

York Town Board Meeting  
February 12, 2015

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

Absent: None

Others: John Miller and Dustin Geiger (York Fire Department), Henry Fuller, Davies Nagel, Patricia Gardner and Carl Peter (Zoning & Code Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES

**RESOLUTION** offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the January 15<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel asked to speak to the Board this evening to discuss upcoming plans to form a committee to gauge the impact on the Town of York community, pertaining to the fracking industry. Mr. Nagel stated now that the Town has adopted a one year moratorium it is important to build upon safe guarding our area, and suggested three steps to follow:

#1- To research our community by gathering the most up to date information regarding the Town of York. It would be a snapshot (a baseline) of the current community conditions, which could include, but not be limited to, businesses, waterways, roads, green spaces, population densities, organizations, property values, etc.

#2- To research how the community might change (the impact) if the high volume hydraulic fracturing industry came to York.

#3- To present the Group's findings and nonbinding recommendations to the York Town Board.

Mr. Nagel stated he is unsure how this process will work initially, but added could be adjusted as needed. The most important aspect is to begin the research process, which will always be a helpful tool, and stated we are a bit behind right now. The moratorium will end before we know it.

Councilman Deuel asked if this committee will be for review of HVHF information only or other aspects of zoning as well. Supervisor Deming replied the main purpose for this committee should be to deal with the moratorium in place and future decisions for this community, which will ultimately affect other aspects of our zoning. Mr. Deming added we were already aware that portions of our zoning needed to be updated. Mr. Nagel stated a great deal of information is available regarding fracking, and we, as a committee need to research what York wants. Mr. Nagel commented he wants to remove controversy regarding this subject matter and see what the York Community's needs are, in order to move forward. Communication is the key to fully understand what we have and where we want to go, but must work constructively toward a goal. Supervisor Deming asked for any thoughts on assembling a committee. Mr. Nagel responded, if the Board agrees, he would be willing to prepare

a small introductory notice for the Livingston County News and perhaps website, outlining what has transpired thus far (1 year moratorium) and seeking community support willing to research and assess the impacts of the industry. Mr. Nagel stated this effort will need a great deal of help. We will need to get people and objectives in place. Not every person will have the same opinion, everyone sees things differently, and for this upcoming committee that's what is needed. Many voices coming to a clear objective is the goal. Mr. Nagel stated with the upcoming notice we will appeal to any and all interested people for assistance.

Supervisor Deming agreed having many volunteers to research information will be important but asked wouldn't you need a core committee as the base foundation? Mr. Nagel replied it would be beneficial to have a core group, but numbers are very important in order to process the massive amounts of information we will have to go through. Mr. Nagel stated he looked at the way the Avon Committee conducted their meetings. They divided their groups into four, with everyone responsible for their own segment or topic. The individual(s) would research and then report their findings to the committee to document. Councilman Rose asked if Avon already has specified groups in place, which Mr. Nagel responded they do and have been working on it for over two years. Mr. Nagel stated the work ahead of us will be a daunting task, but a necessary one. He wants to encourage people to appear and participate in the process, showing the community that they care and highlight what York has to offer.

Supervisor Deming stated he and several board members have had conversations with Mr. Nagel about this committee, and feel Mr. Nagel would be best suited to Chair and recommended him for the position.

**RESOLUTION** offered by Mr. Gates and seconded by Mrs. Parnell to appoint Davies Nagel as Chairman of the Impact Study Group for the Town of York. Voted on and approved, Yes-5, No-0.

\*Mr. Nagel stated the most important aspect of this committee will be **Communication**.

### HIGHWAY/WATER & SEWER

Supervisor Deming stated due to the weather conditions Highway Superintendent Worden will not be attending this evening but did convey a few items to discuss with the Board. Mr. Deming stated the Highway Department continues to battle the snowfall, with more ahead. Mr. Deming added Mr. Worden had hoped to discuss the quotes for an overhead door, but unfortunately did not drop them off this evening prior to the meeting. Mr. Deming stated we will table the matter until Mr. Worden is able to submit the quotes for potential action.

Supervisor Deming stated that the Board has scheduled a Water Informational Meeting for McVean/Telephone Road residents for Tuesday, February 24<sup>th</sup> at 7:00 p.m. Residents in that area received a letter informing them of such meeting. Mr. Deming confirmed that we did receive a \$75,000 grant for this project, with a great deal of assistance from Senator Patrick Gallivan. Supervisor Deming commented if all goes well over the next few months the tentative start date for the waterline could be in late spring.

Mr. Deming also addressed the previous request from Old State Road residents to be included in the Consolidated Water District. After reviewing numbers with Rich Henry of Clark Patterson Lee and Attorney Campbell, consolidation figures looked promising. In such discussion we looked at the water tank on Tuttle Road as another source for water for that particular area. Mr. Deming added the Route 36 watermain replacement project will be bid out once again very shortly as well.

### OLD BUSINESS

- 1) Public Hearings:

a- Local Law #1 of 2015:

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Rose to schedule a Public Hearing for Thursday, February 26, 2015 at 6:00 p.m. at the York Town Hall, for proposed Local Law #1 of 2015 “to amend and supersede as applicable various substantive provisions of the Zoning Ordinance of the Town of York, Livingston County, New York, relating to permitted uses within the Commercial District ( C) zoning classification.” Voted on and approved, Yes-5, No-0.

b- Local Law #2 of 2015:

**RESOLUTION** offered by Mr. Rose and seconded by Mrs. Parnell to schedule a Public Hearing for Thursday, February 26, 2015 at 6:00 p.m. at the York Town Hall, for “Proposed Local Law #2 of 2015 to amend and supersede as applicable the zoning map of the Town of York as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York.” Voted on and approved, Yes-5, No-0.

\*NOTE: Both hearings have been scheduled for 6:00 p.m., when the first hearing has concluded, the second hearing will begin.

### NEW BUSINESS

1) Procurement Policy:

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Deuel to adopt the following Procurement Policy for the Town of York:

### **TOWN OF YORK PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS, the Town of York has previously adopted a Procurement Policy in compliance with GML § 104-b; and

WHEREAS, the Town Board of the York wishes to update and modify the procurement policies utilized by the Town for the acquisition of goods and services, so as to be in compliance with the amended requirements of GML §103; and

WHEREAS, it has been determined that adjustment of the bidding requirements and other procurement policies is necessary to reflect changes in the law and changes in the needs of the Town;

NOW, THEREFORE, be it

**RESOLVED:** That the Town of York does hereby adopt the following procurement policies and procedures:

**Guideline 1:** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter collectively referred to as Purchaser) shall estimate the cumulative amount of the items or supplies or equipment needed in the given fiscal year. That estimate shall include a canvass of other departments and boards within the Town and boards or quasi-governmental boards or groups operating under the authority and review of the Town and the past history thereof to determine the likely yearly value of the commodity or service to be acquired.

The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase procurement activity.

**Guideline 2:** All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML §103. However, purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law) may be awarded on the basis of best value, as defined in §163 of the New York State Finance Law, should a Local Law be duly adopted by the Town Board of the Town of York to permit award based on best value.

**Guideline 3 All estimated purchases of goods totaling:**

- Less than \$20,000 but greater than \$7,000 require a written request for a proposal (RFP) and written, fax or email quotes from three vendors.
- Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral, fax or email quotes from two vendors.
- Less than \$3,000 but greater than \$1,000 are left to the discretion of the Purchaser as to securing the quotes or bids.

**All estimated: contracts for public works:**

- Less than \$35,000 but greater than \$20,000 require a written RFP and written, fax or email proposals from three contractors.
- Less than \$20,000 but greater than \$7,000 require a written RFP and written, fax or email proposals from two contractors.
- Less than \$7,000 but greater than \$1,000, are left to the discretion of the Purchaser as to the securing of quotes or bids.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery, and/or the services to be rendered. The Purchaser shall compile a list of all vendors from whom written, fax, email or oral quotes have been requested and the written, fax, email or oral quotes offered.

All the information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

**Guideline 4:** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 5:** A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempts made to obtain the proposals or quotations. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**Guideline 6:** Except when directed by the Town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods or services procured from correctional facilities;
- (f) Good or services procured from through, or jointly with another governmental

agency, such as but not limited to cooperative purchases made in connection with another municipal government or entity, or a school district or services provided or obtained by or from another municipal government or entity or a school district.

- (g) Goods purchases at auction;
- (h) Goods purchased for less than \$1,000.00; and
- (I) Public works contracts for less than \$1,000.00.

**Guideline 7:** This policy shall be reviewed annually by the Town Board at its Organizational Meeting or as soon thereafter as is reasonably practicable.

Voted on and approved, Yes-5, No-0.

2) Refunding Bond Resolution:

**RESOLUTION** offered by Mr. Gates and seconded by Mrs. Parnell to adopt the proposed Refunding Bond Resolution provided by Orrick, Herrington and Sutcliffe to issue refunding bonds for the following:

|  |                               |
|--|-------------------------------|
| 1990 Water System Serial Bonds               | \$ 105,000 principal balance  |
| 1999 Water Improvement Serial Bonds Series A | \$ 64,400 principal balance   |
| 1999 Water Improvement Serial Bonds Series B | \$ 172,500 principal balance  |
| 2006 Public Improvement Serial Bonds         | \$1,450,000 principal balance |

Voted on and approved, Yes-5, No-0.

|                  |     |
|------------------|-----|
| Gerald L. Deming | Aye |
| Lynn Parnell     | Aye |
| Norman Gates     | Aye |
| Frank Rose Jr.   | Aye |
| David Deuel      | Aye |

\* Supervisor Deming stated with approval of the Refunding Bond, it is anticipated that the Town will see a budget savings of approximately \$155,000.00 over the life of the debt.

\* Clerk Harris will certify all necessary documents and publication of the Legal Notice of Estoppel.

3) Water Adjustment request:

Supervisor Deming reported we received a request form Deborah Webster regarding a water break that had occurred on her property (line to the barn) located at 2719 Dow Road. Mrs. Webster indicated that the line has been severed once the break was discovered and have no intention of re-connection and now ask the Board to consider an adjustment.

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Rose to approve the water adjustment request submitted by Deborah Webster for property located at 2719 Dow Road. Voted on and approved, Yes-5, No-0.

\*\*With the approved adjustment, Mrs. Webster's savings will total \$442.21 from her January-2015 water/sewer billing.

4) Assessor discussion:

Supervisor Deming stated he and Town of Leicester Supervisor, Lisa Semmel will be meeting with Assessor, Anne Sapienza on Wednesday, February 25<sup>th</sup> at 8:30 a.m. to discuss her retirement plans and how the towns will proceed.

OTHER

1) Open Space Committee:

Councilman Deuel reported that the Open Space Committee held their first meeting of the year at the Town Hall on January 28<sup>th</sup>. Discussion was held to schedule a meeting in March or April at the Town Hall with representatives from New York State DEC and New York State Department of Ag & Markets to review new regulations and necessary inspections. Mr. Deuel stated once a date and time has been confirmed he will inform the Board.

2) SUNY Geneseo Spring Project:

Supervisor Deming informed the Board that we received a call from John Macow of SUNY Geneseo to discuss their spring project slated for Saturday, April 18<sup>th</sup> from 9:30 – 12:00. Each year students (4-5 usually) volunteer time to assist with any projects we may have for them, and asked the board to keep any potential projects in mind.

BILLS

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

|                       |        |               |
|-----------------------|--------|---------------|
| General Fund Claim    | #24-57 | \$189,628.79  |
| Joint Water and Sewer | #20-46 | \$ 119,385.17 |
| Youth Fund Claim      | #1     | \$ 47.15      |
| Highway Fund Claim    | #13-42 | \$ 31,333.93  |

7:58 P.M.

**RESOLUTION** offered by Mr. Deuel and seconded by Mrs. Parnell to enter into Executive Session to discuss a personnel matter, to include: Town Board and Town Clerk. Voted on and approved, Yes-5, No-0.

8:08 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

3) Upcoming Board Meetings:

Councilwoman Parnell addressed with the Board the fact that procedures for Privileges of the Floor have been discussed frequently, and suggested allowing them for the first meeting of the month and using the second meeting for payment of bills and other routine business, as other towns currently do. Councilman Rose and Supervisor Deming agreed that many towns use the second meeting of the month for such purposes and Councilman Deuel added several town's strictly have one meeting per month. Councilman Gates stated he feels privileges should remain for both meetings per month.

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Deuel allowing Privileges of the Floor for the first meeting of each month and using the second meeting for payment of bills and other routine business. Voted on and approved, Yes-4, No-1.

|                |     |
|----------------|-----|
| Lynn Parnell   | Aye |
| David Deuel    | Aye |
| Frank Rose Jr. | Aye |
| Norman Gates   | Nay |
| Gerald Deming  | Aye |

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Town Board Meeting until February 24<sup>th</sup> McVean Road/Telephone Road Informational Meeting. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:14 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk