

York Town Board Meeting  
April 12, 2018

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

Absent: None

Others: Henry Fuller, Kirk Richenberg, Dave Bojanowski (Genesee Valley Conservancy), Robert Grant (Water/Sewer Dept.), Thomas Wolfe (Deputy Highway Supt.), Dustin Geiger, Sarah Batzing, Carl Peter (Zoning/Code Officer) and James Campbell (Town Attorney).

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Rose to lead in the Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of March 8<sup>th</sup> Regular Town Board Meeting and March 14<sup>th</sup> Public Hearing. Voted on and approved, Yes-5, No-0.

**HIGHWAY REPORT**

In the absence of the Highway Superintendent, Mr. Worden, Deputy Highway Supt., Mr. Wolfe gave the Highway Report:

- Due to the ongoing winter weather, plowing and salting of roads continues.
- After the recent wind storms, the department collected a great deal of down trees and limbs, and repaired signage as well.
- Would the town like to schedule a brush and limb clean-up day?

Suggested date: May 7<sup>th</sup>

\*Clerk Harris commented due to the ongoing weather conditions, May 7<sup>th</sup> may be a bit early to schedule clean up, residents have not had the opportunity to get out into their lawns. The board agreed that a clean-up date will be discussed and scheduled shortly.

**WATER/SEWER REPORT**

In the absence of Mr. Worden, Water/Sewer employee, Robert Grant gave the report:

- The Hamilton property on Dow Road has been tied into services.
- The Grant property on River Road has been tied into the water service.
- The Keenan Property on Main Street is still to come for services.
- Shortly after the last meeting (March 8<sup>th</sup>) we were able to complete the information for the upcoming Annual Water Quality Report (2017), which has now been submitted to the Village of Genesee for publication in May.

- Jetting of the system in the Retsof hamlet will take place from April 23-25<sup>th</sup> (notice has been sent to Liv. Co. News and posted on our website).
- We will be subcontracting with WYCO for use of their VAC Truck to clean out manholes at two lift stations.
- Ironwood has run the gas service to the Tabtronic lift station but we still have work to do to be connected.
- Changes had to be made with the RPZ at the Creamery in order to protect our system. Also, in order for the department to read the water meter, a new meter had to be installed, which is at their expense.
- Supplies were loaned out to Mt. Morris water department for their water break recently. They have since restocked our inventory.
- Attended a class today at the Liv. Co. Highway Dept. for recertification purposes.

Councilman Smith asked if everything has been resolved with the gentleman on Genesee Street who attended our meeting two months ago. Mr. Grant and Mr. Wolfe responded the water issue has already been handled.

### **PRIVILEGES OF THE FLOOR**

1) Sarah Batzing and Dave Bojanowski:

Mr. Bojanowski thanked the Board for allowing him to speak this evening on behalf of Batzing Farms. Mr. Bojanowski stated that Batzing Farm was selected by the Liv. Co. Agricultural Farmland Protection Board to be one of three County applicants to the NYS Farmland Protection Implementation Grant (FPIG) Program. FPIG program is administered by NYS AG & Markets.

The Genesee Valley Conservancy is an approved land trust willing to develop and submit the Batzing Farm application and if selected, the Conservancy would also hold the conservation easement. Mr. Bojanowski added that the Batzing's would continue to own and manage their land. The Conservancy currently holds over 100 conservation easements covering 16,800 acres of land in the Genesee Valley region.

Mr. Bojanowski expressed that the primary purpose of the conservation easement is to protect viable agricultural land. In addition to protecting valuable farmland, the conservation easement allows for significant Ag development, up to 10% of the acreage, within the easement area. Residential and Commercial development can occur within the entire Farmstead area.

Mr. Fuller asked if there will be anything toward the tax base. Mr. Bojanowski replied, it will not, there is no impact to tax assessments.

Mr. Richenberg asked, are you trying to show the State of New York that there is protection from development. Mr. Bojanowski answered yes, because the Town of Avon has been documented as being the largest developed land in the County and it is extremely close to the Town of York. The Sparta and Ossian areas are getting developed as well. The northern half of Livingston County is getting quite developed, but we have

had more acreage protected in Liv. Co. than in other areas. Mr. Bojanowski stated that it may not be under heavy development pressure, but still pressure all the same.

Mr. Richenberg questioned where the grant funding is coming from. Mr. Bojanowski answered, State Environmental Protection Fund. Mr. Richenberg followed with, what amount are you looking for per acre. Mr. Bojanowski replied each parcel is different, perhaps \$1,000-\$3,000 per acre.

Councilman Rose asked for clarification on the site plan map where it references "10 acre Farmstead Area", what specifically does this mean.

Mr. Bojanowski answered, in the easement there are additional regulations which allows the landowner non-restricted personal development but whoever owns the land will still have to obtain approval by the Conservancy prior to development.

After no further discussion...

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates supporting Batzing Farm application to Round 16 of the New York State Farmland Protection Implementation Grants (FPIG) available through the NYS Environmental Protection Fund and administered by the New York State Department of AG & Markets. Voted on and approved, Yes-5, No-0.

2) Kirk Richenberg:

Mr. Richenberg asked if Wyoming County Board of Supervisors have approved the abatement yet. Attorney Campbell stated that he has filed the necessary document but has not received confirmation as of yet.

Mr. Richenberg asked when the Town anticipates the Tower being completed. Supervisor Deming replied as soon as the new pump station is done we can finish the tower and get Linwood connected to water. Mr. Richenberg asked about a timetable for this. Supervisor Deming answered hopefully this summer.

Mr. Richenberg asked if there is an update on Cowan Road, which Deputy Highway Superintendent Mr. Wolfe responded there is not at this time.

Mr. Richenberg commented at the last meeting it was discussed about what may be allowable in a CAFO Plan and wondered if any conversations had taken place? Mr. Deming responded that he recently spoke with Rob Donnan and will be scheduling a meeting with his CAFO Planner in the near future which will include Supervisor Deming. Mr. Donnan will be contacting Mr. Deming with the date and time once it has been determined.

Mr. Richenberg asked the Board if they have been up Cowan Road to see that there is a retaining wall of sorts. The Board replied they have not traveled Cowan Road. Mr. Richenberg stated as a taxpayer he would like to see if the repairs they are doing now

may help the existing situation, and suggested that the Town put our road repairs on hold to see what the farm does first. The wall looks very high and he does not believe that it is for feeding purposes. Supervisor Deming responded that Mr. Donnan did not mention any work they were completing.

Mr. Richenberg asked the Board's thoughts on whether we should wait until the farm finishes what they are doing with repairs before we begin our proposed repairs? Supervisor Deming agreed that waiting may be beneficial to see what transpires. Councilman Smith added that Mr. Worden had budgeted funds for Cowan Road repairs that will need to be done but also agreed waiting to see what happens in the area would be a good idea.

Mr. Richenberg stated in the Public Hearing minutes he asked the Town Engineer Mr. Henry about the quality of water with Mr. Henry's response being that our quality meets all standards, what did he mean?

Attorney Campbell and Supervisor Deming responded they are not sure what he was referring to. Mr. Richenberg added with the ongoing THM issues we are not meeting all standards.

Mr. Richenberg asked if Mr. Henry has been part of the County water meetings. Supervisor Deming replied that Mr. Henry has attended the meetings scheduled by the Health Department but was not part of the Town water meetings.

Mr. Richenberg commented at the March 14<sup>th</sup> Public Hearing, Mr. Grove stated "the best defense against THM's is a charcoal filter" so why isn't the Town doing this? Supervisor Deming answered he believes Mr. Grove meant for residential purposes.

Water/Sewer Operator Mr. Grant described in detail the THM process and how they are formed and the Village of Geneseo's plans to install a Solar Bee in order to assist in remedying their portion of the THM matter. They hope to install it in the near future and asked to view what we currently have.

### 3) Henry Fuller:

Mr. Fuller asked if the Town has received minutes from the County Health Department meetings. Supervisor Deming answered that he has not received any minutes.

Mr. Fuller questioned why and feels no one is pushing the issue for a resolve.

Supervisor Deming replied that this matter will not be resolved overnight. The Towns and County officials have discussed this continuously over the years trying to decipher what would be the best course of action for a potential resolve. We anticipate additional customers of municipal water to help the situation.

Mr. Fuller commented he has brought this issue up for three years and feels there is no real resolve in his opinion. Mr. Fuller added that he noticed  $\frac{3}{4}$  of the Town Board members drinking bottled water...is there a reason? Supervisor Deming and Councilwoman Parnell stated it is a taste preference for them.

Mr. Fuller stated that he is very frustrated with the entire THM issue and feels the Town Board needs to push harder for a resolve because the Health Department will not and expressed that perhaps he needs to speak with the State. Supervisor Deming answered that the Town of York has worked continuously on this situation, making strides along the way but if Mr. Fuller feels he needs to speak with State officials, feel free to do so.

### **NEW BUSINESS:**

#### 1) York Valley Fest:

Councilmember Parnell reported that the York Valley Fest hosted Honor Flight last night at the Town Hall. It was very well attended and truly a wonderful, emotional evening. Mrs. Parnell wished to thank the Town for their support and look forward to continued events. Supervisor Deming commented that he was truly moved by the presentation and stated how special it was.

Councilwoman Parnell reminded everyone of the Valley Fest's upcoming events this year, "Closest to the Pin contest", proceeds to benefit Honor Flight as well as shared proceeds of the Chicken BBQ. The 5K proceeds will benefit the YCS Backpack Program.

#### 2) Court Audit:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the Court Audit prepared by Justice Clerk, Norma Geary for the year 2017. Voted on and approved, Yes-5, No-0.

#### 3) Water Adjustment Request

##### a) James Vitale property:

Supervisor Deming read aloud a request from Leah and Mark Vitale regarding a potential water adjustment for 2967 Genesee Street, previously owned by James Vitale. They recently detected a water leak, which calculated 135,000 gallons. The water has since been completely shut off inside the residence.

Councilman Smith asked why the water had not been shut off after the death of Mr. Vitale, which Clerk Harris responded at times family had been staying in the home, so we were unable to turn off the water, and officially we must have a verbal or written request to do so.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the water adjustment request submitted by Leah and Mark Vitale for property located at 2967 Genesee Street. Voted on approved, Yes-5, No-0.

\*Adjustment savings \$175.40

Councilman Gates inquired if we could prepare a policy pertaining to abandon properties, specifically when it comes to water service. Water and Sewer Operator, Mr. Grant stated his department does their best to address vacant homes when reading meters four times per year, but due to the number of existing accounts, it is sometimes

difficult to catch every situation. Clerk Harris added that between the office staff and our water operators, we work very hard to obtain as much information on our accounts, but sometimes even after an extensive search, no representative comes forward to give us the most recent documentation, making changes or compensation difficult. Many of these abandon homes, owned by mortgage companies, continue to pay the taxes each year but do nothing else to the property, leaving towns a larger issue. It would actually be helpful if the taxes were unpaid for a few years, ultimately bringing the parcel to County Auction, which then could have a new owner and a resolve. Not until legislators assist in this problem, abandon homes will continue to be something we all have to contend with.

**BILLS**

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

General Fund Claim	# 95-126	\$ 16,329.66
Joint Water & Sewer	# 66-91	\$ 21,276.57
Light District	# 4	\$ 1,631.45
Youth Fund	# 2	\$ 10.00
Highway Fund	# 56-80	\$ 16,185.38

**ADJOURNMENT**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adjourn the Town Board Meeting until May 10<sup>th</sup>. Voted on and approved Yes-5, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk