

York Town Board Meeting
December 11, 2014

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

Absent: None

Others: Henry Fuller, David Russo, Kirk Richenberg, Carl Peter (Zoning & Code
Officer), Davies Nagel, David Rose, Mary Kummer, Patricia Gardner,
Dustin and Christopher Geiger, Barbara and Gerald Ayers, Grayce
McLaghlin and Josh Williams (Genesee Sun)

Supervisor Deming opened the Town Board Meeting at 7:32 p.m. and invited
Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the
minutes of the November 23rd Special Town Board Meeting and December 2nd
Work Session meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Josh Williams:

Mr. Williams asked to speak with the Board this evening to discuss the
possibility of assisting Towns and Villages as it pertains to posting of notices. Mr.
Williams stated his desire to create a community calendar at Geneseesun.com for
all municipalities to post upcoming notices. The site would allow unlimited
access for posting purposes throughout the year, at a cost of \$225.00. Mr.
Williams commented, “ times are changing and the internet is a way to reach out
to your community as well as others”. Mr. Williams stated he feels the fee is a
much more economical method, than print format. Mr. Williams added he is
trying to develop a solution for the benefit of all communities, and hopes the
Board will consider his proposal.

Supervisor Deming thanked Mr. Williams for attending this evening and
stated the Board will discuss and consider the proposal.

2) Davies Nagel:

Mr. Nagel stated at the last meeting of the Board (December 2nd), we spoke on
possible options to pursue with the issue hydrofracking. Mr. Nagel stated that a
committee was formed in Avon to research the information on that subject and
suggested the Town of York perhaps follow suit, and volunteered to be part of it.
Mr. Nagel stated the research gathered would be the most up to date information
regarding our community, “a snap shot” of York as it exists now and how it may
change if fracking comes to the area. Supervisor Deming thanked Mr. Nagel for
his comments, and added if a committee is to be formed he would like to wait

until after the first of the year, hoping the moratorium will already be in place to work from. Mr. Nagel stated he fully understands.

3) Kirk Richenberg:

Mr. Richenberg stated he has a few budget related questions to ask of the Board. Mr. Richenberg asked in the General Fund, under Buildings Contractual, what is the \$45,000 used for? Supervisor Deming replied the line item is used for maintenance of the Town Hall and Custodial wage. Mr. Richenberg stated in the budget the word reimbursement appears several times, who obtains reimbursement? Supervisor Deming answered employees who choose not to take the Town's insurance are compensated with a reimbursement. Mr. Richenberg asked, don't the employees have to take the insurance? Mr. Deming replied it is not mandatory to accept the town's insurance as long as coverage is obtained through their spouse. Mr. Richenberg stated that medical reimbursement appears in the equipment expense and in the Highway Fund, under machinery what is the miscellaneous line item with \$20,000 used for? Supervisor Deming replied without having a copy of the budget in front of him this evening, he will have to review the line items before responding to Mr. Richenberg. Mr. Deming stated a copy of the 2015 budget is on file in the Town Clerk's Office, and after the meeting this evening, will review the numbers with Mr. Richenberg. Mr. Richenberg asked what monies are left in the reserve funds? Supervisor Deming responded at this time no funds are available. We had some money in the Highway reserve, but after the Comptroller's audit, they noted that the reserve was not set up properly, so we had to move it to the Highway Fund balance.

4) Henry Fuller:

Mr. Fuller asked how the Town is making out with payment for Federal Road. Supervisor Deming replied we have received payment from the County in the amount of \$10,000 for Federal Road as well as work completed on Fowlerville Road in the amount of \$25,000. Mr. Deming stated when the County was unable to conduct the work themselves on Fowlerville Road, our department was asked to complete it. Mr. Worden billed the County for both projects, and we have a copy of the check and deposit slip indicating a little over \$35,000 received. Mr. Fuller also briefly expressed that there may be some upcoming problems on Fowlerville Road. Mr. Fuller stated due to the machinery used by the County Highway Department, a sewer line was broken. Mr. Fuller stated he will discuss the matter further, after the meeting.

Mr. Fuller addressed with the Board the Privileges of the Floor policy and how it specifically works. Supervisor Deming replied that the Privileges policy has been in place since 2005 and requires persons to request privileges prior to such meeting and outline the content of the discussion. Mr. Deming added the Board may call upon anyone at a meeting at any time, even if they have not requested privileges in advance.

Mr. Fuller commented after listening to Mr. Nagel's comments this evening regarding a potential moratorium, he feels the existing Comprehensive Plan should be updated before enacting a moratorium.

