

York Town Board Meeting  
July 24, 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 Superintendent), Henry Fuller, John Ellis, Thomas Gates, Carl Peter (Zoning and Code Officer), Barbara and Gerald Ayers

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. Deuel to approve the minutes of the July 10<sup>th</sup>, Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Henry Fuller:

Mr. Fuller stated he asked at a previous Town meeting about the lack of payment in lieu of taxes for the Greenway. Mr. Fuller said, Supervisor Deming replied the Town had not received any compensation, so he then spoke with Mr. Herring at New York State Parks and Recreation, where he commented he had no knowledge of it either.

Mr. Fuller asked the Town Board if they are aware of any illegal aliens in our township. Councilwoman Parnell replied she is not aware of any additions to our community. Mr. Fuller commented New York was one of the States' mentioned in the news where people have been relocating. Mrs. Parnell added New York does have a very strong migrant program, but does not believe they are in York.

Mr. Fuller asked once again the status of the Fowlerville Road project initiated by the County, and questioned if anyone is coming back to finish. Supervisor Deming answered they are planning to return. Mr. Worden added they are waiting for the milling machine to become available. Mr. Fuller reported although not conducting any work on Fowlerville Road for quite some time, the 35 mph signs are still posted, and noticed Sheriff's Department vehicles on site. The area where Mr. Schoonover has hay bales situated, the Deputy was issuing tickets for excessive speed in a work zone, where nothing has been happening for months, and feels bad for those individuals. Mr. Fuller added he wanted the Board to be aware that the current crew (Power and Construction Group) on Fowlerville Road have no flag personnel for oncoming traffic, which could be very dangerous.

Mr. Fuller asked who erected the Right to Farms signs in town. Mr. Worden replied some signs were posted by the State and the remainder by our Highway Department. Mr. Fuller stated in fact, the signs were put up with tax payers dollars then? Supervisor Deming replied whether it be the town or state, in essence it was with taxpayers dollars. Mr. Fuller asked why

was there not more public input and feels it is not fair to the taxpayers to spend their money for this matter.

Supervisor Deming stated the Town Board conducted a Public Hearing prior to the adoption of the "Right to Farm Law (Local Law #1-2010), so we feel the public did have an opportunity to speak on the subject. Mr. Fuller stated the Right to Farm signs are a way to glorify agriculture. Councilman Deuel stated he disagrees with Mr. Fuller that the signs glorify agriculture. Mr. Deuel added, the main focus of the law is to assist in settling disputes with agricultural issues, by outlining what normal agriculture practices are. If a prospective person wants to buy property within the Town of York, the Right to Farm Community distinction helps them to know what to expect, which is not a glorification by any means. Mr. Fuller asked why can't it be covered in the Zoning Ordinance, where permits are required. Mr. Deuel replied, Do you want a permit to farm?, which Mr. Fuller responded Yes, he would.

Mr. Fuller informed the Board of an incident on Batzing Road two weeks ago across from Kennedy's. "Wall to wall" liquid manure was in the roadway, leaving a terrible mess. Councilman Deuel stated to Mr. Fuller in this instance and in the future when you see disregard or negligence of farming practices, you have the right to contact the police. Supervisor Deming added, when this has happened previously, the farms have cleaned up the area in a timely fashion once they have been notified.

## 2) Barbara & Gerald Ayers:

Mr. Ayers discussed with the Board, policy relating to written and approved minutes. At the June 12<sup>th</sup> meeting a statement was made by Councilman Deuel that Bob Hilderbrandt was a State Champion at York Central School for wrestling, which later was confirmed to be inaccurate, and then apologized for the mistake at the June 26<sup>th</sup> meeting. Mr. Ayers stated with the initial error made at one meeting and a correction at another, the public would not have any way to know that the minutes were changed unless they continued to read each and every meeting, and feel that an asterisk should be added to the minutes, noting change or correction has taken place. Supervisor Deming stated he will verify with the Attorney the legality on altering the official minutes.

Mr. Ayers referenced a comment made that the decision to approve the soccer signs was a "hasty one", which after 43 days and three Town Board meetings, does not constitute a hasty decision. Mr. Ayers continued by saying, hasty was when he and his wife asked the Board to post Courtney's signs and then the Board rescinded the original resolution. Councilman Deuel stated when Mrs. Skeffington and Mrs. Gates first came to the Board to request soccer signage, the Board did not recollect the initial request for signs made years earlier or we wouldn't be at this point tonight. Mr. Deuel stated although having reservations about such request from the beginning, in the spirit of compromise he along with the Board agreed to the request. At our July 10<sup>th</sup> meeting, York Central School Board members were present to further discuss this matter and they agreed to create criteria to work from in order to solve this issue currently and any future requests.

Mr. Ayers addressed a comment made two meetings ago, referencing the poor relationship between the School Board and Town Board. Mr. Ayers stated the source of the comment came from reading the Town's minutes. Mr. Ayers added at a previous meeting when discussing a possible championship for wrestling, Mr. Deuel mentioned Mr. Schirmer's name as well as Mr. Hilderbrandt's, and asked why that was not documented in the minutes. Mrs. Ayers also stated when she asked the Board why they would not post Courtney's sign if willing to post other sports. The reply from Councilman Deuel was he has only viewed team related signs not

individual. Mrs. Ayers added another comment made at a meeting was the Board “caved” and gave into the ladies request for soccer signs. Mr. Ayers stated by rescinding the resolution for soccer signage the Board eliminated all other worthy recipients as well. Mr. Ayers asked with the comments made tonight, will the Board put Mr. Deuel’s statements in tonight’s meeting minutes? Supervisor Deming replied with the discussion held this evening, the comments will be part of the minutes. Mr. Ayers added he feels the Town Board has the ability to alter, change or sway the minutes to reflect one view. Supervisor Deming answered he completely disagrees with the statement made by Mr. Ayers and takes offense to the fact the Board alters the minutes. Mr. Deming stated Clerk Harris prepares the minutes and submits to the Town Board for approval, the Board does not play a factor in the preparation. Mr. Ayers continued by saying he feels the Town Board has judged his daughter and is unwilling to post signage for her accomplishments. Mr. and Mrs. Ayers stated they are very proud of their daughter’s achievements and accomplishments and commented how difficult it has been to express to the Board simple facts on her behalf, but who else would do it if they didn’t. Mr. Ayers questioned the Board the last time anyone attended track events? The Board responded they had not attended any recently. Mr. Deuel asked the last time the Ayers attended events at the school, which Mrs. Ayers replied they have attended football and JV. boys soccer games, volleyball and tennis matches. Councilman Deuel commented some people have careers that do not allow them the flexibility to attend after school events as much as they would like to. Mr. and Mrs. Ayers stated the question posed was in regards to track events, not so much as to the number of other activities.

Councilman Deuel commented he fully supports students achievements should be recognized, but feel it should be posted on the grounds at the school. Mr. Deuel added he is well aware of what an exceptional athlete Courtney was and knows as parents how proud they are, but in his opinion still feel the school is the best place for postings. Mrs. Ayers stated at a meeting earlier in the year Mrs. Parnell agreed that signs should be posted in other locations as well as near the school. Mrs. Parnell replied she did agree that posting throughout the town would be nice to see, but did question the State’s response on the request. Mrs. Parnell added, when they refused free standing postings and the purple signs to the town signage, the Board then made the resolution to revamp and add to our existing sign.

Mr. Ayers read aloud to the Board a resume of Courtney’s athletic accomplishments throughout her High School career to present.

Mr. Ayers closed by saying he is extremely proud of his daughter’s achievements as well as soccer’s accomplishments, and feel signage is a way to show community pride.

Supervisor Deming asked Mr. Ayers if Clerk Harris could obtain a copy of what was discussed this evening in order to document fully in the minutes. Mr. Ayers replied he will submit a copy for the record.

## HIGHWAY

Highway Superintendent, Mr. Worden reported the department continues to patch and repair holes on the roadways, due to the harsh winter we encountered. Mowing of parks and cemeteries have been constant over the past month, with additional mowing still ahead. Mr. Worden informed the Board we will be starting work on Anderson Road shortly, but will be back and forth between Anderson and other roads. Mr. Worden reported he and Clerk Harris attended a FEMA meeting today at the County’s Emergency Management facility. The meeting was slated in order to educate towns about reimbursement after the storms that took place in May of this year.

Mr. Worden informed the Board he will be on vacation for a week, beginning August 3<sup>rd</sup>.  
WATER/SEWER

Mr. Worden reported Clerk Harris advertised for the Route 36 Watermain Replacement Project, with the bid opening to take place on Tuesday, August 5<sup>th</sup> at 11:00 a.m.

Mr. Worden also informed the Board that the Water department will be flushing hydrants the week of July 28<sup>th</sup>. Clerk Harris stated she placed a notice in the Town's official paper, The Livingston County notifying water customers of this process.

Mr. Worden stated he has yet to hear from Clark Patterson on the status of the McVean Road and Linwood Road water projects. Supervisor Deming stated Attorney Campbell is preparing the petition for McVean Road water.

Mr. Worden reported after the last OSHA inspection, it was discussed at great length the need to be current with all certifications/training associated with confined or enclosed space. All employees entering confined space are instructed to the hazards involved and the necessary precautions to be taken, with the use of protective and emergency equipment. The Town must comply with any and all regulations involving employees working in potentially dangerous areas. Mr. Worden stated training for Town employees is slated for the end of August. Mr. Worden also informed the Board of a recent purchase. The department bought a pair of chaps to wear when using the chainsaw, for required protection. Mr. Worden stated an eye wash station will be required at the tank, which means we will be putting in a booster pump in order to comply with the requirement.

Mr. Worden submitted a copy of a sample Workplace Violence Prevention Policy for the Town of York and asked the Board to review in order to discuss further at a later meeting.

#### NEW BUSINESS

1) Liv. Co. Snow & Ice Contract:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the County Snow and Ice Contract for the period beginning October 15, 2014 to October 14, 2015, at a rate of \$ 4,000.00 per mile, to perform snow and ice control on County roads located in the Town of York. Voted on and approved, Yes-5, No-0.

2) Water adjustment request:

a- Michael Hale:

Clerk Harris stated she recently received a water adjustment request from Piffard resident, Michael Hale for property located at 3742 East Road. After review of Mr. Hale's account, the average consumption per quarter of his previous four billings was 8,000 gallons, and this current bill totaled 51,000 gallons. The Water Department confirmed Mr. Hale's leak has been corrected.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the water adjustment request submitted by Michael Hale for property located at 3742 East Road. Voted on and approved, Yes-5, No-0.

** original bill:	\$328.17 (\$ 238.17 for water & \$ 90.00 for sewer)
	new water amount: \$ 172.43
	current sewer charge: <u>\$ 90.00</u>
	TOTAL DUE: \$ 262.43

Savings of : **\$ 65.74**

3) Property Tax Freeze Credit:

Supervisor Deming discussed with the Board information pertaining to New York State Property Tax Freeze Credit. The credit is a two year tax relief program that reimburses qualifying New York State homeowners for increases in local property taxes on their primary residences. In order for the credit to be available to the homeowners in a local taxing jurisdiction, the jurisdiction must comply with NYS Property Tax Cap and, after the first year, must also develop and implement an Efficiency Plan to reduce costs by consolidating services.

4) ARKEMA luncheon:

Councilwoman Parnell reported she attended yesterday a luncheon hosted by Arkema. Routinely, company personnel and members of the community meet to discuss and review Arkema’s activities. The luncheon discussed several topics, one of which was the details of the explosion they had in April of this year. Emergency Services Coordinator, Kevin Niedermaier was also in attendance. Mrs. Parnell stated she was able to update the contact information for the Town, by adding Mr. Worden’s name to the emergency listing. Mrs. Parnell commented, Arkema also discussed their willingness to conduct plant tours to any interested members.

BILLS

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

General Fund Claim	# 235-248	\$ 10,562.47
Joint Water & Sewer	# 173-185	\$ 8,566.52
Youth Fund Claim	# 13	\$ 145.00
Highway Fund Claim	# 137-145	\$ 6,522.42

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until August 7<sup>th</sup>. Voted on and approved, Yes-5, No-0.

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

Respectfully Submitted,

Christine M. Harris, Clerk