

SPECIAL BOARD MEETING

Wednesday, September 1, 2010

7:00 p.m.

Agenda

- Acceptance of a restoration bond for the Brocom, LLC Site Plan for Redl located on Route 55.
- The Building Inspector is requesting permission from the Town Board to attend the Annual Capital District Building Conference to be held in Albany on October 18-20, 2010. The total cost of the three day conference with hotel accommodates is \$622.00.

**STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE**

**SPECIAL TOWN BOARD MEETING
SEPTEMBER 1, 2010**

Present: Supervisor Jon J. Wagner
Councilman Joseph Luna
Councilman Gary Beck
Councilman Stephen O'Hare
Councilman Edward P. Jessup

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

A Special Meeting of the Town Board was held on Wednesday, September 1, 2010, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m..

Supervisor Wagner stated that the purpose of this special business meeting is to consider the acceptance of a restoration bond from the Brocom, LLC Site Plan, Redl located on Route 55. Supervisor Wagner asked the applicant if they were putting up a letter of credit or cash.

Mark Redl, of Brocom, LLC, stated that he is hoping to have the restoration bond waived because they are providing more than a cell tower, but rather a communications center with municipalities on it. Mr. Redl stated that the LaGrange Highway Department is on it as well as the LaGrange Fire Company. Mr. Redl stated that he doesn't see this tower coming down unless the Fire Company went out of business and the Town went out of business. They are always going to be on that tower.

Supervisor Wagner asked Mr. Redl if he charges the Fire Department. Mr. Redl replied that he does not; however, the Highway Department is charged a minimum fee of \$300.00 a month. Mr. Redl stated that he sees no reason to raise the rate for the Fire Department or the Highway Department due to the economic times. Mr. Redl reiterated his point that he is hoping to eliminate the bond because there are municipalities on it. He stated that he is looking for this to be the future communications center for LaGrange. He added that he would like to consolidate everything from the other tower so it can be eliminate.

Supervisor Wagner stated that conversations up to tonight have been to discuss whether a letter of credit or cash alternative would be posted for this restoration bond. Supervisor Wagner stated that he is unsure if there is leeway in the law to allow the Town to waive the bond.

Councilman Beck questioned if Brocom abandoned the tower, wouldn't the Town think seriously about taking it over under eminent domain.

Councilman Luna asked Mr. Redl how many tenants will be on the tower. Mr. Redl stated there would be four; two cellular companies and two municipalities.

Supervisor Wagner stated that it was his understanding that the only thing to be decided tonight was cash alternative or letter of credit. Mr. Redl responded that they can do the cash alternative, if need be. Supervisor Wagner stated that the reason a special meeting was schedule is because time is money and he understands that Mr. Redl would like to get moving.

Supervisor Wagner proposed accepting the cash alternative that is being presented and if there is a reasonable escape clause to not tie up their \$12,000.00, the Town would explore it.

Councilman Luna asked how many tenants the tower will hold. Mr. Redl responded it can accommodate five tenants and he hopes that in the future T-Mobil and NEXTEL will leave the tower on VerValen Drive and come over; they wanted to make sure that cohabitation was available. Mr. Redl stated that a total of five whip antennas, such as the type the Fire Department and the Highway Department uses, can go on the tower too. A gentleman from Redl's spoke from the audience to add that five cell, five whip, and five dish can go on the tower.

Supervisor stated for the record that he doesn't believe the Board can decide to forego the cash alternative tonight; however, the Town, from the day this was first started, wanted this cell tower. Supervisor Wagner stated the Town even considered making it a municipal tower and working out a business arrangement with Brocom. He added that the goal was to have T-Mobil come off the VerValen tower and maybe have the VerValen tower, in the middle of a residential area, go away. Supervisor Wagner stated that T-Mobil has since sued the Town for their trouble. He stated that to his knowledge T-Moble has not gone on the VerValen tower yet. Mr. Redl, stated that they have contacted T-Mobil to let them know that there is room for them on their tower.

Resolution

Supervisor Wagner stated that if Brocom is prepared to provide a cash alternative or a letter of credit, he would like to pass a resolution accepting the \$12,000.00 restoration bond with the understanding that it can be revisited in the next week. If there is something that the Town can do to waive the bond, they will explore that option. Councilman Beck made a motion to approve the \$12,000 restoration bond; seconded by Councilman Jessup; carried unanimously. (SEE ADDENDUM)

Supervisor Wagner stated that the Building Inspector is requesting Town Board approval to attend the Annual Capital District Building Conference to be held in Albany on October 18-20, 2010. The total cost of the three day conference, including hotel accommodations is \$622.00. Councilman Luna made a motion to approve the training request; seconded by Councilman Beck; carried unanimously.

Councilman Jessup made a motion to adjourn the meeting; seconded by Councilman Beck; carried unanimously. The meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Margaret Schmitz

Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Restoration Bond: Brocom, LLC, Redl, Cell Tower**

RESOLUTION

Supervisor Wagner, offered the following resolution, which was seconded by Councilman Jessup, who moved its adoption:

WHEREAS, Brothers Communications LLC (“Brothers”) received special use permit and site plan approval from the Town of LaGrange Planning Board for the proposed co-location of up to four (4) panel antennas on a wireless communications tower; and

WHEREAS, the tower is proposed on a parcel consisting of approximately 11.0 acres, which is also known as tax map no. 6360-02-926990 and is located at the intersection of NYS Route 55 and Sedgewick Road, Town of LaGrange;

WHEREAS, Town of LaGrange Town Code §240-49(L)(4) requires that Brothers shall provide the Town with security to cover the cost of removal of the facility; and

WHEREAS, Clark Patterson Lee, as Town Engineer, has opined that the cost of removal of the wireless communications tower will be \$12,000;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves the amount of \$12,000 as the amount required to be deposited with the Town as security to cover the cost of removal of the facility; and

WHEREAS, on this date, the Town Board acknowledges receipt of a certified check in the amount of \$12,000 made payable to the Town of LaGrange, which shall be deposited into an escrow account in the name of the Town.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE

Councilman O'Hare AYE

Councilman Jessup AYE

DATED: LaGrangeville, New York
 September 1, 2010



MARGARET SCHMITZ,
DEPUTY TOWN CLERK