

RICHMOND TOWN BOARD  
REGULAR MEETING  
RICHMOND TOWN HALL  
8690 MAIN STREET  
HONEOYE, NY 14471  
TUESDAY, October 9, 2012/7:00 PM

Supervisor Ralph Angelo  
Council Member Gary Hubble  
Council Member Stephen Barnhoorn  
Council Member Thomas Gendreau  
Council Member John Chrisman

24 Residents and guests

**7:00 PM**

Supervisor Angelo called the meeting to order.

Supervisor Angelo opened the Regular Town Board Meeting.

Council Member Barnhoorn motioned to amend the agenda to the following:

Under Committee Reports – add Hydraulic Fracturing Committee.

Under Old Business – add Chapter 101.4 Building Code

**Privilege of the floor:**

**Dave Rose**

**Kenrick Corporation/Property Management Company for Parklawn Apartments**

Mr. Rose has been working on site up to 60 hours a week repairing and improving the complex. There is a full staff that backs them, financing, bookkeeping, and maintenance. Slowly things are coming back online. Visible changes are outside lighting that has been repaired, flower beds weeded, planted, and mulched, and inside, apartments refurbished, hot water heaters replaced, and doors being replaced before the snow comes. The parking lots will be repaved and striped. It is a big process.

Council Member Chrisman said the volunteer ambulance would appreciate it if the hallways were free of clutter. Mr. Rose said many are cleared right now, but they will continue to clear them out. Council Member Chrisman welcomed Mr. Rose to town.

Council Member Barnhoorn motioned to approve the minutes from September 11, 2012.

Council Member Gendreau 2<sup>nd</sup>.

All in favor

Council Member Barnhoorn motioned to approve Abstract 10 2012.

Council Member Hubble 2<sup>nd</sup>.

All in favor.

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Code	Voucher #s	Fund	Prepays	Unpays	Totals
A	1387-1424	GENERAL FUND		\$ 21,418.04	\$ 21,418.04
DA	2158-2182	HIGHWAY		\$ 161,750.90	\$ 161,750.90
SL	5010	STREET LIGHT DISTRICT		\$ 552.22	\$ 552.22
SW	3174-3190	HONEOYE WATER DISTRICT		\$ 25,839.30	\$ 25,839.30
SW1	3174-3190	SHETLER RD WATER DISTRICT		\$ 3,912.67	\$ 3,912.67
SF		RICHMOND FIRE DISTRICT			
			\$ -	\$ 213,473.13	\$ 213,473.13

### Planning Board

#### Chairman Ed Jackson

Chairman Jackson asked if there were any questions regarding his budget requests.

At the September 27<sup>th</sup> meeting, the first site plan residents did not show up. The public hearing for property in the Honeoye Business Park was approved. It was for personal use of the old machine shop, no car repairs, no car sales, no outside storage, and the façade will have improvements, new lighting, and an overhead door.

Amendment of lot lines on East Lake Rd. for Sharon Coon's property was approved.

Richard Knight and Deb Hollander are dividing 60 acres on Pierpont and Abbey Roads. There was no problem with that.

Council Member Barnhoorn will bring us up to date on permit fees.

The Unsafe Buildings Report will be much more thorough when the Planning Board minutes come out.

Chairman Jackson has sent his comments to the Board.

Regarding the deforestation problem, Marsha Young, Linda Grace, and Chairman Jackson met with the Genesee Finger Lakes Regional Planning Commission. He is awaiting the final report on the Trails Project.

A number of Planning Board members will be going to the GFLRP workshop. They have met and exceeded their required training.

Chairman Jackson was asked about cell towers and collecting fees. Council Member Barnhoorn would like an increase in those fees. They should be collected. Collection of the fees is the responsibility of the Code Enforcement Office.

### Ethics Committee

**Council Member Barnhoorn** noted that 3 applications for the open positions were received. Supervisor Angelo said interviews have been set up.

### Hydraulic Fracturing Committee

The committee will be meeting in November. They have met with local and regional experts, a retired

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DEC spill expert regarding toxic spills, our Highway Superintendent who urged the committee to protect the Town's roads. A presentation from a Hydraulic Engineer was hosted, which provided an explanation of how hydraulic fracturing works. Last week another presentation was hosted from a Geology Professor from SUNY Geneseo. He informed the committee of the dangers of contaminated aquifers, how pollution can travel a great distance through an aquifer. They have looked at the economic benefits and impacts of hydro-fracking. Since it appears it is not going to be approved anytime soon, the committee recommends that they take the time to be thorough.

Council Member Barnhoorn on behalf of the committee recommends extending the moratorium for another year to give them time to make recommended changes to zoning laws. He stated that Town Attorney Russ Kenyon thinks it is a good idea to extend the moratorium.

Council Member Barnhoorn motioned to direct the Town Attorney to draft a 12 month extension to the present Hydraulic Fracturing Moratorium.

Council Member Hubble 2<sup>nd</sup>.

Council Member Hubble	Aye
Council Member Barnhoorn	Aye
Council Member Gendreau	Aye
Council member Chrisman	Nay
Supervisor Angelo	Aye

**Highway Department**

**Superintendent Thomas E. Fleig**

Wesley Road is 98% complete.

**Town of Richmond  
Town Board Resolution  
10 2012 50**

**WHEREAS** the Town Board of the Town of Richmond on this date, October 9, 2012, approves Snow & Ice Agreement No. D009777 between the State of New York and the Town of Richmond for snow and ice control which will expire on June 30, 2015 unless further extended, therefore

**BE IT RESOLVED** that the contract is adjusted to the estimated amount of \$35,323.17 for the 2012/2013 season and for the remainder of the term of the Agreement commencing July 1, 2012, unless changed by future update, and

**FURTHER BE IT RESOLVED** that the Richmond Town Supervisor is authorized to sign and enter into such agreement on behalf of the Town of Richmond, and forward four certified copies to NYS DOT.

The question of the adoption of the foregoing was duly put to a roll call vote, performed by Linda A. Grace, Richmond Town Clerk, which resulted as follows:

**Motion:** Council Member Barnhoorn

**Second:** Council Member Gendreau

**Voting:**

Council Member Hubble	Aye
Council Member Barnhoorn	Aye
Council Member Gendreau	Aye
Council Member Chrisman	Aye
Supervisor Angelo	Aye

Work is being done on the remainder of the pipes on Shetler Road to get them ready for next year's construction at the east end.

Council Member Chrisman was approached by a resident who said the new truck that has been ordered doesn't meet emission requirements. Superintendent Fleig stated that information is incorrect and the truck does meet emission standards.

Council Member Barnhoorn motioned to recess the Regular Town Board meeting.

Council Member Hubble 2<sup>nd</sup>.

All in favor.

Council Member Barnhoorn motioned to convene as the Honeoye Consolidated Water District Board of Commissioners.

Council member Hubble 2<sup>nd</sup>.

All in favor.

**Water Department**

**Deputy Water Superintendent Roger Moran**

Water samples for East Lake Road have been taken and the results have been sent to Attorney Kenyon and Stu Brown. Over 30 samples were taken, 65% were bad.

Deputy Superintendent Moran thanked the Highway Department for the backhoe and operator. A one inch tap was dug for the library addition.

Another leak was found and repaired on Shetler Road.

Thirty hydrants have been painted and are operational.

The Board commended the appearance of the hydrants.

Seasonal turnoffs have begun.

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Council Member Chrisman asked Deputy Superintendent Moran if he notified the residents whose water failed the tests. He was assured that all were contacted except one resident who had left town.

**Resolution 10 2012 51 Negative Declaration: See attached.**

Council Member Barnhoorn motioned to adjourn the Honeoye Consolidated Water District Board of Commissioners.

Council Member Hubble 2nd.

All in favor.

Council Member Barnhoorn motioned to reconvene the regular Town Board Meeting.

Council Member Gendreau 2nd.

All in favor.

Buildings and Grounds

Deputy Superintendent Moran

The bath house at Sandy Bottom has been winterized.

The bridge at the lookout was repainted the graffiti is gone, and loose rails were replaced.

Posted No-Hunting sign on the East Lake Road park property were cleared and made visible, brush was cleared on the south side. Clearing the land will make it possible to use our excavator to pick logs out of the creek on our own property.

The bubblers are coming out of the lake on October 17<sup>th</sup>.

Council Member Chrisman asked about the bill for \$100 balancing the sound system which is still not balanced.

Deputy Superintendent Moran will look into this.

**Code Enforcement**

**Code Office Jim Moore**

From 2001 to date there are 101. This is less than 1% of all permits. Council Member Chrisman asked for an update on the old school building. Code Officer Moore said they are waiting for a report on asbestos in the building. As soon as that report is obtained, they are planning to tear it down. There was discussion on asbestos abatement. Code Officer Moore has no record this has been completed on this building.

Regarding issues discussed at last month's meeting, the railing for the unsafe deck is almost completed. There is no apartment in the business on East Lake Road, but a kitchen was put in. They must get a building permit for that.

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The dwelling at the pizza place on East Lake Road is receiving an appearance ticket. There was discussion regarding demolition of a property in the Times Union Tract. Code Officer Moore would like to issue an appearance ticket. The demolition permit expires in February. The family did not know about the process going on with the resident. Code Officer Moore would like to start this now because it takes 60 days to complete.

**101.6 Unsafe Buildings Law**

The Town Board will read this law. Code Fee changes will be addressed next month. The changes will cover the cost of the Code Department but are high and unreasonable. Our current fees are in line with other towns.

**Recreation Department**

**Director Holly Stoddard**

Ongoing activities include the fitness room, fall soccer, fall tumbling, and adult co-ed volleyball. Upcoming activities include girls' 5<sup>th</sup> & 6<sup>th</sup> grade basketball, boys' 5<sup>th</sup> & 6<sup>th</sup> grade basketball, and the ski program. Director Stoddard will be attending the youth summit at Genesee Community College to meet with State Legislators.

Director Stoddard would like approval to hire Russ Smyth as a referee for the boys basketball program and as a substitute referee for the men's' basketball program.

Council Member Barnhoorn motioned to approve hiring Russ Smyth Smyth as a referee for the boys basketball program and as a substitute referee for the men's' basketball program.

Council Member Gendreau 2<sup>nd</sup>.

All in favor.

She would also like to increase the pay from \$20 per game to \$25 per game. The Board would like to discuss this in budget workshops.

**Town Clerk**

**Town Clerk Linda Grace** submitted her financial report. Second round Deer Management Permits will be issued on November 1<sup>st</sup>. The Town Clerk's office will open at 7:30 am that day.

Council Member Barnhoorn motioned to set the public hearings for the Special Assessment Roll for the Shetler Road Water District and the Adoption of the 2013 Budget for October 23, 2012 at 7:00 pm and 7:30 pm respectively.

Council Member Gendreau 2<sup>nd</sup>.

All in favor.

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Regarding revisiting a water project on White and Ashley Roads, Supervisor Angelo and Paul Chatfield of Chatfield Engineers will be contacting Stu Brown and will come back with exact numbers for the project next month. Regarding a water project on Big Tree Road, a water tank and pump station would be required.

Council Member Barnhoorn read the following from Attorney Kenyon:

At the last Board Meeting there were two separate groups of people that presented “petitions” to the Board requesting water district extensions. You asked me to look into the process necessary and associated with that topic.

There are two ways that a water district can be created or extended, either under Article 12 of the Town Law or under Article 12A. The East Lake Road extension was done under article 12A, that is, by the Town Board’s own volition. There is no provisions that I am aware of that allows for a revote when the proposed extension is voted down. Accordingly, the Ashley Road request must start from scratch. There would obviously be some cost savings because the plans, reports and specs were so recently completed, however, you have to start the whole process over again. You can elect to do this under Article 12A again where you initiate everything or you can progress under Article 12 where everything is initiated by Petition by the residents.

Discussion ensued over both Ashley/White and Big Tree. Residents were upset that petitions circulated and filed were not regarded as legitimate. Residents opposed to the Ashley /White Roads Extension were unhappy that it could be reconsidered after it was already voted down. Discussion continued over both of these issues.

**8:18 pm**

**Town of Richmond  
Town Board Resolution  
10-2012-54**

**ADOPTING TOWN OF RICHMOND CODE ENFORCEMENT OFFICE REPORT POLICY**

**WHEREAS**, the Town Board of the Town of Richmond deems it necessary to adopt the attached “Code Enforcement Office Report Policy” and

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Richmond hereby adopts the attached Policy and effective immediately, this Policy supersedes and rescinds all previous policies on this subject matter.

The question of the adoption of the foregoing was duly put to a roll call vote, performed by Linda A. Grace, Richmond Town Clerk, which resulted as follows:

**Motion:** Council Member Barnhoorn

**Second:** Council Member Hubble

**Voting:**

Council Member Hubble	Aye
Council Member Barnhoorn	Aye
Council Member Gendreau	Aye
Council Member Chrisman	Aye
Supervisor Angelo	Aye

**Richmond Town Board**

**Title: Code Enforcement Office Report Policy**

The Code Enforcement Office shall prepare a written summary report, on a monthly basis, covering the previous calendar month. Said report shall including the following:

- A summary of all outstanding permits that are 30 months old or older, together with all steps taken to close out those permits.
- A summary of all upcoming (within 60 days) and past-due fire safety inspections. This summary is to be limited to the number of inspections only, the length past due (if any) and is not to include names of businesses.
- Amount of monthly fees collected by the Code Enforcement Office, for what purpose and the total associated project cost.
- Total number of final Certificates of Occupancy and/or Certificate of Compliance issued.
- All summary of complaints or violations found and/or reported the follow-up action taken, if any.
- A summary of all requests for interpretations.

A copy of this monthly report shall also be provided to the Town Board at the Regular Monthly Town Board Meeting with copies sent thereafter to the Assessor, Planning Board and Zoning Board of Appeals.

**Chapter 101. Building Code Administration:** see attached document.

Highway Superintendent Fleig informed the Board that he emailed the salesman who confirmed the new truck emissions are good.

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The next Budget Workshop is October 15, 2012 at 6:30 pm.

Council Member Barnhoorn motioned to adjourn the Regular Town Board Meeting.

Council member Hubble 2<sup>nd</sup>.

All in favor.

Meeting adjourned.

The next Regular Town Board Meeting is Tuesday, November 13, 2012 at 7:00 pm.

Respectfully submitted,

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Linda A. Grace, Richmond Town Clerk

November 10, 2012