

York Town Board Meeting
September 12, 2013

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

Absent: None

Others: Dr. Daniel Murray, Steve Beardsley and Virginia Durbin (YCS Capital Project), Henry Fuller, Lisa Semmel (Town of Leicester Supervisor), George Worden Jr. (Highway Superintendent), Roger McCracken (retired, Water/Sewer Operator), Carl Peter (Zoning/Code Officer), James Campbell (Town Attorney) and Josh Williams (Genesee Sun)

Supervisor Deming opened the Town Board Meeting at 7:03 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 22nd regular meeting and September 3rd Work Session meeting. Voted on and approved, Yes-5, No-0.

York Central School Presentation

Dr. Murray asked to address the Board this evening to present York Central's proposed plans for a Capital Improvement Project. The District scheduled a Public Hearing for Monday, the 16th at 6:00 p.m., with the actual vote being slated for Tuesday, September 24th, from 12:00 – 8:00 p.m. Dr. Murray stated York Central is the hub of the community, and as time passes, needed repairs and upgrades are a must. Three categories of improvement are:

#1 – Roofing (replacing 64,000 square feet), which is 1/3 of the total project.

#2 – Telecommunications/Electrical

- Update the clock, PA and Phone Systems (with the age of these systems replacement parts are no longer available)
- New scoreboard in High School Gym (with the age of the systems replacement parts are no longer available)
- Replace Emergency Generator (As a designated emergency shelter, the existing generator needs more capacity)

#3 – Other

- Update curbing, paving, landscaping and fencing
- Replace outdated floors, ceilings, doors, windows and lockers
- New exterior bathrooms and lights near playground

Dr. Murray stated with the proposed updates it will continue to increase the longevity of the building for years to come.

Mrs. Durbin commented although retired from York Central School, she recalled barrels being in the hallways of the school when large amounts of rainfall came due to the roofing needs. Dr. Murray replied, the barrels are still being used.

Mr. Beardsley stated the committee has worked hard to assess the most important needs of the school district and the financial impacts. Numerous sections of roof (13) are in need of replacement which is a maintenance issue. The school does have funding available, but is looking to bond long term for best fiscal options. Mr. Beardsley added substantial debt will be going off within the next 3-5 years, so this capital project would be coming at a good time, so it will not be as large a burden to the taxpayers.

Councilman Deuel asked what the lifespan of the roof is. Dr. Murray replied they guarantee a 30 year lifespan of the roof. Mr. Deuel inquired which area is in need of doors and windows. Dr. Murray stated a complete scope of work for the proposed Capital Project is listed on the school's website for review, but stated specifically the exterior doors and framing of the high school gym, south doors and kitchen loading dock. Councilman Rose asked if the school is still interested in participating in shared services for the paving and curbing aspects. Dr. Murray and Mr. Beardsley replied the school is very interested in those services and needs to investigate further the options. Councilwoman Parnell asked the cost of the proposed new generator. Dr. Murray stated he did not have the specific dollar amount available at this time. Councilman Rose suggested the school inquire with the State Surplus program, the Town of York's Highway Superintendent, Mr. Worden was able to obtain a generator extremely inexpensive, for replacement of our existing one.

Mr. Fuller asked several questions to school representatives regarding the proposed upcoming project:

#1 – Mr. Fuller: What is wrong with the scoreboard and is it the indoor or outdoor board? Mr. Murray replied the scoreboard to be replaced is in the high school gym and the reason is the age with obsolete replacement parts.

#2 – Mr. Fuller: With this proposed project the cost jumps dramatically to the tax payer...why not conduct smaller projects every year or two, rather than a large one all at once? Mr. Beardsley stated with a Capital Project the fixed costs would be very expensive every year. By lumping together, we are able to obtain better financing.

#3 – Mr. Fuller: With the leaking issues, why would we replace with more flat roof? Dr. Murray responded we have to work with the structure that is existing. Flat roof is not ideal, but that is what we have.

#4 – Mr. Fuller: How many homes in the Town of York are assessed for \$75,000? Dr. Murray replied he did not have that number at this time. Mr. Fuller asked Supervisor Deming what the average assessment was in our Township. Mr. Deming stated the average home in the Town of York is assessed for \$114,000.

After no further questions or comments, Supervisor Deming thanked the York Central School Capital Project Committee members for attending this evening and proceeded on with the regular Board Meeting.

HIGHWAY REPORT

Mr. Worden reported the Highway Department has been wedging Anderson Road from Route 36 to the bottom of the hill and road shoulders have been completed. Mr. Worden stated he will still need to wedge from the hill to Federal Road. The shoulders

have also been added to Batzing Road from the paved area to McKenzie Road. Mr. Worden stated for safety purpose also added 90° curve ahead signs to Batzing Road. Four (4) Right to Farm signs have been placed, two on Route 20 and two on Route 63.

Mr. Worden informed the Board that we have assisted the State this week on Route 36. Although we are not being paid directly for our efforts, our trucks have been hauling millings, which we are able to keep for our upcoming road projects, totaling in the neighborhood of \$30,000.00.

Supervisor Deming stated the Board received and read aloud a letter from Jean Donnan at the August 8th meeting. Ms. Donnan expressed a great deal of concern on several intersections in the township and suggested additional signage alerting drivers. Supervisor Deming stated Mr. Worden has had an opportunity to review the letter and he and the Board agree to submit this request to the Livingston County Traffic Safety Board for review and hopeful action.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates authorizing the Board to submit requests to the Livingston County Traffic Safety Board to consider approval for implementation of a 4 way stop at the intersection of Linwood Road and Federal Road and a 3-way stop at the intersection of Tuttle Road and Old State Road. Voted on and approved, Yes-5, No-0.

Mr. Worden informed the Board as discussed at a previous meeting, 35 mph signs on River Road have been moved.

WATER/SEWER REPORT

Mr. McCracken stated that the Water Department has begun reading meters for the October billing cycle. All reads should be complete within two weeks. Mr. McCracken reported that the Livingston County Health Department will be visiting the plant on Monday (16th) for their annual inspection.

Supervisor Deming reviewed with the Board the estimate prepared by Clark Patterson for the McVean Road water main extension. Mr. Deming reminded the Board of the letter we received from Patricia Parker at our June 13th meeting, requesting Town water for the McVean Road/Telephone Road area. Based upon 6,450 feet of 4 inch HDPE water main, servicing 13 locations, the estimated cost is \$179,550.00, which is an annual debt service of \$675.15 per unit for 38 years. Mr. Deming commented if we were able to obtain any grant funding through Rural Development the cost would be reduced per household, but we cannot count on funding until we secure it. New York State DEC is conducting testing of the area to see if funding may be available. Mr. Worden stated Water Operator, Jim Hodges will begin going door to door next week to document the necessary information needed from the residents in that area.

Mr. Worden and Mr. McCracken commented about the benefits our system has experienced with Solar Bee in our East Water Tank, the THM levels have continued to remain low. Mr. Worden stated we recognize that the Solar Bee unit has dramatically decreased the levels, but constantly monitor the THM levels in our system. A recent read taken at the pump station in Piffard entering our system read 78, the read taken then at Lawnel Farms was 64 and then on McVean Road – 93, which was an average of 78 and the maximum level not to exceed is 80. Mr. McCracken stated with the large

read entering our system from Geneseo, it does not allow much room for error if we are to remain under the 80 cap. It would be helpful if the reads coming in from Geneseo could be reduced further. Mr. Worden stated the last read taken on the East tank with the Solar Bee unit was 35, and the West tank 71 without a unit.

Mr. Worden informed the Board that the Village of Mt. Morris will be assisting us the week of September 23rd with cleaning of our sewer mains. We will begin in Retsof, then into Wadsworth, Greigsville and then to Piffard.

OLD BUSINESS

1) Art Bernecker:

Supervisor Deming stated the Board discussed at the September 3rd work session Mr. Bernecker's request for water to his vacant lots on Dow Road. After speaking with Clark Patterson Engineer, Eric Wies he conveyed that the Livingston County Health Department will not allow a second dead end line on Dow Road, and recommended adding the 300 feet of piping in order to proceed. Clerk Harris stated she will inform Mr. Bernecker of the Board's discussion this evening.

NEW BUSINESS

1) Road Use Agreement:

Mr. Worden discussed with the Board the request made by Equipment Express to transport a 308,000 lb. transformer on Town of York roadways. Mr. Worden stated that we will require a permit from them to use Chandler and Retsof Roads after NYSDOT has issued their hauling permit. A Certificate of Insurance naming the Town of York will also be needed before a permit will be issued.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing the Supervisor and Highway Superintendent permission to sign the Road Use Agreement allowing Equipment Express permission to transport a transformer through the Town of York. Voted on and approved, Yes-5, No-0.

2) 2014 Budget:

Supervisor Deming informed the Board that a budget work session will need to be scheduled within the next week or so to prepare figures for 2014. The Board agreed to meet on Tuesday, September 17th at 7:00 p.m.

3) Town Hall Building:

Supervisor Deming stated Custodian Mr. Peter submitted the following request to the Town Board:

After a recent rental of the hall I discovered some balloons in the ceiling, two that were entangled around one of the fans, when I came to lock up. My concern is that to remove these balloons I need to call George to set up a time he can provide a man with a pickup and trailer to help me borrow the lift machine from the school so I can reach the fans. Although George and Tony are very accommodating in this process there is a cost

to the town in labor and equipment. Monday, George was able to send John Smith to the school to meet me to complete the task. By the time we meet at school, transport the equipment, unload it, use it, and return it, we have used an hour of time.

Since #8 of the rental agreement says no helium balloons are allowed in the hall I would like to suggest the Board set a policy that if we need to remove balloons from the ceiling the renters deposit would be forfeited to cover the cost incurred by the Town.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the recommendation of Custodian, Mr. Peter to alter rule #8 on the Town Hall rental agreement in regards to helium balloons, to include: "If equipment must be obtained to remove lodged balloons from ceiling fans, the renter will forfeit the \$50.00 security deposit". Voted on and approved, Yes-5, No-0.

8:15 P.M.

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

8:45 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.

*8:46 P.M. – Attorney Campbell arrived at this time.

8:50 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to enter into Executive Session for confidential discussion with the Town Attorney, to include Town Board, Town Attorney, Leicester Supervisor, Lisa Semmel and Clerk Harris. Voted on and approved, Yes-5, No-0.

9:20 P.M.

RESOLUTION offered by Mr. Deuel 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.

**9:20 P.M. – Josh Williams (Genesee Sun) arrived at this time.

OTHER

1) Brine Plant:

Attorney Campbell reported he attended the Town of Avon's Board Meeting earlier this evening where they spoke about the brine plant in Cuylerville and the potential future action. Mr. Campbell stated representatives from the County (County Administrator, Ian Coyle and County Attorney, David Morris) along with a limited number of Supervisors was approached by the Attorney General's office and New York State DEC informing the members that AKZO and Zurich American expressed their plans to cease operation of the brine plant in Leicester. It was everyone's understanding after the mine collapse, the agreement was to continue long term the remedial process at this plant, which they are now walking away from. Mr. Campbell stated this information has not yet gone before the Board of Supervisors and every effort has been made from those agencies not to discuss or share the information. Attorney Campbell expressed as the Attorney for the Towns of Avon, Leicester and York, he along with each Supervisor felt uncomfortable with the request made by the Attorney General's office to keep this matter confidential. When it was first brought up two weeks ago, it was presented like a "discussion", but after the second meeting shortly thereafter, it began to look more obvious like it might be already agreed upon. Attorney Campbell discussed and suggested to each Supervisor to bring the issue to their Boards and ultimately their community. Mr. Campbell stated the Attorney General's office may very well already have a deal in place, long before the initial discussions with the County and Supervisors, and at this point we need to make sure our communities are aware of what the State and DEC are permitting so the Towns are not made scape goats. Mr. Campbell added our Supervisors attended the first meeting under the premise it was an informational meeting, but quickly appeared that negotiations had already been agreed upon between the Attorney General's office and New York State DEC. They did not offer a great deal of detail in either meeting and doesn't seem to "add up" regardless of the financial amount they discussed. Supervisor Deming suggested at the meetings to hold a public informational meeting in order for the residents to ask questions and gain information. The Attorney General's office initially agreed upon such meeting and then decided against it. Attorney Campbell stated at both meetings the Supervisor's were instructed not to speak to Town Board members or the community about the information and if they did, have discussions in Executive Session. Mr. Campbell and each of the Supervisors informed both agencies they will no longer keep their Boards or their community out of the loop. Attorney Campbell stated this process could potentially and dramatically impact not only our communities but our county and even our region.

Councilman Deuel asked who the representative from the Attorney General's office we spoke with. Attorney Campbell replied Tim Hoffman came from the Attorney General's office. Mr. Campbell stressed the importance that this matter become public in order to begin obtaining more information they chose not to share with us and what legal implications it brings. So many questions need to be answered, one being if AKZO/Zurich walk away from the brine plant, who's responsible. Mr. Campbell stated this is a complicated issue we are dealing with.

Supervisor Deming commented we still have residents needing water hauled to them, what happens to those who have been receiving it from AKZO ever since the collapse occurred. Councilman Deuel added the Attorney General's office and DEC need a Scientific and/or Geological study prepared in order for us and our Engineer's to review. Councilwoman Parnell asked when the agencies are contacting us again. Leicester Supervisor, Lisa Semmel stated they were supposed to contact us a week ago, but have

yet to hear from them. Supervisor Deming commented his frustration in the way the State has handled this matter and feels they believe they can do whatever they want and the Towns will just have to deal with it without question, which is not the case. Mr. Campbell reiterated that this situation is going to be very complicated. Councilwoman Parnell stated our job is to protect the community, and we will do that the best we can. Attorney Campbell commented he does not understand why we continue to hear from the State and DEC not to share this information, we can not afford to wait and see what they plan to do and just accept the result. Whatever the complete picture is must be very big otherwise why the secrecy! Councilman Deuel stated if they have nothing to hide, why not produce the reports necessary to view and host an Informational Meeting.

Mr. Williams asked about the number of homes Zurich Services on McVean Road. Supervisor Deming responded he believes they handle 2 or 3 homes in that area. Mr. Deming added due to the mine collapse and the number of homes experiencing well issues, the Town of York expanded our water system, we now serve over 1,000 customers. Mr. Williams asked if the Town of Leicester owns the land the brine plant is situated on. Leicester Supervisor, Semmel responded that they do own the property. Mr. Campbell confirmed that the deed seems to reflect ownership by the Town. Councilman Rose stated once the salt has been extracted at the plant, the water empties into Little Beard's Creek at its purest form, and would be best to continue this process. Mr. Williams asked where the Aquifers are actually located. Mr. Campbell stated the aquifers run along the Genesee River and the mine itself. Mr. Williams asked what the plans are for AKZO at the plant. Mr. Campbell replied at the meeting with the Attorney General's office and DEC they conveyed AKZO's intent to shut down and remove all equipment, completely walking away from the site. Attorney Campbell commented Avon Supervisor David LeFeber stated previously he wasn't in favor of a ban on hydraulic fracturing, but is now re-evaluating the matter. Supervisor Deming stated the past few weeks the State has pushed very hard to remain quiet on this subject, but regardless of what they ask we will not allow that, we need to inform our communities.

2) CHHA (Certified Home Health Agency):

Supervisor Deming discussed once again with the Board the matter brought before the County Board of Supervisors pertaining to how to proceed with County Certified Home Health Agency, known as CHHA. Mr. Deming stated he appreciated the comments made by members of the Board at the August 22nd meeting, and considered their thoughts, but ultimately decided to vote in favor of selling the existing license. It was a very difficult decision to make, weighing the pros and cons for each. Mr. Deming stated the main reason for his decision was the fact that the County has been losing money and would be looking at losing close to \$250,000.00 for the upcoming year and still would have to contend with the layoff of 15 nurses. Supervisor Deming stated he understood the concerns of the nurses but VNA has conveyed their intentions to have an office in Livingston County as well as hire from within the County, ultimately allowing the existing nurses to keep their jobs. Mr. Deming contacted representatives in Steuben and Wyoming Counties to inquire as to their program and work force. All employees have remained in Wyoming County and of the 19 in Steuben, 4 left for other reasons, but no layoffs were necessary. Mr. Deming added while Joan Ellison was employed with the Livingston County Health Department, she knew this process was eventual, but now that she has retired, she has been very vocal about not selling the license. Supervisor

Deming commented it was a struggle to sell the existing license, but he felt it was the right decision to make at this time.

BILLS

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

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| • General Fund Claim | #272-294 | \$17,761.61 |
| • Joint Water and Sewer | #235-254 | \$25,594.73 |
| • Youth Fund Claim | #17 | \$ 26.90 |
| • Street Lights | #9 | \$ 1,507.70 |
| • Highway Fund Claim | #136-146 | \$93,132.25 |

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until September 26th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk