

York Town Board Meeting  
June 14, 2012

Present: Supervisor Gerald L. Deming, Council Members: Norman Gates and David Deuel

Absent: Lynn Parnell and Frank Rose Jr.

Others: Andrew Emborsky (Kruk and Campbell), Carl Peter (Zoning and Code Officer), Roger McCracken (Water and Sewer Operator) 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 May 24<sup>th</sup> Regular Town Board Meeting and June 4<sup>th</sup> work session. Voted on and approved, Yes-3, No-0.

ATTORNEY REPORT

Mr. Emborsky reported the draft moratorium documents discussed at the June 4<sup>th</sup> work session meeting have been prepared and sent to the Livingston County Planning Board for review and recommendation.

Supervisor Deming stated the Planning Board is meeting this evening and we anticipate a response within a few weeks, but will hold off on scheduling a Public Hearing in the event we do not receive the comments before our June 28<sup>th</sup> meeting. The Board agreed to wait until we have the response in hand before scheduling the hearing, and decided to hold such meeting on an off Board meeting night to give full attention to the matter.

HIGHWAY

Highway Superintendent, Mr. Worden reported the following:

- Micropaving was completed on portions of Chandler Rd and Retsof Rd.
- The men have continued to mow roadsides and cemeteries.
- They will be blacktopping Ellicott Road, and parts of Federal, Dow and Craig Roads, and the upper section of Old State Road.

Mr. Worden made the Board aware that he notified the men that the Highway Department will be going back on a five day work week, effective July 2<sup>nd</sup>. Mr. Worden stated due to blacktopping purposes, not always knowing when the material will be available, having a full week to schedule things, should make matters easier. Supervisor Deming asked if we should expect a grievance to be submitted because of the change. Mr. Worden replied he did not believe so because they had sufficient notice.

Mr. Worden did address with the Board another issue, this one perhaps ending with a grievance filing, from what he was told. Mr. Worden stated on Sunday, June 10<sup>th</sup> the water alarm system was triggered and then a telephone call received regarding excess water on Fowlerville Road. From the two, he thought we were experiencing a water break and called in the Water Department plus one part time employee. Mr. Worden stated ultimately it was not a break, it was a resident draining water from a pool, so the men were not needed. Due to the fact he was in Ithaca at Highway Superintendent school he may have jumped the gun but thought he should have the men ready to proceed quickly. When he returned he was made aware from the full time employees at the Highway Department, that a grievance may be filed because a part time person was asked to report. Mr. Worden stated knowing he was unable to be in Town during this matter and the fact we were only using one water tank at that time, he was concerned about how much water may be lost if it was a break.

Supervisor Deming stated the men are welcome to file any grievance they wish, but wanted to make clear the fact that the part-time person we are discussing works for the water and sewer department as well as the Highway Department. Mr. Worden added the employee is a recent college graduate with machine operator certification, and feels comfortable with him handling our equipment. Mr. Worden commented, to date nothing has been filed.

#### WATER/SEWER

Water and Sewer Operator, Mr. McCracken reported the following work completed within the last two weeks:

- As of yesterday afternoon, the water tank is back online.
- All paperwork for the Rt. 63 replacement project has been submitted to the Livingston County Health Department for final approval ....still waiting for a response.
- The Water Department is now underway reading meters for the July billing cycle.
- Trench is dug for Solar Bee purpose, Pete Scondras will have the electric ready shortly.
- Regarding a new pickup truck, as soon as the pricing is available (16<sup>th</sup>) we will know more on how we wish to proceed.

Mr. McCracken discussed with the Board the possibility of adding the texting feature to his telephone, in order to better communicate with Supervisor Deming and Mr. Worden. Mr. Worden commented it would be helpful when we are unable to call, but still able to send a message to keep everyone on the same page.

Supervisor Deming instructed Mr. McCracken to follow up with Mrs. Barefoot.

#### OLD BUSINESS

##### 1) Gas Well Meeting:

Councilman Deuel stated the gas well seminar Tuesday evening had roughly 40 people in attendance, and in his opinion went smoothly. Mr. Deuel

commented we knew coming into the session Mr. Colligan would have a short presentation and speak in general terms, but stated he would have liked him to elaborate further on questions asked of him. Supervisor Deming stated he felt this seminar was a way to promote Mr. Colligan's coalition, which many people were turned off by, including himself.

2) Fracking discussion:

Mr. Worden stated at Highway Superintendent training school this week discussion was made about the impact of heavy traffic on our roadways in regards to the fracking process. As Highway Superintendents they have the responsibility to build and maintain roads in our township, but the additional traffic associated with numerous trucks to and from the site(s) would burden the taxpayers with eventual needed repairs. Mr. Worden stated he was informed of companies that would come out to conduct an evaluation of our roads prior to any activity, to use as a bench mark then we would have documentation available if and when needed. Mr. Worden stated the price he was told was roughly \$ 5,000.00 for the evaluation, possibly more depending on additional road review.

The Board thanked Mr. Worden for this information and commented until we have decided what direction we will proceed in regarding a moratorium, we will hold off on an onsite evaluation.

3) Right to Farm sign:

Councilman Deuel asked if the Right to Farm Community sign on Fowlerville road by the river bridge had been removed for any reason. Mr. Worden stated the sign had been posted for a while and he too noticed it missing. The sign was taken late Friday night or early Saturday morning.

4) Barefoot sign request:

Supervisor Deming reported the Zoning Board of Appeals met May 29<sup>th</sup> to discuss a request from Scott Barefoot to erect a sign for his business on Telephone Road (Route 20). The Zoning Board initially approved the request and then decided to send the information to the Livingston County Planning Board for review and comment. The Town is still waiting to hear back from the County, but was informed that the State has already granted their permission for placement.

The Board stated they are somewhat surprised that the State would approve that large of a sign when they have been rejecting smaller sign requests in the township. Mr. Worden stated he will give Mr. Deming the contact information at the State to have him inquire pertaining to road regulations for further reference.

5) Union matter:

Supervisor Deming informed the Board that he met with Dave Lippitt last Friday to discuss how to proceed with Union negotiations. Mr. Lippitt reported to Mr. Deming that he is in the process of preparing a final proposal on behalf of the Town Board to present at a future negotiations meeting. Supervisor Deming commented contrary to what is being said in the community, our employee's Union representative, Bill Baron has not contacted him in quite some time. The

men have been led to believe that Mr. Baron continues to leave weekly messages, which is untrue. Mr. Deming stated we tried to negotiate a new contract in late summer of last year but was informed they wanted to wait until December, which they were then told would mean the budget for 2012 would already be approved and in place for the upcoming year, too late to negotiate at that point.

Supervisor Deming commented we hope to have more information by our next meeting on June 28<sup>th</sup>.

6) Open Space Committee:

Councilman Deuel reported that the Open Space Committee will not be scheduling any meetings through the summer and will resume their routine in September.

NEW BUSINESS

1) Caledonia Trail Blazers:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trail Blazers Inc. Snowmobile Club for the 2012-2013 season. Voted on and approved, Yes-3, No-0.

2) Tires:

Highway Superintendent, Mr. Worden informed the Board of recent dumping of tires throughout the township. We were made aware of two areas a couple of weeks ago and now more has taken place.

Supervisor Deming stated he is aware of the activity and DEC is as well and asked Mr. Worden to keep close attention to the matter.

3) Recycling Center pile:

Councilman Gates reported that he spoke with York Fire Chief, Rick Rees about burning the brush pile at the Town's Recycling Center before DEC's deadline is upon us (June 30<sup>th</sup>). Mr. Rees stated they have slated the burn for Sunday, June 24<sup>th</sup>.

4) Planning Board Meeting:

Zoning & Code Officer, Mr. Peter stated the Planning Board met Tuesday evening with Joe Bucci, Greg O'Connell and several others to discuss a proposal to develop the property they own at the corner of Routes 36 & 63. The preliminary plan is to construct a car/truck wash area, diesel station and a Dunkin Donuts business. Several details need to be addressed:

- how to introduce traffic to this area
- the need to conduct a SEQRE
- the need to have a Special Use Permit (for truck wash)
- Special Use Permit required for an "eat in" place and for fuel dispensing
- traffic cuts

Mr. Peter stated Mr. Bucci will now speak with DOT next regarding their plans. Mr. Peter added currently in our fee schedule we address Special Use and Conditional Permits, but have nothing on file for Site Plan Applications. The Board agreed to have Mr. Peter touch base with Mr. Campbell or Mr. Emborsky to review what we have in order to address any future needs. The Board agreed they must address water and sewer needs as well as traffic concerns, being in such close proximity to York Central School.

Supervisor Deming suggested going forward we should have legal representation at upcoming Planning Board Meetings to make sure all avenues have been addressed and resolved properly.

Mr. Worden commented he assumes the State has numerous regulations regarding a car/truck wash and suggested we tap into those resources as a reference.

Mr. Peter added the initial plan pertaining to entrance to the proposed complex will be off of Route 63 (Genesee Street), which our Planning Board is anxious to hear DOT's thoughts on this designation because they feel Route 36 (Main Street) might be a better alternative.

\*\* Next Town of York Planning Board Meeting is slated for Tuesday, July 10<sup>th</sup>.

Mr. Worden stated another issue that needs to be addressed is chemicals to be used in the wash stations, making sure no chemicals enter our system at any point. Supervisor Deming replied, the Town will of course be aware of all chemicals used, but is certain DEC through their approvals will make sure all necessary regulations are met. Mr. Emborsky stated he will review the Towns of Avon and Genesee's business regulations to potentially use as a guide for the Town of York.

##### 5) Town Hall stove:

Custodian, Carl Peter informed the Board of the ongoing issues with the stove in the Town Hall. On and off over the past year employees have experienced gas fumes from the kitchen area, and he believes it to be a leak in the stove. If we replace the unit we are required by State standards to install a hood system, which will be very expensive. Mr. Peter questioned whether or not renters actually use the stove because so many of the functions are catered, and suggested the Board consider removing the stove and not replace it. Clerk Harris commented she believes the stove is used more frequently than thought and hoped the Board would keep it for future renters, if we can correct what is currently wrong.

After a great deal of discussion...

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to remove the Town Hall stove due to ongoing gas related issues and to scrap the unit for metal. Voted on and approved, Yes-3, No-0.

- \*\* Highway Department will remove the unit
- \*\* Upcoming rentals will need to be notified of the removal.

BILLS

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve all claims brought before the Board. Voted on and approved, Yes-3, No-0.

General Fund Claim	# 153-178	\$ 20,151.64
Joint Water & Sewer	# 141-166	\$ 133,567.02
Youth Fund Claim	# 10	\$ 236.26
Street Lights	# 5	\$ 1,453.40
Highway Fund Claim	# 108-121	\$ 55,293.01

OTHER

1) Rentals:

Councilman Gates discussed with the Board a conversation he had recently with Gladys Rodger pertaining to a rental request that was denied. Mr. Gates stated they were unable to rent the Town Hall due to the quilters already securing the date and thought we were to “bump” them when others request the building. Supervisor Deming agreed, the understanding was if the building was to be rented on a given date the quilters, who use the building at no charge, were to cancel in order to rent. Clerk Harris stated she did offer to Allen Rodger when he initially called to contact the quilters about re-arranging their gathering, but was told not to, “it wasn’t meant to be”. Mrs. Harris added Gladys stopped into the office days later and spoke with Mrs. Messana about the request again, which she then contacted the quilters about the date and possible change. Mrs. Messana explained to Mrs. Rodger that the Guild had already secured a speaker for the day and was not able to change the date on short notice, so we did not allow the rental to proceed.

The Board agreed they wish to allow the quilters to use the building in the future, but regardless of what has been scheduled, the weekends will be available to rent when residents ask.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel allowing the Quilt Guild to use the York Town Hall for meetings and sewing sessions at no charge weekdays unless a rental is requested, but Saturdays will require a rental fee be paid, effective July 1<sup>st</sup>, 2012. Voted on and approved, Yes-3, No-0.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until June 28<sup>th</sup>. Voted on and approved, Yes-3, No-0.

Town Board Meeting closed at 8:42 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk