

MEREDITH TOWN BOARD SPECIAL MEETING

September 15, 2008

The Special Meeting of the Meredith Town Board was held on Monday September 15, 2008 at the Meredith Town Hall. The following were in attendance:

Supervisor: Keitha Capouya

Council Members: Ronald Bailey
Daniel Birnbaum
Roger Hamilton
Paul Menke

Clerk: Betsy K. Clark

Townspeople: 9

The supervisor called the meeting to order at 7:35 p.m. The Town Clerk read the Public Notice for the Special Meeting.

The Supervisor said this is a meeting not a Public Hearing and the Board will be working on what has to be done tonight so there will be no public comment. She also explained the meeting is to go over proposed Local Law #3 – 2008 “Telecommunication Tower and Facilities Law”. She went on to say that after receiving the material from the Delaware County Planning Board and doing a little more research she has made some very minor changes. She said she thinks they are probably not sufficiently significant to trigger another Public Hearing but of course that is a decision of the whole Board.

1. Keitha said first they will go over the comments from the Delaware County Planning Board. The comment is referring to Article VI – Standards Section B 1 regarding separation distance and Setbacks are requirements that require a comprehensive zoning plan and local law to impose. Keitha commented that the separation distance and the setbacks were both taken from the present law which was passed in 2001 after the Telecommunications Act and were given to us essentially by the County Planning Department. At that time they were passed by the County Planning Board.

2. The next comment from the County Planning Board document concerns Article VI – Standards Section B 3 Minimal Visual Impacts. Keitha said this is the sentence that states no tower shall be so located that more than half the total height of the tower appears rise above the ridge tree canopy. She said she has change that slightly by putting at the end of the sentence “from any public vantage point.”

3. She referred to the next comment referring to Article VI – Standards Section B 4 that says the requirement limiting the development on mountaintops and ridgelines is overly limiting. She stated that she has seen this in at least half a dozen laws. She said she doesn't agree that it is a serious limiting factor.

4. The fourth comment from the County Planning Board Document refers to Article VI – Standards Section B 9 is about height restrictions and they do not recommend it for a town with no zoning restrictions. Keitha stated this part of the law is taken directly from the Department of State document for planning and design for telecommunications facilities, which was written in 2001 specifically to address the questions of the 1996 Telecommunications Act.

4a. Keitha then goes on to comment on the next paragraph in the Delaware County Planning Board comments which refers to height requirements and required FAA lighting standards. She feels they did not read it in its entirety in the proposed law that it is quite specific in the proposed law.

5. The last comment in the Delaware County Planning Board document was about the lack of waivers creating undue hardship on developers and landowners. Keitha said she has added a variance provision that is a relief provision under Article XL Appeals Section 1101 – Appeals on page 16.

Keitha then said she thinks the Board should go over the changes that have been made which are not many and not of great moment.

1. She said she did add on page 1 that this law supersedes the 2001 'Telecommunications and Facilities Law', she simply forgot to put this in.

2. The next change is in Article VI – Standards Section B 3 Minimal Visual Impacts which was addressed earlier in the meeting addressing the Delaware County Planning Departments comments.

3. The next change is on page 11 under Article VI – Standards Section B 13 Utility Service. This change is to give the Town of Meredith Planning Board a little more latitude. The word should was changed to shall for putting electrical service underground.

4. On page 13 under Article VII Consulting Fees Section 701 Keitha said she removed a comma that was a typo and change the meaning slightly.

5. The next change is in the Article XL Appeals Section 1101 that she had read earlier discussing the document of comments from the County.

Keitha said since there are some changes they cannot vote on the law tonight. The Board has to wait 7 days. A Special Meeting date was discussed.

Marc Goldberg asked a question regarding the word conclusively in Article XL Appeals Section 1101 he feels it should be reworded possibly changed to reasonable evidence.

Keitha then read a letter submitted by Frank Bachler suggesting the law vote be tabled until further review of the Delaware County Planning Boards comments regarding the law.

Daniel Birnbaum made a motion for the final resolution regarding the changes to the final law.

Roger Hamilton made some comments regarding the document by the Department of State and asked if there was any new information since that document. He also commented on the waiver clause. Keitha explained her view and why she put it in the law.

RESOLUTION: # 71 - 2008

Daniel Birnbaum made a resolution by motion to accept the final changes to proposed local law # 2 of 2008 “Telecommunication Tower and Facilities Law” document dated September 15, 2008 as the final law document. The motion was seconded by Ron Bailey.

K. Capouya - Aye
R. Bailey - Aye
D. Birnbaum - Aye
R. Hamilton - Naye
P. Menke - Aye

RESOLUTION # 72 - 2008

A resolution by motion was made by Daniel Birnbaum to hold a Special meeting on September 29, 2008 to vote on proposed local law # 3 – 2008 “Telecommunication Tower and Facilities Law” at 7:30 p.m. The motion was seconded by Ron Bailey and passed by the following vote:

K. Capouya - Aye
R. Bailey - Aye
D. Birnbaum - Aye
R. Hamilton - Aye
P. Menke - Aye

The Board then reviewed the part one of the long form Environmental Assessment Form that Keitha had done. Then the Board discussed making the Town of Meredith lead agency and the following resolution was made:

RESOLUTION # 73 - 2008

The following resolution by motion was made by Paul Menke:

WHEREAS, the Town of Meredith Town Board proposed to adopt Local Law # 3 of 2008 “The Town of Meredith Telecommunications Tower and Facilities Law,” the Proposed Action, and

WHEREAS, the Town of Meredith town Board desires to serve as Lead Agency for the purposes of conducting an environmental review of the Proposed Action in accordance with SEQR regulations; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQR) (6NYCRR Part 617), the Town of Meredith Town Board has classified the project as a unlisted; and

WHEREAS, the Town of Meredith Town Board has prepared Part 1 of the Full Environmental Assessment Form for the Proposed Action; and

WHEREAS, the Town of Meredith Town Board is the only Agency, as that term is defined in SEQR that has authority to undertake and approve the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Meredith Town Board declares itself Lead Agency for the purposes of processing the Proposed Action in accordance with the requirements of SEQR.

The motion was seconded by Daniel Birnbaum and passed by the following roll call vote:

K. Capouya - Aye
R. Bailey - Aye
D. Birnbaum - Aye
R. Hamilton - Aye
P. Menke - Aye

The Board discussed specifically a type one action even though the Board has declared a defacto by accepting the law.

A motion was made by Paul Menke to declare this Law as a Type 1 Action. The motion was seconded by Roger Hamilton and passed.

Keitha asked the Board if she could by a laptop computer for the Supervisor and the following resolution was made:

RESOLUTION # 74 - 2008

A resolution by motion was made by Ron Bailey to authorize the Supervisor to purchase a laptop computer not to exceed \$800.00 with the condition that she checks with the County to see if one is available thru them. The motion was seconded by Daniel Birnbaum and passed by the following vote:

K. Capouya - Aye
R. Bailey - Aye
D. Birnbaum - Aye
R. Hamilton - Naye
P. Menke - Aye

Daniel Birnbaum announced that if the Town pays a partial payment toward the principle on the bond we will save around about \$1,000.00.

Ron Bailey announced that Louise Utter has passed away.

Paul Menke about the land that Keitha said she wanted to talk the owners about purchasing for the Town. Keitha said she had not talked to the people who have purchased it.

Marc Goldberg asked if since there were changes to the law if there was going to be an opportunity for public comments.

Keitha said it was up to the Board.

Ray Wojick asked if the new law with the revisions was going to be posted on the Website.

Keitha said yes it would be.

A motion was made by Daniel Birnbaum to adjourn the special meeting. The motion seconded by Ron Bailey. The Special Town Board Meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Betsy K. Clark
Town Clerk