*** With the absence of Mr. Worden no report will be given for the Highway and Water/Sewer Departments this evening.

OLD BUSINESS

1) FOIL Request:

Councilwoman Parnell asked Supervisor Deming what the status is regarding the F.O.I.L. request submitted by Ward Greenberg on behalf of NYSEG/RG&E.

Supervisor Deming informed the public that the request Mrs. Parnell is referring to is a very detailed, extensive request for copies of information pertaining to our existing water and sewer lines. The request was initiated by RG&E after a natural gas explosion that took place in Horseheads, New York, and now most of the towns and villages in the State must comply with this request. Clerk Harris has prepared the initial response but is now waiting for assistance from the water department to gather the necessary documentation. Supervisor Deming stated Mr. Worden has spoken with a representative from RG&E about the F.O.I.L. request, and they have commented that the initial letter had been revised a bit, but he will continue to work with them.

NEW BUSINESS

1) Custodial/Cleaner Position:

Supervisor Deming reported that the Board received Custodian Carl Peter's resignation recently, effective December 31, 2014.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to advertise for a part time position of Cleaner/Custodian for the Town of York. All applications must be received by December 29th, 2014 prior to the regular board meeting later that evening.

2) B.O.A.R./ZBA:

Councilman Rose stated he and Councilman Deuel conducted interviews for the Board of Assessment Review and Zoning Board of Appeals positions. In the interviews the committee asked both candidates if they would be willing to serve on either board, which they agreed to.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose recommending re-appointment of Chris Pascuzzo to the Board of Assessment Review for a term of 5 years, effective October 1, 2014-September 30, 2019. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to appoint Charity Donnan to the Zoning Board of Appeals, for a term of 5 years, effective January 1, 2015-December 31, 2019. Voted on and approved, Yes-5, No-0.

*Ms. Donnan was appointed to replace previous member Paul Schneider.

OTHER

1) 2015 Organizational Meeting:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to schedule the 2015 Organizational Meeting for Friday, January 2nd, 2015 at 9:00 a.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

2) Zoning Matter:

Zoning and Code Officer, Carl Peter reported he received an application from Sustainable Energy Developments on behalf of York Animal Hospital for a small wind tower at the 2275 Main Street location. Mr. Peter stated that the application has already been to the Planning Board for Preliminary Site Plan and will now go to the Zoning Board of Appeals for a height variance. The Town Board will also need to be involved to discuss and create a wind overlay zone. After the zone has been determined, it will then return to the Planning Board for Final Site Plan and Special Use Permit. Mr. Peter commented that the company has made a presentation to the Planning Board, and wants to conduct a presentation for the Town Board as well. Councilman Rose asked whom the representative is for the wind tower project. Mr. Peter replied the information is in the folder in his office. Mr. Peter added Clerk Harris has a copy of the information in her office as well, but due to the lengthy packet, he will email the Board directly the information rather than copying.

3) Highway interviews:

Supervisor Deming stated a committee needs to be formed to assist Highway Superintendent, Mr. Worden with the interview process for highway applications. Mr. Worden conveyed to Supervisor Deming that Wednesdays are best for him. Council Members Parnell and Rose volunteered to be part of the process, and to schedule the applicants for Wednesday, December 17th.

4) Proposed Local Law #1 of 2014:

a- Moratorium:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to schedule a Public Hearing for Tuesday, December 30, 2014 at 6:00 p.m. at the York Town Hall to institute a moratorium in the Town of York pertaining to Natural Gas and Petroleum Exploration. Voted on and approved, Yes-4, No-0, with Councilman Deuel abstaining.

b- Special Town Board Meeting:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to schedule a Special Town Board Meeting for Tuesday, December 30, 2014 at 7:00 p.m. at the York Town Hall to render potential action regarding proposed Local Law #1 of 2014, to institute a moratorium within the Town of York. Voted on and approved, Yes-4, No-0, with Councilman Deuel abstaining.

OLD BUSINESS

1) McVean Road status:

Councilman Deuel asked what the status is regarding the McVean Road water project. Supervisor Deming replied we recently received a letter from New York State Department of Agriculture and Markets, regarding their review of the project. The correspondence indicated its review of the Final Notice of Intent for the McVean Road area, finding that the proposed action would not have an unreasonable adverse effect on the agricultural area if adopted.

Supervisor Deming stated he has made several calls to Engineer, Eric Wies for his status, but has yet to hear back.

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	#382-411	\$15,882.26
• Joint Water and Sewer	#305-320	\$ 7,797.74
• Youth Fund Claim	#19	\$ 121.73
• Street Lights	#12	\$ 1,758.15
• Highway Fund Claim	#209-222	\$17,898.22

ADJOURNMENT

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

Town Board Meeting closed at 7:57 p.m.

Respectfully Submitted

Christine M. Harris, Clerk