

York Town Board Meeting  
June 9, 2011

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

Absent: Norman Gates

Others: Ronald Cicoria (Town Attorney), Roger McCracken (Water & Sewer Operator), Carl Peter (Zoning & Code Officer) and George Worden Jr. (Highway Supt.)

Supervisor Deming opened the Town Board Meeting at 7:32 p.m. with the Pledge to the Flag.

MINUTES

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the minutes of the May 26<sup>th</sup> Regular Town Board Meeting and June 1<sup>st</sup> Public Hearing. Voted on and approved, Yes-4, No-0.

OLD BUSINESS

1) Meeting Update:

Councilman Deuel commented to the Board, after speaking with Davies Nagel he informed him he will be discussing with the Planning Board view shed options at their regular September meeting. Any Town Board Member able to attend is welcome to do so.

NEW BUSINESS

1) Water Improvement Project Resolutions:

a – Public Interest Order:

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

WHEREAS, the Town Board of the Town of York, Livingston County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Water District, in the Town of York, Livingston County, New York (the “Water District”), being (1) rehabilitating and painting one existing water tank on Tuttle Road, (2) upgrading the water pump station on Flats Road, (3) using trenchless methods to rehabilitate approximately 5,000 linear feet of existing water main on NYS Route 63 between Piffard and Retsof Corners, (4) upgrading the equipment in the master meter vault and installing 500 linear feet of associated piping on Lower Court Street in the Village of Geneseo, (5) installing approximately 5,000 linear feet of new water main to replace existing water main on NYS Route 63 between Chandler Road and the Village of Geneseo in the southeast portion of the Town of York; and (6) installing approximately 5,700 linear feet of new water main for connecting water main on Flats Road to the main River Road through back lots and along Chandler Road together with original equipment, machinery, apparatus, appurtenances, furnishings and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,500,000; and

WHEREAS, at a meeting of said Town Board duly called and held on May 12, 2011, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Consolidated Water District in said Town at a maximum estimated cost of \$1,500,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in York, New York, in said Town, on June 1, 2011, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of York, Livingston County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Consolidated Water District, in the Town of York, Livingston County, New York, relating to the increase and improvement of the facilities of the Consolidated Water District, in the Town of York, Livingston County, New York (the "Water District"), being (1) rehabilitating and painting one existing water tank on Tuttle Road, (2) upgrading the water pump station on Flats Road, (3) using trenchless methods to rehabilitate approximately 5,000 linear feet of existing water main on NYS Route 63 between Piffard and Retsof Corners, (4) upgrading the equipment in the master meter vault and installing 500 linear feet of associated piping on Lower Court Street in the Village of Geneseo, (5) installing approximately 5,000 linear feet of new water main to replace existing water main on NYS Route 63 between Chandler Road and the Village of Geneseo in the southeast portion of the Town of York; and (6) installing approximately 5,700 linear feet of new water main for connecting water main on Flats Road to the main River Road through back lots and along Chandler Road together with original equipment, machinery, apparatus, appurtenances, furnishings and incidental improvements and expenses in connection there with, at a maximum estimated cost of \$1,500,000.

Section 2. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Gerald L. Deming	Aye
Lynn Parnell	Aye
Frank T. Rose Jr.	Aye
David Deuel	Aye

The Order was thereupon declared duly adopted.

b - Bond Resolution:  
RESOLUTION offered by Mr. Rose and seconded by Mr. Deuel to approve the following:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT, IN THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Consolidated Water District, in the Town of York, Livingston County, New York, at a maximum estimated cost of \$1,500,000; NOW THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of York, Livingston County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Consolidated Water District, in the Town of York, Livingston County, New York, (the "Water District"), being (1) rehabilitating and painting one existing water tank on Tuttle Road, (2) upgrading the water pump station on Flats Road, (3) using trenchless methods to rehabilitate approximately 5,000 linear feet of existing water main on NYS Route 63 between Piffard and Retsof Corners, (4) upgrading the equipment in the master meter vault and installing 500 linear feet of associated piping on Lower Court Street in the Village of Geneseo, (5) installing approximately 5,000 linear feet of new water main to replace existing water main on NYS Route 63 between Chandler Road and the Village of Geneseo in the southeast portion of the Town of York; and (6) installing approximately 5,700 linear feet of new water main for connection water main on Flats Road to the main River Road through back lots and along Chandler Road together with original equipment, machinery, apparatus, appurtenances, furnishings and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,500,000, there are hereby authorized to be issued \$1,500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,500,000 and that the plan for the financing thereof is by the issuance of the \$1,500,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific of object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of York, Livingston County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Consolidated Water District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the

issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or notes without resorting to further action of this Town Board.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Gerald L. Deming	Aye
Lynn Parnell	Aye
Frank T. Rose Jr.	Aye
David Deuel	Aye

The resolution was thereupon declared duly adopted.

2) Route 20 Bridge Replacement:

Supervisor Deming and Highway Superintendent, Mr. Worden discussed with the Board, NYS Department of Transportation's intentions of replacing the bridge on Route 20 over Fowler Creek, which is 1/4 mile west of Rt. 36. The bridge will be under construction beginning Monday, June 13<sup>th</sup> for approximately four months. The State has posted detour signs directing vehicles to use Route 36 and Route 63, but local traffic will be permitted on Route 20 up to and through the work site.

Clerk Harris stated Federal Road resident, Jack Kladke visited the office today expressing concern regarding additional traffic on Federal Road as well as the probable additional wear of the Town Road for the length of the project. Mr. Worden stated, we are unable to restrict the State from using our roads as a detour, but will continue to monitor our roadways regularly for any potential damage from it.

3) Livingston County Work Force Development:

Supervisor Deming discussed with the Board a conversation Mrs. Barefoot had with Helen Terry of Livingston County Work Force Development pertaining to two candidates eligible for work if the Town of York is interested (Michael DeMunn and Michael Patterson). Ms. Terry stated, unlike previous subsidized work programs, the Town would not be responsible for payroll information and Livingston County is liable for their Workman's Compensation and NYS unemployment. If the Town decides their services are needed and the men work well, they hope a possible reference will be prepared for them in the future.

Mr. Worden stated he would certainly welcome any additional assistance to the Water/Sewer Department and Highway Department because there is always work to be done.

Clerk Harris will inform Mrs. Barefoot of the decision to accept the assistance of both gentlemen in order to notify Ms. Terry to begin the process.

## HIGHWAY

### 1) RG&E

Mr. Worden informed the Board he received from RG&E a letter and packet outlining their plans to install new lines and services on York Road East, York Road West and Main Street including installation of vents, regulators and 3/16" orifices on all services that are converted from low to medium pressure.

Mr. Worden stated he will keep the documentation on file in case we should need to refer to the information or speak with a representative in the near future.

### 2) Detour:

Mr. Worden commented due to the Route 20 bridge project, the State has already placed their signage, but he too will be posting additional signs for increased visibility in that area (Federal Road is posted at 10 Ton).

### 3) Assistance:

Mr. Worden stated our Highway Department has been assisting the County quite steadily over the past few weeks, but will be pulling back due to our own upcoming projects.

Mr. Worden asked Supervisor Deming and Town Attorney, Mr. Cicoria if either had received any calls or documentation from York Central School regarding their project. Both gentlemen responded that they had not, and Mr. Worden commented he will need some feedback from York Central School shortly in order to schedule the necessary machinery for the project.

### 4) Training Conference:

Mr. Worden stated he returned yesterday from his Annual Highway Supt.'s Training Conference at Ithaca College. He commented every year he attends he learns something new, this year the focus was signage.

### 5) River Road:

Mr. Worden reported one side of River Road where we performed the culvert replacement has been graded and will be seeded shortly. The other side will soon be done as well.

Mr. Worden added the part-time employees have been used a great deal the past few weeks and have really made a difference in accomplishing many tasks. Mr. Worden stated we are finally able to catch up on our mowing and other duties.

### 6) Vehicles:

Mr. Worden stated he and Water/Sewer Operator, Mr. McCracken have discussed one minor issue with the addition of part-time assistance, we are a bit short on Town vehicles. Mr. Worden stated he has been visiting the Federal Surplus site to view what's available, but nothing was in close proximity or in good condition to follow through with.

The Board discussed the need to look at smaller vehicles (smaller pickups/cars) going forward, and asked Mr. Worden to get prices on new vehicles because of the warranty factor.

## WATER/SEWER

### 1) Tuttle Road Tank:

Mr. McCracken informed the Board that the Water Department began Thursday late afternoon, releasing water from the Tuttle Road tank in preparation for its upcoming cleaning. The office had a call from Joe McIlroy, Tuttle Road resident concerned that his newly planted field would take on the water excess and asked to have the department visit the area for review. Mr. Hodges and Mr. McCracken surveyed the area and realized the water was headed toward Mr. McIlroy's field due to a blockage in his driveway culvert, which did not allow the water to flow in the proper direction. Once the culvert was cleared the issue resolved itself. The second call came from the Leslie family, stating that they did not have water. Mr. McCracken stated once Mr. Hodges received that call they realized when they opened the valve to release the water from the tank, the Leslies must have been originally connected to the tank, which ultimately stopped the service to their residence. Mr. Hodges quickly resolved that issue as well.

### 2) Retsof Ave. lift station:

Mr. McCracken informed the Board he had to order a replacement pump for the Retsof Avenue lift station this week. The new pump will be \$ 2,380.00 and should arrive next week.

### 3) Meters:

Mr. McCracken stated the Water Department will begin reading meters next week for the July billing cycle.

### 4) Tom Trathen:

Mr. McCracken stated he spoke with Tom Trathen, Craig Road resident, recently about sewer issues his residence has been experiencing. Craig Road is part of municipal sewer, but to date Mr. Trathen's home is not connected to the system. After reviewing the area we verified he might have a gravity issue due to the distance and location of the residence to the main line. Mr. McCracken stated we could move his tap a bit further down the road for better elevation purposes, but suggested approving a pump to resolve the problem. Mr. McCracken added he contacted Siewert Equipment to obtain quotes on pumps and should have that information within the next few days. Mr. Worden commented before rendering a decision on how to further proceed, we will need to visit the site once again to take additional measurements and more detailed elevation shots.

## OTHER

### 1) Lawns:

Councilman Rose asked Zoning & Code Officer, Mr. Peter his procedure when dealing with unkept lawns of foreclosure properties. Mr. Peter stated the first step is to locate in writing or by telephone, the current owner of record, whether it be the homeowner or a bank, and explain the need to maintain the lawn, remove excess garbage or whatever the issue may be. Supervisor Deming stated if they follow through, the issue is resolved, otherwise the Town has the option of stepping in to resolve the matter and re-levy the charges incurred on the upcoming County & Town Tax Bill.

Mr. Peter stated we have been receiving several complaints in the Wadsworth area (Main Street at the duplexes and Chandler Road) regarding excessive high grass/weeds.

The Board and Mr. Worden agreed we can certainly mow the areas if the property owners or bank have been notified and no action has taken place. Mr. Worden stated with the additional part-time help we can probably mow both areas next week, and will document the necessary information to give to Town Clerk, Ms. Harris for the re-levy time frame.

BILLS

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

General Fund Claim	# 167-188	\$ 16,026.76
Joint Water & Sewer	# 154-170	\$ 126,361.94
Light District	# 5	\$ 1,430.70
Highway Fund Claim	# 115-123	\$ 6,894.88

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to adjourn the Town Board Meeting until June 23<sup>rd</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk