

February 9, 2009
Regular Town Board Meeting
6:30 p.m.

The Town Board of the Town of Savannah held its regular Town Board meeting on February 9th, 2009 at 6:30 p.m.

Members present:

Kenneth Lauderdale	Supervisor
John Metcalf	Councilman
Carol Spellman	Councilman
Ted Fitch	Councilman
Julie VanLeeuwen	Councilman

Also present: Verizon Wireless Representatives – Steve Lingard & Rick Lusk; Town Attorney – David Mayer; MRB Engineering - Greg Hotaling, Water & Sewer Operator – Bruce Waterman, Sherri Fedele, Renee Paddock, Planning Board Chairman – Brian Secor, Bonnie Donk, CEO-Donald Camp, Leroy Hollier, Frederick Baker, Gerald Okie.

Councilman Spellman led those in attendance in the pledge of allegiance.

A motion to approve the minutes as distributed was made by Councilman Spellman seconded by Councilman Fitch. All members voted “aye” and the motion carried.

MRB Engineering representative Greg Hotaling gave a slide show presentation of the engineer study for the water filtration project. Project costs of \$880,000.00 and additional operational and maintenance costs of \$18,000 yearly were discussed in detail. It was noted that the grant application is for \$600,000 and the remaining \$280,000 would be financed through a low interest loan with Rural Development for 38 years at 3.15% interest. Supervisor Lauderdale noted that this would cause an additional economic burden to the water users and he would not support such burden. Additional discussions were held regarding the inclusion of UV disinfection into the design. In closing the presentation Greg noted that in preparing the final design he would try to economize so that Town would not have to finance the remaining costs of the project. Supervisor Lauderdale further noted that the Town is applying for ½ of the costs for the engineering study presented at this meeting.

Town Attorney David Mayer, and Verizon representatives – Steve Lenguard and Jared Lusk attended the meeting in the interest of the Verizon Cell Tower. Town Attorney, David Mayer, noted that the Environmental Assessment Review for the Verizon cell tower has been resubmitted along with the revised Lease Agreement and in his opinion all necessary correspondence has been filed. It was noted that the Town Board has

reviewed the correspondence and has no objection. Attorney David Mayer presented the following for action:

SEQR Resolution
Part 2 of the EAF
Part 1 of the EAF
Lease Agreement
Resolution adopting the Lease
Notice of Permissive Referendum

The following resolution was presented by Councilman Metcalf:

**Resolution No. 8-2009
State Environmental Quality Review Act (SEQRA)
Determination of Environmental Significance
Negative Declaration**

WHEREAS, Bell Atlantic Mobile of Rochester, L.P., d/b/a Verizon Wireless (“Verizon Wireless”) proposes to construct and operate a wireless telecommunications facility on property to be leased from the Town of Savannah (the “Lease”), located off Savannah Springlake Road in the Town of Savannah, known as Tax Map No. 07111-06-422951 (the “Project”); and

WHEREAS, Verizon Wireless has applied to this Board for all the necessary approvals for the Project, including the Town’s approval of the Lease; and

WHEREAS, representatives of Verizon Wireless met with the Town Board at its regularly scheduled meeting on January 12, 2009 to discuss the Project and the Lease; and

WHEREAS, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood; and

WHEREAS, the Project is a Type I action under SEQRA and this Board is the only involved agency and, therefore, the Lead Agency; and

WHEREAS, the Town Board has reviewed the Project, the Lease and Verizon Wireless’s application materials, including the Full Environmental Assessment Form, site plan and all other materials submitted in connection therewith.

NOW, THEREFORE, be it resolved by the Board that:

Based upon this Board’s thorough and careful review of the Project, the Lease, and Verizon Wireless’s application materials, including the Full Environmental Assessment Form, site plan and all other materials submitted in connection therewith, this Board hereby determines that the Project and the Lease will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects:
The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation, with minimal storm run-off.
2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential cellular telephone service. Although a facility of this nature will be visible, it has been sited responsibly so as to minimize visual impact. While the Town Board recognizes the possibility that introduction of the tower might cause some concern with respect to aesthetics, the Board has determined that the Project, located on Town-owned property also used as a sewage treatment plant, is sited so as to minimize, to the extent practicable, any visual impact the Project may have.
3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.
4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.
7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).
8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Board recognizes that the Project will enable Verizon Wireless to provide wireless telephone service to the Town, enabling individuals, businesses and emergency service providers access to this essential service. The Town Board received documenting evidence explaining that there currently is inadequate coverage throughout areas of the Town. The Project will promote the general health, safety and welfare of the citizens of the Town by providing access to a modern, reliable system of wireless telephone service. The Project will be constructed to permit co-locations, thereby:
(a) diminishing the need for additional towers in the area, and (b) providing all available tower resources for municipal and/or County communications needs as those needs arise.

Further, the Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of this Project.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulation under SEQRA or as may be deemed advisable by the Board.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

The above resolution was adopted by the following roll call:

Votes were recorded as follows:

Supervisor Kenneth Lauderdale	“aye”
Councilman John Metcalf	“aye”
Councilman Carol Spellman	“aye”
Councilman Ted Fitch	“aye”
Councilman Julie VanLeeuwen	“aye”

A motion was made by Councilman Spellman seconded by Councilman VanLeeuwen to adopt Part II of the Environmental Assessment Review as submitted and authorizing Supervisor Lauderdale’s signature on Part I of the Environmental Assessment Review, By roll: Supervisor Lauderdale “aye” Councilman Metcalf, Spellman, Fitch and VanLeeuwen “aye” motion carried. EAF Part I and 2 duly adopted and authorized for signature.

The following resolution was presented by Councilman Metcalf:

Resolution No. 9-2009

APPROVAL OF LEASE FOR WIRELESS TELECOMMUNICATIONS FACILITY ON TOWN PROPERTY

WHEREAS, Bell Atlantic Mobile of Rochester, L.P., d/b/a Verizon Wireless (“Verizon Wireless”) proposes to construct and operate a wireless telecommunications facility on property to be leased from the Town of Savannah (the “Lease”), located off Savannah-Spring Lake Road in the Town of Savannah, known as Tax Map No. 077111-06-422951 (the “Property”); and

WHEREAS, the facility consists of a 195’ self-supporting tower and antenna array, and a 11’-7” x 30’ equipment shelter, together with associated appurtenances and related equipment (the “Project”), as more particularly shown on the site plans submitted by Verizon Wireless, as prepared by Costich Engineering dated December 19, 2008 (the “Site Plan”); and

WHEREAS, in connection with this Lease, the Town Board has conducted a full and comprehensive single agency review of potentially adverse environmental impacts

from the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and on February 9, 2009 duly issued a Negative Declaration pursuant thereto; and

WHEREAS, projects on municipally-owned land may be exempt from receiving additional zoning approvals, where such projects serve a significant public purpose; and

WHEREAS, this Project serves a significant public purpose as the tower will be designed to accept County or Town communication equipment and therefore enhance communication for emergency services in the Town; and

WHEREAS, the Town Board met on January 12 and February 9, 2009 to consider the draft Lease of the Property to Verizon Wireless; and

WHEREAS, Verizon Wireless submitted testimony, documentary evidence and exhibits in connection with its request to lease the Property; and

WHEREAS, resolutions for the lease of Town property are subject to a permissive referendum, in accordance with Article 7 of the New York State Town Law.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Savannah hereby authorizes the Town Supervisor to enter into the Lease with Verizon Wireless to allow Verizon Wireless to construct, install and operate a 195’ wireless telecommunications tower and related infrastructure on the Property, contingent upon passage of the permissive referendum period required under law without a petition for a permissive referendum, for an initial term of five (5) years with four (4) five (5) year renewal terms, at an annual rent of twelve thousand dollars (\$12,000.00), with annual rent escalation of three percent (3%), provision for space on the proposed tower for first response agencies, and such other terms and conditions as agreed upon by the Town and Verizon Wireless; and be it further

RESOLVED, that the Project will provide enhanced communication services to the residents of the Town and emergency service providers of the Town, and the Town Board hereby exempts the Project from review and approval from any other municipal board or agency; and be it further

RESOLVED, that should the telecommunications tower and facilities become obsolete or cease to be used for its intended purposes for twelve (12) consecutive months, Verizon Wireless shall remove the tower and related facilities and, prior to receiving a building permit to construct the tower, Verizon Wireless shall provide to the Town a removal bond, in an amount equal to twice the cost of construction of the tower, which shall remain in place for the duration of the Lease; and be it further

RESOLVED, that the Town Clerk is authorized and directed to publish notice of such permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

The above resolution was adopted by the following roll call:

Votes were recorded as follows:

Supervisor Kenneth Lauderdale	“aye”
Councilman John Metcalf	“aye”
Councilman Carol Spellman	“aye”
Councilman Ted Fitch	“aye”
Councilman Julie VanLeeuwen	“aye”

A motion was made by Councilman VanLeeuwen seconded by Councilman Metcalf authorizing Supervisor Lauderdale to sign such Lease when permissive referendum period is over and the removal bond has been submitted. By roll: Supervisor Lauderdale “aye” Councilman Metcalf, Spellman, Fitch and VanLeeuwen “aye” Motion carried.

A motion was made by Councilman Spellman seconded by Councilman VanLeeuwen authorizing the clerk to advertise the following notice of adoption of resolution subject to permissive referendum. By Roll: Supervisor Lauderdale “aye” Councilman Metcalf, Spellman, Fitch and VanLeeuwen “aye”. Motion carried.

**NOTICE OF ADOPTION
OF RESOLUTION SUBJECT
TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that at a regular meeting held on the 9th day of February, 2009, the Town Board of the Town of Savannah duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

Pursuant to Section 64(2) of the Town Law of the State of New York, the resolution authorized the Town Supervisor to execute a lease with Bell Atlantic Mobile of Rochester L.P., d/b/a Verizon Wireless (“Verizon Wireless”) of Town property located off Savannah Spring Lake Road, having Tax Map No. 077111-06-422951, consisting of a parcel measuring 100’ x 100’ with appropriate ingress and egress for the purposes of installing and/or constructing a transmitting facility consisting of a 195’ telecommunications tower, an 11’-7” x 30’ equipment shelter and related improvements (the “Lease”). The initial term of the Lease shall be for a period of five (5) years with four renewal options. Verizon Wireless will pay to the Town the sum of twelve thousand

dollars (\$12,000) per year, payable monthly, with periodic rent increases as set forth in the Lease. Verizon Wireless shall also perform such other obligations as more particularly set forth in said Lease.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF SAVANNAH

Supervisor Lauderdale requested comments from those in attendance. Councilman Metcalf inquired about sufficient space being available for the expansion of Sewer District No. 2. Water/Sewer Operator noted that in the original plans for Sewer District No. there is another treatment bed should the need arise for expansion. Verizon representative Jared Lusk noted that the lease could be reviewed if the Town found they needed the space for such cause.

CEO Report:

Code Enforcement Officer, Don Camp, noted the recent changes in workmen's compensation laws and gave a status report on the Cipriano property and Juliano property stating that he is proceeding with legal action on property maintenance violations and Attorney David Mayer will be acting on behalf of the Town of Savannah during court proceedings.

Supervisor's Report

- 1) Town Comprehensive Plan – It was noted that a meeting is scheduled for Wednesday night.
- 2) Vision Plan – Town is currently waiting for final report
- 3) Zoning Commission – It was noted that the zoning commission held their first meeting last Wednesday night.
- 4) Town hall front Entrance – Requests permission to get proposals for to refurbish the front entrance. Town Board in agreeance – approval granted

Supervisor Lauderdale noted that the Town of Savannah is applying for 50% of the engineering costs to cover the Treatment Plant study being done by MRB Engineering; therefore the following resolution was presented by Councilman Spellman:

Resolution No. 10-2009
Filing of Application of Funds
From United States Department of Agriculture Rural
Development Pre-Development Planning Grant

RESOLVED, that Kenneth Lauderdale, Supervisor of the Town of Savannah, is hereby authorized and directed to file an application for funds from the United States Department of Agriculture Rural Development Pre-Development Planning Grant, and upon approval of said request, is authorized to received, use and disburse grant funds, as well as execute documents.

The above resolution was adopted by the following roll call:

Votes were recorded as follows:

Supervisor Kenneth Lauderdale	“aye”
Councilman John Metcalf	“aye”
Councilman Carol Spellman	“aye”
Councilman Ted Fitch	“aye”
Councilman Julie VanLeeuwen	“aye”

Much discussion was held on establishing a marketing committee for the distribution of town events. It was noted that a lot of residents are not well informed with activities that are taking place within the township. Further discussions to be held at a later time.

The following correspondence was read:

- 1) M&T Bank – Updates
- 2) Employment Applications (On the table for your review)
- 3) J.O’Connell & Associates – Upcoming Grants
- 4) Time Warner Cable – Channel Update
- 5) Wayne Co. Dept. of Aging & Youth – Summer Recreation Funding

Clerk noted that the State is no longer partially funding the summer youth recreation program. It was decided that the Town would fully fund the summer recreation program along with the insurance for the little league baseball program and any additional approved summer programs.

- 6) Agreement to except referral and review of certain local zoning and subdivision applications.

Supervisor Lauderdale noted that Wayne County is authorized to enter into agreements with each municipality to except the County Planning Board referral and review of certain local zoning and subdivision actions otherwise required by Section 239m and n of NYS General Municipal Law.

A motion authorizing Supervisor Lauderdale to enter into agreement with the County of Wayne to except referral and review of certain local zoning and subdivision applications was made by Councilman Spellman seconded by Councilman VanLeeuwen. All members voted “aye” motion carried.

*AGREEMENT TO EXCEPT REFERRAL AND REVIEW OF
CERTAIN LOCAL ZONING AND SUBDIVISION APPLICATIONS*

I. Authority

In accordance with Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York, as amended by the Laws of 1991, Wayne County is authorized to enter into agreements with each municipality in Wayne County to except the County Planning Board referral and review of certain local zoning and subdivision actions otherwise required by Section 239m and n of NYS General Municipal Law.

II. Purpose

The purpose of this agreement is to eliminate the need for local referral and county review of certain local zoning and subdivision actions that do not have intermunicipal or countywide impacts.

III. Local Zoning and Subdivision Actions to be Excepted from Referral and Review

All matters listed in Section 239m and 239-n of Article 12-B of the General Municipal Law of the State of New York shall be submitted for review and recommendation by the County Planning Board in accordance with the criteria and guidelines set forth in Section 239-1, 239-m and 239-n, except the following actions shall, with the execution of this agreement, be excepted from referral and review by the County Planning Board.

- 1. Permits for temporary structures and temporary signs used during construction.*
- 2. Setback variances for accessory structures such as swimming pools, storage sheds, garages and the location of freestanding signs and for additions to residential buildings, unless the variance would allow the structure to be closer to a county or state highway or abutting county or state land than the existing principal structure.*
- 3. Reductions in minimum floor area requirements and lot coverage requirements.*
- 4. Subdivision plan amendments where no additional lots are created and where there is no change to access points and no new access points are proposed to county or state roads.*
- 5. Dimensional variances for fences unless the fence is on a portion of the property adjacent to a county or state highway or the boundary of other county or state land or drainage channel or unless the fence is to be located in an area of special flood hazard.*
- 6. Variances or permits to illuminate signs as long as the illumination is from a constant (non-flashing, non-intermittent) source.*

IV. Optional Review

Nothing shall prevent the municipal board having jurisdiction over local zoning and subdivision actions excepted from referral and review by the County

Planning board by this agreement, from submitting such matters to the county Planning Board for review prior to taking final action. Once such matters are received by the County Planning Board, the review authority conferred on the County Planning Board under Section 230-m and 239-n shall be in force.

V. Conditions of Agreement

- 1. Activate Agreement – in order to have this agreement take force, it must be signed by the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality. The agreement may be amended with the approval of the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality.*
- 2. Termination of Agreement – If the County Planning Board finds that to carry out the purposes of review as listed in Section 239-1 of the General Municipal Law of the State of New York, an amendment to this agreement, the agreement may be terminated by resolution of the County Planning Board by providing written notification of termination to the chief elected official of the municipality. The municipality may terminate this agreement at any time by having the chief elected official submit a notice of termination in writing to the County Planning Board. Upon the termination of this agreement, all local zoning and subdivision actions subject to the review of the County Planning Board under Section 239-m and 239-n of the General Municipal Law of the State of New York, shall be submitted to the County Planning Board in accordance with the requirements of Sections 239-m and 239-n.*

The following bills were presented:

General Fund	Abst. #2	Claim #27-58	\$26,286.65
Highway Fund	Abst. #2	Claim #1-172	\$22,610.59
Water District	Abst. #2	Claim #14-28	\$ 6,278.08
Sewer District 1	Abst. #2	Claim #4	\$ 4.20
Sewer District 2	Abst. #2	Claim #4-6	\$ 158.05
Sewer District 3	Abst. #2	Claim #3-5	\$ 148.76
Sav. Lighting	Abst. #2	Claim #2	\$ 853.82
So. Butler Lighting	Abst. #2	Claim #2	\$ 53.63

A motion to pay the bills as presented was made by Councilman Fitch seconded by Councilman Metcalf. By roll: Councilman Spellman, VanLeeuwen, Metcalf, Fitch and Supervisor Lauderdale “aye” motion carried.

A motion to enter executive session was made by Councilman Spellman seconded by Councilman Fitch. All members voted “aye” motion carried.

Executive Session – Personnel Issues – 8:00 p.m.

Out of Executive Session – 8:25 p.m.

A motion for Supervisor Lauderdale to send a letter to Nicoletta Associates in regards to tax payments for Spring Valley Apartments was made by Councilman Spellman seconded by Councilman VanLeeuwen. All members voted “aye” motion carried.

A motion to adjourn was made by Councilman Metcalf seconded by Councilman Fitch. All members voted “aye” and the motion carried.

Julie Carey
Town Clerk

- Supervisor Lauderdale – proposals for front entrance to Town Hall
- Councilman Spellman – Marketing Committee