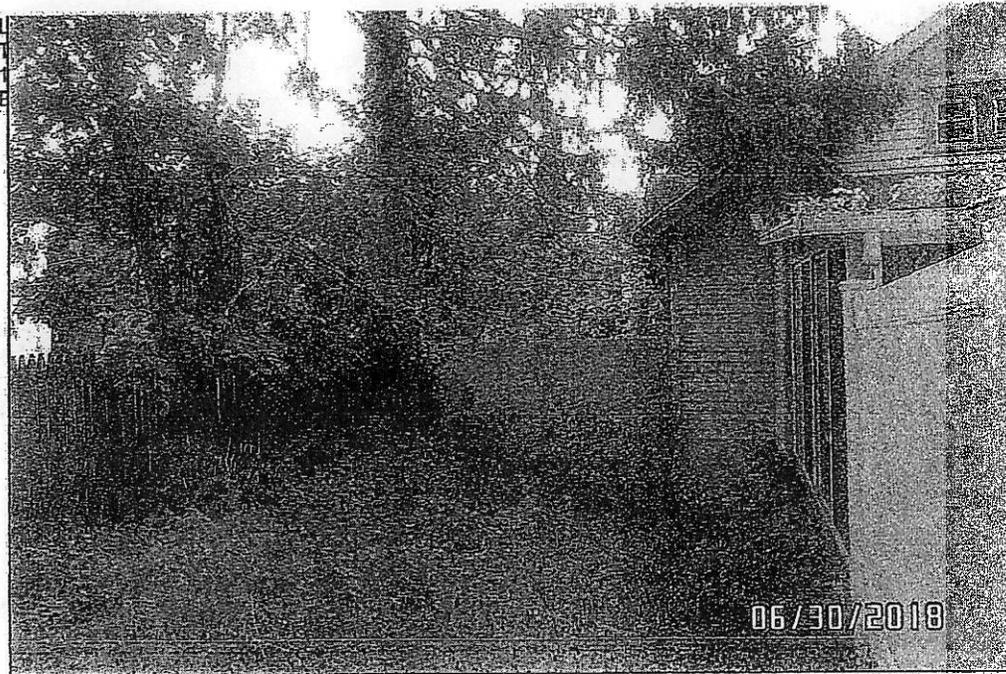


Photo 2. Looking

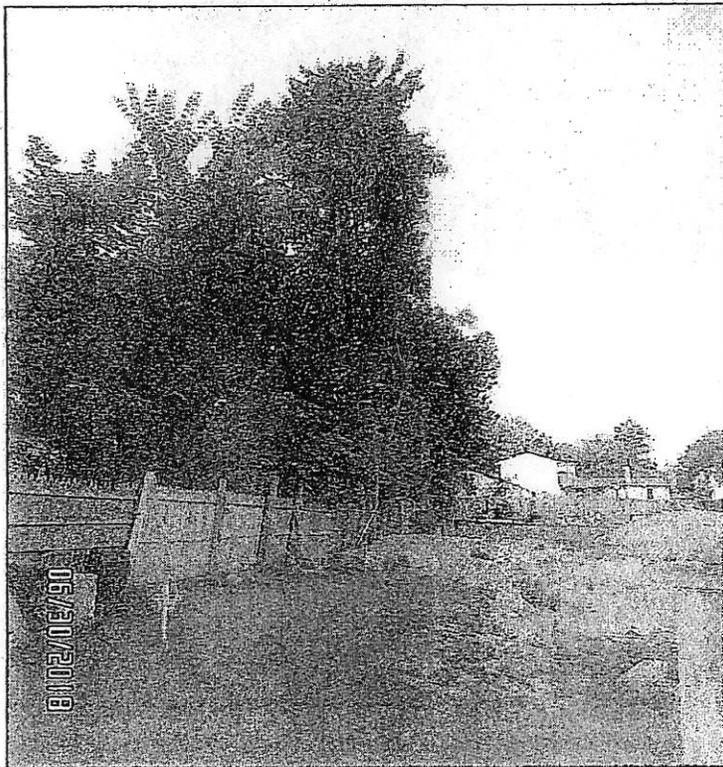


Photo 3. Looking

# CONSERVATION CIRCULAR

AN EXTENSION PUBLICATION OF THE  
DEPARTMENT OF NATURAL RESOURCES  
NEW YORK STATE COLLEGE OF AGRICULTURE AND LIFE SCIENCES  
A STATUTORY COLLEGE OF THE STATE UNIVERSITY  
AT CORNELL UNIVERSITY, ITHACA, NEW YORK

Vol. 18, No. 7  
Summer 1980

## PROPERTY BOUNDARY LINE TREES

Trees often grow on or near property boundaries in woodlands as well as in city and suburban housing lots. Sometimes disputes arise as to who owns the property boundary line trees. The question may involve who has the rights to cut a tree or remove branches from a tree growing on a property boundary line.

When legal questions are asked, it may take negotiations between lawyers to develop a satisfactory solution. Of course, the ultimate authority for resolving disagreements over interpretation of laws rests with the State and Federal courts.

Even if one is innocent, it is unpleasant, nerve-racking, time-consuming and costly to be accused of a law violation. Therefore, in many cases it may be advantageous to remain in the enviable position of not being involved in any way in a legal controversy.

What is the New York State Law concerning ownership of trees that grow on property boundaries? We do not know the exact citation in the law books, but we do have a legal opinion from the Attorney General of New York State. The following article entitled "Trespass, Line Trees" was dated September 23, 1930 and has been verified as being current by Daniel W. Weller, Chief Forester, New York State Department of Environmental Conservation.<sup>1</sup>

<sup>1</sup> In a letter of March 3, 1980, Mr. Weller states "I checked with our Bureau of Real Property and they verified that the Attorney General's opinion given in 1930 still stands; that line trees belong to adjoining owners as tenants in common."

4. Trees standing close to the boundary that are face blazed or painted are not jointly owned. They belong to the owner on whose land they stand. Face blazed trees also serve a useful purpose as witness to the boundary. The N.Y. State Department of Environmental Conservation does not want face blazed trees adjacent to the property line cut if they are located on the State-owned side of the boundary.

Fred L. Johnson, NYS DEC Regional Forester

David W. Taber, Cooperative Extension Specialist, Wood Utilization

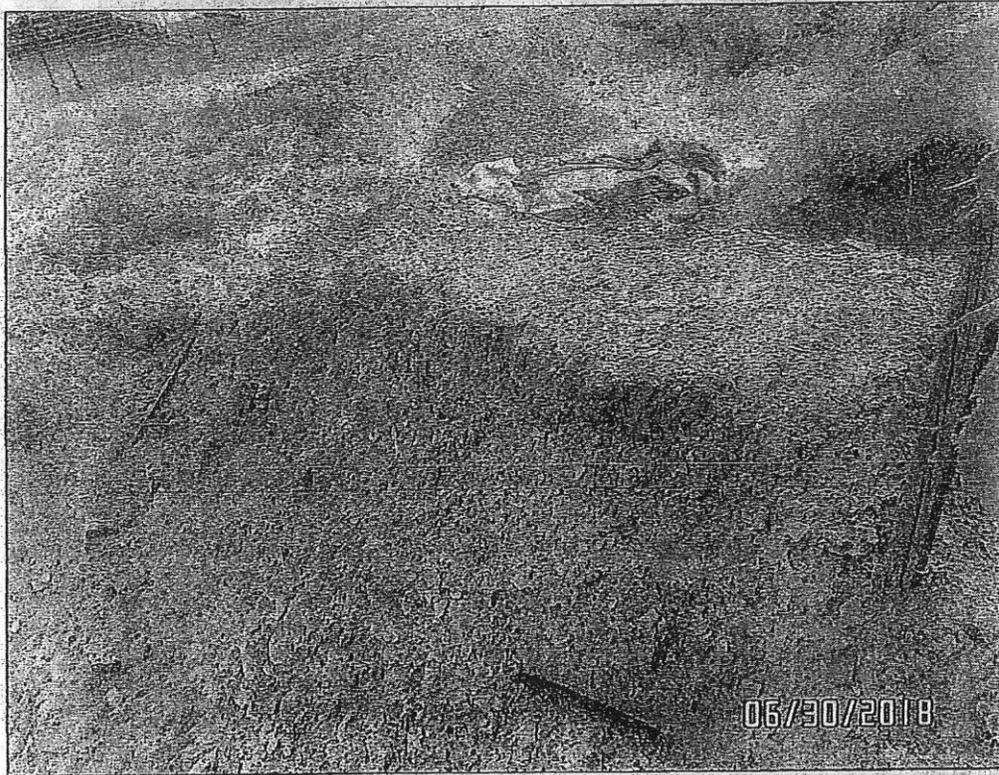


Photo 4.



Photo 5.



Photo 6.

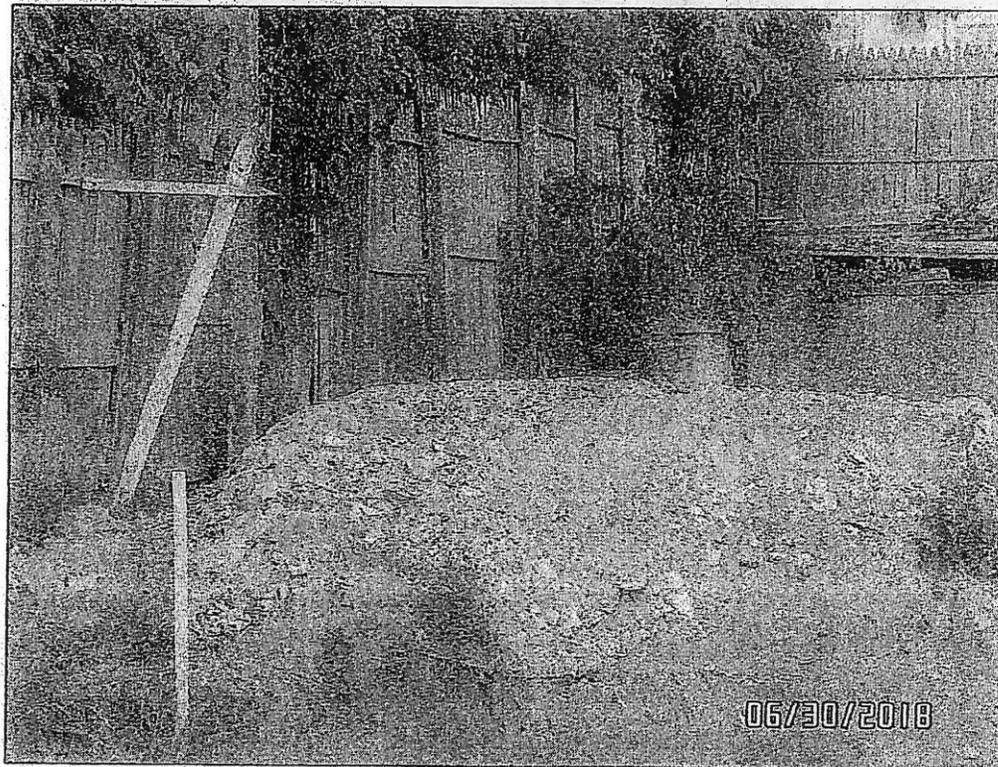


Photo 7.



Photo 8.

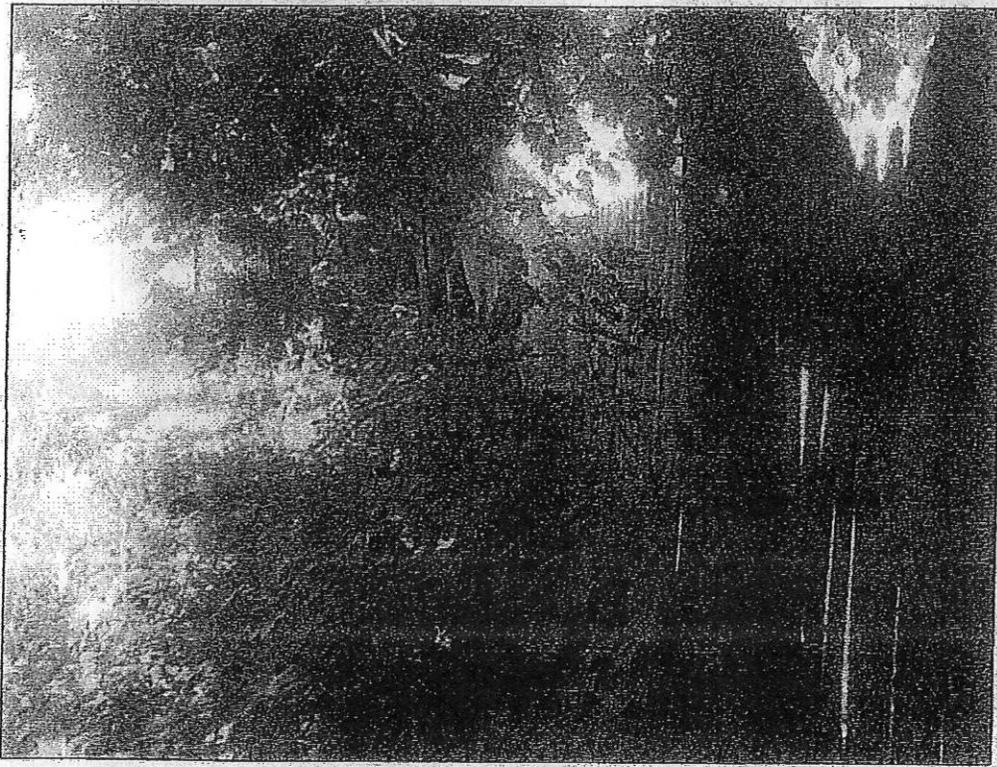


Photo 9.

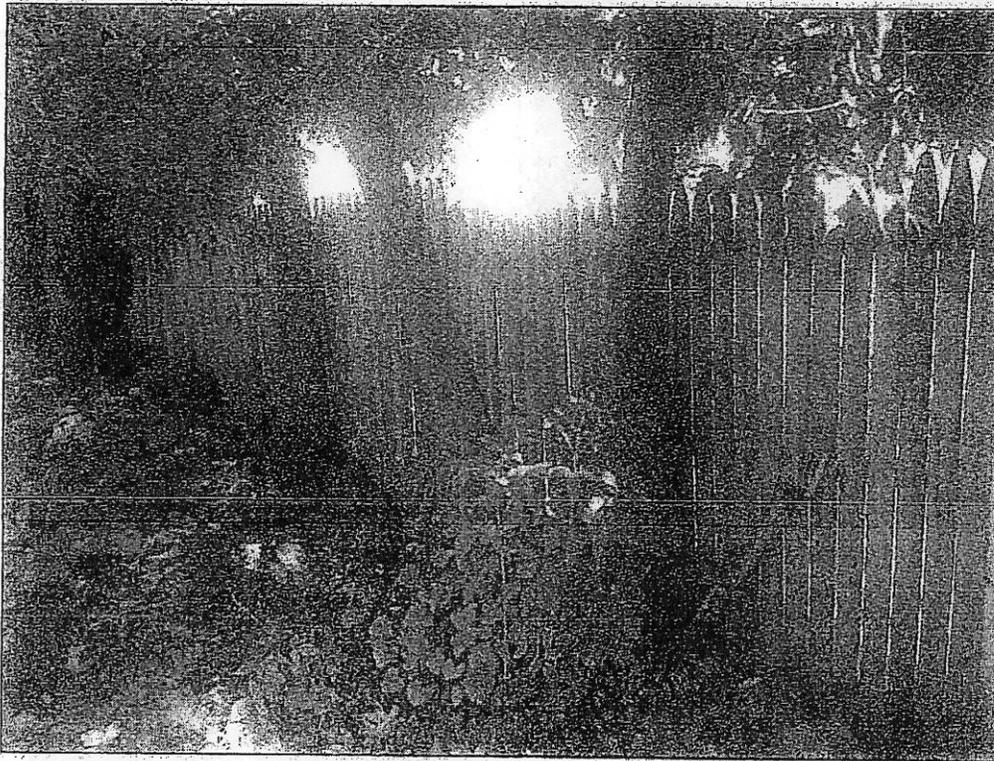


Photo  
10.

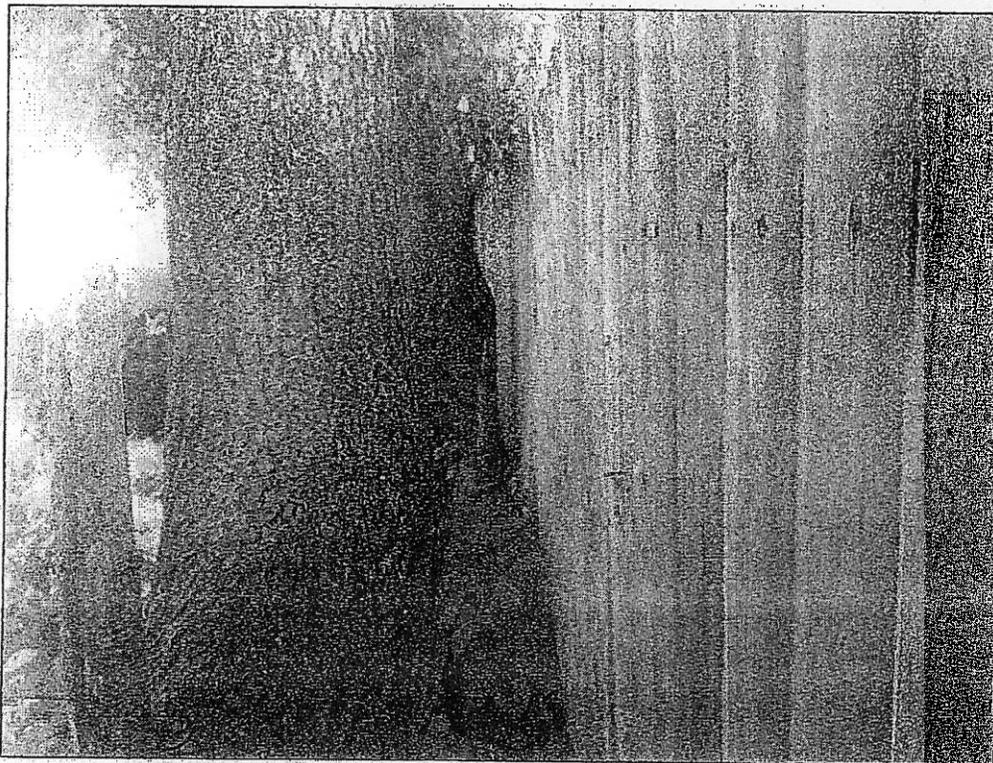


Photo  
11.

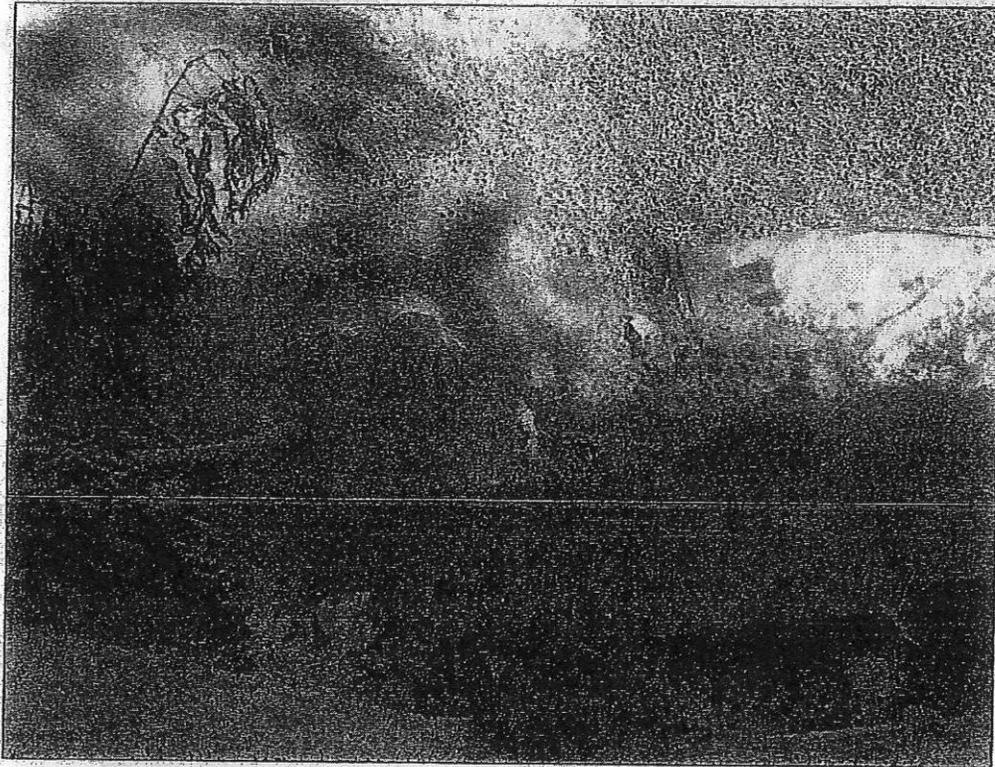


Photo  
12.

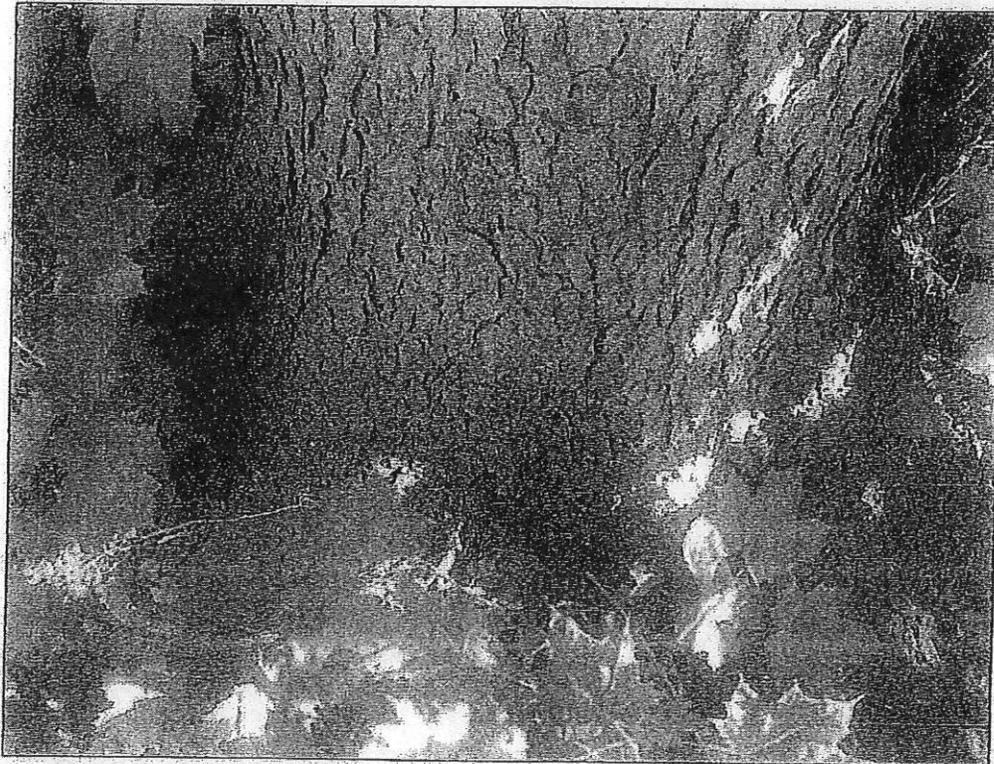


Photo  
13.

Photo  
14.

