

York Town Board Meeting
March 12, 2015

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Superintendent), David Russo, Patricia Gardner, Dustin Geiger, Kirk Richenberg and Henry Fuller

Supervisor Deming opened the Town Board Meeting at 7:32 p.m. and invited Councilman Rose to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the February 24th Informational Meeting and February 26th Public Hearings and Regular Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg stated he was not at the meeting prior to February 26th (February 12th) where the Board altered Privileges of the Floor. It was not until he visited the town office to be placed on the agenda for Feb. 26th that he was informed of the change in policy, now limiting Privileges to the first meeting of the month, and asks the Board why the format changed.

Mr. Deming replied the Board discussed the possible change and stated they thought one meeting for Privileges would be sufficient, with the second meeting to be used for routine business and approval of bills. Mr. Richenberg asked what the reason was for the change. Supervisor Deming responded the Board felt that Privileges at the first meeting would be enough. Mr. Richenberg stated he feels the Town Board doesn't want to take comments any more, which Mr. Deming replied is not the case, we are still receiving comments, but Privileges will be at the first meeting of the month. Mr. Richenberg stated it appears to be suspect with the timing of the change, once the Board was caught having secret meetings earlier last year and was brought to light, this change now occurs. Mr. Richenberg commented he feels with only one meeting for privileges, people are not allowed to speak when they want to, ultimately having to wait a month for the next opportunity. Mr. Richenberg added it bothers him that all of a sudden the Board is going to one meeting.

Supervisor Deming stated the Board agreed to alter the privileges to one meeting per month, and commented that it has nothing to do with hiding anything or having what Mr. Richenberg calls "secret meetings". Mr. Richenberg recalls when the Board used to call on people at board meetings, without having to request privileges in advance. Mr. Deming agreed, he also remembers that format years ago, but the Board has agreed to this change. Mr. Richenberg asked how questions will be answered if residents have to wait to ask them. Mr.

Deming answered the Board will always address questions, residents may submit in writing their concerns or questions and will be answered.

Mr. Richenberg addressed a line item in the budget in the amount of \$181,000 and questioned why the entity that receives this amount does not disclose how it is used to the Board and why the Town does not require it.

Supervisor Deming stated he does not have a copy of the budget with him this evening to verify the specific line item and asked whom he is referring to, which Mr. Richenberg replied the Fire Department. Mr. Richenberg added for that amount of money the Town Board should be asking the Fire Department for a list of how money is being spent. Supervisor Deming replied this question has been asked and answered previously, and continues to be repeated at each meeting. The Fire Department meets with the Board prior to the budget hearing to discuss their upcoming needs and expenses, and the Board prepares the budget based upon that discussion and what we can afford. Mr. Richenberg asked where the rest of the money is being spent. Supervisor Deming replied we do not review their day to day expenses, the Town contract with the Fire Department is based upon the yearly need.

2) Henry Fuller:

Mr. Fuller stated with the Town Board only allowing half of the time for privileges, he suggested incorporating both meetings into one and reducing the Town Board and Supervisor's wages in half as well.

3) Patricia Gardner:

Mrs. Gardner informed the Board she volunteered to be the liaison between the Impact Research Group (IRG) and the Town Board. Mrs. Gardner stated that the group has had two meetings thus far with roughly a dozen people in attendance. The Town's web designer, Robert Deming of Genesee Valley Web Marketing was asked to attend the March 7th meeting, which he did. Mrs. Gardner asked the Board what specifically are their expectations. Supervisor Deming responded, the Board would like to be informed on a regular basis of the overall discussions. Mrs. Gardner stated the Board will receive minutes of each meeting in order to be kept informed of the progress. Once the Board has viewed the information, it will then be posted to the Town's website. Councilwoman Parnell suggested Mrs. Gardner update the Board at the second meeting of each month, as part of a standing committee report, which the Board and Mrs. Gardner agreed would be viable.

Mrs. Gardner stated from time to time there might be questions by the Board she may not be able to answer, but would have them by the next meeting. Mrs. Gardner commented she also feels the need to elaborate further on Mr. Nagel's "Purpose statement", which will be addressed with the committee.

1. Capture "snapshot" of community (what's here now)
2. How HVHF might impact this snapshot (change : impact)
3. Recommendation(s) to Board (presentation : non-binding)

The next meeting of the Impact Research Group will take place on Saturday, April 11th. All meetings will be held at the Town Hall from 10:30 a.m. – 12 noon.

Mrs. Gardner as the Town's representative to the Livingston County Youth Board, addressed with the Board the upcoming yearly Teen Recognition dinner at the Genesee River Hotel. The event has been slated for Wednesday, April 29th at 7:00 p.m.

Councilman Deuel expressed his opinion on the two meetings thus far of the Research Group. Mr. Deuel feels the meetings have gone very well but noted, due to the material to be researched, the process will be a lengthy one.

Mrs. Gardner added the committee unfortunately did not have a lot of guidance to work from initially, but good ideas already have come about and ultimately perhaps visions for this community's future as it proceeds.

HIGHWAY REPORT

Mr. Worden informed the Board that the overhead door discussed at the February 26th meeting, has now been installed. The men continue to fill necessary potholes throughout the town, and asked if anyone comes across any that have been missed, to please notify him and they will be corrected as well. Mr. Worden stated the department has tried to keep the snow banks back in order to keep the water off the roads and flowing in the ditches.

WATER/SEWER

Mr. Worden reported that the Water Department recently completed the meter reads for the upcoming April billing cycle. Mrs. Messana will review and verify the reads and prepare the bills thereafter. The bills will be mailed out the last week of March.

Within the last two weeks, the men were made aware of one frozen meter service which has been taken care of.

Regarding the sewer treatment facility, all has been running smoothly.

Supervisor Deming asked Mr. Worden the status of Route 36 Watermain Replacement area, and if he has spoken recently with Eric Wies of Clark Patterson Lee. Mr. Worden stated he has already instructed Mr. Wies to go to bid, but will follow up with him tomorrow to verify.

Mr. Worden commented after the last snow fall, we are now at 300 ton of salt remaining. Councilman Rose asked when is the latest we are able to obtain salt at the same price, Mr. Worden replied June.

OLD BUSINESS

1) Local Law #1 of 2015:

Supervisor Deming stated after February 26th Public Hearings we received two letters in opposition of proposed Local Law #1 of 2015, that will be included in the minutes this evening. (The Board had copies of each letter prior to this meeting). The Board at this time must discuss how they wish to proceed with the proposed law.

Councilman Rose stated it should not matter who brought the issue to the Board's attention, we currently have no provisions in our zoning for mixed use in commercially zoned areas, and feels we should look at the proposed law very seriously. Regardless that Mr. Russo was the one who did bring the matter to the Board for consideration, it should be reviewed.

Councilman Deuel stated after listening to the comments made and reviewing the proposed law further, once you open up the commercial properties for residential purposes, it includes all properties within the town, not strictly the Greigsville area. Greigsville could

potentially be referred to as a Hamlet-Commercial area and work well there, but may not be appropriate for other areas in town.

Councilwoman Parnell stated she fully agrees with Councilman Deuel's statement.

Councilman Gates stated if the law is approved he feels it would be spot zoning.

Supervisor Deming asked Mr. Russo if he had any comments for the Board.

Mr. Russo stated there are many things at risk here by not altering the zoning. I don't want to change commercial completely, just add residential to it. All towns throughout the county have residential uses in commercial area. Mr. Russo added, while on the committee to update the zoning, we never thought of apartments at that time, it was an oversight. When I attended the Zoning Board of Appeals meeting, Mr. Campbell recommended this direction. I am not asking to change anything, it is still commercial but would include residential.

Supervisor Deming asked for additional comments.

Mr. Fuller stated he feels the permit was issued illegally. Supervisor Deming answered the first permit was issued incorrectly. We were made aware of the matter when Mr. Russo applied to the Zoning Board of Appeals for a variance for the second apartment.

Councilman Rose stated, Mr. Russo approached the Town Board for the best use of his property. He ultimately could rent to a tattoo parlor or smoke house and not need permission based on the current zoning. Residential would be a better use of the building.

Supervisor Deming commented the biggest concern he has had with the proposed law from the beginning is if approved, all commercial properties, not just the corner will be affected. Mr. Deming added he wished to clarify, that the Town Attorney did not give legal advice, he gave options available while at the zoning meeting, which is what the Board would expect of him on behalf of the Town.

Attorney Campbell reminded the Board they have to complete the SEQR before voting on Local Law #1, and suggested taking a "straw poll" to see the potential results, in order to determine if approval of SEQR will be necessary. Supervisor Deming polled each Board member, asking whether or not to proceed with SEQR for proposed Local Law #1 of 2015 (to amend and supersede as applicable various substantive provisions of the Zoning Ordinance of the Town of York, relating to permitted uses within the Commercial District (C) Zoning classification):

Councilman Norman Gates	No
Councilman David Deuel	No
Councilman Frank Rose Jr.	Yes
Councilwoman Lynn Parnell	No
Supervisor Gerald Deming	No

Supervisor Deming reported proposed Local Law #1 of 2015 will not proceed further.

Town of York Town Board,

March 6, 2015

Local law 1-2015 concerns and question I have are as follows.

There was no problem with the current Zoning Laws until there was an illegal building permit issued by the Town of York Code Enforcement Officer.

Would the problem of the erroneously and illegal issued building permit given to Dave Russo been brought to the attention of the public if questions were not asked about this matter at the public hearing on 2/26 /15?

The Town of York Code Enforcement Officer has been in that position for many years. Dave Russo has been on the Town of York Planning Board for many years and in fact has been the chairman of that board for several years. It is evident that neither one of them, the CEO or the Chairman of the Planning Board, read the current Town of York Zoning Laws. Changing the Zoning Laws after the fact is not how an effective and honest government should run.

I would also like to bring it to the attention of the town board that Dave Russo receiving counsel from the Town of York attorney Mr. Campbell is a conflict of interest.

Henry Fuller

This letter is in reference to Local Law No. 1 of the Year 2015 of the Town of York.

The first question that I have pertains to the Town Attorney Campbell. How can a town attorney that is paid for by tax payers funds, and is supposed to represent the town that is paying him, also give advice to a person that has an issue in and against that town? The incident that I am referring to is in particular the statement that was in the minutes from the Town of York Board Meeting from 1/15/15. In these minutes it says that Mr. Russo stated he has already met with the Zoning Board of Appeals, but Town Attorney, Campbell suggested coming to the Town Board to further discuss his property. I recall a different version at this meeting, but even so is this not a conflict on the Town Attorney's part?

Also would this local law amendment even have been brought up if, the Town of York Code Enforcement Officer did not issue the erroneous and illegal building permit for Mr. Russo's property on the corner of Route 36 and Route 63?

Please explain to me how this amendment to the current laws in the Town of York, will minimize conflicts among the various land uses.

Finally this sure appears as if is spot zoning, since there are no current or future plans in consideration in the Town of York for putting residence in current commercial zones.

Kirk Richenberg 3/5/15

2) Wind Overlay Zone:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to modify the classification of proposed Local Law #2 of 2015 to **Local Law #1 of 2015**. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adopt Local Law #1 of 2015, to amend and supersede as applicable the zoning map of the Town of York as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York. Voted on and approved, Yes-5, No-0.

OTHER

1) CAFO and Manure Management meeting:

Councilman Deuel reported that the York Farmland Protection Committee and Livingston County Farm Bureau are sponsoring a Nutrient Management meeting. The meeting is scheduled for Wednesday, April 8th at 7:00 p.m. at the York Town Hall. Mr. Deuel stated several speakers will be present to discuss agricultural topics. Brad Schwab from Ag Consulting Services will review CAFO Plans, Mike Saviola from New York State Department of Ag and Markets will discuss Right to Farm & sound practices and Nancy Rice, of New York State DEC will speak on CAFO regulations, accidents & complaints, and follow up to spills and further actions.

Mr. Deuel stated once the presentation is complete, which he hopes to keep each speaker to 20 minutes, the remainder of the meeting will be used for questions and answers.

NEW BUSINESS

1) York Fire Department:

a – New memberships:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the following individuals for membership to the York Fire Department:

- | | |
|---------------------|-----------|
| Ulysses Grant | (Piffard) |
| Mary Harper | (Retsof) |
| David Rose | (York) |
| Stacey Lynn Emerson | (Piffard) |

Voted on and approved, Yes-5, No-0.

1) Bishop Sheen Housing Foundation:

Supervisor Deming reported, the office recently received documentation from the Bishop Sheen Housing Foundation (a not-for-profit agency), that administers home repair grant money to low income families, veterans and seniors. The organization asked for us to make homeowners aware who might benefit from receiving grant money, and to pass along the information they sent, now that the program is available in Livingston County.

**Information is available in the Town Clerk’s office.

2) Public Hearing date:

a) McVean and Telephone Road water:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to schedule a Public Hearing to receive comment on the District Formation of the McVean and Telephone Road Water District, for Thursday, April 9, 2015 at 7:00 p.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until March 26th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:10 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk