

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MAY 24, 2010**

Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, Arthur Trovei, David Dean

Absent councilmember: David Hoovler

Invocation by Arthur Trovei

Call to Order at 7:00 p.m.

Pledge of Allegiance by Gary Spears

Motion to Add Two Items to the Agenda Under New Business

Motion by Karl Brabenec, 2nd by Gary Spears to add two items to the Agenda under New Business: Approval of the Frontier Contract and Consideration of Appointment to the Cable Commission.

Discussion: Councilman Dean asked to add the Luzon Agreement.

The motion was amended by Karl Brabenec to add the Luzon Agreement to the Agenda.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Public Information Session on JNS Cell Phone Tower Proposal

Supervisor Brabenec introduced Ms. Kim McDonnell, Director of Client Relations for JNS Towers, LLC., who made the presentation.

Ms. McDonnell described the entire process as being transparent to the community and everything from the location to the height of the tower, the rent, the fencing surrounding the compound, the signage, and the lease negotiations with the carriers would all be subject to the approval of the Town of Deerpark. A site plan would be provided for the other side of the highway garage, and a 2C survey which gives GPS and exact coordinates would be submitted to the carriers. Then, they would do a tower air survey to make sure the tower is not in a flight plane and doesn't have to be lit. Verizon is requesting a rather short structure at 120-feet. They might want to consider doing a 140-foot tower in case of additional carriers or emergency services the town may want to add.

Further stated, an engineering study would be done, the state Indian Tribes would be alerted, a geotechnical survey would be done and copies would be made available. These would help with the SEQRA decisions to follow. The geotechnical survey would be used to design the foundation of the tower and then be sent to the tower manufacturer. More discussion will need to follow in regards to the type of tower structure. While in the design phase, they typically have the lease already signed. They like to commence upon the issuance of the building permit so the town would begin receiving money before the tower was actually constructed. JNS would maintain the tower and the financial/administration part of it for the lifetime of the tower.

There was a question/answer time to follow.

Councilman Spears asked how many major providers there were and Ms. McDonnell answered AT&T and Verizon, but she wasn't sure about T-Mobile and Sprint. She mentioned Metro PCS, smaller carriers who don't give as much rent. She said there are different broadband companies and they may want to use the tower. Councilman Spears asked about the height necessary for emergency bands and she said it depends but they usually assign the very top of the tower to the town. He then asked if they had already talked to the two major carriers and she agreed and said they are interested.

Councilman Trovei inquired about the average income for these carriers and Ms. McDonnell responded saying the average rent for this market area is \$2,000 a month per carrier with a 3% increase annually, but they have gotten 4% out of them. They typically like to do five-year term leases with a five-year renewable term and they have negotiated rates with different carriers for rural municipalities at a ten year is non-cancelable and then it is renewable every five years up to 30 years. All these services are free of charge.

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Councilman Dean asked how many other towns they are working in and Ms. McDonnell replied they are going into construction in Tustin, they just finished a foundation in the Village of Fishkill, the tower erection is completed in Hyde Park, and others in Delaware County, Lumberland, etc.

Councilman Trovei asked if all these have at least two carriers and she mentioned a couple would host only one carrier.

Discussion followed.

Councilman Trovei asked how big the footprint would be for this structure and Ms. McDonnell said the related equipment was usually 20 X 30 feet for the footprint. They like to center the tower and then use the shelters as part of the compound, so it isn't spread out when you go to put the fence around. The largest amount of ground they would need to dedicate is 50 X 50 feet. They would have a site visit with the Engineering Group, and the designated person from the Town would be with them to determine the space being used.

Councilman Dean clarified that the town has a fair amount of input as to the structure itself. Ms. McDonnell thought the monopole would be sufficient and it would be less obtrusive from an aerial view. Mr. Dean then asked about the premise liability and she said the town would need to carry their own liability insurance under their master policy and she thought it would be approximately \$300 - \$600 a year to add that structure. Anyone who steps on that site, would provide an insurance certificate and she would secure all those.

Councilman Spears asked if the carriers also are required to carry insurance and Ms. McDonnell said they carry a million dollars in limited liability insurance on the structure and the cabinets, you would be duly insured under their lease agreement—the Town would be secondary.

Whether a building permit is issued, is up to the town. When asked, Ms. McDonnell admitted they prefer the town issue a building permit. The carriers require a building permit and then it is good for the town's code enforcement officer and there is also a public record.

In this contract, the owner would be the Town of Deerpark after the tower is built. JNS is the owner until the site is completed. They act as the owner of the tower parallel with the town. The Town only has to pay for insurance after the tower is erected and it is generally \$300 - \$600. The value of the tower is about \$150,000 not including the administrative time. The replacement cost would be much less because they would not need to have an engineer plan again.

The time frame would be around 2012 according to Verizon and it could be moved up. Ms. McDonnell is waiting for AT&T for a date. The tower could be developed in six months, but usually it takes 6 - 18 months.

New Business

Supervisor Brabenec brought up the Frontier contract and they have a projected date of June 4th to install the T-1 that all the phones would work off of. There would be about \$1,000 - \$1,100 savings a month. The T-1 would cost \$4,000 that would be recouped after four months with the monthly savings. There would be added features and updated phone service to the phone system with this as well.

Motion to Authorize the Supervisor to Sign the Frontier Contract

Motion by Gary Spears, 2nd by David Dean to authorize the Supervisor to sign the Frontier Contract.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec mentioned a letter from the Town Clerk. The letter was written by Michael J. Worden, expressing interest in serving on the Cable Commission. They have been looking for people to serve.

Motion to Appoint Michael J. Worden to Cable Commission

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Michael J. Worden to the Cable Commission.

Discussion: Councilman Spears added that he knows Mr. Worden and he will be a great addition to the Cable Commission.

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VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Discussion on Luzon Agreements

Councilman Dean referred to the PBS Compliance Program and Information sheet from Luzon Environmental regarding the bulk storage for fuel. The people from Luzon have been working with the Highway Superintendent, Councilman Spears and himself on bringing the bulk fuel storage facility into compliance with all applicable regulations. They are well on their way to do that. For about \$400 a year, Luzon will supply an extensive list of services.

Motion to Approve Signing the Agreement and Authorizing Payment of \$400 to Luzon Environmental

Motion by David Dean, 2nd by Gary Spears, to approve the signing of the agreement and authorizing the payment of \$400 to Luzon Environmental.

Discussion: Councilman Spears spoke about their meeting and he was impressed with their knowledge and assistance, and believes the \$400 is well worth the money. Supervisor Brabenec received a letter from the town attorney, who reviewed the terms of the agreement and didn't see any fee for it and thought perhaps the town engineer could also provide the information. However, Luzon Environmental is aware of what the new regulations are and they know what to advise the towns, they've done environmental clean ups and he has no reservations about authorizing the payment. Councilman Dean has complete faith in the town engineer, but they have him very busy with other projects.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

JNS Cell Tower Proposal

Councilman Spears was in favor of discussing it, but wanted to present it to the town attorneys before agreeing to sign it. He thinks it is a great project for the town, for revenue and convenience for the residents and the capabilities of the emergency services to tap into this tower. It is a win-win situation. He preferred moving it to the next meeting agenda. Supervisor Brabenec agreed with Councilman Spears and will put on the next agenda.

Councilman Dean mentioned the Community Development Luncheon the next day at Jack Champion Steak House and asked everyone to be available for the luncheon.

Motion to Place JNS Cell Tower Proposal on June 7, 2010 Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to place the JNS Cell Tower Proposal on the June 7, 2010 Agenda.

Discussion: Councilman Spears asked the supervisor to get the information to the town attorneys so they have a few days to review it and he promised to send it over that night.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Motion to Take the Town's Podium to the Community Development Luncheon

Motion by Gary Spears, 2nd by Karl Brabenec to take the Town's podium to the Community Development Luncheon at the Port Jervis Country Club, May 25th, 2010.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Motion to Adjourn at 7:40 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn the meeting at 7:40 p.m.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk

