

York Town Board Meeting
September 23, 2010

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

Absent: None

Others: Roger McCracken (Water/Sewer Operator), George Worden Jr. (Highway Superintendent), Kelly Mandarano, Jody Nellis, Betsey Vattimo, Laurie Trathen, Brenda & Jeff Beardsley, Thomas Tiede, Bill & Jill Wall, Chris & Laura Wall, Tonja & Robert Hynes, Jeff Arney, Kevin Vanallen (Legal Advisor) and Kim Moran (Investigator, Liv. County Sheriff's Dept.)

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the September 9th Town Board Meeting. Voted on and approved, Yes-5, No-0.

COMMUNITY ISSUE

Supervisor Deming introduced Kim Moran (Investigator for the Livingston County Sheriff's Department) and Kevin Vanallen (Town Legal representative) to the residents and asked if anyone had questions for the two guests.

Investigator Moran stated she was asked to attend tonight's meeting to discuss the matter of a level 3 sex offender recently moving into the Town of York. Ms. Moran commented in addition to Mr. Johnson's relocation from Livonia to York, the Town actually has more than one offender residing in the township, the second person is located on York Road West.

Ms. Moran stated Mr. Johnson is not on parole or probation and has no restrictions to follow. Ms Moran continued by saying "The laws of New York State allow Mr. Johnson to reside where ever he wishes, and in the 4-5 years she has worked with him, has not had any issues and found him to be respectful.

QUESTIONS/COMMENTS

1) Tonja Hynes: "Can he be banned from school grounds"?

Response: Ms. Moran responded, because Mr. Johnson does not have limitations or restrictions, he may be allowed on school grounds. If he does not have children/grandchildren attending the school, he has no need to be on the premises, but we can not legally keep him from a public setting.

2) Bill Wall: “The school has already sent out a letter to the parents informing them of the recent information, can the school warn him from attending functions”?

Response: Ms. Moran stated we must allow Mr. Johnson the same opportunities as others, and he may decide on his own to stay away from the school for the purpose of not wanting to compromise the issue.

Ms. Moran educated the public on the three levels of sex offenders. Level **1** is low risk, level **2** is moderate risk and level **3** high risk, and commented she understands the concern and fear each community feels once they are made aware of an offender in their neighborhood, and sympathizes with them. Always review with your children the “do’s” and “don’ts” of interactions with strangers, and continue to educate them. Ms. Moran also encouraged the public to visit the registration listing website, which was initiated to better inform residents of the offenders located in their community. Ms. Moran stated all offenders are required to check in every 90 days, which is a way to make sure they are residing where they claim to be. Several years ago the Livingston County Sheriff’s Department, spear-headed by Sheriff York, wanted to take the process a step further, now require Deputy’s to make monthly visits, keeping everyone on their toes.

3) Tom Tiede: “When the officers visit each month, do they ask a series of questions”?

Response: Ms. Moran responded that there isn’t usually much discussion, mainly a visit to let them know we continue to keep tabs on them.

4) Chris Wall: “What is your experience with these offenders”?

Response: Ms. Moran stated we do the best we can to inform and disseminate information to each community and hope parents do the same as well.

5) Chris Wall: “After reading the details of Mr. Johnson’s profile, these acts sound very serious upon a 3 year old”.

Response: Ms. Moran agreed the acts were very serious, and commented Mr. Johnson contends from the time of the incident in 1997 to present he is innocent, which a court of law had evidence to prove otherwise. Always educate your children, never take anyone or any situation for granted.

6) Chris Wall: “There has to be a legitimate reason why Livingston County visits monthly”?

Response: Ms. Moran stated the main purpose for the monthly visits is to be proactive rather than reactive. We want them to know the Deputies are always watching.

7) Bill Wall: “How are we suppose to feel comfortable”?

Response: Ms Moran stated the only way for a parent to feel completely comfortable is to know where your children are.

8) Brenda Beardsley: “It seems we are prisoners in our own home”?

Response: Ms. Moran commented, no one wants an offender in their back yard.

9) Brenda Beardsley: "How do we protect ourselves and our children"?

Response: Ms. Moran stated if you should see Mr. Johnson or any offender in a situation that makes you feel uncomfortable or actions suspicious, feel free to contact the Livingston County Sheriff's Department for follow up.

10) Chris Wall: "I was recently made aware of a mobile home ordinance on file dating back to 1995, not allowing renters of single wide homes in the Town, why not remove him under that law"?

Response: Legal Representative Mr. Vanallen reported that the Town of York did have a local law on the books(Mobile Home Law of 1995), which states in Section 6 (B), that single wide homes located outside of the mobile home park, must be owner occupied. Effective February of 2009, the Town of York adopted new zoning regulations, which repealed that local law.

*Clerk Harris stated, when she spoke with resident, Mrs. Hynes on Tuesday afternoon, she was unaware that the local law had been repealed and was informed of the change on Wednesday morning.

11) Tom Tiede: "Is Rockland County the only county that has ever challenged the current law regarding sex offenders"?

Response: Ms. Moran stated to her knowledge Rockland County is the only area to ever challenge the state, but they too were unsuccessful. The only way to change the laws is to reach out to our legislators.

12) Brenda Beardsley: "I was traveling on Craig Road this week and witnessed Mr. Johnson on his front porch while children were passing by and was very uncomfortable with it."

Response: Ms. Moran stated the Sheriff's Department will continue to monitor Mr. Johnson and others, but he is not doing anything illegal by being on his front porch.

13) Chris Wall: " What is the thoughts of the Town Board on how to handle this situation as a community to keep the children safe" ?

Response: Supervisor Deming and Mr. Vanallen agreed we may be uncomfortable knowing that offenders reside in the township, but we must adhere to the law as well.

** Ms. Moran stated if anyone should have any questions please feel free to contact her at the Livingston County Sheriff's Department.

14) Tom Tiede: "Does Mr. Johnson have a job" ?

Response: Ms. Moran stated Mr. Johnson has had previous employment since his release but is not currently working at this time.

15) Brenda Beardsley: “ Has he had therapy” ?

Response: Ms. Moran stated Mr. Johnson has not had therapy and was incarcerated the maximum sentence because he never acknowledged/admitted to the crime, ultimately prolonging his length of time in prison.

16) Kevin Vanallen: It is a very difficult task to balance our rights with offenders rights. In order to change what currently exists communities must express their concerns to their legislators in order to have more strict regulations to work from.

17) Chris Wall: “ Can I have a copy of the new zoning regulations” ?

Response: Supervisor Deming stated Town Clerk, Mrs. Harris will prepare a copy in the morning and mail it out directly.

** Supervisor Deming also informed the public he believes the new zoning regulations are posted on the Town of York website for anyone wishing to view them. The site is: www.yorkny.org (under zoning & code).

HIGHWAY

1) Maintenance:

Highway Superintendent, Mr. Worden stated to the Board his crew has been quite busy doing roadwork in the Town of Leicester for the County, as well as ditch work on Fowlerville Road, from Rt. 36 to Milroy Road.

2) Accident:

Mr. Worden informed the Board of a mower incident that took place on Cowan Road. One of our Highway employees accidentally had a little mishap with the hydrant while mowing the area. The hydrant was quickly fixed and the issue resolved in a timely manner.

3) Kiwanis request:

Mr. Worden stated he spoke with Dutch VanRy this week about a request Kiwanis has for the Piffard playground. Mr. VanRy conveyed his organization offered to plant trees in the park and asked if the Town had any objections.

The Board agreed that Kiwanis’ offer is very kind and thank them for their generosity and ask that they plant the trees at least 10 feet from the back fence line. Supervisor Deming stated he will have Mrs. Barefoot prepare a letter thanking the York/Leicester Kiwanis for their donation.

Mr. Worden asked the Board their thoughts on adding some gravel at the playground as well. In the past visitors tend to park on the grassy area near the swings & slide, but if we put gravel down a more substantial parking area will be available to them.

The Board thanked Mr. Worden for the recommendation and agreed to authorize him to place gravel at the Piffard playground.

4)YCS:

Mr. Worden stated he has a meeting scheduled next Tuesday at York Central School with Tony Gullo, Head of Maintenance, to discuss the school's plans for upcoming projects and how the Town of York may be of assistance.

5) State Champion signs:

Supervisor Deming stated the office staff received a call today from Jerry Ayers inquiring on the status of the York Central School State Champion signs for placement. Mr. Ayers stated he spoke with School Board President, Mr. Graves about the matter and was informed the Town of York would be erecting the signs that were made over 7 months ago.

The Board discussed the signs and where exactly would be the best location for placement. Originally it was thought to place them under the "Welcome to the Town of York signs", but realized the purple and gold metal signs would clash with the existing wood structure, and now suggest another location.

After a great deal of discussion the Board made the following resolution:

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell recommending the School State Champion signs prepared by the Livingston County Highway Department be placed on school grounds, which our Highway Department has offered to assist in installation of. If the school wishes to erect the signs in the New York State Right of Way, they will be required to apply for the permit to do so. Voted on and approved, Yes-5, No-0.

6) Brine activity:

Mr. Worden stated he has a meeting on Tuesday to discuss the upcoming winter season and the availability of brine. After speaking with Leicester Superintendent, Mr. Page, he conveyed they will be receiving free brine once again this year, and hope to be able to assist York as well. Mr. Worden stated he is grateful to Leicester for the offer, but was assured the Town of York will have free brine coming our way even if Leicester is unable to help us.

OTHER

1) Ash trees:

Councilman Deuel discussed with the Board a meeting he attended last evening hosted by the Planning Department to review and begin inventory of ash trees in the Livingston County areas. Due to the ongoing infestation of Emerald Ash Borer in ash trees, they are being compromised throughout the Country, and have been heavily hit in our region, and the County is now discussing a proactive approach of controlling the spread by spraying and/or cutting trees on roadways and near sidewalks. Mr. Deuel stated a training seminar is slated for next week. Mr. Worden stated we do not currently have an inventory of the trees throughout the township but could prepare one for the existing cemeteries if needed, but will probably not be necessary in other areas of the town.

WATER/SEWER

1) Meters:

Mr. McCracken informed the Board that the meter readings have been completed for the October billing cycle. The department will now do a few re-reads for verification and then Mrs. Messana will be able to process the bills.

2) Piffard pump house:

Mr. McCracken reported that one side of the Piffard pump house roof has been completed, and should finish the other side tomorrow, weather permitting. Supervisor Deming reiterated to Mr. McCracken not to be on the roof himself, have Mr. Hodges and Mr. Grant finish the job, we don't want any accidents.

OLD BUSINESS

1) Retsof Sewer meeting:

Supervisor Deming reminded the Board of the scheduled Informational Meeting for the Retsof Sewer District customers. The meeting is scheduled for Thursday, October 21st at 6:00 p.m.

2) City of Canandaigua:

Mr. Deming stated we are finally making progress with the City of Canandaigua regarding our reimbursement, and hope to have the issue resolved shortly.

3) Website:

Council Members Parnell and Deuel informed the Board of their upcoming meeting with Robert Deming, Genesee Valley Web Marketing on Monday, September 27th at 7:00 p.m. to further discuss his website proposal. Mr. Deuel also stated his plans to ask for two additional quotes as well, and thought he would visit some surrounding Town offices to ask whom they are affiliated with and the fees involved.

4) Library donation:

Councilman Deuel stated over the years the Town has generously donated to the Wadsworth and Pavilion libraries and suggested we consider donating a bit more locally, such as the School's library activities or a community educational program.

The Board agreed Mr. Deuel's suggestion is certainly an option to consider.

5) 2011 Budget Hearing:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to schedule the 2011 Budget Hearing for Thursday, October 7th, 2010 at 7:00 p.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

NEW BUSINESS

1) Letter:

Supervisor Deming stated he received a letter from Retsof Road resident, Dorothea Prine expressing her concerns of the Retsof Road/Chandler Road intersection and a suggestion for a four way stop. Mrs. Prine commented many of her neighbors feel this

intersection is very dangerous and know it will be a matter of time before a tragedy occurs and hope to stop that from happening.

Mrs. Prine had a second request as well, for Highway Superintendent, Mr. Worden, wanting to know when the sluice pipe under Retsof Road in the middle of their property will be moved to the edge of the property. Mrs. Prine stated the water currently stands in the ditch in front of their home and on the other side of the road, and hope they redirect it to a nearby pond.

Supervisor Deming stated at the September 9th meeting the Board made a resolution to resubmit a request to the Livingston County Traffic Safety Board for a 4-way stop at the corner of Chandler and Retsof roads, so we hope our request and Mrs. Prine's request will be reviewed and approved by that agency shortly.

Mr. Worden stated he will visit the Prines directly to discuss with them the second issue in the letter.

2) Assessor Request:

The Board met earlier this evening with Town Assessor, Anne Sapienza to view a demonstration regarding possible software to purchase for Assessing purposes. Mrs. Sapienza stated she presented the same information to the Leicester Town Board and now wish to showcase the system to the York Town Board. The price for the first year would be \$ 2,797.00 and the second year at \$ 1,117.00, both are based upon 1700 parcels.

Supervisor Deming asked the Board their thoughts on what they viewed and whether or not the purchase is needed.

Council Member Parnell stated the software contains a great deal of information, much more than is currently on the Livingston County site and would not only benefit Anne in her position but the residents as well.

Councilman Rose agreed regarding the benefit of additional information on the website for residents and potential Realtors, but expressed the need for Anne to continue to meet and speak with the residents, not always encouraging them to visit the site. Residents feel more comfortable talking to a person rather than searching for information on the computer.

Councilman Deuel stated he feels a little uncomfortable with the amount of information available, but if Appraisers and Realtors want to use this particular software they should pay for it. He believes it is a bit expensive for a Town our size. If the entire County was to use this software, he may feel differently.

Council Member Parnell asked if we know whether or not the County will require this software in the near future, and if they do, she would certainly be in favor of it at that point.

Councilman Gates stated he also feels the price for the software is expensive for 1700 parcels, and added if the County should require it in the future he would be in favor at that time.

The Board stated they will not be purchasing the software right now.

BILLS

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

Sewer Districts	# 147-152	\$ 3,945.77
Consolidated Water	# 197-203	\$ 1,741.61
General Fund Claim	# 310-325	\$ 14,127.74
Highway Fund Claim	# 154-157	\$ 835.09

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until October 7th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:55 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk