

York Town Board Meeting
October 11, 2012

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

Absent: Frank Rose Jr.

Others: George Worden Jr. (Highway Superintendent), Carl Peter (Zoning and
Code Officer), Roger McCracken (Water and Sewer Operator), Fred
Mingrino, Patricia Gardner, Rene Lyness and Andrew Emborsky (Town
Attorney)

Supervisor Deming opened the Town Board Meeting at 7:35 pm with the
Pledge to the Flag.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the
minutes of the September 27th Town Board Meeting. Voted on and approved,
Yes-4, No-0.

HIGHWAY REPORT

1) Maintenance:

Mr. Worden reported the Highway Department completed work on Batzing
Road for this year. The road shoulders are now in shape once again.

Mr. Worden stated the crew continues to trim brush along the roadside, and
asked if the Board wishes to schedule a brush pick up. The Board asked Mr.
Worden if he would have time this year for a clean up date, which he responded
he would.

* The Board scheduled the brush pick up date for **Tuesday, November 13th**.

Clerk Harris stated the scheduled date will be published in the Livingston
County News and the Genesee Valley Penny Saver.

Mr. Worden also asked the Board the time table regarding removal of the flags
and replacing with holiday wreaths. The Board commented not to remove the
flags until after Veteran's Day, which will be celebrated this year on Monday,
November 12th. Mrs. Harris stated she was approached a few months ago from a
York resident asking to prepare new ribbons for the wreaths. Mrs. Harris stated
she gratefully accepted the offer and was recently told the bows are now ready.

WATER/SEWER REPORT

1) Rt. 63 Project:

Mr. McCracken reported the Rt. 63 water main replacement project has been progressing well, with a great deal of pipe already in place. The favorable weather conditions have helped immensely.

Mr. McCracken reported the pipe we currently have for other areas of the project is 12 inch pipe, but is actually 9 3/4" in diameter due to its thickness. In order to proceed with the project we will need to return this pipe and purchase 12 inch diameter piping, which actually saves us \$30,000.00 on the project.

Supervisor Deming stated due to the change in material and substantial savings, he asked Mr. McCracken and/or Mr. Worden to contact Clark Patterson Lee in the morning about preparing an official Change Order to reflect the difference.

CHANGE ORDER

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to proceed with a Change Order for piping, returning 9 3/4" diameter for 12 inch diameter, for the Rt. 63 water main replacement project. Voted on and approved, Yes-4, No-0.

OTHER

Mr. McCracken and Mr. Worden stated, contractor Mr. Morsch will be digging on River Road tomorrow so we will be blocking off the area from Rt. 63(Genesee Street) to the Abbey of the Genesee for roughly half of the day. Unfortunately there will not be much warning, but still must proceed.

PRIVILEGES OF THE FLOOR

1) Fred Mingrino:

Mr. Mingrino asked to speak with the Board this evening about the upcoming committee to be formed by the Town and an observation on the number of comments and letters submitted to the Board regarding whether or not to proceed with a moratorium.

Mr. Mingrino stated after review of the Town's website, 26 letters were posted, with 22 requesting the Board to enact the Local Law for a one year moratorium. The remaining 4 letters were in opposition, 1 from Lenape and 2 from residents who receive free gas from them. Mr. Mingrino added at the July 24th Public Hearing, 45 people were in attendance, 37 of which signed a petition for a moratorium. The number of people who spoke that evening totaled 29, 20 in favor of versus 9 against a moratorium.

Mr. Mingrino reported with the number of residents expressing their concerns, he had hoped the Board would take that into consideration, but feel three members had already made up their minds. In regards to the people who signed petitions, 82 York residents signed in favor of a moratorium, 129

signatures were obtained by Lenape representatives who canvassed 4 counties to get them. Even though the Board has made their decision not to proceed with a moratorium on hydrofracking at this time, he has other concerns such as a storage facility for gas and wastewater. Mr. Mingrino commented the moratorium was not about protecting Lenape's interest, it was about the Town of York citizens being protected by their local government.

Mr. Mingrino addressed Councilman Deuel in regards to his interview with the Livingston County News. One comment he made was that the moratorium was political, which Mr. Mingrino stressed it was not, he and others are not politicians, just concerned citizens. Mr. Mingrino stated he and Mr. Appell found it interesting that Mr. Deuel did not inform him of his lease with Lenape when conducting the interview. Mr. Mingrino stated he wanted to discuss with Councilman Rose his remarks as well, but unfortunately is not present this evening. He was disappointed to learn that Mr. Rose felt the need to represent well owners who don't speak up on the topic, versus the people who do. All concerned voices should be heard.

Mr. Mingrino addressed with the Board the committee to update the zoning regulations. He feels it is vitally important to form a group of people who are willing to work together and independently when needed. Having ideas and opinions from both ends of the spectrum are crucial. The committee's main objective should be to work in the best interest of the entire community, not a select few who may gain financially.

Mr. Mingrino closed by saying the Town Board disappointed hundreds of Town of York residents by not passing the moratorium two weeks ago and feels now is the time to regain their trust.

Councilman Deuel stated he wished to reply to Mr. Mingrino's statements. First and foremost he has read all of the letters, comments and signed petitions posted on the Town's website, and feels the decision he made does not diminish their concerns. As far as the interview with Howard Appell, of the Livingston County News even though the current lease agreement with Lenape did not come up, he did make it clear the night of the meeting his agreement with the corporation. Mr. Deuel commented the decision he made not to proceed with a moratorium was based on the volumes of information he read, and the State's study, which he found impressive. Councilman Deuel expressed again his feelings that regardless what has happened in Colorado, Texas, Pennsylvania and other areas, this is not a viable region for drilling and does not believe it will happen here. Mr. Deuel stated he is not a "lucky" for Lenape, he read the reports generated by the State and made a decision thereafter, and feels the State will protect us.

Mrs. Gardner commented although she accepts Councilmen Deuel, Rose and Gate's decision not to proceed with a moratorium, she feels they did not fully represent her or the majority of the residents of this community. Mrs. Gardner stated Mr. Deuel has a great deal of faith in the State, she hopes they can protect us if it comes to that.

Mrs. Lyness stated she on the other hand does not have the same faith regarding the State as Councilman Deuel has and the regulations pertaining to hydrofracking. She expressed the ongoing need to protect our community.

OLD BUSINESS

1) Grant application:

Supervisor Deming reported the \$300,000 grant application for the Safe Routes to School project has been applied for. The application was submitted on October 5th.

NEW BUSINESS

1) Exemption Public Hearing:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to schedule a Public Hearing for Thursday, October 25th, 2012 at 6:45 pm to consider adoption of Local Law #1 of 2012, Raising the Income Limits for the Senior Citizens' Exemption and Persons with Disabilities and Limited Incomes for the 2013. Voted on and approved, Yes-4, No-0.

2) Steering Committee:

Supervisor Deming stated the Board discussed and agreed upon a list of individuals they believe who will be an asset on the newly formed Steering Committee to update our Zoning Regulations and Comprehensive Plan. The members include:

John "Jack" Ellis
Heather Grant (Planning Board Member)
Henry Fuller
Larry Smith
William Doolittle
Lynn Parnell (Town Board)
Frank Rose Jr. (Town Board)
Carl Peter (Zoning/Code Officer)
Town Attorney (Mr. Emborsky or Mr. Campbell)

Supervisor Deming reported the first meeting is slated for Thursday, October 18th at 7:00 pm at the Town Hall. The committee will be expected to submit written reports to the Town Board once per month in order to maintain that everyone is on the same page.

3) Contribution:

Clerk Harris informed the Board of a card received recently from a couple she assisted with genealogy. The couple, Lynn and Joan Harris of Arnolds Park, IA was able to obtain historical information from the office and visited several of our cemeteries, and was quite impressed with the maintenance the Town provides. In the card was a check in the amount of \$100.00 as a token of their appreciation for this effort and continued upkeep of the cemeteries.

The Board agreed to gratefully accept the donation made by the Harris' and will deposit accordingly.

OTHER

1) Meeting change:

Supervisor Deming stated after speaking with the Board, he noted a conflict with the November 8th scheduled Town Board Meeting date. Mrs. Parnell, Mr. Deuel and Mr. Rose will not be able to attend so the Board will not have a majority that evening.

After a great deal of effort trying to reschedule the first meeting, the Board agreed to have only one meeting for November (**Tuesday, 20th**).

Clerk Harris will publish the notice to cancel.

2) 2013 Budget Hearing:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to schedule the 2013 Budget Hearing for Thursday, October 25th, 2012 at 7:00 pm. Voted on and approved, Yes-4, No-0.

8:10PM

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to enter into Executive Session to discuss a Personnel matter, to include Town Board, Town Attorney and Town Clerk. Voted on and approved, Yes-4, No-0.

8:55 PM

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to end Executive Session. Voted on and approved, Yes-4, No-0.

Supervisor Deming reported no action was taken in Executive Session.

BILLS

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

• General Fund Claim	#277-306	\$ 8,226.42
• Joint Water and Sewer	#275-288	\$83,792.73
• Youth Fund Claim	#19	\$ 165.00
• Street Lights	#9	\$ 1,606.01
• Highway Fund Claim	#192-200	\$ 5,286.75

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until October 25th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:57 pm.

Respectfully Submitted,

Christine M. Harris, Clerk

Hello again

I would like to talk about the committee that will be formed to ensure that we safeguard ourselves from any new industry that comes our way.

But first...an observation

I reviewed the letters, comments, and petitions that were posted on our town website pertaining to our discussions of whether or not to have a moratorium.

Of the 26 letters posted on line 22 asked the town to vote for a moratorium. 20 of these letters were written by our neighbors who live in York. 2 were from concerned citizens in our county, with nothing to gain, who took the time to try to help educate our board.

22 of 26 letters submitted supported a moratorium.

4 letters were against a moratorium.

1 from Lenape (Corporations must be citizens too)

2 from residents who receive free gas from Lenape

So, letters.....22 in favor of a moratorium...4 against

Public Hearing...45 at meeting...37 signed petition for a moratorium

Of the 29 people who spoke up at the meeting 20 were for a moratorium...9 against

If we tally only the comments made by York residents..16 for a moratorium.. 4 against

We all assumed that a public hearing meant that you would listen.

3 of you obviously had your already made up your minds.

And last but not least....Petitions

82 York residents signed a petition supporting a moratorium.

129 signatures were against a moratorium.

The only problem is the Lenape representatives canvassed 4 counties to get 129 signatures.

Leicester, Wyoming, Caledonia, Dansville, Avon, Groveland, Pavilion, LeRoy, Oakfield, East Pembroke, Stafford, & West Henrietta...to name a few.

All this information is on line on our town website. Did any of the 3 of you even look at it. We were and still are concerned about much more than Hydrofracking..Are we to be a storage facility for gas and wastewater.. The moratorium was not about protecting Lenape's interests...It was about the citizens of York being protected by their local government

David, you stated in your interview with the Livingston County News that this moratorium was political. It's not political. We are concerned citizens, not politicians. I also found it interesting that you failed to mention to the paper that you currently have contracts with Lenape. Howard Appell was surprised that you didn't mention it in your interview.

Frank, you feel the need to represent property owners who have wells and don't speak up a lot. We are all property owners so don't hold it against us because we do speak out. Our concerns have always been for the community and not for our own self interests.

Back to the committee...

We need people who are willing to work together and independently. Ideas from people on both sides of the argument.

We need this committee to work in the community's best interest. Anyone who stands to gain financially should not be involved in any of the decision making. These committee meetings should be open to the public.

This town is waking from a long sleep. We all want to know what's going on. It is imperative that the committee consists of independent thinkers, not YES men that only follow their leader. You have disappointed hundreds of your neighbors. It's time to regain their trust.

Thanks for listening