

York Town Board Meeting
December 10, 2015

Present: Supervisor Gerald L. Deming, Council Members: David Deuel, Norman Gates and Frank Rose Jr.

Absent: Lynn Parnell

Others: Henry Fuller, Kirk Richenberg, Patricia Gardner, Anne Roth-Blizzard, George Worden Jr. (Highway Superintendent), Davies Nagel, Molly Cummings, David Rose, Becky Lewis, Lee Gratwick, Carl Peter and Dustin Geiger.

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Deuel to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the minutes of the November 19th I.R.G. Presentation and Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- The Department continues to assist the County, performing roadside shoulder work. The Towns of Caledonia and Geneseo also helped with the maintenance.
- We continue to make sure our trucks & other equipment will be ready for the winter season.

WATER/SEWER REPORT

Mr. Worden reported the following for the Water and Sewer Department:

- The department began reading water meters, only one (1) book is left to complete in order to turn over to the office to process the bills.
- McVean Road water results for the first section have been completed, with great results. The second section should be available either tomorrow or Monday.

**Mr. Worden commented that the York Fire Department recently assisted on McVean Road by helping to scour (flush) the main, freeing all sand from the line, which there was quite a bit of. We believe now that the main has been thoroughly cleaned, testing of the second section should be fine, and then receive Health Department approval. We are very grateful to the Fire Department for the time they took to help us.

-Route 36 water main replacement project: Everyone in that district is now on the new

main, old main is off. There is capping that still needs to be done on Route 36/63. Sampling on Route 36/Chandler Road area will be conducted tomorrow or Monday.

**Mr. Worden added after the capping process is finished, landscaping will be done, with the major restoration to take place in the spring.

-Sewer Treatment Plant is running smoothly. We did have to contact A.D. Call recently for routine sludge removal.

Councilman Deuel asked Mr. Worden if construction of the McVean Road project is complete. Mr. Worden replied McVean Road is not done, we have not tied into the creek as of yet. Mr. Worden stated we did not want to flush in the area, because it would have created sitting water, and possible flooding of residents' properties.

OLD BUSINESS

1) Continuation of I.R.G. discussion:

Supervisor Deming asked the Board if anyone had any follow up questions for the I.R.G. committee pertaining to the information they presented at the November 19th, meeting which the members stated they did not.

Mr. Nagel expressed to the Board the unanimous decision among all committee members recommending that the Board consider instituting a Conservation Advisory Council, to help preserve our rural character. Mr. Nagel asked the Board if the NRDC (National Resource Defense Council) had been contacted, which Supervisor Deming replied they have not as of yet. Supervisor Deming added that the Board is still reviewing the information and hope to have a recommendation by the first of the year. Mr. Nagel stated he understands the situation and the need to be flexible in order for all persons to be part of the process, but is grateful that the Board is still reviewing the documentation. Supervisor Deming commented that the Board will have an important decision to make in early 2016. The decision to renew the moratorium, not renew or adopt a Ban. Mrs. Gardner stated she recently read in the Democrat and Chronicle very good articles on hydrofracking in Pennsylvania and the choices they've made which have ultimately been destructive to their communities. Mrs. Gardner offered to the Board a copy of the articles.

*The articles will be on file at the office and a link placed on the Town's website under the title: The Promise of Fracking: Marcellus Natural Gas Giant Produces, But Economic End Falls Short of Inflated Expectations by Tom Wilber

<http://www.democratandchronicle.com/story/news/local/fracking/2015/11/22/promise-fracking-marcellus-part-neo/75479104/>

NEW BUSINESS

1) Intermunicipal Agreement:

a- Renewal with the County

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the extension of the Intermunicipal Agreement between the County of Livingston and Town of York for a one year period, January 1- December 31, 2016. Voted on and approved, Yes-4, No-0.

2) 2016 Board Meeting Schedule:

Supervisor Deming discussed with the Board the upcoming meeting schedule for 2016. Mr. Deming stated that the majority of the towns throughout the county have gone to a 1 meeting per month cycle, and asked if the Board wished to do the same or remain with two per month. Mr. Deming read aloud the towns that currently host one meeting a month: Caledonia, Groveland, Leicester, Lima, Mt. Morris, N. Dansville, Nunda, Ossian, Portage, Sparta and West Sparta (with Livonia and Geneseo proposing to follow suit as well). Mr. Deming commented a decision is not necessary at this time, the topic was brought up this evening only to consider.

OTHER

1) Emerald Ash Borer:

Councilman Deuel spoke briefly about the ongoing issue with Emerald Ash Borer, explaining about two ash trees on his property that have been affected. This spring he also noticed visible significant woodpecker damage, predominantly in trees near the roadside. Mr. Deuel mentioned that the existing ash trees located near the roadway will become dangerous in the upcoming years, by potentially falling into the road right of way. State, County and Towns need to be very aware of future damage. Mr. Deuel stated the trees he has been watching on his property for a few years, now reflect damage. The bark is peeled back, with larvae directly underneath it. Most of the canopy will be dead within 2 years of when symptoms are first observed. It is difficult sometimes to see the "D" shaped exit holes in the bark left by the adult beetles, but are quite visible now on his trees. Councilman Deuel stated that land owners need to be vigilant of the trees and notify the proper agency when they feel trees may pose a danger to the roadway, in order for them to be taken down and pushed aside for the land owner to care for. Mr. Deuel also suggested watching the neighbors' property pertaining to the trees, to assist them on the matter. The majority of the affected trees are currently north, but moving southerly.

*An informational message regarding Emerald Ash Borer will be posted on the Town's website.

PRIVILEGES OF THE FLOOR:

1) Henry Fuller:

Mr. Fuller asked to speak to the Board regarding the report prepared by the Impact Research Group. Mr. Fuller questioned who was part of the Quality of Life Committee as he was unable to determine. Supervisor Deming replied the committee consisted of Anne Roth-Blizzard, Lee Gratwick and Becky Lewis. Mr. Fuller commented he recalls documentation submitted by David Rose's Attorney threatening to sue the Town regarding fracking and wondered if the Town still has the letter on file. Mr. Deming stated he believes we do have the letter in the records.

Mr. Fuller commented he feels the people on the IRG Committee was a repeat of personal opinions expressed at the first Public Hearing for a moratorium. When information is stated that Insurance/Mortgage companies will not lend money if fracking is involved, the people need to go elsewhere to find an institution that will. When the Insurance Companies fund an opinion, it may not be an unbiased one. The Town Board needs to take serious time to

determine what to do. Mr. Fuller stated he feels this is an “anti-fracking movement”. Mr. Fuller commented the only report that made sense was Mr. Deuel’s on geology of the area and the industry’s desire not to drill here. Mr. Fuller asked, will we be able to comment again before the Board makes a decision. Supervisor Deming replied if the Board decides to proceed with an extension of the moratorium or a Ban, a Public Hearing will be scheduled for public comment, so residents will have time to review all material.

Mr. Fuller also inquired about the Route 36/63 corridor (Pathway concept), and asked how many landowners are involved with that area. Supervisor Deming answered he is aware of a few, with Mr. Nagel adding, that Mark Occhioni owns most of the area.

2) Kirk Richenberg:

Mr. Richenberg asked after the Right to Farm Law was adopted a Review Board/Committee should be put in place, and asked the Board to do so in order for him to file a formal complaint.

Supervisor Deming asked Mr. Richenberg after his conversation with one of the parties involved in the situation, was he not satisfied with their reply?, which Mr. Richenberg answered he was not. Mr. Deming asked Councilman Deuel how to proceed with forming a committee. Mr. Deuel answered the committee must consist of three (3) members, one of which must be mutually agreeable by both parties. Mr. Richenberg questioned how long the committee stays formed. Supervisor Deming & Councilman Deuel stated a new committee must be formed for each complaint/issue. Mr. Deuel added the committee will change for each situation due to the fact that members involved will also have to be updated.

Mr. Richenberg addressed with the Board his comments regarding Councilman Deuel’s presentation at the last meeting on the Ag tax information. Mr. Richenberg stated when potentially this happens, the non-farming community will be paying more, and the farming community less. Mr. Richenberg commented he is cautious about this possible change, and asked Mr. Deuel, according to his data, Ag was made to pay more than they should, did he understand that correctly? Councilman Deuel replied it is partly accurate. By using agriculture value assessment rather than full value for the fire tax, agricultural open land areas would not be taxed higher when they are receiving minimal services.

Mr. Richenberg stated to the Board and the non-farming residents that the largest part of the Town Budget has been the Highway line items, much of which are monies used to do repairs to roads from this industry. Cars are not destroying the roads the machinery is, and we can’t even charge those that are continuing to do it. Mr. Richenberg stated he would like to see all of the costs associated with road maintenance. Mr. Richenberg added he researched 5 farms in the Town of York and obtained information that as a whole they received over \$6.1 million in farm subsidies from 1995-2012. The 2014 figures are not yet available.

Mr. Richenberg also commented on the presentation of the IRG. He asked that the Board review the material but feels it was a scare tactic. What was prepared was just a study of information. After listening to the presentation he did not hear a unanimous recommendation from the complete Board, which does not bode well as a whole. The Town Board should not expend further funds to extend the moratorium or adopt a Ban.

Mr. Richenberg also addressed a portion of Mr. Worden’s report from the November 19th meeting pertaining to Cowan Road. Mr. Deming asked about the status of Cowan Road (last 100 ft.) and stated he is sick of the “sugar-coated” answers being given on the matter. He asked that the answers be frank, the problems are due to the heavy truck traffic, since the property was sold. Supervisor Deming replied many trucks have been through that area. Mr. Richenberg claimed damage over the last 6-8 months have been more so. He wants the Board to be more frank, and call it what it is. Supervisor Deming stated he, and the Board review documentation submitted by the Highway Superintendent, and all departments in order to

render a decision. He feels the Town Board is intelligent enough to interpret the information as presented.

Mr. Richenberg questioned when a new water district is formed and construction still underway, when flushing of lines takes place, who pays for that water. Supervisor Deming answered the Consolidated Water District.

Mr. Deuel wished to make some comments after Mr. Richenberg's previous statements:

- Cost of Community studies show residential property owners receive \$1.30 in Government services for each \$1.00 in property tax paid. Ag land receives \$.49 for every \$1.00 in property tax paid. Mr. Deuel commented with the information stated, he feels he is subsidizing non-farmers.
- Ag land owners have subsidized residential property owners for years. The town wide assessment increased to \$1.7 million within the last two years. At least \$700,000 or 40% has come from Agricultural land.
- Approximately all Ag land in our area is owned by 70 families, out of 1200 parcels.
- You spoke about the Highway budget and the majority of monies used were for repairs to town roads. The highway budget has many aspects, but the majority of the budget is used primarily for snow and ice removal. Most of the general repairs is funded by the CHIPS program.
- The U.S. Farm Bill aka: The Food Security Act of 1985, allows lower commodity price and income support. The reason it was brought about was to insure an over supply of food in the event of a national disaster in the United States, we would be able to assist our own. Farm subsidies for the U.S. consumer pay the lowest in percentage of disposal income than any other developed Country. All we need to do is look at the Food programs set up to appreciate the cost of food in our Country as opposed to others.
- N.Y.S. Ag District Law: the N.Y.S. Government recognizes Agriculture as an Industry, and the need to have a large land base to stay in business. You need the productive Ag land to run a farm. As the number of farms get fewer, the remainder make up the difference and pay the larger share. If outsiders come in and pay big money for land it raises the price of the full value.
- With the proposed tax change, he feels it levels the playing field.

Mr. Fuller made a few comments pertaining to the agricultural industry increasing milk prices higher than gas per gallon and driving up the price of land in this area. After a brief interaction with Mr. Deuel regarding the Ag industry, Supervisor Deming stated the Board will move on at this point.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

• General Fund Claim	#376-402	\$ 14,099.05
• Joint Water and Sewer	#284-298	\$ 10,752.73
• Capital Improvement Project	#10-11	\$ 12,449.86
• Street Lights	#12	\$ 1,632.96
• Highway Fund Claim	#208-215	\$ 4,458.05

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until December 28th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk