

April 11, 2019
Town of Afton
County of Chenango

Present at the regular meeting were Supervisor John Lawrence, Councilmen Robert Tallmadge, Chris Warren and Calvin Tallmadge Absent was Jamie Baciуска, also present were Highway Superintendent Daniel L Smith, Assessor Caitlyn Brown and DCO Amy Cross.

Visitors R. Cross, Hon. P Wylubski, J Butler and E Colley

Bills were audited and ordered paid as follows:

General Fund Claims #44-60 Totaling \$6326.17 as shown on General Fund Abstract # 4 dated April 11, 2019 and
Highway Fund Claims #35-43 Totaling \$6982.34 as shown on Highway Fund Abstract # 4 dated April 11, 2019

Regular meeting was called to order at 7 pm with the salute to the flag.

Motion to accept the minutes of the March 14, 2019 regular meeting made by Calvin Tallmadge seconded by Chris Warren Approved

Motion to pay bills and claims made by Robert Tallmadge seconded by Chris Warren approved

Communications

Invitation to join Upstate New York Towns Association Inc. read motion to table until more information can be gathered made by Robert Tallmadge seconded by Chris Warren approved

Caitlyn Brown Assessor contact information is as follows email address of aftonassessor@gmail.com or caitnicoleb@gmail.com cell phone #607-749-3473. Dates of availability second and fourth Thursday 1pm-7pm.

Notice to Town of 6 year Tax Foreclosure Comparison by Town distributed.

Committee Reports

Assessor Report Motion to begin a 30 day referendum for the purpose of establishing Town Law 1/2019 A Local Law Establishing Grievance Day with a public hearing to be held on May 9, 2019 at 7 pm and to allow the Supervisor to sign such law upon approval. Motion made by John Lawrence and seconded by Robert Tallmadge Approved .
Proposed Law is as follows;

**A LOCAL LAW ESTABLISHING GRIEVANCE DAY
LOCAL LAW #1 – 2019**

Be it enacted by the Town Board of the Town of Afton in the County of Chenango, State of New York, as follows:

Grievance Day Establishment Law of the Town of [Aftonassessor@gmail](mailto:Aftonassessor@gmail.com)

Title and Purpose

This local law shall be known as the “Grievance Day Establishment Law of the Town of Afton.”

Whereas, the Town of Afton employs an Assessor who is also employed by another assessing unit or units.

The purpose of this local law is to establish the day for the hearing by the Board of Assessment Review of the Town of Afton of grievances addressed to real property tax assessments on an alternate date as permitted by New York State Real Property Tax Law Section 5612(1-a).

Applicability and Duration

This local law shall be applicable to all grievances addressed to assessment of lands within the Town of Afton and shall be in effect indefinitely or until repealed by the Town Board of the Town of Afton.

Grievance Day

All grievances addressed to assessments of real property within the Town of Afton shall be heard by the Board of Assessment Review of the Town of Afton on the second (2nd) Thursday following the fourth (4th) Tuesday of May each year.

Sever-ability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Certification

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2019 of the Town of Afton was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

- Financial Reports for February and March were distributed.
- Justice Report distributed
- Sanitation Report no activity at this time Bailey DeBetta has agreed to act as town Code enforcement.
- Highway report sweeping being done around town and stone for shim has been acquired a request by the County of Chenango for the Town Highway Department to mow Chenango County Roads proposed motion to table for more information to be gathered made by Calvin Tallmadge seconded by Chris Warren. Approved
- DCO report distributed.
- Building Report Kelly Asphalt Estimate of \$5295.00 for the sealing of cracks sealing of the parking lot and painting of lines for parking indication. Monies to cover cost to come from A1620.4 cost line of the budget. Motion to approve made by Calvin Tallmadge seconded by Chris Warren approved.
- Historian report distributed
- Animal Response Team no activity.

Old Business

Covered by Building report concerning Kelly Paving

New Business

The Town Board of the Town of Afton resolves to reappoint Anita Schmitz to continue as a BAR appointee for a period of 5 years with the term beginning September 30, 2019 ending September 30, 2014 motion to reappoint Anita Schmitz as a BAR person made by Robert Tallmadge seconded by Chris Warren Approved

Afton Fire and Emergency Department wants to meet with the Town at 8:30 pm after the regular May 9, 2019 Board meeting at the Afton Town Hall.

Town of Afton to consider a Local Law 2- 2019 “Right to Farm Law” Motion to open a 30 day referendum period and hold a public hearing on the proposed Local Law 2-2019 “Right to Farm Law” with the public hearing to be held on May 9, 2019 at 7 pm and to allow the Supervisor to sign the law at which time it is approved made by Calvin Tallmadge and Seconded by Robert Tallmadge approved

Proposed Local Law 2-2019 reads as follows:

TOWN OF AFTON

LOCAL LAW NO. 2-2019

TOWN OF AFTON RIGHT TO FARM LAW

SECTION 1 Title.

This local law shall be known as the Afton Right to Farm Law.

SECTION 2. Legislative Authority.

This local law is enacted pursuant to the provisions of the Agricultural and Markets Law of the State of New York and the Municipal Home Rule Law of the State of New York.

SECTION 3. Legislative Intent and Purpose.

It is the general purpose and intent of this Local Law to maintain and preserve the rural traditions and character of the Town of Afton, to permit the continuation of the practice of farming within the Town, to protect the existence and operation of established farms, and to encourage the initiation and expansion of farming practices. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the practice of farming, it is the specific purpose and intent of the Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference and restrictions. It is also recognized it is desirable for farmers to be good neighbors.

SECTION 4 Definitions.

(a) Unless specifically defined below, the words, phrases terminology used in this Local Law shall have the same definitions as contained in Section 301 of the State Agricultural and Markets Laws as existing or hereinafter amended and in those instances where interpretation is still required such terminology, words and phrases shall be interpreted so as to give them the meanings they have in common usage and to give this local law its most reasonable application.

(b) "Operator" shall mean a farmer and any person, organization, entity, association, partnership, limited liability company, or corporation engaged in "agricultural practices" as below herein defined, whether for profit or otherwise, for the production of "agricultural products" as below herein defined, including but not necessary limited to the cultivation of land, raising of crops, raising of livestock, and grazing of pasture.

(c) "Farmland" shall mean land located within the Town of Afton, Chenango County, New York, used primarily for bona fide "agricultural practices" as defined herein for the production of "agricultural products" as defined below herein and in section 301 (2) of the Agricultural and Markets Law as existing and as hereinafter amended. Farmland may consist of one or more parcels of owned or rented land, which parcels may be contiguous or non-contiguous to each other.

(d) "Agricultural Products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law.

(e) "Agricultural Practices" shall mean those practices engaged by an "operator" as above defined herein, necessary for on-farm production, preparation, marketing, keeping or raising of "agricultural products" as above defined therein. Examples of such

practices shall include, but not limited to, operation of farm equipment both on and off public highways, proper use of agricultural chemicals and other crop protection and fertilizer methods, including the spreading and ponding of manure in solids, semi-solids or liquid forms, and the construction and use of farm or agriculture structures.

(f) “Farm Operation” shall mean the land and on-farm buildings, equipment, manure processing and handling facilities, practices which contribute to the production, preparation, and marketing of “agriculture products” as above defined herein, whether for profit or otherwise and including a horse boarding or horse breeding operations, whether for profit or otherwise. Such farm operations may consist of one or more parcels of owned or rented land, which parcels may be contiguous or non-contiguous to each other.

SECTION 5 Right to Farm

Operators and farmers as above defined herein, as well as those employed, retained, or otherwise authorized to act on behalf of an operator or farmer, may lawfully engage in “agricultural practices” and engage in “farm operations” as above defined herein upon “farmland” as above herein, located in the Town of Afton, New York, at any and all such times and all such locations as are reasonable and necessary to conduct and engage in “agricultural practices” and “farm operations”, as above defined herein. For any agricultural practice in determining the reasonableness of 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 and improved technologies.

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

- (a) reasonable and necessary to the particular farm or farm operation,
- (b) conducted in a manner which is not negligent or reckless,
- (c) conducted in conformity with generally accepted and sound agricultural practices
- (d) conducted in conformity with all local, state, and federal laws and regulations.
- (e) conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person.
- (f) conducted in manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

SECTION 6 Interference Prohibited

(a) no person, group, association, partnership, or corporation will engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly, and deliberately interfere with, prevent, or in any way deter the reasonable practice of farming within the Town of Afton.

(b) Notwithstanding any other provision of this Act, agricultural activities conducted on farmland, if consistent with recognized (sound-best management) agricultural practices and established prior to surrounding non-agricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety. No agricultural or farming operation, place, establishment or facility, shall become a nuisance, as a result of changed

conditions on or around the locality of such agricultural or farming operation, place, establishment, or facility which has been in operation for one year or more and if it was not a nuisance at the time it began operation. This section, however, shall not apply whenever a nuisance injurious to health, results from the operation of any such agricultural or farming operation, place, establishment, or facility or any of its appurtenances.

SECTION 7 Protection of Rights

The provisions of Section 6 shall not affect or defeat the right of any person, firm, or corporation or other entity to recover damages for any personal injuries or property damages suffered or incurred by them on account of any pollution of, or change in condition of, the waters of any stream or the account of any overflow of lands of any such person, firm, or corporation.

SECTION 8 Resolution of Disputes.

(a) Should any controversy arise regarding any inconveniences of discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for determination by the Commissioner of Agriculture and Markets about the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agricultural and Markets Law.

(b) Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

(c) The committee shall be composed of three (3) members selected from the county, including one representative from the County Agricultural and Farmland Protection Board, one person from the Town of Afton Board, and one person mutually agreed upon by both parties involved in the dispute.

(d) The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of a pertinent facts.

(e) The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter, the committee may investigate the facts of the controversy, but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon written stipulation of all parties in the dispute.

(f) Any reasonable cost associated with the functioning of the committee process shall be borne by the participants.

SECTION 9 Construction with other laws.

This Local Law and the provisions set forth herein are in addition to and not in lieu of all other applicable laws, rules and regulations which are therefore continued in full force and effect and unaffected by this Local Law. Conversely, this Local Law is not intended to contradict or contravene any law, rule, regulation, restriction, or prescription of the United States, State of New York, County of Chenango, or Town of Afton, which may now or hereafter obtain.

SECTION 10 Sever ability 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 Afton Town Board 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 if invalid.

SECTION 11 Effective Date

This Local Law shall be effective immediately upon filing, pursuant to Section 27 of the Municipal Home Rule Law.

Meeting on Discrimination in the workplace for all Town employees to be held after the June 13, 2019 regular board meeting.

Recognition of Visitors

Motion to adjourn at 8:25 pm made by Calvin Tallmadge seconded by Robert Tallmadge
Approved

Respectfully submitted by

Rosemarie A Klatz
Clerk of the Board