

York Town Board Meeting
July 10, 2014

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

Absent: None

Others: George Worden Jr. (Highway Supt.), Carl Peter (Zoning & Code Officer) and York Central School Board Members: President, Joseph Graves, Thomas Gates and Robert Smith

Supervisor Deming opened the Town Board Meeting at 7:02 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to approve the minutes of the June 26th Town Board Meeting. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported, Town Board members attended Monday night's School Board Meeting to discuss comments made at the June 26th meeting pertaining to the Boards being at "odds" with one another. Mr. Deming stated all of the YCS members were surprised to learn of the statement made and didn't believe there were any issues. Supervisor Deming asked YCS Board President, Mr. Graves if he wished to address the matter this evening.

Mr. Graves stated he and the School Board were surprised to learn of the comment made. All members appreciate the existing relationship between the school and the town and hope it continues and was not aware of any outstanding issues.

Supervisor Deming stated he and Councilwoman Parnell met earlier with School Board members to further discuss options available regarding previous requests for Championship signage. Mr. Graves commented that he asked his Administrative Team how to evaluate a process to recognize worthy teams. Mr. Graves stated he wished they had created a criteria years ago, but must now move forward on determining when and where to place signs on school grounds. Mr. Graves expressed York Central's point of view as well as the York Town Board's, is to find a way to recognize our talented youth. There are steps that still need to be taken, with perhaps some challenges ahead (State approval). Mr. Graves stated their discussion Monday evening was to "put the brakes on" until creation of this criteria is in place. Further discussion will take place, maybe by the September time frame, when more information is obtained.

Supervisor Deming commented the Town Board will be discussing the matter at great length a bit later in the meeting if School Board members wish to remain.

HIGHWAY

Mr. Worden reported he has yet to hear from the County Highway Department the status of the Fowlerville Road project. We are waiting for a representative to map out a plan as to how they wish to proceed.

Mr. Worden stated several trees came down after the last wind and rain storm. A tree on River Road fell, pulling down power lines in the area. Half of a tree was in the road right of way, with the remainder on the owner's property. Mr. Worden stated the homeowner will be marking which trees he wants removed and we will dispose of.

Mr. Worden reported the department has been completing shoulder, ditching and patching repairs on Casey Road and as well as smoothing and patching on River Road. Part-time employee, Scott MacLeod has been working out well thus far and will have a great deal of mowing ahead. Mr. Worden stated Mr. Burger's next appointment with the Doctor is scheduled for Tuesday, July 22nd. We hope to have more information thereafter. The Board asked if one of our Highway employees is still planning on retiring in January of next year, which Mr. Worden replied he is. Supervisor Deming stated once the retirement date has been confirmed perhaps we should begin seeking additional help, rather than waiting until the winter weather is upon us.

WATER/SEWER

Mr. Worden reported the water and sewer departments have been proceeding with their daily routine without issue. Meter repairs and re-setting of the water sales machine (coin meter on backside of Highway building) took place this week. The new rate for the coin meter is now set at 33 gallons per \$.25. Mr. Worden stated he does have one issue to discuss with the Board later in the evening which will require Executive Session.

Mr. Worden reported all aspects for sewer maintenance at the treatment plant have been running smoothly, no major issues to contend with.

Supervisor Deming asked if Route 36 watermain replacement project has gone to bid yet, which Mr. Worden replied it has not. Mr. Worden stated once Mr. Wies returns from vacation he will proceed with the project in Wadsworth as well as an update regarding water for the Linwood area.

OLD BUSINESS

1) Ayers correspondence:

Supervisor Deming read aloud a letter prepared by Barbara and Gerald Ayers:

RECEIVEDBY *Cmt* | 7/8/14 DATE

July 3, 2014

Gerald Deming and York Town Board
Town of York
2668 Main Street
York, N.Y.14592

Dear Mr. Deming and the York Town Board,

We have now attended and spoken at two Town of York board meetings. We have finally gotten to the crux of this matter. It appears that we are trying to reverse an action in which we were never given input into the discussion. Our desire to distance ourselves from this process has allowed our opinions to not be heard, so we will voice them now.

Opinion 1.

All organizations work best when:

1. All entities work together.
2. All entities work toward the same goal, pride of the community.
3. All entities do what they are best at doing, YCS makes selections and YTB installs signage.

So, the debate is over recognizing exceptional student achievements at YCS, within the Town of York community. York Central School did what it did best and decided that the criteria would be:

1. all State Champions in athletics
2. all World Champions in academics

York Central School formulated a plan of action to allow not only the school, but the community to share in the pride.

York Central School

1. made the selections
2. designed the placards
3. paid for the signage

YCS did what it does best. Then, they asked the Town of York to do what it does best:

1. take care of the where (locations)
2. take care of the how (erect signage)

Since there were six signs of each winner ordered, it is obvious the desire was to install them somewhere in the community, probably entry points into the town and school. This seems like a simple and worthy concept. The YTB was asked by YCS simply to erect the signs.

York Central School expected the York Town Board to:

1. seek appropriate highway permits
2. build and install signage

Instead, on September 23, 2010, the YTB passed a resolution recommending the state championship signs be placed on school grounds, with the highway department assisting if needed. If the school wished to erect signs in the New York State Right of Way, they would be required to apply for the permits to do so.

Now the YTB has placed an obstacle in front of the York Central School, instead of helping YCS get past the obstacle. The York Central School Board designated a board member to get the project back on track. Four years passed with no action.

Opinion 2

There are fifteen varsity sports at YCS, seven for girls and eight for boys. Six of these sports begin as team sports leading up to a Section V title. These same six sports then change to the best individuals only advancing to the state championship. This means that if any individual wins a state title, the Town of York would not recognize them. Statistically that means that 40% of all champions would not be recognized. This is an unfair position that the York Town Board has taken.

Opinion 3

Throughout these discussions the York Town Board has justified their position with obstacles like:

1. signs too big
2. signs wrong color
3. signs cannot be permitted on state highways
4. selection of honorees incorrect
5. no room for future expansion

We feel that this is an unwillingness to help in the process.

Opinion 4

The timing of our inquiry as to the status of the signs and your resolution of September 23, 2010, was this just a coincidence or a retaliatory measure because we asked the question? It appears you reacted to us, not the worthiness of the project.

We hope that our opinions will be heard and considered in future actions on this subject by the York Town Board.

Barbara J. Ayers
Gerald P. Ayers

Mr. Deming stated the Board was asked at the June 26th, 2014 meeting to reconsider the action taken and reinstate the decision to approve signage to the Town of York signs. Mr. Deming asked if the Board wished to take action at this time or wait until York Central School has the opportunity to create criteria, as discussed earlier tonight. The Board suggested tabling the matter until a written criteria is prepared and then sit with the School Board and our local representatives to discuss and review how to proceed.

CouncilMember Parnell commented in her opinion, if the State allows the signage in the future, she does not feel it should be placed with the Town of York signs. Councilman Deuel stated we have two Towns and a Village that make up the school district. As stated previously, championship signs he has viewed have been in Village settings where lower speeds make it possible to actually see such signage. The signs may not be as readable on major highways with traffic moving at higher speeds. Mr. Deuel added, after attending an event at the school not too long ago, he had the opportunity to view the banners and trophies on display. Mr. Deuel stated at these events it is important to see the accomplishments of the students and really appreciate their hard work, and gives the public time to really admire what has been achieved. Mr. Deuel stated the only downfall is that not all youth from our communities are able to be recognized. If a student happens to be a part of Scouting, 4H, Kiwanis or other organizations and has achieved awards, they unfortunately are not recognized. What they have accomplished is in no way any less important than the other recipients. Their achievements may not be school related, but still are important. Councilman Deuel stated signs in areas where the required speeds are lower and where traffic is able to view more clearly, would be best for location of signage. Perhaps the Retsof and/or Wadsworth areas. Councilwoman Parnell commented the State has always been challenging when it comes to signage, and feels it will be an uphill battle to approve signs in the State right of way. Supervisor Deming stated all signs will also have to meet the town's sign ordinance requirement as well (size). Mr. Deming added, it was referenced that the color of the signs was an obstacle the Town had created, which is inaccurate. It was the State who made the requirement pertaining to color, not the town.

Mr. Graves stated from his point of view the next step is to create a criteria to work from. Once York Central has a chance to set a criteria, it will then be presented to the Town Board for review. If both parties are comfortable with what is prepared, then contact the State to present our request. Mr. Graves stated if after speaking with the State they agree to postings, we then will decide on when & where to locate. If the State rejects our request for posting of the signs the matter will be done. Mr. Graves commented, we certainly want to recognize the students' achievements and if it all comes together to make it happen, it would be great, if not we close the book and move forward.

Supervisor Deming stated the Board will table a decision until we hear back from the School Board.

Mr. Graves thanked the Town Board for working closely with the school and expressed their appreciation for the continued support.

2) Liv. Co. Planning meeting:

Supervisor Deming reported the Livingston County Planning Board has a regularly scheduled meeting this evening with one of the items on the agenda pertaining to the

Town of York. The Planning Board will be discussing the Zoning Referral, proposed Local Law #1 of 2014, amending the Town's Zoning Ordinance. We anticipate written response shortly thereafter.

3) Storage of drilling waste question:

Councilman Deuel informed the Board of correspondence he has had with David Colligan of Colligan Law regarding a question pertaining to storage of drilling waste. Mr. Deuel stated he posed the question "Does Lenape Resources, Inc. have the right to dispose and/or store drilling waste in wells that already have a lease"? The response given was unless the owner signs a new lease with a required permit, it would not be allowable. The landowner and Lenape cannot "add to" what has already been agreed upon in the initial lease. An additional lease would be required. Mr. Colligan referenced a conversation with Linda Collart, Regional Mineral Resources Supervisor with DEC. Ms. Collart indicated that currently there are no gas storage fields in Livingston County and that no entity is permitted to store gas anywhere in the County. Councilman Deuel stated after reading Mr. Colligan's response he was relieved on the matter knowing the landowner will have to sign an additional lease.

NEW BUSINESS

1) Water Tap application:

a- Donald Gullo:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Tap application submitted by Donald Gullo for property located at 3229 Genesee Street, in the amount of \$ 1,500.00. Voted on and approved, Yes-5, No-0.

2) Routes 36 & 63 property:

Supervisor Deming asked Zoning & Code Officer, Carl Peter if he has spoken yet with the owner of the property at the corner of Routes 36 & 63 regarding the large amount of items for sale. Mr. Peter responded he has attempted a couple of times, but has yet to connect with him, but will follow through.

3) Wind Energy project:

Zoning Officer, Mr. Peter informed the Board of an upcoming wind energy tower project in the Town of York. Mr. Peter stated in our existing regulations it addresses wind tower applications but we do not currently have a fee schedule in place. Mr. Peter asked whether or not to charge an appropriate fee based on the size of the project. He added, the tower will be used to supplement the property owner's use, nothing more. Mr. Peter commented he will be viewing Wyoming County's regulations for suggestions.

Supervisor Deming asked what the time aspect will be for such project, is it quite involved. Mr. Peter responded it will not be a lengthy process, but will require Planning Board input to address overlay zones. We have extensive rules and regulations in our zoning for wind towers, so it may require a variance. Mr. Deming stated the Planning Board will more than likely be involved twice, Zoning Board of Appeals at least once and then Town Board upon completion of the review process, shall issue a written decision. Councilman Deuel pointed out in our zoning ordinance on page 63, wind energy is discussed at great length and does reference a Public Hearing. Supervisor Deming commented we certainly need to update several aspects of our zoning. Our Planning and

Zoning Boards have been meeting more frequently allowing members to be more comfortable with procedural matters. Mr. Deming added we must first address an actual fee schedule and once in place, schedule a Public Hearing to approve it. Councilman Deuel asked who the applicant is for the wind energy tower, Mr. Peter replied York Animal Hospital. Mr. Deuel asked if the property was located in an Agricultural District. Mr. Peter stated where the hospital is located is agricultural, but land surrounding it is residential.

4) Transfers:

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to approve all transfers brought before the Board.

GENERAL FUND-TOWNWIDE

Transfer From: A1990.4	Contingency	\$ 500.00
	Unanticipated Revenue	
A2705	Gifts & Donations	\$ 400.00
A2610.A	Traffic Div. Program	\$ 1,064.00
	TOTAL:	\$ 1,964.00

Transfer To: A1410.4	Town Clerk Contractual	\$ 111.00
A1620.2	Building Equipment	\$ 1,536.00
A7550.4	Celebrations Contractual	\$ 317.00
	TOTAL:	\$ 1,964.00

HIGHWAY FUND-TOWNWIDE

	Unanticipated Revenue	
Transfer From: DA2300	Services- Other Government	\$ 10,600.00
DA2665	Sale of Equipment	\$ 21,000.00
	TOTAL:	\$ 31,600.00

Transfer To: DA5142.1	Snow Rem-Town Service	\$ 1,600.00
DA5142.4	Snow Rem-Town Cont.	\$ 17,000.00
DA9008.8	Employee Benefits-Sick	\$ 13,000.00
	TOTAL:	\$ 31,600.00

YOUTH DISTRICT

Transfer From: J7310.4	Youth Contractual	\$ 30.00
	TOTAL:	<u>\$ 30.00</u>

Transfer To: J1990.4	Contingency	\$ 30.00
	TOTAL:	<u>\$ 30.00</u>

CONSOLIDATED WATER

Transfer From: SW8320.4	Source of Supply Contr.	\$ 33,254.00
	TOTAL:	<u>\$ 33,254.00</u>

Transfer To: SW8340.4	Trans. & Distr. Contr.	\$ 33,254.00
	TOTAL:	<u>\$ 33,254.00</u>

RETSOF SEWER DISTRICT

Transfer From: SS8130.4	Sewage Treat. & Disp. Contr.	\$ 24.00
	TOTAL:	<u>\$ 24.00</u>

Transfer To: SS1440.4	Engineering	\$ 6.00
SS1950.4	Tax & Assess. on Property	\$ 15.00
SS8340.4	Trans. & Dist. Contr.	\$ 3.00
	TOTAL:	<u>\$ 24.00</u>

SEWER DISTRICT #1

Transfer From: SS1-8130.4	Sewage Treat. & Disp. Contr.	\$ 110.00
	TOTAL:	<u>\$ 110.00</u>

Transfer To: SS1-1670.4	Central Print. Contractual	\$ 27.00
SS1-1950.4	Tax & Assess. on Property	\$ 69.00
SS1-8340.4	Trans. & Dist. Contr.	\$ 14.00
	TOTAL:	<u>\$ 110.00</u>

SEWER DISTRICT #2

Transfer From: SS2-8130.4	Sewage Treat. & Disp. Contr.	\$ 24.00
	TOTAL:	<u>\$ 24.00</u>

Transfer To: SS2-1670.4	Central Print. Contract.	\$ 6.00
SS2-1950.4	Tax & Assess. on Property	\$ 15.00
SS2-8340.4	Trans. & Dist. Contr.	\$ 3.00

TOTAL: \$ 24.00

Voted on and approved, Yes-5, No-0.

8:15 P.M.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to enter into Executive Session for a Personnel Matter, to include: Town Board, Highway Superintendent and Town Clerk. Voted on and approved, Yes-5, No-0.

8:30 P.M.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to end Executive Session. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported no action was taken in Executive Session.

OTHER

1) Sewer charge correction:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to remove the \$180.00 sewer charge for the July billing cycle, to the Scott Chauncey property located at 2711 Main Street. Voted on and approved, Yes-5, No-0.

** water charge will remain & sewer charges will be reinstated for the October cycle.

2) Cindy Boyd email:

Supervisor Deming reported receiving correspondence from Cindy Boyd once again regarding the fundraiser scheduled for September 13th, 2014 at the York Town Hall. Ms. Boyd requested that the Board mention at our meetings the availability of yard signs for all residents, raising further awareness of ovarian cancer. Yard signs are available at a fee of \$5.00 each (printing cost). For further details Ms. Boyd welcomes all calls at 585-236-0070 or email at cindyb861@yahoo.com.

3) Replacement of trees:

Supervisor Deming stated we received tonight documentation from Charles "Dutch" VanRy and Scott Canaan regarding replacement of trees planted in Piffard. The trees (12) were planted in November of 2012 and all survived into 2013, but seven did not survive this year's harsh winter. Mr. Canaan communicated with McNair's Nursery about replacement and was able to do so at a cost of \$10.00 per tree. Mr. VanRy is seeking reimbursement of \$70.00 for 7 trees purchased on Saturday, May 31, 2014.

After a brief discussion the Board agreed to authorize reimbursement to Mr. VanRy in the amount of \$70.00. Mr. VanRy's claim will be added to the bills this evening. The Board commented in the future, organizations must ask the Board prior to purchasing any goods or services for reimbursement purposes.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board, including the reimbursement for Charles VanRy. Voted on and approved, Yes-5, No-0.

General Fund Claim	# 215-234	\$ 39,845.91
Joint Water/Sewer	# 159-172	\$ 8,367.82
Youth Fund Claim	# 10-12	\$ 605.13
Street Lights	# 7	\$ 1,268.61
Highway Fund Claim	# 129-136	\$ 3,283.73

** Councilman Deuel informed the Board that 30 years ago, then President Ronald Reagan selected July as National Ice Cream month and the third Sunday of the month as National Ice Cream Day.

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to adjourn the Town Board Meeting until July 24th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:40 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk