<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item</th>
<th>Presenter(s)</th>
<th>Time Allotted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>No</td>
<td>Mayor Svante L. Myrick</td>
<td>20 Mins</td>
</tr>
<tr>
<td>1.1 Additions to or Deletions from the Agenda</td>
<td></td>
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<tr>
<td>1.2 Proclamations/Awards</td>
<td></td>
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<tr>
<td>1.3 Special Order of Business</td>
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<td>1.4 Special Presentations Before Council</td>
<td></td>
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<tr>
<td>• Reports of Municipal Officials</td>
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<td>• Cornell Town Hall Q &amp; A with Common Council</td>
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<tr>
<td>2.1 Petitions and Hearings of Persons before Council</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>2.2 Privilege of the Floor – Mayor and Council</td>
<td>No</td>
<td>*Note: See instructions on how to participate on page 2 of the agenda.</td>
<td>15 Mins</td>
</tr>
<tr>
<td>Consent Agenda Items</td>
<td>Yes</td>
<td>Common Council</td>
<td>5 Mins</td>
</tr>
<tr>
<td>3.1 IFD - Amendment of 2020 Budget for Purchase of Equipment</td>
<td>Yes</td>
<td>Director of Planning &amp; Development Cornish</td>
<td>30 Mins</td>
</tr>
<tr>
<td>3.2 IFD - Amendment of 2020 Budget for Purchase of Personal Protective Equipment Due to COVID-19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Administration Committee Items</td>
<td>Yes</td>
<td>Director of Planning &amp; Development Cornish</td>
<td>30 Mins</td>
</tr>
<tr>
<td>Planning &amp; Economic Development Committee Items</td>
<td>Yes</td>
<td>Director of Engineering – Logue</td>
<td>15 Mins</td>
</tr>
<tr>
<td>5.1 Resolution to Enter into an Agreement with New York State for the Black Diamond Trail trailhead in Cass Park</td>
<td>Yes</td>
<td>Mayor Myrick</td>
<td>15 Mins</td>
</tr>
<tr>
<td>Individual Member Filed Resolution – Mayor Myrick</td>
<td>Yes</td>
<td>Mayor Myrick</td>
<td>15 Mins</td>
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</table>
How to Participate in Public Comment Virtually

You are welcome to participate in the public comment portion of the meeting in one of the following ways:

Email Common Council Through the Agenda Link

Written comments can be submitted to Common Council using this form: [Common Council Public Comment Form](#). Comments should be submitted no later than 5:00 pm on the day of the meeting. These comments will not be read into the record but will be included as an attachment to the meeting minutes. Any comments received after 5:00 pm will be saved for the next meeting.

Register to Speak at a Meeting Via Zoom

At 9:00 am on the day of the Common Council meeting, a link will be opened on the [Common Council webpage](#) to register for speaking at the beginning of the Zoom meeting. Up to 40 people can register to speak and the first hour of the meeting will be dedicated to public speaking. Registration will close at 3:00 pm in order to allow time to calculate how long each person will be allowed to speak. If you register, you will be emailed the Zoom link later that day. Use that link to sign in and enter the Zoom waiting room. You will be moved into the meeting for your allotted time in the order that you were registered to speak. You must be present in the waiting room when it is your turn to speak or you will forfeit your time. You can use video or telephone to participate.

Get Creative: Send us a Social Media Link

Send us a social media video with your thoughts and ideas. You can send it in using the public comment link found on each agenda and then the URL to your video will also be included in the public record.

Questions about the meeting protocol can be forwarded to City Clerk Julie Conley Holcomb at (607) 274-6570 or [jholcomb@cityofithaca.org](mailto:jholcomb@cityofithaca.org) in advance of the meeting.
3.1 IFD - Amendment of 2020 Budget for Purchase of Equipment

WHEREAS, on August 5, 2020, the Ithaca Fire Department was notified that it had received a FEMA Assistance Firefighters Grant to purchase hydraulic extrication tools, replacing equipment that is over twenty years old, and

WHEREAS, the budgeted amount to purchase the extrication tools is forty thousand, five hundred, seventy-five dollars ($40,575), and

WHEREAS, up to thirty-six thousand, nine hundred, eighty-one dollars ($36,981) for the purchase of the extrication tools are funded through the Assistance to Firefighters Grant Program, and

WHEREAS, ten percent (10%) of the total costs to purchase extrication tools, estimated at three thousand ninety-nine dollars ($3,699), will be paid from the 2020 fire department operating budget; now, therefore, be it

RESOLVED, That Common Council hereby amends the 2020 Fire Department Budget as follows:

Increase Expenses:
A3410-225 Equipment $36,981

Increase Revenues:
A3410-2770 Unclassified Revenue $36,981
3.2 IFD - Amendment of 2020 Budget for Purchase of Personal Protective Equipment Due to COVID-19

WHEREAS, on August 5, 2020, the Ithaca Fire Department was notified that it had received a FEMA Assistance Firefighters Grant to purchase personal protective equipment used in response to the COVID-19 pandemic, and

WHEREAS, the budgeted amount to purchase personal protective equipment is six thousand, five hundred, twenty dollars ($6,520), and

WHEREAS, up to five thousand, nine hundred, twenty-seven dollars ($5,927) for the purchase personal protective equipment is funded through the Assistance to Firefighters Grant Program, and

WHEREAS, at least ten percent (10%) of the total costs to purchase personal protective equipment, estimated at five hundred, ninety-three dollars ($593), will be paid from the 2020 fire department operating budget; now, therefore, be it

RESOLVED, That Common Council hereby amends the 2020 Fire Department Budget as follows:

Increase Expenses:
   A3410-5460  Program Supplies $5,927

Increase Revenues:
   A3410-2770  Unclassified Revenue $5,927

WHEREAS, 6 NYCRR, Part 617, of the State Environmental Quality Review Law and Chapter 176.6 of the City Code, Environmental Quality Review require a Lead Agency be established for conducting Environmental Review of projects in accordance with local and state environmental law, and

WHEREAS, the City of Ithaca Common Council has one pending action for approval of the installation of small cell facilities, infrastructure, and/or equipment to support small cell wireless technology governed by the terms of the City’s Small Wireless Communications Facilities Master License Agreement, adopted by the Common Council on May 6, 2020, and

WHEREAS, applicants must ensure adherence to the adopted design guidelines and all other applicable standards, regulations, and laws, consistent with the Common Council’s regulatory roles over the right-of-way as indicated by Article II, Chapter 152 of the City Code, and over the aesthetic and design concerns of the City as indicated by Article VA, Chapter 325 of the City Code, and

WHEREAS, applicants must have an executed and valid license agreement prior to submission of an application to the Office of City Engineering for the required street permit to, and

WHEREAS, this is a Type I Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”) and the State Environmental Quality Review Act (“SEQRA”), and is subject to Environmental Review, and

WHEREAS, State Law specifies that, for actions governed by local Environmental Review, the Lead Agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action; now, therefore, be it

RESOLVED, That the City of Ithaca Common Council does hereby declare itself Lead Agency for the Environmental Review of design guidelines and all other applicable standards, regulations, and laws, consistent with the Common Council’s regulatory roles over the right-of-way as indicated by Article II, Chapter 152 of the City Code, and over the aesthetic and design concerns of the City as indicated by Article VA, Chapter 325 of the City Code.
To: City Administration Committee of Common Council

From: JoAnn Cornish, Director of Planning and Development

Date: August 13, 2020

RE: Approval of Design Guidelines for Small Wireless Facilities

On May 6, 2020, the Common Council adopted a Master License Agreement for the installation of small cell facilities, infrastructure, and/or equipment to support small cell wireless technology (4G and 5G) conditioned on establishment of design guidelines. At that time it was agreed that the design guidelines could be updated at any time upon the determination of the Director of Planning.

Enclosed are the updated draft design guidelines along with a resolution declaring Common Council the lead agency for the environmental review of the design guidelines. A Full Environmental Assessment Form will be prepared for consideration of environmental significance at the September City Administration meeting. Pending the outcome of that meeting, it is possible that the Common Council could act on the adoption of the design guidelines as early as October 7, 2020.

If you have questions or require additional information, please feel free to contact me at jcornish@cityofithaca.org.
Small Wireless Facilities Design Guidelines (Small Cell Design Guidelines)

I. Purpose of the Guidelines These Small Cell Design Guidelines set forth design and aesthetic requirements and specifications for small cell installations. These design guidelines are consistent with the City’s regulatory roles over the right-of-way as indicated by Article II, Chapter 152 of the City Code, and over the aesthetic and design concerns of the City as indicated by Article VA, Chapter 325 of the City Code. The guidelines are intended to accommodate the functional needs of the cellular infrastructure industry while recognizing the character and function of the City’s public space. They are intended to be complimentary to and are not intended to supersede or preempt applicable federal or state guidelines or regulations. The City’s specific goals of these guidelines include, but are not limited to:
   a. Minimizing the impact on the character of designated districts of the City and on public views within the City;
   b. Protecting access and circulation to buildings and public open spaces; and,
   c. Minimizing visual and physical clutter within the streetscape.

II. Definitions - For the purposes of these guidelines, the following definitions shall apply:

Antenna – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds.

Applicant – Entity seeking to install small cell facilities, infrastructure, and/or equipment to support small cell wireless technology.

Clear pedestrian path – The straight path that is free of all obstructions within the sidewalk between the curb or tree lawn and property line. The clear pedestrian path is measured from the farthest extended portion of any element projecting out from the building facade, such as a sidewalk café, to the curb line or the nearest obstruction, such as the outer edge of a tree box.

Decorative street amenity – Street furniture that is consistent with the color and style of the other street furniture in the area, including but not limited to benches, trash and recycling receptacles, and bike racks.

Facility – Refers to an installation of Small Cell infrastructure, as defined below.

Freestanding poles – Independent poles solely used for the attachment of small cell antennas and used only for the purpose of transmitting wireless signals.

Licensee - The entity authorized to install Small Cell infrastructure within the Right of Way by virtue of a license agreement with the City or existing franchise or easement rights within the Right of Way, and is responsible for the requirements of these design guidelines and all other applicable laws and regulations.
Right of Way – The area of public space between the curb and the sidewalk reserved for the installation of street lights, parking meters, bicycle racks, signs regulating curbside management. It also includes the tree space, the area of public space reserved for the planting of street trees.

Special Interest Areas – Areas within the City that have stricter aesthetic standards. These include the following:

1) Primary and Secondary Commons as defined in Section 346-1 of the City of Ithaca Municipal Code;
2) Locally Designated Historic Districts;
3) Recreational Areas, Parks, Natural Areas, and trails, specifically including, but not limited to:
   a. Cascadilla Creek and associated trails from Linn Street to College Av
   b. Cayuga Waterfront Trail
   c. Cass Park
   d. Fuertes Bird Sanctuary
   e. Ithaca Falls
   f. Newman Golf Course
   g. Stewart Park; and
4) Undergrounding Districts as defined in this section.

Small Wireless Facility – A facility that meets the definition of 47 CFR 1.1312(e)(2). Facilities that meet this definition are typically low-powered antennas and related equipment providing cellular and data coverage to smaller geographic areas, supplementing the larger cellular network and improving service for wireless customers. This term is used interchangeably with Small Cell Infrastructure, Equipment or Facilities, and Small Wireless Equipment.

Traffic signal – A pole of any type to which a traffic or pedestrian signal or other traffic right-of-way regulating equipment is attached.

Tower – As defined in City Code Section 325-29.5(b), with installation and zoning thereof specifically governed by Article VA of Chapter 325 of the City Code among other applicable regulations.

Utility pole – An existing pole in public space owned by a party other than the City or the cellular provider installed to provide public utilities and that can accommodate Small Cell infrastructure equipment.

Undergrounding District – Areas of the City that a) historically had overhead utility lines but have now been undergrounded by either coordination with developments, by use of City funds, by resolution to enforce private property undergrounding of overhead services, or a combination of these means; or b) all utility services are provided underground and the only poles in the area are either for street lights or traffic signals. Districts presently meeting this
definition include, but are not limited to as more may be added in the future: 1) 100 & 200 blocks of Dryden Road; 2) College Avenue running between Stone Bridge to Mitchell Street; 3) West State Street running between the Commons to Meadow Street.

III. Application and Review Process – Public Right-of-Way (ROW) Permit

a) All Small Cell installations will be governed by the terms of the City’s Small Wireless Communications Facilities Master License Agreement (“license”) and each installation requires an application ensuring adherence to these guidelines and all other applicable standards, regulations, and laws.

b) An applicant must have an executed and valid license agreement prior to submission of an application to the Office of City Engineering.

c) It is the applicant’s burden to provide a fully approvable application. All calculations applicable in these guidelines shall be shown on the stamped drawings. Any variances requested should be noted with a narrative demonstrating the need for the variance. Failure to comply with these guidelines and the terms of the license agreement, shall be grounds for denial of the application.

d) Applicants will be notified by writing if their application is not consistent with these guidelines within 10 days of applying, with reasons why their application is not consistent, and, at such time, the applicant will have an opportunity to revise their application and resubmit.

e) Notwithstanding the location preference guidelines indicated in this document, for each application proposing an installation within a residential zone or within 200 feet of a residential zone, no less than 5 days prior to installation, applicant shall mail or hand deliver notice to all residences within 100 feet of the proposed installation, and no less than 30 days prior to installation, post the location with a sign providing information as to where the application may be viewed and how the public may contact the applicant about the proposed installation. Signs can be obtained from the Planning & Economic Development Division at a cost of $15.00 per sign (checks payable to "City of Ithaca"). Proof that the sign(s) have been posted will be required in the form of a DATE-STAMPED PHOTOGRAPH(s). Applicant shall provide proof of mailing and a list of addresses receiving the notification with the application. Applicant/Licensees are strongly encouraged, especially for visible residential right-of-way installations, to voluntarily schedule public meetings to inform the neighborhood about the project.

f) Prior to commencing any work on Small Cell installations, the applicants must also apply to the City of Ithaca Engineering Department for, and receipt of, an approved street permit to excavate in the right-of-way (for a new pole or any work requiring excavating in the right-of-way) or perform other work in the right-of-way, tree permit if applicable, and any other applicable permits.
IV. General Guidelines

a) General Location Guidelines

1. Order of location preference. The order of preference for the location of small cell installations in the City, from most preferred to least preferred, is: 1. Industrial zone; 2. Commercial zone; 3. Mixed commercial and residential zone; 4. Residential zone. If a small cell installation can be sited in an adjacent higher preferred zone that can accommodate similar coverage, the Licensee shall be required to install in the higher preferred zone.

2. Prohibited and Non-Preferred Locations. No applicant will be permitted to install new support structures or poles within Special Interest Areas unless the new structure or pole is a replacement of an existing structure or pole. If possible, it is preferred to avoid installation in residential neighborhoods or in close proximity to residences, especially in locations where there is an industrial or commercial zone nearby.

3. The applicant and Planning Division shall work together to minimize obstruction or interference by small wireless facilities with prominent public views as defined in the Tompkins County Scenic Resources Inventory, January 2007, and other prominent views, such as on the Commons or views from the Cayuga Waterfront Trail, Cascadilla Creek trails, Cass Park, City Cemetery, Ithaca Falls, Stewart Park, or views within any other City park, Natural Area, or trail.

4. Small Cell infrastructure shall not be located along the front or side boundary lines of a City, New York State, or National Landmark, or any property individually listed in the National Register of Historic Places.

5. City street trees may not be removed for the purposes of installing a small cell facility. The City will also preserve locations where a street tree may be planted. To the extent a facility installation will impact a City tree, the applicant must secure a tree permit from the City Forester as part of the street permit authorization.

b) Configuration Preferences

1. Collocation Generally. Subject to the provisions of this section, collocation of facilities is generally preferred over new support structures if it can be accomplished in a way that better compliments the character of the surrounding area. The order of preference for the configuration for wireless facilities from most preferred to least preferred is: (a) Collocation with existing wireless facilities; (b) Roof-mounted; (c) Building-mounted; (d) Mounted on an existing pole or utility pole; (e) Mounted on a pole or utility pole that will replace an existing pole or utility pole; (f) Mounted on a new telecommunication tower.

2. Collocation with non-municipal facilities. Collocation on facilities or support structures owned by parties other than the City is subject to the following:

   (i) Where an existing facility or support structure can potentially accommodate collocation of a new wireless facility, collocation will be required unless:

      - The applicant submits evidence supporting the unsuitability of the collocation. Evidence may include documentation or a map showing that the specific location available for collocation does not meet the needs of the provider.
      - The owner of the existing facility or support structure is unwilling to accommodate
the applicant’s equipment and cannot be required to cooperate;

(ii) Authorization for collocation on a facility or support structure owned by a party other than the City will be voided if the facility or support structure is destroyed, removed, relocated, or replaced, unless:
- The owner of the collocated facility obtains a new right-of-way use permit; or
- The facility or support structure accommodating the collocation is replaced with a facility or support structure comparable in size, mass, appearance, and placement, as determined by the City Engineer.

c) Site Specifications

1. Vision Requirements – Facilities and support structures must be located so as not to create a vision hazard at intersections or driveways. Equipment near these areas must be placed below 2.5 ft or above 15 ft.

2. Obstruction of Traffic – All equipment and support structures are to be installed such that they do not obstruct, impede or hinder vehicular, pedestrian or bicycle travel, including any facilities necessary to meet Americans with Disabilities Act of 1990 along with any updates to the ADA guidelines. A clear pedestrian path shall be maintained at all locations, and the minimum width of the path may vary and will be determined by City Engineering with each application.

3. Obstruction of Maintenance Activities – To the extent possible, a facility, support structure or utility pole should be located and designed so as to avoid interference with right-of-way maintenance activities, such as:
   (i) Grass mowing, brush collection, tree trimming, and landscaping maintenance; (ii) Trash collection; (iii) Maintenance of streets, pavement, sidewalks, and bicycle lanes; and (iv) Maintenance of other facilities in the rights-of-way such as poles, hydrants, bike racks, control cabinets, etc.

4. Alignment – To the extent technically feasible, Facilities and support structures, and utility poles are to be located in alignment with existing trees, facilities, support structures, towers, utility poles, and streetlights, and are to be spaced evenly between any buildings and other prominent architectural or vertical features.

5. Frontage – New or replacement facilities and support structures, and utility poles are to be located at or near the extension of property lines, whenever feasible, and are not to be located directly in front of a building entrance area such that the facility would interfere with ingress or egress. Existing support structures that do not conform to this guideline and will be replaced as part of the installation will be brought into conformity to the maximum extent feasible.

6. Spacing – See Table 1 and associated notes, regarding spacing of support structures relative to specific right-of-way features and applicable notes.

d) Height Restrictions and Requirements

1. Support Structures, Towers, and Utility Poles. The height of a support structure, tower, or utility pole in the right-of-way shall be no more than 10% higher of any adjacent pole up to a maximum height of 50 feet. Small cell installations shall 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. Small Wireless Facility. The height of a small wireless facility in the right-of-way may not exceed 50 feet above ground and is to remain within 10 percent of the height of any adjacent structure on the same block, excluding a proposed support structure for the new small cell facility.

3. Minimum Height of Wireless Communications Equipment. Equipment mounted to support structures must not interfere with or create a hazard to pedestrian or vehicular traffic and must be a minimum of 12 feet above any pedestrian or bicycle thoroughfare and a minimum of 16 feet above any traffic lane. Metering equipment may be placed at ground level provided that the location does not violate any of the spacing standards established for pole placement.

e) General Aesthetic Standards

1. Each new or modified facility must be compatible in size, mass, and color to similar facilities in the immediate area, with a goal of minimizing the physical and visual impact on the area.

2. The diameter of new support structures is to be minimized such that it is sufficient only for the structural support of the existing and currently proposed attachments.

3. Antennas shall be sized and mounted in a manner in which either the antenna(s) is on top of and in line with the pole or such that the antenna(s) do not protrude excessively off of the side of the pole. Antennas that are either mounted on top of the structure or on the side of the structure shall be mounted no further than twice the distance of the diameter of the pole or within the safe install specifications of the pole owner, and overall have the equivalent dimension of no more than three times the pole diameter, at the location of mounting.

4. All small cell equipment is to be shrouded. Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent feasible. Wiring to any antennas mounted on the side of the poles shall also be concealed, which may be within a shroud providing the visual appearance of a taper between the pole and the side mounted antennas. Proposed wiring and concealment methods shall be shown on the documents submitted with the application for a small cell permit.

5. Any Small Wireless Facility proposed to be installed within a historic district must be reviewed by the Director of Planning or the Director’s designee. If the Director of Planning or designee determines that the proposed installation will result in public controversy or the applicant appeals any decision of the Director or designee, the application will be referred to the Ithaca Landmarks Preservation Committee for a determination on a certificate of appropriateness.

6. Noise. Facilities must be constructed and operated in a manner that minimizes noise that is audible as provided in Section 240 of the City Code.

7. Lighting. Facilities must not be illuminated, except in accordance with state or federal regulations or if incorporated as part of a street light pole.
8. Signage Prohibited. Signage is not permitted except to comply with FCC or New York regulations to provide safety warning or emergency contact information as required by these guidelines.

9. Trees. Tree “topping” or improper pruning of trees within the right-of-way is prohibited. Any proposed pruning of trees, shrubs, or other landscaping already existing in the right-of-way must be noted in the application and approved separately by permit issued by the City Forester. Any such work shall be performed by a certified arborist and subject to other review, input, and requirements of the City Forester.

10. Pole Type. New or replacement poles shall match existing pole types on the same block to the extent feasible, meeting City specifications with regard to paint and material. Notwithstanding the foregoing, where there are impending improvements that will impact the look of existing pole types, licensee shall comply with the specifications of the impending improvements to the maximum extent they are available.

11. Frequency of Installations. Small Cell facilities are to be spaced appropriately to maintain coverage and aesthetics of the streetscape. Spacing in Special Interest Areas will be greater than in typical areas of the City. See Table 2 for typical spacing requirements.

f) General Design Requirements - All small attachments shall meet the following requirements including the requirements of the Tables:

1. Be reviewed and approved by a licensed professional structural engineer in the State of New York, which shall include review of any structures and foundations. All pertinent calculations shall be stamped by a Professional Engineer and submitted to the City as part of the permit application and review process.

2. All installations shall meet or exceed all applicable structural standards, clearance standards, and provisions of the latest National Electrical Safety Code (NESC).

3. The support structure of the proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from facility or pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

4. All structures with small cell equipment shall have an identification tag attached to the structure with the company information and emergency contact information.

5. Licensee is responsible for providing, installing, permitting, and metering all necessary electrical, fiber optic, and telecommunication connections to the small cell equipment. All connections shall comply with all local, state and federal codes.

6. When installed within the right-of-way, the small cell equipment and any support structures shall be relocated at owner’s expense, when the City deems necessary for reasons relating to City’s protection of public health, safety or welfare.

7. Within 30 days of installation, Licensee is required to provide certified testing results demonstrating that the installation is compliant with FCC RF emission standards for the general population or uncontrolled exposure must be provided for each location unless Licensee is able to document that a less stringent standard applies. Thereafter, Licensee must submit on an annual basis proof of testing that the facility meets the applicable standard.
8. Attachments to Utility Poles and Lines - If a small cell attachment is proposed for an existing utility pole with an existing street light attachment, the small cell equipment shall be installed such that the street light will remain in the same location and height and installed such that the small cell equipment will not obstruct proper lighting of the area.

9. Equipment for Freestanding Poles - The freestanding pole components include the foundation, equipment cabinet(s) (including pull or termination boxes, radios, or any other equipment related to the small cell site), upper pole, antenna(s), and all hardware and internally integrated electrical equipment necessary for a complete assembly. The small cell components shall be sized and placed to meet the aesthetic requirements of these guidelines. To the extent technically feasible, the equipment is to be placed in cabinets, which shall be designed to match the shape of the pole. For example, if the pole is round, the cabinets shall be round, but may be a larger diameter than the pole. The transition between any pieces of equipment or cabinets and the upper pole shall also be considered. To the extent technically feasible, a decorative transition is to be installed over the equipment cabinet(s) to smoothly taper the cabinet back to the pole diameter. All hardware connections shall be hidden from view, to the extent feasible. No horizontal flat spaces greater than 1.5 inches shall exist on the equipment cabinet to prevent cups, trash, and other objects from being placed on the equipment cabinet. Each pole component shall be architecturally compatible to create a cohesive aesthetic. Table 6 sets forth additional equipment requirements for freestanding poles.

V. Guidelines Regarding Areas of Special Interest

1. In any Special Interest Area, Applicants are prohibited from installing new poles or support structures for the sole purpose of mounting Small Cell Facilities. All small cell installations in Special Interest Areas must be installed on existing support structures; the foregoing does not prohibit replacement of existing poles or support structures to accommodate Small Cell infrastructure.

2. In any Special Interest Area, small cell equipment, other than the antenna, may be mounted on an existing or replacement pole or support structure, but in such situations equipment shall be a minimum of 15 ft. above ground or must be completely concealed or placed underground. If necessary, a meter may be placed near ground level for visibility and access by the electrical provider, provided that the meter does not violate any spacing requirements.

3. Small Cell infrastructure that is to be collocated on an existing structure may be placed in a Special Interest Area provided that it meets the specified equipment height and pole spacing requirements, and does not block any entryways, views of the landmarked property, or any other prominent views or vistas.

4. To the extent technically feasible, new small cell infrastructure must have all equipment, other than the antenna, completely concealed. This may be within the pole and base, designed with decorative transitions and without exterior attachments, or equipment may be within a decorative street amenity, which would need to be owned and maintained by the small cell company. Alternatively, the small cell equipment may be installed in an
underground vault. Any wiring is to be completely concealed. These requirements are consistent with the existing streetscape and other utilities placed in this area.

5. Small Cell infrastructure located in unnamed alleys within a Special Interest Area shall be setback a minimum of twenty feet (20’) from the inside edge of adjoining sidewalk.

VI. Variances from these guidelines
An applicant may seek a variance from these guidelines, by application to and approval by the Director of Planning and Superintendent of Public Works. Applicant may appeal any denial of the variance to the City Administration Committee of Common Council. If applicant seeks appeal of a denial by the Director of Planning and/or Superintendent of Public Works, applicant agrees to toll the regulatory and license time frames for approval of an application until resolution of the appeal. For purposes of the variance application, applicant must demonstrate that the City’s requirement prohibits or has the effect of prohibiting the provision of personal wireless services and that the requested variance is the least intrusive feasible means of remedying the prohibition after exhaustion of all opportunities, including siting on privately held land. Any variance request not meeting this standard may be approved only at the discretion of the Director of Planning and Superintendent of Public Works, i.e. for reasonable and de minimis variation(s) that are the least impactful to neighboring properties, the City right of way, and upon public views.

VII. Post installation requirements
1. Thirty days prior to each annual anniversary of Licensee’s Master License Agreement, Licensee shall provide to the City Clerk for filing and public review: a copy of Licensee’s current proof of insurance and bonding, and a signed and attested certification of compliance with all relevant and applicable federal, state and local guidelines for each Small Cell Facility installed.

2. Licensee shall submit certified testing an annual basis to demonstrate that the equipment is within federal and state limits for Electromagnetic Field and Radio Frequency Radiation for the general population or as applicable to the uncontrolled exposure classification.

3. Licensee shall maintain accurate maps and other appropriate records of its Small Cell Equipment as they are actually constructed in the Right of Way and will provide GIS location and information data to the City upon application. Licensee’s location and information data provided to the City shall be GIS compatible, and include exact locations of and information concerning all components of a Small Cell Installation, including to the extent available to the Licensee, wire, fiber optic strands, innerduct or other items supporting Licensee’s Equipment. Such maps and records shall be promptly updated and provided to the City in the event of relocation or removal of any Small Cell Equipment.
VIII. **Severability**

If any clause, sentence, paragraph, section, or part of these guidelines or other relevant City Code provisions be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.
To the maximum extent feasible, applications must adhere to the requirements in these Guidelines. Applicant may seek a variance from any requirement where strict adherence would result in materially inhibiting applicant’s ability to provide service.

**Table 1: Pole Spacing Standards**

<table>
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<tr>
<th>Object</th>
<th>Minimum Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb</td>
<td>2.5 ft. to face of curb</td>
</tr>
<tr>
<td>Mainline Sidewalk</td>
<td>1.5 ft.</td>
</tr>
<tr>
<td>Bike Paths</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Pavement Edge (unimproved streets)</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Residential Driveway</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Commercial Driveway</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Street Light</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Traffic Signal</td>
<td>25 ft. unless on traffic signal pole</td>
</tr>
<tr>
<td>Utility Pole</td>
<td>25 ft. (with collocation favored)</td>
</tr>
<tr>
<td>Street Tree</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Building Face</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Fire Hydrant</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Bike Rack</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Bus Stop</td>
<td>8 ft. (see note 5)</td>
</tr>
</tbody>
</table>

Notes:
1. Minimum spacing is to nearest face of pole.
2. If an existing pole that violates any of these standards is being replaced, it may remain in the same location, but it may not be placed any closer to any object than existing condition.
3. In certain circumstances, City Engineering may request further spacing than what is noted; the intent of which is not to prohibit installations, but better accommodation of existing or future features. Examples - driveways with heavy truck use, more sensitive street trees, streets with right-of-way reservations or planned sidewalk installation, etc.
4. To the maximum extent feasible, applications must adhere to the minimum spacing guidelines. Applicant may seek a variance from the minimum spacing guidelines, in which case the applicant and City shall work together to achieve a mutually acceptable site within proximate vicinity of the proposed site.
5. The design of bus stops vary throughout the City and each location is unique. Poles must be placed such that they do not interfere with bus operations and accessible loading/unloading passengers in and around bus stop zones.
### Table 2: Permissible Spacing and Frequency of Installations

<table>
<thead>
<tr>
<th>Blockface Length Intervals&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Outside Areas of Special Interest</th>
<th>Inside Areas of Special Interest</th>
<th>Limit per Carrier per Block&lt;sup&gt;4&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Small Cell Facilities Permitted per Blockface&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Minimum Distance between Facilities on same Blockface&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Number of Small Cell Facilities Permitted per Blockface</td>
</tr>
<tr>
<td>0'-150'</td>
<td>1</td>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td>151'-300'</td>
<td>1</td>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td>301'-450'</td>
<td>2</td>
<td>100'</td>
<td>1</td>
</tr>
<tr>
<td>451'-600'</td>
<td>2</td>
<td>100'</td>
<td>2</td>
</tr>
<tr>
<td>601'-750'</td>
<td>3</td>
<td>100'</td>
<td>2</td>
</tr>
<tr>
<td>Over 750'</td>
<td>3</td>
<td>100'</td>
<td>2</td>
</tr>
</tbody>
</table>

**Notes:**

<sup>1</sup> Blockface lengths should be measured along the edge of curb between the edge line extended of adjacent intersecting streets.

<sup>2</sup> Inclusive of all types of installations and regardless of carrier.

<sup>3</sup> Minimum distance between two facilities sharing the same side of the block. Distance should be measured in a linear fashion along the edge of curb between the two facilities’ center points.

<sup>4</sup> A block is defined as two opposing blockfaces.

*To the maximum extent feasible, applications must adhere to these spacing guidelines. Applicant may seek a variance from the minimum spacing guidelines, in which case the applicant and City shall work together to achieve a mutually acceptable site within proximate vicinity of the proposed site.

### Table 3: General Requirements for Small Cell Equipment

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Service</td>
<td>Per electric utility provider.</td>
</tr>
<tr>
<td>Grounding</td>
<td>Per electric utility provider and the NESC requirements.</td>
</tr>
<tr>
<td>Separation of Service</td>
<td>All new electrical conduit and fiber shall be separated by Owner.</td>
</tr>
<tr>
<td>Utility Equipment</td>
<td>Per electric utility provider.</td>
</tr>
<tr>
<td>Radio Frequency Equipment Disconnect</td>
<td>Radio frequency equipment shall have a disconnect that meets or exceeds electric</td>
</tr>
</tbody>
</table>
utility provider’s and the City’s requirements (which may include a locked breaker box with provisions for City access).

**Warning Label**
Radio frequency warning labels shall be mounted on the exterior of the Network Provider’s equipment, clearly marked, and in accordance with applicable federal and/or state requirements.

**Owner Identification**
As required by applicable federal and/or state requirements.

---

**Table 4: Small Cell Equipment Attachments to Utility Poles**

<table>
<thead>
<tr>
<th>Equipment Color</th>
<th>To the maximum extent feasible, visible attachments and hardware shall be colored to match pole, or colored gray (RAL 7038) if located on a wooden pole.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Shroud &amp; Wiring Concealment</td>
<td>Maximum size of all equipment on the pole (excluding antennas), related to the small cell or otherwise, shall not exceed 28 cubic feet in volume. All equipment shall be shrouded to the extent feasible, taking into consideration the function of each particular piece of equipment and needs for access, heat dissipation, etc. All wiring shall be concealed to the extent feasible. Wires shall not be hanging or draped between pieces of equipment and shall be kept tight and contained. Wires on the exterior of poles shall be concealed in guards mounted on the pole. Wires for small cell facilities on steel poles shall be on the interior of the pole.</td>
</tr>
<tr>
<td>Antenna</td>
<td>Antenna size shall not exceed 3 cubic feet per antenna. The antenna(s), including all necessary mounting brackets and hardware, shall be installed in a manner such that the antenna(s) are either on top of the pole or are mounted as near to the side of the pole as feasible. The size of the antenna shall be minimized so that it does not protrude excessively from the pole, and the equivalent diameter of the exterior of any antenna(s) shall be no more than three (3) times the diameter of the pole at the location of the mounting.</td>
</tr>
</tbody>
</table>
**Table 5: Small Cell Attachment to Utility Strand Specification Overview**

<table>
<thead>
<tr>
<th>Equipment Color</th>
<th>To the maximum extent feasible, visible attachments and hardware shall be colored gray (RAL 7038).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strand Mount Equipment Shroud</td>
<td>1 cubic foot maximum strand mount equipment shroud. Only one equipment shroud shall be installed per permit location.</td>
</tr>
<tr>
<td>Strand Mounted Warning Label</td>
<td>Radio frequency warning labels shall be mounted on the equipment, clearly marked and in accordance with applicable federal or state requirements.</td>
</tr>
</tbody>
</table>

**Table 6: Equipment Requirements for Freestanding Poles**

<table>
<thead>
<tr>
<th>Equipment Cabinet Transition</th>
<th>All hardware attachments shall be hidden. Equipment cabinet and/or equipment cabinet cover shall not have a flat, horizontal surface larger than 1.5 inches, when at a height of 8 ft. or less from the ground surface. Horizontal flat surfaces above 8 ft. shall be no larger than 3 inches.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Cabinet Access Doors</td>
<td>Utility Access: Per electric utility provider’s meter access requirements. The meter shall be recessed as much as possible into the pole base. Network Provider Access: Lockable access door sized to install, maintain, and remove all small cell equipment as needed.</td>
</tr>
<tr>
<td>Equipment Installations-</td>
<td>Utility Equipment: Per electric utility provider’s requirements. Network Provider Equipment: Per small cell Network Provider’s requirements.</td>
</tr>
<tr>
<td>All equipment shall be located internal to the equipment cabinet or recessed in the equipment cabinet to meet Utility requirements.</td>
<td></td>
</tr>
<tr>
<td>Equipment separation</td>
<td>All equipment shall be separated by owner. All access doors shall be secured by owner.</td>
</tr>
<tr>
<td>Ventilation</td>
<td>Passive louvers and/or other passive ventilation systems shall be provided as the primary means of temperature control.</td>
</tr>
<tr>
<td><strong>Motorized Ventilation</strong></td>
<td>If required, fan(s) shall not emit noise greater than the maximum permissible sound levels set forth in City Code 240-8.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Hand Holes</strong></td>
<td>Provide hand holes as necessary to provide access to underground utilities. All hand holes are to be installed flush with the top surface.</td>
</tr>
<tr>
<td><strong>Grommets</strong></td>
<td>Weatherproof grommets shall be integrated into the pole design to allow cable to exit the pole, future IOT attachments, without water seeping into the pole.</td>
</tr>
<tr>
<td><strong>Antenna Shroud &amp;Transition</strong></td>
<td>When feasible, the antenna and upper pole attachment shall be shrouded to meet City aesthetics. A tapered transition between the upper pole and antenna(s) shall be included so that the antenna(s) do not appear to protrude excessively from the pole. Transitions may also be used to cover exposed wiring.</td>
</tr>
<tr>
<td><strong>Antenna Finish</strong></td>
<td>When feasible, antenna and any shrouding shall be colored to match pole.</td>
</tr>
<tr>
<td><strong>Design Wind Velocity</strong></td>
<td>115 mph minimum per TIA-222 rev G, IBC 2012 with ASCE 710, and amendments for local conditions.</td>
</tr>
<tr>
<td><strong>Foundation</strong></td>
<td>For new poles, plan details of concrete pole foundations, including anchor bolt pattern &amp; placement, shall be stamped by a licensed professional engineer in the State of New York and approved by the Engineering Division.</td>
</tr>
<tr>
<td><strong>Potential Shroud</strong></td>
<td>All fixed connections shall be hidden from view.</td>
</tr>
<tr>
<td><strong>Electrical Separation</strong></td>
<td>Where internal wiring is proposed, an internal divider shall separate electrical wiring and fiber, per Owner. Separation of service shall meet electric utility provider’s requirements.</td>
</tr>
<tr>
<td><strong>Maximum Pole &amp; Equipment Cabinet Dimensions</strong></td>
<td>The preferred maximum pole diameter, including any equipment housed within the base of the pole is 16”, and the maximum allowed diameter, if necessary to entirely conceal equipment, is 20”. The shape of any equipment cabinets shall be round to match the pole, fitting in line with the pole, and shall be transitioned as required. The maximum size of all equipment, including the antenna(s) is 28 cubic feet.</td>
</tr>
</tbody>
</table>
5.1 Resolution to Enter into an Agreement with New York State for the Black Diamond Trail trailhead in Cass Park

WHEREAS, in 2008, the New York State Department of Parks, Recreation and Historic Preservation (State Parks) adopted a Master Plan for the Black Diamond Trail, including environmental review in accordance with the State Environmental Quality Review act;

WHEREAS, State Parks has submitted a plan for a trailhead in Cass Park for the Black Diamond Trail; and

WHEREAS, the Board of Public Works recommended approval of the trailhead and associated agreement at their March 2020 meeting, and

WHEREAS, City Code Chapter 170 “Use of City Real Property” vests in the Common Council sole authority to grant approval of any agreement to make nontransitory use of City parkland; now, therefore, be it

RESOLVED, That Common Council hereby finds that State Parks’ proposal to construct and maintain the Black Diamond Trail trailhead supports the broader public recreational activities in Cass Park and for the State’s Black Diamond trail, and, be it further

RESOLVED, That the Common Council hereby approves an agreement with State Parks to this end and authorizes the Mayor to execute such an agreement in consultation with the City Attorney.
To: Planning & Economic Development Committee  
From: Tim Logue, Director of Engineering  
Date: June 26, 2020  
Re: Black Diamond Trail trailhead in Cass Park

The New York State Department of Parks, Recreation and Historic Preservations (State Parks) adopted a master plan for the Black Diamond Trail (BDT) in 2008. The first phase of construction has been complete for a few years from Cass Park to Taughannock Falls State Park. It is a wonderful asset and has proven to be extremely popular. More recently, State Parks has expressed an interest in building a trailhead at the southern end where the BDT meets the Cayuga Waterfront Trail in Cass Park. State Parks proposes to be fully responsible for construction and ongoing maintenance of the area, which is otherwise on City parkland. State Parks is planning for construction in 2021. The Board of Public Works recommended approval of this item in March.

Please find attached the following materials for your review and approval:

- Preliminary design drawings showing the context, site plan and renderings for the trailhead
- A draft agreement with State Parks clarifying the ownership and maintenance responsibilities for the trailhead
- A resolution for Common Council to approve the project and to authorize the Mayor to execute the agreement with State Parks (or a substantially similar agreement should there be any final edits based on final reviews by State Parks, the City attorney’s office, DPW staff or the Ithaca Youth Bureau).
COOPERATIVE OPERATION AND MAINTENANCE AGREEMENT
for the BLACK DIAMOND TRAIL TRAILHEAD in CASS PARK

THIS AGREEMENT, made this ___________ day of ______________, 2020, between the City of Ithaca, with offices at 108 East Green Street, Ithaca, New York 14850 (hereinafter “CITY”), and the People of the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, with offices at Agency Building I, Empire State Plaza 25 Broadway, Albany, New York, 12238 (hereinafter “PARKS”),

WITNESSETH THAT:

WHEREAS, the CITY currently has jurisdiction over and operates Cass Park, certain lands situated in the City of Ithaca including, but not limited to Tax Map Parcel No. 22.-1-1.1 (hereinafter “CASS”), and

WHEREAS, PARKS has constructed and maintains a trail known as the Black Diamond Trail, on state lands, extending from a point adjacent to Cass Park to Taughannock Falls State Park, and

WHEREAS, PARKS has expressed its desire, ability, and intent to develop, operate and maintain a Black Diamond trail trailhead on a portion of lands within CASS as shown on SCHEDULE A (hereinafter the “PROPERTY”) to provide a shelter, wayfinding, landscaping and related appurtenances for public park and recreational purposes, and

WHEREAS, pursuant to Section 3.09(2) of the Parks, Recreation and Historic Preservation Law (“PRHPL”), PARKS is authorized to directly or indirectly operate and maintain New York State historic sites, parks, parkways and recreational facilities by contract, lease or license, and

WHEREAS, pursuant to PRHPL Section 3.09(6), PARKS is authorized to encourage, promote and engage in cooperative recreational, educational, historic and cultural activities, projects and programs undertaken by any local governmental agency for the benefit of the public, and

WHEREAS, PARKS and the CITY are each authorized to acquire real property for public recreational purposes and to maintain, operate and administer any property so acquired directly, or by contract, lease or license, and

WHEREAS, PARKS and the CITY recognize the need and desirability for public use of CASS as a component of the statewide and regional park system,

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, PARKS and the CITY hereby agree as follows:
1. PARKS shall have the right to use, occupy and possess the PROPERTY for the term of this Agreement, for park, recreational, educational and/or conservation uses only, in accordance with master plan approved Site Plan for the Black Diamond Trail adopted by PARKS in 2008 (hereinafter the "Site Plan2008 Master Plan"), subject to the terms and conditions of this Agreement. To the extent that said 2008 Master Plan is amended inconsistent with the terms of this Agreement, the terms of this Agreement will control.

2. The Site Plan shall be submitted to the CITY Department of Planning, Building and Zoning for site plan approval, as a project of limited scope, in accordance with City Code Chapter 276. The approved Site Plan shall be attached herewith as Schedule B. Except for such buildings, structures, or trails identified in the 2008 Master Plan, PARKS may not construct any buildings, structures, or other improvements on the PROPERTY without the prior written consent of the CITY. PARKS' current site development plan for the Black Diamond Trail trailhead within CASS is attached hereto as Schedule B, such plan is consistent with the 2008 Master Plan and does not include any buildings, structures, or other improvements other than those already identified in the 2008 Master Plan.

3. PARKS shall assume the full cost and responsibility for the development, operation, maintenance, security and administration of the PROJECT, to standards comparable to those customarily applied to other state parks in Tompkins County.

4. Any improvements to the PROPERTY shall become the property of the CITY upon termination of this Agreement, unless the CITY directs PARKS in writing to remove the improvements and restore the PROPERTY to its current condition, which is primarily lawn. Should the City provide such direction, it shall give PARKS no less than 120 calendar days after termination (in accordance with paragraph 9) to remove the improvements and complete the restoration.

5. PARKS shall procure at its own cost and expense any and all permits, licenses and approvals necessary for the legal operation of the PROPERTY, and shall be solely liable for any costs or fees associated therewith.

6. This Agreement shall not be assigned, transferred or otherwise disposed of without the prior written approval of the CITY.

7. The PROPERTY shall be used for park, recreational, educational and/or conservation purposes only and shall be open and available to the general public on an equal basis and without a fee.

8. This Agreement shall commence on the date indicated above and shall remain in effect for a period of Twenty Five (25) years from said date with an option to renew this Cooperative Agreement for an additional term of Twenty Five (25) years upon the agreement of the parties. This Cooperative Agreement may be amended from time to time through the mutual agreement of PARKS and CITY but such amendment shall not be effective unless it is in writing and signed by each party. Either party at any time,
may terminate this Agreement on not less than one (1) year's written notice to the other party.

9. The PROPERTY shall be designated part of Cass Park. All signs, publications and other materials shall identify the PROPERTY as owned by the CITY and operated by PARKS under a cooperative agreement with the CITY.

10. All notices pertaining to this Cooperative Agreement shall be in writing delivered to the parties by hand, by commercial express courier service, by United States Express Mail, or by certified United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other address as either party may designate by notice. All notices shall be deemed given when received. Notices shall be addressed as follows:

   To the CITY:  Office of the Mayor
   City of Ithaca
   108 E. Green Street
   Ithaca, New York 14850

   To PARKS:  Regional Director, Finger Lakes Region
   NYS Office of Parks, Recreation and Historic Preservation
   2221 Taughannock Park Road
   P.O. Box 1055
   Trumansburg, NY 14866-1055

   NYS Office of Parks, Recreation and Historic Preservation
   Empire State Plaza, Agency Building 1 - Albany, NY 12238
   ATT: Deputy Commissioner for Open Space Protection

   With a copy to: NYS Office of Parks, Recreation and Historic Preservation
   625 Broadway Albany, NY 12238
   ATT: Counsel's Office

   Regional Director, Finger Lakes Region
   NYS Office of Parks, Recreation and Historic Preservation
   2221 Taughannock Park Road
   P.O. Box 1055
   Trumansburg, NY 14866-1055

11. Nothing contained in this Cooperative Agreement shall be deemed or construed to mean that the State of New York acting through PARKS consents to a waiver of its sovereign immunity with respect to the activities, rights or responsibilities described herein.

12. Subject to the availability of lawful appropriations and consistent with Section 8 of the State Court of Claims Act and Section 17 of the Public Officers Law, PARKS shall be
responsible for the final judgment of a Court of competent jurisdiction arising from injury to, or death of, any persons occurring within the PROPERTY or for damages to the PROPERTY, which are directly caused by and but for the negligence result from the negligence on the part of PARKS, its agents, officers or employees acting within the scope of their employment.

13. Appendix A Standard Clauses for New York State Contracts is attached hereto and made part hereof.
IN WITNESS WHEREOF, the parties have caused these presents to be executed on the day, month and year first written above.

CITY OF ITHACA

By: ___________________________________________

Name: _________________________________________

Title: __________________________________________

PEOPLE OF THE STATE OF NEW YORK, acting by and through their Commissioner of Parks, Recreation and Historic Preservation

By: __________________________________________

Name: _________________________________________

Title: __________________________________________
STATE OF NEW YORK  )
COUNTY OF TOMPKINS  ) ss.:

On the _____ day of _____, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared ___________________________ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

________________________________________
Notary Public

STATE OF NEW YORK  )
COUNTY OF ALBANY  ) ss.:

On the _____ day of _____, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared ___________________________ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

________________________________________
Notary Public
SCHEDULE B
Black Diamond Trail
Trailhead at Cayuga Waterfront Trail

CONCEPT MAP

1″ = 100′
Black Diamond Trail
Trailhead at Cayuga Waterfront Trail
PLAZA FROM NORTH EAST
Black Diamond Trail
Trailhead at Cayuga Waterfront Trail
PLAZA FROM SOUTH EAST
Black Diamond Trail
Trailhead at Cayuga Waterfront Trail
PAVILION WITH SITE FURNISHINGS
WHEREAS, Dewitt Park is within the Dewitt Park Historic District, and

WHEREAS, an historical marker in Dewitt Park, dedicated in 1933 by the Daughters of the American Revolution, purports to recognize the first White settlers in this area, though there is dispute over the historical accuracy of this claim, and

WHEREAS, regardless of who were actually the first non-indigenous settlers of this area, this area was already settled by the Haudenosaunee, who were ejected from this land, forced to sign unfair treaties, and were never fairly compensated, and

WHEREAS, the choice of who is recognized in the stories we tell from history is a statement about who is valued and who is not, and

WHEREAS, this historical marker purposely excludes women, and Black and Indigenous people, who have long and important histories in this community, and

WHEREAS, this historical marker has generated numerous complaints and has been a magnet for vandalism, and

WHEREAS, the City of Ithaca wishes to tell a more inclusive story of our region’s history; now, therefore, be it

RESOLVED, That the City of Ithaca Common Council authorizes the removal of the First White Settlers monument, pending a certificate of appropriateness from the Ithaca Landmarks Preservation Commission.
September 1, 2020

To the ILPC,

There is a monument in Dewitt Park, dedicated in 1933 by the Daughters of the American Revolution (DAR), a stone mounted with a plaque that purports to recognize the first two white settlers in Ithaca. This monument is of questionable historic accuracy at its root; but more importantly, in choosing to recognize two white men, it sends the intentional message that this land belongs to white people. Its purpose is to exclude the Indigenous people who were the stewards of this land, and Black people and people of color who have long been members of this community.

I have received many complaints from residents of Ithaca regarding the offensiveness of this monument and the exclusionary message it sends. It is time to elevate and amplify a more accurate and inclusive history of Ithaca.

Because Dewitt Park is part of the Dewitt Historic District, I am hereby requesting a certificate of appropriateness from the ILPC for the removal of the DAR monument, which the City will donate to The History Center for their permanent collection.

And then we can get to work to highlight a more accurate and inclusive history of this place.

Sincerely,

Svante L Myrick
Monuments present complex issues, including here in Ithaca

Carol Kammen
Correspondent

The problem is not only Confederate generals.

The question for all of us is really about those signs and markers on the land that help define our history; they create a narrative of what our past was all about. It is generally, however, single-minded and insensitive to the complexity of the past.

Most monuments and street names tell the history that their creators thought important and memorable. That those criteria change over time is a good thing — not because the past changes, but because as we grow and learn more and look about, we begin to ask new questions, have new insights, and expand our ideas about how we remember.

All the problems with monuments are not in the South. We have some problematic signs and memorials right here at home that we should recognize. First up are two markers in Ithaca's DeWitt Park that are troublesome.

The first is the on the boulder facing North Cayuga Street that honors the “First White Settlers.” While this commemorates the earliest European Americans — and the one young black boy who accompanied them — to establish homesteads in our area, it presents a history that denies or obliterates those originally on the land.

That marker was placed in 1935 by a chapter of the Daughters of the American Revolution and the state of New York. Many markers were created in the 1920s and '30s following the 150th anniversary of the Revolutionary War. The
1930s was also the era of widespread automobile travel, so signs telling people where they were and what they were passing was considered a good thing.

The problem was not with placing the signs — and since cars went more slowly in those days, they could actually be read while passing by — but it is with who placed the signs and the reasons for the selection of events and people honored and commemorated.

Motives matter, as we are finding out with the Confederate generals whose statues mostly appeared not after the Civil War but during the 1890s, when they represented one way of life and the repression of generations of African-Americans.

While the Civil War was fought to end slavery, it was also fought to keep the Union together, and these generals represent officials who committed treason to the federal government. Their placement was to reinforce a specific way of life.

No one today would write the text on the “First White Settlers” monument in DeWitt Park in this way. The reason for this is that we have come, slowly I know, to see our past as diverse and complicated; we understand today that the early settlers on this land, mostly white Protestants and some African-Americans, were establishing homes and governments on land from which the Haudenosaunee were ejected in 1779 and then claimed by New York state in a series of treaties that left the Six Nations with little more than beads, blankets and booze.

Today, we see the text on this DeWitt Park marker as limited and unjust. The new blue town markers created by the Tompkins County Bicentennial Commission and erected over the past few months mention earlier claims to land we now regard as parts of the county. This recognition is not adequate compensation, but today we face the uncomfortable past; we do not brush past it.
The other problematic marker in DeWitt Park that to the Oregon Mission. In 1934, the First Presbyterian Church, the Cayuga Chapter of the Daughters of the American Revolution, and the state Department of Education created the monument. It was dedicated on May 12, 1935. It reads:

*The Oregon Mission*

*Sent out by First Presbyterian Church of Ithaca in 1834 in response to search of Nez Perce Indians for white man’s book from heaven under leadership of Rev. Samuel Parker. With him went Samuel Allis of Ithaca and Rev. John Dunbar of Auburn Seminary. In 1836 Rev. Henry Spalding of Bath and Bride Eliza Hart together with Dr. Marcus Whitman and Bride Narcissa Prentiss followed, these being two first white women to cross Rocky Mountains. The Whitman’s founded mission at Waiilatpu where they were martyred. The Spalding’s established mission at Lapwai, Idaho among Nez Perces, which continues to the present.*

The plaque is factually correct. The Presbyterian Church in Ithaca has a long history of support for missionaries, and a number of them left from Ithaca — as did some from Ithaca who went later into the mission field (primarily the women missionaries are omitted) on this marker.

The DeWitt Park marker is culturally insensitive. This is not something that would have bothered people in 1935, but it does disturb us today because we have come to understand that our nation sits upon a world that was well-populated with peoples of various cultures and practices. The Nez Perce and other western Indians had cultural and religious practices that they hoped to augment rather than replace.

We should think about these things when enjoying DeWitt Park. Being there, we are standing upon land that unnamed hunter-gatherers probably passed over; that was part of the Cayuga Nation, members of the Six Nations; and that was lent to Tutelo Indians when they came north seeking a new home, having been displaced from their original lands.
Knowing a fuller past enriches us, just as the diversity of our population today enriches us and makes us stronger.

These problems of insensitivity do not exist only in the American South or in Ithaca. We can find problematic examples of signs and names all over Tompkins County.

_Carol Kammen is the Tompkins County historian and the author of several books on local history._