

York Town Board Meeting
April 25, 2013

Present: Supervisor Gerald L. Deming, Councilmen: Norman Gates and David Deuel

Absent: Lynn Parnell and Frank Rose Jr.

Others: Patricia Gardner, Davies Nagel, George Worden Jr. (Highway Supt.), Roger McCracken (Water/Sewer Operator), Jody, Caleb & Trevor Nellis, Carl Peter (Zoning & Code Officer) and Grayce McLaughlin

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 Mr. Deuel to approve the minutes of the April 11th Town Board Meeting. Voted on and approved, Yes-3, No-0.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel asked to speak with the Board this evening to discuss the upcoming presentation of the Steering Committee and the existing Comprehensive Plan. Supervisor Deming verified that the Committee will be presenting their recommendations at the May 9th regular meeting, with at least one Public Hearing to follow at a later date, once the Board is completely comfortable with the wording for potential approval.

Mr. Nagel read aloud the following....

“As a York resident, I would ask that the Board consider conducting a public referendum to determine if the community wants to change the Comprehensive Plan and Zoning Ordinance to allow high volume hydrofracturing in the Town of York. During our Committee work on the last Comp Plan, as well as the Zoning, there was ample opportunity for community input. At least two sessions were held where townspeople were invited to attend and comment on the work done so far and there was at least one referendum where the public could express their opinions. These procedures were very helpful to the committees in their work and greatly appreciated by the community”.

2) Caleb Nellis:

Caleb addressed the Board of the upcoming plans for his Eagle Scout Project. Caleb stated he is a member of Troop 4085 and hopes to manicure the area around the Native American sign located on Chandler Road near the home of Robert Donnan. Caleb has had the opportunity to speak with and review his plans with Piffard resident, Charles “Dutch” VanRy, seeking suggestions for the project. The Eagle Scout project will consist of sanding of the existing sign, a new coat of paint to it, removal of the current fence and

replace with a new one located further back off the road (which he received permission from owner, Mr. Donnan), and finish with mulch and a stone path to the sign. Caleb asked the Board if they had a preference on fencing material, wood or white fencing. Supervisor Deming and Councilman Deuel suggested in keeping with the natural environment, perhaps wood fencing would be best for that area. Caleb also stated the area they will be working around drops down roughly 1 to 1 1/2 feet and requested some topsoil if possible to level it off. The Board stated Mr. Worden would certainly be able to assist with topsoil and suggested Caleb speak with him after the meeting for details on when to deliver.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve Caleb Nellis' Eagle Scout Project, pending approval from New York State Department of Transportation. Voted on and approved, Yes-3, No-0.

**Permission must be obtained from NYSDOT for restoration of the existing sign.

HIGHWAY REPORT

Mr. Worden informed the Board that the Highway Department has been replacing crossovers in some areas and conducting routine roadside ditching maintenance. The mowing season is upon us and already started in the cemeteries and parks. Mr. Worden stated although the brush pick up date is slated for May 20th, the men have begun gathering in areas where piles have been placed. Mr. Worden added we have proceeded with early pick up over the past few years in order to get a head start on the limbs and brush, and residents seem to be grateful to have the piles gone in order to mow.

Mr. Worden asked the Board if they have plans to seal the parking lot this year. Councilman Deuel commented the Board discussed the parking lot at the April 11th meeting and stated the UP Church was inquiring about painting lines, but did not address resealing. Supervisor Deming asked Mr. Worden to obtain prices for sealing and if a quote is under \$2,000.00 to proceed and schedule the work.

Mr. Worden reported the Highway Department will begin tiling Batzing and McKenzie Road next week.

Councilman Deuel asked Mr. Worden if we were able to receive the lawn mower we bid on from the Federal Surplus site. Mr. Worden replied we did not receive the mower, but have serviced our existing lawnmowers and believe we can make it through another season with what we currently have and try again next year for another.

WATER/SEWER REPORT

Mr. McCracken stated the Water Department has also begun mowing at the treatment plant and will be conducting maintenance around pump stations and fire hydrants before too long. Mr. McCracken reported Pete Scondras has been assisting us with wiring of pump stations. The restoration for the Route 63 water main replacement project has been moving along well, the River Road area has been cleaned up and reseeded by Mr. Morsch, with other areas to follow shortly.

Mr. McCracken and Mr. Worden commented they viewed a demonstration today regarding mechanically cleaned bar screens. The demonstration showed the advantages

of Duperon Proven FlexRake Technology for low flow applications, which is what we would be interested in. Mr. Worden stated the visit was strictly to show the product, with the price not even being discussed. The screens are pre-engineered to be energy efficient, saving time and money and provides easy installation. Mr. Worden and Mr. McCracken stated they were very impressed with what they viewed.

Supervisor Deming asked how the day to day operations have been going with the absence of Mr. Hodges, who is scheduled for shoulder surgery on May 2nd. Mr. McCracken replied things are moving along well thus far, but hopes to take some time off shortly with the weather changing, to work on his farm. Mr. Worden stated if additional help is needed at the Water & Sewer Department he may be able to use Highway personnel at some point when Mr. McCracken and Mr. Grant wish to use vacation time.

Mr. Worden informed the Board of the Public Informational Meeting the Village of Geneseo has scheduled regarding their upcoming improvement project. Monday, April 29th at 5:00 p.m. at the Geneseo Building on Main Street, they will be hosting a session to discuss and field questions on upgrading of their system, and how it will affect the customers in the Towns of Geneseo and York. Ms. McLaughlin asked how this upgrade affects us directly. Supervisor Deming read aloud an attachment sent by the Village that will be advertised for the period of May 17-July 1, 2013, outlining guidelines on how to save water for that time frame:

1. Fill swimming pools prior to May 17, 2013.
2. Avoid watering lawns and washing cars.
3. Check faucets & pipes for leaks. Leaks waste water 24 hours a day, seven days a week and often can be repaired with an inexpensive washer.
4. Check your toilets for leaks. To test for leaks, add a small amount of food coloring to the toilet tank. If, without flushing, the color begins to appear in the bowl, you have a leak that should be repaired immediately.
5. Use your automatic dishwasher only for full loads.
6. Use your automatic washing machine only for full loads.
7. If you wash your dishes by hand, do not leave the water running for rinsing.
8. Keep bottles of drinking water in the refrigerator to keep them cool instead of running tap water.
9. Take shorter showers. Long showers use much more water than is needed.
10. Install water-saving showerheads or flow restrictors. Area hardware or plumbing supply stores stock inexpensive water-saving showerheads or restrictors that are easy to install.

Mr. Worden stated the project is slated to be completed in roughly a month, but believes it will take longer. Mr. Deming added, if we have another hot/dry summer and they have problems that extend the project, we could experience an issue. Mr. Worden stated he is already inquiring about a backup plan for us in the event they do have trouble. The State and Livingston County Health Department have been notified of the project and approved the submitted plans. Mr. Worden commented we have continued to keep our tanks completely full, which may be helpful at a later date if issues arise. Mrs. Gardner stated when Morgan's had their fire our pressure was affected. If we lose

our supply, won't we have a huge problem to contend with. Mr. Worden replied we won't be able to re-coop as quickly, but we are working on a safety net to protect us.

OLD BUSINESS

1) Dolores Kane:

Supervisor Deming reported the Board briefly discussed the Water Adjustment request of Mrs. Kane at the April 11th meeting but wished to speak with Water Operator, Roger McCracken for verification before rendering a decision. Mr. McCracken stated he was informed of the request by Clerk Harris the following day and calculated her average usage and fees involved if the Board decided to approve such request this evening. Mrs. Kane's quarterly average consumption is 5,000 gallons, so the 207,000 gallon bill was over and above her normal usage. Mr. McCracken and Water Billing Clerk, Mrs. Messana prepared an adjustment in the event the Board chose to approve the water request. With the previous policy procedures including the pumping fees, the adjustment would bring Mrs. Kane's new total to \$ 660.62, which is a savings of \$ 306.07.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve the Water Adjustment request submitted by Dolores Kane for property located at 2780 Retsof Avenue. The April water charge was \$ 966.69, but with the adjustment of \$ 306.07, the new total for water is \$ 660.62. Voted on and approved, Yes-3, No-0.

** Mrs. Kane's bill is as follows: \$ 660.62 (water) + \$ 95.00 (sewer) = \$ 755.62

2) Union contract:

Supervisor Deming informed the Board as of Tuesday, April 23rd we finally have a signed Union contract.

3) Consolidation:

Mr. Deming stated at the last meeting the Board discussed with Mr. Peter the Fire Department's decision not to host future elections at the Retsof site. The Board agreed now would be the time to push for consolidation of the districts, but unfortunately Mr. Deming has not yet had the opportunity to speak with the Commissioners at the Board of Elections to express our intentions. Supervisor Deming did state once the consolidation is finalized County Committee members for the Democratic and Republican parties would be reduced from 6 members to 4.

NEW BUSINESS

1) Vacant structures:

Clerk Harris informed the Board of pending Assembly Bills (Bill A.88 and Bill A.824) making it mandatory for lending institutions to provide contact information regarding vacant, abandoned and foreclosed homes and structures throughout New York State. Ms. Harris stated numerous towns have supported this proposed legislation and hope we will as well. Clerk Harris commented she printed out for the Board to view this evening, 8 properties within our township that have been abandoned and are in dire

need of attention. With passage of the Assembly Bills, the Mortgage lenders would be required to be more responsible for such parcels, which would be a great assistance to each municipality and more importantly the residents in close proximity to these properties.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve....

RESOLUTION TO SUPPORT NEW YORK STATE CONTACT INFORMATION FOR VACANT STRUCTURES

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824 currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure.

NOW, THEREFORE, BE IT RESOLVED, that the York Town Board hereby supports the passage of said Bills; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to forward a copy of said resolution to Governor Andrew Cuomo and our State Representatives who represent constituents in the Town of York requesting support of passage of said Bills.

Voted on and approved, Yes-3, No-0.

2) Telephone calls:

Supervisor Deming reported he received calls from two Board Members this week informing him of conversations they had with residents about the work being done at the home he purchased on Chandler Road. Mr. Deming stated the callers expressed to each Board Member that the Water and Highway Departments have been onsite doing work for the Demings and feel he is getting special treatment due to his position with the Town. Mr. Deming stated after hearing the comments he wanted to address the matter this evening and set the record straight. The Water Department was at the residence installing a new meter and curb stop, which Mr. McCracken stated is not

uncommon or unusual with any of our water accounts, especially older homes with high consumption reads. Mr. Deming stated the Highway Department removed a tree at the corner of Chandler and Retsof Road, which has hindered visibility but the previous homeowner was unwilling to allow it to be altered or removed when they owned it. A large hole on the shoulder of the road was filled in, which was not on Mr. Deming's property, strictly in the right of way, normal routine maintenance for the Highway Department. Mr. Deming stated the last issue was the very large brush pile at the edge of the property that was removed recently. Highway Superintendent, Mr. Worden stated as discussed earlier in his Highway report, brush piles throughout the Town have been picked up over the past two weeks prior to the scheduled date on May 20th. Mr. Worden commented the pile at the Deming residence was removed after the crew had picked up brush on other roads in route to Fowlerville Road for another project. Mr. Worden stated while in the Wadsworth area the department also filled in some divots at the Schnitzler residence caused by the snowplow during the winter season. Mr. Worden added while the machinery is in an area he tries to coordinate what needs to be done in order to eliminate having to send it back a second time.

Supervisor Deming stated he hopes by this clarification the rumors will cease. Mr. Deming commented he wanted to make it clear that he and his contractors are doing a great deal of work at the residence, but Town employees are not.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-3, No-0.

General Fund Claim	# 112-125	\$ 8,380.35
Joint Water & Sewer	# 113-125	\$ 3,318.33
Youth Fund Claim	# 4-6	\$ 1,708.30
Highway Fund Claim	#58-62	\$ 1,852.66

OTHER

1) Patricia Gardner:

Mrs. Gardner asked to read aloud her comments regarding the Steering Committee's meetings and upcoming presentation to the Board on May 9th:

"Last night was the last Steering Committee meeting before presentation of their recommendations to the Town Board on May 9th. Several meetings ago, I spoke off the record to the Town Board about some of my concerns about the process of the committee-now I wish that those comments had been ON the record...

That being said, here we are. At the next Board meeting you will be presented with a document that is supposed to protect our future in the Town of York and maintain the essence of our community. I have my doubts.

Last year, the Town Board voted to make a decision about Hydro-Fracking. The elected board chose not to listen to the majority opinion of residents of the Town. Instead, the answer was to let the NYSDEC protect us and to create a Steering Committee.

From the beginning, “the public” was only allowed to be observers at these Committee meetings: seen but not heard, and definitely not recognized, as proven by the fact that there is no mention made of any public presence in the “official” minutes. There have been observers, but many have become upset over the process, and therefore have chosen to no longer attend. I understand completely, the meetings have been very upsetting, but I chose to, as uncomfortable as it often was, to attend nearly every Steering Committee meeting and to be present, in fact, I have better attendance than some of the actual members.

Last night there were concerns expressed about public response to this document. The Town people were not listened to (or represented) last year; have not been listened to in this process; and will now be put off again, to yet another Public Hearing. Are you ready to do what you were elected to do, listen to us, to hear us and to Represent us ?”

2) Grayce McLaughlin:

Ms. McLaughlin asked the Board what the Steering Committee was actually supposed to accomplish. It was her understanding that they were formed to study the issue, but after the second meeting it was clear that allowing fracking in the Town of York was already going to be a part of the updated regulations. Supervisor Deming stated the Board’s intentions for the Steering Committee was to have them update our zoning in order to protect us if and when fracking applications are applied for. Mr. Deming added Clark Patterson Lee was brought in to assist the committee and believes it was a wise decision to include them in this process due to the fact they wrote our existing Zoning regulations and is quite versed on it. Mrs. Gardner asked if the document the Steering Committee presents does not fulfill our needs what happens next. Mr. Deming replied more than likely the Board will need to make changes to the original document, it is rare that the first draft will end up the final document. Mrs. Gardner commented she does not feel the Steering Committee has listened to the people of this community and hope the Town Board will the second time around.

Councilman Deuel stated last July the Town Board voted on whether or not to proceed with a moratorium, with it ultimately getting voted down 3-2. Mr. Deuel expressed at that time that he did not feel a moratorium was necessary and was confident in New York State DEC to protect us. At a meeting held at Letchworth School previously, the speaker addressed the fact that municipalities should not put a moratorium in place until they are ready, otherwise the one year clock is ticking and they might not have sufficient time to complete their update properly. Councilman Deuel reported he looks forward to viewing what the Steering Committee has prepared. Mr. Deuel stated if you look at the geology of this Town, our area is not a “hot spot” for drilling, and what has transpired in Pennsylvania will not happen in New York due to more regulations here.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting at 8:25 p.m. Voted on and approved, Yes-3, No-0.

**** Supervisor Deming stated he inadvertently omitted a section of New Business this evening and re-opened the Board meeting at 8:26 p.m.**

NEW BUSINESS CONTINUED:

3) Appointments:

a- Amend Appointment:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to amend the Deputy Town Clerk and Deputy Registrar appointments made at the 2013 Organizational Meeting. Voted on and approved, Yes-3, No-0.

b- Deputy Town Clerk:

I, Christine M. Harris, Town Clerk do hereby appoint Patricia Barefoot as Deputy Town Clerk, effective April 26th, 2013.

c- Deputy Registrar:

I, Christine M. Harris, Registrar of Vital Statistics, do hereby appoint Patricia Barefoot as Deputy Registrar of Vital Statistics, effective April 26th, 2013.

d- Approvals:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the appointments of Deputy Town Clerk and Deputy Registrar of Vital Statistics. Voted on and approved, Yes-3, No-0.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until May 9th. Voted on and approved, Yes-3, No-0.

Town Board Meeting closed at 8:28 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk