

York Town Board Meeting  
June 12, 2014

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

Absent: Lynn Parnell

Others: George Worden Jr. (Highway Superintendent), Barbara & Jerry Ayers, Henry Fuller, Kirk Richenberg, Carl Peter (Zoning and Code Officer) and Dustin Geiger

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the May 22<sup>nd</sup> Town Board Meeting. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR

1) Barb and Jerry Ayers:

Mrs. Ayers stated she was recently made aware of the Board's decision authorizing preparation of championship signage for the 2006 and 2008 girls soccer teams. Mrs. Ayers commented after reading town minutes and speaking to others several questioned how the Board can allow recognition of one sport over others. Mrs. Ayers quoted comments/questions from previous town meetings. In such meetings, Mr. Worden expressed concern if additional requests come after the 3 signs have been posted to the existing Town of York signs. Mrs. Skeffington and Mrs. Gates referenced the soccer championship seasons (2006 and 2008) and wished to reward them with signs, commenting how difficult it was to achieve. Mrs. Ayers stated championships are extremely difficult to come by, individual more so than team related. Mrs. Ayers added although the soccer teams were discussed, surely their daughter Courtney's accomplishments should be mentioned and recognized as well.

Supervisor Deming stated it was an error on the Board's part to omit Courtney as a State champion for track and field, and since this was brought to our attention, was made aware of another in wrestling. Mr. Deming continued by saying that the Board discussed the Odyssey of the Mind programs, with the State and World Championships they have attained, and questioned if they should be placed on the Town signs as well. Councilman Rose added perhaps school related signs should be placed on the grounds entering and/or exiting the property, maybe even having a billboard of some kind erected for all. Mr. Ayers asked whom the State Champion was for wrestling, which Councilman Deuel replied Bob Hilderbrandt. Mr. Deuel commented when the request first was brought to

the Board he expressed reservations, his belief is that all activities (Odyssey of the Mind, Sports, Band, etc.) should be completely posted on school grounds where it was achieved through. Councilman Deuel suggested contacting York Central School Boosters to perhaps design a bulletin board appropriate for all activities to be displayed.

Mr. Ayers stated Pavilion recognized a baseball championship and many other schools have recognized their achievements. By reading the minutes it appears that the soccer signs have been approved, but what about other champions. Mr. Ayers stated after 20 years of dealing with the York Central School district and the community, he feels that the girls' programs have a "glass ceiling". Girls programs have not had the advantages that boys did, and if it wasn't for parents insisting on improvements, it would not be where it is today, and still more has to be done. Mr. Ayers commented years back he was a parent willing to make and pay for the first bleachers at the school, so he has been very much a part of the needs of the community. Mr. Ayers continued, after Courtney was successful in her track and field events, he went to the school to view the records, but noticed they were not displayed, ultimately then constructing a board to view. Mr. Ayers stated Title 9 may have been passed but things are certainly not equal. If the boys' teams had won State championships, the signs would have been up already.

Mr. Ayers reported in 2008 then Leicester Supervisor, Gary Moore told him signs would get posted, but wondered why the Town Board's needed to be involved, the school should have worked out the details. Mr. Ayers added he has followed this process for the past 5 years, with no action until now with the soccer signs. Mr. Ayers commented in his opinion, the Town Board feels an individual championship isn't as important as a team championship. Track and field goes from a team sport to an individual concept, making it even more difficult. Team championships are valuable, but individual achievements are harder to accomplish. Mr. Ayers added in the events Courtney competed in, she won Class C and D State Championships, and a Federation championship.... which is for the entire State of New York. Mr. Ayers stated he does not want to dismiss soccer's accomplishments, but Courtney's was equally if not more difficult to achieve and should be recognized. Councilman Rose asked Mr. Ayers if he has made this statement to the school, which Mr. Ayers replied he has and to no avail. Mrs. Ayers asked how the Board picks who to recognize?, the Board is making a decision to honor soccer over other sports and programs.

Councilman Deuel stated once again the Board's initial reservation in getting involved regarding signage. The signs we view in other areas, are in villages, which we are not one of. Mr. Deuel believes any and all signage should be at York Central School for all activities, and the Town should remove themselves from the issue. Mr. Ayers stated they support the decision to have signs, but wanted to add all worthy recipients.

Supervisor Deming reported several years back the school ordered and paid for signs, with the Town offering to post them. Once the State did not grant permission to place them roadside, we assumed the signage would be placed on school grounds, but did not happen. The State conveyed to us that signage could be added to our existing "Town of York" signs, but the Board questioned only

minimal room is available if more signs were to come in the future. Mrs. Ayers asked the size of the signs, Mr. Worden replied 12 x 42. Supervisor Deming stated the signs the school ordered are purple and gold, which will not match the existing Town sign. The proposed signage had a hunter green background with gold lettering, colors that would fit what we already had. Mrs. Ayers commented after reviewing the existing Town sign, it looks as though room would be available for additional signs.

Councilman Deuel stated he feels the Town Board made a mistake in getting involved in this matter, ultimately approving signage and believes we should rescind the resolution made previously. Councilman Rose agreed and commented the sign matter should be the responsibility of the school.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to rescind the previous resolution of March 27<sup>th</sup>, 2014 approving preparation of (4) Championship signs for girls soccer and to further authorize Supervisor Deming permission to refund the \$400.00 donation check to Donna and Tom Gates. The Town Board will also send a letter to the York Central School Board seeking further discussion with them for a possible solution to the request. Voted on and approved, Yes-4, No-0.

**\*\*Comment:**

Mr. Peter suggested proposing to the school the possibility of posting track and field records on the football field scoreboard, due to the location of where the record(s) were actually achieved.

**2) Henry Fuller:**

Mr. Fuller asked to speak with the Board this evening on a variety of subjects. He stated, over the past few years he has questioned taxes (payment in kind) for the Greenway. As he understood it, the State was suppose to pay taxes, on it, and wondered if the Town of York has received any compensation. Supervisor Deming stated they maintain the Greenway themselves and to date we have yet to receive any money. Mr. Fuller commented there are two Greenways, but they seem to have disappeared from the tax roll and we have nothing to show for it.

Mr. Fuller questioned if the County was done with their project on Fowlerville Road, which Mr. Worden replied they are not and is waiting as well for a status on. Mr. Worden suggested contacting the County directly for an actual update.

Mr. Fuller asked the status regarding the fracking recommendations from the Town Attorney. Supervisor Deming reported the Board has a draft copy in our possession and will be having a work session to review. After such session if the Board is comfortable with the language, a Public Hearing will be scheduled thereafter.

Mr. Fuller asked the Board why the Smith's barn restoration project has not been reclassified due to their intent. Zoning & Code Officer, Mr. Peter stated the property does not have to be reclassified, and has a variance to modify the existing building. Mr. Peter added they must also submit further plans for approval in order to meet Commercial code. Mr. Fuller asked if their taxes will be based on Commercial status, which Supervisor Deming replied will be the

Assessor's department to determine. Mr. Fuller questioned if they will be required to pay a penalty for a change in use. Councilman Deuel answered if you take agricultural land out of the Ag district a penalty will be incurred, if the barn is used for commercial purposes, it may be taxed differently, but not paying "back taxes". There should not be a penalty on the land the building sits on.

Mr. Fuller questioned if the Board has a copy of the regulations pertaining to spreading of manure. Mr. Fuller stated he has obtained a copy and discussed ground spreading and its regulations, probably through the CAFO (Concentrated Animal Feeding Operation) Program. Mr. Fuller stated he is unsure as to the number of trucks permitted per acre, which Councilman Deuel replied 10,000 gallons (manure) is allowed per acre. Mr. Deuel and Supervisor Deming commented the State has many regulations and permits to apply for, but monitoring thereafter is usually minimal.

Mr. Fuller addressed with the Board the meeting with the Assessor. He stated it was not what he expected, and felt it was wrong for her to leave before all questions were answered, especially since she requested the meeting. Supervisor Deming clarified that he in fact requested the meeting to obtain answers for Mr. Richenberg & Mr. Fuller, not Mrs. Sapienza. Mr. Deming stated after the meeting was cut short, he did suggest to Mr. Richenberg at the May 8<sup>th</sup> Board Meeting to write or email Mrs. Sapienza with his remaining questions and conveyed this to Mr. Fuller tonight. Supervisor Deming stated if issues were still outstanding, the Board of Assessment Review was also another avenue to proceed in. Mr. Fuller stated he did prepare documentation for that Board and received an answer from them, but felt it was the Assessor's responsibility to answer questions and thought she was unprofessional. Mr. Richenberg added, if we are unable to get answers from the meeting held, why bother writing them down. Supervisor Deming replied he feels Mrs. Sapienza would address the questions in writing.

Mr. Fuller stated the last issue to discuss is Tuesday night's Planning Board Meeting. He feels there should have been more public input/comments pertaining to the Smith project. Zoning & Code Officer, Mr. Peter stated public comment was allowed through the Zoning Board's Public Hearing and even after their approval, Smith's will still need to submit site plan review to the Planning Board. Supervisor Deming stated the purpose of all public hearings is to present information to the given board(s) and to allow the public to comment or ask questions on the subject matter, which was done.

### 3) Patricia Gardner:

Clerk Harris informed the Board Mrs. Gardner was unable to attend tonight's meeting, but did submit a letter to be read aloud.

Mrs. Harris read the following:

York Town Board  
York Fire Department  
Pavilion Fire Department,  
and all other area fire companies

We want to go on record publicly to say thank you to ALL of the fire companies and their volunteers, for the TREMENDOUS job they all did at the fire in Pavilion on June 1, 2014.

Our son Tim lives/lived in the adjacent upstairs apartment “of the building still standing” in Pavilion. The only word that I can use to describe that Sunday afternoon/evening is UNBELIEVABLE !!!

The orchestration of all those tankers lining up into position along Rt. 63, dumping their water and then refilling over and over again was...unbelievable !

Standing by and helplessly watching the whole procedure, when the smoke allowed it, was beyond words. The foundation of my son’s apartment was just three feet from the burning building, and for it (and his car) to be saved, we are just very thankful.....

To ALL of the volunteers from all of the companies that were present and for all of those that filled in at all of the “home” stations: **thank you very much !**

Sincerely,

Dean Gardner Sr.  
Patricia Gardner

2714 Chestnut Street  
York, NY 14592

#### HIGHWAY

Mr. Worden thanked the Board for allowing him to attend the Highway Superintendent’s school, stating how informative it was.

Mr. Worden reported drainage pipes on Casey Road and the upper end of Dow Road will be replaced, but will be scheduled after school is officially out, not wanting to disrupt bus schedules. Some of our crew has been assisting the County recently oil & stoning. Mr. Worden stated the County is in the same predicament as we are, they too are shorthanded. Mr. Burger is still out and will probably remain out until late July early August. Part-time help, John Smith has also been sidelined as well. Mr. Worden stated he has spoken with two people about using them for part-time assistance. One individual has submitted his completed application to the office staff but we are still waiting for the second.

## WATER/SEWER

Mr. Worden stated he recently received the Wadsworth watermain replacement plans from Clark Patterson Lee. Supervisor Deming asked when will we be able to go to bid, Mr. Worden replied he will know more by Wednesday of next week, and have all the details outlined for the June 26<sup>th</sup> Town Board Meeting.

Mr. Worden informed the Board of yet again another water break on Route 36 last Friday. Due to the timing and unavailability of majority of town employees, Mr. Worden contacted CP Ward for additional manpower. Mr. Worden commented the break occurred roughly 20 feet from the last watermain dig, but stated the correction was a smooth one.

Mr. Worden stated that a representative from SolarBee was out this week to review the system. Everything has been running well, but we would like to do some re-wiring in spots to make it easier to view rather than climbing the water tank ladder each time for reading of results.

Mr. Worden reported two inspections took place this week. Mr. Hodges assisted the NYS DEC with their inspection of the Retsof Treatment facility and a PESH inspection was conducted as well. They will be preparing a review of the inspection for us. Mr. Worden stated both agencies were very thorough, and stated we are compliant in all major aspects of regulations.

## NEW BUSINESS

### 1) Time Warner:

Supervisor Deming reported we received documentation recently from Time Warner in regards to renewal of services. Mr. Deming stated after review of the contract, he has several questions that need to be answered prior to proceeding with a Public Hearing, and will be contacting them directly.

### 2) Roger McCracken:

Supervisor Deming reminded the Board of the Open House retirement celebration scheduled for Roger McCracken. The gathering is scheduled for Tuesday, June 17<sup>th</sup> at the Yard of Ale, from 7-8:30 p.m.

### 3) Caledonia Trail Blazers:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trail Blazers Inc. Snowmobile Club for the 2014-2015 season. Voted on and approved, Yes-4, No-0.

## 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	# 172-201	\$ 24,034.74
Joint Water & Sewer	# 128-145	\$ 132,074.65
Youth Fund Claim	# 7	\$ 403.00
Street Lights	# 6	\$ 1,498.22
Highway Fund Claim	#107-119	\$ 6,839.99

OTHER

1) Request:

Mr. Ayers verified with the Board their intention to draft a letter to the York School Board to outline the discussion this evening. Supervisor Deming stated he will be contacting Dr. Murray in the morning to express the desire to be added to the agenda in the near future to discuss the request(s) further pertaining to signage.

Mr. Ayers asked if the Town has any viable contacts at the State in regards to sign postings. Mr. Worden replied the Town needs to obtain permission, the same as other agencies and added many of the existing signs we view in other towns were placed prior to the strict guidelines we have to abide by today. Many of those signs were posted without approval, which we are not going to attempt.

2) Policies:

Mr. Richenberg asked the Board what the limits are for hiring personnel and buying equipment. Supervisor Deming replied if the Town is preparing to hire we make sure the existing budget will be able to sustain the new employee(s). As far as equipment, if a large project over \$30,000 is being proposed, we are legally required to present such project to the public (informational meetings and/or public hearings).

Mr. Deming stated the Town of York adopted a Procurement Policy in 2006 governing procurement of goods and services, not subject to the bidding requirements of the General Municipal Law (103). Supervisor Deming reported the Board votes on anything over \$ 1,000.00.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adjourn the Town Board Meeting until June 26<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:35 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

