

TOWN OF ELBRIDGE  
TOWN BOARD MEETING  
JUNE 20, 2007

**REGULAR MEETING:** The Town Board of the Town of Elbridge met in regular session on June 20, 2007 at 7:00 PM in the Town Municipal Building, Route 31, Jordan, New York.

Supervisor Bush called the meeting to order at 7:00 PM and Robert Herrmann led the Pledge of Allegiance.

**PRESENT:** Supervisor Ken Bush Jr., Councilor George Betts, Councilor Bruce Ralston, Councilor Vern Richardson and Councilor Rita Dygert.

**OTHERS PRESENT:** Dirk Oudemool, Attorney; Tom Greiner, Verizon Attorney, Richard Ottman, D. Karen Platten, Town Clerk.

**ADOPT MINUTES:** On a motion of Councilor Betts seconded, by Councilor Dygert to dispense with the reading of the minutes of June 6, 2007 and adopt minutes as written. UC.

**COMMUNICATIONS:**

**FROM:**

- 1) Eastern Shore Associates-re: endorsements from NYMIR adding Jordan Elbridge Community Players effective 04/18/2007 with no change in premium.
- 2) General Code-re: products and services for the professional.
- 3) Office of Board of Elections-re: new guide lines under the Help America Vote Act to advise by June 21, 2007.
- 4) NYS Dept of Environmental Conservation-re: celebrate NY waters and renew our commitment to keep them healthy with packets to help municipalities understand & manage their waters.
- 5) Mary Saunders of Macs Family Restaurant-re: renew the beer and wine license.
- 6) Senator DeFrancisco office-re: preparing a resolution detailing information requesting funds.
- 7) Daniel Young-re: Governor's new Central NY Regional Representative.
- 8) Justice John M Kneeland-re: Resignation from Elbridge Town Court effective 07/09/2007.
- 9) Office of the County Executive-re: calling (today) members of our state legislative delegation in support of the new communication system.
- 10) Justice Office-re: Court is cancelled for July 2, 16, 23 and August 6<sup>th</sup>. Court office will be open.

**GUEST:** Attorney Tom Greiner of Nixon Peabody for Verizon, also Coleman Burke of Tectonic Engineering.

He was speaking in regards to obtaining a lease to the site over Peru Road to put in another tower at closed landfill area, probably on another knoll. Will fence in equipment. Reported that the planning board recommended favorably considering this. Also would like to approve a higher tower. Much discussion on the height of a tower such as what it would look like, self-supporting, open latticework and how many more could co-locate on a 150' tower. Also showed maps showing the coverage and types of antennae versus power. Coleman Burke recommended a 170' lattice tower, which would allow for more co-locators. Also discussed payment system of co-locators; they would pay Verizon and also pay the town for the equipment station. Verizon would also pay taxes.

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Supervisor Bush asked about the situation with Center for Municipal Solutions regarding the outstanding bill of \$9900. It needs to be decided, as the town does not want to be responsible.

Much discussion followed that when Verizon refuses to pay and it is sent to the town, the town attorney will send it back to Verizon. Verizon would send a letter stating their position and will not pay the bill and then send a letter to Attorney Oudemool. The town will talk with Attorney Oudemool, as a letter will be needed from Verizon.

Attorney Oudemool stated that a permissive referendum has to go out when leasing property. Verizon needs board to approve a negative declaration.  
Attorney Greiner finished at 8:31 and left.

Bob Herrmann- reported he has been busy reviewing zoning history.

**BUSINESS:**

On a motion of Councilor Richardson, seconded by Councilor Ralston the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge authorizes the Supervisor to sign and accept the Time Warner Cable Contract. Three (3) signed copies of the contract, proof of publication for the public hearing and minutes from the public hearing and will be sent to Time Warner per agreement of the contract.

**NEW BUSINESS:**

On a motion of Councilor Betts, seconded by Councilor Ralston he following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge reschedule the Regular Town Board meeting on July 11, 2007 to July 18, 2007 at 7:00 PM.

On a motion of Councilor Betts, seconded by Councilor Ralston he following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge authorize the hours of court clerk assistant from 15 hours to 20 hours for work in the Justice office per the judges request, effective immediately.

On a motion of Councilor Ralston, seconded by Councilor Richardson the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge hereby requests funding in the amount of \$70,000 from NYS Senator John DeFrancisco for a security fence around the highway garage to secure the availability of equipment that might be required should we be in an event controlled by NIMS. It would also protect the fueling island, grounds

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equipment and highway materials. The requested funds would also purchase a security surveillance system, which would provide documentation of activities in and around the area for law enforcement and insurance purposes if the need arises. The Town would incorporate cctv cameras with our current security monitoring agreement and supplement our current system for the Justice Courts.

On a motion of Councilor Richardson, seconded by Councilor Betts the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge accepts the application of H&H of Elbridge LLC to change the zoning classification of parcels number 040.-04-23, 25.1, 26.1 and 26.2 from Business Transitional to a Planned Development District.

On a motion of Councilor Dygert, seconded by Councilor Richardson the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge set July 18, 2007 at 7:00 PM to hold a public hearing to consider the application of H&H of Elbridge LLC to change the zoning classification of parcels number 040.-04-23, 25.1 and 26.1 and 26.2 from Business Transitional to a Planned Development District.

On a motion of Councilor Dygert, seconded by Councilor Ralston the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board proposes to designate itself as the lead agency for SEQRA review of the zoning change application of H&H of Elbridge LLC and conduct a coordinated review of all required municipal approvals for the proposed project and direct that the Town Clerk notify all involved agencies.

On a motion of Councilor Dygert , seconded by Councilor Betts the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge set July 18, 2007 at 7:00 PM to hold a public hearing to consider amending Section 30.37 of the Municipal Code the purpose of which is to modify some of the requirements for Planned District and to rename it Planned Industrial District.

On a motion of Councilor Betts, seconded by Councilor Richardson the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge set July 18, 2007 at 7:00 PM to hold a public hearing to consider adding a new chapter 37 to the Municipal Code to be

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entitled Temporary Storage and provide therein restrictions upon the use of PODs trailers, truck bodies, etc. for storage of any property.

On a motion of Councilor Dygert, seconded by Councilor Ralston the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge set July 18, 2007 at 7:00 PM to hold a public hearing to consider amending section IV of the Subdivision Regulations to provide a definition of Lot Line Realignment and to provide an expedited procedure for the approval of such a matter.

On a motion of Councilor Richardson, seconded by Councilor Dygert the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge approved license from the county of Onondaga which allows access from Peru Road over the abandoned Erie Canal to the Town closed landfill site, and authorized Supervisor to sign same.

On a motion of Councilor Betts, seconded by Councilor Richardson the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** NOW THEREFORE, Pursuant to the authority vested in me by the Town of Board and provisions of the (local law) I do hereby mandate the National Incident Management System be utilized for all incident management in the Town of Elbridge. I further proclaim this to take effect immediately.  
GIVEN under my hand and the Seal of the Town of Elbridge at the 5 Route 31 Municipal Building this June 20<sup>th</sup> in the year of our lord two thousand seven. (Formal Resolution Attached)

**Executive Session:** On a motion of Councilor Dygert, seconded by Councilor Betts the following was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that this board moves into Executive Session with Legal Counsel at 8:35 PM.

**Returned to Regular Session:**

Returned to regular session at 8:52 PM with all members present.

**COMMITTEE REPORTS:**

Councilor Ralston: The bid openings for garage roof repair are on June 28<sup>th</sup> at 3:00 PM. Waiting for a hook up to the sewer.

Supervisor Bush said we need a trail from the towpath to the JE Community Center for the July 11<sup>th</sup> when all the bicycle riders come through the canal trail.

Councilor Ralston will contact the highway superintendent regarding the trail.

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After Rita spoke with Maureen Doyle regarding having water bottles with Town of Elbridge written on them to hand out, it was decided they would let the businesses do all refreshments. Just have the JE Community Center open as hospitality center. Discussed the setting up of a miniature display of Jordan that is stored at the school. Historical Society would help set up and maintain but where to store after that day is a problem.

Councilor Betts: The letter he sent for financial help for the Rural Cemetery was denied. Right now Vaughn Holden is volunteering to help.

Councilor Richardson: Recreation program has been advertised and have had 60 sign up so far with 40 for swim and recreation.

Seymour Lofft Park received a \$70,000 grant from Welch Allyn for a press box.

Will be meeting on July 2<sup>nd</sup> with Judge DeRue on the cap grants to submit and hopefully receive next spring.

Councilor Dygert: Fred Weisskopf is on vacation until June 28<sup>th</sup> with Tim Filkins in charge of the Planning Board while he is away.

Tessy Plastics did a presentation for the planning board at the last meeting.

Will be discussing the antique shop on Route 31 at the July 11<sup>th</sup> meeting.

I have sent 21 letters to agricultural community.

Mark Grasmeyer's first newsletter is ready. Will supply the libraries, post offices and at the JE Center plus hand out to those who already attend. It is a nice first attempt.

Supervisor Bush: said the grant for a walking tour was approved for Maureen Doyle although not for the full amount.

Attended the Skaneateles meeting on mining, very interesting – hot and crowded.

Mark and Bob Herrmann are both working hard.

Brenda Kayn will be at the July 18<sup>th</sup> meeting with the information in the board's hands before the meeting.

Attorney Oudemool presented three (3) resolutions for the board to address.

On a motion of Councilor Dygert, seconded by Councilor Richardson the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge determines that the 4200 sq ft area located at the closed landfill site on Peru Road as portrayed on a certain map titled site plan and dated June 13, 2007 is surplus property because there is no present use or use in foreseeable future for governmental purposes.

On a motion of Councilor Richardson, seconded by Councilor Ralston the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that proposed action by Verizon to lease the 4200 sq ft from the Town of Elbridge closed landfill for the purpose of cell tower erection is an unlisted action under SEQRA; and a negative declaration is hereby made.

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On a motion of Councilor Dygert, seconded by Councilor Betts the following resolution was

ADOPTED: 5 AYES BETTS RALSTON RICHARDSON DYGERT BUSH  
0 NAYS

**Resolved:** that the Town Board of the Town of Elbridge approves a lease with a maximum of forty-nine (49) years with Verizon as reviewed and approved by Town Attorney and authorization of Supervisor to sign it,  
Subject to the erection of a hold harmless and indemnification agreement regarding the unpaid bills for Center for Municipal Solutions, submission of a sketch of the 170-foot tower which shall be attached to the lease  
And further subject to a letter to be sent to the Town by Verizon which letter shall state wherein its reason for refusing to pay the unpaid bills of Center for Municipal Solutions and finally subject to the notice of permissive referendum requirement of Town Law.

**AUDIENCE PARTICIPATION:** no one.

**ADJOURNMENT:** With no further business, on a motion of Supervisor Bush the meeting was adjourned at 9:18 PM. UC

Respectfully submitted,

D. Karen Platten, Town Clerk