

Public Hearing
January 10, 2019
7:00 pm

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

Absent: None

Others: David Deuel, Henry Fuller, Renee Young, George Worden (Highway Supt), Kirk Richenberg, James Campbell (Town Attorney), George & Millie Worden

Supervisor Deming opened the Public Hearing at 7:04 p.m.

Supervisor Deming opened the Public Hearing for proposed Local Law #1 of 2019 and turned the meeting over to Attorney Campbell. Mr. Campbell read aloud the notice placed in the Livingston County News for Local Law #1 of 2019, "Establishing a Temporary Land Use Moratorium Prohibiting Large Scale Solar installations within the Town of York."

Mr. Campbell reported that the proposed law was referred to the Livingston County Planning Board for review and recommendation. After such review the Planning Board voted to recommend approval, with a few advisory comments.

- #1- Because the moratorium affects lands that are within 500 feet of the boundaries of the Village of Geneseo, Towns of Geneseo, Avon, Caledonia, Covington, Leicester and Pavilion, necessary notification for the bordering municipalities are required.
- #2- Liv. Co Agricultural & Farmland Protection Board recommends that each Community review their current regulations on solar energy to ensure adequate Protection of prime agricultural resources.
- #3- If not done already, the Town should consider the NYS Dept of Ag. & Markets Guidelines for AG mitigation for Solar Energy Projects in the development of Solar regulations.
- #4- Development standards should balance solar development with minimizing impacts to adjacent properties/uses. The Town may wish to consider using the New York State model Solar Energy Law and Toolkit as a resource.

Supervisor Deming opened the hearing up for comments at this time:

David Deuel:

Mr. Deuel thanked the Board for allowing him the opportunity to speak this evening, and expressed his support for another moratorium. Mr. Deuel added he would like to see the Board approve the moratorium now but consider an outright ban thereafter.

Mr. Deuel referenced an article recently in the local paper discussing in great detail investing in farmland protection by distributing 35 million dollars for such. Mr. Deuel commented he feels it is crazy to give grant funding for protection and then turn around and scoop up precious land for large scale solar.

Mr. Deuel stated once again his desire for the Board to approve the moratorium this evening then after review, proceed with a ban. Mr. Deuel added after such ban by the Town Board, you should consider making a resolution to have Livingston County follow suit with one as well to preserve what we currently have. Mr. Deuel stated that he does believe in solar and renewable energy but does not support large scale solar.

Kirk Richenberg:

Mr. Richenberg asked a number of questions:

What is the plan going forward?

Mr. Deming replied he is unsure if the same committee will continue or if new members will be needed but stated that the committee will review what has been written thus far and additional research will take place.

Will the meetings be open to the public & minutes taken?

Supervisor Deming answered once a committee has been appointed, the meetings will be open to the public and minutes will be taken.

How does the Board plan to proceed this time in order to omit any errors?

Mr. Deming replied that the Board did read the law previously but due to the deadline of the moratorium approaching, we approved the Local Law to have something in place. This time the committee & the Town Board will take the needed time to make sure it's done so we are fully satisfied.

Mr. Richenberg commented, what was done this last time, was embarrassing to pay for something that was not done properly. I would like to recommend that the Town open it up to the community for possible solar committee members.

Attorney Campbell inquired how specifically, do we get the community involved seeking any suggestions.

Mr. Richenberg commented that the Town's website could be utilized to seek applicants.

Mr. Campbell stated that the website will certainly be used but asked for other suggestions to get more residents involved...Town survey?

Mr. Deuel commented that he conducted a survey when he was on the Board regarding Farmland Preservation and stated if you get 10% response, it is very good.

Attorney Campbell stated unfortunately it is difficult to get people to participate.

Mr. Richenberg commented that last time he was asked to participate, and then removed when another came forward because I may be confrontational. The committee consisted of same opinions.

Mr. Campbell replied having different opinions is very good in these situations.

Councilman Smith stated that he strongly disagrees that the committee had only 1 opinion on the solar subject, many meetings and discussions took place with a number of opinions.

Mr. Richenberg reminded the Board of a letter published by the NYS Farm Bureau (a copy of which was submitted with Mr. Richenberg's comments at the Oct. 3, 2018 Public hearing) stating that the farmers are not putting solar into their current practices ultimately hurting themselves financially.

Mr. Fuller stated ever since the Right to Farm distinction, I think the farmers need to take a good look at their current practices and if things don't get better, they will need to diversify, so why are we protecting the farmland. "They should not put all of their eggs in one basket...it will fail."

Renee Young asked why is it your responsibility to tell us what to do with our land?

Mr. Fuller asked if anyone had read the article in the local paper where the comment was made that farmers have the right to farm but not the right to pollute the roadways or the constant smell of lagoons. The Board replied they had not. Mr. Fuller stated in his opinion what's on his property is his business.

Ms. Young commented that solar panels don't make any noise and make good neighbors.

George Worden Sr. commented everywhere you drive now, we are seeing them all over.

Mr. Campbell explained that this proposed law will not affect any smaller solar arrays on homes or on land, this is strictly pertaining to large scale solar.

Mr. Richenberg asked if this law affects the previously adopted one?

Attorney Campbell replied that it will not, only with regard to large scale solar applications.

Mr. Fuller commented that the definition and distinction of the Town of York viewshed needs to be changed, currently the Town is cut in half.

Supervisor Deming asked for any additional questions...

RESOLUTION offered by Mr. Smith & seconded by Mrs. Parnell to close the Public Hearing at 7:26 p.m. Voted on and approved, Yes-5, No- 0.

Respectfully Submitted,

Christine M. Harris, Clerk

York Town Board Meeting
January 10, 2019
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) Henry Fuller, Kirk Richenberg, George Worden Jr. (Highway Supt.), George and Millie Worden

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the minutes of December 27th, 2018 Close Out Meeting and January 1, 2019 Organizational Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY REPORT

Supt. George Worden reported the following for the Highway Department:

- Changed out culverts on Casey Road, ditched as well
- Weather permitting, more ditching will be conducted
- With the freezing and thawing, many potholes have occurred which we have filled a number of them.
- The department has been removing snow and salting as needed

Councilman Smith asked what the volume of salt was. Mr. Worden answered that we have 800 ton on hand, we have used 600 ton so far and we bid 1700 ton.

Mr. Worden reported that a Publics Works committee meeting will take place to discuss and prioritize road projects for the year. Mr. Worden stated that he and Councilman Rose will determine what date will work for both schedules.

WATER/SEWER REPORT:

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

- Linwood Road is now operational, letters have been sent to the residents to connect, which 5 or 6 have already done so. The temporary pumps are handling the system fine.

- Had a sewer issue at the Cheese Plant recently; they contacted us claiming that there was a problem with the pump station. Once we investigated the matter at the plant & pump station, it was determined that it was not a pump issue. Restriction of flow happened with no damage and it has not happened again but we continue to watch closely.
- Water/Sewer Operator Mr. Grant is handling the day to day duties fine in Mr. Hodges absence due to his recent surgery.

PRIVILEGES OF THE FLOOR:

1) Kirk Richenberg:

Mr. Richenberg asked several questions of the Board this evening:

Does the law prohibit placing snow or other substances in the roadways?
Previously the Town had published notices to that, and has the Town ever pursued a violator of this by writing them up?

Highway Superintendent Worden replied there is Highway Law that prohibits placing snow or other substances upon the highway but no one has received a violation notice to date. Nothing has been documented as a road hazard but if needed, 911 can be called as well.

Cowan Road is continually a road hazard, so we can contact 911 anytime a hazard takes place?

Supervisor Deming and Mr. Worden replied that 911 should be notified when a hazard occurs, they will then render a record of the call and if action must be taken to clean up the roadway, we can bill them accordingly.

Regarding the 2019 tax bill...there is an additional charge of \$23.00 for Consolidated Water, wasn't it determined that the cost would be closer to \$34.00?

Mr. Deming stated that the original calculations prepared was \$34.00 more to all Consolidated Water customers but when it was finalized it came in less than anticipated. We ended up borrowing less than we thought initially.

When project is completed will there be any additional charges?

Supervisor Deming replied there will not be additional charges.

What is the status of the Highway Grant?

Mr. Worden answered we received word that we did get \$311,000.00 in funding but we are waiting to officially be notified of it with a confirmation letter.

Can you explain the difference between a Transfer & Due to/Due from in reference to the December 27th meeting?

Supervisor Deming replied that Clerk Harris asked the same question previously and believes it is movement of monies from one account to another but will verify with our accounting firm for the next meeting.

Is the town paying the electric bill for Craig's corner?
Mr. Deming stated that the Town is not paying the electric bill for that location. Lawnel Farms electric line is running the pump. This was a discussion between Clark Patterson and Lawnel Farms.

Is there a contract for the use of the pump?

Supervisor Deming answered there is not a contract.

OLD BUSINESS

1) Local Law #1 of 2019

Attorney Campbell discussed with the Board and wanted the record to reflect that proposed Local Law #1 of 2019 is classified as a Type II Action by regulation which would not require further SEQR review. It is up to the Board at this time to render a decision on whether or not to proceed.

RESOLUTION offered by Mr. Smith and Seconded by Mrs. Parnell to approve Local Law #1 of 2019, "Establishing a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Town of York." Voted on and approved, Yes-5, No-0.

Attorney Campbell asked the Board to give thought on how to constitute a committee in order to get one in place as soon as possible.

NEW BUSINESS

1) Petty Cash Audit

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the Water and Town Clerk Petty cash audit submitted by Clerk Harris. Voted on and approved, Yes-5, No-0.

*The audit was conducted prior to the start of tonight's meeting by Councilman Gates and Supervisor Deming.

2) Recycling Center

Supervisor Deming stated we continue to have issues trying to get and keep help at the Town's Recycling Center. We are officially down to 2 people of which 1 will be going on vacation for a month. There is a volunteer that helps when he can but is not there on a regular basis. Supervisor Deming asked the Board their thoughts and for any suggestions on how to proceed.

Mr. Deming reported that we recently spoke with LT Disposal asking if they might be interested in taking over the recycling center in order to keep it going if we were unable to. LT did express interest in doing so and Supervisor Deming stated that discussions are strictly in the preliminary stages with nothing being decided. Councilman Smith asked if any other towns had been contacted which Mr. Deming replied they have not. Mr. Worden commented that Caledonia uses part time help to run their center. Councilman Smith stated if our recycling center was run a bit more efficiently, maybe additional help might not be needed.

Supervisor Deming addressed Mr. Smith's comment by saying individuals are needed for different purposes, some run the recycling portion while others handle garbage/refuse customers while another assists with traffic.

Mr. Fuller asked what the hourly rate was for recycling personnel, Mr. Deming replied \$12.00 per hour.

Councilman Rose asked if LT was to run the Recycling center can they set their own fees? Supervisor Deming answered they can.

Mr. Richenberg asked if the original recycling center site had received grant funding. Mr. Deming replied that the center did receive funding approximately 30 years ago. We can certainly verify this but he believed it was within that time frame.

Mr. Richenberg asked if LT is interested, do they do this in any other location? Supervisor Deming answered that LT runs their own transfer station in Caledonia every Saturday. Mr. Worden added if LT was to run the recycling center, they would also be responsible to hold the permit and complete all required reports.

Attorney Campbell suggested that the Board consider soliciting bids for such service if this is the route that the Town decides to proceed with.

3) Livingston County Youth Recognition

Supervisor Deming reported that we received correspondence pertaining to this year's Livingston County Youth Recognition Award. If any Board member wishes to submit a recommendation or two, please inform him in order to pass along to the Liv. Co Youth Bureau. Deadline for submittals is Friday, February 8th.

4) Water Shut off Request a-2647 York Road West

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the Water Service Shut off request submitted by William Decker for property located at 2647 York Road West. Voted on and approved, Yes-5, No-0.

OTHER

1) Town of York Bicentennial

Councilwoman Parnell reported that the Bicentennial committee has met several times to discuss and begin preparations for the year long celebration of the Town's 200 year

anniversary. The first event is scheduled for Saturday, January 26th at the Wadsworth Grill where a Chicken and Biscuit dinner is planned along with a presentation of the History of York from Town Historian Steve Gates. All proceeds for that day will go back to the committee for future activities and events throughout 2019. The committee has several wonderful events planned which will be advertised shortly in the paper.

2) Outdoor Signage

Councilman Smith suggested that the Town consider looking into pricing of a new/updated signboard for posting of messages. Supervisor Deming asked Mr. Smith to spear- head that review.

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:	# 1-29	\$43,258.21
HIGHWAY FUND:	# 1-16	\$ 25,747.96
CONSOLIDATED WATER/SEWER FUND:	#1-17	\$ 75,528.86
LIGHTING DISTRICT:	#1	\$ 1,924.73
YOUTH FUND	#1	\$ 1,373.50

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting until February 7th. Voted on and approved Yes-5, No-0.

Town Board Meeting closed at 8:00 p.m.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk