

York Town Board Meeting
January 14, 2016

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

Absent: None

Others: Andrea Rose, Kirk Richenberg, Henry Fuller, Anne Roth-Blizzard, David Deuel, George Worden Jr. (Highway Superintendent), Carl Peter (Zoning and Code Officer), Molly Cummings, David Rose, Lee Gratwick, Davies Nagel, Rebecca Lewis, Morgan Rose, Patricia Gardner and James Campbell (Town Attorney)

Supervisor Deming opened the Town Board Meeting at 7:35 p.m., which is also the continuation of the December 28th meeting, and invited Councilman Smith to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the December 28th, 2015 Public Hearing and Regular Town Board Meeting and January 2, 2016 Organizational Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- Plowing and salting continues
- The Department has been patching potholes as needed
- Routine maintenance and painting of equipment

Mr. Worden asked the Board permission to go to bid for a one-ton truck for the Highway Department. Supervisor Deming stated the Board did budget for a new vehicle this year, so funds are available. Councilman Smith asked Mr. Worden if we will be replacing a truck, which Mr. Worden replied we will.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Highway Superintendent, Mr. Worden permission to bid for a one-ton truck with plow for the Highway Department. Voted on and approved, Yes-5, No-0.

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS:

Supervisor Deming stated the Board has before them an agreement completed by Highway Superintendent, Mr. Worden, to spend highway funds for repairs and improvements upon 54.5 miles of town highway.

Mr. Worden reported on the following areas in need of improvement:

- Cowan Road/Route 36 to Limerick Road (black top)
- Wallace Road/Leicester Town line to Covington Town line (black top)
- Batzing Road/McVean Road to Casey Road (black top)
- Craig Road/Route 36 to Railroad tracks (surface treat)
- McPherson Road/Route 20 to Simpson Rd. (surface treat/crossover work)
- Dow Road/Federal Road to Town line (black top)
- Casey Road/Batzing Road to Rt. 20 (black top)
- Old State Road/ Railroad tracks to Clapp Road (black top)

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith agreeing to expend Town Highway Funds for General repairs and improvements upon 54.5 miles of town highway in the amount of \$176,000.00. Voted on and approved, Yes-5, No-0.

WATER/SEWER REPORT

Mr. Worden reported the following for the Water and Sewer Departments:

- Route 20 water main is installed, but not tested as of yet, due to weather conditions. If weather cooperates we will be able to proceed with testing.
- Sewer: the Gen Set at the Tabtronics pump station is need of repair. Pete Scondras will be coming to correct the electrical situation.
- A new computer is needed at the treatment plant. Supervisor Deming reported that the Board allocated funds in the budget, so one can be ordered at any time.

Mr. Worden asked the Board permission to go to bid for the Water & Sewer Department, to replace a vehicle with a one-ton chassis pickup. Supervisor Deming replied the Board budgeted for a truck for this department as well, so he can proceed when ready.

Councilman Rose asked Mr. Worden if he will be taking any old equipment to the Palmyra auction, which Mr. Worden replied he will, if the Board authorizes him to do so.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing Mr. Worden permission to bid for a one-ton chassis pickup for the Water and Sewer Department. Voted on and approved, Yes-5, No-0.

- Mr. Worden reported currently three residences have connected to the watermain on McVean Road

Councilman Smith asked Mr. Worden, by not being able to test is it holding the project up at all? Mr. Worden answered McVean Road has already been approved and can connect, but Route 20 portion is delayed because of not testing. Mr. Worden commented the majority of that area expressed their intention to wait until spring time to connect, so hopefully it won't be too much of an inconvenience with the delay.

OLD BUSINESS

1) IRG Report:

Supervisor Deming reported the Town Board has had time to digest the information provided by the Impact Research Group (IRG) and stated we have three potential ways to proceed: Moratorium, Ban or no action. Mr. Deming asked each member their thoughts.

Councilman Gates asked what surrounding towns have done around this County. Attorney Campbell replied, the Town of Avon is also discussing this matter and how to proceed. Some towns feel they are accurately covered with their existing zoning, where others feel a moratorium or a Ban is necessary. Many communities are looking now on how to move forward.

Councilwoman Parnell expressed her opinion that she feels we should proceed with a Ban, and if something changes, we can always revisit the situation. Councilman Smith asked Attorney Campbell, is there potential to lift the Ban, or re-evaluate? Mr. Campbell replied the Board can certainly take further action, but would require it be accomplished by way of a Local Law. Councilman Smith questioned whether or not a Ban would affect other energy sources. Mr. Campbell answered, wording is very important and we would have to be careful as to what is specifically prepared prior to potential approval. Councilman Rose asked how many moratoriums can be approved, which Attorney Campbell replied, there is not a specific number, but if approved, it must be justified for a specific purpose. Mr. Campbell added typically a moratorium is for a period of one year, for legal justification purposes. Councilman Gates stated he feels the Board should not take action, he does not believe the fracking industry will come here.

Supervisor Deming stated another factor that has been brought to light even more that fracking itself, is storage of frack waste. Attorney Campbell agreed many have expressed concern for storage or disposal of waste even if drilling doesn't happen. Councilman Smith stated he too would agree to a Ban. Councilman Rose commented he is not saying fracking is good or bad, but does not want to completely shut the door on possible future opportunities. Supervisor Deming commented, with all of the research done, he sees both sides of the issue, and agrees with the research compiled by David Deuel that fracking won't take place here, but is not sure on the matter of storage or disposal of waste, for that reason he too supports a Ban.

Supervisor Deming asked Attorney Campbell what the Board's next step should be. Mr. Campbell replied that the Board can direct him to prepare a draft document, or enlist others whom have prepared previous Ban material, at no cost, trying to minimize the burden to the taxpayers. Mr. Campbell stated if there is concern that a moratorium should be in place leading up to a Ban, he can certainly prepare that if the Board desires, but we must weave the Local Law wording with our existing zoning. Once prepared it must be presented to the Town Board at least 10 days prior to scheduling a Public Hearing. Mr. Campbell stated due to the complex material, the document may take at least two (2) months to prepare, and asked once again if the Board wants to pursue a moratorium in the interim.

Supervisor Deming stated that the Town of Lima has approved a Ban and Mr. Campbell added that the Town of Rush has as well. Councilmember Parnell asked how the Ban will affect the existing wells? Supervisor Deming and Attorney Campbell answered we can protect the existing wells with the wording we prepare. We do not

want to take anything away that already exists, but will need to word the document properly. Councilman Smith asked if the Ban would be specific to drilling?, which Mr. Campbell responded the law as it stands through zoning, states what is appropriate, but we cannot regulate the industry. Councilman Rose questioned with a Ban, would that stop any new wells? Mr. Campbell replied we can accommodate plain vertical well drilling, other drilling may be different and can be dangerous territory. Councilman Smith asked the costs involved to the Town for a moratorium. Attorney Campbell stated the fees for a moratorium would include his time in preparation of the document, (which will be minimal) and advertisement of the Local Law notice. Supervisor Deming commented that the Town has spent a great deal of money over the last two years on the subject and feels we need to bring to a close. Councilman Smith stated he feels it does not make any sense to prepare and adopt a moratorium for two months. Mr. Campbell reiterated moratorium documentation will not require much effort if the Board wants to proceed that way. Supervisor Deming asked the Board if they want to proceed with a moratorium at this time, which each member replied they do not.

NEW BUSINESS:

1) Local Law #1 of 2016:

Supervisor Deming stated at the December 28th meeting a Public Hearing was held to introduce potential Local Law #3 of 2015, to amend boundaries of the Planned Development District on Route 36 owned by Frank and Andrea Rose. Mr. Deming asked Mr. Rose if he wanted to discuss any further information on the subject before the Board renders a decision, which Mr. Rose stated he did.

Mr. Rose commented that he and his wife, Andrea visited the surrounding neighbors to the property to inform them of their potential plans. Many of the neighbors signed the petition expressing their approval for the change from Planned Development to Agricultural for the purpose of building a horse barn and house.

RECEIVED

BY C.M.H.

11/14/16

DATE

Agricultural/Residential Petition

I have personally spoken to Frank and Andrea Rose about their plans for their 10 acre parcel located on Route 36 in the Town of York, which is currently zoned "Planned Development". We agree with their wishes to change their zoning from "Planned Development" to "Agricultural/Residential", so they can build their personal home and a horse barn in the near future.

NAME:

ADDRESS

Allen C Haensworth

Charles D Haensworth

Richard Brock

Mia Kellogg

Chris Kellogg

Raymond A Waldt 3329 Main St

Sharon Beardsley 2600 Dow Rd

Shannon Beardsley 2100 Dow Rd

Barbara Calman 3308 Main St

Wendy Deje 2712 Dow Rd

Cindy Deje 2712 Dow Rd

Dora + Kenneth Kelley 3084 Main St

Councilman Gates commented what the Roses' want to do with the property is a positive thing. Councilman Smith added knowing the majority of the surrounding neighbors are agreeable, he feels we can move forward. Councilwoman Parnell agreed as well, but did reference once again the concern expressed at the December meeting, needing to make sure no excess vehicles are left on site. Mr. Rose addressed the concern by stating he has other areas where commercial vehicles/equipment are kept.

Mr. Campbell asked the Board to answer the necessary questions in Part I (Project and Setting) and Part II (Identification of Potential Project impacts) of the full Environmental Assessment Form, which they did.

RESOLUTIONS:

A) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to Adopt the Findings that were made in the review of Part I and Part II of the full Environmental Assessment Form as set forth therein. Voted on and approved, Yes-4, No-0, Abstain-1, Frank Rose Jr.

Supervisor Gerald Deming	Aye
Councilwoman Lynn Parnell	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Abstain
Councilman Norman Gates	Aye

B) Negative Declaration:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adopt a Negative Declaration based on the findings made in the review a the Full Environmental Assessment Form, and to have the Supervisor sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-4, No-0, Abstain-1, Frank Rose Jr.

Supervisor Gerald Deming	Aye
Councilwoman Lynn Parnell	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Abstain
Councilman Norman Gates	Aye

C) Local Law approval:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adopt Local Law #1 of 2016, to amend the boundaries of the Planned Development Zoning District and extend the boundaries of the Agricultural Zoning District of the Town of York, Livingston County New York. Voted on and approved, Yes-4, No-0, Abstain-1, Frank Rose Jr.

*This law was initially numbered #3 of 2015, but once adopted in the new calendar year, was required to be #1 of 2016.

2) Surplus Equipment:

Supervisor Deming reported a list of Town surplus equipment has been prepared for review and action.

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to declare the following list of office supplies, surplus equipment:

1. Dell Dimension 2400 tower computer serial #: CNOC 3152-70821-43K (obsolete)
2. HP Laser Jet P3005n printer serial #: CNJ1R97626 (inoperable)
3. HP Ink Jet 1100 color printer serial #: CN38M 22369 (inoperable)
4. HP Compaq 6720 lap top serial #: CNU 8291CNN (inoperable)
5. Dell Dimension 2400 tower computer serial #: CNOR2034-42940-39R (obsolete)
6. Swintec 8011 typewriter, no serial # (inoperable)

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

3) Water Adjustments:

Supervisor Deming read aloud two letters requesting water adjustments:

- a. 2135 Casey Road – Debbie Wall:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the water adjustment request submitted by Debbie Wall for 2135 Casey Road. With such adjustment, the new total will reflect \$141.54, which is a savings of \$62.58. Voted on and approved, Yes-5, No-0.

- b. 2685 Craig Road – Jeremy Predmore:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the water adjustment request submitted by Jeremy Predmore for 2685 Craig Road. With such adjustment, the new total for water will reflect \$471.57, which is a savings of \$206.64. Voted on and approved, Yes-5, No-0.

4) Award Purchase Contracts – “Best Value”:

Supervisor Deming stated, previously Highway Superintendent, Mr. Worden requested of the Board, authorization to award purchase contracts, including contracts for service work, for the purpose of best value as defined in the NYS Finance Law. We have been able to use State and County bids, but can be valuable to look outside of our County for the best price. Mr. Campbell stated a year ago they altered the State Finance Law giving municipalities the flexibility to widen the search for a better quote. The proposed law documentation was presented this evening to the Board to review.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to schedule the Public Hearing for proposed Local Law #2 of 2016 for Thursday, February 11, 2016 at 7:30 p.m. for the purpose of considering public opinion and comment relating to:

This Local Law is to authorize the Town of York to award 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 Labor Law, on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer.

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

5) Petty Cash Audit:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the Water and Town Clerk Petty cash accounts as presented by Town Clerk, Christine Harris.

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

*Petty cash bins were verified by Councilwoman Parnell prior to the start of the meeting.

PRIVILEGES OF THE FLOOR

1) David Deuel:

Mr. Deuel attended this evening to ask the Board if they had any questions relating to the fire tax for the Ag value assessment topic. Mr. Deuel expressed once again that what is proposed is to use agricultural value assessment rather than full value for fire tax. The tax would be lower to open land agricultural properties that require minimal to no service. Councilman Smith asked if other towns have proposed this format, which Mr. Deuel commented several. In Livingston County, Caledonia, Lima and Ossian have had this format for roughly 30 years, but added he is not aware of any recent proposals. Councilman Rose questioned if this was to be approved, the perception of the public, knowing that three board members would benefit from this change. Attorney Campbell commented that the public may be a bit skeptical, but added there are always decisions made that will be scrutinized. Councilman Smith stated, hopefully the public would realize we are here to ultimately assist this community. Mr. Deuel stated the logic could be reversed as well, people who own property not wanting to pay more may vote not to

change the format. As long as there are issues to discuss, there will always be different opinions.

Supervisor Deming stated although this issue is a Town Board decision, with a simple resolution required, he has always recommended having an Informational Meeting to answer any and all questions on this topic. The Board agreed to schedule the Informational Meeting for Wednesday, February 24th, 2016 at 7:00 p.m. at the Town Hall.

Mr. Deuel stated he would like to address discussion held earlier in the evening. Mr. Deuel commented while he was a member of the Board he refrained from making a recommendation pertaining to the Gas and Oil Industry, "Fracking", due to possible threat of a lawsuit to the Town. Much of the information he has discussed has been on the DEC Website, with findings of supplemental Geis. There are many unanswered questions still, but he feels he has conducted thorough research on the subject. Mr. Deuel stated for the State to lift the existing Ban, much would have to be done, the Town would have the time necessary to put a moratorium or Ban in place. Mr. Deuel stated he feels it is unnecessary to put the community through the process, unless needed. Mr. Deuel expressed once again the geology of the Town of York, and stated very specific geology is needed for underground gas storage, which we do not have. Waste disposal or underground gas storage will not come here. The Town should not take legal action now, we would have time to act, please consider not doing anything until it is needed. Mr. Deuel added, with action at this time, you would not be giving Lenape credit for what they have done over the years, not allowing them to grow now. It is unnecessary to act, there will be plenty of time for that if the State decides to lift the Ban.

2) Kirk Richenberg:

Mr. Richenberg requested Privileges this evening and asked several questions of the Board:

#1- In previous meetings, the Board spoke of road repairs costs and asked for copies of such, has it been done yet?

*Mr. Worden replied the breakdown has not taken place yet.

Mr. Richenberg asked if he could obtain the figures prior to the February 24th Informational Meeting, which Mr. Deming replied Mr. Worden will have the information available prior to the meeting.

#2- When I requested Privileges of the Floor for the December 10th, 2015 meeting, I spoke on farm subsidies. In the minutes it states it was 1.6 million received and should be 6.1 million, please update.

**Clerk Harris stated she will make the correction to reflect 6.1 million in farm subsidies from 1995-2012 for 5 farms in the Town of York.

#3- How long has it been two meetings per month?

*Supervisor Deming replied at least 30 years or more.

Mr. Richenberg: Changing from 2 to 1 was very abrupt, with no public input except those that attended that meeting. You should have had a Public Hearing on the issue because it looks suspicious. Over the last 11 months several changes to the meetings have occurred, is there a reason for it?

*Supervisor Deming stated after the Board made the changes to Privileges, the second meeting of the month usually lasted only 30-40 minutes, questioning whether the second meeting was needed.

Mr. Richenberg commented essentially it is a 50% pay increase.

Mr. Richenberg: Is there somewhat of a plan on what roads will be done each year?

* Supervisor Deming replied there is a plan that the Highway Superintendent prepares each year, including a list for CHIPS funding, outlining proposed work to be done and costs involved.

Mr. Richenberg: Cowan Road has been in need of repair for roughly 3 years, when other roads throughout the Town have been completed, why the delay?

*Mr. Worden: We try to prioritize the best we can for road work, but fuel prices govern work greatly.

Mr. Richenberg: Others roads in this town have been wedged, but Cowan Road is still not completed.

*Mr. Worden: Having the necessary funds to complete repairs is always challenging.

Mr. Richenberg: As a Town and County taxpayer, I am concerned about wasting money on road repairs, when certain roads are not finished.

Supervisor Deming stated he will schedule a meeting with Don Higgins of the Livingston County Highway Department, including Mr. Worden and Mr. Richenberg, in order to discuss road repair issues. Mr. Richenberg commented he is not telling anyone how to make repairs, but to be mindful of the work and money being spent.

3) Henry Fuller:

Mr. Fuller asked the Board what has been happening with the Right to Farm Law, specifically where it pertains to farmers sweeping roads after they have covered them, to his knowledge nothing has been done.

Supervisor Deming replied the Board discussed at great length at their December 28th, 2015, meeting, the status of the ongoing agricultural issue and the procedure to follow. Mr. Deming added we have 30 days to have the meeting and time is not up quite yet. Councilman Rose added we are continuing to seek for the third member of the committee, and have tentatively scheduled a meeting for next week.

Mr. Fuller stated he does not understand how it is a savings for the McVean Road/ Telephone Road water project if it is taking longer to complete. Supervisor Deming responded it is a savings vs having to pay prevailing wage, and commented Mr. Fuller's

privileges are done for this evening. Mr. Fuller stated he is not allowing Mr. Deming to cut him off tonight, which Supervisor Deming replied we are now moving on to the next Privilege of the Floor.

4) Davies Nagel:

Mr. Nagel asked to speak with the Board to inquire as to the status of the IRG's recommendation. Mr. Nagel stated that he submitted two additional articles to Clerk Harris earlier in the week to copy for the Board members, addressing toxins found in fracking fluid and waste disposal studies, prior to any upcoming plan of action from the Board.

** Clerk Harris made copies for each member & posted articles to the town website.

Mr. Nagel stated we are very lucky for our clean water and the necessity to keep it that way in the future. The National Resource Defense Council would be willing to review our zoning and assist the Town at no cost, and suggested once again to contact them for details. Mr. Nagel commented while some feel fracking won't come to our area, John Holko of Lenape made statements at other meetings that he would like to frack in York. A suggestion was made by the committee to create a Conservation Advisory Group to help preserve the rural character of the Town, and hopes the Board will consider doing so. Mr. Nagel stated the IRG obtained much information this past year, which they have shared with the Board, and feels we are going in the right direction. Mr. Nagel added he would like to take this opportunity to once again express his thanks to the group for all of their efforts.

BILLS

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

General Fund Claim	# 1-25	\$ 12,283.42
Joint Water & Sewer	# 1-23	\$ 7,867.45
Youth Fund Claim	# 1	\$ 1,339.50
Highway Fund Claim	# 1-12	\$ 14,701.14

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until February 11th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:45 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

