

York Town Board Meeting
May 13, 2010

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

Absent: None

Others: George Worden Jr. (Highway Superintendent), Kirk Richenberg, Norman Barrett (Senior Water and Sewage Treatment Plant Operator), Mary and Mike Vazquez

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the pledge to the flag.

MINUTES

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the minutes of the April 22nd Public Hearing. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the April 22nd Regular Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Mary and Mike Vazquez:

Mary and Mike Vazquez asked to speak with the Board about the ongoing issues they are facing with their neighbors' dog(s). Mr. Vazquez stated he has experienced numerous incidents and has attempted to resolve the matter calmly with the neighbor, but has turned into something even worse. Mr. Vazquez informed the Board that the neighbor dog has been making routine visits to his property and has now become quite aggressive, and worries for the safety of his children as well as himself. Mrs. Vazquez added we have always wanted to have a dog but have been leery because it would attract other animals to their property, making them potentially liable if anything should happen. Mr. Vazquez asked the Town Board to consider adopting a leash law for the Town of York.

Supervisor Deming stated passing a leash law is not actually the main issue, it is enforcement of the law that creates difficulties. Mr. Deming added most dog owners are very conscientious in the care of their animals, and few complaints have been lodged. Supervisor Deming suggested the Vazquez's contact the Livingston County Health Department to discuss with them the existing County Nuisance Law on file and to determine the best avenue to proceed with.

2) Kirk Richenberg:

Mr. Richenberg asked to speak with the Board about an incident that took place on May 5th on Federal Road. A tractor and manure spreader accidentally spilled a large amount onto the roadway requiring a clean up effort. The York Fire Department was asked to assist in this process, with a Town employee running the hose. Mr. Richenberg stated the operator washed the manure from the road toward Bidwell's Creek, and felt this was not the proper way to handle such clean up. Mr. Richenberg stated he believes we need to be more aware of and concerned for the watershed in this community and surrounding communities. Mr. Richenberg added as a Town employee, he should know better on how to handle this issue and future ones. Supervisor Deming agreed a plan should be in place in order to process accordingly, and noted the individual was assisting as a fireman, not as an employee of the Town. We need to be aware of our surroundings, especially our watershed areas. Mr. Richenberg also addressed the recent open space survey mailed to him. Mr. Richenberg agrees we need to protect farmland in our community, but protection of other areas throughout the town can not be ignored either. He feels there should be documentation on file on how to proceed in a clean up disaster because the liability factor is enormous.

Supervisor Deming stated he was aware of the spill incident and have since discussed the need for a possible ordinance, outlining the necessary steps for clean up and the severe fines involved. Councilman Deuel agreed a "Spill Plan" Ordinance is something the Board will certainly be discussing.

Mr. Richenberg recommended to the Board that they consider hiring someone to prepare a CAFO Plan (Concentrated Animal Feed Lot Operation) in order to make sure a plan is in place before issues arise. Mr. Richenberg continued by saying that a great deal of manure is generated in this farming community as well as trucked in, and residential areas have concerns as well. The trucks have no safety features currently and need to be addressed, we need to be a Town that is proactive before a disaster occurs.

Mr. Richenberg wanted to address with the Board his concerns this evening and thanked them for the opportunity to speak.

HIGHWAY

1) CHIPS:

Mr. Worden reported we have not heard anything thus far on the status of the CHIPS funding, and the longer the wait it does not sound very promising.

2) Highway Training School:

Mr. Worden reported he will be attending the Highway Superintendent training conference June 7th-9th in Ithaca. Deputy Highway Superintendent Mike Nevin will be in charge for the three days.

3) Backhoe Buckets:

Mr. Worden stated he has been reviewing prices for backhoe buckets for our newest purchase. The backhoe came with a rear bucket, but not a front one, so we are anxious to purchase a front bucket if the price is right. Mr. Worden stated through Empire Tractor they have a 96 inch wide front bucket priced at \$2,000, and a 24 inch bucket through George & Swede for \$796.00 plus \$700.00 for a quick coupler.

After a brief discussion....

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Highway Superintendent, Mr. Worden permission to purchase both buckets including attachments, amount not to exceed \$3,500.00 Voted on and approved Yes-5, No-0.

4) Brush Clean up:

Mr. Worden reported that the May 10th brush clean up day was very successful, and had to be rolled into two days due to the wind storm over the weekend. Many residents took full advantage of the service.

WATER/SEWER

1) Sludge Mixer:

Mr. Barrett informed the Board of an issue that occurred a few weeks ago with the sludge mixer at the treatment plant. The bracket broke on the mixer and when we tried to send it back to the manufacturer, they informed us they will not warranty it and wanted us to pay full price for a new bracket. Mr. Barrett expressed his displeasure and disappointment that this equipment lasted roughly one year from its installation and that the manufacturer will not stand behind their product, we are now looking elsewhere for repair parts.

2) Rural Water:

Mr. Barrett stated Rural Waters came out last week to assist the Water Department in locating water leaks throughout the system. Mr. Barrett stated a few areas have been highlighted, Retsof Ave has a leak, but we have yet to find the exact location. On Genesee St. (RT.63) in Piffard by the creek near Piffard Circle, the crew will be conducting a dig on the property owned by John Vitale to see what can be determined.

Mr. Deming asked if we have experienced any water issues with Arkema recently. Mr. Barrett replied we have not had any problems with Arkema and their roller-coaster usage. Mr. Barrett stated he now has a process with them, when they peak in usage he contacts them directly to make sure everything is running smoothly or if it is the start of a potential water break.

3) Jim Hodges:

Mr. Barrett informed the Board of a visit he made to Mr. Hodges residence earlier in the week. After his last doctors visit, he was not comfortable releasing Jim until he is completely 100%, which brings him up to the July 8th time frame. Mr. Hodges expressed his desire to return before that but his Doctor is unwilling to allow it.

OLD BUSINESS

1) Water/Sewer:

Supervisor Deming informed the Board that he and Councilman Rose met with the Livingston County Water and Sewer Authority about the possibility of leasing our system to the County if feasible. Mr. Deming stated, as a Board we have discussed this issue previously for financial savings purposes but is only an option, not a decision at this point.

Mr. Richenberg commented he understands the Board's desire to discuss options pertaining to the Water/Sewer System, but would hate to see the Town lose control and independence of our own system. Supervisor Deming replied, he and the Board have the same concerns as Mr. Richenberg, but feel they have to review all options before them.

2) Telephone System:

Mr. Deming reported that we have contacted Hurricane Technologies to inform them of the Board's decision to proceed with the new telephone system.

NEW BUSINESS

1) Local Law #1-2010:

a- Town of York Right to Farm Law:

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve Local Law #1 of 2010 entitled, "Town of York Right to Farm Law". Voted on and approved, Yes-5, No-0. (Roll Call Vote)

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

** This Local Law will be mailed to and filed with the Secretary of State tomorrow morning.

2) Water Tap Request:

a- Christopher Rutherford:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Tap Application submitted by Christopher Rutherford for property located at 2599 Cowan Road. Voted on and approved, Yes-5, No-0.

* Mr. Rutherford's home existed prior to the approval of York Water District #4, so the tap fee of \$ 1,500.00 will not be required, but a meter pit charge of \$ 475.00 will be.

3) Water Service Shut off:

a- James Davis:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the Water Service Shut off request submitted by James Davis for property located at 2369 Genesee Street. Voted on and approved, Yes-5, No-0.

* Acct. #: 25-0621 will be shut off, but Acct. #: 25-0620 will remain active.

4) Water Service Restoration:

a- Robert Predmore:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Service Restoration request submitted by Robert Predmore for property located at 3161 Fowlerville Road, in the amount of \$ 200.00. Voted on and approved, Yes-5, No-0.

5) Open Space Meeting:

Councilman Deuel reported that the Open Space informational meeting held on May 5th was quite educational to the 35-40 people who attended. Mr. Deuel stated it was unfortunate that it was such a small gathering but was appreciative of the comments and questions that arose. Councilman Deuel and Council Member Parnell added it is disappointing that people still do not fully understand what the open space process is about. This is a voluntary method to place their land in a protective format at no cost to the taxpayers. In the open space process we would certainly not stop new construction from taking place, or raise taxes to fund this program or other agricultural programs. Councilman Deuel commented we are trying to preserve the best lands in our community. Mr. Deuel reported we have received roughly 150 surveys thus far, but have yet to tabulate the responses. (They will be calculated by June 9th, including written comments)

Mr. Deuel also informed the Board of an upcoming workshop at GCC in Batavia. The workshop will be held on Tuesday, June 15th regarding open space, and anyone interested in attending may contact him directly to secure a seat.

Supervisor Deming stated he thought the informational meeting went well and suggested Councilman Deuel contact the York/Leicester Senior Group to be a guest speaker at their upcoming monthly luncheon in order to continue to disseminate information to the public.

Councilman Rose addressed the Board about his recent comments in the local papers pertaining to the open space issue. Mr. Rose stated he was

uncomfortable that the survey was prepared on Town letterhead, when it should have been from the Farmland Preservation Committee, not the Town Board. Supervisor Deming replied at the yearly Organizational Meeting, Mr. Deuel was appointed to Chair the Land Preservation & Alternate Energy Committee on behalf of the Town, so he believes he is following through on the Town Boards wishes and needed to have the town letterhead. Mr. Deming continued by saying that Councilman Deuel has kept us up to date every two weeks at our meetings on his committee's ideas and plans, and felt he has done a great job keeping the Board informed.

Councilman Deuel commented perhaps the survey was sent out a bit quickly after the speaker was confirmed, and should have confirmed the wording with the Board before mailing them out, and will do so in the future. Supervisor Deming agreed before any future surveys are mailed, the Town Board will review the document.

OTHER

1) Ambulance meeting:

Supervisor Deming reported he attended a meeting Monday evening with the Livingston County Health Department regarding ambulance coverage throughout the County. The main focus was to try and resolve the ongoing issue with the ambulance coverage during the day when volunteers are predominantly at work. Mr. Deming stated the Town of York is not the only township dealing with this issue, but how do you get people to volunteer their time after appropriate training, to cover ambulance calls. Mr. Deming stated a year ago it was discussed to consider having the county run an ambulance during the day to cover the difficult times, which more towns are becoming a bit more agreeable to. Mr. Deming added in general, the majority of the towns with volunteer ambulance service are roughly one or two people away from being in the same situation we are in, it can happen that quickly.

EXECUTIVE SESSION- 9:10 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to enter into Executive Session for personnel matters, to include Town Board, Highway Superintendent and Town Clerk. Voted on and approved, Yes-5, No-0.

EXECUTIVE SESSION- 9:40 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

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	# 68-77	\$ 8,846.52
Consolidated Water	# 86-105	\$ 95,152.02
General Fund Claim	# 143-166	\$ 19,860.44
Youth Fund Claim	# 5-6	\$ 226.77
Street Lights	# 4	\$ 1,520.77
Highway Fund Claim	# 75-92	\$ 28,290.48

9:45 p.m.- Zoning & Code Officer, Carl Peter arrived at this time.

2) Specifications:

Supervisor Deming informed the Board that Engineering Firm, Clark Patterson Lee will have the roof specifications ready very shortly in order to go to bid in a timely fashion.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until May 27th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk