

The regular meeting of the DeRuyter Town Board was held at 7:30PM on the above date at the DeRuyter Town Hall renovation site. Following a tour of the site, the meeting was recessed and re-convened in the temporary Town offices.

Present were Supervisor Degear, Clerk Wightman, Councilmen Jones, Barnes, Hathaway and Coon, Highway Superintendent Cook, Henry and Martha Conway from the Madison County Courier.

Motion by Councilmen Barnes and Jones to accept the minutes of the June 10<sup>th</sup> meeting as presented. All in favor and carried.

**TOWN CLERK REPORT:**

- The monthly written report was submitted.

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Roadsides mowed
- Helped run electric wires from pole to Town Hall.
- Will start parking lot at Town Hall soon
- Chips work complete
- Gravel roads done

**UNFINISHED BUSINESS:**

- Notification that the NYSDOT has made the decision to install an additional stop sign at the intersection of Route 13, Albany Street and Lincklaen Street in the village.
- A local law is being drafted so that we will be ready to take over dog licensing in January.

**MADISON COUNTY UPDATE:**

- Madison County Fair opened in Brookfield yesterday.
- The expense for Madison County's \$20 million emergency communications will likely be added to property owners' tax bills this year. According to County officials, Senator David Valesky did not move the proposed additional 25cent/\$1,000 mortgage tax increase and is not going to move the proposed cell phone tax, either. Therefore, the two increases (projected to be about \$1 million) will likely have to be added to the tax levy unless the county receives an unexpected windfall to cover the costs of the mandatory radio system upgrade.
- Supervisor Degear will be attending a National Association of Counties (NACo) conference next week in Reno. Indian Affairs will be a topic of discussion.

**PUBLIC HEARING:**

- The public hearing concerning proposed local law # 1 of 2010 entitled Right to Farm Law was opened at 8:30PM. Since there was no one present to speak either in favor of or against the proposed local law, motion by Councilmen Barnes and Jones to close the public hearing. All in favor and carried.

**NEW BUSINESS:**

- Proposed Local Law #2 of 2010, entitled “Private Road Law” was submitted to Town Board members for review. The Town of DeRuyter recognizes that, due to the specific requirements of any given development, application of adopted public road design standards may result in development with excessive paving and grading, increased storm water runoff, and loss of vegetation. It is also the intent of this Ordinance to recognize that storm water runoff has been traditionally treated as a by-product of development to be disposed of as quickly and efficiently as possible. The result has often been increased flooding, degradation of water quality, soil erosion and sedimentation, and a failure to capitalize on the benefit of creative storm water management. However, unobstructed, safe, and continuous vehicle access to lots is necessary to promote and protect the public health, safety, and welfare to ensure that public services can safely enter and exit private property at all times.

It is the intent of this Ordinance to permit access to the interior of certain properties within the Town of DeRuyter by private roads that are subject to minimum standards and specifications. These standards and limitations are intended to permit unobstructed, safe, and continuous vehicle access, as well as, encourage road design standards which will result in the reduction of impervious surfaces and the preservation of vegetation, in order to more appropriately manage storm water. It is further the intent of this Ordinance to ensure that private roads are maintained and repaired by the private property owners, who own and use the road.

Motion by Councilmen Barnes and Hathaway to hold a public hearing concerning proposed local law #2 of 2010 at 8:00PM on Thursday, August 19, 2010 in the temporary Town Offices. All in favor and carried.

- Steve McCarthy, presented an insurance proposal from EBS-Rmsco, Inc. Following review of the proposal, motion by Councilmen Barnes and Coon to accept EBS-RMSCO, Inc.’s proposal for insurance coverage from July 17, 2010 to July 17, 2011 with a total premium of \$17,049.61. All in favor and carried.
- Standard work day for the retirement system: Motion by Councilmen Barnes and Coon to adopt:

**# 45 RESOLVED: WHEREAS,** The Office of the State Comptroller New York State and Local Employees’ Retirement System requires that a Standard Work Day and Reporting Resolution be established for retirement credit reporting purposes for elected and appointed officials;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of DeRuyter hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk:

TITLE	NAME	STANDARD WORK DAY (Hrs/Day)	TERM BEGINS/ ENDS	DAYS/PAY PERIOD (Based on record of Activities)	PAY PERIOD
<b>Elected Officials</b>					
Town Clerk	Rebecca Wightman	6	1/1/2010-12-31-2011	9.61	Bi-Weekly
Highway Superintendent	Walter Cook	8	1/1/2010-12-31-2011	10	Bi-Weekly
Supervisor	Daniel Degear	6	1/1/2010-12-31-2011	12.08	Monthly
Councilman	Edwin Coon	6	1/1/2008-12-31-2011	1	Quarterly
<b>Appointed Officials</b>					
Code Enforcement Officer	Roger Cook	6	1/1/2010-12/31/2010	4.26	Monthly
Assessor	Stephen Harris	6	10/1/2007-9/30/2013	3.42	Monthly
Deputy Supervisor	Edwin Coon	6	1/1/2010-12/31/2010	1	Yearly

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- The State Environmental Quality Review (SEQR) Short Environmental Assessment Form was reviewed. Motion by Councilmen Barnes and Coon stating that upon review of proposed local law # 1 of 2010, receipt and review of a report from the County Planning Board, review of page 1 of the

SEQR form, and other hearings and deliberations among the Board, a finding is hereby made that the enactment of the Local Law #1 of 2010 will not result in any significant adverse environmental impacts and therefore a negative declaration is hereby made under SEQR. All in favor and carried.

- There being no further deliberations or discussions, motion by Councilmen Barnes and Coon to adopt:

**#46 RESOLVED:** That this Town Board does hereby enact Local Law #1 of 2010 as  
**Local Law #1 of 2010: Right to Farm Law**

**Section 1. Legislative Intent and Purpose**

The Town Board recognizes that farming is an essential enterprise and an important industry that enhances the economic base, natural environment and quality of life in the Town of DeRuyter. The Town Board further declares that it shall be the policy of the Town to encourage agriculture and foster understanding by all residents of the necessary day-to-day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agri-businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of DeRuyter, it is necessary to limit the circumstances under which farming might be deemed to be a nuisance and to allow agricultural practices inherent to, and necessary for, the business of farming to be able to proceed, and to be undertaken free of unreasonable and unwarranted interference or restriction.

**Section 2. Definitions**

1. "Farmland" shall mean land used in agricultural production, as defined in section 301 (4) of Article 25AA of New York State Agriculture and Markets Law.
2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, raising of crops or raising of livestock.
3. "Agricultural products" shall mean those products as defined in section 301 (2) of Article 25AA of New York State Agriculture and Markets Law including, but not limited to:
  - a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans
  - b. Fruits, including apples, peaches, grapes, cherries and berries
  - c. Vegetables, including tomatoes, snap beans or peas, cabbage, carrots, beets and onions
  - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers
  - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites such as ostriches, emus, rheas and kiwis, farmed deer and buffalo, fur-bearing animals, milk and milk products, eggs, furs, and poultry products
  - f. Maple sap and sugar products
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump
  - h. Aquaculture products, including fish, fish products, water plants and shellfish
  - i. Short rotation woody crops raised for bio-energy, and
  - j. Production and sale of woodland products including, but not limited to, logs, lumber, posts and firewood.

4. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.

5. "Farm operation" shall be as defined in section 301 (11) in the New York State Agriculture and Markets Law.

### **Section 3. Right-to-Farm Declaration**

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research, and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation
2. Conducted in a manner that is not negligent or reckless
3. Conducted in conformity with generally accepted and sound agricultural practices
4. Conducted in conformity with all local, state, and federal laws and regulations
5. Conducted in a manner that does not constitute a threat to public health and safety or cause injury to the health or safety of any person, and
6. Conducted in a manner that does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

### **Section 4. Notification to Real Estate Buyers**

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with section 310 of Article 25AA of New York State Agriculture and Markets Law, and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of agricultural land for the production of food and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district, or partially or wholly adjacent to areas where farm operations take place, and that farming activities occur within the district and within these other areas. Such farming activities might include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchasers of property within an agricultural district or on property with boundaries within 500 feet of an agricultural district or a farm operation that might be located outside a designated agricultural district. A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

### **Section 5. Severability Clause**

If any or part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact they any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

### **Section 6. Precedence**

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

**Section 7. Effective Date**

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- Since the next regular meeting date falls on the first night of the DeRuyter Firemen’s Fair, motion by Councilmen Barnes and Hathaway to change the next meeting date from August 12<sup>th</sup> to August 19<sup>th</sup>. All in favor and carried.
- Motion by Councilmen Coon and Jones to accept the Supervisor's Statement. All in favor and carried.
- Motion by Councilmen Coon and Jones to pay the bills as audited:

Abstract # 1011	\$20,269.62
Abstract # 1012	\$23,389.61

All in favor and carried.

- Motion by Councilmen Coon and Jones to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman  
 Town Clerk