

York Town Board Meeting
December 13, 2012

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

Absent: None

Others: Rene Lyness, George Worden Jr. (Highway Supt.), Patricia Gardner, Lee Gratwick, Roger McCracken (Water & Sewer Op.), Carl Peter (Zoning & Code Enforcement Officer) and Andrew Emborsky (Attorney)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the November 20th Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

Mr. Worden stated the Highway Department continues to ditch roadsides during the mild weather, and reported the guardrail on River Road has been placed once again. Mr. Worden commented the department has made a great deal of headway on many smaller projects while waiting for winter to arrive.

Councilman Deuel asked Mr. Worden the status of the tree in the Route 20 cemetery as discussed at an earlier Board meeting. Mr. Worden reported once the ground becomes solid we will then enter and have the Highway Department cut the limbs down. The nearby neighbor expressed desire for the wood once this happens. Mr. Worden stated we have a similar issue in the Wadsworth cemetery as well, but that ground too must be frozen before vehicles can enter to cut and remove limbs.

WATER/SEWER

1) Meter readings:

Mr. McCracken reported meter readings for the January billing cycle were underway as of Tuesday of this week. Water Operator, Rob Grant has been reading them himself due to vacation of Mr. Hodges and Mr. McCracken's handling of other duties. If all goes smoothly the reads should be completed tomorrow or Monday at the latest.

2) Watermain replacement update:

Mr. McCracken stated the Water Department has continually assisted Mr. Morsch with stakeouts for the project. We anticipate the last piece of watermain to be placed on Monday. Some of the services have been restored, but still need to complete the rest, with the brunt of restoration in the spring.

Mr. McCracken commented with the installation of the new line we have already noticed a difference in our National Grid bills. In November of 2011 **29,000** kilowatt hours were logged for that time frame. For November of 2012 **12,000** kilowatt hours were recorded, which will ultimately save roughly \$2,000.00 per month.

3) Water Tap:

Mr. McCracken reported the department installed Jerry MacIntyre's water tap on Monday. The boring process was more involved than they thought due to the multitude of rock in the area, but was completed before nightfall.

4) Flickner update:

Supervisor Deming informed the Board at the November 20th meeting we discussed the flooding issue at the Charles & Cheryl Flickner residence on October 29th. The Flickner's contacted their insurance company to prepare documentation outlining damages incurred. After review, the total to be reimbursed by CCS Pipeline will be \$ 6,647.00, which will be removed from the contract we have with Mr. Morsch.

5) Toolboxes:

Mr. McCracken discussed with the Board the need for toolboxes on the new pickup truck. Mr. McCracken obtained two quotes, one from Davis' Trailer World and the other from Cook Iron Store. The pricing is as follows:

Davis' - \$ 278.00 each for 1/16" thickness
Cook Iron - \$ 526.00 each for 1/8" thickness

Supervisor Deming asked if we reviewed what was available at Tractor Supply. Mr. McCracken and Mr. Worden replied they had visited the Geneseo store and they do carry the 1/16" toolboxes, which they do not recommend.

After a brief discussion the Board authorized the Water & Sewer Department to purchase two (2) weather guard, low-sided toolboxes at Cook Iron Store in the amount of \$ 1,052.00. Voted on and approved, Yes-5, No-0.

OLD BUSINESS

1) Farmland & Open Space Preservation:

Councilman Deuel informed the Board that the Farmland and Open Space Preservation Committee has suspended their meetings until the September time frame.

2) Steering Committee:

Supervisor Deming stated after Heather Grant's resignation on the Steering Committee, several community members have expressed an interest in filling the vacancy, Davies Nagel, Tom Gates Jr., Patricia Gardner and Chris Wall. Mr. Deming recently spoke with Steering Committee Chairman, Jack Ellis about a potential replacement and Jack conveyed his desire to wait at this time. Supervisor Deming commented the ultimate decision belongs to the Town Board and asked their thoughts on whether or not to replace. Council Members Parnell and Rose agreed, as the Board's representation on the Steering Committee they too feel waiting may be appropriate until Clark Patterson submits their packet requested by the committee.

The Town Board agreed to table the matter of a replacement.

NEW BUSINESS

1) Zoning Board of Appeals:

Supervisor Deming reported we received one application for the position available on the Zoning Board of Appeals. Jerry Sturm's term will be expiring December 31st and was the sole applicant for such position.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to re-appoint Jerry Sturm to the York Zoning Board of Appeals for a 5 year term, expiring December 31, 2017. Voted on and approved, Yes-5, No-0.

2) Planning Board:

Supervisor Deming stated we received two applications for the position advertised on the Planning Board. Laura Wall and Mark Vitale are the two applicants. The Board agreed to schedule interviews next week in order to render a decision at the December 27th Town Board Meeting.

Councilmen Deuel and Gates will conduct the interviews.

3) Water Shut-off:

a- Joseph Pasquale:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Shut-off request submitted by Joseph Pasquale, for property located at 3411 Retsof Road. Voted on and approved, Yes-5, No-0.

4) Property maintenance:

Zoning & Code officer, Mr. Peter reported to the Board of an upcoming court date for the Ridley property. Livingston County Health Department and New York State DEC have issued tickets for property maintenance purposes. The scheduled appearance date is Monday, December 17th.

5) Fracking forum:

Supervisor Deming reported he met earlier this evening with Davies Nagel to discuss a few issues. Mr. Nagel asked if the Steering Committee will be choosing a replacement member and conveyed his interest once again. Mr. Deming stated the committee may have input, but the decision is the Board's. A second forum was also discussed, whether it be at York Central School or the Town Hall. Mr. Nagel expressed the need to continue educating the community on hydraulic fracturing, and his intention to include both platforms. Attorney Emborsky asked the purpose for another session. Supervisor Deming stated having additional information could only be a benefit for the community, and due to the fact that the first forum was not well attended, he thought a second one would be useful. Attorney Emborsky commented it is up to the Board the direction they wish but recommended delaying the forum until late January to early February in order to see how the court decision plays out with the Town of Avon and the gas company.

7:50 p.m.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to enter into Executive Session to discuss Union Negotiations, to include Town Board, Town Attorney, Highway Superintendent and Town Clerk. Voted on and approved, Yes-5, No-0.

8:16 p.m.

RESOLUTION offered by Mr. Gates 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.

OTHER

1) Federal Road:

Council Member Parnell asked Zoning Officer, Carl Peter if Dominion Resources have requested a final inspection yet of the area on Federal Road. Mrs. Parnell commented the meter station lights are extremely bright, and feel it must be addressed. Supervisor Deming stated during the construction phase of the project we could understand additional lighting, and now that they have completed that portion, the existing lights are much too bright for the area. The Board agreed to authorize Mr. Peter to contact Dominion to have them adjust the lighting or to install an on/off switch to be used as needed. Mr. Peter stated the tallest light seems to be the biggest issue, the smaller ones not as much. He has not received a final call from the company, so we have time to discuss our concerns and implement a solution.

2) Union contract:

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the Union contract as prepared, with Supervisor Deming to verify final numbers. Voted on and approved, Yes-5, No-0.

** Highway Superintendent, Mr. Worden asked now that the contract has been finalized does the Board have any intention to hire a full-time person.

The Board stated numerous times once the contract was settled their plans to hire at the Highway Department. Although we have several part-time employees who may be interested in the position, advertising for it is a must, but hope they will submit their letter of interest. Mr. Deming stated once the applicants have submitted their paperwork the Board and Mr. Worden will select the top 5 qualified candidates for an interview, and a decision will then follow.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

General Fund Claim	# 351-383	\$ 23,000.87
Joint Water & Sewer	# 324-347	\$ 27,213. 19
Street Lights	# 11	\$ 1,818.61
Youth Fund Claim	# 20	\$ 120.70
Highway Fund Claim	# 229-242	\$ 6,130.69

OTHER

1) Neil Harris:

Zoning Officer, Mr. Peter informed the Board of a conversation he had this week with Wadsworth resident Neil Harris regarding the potential offer he received on his home. Through the Town's current Zoning Ordinance, Mr. Harris has been able to sell used automobiles at his residence, being allowed to make repairs only to those vehicles. Mr. Harris conveyed to Mr. Peter before accepting the offer he wanted to confirm future allowances if the new owner wished to use the existing garage for business purposes. Mr. Peter stated he spoke with Attorney Campbell about the request and was informed selling cars and car repair are two different uses. Mr. Peter stated prior to the Harris' purchase of the property, previous owner Bob Feola used the garage for car repair. Mr. Peter commented even though Mr. Feola did use the property for business purposes, he had ceased in conducting business long before Mr. Harris began selling cars, so previous use did not continue with Mr. Harris. The Board agreed continuation of automobile sales would be Pre-Existing Non-Conforming Use, but car repair would require additional action. Supervisor Deming stated if the offer Mr. Harris received was for purposes of auto sales it would not be anything different from what is currently being done, but a repair shop would not be permissible without approval by way of a variance.

Mr. Peter stated he will prepare a letter for Mr. Harris outlining the discussion and Board decision this evening.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until December 27th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:45 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk