

**York Town Board Meeting  
May 9, 2013**

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

**Absent:** None

**Others:** Norm Gardner & Justin Steinbach (Clark Patterson Lee), Gerald Parsons, Jack Ellis, Patricia & Dean Gardner, Kirk Richenberg, Grayce McLaughlin, Lee Gratwick, Roger McCracken (Water/Sewer Operator), George Worden (High. Supt.), Andrew Emborsky (Town Attorney), Roberta & Paul MacLean, Melissa Alber-Chase and Carl Peter (Zoning & Code Officer)

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 Mr. Deuel to approve the minutes of the April 25<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

**PRESENTATION**

Supervisor Deming reported that the Steering Committee has completed their recommendations for Board review and asked Norm Gardner and Justin Steinbach to present the results this evening. Mr. Deming stated the Board asked this committee to assist the Town by reviewing the current zoning in regards to hydrofracking and to work toward a goal for the best interest of the community.

Mr. Gardner commented the Steering Committee developed a mission statement to guide the group with its intent, goals and eventual recommendations and read the following statement:

“ To protect the common interest of the Town of York as it pertains to natural gas development, specifically the practice of high-volume hydraulic fracturing, by studying the topic in great lengths and identifying appropriate actions to take to maintain the continued rural character of the community, protect community values, and ensure a safe environment for all”.

Mr. Gardner reported in late November of last year the entire Board, York and Avon Steering Committee members, Town Attorney and a few others visited several fracking sites in PA and from that point on the committee met weekly and then bi-weekly to formulate the proposed recommendations for the Town Board this evening.

Mr. Gardner presented to the Board and the public a power point presentation:

**Committee Process**

- . Reviewed the draft proposed regulations from NYSDEC
- . Field trip to drilling site in Pennsylvania

- . Input from representatives in neighboring communities
- . Input from Town staff (Zoning Officer, Mr. Peter & Highway Supt., Mr. Worden)
- . Development of maps of existing Town resources
- . Legal evaluation of the process

### **Priorities**

- . Agriculture
- . Addressing environmental concerns
- . Maps- outlining areas that will not allow potential fracking to proceed: flood plain zones, State wetlands(Linwood area) and a distance from streams/water ways.

### **Aquifers**

Mr. Gardner explained that there are two types of Aquifers to contend with, Primary and Principal. The Committee identified the presence of a NYSDEC defined Principal Aquifer within the Town of York. Mr. Gardner added although the State's proposed regulations protect only Primary Aquifers, much of this community relies on this Principal aquifer for their water supply. The Town is very aware of the importance of this aquifer by way of past events, specifically the Salt Mine collapse, and that this aquifer is a very critical and vulnerable resource to the Town. The committee is recommending an Overlay District be developed that protects this vital resource.

Mr. Gardner discussed the proposed document and the included environmental maps. Water features and an Aquifer map were reviewed, along with a map of "Other features" ( Livingston County & Town of York boundaries, rivers/streams etc.), Zoning Districts, Physical/Natural Features and Infrastructure and a Jurisdiction Road map. Mr. Gardner explained that the small dots showing on the "Other features" map reflect existing gas wells permitted by the State, which are vertical wells that have been here for many years. The purple shading is AKZO Salt Mine which is an area not to be disrupted for obvious reasons based upon previous events.

Town Zoning currently has an existing zoning code that addresses several of the potential impacts of High Volume Hydraulic Fracturing, and shows areas not permissible for fracking. In regards to Road Use Agreement, Mr. Gardner stated the Town has over 54 miles in their jurisdiction. Although the County and State roadways are not covered by us, the Town can impose regulations on how its roads are used. The Steering Committee stated their concern to our roads as a result of heavy truck traffic used by the drilling companies, and discussed developing a local road use agreement requirement when higher weight and number of trips become a factor. Several agreements were reviewed and portions used as a guide to what is proposed in the draft document. Mr. Gardner commented in the "Physical/Natural features and Infrastructure" map the red highlighted areas reflect areas where drilling is not permissible or "No drill zones", but clearly shows that large areas are still unprotected in the township.

Mr. Gardner outlined the Committee's conclusions:

- Recommendation to allow HVHF activities in the Town of York, provided that the Town's primary industry, agriculture is maintained and protected to the greatest extent possible and certain identifiable local interests beyond those identified and regulated by the State and County are protected.

**\*\* Recommendations for Implementation:**

- . Town Road Use Agreement
- . Zoning Amendments
- . Aquifer Overlay District

**\*\* Town Road Use Agreement:**

- . Regulates use of Town Roads
- . Contract between Town and User
- . Consistent with Livingston County Draft
- . Designates Haul Routes
- . Use Regulations
- . Pre and Post Road condition surveys
- . Bonding/Payment requirements

**\*\* Zoning Code Amendments:**

- . Revised Definitions
- . Revisions to permitted uses
- . Minor changes addressing Performance Standards
- . NEW SECTION 618- Natural Gas and Petroleum Extraction

**\*\* Principal Aquifer Overlay District:**

- . Based upon published NYSDEC map
- . Identifies a significant Town Environmental Resource
- . Establishes 11 (eleven) Prohibited Uses including:
  - storage of hazardous/toxic material
  - underground injection of wastes
  - surface application of wastes not included in a Comprehensive Nutrient Management Plan
  - drilling operations for Commercial Use or Re-Sale

Attorney Emborsky stated the next course of action for the Board is to review the draft documents to fully digest the recommendations of the Steering Committee. Attorneys Emborsky and Campbell will also review the draft material in order to be versed. It will then be up to the Board to decide whether or not to take action.

Supervisor Deming informed the public that the committee's recommendations submitted this evening will be sent to Clerk Harris within the next day or two, and will then be posted on the Town's website: [www.yorkny.org](http://www.yorkny.org) .

The Board thanked Mr. Gardner for the presentation and proceeded on with the rest of the regular Town Board Meeting.

### HIGHWAY REPORT

Mr. Worden reported the Highway crew has been busy ditching our roadsides and some County roads as well. Prep work is underway for McKenzie Road tiling, with signs to be posted next week.

Mr. Worden informed the Board, at their request, he spoke with two people in regards to the parking lot resurfacing, but no quotes have been submitted as of yet.

Mr. Worden stated he received a price quote from Lakeland Equipment for a John Deere 390 Heavy Duty Flail Mower. The suggested price was \$ 6,168.61, but with customer discounts the new total is \$ 5,245.00. Mr. Worden commented he wished to view what was available at the Palmyra Auction before purchasing a new one and had a range of \$ 2,000.00 if a decent one was available.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Highway Superintendent, Mr. Worden permission to attend the Palmyra Auction to view mowers and if one becomes available around \$ 2,000.00 to purchase it, otherwise he will be buying the new flail mower from Lakeland Equipment, in the amount of \$ 5,245.00. Voted on and approved, Yes-5, No-0.

### WATER/SEWER REPORT

Mr. McCracken reported the Water Department continues its routine mowing cycle and changing out of stopped or malfunctioning meters. Mr. Worden and Mr. McCracken commented they will be watching Geneseo closely through their upcoming project, with its target date set for Friday, May 17<sup>th</sup>. Mr. Worden stated the majority of the restoration for the Route 63 project has been completed, with a bit more to discuss with Mr. Morsch.

Mr. Worden informed the board of a water problem on Rt. 63 in Piffard at the Wasserman property. Ms. Wasserman expressed to Clerk Harris her continued ponding issues on her property and asked if anything could be done. Mr. Worden stated once he received the message he, along with Supervisor Deming and Mr. McCracken visited the area to inspect the situation. After review it was determined that cradle water was trapped under her driveway, creating the problem. The Water Department was able to tile the section in need and the area should dry out quickly if the weather permits. Mr. Worden stated we will restore Ms. Wasserman's lawn and driveway to its original form.

Mr. Worden reported the saddle issue is still under investigation. Council Member Parnell asked how many still need to be replaced and questioned the already restored areas. Mr. Worden replied we have a total of 39 in the project and even though portions of the right of way will be affected, it will be a much smaller hole to restore after saddle replacement.

### NEW BUSINESS

1) Letter received:

Supervisor Deming reported the Board members received a letter recently from an individual, outlining properties in the Town of York in need of attention. Although the

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Dear Town of York Board members,

For the past couple of years I have been bothered by the way our Town looks. It has a look that you want to close your eyes when you drive through it and that is not right as York is a beautiful town.

I have called or code officer several times over the past couple of years on a few things and it does not seem to help. I always get told that he does not have to do anything about the properties unless he gets a written complaint and I have been told this more than once. Even though I have told him about a couple of properties that need attention nothing has been done for years.

I am now taking it one step further as I went out and drove around the York area and wrote down some addresses that need attention. Some did not have a house number so I described them as best I could. I am ashamed at myself for not responding to the board sooner but I was amazed when I went to the Town website to find out that out code officer makes \$13,912.00 a year for what!

I am floored in this day and age that someone could not do their job for years and have a Town board let him. I looked at the minutes and I never hear him speak on anything new or what he is working on. I cannot make most meetings but I feel as though us Town folks should know where this money is being spent.

The following list are the properties that I found just by driving by and easily the junk in the yard, abandoned cars, debris all over the property, garbage by the side of the road. If I can do this at my age I am guessing that our code officer who gets paid for this should be able to clean our Town up.

1. 2801 Rt. 63 2 abandoned cars and a car port that has been there for 5+ years. A building permit for the carport?
2. 2866 Rt. 63 home is in real bad shape, junk in lawn
3. Yellow trailer across the street from Buicci home on Rt. 63. Home not numbered several junk cars, garbage all over lawn.
4. Mr. Vitale property Rt. 63 this has been an eyesore for 10+ years, junk, no garage door, and garage is a mess.
5. 3125 Craig Rd. junk all over property
6. Next to 3125 Craig Rd. junk behind property
7. 2207 River Rd. 3 unlicensed cars, a portable shed (permit?), junk all over property. He has been working on a deck for 3+ years now (permit?)
8. 3300 Fowlerville Rd. Junk on property
9. 2573 York Rd 6+ junk cars
10. Trathens Logging Rt. 36 Pile of tires for years
11. 3146 Retsof Rd junk all over property
12. 2719 Dow Rd. 3 junk cars
13. 3387 Retsof Rd. Junk on property
14. 3581 Retsof Rd. Junk on property
15. Roses Bar Rt 63 and Rt 36. Disgrace to neighbors, been empty for 20+ years and look at the junk all over. Isn't Mr. Rose a board member?
16. Rose's garage. Whole property is a mess. You can have a business without having the mess all over. Some of the stuff has been there for 20+ years.

17. 3354 Fowlerville Rd. Property is a mess. Tree fell 2 years ago still there, garbage is left at curb 24 7 and blows all over.
18. 3850 York Rd. Garbage and junk all over, gutters, shed falling down
19. 2604 Chandler Rd. Junk and debris around home. 5 unlicensed trailers on property.
20. 2674 Chandler Rd. Mr. Rath is living in a barn.
21. Next to 2680 2 homes no numbers, junk all over cars dismantled
22. 4059 Caledonia Rd. Newer home with junk all over property
23. next to 4020 Caledonia Rd. Person is dumping fly ash in ditch
24. Joey Cuozzo horse shed and hay storage on town right away. Does he have a permit? His property looks really bad also.
25. 2489 old state rd portable shelter Building permit?
26. Right before the railroad tracks on Old State Rd. huge garbage pile on property
27. 4048 York Rd. Barn falling down hazard
28. 4196 York Rd Junk on property
29. 3566 Fowlerville Rd. Junk cars, junk around home.
30. 3596 Fowlerville rd Junk cars
31. 3663 Fowlerville Rd. Junk around home, is house livable cant get to home.
32. 2278 River Rd. Junk around home garage door falling off house is a mess
33. 2250 River rd. Junk around newer home
34. Abandoned home Fowlerville Rd. Permits for work being done? Can they clean the junk up and not just push it around in piles?
35. Lopp farm. I complained to the code officer a couple years ago about this. He told me he has no jurisdiction over farms! I took what he said and called NYS codes division and was told he has no right to do yearly inspections but has the authority to make them comply with the codes. This property is a MESSSSSSSSSS.
36. 2945 Fowlerville Rd. Home is always a mess, junk on property.
37. 3295 Fowlerville Rd. Junk around home.
38. 3304 Fowlerville Rd. Junk around home.
39. 2119 Fowlerville Rd. "wall" residence. He has several 4+ sheds on property, a portable building for his motor home any permits?
40. Property next to Mr. Wall on River Rd. you cant even get to the door. The worst I have ever seen!!!!!!! Barn falling down its bad!
41. Small home on Fowlerville Rd. past Casey Rd. on left. (Wall property) has been empty for 2+ years with a lot of junk on property, tires etc.

I hope you understand that this is a small portion of homes in our hamlet that do need some attention. I did not have to look very hard to find problems with these homes. I did not cover the whole Town as I feel that is what the Code Officer gets paid for. I was going to print out pictures but I felt that it was a waste of my money.

I am asking to please do something about these properties as the weather is getting nice and I like our Town but not in its current state. I don't wish to get anyone in trouble but I do feel as though it is inappropriate to tell someone that they need to put the complaints in writing before something is done about the above issues.

Thanks

author did not sign the letter, frustration was expressed by the number of properties (41) they feel should be addressed by the Zoning Officer and cleaned up. Mr. Deming asked Zoning Officer, Mr. Peter if he had reviewed the letter, which he replied he had and stated a number of the properties listed are legitimate complaints, that he will take action on. Mr. Peter commented those in need of cleanup will be receiving letters from him shortly. Councilman Deuel stated there are a number of places throughout the Town with "stuff" on their property, are we able to send a letter to all. Mr. Peter stated we are able to follow through with some, but not all properties although a bit unkept, are in violation of our codes. Attorney Emborsky asked of the 41 listed in the letter, how many are actually in violation. Mr. Peter replied he read through each of the properties and their issues, but did not actually count the number in violation.

The Board agreed it would be appropriate to review the list with Mr. Peter to make sure everyone is on the same page.

### 2) DSS participation:

Supervisor Deming reported he received a request from the Livingston County Department of Social Services for the Work Experience Program (WEP) and asked if the Town of York wished to sponsor an individual once again. Highway Superintendent, Mr. Worden commented we participated in the program a few times, only to have issues with each of the workers, making a great deal of work for the Town. Mr. Worden added we have very capable part-time help and feel comfortable with the qualified crew he has. Councilman Rose stated with the program the Town would still have to pay the workers, and if they are not as qualified, we are better off using our own people for the workforce.

The Board agreed to authorize Supervisor Deming to notify Social Services that the Town of York will not be participating in the Work Experience Program.

### 3) Computer Quote:

Clerk Harris discussed with the Board a quote she received from Hurricane Technologies for a new computer. Ms. Harris stated on April 30<sup>th</sup> she experienced hard drive issues and was unable to use her computer. After inspection from Kara Petti, she was finally able to retrieve the information, but highly recommended replacement due to age. The quote submitted totaled \$ 988.74 for a new workstation. Also listed in the quote was a monthly charge of \$ 37.50 for storage of data backed up daily offsite (which we currently do not have).

Supervisor Deming stated due to the workload Clerk Harris brings home, perhaps we should obtain a quote for a laptop as well. Clerk Harris agreed and stated she will contact Hurricane in the morning to prepare a quote for a new laptop.

## 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	# 126-142	\$ 7,201.17
Joint Water & Sewer	# 126-139	\$ 148,149.31
Street Lights	# 5	\$ 1,635.94
Highway Fund Claim	# 63-72	\$ 4,580.31

**ADJOURNMENT**

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until May 23<sup>rd</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk