

**MINUTES of the REGULAR MEETING  
SALINA TOWN BOARD  
October 11, 2022**

The Town Board of the Town of Salina held a regular meeting on Tuesday October 11, 2022 at 6:30 p.m. at the Town Hall, 201 School Road, Liverpool, New York with the following members present:

Nicholas Paro	Supervisor
Jason Recor	Absent
Matt Cushing	Councilor
Daniel Ciciarelli	Councilor
David Carnie	Councilor
Joseph Frateschi	Town Attorney
Jason Hoy	Absent

**RESIDENTS WISHING TO SPEAK – TOWN BOARD COMMENTS**

Matt Cushing spoke of his support and the Town of Salina for the celebration of Columbus Day.

Daniel Ciciarelli announced the annual Halloween decorating contest. Submissions must be in by October 16th, and judging will be on October 21<sup>st</sup>.

David Carnie addressed how the Sheriff’s Office is under staffed and they still provide the best service.

Nicholas Paro addressed how the Town of Salina website is outdated and asked the public to please be patient while it is currently being updated.

**PUBLIC HEARING- TO CONSIDER RESOLUTION ENACTING A LOCAL LAW TO PLACE A THREE WAY STOP AT THE INTERSECTION OF DREXLER STREET AND CULLEN STREET**

A motion was made by David Carnie and was seconded by Daniel Ciciarelli to open the public hearing and was put to a roll call that resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, Nicholas Paro: Yes, David Carnie: Yes.

A motion was made by David Carnie to close the public hearing and was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

A motion was made by Daniel Ciciarelli and was seconded by Matt Cushing to approve a Local

law to place a three way stop sign at the intersection of Drexler Street and Cullen Street and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**PUBLIC HEARING – CONSIDER RESOLUTION FOR A LOCAL LAW IMPOSING THE REPURPOSING AND REUSE FLOATING OVERLAY DISTRICT AT 439 & 441 ELECTRONICS PARKWAY.TOWN OF SALINA, COUNTY OF ONONDAGA, STATE OF NEW YORK**

A motion was to open the Public Hearing by David Carnie and was seconded by Matt Cushing. All were in favor. No one signed up to speak.

Joe Durrant from TK Engineering spoke on behalf of cost and development for repurposing the Ramada Inn and converting into a senior living facility. First floor will be used for the community so the general public can go to as well to utilize that space. This is the second overlay project for the Town of Salina.

A motion was made to close the Public Hearing by Matt Cushing and was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**MOTION TO APPROVE THE SEPTEMBER 26, 2022 MINUTES**

A motion was made by Daniel Ciciarelli and was seconded by David Carnie and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**TOWN ENGINEER**

Nothing to report

**TOWN BUDGET**

Town budgets were discussed and cuts of 10%-30% was asked of the Town Supervisor and all were accomplished from each department. Public Hearing for the budget will be held on October 24, 2022. A motion was made by David Carnie and was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**TOWN ATTORNEY**

**RESOLUTION AUTHORIZING SNOW AND ICE REMOVAL**

Resolution Authorizing the Town Supervisor to Execute a Snow & Ice Removal Contract with the Onondaga County, subject to final legal approval. A motion was made by Matt Cushing and was

seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**SCHEDULE A PUBLIC HEARING TO PLACE A FOUR WAY STOP AT HAMDEN DR AND WAYLAND ROAD**

Resolution Calling for a Public Hearing to Place a Four Way Stop at the intersection of Hamden Drive and Wayland Road. A motion was made by David Carnie and was seconded by Matt Cushing and was put to roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes. Public Hearing scheduled for October 24, 2022 at 6:31 pm.

**SCHEDULE A PUBLIC HEARING FOR LOCAL LAW AMENDING CHAPTER 192**

Resolution Calling for a Public Hearing for a Local Law amending Chapter 192 of the Town Code related to Small Cell Wireless Facilities. A motion was made by David Carnie and was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Nicholas Paro: Yes. Public Hearing scheduled on October 24, 2022 at 6:32 pm.

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**IN THE MATTER**

**Of**

**Local Law 2022-\_\_**

**RESOLUTION CALLING FOR  
PUBLIC HEARING**

**A Local Law Amending Chapter 192 Entitled  
“Small-Cell Wireless Deployment” of the Code  
of the Town of Salina**

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The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 11<sup>th</sup> day of October 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro

Supervisor

Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law 2022-\_\_\_, entitled “A Local Law Amending Chapter 192 entitled ‘Small-Cell Wireless Deployment’”, the text of which is as follows:

**LOCAL LAW 2022-\_\_ AMENDING CHAPTER 192 ENTITLED “SMALL-CELL WIRELESS DEPLOYMENT” OF THE CODE OF THE TOWN OF SALINA**

**BE IT ORDAINED AND ENACTED** by the Town Board of the Town of Salina, County of Onondaga, State of New York, as follows:

Section 1. That Chapter 192 of the Code of the Town of Salina is amended as follows:

§ 192-1.1 **Title.**

The title of this chapter shall be "Small-Cell Wireless Deployment Requirements."

§ 192-1.2 **Purpose.**

A. The purpose of this chapter is to regulate the placement of wireless communication facilities in the Town. The standards set forth herein are created to provide objective, technically feasible criteria applied in a nondiscriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the Town shall consider in 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; relating to materials used for arranging, screening and landscaping;
  - (3) The design and appearance of a wireless support structure including any height requirements adopted in accordance with this chapter.
- B. This chapter applies to 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.

**§ 192-1.3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADMINISTRATIVE REVIEW**

Ministerial review of an application by the Town relating to the review and issuance of a permit, including review by the Director of Planning and Development or Director of Codes Enforcement to determine whether the issuance of a permit is in conformity with the applicable provisions of this chapter.

**ANTENNA**

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.

**APPLICABLE CODES**

Uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted, or incorporated, by the Town.

**APPLICANT**

Any person who submits an application under this chapter.

**APPLICATION**

A written request, on a form provided by the Town, for a permit.

**AUTHORITY or TOWN**

The Town of Salina or any agency, subdivision or any instrumentality thereof.

**CO-LOCATE**

To install or mount a small wireless facility in the public ROW 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.~~ "Co-location" has a corresponding meaning.

**COMMUNICATIONS FACILITY**

Collectively, the equipment at a fixed location or locations within the public ROW or on 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.

**COMMUNICATIONS SERVICE**

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).

**COMMUNICATIONS SERVICE PROVIDER**

A provider of communications services and includes a cable operator, as defined in 47 U.S.C. § 522(5).

**DECORATIVE POLE**

A pole that is specially designed and placed for aesthetic purposes.

**DISCRETIONARY REVIEW**

Review of an application by the Town Planning Board relating to the review and issuance of a permit that is other than an administrative review.

**ELIGIBLE FACILITIES REQUEST**

An eligible facility request as set forth in 47 CFR 1.40001(b)(3), as that section may be amended from time to time.

**FCC**

The Federal communications Commission of the United States.

**LAWS**

Collectively, any and all federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

**ORDINARY MAINTENANCE AND REPAIR**

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.

**PERMIT**

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 private property, a

communications facility, tower or a pole to support a communications facility.

**PERMITTEE**

An applicant that has received a permit under this chapter.

**PERSON**

An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.

**POLE**

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.

**PROVIDER**

A communications service provider or a wireless services provider, and includes any person that 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.

**PUBLIC RIGHT-OF-WAY OR PUBLIC ROW**

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 Town 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 Town.

**PUBLIC UTILITY EASEMENT**

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 Town's use, or where the proposed use by the provider is inconsistent with the terms of any easement granted to the Town.

**REPLACE or REPLACEMENT**

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 charter/code regulations, in order to address limitations of the existing structure to structurally support co-location of a communications facility.

**SMALL WIRELESS FACILITY**

~~A wireless facility that meets both of the following qualifications:~~

- ~~A. Each antenna could fit within an enclosure of no more than six cubic feet in volume; and~~
- ~~B. All other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than 28 cubic feet in volume.~~

Means a Wireless Facility that meets each of the following conditions:

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or

(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or

(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this chapter;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under applicable law.

## **STATE**

The State of New York.

## **SUPPORT STRUCTURE**

A structure in the public ROW other than a pole or a tower to which a wireless facility is attached at the time of the application.

## **TOWER**

Any structure in the public ROW built for the sole or primary purpose of supporting a wireless facility. A tower does not include a pole or a support structure.



## **WIRELESS FACILITY**

The equipment at a fixed location or locations in the public ROW 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 co-located; 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.

## **WIRELESS SERVICES**

Any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

## **WIRELESS SERVICES PROVIDER**

A person who provides wireless services.

## Article II

### **Governance of Deployment in ROW**

#### **§ 192-2.1 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 ~~right of way agreement~~ Master agreement ("ROW agreement") with the Town expressly authorizing use of the public right-of-way for the purpose of deploying Small Wireless Facilities and necessary support structures. ~~communications facility, pole or tower proposed to be installed.~~
- (1) General terms. The ~~right of way~~ ROW agreement shall include:
- (a) The term of the ROW agreement shall be ~~annual~~ ten years, which shall renew automatically unless terminated by the Town upon 90 days' written notice.
- (b) The ROW agreement authorizes the provider's nonexclusive 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 ROW agreement, subject to applicable laws, this chapter and the terms and conditions of the ROW agreement. The ROW agreement authorizes use only of the public ROW in which the Town 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 ROW 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 a separate agreement (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.
  - (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 \$5,000,000 for each communication facility in a public ROW. The Town shall be ~~named~~ included as an additional insured on each policy.
  - (e) The ROW agreement shall include the name and contact information for the provider to be called in cases of emergencies.
  - (f) ~~Licensees using~~ The provider's use of space in ducts, conduits and on poles must comply with the terms of this ROW agreement, unless expressly exempted by the Town.
  - (g) The Town 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 Town that it has a license or authority from the owner to use an existing pole, tower or support structure in the ROW for a communications facility.
  - (i) The terms and conditions ~~set forth herein~~ are not exclusive and the Town reserves the right to require additional terms and conditions ~~to the ROW agreement~~ in the ROW agreement.
- (2) Public ROW construction and installation requirements:
- (a) ROW permit.
    - [1] Unless expressly authorized in this chapter or in writing by the Town, 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 Town 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 ROW 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, and all applicable fees have been paid.
  - (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 Town, 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 § **192-2.3D** of this chapter.
- [3] Unless otherwise agreed to in writing by the Town 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, if technically feasible, locate its communications facilities underground at its own expense. The Town may, in its sole discretion, approve aboveground placement of equipment cabinets, pedestals and similar equipment, pursuant to § **192-2.3D** of this chapter. For facilities or equipment such as wireless facilities that cannot, by their nature, operate unless located aboveground, the provider and Town 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 applicable provisions of § **192-2.5** of this chapter and all other applicable laws.
- (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 § **192-2.5** of 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 Town or its contractor may do so and the provider shall pay the Town's costs and expenses in completing the restoration, repair or replacement.
- (e) Removal, relocation and abandonment.
- [1] Within ~~60~~ 120 days following written notice from the Town, 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 aboveground communications facilities underground (consistent with the provisions of this chapter), whenever the Town has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary to preserve public safety and welfare. Where removal is required, the Town will make a commercially reasonable effort to assist the provider in identifying and permitting an alternate location. ~~for the construction, repair, maintenance, or installation of any Town improvement, the operations of the Town in, under or upon the public ROW, or otherwise is in the public interest.~~ The provider shall be responsible to the Town 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 Town retains the right and privilege to cut or move any communications facility, pole,

support structure or tower located within the public ROW of the Town, 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 Town 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 Town 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 Town 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 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 Town 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 Director of Planning and Development or the Code Enforcement Director, 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 Town 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 built maps. Maps showing locations of communication facilities, poles, support structures and towers in ROW and as built after construction shall be provided to the Town, within 30 days after completion of construction, in a format designated by the Town or otherwise compatible with such format.~~

#### B. Fees and charges.

(1) Permit application fee. Every applicant for a co-location shall pay a permit application fee of \$500 for each application up to five small wireless facilities and \$100 for each additional small wireless facility. The fee shall be paid upon submission of the application.

(2) Every application for a new pole in the right-of-way shall pay a permit application fee of \$1,000. The fee shall be paid upon submission of the application.

~~(3) ROW agreement fee. Every person requesting a ROW agreement from the Town shall pay~~

~~an administrative fee of \$340, which shall include the legal costs of drafting such ROW agreement.~~

- (43) ~~ROW use Small Wireless Facility Administration fee.~~ In exchange for the privilege of non-exclusive occupancy of the public ROW, the provider shall pay the Town \$270 per small wireless facility, annually per year, for as long as the ROW agreement is effective. The ~~ROW use Small Cell Wireless Facility Administration fee shall be due and payable within 30 days of issuance of the ROW agreement permit.~~
- (5) ~~Attachment fees. The provider shall be subject to an additional attachment fee of \$500 if the small wireless facilities will be attached to property (either real or personal) owned by the Town. No attachment will be allowed except after issuance of a permit pursuant to an attachment agreement.~~
- (64) Other fees. The applicant or provider shall be subject to any other generally applicable fees of the Town 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 Town-owned poles, towers, support structures, ducts, conduits or other structures in the public ROW, as set forth in attachment agreements authorizing such use.
- (75) No refund. Except as otherwise provided in a ROW agreement, the provider may remove its communications facilities, poles or towers from the public ROW at any time, upon not less than 30 days' prior written notice to the Town, and may cease paying to the Town 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.

#### § 192-2.2 **Permit applications.**

- A. Permit required. Unless expressly authorized in this chapter or in writing by the Town, no person may construct, install or maintain in the public ROW any communications facilities, poles built for the primary purpose of supporting communications facilities, or towers, including the installation or co-location 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 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. A Provider may maintain, repair, replace and make like kind modifications to any Small Wireless Facility that do not materially change the overall size, height and weight of the Small Wireless Facility or exceed the structural capacity of the supporting structure without requiring additional applications, permits or other Town approval, other than any required

electrical permit.

- 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 co-location on a pole, tower or support structure owned by the Town ~~as with decorative poles~~, a structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure will structurally support the co-location (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 that would show 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 publicly 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 contain 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 Town'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 Town in writing at least 48 hours before performing the ordinary maintenance and repair.
- E. Material changes. The Town may require payment of an additional permit application fee in the event the Town 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 Town, any material changes to an application, as determined by the Town in its sole discretion, shall be considered a new application for purposes of the time limits set forth in § **192-2.3B(2)**, 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 § **192-2.1B**.
- G. Effect of permit. A permit from the Town 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 third-party owned 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 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 90 days after issuance and can be extended for an additional ~~90~~365 days upon written request of the applicant, at the sole consent of the Town.
- I. An applicant may simultaneously submit up to five applications for communications facilities, or may file a single, consolidated application covering a batch of not more than 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 Town. If the applicant files a consolidated application, the applicant shall pay the application fee calculated as though each communication facility were a separate application.

**§ 192-2.3 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 § **192-2.3**. All such uses shall be in accordance with all other applicable provisions of this chapter, including, without limitation, those set forth in § **192-2.5** below and the terms of any ROW agreement. ~~Administrative Review will not be available for consolidated applications or simultaneous applications for more than five communication facilities.~~

- (1) Co-location of a small wireless facility that does not exceed the maximum height set forth in § 192-2.3c or a Co-location that qualifies as an eligible facilities request.
- (2) Modification of a pole, tower or support structure or replacement of a pole for Co-location 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 in § **192-2.3C**, provided that there are existing poles of similar height on the same block or within ~~100~~300 feet of either side of the proposed new pole or ~~monopole tower~~.
- (4) Construction of a communications facility, other than those set forth in Subsection **A(1), (2)** or **(3)**, 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.
- (5) Co-location of a small wireless facility on a pole, tower, support structure or building that is in the federal, state or county right-of-way or on private property.

**B. Application review.**

- (1) The Town 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 § **192-2.2** and this section, the Town shall issue the permit, subject to the design standard set forth in § **192-2.3D** of this chapter.
- (2) Except as otherwise provided by applicable laws, the Town shall:
  - (a) Within 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 30 days without additional charge, in which case the Town shall have 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 Town's sole discretion, deny the application; and
  - (b) Make its final decision to approve or deny the application within 60 days for a co-location, and 90 days for any new structure, after the application is complete (or deemed complete in the event the Town does not notify the applicant that the application or resubmitted application is incomplete).
- (3) The Town shall advise the applicant in writing of its final decision.

**C. Maximum height of permitted use.** Small wireless facilities, and new, modified or replacement poles, towers and support structures in the public right-of-way may be approved through administrative review as provided in § **192-2.3A** only if the following



requirements are met:

- (1) Each new, modified or replacement pole, tower or support structure installed in the public ROW shall not exceed ~~35~~50 feet in height.
  - (2) New small wireless facilities in the public ROW shall not exceed ~~35~~50 feet in height.
- D. Design standards. The Design Standards for communication facilities, poles built for the sole or primary purpose of supporting communications facilities, or towers shall be adopted by the Town Board and shall be published on the official Town website and made available to all applicants at their request ~~or upon submission of an application~~. The design standards shall be subject to change ~~upon 30 days' notice to an applicant and upon a majority vote of the Town Board.~~

**§ 192-2.4 Discretionary review and approval.**

All other uses within the public ROW or on private property not expressly set forth or referenced in § **192-2.3A** shall require compliance with, and issuance of, a site plan approval pursuant to § **235-41** of the Town 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 § **192-2.3D** of this chapter; (ii) the compatibility of further deployments and their potential impact on the surrounding neighborhood; (iii) the potential for Co-location of other provider's communication facilities; (iv) the ~~density fulfillment~~ needs of the neighborhood.

**§ 192-2.5 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 ROW, and shall comply with all safety and public ROW protection requirements of applicable laws, applicable codes, and any generally applicable Town 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 Town.
- (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 the applicable provisions of Call Before You Dig.

B. Compliance with permit.

- (1) State that the permittee must follow permit requirements. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications. The Town 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 Town may stop work in order to assure compliance with the provision of this chapter.
- (2) Address any needed additional permits. 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 generally applicable permits.

- C. Mapping data. ~~Insert required maps and as-builts. The~~ At the Town's request, the permittee shall provide to the Town as-builts, in a format designated by the Town or otherwise compatible with such format, showing a map depicting the location of communications facilities, poles, support structures and towers within the Town's boundaries. upon completion of the permitted work.

**§ 192-2.6 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, replace a decorative pole with a new decorative pole, or install new aboveground communications facilities in a residential zoning district unless the Town has determined, in its sole discretion, that each of the following conditions has been met:

- A. The application qualifies for issuance of a permit under § **192-2.3**;
- B. The attachment and/or the replacement pole is in keeping with the aesthetics and character of the decorative pole and/or the residential zoning district.

**§ 192-2.7 Violations; penalties for offenses.**

Violation of any of the provisions of this chapter shall be a violation punishable with a civil penalty of \$250 for each violation. Each day that a violation occurs or is permitted to exist by the applicant or provider constitutes a separate offense.

**§ 192-2.8 When effective.**

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

**WHEREAS**, the Town of Salina Board (the “Board”) supports the deployment of small-cell wireless technology (“Small Cells”) within the Town;

**WHEREAS**, to more efficiently and effectively effectuate the deployment of Small Cells throughout the Town, and, to maximize the Town’s compliance with the relevant regulations promulgated by the Federal Communications Commission, the Board elects to amend Chapter 192 as set forth herein.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Salina hereby schedules a public hearing for October 24, 2022, to hear all of those members of the public who would like to speak in favor or against said Local Law; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall post a copy of said Local Law on the Official Bulletin Board of the Town and publish notice of said local law in the Official Town Newspaper at least five (5) days before the public hearing.

**I, RODNEY-DAVID LOWE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 11<sup>th</sup> day of October 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 11<sup>th</sup> day of October, 2022.

DATED: October 11, 2022  
Liverpool, New York

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**Rodney David-Lowe**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**

**RFSOLUTION CREATING THE POSITION OF MAINTENANCE WORKER HELPER**

Create the position of maintenance worker helper, a title that is not listed in the current contract but necessary for the proper function and cleanliness of Town Hall. A motion was made by Nicholas Paro and was seconded by David Carnie and was put to roll call vote which resulted as follows: Matt Cushing: No, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

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**IN THE MATTER**

**Of**

**CREATING THE POSITION OF MAINTENANCE WORKER HELPER FOR THE TOWN OF SALINA**

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**RESOLUTION AUTHORIZING  
NEW POSITION**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road, Liverpool, New York 13088, County of Onondaga, State of New York, on the 11<sup>th</sup> of October, 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro

Supervisor

Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, the Town of Salina’s current maintenance worker has indicated a need for assistance with respect to general maintenance work around Town of Salina Town Hall (“Town Hall”);

**WHEREAS**, the Town of Salina Board recognizes the need for an additional maintenance worker at Town Hall given (i) the increased workload at Town Hall, and (ii) the possibility of absence of the current maintenance worker, and, the essential nature of that work;

**WHEREAS**, the Town Board desires to create a position of maintenance worker helper (“Maintenance Worker Helper”), whose responsibilities would include (but would not limited be to) the following: (i) performing building cleaning and maintenance work at Town Hall, and (ii) performing such general maintenance work at Town Hall as may be necessary from time to time.

**NOW, THEREFORE, be it**

**RESOLVED AND ORDERED**, that the Town Board hereby creates the position of Maintenance Worker Helper at \$24.00/hour; and be it further

**RESOLVED AND ORDERED**, that the Town Supervisor shall be authorized to advertise for the position of Maintenance Worker Helper and to interview potential candidates for the position of Maintenance Worker Helper.

**I, RODNEY-DAVID LOWE**, the Clerk of the Town Board, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 11<sup>th</sup> day of October, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 11<sup>th</sup> day of October, 2022.

**DATED:       October 11, 2022**  
**Salina, New York**

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**Rodney-David Lowe**  
**Clerk**  
**Town of Salina**  
**Onondaga County, New York**

**TOWN COMPTROLLER**

Approve the transfer of funds from Recreation Football Building (001.7110.0468) Recreation Building Maintenance (001.7110.0470) Rental (001.7110.0460) Burnham Concession (001.7110.0469) for \$8802.00 to Gasoline (01.7110.0432) for the price of gasoline replenishment. A motion was made by Daniel Ciciarelli and was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

Approve the transfer of funds from Town Hall Renovations Project (022.1620.0200.0001) to

General Fund (022.9950.0900) for \$596,153.33 to close out Town Hall Renovation Project. A Motion was made by Daniel Ciciarelli and was seconded by David Carnie and was put to a roll call vote which resulted as follows: Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Yes, Nicholas Paro: Yes.

**CONSIDER A LIQUOR LICENSE FOR ZEBB'S DELUXE GRILL AND BAR**

There was nothing to vote on and this was just an opportunity for the town to make any comments if there were any. Restaurant was sold to a new owner and has plans to revitalize it.

**ADJOURMENT**

A motion was made to adjourn the meeting by Daniel Ciciarelli and was seconded by Matt Cushing. All were in favor.

Respectfully submitted

Rodney-David Lowe, Town Clerk