

At a regular meeting of the Town Board of the Town of Carroll, Chautauqua County held on the 13th day of March, 2011 at 6:30 Pm in the Town Hall, 5 W. Main St. Frewsburg, NY, there were

PRESENT:

Supervisor Jones

Councilman Middleton

Councilman Moore

Councilwoman Lingenfelter

Councilman Ekstrom

Recording Secretary, Laura S. Smith, Town Clerk

Also present, A. Gustafson, D. Dutchess, P. Harvey, D.Sisson, Mr. Mrs. Axelson, Mr. and Mrs. Bloomquist, Kelly Downey, T. Allison, Patty Ekstrom, Dean Sandstrom, Richard Causebrook, Mark Boardman, Lori Gates, Polly Hanson, John Dietrick, Jim and Kris Mithchener, Vince and Kitty Scheoleno, Arlene Hamilton, Kim Hiller, Michael McCully, Laura and Curt Swanson, Gene Lewis, Tammy Spontarelli, Laurie Sorg

Supervisor Jones opened the meeting with the pledge to the Flag.

Supervisor Jones submitted his Supervisor's report for the month.

Acting Chief Dutchess, Code Enforcement Al Gustafson and Laura Smith, Town Clerk, all submitted reports for the month.

Motion made by Councilwoman Lingenfelter, to accept the minutes of the last meeting as submitted, seconded by Councilman Middleton, carried

Motion made by Councilman Moore to pay the audited monthly bills seconded by Councilwoman Lingenfelter, carried, those bills are as follows:

GENERAL: 2011-4 #79 thru #109 in the amount of \$9,182.33

HIGHWAY: 2011-4 #42 thru #61 in the amount of \$17,044.11

WATER : 2011-4 #62 thru #78 in the amount of \$17063.37

Supervisor Jones granted privilege to the floor, Patty Ekstrom of the Town of Carroll Garden Club, said that the club has been meeting the second Monday of the month at the library. They are trying to get the community involved in sponsoring the flower barrels, to save the town the expense of the flowers. The club plans to have a competition for those that participate in planting and maintaining the barrels. She and Tom Allison also thought it would be a nice idea to move the rock that is in front of the Town Hall to the area at the bottom of the Town Park driveway, and make a small veteran memorial area. This area would have the rock, a flag pole, a walkway, and a nice flower bed. Council agreed that it was a good idea to go ahead with.

Gene Lewis spoke on behalf of the Relay for Life, which will take place once again and Frewsburg Central School on May 21, 2011. She asked for permission to "paint the town purple" for cancer awareness, as she did last year. Council told her to go ahead, and she agreed as always to remove any purple ribbons when it was over.

Daryl Dutchess reported a routine month. He stated that there were some phone traces that led to a number in Jamestown, for the prank calls that happened to 3 residents recently. They couldn't prove what person made the calls because of numerous people living in the house. Daryl mentioned that there are numerous broken windows in the police garage. Tom Allison said he would take a look to see what they could do to repair them.

Motion made by Councilwoman Lingenfelter to allow Tom Allison to take the Highway Department's 1985 International, brine truck to the Tietsworth, spring auction, seconded by Councilman Ekstrom, roll call vote as follows:

Supervisor Jones, aye, Councilman Middleton, aye, Councilman Moore, aye Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes, no nays, motion carried.

Mr. Allison said that he has been approached by the girls softball league, because they want an outfield fence at the field at the park. Tom and Council agreed that at this point we shouldn't do that, because it would interfere with the soccer fields, and break up the park too much.

CHIPS money will be in effect for 2011, it is \$15 more than 2010.

Spring clean up will be Saturday May 14 from 8-3.

Water Supervisor, Dan Sisson, aired that they had a major leak on Centennial St. recently. That has since been repaired. They have been busy replacing meters.

The final inspection for well 2 will with Tolman on Tuesday, so we should have the final works soon.

The Well 5 project with the DEC is going good. The department is waiting for comments from the DEC. The water department will be starting hydrant flushing on May 9, 2011 and will take a few days.

Motion made by Councilwoman Lingenfelter to allow the water department to dive both water tanks with robotic cameras at a cost of \$2831.00, seconded by Councilman Middleton, motion carried.

Motion made by Councilman Middleton to allow the Water Department to purchase 100 radio read meters at \$125 each, totaling \$12,500.00, seconded by Councilman Moore, roll call vote as follows:

Supervisor Jones, aye, Councilman Middleton, aye, Councilman Moore, aye Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes, no nays, motion carried.

Laurie Sorg submitted the Assessor's report, the town grievance day will be 6-1-2011 from 3-8 PM. Here at the Town Hall. Informal hearing appointments will start May 1st.

County Legislator Tammy Downey reported that the redistricting of the legislature vote will be April 20, 2011. She recalled the meeting the previous evening in Kiantone, and stated that all in attendance were against the redistricting.

Zoning Officer Gustafson issued 2 building permits last month.

Councilman Moore has spoken with Gray Insurance, and they will have renewal quotes for the May meeting.

Motion made by Councilwoman Lingenfelter to appoint Trudy Bloomquits to the Zoning Board of Appeals, term to end 12-31-2015, seconded by Councilman Ekstrom, motion carried.

The Town Easter Egg Hunt will be at FCS April 23 at 11AM

Motion made by Councilman Moore to allow the Carroll Historical Society to have Jamestown Heating and Air install 2 heaters in their side of the building out back. Seconded by Councilman Ekstrom, motion carried.

Supervisor Jones stated that Kim Sherwood will be at the May meeting At 7 PM to discuss with the Town some solutions for the flooding in the Frew Run Creek.

Legislator Downey asked for opinions on her web site as to people opinion on the possibility of an increased sales tax.

Motion made to close the regular meeting made by Councilman Moore, seconded by Councilman Middleton, motion carried.

Motion made by Councilman Ekstrom seconded by Councilwoman Lingenfelter to open a Public Hearing for proposed Local Law #2 of the year 2011, amending the Town of Carroll Zoning Law to re-zone portions of White Dr. and Falconer St. from R-2 residential to I-1 Industrial

Lori Gates, who is the owner of 197 Falconer Street voiced concerns that she has because her house is proposed to be changed to I-1. She is concerned about what this will do to the value of her property, and what could potentially be done with the adjacent property owned by Jerry Hall. Alan Gustafson stated that these properties were all zoned I-1 up until the new Zoning Law took effect in August of 2002. Ms. Gates was informed by Supervisor Jones that if she so chose she could keep her property Zoned R-2. Ms. Gates was not confident that either way it would make a difference if all of the surrounding property is I-1, because she feels that if the surrounding property was I-1, anything could be placed there and she would in her opinion have no protection or barrier from those properties being used for industrial purposes. Supervisor Jones stated that if there were anything to go onto that property, she would have the opportunity to go to the Zoning Board and request buffers and such things to protect or block her property.

Curt and Laura Swanson stated that they purchased their home in 2003, they have children, and there are a lot of children in the area. They do not agree with this property being rezoned.

John Dietrick addressed the property on White Dr. and that there are 2 parcels that should be listed to be changed, and they are not. Al Gustafson looked at the proposed map and figures that that was just inadvertently left off. But because those two parcels were not listed, it would have to go back to the Planning Board for review.

Motion made by Councilman Moore to close the Public Hearing, seconded by Councilman Middleton, motion carried.

Motion made by Councilwoman Lingenfelter to open a Public Hearing, seconded by Councilman Ekstrom, motion carried. This Public Hearing is to consider the application for a Special Use Permit application for Bob Gage, GBT Realty Corporation, to operate a Dollar General store in proposed building located at 141 W. Main St. Frewsburg. Property currently owned by Martin Gage.

Alan Gustafson presented Council with a packet including the site plan and building plan for this building. Mr. Gustafson also stated that this Public Hearing is to allow the use of the building only; the proposed building site is in the Business district and is allowed without additional special permits.

Laurie Sorg from the Assessor's office compared this proposed building to the new Dollar General in Falconer, and she stated that as it will be similar in size and structure, it would probably add around a \$500,000 to \$600,000 assessment to our tax roll.

Mark Boardman of Main St. expressed his concern because this store will be right across from his house, and he is worried that it will negatively affect the value of his home, he was also concerned about the amount of traffic that this store would bring into town. Al Gustafson reiterated that Main St is a business district, so this is permitted, Mr. Boardman was advised that if he feels this will affect his value, he is more than welcome to go to the Board of Assessment review to discuss his assessment.

John Dietrick stated that he was not against the store, but suggested if people didn't like the appearance of the store, maybe GBT realty would consider alterations, such as more landscaping.

A few residents voiced a concern about competition and their worry that this would have a negative impact on Tops Markets. Councilman Moore said that from a business owner's standpoint, you can't stop competition; there is competition wherever you go.

Councilwoman Lingenfelter spoke on behalf of Tops Markets, and stated if Tops had any concerns or issues, they would have had a representative present to address those. She stated that from what she has heard from Tops Markets, they feel that maybe the Dollar General will take a little away from them at first, but they do not feel it will have a long term negative impact on their business.

Mrs. Lingenfelter asked Michael McCully, the representative from GBT where in proximity of the building is the retention pond and if it would be fenced. Mr. McCully stated it would be in back of the building away from the parking lot, and if the Board wanted it fenced, they would fence it.

Dean Sandstrom of Wiltsie Rd. stated that he was against this store and was concerned that the Town Board was going to allow a business that residents were against. Councilman Middleton aired that he

has made numerous phone calls and knocked on many doors to get the opinions of people in town. He said that there was not a great amount of people against it.

Diane Crandall, James Mitchener, and Kim Hiller all stated that they are for it, and thinks it would be a great asset to the community and they feel that it would help some of the smaller businesses in town. Mr. Mitchener also said that these people (Dollar General) "have done their homework" they are not going to propose a store somewhere that they are not confident will be profitable and good for the area. Mr. Boardman, Mr. Sandstrom, Mr. and Mrs. Swanson, and Mr. Scheoleno stated that they were not in favor of the store.

Supervisor Jones advised that this Special Use Permit is only to operate the business, not to allow the building to be built. The property is zoned business and they are permitted to build the building.

Motion made by Councilman Moore to close the Public Hearing, seconded by Councilman Middleton, motion carried

Motion made by Councilwoman Lingenfelter to re-open the regular meeting, seconded by Councilman Ekstrom, motion carried

Motion made by Councilwoman Lingenfelter to approve the Special Use Permit to allow GBT Realty to operate a Dollar General store out of their proposed building at 141 W. Main St, seconded by Councilman Middleton, roll call vote as follows;

Supervisor Jones, aye, Councilman Middleton, aye, Councilman Moore, aye Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes, no nays, motion carried.

Motion made by Councilwoman Lingenfelter to close the regular meeting, second from Councilman Middleton, motion carried.

Motion made by Councilman Middleton to open a Public Hearing, seconded by Councilwoman Lingenfelter, motion carried.

This Public Hearing is for the Proposed Local Law #3 of the year 2011 to amend the Town of Carroll's Zoning Ordinance to add supplemental regulations relating to Wind Energy Conversion Systems. There was no public comment.

Motion to close the public hearing made by Councilwoman Lingenfelter, seconded by Councilman Ekstrom, motion carried.

Motion to re-open the regular meeting made by Councilman Moore, seconded by Councilman Middleton, motion carried.

Polly Hanson of the Planning Board asked for a copy of the Local Law.

Motion made by Councilwoman Lingenfelter to accept the Local Law #3 of 2011 concerning Wind Energy Conversion Systems, seconded by Councilman Ekstrom, roll call vote as follows;

Supervisor Jones, aye, Councilman Middleton, aye, Councilman Moore, aye Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes, no nays, motion carried.

Councilwoman Lingenfelter suggested giving Lori Gates a month to decide whether she wants to keep her property R-2 or I-1, Council agreed to table the matter.

Motion made by Councilman Middleton to refer this local law back to the Planning Board to look at the White Dr. properties owned by John Dietrick, as discussed earlier. Seconded by Councilman Moore, motion carried.

Adjournment motion made at 8:15 made by Councilman Moore, seconded by Councilwoman Lingenfelter, motion carried.

Laura S. Smith, Town Clerk