

York Town Board Meeting  
January 15, 2015

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

Absent: None

Guests: Davies Nagel, Carl Peter (Zoning and Code Officer), George Worden Jr. (Highway Superintendent), Dustin Geiger, David Russo, Barbara and Gerald Ayers, David Rose, Kirk Richenberg and Henry Fuller

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 December 29<sup>th</sup> meeting, December 30<sup>th</sup> Public Hearing and Special Town Board Meeting and January 2, 2015 Organizational Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Henry Fuller:

Mr. Fuller asked to speak with the Board this evening to discuss three topics. The first item is minutes. Mr. Fuller asked if the Town Board members read the minutes prepared, because he feels they do not reflect what was discussed at the last meeting. Mr. Fuller added at one of the previous meetings a comment was made by a board member “why not sue the board/town”, but did not get put into the minutes. According to paperwork he has read, the Town Board is as responsible for the minutes as much as the Clerk is, which Supervisor Deming replied is correct.

Mr. Deming addressed Mr. Fuller by saying that minutes are not word for word (verbatim), they are a general summary of the subject itself.

Mr. Fuller stated this is not the first time that the minutes and intent have been inaccurate. Minutes seem to be different online versus what happens at the meetings. Supervisor Deming stated he disagrees that the minutes are different online, and added he feels Clerk Harris prepares the minutes based on what happens at the meeting(s) and does a nice job. Mr. Deming asked the Board if they are satisfied with the way the minutes are written, which all agreed they were.

Mr. Fuller stated the second issue to discuss is the adopted moratorium, and asked what the rules and regulations will be and if a committee will be formed. Supervisor Deming answered a committee will be formed in the near future and the rules and regulations will be addressed at that time. Mr. Fuller suggested that the upcoming committee look at the first set of minutes from the Steering Committee. Supervisor Deming replied any and all information will be available to the committee for assistance.

Mr. Fuller asked why the Town is paying \$184,000.00 to the Fire Department without seeing what their expenses are each year. Councilman Deuel stated the department does give a summary of their expenses prior to the budget hearing, in order for the Town Board to gauge what to budget for the upcoming year. Fire Department member Dustin Geiger stated that the New York State Comptroller’s Office conducted and completed a detailed audit of their books, as required by law, but the Town receives a summarized yearly account. Mr. Fuller stated the Town Board should request a more detailed account of the budgeted funds, otherwise there is no justification to the taxpayers on how the money is spent. Mr. Deming commented they have a budget each year and once their figures have

been outlined, they address/discuss their requests with the Board. Councilman Rose asked doesn't the Fire Department have a Board of Directors as well? Carl Peter answered as a member of the York Fire Department, they do have a Board of Directors to answer to. Mr. Peter stated the auditor received all necessary documentation regarding fire department accounts and activities, but it's not necessary to show the Town every line item, just the summary of the budget. Councilman Rose added that the fire department shows the Town Board their needs for the given year and we prepare the budget accordingly. Mr. Fuller asked if anything they outlined as a yearly need, explain the cost? Mr. Peter stated what the department is trying to achieve is having the necessary equipment available to anyone willing to assist or volunteer. We are trying to "outfit" those individuals, which cost the department. Mr. Fuller asked are we mandated by the State to purchase all of this? Mr. Geiger responded, the State does not mandate everything, but they do recommend updating of equipment & vehicles after a certain age. The insurance for the aged equipment is actually too much of a risk mechanically. Supervisor Deming added part of the department's budget is replacement of equipment. Mr. Fuller commented he doesn't understand why York's fire tax is far higher than others in the County. Supervisor Deming answered there are several factors that make up a fire tax.

2) David Russo:

Mr. Russo asked to speak with the Board this evening regarding a property he owns in Greigsville. Mr. Russo stated he has already met with the Zoning Board of Appeals, but Town Attorney, Campbell suggested coming to the Town Board to further discuss his property. Mr. Russo commented his property is located in a commercial district, which in town zoning does not allow residential use. Mr. Russo stated he would like the Board to consider changing the zoning pertaining to permitted uses for multi-family dwellings. Mr. Russo explained, currently our zoning requires in a residential area, minimum square footage of 860 square feet for a single family and 1200 square feet for a two-family dwelling (600 square feet per unit), and asked the Board for assistance.

Supervisor Deming stated the Board can review and amend aspects of our zoning ordinance, to allow uses in a commercial district to permit residential use. The Board added it is not unusual for towns to allow a mixture of uses in commercial areas, with residential as one of those particular uses. Supervisor Deming stated the first step in the amendment process is to authorize Attorney Campbell to draft a proposed Local Law to amend the code. Once drafted, he would present the document to the Town Board and schedule a Public Hearing. After the hearing has taken place, the Board can then render a decision whether or not to adopt the proposed law and if approved, it would then be filed with the State. Councilman Rose stated discussions have taken place on this subject before and should have been updated previously in the town. Supervisor Deming made Mr. Russo aware if the law is adopted he would still be required to obtain a variance through the Zoning Board of Appeals for the square footage requirement for apartments.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Attorney Campbell to draft the necessary local law documents to amend the Town of York code. Voted on and approved, Yes-5, No-0.

3) Kirk Richenberg:

Mr. Richenberg asked, on the 2015 County/Town bill the line item reflects a 2.4% increase, but was told the Town was able to stay under the State's 2% cap? Supervisor Deming responded although it does appear as 2.4%, the Town did stay under the cap at 1.6%. Erroneous taxes and Workman's Compensation elevated the number to 2.4%. Mr. Richenberg asked what constitutes erroneous? Mr. Deming replied any changes or corrections to the roll would be erroneous. For 2015, Workman's Compensation roughly totaled \$35,000 and erroneous taxes were a little over \$1,000.00. Mr. Richenberg asked if Supervisor Deming could explain the 2.9% increase at the County. Supervisor Deming stated he does not have the County budget with him to answer that question but would get together with County Administrator, Ian Coyle for more concrete figures. Mr. Richenberg asked if the

County has to abide by the 2% cap as well, which Mr. Deming replied they do, and if they were to override the cap a Public Hearing would be required.

Mr. Richenberg discussed with the Board, the sign in front of the Town Hall and the guidelines for posting of messages. He feels the messages to the public are "spotty at best". Some messages are posted while others are not, doesn't the Town have a precedence regarding the sign, all should be posted. Supervisor Deming stated he doesn't disagree that messages should be posted, but notices are legally required in the official paper, the Livingston County News, which they have been continually placed in. Mr. Deming added, Councilman Gates used to be the sign keeper, but now by default is the office staff, when they are able. Mr. Deming stated going forward we will make sure important messages make the signboard.

Mr. Richenberg asked what is going to transpire with the moratorium, is there any information or schedule of events? Supervisor Deming responded that we received confirmation that the Local Law has been filed with State. We now hope to assemble a volunteer group to gather and research the necessary information to update our Compensation Plan and Zoning. Mr. Richenberg asked how the Board is going to get a cross section of individuals for this committee, which Mr. Deming replied they are not sure as of yet, but need to find the right mix. Mr. Richenberg volunteered.

Mr. Richenberg asked how the Board notified the public of the November 23<sup>rd</sup>, 2014 Special Town Board Meeting on a Sunday. Supervisor Deming stated the Board authorized Clerk Harris to send the notice of the meeting to the paper (which is on file with the County News). Mr. Deming added, the meeting was necessary due to the cancellation of the November 20<sup>th</sup> regular meeting for weather purposes, and the Board had to finalize and adopt the 2015 budget and approve transfers. Mr. Richenberg stated when the meeting was cancelled he received a telephone call informing him of it, why was he not informed of the meeting on the 23<sup>rd</sup>. Supervisor Deming replied scheduling of the meeting happened quickly to conduct the necessary business in order for the County to proceed with preparation of the 2015 tax bills.

## HIGHWAY

Mr. Worden reported the weather has been difficult to deal with at times but the men are keeping up with the demand. We had a couple of mailbox issues recently with all of the snow, but have taken care of both of them. We recently had to replace a radiator in an 8 year old truck, but we are now up and running once again. Mr. Worden reported that the newest employee has begun work and is doing very well, he is learning procedures quickly. Mr. Worden stated that he has a personnel matter to discuss with the Board later in the evening that will require executive session.

## WATER/SEWER

Mr. Worden reported the water and sewer department is running smoothly no major issues to speak of and no breaks thus far to contend with. Mr. Worden added, now that fuel bids are as low as they are, perhaps we should price out the Wadsworth area once again for watermain replacement. Supervisor Deming stated he will be meeting with Rick Henry of Clark Patterson next week to further discuss water options for McVean Road and the Linwood area. Mr. Worden also stated that the coin salesman located on the west side of the highway building experienced trouble recently, but after repairs were made the machine is running once again.

## NEW BUSINESS

### 1) Procurement Policy:

Supervisor Deming submitted a proposed updated Procurement Policy for Board review. The Board agreed once everyone has had an opportunity to review the policy, a decision will be made at the February 12<sup>th</sup> regular meeting.

2) Petty cash audit:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the Water and Town Clerk Petty cash accounts as presented by Town Clerk, Christine Harris. Voted on and approved, Yes-5, No-0.

\*\* Petty cash bins were verified by Supervisor Deming and Councilwoman Parnell prior to the start of the meeting.

3) ZBA confirmation:

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to confirm Gerald Ayers as the Chairman of the Town of York Zoning Board of Appeals. Voted on and approved, Yes-5, No-0.

4) Water adjustment request;

Supervisor Deming read aloud a letter submitted by Kristen Palmer regarding a water break that occurred at her residence, which has now been corrected. Mrs. Palmer is requesting that the Board consider a water adjustment if possible.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve the water adjustment request submitted by Kristen Palmer for property located at 2827 Main Street York. Voted on and approved, Yes-5, No-0.

\*\* With the approved adjustment, Mrs. Palmer's savings will total \$76.42 from her January-2015 water/sewer billing.

5) Liv. Co. Agreement:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve extension of the Intermunicipal Agreement between the County of Livingston and Town of York for a period of twelve months, January 1- December 31, 2015. Voted on and approved, Yes-5, No-0.

OTHER

1) Signage discussion:

Supervisor Deming stated he has had several conversations recently pertaining to the previous request for signage, and asked the Board if they wish to take another look at the request. Mr. Deming commented he has spoken with the State on the matter regarding options and now ask the Board if they want to proceed any further.

Council Member Parnell stated the signs being discussed will be posted at the school, so she feels they should be addressed by the school board going further. Councilman Rose stated it is tough to make a fair decision on posting of signage because we do not want to leave anyone out of the process. Councilmen Deuel and Gates stated they feel the decision should take place at the school level, where the signs will be posted.

Board members agreed not to proceed further with the request.

8:00 p.m.- Supervisor Deming requested a 5 minute recess prior to Executive Session.

**8:05 P.M.**

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to enter into Executive Session to discuss a personnel matter, to include Town Board, Highway Superintendent and Clerk Harris. Voted on and approved, Yes-5, No-0.

**8:30 P.M.**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to end Executive Session. Voted on and approved, Yes-5, No-0. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported no action was taken in Executive Session.

2) Wind Tower Overlay:

Supervisor Deming stated in regard to the application submitted by York Animal Hospital for a residential scale wind generator at their location, the Town Board must create a Wind Overlay Zone. In order to be approved, three steps must be followed to obtain final approval:

1- An area variance from the ZBA for height ( which has already been granted, contingent upon the applicant getting site plan approval and approval of the wind overlay zone from the Town Board).

2- Site Plan Approval from Planning Board (Planning Board will be meeting in early February to consider this).

3- Creation of a Wind Overlay Zone by the Town Board to cover the parcel the wind generator will be built on.

Supervisor Deming reported in order to proceed forward, the Board has to adopt a resolution authorizing Attorney Campbell to draft the necessary documents to create the proposed Local Law for the overlay zone.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Attorney James Campbell permission to draft proposed Local Law documentation to create a Wind Overlay Zone. Voted on and approved, Yes-5, No-0.

3) 2015 Teen Recognition:

Supervisor Deming informed the Board that he received notification from Patricia Gardner, our Youth Bureau representative, that Livingston County Youth Bureau is now accepting nominations for its annual Teen Recognition Award. Nominations will be accepted until February 13<sup>th</sup>.

4) Training requirements:

Clerk Harris informed the Board of a recent conversation she had with Livingston County Planning Assistant, Mary Underhill regarding training requirements for Planning & Zoning members. Ms. Underhill conveyed, effective in 2007, State law requires members to complete four (4) hours of training per year, and anyone who fails to receive training will be ineligible for reappointment. If a member accrues more than four hours in a calendar year, it can be credited toward the following year. Clerk Harris stated Ms. Underhill sent updated information outlining members in need of training, some needing numerous hours to be current. Clerk Harris commented training is available online or through scheduled classes and suggested perhaps scheduling a coordinated class at the Town Hall for both boards to attend, in order to receive necessary credit hours.

Supervisor Deming stated he will contact Planning & Zoning Secretary, Donna Falkner to verify with her boards their availability for upcoming classes.

**BILLS**

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

General Fund Claim	#1 – 23	\$ 14,930.08
Joint Water & Sewer	#1 – 19	\$ 10,678.29
Street Lights	#1	\$ 1,872.17
Highway Fund Claim	#1 – 12	\$ 17,932.60

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until February 12, 2015. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:35 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk