

York Town Board Meeting &
Public Hearing
August 10, 2017
7:30 p.m.

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

Absent: None

Others: Donald Higgins (Liv. Co. Supt. of Highways), Harold Wolcott, George Worden Jr. (Highway Supt), Carl Peter (Zoning & Code Officer), Henry Fuller and Kirk Richenberg.

Supervisor Deming opened the Regular Meeting and Public Hearing for Time Warner Cable Franchise Renewal at 7:30 p.m. and invited Councilman Rose to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the minutes of the July 13th Town Board Meeting, July 27th Special Town Board Meeting, August 1st Public Hearing and Special Town Board Meeting. Voted on and approved, Yes-5, No-0.

PUBLIC HEARING

Supervisor Deming stated we will discuss the hearing in detail after the Highway and Water/Sewer Reports have concluded.

Supervisor Deming commented at the last meeting, Mr. Fuller had several questions pertaining to Fowlerville Rd. and the work conducted by the Livingston County Highway Department. Due to the inquiry he asked Mr. Higgins to attend tonight's meeting to answer Mr. Fuller's questions.

Mr. Fuller stated that several years ago when the County worked on Fowlerville Road the work they did affected his lawn and driveway approach, which is so rough that he is unable to mow, and asked if there were plans to come back? It was the County who created the issue when they did oil and stoning in the area. Now there are too many divots to contend with. Mr. Higgins asked Mr. Fuller for his address and stated he will review the area.

Mr. Fuller asked if the County was done with the more recent work they did because signs are still up. Mr. Higgins replied that no construction signs are there but signage for "no centerline" still exists until striping takes place.

Mr. Fuller asked how much the county is responsible for roadside mowing. Mr. Higgins answered usually that is up to the given town, but in most cases it is 25 feet to the center of the Road Right of Way. In some instances landowners mow the area but mostly the town crews take care of it. Mr. Fuller stated that previously he was able to mow from his driveway west to his son's property, but after the drainage and resurfacing projects, he had to quit mowing because the ditch was too rough. Mr. Worden suggested to Mr. Higgins that topsoil and reseeded could help the area immensely, which Mr. Higgins replied ok.

Supervisor Deming stated that previously Mr. Fuller questioned why the road was being done once again. Mr. Higgins explained in great detail the reason for it and the process for milling and resurfacing roadways. The process must be conducted in stages. Mr. Fuller stated that it appears to be blacktopped but the drains are much lower. Mr. Higgins answered that within the next month or two extensions will be done, we want to have this completed before the end of the year.

Mr. Richenberg asked what the reasoning was for blacktopping in some areas and chip sealing in others. Mr. Higgins replied in the more populated areas (hamlets and villages) we didn't want them to have to deal with stone issues. Mr. Richenberg asked if the County is satisfied with the coverage now that it was outsourced, which Mr. Higgins replied they are. Mr. Richenberg stated that Suit-Kote did the Town of York and it looks as if a lot of oil will be showing within a year, which he questioned previously. Mr. Higgins stated that he drove over that area several times and did not see any issues, which Mr. Richenberg questioned Mr. Higgins again that he was unable to see oil bleeding through? Mr. Higgins commented that this will happen on all roads overtime. Mr. Richenberg expressed if it was done properly the first time bleeding would not take place this quickly. Why are some areas fine and other areas not and those will have to be done again at the tax payers expense, a second time. Mr. Higgins replied once again that this will take place on all roadways over time, but did not see anything at this time. Mr. Richenberg stated that we have yet to experience any major heat yet and if it is bleeding through now, it won't hold up and we will be doing it again.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- Replaced culvert on River Road, which was very deep. River Road was closed for 5 days between Craig Rd. to the Abbey of the Genesee.
- Trees are being taken down due to Emerald Ash Borer.
- Wedging will take place next week on Federal Rd. between Anderson Rd. and Route 20.
- The Highway Dept. recently had an employee retire, and suggested that we proceed with advertising for a new employee, which the Board agreed.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates granting authorization to proceed with an advertisement for a new employee to the York Highway Department. Voted on and approved, Yes-5, No-0.

WATER/SEWER REPORT

Mr. Worden reported the following for the Water/Sewer Department:

- The department began this week flushing hydrants and will continue through next week.
- New water line on Craig Road is still not operational.
- Sewer treatment facility is running well even with the continued ongoing rainfall, but the plant has handled it.
- Office staff has now prepared letters to the residents who participated in the lead and copper testing, which took place in June. We were very pleased with the results reflecting that our water system is below the lead action level of 15 parts per billion.

Clerk Harris stated that the homeowners (5) who allowed us sampling of their water will be notified of the results, specifically to their residence and the Livingston County Health Department will receive certification reflecting all residents' results. Mr. Worden reported that 15 homes qualified in town for such testing. Councilman Smith asked who mandates the testing, which Mr. Worden replied the Health Department and EPA. Councilman Smith questioned how often we need to test, which Mr. Worden answered every 5 years and added, he feels we should test every year. All that needs to be done is water drawn from an inside faucet of the residence. Supervisor Deming stated homes built before 1986 are more likely to have plumbing containing lead, but usually not the newer homes. Mr. Worden stated we do not have lead services left in Town.

Mr. Richenberg asked, relating to the 5 homes tested is the water tested before the residence, which Mr. Worden responded that it is not. Mr. Worden added if the home reflected a positive result, we would do additional sampling. If it was in the water system, all homes tested would have indicated that. It is based on a pass/fail result.

Councilman Smith asked if Mr. Worden had any new information pertaining to the failed fitting and questioned if we have gotten anywhere. Mr. Worden stated that the fitting is still in our possession. He did have a gentleman from Blair Supply come out to see it, but unfortunately our warranty has expired. Mr. Worden stated he does not feel we will get compensation, but will continue to inquire.

Supervisor Deming stated we will now discuss the Franchise Renewal Agreement for Time Warner:

Mr. Worden commented that he previously expressed concern with the placement of polls by Time Warner. When they install double polls near the roadside, it is very difficult to contend with.

Mr. Wolcott asked what fees they pay each year. Supervisor Deming answered that the amount we receive ranges from \$20,000-25,000 each year. Mr. Richenberg asked if this is negotiable, which Supervisor Deming replied he does not believe so. Mr. Richenberg questioned if the Town receives complaints from the residents. Supervisor Deming replied that Time Warner receives all complaints and inquiries directly.

Supervisor Deming asked for any further comments or questions and stated that the Board will receive written comments on the Franchise renewal until the next meeting on September 14th.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to close the Public Hearing at 8:00 p.m. Voted on and approved, Yes-5, No-0.

CONTINUATION OF THE REGULAR MEETING:

1) Kirk Richenberg:

Mr. Richenberg questioned what the purpose was for the July 27th Special Town Board Meeting. Supervisor Deming reported that he along with Councilman Rose, and Highway Supt., Mr. Worden met with Caledonia Highway Supt. (Mark Schroeder) and Geneseo Highway Supt. (Larry Levey) that morning to discuss and review a grant application for Shared Services. Geneseo would be the lead applicant, with the Towns of York and Caledonia as co-applicants. The maximum grant amount to apply for totals \$600,000.00 with each Town's responsibility to be \$24,000.00.

Mr. Richenberg asked why the meeting took place last minute. Supervisor Deming replied when the men gathered that morning obtaining information for the grant application, he was made aware that it needed Board approval and if the paperwork was not completed that day we would have missed the deadline. Mr. Deming added that Clerk Harris happened to be in her office early that morning, so she was able to contact all remaining Board members to seek their availability to attend for a Special Meeting to render a decision on participation. Councilman Smith was able to join Supervisor Deming and Councilman Rose in order to have the required quorum for the meeting.

Mr. Richenberg asked if there is justification for all of these pieces of equipment. Mr. Worden answered that the machinery we have listed is equipment we all use and would be easier to have among us rather than borrowing or renting from others.

(Mr. Worden explained in detail the purpose for each piece of equipment)

Councilman Rose stated that there is real benefit to towns participating in shared services, especially since the adjoining towns usually assist one another with these projects.

Mr. Richenberg stated that previously we had a 5-town agreement and it sounds like it worked marginally at best, especially since we are all trying to do the same work at the same time. Had anyone thought about staggering work to be done each year? Mr. Worden stated that weather plays a big factor into work that can be completed, and staggering with others may not always work. Councilman Smith stated that he raised somewhat the same question at the special meeting, and realized that it was obvious that these 3 towns work very well together and share resources and equipment already, making this shared services agreement more viable.

Mr. Richenberg stated, looking at it from a savings prospective, is there going to be a maintenance agreement and could this fall apart with 3 towns using the same

equipment. Mr. Worden answered that one town will be the host and be responsible for the maintenance and upkeep and submit fees for all 3 towns to split.

Mr. Richenberg commented that TTHM's have been discussed extensively and asked whether or not a meeting has taken place with the County. Supervisor Deming stated that a meeting will be taking place with the Liv. Co. Health Dept. and the County Administrator to address the issues. Mr. Richenberg referenced the July 13th meeting, when Mr. Worden spoke on the TTHM results at the pump house and Geneseo's read in the 40's across the river, and felt the minutes should have reflected the flushing discussion that also took place.

Mr. Richenberg questioned how long the river had actually been leaking, which Mr. Worden replied he is not quite sure but can confirm that it wasn't leaking last year. Mr. Richenberg asked if the Town conducted the work, which Mr. Worden answered we did not, Burroughs Brothers did all of the work. Mr. Richenberg asked if they have done other work in Town. Mr. Worden replied to his knowledge our job was the last they had in this community.

Mr. Richenberg addressed comments made by Mr. Worden earlier in the evening regarding the Craig Road (Linwood) line not being operational as of yet. The pipe ended up very close to the pavement, and the aggregate taken from the road was mixed with dirt and put back in as backfill. We may be looking at possible issues later at the taxpayers' expense, especially with tankers and other equipment going across it. Mr. Richenberg stated he would like to see some inspection of it or re-done all together. Mr. Worden commented that he saw some of it and will address it with Cory (Clark Patterson Lee Engineer/Inspector).

Mr. Richenberg stated that there was approval for water, but asked if there was Design/Build approval yet for sewer. Supervisor Deming replied we have no liability at this time, which Mr. Richenberg commented the line is in the Town Right of Way. Mr. Richenberg added, any idea when a contract will come? Supervisor Deming stated he will contact Clark Patterson in the morning to inquire.

Mr. Richenberg stated after Cowan Road was oil and stoned and mowed, he noticed leaking oil showing on the road. Mr. Worden replied that the oil he saw was from the mowing tractor that had a hydraulic issue, which is now in the shop.

Mr. Richenberg commented at the December 28th, 2016 meeting, Councilman Smith abstained from a vote, why now go back to voting with that Design/Build vote you abstained, don't you feel voting now may be a conflict? Councilman Smith replied, no, he did not feel this is a conflict. Supervisor Deming added that Attorney Campbell also felt this was not a conflict.

Mr. Richenberg addressed at the recent Public Hearing, Supervisor Deming commented that the farmers have helped to make the water projects possible. He does not agree that farmers made it happen. (Mr. Richenberg read aloud documentation referencing a local farm paying for 31 units of water, but then ultimately was reduced). Mr.

Richenberg stated that he takes offense to Supervisor Deming's statement and said, farmers were not the ones to make this happen. Supervisor Deming expressed his thoughts once again that water would not be to half of this community without the participation of the farms. Mr. Richenberg stated that the farms were pushing for water, but no one seemed to address that. Supervisor Deming stated that he stands behind his statement, and added, for years we have tried to get municipal water to areas of this community that need it. Without the farms, financially it would not have been possible for the residents to afford the costs involved for town water. Councilwoman Parnell added many homeowners had experienced poor water issues and they are grateful for municipal water.

Mr. Richenberg closed by stating that the website needs to be reviewed more, errors have been posted at times.

2) Henry Fuller:

Mr. Fuller began by asking, how do we justify flushing the lines prior to testing. Mr. Worden replied we follow this procedure because the Health Department advised us to. Mr. Fuller asked if this question could be brought up at the upcoming meeting for TTHM's.

Mr. Fuller commented that he discussed with the Board previously the possibility of automatic flushing in the township, especially for the dead ends. Mr. Fuller asked how many dead ends do we currently have, which Mr. Worden answered three (3). Mr. Fuller stated that he believes the cost for each of the units is roughly \$5,000.00. Mr. Worden stated that actually they are more expensive than that, but added we can't afford to keep flushing continuously either.

Mr. Fuller stated that drilling of holes is taking place at the river and questioned if it was the continuation of the water project. After a brief discussion of the Board, Supervisor Deming stated that he was not aware of any plans to service water there or why drilling would be taking place.

Mr. Fuller asked if there is an update on the MacIntyre Road lagoon. Supervisor Deming reported that he recently had a conversation with John and Chris Noble about it. What is being constructed is a 6 million gallon underground storage lagoon. Waste will be coming from the digester and the lagoon itself will be enclosed. Mr. Deming stated even with our current zoning, the Town does not have jurisdiction with this project. This one is much more visible, but just a few years ago another one was constructed and no one knew it was there, these projects are regulated by the Federal Govt. Mr. Fuller asked that the Town take a message to the County, asking about any recourse and how this will affect land values.

Supervisor Deming asked Councilman Smith and Gates what procedures were, in order to build a lagoon. Councilman Smith gave a verbal detailed sequence of steps that need to be followed for such construction. Mr. Fuller asked Mr. Smith if the engineering firm is held responsible for any issues in the future, which Councilman Smith replied he does not know. Supervisor Deming stated due to the fact that DEC is overseeing this type of

project, questions should be posed to them. Mr. Fuller commented that no one in the State of New York has challenged Ag. and Markets. Mr. Smith answered that these projects occur all the time throughout the state.

Mr. Richenberg conveyed that there has been a huge topographical change in that area. Engineers can design a system, but it can always fail. Six million gallons for 175 acres seems very high. We have lost all of the woods previously and now a 6 million gallon lagoon, this area is experiencing too much, systems fail.

Mr. Fuller asked if it would do any good to speak with State Legislators. Mr. Fuller added that he has a hard time allowing them permission to do what has been done and not have any recourse, the town is devastated. Supervisor Deming answered that you may reach out to the representatives, but at this time sadly, the farms don't need Town of York approval to proceed. Councilman Smith stated if you think about it, storage is the most efficient and effective way to spread out the nutrients, once or twice per year, rather than multiple trips to and from. It is more flexible to retrieve it at different times, rather than all at once.

OLD BUSINESS

1) Linwood Road correspondence:

Supervisor Deming reported that we received several letters from Linwood Road North residents expressing their thoughts and suggestions regarding the upcoming road name change. The Board read each letter. Supervisor Deming instructed Mr. Peter to take and review the letters with Mike Bradley to render a final recommendation.

NEW BUSINESS

1) Zoning Board of Appeals:

Supervisor Deming read aloud a request made by Zoning Board of Appeals Secretary, Donna Falkner on behalf of her board, asking the Town Board to consider appointing Dustin Geiger as a regular member instead of an alternate.

Mr. Wolcott stated that the ZBA has been reduced a member since Mr. Ellis retired and alternate member Geiger has been at every meeting participating. We hope that the Town Board will make him a permanent member. Supervisor Deming commented due to Mr. Geiger's continued interest, he too feels he should be a full-time member of the Zoning Board of Appeals.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to appoint Dustin Geiger as a Regular member of the Zoning Board of Appeals until the remainder of 2017, term expiring 12/31/2017. Voted on and approved, Yes-5, No-0.

2) Luke Schultz:

Supervisor Deming reported that resident Luke Schultz recently completed his Eagle Scout project to refurbish the holiday wreaths for the town. Luke with the assistance of

his family and his troop raised all of the money for supplies and had extra money that he wished to donate to the town this evening in the amount of \$112.72.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to gratefully accept the donation make by Luke Schultz in the amount of \$112.72. Voted on and approved, Yes-5, No-0

3) NYS Consolidated Funding Application

a- Liv. Co. Comprehensive Water Supply Study Update:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the following resolution:

**MODEL RESOLUTION SUPPORTING
A NYS CONSOLIDATED FUNDING APPLICATION FOR THE
LIVINGSTON COUNTY COMPREHENSIVE WATER SUPPLY STUDY UDATE**

WHEREAS, New York State Governor Andrew M. Cuomo, has created ten Regional Economic Development Councils; and

WHEREAS, as part of the Regional Economic Development strategy, a unified funding process, the Consolidated Funding Application (CFA) has been developed and made available to distribute grant funds for job creation, infrastructure improvements and regionally significant economic development projects; and

WHEREAS, the Department of State of the State of New York has made funding available for the 2017 Local Government Efficiency (LGE) Program to assist applicants in developing and implementing plans to improve local government efficiency and cost savings, and

WHEREAS, the delivery of safe, dependable, good quality water is vital to the economy of Livingston County and will support agricultural producers and agricultural-related and supporting industries throughout the Finger Lakes Region and New York State; and

WHEREAS, the intent of the Livingston County Comprehensive Water Supply Study Update Project is to identify opportunities to collaborate and work together on needed water infrastructure improvements that help maximize system and operational efficiencies, minimize costs and best serve the residents of Livingston County; and

WHEREAS, after much discussion, the **Town of York** has determined it is advantageous to join together with Livingston County, Livingston County Water and Sewer Authority and other interested municipalities to apply for LGE funding for the Study; and

WHEREAS, the County of Livingston has agreed to act as the lead applicant and will seek \$300,000 in total funding through the Consolidated Funding Application/Department of State LGE Grant on behalf of the **Town of York** and other interested agencies; now, therefore, be it

RESOLVED, that the **Town of York** agrees to work collaboratively with Livingston County in the development of the CFA application and, if funded as a member of the Project Steering Committee; and further

RESOLVED, that the **Town of York** hereby agrees to name the County of Livingston as the lead applicant to submit a grant application, on behalf of the County of Livingston and interested and involved agencies in the amount of \$300,000 to the New York State Consolidated Funding Application of the Finger Lakes Regional Economic Development Council for the purpose of developing the Livingston County Comprehensive Water Supply Study Update Project, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this adopted resolution to the Livingston County Administrator.

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

TRANSFERS

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the following transfers:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1990.4	Contingency	500.00
	A1420.4	Attorney Contractual	5,000.00
	A1620.4	Buildings Contractual	9,700.00
		TOTAL:	<u>\$ 15,200.00</u>

<i>Transfer To:</i>	A1010.4	Town Board Contractual	\$ 36.00
	A1110.4	Justice Contractual	\$ 14,404.00
	A7550.4	Celebrations Contractual	\$ 352.00
	A8010.2	Zoning Equip. & Cap. Outlay	\$ 408.00
		TOTAL:	<u>\$ 15,200.00</u>

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>	DA5130.4	Machinery Contractual	\$ 1,545.00
		TOTAL:	<u>\$ 1,545.00</u>

<i>Transfer To:</i>	DA5130.1A	Machinerv Longevity	\$ 575.00
	DA5140.1	Brush & Weeds	\$ 970.00
		TOTAL:	<u>\$ 1,545.00</u>

CONSOLIDATED WATER DISTRICT

<i>Transfer From:</i>	SW8310.4	Water Admins. Contractual	\$ 537.00
		TOTAL:	<u>\$ 537.00</u>

<i>Transfer To:</i>	SW1680.4	Data Processing Contractual	\$ 210.00
	SW8310.1B	Billing Clerk	\$ 327.00
		TOTAL:	<u>\$ 537.00</u>

RETISO F SEWER DISTRICT

<i>Transfer From:</i>	SS8120.4	Sanitary Sewers Contractual	\$	262.00
			TOTAL:	<u>\$ 262.00</u>

<i>Transfer To:</i>	SS1670.4	Data Processing Contractual	\$	5.00
	SS1950.4	Tax & Assessments on Prop	\$	16.00
	SS8130.4	Sewage Treatment Disp. Contr.	\$	241.00
			TOTAL:	<u>\$ 262.00</u>

SEWER DISTRICT

<i>Transfer</i>	SS1-8130.4	Sewage Treat. & Disp Contr	\$	71.00
			\$	<u>71.00</u>

<i>Transfer To:</i>	SS1-1950.4	Tax & Assessments on Prop	\$	71.00
			\$	<u>71.00</u>

SEWER DISTRICT

<i>Transfer</i>	SS2-8130.4	Sewage Treat. & Disp Contr	\$	72.00
			\$	<u>72.00</u>

<i>Transfer To:</i>	SS2-1950.4	Tax & Assessments on Prop	\$	16.00
	SS2-8340.4	Sewage Trans. & Dist. Contr.	\$	56.00
			\$	<u>72.00</u>

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

BILLS

RESOLUTION 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.

- General Fund Claim #208-239 \$11,574.18
- Joint Water & Sewer #167-184 \$143,823.47
- Light District #8 \$1,396.33
- Youth Fund #10-11 \$1,236.40
- Highway Fund #130-150 \$29,256.78

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adjourn the Town Board Meeting until September 14th. Voted on and approved, Yes-5, No-0.

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

Respectfully submitted,

Christine M. Harris,
Town Clerk