

York Town Board Meeting  
February 13, 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), Eric Wies, Engineer Clark Patterson Lee, Diane Skeffington, Donna Gates, Carl Peter (Zoning and Code Officer), Jay Ezard, Dustin Geiger and Andrew Emborsky (Attorney for the Town)

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 January 16<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Diane Skeffington and Donna Gates:

Mrs. Skeffington and Mrs. Gates discussed with the Board the State Championship signs made for girls' soccer teams. Mrs. Skeffington commented how disappointed she and many others are because the signs continue to sit inside the school and have not been posted. She added, surrounding towns have posted signs in their community, and wondered why we haven't, which would be a way to honor their accomplishments. Mrs. Gates commented when the Right to Farm signs were erected so quickly after approval, we didn't see an issue, but cannot understand the delay in posting the school signs. York Central School is a huge part of this community.

Supervisor Deming replied the Board discussed this issue some time ago, with Highway Superintendent Worden and York Central, attempting to obtain approval from the State to post roadside. Mr. Worden reported once the State denied our request for posting of the signs, the Board suggested placing the signage on school grounds for all to see. Mrs. Gates asked if the Right to Farm signs were approved. Mr. Worden replied, the signs were posted without a permit.

Supervisor Deming commented the Board thought Mr. Gullo had agreed to post at least one set of the signs. Mrs. Skeffington stated she was informed he wanted to wait until all were able to be put up at the same time. Mr. Deming added although the Right to Farm signs are still posted, the State is cracking down on signs on main highways. More often than not, they remove them once they are aware of them, if a permit has not been granted. Mrs. Skeffington stated it is hard to imagine the State turning down the request. Mr. Worden reported they did refuse us on this request, and eventually when they perform their re-evaluation of the area, our farm signs will probably be removed.

Zoning/Code Officer Mr. Peter commented with the Federal Highway Beautification Law, the State is denying signs they feel maybe “cluttering” the highways. Mrs. Skeffington asked, can we take our chances without a permit? We just want the girls to have recognition of their wonderful accomplishment. Mr. Deming suggested not posting the signs until he has an opportunity to speak with our representatives (Bill Nojay and Patrick Gallivan).

Councilman Deuel asked the size of the area needed for the signs. Supervisor Deming showed the Board and guests one sign that has been at the Town Hall for a few years. After review of such sign, Mrs. Skeffington commented if all signs are that size it would require billboard spacing, would it be best located at the school, unless smaller signs could be made. Attorney Emborsky commented, once Supervisor Deming contacts our State Representatives, perhaps they can apply some pressure on our behalf with New York State Department of Transportation regarding the permitting process. Mrs. Gates and Mrs. Skeffington stressed once again their desire to reward the achievements of the soccer teams. Mrs. Gates added, recognizing our School as State Champions is something positive for this community.

Supervisor Deming asked if any Town Board Member had an issue with the signs being posted. The Board replied they did not have an issue. Councilman Deuel asked, if State Champion signs are posted for athletic accomplishments, should there be signage for academics as well, such as Odyssey of the Mind. Mrs. Skeffington replied, York Central School has Odyssey signs posted on the School already and becoming a State Champion is not an easy process, they should be recognized. Councilman Deuel stated he did not have a problem with the signs, but wondered about further requests.

Mrs. Skeffington asked if the existing signs could be revamped. Mr. Worden stated the County designs signs for the Town of York, and whether we revamp the old or create new ones to fit/attach to the “Welcome to the Town of York” signs, we may be covered. Mr. Deming asked if the current signs could be repainted. Mr. Worden replied, they could be repainted and would have to be re-sized to fit. Supervisor Deming stated once again his intention to speak with Assemblyman Bill Nojay and Senator Pat Gullivan about the matter, seeking their assistance, and asked Mr. Worden to obtain a quote to re-design the signage. Mr. Worden stated if the quote is inexpensive, we may be able to post signs on Route 20 as well.

Councilman Deuel stated although in agreement with stand alone State Champion signs, he does not feel Right to Farm and State Champion signs should both be on the Town of York main sign. Supervisor Deming reported we anticipate a quote in time for the next Town Board Meeting on February 27<sup>th</sup>.

8:10 p.m. - Mrs. Skeffington and Mrs. Gates left at this time.

## WATER/SEWER

### 1) Water Breaks:

Mr. Worden informed the Board shortly after the last meeting, the Water Department experienced a series of water breaks in the Wadsworth area. Four breaks occurred in 1 day in the area of Route 36/63 (corner) to the Bank of Castile. The mainline has been

trouble for quite some time and needs replacement. Mr. Worden stated the area from the corner to Clerk Harris' residence is the section in most need, which is a little over 1 mile.

8:15 p.m. – Mr. Geiger and Mr. Peter left at this time due to a fire call.

2) Meter Reader:

Mr. Worden stated the water department is in need of a second meter reading unit. A used gun is available at a cost of \$500.00, but does not come with a warranty. A new unit, quoted from EJ Prescott, totals \$1,100.00 and has a 1 year warranty. Mr. Worden asked the Board how they wished to proceed.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Highway Superintendent, Mr. Worden permission to purchase a new meter gun from EJ Prescott, in the amount of \$1,100.00. Voted on and approved, Yes-5, No-0.

3) Water Request:

Leicester resident, Jay Ezard asked to speak with the Board to discuss the possibility of tapping into the Town of York Water System on River Road. Mr. Deming stated ultimately the decision belongs to the Town of Leicester, because we service them directly. Previously the Town of York had two taps located in Leicester and we billed them accordingly. Over a year ago, the Town of Leicester accepted responsibility of those lines, and we now bill the Town for that usage.

Mr. Ezard asked if it's a pressure related issue, which Mr. Worden responded it was not, but did explain the size of Mr. Swearingen's line is. Mr. Ezard asked if a 2 inch tap would suffice. Mr. Worden stated he spoke with the Town of Leicester today briefly about this issue and was led to believe they would require 2 inch from the start. Mr. Worden added the Town of York does not have a volume issue for this area. Mr. Ezard asked the costs involved for tapping. Mr. Worden stated a new tap fee is \$1,500.00. Mr. Ezard commented if approved, his intention is to connect his home with a 2 inch and his mother-in-laws residence (with a 1 inch). Supervisor Deming stated again, it will be up to the Town of Leicester on whether or not to proceed. Mr. Deming added, he must convey to Supervisor Semmel, if they approve this tap, the Town of York may assist with 1 or 2 homes now, but future development will be completely up to them.

Mr. Wies stated he will speak to Supervisor Semmel in the morning.

8:25 p.m. – Mr. Ezard left at this time.

OLD BUSINESS

1) Linwood Water:

Clark Patterson Engineer, Eric Wies attended tonight's meeting to discuss with the Board the summary water estimates for Linwood Road. Mr. Wies explained the sheet is divided into two service areas, with and without grant funding and also a quote combining the two areas as one project. Mr. Wies stated the primary funding available is Rural Development which requires completion of income surveys as documentation. The

income threshold not to exceed is \$56,882.00. Mr. Wies commented the only way we will be eligible for a \$500,000.00 grant, is if residents average income is \$ 56,000.00 or less.

Mr. Wies also addressed the possibility of including Pavilion for additional numbers, but due to the need for hydraulics to make it feasible, would make the project very expensive. Mr. Wies stated lower incomes would allow us a better rate, but commented even with funding, the costs are too high. Supervisor Deming stated, a question was raised what the cost difference would be if our Highway Department conducted the work. Mr. Worden stated we would roughly have a savings of \$260,000.00. Mr. Wies calculated a new debt service based on this figure, which brings the yearly amount without funding to \$1,750.00 and with grant funding to \$1,200.00.

Mr. Deming stated now that the estimates have been completed we will be scheduling an Informational Meeting shortly for the Linwood area residents notifying them of the results. Council Member Parnell questioned the prospect of Monroe County Water connection. Mr. Wies replied, due to the numerous repairs and upgrades they currently are dealing with, they are not a viable option right now. Supervisor Deming added he was informed they would have to spend roughly \$30 million in order to then be able to assist us. Attorney Emborsky stated, from a Comptroller's stand point, they more than likely will not approve the numbers prepared.

Supervisor Deming stated once again, regardless of the numbers we need to review the results with the Linwood residents and will be having a meeting in the near future to do that.

## 2) Industrial Appraisal:

Councilman Deuel asked Highway Superintendent, Worden if he has had the opportunity to review the Industrial Appraisal information for the yearly update. Mr. Worden replied due to the ongoing winter weather conditions and water breaks he has not had time. Mr. Deuel suggested, if possible asking Industrial Appraisal to delay the report for later in the year in order to allow Mr. Worden ample time to collect the data needed.

### 8:35 PM

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to enter into Executive Session to discuss potential litigation to include: Town Board, Town Attorney, Mr. Worden and Clerk Harris. Voted on and approved, Yes-5, No-0.

### 8:55 PM

RESOLUTION offered by Mr. Deuel 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) Supervisor Deming discussed with the Board a conversation he had with York resident, Sue Smith about interest in using their renovated barn for community events. Mrs. Smith briefly reviewed with Zoning Officer, Mr. Peter the request and now is

seeking a bit more clarification on what is needed and whether or not it can be accomplished.

Mr. Deming commented that he met Mrs. Smith at the barn location, where they toured the structure. The barn had been completely re-wired for a wedding reception they had last year. Attorney Emborsky commented Ms. Smith should potentially seek a Use Variance through the Zoning Board of Appeals (ZBA) where they would interpret her request to make a determination on whether to approve in an agricultural district. Mr. Emborsky added, it would be best to include the Planning Board as well as a teaching tool for future requests, but ultimately the Zoning Board of Appeals has the decision.

9:05 pm – Mr. Peter returned at this time.

Mr. Emborsky stated if the request is processed as a Permitted Use in an Agricultural District, they would be required to hold a Public Hearing prior to a vote. Councilman Deuel commented the procedure will totally depend on how the Smith's plan to use the building. Mr. Peter stated according to State Code, once the structure is used for events, it is no longer classified as an Agricultural Use, it would then be Commercial Use, and has additional requirements and upgrades. Mr. Emborsky stated Planning Board will need to have input on this and other requests, for possible Site Plan Review, where issues would be discussed further in detail. Mr. Peter stated once again if changes are made to an agricultural structure it modifies the use to commercial. Supervisor Deming stated regardless of the direction the Smith's wish to proceed with, New York State Codes will be adhered to. Mr. Peter commented he completely understands Mrs. Smith's desire to make sure they will be allowed to go forward before putting additional money into the structure. Mr. Deming and Attorney Emborsky commented the Board wants to assist in the request any way possible, but they must meet code.

### HIGHWAY REPORT

Mr. Worden reported we have used 1200 ton of salt this winter season. Mr. Worden stated he ordered sand today to use in addition, which is roughly half the price of salt.

Mr. Worden stated, he and office staff continue to receive calls regarding trucks entering Retsof Avenue meant for the salt mine. Signs have been posted, but truck's GPS continue to point them in this direction. Mr. Worden stated he spoke with Eric Schwan of American Rock Salt, seeking assistance with a sign at Retsof Road directing trucks to the mine location, stating "bag trucks" with an arrow. We hope this will handle future traffic issues.

Mr. Worden informed the Board of correspondence from the Town of Caledonia. Supervisor Dan Pangrazio sent a letter thanking the Town of York for allowing them use of our 10 wheel plow truck while waiting for their new one to arrive. Mr. Worden added the Town of Caledonia was of great assistance to us the day we experienced multiple water breaks.

Mr. Worden stated as discussed at the January 16<sup>th</sup> meeting, Pete Scondras has addressed electrical concerns at the highway building, in need of correction. Mr. Scondras submitted two quotes for review:

- install new 200 amp, single phase electric service, using manual switch \$4,252.66
- correct electrical deficiencies of both functional and safety nature \$4,000.00

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the (2) quotes submitted by Pete Scondras for correction of electrical issues, at a cost not to exceed \$9,000.00. Voted on and approved, Yes-5, No-0.

Mr. Worden discussed with the Board the possibility of pursuing an energy audit for the Highway and/or Water/Sewer Departments. The Board agreed to allow Mr. Worden permission to seek the necessary information regarding an energy audit.

Mr. Worden informed the Board of a mowing tractor he recently bid on through the Federal Surplus site. He was awarded the bid in the amount of \$250.00 and will be picked up next week or thereafter, in Wooster, Ohio.

#### NEW BUSINESS

1) Agricultural Assessment information:

Councilman Deuel stated he has been reviewing agricultural assessment information recently with partial reduction in property taxes for eligible farmland in New York State. Assessor Anne Sapienza prepared figures and Mr. Deuel also submitted brochures to the Town Board to read through in order to have further discussion at a later date.

2) Meeting Cancellation:

Supervisor Deming stated that the Planning Board meeting Tuesday evening was cancelled because Attorneys Campbell and Emborsky were unable to attend for legal representation.

3) Town Clerk Conference:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates authorizing Christine Harris, Town Clerk, permission to attend the New York State Town Clerk's Conference in Saratoga Springs, New York from April 27<sup>th</sup> -30<sup>th</sup>. Voted on and approved, Yes-5, No-0.

4) Planning Board Appointment:

Council Members Parnell and Rose reported they conducted interviews for the Planning Board position. Three candidates (Davies Nagel, David Dermody and Larry Lacy) met with the committee. Mrs. Parnell stated all three interviewed extremely well, each offering to serve the community in any way possible. Mr. Rose and Mrs. Parnell recommended to the Town Board to appoint David Dermody as the new member of the York Planning Board.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to accept the recommendation of the Interview Committee, to appoint David Dermody to the York Planning Board, for a 5 year period term expiring 12/31/2018. Voted on and approved, Yes-5, No-0.

5) York Valley Fest:

Councilwoman Parnell reported the Valley Fest Committee met last evening to begin discussions for the 6<sup>th</sup> annual festival, slated for July 26<sup>th</sup>. Mrs. Parnell stated the committee gained new members, Devin and Linda Richards who will be spear-heading hopefully a 5K run. The goal is to begin small, get established and then expand from there. The Fire Department agreed once again to cook chicken for the event, but the York Quilt Guild will unfortunately not be participating this year. Discussions about an antique road show and a time capsule were also brought up. Mrs. Parnell stated she will speak with the York United Presbyterian Church to ask about their continued interest for breakfast, prior to the start of the festival. If the 5K does take place, runners will certainly be interested in breakfast once they have finished their event.

Mrs. Parnell asked Supervisor Deming to once again prepare a letter to the Livingston County Sheriff's Department, requesting assistance for setup and cleanup for Friday, July 25<sup>th</sup> and Sunday July 27<sup>th</sup> beginning at 9:00 a.m. Mrs. Parnell commented the goal is to make it at least to the Town's bicentennial celebration. The committee will be meeting again on Wednesday, February 26<sup>th</sup> at 7:00 p.m.

6) Livingston County Traffic Safety Board:

Supervisor Deming reported he received a resignation letter from Walt Purtell as the Town of York's representative on the Livingston County Traffic Safety Board. Councilman Gates is the alternate, but the Town Board must appoint a new member to serve.

Supervisor Deming stated resident, Joe Graves expressed an interest in serving on the Traffic Safety Board and asked the Town Board if there were any other recommendations. Councilman Gates commented, as a member of the committee he is aware of many Highway Superintendents involved and asked Mr. Worden if he may be interested in the appointment. Mr. Worden stated he will gladly serve as the Town's representative, and feels he will gain much useful information on this Board.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to appoint George Worden Jr., Highway Superintendent, as the Town of York's representative to the Livingston County Traffic Safety Board, in replacement of Walter Purtell. Voted on and approved, Yes-5, No-0.

BILLS

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

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| • General Fund Claim | #33-70 | \$191,823.23 |
| • Joint Water/Sewer  | #25-50 | \$110,848.87 |

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| • Street Lights      | #2     | \$ 2,342.26  |
| • Highway Fund Claim | #19-39 | \$ 38,539.82 |

ADJOURNMENT

RESOLUTION offered by Mrs. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until February 27<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk