

York Town Board Meeting  
February 14, 2013

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

Absent: None

Others: George Worden Jr. (Highway Superintendent), Carl Peter (Zoning and  
Code Officer) and Patricia Gardner

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the  
Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the  
minutes of the January 17, 2013 Town Board Meeting. Voted on and approved,  
Yes-5, No-0.

HIGHWAY

Mr. Worden informed the Board that the department has been busy lately with  
ice and snow removal. We have received a few complaints on mailboxes but  
overall things have proceeded well. Mr. Worden commented once again that the  
Highway Department apologizes for the inconvenience of a down mailbox, they  
are certainly not intentionally doing it. In most cases it is not the wing making  
contact, it is the wet snow and its weight, creating the damage. Unfortunately we  
are one of a number of Towns throughout the County that do not replace  
mailboxes during this season.

Mr. Worden stated he purchased a tractor truck recently from the Federal  
Surplus site, with he and the men now working on it.

Mr. Worden added we are preparing to get rid of the 1994 truck. The Town of  
Conesus recently sent theirs to the Teitsworth Auction, and received \$3,000.00  
for it. Mr. Worden stated our truck is cracked and rotted badly and is not worth  
\$3,000.00, and suggested we declare it surplus equipment.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to declare the  
1994 truck Surplus Equipment. Voted on and approved, Yes-5, No-0.

WATER/SEWER

1) Rt. 63 Water Main:

Mr. Worden informed the Board although this project has been a challenge  
from the start, as of yesterday all watermain has finally been connected, Vitales

and Abbey of the Genesee were the last to connect to the new line. Mr. Morsch will be returning in the spring for restoration.

2) Education:

Mr. Worden stated 2 water and sewer employees will be attending classes shortly to continue their education and to log the necessary renewal hours for certification. Mr. Grant will be attending a session on February 20<sup>th</sup> in Batavia, with the fee of \$33.00. Mr. Hodges will be attending class on March 5<sup>th</sup> in Henrietta; the fee will be \$50.00.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Mr. Grant and Mr. Hodges permission to attend certification class. Voted on and approved, Yes-5, No-0.

OLD BUSINESS

1) Industrial Appraisal:

Councilman Deuel reported that Highway Superintendent, Mr. Worden completed the information for the Highway and Water/Sewer portions of Industrial Appraisal. Mr. Deuel asked Mr. Peter if he completed the hall portion of the Appraisal. Mr. Peter replied the roof could be added if the Board wishes, but other than that improvement, he would not have anything further. The Board agreed they do not feel the new roof would be information for the Appraisal.

2) DEC:

Councilman Deuel stated New York State DEC was supposed to have rendered a decision, but chose to delay any action once again pertaining to hydraulic fracturing. Supervisor Deming commented even if the Health Department needed more time, it will not automatically stop the issuance of permits.

3) Steering Committee:

Council Member Parnell reported the Steering Committee continues to meet and make good progress. The committee has opted to wait on presenting to the Town Board until the Avon Court matter has been resolved. Supervisor Deming stated one of the biggest issues before the group is how to address water related concerns. Councilman Rose commented the committee's potential regulations no matter what has been prepared, may bring a law suit. Mr. Deming expressed the need for the committee to proceed, even if a suit is filed later, and they agreed as well.

Council Member Parnell discussed with the Board a small issue with the next scheduled Steering Committee Meeting on February 27<sup>th</sup>. When the committee originally scheduled their upcoming meetings, they did not book later into February and the staff received a request for the hall on such date and booked it. Mrs. Parnell asked Clerk Harris to contact the renter (Mary Mayes) to inform her that she will not be able to use the hall on the 27<sup>th</sup> of February, and apologized for the inconvenience.

4) Union:

Supervisor Deming informed the Board that he recently spoke with the mediator for Union discussions and scheduled a date to meet at the York Town Hall. The date he secured is Wednesday, February 20<sup>th</sup> at 4:30 p.m.

NEW BUSINESS

1) Town Clerk Conference:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel authorizing Christine Harris, Town Clerk permission to attend the New York State Town Clerk's Conference in Buffalo, New York from April 28<sup>th</sup> –May 1<sup>st</sup>. Voted on and approved, Yes-5, No-0.

2) USDA Rural Development:

Supervisor Deming reported he and Clerk Harris have a meeting at the Town Hall on Tuesday, February 19<sup>th</sup> at 11:00 a.m. with a representative from Rural Development. The session should last between ½ hour to 45 minutes, to review the survey material sent to us.

3) DOT correspondence:

Supervisor Deming stated Clerk Harris received correspondence recently from NYS Department of Transportation pertaining to the Board's request to lower the speed limit in two areas. After completion of their investigation on River Road between Mt. Pleasant Road and Fowlerville Road, they determined that a 35 mph speed limit was justified. The second area is on MacIntyre Road between Simpson Road and Fowlerville Road. They determined that 35 mph is justified there as well.

4) Public Officials Workshop:

Supervisor Deming informed the Board and Mr. Worden of an upcoming Public Officials Workshop being held on Monday, February 25<sup>th</sup> at the Hampton Corners Training Center complex. The workshop will start at 6:00 p.m. and conclude at 9:00 p.m. The purpose of the workshop is to review local roles and responsibilities, local situational awareness, recovery from a disaster and an overview of continuity of operations and government. Mr. Deming stated anyone interested in attending the workshop must notify Clerk Harris by Thursday, February 21<sup>st</sup>. (3 confirmed: Mr. Worden, Mr. Rose and Mr. Deming)

5) Quote for battery backup:

Supervisor Deming reported we received a quote from Hurricane Technologies for a Battery Backup, in the amount of \$180.00. When the issues occurred in January with the telephone equipment everything was replaced except for the battery backup system, which is very important.

After little discussion the Board agreed for protection purposes from surges, we must replace it and approved the quote from Hurricane.

6) Planning/Zoning Boards Certification:

Supervisor Deming discussed with the Board the State regulation that went into effect in 2007, requiring all Town and Village Planning and Zoning Boards to complete four hours of training each year. The law allows for the governing body of each municipality to determine what training options are acceptable to satisfy these requirements, for example:

- 1- An acceptable training source should be in the best interest of the municipality.
- 2-Diversity in training options can be encouraged.
- 3-Training should be consistent and have approval of the governing body, including discussion and documentation.
- 4-Other municipalities in NY have considered attendance at other Board meetings as an acceptable training option.
- 5-Prior to each attendance, notification of the host municipal Planning or Zoning Board should be made.

Mr. Deming stated recently the office staff was questioned by a zoning member what classes would be acceptable because it is a bit unclear as to what the Town may or may not approve for credit hours. After some discussion the Board agreed before any Planning or Zoning Board Member attends a certification class, they must first submit the session for Board approval. A letter will be sent to each member informing them of the Board's decision this evening.

7) Genesee Valley Conservancy:

Councilman Deuel informed the Board of a letter he received notifying him of the recent changes with the Genesee Valley Conservancy. After the resignation of Sally Walker as Executive Director, the position has now been filled by Benjamin Gajewski. Mr. Gajewski held the position of Stewardship Director the past six years, and now looks forward to his new role as Executive Director.

8) Code Officer Update:

Zoning and Code Officer, Mr. Peter discussed with the Board a request he recently received from a resident regarding stand alone solar panels for their backyard. Although the panels are not a structure, if applied for it would be classified as an accessory structure in our Zoning Ordinance. Mr. Peter stated as it was explained to him the panels would be mounted on an 8 inch pipe at a 45° angle. In his opinion as long as it meets the set back requirements we must allow it.

Mr. Deming asked about the fall zone issue, if the panels are 20 feet or higher, it needs to be addressed. Mr. Peter stated they can not be higher than 35 feet, and commented that the homeowner will be investing roughly \$50,000.00 if they proceed. Supervisor Deming stated this project will certainly generate a great deal of discussion and suggested an Informational Meeting for the neighborhood, to let them know what was being requested. Councilman Deuel commented with so many people embracing "going green" and our zoning regulations allowing it, we should proceed with a permit. Supervisor Deming added with an Informational Meeting we as a Town Board would obtain much needed

information on this as well as the people in that particular area. Mr. Deming asked Mr. Peter to contact the gentleman from Arista Power to inquire as to his availability to meet.

9) Inter-Municipal Agreement:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the extension of Inter-Municipal Agreement between the County of Livingston and Town of York for a period of twelve months, January 1- December 31, 2013.

Voted on and approved, Yes-5, No-0.

8:32 P.M.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to enter into Executive session for Personnel Matters to include Town Board, Town Clerk and Highway Superintendent. Voted on and approved, Yes-5, No.

9:23 P.M.

RESOLUTION offered by Mr. Gates 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.

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.

- General Fund Claim #30-58 \$ 21,364.25
- Joint Water and Sewer #34-61 \$124,307.78
- Youth Fund Claim #2 \$ 21.60
- Street Lights #2 \$ 2,113.33
- Highway Fund Claim #17-24 \$ 38,172.10

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until February 28<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:25 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

