

York Town Board Meeting  
October 9, 2014

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

Absent: Frank Rose Jr.

Others: George Worden Jr. (Highway Superintendent), Carl Peter (Zoning and Code Officer), Dustin Geiger (York Fire Department), Henry Fuller and Kirk Richenberg

Supervisor Deming opened the Town Board Meeting at 7:31 p.m. and invited Councilman Gates to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the September 24<sup>th</sup> Public Hearing and September 25<sup>th</sup> regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

\*Supervisor Deming stated Councilman Rose wanted him to convey to the Board, his absence this evening is due to a long standing prior commitment out of state.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg asked the Board if the Right to Farm signs have a legal purpose. Supervisor Deming replied the signs do not have a legal purpose, but express the town's support of agriculture.

Mr. Richenberg commented for over 200 years this community has been aware of and supported agriculture and questioned why signage was necessary at this time, was one particular Board member responsible for it. Supervisor Deming replied we have discussed this at a previous board meeting the purpose, with all members of the Town Board approving the Local Law for adoption. Mr. Richenberg stated if signage does not have a legal purpose, he feels they were a waste of taxpayers' dollars to benefit one Town Board Member.

2) Henry Fuller:

Mr. Fuller stated he did not ask aquifer questions at the public hearing, but have some to discuss with the Board. Mr. Fuller commented after reviewing the aquifer map, it looks as though the mapping has been set from Batzing Road to Piffard as no drill zone areas. Mr. Fuller asked if the Town Board has any substantial evidence of the aquifer. Supervisor Deming replied aquifer information was brought to the committee by CP Lee representative, Norm Gardner, and he obtained it from New York State DEC. Councilman Deuel added he believes Mr. Gardner also received information through the New York State Geological Survey (NYSGS). Mr. Fuller stated he recalls as a member of the Steering Committee the map not being as large as we are viewing currently, and asked if it was changed. Supervisor Deming answered, the Town Board did not change or alter map information that was given from the committee. Councilman Deuel added, he did not see the original map itself, but believes the Town only altered the required setbacks from 500 to 2,000 feet. Mr. Fuller asked who actually

drew the maps. Supervisor Deming replied Mr. Gardner prepared the mapping, but recommendations were made by the Steering Committee.

Mr. Fuller asked why aquifers need to be protected. Mr. Deming replied aquifers must be protected for water purposes. Mr. Fuller stated 99% of the Town has municipal water, why do we still need to protect them. Mr. Deming stated 99% of this community does not have the benefit of town water. Councilman Deuel added we are protecting the principal aquifer because it can have a greater economical impact on this area. Supervisor Deming stated regardless of whether or not aquifers are being used, we still must protect them, not only in this town, but other areas as well. Mr. Fuller stated the DEC does not follow up on manure spills and continues to happen, why are farmers not made accountable for agriculture waste. Mr. Fuller stated he does not feel the aquifers need to be put "aside" as no-drill zones. Councilman Deuel commented the purpose of the proposed Local Law was to update aspects of our zoning regulations, including existing aquifers. Over a year ago the Town Board, with a 3-2 voted decided not to proceed with a moratorium, but implemented a Steering Committee to further discuss the issue of hydro-fracturing. Many are pro-fracking while others are not we thought this committee was a way to have a compromise to the issue.

Mr. Fuller stated whether you pollute or leach through manure or frack fluid, they both pollute the area, why do we only focus on drilling. Mr. Fuller added there was an artesian well on Batzing Road, why was that not tapped into. Supervisor Deming replied he was not aware of such well to that area, but added the homeowner may tap into it, but the town cannot.

Mr. Fuller questioned what the legality of the fracking committee is, especially since 3 of the members were from the Town Board. Supervisor Deming stated he has already addressed this question before with Mr. Fuller, about the members of the Steering Committee, he only attended the first few meetings to see if his assistance was needed in anyway an never participated in decisions. Supervisor Deming asked Mr. Fuller why he continues to ask the same questions knowing full well what the answers are. Mr. Deming stated he continues to hear from residents regarding statements made that are inaccurate or completely false and feel this is a poor representation of what the Board is trying to accomplish, and hope this will stop. Supervisor Deming stated as an example, at the previous meeting the Board made a resolution to appoint a gentleman as an UNPAID Assessment Clerk, but within two days after such meeting Mr. Deming was approached by a very upset resident that the Board was paying for this individual's training, which was not what the Board approved. Mr. Deming stated the continuation to disseminate false information has to cease.

### HIGHWAY

Mr. Worden reported the Highway Department has continued to change out piping, along with wedging of roadsides. Mr. Worden stated we began the routine maintenance of snowplow equipment already. We are in the final stages of mowing for the year, but need to get the equipment ready for the winter season soon upon us. Mr. Worden stated shoulder work to Anderson Road was completed, oil and stone will be done next year and then will be sealed. Mr. Worden also reported that the crossover project in front of Mrs. Prine's home will be finished shortly.

Councilman Deuel asked Mr. Worden about the brine we and so many other towns were able to obtain in previous years, but with the closure, where do we stand. Mr. Worden replied after putting the units on our trucks, we certainly wanted to utilize the brine for this season, so he completely filled up prior to closure, and feels we should be all set at least for this winter.

### WATER/SEWER

Mr. Worden informed the Board that the treatment facility has been running smoothly, with no issues to speak of. Sludge from the plant was removed recently, which is normal this time of

year. Supervisor Deming asked if Mr. Worden has had the opportunity to seek out trucking bids for removal purposes which Mr. Worden replied he has not.

Mr. Worden discussed with the Board the Route 36 Watermain Replacement Project and how they want to proceed. Mr. Worden stated he and CP Engineer, Mr. Wies had conversations with the low bidder on how to reduce the cost \$60,000 in order to proceed with the replacement. Mr. Worden stated after everything was said and done, they didn't revamp the cost, they actually deferred some of the project area, which is not saving or cutting the cost at all. Mr. Worden stated his recommendation is to reject all bids and rebid at a later date. Mr. Worden added if the Board rejects the bids this evening, he will then be able to dig up and correct the valve issue at the intersection of Route 36 and Old State Road.

RESOLUTION offered by Mr. Gates to reject all bids received for the Route 36 Watermain Replacement Project. Voted on and approved, Yes-4, No-0.

Mr. Worden informed the Board of a water matter before the district. A residence (trailer) in the Greigsville area had experienced the meter freezing three times previously due to lack of insulation on the owner's part and the skirting off this last time. After discussing the issue with the homeowner, explaining the costs involved with continued meter replacements, he agreed to have the water department install a meter pit in the front yard, at a cost to him of \$600.00, to alleviate further freezing issues. Mr. Worden stated if the meter had frozen once again it would have cost him \$1,000.00. Mr. Worden stated he wanted to Board to be aware of the situation because his mother was in the office today very upset that her son was responsible for the meter pit charges. Mr. Worden stated once again, he and the homeowner agreed to a resolve before the pit was installed.

#### NEW BUSINESS

##### 1) Board of Elections:

Supervisor Deming discussed with the Board recent correspondence from the Board of Elections pertaining to Consolidation of election districts. As it currently stands we have three districts in the Town of York and if the consolidation takes place, we will be reduced to 2, which would be a cost savings. Mr. Deming stated nothing has passed as of yet, but the Board of Elections is requesting representation from our town to offer input in the process. A suggestion was made that representation may come from the Town Board, Republican, and Democratic Parties and a member of the public. The Board must decide whom the representation will be by October 17<sup>th</sup>, 2014. Mr. Deming added they hope to have the process completed by February 15<sup>th</sup>, 2015 in order to take affect by April 1<sup>st</sup>.

##### 2) Dog Control Services:

Supervisor Deming reported he recently received an email from Mark Grovanz, Livingston County Environmental Health Director, informing the Board of the services provided by the Dog Control staff. Mr. Grovanz stated that the Town of York has a local dog control ordinance on file that is not being supported by the County and asked that the Town Board consider contracting with them for additional services. The services do come at a cost to the municipality, which Mr. Grovanz would be willing to discuss in detail if the Board is interested.

Supervisor Deming stated we have discussed this possibility a few times over the years, but the last time it was brought up the fee was roughly \$4,000.00 per year. We do have a Local Law on the books, but we can proceed with the Livingston County Sheriff's Department for enforcement when needed, at no cost.

3) Recycling Bids:

Supervisor Deming reported two refuse bids were received on October 9<sup>th</sup>. The bids are as follows:

1) LT Disposal (Caledonia)

(1) 2 yard dumpster \$175.00 month (dumped each week)  
(1) 30 yard Open Top dumpster (dumped on call) \$400.00 + \$30.00 per ton  
(12) 8 yard dumpsters \$200.00 each (dumped weekly) monthly charge is \$2,400 ( all fees are included)

\*\* guaranteed prices for 1 year

2) Waste Management (Rochester)- bid was emailed

(1) 2 yard dumpster \$ 188.00 month (dumped each week)  
(1) 30 yard Open Top dumpster (dumped on call) \$ 305.00 per haul plus \$35.00 container rental (monthly) plus processing rate of \$60.00 per ton (unless contaminated), then it would be \$80.00 per ton.  
(12) 8 yard dumpsters (dumped weekly) \$2,188.00(month) plus additional NYS Sur Charge fees.

The Board discussed the quotes submitted and believe we could potentially save up to \$5,000.00 if we approve the LT Disposal bid for the year. Supervisor Deming stated the Board may render a decision this evening, pending final verification of the numbers submitted.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell approving the Refuse bid submitted by LT Disposal for one year, effective December 1, 2014, pending final verification of numbers by Supervisor Deming. Voted on and approved, Yes-4, No-0.

4) Baldwin Business Services:

Supervisor Deming informed the Board that he recently spoke with Tom Baldwin of Baldwin Business Services, the Town's Accounting Firm, requesting Shelby Bennett be put back in charge once again of our accounts. Over the past three years the town has experienced several different representatives and we would prefer someone more familiar with our accounts, which Shelby is.

Mr. Baldwin granted our request.

5) Water Service Restoration:

a- 3738 Main Street:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the Water Service Restoration request submitted by Jordan Beach for property located at 3738 Main Street, in the amount of \$200.00. Voted on and approved, Yes-4, No-0.

Acct. #25-0758 (previous owners: Michael & Rosanne Gates)

6) Court Audit:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel acknowledging that the York Town Board examined Justice Walter Purtell and Justice Thomas Porter's court records for the year 2013 and found them to be procedurally adequate for control of monies. Voted on and approved, Yes-4, No-0.

7) Finger Lakes DDSO quote:

Supervisor Deming stated the Board received correspondence from IES Coordinator, Julie Arrigenna of the Finger Lakes Developmental Disabilities Service Office (FLDDSO) outlining potential services available to the Town. Ms. Harris explained several volunteers come every month to assist the York/Leicester Seniors in setting up for their monthly gatherings at no charge. The individuals she is speaking of now are a different group and have been working in our area at Lawnel Farms, Yorks Landing, York Central School and at the York Fire Department. At this time they would like to continue some voluntary service, but also provide employment opportunities to those individuals.

What is being proposed is a cleaning service for the Highway and/or Water & Sewer Departments. Cleaning would be provided by individuals with disabilities and supervised by OPWDD job coaches. Each service site will be charged \$25.00 per visit and would be billed monthly for the services. If more specific duties were requested such as carpet cleaning or power washing of the exterior, a separate charge would be applied. Ms. Harris stated the Town of West Sparta is currently receiving these services if the Board should wish to speak with them. Ms. Harris stated the group has already cleaned the shop at the sewer treatment plant, to show what specifically they can do, and received very positive comments from the employees. It is completely up to the Town to decide whether or not to proceed with a monthly service or more often if needed, or not at all.

The Board commented that the quote submitted is very reasonable and will discuss our options further.

8) Brock subdivision:

Mr. Worden informed the Board that the Planning Board requested of him road specifications for Richard Brock's subdivision lots. Mr. Worden stated he would require a deeded right of way (with a 3 rod road), minimum of 8 inch base with 2 inches of stone, top with 1 inch crusher and then 2 courses of oil & stone. Mr. Worden added that he spoke with Attorney Campbell on the matter and it was suggested that a Bond be issued until the project has been completed.

Mr. Worden stated he has yet to speak with Mr. Brock about the requirements and felt the Board should be involved as well. Supervisor Deming conveyed if Mr. Brock wants to sell lots we must have a concrete plan in place for him to follow, which we will need Mr. Campbell's assistance. Councilman Deuel commented in addition to specifications, we should have deadlines in place for him to follow as well. Supervisor Deming asked Mr. Worden to contact Mr. Brock to verify what his plans are for this year and into the new year.

Mr. Worden addressed with the Board wording the Planning Board has prepared that he is not comfortable with. In regards to the condition of such road, they stated, "must be better than the town's worst road". Mr. Worden commented we work very hard to maintain our roads, why would we accept anything less than what we are required to construct. The Board fully agreed.

BILLS

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

General Fund Claim	#321-337	\$ 7,316.10
Joint Water & Sewer	#245-261	\$ 85,519.91
Street Lights	#10	\$ 1,571.91
Highway Fund Claim	#177-185	\$ 15,040.61

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to adjourn the Town Board Meeting until October 23<sup>rd</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk