

York Town Board Meeting  
July 14, 2016

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

Absent: Frank Rose Jr.

Others: Francis & Jerry Dykstra, Lynn Katter, Wayne Garrett, Stephanie Smith, George Worden Jr. (Highway Supt.), James Campbell (Town Attorney), Henry Fuller, Carl Peter (Zoning & Code Officer), David Rose, Lee Gratwick, Becky Lewis, Kirk Richenberg, Dustin Geiger and Patricia Gardner

Supervisor Deming opened the Town Board Meeting at 7:33 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of the June 9<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-4, No-0.

**PRIVILEGES OF THE FLOOR**

1) David Rose:

Mr. Rose asked to speak to the Board this evening to address the recently prepared local law document pertaining to prohibition of High-Impact Industrial Uses within the town. Mr. Rose commented that the proposed law is well written and he is in favor of the board adopting it.

Mr. Rose added, while a member of the Impact Research Group (IRG) compiling data on Fracking, he primarily dealt with residential property values, but stressed the importance of water quality, and the ongoing concerns. On March 10<sup>th</sup> a Federal jury's verdict found the "industry" negligent and ordered the driller to pay over 2 million dollars to two families in Dimock, PA for contamination. Mr. Rose stated this decision took over seven years to be resolved, even though they (Cabot Oil and Gas) still have an opportunity to appeal. Mr. Rose added it is very difficult to go against people with "deep pockets". Water issues are proven concerns. Each fracking pad requires in the neighborhood of 4 million gallons of water. Mr. Rose stated even though the State has a BAN on Fracking at this time, he is in favor of the Town of York proceeding with this Local Law. With its adoption, we would be in control of our own destiny, regardless of the State's actions currently or in the future.

**HIGHWAY REPORT**

Mr. Worden reported the following for the Highway Department:

- Conducted joint venture work with the State on Craig Road & Rt. 36. Initially

we thought it may be water related, but was not the case. Repairs went smoothly and the State paid for the materials.

- The department has been assisting other towns with oil & stoning, when we require their help they will reciprocate.
- Will be starting on Cowan and Dow Roads with wedging.
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### **WATER/SEWER REPORT**

Mr. Worden reported the following for the Water & Sewer Department:

- SEWER: We were notified of a plugged sewer lateral on Retsof Road recently. Sewer Dept. personnel assisted with the resolve.
- Requesting permission to flush "Jet" the system as we have done several times over the years. The cost is roughly \$2,000.00, hoping to be pro-active with maintenance rather than having to conduct it after an issue arises.

Councilman Smith asked Mr. Worden at what point do we consider purchase of a vack truck to do our own flushing. Mr. Worden replied he would love to have our own equipment, but unfortunately that machinery would cost approximately \$90,000.00, and we don't spend anything near that amount to justify the purchase. This service has always been hired out, but we don't know what may take place in the future.

- WATER: Mr. Worden discussed the Boil Water Advisory we encountered last Friday as a precaution by way of the Liv. Co. Health Dept. The Town of York sampled Tuesday, with the results as negative, but the Town of Leicester tested positive at that time, so the Health Dept. felt, due to the proximity of the Ecoli site they requested that we boil water as well. Mr. Worden stated our system was never compromised and with extra sampling taking place it confirmed that our water tested negative throughout the process. The Town of York lifted the Advisory late Saturday evening (July 9<sup>th</sup>) and Leicester lifted Tuesday afternoon the 12<sup>th</sup>.

Councilman Smith asked how much water does the Town supply to Leicester. Mr. Worden responded we supply water down Caledonia Road to the tank. The rest of the town is supplied by the Village of Mt. Morris. Mr. Worden commented we metered all of the water this weekend during their flushing period as well. Mr. Worden added it was unfortunate we were not notified earlier in the week of Leicester's sample otherwise we could have informed our residents sooner.

### **OLD BUSINESS**

#### 1) County Referrals:

Supervisor Deming stated that the Town Board requested of our Planning Board a recommendation as to whether or not we wish to enter into an agreement with Livingston County Planning pertaining to local referrals. Attorney Campbell added, such agreement eliminates the need for referral of certain zoning and subdivision actions that are of local, rather than inter-community or county-wide concern. The York Planning Board may at any time request recommendation from County Planning if they desire.

Supervisor Deming read aloud correspondence from Planning Board Chairman, Joe McIlroy on behalf of his board, expressing their recommendation to the Town Board to adopt such agreement.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to enter into an Agreement between the Town of York and the Livingston County Planning Board to except referral of certain local zoning and subdivision applications. Voted on and approved, Yes-4, No-0.

2) Anderson Road:

Supervisor Deming reported that he met last week and again yesterday with Town Engineer, Rick Henry to further discuss Anderson Road water. The town continues to work toward a unit charge that can be affordable to the residents, which at this point is at \$680.00. A representative will be visiting the proposed area homes next week to conduct a detailed survey for the most up to date information. Mr. Deming stated previously we only received 70% submittal from the residents and needed 90% for funding. Once the surveys have been completed we will schedule another public informational meeting to discuss the results.

Mr. Katter asked, depending on the survey results will the area still be in contention with Project Garden's development. Supervisor Deming replied it will not, they will be two separate projects. Mr. Katter asked where the boundaries will be for Anderson Road water. Mr. Deming responded the proposed areas will be Route 36, Anderson Road to Limerick Road, down Limerick Road and up Linwood Road.

3) Sewer District Resolution:

a- Town of York WNY Cheese Sanitary Sewer District:

Supervisor Deming reported that a Public Hearing was held on May 12<sup>th</sup> by the board to act upon a petition pertaining to the cheese plant. After the hearing in regular session a resolution was approved for the District Formation. Mr. Campbell is here this evening with additional documentation for approval, and will read aloud the proposed resolution.

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

In the Matter of the Petition for the  
Establishment of a Sewer District in the Town of  
York, Livingston County, New York, to be known  
as the Town of York WNY Cheese Sanitary Sewer District.

**RESOLUTION and ORDER**  
pursuant to Town Law §194

**WHEREAS**, it is the intent of the Town of York to establish the Town of York WNY Cheese Sanitary Sewer District to include all of the real property indicated in the map plan and report filed herein, said real property located in the Town of York, County of Livingston and State of New York; and

**WHEREAS**, the real property that will be included in the district is more particularly described in the said map, plan and report filed in the York Town Clerk's Office; and

**WHEREAS**, the Town of York Town Board, acting on behalf of the Town of York WNY Cheese Sanitary Sewer District having directed that the Town Engineer prepare a map, plan and report with respect to the proposed extension; and

**WHEREAS**, the Town of York Town Board thereafter directed that the charges incurred for the preliminary map, plan and report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

**WHEREAS**, the map, plan and report have been filed in the office of the York Town Clerk; and

**WHEREAS**, the Board having previously complied with the relevant provisions of SEQR; and

**WHEREAS**, a public hearing having been held on the 12<sup>th</sup> day of May, 2016 at 7:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the formation of the Town of York WNY Cheese Sanitary Sewer District to include the property noted in the map, plan and report filed in the York Town Clerk's Office and as more particularly described in the map, plan and report on file the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

**WHEREAS**, the Board having given due consideration to the testimony and evidence given thereat; and

**WHEREAS**, a copy of the map, plan and report describing the proposed district boundaries and the improvements to be constructed therein as well as the boundaries of the entire Town of York WNY Cheese Sanitary Sewer District was available for the public inspection at the York Town Clerk's Office and at the public hearing;

**NOW THEREFORE**, be it

**ORDERED** by the Town Board of the Town of York as follows:

1. That the notice of hearing was published and posted as required by law;
2. That the petition was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;
3. That all of the property and property owners within the proposed district are benefited thereby;
4. That all of the property and property owners benefited by the district are included within the limits of the proposed district; and
5. That it is in the public interest to form the district as set forth; and it is further

**ORDERED**, that the Town Board does hereby approve the establishment of the Town of York WNY Cheese Sanitary Sewer District as shown in the map, plan and report as referenced above; and it is further

**ORDERED**, that the Town Board does hereby approve of the construction of infrastructure and the providing of services as set forth in the map, plan and report referenced above; and it is further

**ORDERED**, that the Town Clerk is directed to file a certified copy of this Order in the Livingston County Clerk's Office and provide certified copies of this Order for filing in the Office of the New York State Comptroller.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Thursday, July 14, 2016 and is recorded as follows:

**Vote of the Board: Yes-4, No-0.**

<b>Supervisor Gerald L. Deming</b>	<b>Aye</b>
<b>Council Member Lynn Parnell</b>	<b>Aye</b>
<b>Council Member Amos Smith</b>	<b>Aye</b>
<b>Council Member Norman Gates</b>	<b>Aye</b>

\*\* Mr. Campbell informed Clerk Harris that this document must be filed in the Livingston County Clerk's office as well as the Office of the State Comptroller.

4) Hometown Hero's:

Councilman Smith updated the Board on discussions he recently had with Ed O'Brien regarding the process and costs pertaining to Hometown Hero banners. Mr. O'Brien stated for his community he actually went door to door to solicit donations for the banners. The community was quite receptive to the idea of recognizing deserving members of the township. The banners roughly cost \$125.00 each, but unfortunately the company he worked with previously is no longer in business. Once he received permission from the Town to hang the banners, he placed a notice in the paper seeking the names of active military, in order to have a count for the banners.

Mr. Smith stated he will continue to research and keep the Board informed.

**NEW BUSINESS**

1) Golden Hands correspondence:

Supervisor Deming read aloud a letter we received from The Golden Hands organization, thanking the Board for use of the building for their regular meetings.

THE GOLDEN HANDS

1734 Dow Road

Pavilion, New York 14525

June 16. 2016

Please accept our thanks for allowing The Golden Hands women's group to periodically use the Town Hall for our meetings. The location is very convenient for our members and provides spacious room as we do our projects.

Also, please extend our gratitude to Chrissy, the office gals and David Woodworth for accommodating our schedule and calendar throughout the year.

We have concluded our 2015-2016 calendar and, with your permission, look forward to returning in September as we begin a new calendar year.

Sincerely yours,

Jean Blanc, Cathy Leach, Joan Andrews, Marion S Nichols, Anne Hasler, Barbara Lubanski, Irene Sick, Carol Hasler, Luetta McColl, Cheryl Archibald, Jeanne Williams, Deborah Vosburg, Chris Cromwell, Mary Mayes, Cathy Cook, Lyndsay Mayes, Nancy Bishop, Pat MacIntyre, Anna May Allenbrandt, JoAnn Flynt , Alice Andrews. Also including members: Connie Burger, Martha Edwards, Betty Nevin and Liz Wilcox.

2) Lateral Restriction Resolution:

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

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

**Lateral Restriction- Conditions on Future Service**

The Town of York imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along Craig Road (between Federal Road and the Townline), Stewart Road, Linwood Road (between Federal Road and the Townline), and Linwood Road North within an agricultural district:

- 1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer 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 and/or sewer 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 or septic system and clearly demonstrate the need for public water or sewer 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.

**Voted on and approved, Yes-4, No-0, Absent-1.**

Supervisor Gerald L. Deming	Aye
Council Member Lynn Parnell	Aye
Council Member Amos Smith	Aye
Council Member Norman Gates	Aye
Council Member Frank Rose Jr.	Absent

3) Livingston County Agreement:

a) Snow & Ice contract:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Supervisor Deming permission to sign the 2016-2017 Snow and Ice contract with Livingston County, for the time frame of October 15, 2016- October 14, 2017 at \$4,500 per mile. Voted on and approved, Yes-4, No-0.

4) Caledonia Trailblazers agreement:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trailblazers Snowmobile Club for the 2016-2017 season. Voted on and approved, Yes-4, No-0.

5) Cindy Boyd request:

Supervisor Deming stated we received our yearly letter from Cindy Boyd on behalf of the Ruth H. Boyd Memorial Fundraiser, seeking approval once again to "Turn the Town Teal" in September to raise awareness for Ovarian Cancer.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the campaign to "Turn the Town Teal" in the Town of York from September 1st- September 30<sup>th</sup>, 2016. Voted on and approved, Yes-4, No-0.



6) Davies Nagel correspondence:

Supervisor Deming and the Board read correspondence submitted by Davies Nagel. Mr. Nagel commented that the CAC (Conservation Advisory Council) read the draft proposed Local Law to ban oil/gas wastes and high-impact industrial uses. The committee recommends adoption of the law, but did have questions regarding the draft:

- 1- Would the draft have any impact on the proposed cheese factory? In other words, will the cheese factory be considered an agricultural use or activity?
- 2- Would the draft's high-impact truck traffic definitions (more than 20 one-way high-impact truck trips to or from the site during any twenty-four hour period, etc) have any repercussions for the cheese factory trucking or other current businesses?
- 3- What is the projected number of truck trips for the cheese factory?

\*\* Other than those questions, the CAC group had a favorable impression of the draft & indicated strong support for its implementation.

Mr. Nagel's submittal also addressed an upcoming presentation at the next CAC meeting on July 20<sup>th</sup> at the Town Hall. Each member of the Town Board has received a copy and has also been advertised for the public. (See below)

7/11/16

Please join us.

Town of York  
Conservation Advisory Council

*Disappearing Hedgerows and Habitat Conservation in York*

*Most travelers along Route 63 between Geneseo and Piffard have probably noticed the recent changes to the tree lined landscape to the southwest along Flats Road.*

*On July 20, to help us learn about such changes, the Town of York's Conservation Advisory Council will sponsor a roundtable discussion on hedgerows and habitats at the York Town Hall at 7:30 PM. Taking part in the discussion with the CAC will be Steve Schiano of Schinao*

*Logging, Dana Hilderbrant, DEC and Fish and Wildlife Technician, and Larry Smith of Lawnel Farms.*

*The focus of York's CAC concerns the natural resources in the town and this conversation will serve as part of the group's ongoing research into these areas.*

*The community is encouraged to join in this discussion and it is hoped that a greater understanding of the dynamics of hedgerows and habitats can be gained.*

*Dave Nagel  
Town of York  
Conservation Advisory Council*

7) Consolidated Water District Rates:

a- Rate increase:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve a \$.14 increase in the water rates, effective in the October billing cycle. Voted on and approved, Yes-4, No-0.

8) Public Hearing discussion:

Attorney Campbell informed the Board of recent discussions with Heather Ferrero of the Livingston County Planning Department regarding proposed Local Law pertaining to the prohibition of High-Impact Industrial Uses. Mr. Campbell stated he submitted the document to the County for review, making sure language does not adversely affect anything current or perhaps upcoming, such as the cheese plant project. The County will review and make any suggestions or comments on the proposed law at their August 11<sup>th</sup> meeting, and we will then be able to schedule the Public Hearing in September.

9) York Fire Department

a- New member:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve Tyler Fuller of Fowlerville, as a new member to the York Fire Department, pending completion of all background checks. Voted on and approved, Yes-4, No-0.

10) Public Hearing

a- Local Law #3 of 2016:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to schedule a Public Hearing for proposed Local Law #3 of 2016; Providing for the appointment of Alternate Members of the Planning Board and Alternate Members of the Zoning Board of Appeals. The hearing date will be Thursday, August 11<sup>th</sup>, 2016 at 7:45 p.m. at the York Town Hall. Voted on and approved, Yes-4, No-0.

11) Insurance Renewal:

Supervisor Deming reported that some members of the Board met earlier this evening with Insurance Agent, David Boyce to review the Town’s coverage and upcoming renewal for 2016-2017.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve payment of \$ 27,609.52 for renewal of the 2016-2017 Town Property/Liability Coverage. Voted on and approved, Yes-4, No-0.

**BILLS**

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

General Fund Claim	# 187-225	\$ 41,907.35
Joint Water/Sewer	# 146-172	\$ 12,977.30
Street Lights	# 6	\$ 1,413.61
Youth Fund Claim	# 9-11	\$ 749.60
Capital Improvement	# 5-7	\$ 5,366.92
Highway Fund Claim	# 127-147	\$ 11,545.45

**OTHER**

1) Solar Array Development:

Attorney Campbell addressed with the Board that numerous residents throughout the County have been inquiring about correspondence they have received pertaining to Solar Array Development. Several towns in the county have already experienced either inquiries or applications about installing solar panels, not attached to any structures, on valuable agricultural property. Mr. Campbell stated the applicant would need to have a minimum of 15 acres for such panels.

Currently the Town of York, not unlike many other towns, do not have any regulations in place to govern these applications. Mr. Campbell stated the Town may wish to consider putting legislation in place to be ahead of any requests, in order to make sure the town is covered. Attorney Campbell added, if the Board advises him to prepare regulations he will gladly do so, but simply wanted to warn the Board at this time because requests have been appearing more so over the last two months, and wanted us to be pro-active if the Board desires.

**ADJOURNMENT**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adjourn the Town Board Meeting until August 11<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:06 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

