

Public Informational Meeting Minutes  
February 24, 2016

Present: Supervisor Gerald Deming, Dep. Supervisor Lynn Parnell, Town Board Members: Amos Smith, Frank Rose Jr. and Norman Gates

Others: James Campbell (Town Attorney) Henry Fuller, Tom Gates, William McLean, Betsy Linsner, Tom Linsner, David Deuel, Wayne Garrett, Jake Powell, Jim Powell, Marta Nagel Burroughs, Debbie Cisco, Harold Wolcott, Kirk Richenberg, Dustin Geiger, Andrea Rose, David Clark, Judy Conable, Carl Peter, Joe Eyer, Timothy Eyer, Courtney Weimar (LCN), Dick Roberts, James Oswald, Joe McIlroy, David Russo, Jack Ellis.

Supervisor Deming called to order the Public Informational Meeting at 7:00pm and asked the Town's attorney Mr. Campbell to read the legal notice from the Livingston County News referencing the purpose of tonight's meeting.

**LEGAL NOTICE**

**NOTICE OF PUBLIC INFORMATIONAL MEETING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law §64, that a public informational meeting shall be held by the Town Board of the Town of York at the Town Hall, located at 2668 Main Street, York, New York at 7:00 p.m. on Wednesday, February 24, 2016 for the purpose of considering public opinion and comment about or concerning a possible resolution of the Town Board relating to the following:

Consideration of a resolution pursuant to Section 306, Subsection 6 of the New York State Agriculture and Markets Law and New York State Town Law Section 64 Subsection 25 that in all Fire Districts and Ambulance Districts situate within the Town of York, the assessment of agricultural real property determined pursuant to Subdivision 1 of Section 305 of the Agriculture and Market Law, shall be used for the benefit assessment of special ad valorem levers of such fire or ambulance district pursuant.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: February 2, 2016  
By Order of the York  
Town Board Christine  
Harris, Town Clerk

Once Mr. Campbell finished reading the document, Supervisor Deming invited David Deuel to explain the request asked of the Town Board.

Mr. Deuel welcomed everyone and mentioned his years served as a councilmember on the York Town Board. Mr. Deuel briefly described the Ag Law that was adopted in 1971 to promote and protect the Agricultural industry here in NYS.

Mr. Deuel had numerous copies that he read aloud as to the importance and intent of the law, mentioning that all documentation he was reading could be found on line from various web sites but would be willing to pass around this evening for those who wished to review them.

In great detail Mr. Deuel described the definition of an Agricultural District stating that Livingston County has 3 Ag Districts with York being in District #1. Currently there are 32,000 acres in our town of which 25,000 that are classified in an Ag district. Mr. Deuel briefly gave the specifications and criteria for eligibility for land to qualify as Ag land. In addition, he stated that the Ag resolution being discussed this evening is used for assessments purposes for York Central School tax as well as Livingston Town and County tax. He reiterated that this resolution will not affect the Fire Department budget in any way. The only difference would be in the assessment for the Fire Tax portion which is only a fraction of the total tax bill.

Mr. Deuel continued to read excerpts from NYS Taxation & Finance Department websites as to the necessity of acreage needed for promoting the farming industry as a business in terms of livestock, crops etc.

Mr. Deuel stated that in 2010 the Town of York surveyed residents asking the question "How important was it to support farming in our area?" Mr. Deuel provided the following results: 79%-very important/important, 12 % -neutral, 9%- not important.

According to Mr. Deuel, based on the findings of the survey we can see that the community as a whole understands the importance of the farming industry to our area and that we are a designated Right to Farm community.

On another note, Mr. Deuel referenced the Town of York Comprehensive Plan as it currently reads the input of community officials should have a bearing on decisions that impact and protect our land. Our Comprehensive Plan lists several targeted goals relating to the farming industry and agriculture. In addition to all that he presented this evening, Mr. Deuel shared that his research on this topic had been lengthy while noting that his fellow Board Members were well aware of the work he had done while he was a member of the Town Board. Mr. Deuel felt that it was important for the Town Board to consider a resolution on the matter as a means of promoting and protecting the value of Ag land and the farming industry as a whole.

In terms of numbers and what it would mean. Mr. Deuel stated that the increase in the fire tax rate portion of your tax bill would increase by .17 cents per \$1,000 of assessed value. Using the example that the "average" assessment in the Town of York is \$114,000 and the proposed increase would result in an additional \$19.38 per year.

Neighboring Towns of Caledonia, Lima and Ossian are currently using this form of assessment and have been for over 30 years per Joe Pukos at Livingston Co. Real Property office when contacted by Mr. Deuel. The respective local town municipalities were unable to produce documentation upon Mr. Deuel's request to see if all 3 were done by Board Resolution and how long ago that may have taken place. In addition, Mr. Deuel mentioned several other Towns within the counties of Genesee, Ontario and Wyoming that all use the Ag Tax for assessment purposes. Mr. Deuel said that with all this information questions will arise.

At that time Supervisor Deming asked those in attendance if there were any questions.

J. Eyer- Asked how Fire Dept would use the money and Mr. Deming reiterated that the Fire Dept funds will remain the same and they will not be receiving any additional monies from this.

F. Rose Jr- asked if anyone has come up with a total amount that will be shifted on to the other tax payers. Mr. Deuel answered that the increase is .17 cents/1,000 but that Ag buildings and farming residences will still incur these increased costs as well. Vacant land only will get the benefit.

Supervisor Deming stated currently \$75.00 per 100,000 in assessment if chosen to go this route \$91.00-\$92.00.

D. Roberts- asked those in attendance "aren't farms considered independent business?" If so, then people who own homes will then have the burden shifted from an independent business to the homeowner and asked why the rest of us not in the industry should have to subsidize a business such as farming. Mr. Roberts does not believe that homeowners should incur any additional taxes while the farming industry maintains the benefit. He believes that we already pay enough in taxes and mentioned that going forward it would be wrong for the Board to pass this resolution.

H. Wolcott- Commented that he sees this as wrong and stated that we have the 3<sup>rd</sup> highest tax rate in the county.

D. Deuel responded that for every \$1.00 paid, Ag land is getting only .50 cents in services.

K. Richenberg asked Mr. Deuel if that number includes the millions in Federal subsidies that the farmers are currently receiving. Mr. Deuel did not provide an immediate answer while posing several questions back to Mr. Richenberg with the discussion continuing about services.

H. Wolcott inquired as to what if any extra services' is he receiving on Cowan Road where he resides.

D. Cisco- commented that how she understands and likens this situation to the fact that she pays YCS school taxes but has never had a child in the district, realizing that everyone should share in the burden of paying regardless of whether or not they use the services. Taxes are rough on everyone and she is certainly not saying anything negative about farms or farming.

K. Richenberg- asked Supervisor Deming if he could tell the group what the full value assessment is per acre in Group 5.

Mr. Deming did not have those values on hand and was not able to answer that question. The numbers available are from 2014 when Assessor Anne Sapienza did a re-evaluation. It was noted that we now have a new assessor, Gregg Torrey and it is not clear when he has plans or is scheduled to reevaluate again.

D. Deuel- Ag assessments are determined by the State of NY, Ag values by local assessors. Real property is determined by market value so you are not comparing apples to apples. Land sold in the town for 11,000/acre but was only assessed at 2,800/acre. Several variables such as outside investors and competing farms were a factor but overall the smaller farms that are not receiving subsidies can not afford to pay those values.

D. Roberts: Mr. Roberts again tried to explain the difference between those that own a business vs. those that work out right. Shifting the burden from one group to the other is just not right. Mr. Roberts addressed the previous comment about 3 nearby Towns who have opted to assess this way but said he really did not care how other municipalities operated; he lives in this town and does not want to see this resolution passed.

H. Wolcott- His comment was that if there are 3 Towns currently doing this there are MANY that must not be as there are numerous other towns/villages within Livingston County.

D. Deuel- Commented that open land pays 26% of the Fire tax, while also noting that Ag land takes up 78% of the Town of York. I understand your concerns but if we do not enact this now the gap will only get wider.

H. Fuller- Mr. Fuller directed this to Mr. Deuel asking if this is so important why was this not done 30 years ago and what now has prompted you to now resurrect this topic?

D. Deuel- Regarding Mr. Fuller's question, Mr. Deuel replied that he did not know why it was not done years ago. It had been a concern of his for over 10 years when he discovered this and thought it to be unfair and unbalanced. By attending Farmland Preservation Meetings over the years he became informed while educating him self on the topic and truly feels that it is the right thing to do.

M. Nagel Burroughs- asked for clarification again from Mr. Deuel that houses and farmsteads that are owned by farms would still be subjected to the increase.

Mr. Deuel was able to confirm that and reiterated that only vacant farm land would get the benefit.

D. Roberts- Mr. Roberts asked if any of the Town Board members were farmers.

Board Members Gates, Smith and Parnell all motioned that they were.

D. Cisco- Ms. Cisco summarized by saying “ethically, if you have 5 people and 3 are Ag then it’s a no brainer. With that said why can’t we just put it out to a town wide vote rather than by a Town Board decision?”

Supervisor Deming shared with the group that he had just recently been made aware by email that the Town could put it on the ballot for voting in the upcoming November election which would allow all residents to weigh in.

Mr. Campbell acknowledged the Supervisor’s remarks while also saying that he would pursue the legal aspect of the possibility of adding it to the ballot in November so all registered Town residents could vote on the issue if that was the direction the Town wished to go in.

H. Fuller- commented that “Personally 3 Board Members should excuse themselves”.

A.Smith- replied with “What about the other 2?”

Supervisor Deming stated that we could not have a quorum to vote with only 2.

F. Rose Jr. - commented that he basically owns a parcel of land that is in every type of zoned property in the Town of York.

K. Richenberg- Mr. Richenberg asked the Supervisor how many “special contracts” do farmers have for water with the Town of York?

Supervisor Deming said that there are no “special contracts” with any farms and the agreed upon water unit charge is based upon the numbers of cows and despite not having the exact number for each farm he mentioned that they all pay large unit amounts.

K. Richenberg- commented that Donnan Farms got a reduction every time a house was built and Mr. Deming quickly replied that everyone in the district gets the benefit of a reduction when a new home is built and becomes part of the water district.

H. Fuller- Mr. Fuller commented that Mr. Deuel said there are 27,000 acres currently receiving Ag land exemptions. If it was not for the oversized farm vehicles then perhaps there would be no need to make the costly repairs to our roads. Mr. Fuller then stated “Got to pay your fair share sooner or later.”

D. Deuel- again Mr. Deuel reiterated that despite subsidies, studies show that farmers are still paying their fair share.

H. Fuller- We don't care what the studies show. The Town of York is an exception to the rule. Mentioning that we have 5 of the biggest farms in this State.

A. Smith- Councilman Smith replied to Mr. Fuller's comment by noting that we (Town of York) do not have the 5 largest farms in the State.

F. Rose Jr.- The Fire Budget is approximately \$180,000  
26% comes out to approximately \$46,800 in savings for farmers.

Mr. Campbell took a moment to do the math and gave the following numbers:  
 $45,000 \times 0.7508 = \$33,786$  is the amount that would be shifted on to town residents that do not have any Ag land.

D. Deuel- In 2006, Fire tax per acre was 1.02 and in 2015 it was 2.02/acre saying roughly \$40,000 will be shifted over

K. Richenberg- Mr. Richenberg commented to Mr. Deuel that "We did not drive up the cost of the farm land". At which time Mr. Fuller inquired as to who is responsible for driving up the cost of the land while noting that he certainly was not.

At this time Councilman Smith addressed the group and said "I want to speak on a personal level. Would you rather have us (local farmers) purchase the land or a hedge fund group from Indiana who may not have the best interest of the community? We wanted to protect our community from outside interests not knowing what their plans may be. Please do not say anything about us driving up the cost. We did not. Our intent is do what is best for the community and our neighbors"

K. Richenberg- "I believe that you are Amos...just not everyone"

H. Fuller- "Why don't we propose a road use tax for farms for the repair of tearing up our roads?"

D. Deuel- Mr. Deuel replied to Mr. Fuller's comment that we can talk about the use of community services and costs if you wish to continue to debate this topic.

K. Richenberg- inquired as to whether or not there will there be any vote this evening.

Supervisor Deming stated that there will be no vote this evening.

D. Geiger- Mr. Geiger spoke on behalf of the York Fire Co. and provided the group with statistics from January 2007-December 2015 regarding the number of calls reported. 1170 total calls, 108 structure fires, 28 open land fires. Clearly a large part of their calls are associated with MVA's/rescue but confirmed that 25.9% were attributed to agricultural related incidents.

H. Wolcott- Mr. Wolcott wanted to confirm that the Board understood the numbers Mr. Geiger provided which was approximately 26%...at the same time also noting that Mr. Deuel's earlier comments that the farms are currently paying 25% for fire services.

D. Deuel- Mr. Deuel wanted the group to know that he did in fact ask the York Fire Co. for those reports as well but the department did not provide them so he went to Livingston County Emergency Management office for the documented figures that he used for this evenings meeting.

J. McIlroy- Mr. McIlroy asked Mr. Geiger of those figures presented, how many were ambulance calls?  
Mr. Geiger replied that the ambulance was not part of this report

Councilmen Gates posed the question that the possibility of these fires noted in the report may not be farm/Ag related. With Mr. Geiger stating that on the average there were 3 per year on open land.

A. Rose- Mrs. Rose commented that we all like and appreciate the farming community and our intent is not to target them. But we all have a voice and if given the opportunity this year, she would encourage the Town Board to put it out to vote for all rather than leaving this as a Town Board only decision.

T. Eyer- Mr. Eyer strongly recommended that any decision should be put off until we can see how best to proceed.

J. Campbell- We will look at the law and once we have additional information and facts the Board will address the topic at their next Town Board meeting on March 10, 2016 at which time we will have an idea as to how to proceed.

Supervisor Deming closed the informational meeting at 8:25 pm.

Respectfully submitted,

Patricia A. Barefoot  
Dep. Town Clerk

