

York Town Board Meeting
September 11, 2014

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

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), Carl Peter (Zoning/Code Officer), Dustin Geiger (York Fire Dept.), Anne Sapienza (Town Assessor), Henry Fuller, George Worden Jr. (Highway Supt.), Jerry & Susan Herdzyk, Marc Strain, Lois Templeton, Robert DeMocker and Kirk Richenberg

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 Mrs. Parnell to approve the minutes of the August 21st Town Board Meeting. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR

(1) Robert DeMocker

Mr. DeMocker discussed with the Board his desire to donate their 2" private water line to the Town of York Consolidated Water District. Mr. DeMocker reported the line was installed in 1979. The line runs under the railroad tracks in 60 feet of 3 1/2" electrical conduit and was buried in the Town's right of way. Mr. DeMocker added, 100 feet of 3/4" copper was connected to the meter, then connected to 2" plastic. Mr. DeMocker stated at the time of the connection, Mr. McCracken, from the York Water Department suggested using the old connection that supplied the old feed mill, because they didn't want to change to a large feed at the meter.

Supervisor Deming reported the Town has been reviewing the possibility of looping the water line from Tuttle Road, down Old State. Mr. Worden added if we are able to proceed, we would like to install an 8 inch line down Old State Road, which would require easements.

Mr. DeMocker stated each of the four homes on the private line have their own meters, but he has the master meter at his residence.

Mr. Deming stated Highway Superintendent, Mr. Worden will review the existing line to make a determination on its feasibility. Supervisor Deming asked Mr. DeMocker who installed the line in 1979. Mr. DeMocker responded Roger McCracken assisted. Mrs. Herdzyk commented they would love to have the Town take over the line, which would be less responsibility for her parents. Mrs. Templeton added, she too would like to see the Town accept the line, ultimately receiving their own meter and be billed directly for usage.

Supervisor Deming stated we are looking at all avenues at this time, but will keep the residents apprised.

(2) Henry Fuller:

Mr. Fuller asked to speak with the Board regarding a few items. Mr. Fuller stated in the Town of York we have agricultural dumping of waste taking place. Cheese waste is being incorporated with an ag slurry and is being hauled to this community from the plant and asked, don't you need a permit for that?

Councilman Deuel responded Mr. Fuller is correct that a permit is required to haul, which Mr. Hainsworth has. Mr. Deuel stated food waste is allowed to be spread in agricultural districts, as per New York State Ag and Markets. Mr. Fuller questioned who actually monitors this?, Attorney Campbell replied the Town does not have the ability to regulate through our zoning. According to State regulations, if it's an agricultural use, they are exempt from our code, Ag and Markets supersedes our zoning for their operation.

7:40 p.m. - Councilman Rose arrived at this time.

Mr. Fuller asked if this issue has ever been brought before the public. Mr. Campbell stated once again, this is a state regulation not regulated by the Town, farming is very much protected by the State. Mr. Fuller asked, if the Town votes one way and the state the other, we have to accept their ruling? Mr. Campbell responded, Ag and Markets regulations supersede Town regulations for ag purposes.

Mr. Fuller asked what the Town is planning to do about the aquifers. Supervisor Deming stated we will be discussing the aquifers further at the Public Hearing to introduce Local Law #1 of 2014, on Wednesday, September 24th, at 6:00 p.m. Mr. Fuller stated he will wait to hear the information at that time.

Mr. Fuller commented, he wanted to make a statement regarding the meeting two weeks ago where Mr. and Mrs. Ayers spoke to the Board. Mr. Fuller believes the Board did not handle the matter properly and felt they deserved a response.

Supervisor Deming asked Assessor Anne Sapienza to attend tonight's meeting to give the Board the status of the 2014 Assessment Roll.

Mrs. Sapienza reported the 2014 Roll is now complete, and stated the County as a whole from July 1, 2013 to present has a Weighted Mean Ratio of .9780 for residential properties. Anyone wishing to review the material is free to do so and copies can be available to those interested.

Supervisor Deming also informed the Board that Mrs. Sapienza has announced her retirement effective June of 2015.

(3) Kirk Richenberg:

Mr. Richenberg stated on numerous occasions prior to the start of a regular Town Board Meeting, other meetings have taken place, and questioned what those "secret" meetings contain. Supervisor Deming replied no secret meetings are taking place before a regular meeting. When the Board gathers prior, we are usually reviewing the bills to be paid that

evening and in some instances discussing with the Town Attorney matters to be addressed. Supervisor Deming stated everyone is welcome to enter.

Mr. Richenberg asked the Board what the purpose is for the Right to Farm signs. Supervisor Deming replied the purpose is to inform residents and others that the Town of York is a farming community. Attorney Campbell added, the signs notify the public that this Town has adopted a local law expressing that agriculture is a large part of this community. Mr. Richenberg asked who purchased the signs, Mr. Deming replied the Town did, after its adoption. Mr. Richenberg commented if we should need additional signs, then we pay again.

Mr. Richenberg stated farming has always been a big part of the Town of York for years, why did we need signage to reflect that. What about the non-farmers in this community, will the Town pay to advertise for those people? Supervisor Deming commented the signs are not advertising, they are acknowledging and supporting agricultural in York, and added we will not be paying for business related signage. Mr. Richenberg stated in his opinion, it seems discrimination is happening, and commented the Town Board is paid to represent all residents in this community, not just farmers.

Councilman Deuel stated the main objective of the law is to preserve the rural, agricultural traditions of the Town, in order to continue to protect existing farming practices. Mr. Deuel added as the public gets further removed from farming and people feel it is a nuisance, they do not understand that farmers have a job to do and the necessity of the day to day operations. Agricultural is very much needed. Mr. Deuel commented more people have become anti agriculture because their lives may be hindered in some ways, that is the reason why the Right to Farm Law was implemented. The farming industry has the right to conduct business. Attorney Campbell stated the Right to Farms signs are not advertisements for a business(s), it only puts people on notice what type of community York is. Mr. Richenberg stated he feels the signs are a waste of taxpayer's money.

Councilman Rose asked what steps a resident takes if they encounter an issue with a particular farm. Councilman Deuel replied if the issue is a nuisance complaint, the resident may report to the Town Board for action. If the issue is more involved or relating to a spill, New York State DEC should be notified directly. If the resident does not receive gratification then State mediation thru Ag and Markets is the next step.

Mr. Richenberg stated agricultural has been happening for years, why did a Local Law and signs need to be added to promote it, was it one particular Board Member who pushed for it. Councilman Deuel responded he was the Board member who brought the idea and proceeded with the leg work to ultimately adopt the Right to Farm Law. Mr. Deuel commented he feels the law and the signs signify that this community supports the need for agricultural now and in the future. Supervisor Deming added, Councilman Deuel may have requested the law, but the entire Town Board approved it. Mr. Richenberg asked so the Board is not going to do anything to promote others' business? Mr. Deming replied the Board is not going to post signs for individual businesses.

Mr. Richenberg stated at the last Town Board Meeting, Highway Superintendent, Mr. Worden reported he would be overseeing the milling process on Fowlerville Road, and asked what the tonnage was? Mr. Worden replied he did not have the totals with him and suggested contacting Jason Wolfanger at the County for that answer. Mr. Richenberg questioned how the Town gets paid for this and other projects. Mr. Worden stated once we submit a bill based on man hours and/or equipment used, they pay us directly thereafter.

(4) Alan Hainsworth:

Mr. Hainsworth asked to speak with the Board this evening to discuss ongoing farming practices. Mr. Hainsworth stated he is well aware of residents' concerns regarding manure odor in the community and understands their frustration at times. Mr. Hainsworth commented agriculture has changed greatly over the years, getting much larger than previously. Manure is hard to get rid of as the farming industry has expanded. Industry is doing their best to manage the farming practices so communities are not hindered or becomes a bigger nuisance. Mr. Hainsworth added he has a 130 acre plot in York where they did inject it, and added we have all legal permits from New York State DEC. Once the yogurt industry came into New York State, waste has increased even more. Mr. Hainsworth commented the State wants to give money for digesters and lagoons to be built, and added Nobles will be putting one in to decrease the odor. They will try to manage their system the best way they can, and asked that people be patient until more technology is available to make it a smoother process, new ideas are developed every day.

Mr. Hainsworth thanked the Board for the opportunity to speak tonight.

HIGHWAY

Mr. Worden reported the Highway Department wedged Anderson Road this week. After wedging was complete the majority of the driveways affected were corrected, road shoulders will be done next week, along with the remaining driveways that need attention. Mr. Worden stated York Road East had wedging and shoulder work done. Blacktopping was done on River Road from Chandler Road to the townline and on Craig Road from Route 36 to the railroad tracks. The next area to be completed will be Cowan Road with the remainder of the CHIPS money we received.

WATER/SEWER

Mr. Worden informed the Board of a leaking valve at the intersection of Old State Road and Main Street, in Wadsworth. The valve itself is leaking minimally and would normally be replaced immediately, but questioned digging up the area twice, if we plan to replace the Route 36 watermain in the near future. Supervisor Deming asked Mr. Worden if he has contacted Engineer, Mr. Wies as to the status of the project. Mr. Worden replied he has and Mr. Wies is waiting to hear back from the contractors.

Mr. Worden stated we are waiting for the petition to be completed by Attorney Campbell and Mr. Wies for the McVean Road water project before we can proceed further.

Mr. Worden reported he will be contacting the New York State Department of Labor shortly, to further discuss their previous onsite visit and suggestions made.

Councilman Deuel asked Mr. Worden if we have ever considered contracting out the mowing duties. Supervisor Deming answered the Board and Mr. Worden had discussed this possibility previously, but determined it was not cost effective, our part-time help was the cheaper route to go. Mr. Worden added it roughly takes (1) person a day and a half to complete the mowing at the water/sewer department and the cemeteries.

NEW BUSINESS

- 1) Water shut-off Requests:
 - a- 3295 Fowlerville Road (Doug Hilts)
 - b- 2657 York Road West (Ron Roeut)

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the Water Shut-off requests submitted by Doug Hilts for 3295 Fowlerville Road and Ron Roeut for 2657 York Road West. Voted on and approved, Yes-5, No-0.

- 2) Sewer Reimbursement:
 - a- 2561 York Road West:

Clerk Harris stated we were recently made aware of a correction needed to the property owned by Lawnel Farms at 2561 York Road West. Water Billing Clerk, Mrs. Messana was not aware that the residence had been removed, ultimately making it a vacant parcel, and the need to remove the sewer unit charge. Once the verification was made, Clerk Harris contacted Kirsty Northrop of Lawnel Farms to inform her of the mistake and asked her to prepare a written request for reimbursement.

Supervisor Deming read aloud the request from Lawnel Farms.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve sewer reimbursement to Lawnel Farms in the amount of \$180.00 (April and July's billing cycles) for property located at 2561 York Road West. Voted on and approved, Yes-5, No-0.

- 3) CASA of Livingston County

Supervisor Deming read aloud a request from Council on Alcohol and Substance Abuse (CASA) of Livingston County to consider a proclamation supporting October 23-31st, 2014 as Red Ribbon Week.

After little discussion...

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell approving the following proclamation:

Whereas, Alcohol and other drug abuse in this nation has reached epidemic stages; and

Whereas, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

Whereas, CASA of Livingston County is sponsoring the Livingston County Red Ribbon Campaign® offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles(no use of illegal drugs, no illegal use of legal drugs); and

Whereas, The National Red Ribbon Campaign® will be celebrate in every community in America during “Red Ribbon Week®”, October 23-31; and

Whereas, Business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign; and

Whereas, The CASA of Livingston County further commits its resources to ensure the success of the Red Ribbon Campaign®;

Now Therefore Be It Resolved

That the Town of York does hereby proclaim October 23-31, 2014, as RED RIBBON WEEK® and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug – free state.

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

4) York Fire Department
a- New Membership:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve the following individuals for membership to the York Fire Department:

Bethanie Hatfield	Main Street, Piffard
Joshua Parmele	McEwen Road, LeRoy
Mark Allen	York Road West, Pavilion
Conner Bishop	Genesee Street, Piffard
Patrick Garrett	Linwood Road, Linwood

5) Championship signage update:

Supervisor Deming informed the Board he received an email from Dr. Daniel Murray at York Central School sharing the draft policy relating to placement of Championship signage. Each Board Member has a copy of what was prepared and Supervisor Deming stated he will contact the school to ask if further assistance may be needed from the Town. The policy is as follows:

SUBJECT: CHAMPIONSHIP SIGNS ON SCHOOL GROUNDS

York Central School District is proud of all student accomplishments and wants to honor those accomplishments in a predictable manner. This policy addresses individual students, groups, or teams that have competed and won an award at the highest possible level (state, national, or international). This policy does not address any certificates, plaques, trophies, or other awards given at the local, regional, or sectional level.

Guidelines

All individual, group, or team awards at the highest possible level will be honored with a permanent display on school grounds in a conspicuous manner.

For Odyssey of the Mind world champion teams, the display will be on the exterior wall between the auditorium and the visitor entrance.

For individual or team state athletic championships, there will be three display areas: on the exterior surface of the press box, on the fence at the southern end of the property (near Route 36), and on a banner hanging in the gymnasium.

Space and fiscal constraints may necessitate a deviation from the above guidelines. This will be left to the discretion of the superintendent of schools or his/her designee.

Anticipated Adoption Date: September 29, 2014

BILLS

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

• General Fund Claim	#276-305	\$ 9,324.60
• Joint Water/Sewer	#219-233	\$10,997.99
• Street Lights	#9	\$ 1,424.81
• Highway Fund Claim	#161-171	\$36,499.20

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Town Board Meeting until September 25th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:20 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk