

York Town Board Meeting  
March 26, 2015

Present: Supervisor Gerald L. Deming, Councilmen: David Deuel, Norman Gates and Frank Rose Jr.

Absent: Lynn Parnell

Others: Carl Peter (Zoning & Code Officer), John Miller and Kirk Richenberg

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the March 12<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-4, No-0.

Supervisor Deming stated Mr. Worden submitted in writing the following report for the Highway and Water/Sewer Departments:

Highway

- Continue to fill potholes throughout the town
- Straightening of road signs and markers
- Working on machinery, to be ready for construction season

Water/Sewer

Repaired two water leaks on Route 36 near the railroad tracks, beginning Tuesday evening March 17<sup>th</sup> throughout the night into Wednesday. Both were leaking at the joints. Due to the breaks, we had to proceed with a Boil Water Advisory for that area, but was lifted on Friday, March 20<sup>th</sup>. This was a very difficult leak to correct due to running sand in the hole, which took extra time to stabilize. We are grateful to Mark Schroeder and the Town of Caledonia crew for their assistance Wednesday morning with traffic control.

- Spoke with Clark Patterson about the Route 36 Water main Replacement project, verified that it is now out for bid. (bid specs and map are on file in the Clerk's office for review)
- Sewer treatment plant is holding its own and running well

\*\* Spoke with Chrissy earlier today about requests for a spring brush pick up. The department will be able to accommodate if we can schedule the week before Mother's Day, specifically Monday, May 4<sup>th</sup>. Brush pick up will have to consist of 1-day, due to upcoming projects ahead.

Supervisor Deming repeated that the Route 36 Water main project has now been bid out, with the opening to be held on April 9<sup>th</sup>, 2015 at 2:00 p.m. at the York Town Hall.

## OLD BUSINESS

### 1) Local Law #1 of 2015:

Supervisor Deming informed the Board that we received confirmation from the State for filing of Local Law #1 of 2015, pertaining to the creation of the Wind Overlay Zone in the Town of York.

### 2) IRG update:

Councilman Deuel reported that the Impact Research Group has scheduled their upcoming meetings once per month at the Town Hall, right up until the end of the year.

## NEW BUSINESS

### 1) Spring brush pick up:

The Board discussed whether or not to schedule a spring brush pick up. Councilmen Deuel and Rose commented we have tried to schedule one every year and feel we should continue with it, the community seems to be grateful for the service.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to schedule a one-day spring brush cleanup for Monday, May 4<sup>th</sup>. Voted on and approved, Yes-4, No-0.

### 2) Water Public Hearing:

Supervisor Deming reminded the Board of the April 9<sup>th</sup> Public Hearing to receive comment on the District Formation of McVean and Telephone Road Water District. The hearing is slated to begin at 7:00 p.m. Mr. Deming stated once we were able to meet the criteria for 51% of the residents and assessed value, we are now able to proceed with the upcoming hearing.

### 3) Rt. 36 Water main Lateral Policy:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the following:

N.Y.S. ROUTE 36 WATER MAIN, IN THE TOWN OF YORK ADOPTION  
OF LATERAL RESTRICTION POLICY RELATED TO NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND MARKETS

**BE IT RESOLVED BY THE YORK TOWN BOARD AS FOLLOWS:**

WHEREAS, pursuant to Agriculture and Markets Law, the following lateral restriction policy be adopted.

## **LATERAL RESTRICTION-CONDITIONS ON FUTURE SERVICE**

The Town of York imposes the following conditions, as warranted or recommended on the management of water lines located along NYS Route 36 within an agricultural district:

### 1) The only land and/or structures which will be allowed to connect to the proposed

waterline within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures the municipality accepts the limitation under Public Health Law § 1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- 2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- 3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel (s) would not have an unreasonably adverse effect on the agricultural district.
- 4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

RESOLVED, that the lateral restriction policy be adopted.

This resolution shall take effect immediately

Voted on and approved, Yes-4, No-0. (Roll Call Vote)

Gerald L. Deming	Aye
David Deuel	Aye
Frank Rose Jr.	Aye
Norman Gates	Aye

4) Public Officials workshop:

Supervisor Deming stated that Emergency Management Director, Kevin Niedermaier will be hosting a Public Officials workshop on Monday, March 30<sup>th</sup> from 6:30- 9:30 p.m. at his facility on Gypsy Lane, for all Supervisors and Board members interested in obtaining additional training for potential emergency situations. Mr. Deming asked that any board member wishing to attend, confirm their reservation with him before leaving this evening.

OTHER

1) Liv. Co. Farm Fest:

Councilman Deuel informed the Board that this year’s Livingston County Farm Fest has been scheduled for Saturday, September 19<sup>th</sup> from 10am- 4pm at Noblehurst Farms. Mr. Deuel stated usually Coyne Farms in Avon has hosted such event, but this year will take place in the Town of York.

\*\* Councilman Deuel reminded the Board of the April 8<sup>th</sup> community meeting at the Town Hall, to discuss CAFOs and manure management. The meeting will begin at 7:00 p.m., and is sponsored by the Livingston County Farm Bureau and York Farmland Protection Committee.

7:38 P.M.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to enter into Executive Session to discuss contractual negotiations, to include Town Board and Town Clerk. Voted on and approved, Yes-4, No-0.

7:54 P.M.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to end Executive Session. Voted on and approved, Yes-4, No-0.

Supervisor Deming reported no action was taken in Executive Session.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

General Fund Claim	# 70-92	\$ 16,605.56
General Fund Claim	# 93-103	\$ 11,853.93
Street Lights	# 3	\$ 1,944.83
Joint Water & Sewer	#57- 68	\$ 9,775.72
Joint Water & Sewer	# 69-79	\$ 5,658.07
Youth Fund Claim	# 2-4	\$ 105.00
Highway Fund Claim	#47-67	\$ 18,430.75
Highway Fund Claim	#68-72	\$ 4,123.22

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to adjourn the Town Board Meeting until April 9<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 7:55 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk