

York Town Board Meeting  
January 12, 2012

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

Absent: None

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

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the  
pledge to the flag.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the  
minutes of the December 29<sup>th</sup>, 2011 Town Board Meeting and January 2<sup>nd</sup>, 2012  
Organizational Meeting.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel asked to speak with the Board this evening to discuss a meeting he  
attended this week in Rush regarding Hydraulic Fracturing in New York State.  
Mr. Nagel stated he is sure the Town Board is aware of the ongoing issue  
pertaining to fracking, and hope they consider adopting a moratorium on the  
matter before the State approves any potential permits. Mr. Nagel continued by  
saying by adopting a moratorium for a year we would allow ourselves the  
opportunity to be further informed, and a greater chance before a site has been  
permitted (perhaps as early as April) to be less vulnerable in areas of the  
township, especially near York Central School. A moratorium gives the Town  
more protection until a more clear decision can be made.

Supervisor Deming stated he and the Board members are well aware of the  
fracking issue and have discussed it several times, and still continue to receive  
and review the massive amounts of documentation associated with it.  
Councilman Deuel stated a moratorium allows the Town time to address  
additional, more specific regulations in our zoning, until the 6 month or 1 year  
moratorium ceases.

Mr. Nagel commented an Attorney from Ithaca, David Slottje Esq. did a  
lengthy, very informative presentation on hydro- fracking activities, and stressed  
the need to take a more aggressive approach in protecting our communities. Mr.  
Nagel added, whether we are in favor of or in opposition to this issue, a  
moratorium should be considered, and suggested the Board speak with Mr.  
Slottje for additional information.

HIGHWAY

1) Weather:

Highway Superintendent, Mr. Worden stated according to the weather reports they anticipate several inches of snow fall for tomorrow. We have been very fortunate thus far, but we are ready for it.

2) Work Days:

Mr. Worden reported the Highway Department has continued to stay on the (4)10 hour per day work week schedule, but asked the Board if they want them to return to the 8 hour shift.

The Board briefly discussed the pros and cons to both schedules, but ultimately agreed the decision will be made by Mr. Worden on what is most efficient for his department.

3) Roadwork:

Mr. Worden stated the department has been busy getting caught up on ditching of road sides and other routine maintenance tasks. Livingston County has been hauling gravel for us this week as well. Mr. Worden informed the Board he heard recently that York Road West is slated to be re-done next year so he is pleased that it is on the County docket for repairs.

4) Accident:

Highway Superintendent, Mr. Worden reported he was contacted late Monday evening notifying him of an accident that occurred at the Highway Department. When he arrived he was informed that a Deputy in pursuit of a vehicle turned from Chestnut Street into the town yard (Short Street) where he struck a 6 foot pile of stone and a nearby trailer hitch, injuring his head and totaling the patrol car. Mr. Worden stated we only had to replace two lights on the trailer.

### WATER/SEWER

1) Virginia Avenue:

Mr. McCracken reported the Water and Highway Department crews have completed the Virginia Avenue project. In the spring restoration of lawns, resurfacing of driveways and road repairs will take place.

2) Sewer List:

Mr. Worden stated at the request of the Board, he asked sewer billing clerk, Mrs. Messina to prepare a list of Sewer District customers to verify who has connected to the district and who has not. Clerk Harris stated, due to the fact that York Sewer Districts #1 and #2 were formed relatively recently, the Town Board and the Engineers developed a permitting process for more efficient record keeping. The homeowner or contractor was to fill out a yellow permit application at the Town office, and once completed, an office staff member would give them a pink completed form. When the resident was ready to connect to the municipal system, they were required to contact our sewer department for inspection and approval. At that time we would obtain the approved pink form for our records. This process was necessary for all homes existing prior to the formation of the

districts. All new homes are required to complete a Water and Sewer Tap application, with the appropriate fees.

Supervisor Deming stated he asked Mr. Worden to prepare this list after he had a conversation with Main Street resident, Raymond Wolcik. Mr. Wolcik commented when he purchased his home a little over a year ago, he put money into revamping his existing septic system, not knowing he would be charged for municipal sewer regardless whether or not he connected. Mr. Wolcik stated he recently retired from the military so he is now in the area full time and is more aware of the bills his wife has been paying for the past year, and questioned Mr. Deming on the Town's sewer policy. Mr. Deming explained to Mr. Wolcik all existing homes in the district are required to connect, but admitted even after two reminder letters, several homes have yet to connect to our system, even though they are being charged a debt service on the yearly tax bill and quarterly charges throughout the year.

Mr. Worden stated once they have the opportunity to review and verify the current list of sewer customers, we will then prepare a letter for those residences.

### 3) Geneseo Water:

Water Superintendent, Mr. McCracken updated the board on the last three years worth of water purchases from the Village of Geneseo. In 2009, we purchased 137,395,000 gallons, in 2010: 150,385,400 and in 2011: 143,781,000 gallons. Due to the correction of water leaks large and small, we have been able to gain major strides in keeping the tanks full. Overall our lost water has decreased substantial in this time frame, from 12.5, to 11.8, and in 2011 to 7.1 respectively. Ultimately we have purchased less water, sold more and fixed the necessary leaks.

## OLD BUSINESS

### 1) Planning Board:

Supervisor Deming suggested the Board schedule a gathering with the Planning Board to introduce new members and to get on the same page with them. The Board agreed a meeting would be beneficial, and asked Mr. Deming to contact Planning Board Secretary, Donna Falkner about having the session January 25<sup>th</sup> at 7:00 p.m.

### 2) CH Four BioGas Inc.

Councilman Deuel informed the Board of an upcoming bus tour to view Digester Systems in Ontario. The tour is slated for Friday and Saturday, January 20<sup>th</sup>-21<sup>st</sup>. Anyone interested in attending, Mr. Deuel has the telephone number and/or email address.

## 8:05 P.M.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to enter into Executive Session to discuss potential Litigation, to include Town Board, Town

Attorney, Water/Sewer Operator, Highway Superintendent and Town Clerk.  
Voted on and approved, Yes-5, No-0.

8:15 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

8:16 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to enter into Executive Session to discuss a Personnel matter, to include Town Board, Town Attorney, Highway Superintendent and Town Clerk. Voted on and approved, Yes-5, No-0.

8:50 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.

NEW BUSINESS

1) Correspondence:

Clerk Harris informed the Board of two documents received this week, one from the Town of Caledonia and the other from the Town of Avon, each scheduled a Public Hearing for possible adoption of a Local Law, to effect a moratorium on the prohibition of Natural Gas and Petroleum Exploration and Extraction activities ( high-volume hydraulic fracturing). The Town of Caledonia slated their hearing for this evening and the Town of Avon scheduled theirs for Thursday, January 26<sup>th</sup>.

The Board agreed the issue was already discussed briefly this evening, but wanted to further voice their thoughts on the matter. Councilmen Deuel and Rose stated in their opinion, the main purpose for adopting a moratorium is not to prohibit fracking, but time to evaluate our current zoning to see if the need arises to update segments of it. Supervisor Deming commented in addition to the zoning aspect, protection of our infrastructure (Water and Sewer) is a vital concern we need to be on top of.

2) Water Leak:

Supervisor Deming revisited the discussion brought up at the December 29th, 2011 meeting regarding a water leak at Prise residence on Chandler Road. Mr. Deming stated he has spoken a few times with Mr. Prise about the situation. As previously discussed, 4.2 million gallons of water was recorded on the meter, majority of which flowed through a tile into a nearby field, owners unknowing of

the problem until our Operator was at the location to read the meter for the January billing cycle and then quickly notified them.

The Board agreed the main objective of an adjustment policy is to allow the water customers relief from an unusually high read, which Mr. and Mrs. Prise certainly have this quarter. The Board eliminated the water adjustment policy at their January 14th, 2011 meeting, but again question whether or not such policy is warranted, and agreed to revisit the establishment of a new adjustment policy.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to reduce the January-2012 water bill for Jim and Barbara Prise, at their 3151 Chandler Road property, from \$18,949.50 to \$12,422.45 due to a major water leak, which has been already corrected. Voted on and approved, Yes-5, No-0.

\*Mrs. Messana will prepare a new bill for Mr. & Mrs. Prise.

3) Natural Gas Development meeting:

Councilman Deuel informed the Board of a meeting he attended sponsored by Livingston County. Mr. Deuel stated at the meeting they discussed steps municipalities can take pertaining to planning and managing potential impacts of Marcellus Shale Natural Gas Development. Many topics were discussed such as: nonrenewable resource –based economic development, local impact, the effects after drilling phase is completed, infrastructure concerns (roads, water & sewer), visual and noise impacts and most of all the critical need for establishing good communication with gas companies working in our area.

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	#2- 22	\$ 180,459.10
Joint Water & Sewer	#1- 16	\$ 6,689.31
Youth Fund Claim	#1- 2	\$ 1,388.50
Highway Fund Claim	#1- 13	\$ 17,039.03

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to adjourn the Town Board Meeting until February 9<sup>th</sup>. Voted on and approved, Yes-5, No-0

Town Board Meeting closed at 9:17 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

