

December 28, 2015  
Public Hearing  
7:00 p.m.

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

Absent: None

Others: Henry Fuller, Andrea Rose, Joe McIlroy, James Campbell (Town Attorney),  
Patricia Gardner, Amos Smith, Kirk Richenberg and George Worden Jr.

Supervisor Deming opened the Public Hearing at 7:03 p.m. and stated that the hearing was called to discuss proposed Local Law #3 of 2015.

Attorney Campbell read aloud the Public Hearing notice as advertised and posted on the Town's website.

Supervisor Deming asked Mr. Rose to begin his presentation regarding the request to modify the boundaries of his existing property. Mr. Rose stated when he, Mr. Brock and Mr. Bernecker proceeded with Planned Development several years ago, he thought he could alter the property at a future date if need be. The parcels were broken into three phases (3) 1-acre lots, (1) 3-acre lot and (1) 4-acre lot. Mr. Rose commented, ten years have passed and he has not sold any of the lots. He and his wife wish to alter the property to (1) ten acre lot in order to build a hobby barn and then a home. Infrastructure (water and sewer) lines have been installed and stated their intention to give easements to the Town for them.

Mr. Campbell stated that Clerk Harris received one written comment today regarding proposed Local Law #3. The letter is from Art & Mary Bernecker, which he read aloud and stated would be entered into the minutes as well:

December 28, 2015

To: The Town of York Planning Board  
The York Town Board

From: Art & Mary Bernecker

Re: The Planned Development District within the Town  
( 5 existing parcels located along the East side of Rt. 36, approx. 584.05 +/-  
feet South of the intersection of the Southerly right-of-way line of Dow Rd.  
with the Easterly right-of-way line of Route 36 in the Town of York.)

It has been brought to our attention that the owner of the above mentioned property has requested that said property currently known as Planned Development District within the Town of York, be reclassified to an Agricultural District.

It was approximately 15 years ago that Mr. Rose (above property owner), myself, Mr. Richard Brock and The Town of York spent many, many hours working to have this same property and area classified to its current Planned Development status with the idea for all parties involved to continue working to have these properties and surrounding properties become residential, making this town, community and school district more appealing for newcomers.

We personally have sold six of our ten lots which has resulted in several new homes and families in our neighborhood and town. We are very concerned that a reclassification to Agricultural will prevent future sales and more importantly discourage new families from relocating to this newly developed area.

This reclassification back to Agricultural would seem to be a step back for our town and defeat the purpose of the original intent of the Planned Development District.

It is our hope that the Planning Board and The York Town Board along with Mr. Rose will take into consideration the enormity of planning, work, money, and aspirations it takes for a family to attain their property and home. All of which may be of lesser value should this reclassification be made.

Please think carefully and thoughtfully of those who have chosen this town as their home.

Thank you very much for your time.

Please let us know in advance of future discussions so that all neighbors and parties involved can be notified.

Sincerely,

Art & Mary Bernecker

Mr. Rose commented when the initial concept was first brought about, all had the intention of using the land for development purposes. Mr. Bernecker has built a residence for himself and sold several lots, but we have not been as fortunate. Mr. Rose added, they are still proposing to put in a residence, and the nearest neighbor stated they would very much be in favor of the change, going from 10 prospective homes to only 1 by the Rose's.

Town Board member Elect, Amos Smith asked if Mr. Rose had spoken with any residents on Dow Road regarding the proposed change, which Mr. Rose replied he hasn't as of yet, but plans to. Mr. Richenberg asked the Board if the change is approved would there be anything in the existing Comprehensive Plan that would not be adhered to. Supervisor Deming replied he will have to review the Plan to be sure, but stated it was all agricultural at the original time. Councilman Deuel asked Planning Board Chairman, Mr. McIlroy if his board has reviewed this request. Mr. McIlroy answered that they have not and questioned if a residence is going to be built, why request an agricultural distinction. Councilman Rose stated currently he has two parcels up front but would need additional road frontage. Supervisor Deming added the way Planned Development is written Mr. Rose could construct a barn, but not a residence.

Councilwoman Parnell stated she has heard several comments within the community about the proposed request and concerns about what equipment would be parked at the site. Councilman Rose stated he currently has commercial property where his equipment is located and stored. When he is ready to build, equipment would be needed on site to assist. Mr. Deming added he too has heard questions and/or concerns expressed about what will be brought there. Mr. Richenberg asked Supervisor Deming if he was speaking on behalf of the community. Supervisor Deming replied he was not speaking for the community, but comments have been made, unfortunately nothing in writing though.

Councilman Deuel asked Mr. Rose, if he uses the 10 acre parcel and does not put the road through, will Mr. Brock still have access. Mr. Rose answered Mr. Brock will still have lots off of Dow Road, roughly 305 feet to work with. Mr. McIlroy asked whom will maintain the water main? Mr. Rose stated the line will be dedicated to the Town which will then be maintained by them. Mr. Richenberg questioned the direction in which the flow of water goes, which Mr. Rose replied from Rt. 36 (Main Street) to Retsof Road.

Supervisor Deming stated after no further questions or comments, the Board agreed to hold the hearing open until January 14, 2016 regular meeting, at which time a potential decision may be made. The Board will accept any and all written or verbal comments until such time.

The Town Board adjourned the Public Hearing at 7:20 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

Regular Town Board Meeting  
December 28, 2015  
7:30 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt.), Patricia Gardner, Joe McIlroy (Planning Board Chair), Amos Smith (Town Board Elect), Andrea Rose, Henry Fuller and Kirk Richenberg

Supervisor Deming opened the regular Town Board Meeting at 7:32 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 December 10<sup>th</sup>, 2015 Town Board Meeting. Voted on and approved, Yes-5, No-0.

### HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- continue routine maintenance of equipment
- plow equipment is ready & in use this evening, as well as salting
- recently received a visit from the Department of Labor for an inspection (which has not occurred in roughly 13 years). A letter will be coming outlining a few items to correct, but no major violations to speak of.

### WATER/SEWER REPORT

Mr. Worden reported the following for the Water & Sewer Department:

- the #1 pump at the Tabtronics pump station was down recently, but we were able to run on the #2 pump through the weekend, until correction was made. A spring was broken on the air relief valve, which has now been replaced.
- McVean Road water: We are now live on the main from McVean to Route 20 (Telephone Road). At least two homes have connected thus far. We did make connections on Rt. 20 and will continue with the rest shortly. Samples for Rt. 20 have come back favorable.

Councilman Deuel asked if the Route 36 project is complete, which Mr. Worden replied it is not as of yet. The State has indicated that they do not want us digging in the intersection area at this time (weather purposes) and we fully understand their concern. The contractor must cut and cap in the spring, along with final restoration. Mr. Worden added everyone on Route 36 in the project area is now hooked up to the new main, eliminating the old line. Mr. Deuel asked Mr. Worden if he had any idea how long it will take to finish-off McVean & Telephone Road, Mr. Worden replied roughly 5 days.

OLD BUSINESS- None

NEW BUSINESS

1) 2016 Organizational Meeting:

The Board discussed when to hold the 2016 Organizational Meeting for the Town of York.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to schedule the 2016 Town of York Organizational Meeting for Saturday, January 2, 2016 at 11:00 a.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

2) 2016 Board Meeting schedule:

Supervisor Deming stated that the Board briefly discussed at the December 10<sup>th</sup> meeting the 2016 meeting schedule. Mr. Deming asked each member their thoughts on one or two meetings per month and if they wish to remain on Thursday evenings.

Councilwoman Parnell replied she would like to keep Thursdays and felt one meeting is sufficient, with the opportunity to schedule more if needed. Councilmen Gates and Rose both agreed the 2<sup>nd</sup> Thursday of the month would be fine, one meeting is sufficient. Councilman elect, Mr. Smith stated one meeting per month is satisfactory with him as well and the 2<sup>nd</sup> Thursday of the month works.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell approving the Town Board meeting schedule for 2016 to reflect one meeting per month, which will be the 2<sup>nd</sup> Thursday, starting time at 7:30 p.m. Voted on and approved, Yes-5, No-0.

3) Transfers:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the following transfers prepared by Baldwin Business Services:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1620.4	Buildings Contractual	\$ 5,800.00
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A1910.4	Unallocated Insurance	\$ 4,940.00
A8010.2	Zoning Equipment	\$ 1,500.00
A9060.8	Hospital/Medical Insurance	\$ 4,149.00

TOTAL: \$ 16,389.00

<i>Transfer To:</i>	A1355.4	Assessor Contractual	\$ 142.00
	A1420.4	Attorney Contractual	\$ 12,332.00
	A1460.4	Records Mgmt Contractual	\$ 30.00
	A1620.2	Buildings Equipment	\$ 302.00
	A1680.41	Data Payroll Processing Contr	\$ 275.00
	A4989.4	Other Health Contractual	\$ 116.00
	A7550.4	Celebrations Contractual	\$ 527.00
	A8010.4	Zoning Contractual	\$ 1,864.00
	A9055.8	Planning Contractual	\$ 801.00

TOTAL: \$ 16,389.00

**HIGHWAY FUND - TOWNWIDE**

<i>Transfer From:</i>	DA5142.4	Snow Removal Town Contr	\$ 34,440.00
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TOTAL: \$ 34,440.00

<i>Transfer To:</i>	DA5112.1	Improvements Services	\$ 7,315.00
	DA5112.2	Improvements Contractual	\$ 14,965.00
	DA5130.1A	Machinery - Longevity	\$ 1,575.00
	DA9006.8	Employee Benefits - Vacation	\$ 2,795.00
	DA9008.8	Employee Benefits - Sick	\$ 3,124.00
	DA9060.8	Hospital/Medical Insurance	\$ 4,666.00

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TOTAL: \$ 34,440.00

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**SPECIAL DISTRICTS**

		<b>Unanticipated Revenue</b>	
<i>Transfer From:</i>	SLUB	Unexpended Balance	\$ 1,229.00
			<hr/>
			\$ 1,229.00
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<i>Transfer To:</i>	SL1-5182.4	Lighting Contractual	\$ 1,229.00
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			\$ 1,229.00
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**CONSOLIDATED WATER DISTRICT**

<i>Transfer From:</i>	SW8320.4A	Source of Supply Contr	\$ 70,000.00
	SW8340.1	Trans. & Distr. Services	\$ 24,550.00
	SW8340.2	Trans. & Distr. Equipment	\$ 8,600.00
	SW9010.8	State Retirement	\$ 8,400.00
	SW9060.8	Hospital & Medical Insurance	\$ 2,100.00
	SW9710.7	Bond Interest (1,900,000)	\$ 33,255.00
	SW9710.71	Bond Interest (249,200) 91-02	\$ 3,492.00
	SW9710.72	Bond Interest (106,000) 91-03	\$ 1,348.00
	SW9710.72	Bond Interest (285,000) 91-04	\$ 3,600.00
	SW9730.6	BAN Principle	\$ 23,500.00
	SWUB	Unexpended Balance	\$ 334,954.00

TOTAL: \$ 513,799.00

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<i>Transfer To:</i>	SW1670.4	Central Printing Contractual	\$ 267.00
	SW1680.4	Data Processing Contractual	\$ 3.00
	SW8310.4	Admin Contractual	\$ 6,065.00
	SW8320.4	Source of Supply Contractual	\$ 39,921.00
	SW8340.4	Trans. & Distr. Contractual	\$ 423,242.00
	SW9710.64	BOND Principal (1,845,000)	\$ 35,000.00

SW9710.74	BOND Interest (1,845,000)	\$ 6,600.00
SW9730.7	BAN Interest	\$ 2,701.00
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TOTAL:		<u>\$ 513,799.00</u>

**RETSEW SEWER DISTRICT**

<i>Transfer From:</i>	SS8130.4	Sewage Treat. & Disp Contr	\$ 98.00
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TOTAL: \$ 98.00

<i>Transfer To:</i>	SS1670.4	Central Printing Contractual	\$ 10.00
	SS8120.4	Sewage Treat. & Disp Contr	\$ 88.00

TOTAL: \$ 98.00

**SEWER DISTRICT #1**

<i>Transfer From:</i>	SS1-8130.4	Sewage Treat. & Disp Contr	\$ 45.00
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			\$ 45.00

<i>Transfer To:</i>	SS1-1670.4	Central Printing Contractual	\$ 45.00
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			\$ 45.00



**SEWER DISTRICT #2**

<i>Transfer From:</i>	SS2-8130.4	Sewage Treat. & Disp Contr	\$ 221.00
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			\$ 221.00
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<i>Transfer To:</i>	SS2-1670.4	Central Printing Contractual	\$ 10.00
	SS2-8130.2	Sewage Treatment & Disp Equip	\$ 210.00
	SS2-9055.8	Disability Insurance	\$ 1.00
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			\$ 221.00
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**CEMETERY FUND**

		<b>Unanticipated Revenue</b>	
<i>Transfer From:</i>	H2401	Interest - CD	\$ 11.63
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			\$ 11.63
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<i>Transfer To:</i>	H9950.8	Interfund Transfer	\$ 11.63
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			\$ 11.63
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Voted on and approved, Yes-5, No-0.

4) DOT Shared Services Agreement:

Highway Superintendent, Mr. Worden stated that the Board has a copy this evening of a Shared Services Agreement prepared by NYSDOT, that they require from each Town. Mr. Worden commented with upcoming projects on State roads, this would have to be signed in order for us to receive any millings from them, and actually this is a standard agreement for anyone who plows for the State.

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to adopt and authorize Highway Superintendent, Mr. Worden permission to sign the Shared Services Agreement between New York State DOT and the Town of York, for a period of one (1) year. Voted on and approved, Yes-5, No-0.

**SHARED SERVICES AGREEMENT**  
**Between**  
**NYSDOT and the Town of York**

THIS AGREEMENT, dated December 28, 2015, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Town of York hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the standard Schedule A. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.
3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.

4. The Municipality agrees to indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement.
5. The term of this Agreement shall be for one (1) year. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

#### OTHER

##### 1) Right to Farm Committee:

Supervisor Deming reported that the Board has discussed representatives for the Right to Farm Committee, as requested by Mr. Richenberg. Two names have been brought up as designations from the government and farming communities. Councilman Frank Rose and Jay Swede.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to appoint Frank Rose Jr. and Jay Swede as members to the Right to Farm Committee. Voted on and approved, Yes-5, No-0.

Mr. Richenberg asked about the third member of the committee. Councilman Deuel replied the two recently appointed members will remain on the committee as standing members, unless an agricultural conflict occurs between one or both, which would then require replacement. The 3<sup>rd</sup> person to the committee must be mutually agreed upon by both parties in the dispute. Mr. Richenberg asked whom will be making contact. Mr. Deuel answered Councilman Rose will be the contact person going forward. Mr. Deuel added, Mr. Richenberg will give a list of names to Councilman Rose and he will in turn submit to Donnan Farms for review. If a name is agreed upon, the 3<sup>rd</sup> member will be appointed and the committee can move forward with the dispute, otherwise the process continues until a 3<sup>rd</sup> member is determined.

#### BILLS

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve all claims brought before the Board including Pay Application #3 for Randsco Pipeline in the amount of \$ 68,070.20. Voted on and approved, Yes-5, No-0

General Fund Claim	# 403-428	\$ 6,690.56
Joint Water & Sewer	# 299-312	\$ 10,512.37
Capital Improvement Project	# 12	\$ 68,070.20
Street Lights	# 13	\$ 1,694.36
Highway Fund Claim	# 216-225	\$ 10,989.18

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to adjourn the Town Board Meeting at 7:48 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk