

York Town Board Meeting
May 11, 2017

Present: Supervisor Gerald L. Deming, Councilmembers: Lynn Parnell, Amos Smith & Norman Gates.

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), George Worden Jr. (High. Supt.), Carl Peter (Zoning & Code Officer), Chris Ward, Henry Fuller, Kirk Richenberg, Davies Nagel, Dustin Geiger, Andrew & Sue Smith.

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

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the April 13th Informational Meeting and Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR

1). Davies Nagel:

Mr. Nagel read aloud the following prepared statement:

I'd like to talk briefly about the Town's Comprehensive Plan.

As most of you realize, the Comp Plan serves "as a guide for growth and preservation... that best protects the environment..." and it also states, "The conservation of environmentally sensitive areas will be initiated or continued. Particular attention will be given to areas with steep slopes, wetlands, floodplains, woodlands and other critical environmental features."

The problem is we really don't know exactly where these areas are. I'm not aware of any town map that identifies the locations of these important natural resources.

As a result of this the community lost Fraser Woods because it wasn't identified as being an important protection from runoff, which eventually

damaged Casey Road.

Before we lose any more of these natural resources, which are supposed to be protected by our own Comp Plan, I would recommend, as first step that the Town come up with a map that identifies and locates these sensitive areas.

I would add to this recommendation that the Town Board ask the Conservation Advisory Council to consider creating this map, which would save greatly on any costs associated with this project.

Questions, comments? Thank you. Dave Nagel

Addendum: Trees are important to us whether they are used for products or left in their natural environment where they provide oxygen, soil protection, beauty, and a habitat for plants and animals, as well as, absorb and store carbon dioxide. Who will speak for the Trees? The Lorax, Dr. Seuss

Supervisor Deming responded that he was not aware of any map existing in the Comp Plan pertaining to environmentally sensitive areas. Mr. Nagel agreed as well and commented that the Genesee River is one of the most important aspects, and we don't have a handle on outlining it or other important natural resources. Mr. Nagel added, let's not wait any longer in determining what we feel is important, otherwise we may not have an opportunity to protect it.

Supervisor Deming asked Attorney Campbell how Ag. & Markets play a role on a matter such as this. Mr. Campbell replied every individual situation is discussed and decided upon separately.

Mr. Nagel stated once again due to the fact we do not have a map on file currently, we leave ourselves open to additional actions taking place.

Supervisor Deming commented he will speak with Liv. Co. Planning Board Deputy Director Heather Ferrero about this. Councilman Smith asked if NRCS (Natural Resources Conservation Services) has been contacted in order to see if this is a viable project, as well as Soil & Water. Mr. Smith added NRCS provides knowledge and planning for farmers and forest landowners wanting to make improvements, and they dictate how to proceed. If it's Federal land they determine when the Town can step in. Mr. Nagel commented once again the need to know and outline in advance the sensitive areas to protect. Attorney Campbell added that the Livingston County website is a very

good resource for satellite imagery and could be a helpful starting point. Mr. Nagel offered Cal Topo as well.

Mr. Richenberg commented he believes he was involved with the previous Comp. Plan discussion and does not recall any specific map areas being outlined. Mr. Nagel added that historical sites are protected to a point, but we don't have a real grasp of those either, such as Little Italy and its significance and the possibility of being compromised. Supervisor Deming agreed due to private ownership it too could be affected. Attorney Campbell stated that the Town should identify specific features to protect. Mr. Nagel expressed the need to outline critical areas of the town, such as Little Italy and others in order to alleviate damage in the future.

2). Henry Fuller

Mr. Fuller addressed with the Board the spills that took place recently and asked what agencies came out to the first one. Supervisor Deming replied that several individuals and agencies attended:

NYS DEC
Liv. Co. Emerg. Management Director, Kevin Niedermaier
High. Supt, Mr. Worden
Jim Booth (Lawnel's Certif. CAFO planner, works for WNY Crop Management).
Liv. Co. Health Dept.

Mr. Fuller commented that he asked community residents about the spill and no one knew it took place. There should be some system to at least notify Town Board members about an issue because DEC does not release any information. Mr. Nagel asked earlier in the evening to protect what we have, but with this spill 20,000 gallons of manure flowed to the Genesee River. Supervisor Deming responded the spill was handled very well and in a timely fashion and felt the farm completely took responsibility of the issue. Mr. Deming did read aloud a statement from a DEC official on the spill incident: The DEC cannot openly discuss specific cases that are currently under investigation. General questions can be refereed to:

Spills Department 585-226-5433
Tom Hall 585-226-5432

Water Department 585-226-5450
Nancy Rice (CAFO) 585-226-5453

Mr. Fuller commented that the DEC has always been "tight lipped" about situations and in particular cases it would be helpful to know what's going on. Attorney Campbell agreed with Mr. Fuller that DEC does not offer details out, but added that it is normal procedure for an open investigation. Mr. Fuller stated he is not done with this issue and has spoken with others on it. Even though some people don't seem to care what has taken place, he feels land owners rights get shoved aside and should have a tax reduction for them. Supervisor Deming questioned why and how this reduction would

take place, the incident involved a business and the DEC is required to handle it, not the Town. Mr. Fuller asked if a fine will be imposed, which Supervisor Deming replied, DEC would have to answer that. Mr. Deming added that the Town's Right to Farm Law does not allow the farmers to do whatever they want, and feels he doesn't fully understand the law's purpose. Mr. Fuller responded he takes exception to that statement. Supervisor Deming commented that unfortunately accidents happen and when this spill took place at 10pm, people were onsite, and began handling the matter very quickly.

Mr. Fuller asked what the status was regarding boring under town roads for manure purposes. Highway Supt., Mr. Worden replied he has not completed the permit process as of yet. Mr. Fuller asked if the town was still going forward with it, which Mr. Worden replied we are.

Mr. Fuller asked on the status of DFA's water project. Supervisor Deming answered that pipe continues to be installed and have not had any issues that we are aware of. Mr. Fuller asked if we have any easements. Mr. Deming replied DFA does. Mr. Fuller questioned if we have a contract yet with DFA or Covington, which Supervisor Deming replied we do not.

3). Kirk Richenberg:

Mr. Richenberg addressed with the Board the recent FOIL request he submitted, with a list of 7 questions to be answered. A single response was given by the Town Engineer, Mr. Henry, but a few of the questions were actually addressed to the Town Board. Does Mr. Henry answer for the Board? In some of the questions I asked about documented resolutions receiving a response of "not applicable". Supervisor Deming responded that the questions dealt primarily with the WNY project, not the Town, but stated in addition to Mr. Henry's answers, he too should have responded to clarify. Mr. Richenberg commented, he does not feel Mr. Henry should be speaking for the Town Board.

Mr. Richenberg addressed The Farm Use Road Policy submitted by Donnans, distributed by Councilman Rose at the end of the last meeting. What is large agricultural projects? Mr. Richenberg also commented that he believes a typo exists in the first paragraph, it should be "entering & exiting fields". There are laws in effect, which must be followed, and has an issue with having to contact the Livingston County Sheriff's Department when situations occur. Mr. Worden replied that the Sheriff's Department is involved in order to review the matter for potential safety hazards and to issue ticket(s) if necessary. Mr. Richenberg stated he is not happy with the document produced.

Mr. Richenberg questioned the situation on Casey Road and the erosion that has taken place, and asked what the town is doing. Mr. Worden answered that he has contacted the representatives renting the land, seeking their future plans and explaining the current concerns and potential further road issues. Mr. Worden stated that the department had to patch holes in our pipe recently, but made it clear to the representative that he wants to have a plan from them by summer, in order to replace a road culvert. Mr. Richenberg asked if NRCS or Livingston County has been contacted about this area, which Mr. Worden replied he has spoken with them, but was unsure if

the renters contacted them prior. Councilman Smith added if NRCS & Soil & Water are aware of the concerns, they will do everything they can to slow the erosion going forward. Mr. Richenberg commented that no silt fence was ever put up to aid in the matter, and several thousand feet of water flowed. The expense and manpower to correct, will that be bore by the Town? Supervisor Deming and Mr. Worden replied, yes it will. Mr. Richenberg followed by asking if we have any recourse? Supervisor Deming answered we have inquired, but not sure as of yet. Mr. Richenberg stated this operation created the water issue, they should have to take responsibility for it.

Mr. Richenberg asked if there were any town costs involved with the manure spill. Mr. Worden replied there was not and gave an overview of the actions and corrective measures taken after the spill took place. Mr. Richenberg asked if any town assets were involved, which Mr. Worden responded no, the farm used water from their own ponds.

Mr. Richenberg asked Councilman Smith if he was happy with their current response plan. Mr. Smith answered he was and commented that the clean-up process through this incident went rather smoothly.

Mr. Richenberg asked Mr. Worden what the status was for repairs on Cowan Rd. Mr. Worden stated that he is waiting to see what we obtain from CHIPS funding before work is started. He also spoke with the farmer recently and they indicated that they have been feeding the cows now away from the road.

Mr. Richenberg asked, at the Anderson Road informational meeting, it was discussed briefly the 500 foot distance boundary, separating “in the district from out”. Supervisor Deming stated each district can specify their footage, in past projects we have always used 500 feet, but could be something different. Mr. Richenberg asked if the Linwood Water tower had gone to bid, which Mr. Deming answered it has not. Attorney Campbell added in the process of preparing the Public Hearing documents and Bond information, it is important that Bond Counsel and the town’s numbers match fully, so all are on the same page. Mr. Campbell commented he had a conference call this afternoon to finalize the information. We hope to have things ready within 2-3 weeks.

Mr. Richenberg questioned the issue on Fracking and the document prepared. Supervisor Deming replied that all Board members received a copy of the proposed law, and asked for them to make comments to Attorney Campbell directly. Supervisor Deming asked Mr. Campbell if he has received any feedback. Attorney Campbell answered that he only received comment from Supervisor Deming.

HIGHWAY REPORT

Mr. Worden reported that we recently accumulated 2.2 inches of rain, causing issues in a few locations. There were portions on Anderson Road that washed out and culvert debris removal had to be taken care of on Casey Road. Mr. Worden stated once again that he contacted the parties renting the land on Casey Rd., to explain what we have been experiencing.

Mr. Worden informed the Board that we had a major oil leak on the excavator, which we were incapable of fixing ourselves, so we had to contact CAT for service. Mr. Worden stated we certainly needed it for culvert and road shoulder repairs after the heavy rains, but unfortunately didn't have it.

Mr. Worden reported that the department continues to mow the cemeteries and parks, and has been cleaning culverts more frequently due to the rainfall.

Mr. Worden stated that the County will be working on Fowlerville Road again, micro-milling the imperfections from last year's work, and the remainder of the road will be oil and stoned.

WATER/SEWER REPORT

Mr. Worden reported that Morsch pipeline started at Craig Station with piping, and all has gone well thus far. Mr. Worden stated he has been onsite quite regularly, watching the progress along with Clark Patterson Engineer, Cory Neefus. Mr. Neefus has obtained permission slips (signed/dated) from the landowners, which will ultimately thereafter be recorded as an easement.

Mr. Worden informed the Board that he received a call on Sunday regarding the Tabtronics pump station, with manhole levels being very high. We determined that there was not enough power generated in order to make it run, not allowing the pumps to engage. To make sure we didn't encounter a problem we contacted Barefoot Septic to pump two loads. Mr. Worden stated we then found out that a bird issue with the transformers was the culprit, but until the correction, it was able to be contained in the manhole with no spills. Mr. Worden added we now have a checklist prepared for each of the pump stations.

Councilman Smith asked Mr. Worden about any action taken from the letter we received from Retsof resident, Kim Drain. Mr. Worden answered that we have assisted previously with the sewer main problems, but at this point, we should be fine until we proceed with the scheduled repairs/upgrades to the system in the Retsof hamlet.

Mr. Worden also addressed the comment made by a resident at the Anderson, Limerick and Linwood Road Informational Meeting. The ditch that was referenced we maintain, and is draining properly, but the water she is experiencing is coming from a field behind their property. Elevation is their issue.

NEW BUSINESS

1) Water Restoration request:

a- Cody Luna:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the Water Service Restoration request submitted by Cody Luna for property located at 2535 Cowan Road, in the amount of \$200.00. Voted on and approved, Yes-4, No-0.

- 2) Assessor Resolution:
a- State Aid for 2018 Reval:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the following:

WHEREAS, the Town of York has undergone the revaluation of real properties within the Town, the Town feels that it is necessary to conduct a reassessment project of all properties for the 2018 assessment roll to maintain a uniform standard of assessment for the Town; and

NOW, THEREFORE, it is hereby

RESOLVED, by the Town Board of the Town of York, New York, that the Town of York hereby requests State assistance, specifically from the NYS Office of Real Property Services, to do a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program.

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

- 3) Training completion:
Supervisor Deming informed the Board that recently appointed member to the Board of Assessment Review, Richard Ellis, has completed his required training to serve.

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	#117-139	\$ 10,659.91
Joint Water & Sewer	#92-115	\$ 127,889.03
Light District	#5	\$ 1,572.47
Youth Fund	#5-6	\$ 881.58
Highway Fund	#78-93	\$ 9,608.53

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adjourn the Town Board Meeting until June 8th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:20 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk