

York Town Board Meeting  
November 5, 2015

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

Absent: David Deuel

Others: George Worden Jr. (Highway Superintendent), Henry Fuller, Kirk Richenberg, Amos Smith, Patricia Gardner, Andrea and Morgan Rose.

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 Mrs. Parnell to approve the minutes of the October 22<sup>nd</sup> Budget Hearing and Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

**PRIVILEGES OF THE FLOOR**

1) Frank Rose Jr.:

Mr. Rose addressed with the Board once again his desire to change the current Planned Development parcels he owns on Main Street (Route 36). Mr. Rose stated that 5 of the 10 lots are legally subdivided, and proposes to change from (10) 1-acre in Planned Development to (1) 10-acre lot in Agricultural. With this proposed change, he will still be allowed to keep his plans to build a hobby barn as well as a house at a future date, and showed the Board a brief drawing to review.

Supervisor Deming stated after the last meeting he contacted Attorney Campbell to ask about the upcoming expiration of the Planned Development distinction and whether or not it reverts back to Agricultural. Mr. Campbell informed him that the area remains Planned Development.

Mr. Rose mentioned in Phase I, there are (3) 1-acre lots, and added he has expended a great deal of time and money for this portion, with the eventual plan to build their home at this location.

Supervisor Deming stated in order to make such change the Board would have to proceed with a Public Hearing to change from Planned Development back to Agricultural, which would be filed as a Local Law.

Mr. Fuller asked how many lots have been sold thus far, with Mr. Rose's response none to date. Mr. Fuller questioned if the change occurs, what does this do for the residents who bought property under the existing Planned Development. Mr. Rose replied each of the areas within Planned Development must be looked at separately. Mr. Deming added someone who purchased a lot under Planned Development previously had to meet the criteria at that time, including any stipulations. Mr. Rose commented the neighbor to the south across the road,

Mr. Hainsworth is zoned residential. Mr. Richenberg questioned how changes can occur to a Planned Development District. Supervisor Deming replied changes can occur to Planned Development through Town Board action, starting with a Public Hearing for a potential Local Law. Mr. Richenberg asked if that is a possibility for changes to the other two Planned Development areas, which Mr. Deming answered, good question, he is not sure. Mr. Richenberg questioned if nothing was to happen or if Mr. Rose gets approval, does the new distinction change after 10 years. Supervisor Deming answered without Town Board action the area would remain as Planned Development. The only way to alter the classification is by Town Board approval by way of a Local Law. Mr. Deming expressed at the last meeting and again this evening the suggestion to keep it Planned Development. Mr. Rose stated after speaking with the nearest neighbor (Mr. Wolcik) about his intentions to change from Planned Development to Agricultural, the neighbor was pleased to think only 1 home vs 10 homes may be built in proximity to him. Mrs. Rose asked if they sold 5 acres, do they still need to come before the Board. Mr. Deming replied all documented stipulations on the mylar map must be adhered to, and read them aloud:

- 1) All building lots shall be minimum of 0.900 acre
- 2) All Residences shall be Single Family Residences
- 3) All Residence permitted within said development shall have full basements
- 4) All Residence shall be either of modular construction or stick built
- 5) All Buildings shall be sited at least 75 ft. from any highway Right of Way
- 6) Driveways to be staggered to subdivision road, not on Route 36
- 7) Lots to be developed with safe egress onto Route 36 with an approved Road
- 8) When lots are developed a 2 1/2 foot cover over the sewer main must be maintained
- 9) No dead end water lines will be permitted
- 10) Each Phase must have completed roadway and utilities before lots are sold and building permits are issued
- 11) All new roads are to be built to Town specifications
- 12) A Stormwater Pollution Prevention Plan will be prepared prior to development
- 13) Approvals are valid for 10 years
- 14) At the end of each Phase a Temporary stone turn around will be provided

Mr. Rose agreed the stipulations stated is a requirement. Supervisor Deming stated approvals are valid for 10 years. Mr. Richenberg asked, whether there is activity or not?, with Mr. Deming replying Yes. Mr. Smith asked whether or not it would be easier to change the zoning rather than going back to agricultural. Mr. Rose replied our current zoning is a bit vague on this issue as opposed to other towns' regulations.

Supervisor Deming asked the Board if they wish to proceed with the potential change and schedule a Public Hearing to introduce the matter as a Local Law. Councilman Gates commented he feels we should move forward. Mr. Deming stated if the Board wants to proceed it will require a resolution.

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Gates to schedule a Public Hearing, for Thursday, December 28, 2015 at 7:00 p.m. for the purpose of potentially changing the current parcels of Frank and Andrea Rose on Main Street, from Planned Development back to Agricultural, which will be Local Law #3 of 2015. Voted on and approved, Yes-3, No-0, Recuse-1, Frank Rose Jr.

### **HIGHWAY REPORT**

Mr. Worden reported the Highway Department has been wedging roadside on MacIntyre Road for the County, fixing crossover pipes on Federal Road and Craig Road as well. More wedging will take place next week along with driveway tie-ins.

Supervisor Deming asked Mr. Worden if he has checked Cowan Road area as was discussed at the last meeting. Mr. Worden replied he has viewed Cowan Road, and also spoke with the State regarding the necessary repairs. They stated that they are aware of the matter, but did not give any more of a response.

### **WATER/SEWER REPORT**

Mr. Worden reported that our water main work has been completed for the McVean/Telephone Road Project, but now must wait to hear from Morsch Pipeline regarding their State permit.

Mr. Worden stated the Route 36 water main replacement project has moved along well. All piping is installed, and blacktopping is underway. They are in the testing stage at this point, with hopeful approval from the Health Department within 2-3 weeks.

Mr. Worden commented that the Retsof Treatment Facility has been running smoothly, with no issues to speak of.

Supervisor Deming asked if pressure testing of the McVean Road line has occurred, which Mr. Worden replied it had, but has not been chlorinated as of yet due to the need for additional manpower for that portion.

### **OTHER**

#### 1) Bridge discussion:

Mr. Worden informed the Board that the Livingston County Traffic Safety Board held their meeting last night. One topic of discussion was the plan for replacement of the Route 63 bridge, sometime in 2018 and their desire for input. Supervisor Deming commented he has spoken with Livingston County Planning Department, Director Angela Ellis on the subject as well, inquiring as to which way they hope to proceed. Mr. Worden added that the archaeological study did not pass, due to the fact that they found too much clay. Councilman Gates asked how long they expect the project to take. Mr. Worden responded they estimate up to 1 year, but they are still in the planning stages.

Mr. Richenberg asked if they will be maintaining any lanes, or closing the area completely. Mr. Deming stated the initial discussion consisted of trying to build next to vs closing completely, but recent talks seem to be moving toward complete closure. Mr. Richenberg asked if they will be receiving any public comment on the project. Mr. Worden stated Mr. Richenberg and others may put their concerns in writing and he will submit to the proper authority. Mr. Richenberg commented that the public needs to know in advance the State's

plans to close the bridge completely in order to make their thoughts and concerns heard. Supervisor Deming added with complete closure, traffic will be affected in smaller areas as well as businesses being greatly affected. Mr. Worden suggested having a joint meeting with Geneseo and Leicester to discuss the matter further. Supervisor Deming added he will be contacting Ms. Ellis as well.

### **NEW BUSINESS**

#### 1) Board of Assessment Review:

Supervisor Deming stated that we currently have a term vacancy on the Board of Assessment Review, and must advertise for any interested Town of York residents to apply. The term is 5 years, effective October 1, 2015 – September 30, 2020.

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Gates authorizing Clerk Harris permission to advertise for a position to the Board of Assessment Review. All letters of interest must be received by Wednesday, November 18<sup>th</sup> by 12:00 noon. Voted on and approved, Yes-4, No-0.

### **PRIVILEGES OF THE FLOOR-continued**

#### 2) Henry Fuller:

Mr. Fuller asked if someone could verify the date of the presentation for the IRG. Supervisor Deming replied that the presentation will take place on Thursday, November 19<sup>th</sup>, 2015 at 6:30 p.m. at the Town Hall.

Mr. Fuller stated he has 38 different opinions about the response of the Town of York regarding McVean Road water. It was his understanding that only seven (7) homes were to connect. Supervisor Deming answered the district never totaled just seven homes. The plan was always to go down McVean Road to part of Telephone Road. The district that was created is where the pipe is installed. Mr. Fuller stated his thought was the original district was up at McVean Road. Mr. Deming replied once again, the district has always extended up to a portion of Telephone Road. Mr. Fuller asked if the Town is going to the town line, which Mr. Deming replied, the project goes as far as Lowry on Telephone Road. Mr. Fuller asked if we will be supplying Lowry Road?, which Supervisor Deming answered we could ultimately sell water to the Livingston County Water Authority and they could bill them, but we will not be including Lowry with our project. Mr. Fuller asked if all of the homes on McVean and Telephone were originally included. Supervisor Deming stated the district boundaries have always included both roads, and a petition for water was signed by more than the majority of those residents in order to proceed. Mr. Deming stated that these residents will now incur a debt service beginning with the January-2016 County and Town tax bill. Mr. Fuller asked where did the extra money go (\$75,000 grant), toward the debt service? Mr. Deming replied the grant money was used toward debt service.

Mr. Fuller commented other areas within the Town (Linwood) have asked for water for years, but we can't seem to get it to them. Mr. Smith asked, wasn't there talk about connecting to Monroe County to assist in that area. Supervisor Deming answered, many discussions have taken place regarding the involvement of Monroe County, but unfortunately it is not

economically feasible. Mrs. Rose asked, wasn't there a survey conducted for the Linwood area. Mr. Deming answered that a survey was prepared, with a response from a large portion of the Linwood hamlet not wanting to proceed with the numbers documented. Mr. Richenberg asked if the dollar figure was above Comptroller amount, which Supervisor Deming answered Yes, it was, right around \$900.00, well above requirement. Mr. Deming added, the survey results indicated that the residents in Linwood wanted to pay around \$600.00 for the year, but even with grant funding it would be difficult to be in that range.

Mr. Fuller commented as far as hooking onto Monroe County Water Authority, he heard many years ago about connecting by going down Route 36 to Dansville, but no one seemed to want it at that time.

Mr. Fuller asked Supervisor Deming, does the \$601,000 cushion in contractual show up the following year. Supervisor Deming responded it would appear in the budget the following year under Fund Balance. Mr. Fuller stated he distinctly remembers \$39,000 being left over in the Fire Departments budget, but the Board did not alter what they offered and gave them the same for the upcoming year, and now they are well over \$600,000 in their savings and asked, why they don't spend their own money. Supervisor Deming replied he does not know what the Fire Department has in their savings, but knows they are planning to use a large part of what they've saved for a truck this upcoming year, which will be a big purchase.

## **BILLS**

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

• General Fund Claim	#346-367	\$ 9,032.28
• Joint Water and Sewer	#264-271	\$115,540.99
• Street Lights	#11	\$ 1,585.16
• Capital Fund	#5-7	\$ 1,996.77
• Highway Fund Claim	#195-203	\$ 3,433.55

## **DUE TO'S/DUE FROM'S**

**RESOLUTION** offered by Mr. Rose and seconded by Mrs. Parnell to approve the following Due To's/Due From's prepared by Baldwin Business Services. Voted on and approved, Yes-4, No-0.

**GENERAL FUND - TOWNWIDE**

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<i>Due to:</i>	Highway	2015 CHIPS		85,971.16
		<b>TOTAL:</b>	<b>\$</b>	<b>85,971.16</b>

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**HIGHWAY FUND - TOWNWIDE**

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<i>Due to:</i>	Water	Ins Claim for Damage from 6/2015	\$	480.36
		<b>TOTAL:</b>		<b>480.36</b>

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**CONSOLIDATED WATER DISTRICT**

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<i>Due to:</i>	General	Kruk & Campbell. PC allocation Change 3/15		165.00
		Kruk & Campbell. PC allocation Change 6/15		1,710.00
		Kruk & Campbell. PC allocation Change 9/15		1,575.00
		<b>TOTAL:</b>		<b>3,450.00</b>

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**JOINT YOUTH**

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<i>Due to:</i>	General	Pay back borrowed money from 11/2014		150.00
		<b>TOTAL:</b>	<b>\$</b>	<b>150.00</b>

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**TRUST & AGENCY**

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<i>Due to:</i>	General	Health Ins & Interest from 2014 AUD	\$	12,388.72
<i>Due to:</i>	Highway	Health Insurance from 2014 AUD	\$	2,128.54
<i>Due to:</i>	Water	Health Insurance from 2014 AUD	\$	750.42
	Rets of Sewer	Health Insurance from 2014 AUD	\$	105.06
	Sewer #1	Health Insurance from 2014 AUD	\$	540.30
	Sewer #2	Health Insurance from 2014 AUD	\$	105.06
		<b>TOTAL:</b>	<b>\$</b>	<b>16,018.10</b>

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**ADJOURNMENT**

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until November 19<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:10 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk