

York Town Board Meeting  
March 25, 2010

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

Absent: None

Others: George Worden Jr. (Highway Supt.), Scott and Jason Canaan  
and Ronald Cicoria (Town Attorney)

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to  
approve the minutes of the March 11<sup>th</sup> Town Board Meeting. Voted on  
and approved, Yes-5, No-0.

HIGHWAY

1) Maintenance:

Mr. Worden reported routine painting “touch ups” are being  
completed on the trucks and plow equipment during the mild weather  
conditions. We are unsure if the snow fall is over for this season, so the  
plows will remain on until the warmer weather is upon us. Mr. Worden  
also stated his plans this year for additional crack sealing of the town  
wide roads.

2) Brush cleanup:

Mr. Worden stated after speaking with the office staff, the Town will  
be having a brush clean up day in early May. By waiting, the ground will  
have a chance to dry up and allow the residents the opportunity to get  
out and do their raking and other clean up. Once an actual date has  
been set, a notice will be placed in the Livingston County News, Genesee  
Valley Penny Saver and posted on our website.

3) CHIPS Money:

Supervisor Deming stated after much discussion with fellow  
Supervisors and our State Representatives, it was made clear that the  
Towns should not spend their CHIPS money until they pass the State  
Budget, because we must make sure we will obtain reimbursement once  
a project has been completed.

Mr. Worden added normally the Towns pay for the project(s) up front  
and then is reimbursed from the state, but if there is no funding  
available, we will not be proceeding with our scheduled upcoming jobs.  
Any additional work we can schedule will certainly benefit our Town  
budget.

4) Henderson Equipment:

Mr. Worden informed the Board after meeting with the Henderson Equipment representative last week, he was re-assured that they will stand behind their product. Mr. Worden stated after being made aware of the drilling issue on the new plow, they resolved the problem promptly and added if we should have any issues in the future, they would replace the plow itself.

OTHER

1) Gravel Pit:

Mr. Worden stated after review of the material at our gravel pit, we currently have 50 ton of crushed gravel on hand for our usage and/or sale of and a second pile that belongs to the Livingston County Highway Department, which they purchased last year.

Mr. Worden added, the Towns of Conesus and Leicester are very interested in purchasing gravel from us, which will benefit us financially.

WATER/SEWER

Mr. Barrett was unable to attend tonight's meeting, but did submit a written Water/Sewer Department report:

Water meters are read and we will finish everything so bills can be mailed out on the first of the month.

On Tuesday morning we had problems with the Sewer on Tenth Street. Sewer Specialties came out and cleared the roots from the sewer system in that area. They said they would be able to flush the remainder of the sewers in that proximity in about one day. Approximate cost for the services is \$1,500.00.

We got 1.9 inches of rain from 9 a.m. Monday until 9 a.m. Tuesday. The plant was running at a rate above 1 million per day, or 695 gallons per minute. Our design peak flow is 300,000 gallons. At this time I am writing this (11:15 a.m. Wednesday), the flow is still at 370,000 gallons per day.

The proposal attached is from NY Leak Detection. Our lost water is within the industry standards but we want to lower our lost water to a minimum. We will be reviewing and testing all of the cast iron and ductile iron mains on roughly 10 miles of water distribution. The cost for the proposed services will run \$2,400.00.

After a brief discussion the Board asked Highway Supt., Mr. Worden if other agencies use another method other than NY Leak Detection for such purposes.

Mr. Worden replied he was aware that other towns have used the State Association for verification and assistance, at a much more

reasonable rate, and suggested perhaps Mr. Barrett contact the Association for further details. The Board agreed and asked Mr. Worden to bring Mr. Barrett up to speed on the discussion this evening.

#### OTHER

##### 1) Energy Curtailment Specialists:

Supervisor Deming stated Mrs. Barefoot has spoken with a representative from ECS several times about the potential savings and megawatt reduction. Energy Curtailment Specialists, is the largest privately held demand response provider in North America, headquartered in New York, allocating over \$30million to NY State businesses as part of their effort to make New York a “greener” state and boost the economy. Demand response allows electricity suppliers and grid operators to cut grid stress by reducing demand for electricity. Grids are thus stabilized and electricity can be provided reliably.

After little discussion the Board agreed to authorize Mrs. Barefoot to pursue further details with ECS, as long as we are not committed to a long term contract.

##### 2) Pete Scondras:

Supervisor Deming reported that Pete Scondras submitted a quote at Mr. Barrett’s request pertaining to a new generator. Mr. Scondras broke down his quote two ways:

For purchase of a new generator, labor to install/wire 30KW  
Quote: \$ 31,978.00

Installation and wiring only: Quote: \$ 12,000.00

Mr. Rose asked if we decide to authorize Mr. Scondras to purchase, install and wire the new generator, should we have him wire it for a higher ampage than 30KW.

Mr. Worden informed the Board in one of his visits to the Federal Surplus site, a 60KW generator was available and asked the Board if they wanted him to get further details. Supervisor Deming stated it would be beneficial to have Mr. Worden, Councilman Rose, and Mr. Barrett work with Mr. Scondras to decipher what our specific needs are, in order to address them properly.

Mr. Worden commented he will contact the Federal Surplus Organization in the morning about the possible purchase, and if we can purchase it, we would have the smaller generator as our backup in case of an emergency.

## OLD BUSINESS

### 1) Parnell Water:

Town Attorney, Mr. Cicoria reported many meetings have taken place over the last few weeks with the Health Department and County Planning Department to discuss the Parnell/Slater water request. Mr. Cicoria stated the County Planning Department's thoughts are in regards to the hardship issue, that it is "a self induced hardship" because there is not currently an existing structure on site, the hardship exists if the home was already situated and then the Slaters experienced water issues. By building a home on a parcel that may have serious water issues from the onset, they are creating the hardship. The County Planning Department also reminded Mr. Cicoria once the parcel comes out of the Ag. District in 2013, the Slaters will be free to apply for a water tap to the Town directly, the current issues would no longer be in place.

Mr. Deming stated two weeks ago we thought we could possibly approve this request based upon the hardship clause, but now seems to be more difficult to prove and the only other avenue is the employment aspect.

Councilman Deuel asked if Ms. Slater could file a W-2 form, showing employment by the farm, would that be sufficient. Supervisor Deming reminded the Board that the family does not receive an actual check from the farm, but if they could pay Melissa a small stipend each month it would allow a W-2 form to be printed in order to create "employment" of the farm.

Supervisor Deming suggested a conference call be scheduled to discuss options with all parties involved.

### 2) Phone system:

Supervisor Deming reported he and Mrs. Barefoot met with Shawn Petti of Hurricane Technologies to discuss a new telephone system. The quote is \$ 6,000.00 for new phones and installation, including voicemail capability. Mr. Deming stated after reviewing our existing coverage claims with Frontier, we could save approximately \$ 3,000.00 per year by going with Time Warner, which ultimately would pay for the system in a two year period.

Mr. Deming stated we have received additional calls from other companies interested in quoting a telephone system for us, so we will delay a decision until the quotes have arrived and been reviewed.

### 3) Right to Farm Law:

Councilman Deuel stated the Farmland Preservation Committee has prepared another draft of the Town of York Right to Farm Law. The committee feels very comfortable with the document and expressed their desire to schedule a Public Hearing to present it to the public.

Supervisor Deming asked Town Attorney, Mr. Cicoria to review the proposed Law for comments and/or suggestions prior to scheduling the hearing. Mr. Deming added he is appreciative of the efforts made by the committee and hope the hearing and eventual regulations will help educate the public on this Ag community, which he believes is long overdue, and fully supports the concept.

Councilman Deuel stated he and the committee feel there is a disconnect between the farming community and the rest of the community, and hope the Right to Farm Law will help bridge the two.

### NEW BUSINESS

#### 1) Dragani water request:

Supervisor Deming reported that Mr. Dragani has recently requested that water be restored to his rental property located at 2751 York Road East. Mr. Deming stated he wished to speak with Town Attorney, Mr. Cicoria this evening about the matter because of the additional issues involved with his request. The water service was shut off at the request of the Town after Zoning & Code Officer, Carl Peter condemned the structure, so we are uncertain if we should restore the service without an actual Certificate of Occupancy ( C of O) being issued first.

Mr. Cicoria stated it is ultimately up to the Town on how they want to handle Mr. Dragani's request, but in his opinion, he would not restore water to the property until a C of O has been issued. Councilmen Deuel and Gates stated perhaps we don't need to wait until issuance of a C of O, but Mr. Dragani should show some form of progress in the way of clean up before the Town takes action. Supervisor Deming agreed if Mr. Dragani could make an effort toward cleaning the area, the Town would not have an issue restoring the water service. Mr. Deming added due to the fact that the Town Board asked the Water Department to shut off the water, when the time comes we will restore the service at no charge.

Mr. Deming stated before the Board renders a final decision this evening on the matter, he wanted to ask Zoning & Code Officer, Carl Peter's thoughts on the subject. Mr. Peter will be arriving later this evening to discuss the issue further for a resolve.

#### 2) Funding:

Supervisor Deming informed the Board of the State's plans to continue their decision in reducing the funding throughout the state. The York/Leicester Youth Programs are officially on hold at this point because of the lack of State funding for it. After reviewing the information submitted, we will need to cut \$ 5,000.00 from the Youth budget. Mr. Deming reminded the Board, in his 20 years of working with the Youth program, the funding originally started at \$ 8,600.00 per year, and now we are going to receive \$ 1,650.00 this year for our programs. We are faced with many difficult decisions, whether it be pay cuts or reduction of

employees to the program, we will be working with much less this year and in years to come.

Mr. Deming stated the Youth program has been running on a \$ 20,000.00 yearly budget and now this year will be \$ 15,000.00. In addition to the Town of York, the Town and Village of Leicester also contribute to the program. The Town of York budgets \$ 8,000.00, the Town of Leicester, \$ 2,500.00 and the Village, \$ 2,000.00.

3) Leicester Town Board:

Supervisor Deming informed the Board at their regular Town Board Meeting Monday evening, the Leicester Town Board made a resolution not to expend funds to York Central School for the purpose of funding the School Resource Officer (SRO). Mr. Deming stated the Intermunicipal Agreement with York Central School for Shared Services is a positive way to reduce costs, and after the original conversation last year when everyone was in agreement, he does not feel comfortable going back on our word. Mr. Deming added we have many challenges ahead of us financially, townwide as well as school related, and if we can join forces to save money the taxpayers will certainly benefit, especially since State funding is continuing to be reduced. Supervisor Deming stated even though the Town of Leicester has opted out of partnering with the School, does not mean we have to, the Board will have to make that decision on whether or not to move forward.

The Board asked Highway Superintendent, Mr. Worden if he felt comfortable solely handling any future projects at the school, without assistance from Leicester. Mr. Worden assured the Board he is confident he will be able to handle any and all projects asked of his department.

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to honor our previous commitment to enter into the Intermunicipal Agreement with York Central School for funding purposes through Shared Services for the 2009-2010 school year. Voted on and approved, Yes-5, No-0.

Supervisor Gerald L. Deming	Aye
Council Member Lynn Parnell	Aye
Councilman David Deuel	Aye
Councilman Frank Rose Jr.	Aye
Councilman Norman Gates	Aye

EXECUTIVE SESSION- 8:55 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to enter into Executive Session to discuss a personnel matter, to include Town Board, Town Attorney and Town Clerk. Voted on and approved, Yes-5, No-0.

EXECUTIVE SESSION-9:07 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to end Executive Session. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported no action was taken in Executive Session.

OTHER

1) Joint Meeting:

Supervisor Deming stated he will contact Leicester Supervisor, Gary Moore to schedule a meeting within the next two weeks, to include both Supervisors and two members from each Board, to discuss the personnel matter further.

**9:00 p.m.- Zoning & Code Officer, Mr. Peter arrived at this time.**

Dragani request continued:

Supervisor Deming informed Mr. Peter of the request made by Mario Dragani to restore water at his rental property located on York Road East, and the Board's discussion earlier this evening.

Mr. Peter stated normally in order to obtain a Certificate of Occupancy, water must already be in place, so asking him to get a C of O before restoring water to the structure would be a bit backward. Mr. Deming stated the Board's feeling is if Mr. Dragani is willing to show progress in the clean up of the parcel, we would be willing to restore water to the structure at no cost. Mr. Peter agreed that would be the best solution to his request.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Supervisor Deming to contact Mr. Dragani to inform him of the Board's decision to restore water to his York Road East rental property at no charge once a concerted effort has been made to clean up the parcel. After such time the water will be restored and a Certificate of Occupancy can be re-issued. Voted on and approved, Yes-5, No-0.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

Sewer Districts	# 45-49	\$ 967.15
Consolidated Water	# 61-65	\$ 1,222.79
General Fund Claim	# 100-109	\$ 10,666.48
Youth Fund Claim	# 2	\$ 1,200.86
Highway Fund Claim	# 50-55	\$ 2,360.71

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until April 8<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:20 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk