

York Town Board Meeting
May 14, 2015

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

Absent: None

Others: Kirk Richenberg, Henry Fuller, Susan Smith, Patricia Gardner, Carl Peter (Zoning and Code Officer) and Dustin Geiger

Supervisor Deming opened the Town Board Meeting at 7:32 p.m. and invited Councilman Gates to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the April 23rd Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY/WATER/SEWER REPORT

Supervisor Deming read aloud the report submitted by Mr. Worden:

HIGHWAY/ W&S REPORT

-In Mr. Worden's absence, he submitted a report on 5/13 updating the Town Board as to recent Highway Department work events. This week's rain on Sunday 5/10 & Monday 5/11 created water issues for areas in the Northeast corner of Town as well as the replacement of pipes on Batzing Road.

-As a courtesy for our neighbors in Avon, the Town has been working with their Highway Dept to get several of their roads re opened as they experienced major flooding throughout their Town and Village.

-Last week a repair was made with man power from both our Highway and W/S Dept in Greigsville to fix a water leak on Main Street in front of the Brock residence.

-Sewer quotes for Gen Set repairs/York Road East were provided for the Board to review... Mr. Worden would recommend going with Better Power on State contract as parts and accessibility for future repairs are better available than NorthEast Cummins. In addition, our electrician is more familiar with this style which is beneficial for repair purposes. Just recently York Creek Gen set has also experienced the same problem, therefore whatever is decided, multiply by 2 as we will need to order/purchase another to be included with that when the work is completed for York Road East equipment.

Mr. Deming stated Mr. Worden submitted documentation and two quotes for a GTS Industrial Transfer switch for the Water Department. The quotes are as follows:

Better Power Inc. (on state contact) plus	\$2,565.00 \$1,000.00	(Pete Scondras labor)
Cummins Northeast LLC	\$2,960.95	

Councilman Deuel stated after review of both sewer stations, they obviously need to be repaired and suggest proceeding with Mr. Worden's recommendations. Council Members Parnell and Rose agreed as well, with Mr. Rose adding with the Better Power quote, electrician Pete Scondras will be more familiar with that particular set up.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to accept the quote submitted by Better Power Inc. in the amount of \$2,565.00 per unit, totaling \$5,130.00, for two GTS Industrial Transfer Switches. Voted on and approved, Yes-5, No-0.

*Mr. Scondras's labor to install will total approximately \$2,000.00.

OLD BUSINESS

1) Emerald Ash Borer:

Councilman Deuel discussed with the Board the ongoing concerns regarding the protection of ash trees in our area. We need to continue to monitor in order to prevent further infestation. Mr. Deuel stated some trees have been affected in the Casey Road area. County and Town Highway personnel should be aware to educate themselves for the community. Councilman Deuel suggested perhaps having one person trained/certified to assist. Mr. Deuel added affected trees have been identified in several areas of Livingston County (Avon, Lima, Caledonia and York) stretching from the highway to wood lots. Mr. Deuel stated his property has ash trees as does many other homeowners. Supervisor Deming asked if the north end of town is in the affected area. Mr. Deuel replied as stated, it has been identified in other townships, but will continue to move north to south. Although NYS DEC was once harvesting the affected trees, they have since stopped but has put regulations in place to guide those that need it. Councilman Deuel stated firewood can contain the disease and should not be moved. DEC requires we use locally cut firewood, which means, wood cut from an area within a 50 mile radius. Mr. Deuel informed the Board that no action is required at this time but wanted to keep them updated on the matter. For further information on Emerald Ash Borer and how it affects the Town of York, we can contact NYS DEC Forester, Brice June at the Region 8 office in Avon.

NEW BUSINESS

1) Tax Freeze Resolution:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the following:

WHEREAS: The State of New York has passed Property Tax Freeze legislation and

WHEREAS: The State of New York is allowing each of its municipalities to file Tax Freeze documentation (Government Efficiency Plans and certifications) using their County as Lead Entity rather than filing individually and

WHEREAS: The State of New York will consider plans submitted to the Lead Entity as having fulfilled the municipality filing requirements under the Tax Freeze legislation,

THEREFORE: The Town of York hereby resolves to recognize our county as Lead Entity and submit our documentation to them rather than directly to the State.

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

2) Marriage Officer Appointment:

Clerk Harris read the following statement:

We have continued to receive requests from marriage applicants regarding the actual marriage itself. If a couple wants to have a friend or relative perform the ceremony instead of a Priest, Minister or Justice of the Peace, the Town Board does have the authority to appoint a Marriage Officer. A Marriage Officer can be a Board member, Town Clerk or another individual, but must be spelled out by whom & length of term. Many couples feel the ceremony would be more personal if a loved one is able to "marry" them, rather than an individual they have only recently met, especially if they are not affiliated with a particular church. The Town Board can appoint a Marriage Officer for a period of time, which can be for one (1) day and/or that one (1) specific event, which will then be filed with New York State Department of Health. I recently spoke with Bill from the Dept. of Health, where he explained that many of these completed licenses are already documented and on file with the State.

If the Board feels comfortable appointing an individual for these requests, we have one this evening and will more than likely have a second one in July as well. (**The 2nd request arrived today**)

Clerk Harris read aloud letters submitted by potential officials for each upcoming ceremony.

May 12, 2015

**Christine Harris
Town Clerk, Town of York
2668 Main Street
PO Box 187
York, New York 14592**

Dear Christine,

I am contacting you regarding the upcoming marriage ceremony of a family friend, Ms. Dana Palumbo, and her fiancé, Mr. Joel Barron. They plan to marry on June 6, 2015 in the town of York, at the home of Susan and Andrew Smith of Lawnel Farms. I am Andrew's uncle, the late Cathy Smith, was my sister.

Dana and Joel have asked me to perform their wedding ceremony. And I understand that it is legal for a town board in the State of New York to appoint marriage officers as they see fit. I am writing to request that the town of York consider appointing me a temporary marriage officer, for the date mentioned above, in order to perform their ceremony legally. It would be greatly appreciated by all of us.

Thank you for your consideration.

Sincerely,
William A. Austin

Dear Council Members,

I write to request that the Council take under consideration appointing me as a Marriage Officer for the Town of York so that I may officiate at the wedding of my very good friends on Saturday July 11, 2015. I have known the young couple since they met and have been a friend of their families for over ten years. I understand the duty and responsibilities expected of the position of Marriage Officer and if you should, grant my request,

I will carry them out as prescribed.

Wedding Information:

The Couple: Nathan Blum and Heather Grattan

Wedding date: July 11, 2015

Location: Andrew Smith Property 3145 York Road East 3:30 pm

I look forward hearing from you about the progress of my request. If you have any further questions, please contact me using the above information. Thank you for your time and consideration.

Respectfully,

James R.

Minerd

After much discussion and questions from Board members, all agreed that they would approve a Marriage Officer appointment for a specific ceremony.

a) William Austin:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to appoint William A. Austin as Marriage Officer for the wedding ceremony of Dana Palumbo and Joel Barron, for the sole date of June 6, 2015, in the Town of York. Voted on and approved, Yes-5, No-0.

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

b) James Minerd:

RESOLUTION offered by Mr. Rose and seconded by Mr. Deuel to appoint James Minerd as Marriage Officer for the wedding ceremony of Heather Grattan and Nathan Blum, for the sole date of July 11, 2015, in the Town of York. Voted on and approved, Yes-5, No-0.

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

3) Linwood Area Water Meeting:

Supervisor Deming reported after several meetings with Rick Henry of Clark Patterson Lee, we are now ready to conduct a second Informational Meeting for the Linwood Area residents regarding potential municipal water. The meeting will take place on Wednesday, June 24th at 7:00 p.m. at the Town Hall. A notice will be placed in the Livingston County News and letters sent directly to homeowners in the boundary areas.

4) IRG update:

Clerk Harris reported each board member received a copy tonight of the latest Impact Research Group (IRG) minutes, and stated they will now be posted to the website.

York Impact Research Group Meeting

Saturday April 11 2015, York Town Hall. 10:30 a.m. - 12 noon

In attendance: Davies Nagel, Pat Gardner, Steele Fuller, Lee Gratwick, Rebecca Lewis, Dave Deuel, Roberta MacLean, Larry Smith, Anne Roth-Blizzard

We reviewed Minutes from 7 March meeting. Clarified that we had merely questioned whether the county had been discussing brine spreading on roads. Minutes to be amended.

The IRG portion of the Town of York Website is up. We agreed it would be more effective to add articles and resources as separate links rather than referencing in meeting minutes.

Roberta McLean will be working on **Government and Services**.

Quality of life: Anne summarized her review of Avon's report and presented York-specific assets which may be considered in addition to health, including the Genesee Abbey, Linwood Gardens, Warren Homestead, Greenway, festivals. Becky and Lee will assist in developing this report. They were interested in water resources. May need to re-look at topics, over-lap.

Economics: Larry Smith presented a comprehensive report on his work thus far, focusing on York as a Right to Farm community with a population of 10,000 milking cows. Also several other relevant statistics including that only Rtes. 63, 36 and 20 are capable of commercial development. He pointed out the potential industrial impact on people and animals: light, vibration, noise, altered character of the town, pollution of water on the farm, traffic. He brought an article (<http://www.newyorker.com/magazine/2015/04/13/weather-underground>) linking waste disposal in Hydrofracking with earthquakes. Concluded with the importance of thinking in larger/longer range economic terms: returns on fracking wells are limited; returns on farming are not.

Road use agreement came out of Steering Committee (based on Steuben County). Industry would be financially liable for repair of town and local roads. State roads would be responsibility of NYS DOT.

We discussed taking a look at the number of people who are actually dependent on private sources of water. What is the quality of their water? Are they willing to pay for public water?

Steele reminded us to read the Steering Committee's report; said there were ideas in there we could use. Also said that Wednesday's meeting sponsored by the York Open Space Committee was excellent. Dave Deuel and Dave Nagel will attempt to obtain a copy of the power- point presentation from the Open Space Committee presentation for our viewing.

Land, Natural Resources and Waste Management: Davies presented work he completed on his outline for this topic.

Next meeting: Saturday 9 May 10:30 a.m. Location TBA

Respectfully submitted, Anne Roth-Blizzard

Quality of Life Subcommittee Meeting

4 May, 2015, 5 p.m. @ 1891 Limerick Rd. Becky Lewis, Anne Roth-Blizzard

After a brief review of Topic 2: Quality of Life & Health section of the Avon HVHF Study Committee's report,

we began working on two items:

Becky will contact someone she knows who is researching health issues related to HVHF in PA regarding the availability of more recent published studies.

Anne will contact the Town of York for information regarding the number of residents who depend on private wells for their water, the location of these wells, and the quality of the well water. Also any information regarding citizen interest in obtaining public water.

Next meeting: Monday 18 May, 5 p.m. @ 1891 Limerick Rd.

7:50 P.M.

Resolution offered by Mr. Gates and seconded by Mrs. Parnell to enter into Executive Session for a Personnel Matter, to include: Town Board, Town Assessor and Clerk Harris. Voted on and approved, Yes-5, No-0.

8:05 P.M.

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

Supervisor Deming reported no action was taken in Executive Session.

5) Assessor Status:

Supervisor Deming reported as the Board is aware, Assessor Anne Sapienza will be retiring in June of this year we must now proceed with an advertisement for such position.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to advertise for the position of sole appointed Assessor for the Town of York, applications must be submitted by Wednesday, May 27, 2015 12:00 noon, with interviews to be conducted on June 2nd. Voted on and approved, Yes-5, No-0.

*Clerk Harris will post the notice in the Livingston County News and on the Town's Website.

6) Insurance Meeting:

Supervisor Deming asked the Board for one member to assist him in meeting with insurance representatives regarding the Town's upcoming renewal coverage. Currently we have two interested agencies that have submitted quotes, the renewal must be completed by the end of May.

Councilwoman Parnell stated she will be able to participate on May 20th at 4:30 p.m.

PRIVILEGES OF THE FLOOR

1) Henry Fuller:

Mr. Fuller stated at previous meetings, Attorney Campbell discussed the definition for a moratorium for fracking purposes, and stated there must be a "need in order to be continued". Mr. Fuller stated it was his impression, Mr. Campbell's statement was a legal decision, but what he found on the internet, is a different definition.

Untitled

Full Definition of Moratorium

1.

- a: a legally authorized period of delay in the performance of a legal obligation or the payment of a debt.
- b: a waiting period set by an authority

Supervisor Deming stated the moratorium was adopted in order to give the Town time to evaluate how to proceed and educate ourselves further.

Mr. Fuller commented he does not have a problem with the moratorium, but then a committee was formed.

Mr. Deming replied after the moratorium was adopted, the Town Board did request that additional information be obtained, and that's why the committee was formed.

Mr. Fuller addressed with the Board the recent Annual Drinking Water Quality Report for 2014 that was recently received. On page 8 of the document it states in the month of June 2014, two microbiological monitoring samples were required, but were not taken, is there a reason. Supervisor Deming replied he will certainly look into the reason why the samples were not collected, stating it is very unusual that it did not take place.

Mr. Fuller questioned another fact in the report where it states during 2013, we did not sample for coliform bacteria in the month of June as well.

Supervisor Deming commented he is aware of that issue, stating we now have a new person sampling.

Mr. Fuller stated he has a few other questions to ask but the person to answer them is not in attendance this evening.

2) Kirk Richenberg:

Mr. Richenberg stated at the last Town Board Meeting at the recommendation of Mr. Worden, the Board approved purchases of two new John Deere mowers. The Board automatically took Mr. Worden's recommendation without any questions, which results in no government accountability. Additional quotes should have been obtained for mowers other than John Deere.

Mr. Richenberg asked the Board to explain when the Town obtains a grant for a Public Works project as it pertains to prevailing wage. Supervisor Deming replied certain grants must be prevailing wage accountable, but ultimately depends on the type of grant itself. Supervisor Deming added the majority of the projects completed in Town have included prevailing wage because we had to bid out those projects. The McVean Road water project will be installed by our work force, not needing to include prevailing wage. Supervisor Deming stated all USDA grants would be prevailing wage oriented. Mr. Richenberg asked about pork barrel money, which Mr. Deming replied does not exist. Supervisor Deming added all representatives do have money available to them to disperse to communities based upon a need, such as for water and/or sewer projects. We were fortunate that Senator Gallivan was able to assist for McVean Road.

Mr. Richenberg stated the point is, when the water line was put in by his residence it included prevailing wage, and as a taxpayer had to pay for it, where others do not, and feels it is unfair.

Supervisor Deming commented if we had to bid out McVean Road it would not have been affordable if we had to pay prevailing wage, and the project is small enough for our employees.

Mr. Richenberg stated that the Highway Superintendent had a meeting with Cowan Road residents about the drainage issues. This problem has nothing to do with road construction and everything to do with where the barn's run-off empties into the roadway. Supervisor Deming stated that Mr. Worden informed the Board that what has been done thus far has been temporary and that many suggestions have been discussed. The Town will incur costs for actual road construction repairs, but Donnan's will also bear costs as well. Mr. Richenberg added this issue has happened prior and keeps showing its face and will ultimately be a hazardous situation. Supervisor Deming stated that Mr. Worden discussed with Donnan's several potential corrections. The majority of the corrections will be from the Right of Way to the barn, which will be the farm's responsibility. Mr. Richenberg

commented taxpayers have paid for these road repairs time and again and should not continue. Supervisor Deming stated Mr. Worden submitted a breakdown of the repairs to Cowan Road. For use of a grader and backhoe including two people, the cost to the Town was \$132.19. The work conducted was removal of gravel to grade (\$87.46-equipment and \$44.73-labor).

Mr. Richenberg stated he wants the Town Board to make sure an accurate record is kept and that Donnan's pay for it.

Mr. Richenberg stated that the New York State Comptroller's audit of the York Fire Department was discussed previously at a board meeting, but was overlooked in the minutes. Mr. Richenberg submitted a copy of the audit for Town Board review.

Mr. Richenberg placed a piece of an axel spring from a truck on the Board table, and stated that it came off of a truck housed on Linwood Road. Mr. Richenberg added that the Board should be aware of the proximity of these farm vehicles in and around the community, since you, as a board, are very supportive of agriculture. Safety of the community should be a concern, this is a direct result of industrial farming.

Councilman Deuel stated he agrees with many of the things expressed by Mr. Richenberg pertaining to agriculture, but commented times have changed and so have farming practices, farms are larger now. Mr. Richenberg encouraged Mr. Deuel to visit the Penn Yan area to view their farming practices, which Councilman Deuel replied he has and stated the Town Board should not be asked to regulate the agricultural industry.

OTHER

1) Signage discussion:

Supervisor Deming informed the Board he has spent a great deal of time with Dr. Murray of York Central School to further discuss the previous signage issue, and to perhaps look at different ways to proceed, at no expense to the taxpayers. It was discussed that the current criteria standards in place by the school would continue to be used if additional awards are achieved.

Supervisor Deming asked board members their thoughts on the subject.

Councilwoman Parnell commented that the existing Town of York signs are in very poor shape and wondered if now they might be ready for replacement, but questioned where the money would be coming from. Supervisor Deming stated in the past we have received requests from Eagle Scout candidates, seeking a project to complete their achievement, perhaps we could enlist them to build a new sign(s). The Town would be responsible for signage itself, maintenance included, but the small placards would be paid for by the school. Councilwoman Parnell agreed the award placards should be paid for by the school, where the distinction first began. Mr. Deming added that the smaller signs would be made of metal, but not YCS colors. Councilman Rose stated, after much back and forth about signage, he feels the awards should not be limited to just athletics, and should include all competitions. Supervisor Deming stated once again the requirements would have to meet the current criteria in place at York Central. Councilman Gates questioned how far back do we go to recognize, if York Central wants to take control of that process, he's in favor. Councilman Deuel stated he is opposed to placards on the town signage unless they are willing to recognize all achievements not just athletics, it is not right. Mrs. Parnell commented that all other communities are approving this, where then Mr. Deuel replied, not all communities. Mr. Deming stated we would maintain the sign(s) itself but placards would be paid for by the school. A question was asked, how many signs would be erected, which Supervisor Deming replied would depend on how much money is raised. Mr. Richenberg questioned as more placards are added, the print on the signs would be smaller, ultimately making them unreadable, or the size of the sign(s) would have to get larger. Mr. Richenberg added all worthy recipients should be recognized. Supervisor Deming stated once again the format to recognize future recipients would go by York Central's current criteria. Mr. Richenberg stated he agrees with Mr. Deuel's comments that all should be recognized, and if they can't you should not proceed. Mr. Geiger asked if there was any discussion with Leicester, which Mr. Deming replied he did not care about because the request came to this board. Mr. Peter commented he also agrees with Councilman Deuel

that all recipients should be recognized. Mr. Fuller asked if anyone has seen what the school is doing now with signage. Board members and the public nodded they had, with Supervisor Deming adding he was not impressed with the postings.

Supervisor Deming stated much discussion has taken place on the signage subject and asked the Board if there is a motion to proceed...no motion was given.

BILLS

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

General Fund Claim	# 134-157	\$ 7,811.11
Joint Water & Sewer	# 106-121	\$ 120,754.45
Youth Fund Claim	# 7	\$ 300.25
Street Lights	# 5	\$ 1,627.40
Highway Fund Claim	# 90-98	\$ 3,337.54

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to adjourn the Town Board Meeting until May 28th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk