

## REGULAR MONTHLY MEETING

August 13, 2020

The regular monthly meeting was opened at 7:00 pm with the Pledge of Allegiance by Supervisor Dan Acton.

All Board members were present plus the Town Clerk were present in person. Attending via Zoom were Bill Dailey, Christel Rodd, Becky Graves and Kasey Klingensmith. Representing the press was Dave Snyder of the *Alfred Sun*. (Please note, there may have been others participating in this Zoom meeting that I did not catch.)

**Unfinished Business: NYSEG Tower.** Mr. Acton reported that he received an opinion from the Town Attorney stating that the Town could rescind the permit issued to NYSEG for the tower. Mr. Acton asked Mr. Finn, Town Attorney, if he thought the Town would get sued if the permit was rescinded and he responded yes, but most likely the Town would win. But, they could then sue the Town for damages. Mr. Acton also stated that he had talked with Kier Dirlam at the County Planning Department and he felt the Town did what it was supposed to do in issuing the permit. It was noted that the Town doesn't have the power to regulate what is carried on the tower. Could adopt a local law making them show they are broadcasting within FCC limits. Mr. Acton suggested adopting a local law requiring any towers are adhering to FCC regulations. Bill Cleveland asked if 5G comes under FCC and was told yes. Wendy Dailey stated that she doesn't feel the Town has the right to rescind the permit. The Building codes address construction, not what is attached to it. Matthew Snyder asked if the permit could be suspended and require a SEQR be done. Wendy Dailey commented good question since SEQR probably should have been done. Matthew Snyder added that Mr. Sinclair has given the Town two issues for doing a SEQR. Mr. Acton added that the Attorney did say the Town can rescind but concerned with being sued and the cost. Even if a SEQR is done, if they say it is within FCC regulations there isn't much the Town can do. Fion MacCrea questioned if there should be something added to the Building permit application asking if project requires a SEQR. Dan Acton stated that the first question is does the Town rescind the permit? Matthew Snyder stated that the Tower has not been started yet so may not be an issue regarding financial liability on NYSEG. Mr. Acton added that he has not heard back from the Association of Towns for their opinion on this. A motion was made by Dan Acton to not rescind the building permit and was seconded by Wendy Dailey. Discussion included: Fion MacCrea- a Local Law could require any tower owner to report annually that they are in compliance. Matthew Snyder – feel that is the best long-term solutions, understands the liability concern but still feels the Town should request a SEQR. Following discussion, the motion was approved 4-1 with Matthew Snyder voting no. Supervisor Acton asked if the next step is to ask the Planning Board to draft a local law addressing this issue. Matthew Snyder stated he would like to see them look into some of the information Mr. Sinclair has provided. Wendy Dailey stated that she has not seen any of the boxes being put up that Mr. Sinclair was talking about. Mr. Acton added that he was told that in Wellsville the water meters are being read by driving by a house, gets a signal that reads the meter. He thought maybe that is what NYSEG is planning. Wendy Dailey stated that she would like to revisit the whole SEQR process and what projects would require a SEQR. Mr. Acton agreed and suggested any Zoning or Building Permit add a line requesting if a SEQR is required. Also, refer to the SEQR handbook to see what is and is not required.

**Solar Law:** Mr. Acton spoke with Town Attorney Finn and he was ok with the proposed Solar Law. Supervisor Acton would like to set a public hearing for the September meeting. The proposed law will be put on the website with a link for Zoom for the Public Hearing and Regular Monthly meeting.

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**Sidewalks:** Wendy Dailey asked if there was any update on the sidewalks. Mr. Acton stated that that he had emails from NYSDOT holding to their position of taking 3' of shoulder. Mr. Acton informed them that's not going to go. They are still planning on adding crosswalk and signs that show your speed. Next meeting is August 18<sup>th</sup>. May only bring it out to the Village limits. Matthew Snyder commented that he saw a family with young children walking along 244 so maybe a sidewalk is needed. Maybe even if redo what is currently there. Dan Acton added maybe some lighting would help. Matthew Snyder asked about the water line and is assuming it is not going to happen this year.

**Approval of Minutes:** The minutes of 7/09/2020 were approved with a motion by Bill Cleveland seconded by Fion MacCrea and carried 5-0.

**Monthly Report:** All ok. CHIPS bills will be submitted tomorrow along with the bills approved tonight.

**Correspondence:** All correspondence has been forwarded electronically when received.

**General Abstract #8-2020-** Vouchers #78-84 in the amount of \$2070.30 in the General A Fund; Voucher #10 in the amount of \$3328.16 and #8 in the SF Fund in the amount of \$3442.50. A motion to approve the bills was made by Matthew Snyder, seconded by Wendy Dailey and carried 5-0.

**Highway Abstract #8-2020** Vouchers #79-87 in the DA Highway Fund in the amount of \$8292.88 and Voucher #29-36 in the DB Fund in the amount of \$50.383.75 were approved with a motion by Matthew Snyder, seconded by Dan Acton and carried 5-0.

**Highway Report:** Mr. Halsey reviewed the written report. Received the 2020 Ram, after one day the fuel pump went. It is fixed now.

Reviewed road work done this last month. Rumor that someone is planning on building a permanent residence on Green Road. If have to rebuild road will be a huge and costly project.

**Supervisor's Report:**

- Ray Palmer gravel mine on Rt. 21. Mr. Palmer sent Codes Enforcement Officer Steve Kilmer an email saying he is not running a mine operation. Dan Acton questioned when does it become a mine. Mr. Acton was informed that it is based on DEC regulations. Becky Graves via Zoom stated that he transported 6 loads a day to the Town of Ward. Started with one truck then 3 trucks. Bill Dailey added that DEC would control this – you are only allowed so much material a year for personal use, if selling need a permit. Discussion revolved about what does the Town do about it going forward. Fion MacCrea stated that have two community members who can attest to it being a commercial business. Dan Acton added that probably hard to prove how much material has been taken out. Matthew Snyder stated that if they had filed for a Special Use Permit could then set barriers per Zoning Law. Mr. Acton recommended that Mr. Kilmer talk to Mr. Palmer and inform him that if he does anymore mining, personal or commercial, he needs a Special Use Permit.

Town Clerk – busy with hunting licenses.

**Other Business:** Supervisor Acton reported that he had contacted the County Health Department concerning the enforcement of mask requirements. The responses from the County Health Director Lori Ballengee and Carissa Knapp, County Administrator, were that it is very hard to fine someone “unless you have proof that people are not wearing masks and not maintaining social distance”. Mrs. Knapp went on to say that the “overwhelming local responses to these complaints is to provide education.” Matthew Snyder added that social

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distancing is still an option. Mr. Acton stated that most of the complaints he has gotten are people concerned with health issues.

Matthew Snyder questioned the siren going off every night at 7:00 pm, feels a request be made to the Village to stop this since a siren is a sign of an emergency.

Food Truck Request – A request for a food truck to be parked at the old Short's gas station on Rt. 244. It is a permitted use in a Business district. Would have to get a permit from the County Health Department. Matthew Snyder stated that his concern is the owner of the food truck has no investment in the Town. Maybe add a separate fee to the Zoning Law for this. Dan Acton commented that that was the problem in the Village. Don't want to hurt local businesses but don't want to discourage business. Matthew Snyder noted that the property he will be on is paying taxes.

Bank Statements – Motion by Fion MacCrea to approve the bank statements, seconded by Dan Acton and carried 5-0.

The meeting was adjourned at 8:30 pm with a motion by Bill Cleveland, seconded by Dan Acton and carried 5-0.

Respectfully submitted,  
Janice L. Burdick  
Town Clerk