

York Town Board Meeting  
August 22, 2013

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

Absent: None

Others: Patricia Gardner, Jerry Parsons, Philip Cooper, Henry Fuller, George  
Worden Jr. (Highway Superintendent) and Carl Peter (Zoning & Code  
Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited  
Councilman Rose to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the  
minutes of the August 8<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5,  
No-0.

HIGHWAY REPORT

Mr. Worden reported the Highway Department has been trimming roadside  
brush and was pulled away Thursday when the oil company called stating they  
were ready to proceed to Batzing Road. Mr. Worden stated we unfortunately were  
unable to notify the residents in that area due to the last minute telephone call,  
but barriers were set up alerting traffic of the work. Mr. Worden added we paved  
south of McKenzie down Batzing where we then experienced a hydraulic issue  
with the paver and had to offload the material from the trucks, rather than  
wasting blacktop. Although some work was started, we will certainly be returning  
to the area to clean up the excess material and continue the road repair.

Mr. Worden stated we also experienced a breakdown of the roller as well, once  
that has been repaired we will be conducting shoulder restoration on Anderson  
Road.

Mr. Worden reported he received a driveway request recently for 2742  
Chandler Road. The homeowner currently has an existing driveway on Chandler  
and wished to place a second one on Retsof Road. Mr. Worden stated after  
review of the area, he approved the driveway request. Mr. Worden added that the  
home owner also expressed their desire to erect a 4 1/2 foot 3 board fence around  
the property and asked if it would impede the visibility in any way of the area.  
Mr. Worden surveyed the intersection of Chandler and Retsof Road, and  
commented where the owner wishes to place the proposed fence will have no  
visibility issues for oncoming traffic. In fact they are placing the fence further  
back onto the property from where the previous homeowner had the original  
fence years ago, without any issues.

## WATER/SEWER REPORT

Mr. Worden reported although not a state mandated test our department regularly monitors the water for THM's. At our pump house roughly 1 month ago the read coming from Geneseo was 55. We tested the front tank (West) and its read was 59. The East rear tank that has the Solar Bee unit recorded 18.

Mr. Worden commented we can certainly recognize that the Solar Bee is working very well to minimize THM's and spoke with a Solar Bee representative about possible options to reduce in other areas. It was stated we could construct additional piping to the front (West) tank which would help in reducing THM's in that tank as well, or place a second unit in that tank all together. Mr. Worden commented due to the price of the Solar Bee, constructing of additional piping would be a much more inexpensive route to proceed with.

Mr. Worden informed the Board that Conrady Consultant Services came with the robot to inspect the tanks. Some scrape marks were visible, but stated overall the West tank looked very good. Councilman Deuel asked what the cost would be to run the plumbing from the East tank to the West, in order to further utilize the Solar Bee unit. Highway Superintendent, Mr. Worden responded we estimate such piping at roughly \$20,000.00. Councilman Deuel questioned the THM levels the Village of Geneseo experienced prior to their project. Mr. Worden commented they have had large numbers before and some after their project, but with the College ready to resume, it should help the THM levels.

Mr. Worden reported the Water Department began flushing hydrants Monday (19<sup>th</sup>) and will continue through Friday the 30<sup>th</sup>.

## OLD BUSINESS

### 1) Water Service Restoration:

a- 2373 Genesee Street:

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the Water Service Restoration request submitted by Morgan Rose for property located at 2373 Genesee Street, in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

### 2) Fracking Work Session:

Supervisor Deming discussed with the Board scheduling a Fracking work session to discuss and review the comments made by Attorney Campbell relating to the Final Conclusions prepared by the Town of York Steering Committee on High Volume Hydraulic Fracturing.

The Board agreed to schedule the session for Tuesday, September 3<sup>rd</sup>, 2013 at 7:00 p.m. at the Town Hall. Clerk Harris will notify Mr. Campbell of the date and time.

### 3) CHHA (Certified Home Health Agency):

Supervisor Deming stated over the past few months the Livingston County Board of Supervisors have discussed in great detail how to proceed with the County Certified Home Health Agency, known as CHHA and whether or not to sell the existing license to a private company. Mr. Deming asked the members of

the Board their thoughts on the issue, and added the actual vote on this subject will take place next week. Mr. Deming stated this issue is a difficult one. The County's costs continue to rise, but if we relinquish the license we no longer have control of the Agency, so his decision along with other Supervisor's will be very important.

Council Member Parnell questioned the affect on patient care and quality of the care if the County sells. Supervisor Deming stated currently the County Nurses are out 24 hours per day 7 days a week, and the private company (VNA) said the services would remain the same. Mr. Deming added several counties have sold to this private company and have expressed that the services from VNA have been the same or better. Councilman Deuel asked which counties have proceeded in this direction. Supervisor Deming responded Genesee, Steuben and Wyoming Counties that he is aware of. Mrs. Parnell asked if VNA is currently in the surrounding counties and end up in Livingston, are they ultimately getting a monopoly on these services. Supervisor Deming stated he has received numerous calls, letters and e-mails from residents expressing their desire for him and the Board of Supervisors NOT to sell such services, but he also recognizes the continued increase in cost to the county for the services, seeing both sides of the issue, but stated our seniors are very much against selling of the agency.

Mrs. Parnell commented she understands the financial aspect the Board of Supervisor's have to contend with, but stated the bottom line is the care the patients are obtaining currently.

Mr. Deming stated VNA has offered one million dollars for our existing license, and are currently under the Health Department now. Councilman Deuel asked if other agencies are servicing the county at this time. Supervisor Deming responded to his knowledge no other agencies are involved. Councilman Deuel commented unfortunately most of us are not comfortable with change, a great deal of fear comes with not knowing what to expect. Councilman Rose asked if the Board of Supervisors invited VNA representatives from other counties to a meeting. Mr. Deming responded they did. Councilman Deuel asked how many employees this affects. Supervisor Deming replied roughly 30+ employees are affected. Councilman Deuel commented I currently do not have a family member receiving these services, but if I did, I would certainly want to continue with this care. Council member Parnell stated the seniors of our community and surrounding communities are asking us to keep these services and oppose the sale of the county license, I think we should listen to them.

Supervisor Deming asked the Board their decision on whether or not to sell the CHHA license:

Councilwoman Parnell	oppose
Councilman Deuel	oppose
Councilman Gates	oppose
Councilman Rose	oppose

Supervisor Deming stated if the County continues to fund this agency patients will be asked to pay more to cover expenses, but commented, we can't put a price on care of our seniors. Councilwoman Parnell added cost will

continue to increase regardless of who owns it, we should keep control of the program.

4) Follow up letter:

Supervisor Deming reported we received a follow up letter from Anderson Road resident, Jack Ellis inquiring about the status of repairs to his road:

To: Town of York

From: Jack Ellis

Subject: Follow-up letter regarding Anderson road “proposed repairs”

I have not heard from anyone addressing any proposed work that I thought was going to happen now that a reference line was painted down the center of the road.

For your information, I was headed home from work last week and came upon a field chopper on Simpson Road headed toward Anderson Road. The width of this machine made it impossible to pass, let alone any oncoming traffic of which I did not encounter. While following this machine several thoughts occurred – what if emergency vehicles had to pass (either way), school buses, etc. Another observation was that while moving on down the highway, edges of the road (asphalt) was breaking off along with pavement moving up/down due to the weight of this machine. Again, I’ll repeat from my previous letter “these roads were not built for today’s machinery or traffic”.

Question – are these roads wide enough, proper base and shoulders, weight limits on what we presently have? Should the Town start thinking about special use permits and fees to address future up-grades to our town roads and let the users pay their fair share of these up-grades as needed/required?

Again – awaiting your response.

Mr. Deming stated we received Mr. Ellis’ letter two weeks ago and needed to wait until Highway Superintendent, Mr. Worden returned from vacation to address the listed issues. Mr. Worden stated he has visited Mr. Ellis’ home twice to speak with him, leaving his card and telephone number, but has not received a return call to discuss the road conditions. Mr. Worden repeated once again to the Board, as outlined in his Highway Report this evening, his intentions of returning to Anderson Road for shoulder and wedging purposes. Mr. Worden commented due to the requested vacation days, man power has been a bit of a hindrance for completion of daily duties. Mr. Worden stated he read Mr. Ellis’ second letter and questioned the suggestion of Special Use Permits and fees on Town roads. Mr. Worden and the Board agreed it would be very difficult to put user fees on a road or roads residents already pay taxes on. Mr. Worden stated we have

\$86,000.00 in the budget for repairs. Supervisor Deming reported in the coming year we will be contending with a 1.5% cap instead of a 2%, which already reflects a tough 2014 budget year.

5) Snow and Ice Contract:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the county Snow and Ice contract for the period beginning October 15, 2013 to October 14, 2014, at a rate of \$4,000.00 per mile, to perform snow and ice control on County Roads located in the Town of York. Voted on and approved, Yes-5, No-0.

6) Town Hall Mats:

Supervisor Deming reported custodian, Carl Peter received a quote from Rochester Paper Company to replace one or all of the mats located within the Town Hall. Mr. Peter recently painted the doors to the hall, accidentally spilling some on the one in front of the main doors and asked to replace it. After review of all mats, it was suggested to replace all due to the fading and wear, and to re-locate the other mats to the Water/Sewer and Highway Barns. The quote received to replace the stained 4'x16' mat was \$310.86 or to replace all 5 mats with shipping, \$1,270.87.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell approving the quote to replace (5) mats at the York Town Hall, in the amount not to exceed \$1,270.87.

OTHER

1) Henry Fuller:

Mr. Fuller discussed with the Board the last Planning Board meeting pertaining to the Noblehurst digester project and Creamery Application. Mr. Fuller stated in his opinion it was a disgrace on how the meeting was handled. The Engineer discussed information with the Planning Board, and looked as if they were seeing and hearing the documentation for the first time, instead of having it in advance. Supervisor Deming stated although he was unable to attend this meeting, he was able to participate in the previous two sessions and the Planning Board did have in advance the information to review. Mr. Fuller stated, the Town Attorney, Mr. Campbell was in attendance and was quite lengthy with every item discussed. Mr. Fuller added, with Mr. Campbell, he feels there was no continuity with the Board and they had no idea what needed to be done. Mr. Fuller stated perhaps he needs to express his thoughts to the Planning Board in this matter. Councilwoman Parnell commented she was at this meeting and did not interpret the presentation in the same manner. The Engineer, Mr. Gardner was outlining the questions in the reports and Attorney Campbell was explaining each question to the Planning Board, due to the lack of applications they have had to deal with. Mrs. Parnell stated she feels Mr. Campbell was thorough in

order to fully make them aware of all aspects of the application. Supervisor Deming stated our Planning Board has never experienced a project of this capacity and asked Mr. Campbell and Mr. Gardner to assist in order to run more smoothly. Mr. Deming asked if the Planning Board had any questions throughout this process. Mr. Fuller stated jake brakes were discussed. Councilwoman Parnell added the construction phase of the project was also addressed by the Planning Board. Mr. Fuller commented the only member who spoke that night was Davies Nagel. Mrs. Parnell agreed although informative, the meeting was rather lengthy. Supervisor Deming stated he will discuss the meeting further with Attorney Campbell.

Mr. Fuller also addressed with the Board the Anderson Road repair matter. Mr. Fuller expressed his thoughts that the Agricultural Industry is the ongoing cause to repairs to this road and many others throughout the Town of York and surrounding areas. Mr. Deming asked Mr. Fuller how the Town would charge users of the roads. Mr. Fuller replied charge them a fee based upon the plates they are using, it can be a nominal fee, but should be considered and looked into. The Board stated they are quite certain it would not be received well in this community and probably others. Mr. Fuller asked, when is Ag Business, not a business? The farmers are putting up more and more under the "Ag" classification, and should not be allowed to. For example the number of grain bins and storage bins on each of these farms is incredible. Zoning Officer, Mr. Peter stated he has had this conversation with Assessor Sapienza several times and feels it a gray issue with the State. Mr. Peter commented our local farms are placing more bins and he too questions, is this still Agricultural. After further discussion, Supervisor Deming stated perhaps this is an issue to discuss in greater detail with our representative Senator Gallivan.

Mr. Fuller briefly commented after review of the Comprehensive Plan and Zoning Ordinance, he did not locate anywhere in either regulations, how to properly display the American Flag, specifically the necessary lighting for the evening hours.

Mr. Fuller addressed garbage being brought into the Town of York, not generated in this community. Mr. Fuller stated according to an Ordinance on the books dating back to 1971, if not generated here, we should not be taking it, such as the case for the upcoming Noblehurst project. Supervisor Deming stated Nobles have been hauling waste prior to this project as well as the Abbey of the Genesee. Councilman Deuel stated the waste brought in for the digester is food waste not garbage and adds efficiency to the process. Mr. Deuel commented what Noble's proposed he feels is very much a part of Agricultural business. Supervisor Deming agreed and stated maybe we can obtain a better explanation from New York State Ag & Markets on the subject. Councilman Deuel stated he is unsure why people and/or environmental groups are opposed to methane digesters. The individuals attacking the idea of the digesters should realize that this process lowers greenhouse gas emissions, making it more environmental friendly than commercial fertilization. Mr. Fuller stated once again to refer to the Town regulations pertaining to outside waste being brought into the Town.

2) Jerry Parsons:

Mr. Parsons asked to speak to the Board this evening regarding the road repairs to Batzing Road. Mr. Parsons stated last fall he took pictures of Batzing Road and submitted to the Town Clerk for Board and Highway Superintendent review. The answer received was in the spring the repairs will be done, which they were not. When crews finally performed repairs, most of the stones put down have been pushed off the roadside. Mr. Parsons stated after speaking with Mr. Worden a few times questioning the work, he was agitated and stated "we won't plow Batzing Road anymore". I have had several conversations with him, each time ending in an argument, this is not the way a Town employee should be speaking to a resident. Mr. Parsons stated after discussions with neighbor Paul Sullivan, he too has experienced Mr. Worden's temper. Mr. Parsons commented the main reason for tonight's visit is what transpired this morning. He received a call from his wife, very upset that Batzing Road was closed without prior notice, for repair purposes. She was afraid if an emergency vehicle had been called and not able to get to their residence, she took the 3 kids to work with her. She was very upset with the way Mr. Worden spoke to her. Mr. Parsons commented when he gets screamed at from Mr. Worden over concerns he has, it is unacceptable behavior. The work completed today is horrible and looks as if they had no idea what they were doing, and the sluice pipe installed has an 8 foot drop. Mr. Parsons stated he has reviewed the Town minutes online and noticed he is not the only resident having issues with Mr. Worden and wanted the Board to be aware of how he speaks to people, which he feels is totally out of control and unacceptable. Mr. Parsons added all he was seeking was some notice or a "heads up" when work is to be completed in the neighborhood. Mr. Worden stated once again the timing of the work on Batzing Road happened last minute and was unexpected, as described in his Highway Report earlier. The department still has much work to complete and will do so in the near future. Additional wedging will be done along with other work, we are not finished in that area.

Mr. Cooper stated as a resident of Batzing Road he too witnessed the work of the Highway Department and had concerns on the repairs. Mr. Cooper agreed with Mr. Parsons on the notification of work to be completed in their area, it would have been helpful to know what was happening prior to them starting. Mr. Cooper commented the Highway Department has patched a small pothole in front of his driveway on and off several times. Right now the area is a horrible mess and if patched again it will revert back before the winter season. Highway Superintendent, Mr. Worden stated once again the Batzing Road area is not done yet and will be requiring a second coat. Mr. Cooper asked what the eventual treatment will be. Mr. Worden reported we will be building up the road and then seal with oil and stone or micropave. Mr. Cooper suggested oil and stone as asphalt is less forgiving. Mr. Worden replied there is much more work ahead on Batzing Road.

Mr. Fuller asked Supervisor Deming if he has received any correspondence from New York State Parks & Recreation recently about future direction. Mr. Deming replied he has not received a letter and asked Mr. Fuller if he would bring it to the office in order to make a copy for review. Mr. Fuller agreed.

BILLS

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

General Fund Claim	# 261-271	\$ 9,033.11
Joint Water & Sewer	# 223-234	\$ 20,568.27
Youth Fund Claim	# 15-16	\$ 200.00
Highway Fund Claim	# 133-135	\$ 5,615.53

TRANSFERS

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the following Transfer:

HIGHWAY FUND-TOWNWIDE

Transfer From: DA5130.2 Machinery equipment \$50,000.00  
TOTAL: \$50,000.00

Transfer To: DA5112.2 Improvements-Contractual \$50,000.00  
TOTAL: \$50,000.00

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

8:43 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to enter into Executive Session to discuss a Personnel Matter, to include Town Board, Mr. Worden and Clerk Harris. Voted on and approved, Yes-5, No-0.

9:12 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

OTHER

1) Tour:

Supervisor Deming stated the Farm Tour will take place on Friday, September 13<sup>th</sup>. He and Councilman Deuel are slated to attend, but Mr. Deuel commented if another Board Member wishes to attend he will relinquish his seat.

HIGHWAY

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose, at the recommendation of the Highway Committee, authorize the Town to hire Ronald Copeland as the Town of York MEO pending a physical. The official start date will be Tuesday, September 3, 2013. Voted on and approved, Yes-5, No-0.

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until September 3<sup>rd</sup> Work Session. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

