

TB Workshop June 5, 2014
TOWN BOARD WORKSHOP – June 5, 2014
COLDEN TOWN HALL

PRESENT: Councilman Jesse Hrycik
Councilman David Arcara
Councilman Patricia Zurbrick
Councilman Gerald Pietraszek
Supervisor James DePasquale

ALSO

PRESENT: Town Attorney Ronald Bennett
Town Clerk Christina Kerlin

Approximately 6 residents

Supervisor DePasquale called the Town Board Workshop to order at 7:04pm.

1. Review Special Use Permit: Wind Turbine, 8213 Center Street, Mr. Paul Cohn

The Town Board reviewed the application that was submitted to the Town regarding a Wind Turbine to be placed at 8213 Center Street.

*Letter of intent

*Property sketch and plans

*Special Use Application fee of \$25.00 was paid.

*Building Inspector report which states that the tower does not meet the required set back of 1 ½ times total structure height as per chapter 96 -C-2A

Mr. Cohn's neighbor to the north is willing to grant him an easement which will fulfill the requirements for a fall zone.

Roy Bergman submitted a letter from Concerned Citizens in regards to an easement being used for this special use permit which Supervisor DePasquale read and is on file in the Town Clerk's office.

Supervisor DePasquale asked Town Attorney Ron Bennett to clarify if an easement is a legal binding agreement in this case.

Town Attorney Ronald Bennett stated that yes it is legal and an easement is an agreement between parties of two property owners in this case granting a permanent easement that the

area is subject for the fall zone. The easement would be filed in the Erie County Clerk's office and indexed to the deed and referenced to the grantor.

*Written report from Erie County Health Department was not applicable.

*Erie County Department of Environment & Planning reply will be forwarded from Mark Lee for the Public Hearing.

*Petition from the people within 500' of the property line stating they have no objections to the request will be forwarded to the Town Board. Mr. Cohn did send a letter to his neighbors and invited them to tour the facility.

*Notification to neighbors within 500' of the property location stating the time of the Public Hearing was sent out by the Town Clerk's office.

*Notice of a Public Hearing was sent to the Springville Journal for publication.

*SEQR was received from the Environmental Board and reviewed along with the Environmental Board recommendation.

*Maintenance agreement of the Wind Turbine and the Fluids housed in the gearbox was submitted.

* Planning Board recommendation was received and unable to make a recommendation as to the project's compliance with specific Colden Codes due to inadequate information from the applicant.

Discussion on including an anti-climbing device, decommission of the wind turbine, ice buildup manufacturer will be contacted.

Walt Kammer explained the Orthophotography maps included with the Planning Board report.

John Carrol representing Channel 4 Tower asked for a clause to be included in the Special Use Permit regarding any electromagnetic interference that might come with the Wind Turbine and would like to be contacted when the manufacturer of the Wind Turbine preforms the test of the project.

Supervisor DePasquale stated that there will be a clause in the Special Use Permit relating to any interference of the Channel 4 or 7 Towers from the Wind Turbine that the applicant would be responsible for any corrections or damage or cost relating to any interference and if the correction cannot be made the SUP would be revoked.

Note: Town Code Sec 106.6 relates to any complaint and investigation of electromagnetic interference and decibel levels.

Application is fulfilled for the Public Hearing on Thursday, June 12, 2014.

2. Review Special Use Permit: Auto Dealer, 10818 Crump Road, Mr. Charles McMicken

Supervisor DePasquale reviewed the application that was submitted to the Town for a Auto Dealer at 10818 Crump Road, Mr. McMicken.

- *Letter of intent
 - *Property sketch and plans and a map
 - *Special Use Application fee of \$25.00 was paid.
 - *Building Inspector report
 - *Written report from Erie County Health Department was not applicable.
 - *Petition from the people within 500' of the property line stating they have no objections to the request will be forwarded to the Town Board.
 - *SEQR was received from the Environmental Board and reviewed along with the Environmental Board recommendation.
 - *Erie County Department of Environment & Planning had a concerns that the access Road to the barn traverses the adjacent parcel along with particular floor surface, or building perimeter rimmed edge, may be warranted to assist fluid containment and proper storage for the disposal of waste oils and batteries.
- Mr. Micken will be contacted to see if he has an easement for the driveway
- * Planning Board recommendation was received.
 - *Notification to neighbors within 500' of the property location stating the time of the Public Hearing was sent out by the Town Clerk's office.
 - *Notice of a Public Hearing was sent to the Springville Journal for publication.

Application is fulfilled for the Public Hearing on Thursday, June 12, 2014.

3. Waste Management Contract Renewal

Town Attorney Ronald Bennett will review the Waste Management Contract

4. Highway Seasonal Rate

Councilman Arcara asked for clarification of the rate of pay for the Town Highway Part – Time Seasonal employees.

Supervisor DePasquale stated that the pay rate is \$9.50 which was the rate in 2013.

5. Health Insurance

Councilman Arcara will contact the following Health Insurance companies for rates;
Blue Cross & Blue Shield
Community Blue
Independent Health
Health Republic

6. Review June Town Board Workshop and Town Board meeting minutes

Town Board has received the May 1, 2014 Town Board Workshop minutes and the May 8, 2014, Town Board meeting minutes for review.

7. Zoning Board of Appeals

Janet Dillsworth is scheduled for an interview on Thursday, June 12th at 6:30pm prior to the Town Board meeting.

General Discussion

- *Dog Receptacle for the Town Park
- *Sycamore Tree in the Creekbed
- *Replacement of the Senior Center Doors on hold
- *Training was completed on June 4th, 57 employees out 61 have had the required Training for
- *Workplace Violence, Blood Borne Pathogens and Harassment Policy.
- *Workers Compensation Inspection was done on May 21st a report will be submitted to the Town Board from Jay Lewandowski.
- *Special Use Permit Inspections will be June 7, 2014 at 9:00am.

Adjourn

Motion made by Supervisor DePasquale and seconded by Councilman Zurbrick and unanimously adjourned the meeting at 10:20pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

