

York Town Board Meeting
November 8, 2018
7:30 pm

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

Absent: None

Others: James Campbell (Town Attorney) George Worden (Hwy Supt) Justin Bennett and Sandra Curran (Baldwin Business Services) Henry Fuller, Dustin Geiger, Kirk Richenberg, Carl Peter (Zoning/Code Officer) Gary & Joanne Graham, David Deuel, Jim Mayes, Larry Lacy.

Supervisor Deming opened the Town Board Meeting at 7:35 p.m. and led the group in the Pledge of Allegiance. The Supervisor noted there would be a continuation of the Public Hearing on the Tax Cap as well as the Budget Hearing earlier this evening and questions would still be addressed and answered at this time.

-Mr. Fuller asked about Youth services expenses being in the General Fund. Mr. Bennett stated that the Town of York is the filing organization for the Youth despite funds coming from both Town and Village of Leicester it shows up on our books.

-Mr. Richenberg asked now that the Fire Company is housed in one building, will the other go back on the tax roll? (Retsof building). The answer was yes it already had.

-Mr. Richenberg inquired as to why Attorney fees are primarily taken from General budget when Attorney has been working on Water projects all along? Mr. Deming noted that he just recently started breaking down legal fees by separating them into respective accounts. As a reminder, Mr. Bennett said that the General Fund is basically the account where fees are allocated from unless it becomes a district where as then expenses would be appropriated to that specific district. In addition, although he certainly understands Mr. Campbell's reasoning regarding unplanned expenses, Mr. Richenberg strongly suggested to the Board to look closer to see if they can use Fund Balances to bring the Tax Cap down.

-Mr. Richenberg noted a conversation earlier between Mr. Worden and Councilman Rose mentioning that we had done substantial updates to our water/sewer system with the exception of 3 miles of Chandler Road that will need work at some point. Given this, Mr. Richenberg does not think it's right to ask taxpayers to cover the cost when the fund balances are so high. Mr. Bennett responded with "assessments went up but tax rates went down".

-Mr. Geiger asked for clarification as to the reason for going over the tax cap confirming that we are going over because we are taking in more profit in taxes so money is going in and money is then going out.

-Mr. Richenberg said that he totally understood the process but still feels fund balances need to be looked at as an option.

-Mr. Fuller asked what would happen if budget did not get passed? Supervisor Deming explained that property tax bills need to get printed in a timely fashion based on the budget information provided, so there is a deadline involved. Mr. Fuller then suggested that maybe the budgetary process should have started earlier. Mr. Bennett reiterated that the group had been working at this budget for quite some time as the process initially started back in July.

-Mr. Richenberg's final comment to the Town Board was perhaps maybe the increased rate for the Town's accounting services should be scrutinized a bit more given the number of issues he brought forth this evening.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn Town of York 2019 Budget Hearing at 7:46 pm. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell for the continuation of November 8th Regular Town Board Meeting at 7:46. Voted on and approved, Yes-5, No-0.

MINUTES

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the minutes of October 11th, 2018 Regular Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR:

1) David Deuel:

Mr. Deuel thanked the Town Board for allowing him privileges this evening and began by stating that all gathered here this evening are aware that he is against large scale solar arrays as he had expressed his opinions at several prior meetings relating to this topic. Mr. Deuel wanted to share additional information that he had obtained via the internet on benefits of small-scale arrays vs. large scale and provided websites available that residents could use as an educational tool. Mr. Deuel spoke of the number of households in the Town of York with there being roughly 1150. Mr. Deuel then emphasized the benefits of a smaller scale array to the homeowner as a means of supplementing electrical costs and reducing emissions. Using his own personal electrical usage/expenses as an example, Mr. Deuel provided figures for the group showing what the average individual homeowner would use and save with the installation of a small-scale array and the positive impact it could have on the environment and our local economy.

Mr. Deuel posed the question as to who benefits from Large Scale Solar farms other than 1-2 large landowners or corporations with profits, government subsidies and the return on investments in the hands of a small number of investors, venture capitalist

and maybe even politicians. Mr. Deuel then posed the question solar *or* housing...how about housing with solar? Mr. Deuel ended his privileges by quoting Will Rodgers "Land, they ain't making any more of it". He spoke directly to the Board and said that when looking at a moratorium for Large Solar arrays, I would ask that you take more time to look at our lands and renewable energy. The Board thanked Mr. Deuel for his thoughts and agreed to do so.

2) Gary Graham:

Mr. Graham introduced his wife Joanne and noted that they live on Linwood Road North just over the Genesee County line. In 2016, a neighbor came to him for his signature petitioning for municipal water in their area and given the water problems the Grahams have had for 20 years he signed the petition. Mr. Graham followed up by attending Town of York water meetings at which time he found out that the water line installation would actually be stopping short of his home. After talking with engineers, it was agreed that the water line could be extended to his property despite the county line running right thru his door of his barn. At that point, the water line was extended so that the line ends in his front lawn which thankfully is closer. Mr. Graham then obtained a quote for connecting the service only to find out that it was not that simple. The complications arise from his home being in Genesee County where the Town of York would be unable to bill for water usage or charge a debt service. Only solution is to work with Genesee County to guarantee reimbursement to the Town of York for all water charges. Mr. Graham stated that he will continue to work with all municipal agencies involved to rectify and seek correct approvals as he is currently dealing with ongoing water issues having to haul water to his residence regularly.

Supervisor Deming then mentioned that there is another home in Genesee County on Peoria Road that has also requested water and noted that Monroe Co Water Authority has assured that this can be done with engineers and attorney assistance.

3) Kirk Richenberg:

Mr. Richenberg began his privileges by asking if there was anything more on the Covington Water tower.

Mr. Worden replied per the plan, contractor is working on it. Grid Bee is in but not installed until Spring, tank is full, hut is up, chlorinator is there but pad needs pouring and electrical and fence work needs to be completed.

Mr. Richenberg inquired as to an anticipated time frame with Mr. Worden answering "water by January 1, 2019 if schedule stays aggressive." Supervisor Deming immediately questioned Mr. Worden about the timeline and said "Don't tell me January". Mr. Worden reiterated the date again and the Supervisor stated that was not the information he was told per recent meeting with contractor. December was the target date that had been discussed.

Mr. Richenberg then said with water flowing by January when is the total completion? Mr. Worden was unable to provide a date for completion.

Mr. Richenberg asked if Pavilion Central School agreed to the tax abatement for the tower. Attorney Campbell spoke up and said that he had reached out to a representative at PCS and they would be speaking to the school to let them know it should not be taxed. Informal discussions have been had by school board members regarding the exempt status but they had not yet agreed to make a resolution.

Mr. Richenberg then asked if there were any maintenance or repairs done yet to the sewer line to the Cheese Plant since installation to now. Both Supervisor Deming and Mr. Worden answered “NO” to his question.

Mr. Richenberg asked what the status was of Cowan Road and if there were any written drawings/plans. Mr. Worden replied “NO” to this question but did say that the town was going to try and fill holes with gravel.

Mr. Richenberg also mentioned that he could not help but notice Livingston County Highway Dept working in front of the Donnan facility ditching and now there is standing water which leads him to ask where all the manure has gone. He went on to ask how many loads of gravel did the farm receive for free from taxpayer dollars, for which it was indicated that would be a question for the Livingston Co. Highway Dept. to address.

HIGHWAY REPORT

Supt. George Worden gave the following Highway Report:

- Ready for big storms, sanders and plow trucks have been repaired and are ready.
- Patching pot holes but weather has been against us.
- Hope to have another employee on board soon.
- Started mowing back the sides of road and will be sure to take good care of the ditch in front of Mr. Fuller’s house.

WATER/SEWER REPORT:

Mr. Worden provided the following details on behalf of the Water/Sewer Dept:

- Several ongoing water/sewer updates have already been discussed this evening.
- Pressure reducing valve was installed
- Tank penetration has been completed.
- Took 1st water sample today and will take another tomorrow for Health Dept.
- Sewer pump went down this week but thankful to have had parts on hand to do repair.

Councilman Smith asked Mr. Worden if the separator would need any extra coverage protection for the upcoming winter. Mr. Worden responded with a yes, not a super structure just some sort of protection from the elements.

Supervisor Deming then asked what the costs would be for this and Mr. Worden responded with “approximately \$1000.”

NEW BUSINESS:

1) Court Updates:

Supervisor Deming told the group that the Town is working with engineering firm Clark Patterson Lee as to what is best for the updates needed to be in compliance with our

Court facilities. Court can no longer be upstairs and with the added need for security, renovation costs are astronomical. Buying land with the intent to build is also costly. At this point, adding on to the back of the Town Hall building seems most sensible at the moment. We will be looking at this more in depth with better plans and pricing to see if this is a feasible option.

Mr. Fuller asked if it would be to NYS Specifications? Supervisor Deming reported Yes, that is a requirement adding that Justices now have to have a separate entrance/exit for security purposes, chairs are to be anchored to the floor, clerk's area secured and rooms for legal counsel provided which are just some of the requirements we would need to adhere to.

2) Water Service Shut Off request:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the application for Water Service Shut off requested by Kathleen Cannarozzo at 2056 Morrow Lane Caledonia, NY 14423. Voted on and approved, Yes-5, No-0.

3) Livingston County Intermunicipal Agreement:

Supervisor Deming explained that this agreement with Livingston County Highway Department is an annual renewal for Tools, Equipment and Service sharing for a period of one-year effective January 1, 2019- December 31, 2019

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the 2019 Intermunicipal Agreement with Livingston County for Shared Highway Services. Voted on approved, Yes-5, No-0.

4) Sexual Harassment Prevention Policy:

Attorney Campbell read the NYS Law currently required for maintaining a Sexual Harassment policy in the work place. Mr. Campbell noted that it applies to any work place with more than 1 employee. He recommends adopting quickly to avoid any stiff fines or penalties unless you need to tweak the language as it reads now. Most have already done this and would advise the Town of York to do so as well. Mr. Campbell went on to say that the basis of the policy states that anyone who works for the Town of York would be required to adhere to training tools that are beneficial in recognizing Sexual Harassment in the workplace. The town is required to provide employees with complaint forms and posters with all the necessary information needed in the event they wish to file a formal complaint. Mr. Campbell did say that information would need to be posted in all Town of York locations (Town Hall, Highway & Water/Sewer Bldgs.) Supervisor Deming did respond to Mr. Campbell by saying that the Board was just now being introduced to this policy and receiving the information this evening. Mr. Deming would like for them to have time to review the notice with a decision to adopt expected at the December 6th Town Board Meeting.

5) Proposed 2019 Dog fees:

Mr. Deming shared with the Board a proposal by Town Clerk Christine Harris to increase the current fee schedule for dog licensing. The proposal would increase the fees from \$7.00 & \$15.00 to \$10.00 & \$20.00 respectively for dogs that are spayed/neutered

to those that are not. Councilwoman Parnell stated that the proposed fees were a 50% increase and asked how the fees in our neighboring town compared. Dep. Town Clerk Patti Barefoot stated that the Town of York was at the lower end for fees in comparison to the rest of the Town's in our County. Councilman Rose agreed with Mrs. Parnell on the topic and Councilman Gates' opinion was that the \$10.00 & \$20.00 was too high and should be lowered. Councilman Smith asked what others thoughts were in regards to the increase with Mr. Geiger asking Mrs. Barefoot how long does it take to process a license. Mrs. Barefoot answered approximately 5 minutes. Supervisor Deming looked to the Board for direction as to where they wanted to go with this and Councilman Smith suggested splitting the difference with the fees being \$8.00 & \$18.00. Motion made to adjust the current dog licensing fee schedule to \$8.00 spay/neuter, \$18.00 for unspayed/unneutered.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to set the Town of York dog licensing fee schedule at \$8.00 & \$18.00 effective January 1, 2019. Voted on and approved. Yes-5, No-0.

6) Local Law #3 of 2018 (2% Tax Cap):

Supervisor Deming repeated that earlier in the evening there was a Public Hearing to discuss the 2% Tax Cap where questions and answers were provided as to why the Town of York would be exceeding the 2% Tax cap as described in the published legal notice.

After no additional comments; a motion was made to adopt the Tax Cap.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adopt Local Law #3 of 2018 to override the limit on the amount of real property taxes that may be levied by the Town of York. Voted on and approved. Yes-5, No-0.

7) Proposed Local Law #4 of 2018:

Supervisor Deming asked Attorney Campbell to provide an overview to those in attendance of the proposed local law in relation to a temporary land use moratorium prohibiting Large Scale Solar Installations within the Town of York previously discussed at the October 11th Public Hearing. Based on the feedback from those in attendance as well as the concerns shared by the Town Board at the Public Hearing, Mr. Campbell believed there was sufficient need for the Town to move forward with a one-year moratorium if they wished to do so. Mr. Campbell continued to discuss the process and stated if it the Town Board is in agreement, he would make a referral to Livingston County Planning for review and recommendation prior to a required public hearing. Supervisor and the Board discuss scheduling a date for an upcoming Public Hearing and decided on January 10th, 7:00 pm.

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to schedule a public hearing for the purpose of comments concerning proposed Local Law # 1 of 2019 for the Establishment of a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Town of York. Public Hearing date was set for January 10th, 2019 7:00 pm at the York Town Hall. Voted on and approved. Yes-5, No-0.

8) Ag & Markets update:

Supervisor Deming stated that in 2016 Ag & Markets provided information on lateral restriction for which the Town of York made a resolution complying with NYS Ag & Markets Law stating that the Town of York is not permitted to provide water or sewer to a new home built on land within a NYS Agricultural District. With the proposed Anderson Road water project, this resolution is once again required.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the Lateral Restriction Resolution with New York State Ag & Markets Law for the following areas within the Consolidated Water District: Anderson Road Extension along portions of Federal, Anderson, Linwood and Limerick Roads and NYS Route 36 within an agricultural district. Voted on and approved. Yes-5, No-0.

At this point in the meeting, Supervisor Deming asked if there were any other New Business items in addition to what was on the evening's agenda. Councilman Smith asked Mr. Campbell if he was aware of any other towns dealing with connectivity issues related to services specifically mentioning Verizon. Mr. Campbell noted that he had reached out to Verizon and is aware that others too are looking in to any possible paths we can take with licensing regarding bandwidth requirements. In addition, Mr. Campbell mentioned local government will also be making inquiries.

9) 2019 Budget:

Supervisor Deming reiterated again that the \$86,000 that we are exceeding the 2% tax cap is due largely in part to the current water projects. Mr. Bennett noted that as there are additional water projects slated, this may be a perpetual problem.

Both Councilmembers Gates and Parnell shared their opinions with Mr. Gates reiterating that there will always be water issues to contend with as there are breaks and issues constantly ongoing noting the example of York Road East. Mrs. Parnell stated that she works with budgets every day and "robbing Peter to pay Paul never works." Mr. Richenberg then asked Mr. Bennett to explain why this is going to be a "perpetual problem." Mr. Bennett responded that operational revenue was coming in, not debt service revenue which translates to usage money going up but not enough to cover debt charges on property tax assessments. Mr. Bennett tried to convey to the group the importance from an accounting stance to balancing out funds. Supervisor Deming then posed to Mr. Bennett asking that if the Town were to use the \$86,000 from fund balance this year and Anderson Road water comes on, he too along with Mr. Richenberg would like a better understanding of this. In addition, the Supervisor asked that if the Town were to do the tax cap this year then next year we would probably be under the cap? Mr. Bennett answered with a "Yes."

Mr. Richenberg's last comment was that DFA (Dairy Farmers of America) should have been paying this year. Attorney Campbell responded to Mr. Richenberg with "the good news is that they bought water."

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adopt the Town of York 2019 Town Budget as presented, with approval of the Tax Cap override. Voted on and approved. Yes-5, No-0.

Lastly, Supervisor Deming addressed Mr. Fuller letting him know that he looked in to the work force at WNY Cheese. He stated they are currently at 25 employees and hope to have 30 when fully running. Craig Station Creamery originally projected 10 employees and currently have 11.

BILLS

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

GENERAL FUND:	# 318-346	\$12,733.24
HIGHWAY FUND:	#200-216	\$14,019.73
CONSOLIDATED WATER/SEWER FUND:	#236-261	\$245,346.49
LIGHTING DISTRICT:	#11	\$1,679.82

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to close this evening's Public Hearing, Budget Hearing and to adjourn the Town Board Meeting until December 6th. Voted on and approved Yes-5, No-0.

Town Board Meeting closed at 8:55p.m.

Respectfully Submitted,

Patricia A. Barefoot, Dep Town Clerk