

REGULAR MEETING, TOWN OF REDFIELD, May 2, 2019

The regular monthly meeting of the Redfield Town Board was held on May 2, 2019 at the Redfield Municipal Building starting at 7:00pm. Roll call was taken and the following board members were present:

- Carla Bauer - Councilwoman/Deputy Supervisor
 - Elaine Yerdon - Councilwoman
 - Erwin Webb - Councilman
 - Matthew Tompkins - Councilman
- Absent: Tanya Yerdon - Supervisor

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Michael Yerdon - Code Enforcement, Jane Jones - Assessor, Tom Jones, Philip Street - Tug Hill Commission, Angela Kimball - Tug Hill Commission and Matt Smith - WoodWise

Pledge of the Allegiance was said.

Deputy Supervisor Carla Bauer - this meeting is to discuss the revisions to the Local Law #1 of 2011, Subdivision Law.

Town Clerk Susan Hough - discussed the possibility of adding caller id to the phone lines at the office building due to the Titan Security system used, as we did have a situation when the alarm went off on Court night, there was discussion.

Resolution 19-38

Motion was made by Erwin Webb and seconded by Matthew Tompkins to authorize Town Clerk to add caller id to the phone lines at the Office Building.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
Nays 0

Resolution 19-39

Motion was made by Elaine Yerdon and seconded by Carla Bauer to authorize Town Clerk to advertise for the Memorial Day celebration and for Supervisor Tanya Yerdon to hire Charlie Trust to do the landscaping at the Office Building

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
Nays 0

Deputy Supervisor Carla Bauer - the Subdivision Law

Town Clerk Susan Hough - on page 3 updated - **Section 215. Submission of Application**
Applications and fees shall be submitted to the town board at least five **business** days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 3 of this law. - Added the word business that Tanya wanted to add.

CW Elaine Yerdon - can you explain Cluster Development. Phil Street - handed out an example of what a Cluster Development would look like - the developer would figure out how many lots a parcel could be divided into per the Zoning Law - the Cluster provision would allow you to put the lots in any configuration that the board would approve - so if you could divide a parcel into seven (7) lots - and you divided it into one (1) large lot and then six (6) smaller lots in different configurations, the board approves it, the large lot would be asterisked on the maps so all future boards would know that it cannot be subdivided again.

These lots are not subject to the Zoning Law but they're subject to the Cluster Resolution that you approve, so the idea is to retain the overall density that you established by the Zoning Law but it allows you to say preserve important features on the site, that you would like build around, or you could keep some still in agriculture, it's to provide you with some flexibility. There's another way you could use it, which is unlikely, Cluster set-aside - instead of having a large lot, you'd have seven (7) lots clustered and land set aside permanently as open space, something controlled by the Town or a Homeowner's Association, or something along those lines, it's very unlikely you would run across that but maybe in the future, you usually don't see that in rural areas.

Highway Superintendent Paul Pratt - it's kind of like what Christmas did at the Hayloft property, they put a road in and have lots off that but kept the big lot to go with the Hayloft itself.

Tom Jones - on the first example of the seven (7) lots, you could rearrange it into the cluster, but the lots would still have to meet whatever the Subdivision setbacks are.

Phil Street - not necessarily it would be up to the Town Board's Cluster Resolution - how they deal with the setbacks, lot sizes, and dimensions and whatever, actually the Town Board would through a Cluster Resolution would have the authority to actually modify those provisions of the Zoning Law administratively rather than to the Board of Appeals.

Tom Jones - so they could modify the setbacks, but what about the water and septic distances.

Phil Street - you are still subject to the NYS Health Sanitation, you can't modify those.

CM Matthew Tompkins - that is one of the things in here too, when you determine how many lots are the maximum that can be built on the parcel, they all have to be buildable lots also, so the wetlands would come into play, it's not just a strictly acreage thing, it's really not a bad idea to have the option, this kind of formalizes that procedure whereas now to go outside the Zoning Law it's a variance for everything that's different.

Tom Jones - if you had a developer with plans for a subdivision and the Planning Board didn't quite agree with it, would the Town Board/Planning Board maybe suggest to the Developer to go to this Cluster, might be more favorable to the Town Board/Planning Board.

Phil Street - the Cluster provision that he has included in this law, gives maximum flexibility that the Statutes allow, which means that the Town Board could actually mandate Clustering or they could refuse a Cluster proposal if a Developer proposes it and the Board doesn't like it, so it gives maximum authority to the Town Board in this case, whether they use it or not, it would be a pretty rare circumstance to see that mandated.

CM Matthew Tompkins - likes that it appears to give them the ability to consider it or require so if it's brought to us we can consider it and act upon it, or require it if the standard Subdivision layout isn't what we're looking for, he doesn't think it's a bad addition, it gives them an additional tool.

Phil Street - it was something that was talked about when we were designing the Zoning Law and Tanya reminded him of it the other day so he added it in.

Angie Kimball - if you're not comfortable adding it now, you don't have to add it right now, if it's something you want to consider at a later date that's fine too, it's nothing that's going to make or break your current situation.

Deputy Supervisor Carla Bauer - do you have anything else?

CM Elaine Yerdon - she thought maybe Carla would read the underlined parts, there aren't too many, that's up to you.

Deputy Supervisor Carla Bauer read the following changes:

Page 2 - **Subdivision:** The division of any lot, parcel or tract of land recorded in the office of the county clerk on the effective date of this law into two or more lots, with or without roads, and including the reallocation or resubdivision of any plat which has been previously approved by the town board pursuant to this law.

Section 212. Procedural Waiver

The town board may waive the application and review procedure as provided for in this law if the town board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than four lots.
2. The applicant has provided evidence acceptable to the town board that all proposed lots conform to the requirements of the zoning law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the town board with evidence sufficient to make a determination.
3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.
4. The tract has not been part of a subdivision within the past three years.
5. The proposed subdivision does not contain a new public road or new public facilities.

Section 215. Submission of Application

Applications and fees shall be submitted to the town board at least five business days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 3 of this law.

Page 8 - **Section 410. Lot Buildability**

The lot sizes, dimensions and arrangements shall be such that in constructing a building on each lot, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Each lot shall have a buildable area free from development restrictions such as wetlands, floodplains, slopes greater than 15%, rock outcrops or unsuitable soils. Each lot shall be capable of accommodating an on-site sewage disposal system and water supply well set back a distance of at least 50 feet from any side lot line. (Note: building setbacks and lot size removed)

Any questions?

Page 13 - **ARTICLE 7. CLUSTER DEVELOPMENT**

Section 710. Authority

The town board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the zoning law as allowed by this Article, simultaneously with the approval of any subdivision application within the town.

Section 720. Applicable Provisions

The town board may consider, or require, applications for subdivisions which include the following deviations from the zoning law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;

4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

Section 730. General Criteria for Cluster Development

The town board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Section 740. Required Clustering

Cluster development may be required by the town board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

Section 750. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the town board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots. The town board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

Section 760. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the town board.

Section 770. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

CW Elaine Yerdon - **Section 770. Use of Cluster Open Space** - Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board - it should say Town Board not planning board.

Deputy Supervisor Carla Bauer - is everyone in agreement to change Section 770 from planning board to Town Board - all in agreement.

Section 780. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the town board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the town board; and any other specifications deemed necessary by the town board.

CW Elaine Yerdon - we amended this once before.

Angie Kimball - yes we changed the side setbacks

Michael Yerdon - you will need to add Local Law #1 of 2011 Subdivision Law, that's the existing Subdivision Law to rescinds

CM Matthew Tompkins - the one comment he had was in Section 730 #5 he thinks we should add as applicable at the end of the list of items there, because the way it reads now is if a Developer wasn't provided or served with water and sewer it wouldn't - **Section 730. General Criteria for Cluster Development** 5. _____ will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, **as applicable;** and Because no one in Town is served with water and sewer, right now today, in twenty (20) years that could be different.

We need to add Local Law #1 of 2011 Subdivision Law to Section 845 - **Section 845. Rescind of Local Law #1 of 2003, Local Law #3 of 2010 and Local Law #1 of 2011 Town of Redfield Subdivision Law**

This Local Law rescinds Local Law #1 of 2003, Town of Redfield Subdivision Law, Local Law #3 pf 2010, Establishing a Moratorium of six (6) months on Subdivisions **and Local Law #1 of 2011 Town of Redfield Subdivision Law.** Also change: Local Law #3 pf to **of**

CW Elaine Yerdon - is good with those few changes. There was some discussion.

Deputy Supervisor Carla Bauer - anything else on this, is everyone ok with this.

CM Matthew Tompkins - he's ok with that, did anyone look at the Fee Schedules.

CW Elaine Yerdon - didn't really study them over are they for the Zoning Law or this Law.

CM Matthew Tompkins - one of the Sections of the Subdivision Law, Section 810 - Fees for subdivision review in the Town of Redfield shall be established by the Town Board by resolution.

Angie Kimball - that's in there so you don't have to change the law. CM Matthew Tompkins - Right, but right now we don't have a fee for a two (2) lot subdivision.

Angie Kimball - right but you can do that as a resolution is what she was getting at, you don't necessarily have to do it with the law.

CM Matthew Tompkins - right as long as we've reviewed it then and we're ready to have an opinion on it.

CW Elaine Yerdon - so what would the title of the law be - Local Law #1 of 2019, Town of Redfield Subdivision Law, it wouldn't have to say new or amended.

Angie Kimball - no that's why you include it in section 845.

Deputy Supervisor Carla Bauer - anybody have anything else.

Highway Superintendent Paul Pratt - due to Roy Davis's retirement last week, he would like to put an ad in the paper for help wanted.

Resolution 19-40

Motion was made by Elaine Yerdon and seconded by Erwin Webb to authorize Town Clerk Susan Hough to advertise for Help Wanted: Fulltime Highway Employee, CDL required, Town of Redfield Residents get preference, contact Highway Superintendent Paul Pratt for an application and job specifications.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
 Nays 0

Highway Superintendent Paul Pratt - also, Roy was his Deputy Highway Superintendent, he would like to appoint James Montieth as his new Deputy Highway Superintendent.

Resolution 19-41

Motion was made by Erwin Webb and seconded by Carla Bauer to appoint James Montieth as the Deputy Highway Superintendent.

ADOPTED Ayes 3 E. Webb, C. Bauer, M. Tompkins
 Nays 0
 Abstains 1 E. Yerdon

Highway Superintendent Paul Pratt - last week Mike had him stop down to the Town Barn and meet with an Engineer to look at the site, he's interested in doing the Engineering for that, it's up to you guys whether or not you hire an Engineer for that, or whether you have the plans done by the Contractor, he thinks we should make a decision on this so we can move forward at the regular meeting, hopefully put the specs out for bid.

CW Elaine Yerdon - is an Engineer required for this building.

Highway Superintendent Paul Pratt - it has to have engineered drawings is his understanding.

CM Erwin Webb - Doesn't the Contractor have engineered drawings?

Highway Superintendent Paul Pratt - it all depends on how you do it, he thinks you can do it either way, you can have the Contractor supply engineered drawings or you can hire an Engineer to do the drawings and do the bidding or whatever you want them to do.

CM Matthew Tompkins - thinks with the nature of the project, the simplicity of it that it makes a lot of sense to get it done design build, with a Contractor to provide us with stamped drawings for the building and build it, because if we're adding another person in the mix, if we're hiring an Engineer, we're paying somebody that we don't need too. That's just his take on it, he would try to do it design build, if it was his project, cause at the end of the day, it's a big project to us but it's just a pole barn.

CW Elaine Yerdon - it's not a concrete floor is it?

Highway Superintendent Paul Pratt - no, the idea is to build this with just crusher run on the floor and around it, it could be done later on, the main idea is to get this building up this year so we can get out of the old highway garage because the insurance company is having a fit about it to begin with and we need to get that stuff undercover.

CW Elaine Yerdon - it's basically just a place to put our equipment that does fit anywhere else.

Highway Superintendent Paul Pratt - it's where we store the equipment we use in the summer and don't use in the winter, it's just to protect that stuff, at this time there is no heat or electricity, but that could be done at a later time if need be, if you needed the extra space you could insult and heat it, you could put a concrete floor in it, you could put electric in it, it's all right there, the power is right there on the pole that's right next to it, so it all could be done at a later time if need be but at this point we don't need it.

CW Elaine Yerdon - if the Contractor has the proper drawings she doesn't see the need to hire anybody extra.

CEO Michael Yerdon - why he got involved is because Tanya ask him to get involved to get this moving, having working on a lot of projects this size and bigger, he called some Engineers, he's dealing with Mr. Laselle he's a one man operation, he's a good guy, he's very knowledgeable, if you go to design build Contractor, he thinks it's going to take longer to do the project because you're going to have to meet with several Contractors and also you're going to eliminate the smaller Contractors that don't have the capabilities to provide, you're going to pay an Engineer for design drawings no matter what you do, you're going to have to have design drawings, so whether we hire an Engineer, if you look at the quotation he sent it's pretty complete cause he's also going to handle the bid documents, so it's pretty complete, the cost that he's talking about is \$ 3,200.00 for the building package and \$ 950.00, right now for a small design set of drawings for a house would be \$ 2,500.00, so it's pretty cheap for the service he's going to provide and the projects going to move quicker because we'll have the drawing and can advertise and then we can take bids from everybody.

Deputy Supervisor Carla Bauer - how long before you are looking to bid for this project.

Highway Superintendent Paul Pratt - we need to do that as soon as possible because it's going to take at least two (2) months by the time you ok it to go to bid at the next board meeting, then you would have to accept the bids hopefully the following board meeting, you're going to be into June.

CEO Michael Yerdon - we need to get going on this project, another thing you're going to need bid documents for these people to bid on, most cases any Municipal work you do, the Contractor has to give a bid bond or a certified check for a certain percentage of the bid, to warrant/guarantee the bid he's giving is accurate, correct and he'll stand behind it, so there's a lot more to it.

CM Matthew Tompkins - that doesn't require an Engineer for them to give us a bid bond.

CEO Michael Yerdon - he's not saying, he's saying the bid documents, he's done some major projects some a lot bigger than what we're doing here, he thinks it runs a lot smoother and you have more control vocally of what you want and so on like that. You're going to pay the engineering whether you pay a Contractor to do it or you pay an Engineer to do it, what did it cost for he engineering on the salt shed.

Highway Superintendent Paul Pratt - the engineering on that was \$ 15,000.00, but we had to have an Engineer on that because it was done with grant money.

CEO Michael Yerdon - all the money is tax money no matter if it's a grant or not it's taxpayer's money.

CM Matthew Tompkins - he's looking at this thinking of other projects that he's been involved in that involved essentially a pole barn the Contractor has their own stamped drawings.

CEO Michael Yerdon - no all of them, not all Contractors that build pole barns have stamped drawings.

CM Matthew Tompkins - they don't but the ones that do have already paid that money or they're going to hire somebody and pay it, but if we just say we're going to go ahead we're going to pay someone to do this and somebody bids on this project and already has the drawings but they're charging us the same money, then we just spent an extra \$ 4,000.00.

CEO Michael Yerdon - he doesn't think that they would, why would they

CM Matthew Tompkins - because they're in the business of making money.

CEO Michael Yerdon - well that means they would be higher than the guy that doesn't include it.

CM Matthew Tompkins - we can take that chance, he just thinks something like this design build is so incredibly simple, it just doesn't make sense to him that we need to retain an Engineer.

CEO Michael Yerdon - ok it's you guys decision.

Deputy Supervisor Carla Bauer - we can table it for now, we don't have to make a decision tonight, we have another board meeting in two weeks a week and a half. It's not that we are saying no - we don't have to go with this guy tonight.

CW Elaine Yerdon - we just got this; she doesn't think that twelve (12) days is going to matter that much.

Highway Superintendent Paul Pratt - no - the only problem is whether we can put this out to bid at the next board meeting without making a decision tonight, to him you either have to approve an engineer or you have to go with a Contractor that can provide the stamped drawings and make that decision now so that at the next board meeting then we can take a spec and put it out for bid and then we can except it at the next meeting.

CW Elaine Yerdon - she would rather not do it without Tanya - she said we could call her if we had questions.

There was discussion. Angie Kimball - you can have a special meeting. Deputy Supervisor Carla Bauer - what if we didn't have this meeting tonight. CW Elaine Yerdon - we have to have the specs before we can bid it out, we have to have them available. CM Matthew Tompkins - he's talking about his schedule is site meeting within two weeks of authorization and a concept plan provided one week after that. Michael Yerdon - he thinks he could provide it by next meeting, he met with Paul and Mike last Friday so he's looked at the site already. The board agrees they do not want to hire the Engineer tonight. Paul stated time is getting short - whether it's tonight or another meeting a decision needs to be made soon. CW Elaine Yerdon - thinks they need to talk it over with Tanya - she is the Chief Fiscal Officer - doesn't think they should hire anyone tonight. Deputy Supervisor Carla Bauer - agrees.

Resolution 19-42

Motion was made by Carla Bauer and seconded by Elaine Yerdon to table hiring an Engineer for the cold storage building and we wait until the regular meeting to discuss it further when Tanya is here.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
 Nays 0

Highway Superintendent Paul Pratt - one other thing, something for you to think about, Caterpillar came to him last week, they are coming back with a two-year deal instead of making everyone wait for the three years, you can try to make a decision later this year. The numbers are \$ 24,000 and our loader would give you a new loader, delivery in December and pay for it in January out of next year's budget like we've done in the past. Paul asked about the extended warranty that was purchased on the loader we have, he said he included that on the new loader, it's nothing we have to make a decision on right now. CM M. Tompkins - is the \$24,000 based on a certain number of hours? Paul - he pretty much just told him that's how much it would be - he knows how many hours we put on a machine. It's what we've been paying for two years, based on the hours and that includes the upgrades. CW E. Yerdon - what year is our current loader? Highway Superintendent Paul Pratt - it's a 2018 we took delivery in December 2017.

CW E. Yerdon - with the changes to the Subdivision Law we do not have to make any changes to the Zoning Law correct? CM M. Tompkins - yes that is correct.

Motion was made by Matthew Tompkins seconded by Erwin Webb to adjourn the meeting at 8:05pm.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
 Nays 0

The next Town of Redfield Town Board meeting will be held Tuesday, May 14, 2019 at 7:30pm.