

York Town Board Meeting  
February 11, 2010

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell,  
Norman Gates, Frank Rose Jr. and David Deuel

Absent: None

Others: Norman Barrett (Senior Water & Sewage Treatment Plant  
Operator), Carl Peter (Zoning & Code Officer), Jamie Jaroszek,  
James Pierson, Vince Burroughs, Melissa & Ryan Slater, Linda  
& Bob Parnell, Patricia Gardner and George Worden Jr.  
(Highway Superintendent)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the January 14<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Melissa Slater:

Ms. Slater came before the Board this evening seeking relief from the Town of York regarding lateral restrictions to parcels located in an Agricultural District. Ms. Slater stated she submitted a letter to NYS Department of Ag & Markets in late January expressing her desire to build a home on her family's property (Bob & Linda Parnell) and wanted to connect to municipal water, which runs in front of the property. Ag & Markets replied that she will need to obtain permission from the Town in order to waive the existing lateral restriction policy, bringing her here this evening. Ms. Slater stated she is aware of the regulation granting permission for a water tap, if the home is being used for farm purposes. She has maintained all book keeping records and has worked on the farm for many years and the remaining acres will continue to be farmed.

Supervisor Deming expressed his confusion by the response letter because the lateral restrictions are through Ag. and Markets not the Town of York. We are in fact forced to abide by their regulations, and are a bit shocked that they are allowing us to "waive" the policy. Mr. Deming did agree if it can be shown that the new construction is part of the existing farm operation and that Melissa draws a paycheck from it, the Board may be able to assist.

Mr. Parnell informed the Board that all family members continue to work for the farm, but do not draw a paycheck, how can proof be obtained that she does work for the farm.

Supervisor Deming asked Mr. Parnell to prepare a letter to the Town Board stating his purpose of giving land to his daughter for a home, and after drilling two wells no viable water on the land has been found due to nitrates in it. Mr.

Deming stated that it will also be important to outline that Melissa, as the book keeper to the farm, does not receive a pay check, but is still very much a part of the day to day farm operation, and that the remaining acreage will continue to be used for agricultural purposes.

Mr. Deming stated while the letter is being constructed, he will contact our Town Attorney, Mr. Cicoria to have him verify the lateral restriction information, in order to render a decision for Ms. Slater and the Parnell family in a timely manner.

## 2) Vince Burroughs:

Mr. Burroughs asked to speak with the Board about an action that recently took place. Mr. Burroughs stated at the Fire Department meeting Monday evening (February 8<sup>th</sup>) he was suspended, and feels it is solely due to the fact that he took the Fire Department to court.

Mr. Burroughs expressed his view that the Department feels they can do whatever they want and spend freely on anything, and he hopes the Town Board can assist in a resolve to the situation.

Supervisor Deming informed Mr. Burroughs that he has not forgotten the conversation they had recently about the Town Board's responsibilities with the Fire Department. Mr. Deming stated he is still waiting for the written response from the NYS Comptroller's office and will notify him once it arrives.

Mr. Burroughs stated he asked the Department Monday evening again to pay for the training class, which he was turned down once again. Mr. Burroughs expressed his belief that the Department has made this issue personal, and has not handled it in a professional way. Mr. Burroughs added, he has been suspended twice, the first time for 30 days because he came to the Town Board to discuss Fire Department/Ambulance issues, when originally was instructed to keep the discussion internally. In regard to the January Court case, Mr. Burroughs states he has the right of Judicial Review. The case was dismissed and he feels the suspension was unjust and Carl Peter's letters to him and testimony in court were inaccurate.

Mr. Deming stated the Board will not discuss the recent decision made by the Judge because it was handled the proper forum and will not be re-hashed at this meeting.

Mr. Burroughs stated his main objective this evening is to ask the Board to get involved by telling the Fire Department that "enough is enough" and to resolve the current issues. If he and the Department can not come to an understanding and a sensible resolve, Mr. Burroughs will take the matter further with OSHA, PESH and the Attorney General's office. Mr. Burroughs stated in the disciplinary letter prepared by the Fire Department, dated February 8<sup>th</sup>, 2010, he is required to appear before the Board of Directors on March 1<sup>st</sup> at 6:00 p.m. for a hearing to determine the facts of the charges before him. Mr. Burroughs expressed that the Fire Department has accused him of several charges and will ultimately be the decision maker at the hearing as well, he believes nothing positive will come from this, and asks the Town Board to get involved, hoping "common sense will prevail".

Mr. Burroughs stated over the years he has questioned the Fire Departments' decision making process on training issues as well as purchases, they are upset with him because he makes them accountable for their actions, and they don't appreciate it.

## HIGHWAY

### 1) Retsof:

Highway Superintendent, Mr. Worden reported that the weight limit sign has been placed at the corner of Retsof Road and Retsof Ave., hopefully this posting will alleviate further salt trucks from driving up the Avenue.

### 2) Loader:

Mr. Worden reported that we have our loader back from repairs and it is now in working order once again.

### 3) Truck:

Mr. Worden stated the new truck will be arriving on February 22<sup>nd</sup>, but the claim has already been sent to the office and is in the bills this evening for approval.

The Board agreed we have already completed the bid process, knowing what the cost for the new cab and chassis would be, they do not have a problem approving the claim this evening, but will hold the check until after delivery and verification of the truck.

### 4) Vacation:

Mr. Worden reminded the Board that he will be on vacation next week and Deputy Highway Superintendent, Mike Nevin will be in charge.

### 5) Caledonia:

Mr. Worden informed the Board that the Town of Caledonia has been experiencing truck issues this week, so Mr. Worden offered to let them borrow our spare truck until their repairs have been completed. Supervisor Deming stated he was aware of the situation and asked Mrs. Barefoot to contact our Insurance Agent, David Boyce to verify coverage for the week. Mr. Boyce informed us that the Town of Caledonia will need to add a rider to their existing policy in order to have coverage for both Towns in the event of an accident or a needed repair.

### 6) Dow Road Speed limit:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to revamp the original request submitted by Carl Fuller (at the 12/29/2009 Town Board Meeting) for a speed limit sign. The Board suggests that the Livingston County Traffic Safety Board consider a 40 mile per hour speed on the entire length of Dow Road, from Rt. 36 (Main Street) to the Townline. Voted on and approved, Yes-5, No-0.

## WATER/SEWER

### 1) Plant visit:

Mr. Barrett informed the Board of a tour he was part of today. Mr. Barrett and others visited the Seneca Lake area to a treatment plant in Waterloo to verify their system and purification methods. This plant deals with roughly 4 ½ million gallons of water each day, and does not use chlorine in their system, they use chloramines instead, which does not create any issues with THM levels. After all of the testing the system still shows traces of chlorine, but not enough to affect other areas of the water itself. Mr. Barrett stated he was very impressed with the facility and the operators maintaining it, they certainly know what their doing.

Mr. Barrett indicated that the Village of Geneseo is swaying toward going with the activated carbon process, and would like to have it installed over the Christmas vacation of 2010, when the majority of the college will not be in session, taking roughly 5 days. Mr. Barrett stated he had hoped that the Village would begin the method much sooner because we are unfortunately at their mercy until they install the carbon system. Our readings will continue to be high because until they do something different, the levels will come across the flats into our system extremely elevated.

Councilman Deuel asked if taste and odor have been an issue with the Village water customers. Councilman Rose replied that the Village of Geneseo continues to flush their system on such a regular basis that they use a great deal more of water, but their testing levels are significantly lower and the odor and taste issues are probably non existent.

Supervisor Deming asked Mr. Barrett to schedule a meeting with the Village of Geneseo as soon as possible to discuss what was viewed by both towns' representatives today and to put in motion a plan to begin correcting the issues in a more timely fashion than December.

### 2) Mandeville Meter Pit:

Mr. Barrett reported that the Water Department has been searching for a water leak on Tuttle Road at the Mandeville property. After much testing and verification they finally located the source of the problem. The leak existed between the two meter pits installed, which is not the homeowner's responsibility, but the Towns. Mr. Deming stated that the owner has questioned over the past two billings the consumption usage, and should be made aware of the water adjustment policy. The meter pit will be removed and a new 2 inch water main will be installed from the second meter pit to their house.

### 3) Water/Sewer Authority:

Mr. Barrett informed the Board that he met this week with Mark Kosakowski of the Livingston County Water and Sewer Authority to discuss and review the Town's sewer & water related operations. Mr. Kosakowski stated now that he has obtained all information a quote will be prepared shortly for the Town Board to consider.

#### 4) Tank Experiment:

Mr. Barrett briefly discussed the tank experiment he has been conducting in the shop at the treatment facility. Even though the “test pilot” is currently small scale, the THM reads have continued to decline each week, showing progress. The true test will occur when the same format will be used on a larger scale model, hoping for the same results.

### OTHER

#### 1) Farmland Preservation:

Councilman Deuel reported he has attended several meetings recently to discuss the draft proposal regarding the Town of York Farmland Preservation Plan. Mr. Deuel stated after a great deal of discussion, the committee believes it would be best to disregard the original draft and to start again on a new plan. Mr. Deuel asked the Board to review the packet of information he prepared for them this evening in order to discuss it further at the February 25<sup>th</sup> meeting and decide whether or not to invest in a consultant. If after reading the information the Board feels they want to be a part of moving forward with the plan, we will schedule a public meeting to educate the community. But if the Board feels that we shouldn't continue, we have our answer and the consultant matter will be a non-issue.

Councilman Rose asked if the process does progress, who will be paying for the consultant. Councilman Deuel replied if the community agrees to continue forward with the plan, the consultant would be paid by the Town of York.

Councilman Deuel informed the Board of an upcoming meeting at the Town Hall on Wednesday, February 17<sup>th</sup> at 7:00 p.m. Angela Ellis, Livingston County Planning Department Director and John White, Livingston County Farmland Protection Chairman will be in attendance to review the information and our possible steps to proceed further. All Town Board members are welcome and encouraged to attend.

### NEW BUSINESS

#### 1) Planning Board:

Supervisor Deming reported that the Planning Board recently had a request before them for a Special Use Permit, for the location at Rt. 63/36 (Gary Wall's property). The Planning Board approved the request, but unfortunately questions arose if our new zoning regulations are being adhered to with this approval. Mr. Deming stated the issue will be discussed further at their regularly scheduled meeting Tuesday evening (16<sup>th</sup>), in order to clarify the request and potential upcoming actions. Mr. Deming added, Heather Ferraro (Livingston County Planning Department) will be in attendance to review with the members how to follow existing procedures.

#### 2) SRO:

Supervisor Deming stated we have been waiting several months from York Central School to prepare and send us a written shared service agreement, it has finally arrived.

3) Livingston County Health Department:

Mr. Deming stated we recently received information from the Livingston County Department of Health regarding radon testing in the area. The numbers were based upon 41 canisters in the Town of York community, resulting in a 4.9% excessive radon level. The Board agreed posting the information on the website and offering the informational packets in the Town office could be a helpful tool in educating the public on the adverse effects of radon and more importantly allowing them the opportunity to test their home.

\*Information only will be at the Town Hall, the testing kit must be obtained from the Livingston County Department of Health.

4) Landmark Society:

Council Member Parnell stated she has been working with the Landmark Society to get a representative to visit the Town of York to meet with the Town Board, Planning Board and Zoning Board of Appeals members, to educate all of us on the format for obtaining grant funding.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board, including the Kenworth bill in the amount of \$178,200.00. Voted on and approved, Yes-5, No-0.

- Consolidated Water #22- 39 \$ 112,005.49
- Sewer Districts #17-29 \$ 11,117.96
- General Fund Claim #36- 63 \$ 22,958.56
- Street Lights # 1 \$ 2,001.33
- Highway Fund Claim #14-28 \$ 243,684.93

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until February 25<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:35 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

