

York Town Board Meeting
October 13, 2016

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

Absent: Lynn Parnell

Others: George Worden Jr. (Highway Supt.), Henry Fuller, Kirk Richenberg, John Noble Dustin Geiger and Carl Peter (Zoning & Code Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Clerk Harris to lead with the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the September 8th Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY REPORT

Mr. Worden reported that the crew has been assisting the County on Fowlerville Road, as well as wedging on parts of Old State Road and Tuttle Road. Shoulders will need to be done on Old State, which will take place next week. We are wedging on Tuttle from the water tanks, south. Mr. Worden added that routine machinery maintenance has also occurred.

Mr. Worden discussed with the Board his desire to move forward with a purchase of a 1-ton truck. Mr. Worden stated that we have budgeted \$80,000 for this purchase, but did receive based on best value law, a price from Van Bortel in the amount of \$ 45,000. The 1-ton has numerous extras on it, including a hoist and an aluminum dump, which is much lighter and easier for plowing purposes and removal of snow. The vehicle is gasoline generated and is an automatic. Mr. Worden commented that he recently spoke with a local repair person and they suggested that he steer away from a diesel vehicle stating that diesel repairs are much more expensive.

Councilman Smith asked what vehicle would be replaced with the new one. Mr. Worden responded that the new truck would replace the white truck we got rid of two years ago, and reiterated how helpful the smaller truck would be on the dead end streets and much less weight on those roads versus a 10 wheeler. Mr. Smith asked if it would have a salt spreader, which Mr. Worden replied it would not. Councilman Smith inquired if Mr. Worden could foresee any issues with putting salt in an aluminum body. Mr. Worden stated he does not, and added that's how hauling is taking place now and the Town of Leicester has one currently. Mr. Worden commented for this body it is \$1,000 more but feels it is worth it.

After some discussion Supervisor Deming suggested that additional discussion take place and wanted to refer it to the Public Works Committee for review. Councilman Smith asked Mr. Worden his timeline for a decision, which Mr. Worden replied as soon as possible in order to have in time or this season. Councilman Rose stated we have budgeted for such purchase and due to the time factor, we should proceed.

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates authorizing Highway Superintendent, Mr. Worden permission to purchase (1) one ton truck for the Highway Department, from Van Bortel in the amount of \$45,000. Voted on and approved, Yes-3, No-1, Supervisor Deming.

WATER/SEWER REPORT

Mr. Worden reported all water meters have been read and bills have been mailed out for this cycle. Due to the extremely dry summer the bills reflected very high consumption usage. In order to make sure the reads were accurate, the department re-visited numerous locations to be certain, which they were. Mr. Worden stated once again the summer was very dry and we also had the rate increase with this bill. With the increase in consumption plus the rate increase the bill itself will be higher for the customers.

Mr. Worden addressed with the Board the recent notification from the Livingston County Health Department of our violation for THM's. Mr. Worden reported although having a read of 69 in August of this year, the average for the last four quarters is over the MCL (maximum contaminant level) based on the last quarter read in 2015. The read on November 10, 2015 was 112, ultimately having to be used as part of the running average, reflecting a violation and the requirement to advertise to the public. Mr. Worden stated with next month's scheduled read the 112 will be coming off.

Mr. Richenberg asked what specifically creates THM's. Mr. Worden stated retention time of the water with chlorine and organics make the THM byproduct. Mr. Worden added with the water coming from Geneseo THM levels already exist, making it a bit more difficult at times for us to remain under the MCL of 80. Mr. Worden and Supervisor Deming stated that Geneseo has made improvements and upgrades recently that have aided us, but we have a meeting later this month with them and the County Health Department to review what additionally can be done to assist.

Mr. Fuller commented that someone needs to step in to address the levels that continue. Supervisor Deming replied we have discussed this with Geneseo previously and will certainly be addressing our concerns and frustrations at the upcoming meeting.

Mr. Richenberg asked if we have Geneseo's THM numbers, which Mr. Worden replied we do not, but added he could probably obtain them and get a copy for him. Mr. Richenberg questioned whether or not Geneseo experienced a spike at all. Mr. Worden replied not that he is aware of. Mr. Worden added each quarter we have mandated testing spots. Mr. Richenberg asked what the last test read was prior to the 112 reading. Mr. Worden replied in August of 2015 the read was 75. Mr. Richenberg commented if Geneseo does not have the same roller coaster issues what is the main factor. Mr. Worden answered if we had a spot to keep ongoing water fresh, it would certainly help

the situation. Geneseo controls the level in the tank. Another update they have completed is changing out of their charcoal filters.

Mr. Richenberg questioned if others are having the same issue we are. Mr. Worden answered that the Town of Geneseo is in the same situation. Councilman Smith asked with any new district(s) will that assist in the THM matter, which Mr. Worden replied it would more than likely help the situation. With the Grid Bee we installed it lowered our THM's 20-30 points.

SEWER: Mr. Worden reported that a check valve went bad on Retsof Avenue recently. Once we had it apart we noticed that the rails on the pump were also in need of repair. Now that all issues have been resolved we should not experience anything further.

Mr. Worden informed the Board that DEC conducted their annual inspection of the Retsof Treatment Facility. A few points were addressed and discussed, but will need further discussion with the Board pertaining to upgrades.

Mr. Worden reported that an employee was injured at the treatment plant yesterday. The injury does not seem to be too serious, a pulled hamstring that might keep him from his duties up to two weeks.

OLD BUSINESS

1) Solar Array Local Law:

Supervisor Deming stated we recently received a copy of a proposed Local Law prepared by Attorney Campbell, to establish a moratorium on large scale solar installations. Mr. Campbell requested that the board members review the language to make sure it addresses their thoughts and objectives.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates acknowledging that the proposed draft local law has been officially presented to the Town Board. Voted on and approved, Yes-4, No-0.

2) CAC Meeting:

Supervisor Deming reported that he received an email from Conservation Advisory Council member, Davies Nagel inquiring if the Town Board would like his committee to research the solar panel issue. They have a meeting slated for Wednesday, October 19th at 7:30 p.m., and would be happy to assist the board in this capacity.

After a brief discussion the Board agreed having the CAC research information leading up to the Local Law Public Hearing will be helpful to the Board. Clerk Harris will notify Mr. Nagel of the Board's request for CAC assistance.

3) August 11th approval:

Supervisor Deming stated he spoke with Town Attorney Campbell recently about the matter of Local Law #3 of 2016 vote on August 11th pertaining to Alternate Members of the Planning Board and Zoning Board of Appeals. Councilman Rose indicated prior to a vote he would recuse himself, as his Father happens to be an Alternate on the Planning

Board. In the first resolution, he abstained from the vote but in the second resolution, which was the approval of such Local Law, he actually voted. (A member can initiate or second a resolution but if abstaining, it must be reflected in the roll call vote as such).

Supervisor Deming stated we will conduct a follow up resolution for clarification:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to ratify the Town Board's previous approval by again resolving to adopt Local Law #3 of 2016, a local law Authorizing the Use of Alternate Members for the Planning Board and Zoning Board of Appeals. Voted on and approved, Yes-3, No-0, Abstain-1, Absent-1.

Supervisor Gerald L. Deming	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Abstain
Councilman Norman Gates	Aye
Councilwoman Lynn Parnell	Absent

OTHER

1) Lowry Road:

Supervisor Deming stated at our last meeting the Board discussed in great detail the request from Caledonia residents on Lowry Road, to connect to the Town of York's municipal system. After speaking with the County Water & Sewer Authority about the request, Mr. Deming expressed his feeling that perhaps we should remove ourselves from the situation at this time with everything we have going on, but wanted to seek the board's thoughts on the matter. Councilmen Smith and Rose agreed with Supervisor Deming that they recommend not proceeding right now.

2) Odors:

Supervisor Deming informed the Board, over the past few weeks he has received numerous complaint calls from town residents regarding pungent odors in close proximity to York Road West. Mr. Deming asked John Noble to attend tonight's meeting to outline what transpired.

Mr. Noble began by apologizing for the odors that took place the past three weeks, commenting that it has never happened before and hopes it won't happen again in the future.

Mr. Noble stated a few years ago they built a lagoon to handle the wastewater from the creamery. On or about the 17th of September he suggested to the workers to spray out back and two days later he received a call from neighbor Lee Gratwick stating that the odors from the farm area were extremely strong. Mr. Noble thought the odors were cabbage related, but after a few more days had passed and more complaints logged, he contacted DFA (Dairy Farmers of America) for assistance with whatever was happening onsite. Representatives were brought in to review and decipher what transpired and they concluded that the lagoon had gone septic. Measures were taken to correct the situation in order for it not to go septic once again, which has been continuous. Mr.

Noble stated he believes the issue has been resolved, the neighbors have not contacted them since the correction.

Mr. Noble commented they have a plan to mitigate this from happening again. Supervisor Deming thanked Mr. Noble for explaining what took place, due to the number of calls he and others received regarding the matter, he felt it was important to log the issue and the resolve. Mr. Noble added in addition to the existing actions taken, their engineers have also prepared a corrective measure's plan. Mr. Noble stated with the cheese plant hopefully coming in the future, we may not use the lagoon at all. Mr. Noble asked the Board to please contact him anytime if issues arise in order to resolve them in a timely fashion.

Mr. Fuller asked if any comments or complaints came from Geneseo people. Supervisor Deming replied that no calls were received from Geneseo residents and added if odor was an issue on the flats, it was a different farm spreading.

Mr. Noble commented heat was certainly a factor along with the irrigation conducted, but have mitigated the matter.

Mr. Richenberg asked in regards to the Linwood water extension, does the board have any numbers on how much it will cost to the district. Mr. Deming replied there are no concrete numbers at this time, but stated he has heard numbers from DFA at \$1.3 million as the potential low bidder. Mr. Richenberg questioned isn't there going to be upgrades and you don't have numbers yet? Supervisor Deming answered there is going to be upgrades but we do not have figures yet.

Mr. Richenberg questioned who will represent and protect the Town when construction takes place. Mr. Deming answered Clark Patterson Lee will have an onsite inspector the entire time frame of the project. Mr. Worden added our department will be visiting from time to time as well. Mr. Richenberg stated he has raised concerns previously that Clark Patterson represents both entities, how can they be vigilant engineering the project for DFA and inspecting for the Town, there won't be a layer of protection for us. Mr. Richenberg continued, what happens if a difficult situation arises, they may not be as forth coming to the town. Supervisor Deming replied he would certainly hope this would not happen and feels confident with Clark Patterson representing us.

Mr. Richenberg stated the job of the Town Board is to protect the entire town not just a private organization and suggested the Town use a private firm for inspection purposes. Supervisor Deming replied he will address Mr. Richenberg's concerns with Nobles, DFA and Clark Patterson. Mr. Richenberg asked if he could obtain a copy of the numbers once they become available, which Mr. Deming answered he certainly can.

NEW BUSINESS

- 1) Water/Sewer Tap Applications:
 - a- 2409 Cowan Road:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the Water Tap Application submitted by Robert Beck for property located at 2409 Cowan Road. Voted on and approved, Yes-4, No-0.

** Mr. Beck's tap fee was waived due to the fact his residence was existing prior to district formation. He has been paying the yearly debt service.

b- 3128 Genesee Street:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the Water & Sewer Tap applications submitted by Minnhang Huynh for property located at 3128 Genesee Street, in the amount of \$3,000 (\$1,500 each). Voted on and approved, Yes-4, No-0.

2) York Fire Department:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the following two individuals as new members to the York Fire Department, pending completion of all background checks:

Russell Sutter	Greigsville
Amali Epa Llop	Fowlerville

Voted on and approved, Yes-4, No-0.

3) Budget:

Supervisor Deming reported that Clerk Harris has presented a copy of the 2017 Preliminary budget to the Board in order to now set the Budget Hearing.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to schedule the 2017 Budget Hearing for Tuesday, October 25, 2016 at 5:00 p.m. at the York Town Hall. Voted on and approved, Yes-4, No-0.

SPECIAL TOWN BOARD MEETING

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to schedule a Special Town Board Meeting for Tuesday, October 25th, 2016 at 6:00 p.m., for the purpose of rendering a decision on the 2017 Town Budget. Voted on and approved, Yes-4, No-0.

4) Water adjustment request:

a- Donna & Fred Maas:

Supervisor Deming reported that the Board received a water adjustment request submitted by Donna & Fred Maas of Fowlerville Road. Clerk Harris stated that the leak was verified today by Water Operator, Jim Hodges. Mrs. Maas indicated that they have contacted Dave Fanaro to do the repair work as soon as possible, and requested of the Board consideration for a water adjustment. Clerk Harris stated normally the board approves adjustments after repairs have been completed and verified by the Water Department, but due to meeting only once per month, she did not want the Maas' to

incur late charges if it goes into the November meeting time frame. Councilman Smith expressed that he fully understands their issue, but stressed many residents' water bills were high due to increase in consumption this quarter. The Board briefly discussed the request and stated they could approve such request this evening pending repair and water department verification.

Mr. Fuller commented that last time the County was working on Fowlerville Road they broke the sewer line on his rental property due to vibrating rollers used. The machines are quite powerful and can do damage.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve adjustment of the Maas' water request, after the correction has been made and verified. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg stated that he wished Attorney Campbell was in attendance this evening to discuss with him the comments he made at the September 8th meeting. Mr. Campbell made numerous comments pertaining to Caledonia water (Lowry Road) and then at the end stated he represented the Livingston County Water & Sewer Authority. Mr. Richenberg stated, as a lawyer he should have been upfront about his appointed position before making any suggestions to the board.

Mr. Richenberg also addressed an answer given by Mr. Campbell regarding a question asked by Councilman Smith on solar array local law documentation. Mr. Smith asked about the costs involved from start to finish for this proposed law, with Mr. Campbell replying minimally. He should be more specific with the figures involved to the town. Mr. Richenberg added if Mr. Campbell is going to "plug in" someone else's moratorium wording for our town, he needs to tell us that.

At the last meeting the west end of Cowan Road was discussed and Mr. Worden made mention that he would like to raise the road two feet. Mr. Worden stated he can't hold the road together based on the lay of the land, we would put in a good amount of gravel and then thereafter pave. Mr. Richenberg asked, is it fair to say it has to be raised up even with the existing barn. Mr. Worden replied it would. Mr. Richenberg asked whom would be paying for this, which Mr. Worden answered the town. Mr. Richenberg expressed that he feels this is not right that taxpayers will be paying for repairs that a local farm should be paying for since they created the problem.

Mr. Richenberg questioned what are the current regulations pertaining to setbacks for buildings in the right of way. Mr. Peter replied under NYS Ag. & Markets law, they legally do not need a building permit for a farm building, but we request that they do for zoning purposes. Mr. Peter stated he is not allowed to inspect, but they are required to build to code. In the current zoning they are to be at least 75 feet from the center of the road. The existing barn was built prior to current zoning (2009). Mr. Richenberg stated

upgrades have been done here since 2009. Mr. Peter and Mr. Worden replied they have had some upgrades but nothing structurally that required a permit.

Mr. Richenberg questioned isn't there organics plugging up roadside tile line? They could re-route the issue to their property rather than having the town contend with it and ultimately the taxpayers pay for it. Supervisor Deming asked Mr. Worden what if anything can we do. Mr. Worden answered the barn could get lowered or put the road higher. Mr. Worden added, this area on Cowan Road is not the only area within the town that experiences issues. We have ditched and graded this area to drain a few times, next step is raising the road.

Mr. Fuller commented this farm uses the road as their unloading area to feed the animals. Mr. Richenberg added they could certainly put in a retaining wall to their pond, anything would help, as long as it does not affect the roadway. There are many things that could be done, but would cost them money to do it, so it probably won't happen.

Councilman Smith asked Mr. Worden if he has met with them, Mr. Worden answered he has and they told us to put in the ditch, which we did. Councilman Rose inquired, so the issue then is with the feeding aspect? Mr. Richenberg replied all of the feeding source coming in now is continuously using the roadway to complete the feeding process. The problem is that other farms are conducting their business properly when this farm is not. Mr. Richenberg continued, you can outline a problem with them but nothing ever gets done.

Mr. Richenberg commented in regards to solar panel discussions previously, there was no hard evidence that they had any real negative impact on communities, except for the comments from Councilman Smith, nothing else has been heard. When the Board instructed Mr. Campbell to prepare proposed Local law legislation he feels it was not a very informed way to proceed, ultimately too quick of a decision. There is no information on size limitations or actual loss of farm land, and feels the board should have discussed it further.

Supervisor Deming stated that the initial request was first brought about by Zoning Officer, Mr. Peter back in July. He had informed the board that we had already permitted one in the town (small scale), but if the board had concerns about larger scale solar panels they may want to address the matter before others come forward. Mr. Deming stated we have quite a bit in our zoning pertaining to wind energy but absolutely nothing on solar. There are people already soliciting in the area on the topic, we are only trying to get ahead of it at this point. Mr. Richenberg commented it certainly played right into Mr. Campbell's hands to have him draft legislation, but are we taking away landowner's rights.

Lastly, at the September 8th Town Board meeting Mr. Richenberg commented to Mr. Campbell his concerns about not closing a Planning Board Public Hearing and that all resolutions must be in the minutes, but nothing has been added. Mr. Campbell stated approvals have been made, where exactly is it located in the minutes to reflect it. Mr. Richenberg expressed the fact that he made reference to this to Planning Board Chairman McIlroy at a meeting, as well as Mr. Campbell at the last meeting, but

received no resolve. Mr. Richenberg submitted for the record a copy of the Department of State's Open Meetings Law regulations, specifically Public Officers Law, Article 7, Section 106 "Minutes" for review and stated something needs to be done.

DEPARTMENT OF STATE

COMMITTEE ON OPEN GOVERNMENT

ANDREW M. CUOMO, GOVERNOR ROSSANA ROSADO, CHAIR



Open Meetings Law

PUBLIC OFFICERS LAW, ARTICLE

7 OPEN MEETINGS LAW

- Section 100. Legislative declaration.
- Section 101. Short title.
- Section 102. Definitions.
- Section 103. Open meetings and executive sessions.
- Section 104. Public notice.
- Section 105. Conduct of executive sessions.
- Section 106. Minutes.
- Section 107. Enforcement.
- Section 108. Exemptions.
- Section 109. Committee on open government.
- Section 110. Construction with other laws.
- Section 111. Severability.

§100. Legislative declaration.

It is essential to the maintenance of a democratic society that the public business be performed in an open and **public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions** that go into the making of public policy. The people **must be able to remain informed if they are to retain** control over those who are their public servants. It is the only **dimate under which the commonweal will prosper and** enable the governmental process to operate for the benefit of **those who created it**.

§101. Short title. This article shall be known and may be cited as "Open Meetings Law".

§102. Definitions. As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.
2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.
3. "Executive session" means that portion of a meeting not open to the general public.

§103. Open meetings and executive sessions.

(a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article.



Open Meeting

(b) Public bodies shall make or cause to be made all reasonable **efforts to ensure that meetings are held in facilities** that permit barrier-free physical access to the physically **handicapped, as defined in subdivision five of section fifty of** the public buildings law.

(c) A public body that uses videoconferencing to conduct its **meetings shall provide an opportunity to attend, listen** and observe at any site at which a member participates.

(d) Public bodies shall make or cause to be made all reasonable **efforts to ensure that meetings are held in an** appropriate facility which can adequately accommodate members of the public who wish to attend such **meetings. I.** Any meeting of a public body that is open to the public shall be open to being photographed, broadcast, **webcast**, or otherwise recorded and/or transmitted by audio or video means. As used herein the term "broadcast" **shall also** include the transmission of signals by cable.

2. A public body may adopt rules, consistent with recommendations from the committee on open government, reasonably governing *the* location of equipment and personnel used to photograph, broadcast, webcast, or otherwise record a meeting so as to conduct its proceedings in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance.

(e) Agency records available to the public pursuant to article six of this chapter, as well as any Proposed resolution,

law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

(f) Open meetings of an agency shall be, to the extent practicable and within available funds, broadcast to the public and maintained as records of the agency. If the agency maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting. For the purposes of this subdivision, the term "agency" shall mean only a state department, board, bureau, division, *council* or office and any public corporation the majority of whose members are appointed by the governor.

§104. Public notice.

1. Public notice of the time and place of a meeting scheduled **at least one week prior thereto shall be given or** electronically transmitted to the news media and shall be **conspicuously posted in one or more designated public** locations at least seventy-two hours before such meeting.

2. Public notice of the time and place of every other meeting **shall be given or electronically transmitted, to the** extent practicable, to the news media and shall be conspicuously **posted in one or more designated public locations** at a reasonable time prior thereto.

3. The public notice provided for by this section shall not be construed to require publication as a legal notice.

4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform **the public that** videoconferencing will be used, identify the locations for the meeting, and state that the public has **the right to** attend the meeting at any of the locations.

5. If a meeting will be streamed live over the internet, the **public notice for the meeting**

shall inform the public of the Internet address of the website streaming such meeting.

6. When a public body has the ability to do so, notice of the **time and place of a meeting given in accordance with** subdivision one or two of this section, shall also be conspicuously posted on the **public body's internet website.**

§105. Conduct of executive sessions.

1. Upon a majority vote of its total membership, taken in an open **meeting pursuant to a motion identifying the** general area or areas of the subject or subjects to be considered, **a public body may conduct an executive session** for the below enumerated purposes only, provided, however, that **no action by formal vote shall be taken to** appropriate public moneys:

- a. matters which will imperil the public safety if disclosed;
- b.** any matter which may disclose the identity of a law enforcement **agent or informer**;
- c. information relating to current or future investigation or prosecution **of a criminal** offense which **would imperil** effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e.** collective negotiations pursuant to article fourteen of the civil service **law**;
- f. the medical, financial, credit or employment history of a particular **person or corporation, or matters leading to thi** appointment, employment, promotion, demotion, discipline, suspension, **dismissal or removal of a particular person or corporation**;
- g. the preparation, grading or administration of examinations; and
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof

2. Attendance at an executive session shall be permitted to any member of the public body and any other persons **authorized by the public body.**

§106. Minutes.

1. **Minutes shall be taken** at **all** open meetings of a public body which shall consist of a record or *summary of all motions, proposals, resolutions and any other matter* **formally** voted upon and the vote thereon.

2. **Minutes shall be taken** at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, thi such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter.

3. Minutes of meetings of ail public bodies shall be available **to the public in accordance** with the provisions of the freedom of information law within two weeks from the **date of such meeting except that** minutes taken pursuant to **subdivision two hereof shall be available to the public within one week from the date of the** executive session.

§107. Enforcement.

1. Any aggrieved person shall have standing to enforce the provisions of this article against a public body by **the** commencement of a proceeding pursuant to article seventy-eight **of the civil** practice law and rules, and/or an **actio** for declaratory judgment and injunctive relief. In any such action **or proceeding**, if a court determines that a **public**

2) Henry Fuller:

Mr. Fuller began by saying in regards to the ongoing THM issue we have, his suggestion would be to perhaps set a rate for Geneseo and based on the number they send our way, if they are over, charge them for it. Mr. Fuller added he expects that they don't really care if we are over as long as they are not.

Mr. Fuller stated after attending Tuesday night's Planning Board meeting he feels there is movement in the right direction finally. He is still a bit unclear as to what they were trying to accomplish, but sees positive steps.

Mr. Fuller addressed with the Board training hours for the current Zoning Board of Appeals and Planning Board members. If the members do not have their required hours they need to get them or they should resign from their position. Supervisor Deming stated he and Councilman Smith met last week with Planning Board Chairman, Joe McLroy to address this issue, expressing the need to have all members obtain required training hours, otherwise ultimately they will at some point need to resign. Mr. Fuller asked if perhaps the terms are too long. Mr. Deming replied he does not believe the terms are too lengthy (5 years), they have to have the desire to want to continue to participate.

Mr. Fuller stated once again at least he sees movement in the right direction.

OTHER

1) Removal of trees:

Supervisor Deming discussed with the Board a conversation he had recently with an individual asking what was taking place on Casey Road. Mr. Peter replied that the landowner has hired a contractor to remove trees and hedgerows for more tillable acres. Mr. Deming questioned whether or not this practice will continue throughout the town, which the board and the audience replied more than likely. Councilman Smith answered solar panels may be next unless we have guidelines or regulations in place. Supervisor Deming asked what control do we have at this point. Mr. Smith responded once again, producing guidelines for applicants to follow.

BILLS

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

General Fund Claim	# 283-323	\$ 17,457.52
Joint Water & Sewer	# 231-259	\$ 91,618.81
York/Leicester Youth	# 23	\$ 125.00
Street Lights	# 9	\$ 1,503.58
Highway Fund Claim	# 181-197	\$ 6,402.53

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adjourn the Town Board Meeting until October 25th Budget Hearing. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:45 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

