

REGULAR TOWN BOARD MEETING

July 18, 2012

1. Call to order
2. Roll Call
3. Pledge of allegiance
4. Approval of minutes
 - a. June 20, 2012 Regular Town Board Meeting
5. Petitioners to the Board
 - a. Mildred Colburn
 - b. Ralph Walborn, Jr.
 - c. Larry Yehle
 - d. Dave Hayes
6. Communications to be filed
 - a. Time Warner Cable
7. Code Enforcement Officer
 - a. 2657 Swick Road, Romulus, New Building, Warehouse
 - b. 5758 Lake Hill Drive, Romulus, Addition
 - c. 2796 Vineyard Road, Ovid, Adding Tow Porches, Replace Roof
 - d. 5742 Lake Hill Drive, Romulus, Storage Shed
 - e. 5703 Rt 89, Romulus, Addition
8. Romulus Planning Board
 - a. Romulus Planning Board Minutes
 - b. Seneca County Planning Board Agenda and Minutes
9. Romulus Zoning Board
 - a. No Report This Month
10. Highway Superintendent
 - a. Report Attached
11. Dog Control Officer
 - a. No Report This Month
12. Bookkeeper
 - a. Report Attached
13. Supervisor
14. Committees Report
15. Old Business
16. New Business
17. Resolutions
 - 52-12 Verification of Payables
 - 53-12 Resolution Introducing Local Law __AA__ of the Year 2012
 - 54-12 Clerk Authorized to Advertise
 - 55-12 Modify Budget
18. Town Clerk's Report
 - a. Report Attached
 - b. Thirsty Owl
19. Adjourn

DRAFT
Regular Town Board Meeting
June 20, 2012

Call to Order: The regular Town Board meeting was called to order by Supervisor David Kaiser at 7:30 PM.

Roll Call:	Supervisor David Kaiser	Present
	Councilman Gordon Carroll	Present
	Councilman Ralph Walborn	Present
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinsworth	Present

Others Present: Town Clerk, Terry Smith
 Highway Superintendent, Jim Williamson
 Planning Board Chairperson, Kate Sinicropi
 Planning Board Vice Chairperson, Tom Bouchard
 FL Community Paper Reporter, Aneta Grover

Pledge of allegiance: followed by moment of silence.

Approval of Minutes:
 May 16, 2012 Regular Town Board Meeting
 Motioned: Councilman Kyle Collinsworth
 Seconded: Councilwoman Barbara McCall
 Carried Unanimously

Communications to be filed:

- a. SC Department of Planning and Community Development – attached
- b. State Office of Real Property Tax Service – attached
- c. Dan Pletcher Lawn Service – attached
- d. Time Warner – attached
- e. Romulus Central School – attached
- f. State of New York Department of Public Service – attached

Code Enforcement Officer

- a. 2295 Yerkes Road, Romulus, Wholesale Auction/Semi Annual Consignments
- b. 2059 Rte 96A, Ovid, replacing Porch
- c. 2050 Cayuga Street, Romulus, Single Family Dwelling
- d. 1997 County Road 135 A, Property Maintenance
- e. 6670 County Road 129 Property Maintenance

Romulus Planning Board

- a. Romulus Planning Board Minutes
- b. Seneca County Planning Board Agenda and Minutes

The Planning Board has the second draft of the proposed Docks and Moorings regulations that are being looked at.

We finalized at the last Board meeting the Right to Farm Law and that will be sent to Steve Getman. It will be put in Local Law format and then we will give it to the Town Board.

We also have the first draft of the revised Wood Burning Stove Law.

Larry Yehle and Tom Bouchard are working on the first draft of the Moratorium of Hydro Fracking. Mr. Yehle is helping the Planning Board as a concerned citizen. We are using templates from various Towns and it is not limited to hydro-fracking. Supervisor Kaiser did not agree with conventional vertical Gas drilling and hydro fracking lumped together. He stated it would be a disservice to roll all gas expiration into this moratorium.

Mr. Bouchard asked Supervisor Kaiser if he had received an e mail from Peter Brown regarding the grant for the water front project? Supervisor Kaiser stated he had and said he was concerned that the requirement for a cash match would be that much money. At our meeting we had broken down this grant into two sections. One was the amphitheater and the other the trail. A good part of that could come from in kind services. We have done quite a bit of work down there already. Mr. Brown would like an answer as soon as possible. We will present this at a special board meeting on July 11, 2012.

We are also taking a look at information that came to us from Harriett Haynes, on an alternate Board member. It is something that would have to be drafted and passed. Barry Roach has shown an interest in being an alternate Board Member.

There is training coming up in September 2012 sponsored by Wayne and Seneca Counties. Most of our Board members will be able to attend.

Three members attended the workshop on May 16, 2012 in Bushnell's Basin.

Romulus Zoning Board.

- a. No Report This Month

Highway Superintendent:

- a. Report Attached – Correction to Highway report. The run of crush is for the Log City Road, not the Blaine Road. Had couple of classes on Storm run off which is a big issue in the state right now.
- b. I gave Kyle a price on a new 10-wheeler I would like to entertain purchasing. This would replace the 98 Mac. The repairs are getting very high. Dumpster days came in financially less than what we thought. The tires have been taken to Seneca Meadows.

Dog Control Officer

- a. No Report This Month

Bookkeeper:

- a. Report Attached – Over due notices had been sent.

Supervisor

We have been working for a couple of years now on the Route 89 Water District. We have moved forward on. The Board was presented with petitions and oppositions. We have received petitions for a referendum to be held. Since then we have updated the Map Planning Report required to act on the District which is all the nuts and bolts and costs and projections. This has been presented to the Town. Tonight, I would like the board to pass a resolution to put this back on the table and get the process going again. I would like to have a public hearing on July 11, 2012, pertaining to this, and then concurrently have a special board meeting to take further action on the process. Also, finally after working with the Ambulance Corps, and our Town Attorney, we have hammered out a contract that is acceptable to the Comptroller's Office for services from South Seneca Ambulance Corp. They have also submitted to us, as per contract, a fee schedule that has been reviewed by the Attorney and Supervisor. There is a resolution to accept the fee schedule and the contract so that we can pay for services for 2012.

Old Business

Mr. Pletcher has asked to be let go from his contract for mowing as he did not realize how much mowing there was and underbid the contract. We have several options. We can put this out for rebid, or not. We do have a person doing the mowing now, that did it 2 years ago and is doing a good job. He agreed to do it at the price he bid. Next year we will be more specific on our bids. No body bid on the landscaping.

Resolutions:

37-12 Accept Appointment for 2012

Motioned: Councilwoman Barbara McCall

Seconded: Councilman Gordon Carroll

Carried Unanimously

38-12 Verification of Payables

Motioned: Councilwoman Barbara McCall

Seconded: Councilman Kyle Collinworth

Carried Unanimously

39-12 Accept Audit of Monthly Court Records

Motioned: Councilman Kyle Collinworth

Seconded: Councilman Gordon Carroll

Carried Unanimously

40-12 Authorize Supervisor to Sign Contract

Motioned: Councilman Kyle Collinworth

Seconded: Councilman Gordon Carroll

Discussion: Will this modify his funds?

Carried Unanimously

41-12 Budget Transfer-Appropriations

Motioned: Councilman Kyle Collinworth

Seconded: Councilwoman Barbara McCall

Discussion: Every year when there is money on an item that did not use all that allocated to that item, you may move the balance to another item that might have gone over on their expenses. This is only done within budget.

Carried Unanimously

42-12 Authorize Supervisor to Sign Contract

Motioned: Councilman Kyle Collinworth

Seconded: Supervisor David Kaiser

Carried with 1 abstention.

43-12 Authorize Supervisor to Accept Fee Schedule

Motioned: Supervisor David Kaiser

Seconded: Councilman Ralph Walborn, Jr.

Discussion: The Board wanted the fee schedule clarified.

Carried with 1 abstention.

44-12 Authorize Supervisor to Sign Easement

Motioned: Supervisor David Kaiser

Seconded: Councilman Kyle Collinworth

Discussion: Highway Superintendent Williamson requested this not be approved as this runs thru his property and it could be done some other way without his property having all the wiring run through it.

Motioned by Supervisor David Kaiser to Tabled this Resolution

Seconded by Kyle Collinworth

Carried Unanimously

45-12 Public Interest Order Route 89 Water District

Motioned: Councilman Kyle Collinworth

Seconded: Councilwoman Barbara McCall

Carried Unanimously.

46-12 Authorize Clerk to Advertise

Motioned: Councilman Kyle Collinworth

Seconded: Councilman Gordon Carroll

Carried Unanimously

47-12 Romulus Volunteer Fire Dept. Bingo Renewal

Motioned: Councilwoman Barbara McCall

Seconded: Councilman Gordon Carroll

Carried Unanimously

48-12 Ovid VFW Post #6200 Bingo Renewal
Motioned: Councilwoman Barbara McCall
Seconded: Councilman Gordon Carroll
Carried Unanimously

49-12 Funding Local Community Libraries
Motioned: Councilwoman Barbara McCall
Seconded: Councilman Gordon Carroll
Carried Unanimously

Town Clerk's Report

a. Report Attached
Motioned: Councilwoman Barbara McCall
Seconded: Councilman Gordon Carroll
Carried Unanimously

Adjournment: Meeting adjourned
Motioned: Councilman Gordon Carroll
Seconded: Councilwoman Barbara McCall
Carried Unanimously



Chris Mueller
Director, Government Relations

July 1, 2012

Dear Municipal Official:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable subscribers in the Western New York Division.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: Current TV, BBC America, BBC America HD, Cooking Channel, Cooking Channel HD, DIY, DIY HD, Encore, Encore HD, Encore Action, Encore Drama, Encore Love, Encore Mystery, Encore WAM, Encore Westerns, Food Network, Food Network HD, Fox News, Fox News HD, GOL TV, GOLTV HD, Gospel Music Channel, Gospel Music Channel HD, Great American Country, IndiePlex, Music Choice, NHL, NHL HD, NHL Center Ice, NHL Center Ice HD, RetroPlex, Sprout, Starz!, Starz! HD, Starz Cinema, Starz Comedy, Starz Comedy HD, Starz Edge, Starz Edge HD, Starz In Black, Starz Kids & Family, Starz Kids & Family HD, Trutv, TrutvHD, WSTM, WSTM HD, ZEE TV.

In addition, from time to time, we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or about July 25 to August 26, 2012 the following new content will be added to Sports and Fitness On Demand:

NBC Olympics – "Full Coverage" on Channel 209

On or about July 28, 2012, the following new content will be added to 3DTV 3D Events:

NBC Olympics – "Full Coverage" on Channel 1333

On or about July 28, 2012, the following new channels will be added:

Soccer Specialty Channel HD (Olympics) Free HD on Channel 1510

Basketball Specialty Channel HD (Olympics) Free HD on Channel 1511

On or about July 31, 2012, the following channels will be added:

MTV2 HD to Digital Basic Tier on Channel 1164

TVLand HD to Standard Service on Channel 1163

On or about August 1, 2012, the following channel will be rebranded:

MC Mix Tape to MCU (Music Choice University) on Channel 652

If you have any questions or concerns please feel free to contact me at 585-756-1326.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Mueller".

Chris Mueller
Director, Government Relations

Town of Romulus Planning Board Meeting
June 4, 2012

Kate Sinicropi, Chair	Present	Sue Ellen Balluff	Excused
Tom Bouchard, Vice Chair	Present	Bill Karlsen	Present
Cindy Meckley	Present		

The monthly meeting of the Town of Romulus Planning Board was called to order at 7:07 P.M. by Chair Kate Sinicropi, with the roll call, pledge of allegiance, and a moment of silence.

The minutes from the May 7, 2012 meeting were reviewed. Motion by Cindy Meckley and seconded by Tom Bouchard to accept the minutes. Motion carried.

Peter Brown of the Seneca County Planning Dept. emailed question wanting to know if Romulus Planning Board wanted to re-apply for a new round of grants including Willard waterfront project. Tom Bouchard answered yes to re-apply.

Chair Kate Sinicropi read a memorandum of understanding joining Town of Romulus Planning Board and Seneca County Planning Boards definitions of jurisdictions and setbacks.

Wind energy training seminars being offered in Yates county on June 26, 2012 and at Seneca County Office of Aging on September 17, 2012.

Updated docks & moorings draft from Sue Ellen Balluff brought up for discussion. Members are asked to respond with comments to Kate Sinicropi before next meeting.

Outdoor wood boilers stack heights and set backs discussed.

Motion by Tom Bouchard to accept right to farmland draft and forward it to Romulus Town Board for approval. Seconded by Cindy Meckley. Motion carried.

Tom Bouchard and community member, Larry Yehle, passed out rough draft of a hydro fracking moratorium proposal for the Town of Romulus.

Motion by Chair Kate Sinicropi to adjourn, seconded by Cindy Meckley. Motion carried at 9:00 P.M. Next meeting July 2, 2012.

Respectfully,



William G. Karlsen

**MINUTES
SENECA COUNTY PLANNING BOARD
JUNE 14, 2012**

**HEROES 9-11-01 CONFERENCE ROOM
COUNTY OFFICE BUILDING
WATERLOO, NEW YORK**

- MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess (late arrival), William Dalrymple, Donald Denman, Edward Franzoni, Sally Kenyon, Ronald McGreevy, Tom Scoles and John Swanson
- ABSENT WITH NOTICE:** Charles Boehnke and Jack Freer
- ABSENT WITHOUT NOTICE:** Mark Lott
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** Jim Dillon, Facilities Supervisor, Community Bank NA, and Pam Kirk

The meeting was called to order at 7:02 p.m. by Chairperson, William Dalrymple.

The Minutes of the May 10, 2012 meeting were approved by a motion of Ronald McGreevy and seconded by John Swanson. Carried 9 – 0.

PUBLIC COMMENTS:

Ms. Pam Kirk, owner of Kirk Realty, introduced herself and stated that she is interested in becoming a member of the Seneca County Planning Board.

Mr. Jim Dillon, representative of Community Bank NA, stated he is in attendance to answer any questions that may arise regarding the Bank's application.

GML Reviews:

1) Tom Scoles moved and Betty Berger seconded adoption of Resolution 30-12, recommending that a request for a Site Plan Review be left solely to local determination and will have no countywide or inter-municipal impact. The applicant, Altamura Architectural Consulting, the Agent for Community Bank NA, is involved in the proposed façade work which will be done to the rear of the building that accesses the parking lot. The building is located at 70 Fall Street in the Town of Seneca Falls. Renderings of the project were shown. There will be no change to the footprint or egress of the building. Ms. Haynes stated that the project has to be within the guidelines of the Historic District of Seneca Falls which are the most stringent of any zoning ordinance within the county. Carried 9 – 0.

2) John Swanson moved and Sally Kenyon seconded adoption of Resolution 31-12, which recommends conditional approval for the request of a Site Plan Review submitted by Art Westfall to allow operation of an auto sales business at Waterloo-Geneva Road in the Town of Waterloo. Mr. Westfall currently operates an auto sales business in the Town of Junius and would like to relocate the operation to his residential property which is immediately to the west of the Village of Waterloo, previously used for "Jones Memorials." The parcel is 1.02 acres in a Commercial Zone. Ms. Haynes stated that she contacted the Waterloo Town Zoning / Code Officer regarding the application's lack of information for proper review and recommendations. Ms. Haynes was advised by the Code Officer to review the application as submitted. Items not addressed in the application are: 1) Site Plan Map does

(OVER)

not provide any dimensions, 2) if maintenance or repair work is done on vehicles, the procedures regarding collection, storage and disposal of automotive fluids need to be outlined, assuring that the work will be done inside the building to eliminate leakage into the water table, 3) confirmation that the New York State Department of Transportation has been contacted to determine if action is needed for the conversion of the access point from residential to commercial, or if it has remained commercial from the "Jones Memorials" business, 4) the scale and scope of business needs to be clarified, having only information that a maximum of "six cars" will be on the lot at any time, 5) whether there will be exterior lighting, 6) there is no indication as to whether the Village of Waterloo has been notified of the project due to its proximity to the village boundary, 7) whether drainage will be modified and 8) signage – no indication of proposed material, style, height, if it will be lit and if the sign will be located off the road right-of-way. Conditional approval is recommended upon the above-referenced issues being satisfactorily addressed by the applicant to Waterloo Town officials. Carried 9 – 0. Board member, Keith Beck, abstained from voting.

3) John Swanson moved and Donald Denman seconded adoption of Resolution 32-12, recommending that the request for a Site Plan Review be left solely to local determination. Mr. Anthony Salerno wishes to construct a pole building to house a workshop at his 27 acre property on the northwest corner of Blue Sky Road and Route 96 in the Town of Waterloo. The property sits more off the frontage of Blue Sky Road and is 700' back from Route 96 to where the pole barn will be situated. Ms. Haynes stated that the property is not located in an Agricultural District. The one-story barn will be 60'X150'. The access driveway will be off of Blue Sky Road. The project should have no significant impact on countywide or inter-municipal concerns. Carried 9 – 0, with Board member, Keith Beck, abstaining.

OLD BUSINESS:

May 2012 GML Review of Finger Lakes Christian Fellowship:

Board member, Gordon Burgess, questioned if registered sex offenders are living in proximity to the Finger Lakes Christian Fellowship on Route 5&20 (Auburn Road) in the Town of Seneca Falls. The GML application for the church was reviewed at last month's meeting. Mr. Burgess noted the school and playground that is associated with the church, and stated he recalls that particular area to having a sex offender(s) living nearby.

Training Opportunities:

Board member, Ronald McGreevy, inquired as to whether confirmation notices will be sent to those persons signed up for the September training. Ms. Haynes stated that as September 17 approaches, a notice will be sent to those who are registered.

Board members were reminded that the training being offered by Yates County is being held Tuesday, June 26, with the deadline date for registration being tomorrow, June 15. Topics are State Environmental Quality Review Act (SEQRA) and Revising Zoning.

NEW BUSINESS:

None.

The meeting adjourned at 7:27 p.m. by motion of John Swanson.

Respectfully submitted,


Mary DeStefano
Staff Resources Asst.

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
 James I. Williamson, Highway Superintendent
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman
 Kyle Collinsworth, Councilman



1435 Prospect Street
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 Willard, New York 14588
 PHONE: 607-869-9326
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 TTY: 1-800-662-1220
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VERIFICATION OF PAYABLES RESOLUTION #52-12

WHEREAS, the vouchers numbered 249 through 280 have gone through the proper auditing process, now therefore be it

RESOLVED, that said bills be approved for payment.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

July 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David Kaiser, Supervisor
Terry Rose-Smith, Town Clerk
James I. Williamson, Superintendent of Highways
Kyle Collinsworth, Councilman
Gordon Carroll, Councilman
Ralph Walborn, Jr., Councilman
Barbara McCall, Councilwoman



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RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. __AA__ OF THE YEAR 2012: A local law Establishing "Right to Farm" RESOLUTION 53-12

WHEREAS, it has been recommended that it is in the best interests of the Town that there be introduced a Local Law as follows:

1. Legislative Intent and Purpose

- a. The Town Board of the Town of Romulus recognizes farming and agribusiness as an essential and primary industry that supports the economic base of the town, enhances the quality of life, the environment, and promotes locally produced, fresh commodities. In order to protect and promote agriculture and agribusiness, farmers must be provided protection through the right to farm. The Town Board of Romulus insures that it shall be the policy of the Town to encourage agriculture and agribusiness, by educating all of the residents of the necessary day-to-day operations involved in farming to minimize farms from nuisance suits.
- b. 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 Romulus, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance, and to allow sound agricultural practices inherent to and necessary for the business of farming, which do not threaten public health and/or safety, to proceed and be undertaken free of unreasonable interference and restrictions.
- c. This law will apply to all farmland within the boundaries of the Town of Romulus used for agriculture as currently defined in subdivision 4, section 301, Article 25AA of the State Agriculture and Markets Law.

2. Definitions

- a. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including, but not limited to:
 - i. Field crops including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans;
 - ii. Fruits including apples, peaches, grapes, cherries, and berries;
 - iii. Vegetables including tomatoes, snap beans, cabbage, carrots, beets, and onions;
 - iv. Horticulture specialties, including nursery stock, ornamental shrubs, ornamental trees, and flowers;

- v. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites such as ostriches and emus, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals such as alpacas and llamas, milk, eggs, and furs;
 - vi. Maple sap;
 - vii. Christmas trees derived from managed Christmas tree operations whether dug for transplanting or cut from the stump;
 - viii. Aquaculture products, including fish, fish products, water plants; shellfish;
 - ix. Short rotation woody crops raised for bio-energy;
 - x. Woodland products, including logs, lumber, posts, and firewood; and
 - xi. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs, and queens.
- b. "Farm land" shall mean land used in agricultural production, as defined in section 301 (4) of Article 25AA of the State Agriculture and Markets Law.
- c. "Farmer" shall mean any person, organization, entity, association, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock as defined in section 301 (4) of Article 25AA of the State Agriculture and Markets Law.
- d. "Farm operation" shall be as defined in section 301 (11) in the State Agriculture and Markets Law.
- e. "Sound agricultural practices" shall mean the practices necessary for the on-farm production, preparation, and marketing of agricultural commodities as defined and set forth in the New York State Agriculture and Markets Law section 308 (1), as may be amended from time to time by the State of New York. Examples of such practices shall include, but not be limited to, operation of farm equipment, proper use of agricultural chemicals, the construction and use of farm structures, and other crop production methods. Accepted sound agricultural practices include, but are not limited to, all agricultural practices that are:
- i. Reasonable and necessary to the particular farm or farm operation;
 - ii. Conducted in a manner that is not negligent or reckless;
 - iii. Conducted in conformity with generally accepted sound agricultural practices;
 - iv. Conducted in conformity with all state and federal laws and regulations;
 - v. Conducted in a manner that does not constitute a threat to the general public's health and safety; and
 - viii. vi. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters, or public roadways.
- f. Nothing herein shall be construed to broaden or otherwise redefine the terms "farm," "farm operation," "farming," "livestock," "livestock products" and/or "sound agricultural practices," to include dogs or cats thereunder or to otherwise provide protection to on-farm or commercial dog or cat breeding.
- g. In the event of any discrepancies in interpretation, or in the event that a definition is missing or deemed incomplete, or is the cause of confusion within this section of the Town of Romulus Right to Farm Law, the definitions listed in section 301, Article 25AA of the State Agriculture and Markets Law will take precedence.

3. Right to Farm Declaration

- a. For the purpose of the Town of Romulus Right to Farm Law, this law encompasses any land in an agricultural district created pursuant to section 303 of the New

York State Agriculture and Markets Law, or land used in agricultural production subject to an agricultural assessment pursuant to section 306 of this same law as defined in the same New York State Agriculture and Markets Law.

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

c. Pursuant to New York State Agricultural and Markets Law section 308(3):

Notwithstanding any other provisions of law, on any land in an agricultural district created pursuant to New York State Agricultural and Markets Law section three hundred three or land used in agricultural production subject to an agricultural assessment pursuant to section New York State Agricultural and Markets Law three hundred, an agricultural practice shall not constitute a private nuisance, when an action is brought by a person, provided such an agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the commissioner. Nothing in this section shall be construed to prohibit an aggrieved party from recovering damages for personal injury or wrongful death.

This statute may be amended from time to time by the State of New York, but it defines the conditions upon which an agricultural practice may be considered a nuisance.

4. Notification of Real Estate Buyers

In order to promote harmony between farmers and their neighbors, the Town of Romulus requires land holders and/or their agents and assigns to comply with section 310 of Article 25AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district.

5. Consideration of Impact on Certain Applications

The legislative intent and purposes of this local law, to wit, protection of sound agricultural practices, shall be taken into consideration by each Town officer and/or board in processing any application requesting rezoning, sub-divisional approval, temporary conditional permit approval, site plan approval and/or special use permit approval when the property which is the subject of such application is located within one mile of an existing farm. Such, Town officer and/or board shall, as part of its review of such application, determine whether appropriate or reasonable conditions may be prescribed or required which would further the purposes and intent of this section as part of approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declaration, deed restrictions and/or covenants which run with the land, which would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town of Romulus.

6. Resolution of Disputes: Voluntary Mediation Program

a. The Town Board shall, at its annual reorganization meeting, appoint a standing Town of Romulus Agricultural and Farmland Dispute Resolution Committee (“the Committee”). Membership of the Committee shall consist of three (3) residents of the Town of Romulus, qualified as follows:

- i. A Town of Romulus resident actively participating in a farm operation;
- ii. A Town of Romulus resident not associated with a farm operation; and
- iii. A Town of Romulus resident and an alternate nominated jointly by the Seneca County Cornell Cooperative Extension Executive Director and the Seneca County Soil and Water Conservation District Manager.

The Town Board shall annually designate, among the foregoing appointees, a committee Chair and a vice chair, who shall serve in the event of the chair’s absence or inability to Serve. The committee shall designate its own secretary for each mediation session.

b. Should any dispute arise regarding any agricultural operation, which cannot be settled by direct negotiation between the parties involved, the parties may by mutual agreement submit the matter to the Committee as a request for mediation, to attempt a resolution of the matter prior to, or alternatively to, the filing of any court action or submission of the dispute to the Commissioner of Agriculture and Markets. In the event that a controversy arises, one of the direct participants involved in the matter shall notify the Town Clerk in writing that a controversy exists that requires action by the Committee. The Town Clerk shall notify the members of the dispute resolution committee, as well as the Town Board, that a dispute has been filed, and a meeting of the dispute resolution committee shall be convened as prescribed by the time limits set forth.

c. The Committee shall schedule mediation at the earliest time convenient to the parties seeking mediation and the Committee, and in any event within thirty (30) days from the receipt of a request for mediation. Upon the conclusion of such mediation the Committee shall reduce the results of same to writing and provide copies of same to the parties to mediation within fourteen (14) days of such conclusion.

d. The time limits provided in this section for action by the committee may be extended upon the written stipulation of all parties in the dispute.

e. The effectiveness of the mediation program offered by the Committee is dependent upon direct, full, frank conversations and presentation of all pertinent facts concerning the dispute under the guidance of the mediators. The parties are encouraged in the exchange of information concerning the controversy, and each party shall have an opportunity to present what each considers to be the pertinent facts. Inasmuch as mediation dispenses with formal rules of procedure and rules of evidence, direct participation by the disputants, without the intervention of counsel is strongly encouraged; but the right of any party to representation, at his or her option and expense, shall not be impaired. Any party electing to have counsel at the mediation shall notify the Committee and the other party at least seven (7) days prior to the mediation. Participation in mediation is a matter in the discretion of each party, and no party shall be compelled to participate in mediation when he or she has elected not to have counsel and the opposite party is represented by counsel.

f. To encourage the use of voluntary, local mediation, the parties requesting mediation shall stipulate, in writing, that the statements made in mediation shall be deemed to be in the nature of settlement discussions, and that such statements, and any agreement reached in mediation, shall not be used for evidentiary purposes in any other action or proceeding.

g. The party responsible for filing a dispute with the dispute resolution committee shall be responsible for the payment of an established filing fee determined and promulgated by the Town Board. Each party is responsible for its own attorney’s

fees, should attorneys be retained.

7. Severability Clause

If any 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 of Romulus hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

8. Precedence and Compatibility with Local laws

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations and shall be read in such a manner as to effectuate consistency with any and all such regulations

9. Effective Date

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

AND NOW, THEREFORE, BE IT RESOLVED that PROPOSED LOCAL LAW NO. AA

OF THE YEAR 2012: A local law Establishing “Right to Farm,” be and the same is hereby introduced before the Town Board of The Town of Romulus, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desks of each member of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed Local Law at the Town Office Building, 1435 Prospect Street, Willard, New York 14588, on **AUGUST 15, 2012 at 7:30 pm**; and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a notice of said public hearing in the official newspaper of the Town at least ten (10) days prior thereto; and

BE IT FURTHER RESOLVED that the Town Clerk shall refer the aforesaid proposed local law to the planning board of the County of Seneca for review pursuant to General Municipal Law § 239-m prior to final action by the town board; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause service of written notice of the proposed local law at least ten (10) days prior to the date of the public hearing of any proposed

regulations, affecting property within five hundred feet of the following made personally or by mail by the town upon each person or persons listed below:

(a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto; (b) The boundary of a city, village or town; upon the clerk thereof; (c) The boundary of a county; upon the clerk of the board of supervisors or other person performing like duties; (d) The boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

July 18, 2012

Terry L. Smith, Town Clerk
Town of Romulus

TOWN OF ROMULUS

David Kaiser, Supervisor
 Terry Rose-Smith, Town Clerk
 James I. Williamson, Superintendent of Highways
 Kyle Collinsworth, Councilman
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman



1435 Prospect Street
 P.O. Box 177
 Willard, New York 14588
 PHONE: 607-869-9326
 FAX: 607-869-5763
 Email: Romulus@rochester.rr.com

**CLERK AUTHORIZED TO ADVERTISE REGARDING PROPOSED LOCAL LAW
 __AA__ OF THE YEAR 2012 A LOCAL LAW ESTABLISHING
 "RIGHT TO FARM"
 RESOLUTION #54-12**

WHEREAS, the Romulus Town Board has requested the Romulus Town Clerk to advertise for a public hearing for the proposed local law __AA__ of the year 2012 to establish a local law for "Right to Farm" and

WHEREAS, a public hearing must be held in order to receive public opinion and concerns and be it

RESOLVED, the Town Clerk is hereby authorized to advertise for a public hearing to be held and be it

FURTHER RESOLVED, said hearing commence on the 15th day of August 2012 at 7:30pm

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

July 18, 2012

Terry Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
 James I. Williamson, Highway Superintendent
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman
 Kyle Collinsworth, Councilman



1435 Prospect Street
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 TTY: 1-800-662-1220
 Email: Romulus@rochester.rr.com

MODIFY BUDGET RESOLUTION #55-12

RESOLVED, to modify budget for the Rt 89 Water District in regards to professional services for project

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

July 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus



6799 Elm Beach Rd.
Ovid, NY 14521
www.thirstyowl.com

Local 607.869.5805
Toll Free 866.869.5805
Fax 607.869.5851

July 9, 2012

Dear Town Board:

In accordance to Alcoholic Beverage Control Law, Section 64, Subdivision 2a, I am notifying you of our renewal of our Farm Winery License #3112961 for Thirsty Owl Wine Company, Inc. . If you have any questions I can be reached on my cell phone at 315 271 9810 or toll free at the winery at 1 866 869 5805.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Cupp", written over a horizontal line.

Jonathan Cupp
President
Thirsty Owl Wine Company

Main Office Report
July 18, 2012

Town books are all balanced to date. Copies of the trial balances have been given to James Williamson, Donald Greule

Water/Sewer bills have been mailed to all residence for April/June. We continue to work on the proposed Rt 89 Water District.

I will be away July 19th and 20th and will return to work on Monday, July 23rd.

Respectfully submitted,
Mary Farnsworth

