

York Town Board Meeting  
June 13, 2013

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

Absent: None

Others: John Ellis & Henry Fuller (Steering Committee Members), Carl Peter (Zoning & Code Officer), Roger McCracken (Water/Sewer Operator), George Worden Jr. (Highway Supt), Patricia Gardner, Kirk Richenberg, Andrew Emborsky (Town Attorney) and Salvatore Mitrano

Supervisor Deming opened the Town Board Meeting at 7:35 p.m. and invited Councilman Deuel to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the May 23<sup>rd</sup> Regular Town Board Meeting and May 29<sup>th</sup> Work Session. Voted on and approved, Yes-5, No-0.

HIGHWAY REPORT

Mr. Worden reported that the Highway Department continues to work in the Batzing and McKenzie Road areas for the drainage project, specifically this week near the intersection. Mr. Worden shared with the Board that his department recently completed a project on Cowan Road. A very large pothole had formed in the roadway, caused by excess manure flowing from Donnan's nearby barn. Mr. Worden commented the hole has now been filled. Mr. Worden stated mowing continues to be constant this time of year in addition to our other duties.

Councilman Deuel asked Mr. Worden if the removal of trees in the cemetery are still on his schedule. Mr. Worden replied the trees will be taken care of once the ground has a chance to dry out.

WATER/SEWER REPORT

Mr. McCracken reported that the Geneseo Water Project is now complete. The original time table for completion was July 1<sup>st</sup>, but due to how smooth the process was, the project finished ahead of schedule.

Mr. McCracken stated the department began reading meters for the July billing cycle, they continue to mow the necessary areas and follow through with the daily duties.

Councilman Deuel asked if the Solar Bee is still working well. Mr. McCracken stated the Solar Bee is working very well and they are pleased with the results.

OLD BUSINESS

1) Parking Lot:

Mr. Worden stated at the May 23<sup>rd</sup> Town Board Meeting the Board approved the blacktop resurfacing quote for the parking lot shared by the Town and the York UP Church, but will not take place until sometime in July. Councilman Deuel commented he spoke with Church Trustee, Kevin Simpson about the upcoming project and asked if the church has any specific requests in regards to striping of the lot. Mr. Simpson expressed the Church's desire not to stripe the entire parking lot, simply mark the areas closest to the Town Hall for handicap and regular parking purposes and the church will handle any future markings to the lot themselves.

NEW BUSINESS

1) Assessor Re-Appointment:

Supervisor Deming read aloud a letter from Assessor, Anne Sapienza requesting re-appointment for an additional six-year term. Ms. Sapienza's current term will officially end September 30, 2013.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to re-appoint Anne Sapienza as the Town of York's Assessor for a six year term of office. The new term will begin October 1, 2013 and end September 30, 2019. Voted on and approved, Yes-5, No-0.

2) Senior Citizens plaque:

Clerk Harris discussed with the Board a conversation she had with the York/Leicester Senior Citizens. Ms. Harris commented, the Board Members are well aware of the yearly "Senior of the Year" recognition ceremony, and hope to take it a step further. Currently the Town of Leicester has a plaque on their wall outlining the names and years of the award, and several York members asked if our Board would follow suit. Clerk Harris informed the members she would make the request to the Board this evening on their behalf.

Supervisor Deming and Councilwoman Parnell thought the suggestion was a wonderful way to honor individuals in our community, and asked Clerk Harris to have Mrs. Barefoot obtain prices on different plaques in order to render a decision at the June 27<sup>th</sup> meeting.

3) Caledonia Trail Blazers:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trail Blazers Inc. Snowmobile Club for the 2013-2014 season. Voted on and approved, Yes-5, No-0.

4) Welburn letter:

Supervisor Deming stated he received a letter from Retsof resident, Joe Welburn expressing his disappointment in the time it has taken Mr. Worden to install pipe at his residence that he purchased 9 months ago. Mr. Worden commented he understands Mr. Welburn's frustration and accepts full responsibility for the delay, and has now slated the ditch work to be completed next Thursday, June 20<sup>th</sup>.

5) Parker letter:

Supervisor Deming read aloud a letter from resident Patricia Parker regarding well issues she has experienced at both of her properties (3752 Telephone Road and 1513 McVean Road) since the Mine collapse in 1994. Ms. Parker stated prior to the incident, her wells were in perfect condition but after, has dealt with numerous quality issues. Ms. Parker stated she wrote to the Board shortly after the collapse and attended meetings along with neighbors to inquire if Town water could be extended. To her knowledge one neighbor was compensated for the loss of water, but the remaining neighbors including herself have not. Ms. Parker is requesting the Board review the situation once again for a hopeful resolve.

Council Member Parnell stated she recalls the well issues of that area after the collapse and wondered why Ms. Parker waited so many additional years to bring the matter before the Board again. Supervisor Deming commented he remembers hosting a meeting for the McVean Road area for water purposes, but due to cost was unable to tie those homes into municipal water. Currently the last home receiving Town water is the Striker residence located at the other end of McVean Road. Mr. Deming stated until receiving this letter we were unaware residents were experiencing far more issues with their water supply.

After a brief discussion the Board agreed to authorize Mr. Worden and Mr. McCracken to pursue the distance measurements on McVean Road for price purposes for possible extension of Town water.

6) Telephones:

Mr. McCracken informed the Board that he has experienced telephone issues at the treatment plant recently and asked if we can contact Hurricane to visit the plant to review the matter. Clerk Harris replied she will gladly contact our representative at Hurricane to view the situation.

## PRIVILEGES OF THE FLOOR

1) Henry Fuller:

Mr. Fuller requested Privileges this evening to discuss with the Board the work session held on May 29<sup>th</sup>. Mr. Fuller stated it is strictly his opinion, but did not appreciate the implication made by Attorney Campbell that the efforts of the Steering Committee were a waste of time. Mr. Fuller commented the Committee worked very hard on the document, with a goal given to protect the Town of York community, and feels they accomplished what the Board asked of them.

Supervisor Deming stated he did not take Mr. Campbell's comments in the same fashion and felt he stressed a great deal on what we as a Board can and cannot do pertaining to zoning & regulations specifically. Mr. Deming stated numerous times Mr. Campbell praised the committee for a daunting task. Councilwoman Parnell stated she learned a great deal of information at the work session from Mr. Campbell. The majority of the Steering Committee meetings were geared toward regulatory purposes, so it is helpful to listen to Mr. Campbell's take on other portions. Mr. Fuller expressed Governor Cuomo's guarantee to have the fracking issue resolved by the end of the year, one way or another. Supervisor Deming stated overall he feels the report is very good,

with more than likely some changes to be made. Mr. Deming reiterated Towns having a BAN on fracking are a bit ahead of others due to Home Rule. Attorney Emborsky reported he and Mr. Campbell have discussed the document several times, and Counsel does not feel the efforts made by the committee were a waste of time at all. The Steering Committee's job from the onset focused on what the Town wants implemented in the future, whereas, the job of the Attorneys was and is to explain legally what can and cannot be done going forward. Mr. Emborsky commented Counsel has to review the document from a totally different prospective from the committee, both are equally important.

Supervisor Deming asked Mrs. Gardner as a resident who attended the May 29<sup>th</sup> session, her thoughts as to Attorney Campbell's comments. Mrs. Gardner stated in her opinion Mr. Campbell was not disrespectful of the work completed. The one comment Mr. Campbell expressed at Steering Committee meetings was the fact he was unclear and trying to gage the direction the Town wished to proceed in, which in her opinion was not a negative statement as to the work completed.

Councilwoman Parnell added the information we receive and review is very helpful, and will continue to be a learning process. Mr. Deming added the job of our Attorneys is to give us advice and to try and keep the Town out of legal situation. The Town Board has the right to accept or reject any or all suggestions.

Mr. Fuller stated he wished to address as well the non-compliant letter received by four of the five members of the Board, which was discussed at the May 9<sup>th</sup> regular meeting. Due to the fact the author chose not to sign the letter he thought the matter would be dismissed. Supervisor Deming replied the Board discussed although disappointed with the lack of a signature, the number of potential violators (41) stated in the letter needed to be addressed by the Zoning Officer. Mr. Deming asked Zoning & Code Officer, Mr. Peter what his findings were after review of the properties. Mr. Peter reported a total of 10 properties were in violation and warranted a letter, which he has sent, but the remaining parcels, although not as organized as some homes, were not in violation. Mr. Fuller commented it was his understanding because the letter was unsigned, he did not think the Board would acknowledge the letter. Supervisor Deming replied this was not the case, and needed to be verified. Mr. Richenberg asked what the threshold number is in order to have the Zoning Officer act. Supervisor Deming responded that there is not a threshold number to speak of. Mr. Deming added after Mr. Peter reviewed the areas documented he also was made aware of additional people in violation, who were not listed in the letter. Mr. Fuller asked if the Zoning Officer was allowed on an individual's property. Supervisor Deming replied the Zoning Officer is allowed only if granted permission by the owner and/or tenant, otherwise he must remain in the road right of way or unless a nearby neighbor grants permission from their property for viewing of a matter. Mr. Fuller commented aren't farmers exempt from the maintenance code pertaining to vehicles and farm equipment. Mr. Peter stated in a session held earlier today with fellow zoning officers, this issue was discussed thoroughly. Codes in place now state even farmers cannot keep vehicles or equipment on property that are not being used.

8:10 P.M.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to enter into Executive Session to discuss a Personnel Matter and potential litigation, to include

Town Board, Town Attorney, Mr. McCracken, Mr. Worden and Clerk Harris. Voted on and approved, Yes-5, No-0.

8:30 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

New Business continued:

7) Advertisement:

Supervisor Deming informed the Board at the last Public Works session, there was discussion whether or not we were ready to hire at the Highway and Water/Sewer Departments. The Highway Department has worked with two less employees since the retirement of Larry McClurg and death of Jack Deming and with Mr. McCracken's upcoming retirement, one position could potentially be available there as well.

After little discussion...

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to advertise for one (1) MEO position for the York Highway Department. Voted on and approved, Yes-5, No-0.

BILLS

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

General Fund Claim	# 158-178	\$ 16,911.71
Joint Water & Sewer	# 149-167	\$ 133,510.35
Street Light District	# 6	\$ 1,580.05
Highway Fund Claim	# 79-91	\$ 3,186.84

OTHER

Supervisor Deming reported the Board met with Insurance Agent, David Boyce earlier this evening to discuss the Town's upcoming Insurance renewal. Mr. Boyce prepared comparison sheets between Selective and NYMIR coverage for the Board to review, in order to decipher which best suits our needs. Mr. Boyce was instructed to gather additional information prior to the June 27<sup>th</sup> meeting, in order to render a decision at that time.

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until June 27<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:45 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk