

## REGULAR MONTHLY MEETING

December 10, 2020

The regular monthly was opened at 7:00 pm with the pledge of allegiance led by Supervisor Acton.

All Board members were present. Also attending via Zoom were Bill Dailey, Christel and Jason Rodd, Chris Romanchuk, Jim Ninos, Fred Sinclair, Sean Hyland and Mark Klingensmith. Others present were Highway Superintendent Bob Halsey, Codes Enforcement Officer Steve Kilmer and Town Clerk Janice Burdick. (Please note, there may have been others participating in this Zoom meeting that I did not catch.)

**Approval of Minutes:** The minutes of the November 12, 2020 regular meeting were approved with a motion by Matthew Snyder, seconded by Wendy Dailey and carried 5-0.

**Police Report** – reviewed written report.

**Code Enforcement Officer-** Reviewed written report.

- No action to date on Chrystal Drum's property.
- Ray Palmer still needs to submit his Special Use Permit Application.
- Crosby's gas station will be doing interior renovations.
- Application for a Geo-Thermal Heating system.

Wendy Dailey requested that addresses be added to the report so they can better identify where the permits being issued are located.

**Monthly Report:** All ok. AIM money in the amount of \$43,303.00 was received. Final CHIPS payment received in the amount of \$68,791.74 for a total CHIPS reimbursement of \$148,685.04.

**Correspondence:**

- Raise the income level for the aged exemption. Motion by Bill Cleveland to not change the current level, seconded by Dan Acton and carried 5-0.

**General Abstract #12-2020-** Vouchers #114--119 in the amount of \$1758.23 in the General A Fund; Voucher #14 in the amount of \$3328.16 and #12 in the SF Fund in the amount of \$3442.50. A motion to approve the bills was made by Bill Cleveland, seconded by Dan Acton and carried 5-0.

**Highway Abstract #12-2020** Vouchers #118-130 in the DA Highway Fund in the amount of \$9513.32 were approved with a motion by Matthew Snyder, seconded by Wendy Dailey and carried 5-0.

**Highway Report:** Mr. Halsey reviewed the written report. Matthew Snyder asked about changing the blade on the Grader and Mr. Halsey replied that he hasn't had time to work on it. Been busy getting all the equipment ready for winter. Discussion involved an amendment to Local Law #3- 1993 All Night Parking on Town Roads. Mr. Halsey would like to amend it by removing the hours and have it state no all night parking on any Town Roads. Mr. Halsey added that it is very difficult to sand and plow around cars when they are parked on the side of the road. Wendy Dailey questioned if any parking would be allowed and Mr. Halsey stated he would like to see no parking in the Winter. Fion MacCrea asked if there would be any implications with the Village of Alfred Police enforcing it. Jim Ninos of the Village Board stated that if the Chief was notified he would issue tickets. Fion MacCrea added that signs would have to be put up to let people know and Mr. Halsey stated yes, the signs would have to be changed and would affect every road that comes into the Town. Bill Cleveland stated that this could restrict access to someone's property. Bob Halsey answered that it is a hazard for them to swing around cars that are in the right of way. Mr. Cleveland asked what the regulations are on County Roads. Dan Acton added that people with hunting camps should have a place to park off the road. Matthew Snyder asked if this is something new and Mr. Halsey responded it is not

new, just seems like more are parking on the road than before. Dan Acton explained that this will require amending an existing law which will require a Public Hearing. A motion to adopt the change was made by Fion MacCrea and seconded by Wendy Dailey. Discussion included Matthew Snyder stating that it is a big enough change that people need notice and Bill Cleveland stated he would feel more comfortable if he knew what the County does. Bob Halsey added that Andover has this law. The motion passed 4-1 with Bill Cleveland voting no. (Jim Ninos emailed Justin Henry of Allegany County and Mr. Henry stated that it depends on the width of the road).

**Supervisor's Report:**

Bill Dailey reporting for the Planning Board stated they are working on a workable document to address the SEQR regulations. Do you need SEQR and what kind will you need. Right now, have 13 pages and would like to get it down and include with the Building Permit application. Fred Sinclair asked if the Town includes the Village with local laws and Zoning and was told no – they have their own laws.

Roger McGraw was asked if he would be interested in filling the vacancy on the Planning Board and he declined. If anyone can suggest someone, let Mr. Acton know.

Walter Mason of Alfred Community Solar talked with Dan Acton about trees vs. shrubbery around the solar panels. Bill Dailey stated that he has spoken with him about it.

Schedule for Village Board meetings: Wendy Dailey- January; Matthew Snyder- February; Fion MacCrea- April; Bill Cleveland - May and Dan Acton - June.

**Town Clerk** – Resolution Establishing the Standard Work Week for Certain Elected and Appointed Officials. A motion to adopt was made by Dan Acton, seconded by Wendy Daily and carried 5-0. The resolution will be posted on the Town Bulletin Board and website.

**Committee Reports** – Letter from Town attorney to NYSEG was reviewed. Several items in the response Mr. Acton stated he did not agree with and there was not enough information provided. Bill Dailey added that he feels the Town is entitled to more information than NYSEG is giving. Feels they are not taking into consideration the health and safety of the residents. Haven't given frequencies, etc. Any technical information we asked for we wouldn't know what they were talking about except for the expertise of Mr. Sinclair and the fact that he understands how this could affect people in that area. Feels the Town should demand the information and a SEQR be completed. If not done than the Building Permit should be rescinded. Mr. Dailey added that the Planning Board has no authority to grant or deny a permit. Mr. Sinclair added that it clearly states that in the Zoning Law – triggers right to request a SEQR review. Short Form Part II provides the perfect setting for the Town Board and the public to request information. "This is a tower – current zoning does not cover towers." If building permit is rescinded it would give them time to put something in zoning. Mr. Sinclair added that they need to be told that there is not adequate information to allow the Building permit, they do need to do a SEQR, it is an unlisted action which would require the short form. Also question need – in Mr. Sinclair's opinion, there is no need for this. Already several towers in the Town and Village. Mr. Sinclair went on to say that NYSEG's lawyer stated that Towers are regulated by FCC – how do we know that is the case. Chris Romanchuk disagreed with Mr. Sinclair and stated that if the frequencies are within the limits may have a hard time with this. Mr. Sinclair felt they were two different things- these are not VHF. The height of the tower has been changed to 80'. Fion MacCrea questioned if instead of rescinding the permit a Stop Work Order be issue and Wendy Dailey added that would give the Town time to get more information. Mr. MacCrea added that that is a reasonable request but feels the Town needs to

prepared for potential litigation. Mr. Sinclair stated that the Town did the right thing when they stood up against fracking, need to do that now, have insurance in case of a lawsuit. Mr. Acton stated that the lawyer for the fracking was done at no charge to the Town.

Further discussion included the following:

- Contact Town Attorney to issue a stop work order or rescind permit and request more information. See what the difference is between a Stop work order a rescinding the permit.
- NYSEG states they are exempt from NEPA so they do not need an FCC summary or review. Mr. Sinclair disagrees.
- Mr. Sinclair feels it is an unlisted action therefore requires a SEQR.
- Which FCC regulations are they going to meet?
- Mr. Acton will contact Attorney Finn and explain what the Town is requesting.
- Matthew Snyder asked who would issue a stop work order or rescind the building permit – Steve Kilmer, Codes Enforcement Officer.
- Bill Dailey thanked Fred Sinclair and Sean Hyland for helping with the research on this.

Matthew Snyder asked if there has been any information from the Assessor and Mr. Acton suggested she be invited to join the February ZOOM meeting.

Wendy Dailey asked if there were any updates on the sidewalk project? Supervisor Acton responded that the engineers will be taking the lead on the SEQR. Mr. Acton will notify property owners that there will be a video for them to view and a public hearing. It was noted that more than ½ of this project is located in the Village limits for maintenance. Only additional will be from Ben Palmer's to Dollar General. Mr. Acton added that the maintenance can be considered a shared service since the Town does several things for the Village.

Reconsideration on amending Local Law – Fion MacCrea stated that he received working from the County that states during an ice or snow event (no parking on roads). A motion was then made by Dan Acton to rescind the motion to amend the local law until can come up with language that will work better. That motion was seconded by Bill Cleveland and carried 5-0.

**New Business:** Year-end meeting and Organizational Meeting will be scheduled.

Jim Ninos reported that the Pine Street Bridge project has been postponed until 2022. The water line project will start in the spring, but start in the Village.

The meeting was adjourned at 8:35 pm with a motion by Bill Cleveland, seconded by Fion MacCrea and carried 5-0.

Respectfully submitted,  
Janice L. Burdick  
Town Clerk

