

York Town Board Meeting  
November 20, 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), George Worden Jr. (Highway Superintendent), Patricia Gardner, Rene Lyness, Scott and Jason Canaan, Davies Nagel, Melissa Alber, Fred Mingrino, Carl Peter (Zoning and Code Officer) and Andrew Emborsky (Town Attorney)

Supervisor Deming opened the Town Board Meeting at 7:35 p.m. with the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the October 25<sup>th</sup> Public Hearing, 2013 Budget Hearing and Regular Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

Mr. Worden reported the Highway Department has continued to mow roadsides and will do so until the weather changes. All plow equipment and sanders are ready for the winter season.

WATER/SEWER

Mr. McCracken reported that the water main replacement project is going well, and pipe on River Road has been pressure tested, with good results. Mr. McCracken commented he submitted a lab analysis report last meeting for Board review regarding the SolarBee System. According to the water samples taken on September 25<sup>th</sup>, it clearly shows a reduction in the total trihalomethane (THM) concentration, which reflects that it's working very well.

Supervisor Deming asked if any restoration will be conducted on River Road before the year is out due to the mess that currently exists. Mr. Worden replied, before any restoration can be done the area must dry out some otherwise correction will be impossible.

Mr. McCracken stated West Herr did not come to retrieve the new truck within a week, so the Highway and Water Departments have been using it. Once delivered to the Town Hall parking lot Mr. Worden noticed a small dent in the tailgate and made the dealer aware of it, obviously they did not feel the issue was a pressing matter.

Councilman Deuel asked what areas still remain to be completed in the project. Mr. McCracken reported Steve Morsch must work his way up to VanGelder's Automotive, and we still have the bottom portion to contend with. The new water main will be replacing the old cast iron piping.

Supervisor Deming also made the Board aware of an issue a few weeks ago, with all of the heavy rainfall. Mr. Worden was called out late one evening on Genesee Street (Charles and Cheryl Flickner residence) with water in the basement. After review of the situation and conversation with the owners, Mr. Worden confirmed they originally had a French drain in front of their property, and with the water main replacement disturbance, it compromised the drain, flooding the Flickner basement. Mr. Worden stated he immediately contacted Mr. Morsch to explain the issue and the need for correction, and also gave the homeowners a cleaning service's name (which will be at the expense of Mr. Morsch's company, CCS Pipeline).

### PRIVILEGES OF THE FLOOR

#### 1) Jason Canaan:

Jason came before the Board to give a final overview of his completed Eagle Scout Project. The project entailed planting trees (10) and replacement of woodchips at the Piffard playground. Donations were obtained for the trees (trees were \$75.00 each purchased from McNair Nursery) and wood chips were donated by Trathen Logging. Jason stated that the project came in under budget, and is pleased to submit an envelope to the Town Board containing \$315.72, to use as they see fit. Supervisor Deming and Clerk Harris commented they viewed the site and expressed how nice the area looks. Mr. Deming stated the money will be deposited in the morning and thanked Jason for his efforts and congratulated him on the Eagle Scout distinction.

\*Mr. Canaan stated all purchases needed for the project took place in Livingston County!

#### 2) Melissa Alber:

Ms. Alber stated over the past few months she has watched and participated in many of the meetings discussing the hydrofracking issue. In her opinion a few of the Board's actions seem suspect considering that only two community members were against a moratorium, plus Mr. Holko of Lenape, who came across as if this was a "done deal".

Ms. Alber expressed concern, at the last Steering Committee Meeting, members conveyed they may want to go forward with fracking, which then asks the question, how will the Town protect her well. Ms. Alber stated right now we are in a good position to lay the proper ground work "wording" on how to proceed, and would hate to see us miss the opportunity. Ms. Alber stated she received a list of questions prepared by Craig Stevens for land owners to ask the gas industry. (See attached) Mr. Stevens offered to speak with the Town Board and/or Steering Committee if needed, even though he lives in Pennsylvania, he felt the importance to educate anyone willing to listen. Ms. Alber commented

there are many outstanding issues with homeowners not protecting their property, which in turn is a ripple effect to the community as a whole.

Supervisor Deming stated answers to important questions will not be made in 1 or 2 Steering Committee meetings, and feels the committee has not acted hastily, time is needed to fully review a plan. Ms. Alber agreed decisions cannot be made quickly and feel we are not prepared for the monumental task ahead, it is a huge undertaking. Mr. Deming stated he and the committee members are well aware of the responsibilities ahead, and with the addition of Norm Gardner of Clark Patterson Lee, we are now able to begin putting things in order. Mr. Gardner has been an asset to the process thus far and will be for further action. We anticipate the mapping to be finalized for the November 28<sup>th</sup> meeting, and we have a Pennsylvania tour slated for November 29<sup>th</sup>. By the December 5<sup>th</sup> meeting a list will be prepared and finalized addressing specific items to outline on how to control hydrofracking. Some of the items discussed have been: Road Use Law (using Steuben County format), setbacks, lot sizes, assessment values, own inspectors/engineers (not DEC) which will be paid for by the industry. Supervisor Deming added a meeting has also been scheduled for December 12<sup>th</sup> with our major dairy farmers about the potential noise incurred with fracking and the effect on livestock. After such gathering the committee should then be in a position of implementing a draft for the January time frame. Ms. Alber commented her biggest concern is if New York State DEC approved permitting to take place tomorrow, what would happen to our community if nothing was in place. Mr. Deming stated if DEC was to begin the permit process before the Steering Committee could prepare their suggestions, the Town Board might revisit the option of a moratorium or temporary ban. Ms Alber stated many members of the community have expressed their desire for the Board to enact a one year moratorium, and feels they were not listened to, and hopes the Board has a change of heart on the matter before it is too late to do so. Attorney Emborsky stated the Board made a decision not to enact a moratorium a short while ago, and must now focus on the actions of the Steering Committee. Ms. Alber commented in addition to the fracking issue, she does not feel the Board listened in regards to the Federal Road matter as well. Mr. Emborsky stated the issue before us is hydrofracking, Federal Road (Dominion Resources) is a separate topic. Mr. Mingrino commented contrary to the Attorney's statement, the two issues do go together and he feels that the Town Board will not go after the gas industry. Ms. Alber asked is there a way through the upcoming verbiage prepared by the Steering Committee that we can receive compensation from the industry. Supervisor Deming replied it can and has already been discussed about being added to the draft. Ms. Alber offered once again the opportunity to speak with Mr. Stevens about land owner's rights, and feels it could be beneficial for the Town Board and Steering Committee. Councilman Deuel commented that the Board already held such a meeting in June or July of this year with David Culligan for the same purpose. Ms. Alber stressed again her concern if approval should come tomorrow.

**21 IMPORTANT QUESTIONS FOR LANDOWNERS TO ASK THE GAS INDUSTRY**

1. Where is the meter? How do I know how much money you owe me each month?
2. Why can't we wait a while until the price goes up again for my natural gas?
3. Why do you only pay the landowners 12-20% royalty on their own minerals?
4. Will you guarantee me that my gas will stay here in the USA and put it in writing?
5. Why are so many foreign countries buying our leases? (Norway, China, Russia, Japan)
6. What do I do if my neighbor's water goes bad and they want to sue both of us?
7. Are you going to liquefy the gas and share the profits with landowners when sold?
8. Are you planning to use Eminent Domain to take my property to install pipelines?
9. Can you guarantee in writing my water will not go bad and fix it if it does?
10. If you sell my lease to another company will they be responsible to honor the contract?
11. Have you ever paid a landowner to sign a non-disclosure agreement to stay quiet?
12. Are you going to use Force Majeure and/or Options Clauses to extend my lease?
13. Will you be drilling vertical wells that are non-producing just to hold my lease?
14. Will you order the contractors to share the roads safely with our community?
15. Will you assure us that all contracted drivers and vehicles are legal and safe?
16. Will you promise in writing not to punish workers who report problems that occur?
17. Will you believe your landowner partners when we call with problems and fix them?
18. Will you demand the seismic companies get all landowners permission before starting?
19. Will you inform my neighbors in the path of drilling to allow them to pre-drill test?
20. Will you as a good neighbor provide potable water to anyone damaged post-drilling?
21. Will you stop all drilling in my area if multiple peoples water is disturbed?

## NEW BUSINESS

### 1) Justice Records review:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the York Justice records for 2012 as presented by Court Clerk, Norma Geary. Voted on and approved, Yes-5, No-0.

### 2) Petty Cash Review:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the Petty cash records (Water and Town Clerk) for 2012 as presented by Town Clerk, Christine Harris. Voted on and approved, Yes-5, No-0.

### 3) Livingston County Traffic Safety:

#### (a) Re-appointments:

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to re-appoint Walter Purtell as the Town of York Representative and Norman Gates as the Alternate to Livingston County Traffic Safety Board, for a term of three years, expiring 12-31-2015. Voted on and approved, Yes-5, No-0.

### 4) Water Tap:

#### (a) Gerald MacIntyre:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Tap application submitted by Gerald MacIntyre for property located at 1683 MacIntyre Road, in the amount of \$1,500.00. Voted on and approved, Yes-5, No-0.

### 5) Water Shut-off request:

#### (a) Michael P. Gates:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose approving the Water Service Shut-off request submitted by Michael P. Gates for property located at 3738 Main Street. Voted on and approved, Yes-5, No-0.

### 6) Carl Fuller Correspondence:

Supervisor Deming read aloud a letter received from Dow Road resident, Carl Fuller requesting placement of speed limit signs in his area. Mr. Fuller stated due to the multitude of 10 wheel and 18 wheel trucks along with other traffic to and from the main routes, 36, 63 and 20, excessive speed is compromising the safety of Dow Road.

Highway Superintendent, Mr. Worden reported the Town has already posted speed limit signs on our portion of roadway, but the County has not placed any signs. Clerk Harris stated she has spoken with Mr. Fuller about the matter previously, encouraging him to submit his request to the Board, and asked if it was possible for additional patrols to monitor the area. Supervisor Deming stated he will contact the Sheriff's Department in the morning to have deputies in that area.

Walter C. Purtell  
Thomas A. Porter  
Town Justice  
(585) 243-3128  
Fax: (585) 243-4317



COPY

P.O. Box 187  
2668 Main Street  
York, NY 14592

**YORK TOWN COURT**

November 19, 2012

To: The York Town Board

From: The York Town Court Justices

The court is submitting their 2012 court records to be examined or audited. To be entered into the minutes of the board's proceedings, per Section 2019-a of the Uniform Justice Court Act.

Walter C. Purtell  
Walter C. Purtell  
York Town Justice

Thomas A. Porter  
Thomas A. Porter  
York Town Justice

Approved: 11/20/2012

Supervisor  
GERALD L. DEMING

Town Board  
LYNN M. PARNELL  
NORMAN R. GATES  
DAVID DEUEL  
FRANK ROSE JR.

Highway Superintendent  
GEORGE WORDEN JR.

Zoning/Code Enforcement  
CARL A. PETER



### TOWN OF YORK

2668 Main Street \* P.O. Box 187 \* York, New York 14592  
Tel: (585) 243-3128 \* Fax: (585) 243-4618 \* TTY NY: (800) 662-1220  
[www.yorkny.org](http://www.yorkny.org)

Town Clerk/Tax Collector  
CHRISTINE M. HARRIS

Town Justices  
THOMAS A. PORTER  
WALTER PURTELL

Court Clerk  
NORMA GEARY

Assessor  
ANNE SAPIENZA

## Petty Cash Town Clerk Account

Starting balance: \$ 200.00

As of November 19, 2012:

Balance for this account totals: \$ 150.40  
\$ 148.00 in bills  
\$ 2.40 in change  
\$ 150.40 – Total

\*\*Daily start up bin: \$ 2.09

Verified by Town Clerk, C. Harris

Signed by: *Lynn Parnell*  
York Town Board Member

Dated: 11/20/12

" This is an Equal Opportunity Program. Discrimination is prohibited by Federal law. Complaints of discrimination may be filed with USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Ave., SW, Washington, DC 20250-9410."

**Fowlerville - Greigsville - Linwood - Piffard - Retsof - Wadsworth - York**

Supervisor  
GERALD L. DEMING

Town Board  
LYNN M. PARNELL  
NORMAN R. GATES  
DAVID DEUEL  
FRANK ROSE JR.

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GEORGE WORDEN JR.

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Assessor  
ANNE SAPIENZA

**Petty Cash  
Water Account**

Starting balance: \$ 150.00

As of November 19, 2012:

Balance for this account totals: \$ 144.80  
\$ 141.00 in bills  
\$ 3.80 in change  
\$ 144.80- Total

\*\*Daily start up bin: \$ 6.64

Verified by Town Clerk, C. Harris

Signed by: Lynn Parnell  
York Town Board Member

Dated: 11/20/12

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**RECEIVED**

BY CMT 10/30/12 DATE

Gerry D.

As our town representative on the County Bd. of Super. by placing speed restriction signs on Row Rd through our sewers (7) residences area due to the following reasons:

safety of our residency  
excessive speed by some current speed limit  
(N.S. limit 55 mph)  
large 10 & 18 wheel trucks traffic  
through traffic connecting major Rts 36, 63 & d.

Please consider these factors for the safety of this neighborhood.

Respectively,

Carl Keller

OTHER

1) Brush pick up:

Mr. Worden reported brush pick up went very well and smoothly, taking two days to completely canvass the township. Mr. Worden stated we were fortunate that Zoladz was grinding brush at the Town of Caledonia the same week, so we were able to truck our loads to them for chipping, ultimately saving on large piles at our recycling center.

2) Steering Committee:

Mrs. Gardner asked if a representative from the Steering Committee will be reporting to the Board regarding their progress. Supervisor Deming responded the Board will be asking for such reports, but the Committee will now have to seek a new member after the resignation of Heather Grant.

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	#321-350	\$ 19,037.56
• Joint Water and Sewer	#298-323	\$203,651.73
• Street Lights	#10	\$ 1,614.41
• Highway Fund Claim	#210-228	\$ 16,605.26

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until December 13<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:25 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk