

York Town Board Meeting
May 28, 2015

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

Absent: Frank Rose Jr.

Others: Henry Fuller, Patricia Gardner and Kirk Richenberg

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. Gates and seconded by Mr. Deuel to approve the minutes of the May 14th Town Board Meeting. Voted on and approved, Yes-4, No-0.

IRG Update

Ms. Gardner read aloud the report for the Impact Research Group (IRG):

Dated: 5/28/2015

Board has received minutes from 4/11/2015 meeting.

On Saturday 5/9/2015, 4 of us took an interpretive walk of historic Little Italy for the first tour of showing what the Town of York has to offer. Supervisor Deming asked at the last Town Board meeting what the purpose of this and any future field trips might be? The answer is that the Town of York has many great features that residents and others may not be aware of. As it would be great to know and learn more about these well kept secrets, more tours may be offered. Possibly these may be offered evenings so that we can keep our Saturday meeting times as an opportunity for the subgroups to report and be accountable. We also wish to remain cognizant of the moratorium time frame as we continue to do research.

Our next meeting is June 20th @ 10:30 a.m. here at the Town Hall.

Supervisor Deming commented when he asked about the purpose of the tours, it was not meant negatively. There had been discussions about the possibility of a tour to Pennsylvania, and wondered if the committee had brought that up. Mrs. Gardner stated the committee has not discussed it, but would bring the subject up at the June meeting.

Mrs. Gardner also wished to discuss with the Board her appointment and participation on the Youth Board, and questioned what this Board expects from her. Supervisor Deming replied that the Board would ask to be kept informed of any pertinent information. Mrs. Gardner stated when she was asked to be the Town's representative on the Youth Board she was aware of committee meetings, but also asked to be a part of the York/Leicester Youth meetings with Town representatives and Mr. Robinson. She was not asked to attend any meeting in 2014 and hopes to be included in the 2015 gathering once it has been scheduled. Supervisor Deming stated Mrs. Gardner will certainly be included when we have established a date and time. Mrs. Gardner suggested including Town of Leicester's representative, David Terry as well since we share the same school district. Mr. Deming asked if Mrs. Gardner could elaborate a bit on the purpose of the Youth Board. Mrs. Gardner responded by saying the yearly Teen recognition dinner is the primary focus, but we also use the committee meetings to discuss potential new ideas to implement. Mr. Deming questioned if any discussion has taken place pertaining to state funding, which Mrs. Gardner stated unfortunately there isn't any. Supervisor Deming commented that the youth programs have been without state funding for several years, which has made us increase the fees to the participants. Mrs. Gardner asked how the Teen recognition dinner was this year, which Mr. Deming replied very nice, and stated Councilwoman Parnell was able to attend in Mrs. Gardner's absence. Councilman Deuel asked if all Towns have representation on the Youth Board. Mrs. Gardner commented towns do have representation and the meetings are very well attended. Mrs. Gardner added, the meetings are a good way to share information.

*Supervisor Deming stated Mr. Worden will be arriving later in the evening to give his report. He is handling a matter on River Road at this time.

NEW BUSINESS

1) Cindy Boyd correspondence:

Supervisor Deming stated we received a letter from Cindy Boyd on behalf of the Ruth H. Boyd Memorial Fundraiser, seeking approval once again to "Turn the Town Teal" in September to raise awareness for Ovarian Cancer.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve the campaign to "Turn the Town Teal" in the Town of York from September 1st - September 30th, 2015. Voted on and approved, Yes-4, No-0.

2) Insurance Quotes:

Supervisor Deming reported we officially received one quote thus far, with the second one to be submitted by the end of the week, for insurance renewal. Councilwoman Parnell and Supervisor Deming will be meeting with the agents to discuss their proposals.

3) Assessor Position:

Supervisor Deming stated we received three applications for the position of Town Assessor. The deadline for all submittals was yesterday, so we are now ready to conduct interviews on June 2nd. Councilman Deuel and Supervisor Deming will be on the interview committee.

** Note: Supervisor Deming reported that the Board members each received a letter from Mr. Richenberg in regards to the Assessor position, and will be entered into the minutes.

RECEIVED
RAB 5/27/15

Dear York Town Board Members, Mr. Deming, Mr. Deuel, Mr. Gates, Ms. Parnell and, Mr. Rose;

I am writing this letter to the board as you start the process of hiring a town assessor. I would like the board to consider any and all potential conflicts of interest when considering all candidates for this position. It may be a conflict of interest if the person that the board hires for the assessor, is elected by taxpayers, is paid by taxpayers to vote on resolutions that could determine how taxpayers' money is spent. And also knowing an assessor can makes decisions on property values, which determine how much tax is collected on those properties. Also it may be a conflict of interest if the person that the board hires for the assessor, holds a political office and represents property owners or other elected officials that are under the jurisdiction of the town of York assessor. Thank you for your considerations.

Thanks

Kirk Richenberg

4) Agricultural Assessment Program:

Councilman Deuel stated at this time he would like to begin discussion on New York State Agricultural District Program to use agricultural value assessments for fire tax purposes.

Mr. Deuel commented the State Legislature enacted the New York Agricultural Districts Law in 1971 to protect and promote the availability of land for farming. Mr. Deuel read aloud from such law entitled: Declaration of legislative findings and intent.

§ 300. Declaration of legislative findings and intent. It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited land resources results. Ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements, often leading to the idling or conversion of potentially productive agricultural land.

The socio-economic vitality of agriculture in this state is essential to the economic stability and growth of many local communities and the state as a whole. It is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

The constitution of the state of New York directs the legislature to provide for the protection of agricultural lands. It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

Councilman Deuel also read from Section 305 (1) Agricultural assessments (#6): Use of assessment for certain purposes. The governing body of a fire district, fire protection, or ambulance district for which a benefit assessment or a special ad valorem levy is made, may adopt a resolution to provide that the assessment determined pursuant to subdivision one of this section for such property shall be used for the benefit assessment or special ad valorem levy of such fire district, fire protection, or ambulance district.

Councilman Deuel informed the Board that three towns within Livingston County have already proceeded in this format, and have done so for roughly 30 years (Caledonia, Lima, and Ossian). In Genesee County: Pavilion and Byron, in Wyoming County: Gainsville, and in Ontario County: Seneca and Farmington. Councilman Deuel stated that he contacted Monroe County as well, but did not receive a response.

Mr. Deuel stated if the Town Board had approved the agricultural value assessment for fire purposes, the fire rate in the Town of York from 2014 to 2015 would have been roughly \$.17 per thousand more. Councilman Deuel added he has much more information regarding this subject, but wanted the Board to be aware of matter, and stated if the Board should want to proceed, we would only need to pass a resolution, there is no need for a Local Law, but did expect this to be only the beginning of many discussions.

Supervisor Deming asked Mr. Deuel, by using his land as an example, potentially what would the numbers look like. Councilman Deuel replied the figures calculated reflect a town wide average of approximately 25,000 acres of open land. In 2006 \$1,152.00 per acre of full value, with now in 2015 \$2,734.00 per acre, which is a 137% increase. Agricultural value assessment per acre in 2006 would have been \$309.00 to \$631.00 per acre in 2015. The difference between full value and agricultural value in 2006 would be \$843.00 and in 2015, \$2,103.00. Mr. Deuel added, the fire tax per acre of open space in 2006 was \$1.02, and in 2015 is \$2.02 per acre. If the agriculture value

assessment was in place in 2015, the fire tax on open land would have been \$.58 per acre. In a 10 year span the fire levy has increased \$35,238.00 or 24%.

Councilman Deuel reported in 2012 and 2013, the fire department received a total of 265 calls, of which 4 were grass fires/open land, which results in only 1.5% of those calls. Fire tax collected in 2015 for agricultural land was 26% of the fire tax. 70% of the increase in the fire levy over the past ten years has been funded by an increased assessment on open land. "Where open land has minimal calls it is funding the fire budget, this should be a matter of Tax Equity/Tax Equality". Supervisor Deming asked, approximately what is the total value of agricultural exemptions in the Town of York? Mr. Deuel replied the value of agricultural exemptions in our town is roughly \$45 1/2 million for 2015 that receive the agricultural value assessment, based on 25,000 acres. The difference between full value and agricultural value per acre is approximately \$50 million (\$2,100 per acre x 25,000 acres).

Councilman Deuel commented State Senator, Pattie Richie, who is head of the Agricultural Committee, conducted a study, with the result showing land taxes make up 15% of farm income. Assemblyman Bill Magee, who is head of the Agricultural Committee for the Assembly, states that an average one acre property in New York State pays \$38.41, with the average throughout the Country at \$12.34 per acre. Mr. Deuel commented New York State agricultural land owners are paying more than the rest of the country.

Supervisor Deming stated with Livingston County being majority agricultural, why are there only three towns using the agricultural value assessment for fire tax purposes. Councilman Deuel responded that most townships are unaware of this possibility, but can be changed once it has been brought to the Town Board, if they choose to do so.

*7:55 p.m. – Highway Superintendent Mr. Worden arrived at this time.

Mr. Deming asked Mr. Deuel based on the average assessed home in the Town of York (114,000), which currently pays \$86.00 in fire tax, how much more of an increase would be reflected. Councilman Deuel replied roughly \$17.00 more in fire tax.

Supervisor Deming stated with the Board's permission, he would like to ask for any comments from the public. The Board agreed.

Mr. Richenberg stated he had a quick thought on Councilman Deuel's reference to fire department calls, specifically grass fires. More things are involved than just grass fires, for example: farm accidents, motor vehicle and farm accidents, you need to level the playing field. Mr. Richenberg added in order to make a proper decision, the Board needs to have data from the three existing towns that are already using the agricultural value assessment. Councilman Deuel agreed information from those towns will be obtained, but did not get specific details initially from Joe Pukos of Real Property. Mr. Richenberg added we must consider the information for those towns, to review whether or not they have remained predominately agricultural as they once were. Mr. Deuel stated, Mr. Richenberg addressed potential farm accidents, but we are focusing on just open land for grass fires. Mr. Deuel added, the information was obtained from the County, but they did not elaborate on how the calls were listed (code wise).

Mr. Richenberg asked Councilman Deuel to clarify open farm land vs crop land. Mr. Deuel responded open farm land is tillable land to raise crops, with no more than 50 acres per tax parcel of wood lots or waste. Mr. Richenberg commented it will be

interesting to hear the data from each of the three towns from the 80's to present, in order to view the potential shift in land usage. Why are people spending so much per acre if the fire tax is so high, could it stop a potential sale? Councilman Deuel replied would someone sell their land based on this tax, probably not. It is really an individual's decision. Mr. Deuel reported the following agricultural value assessment rates per thousand:

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|----------------------|--------|--------|--------|
| Caledonia | \$1.21 | | |
| Lima (3 districts) | \$.95 | \$.62 | \$.62 |
| Ossian | \$.53 | | |
| Pavilion | \$1.62 | | |
| Seneca (3 districts) | \$1.78 | \$1.38 | \$1.27 |
| Farmington | \$.70 | | |

Mr. Deuel stated as you can see the fire tax rates are all over the place, varying from each town.

Supervisor Deming asked Mr. Fuller if he wished to make a comment. Mr. Fuller stated a great deal of information was given, and he is trying to absorb it, but did ask if the Town can raise the tax rate in the future. Mr. Deuel responded the Town Board can raise the rate. Mr. Fuller stated he did not have any further comment at this time.

HIGHWAY REPORT

Mr. Worden reported that the salt barn has been filled for the upcoming winter season. We purchased additional material before the price was increased.

The department has been mowing cemeteries, parks and road side. At different times at least one member of the Highway department has been trucking for the County. Mr. Worden stated he will be attending Highway Superintendent's School Monday through Wednesday of next week in Ithaca. Deputy Highway Superintendent, Ron Copeland will be in charge.

Mr. Worden stated that the new mowers are now in. Mr. Worden added that he did review other mowers and prices, but the John Deere mowers were on State bid and are good quality machines, and they were willing to take the old mowers on trade.

Mr. Worden reported due to heavy rains we did have water travel across Batzing Road in two spots and with erosion from some fields, we did have to clean some ditches due to soil excess. Water issues were also experienced on River Road, culverts were plugged requiring ditching to be done there as well. Mr. Worden commented although having a few problems to contend with, ours was not nearly as bad as other towns.

WATER/SEWER REPORT

Mr. Worden reported that we have had trouble with the coin machine for bulk water sales. The unit is still on warranty and we recently sent the reader back for repairs, it might be beneficial to purchase a second one as a spare. Every time the machine is down, we are only able to receive quarters, no paper currency can be fed through. The spare would cost the Town \$ 600.00.

Supervisor Deming commented the coin machine continues to be a much relied upon service for the residents in need of water, and recommends purchasing the new one for \$ 600.00, in order to keep the services available if one unit happens to be out of service. The Board agreed.

Mr. Worden stated Engineer, Eric Wies is still waiting to hear from the State regarding the McVean Road/Telephone Road archeological study. Mr. Wies has made several attempts but has yet to receive a return call. Mr. Worden added we have not received any further information pertaining to the easements for the Wadsworth area as well.

Mr. Worden reported AD Call was contacted recently to haul sludge from the sewer treatment plant, which was the first time in quite a long period. Mr. Worden added if we had a second drying bed it would help, we could get rid of the liquid by half the cost.

OTHER

1) Refinancing:

Supervisor Deming stated he has been working with Municipal Solutions and Tom Baldwin (Baldwin Business Services, the Town's Accounting Firm) over the past several months to prepare the necessary documents for refinancing our existing water debt. By refinancing/re-bonding the debt, the Town will save \$ 212,000.00. Mr. Deming added after a great deal of financial review, Standard and Poors has given the Town of York a rating of A+.

BILLS

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

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|---------------------|------------|--------------|
| General Fund Claim | # 158-166 | \$ 3,219.18 |
| Joint Water & Sewer | # 122- 129 | \$ 3,158.57 |
| Youth Fund Claim | # 8 | \$ 115.60 |
| Highway Fund Claim | # 99-104 | \$ 21,906.57 |

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until June 11th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:16 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk