

**WEST BLOOMFIELD TOWN BOARD
REGULAR MEETING & PUBLIC HEARING**

May 11, 2005

PRESENT: Supervisor Baier, Councilmen Hagen, Rehberg and Powers
ALSO PRESENT: Town Clerk Mary Grundman, Highway Superintendent Dave Good, Zoning Officer Scott Storke, Leslie Senglaub, Jim Foote, Walter Halfmann, John & Leslie Giering, Alice Domville, Judy Eskildsen, Jean Rohland, Ev & Paul McKinnon, Peter & Ann Parker, Mark Tornatore, Eric & Betsy Muench, Wendy Corey, William Opperman, Ron Furrer, James Fyfe, Mike Bushnell, Fred Eskildsen, Bernice Hamilton, Thomas Ely, Mark Indelicato, Jock Erdle, Laurel Wemmett, Rohland VanDerven, Ken Rogers, Jon Bates, Carl Prouty, Debbie Hall, Marcia Opperman, Judie & Jay Griffin, Sherrie Himes, Steve Pyle, Chuck & Betty Olin, Bill & Debbie Wolesslagle, Sue Ann Furrer, Eileen Brind, Ron Hull

ABSENT: Councilman Ball necessarily absent

Supervisor Baier opened the meeting at 7:00 pm and asked for everyone to stand for the Pledge of Allegiance.

RESOLUTION #68

Minutes

Supervisor Baier asked for the approval of the April minutes. Councilman Hagen made the motion to approve the contracts, seconded by Councilman Powers.

Adopted: Ayes 4, Nays 0

Resolves that the April minutes are accepted as presented.

Supervisor Baier explained the purpose for the Public Hearing and the procedure to be followed during the Public Hearing on the Exception to the Moratorium on Construction of Telecommunications Towers.

Supervisor Baier opened the Public Hearing on the Exception to the Moratorium at 7:05 and asked if anyone wished to comment.

The following people addressed the Board:

Leslie Senglaub of Harter Secrest explained the reasons for the request for exception and the timeline of events that have occurred.

Jean Rohland of West Bloomfield Road questioned the time SBA allowed for the Board to review a letter received on May 10th. She asked the Board to take time to review all of the documents submitted before making a decision. She also asked if the application is complete and stated that there are other applications in other Towns that contain information that West Bloomfield has not been given. She also stated that residents attending other meetings have asked for more information and not gotten it.

Debbie Hall of West Bloomfield Road stated that the intent of the Moratorium was to give more time to the review process and that she had also asked for information and not gotten it. She added that Mr. Johnson was not offering advise on how to proceed.

Mark Tornatore of West Bloomfield Road asked who was having a hardship, why there had been no response to requests for information and who filed the complaint about Cingular service and where is the problem. He also asked if the 19 sites were studied, at a cost of \$25000.00, why isn't that the cost of doing business.

Jim Foote of County Road 37 asked the Board to make sure of the date the valid and complete application was received, and look at the date that the Moratorium is effective.

Marcia Opperman of Route 65 stated that the moratorium applies to all towers except those that have conceptual approval and asked the Board to preserve the quality of life of the residents of West Bloomfield.

Mark Indelicato of Taft Road asked a question concerning the consultant hired. Supervisor Baier advised him that the Planning Board would have to answer questions regarding the consultant.

Attorney Senglaub asked if the Local Law was passed November 10, 2004. Supervisor Baier confirmed the date.

Peter Parker of Aman Road stated that he is a Cingular customer and has had no complaints.

Eric Muench of West Bloomfield Road stated that he agrees with the comments other residents have made and commented that the landscape of the project had changed due to the merger of Cingular and AT & T and that the merger should invalidate the original application. He stated that residents have asked for studies and have not gotten them and that new studies should be done including the Bragg Street tower.

Mark Indelicato of Taft Road stated he agrees that new data is needed.

Debbie Wolesslagle of West Bloomfield Road agreed with Jean Rohland and Eric Muench that new studies are needed and that more time is needed to review the results. She also asked if the Attorney had a copy of a letter sent to the Planning Board by the previous Attorney.

Steve Pyle of West Bloomfield Road stated that he agrees with the other residents, and that SBA has not demonstrated a hardship or answered resident's questions.

Bill Wolesslagle of West Bloomfield Road stated that he agrees with everyone and that the Town Board should listen to the resident's wishes. He also stated that everything has changed and the Board should have the proper information to make their decision. He has sent people out with Cingular phones and has had no problems except in Ionia.

Jerry Thomas, also representing Leslie Sackett stated that he agrees with everything that has been said and that Mr. Sackett also does not approve of the hardship being granted.

Debbie Hall of West Bloomfield Road stated that the hardship states that they have no coverage and that Cingular literature clearly states that they do.

Eric Muench of West Bloomfield Road asked the audience for a general consensus on agreement that the hardship should not be granted. Supervisor Baier advised him that comments should be to the Board.

Bill Wolesslagle of West Bloomfield Road asked if Supervisor Baier would restate the purpose of the public hearing and that the hardships stated have been shot down.

Judy Griffin of Cox Road stated that she does not believe the hardship has been demonstrated.

Julie Giessler of Elton Road stated that she agrees with Ms. Griffin.

Ken Rogers of West Bloomfield Road stated that he agrees with them.

Judy Baldwin of County Road 14 stated that she agrees with everyone.

Jay Griffin of Cox Road asked to know who complained and where they were complaining about. He also asked if the hardship is granted can the tower be erected without a public hearing. Supervisor Baier replied that there must be a public hearing first and that the SEQR process would continue if the hardship was granted.

Dave Gripe, Chairman of the Planning Board explained the process that would be followed whether the hardship was granted or not.

Jay Griffin asked why the attorney mentioned physical harm and not mental harm.

Jon Bates of County Road 14 stated that he agrees with the other residents, that there is no hardship.

Jean Witzel of Quaker Meetinghouse Road stated that she also agrees that there is no hardship.

Sherrie Himes of West Bloomfield Road also stated she agrees that there is no hardship.

John Erdle of Elton Road also stated he agrees that there is no hardship.

Bernice Hamilton of Routes 5 & 20 stated that she agreed with the mental stress harm caused by a proposed tower and that the hardship should not be granted.

Ron Furrer of County Road 14 stated that the hardship should not be granted.

Bill Wolesslagle of West Bloomfield Road also stated that he agrees with everyone else that there is no hardship and it should not be granted.

Jean Rohland asked if the residents in attendance could stay to hear the Town Board's discussion after the public hearing. Supervisor Baier explained that all were welcome to stay.

Jay Griffin of Cox Road asked how the Board could make a decision when they had not researched the information.

Betsy Muench of West Bloomfield Road stated that a hardship has evolved for the residents involved who have done the research on this and that there are no grounds for granting the exception.

Debbie Wolesslagle of West Bloomfield Road asked the Board not to grant the hardship.

Leslie Senglaub thanked the Board for the chance to address them again and thanked the residents for their comments. She stated that the delivery of the letter of May 10th was not done to delay the process, that the Bragg Street tower belongs to Sprint, and that the exception needs to be granted for the studies requested will be done. She also stated that if the hardship is granted, she is looking forward to addressing the residents concerns at the public hearing.

Jean Rohland asked for a copy of Mr. McFadden's letter and wants a statement should the amount spent by SBA.

Jay Griffin asked for an itemized statement of the \$25000.00.

Supervisor Baier asked Attorney Hull if that was possible. He replied that it is up to the company.

Jean Rohland stated that Mr. McFadden's letter said \$25000.00 had been spent and that Attorney Senglaub said that the \$25000.00 was generated by delays. She would like to know how the \$25000.00 was spent.

Jay Griffin asked Councilman Powers if we should get the figures.

Supervisor Baier explained to Mr. Griffin that the Board would not respond, they are listening to the residents concerns.

Judy Griffin stated the terms are very vague.

Jay Griffin stated he wants to know the dollar amounts.

Judy Griffin stated that if they are sincere, they should provide the information residents have asked for.

Leslie Geiring of Routes 5 & 20 stated that SBA could spend all the money they want they have not proven a hardship.

Eric Muench stated that anything claimed by SBA should be substantiated.

Supervisor Baier asked three times if anyone else had comments, hearing none, the public hearing was closed at 8:15.

RESOLUTION #69

Harter Secret Request for Exception

Supervisor Baier made the motion to make no decision until the Board had received more information to discuss at the May workshop and make their decision on June 8th, seconded by Councilman Rehberg.

Adopted: Ayes: Rehberg, Baier, Powers and Hagen Nays: None

Resolves that the Town Board will discuss the hardship request at the May workshop and make their decision at the June 8th Meeting.

The Board discussed the hardship request with Chairman Gripe and asked him to provide more information and a copy of Mr. McFadden's letter to them before the May 25th workshop. He will check to see if the application is complete and have a Planning Board member attend the Town Board Workshop with more information.

Report on the Town Hall

Supervisor Baier advised the Board that she had met with Paul Chatfield and the committee studying the Town Hall and that Chatfield Engineers would be doing a presentation at public information meetings in July & August.

RESOLUTION #70

Justice Report

The Justice's Reports were reviewed. Councilman Powers made the motion to accept the reports, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0
Resolves that the Justice reports are accepted as presented.

RESOLUTION #71

Highway Report

The Highway report was read and discussed. Councilman Rehberg made the motion to accept the Highway report, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that the Highway Report is accepted as presented.

RESOLUTION #72

Zoning Report

The monthly Zoning report was read and discussed. The Zoning Officer reported on the Bushnell property on Rte 65. He extended Mr. Bushnell's building permit for his barn and Mr. Bushnell agreed to work on the project.

Councilman Hagen asked about the Wilcox property on Rte 65 where there appears to be a camping trailer being lived in. The Zoning Officer reported that he has asked the owner and that the owner says it is not a permanent situation. Councilman Rehberg made the motion to approve the Zoning report, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that the Zoning Report is accepted as presented.

RESOLUTION #73

Payment of Bills

Abstracts in the amounts of:	General	vouchers 90 - 124	\$ 21393.04
	Highway	vouchers 39 - 57	\$ 12347.99
	Water	vouchers 17 - 26	\$ 15773.14

were audited. Councilman Powers made the motion to approve the payment of bills, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that the payment is approved.

RESOLUTION #74

Supervisor's Report

The Supervisor's report was read and discussed. Councilman Hagen made the motion to accept the report, seconded by Councilman Powers.

Adopted: Ayes 4, Nays 0

Resolves that the Supervisor's report for April is accepted as presented.

Funds for Park Beautification Committee

The committee has not gotten the cost for the project back to the Board so this item is tabled until more information is received.

RESOLUTION #75

Fuel Bid Acceptance

The bid received from Kirkwood Heating Oil was reviewed and discussed. Councilman Rehberg made the motion to accept Kirkwood's bid of 8 cents over cost, seconded by Councilman Powers.

Adopted: Ayes 4, Nays: 0

Resolves that Kirkwood Heating Oil's bid of 8 cents over cost for low sulfur diesel fuel is accepted.

RESOLUTION #76

Lead Agency for SEQR for Dark Sky Lighting and Telecommunications Towers Laws

Supervisor Baier reminded the Board that since the Town Board is the only entity involved, there does not have to be a waiting period and a declaration can be decided. Councilman Hagen made the motion to declare the Town Board the Lead Agency for SEQR process and declared a negative declaration, seconded by Councilman Powers.

Adopted: Ayes 4, Nays 0

Resolves that the Town Board is the Lead Agency for the SEQR process and that a negative declaration is declared.

RESOLUTION#77

Real Property Revaluation Agreement

Supervisor Baier advised the Board that she had received the agreement forms from the Ontario County Real Property office and asked to approve. Councilman Rehberg made the motion to approve the agreement, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that the agreement is approved.

RESOLUTION #78

Water Rate Increase

The Board discussed the City of Rochester's letter advising them of a rate increase. Councilman Powers made the motion to approve a water charge rate increase of 10 cents per thousand gallons of water used, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that all water rates are increased by 10 cents per thousand gallons.

RESOLUTION #79

Inter-municipal Agreement for Code Enforcement Services

Supervisor Baier advised the Board that Mike Woodruff, Code Enforcement Officer for East Bloomfield, agreed to fill in as needed for the West Bloomfield Code Enforcement Officer and that a written agreement similar to the one East Bloomfield has with Hopewell has been written and is ready to be approved. Councilman Hagen made the motion to approve, seconded by Councilman Rehberg.

Adopted: Ayes 4, Nays 0

Resolves that the Inter-municipal Agreement is approved.

Donation of Safes

Supervisor Baier advised the Board that the possibility of getting a safe or safes had been brought to her attention if the Board was interested. The Board agreed that there was probably not a need or room to keep them at this time.

Factory Hollow Road Encroachment

Supervisor Baier advised the Board that nothing more had been accomplished as far as getting the agreement in place but that the Board should insist that Mr. Zink or the new owner must get the licensing agreement in place as soon as possible and she will contact Attorney Ryen.

Factor's Walk Road Dedication

Supervisor Baier advised the Board that as approved at the last meeting, she asked Attorney Ryen to call the letter of credit for the completion of the road.

RESOLUTION #80

Insurance Payment

Supervisor Baier advised the Board that the structural repairs to the Town Hall building, resulting from the accident in January, have been completed and that although the painting and flag pole and trees have not been finished, she would like their approval to accept payment in the amount of \$5003.27 from Bald Hill Automotives insurance company. Councilman Powers made the motion to accept the payment, seconded by Councilman Hagen.

Adopted: Ayes 4, Nays 0

Resolves that the payment of \$5003.27 will be accepted for the repairs to the Town Hall property damaged by the accident.

Correspondence:

The following letters were distributed for the Board to review for discussion at the workshop:
Time Warner Communications letter

Councilman Hagen made the motion to adjourn at 9:35, seconded by Councilman Powers.

Respectfully submitted,

Mary Grundman
Town Clerk