

York Town Board Meeting  
June 11, 2015

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

Others: George R. Worden Jr. (Highway Superintendent) David Russo, Joe McIlroy, Kirk Richenberg, Henry Fuller, Carl Peter, Donna Falkner, Dustin Geiger, Andrew Walton

Supervisor Deming opened the Town Board Meeting at 7:30pm and invited Mrs. Parnell to lead with the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the May 28<sup>th</sup>, 2015 Town Board Meeting. Voted on and approved, Yes- 5, No-0.

PRIVILEGES OF THE FLOOR

David Russo:

Mr. Russo indicated to those in attendance that he was there on behalf of his business Piffard Enterprise LLC to discuss the possibility of re zoning his property located north of the intersection of Rt. 63 and 36. In displaying various photos and maps of the area, Mr. Russo conveyed that not only his property but that of several others in the vicinity could benefit from a proposed zoning change from "Commercial to "Hamlet Commercial". In providing a detailed account of the beneficial aspects, Mr. Russo also noted that the partial zoning change would allow him to proceed with finishing the apartment dwellings he had started renovating within the building. As the owner of this location, Mr. Russo mentioned that in discussions with Code Officer Carl Peter, he too believed that a potential change was the best use of the space. Mr. Peter reminded him that it was not his decision to alter any zoning classifications. Both Mr. Peter and Supervisor Deming confirmed that upon further review by the Planning/ZBA, a local law would be needed in order for this request to move forward and a zoning change made from "Commercial" to "Hamlet Commercial".

Mr. Russo clearly understood that no decision would be rendered this evening but did ask the Board for their consideration as he labeled this a hardship for him and possibly the other nearby properties as it limits growth potential.

Supervisor Deming asked if anyone had questions for Mr. Russo relating to his proposal with both Mr. Rose and Mr. Deuel inquiring as to boundary lines.

Mr. Deuel added that from what he has seen thus far this evening, he would have no objection to a zoning change classifying it "Hamlet Commercial" with Mr. Rose agreeing that he too would be in favor.

Supervisor Deming proposed tabling the discussion with the possibility of meeting with the Planning Board before any final decision is made. Mr. Russo thanked the Board for their time and attention.

## HIGHWAY

Mr. Worden stated that the Highway Department has been dealing with the inclement weather as a result of the recent rain/wind storms requiring an unscheduled brush/limb pick up. Weather permitting next week, the employees will be oil & stoning 4 1/2 miles of roads to include Anderson, Craig and York Road East. Mr. Worden also added that mowing continues along road sides and cemeteries in addition to our crew working for neighboring Towns as well as Livingston County Highway Department.

## WATER/SEWER

Mr. Worden noted that the dollar bill machine located at the Highway Barns used for unmetered water sales had been out of operation but has since been repaired. He also reported that the Water/Sewer employees have started reading meters for the upcoming July billing cycle.

Mr. Worden was pleased that the W/S Dept was using the drying beds and with the sewers' running well there were no issues to report.

Supervisor Deming asked Mr. Worden if he could stay once tonight's meeting was over to discuss a plan for obtaining Rt. 36 easements with both he and Mrs. Parnell.

## OLD BUSINESS

Supervisor Deming mentioned to the group that a York-Leicester Youth Board meeting was scheduled for Monday June 15, 4:30 pm at the Town Hall. He asked Dep. Town Clerk Patti Barefoot to notify the Y-L Youth Coordinator Pete Robinson as well as York and Leicester Youth Board Representatives at the County level with the date and time.

Councilmen Deuel noted as a follow up to Mr. Richenberg's questions from a previous Board Meeting discussions regarding the Farm Ag/Fire Tax Exemptions. Mr. Deuel offered additional information that he had recently researched on the topic of current Ag values/Assessments while providing the total number of land parcels (261) and acreage (31,400) for the Town of York as well as neighboring towns. Mr. Deuel most specifically noted totals in the Towns of Caledonia, Lima, Ossian and Pavilion while mentioning that Livingston County has a higher Ag assessment than Genesee County. Mr. Deuel shared that the current Fire Tax evaluation is based upon assessed value of a property. He does not believe that vacant, Ag land should be considered equal in value to a property with structures.

Mr. Richenberg posed several more questions while providing valuable comments. The discussion continued briefly before the meeting proceeded to the New Business portion.

## NEW BUSINESS

### Lateral Restriction McVean Road Water:

MCVEAN ROAD WATER MAIN EXTENSION,  
IN THE TOWN OF YORK, ADOPTION OF  
LATERAL RESTRICTION POLICY RELATED  
TO NEW YORK STATE DEPARTMENT OF  
AGRICULTURE AND MARKETS

Councilperson Parnell presented the following resolution and moved that it be adopted and it was seconded by Councilperson Deuel.

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 McVean Road and NYS Route 20 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 that 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. Duly put to a vote as follows:

<u>Ayes</u>	<u>Nays</u>
5	0

Angela Stokes Water Restoration:

An application from resident Angela Stokes, 2526 Main Street Piffard, NY 14533 for water service restoration was received on June 5, 2015.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve an application for water service restoration for Angela Stokes with a fee of \$200.00. Voted on and approved, Yes-5, No-0.

**7:55 p.m.**

RESOLUTION offered by Mr. Deming and seconded by Mrs. Parnell to enter into Executive Session to discuss personnel matters, to include the Town Board and Mrs. Barefoot. Voted on and approved, Yes-5, No-0.

**8:08 p.m.**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to end Executive Session. Voted on and approved, Yes-5, No-0. Supervisor Deming reported that no action was taken during Executive Session.

Assessor :

Supervisor Deming shared with those in attendance that the Town received three qualified applicants for the recently advertised position of Assessor due to Mrs. Sapienza's upcoming retirement on June 30, 2015. Interviews were scheduled with all candidates, and conducted by Supervisor Deming and Mrs. Parnell. Both

the Supervisor and Councilwoman Parnell commented that they were pleased with all three candidates.

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to appoint Gregg Torrey to the position of Assessor effective July 1, 2015 with a salary of \$17,250 (\$10/Parcel) to fill the term of Anne Sapienza, (9/30/2019). Voted on and approved, Yes-5, No-0.

Caretaker/Custodian:

Mr. Deuel reported that earlier in the week he also conducted three interviews with interested applicants for the advertised position of Town Hall Caretaker. According to Councilmen Deuel, all were experienced and capable of the work involved.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to appoint David Woodworth as Town Hall Caretaker w/Custodial duties effective June 15, 2015 for the remaining salary set according to the 2015 budget (\$4000.00). Voted on and approved, Yes-5, No-0.

Insurance Coverage:

Supervisor Deming stated that we had initially asked for a total of three quotes but only two were received for the upcoming renewal of the 2015-2016 Town Property/Liability Coverage. Both he and Mrs. Parnell met with the respective agents that submitted the following quotes:

- Selective Insurance (Tompkins Insurance) - \$27,427.84
- New York Municipal Insurance Reciprocal- (Chanler Agency) - \$31,811.26  
Aka/NYMIR

Supervisor Deming noted that the cost of Selective was approximately \$5,000.00 less than our current 2014-2015 premium amount.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to accept the Selective insurance quote provided by Tompkins Insurance in the amount of: \$27,427.84. Voted on and approved, Yes-5, No-0.

Privileges of the Floor:

Kirk Richenberg referenced that Mr. Deuel spoke about the Fire Tax/Ag Exemption at the last meeting and stated that a change could be made in the Exemption with a simple resolution. Mr. Richenberg asked for a clearer explanation of how this would be implemented. Mr. Deuel responded that a local law would not need to be made, just a resolution as it would be up to the governing body. Mr. Richenberg then commented that what he said basically means that only the Town Board gets to vote on this issue.

In addition, he also inquired as to whether or not there was a chance that a vote could come via referendum or a public hearing. Mr. Richenberg followed up by asking all Board Members in attendance if any of them would benefit from this proposed change and the following responses were noted:

Mr. Deming –No  
Mrs. Parnell –Yes, we own a residence and farmland.  
Mr. Rose – No  
Mr. Deuel - Yes  
Mr. Gates- Yes

In addition, Mr. Richenberg also commented that in regards to previous Fracking issues, Councilmember Deuel has seemingly stopped offering input while asking too why he has chosen to back away. Mr. Deuel replied that given both his position on the Board and on this topic, he had asked for advice from his personal attorney. He was told that in these matters no one benefits only the legal system. A brief discussion on the issue continued between the two men.

Noting that he did not want to continue to argue this point, Mr. Richenberg moved back to the Ag assessed value/Fire tax issue citing the relevance today of the Ag & Market Laws that were originally written in the 1970's. In addition, Mr. Richenberg felt that the Town Board should consider having an informational meeting to educate residents giving them the pros/cons of what is going on rather than having this Board solely responsible for the decision making. Clearly he would like to see the issue brought to light more while being further researched prior to any determination made.

Mr. Richenberg also referenced that a document he provided relating to the recent Fire Dept audit was not reflected in those previous meeting minutes and inquired as to why. In Clerk Harris' absence, Supervisor Deming said he was unsure but would follow up with her upon her return.

Lastly, as a follow up to comments mentioned at a prior Board Meeting regarding farms/farming practices in Yates County. Mr. Richenberg took the opportunity to note that we too have several small scale well managed farms here locally specifically mentioning the farming families of Andrews, Heineman, Tillitson, Torcello and Gould.

Mr. Deuel made a brief comment that he too would agree with Mr. Richenberg that we have a number of excellent small farms in our local area.

\* 8:20 pm John Miller arrived at the meeting

Henry Fuller:

In Mr. Fuller's privileges, he addressed the water monitoring violations posted in the 2014 Annual Water Quality Report (AWQR) recently published in May 2015. Supervisor Deming stated that the operator in charge of sampling was no longer working with the Water & Sewer Dept. Going forward, the Department is well aware of sampling requirements and will continue to adhere to them per regulations. Mr. Fuller expressed concern for health issues and safe water quality citing that certain elements listed have cancer causing agents according to the report. Supervisor Deming stated that he can not speak on behalf of the Livingston Co Health Dept as they are the lead agency that generates our local requirements which in turn are regulated by the New York State Department of Health.

Mr. Fuller states that the number on the report is a 346 exchange which indicates that it is local perhaps Livonia for anyone that wished to pursue further questions.

\* 8:25 pm Roger McCracken arrived at the meeting

In addition to the violations, Mr. Fuller was inquiring why the ongoing high levels of THM's can not be cleared up. Supervisor Deming briefly explained the measures our Town has taken to reduce the levels while working in conjunction with other towns to have levels that are acceptable for the standards.

Mr. Fuller mentioned that he had already discussed another of his concerns with Mr. Worden regarding driveways/shoulders on Fowlerville Road. Supt. Worden will talk with Don Higgins from the Livingston County Highway Dept about the resolving the issue. Mr. Worden did say that he had recently spoken with Liv. Co Dep. Hwy Supt Jason Wolfanger and he stated that their crews are still fighting rains but will be returning to Fowlerville Road to do repairs when weather and time permits.

On the matter of Fire Tax/Ag assessments Exemptions, Mr. Fuller asked Mr. Deuel and Mrs. Parnell "if you take this exemption will it benefit you?"

Councilmember Deuel responded that Ag District parcels will still be paying portions on the Fire Tax just not full value assessments.

Mr. Fuller asked if he was correct in saying that Mr. Deuel was in favor of this proposal so he would not have to pay tax.

Mr. Deuel responded that he too will be paying Fire Tax on his land just like everyone else and reiterated again his comments from earlier that he does not believe that vacant, Ag land should be considered equal in value to property with structures.

As information, he also stated that currently open land is funding approximately 26% of the Fire District. Discussions continued from both gentlemen with Mr. Fuller mentioning that that despite not making a living by tearing up the roads, he has to pay for the costs associated with maintenance and repairs because of these vehicles that do significant damage. Mr. Deuel reminded the group that the majority of the Highway budget is not for repairs but for primarily for Snow & Ice removal.

Mr. Fuller also referred to a document presented by a resident 2-3 meetings ago which was the Fire Dept audit from the New York State Comptroller. He asked both Supervisor Deming and Mrs. Parnell if either take this into consideration prior to the budgeting process. Both responded with No.

Lastly, Mr. Fuller addressed the Assessor appointment that had been made earlier this evening. He was told previously that Mr. Torrey was a trainee only and was questioning why the Town opted to select him. Supervisor Deming again stated that all three candidates interviewed well but this seem to be in the best interest of the Town.

York Fire Department:  
Fire Chief John Miller read the following to all in attendance:



## York Fire Department

P O. Box 92 - Retsof, New York 14539  
Established 2007

June 11, 2015

To Whom It May Concern,

There seems to be an incorrect accusation spreading around town concerning the York Fire Department's audit by the NYS Comptroller's Office.

The rumor is being spread by a couple of citizens who would rather waste their time with malicious accusations instead of volunteering in the community, like the members of the YFD do. If these individuals took the proper time to read the report in completion, they would realize that there was neither mention nor accusation by the Auditors of ANY missing or misappropriated funds by neither the York Fire Department nor the members. Not now and not ever. This issue has the potential of creating public mistrust. It is uncalled for, unnecessary, and flat out not fair to the members that put in countless hours VOLUNTEERING their time. If the members of YOUR Fire Dept were as selfish as those spreading the rumors, we would cease to exist. Just imagine the tax burden created by either bringing in a career staff or at minimum losing the ISO rating that the Dept has worked hard for to earn the low fire insurance rates in town.

As your Chief I implore you to seek action, up to and including legal counsel if necessary, to see that these activities cease and desist immediately before irreparable damage is done.

Respectfully,

John G. Miller  
Fire Chief  
York Fire Department



The Fire Department Letter addressed obvious concerns due to the rumors circulating of the possibility of missing funds within their department. Chief Miller was adamant about taking this opportunity to dispel any such rumor. He spoke very passionately about the small core of civic minded people who take time from their families' and lives to give back to our community for the benefit of all. Chief Miller stressed that the talking must stop and encouraged the Town Board to assist the Fire Dept in making others aware there is no misuse of funds or money missing.

Supervisor Deming asked if anyone would like to comment on Chief Miller's letter while saying that he too had recently heard the rumor that approximately \$180,000 was missing from the Fire Dept.

Mr. Fuller asked Supervisor Deming if he was inferring that he was the one responsible as he seemed to be speaking directly to him. Mr. Deming said that actually Mr. Fuller's name was brought up as it was his understanding the talk had originated from the local Barn Restaurant. Mr. Fuller replied that he had not been to the The Barn in a couple of months and Councilmember Rose who's family owns the restaurant quickly agreed that Mr. Fuller had not been in the restaurant recently.

#### OTHER

Supervisor Deming took the opportunity to say that at a previous Board Meeting on May 14<sup>th</sup>, 2015 . Mr. Richenberg was kind enough to provide the Board with a piece of an axel spring that he was concerned may have come from a farm vehicle housed on Linwood Road. As a follow up to Mr. Richenberg's farm safety concerns, Supervisor Deming took a moment to retrieve the piece of steel from the inner offices and brought it out into the Town Hall for the group to see. In attendance was Linwood resident and owner of Walton's Trucking, Andy Walton. Mr. Walton briefly inspected the axel noting that he believed that it did not come from any of their business vehicles. Mr. Richenberg disputed the claim while also mentioning that he never specifically named any business at the previous meeting. Mr. Walton replied that he read the minutes from the May 14<sup>th</sup> meeting and stated that "we are the only trucking company on Linwood Road". As the meeting resumed, Mr. Richenberg kindly thanked Supervisor Deming for his part in following up on the matter.

#### 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	#167-192	\$ 18,348.50
• Joint Water & Sewer	#130-144	\$123,343.80
• Youth Fund Claim	#9	\$ 500.00
• Highway Fund Claim	#105-117	\$ 3,892.39
• Lighting Dist. Claim	#6	\$ 1,308.81

York Fire Dept member Dustin Geiger addressed Supervisor Deming noting that although he did not have paperwork on hand this evening, the Fire Dept/Ambulance is seeking approval for Town resident Jean Williams to become a member of the York EMS. Upon recommendation, Town Board approval would be granted.

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to approve Jean Williams as member of the York Fire Company. Voted on and approved, Yes-5, No-0.

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Town Board Meeting until June 25<sup>th</sup>, 2015. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:46 p.m.

Respectfully Submitted,

Patricia A Barefoot,  
Deputy Town Clerk