

August Board Meeting

Town of Kiantone

Present: Robert Carlson, Paul Webb, Joshua Ostrander, Valerie McDonald, Ronald Johnson, Kevin Myers

Absent: Kurt Sturzenbecker, Mel Hutley

Called to order: 7:01 pm

Pledge of Allegiance

Kevin opened the meeting and Ron read the public announcement on the application for variance permit site plan review at 1710 Foot Ave. Jamestown, NY 14701.

Motion to approve the minutes from July's meeting: Josh Ostrander and seconded by Ron Johnson

Motion to pay the bills after audit: Ron Johnson and seconded by Valerie McDonald

Motions carried and approved unanimously.

Kevin invited Don Carpenter from Upstate Tower to present along with their lawyer Daniel Brennan.

Upstate Tower Company is purposing a 180' tower be built along the RT 60 (Foote Ave) corridor. The tower will be built for Blue Wireless. They are asking for a setback variance from our zoned 500' to 142'.

Mr. Carpenter noted that Blue Wireless is a life line provider low income subsidized tower

Mr. Carpenter also expressed that Blue Wireless is under FCC rules to establish a set amount of towers within a designated time period. He didn't discuss or express what their deadline its.

Blue Wireless' representatives indicate that the coverage is for the entire town and that they do not wish to be located in the city of Jamestown. It was indicated that they have removed themselves from the current tower already located along the corridor.

Upstate Tower will provide natural features that block the tower along the corridor but did agree they cannot "decorate" the heighth of tower from the residence behind and above the tower location.

Numerous residence were in attendance and were allowed to ask questions:

Jim Johnson (acting zoning board member) Why do you need to have tower along the corridor is one is already available for you to attach to?

Response: We (Upstate Tower) believe that this will benefit the town and give us greater service to your area for wireless data and will help businesses along the corridor with a more cost effective plan.

Irene Turk (active zoning board member) How long will the tower stand if it is no longer in use?

Response: Upstate Towers indicated they did not know the exact answer. Councilwoman McDonald stated that their paperwork indicates that the tower will be able to stand nonoperational for 12 months before action is taken to remove it.

Mr. Tibbets (resident) What will be the microwave issues? He lives on the hill and does not want to view the tower out his windows. Mr. Tibbets expressed the idea that the Foote Ave location is not appropriate for the size of the tower presented. He recommended talking to Mr. Shuver across the street in an area away from homes.

Response: Upstate Towers informed the audience that Mr. Shuver was approached but has requested too much money for his property rental.

Audience members questioned the safety of the tower in high winds and possible collapse issues.

Response: "We have never had a collapse" But the tower is designed with a failure point and will collapse within the radius of that failure point. (please see diagrams presented to all Board Members)

Councilman Ostrander questioned whether or not this tower is for the residents of Jamestown or the residents of Kiantone. If it is deemed a "government supported low income tower"

Response: We believe that this tower will provide needed internet and high speed data services for the business of kiantone and the Foote Ave plaza.

David Clement: What other locations have you tried and why does this tower need to be in this location. Why not down on Rt. 62 in another nonresidential location?

Response: We have looked at all the locations and that is a site we would like to use in the future.

Tami Clement (planning board member): You mean there will be other tower permits forthcoming?

Response: Yes, we are looking to place other towers in Chautauqua County.

David Clement: How many?

Response: Our towers only cover a half mile radius so we will need to install more towers in the future. Don stated they are looking at six (6) more towers may be built. We have an agreement with the FCC that we will have so many towers in place within a given time period.

Kate Valvo (town accountant): Statement that the town will receive monies in the form of increased property taxes.

Response: Yes, Upstate Towers will be required to pay taxes.

Paul Webb (Town Attorney): Is the area in question not covered by other carriers?

Response: Yes, it is but not by Blue Wireless

Paul Webb: Will other carriers be allowed to locate on this tower? I believe that the requested setback variance is substantial, don't you agree?

Response: Upstate Towers' attorney stated he did not believe that the setback was a substantial request. NYS courts have upheld the variances, we have provided you a couple of examples in the materials provided to the board.

Paul Webb: A difference of over 350' is not considered substantial?

Response: None given

Paul Webb: Did you submit any further information about collocating?

Councilwoman McDonald requested that Upstate Towers provide all information to the Board about collocating and information updated on their environmental impact which Supervisor Myers pointed out was incorrect.

Nancy Anderson (resident): What can this board consider in regards to denial of a permit?

Paul Webb responded that he felt the variance was a substantial offset from the current zoning laws of the town. He did recognize that the location was a B1 area but it would impact a residential zone.

Questions were ended on the cell tower project.

New Business:

Mel Hutley presented to the board a petition in regards to the events in the Town Clerks Office. She informed the board that her computer was seized without her knowledge and that the locks were changed on the door by Supervisor Myers. This is done without board knowledge and should be considered illegal in nature.

Councilwoman McDonald asked Ms. Hutley is she had voluntarily not seated herself at her elected position.

Ms. Hutley's response was that she has chosen to not to fulfill her duties in the town for the last week and that no one had asked her not to work. This was her personal decision.

Joan Spantaneo questioned the Board if they knew the locks had been changed.

Councilwoman McDonald responded that this was an active investigation and that the board was not going to discuss at this time any ongoing investigations.

Ms. Hutley stated that Supervisor Myers had acted without board approval in terms of the the courts bank accounts and that this situation again is public misconduct.

Councilman Ostrander at this time agreed to accept the petitions on the record and it was seconded by Councilwoman McDonald and unanimously approved by all board members.

At this point Town Clerk Hutley left the room.

Board passes a resolution to appoint the new Assessor Kevin to his position for the town. We recognize all the years of Randy Holcumb's dedication and service to our towns and wish him well in his retirement.

Supervisor Myers recognized that the Town Board had an opportunity to meet with the Town Fire Department and go over the budget and tour their new building and equipment. Further discussion of budget was postponed until a future meeting.

Paul Webb indicate that Judge Markey had been in contact with him in regards to court expenses. Salaries paid by the OCA. Currently it is the Town's understanding that the OCA will be paying for Justice Gerace's salary. Judge Markey stated that expenses should be for needs.

The Board further discussed the auditing of Justice books and again requested that the Justices have their materials to the board the Monday prior to the Town Board meeting. It was noted on the record that Justice Thierfeldt has not presented her books to the board in the last couple months.

Kate Valvo (accountant) stated that the budget is significantly over for this fiscal year and that we needed to curb expenditures. The Board agreed. The Board requested that Judge Markey and Kate speak on the phone to discuss where our budget currently is and what we can do to tighten the expenses. Kate will report next month on the communication between Judge Markey and Wanda and our court.

Councilman Ostrander reported for Justice Ostrander that the credit card machine is up and running and that it has been programmed for fraud. He also stated he would like to see more communication with Wanda and her expenses.

Ron Lemon County Legislature then presented to the board what was going on in the County.

Currently the County is waiting for the Governor to sign into law the new sales tax rate request. It is an increase of 7.5% to 8%. It was indicated that if the tax hike goes through residence should see a drop in property taxes of a guaranteed 3%.

The County Code Commission is looking at a salary raise for the County executive, the sherriff and changing the 2 year term to a 4 year term of office.

Councilwoman McDonald asked if the county is looking to budget for the new drop to .73% tax cap. There was no clear response from Mr. Lemon at this time.

Supervisor Myers asked before the close if the Planning Board would set a date to discuss the Tower project. They would need to have a special meeting. Board member Mark Marchincin requested copies of all Tower materials provided to the Town Board be provided to Planning Board Members. They set a tentative date of August 27th pending all members could attend.

Meeting was adjourned at 9:17pm.

Approved by Josh Ostrander and seconded by Ron Johnson. Unanimous approval.