

York Town Board Meeting
June 9, 2016

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

Absent: Lynn Parnell

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt.), Deborah Cisco, Dorthea Prine, Henry Fuller, Ray & Brenda White, Harold Wolcott, Joe McIlroy, Harold Smith, Lynn & Donna Katter, Wayne Garrett, Davies Nagel, Gerald Ayers, Carl Peter (Zoning & Code Officer), Judy Falzoi and Janet Manko

Supervisor Deming opened the Town Board Meeting at 7:31 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of the May 12th Regular and Public Hearing meeting and May 19th Special Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- The department has been working for the County, changing crossovers and wedging. We still have touch up work for the wedging portions if weather permits within the next week or two.
- Mowing continues in the cemeteries as well as trimming. We have been mowing roadsides too when able.
- Will begin wedging on Cowan Rd. within the next two weeks.

Councilman Smith stated that he noticed Craig Rd & Rt. 36 is cut-out, who will be doing the work. Mr. Worden replied the intersection work will be done by the Town and the State. After viewing the area we believe that a collapsed pipe exists, so both agencies will be digging up & replacing pipes in cooperation with one another.

Councilman Smith also inquired as to the work on MacIntyre Rd. Mr. Worden reported at the intersection of MacIntyre Rd & Telephone Rd. (Rt. 20) pipe will be replaced there as well. The work will encompass joint assistance from the State, County, and Town.

WATER/SEWER REPORT

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

- Water reads are $\frac{3}{4}$ completed for the upcoming billing cycle.
- The Town will be advertising a Drinking Water notice in next week's paper, along with posting on our website, outlining a violation we recently had pertaining to water standards. On May 10th, 2016 the read for TTHM's was 73, which is below the max contaminant level of 80. While being below this quarter, the notice is required because the average for the last 4 quarters is over the MCL (maximum contaminant level). Additional copies can be obtained at the Town Clerk's office as well. **This is not an emergency situation.**
- Rt. 36 Water Main Project: The old main has been cut dead at this point. Initial restoration was conducted a few weeks ago, but more will need to be done by Randsco after the rainfall we received. The Town will be mailing out letters to the residents in the project area, asking for their thoughts, comments and request for a signature if restoration meets their approval.
- GridBee Solar Bee: Mr. Worden reported in order to assist in the battle of TTHM's, he discussed with the Board a GridBee tank mixer. The GridBee would be placed in the back of the tank to reduce TTHM's in the tank itself. We are treating half of the water, taking roughly 20 TTHM points out of it. In order to combat additionally, we would like to drain & treat the tank (which has not been done in 15 years) and then install the GridBee mixing equipment. Mr. Worden stated our employees would be able to install it ourselves, and the price is approximately \$6,000.00. Mr. Worden added we must obtain Health Department approval before any action takes place.

Councilman Smith commented on Fowlerville Road there is bad erosion issues, is the County Highway Dept. planning to fix it? Mr. Worden replied the county is more than likely waiting for us to correct the matter since it was our water break that created the issue.

OLD BUSINESS

1. Planning Board alternates:

Supervisor Deming reported it was brought to the Board's attention that the alternates appointed to the Town Planning Board do not have the legal right to vote in matters, in order to do so we would be required to pass a Local Law granting such authority.

Attorney Campbell added if the Board directs him, he can prepare Local Law wording giving those representatives authorization, and suggested adding Zoning Board of Appeals members as well in this proposed law.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing Attorney Campbell permission to prepare the necessary Local Law paperwork. Voted on and approved, Yes-4, No-0.

2. County Planning referrals:

Supervisor Deming addressed once again the discussion pertaining to a Livingston County Planning Board Referral Exemption Agreement. The Board discussed at the May meeting delaying a decision until a recommendation from the Planning Board has been obtained, in order to seek their thoughts on the subject. Mr. Deming stated that Planning Board Chairman, Joe McIlroy is in attendance this evening to make a recommendation. Mr. McIlroy stated as Chairman, he would like the benefit of additional review from the County on any upcoming projects, ultimately recommending that all referrals be submitted to them. Councilman Smith asked Mr. McIlroy if the Planning Board members had the opportunity to read and review the Agreement in order to comment as well. Mr. McIlroy replied the opinion this evening is his own, the recommendation request from the Town Board came after their meeting, which he therefore was unable to ask them directly.

Supervisor Deming stated we will table this discussion once again until all recommendations come forward from the Planning Board.

3. Green Burials:

Supervisor Deming reported, the Board has discussed briefly at their last two meetings Green Burials. Mr. Deming stated he asked Conservation Advisory Council's chairman, Davies Nagel to research and obtain further information on the subject and report back to the Board.

4. Anderson Rd Water:

Supervisor Deming stated ongoing discussions have taken place trying to make water affordable to the Anderson & Limerick Road areas. Once potential figures have been determined, we will then schedule another public meeting. Mr. Deming added, he along with Mr. Worden, Mr. Rose and Engineer Rick Henry will be meeting Monday the 13th to address water feasibility options.

5. Flats Road Trees:

Mr. Worden stated a question arose at the May 12th meeting pertaining to clearing of trees on Flats Road. Mr. Worden commented that Donnan Farms approached him about their intention to remove the trees on their property. Mr. Worden authorized them to take them down before they fall into the Right of Way or on the Town's watermain. After his approval they contacted Livingston County Soil & Water for approval as well, which they received after the review from Bob Striker.

Mr. Nagel informed the Board that he recently spoke with Steve Schiano on disappearing hedgerows and loss of plant and animal habitat. Mr. Schiano expressed his willingness to attend a meeting to explain why so much had to be taken down. We are looking at the July meeting of the CAC (July 20th) for him

to speak & he also offered to take a group to other areas he has worked to show the erosion issue.

6. Fracking Ban:

Attorney Campbell reported to the Board in cooperation with Dan Raichel, Esq., Council for the Natural Resources Defense Council (NRDC), they have prepared a proposed Local Law for the Board to review. The proposed law is straight forward relative to a Ban on High-Impact Industrial Uses within the Town of York. Mr. Campbell asked the Board to read through the document to see if it addresses the concerns of the Board, and review the definitions to make sure all components have been met. This may cover concerns we have sufficiently, if not we have further work to do. If once read and the Board feels comfortable moving forward, we can proceed with a Public Hearing to present such information, and possible adoption.

7. AG Fire Tax:

Supervisor Deming stated when the discussion of a vote was first brought up in the beginning of the year, he along with the Board felt it was necessary to have a full board in attendance when voting on the Ag Fire Tax issue. Unfortunately over the last three months we have had challenges getting a full board at the meetings. Supervisor Deming commented it is unfair to the residents who continue to attend meetings seeking a resolution on the matter, and feels we should proceed if the Board agrees.

Mr. Garrett asked why do the farmers need to have more discounts, there should not be more of a burden to the non-farmers. Mrs. Prine added, farmers should not push the increases to others, more & more is pushed onto residential. If this continues we will not be able to afford our home and may have to sell, which is not what we want.

Councilman Smith explained with the proposed change, the Ag Fire Tax would only be applicable to open land. Shops, parlors and other structures would be taxed the same, and actually farmers pay more currently, taxed at full assessed value.

Ms. Falzoi asked if we tax fully on all services or do we tax "A la carte". Councilman Smith answered cost of consumer services studies show the differences between 3 sectors; Residential, Commercial/Industrial and Agricultural. Residential property owners receive \$1.30 in government services for each \$1.00 in property tax paid, Commercial/Industrial receive \$.70 for every \$1.00 paid and Agricultural receives \$.49 for every \$1.00 in property tax paid. Ms. Falzoi stated agricultural vehicles are larger and heavier now, causing repairs to be made.

Mr. Ayers commented at the Public Hearing held earlier in the year it was mentioned that three other towns in this county have changed the way they tax agricultural land. It seems with only three, the majority of this county wants to remain the same, unless there has been a recent change in policy. Supervisor Deming responded not that he is aware of.

Mr. Wolcott stated at the Public Hearing, the York Fire Chief was in attendance and reported several bits of information including roughly 28% of their calls being related to agriculture, on open land property.

Mrs. Cisco expressed her thoughts that it would be easier to spread the fire tax over the entire community evenly vs. some paying more and others paying less.

Ms. Falzoi stated she recently spoke with a dairy farmer in the county, whom has a very large business here. She was surprised to learn that the volunteer fire department is quite involved with calls, and could not imagine Towns separating (reducing) taxes, potentially giving discounts to some over others.

Mr. White also stated whether you own 10, 40 or 50 acres, you need to pay equally. We all should have to pay the same.

Supervisor Deming stated after hearing the comments over the past few months and this evening, he asked the Board if they wished to vote tonight, which the Board agreed they did.

Supervisor Deming commented at the Public Hearing in February on the subject he thought it was unusual that no one spoke in favor of the change, including the local farmers in attendance. Mr. Deming reminded the Board regardless of our own personal feelings, we are here to represent the community when we vote, and the majority has expressed to us how they want us to proceed.

Councilman Gates stated dairy farmers have a large amount of acres that make up the business, with the potential change in the proposed agricultural fire tax we would benefit from it. We have paid right along over the years, including larger school taxes, even though we don't see a benefit at all, but I understand what the community wants.

Councilman Rose commented it is the consensus of this community to keep the ag fire tax as is. The public was asked their opinion and they have spoken, and we need to be fair to the entire community.

Councilman Smith stated he has his own opinion on the matter, but agrees with the board members that we need to be fair to all residents within the community. Mr. Smith added, he has reviewed Mr. Deuel's information and stated it was a bit disheartening to see the figures, and what open land areas are charged. Our farm tries to capitalize as much as possible, while still doing our best to be good stewards of the land and roadways. As expressed earlier, for every dollar paid in tax, agriculture only received \$.49 in services, we are paying more than our share. With that said, Mr. Smith agreed if keeping the Ag fire tax the same is what the people want, he too agrees it should not be altered. We have a duty as elected officials to listen to our community, but commented he will be abstaining from the vote this evening.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose NOT to change the Agricultural Fire tax currently in place. Voted on and approved, Yes-3, No-0, Abstain-1, Amos Smith, Absent-1, Lynn Parnell.

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

8) Cheese Plant update:

Supervisor Deming reported that we do not have any updates this evening regarding the Cheese Plant (Project Gardens), but did want to address comments made at the May 12th meeting. A couple of people in attendance that night verbally “went after” a Board member, and feels what was said and how it was said was not right. He was elected to the Board to do the best job possible and feels he will do just that. This project will create 30 plus jobs, and with it, the Linwood area has the potential to get municipal water to roughly 60 families, which may never have happened without the upfront money from the developer in this project.

Councilman Rose added, in this tight knit community, it is difficult being a part of a small township and not having some sort of an involvement in the upcoming topics before us. We do our best to make the right decisions.

NEW BUSINESS

1) Water Service Restoration:

a- Angela Stokes:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the Water Service Restoration request submitted by Angela Stokes for property located at 2526 Main Street, in the amount of \$200.00. Voted on and approved, Yes-4, No-0.

2) Water Service Shut-off:

a- James and Sherry Rawleigh:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the Water Service shut-off request submitted by BLM Company, LLC for the James and Sherry Rawleigh property located at 3666 Main Street. Voted on and approved, Yes-4, No-0.

3) Line Transfers:

RESOLUTIONS offered by Mr. Gates and seconded by Mr. Smith to approve the following line transfers for the Town of York:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A9010.8	State Retirement	\$ 1,986.00
			TOTAL: \$ 1,986.00

<i>Transfer To:</i>	A1330.4	Tax Collector Contractual	\$
	A1420.4	Attorney Contractual	898.00
	A8010.4	Zoning Contractual	\$
			TOTAL: \$ 1,986.00

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>	DA5142.1	Snow Removal Town Svc	\$ 8,261.00
			TOTAL: \$ 8,261.00

<i>Transfer To:</i>	DA5130.1A	Machinery Longevity	\$ 900.00
	DA5142.1A	Snow Removal - Medical Reimb	\$ 7,361.00
			TOTAL: \$ 8,261.00

CONSOLIDATED WATER DISTRICT

<i>Transfer From:</i>	SW83 20.4	Source of Supply Contr	\$ 94,081.00
			TOTAL: \$ 94,081.00

<i>Transfer To:</i>	SW8310. 2	Admin Equipment	\$ 418.00
	SW8310.4	Admin Contr.	\$ 9,620.00
	SW8340.4	Trans & Dist Contr.	\$ 94,081.00
	SW9060.8A	Medical Reimb	\$ 2,400.00
			TOTAL: \$ 94,081.00

RETISO F SEWER DISTRICT

<i>Transfer From:</i>	SS8130.4	Sewage Treat. & Disp Contr	\$	2,319.00
			TOTAL:	<u>\$ 2,319.00</u>

<i>Transfer To:</i>	SS1680.4	Data Processing Contractual	\$	4.00
	SS1950.4	Tax & Assessments on Prop	\$	15.00
	SS8110. 2	Admin Equipment	\$	55.00
	SS8110.4	Admin Contr.	\$	1,935.00
	SS9060.8A	Medical Reimb	\$	310.00
			TOTAL:	<u>\$ 2,319.00</u>

SEWER DISTRICT #1

<i>Transfer From:</i>	SS1-8130.4	Sewage Treat. & Disp Contr	\$	10,044.00
			\$	<u>10,044.00</u>

<i>Transfer To:</i>	SS1-8110. 2	Admin Equip	\$	253.00
	SS1-1950.4	Tax & Assessments on Prop	\$	70.00
	SS1-8110.4	Admin Contr.	\$	9,427.00
	SS1-9060.8A	Medical Reimb	\$	294.00
			\$	<u>10,044.00</u>

SEWER DISTRICT #2

<i>Transfer From:</i>	SS2-8130.4	Sewage Treat. & Disp Contr	\$	150.00
			\$	<u>150.00</u>

<i>Transfer To:</i>	SS2-8110. 2	Admin Equip	\$	55.00
	SS2-1950.4	Tax & Assessments on Prop	\$	15.00
	SS2-9060.8A	Medical Reimb	\$	80.00
			\$	<u>150.00</u>

OTHER

1) Unmowed Properties:

Councilman Gates asked if there is anything that can be done with properties within the town that have been abandoned and unkept. Mr. Gates mentioned several throughout the town; Retsof Road, Rt. 63 just past the underpass, Fowlerville Road and Main Street (Rt.36) to name a few. The Board questioned if we can make the banks follow through with maintenance. Zoning and Code Officer, Mr. Peter stated over the years we have experienced difficulties in many cases tracking down the legal owner and/or mortgage holder to rectify the issue. The “Zombie properties” are homes stuck in limbo with a foreclosure initiated by the mortgage holder, but not completely finalized, and may take years to do so. The Board discussed the possibility of hiring someone to mow the abandon properties and then put the charged fees onto the tax bill(s).

Supervisor Deming asked Attorney Campbell what the State law reflects for such properties. Mr. Campbell replied the State law does allow for municipalities to hire and then post charges to the taxes, or we could amend our code to address such issues, but can be a bit tricky in getting money back. Mr. Peter commented more and more “zombie homes” are cropping up all over the county, and we have several here in the Town of York.

**Councilman Smith stated he has viewed banners in other communities reflecting “Hometown Hero’s”, giving individuals the recognition they deserve, and asked what we could do for our community. The Board agreed to research the request and any potential funds available.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel informed the Board that the Conservation Advisory Council held their first meeting on May 18th, with six people in attendance. Mr. Nagel stated that several topics were discussed. Water quality of streams and creeks throughout the town was addressed. Locally, DEC has started a training and testing of streams that will start July 1st.

Mr. Nagel also spoke on the Groveland Trail which is roughly 22 miles long. The Genesee Valley Greenway is a beautiful trail and has added a great deal to the community.

Mr. Nagel reported that a meeting has been scheduled of the Greigsville Transportation Safety & Improvement Plan Project for Thursday June 16th at 9:30 am at the Town Hall.

Mr. Nagel expressed to the Board the willingness of the CAC to review the proposed Local Law prepared by Attorney Campbell relative to the prohibition of High-Impact Industrial uses. Supervisor Deming stated he will make Mr. Nagel a copy for review.

*A copy of Mr. Nagel’s entire submitted report is below:

6/9/16 Conservation Advisory Council Report

First meeting held on May 18 (six people in attendance)

Concerns/Interests/Projects:

1. Green Burials: *Is the Board interested in looking at the research that will be done?*
2. Disappearing hedgerows and loss of plant and animal habitat.
 - Steve Schiano's offer for a presentation/round table discussion of his projects along with a visit to his work sites. (July)
3. Water quality of streams and creeks in the town.
 - This concern was also expressed at the Genesee River Basin Summit on May 25. Federal, state, regional, and local groups are studying the causes and remediation (funding) for: loss of farmland, costly river dredging, high sediment and nutrient levels.
 - Locally, the DEC has initiated WAVE training (Water Assessments by Volunteer Evaluators) and the testing of streams in York (with the permission of land owners) will begin in July.
4. Greigsville/York Central School area - the Little Italy Trail
 - The LIT has been listed as proposed on the Regional Trails Initiative for the Rochester region.
 - A meeting of the Steering Committee for the Hamlet of Greigsville Transportation Safety and Access Improvement Plan project will be held on Thursday, June 16, 2016, at 9:30 AM at the York Town.

Also, all CAC information and meeting minutes are on the Town's website. The next meeting is scheduled for June 15, 7:30, at the town hall. All are welcome.

For the CAC - D. Nagel

2) Henry Fuller

Mr. Fuller addressed the comment made this evening that he was “picking on a Town Board member”. He wants to congratulate Councilman Smith on abstaining tonight, and added if the practice continues with certain topics, we won’t have a problem going forward. Mr. Fuller stated if someone stands to make a large profit, he is not sure why Supervisor Deming thinks they shouldn’t abstain from votes, in his opinion they should.

Mr. Fuller stated the people serviced by Town water get the Annual Water Supply Report each year. Where does the information in the report come from? Mr. Worden replied, the information is generated by the Water Department and submitted to the Liv. Co. Health Department for approval prior to emailing to the Village of Geneseo for posting. Mr. Fuller read aloud from the report, questioning the reads and dates for sampling. Mr. Fuller stated that the report reflects samples being taken every other year and asked if that is correct. Mr. Worden responded, it is not correct, samples are taken every quarter, and showed Mr. Fuller a spreadsheet print out of the sample dates and reads. Mr. Worden commented that an error must have occurred with the report and added the county obviously missed it as well. Mr. Fuller expressed that it’s hard to imagine that everyone didn’t see this mistake.

Mr. Fuller stated he wanted to speak on the Ag Fire Tax issue, but after the vote this evening, that procedure is finally done.

Mr. Fuller reported over the last two months he has been in contact with the Livingston County Planning Department, Livingston County IDA, Town Planning and Town Board and wondered why it has taken so long to address illegal actions taken by the Town Planning Board. Tonight was the first night it was addressed after several months, knowing the Planning Board had not followed procedure. Attorney Campbell stated this evening the Board has addressed their desire to move forward with the Local Law authorizing alternates permission. Mr. Fuller stated until then and previously it was illegal for them to vote on any action before the Planning Board...damage has already been done. Supervisor Deming and Attorney Campbell responded, after the issue was raised, at the very next meeting of the Planning Board, all votes were re-visited and correction of the decisions took place. Mr. Fuller stated I agreed with everything up until their last meeting when Mr. Rose seconded that the 82 foot structure was exempt from any height limitations because it was an agricultural structure. The developer has applied for a Special Use Permit for the project, but the York Zoning states the height limit for that category to be 35 feet, which is a little confusing as to the classification of this project. Zoning officer, Mr. Peter stated there has not been any building permits applied for at this time. Supervisor Deming added many of the issues Mr. Fuller has brought up tonight have already been addressed. Mr. Worden stated the numbers for the TTHM’s in the Annual Report are correct, but the dates are incorrect.

Mr. Fuller informed the Board that he has contacted Livingston County IDA several times and questioned two notices posted. The notices were placed in the Dansville and Jefferson County papers and wondered why they were sent there, no one from this area would see them. Supervisor Deming answered each year the County must officially designate a legal paper, as the Town does, this must be their paper(s). Mr. Fuller questioned once again who would see it in Jefferson County?, which Mr. Deming asked

for Project Gardens? Mr. Fuller answered Yes for Project Gardens, posted by Julie Marshall. Supervisor Deming replied he would need to speak with IDA for verification.

Planning Board Chairman, Joe McIlroy asked Mr. Fuller specifically when Mr. Rose approved a resolution at the May 10th meeting. He has a copy of the meeting minutes in hand this evening, and does not see any action.

BILLS

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

General Fund claim	#156-186	\$15,187.56
Joint Water/Sewer	#121-145	\$129,579.04
Street Lights	#5	\$1,380.00
Capital Improvement	#3-4	\$7,939.06
Highway Fund claim	#107-126	\$12,853.81

ADJOURNMENT

Resolution offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board meeting until July 14th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:40 p.m.

Respectfully submitted,

Christine M. Harris, Clerk