

York Town Board Meeting  
May 8, 2014

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

Absent: Frank Rose Jr.

Others: George R. Worden Jr. (Highway Superintendent), Kirk Richenberg and  
Carl Peter (Zoning & Code Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited  
Councilman Gates to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the  
minutes of the April 24<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-4,  
No-0.

HIGHWAY

Mr. Worden informed the Board the highway crew has brought all necessary  
equipment (trucks, loader and extra fuel tank) to the Palmyra Auction, which will  
take place this weekend, May 10<sup>th</sup>.

Mr. Worden reported the men have been conducting routine maintenance to  
the existing equipment and have also begun mowing.

The County has completed their work to Fowlerville Road at this time, but did  
ask us to ditch and then wedge from Route 36 to the hamlet area, (bypass  
Fowlerville Square) and then continue to the River bridge.

Mr. Worden reminded the Board of the upcoming date for brush cleanup,  
which is Monday, May 19<sup>th</sup>.

Mr. Worden stated we unfortunately did not receive the bid for the chipper,  
located in Weedsport, but did inform the board of another. After reviewing the  
Palmyra Auction Equipment for sale, he noticed a late 80's early 90's diesel  
powered chipper, from the Village of Newark. They believe they will get in the  
neighborhood of \$8,500.00 for the chipper, which includes additional parts as  
well. Supervisor Deming suggested Mr. Worden contact the Newark  
representative about the chipper, prior to auction to verify its reliability.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing  
Highway Superintendent, Mr. Worden permission to bid on the chipper at the  
Palmyra Auction, not to exceed \$8,500.00. Voted on and approved, Yes-4, No-0.

Councilmember Parnell asked Mr. Worden his time table for road patching, due to the numerous pot holes throughout the town. Mr. Worden replied patching is contingent upon decent weather, so weather permitting, hopefully next week we can begin. The delay in patching was having to wait for the black top plants to be up and running to obtain material, which they now are.

#### WATER/SEWER

Mr. Worden informed the Board of a water meter issue this winter. A resident had not properly protected the meter area with heat tape, ultimately breaking the meter and needing replacement. He was made aware of the need to protect the meter further during colder weather, which he did not, and now has a second cracked meter that needed to be replaced. Mr. Worden asked the Board how they wish to proceed. Supervisor Deming asked if the customer had inquired about a water adjustment. Clerk Harris stated he had not requested an adjustment for the first meter issue and only knows now that an enormous amount of water had recently gone through the second meter before it was replaced. Mr. Worden stated this structure is a manufactured home and does not currently have a meter pit but thought perhaps they should if the existing meter cannot be protected from the elements. Supervisor Deming asked Mr. Worden the price for a meter pit, which Mr. Worden replied roughly \$695.00. The Board discussed preparing a letter stating that the Town has replaced two meters in a short span of time and will not be replacing additional meters if the matter continues, replacement will be at the homeowner's expense. Mr. Worden stated if the homeowner is willing to pay for the meter pit, the Water Department would install it. Councilman Deuel commented if he chooses not to install the pit, will he be responsible for future meters? The Board and Mr. Worden replied he would.

Mr. Worden stated the Solar Bee unit is up and running very smoothly. We will be sampling for THM's next week, which will give us a true read of how well the system is working.

Supervisor Deming reported he received correspondence from Mark Grovanz, Director of Environmental Health at the Livingston County Department of Health regarding McVean Road. Mr. Deming stated Town Engineer, Mr. Wies submitted a letter to the County inquiring about the conceptual design approval for a water main extension along McVean Road. The County conveyed their willingness to review and process plans and documents associated with the approval of a Public Water Supply Improvement.

Mr. Worden stated he will be meeting with Eric Wies on Monday to discuss additional water options for Linwood residents, as well as Route 36 water main replacement project.

Supervisor Deming commented he has scheduled a meeting for Friday with Rick Henry of Clark Patterson Lee to review and discuss potential consolidation for Linwood area.

Councilman Gates asked if the proposed McVean Road water main would go as far as Korth Dairy Farm on Telephone Road, which Supervisor Deming replied, it would not. Mr. Worden commented Kennedys' have also expressed an interest as well.

**RE**  
BY PAB

**ED**  
15/5/14 DATE

May 1, 2014

2668 Main St.  
P.O. Box 187  
York, N.Y. 14592

Dear Mr. Deming and Members of the Board,

I am writing to request your consideration for a reduced speed limit on MacIntyre Rd., between the Telephone Road intersection heading south to the curve located at 1723 MacIntyre Rd.

As a life long resident of this road, I have witnessed on countless occasions, drivers speeding past the house causing potential danger to property, pedestrians and other drivers.

Within a 100 yard stretch of the road, which includes 1652, 1656 and 1668, there are 5 children that are or will be living there within the upcoming months. 3 of these children are of school age and require the school bus to stop twice daily.

In mid April the Livingston County Sheriff's office was notified and a Deputy was dispatched to take the complaint. I have noticed they are patrolling more frequently now however it hasn't seemed to deter the problem.

Thank you for your time and consideration. I will make myself available for further discussion by phone or in person if needed.

Sincerely,



Gerald MacIntyre  
1683 MacIntyre Rd.  
Town of York  
245-2500

## OTHER

### 1) Steering Committee recommendations:

Councilman Deuel asked if we have spoken with Attorney Campbell as to the status of the Steering Committee's recommendations. Mr. Deming stated Mr. Campbell is finalizing the report and will have it by our next meeting.

## NEW BUSINESS

### 1) Village of Geneseo:

Supervisor Deming reported he received a notice from the Village of Geneseo. The Village Board recently approved an across the board increase in water rates of \$.10 per hundred cubic feet, resulting in rates being established at \$2.45/100 cubic feet for 2014-2015. The new increase will be first reflected in the August billing from the Village.

The Board agreed they need to review our existing rates and upcoming charges, in order to decipher what future course of action must be taken.

### 2) MacIntyre Road request:

Supervisor Deming read aloud a letter from Gerald MacIntyre of MacIntyre Road, requesting a speed limit reduction. Mr. MacIntyre stated he has witnessed on countless occasions the potential dangers to families within the area due to excessive speed.

Supervisor Deming conveyed his belief that every Town and County Road should be 45 mph. Mr. Worden stated if two town roads intersect, we are able to render a decision regarding speed limit, but 1 town and 1 county road we must obtain approval thru the Traffic Safety. Council Members Parnell and Deuel stated they have rejected previous reduction requests and feel this area too, is not warranted for a reduction.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to reject the speed limit request submitted by Gerald MacIntyre. Voted on and approved, Yes-4, No-0.

### 3) Route 36 Water Main Replacement:

A-RESOLUTION:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the following:

**CLASSIFYING THE 2011 WATER SYSTEM IMPROVEMENTS, N.Y.S. ROUTE 36 WATER MAIN, IN THE TOWN OF YORK AS A TYPE II ACTION PURSUANT TO 6 NYCRR 617**

REGARDING THE STATE ENVIRONMENTAL REVIEW PROCESS  
CERTIFICATION

BE IT RESOLVED BY THE YORK TOWN BOARD AS FOLLOWS:

**WHEREAS**, the goal of this project is the replacement of the existing water main along New York State Route 36, and

**WHEREAS**, the New York State Environmental Quality Review Act (SEQR) and its implements regulations a 6 NYCRR part 617.5 ( c ) (2) states that the replacement, rehabilitation or reconstruction of a structure or facility in kind on the same site shall be considered a Type II action under SEQRA, now therefore be it

**RESOLVED**, that the Town of York hereby classifies the N.Y.S. Route 36 water main replacement as a Type II action pursuant to 6 NYCRR part 617.5 ( c ) (2), and be it further

**RESOLVED**, that based on the classification of this action as a Type II action, no further environmental review of this Proposed Action is required under SEQRA.

This resolution shall take effect immediately,

Voted on and approved, Yes-4, No-0,

Gerald L. Deming	Aye
Lynn Parnell	Aye
David Deuel	Aye
Norman Gates	Aye

OTHER

1) York Fire Department

A- New Member:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel approving the membership of Paul Caton to the York Fire Department. Voted on and approved, Yes-4, No-0.

2) Seniorama:

Supervisor Deming stated the 2014 Seniorama at York Central School will take place this Saturday, May 10<sup>th</sup> at 1:00 p.m. The Town of York recipients this year are Earl and Barb Lubanski.

3) York Valley Fest:

Councilwoman Parnell updated the Board on the status of the Valley Fest. Mrs. Parnell stated unfortunately the York Quilt Guild will not be participating this year, but in its place inside the Town Hall, antiques will be brought in for

appraisal purposes. In order for the public to participate, the fee will be \$5.00 per item. Devin and Linda Richards are spear-heading the 5K run/walk, which next week we will be able to confirm and finalize the details of. Four food vendors have confirmed: Lonsberry Concessions, Yorks Landing, York Fire Department (Bill Hasler) and The Krash Landing. Several craft vendors as well. Mrs. Parnell stated the sponsorship has been very good this year, commenting the Valley Fest is grateful for their continued support. The Petting zoo will be here once again, with other agricultural displays as well. The large tent has been secured once again and Letchworth Park graciously donated four (4) 10 x 10 tents for the event. Mrs. Parnell reported she was able to obtain the Livingston County Chamber grant again this year, which will be put to good use.

#### 4) Walkway:

Mr. Worden informed the Board that a portion of sidewalk on York Road West has heaved once again. With the price of concrete perhaps we should locate other areas in need to make it worth ordering a load. Supervisor Deming asked if the area could be mixed and poured ourselves rather than ordering, which Mr. Worden replied we could.

Mr. Richenberg suggested shaving off the elevated portion of the sidewalk in need, rather than putting additional money for a new slab that may have the same result. The Board and Mr. Worden agreed Mr. Richenberg's suggestion may be the way to proceed.

### PRIVILEGES OF THE FLOOR

#### 1) Kirk Richenberg:

Mr. Richenberg asked to speak with the Board this evening to discuss and express his disappointment with the meeting held on Tuesday afternoon with Assessor, Anne Sapienza regarding agricultural information. Mr. Richenberg stated few questions were answered before Mrs. Sapienza abruptly left the meeting, and felt that was unprofessional.

Supervisor Deming stated in his opinion Mrs. Sapienza was frustrated, not quite sure how to further explain the information and knew her answers were not acceptable to you. Mr. Richenberg commented while discussing Ag value assessments, rather than answering his questions she referred him to the State website. Mr. Richenberg stated overall he was not happy with the answers given, or lack thereof. "If Mrs. Sapienza is not able to answer the hard questions, put him in touch with who can". Mr. Richenberg addressed the comment made for an on-site inspection of the property (home), and feel there is no reason or avenues that allow the Assessor to enter the residence. Supervisor Deming replied she should have the right to enter a structure in order to obtain the most accurate information for that parcel. Mr. Deming added, over the years numerous residents have asked Mrs. Sapienza to visit for a "walk through" of the residence, in order to assess properly, as she feels it is worth. If homeowners are uncomfortable with an on-site visit or feel the assessment given is unfair, the Board of Assessment Review (Grievance Day) is the final process. Councilwoman Parnell added, an Appraisal is another avenue to assess value of a property, but has a charge. Supervisor Deming stated walk through visits are helpful to verify

bedrooms, bathrooms, fireplaces, etc. Mr. Richenberg asked why Mrs. Sapienza needs to inspect, “can’t she take residents at their word”. Mr. Deming replied the majority of property owners are wonderful with the information but sadly there are others who are less than honest with the property details.

Mr. Richenberg asked Supervisor Deming and Councilman Deuel their thoughts on the meeting. Mr. Deming stated once again Mrs. Sapienza’s frustration regarding the information she was trying to explain. Mr. Deuel added, he is well aware that Assessors are bound by State regulations and has to assess based upon those requirements. He too could see Mrs. Sapienza’s frustration and saw how it was upsetting her, ultimately removing herself from the meeting. Mr. Deuel commented we should have set a time line on how long the meeting was to run, and if questions could not be answered in that length of time, submittal to Anne for a reply would be the follow up. Mr. Deuel stated Mrs. Sapienza didn’t explain as well as she could have, perhaps needing more layman’s terms. The majority of the jargon used was terminology she was familiar with, but not as much with the others. Councilman Deuel added, ultimately she cannot change the policies and/or procedures associated with assessing, she has to follow what is in place. The Town can’t dictate how to assess, the State of New York regulates that.

Supervisor Deming stated to Mr. Richenberg, entering the meeting Mrs. Sapienza felt you were challenging her ability as an Assessor, which she takes great pride in. Mr. Deming commented he feels Assessor Sapienza does a wonderful job and hopes she continues for many years to come.

Mr. Richenberg stated the purpose of the meeting was to have answers to his questions, but with her departure he was unable to get them. Supervisor Deming suggested writing or emailing Mrs. Sapienza with the remaining questions. Mr. Richenberg stated once again that the meeting was not to his liking and was disappointed with the outcome.

Supervisor Deming stated Mr. Richenberg’s comments were duly noted.

## BILLS

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

General Fund Claim	#144-161	\$ 10,961.49
Joint Water & Sewer	# 111-121	\$ 109,914.53
Youth Fund Claim	# 5	\$ 316.39
Street Lights	# 5	\$ 1,613.77
Highway Fund Claim	# 91-99	\$ 2,518.36

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until May 22<sup>nd</sup>. Voted on and approved, Yes-4, No-0.

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

Respectfully Submitted,

Christine M. Harris, Clerk