

York Town Board Meeting
September 14, 2017

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

Absent: None

Others: Peter Robinson & Dave Wolfson (York/Leicester Youth Program), Jennifer Rodriguez, Mark Grove and Dr. Arnold Matlin (Liv. Co. Dept. of Health), John & Rose Mader, Diane Tiede, Wanda Perry, Nina Jackson, Michele Forman, George Worden Jr. (High. Supt.), James Campbell (Town Attorney), Joe McIlroy, Henry Fuller, Dustin Geiger, Kirk Richenberg, Melissa Alber, Mary Jane Schwan and Jane Towne (York Valley Fest)

Supervisor Deming opened the Town Board Meeting at 7:30 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 August 10, 2017 Public Hearing and Regular Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Liv. Co. Health Department:

Supervisor Deming introduced from the Livingston County Health Department, Jennifer Rodriguez, Dr. Arnold Matlin and Mark Grove to discuss the ongoing THM issue. Mr. Grove began by explaining what specifically THM's were. THM's (Trihalomethanes) are a result of a reaction between the chlorine used for disinfecting tap water and natural organic matter in the water. Mr. Grove stated that a number of municipalities have experienced the same problem in their system as the Town of York. The Health Department encourages flushing of water mains to rid or reduce THM's. Numerous improvements were made by the Town to assist in reduction of the numbers, but have had non-compliant quarters within the past two years.

Ms. Rodriguez confirmed that other municipalities have had the same occurrence, this is not isolated strictly to the Town of York. Previously, from 2011-to the second quarter of 2016, no issues had arisen. When the EPA reduced the Maximum Contaminant Level (MCL) for total THM's in public drinking water systems from 100 to 80 parts per billion, is when the violations began. Ms. Rodriguez also commented that flushing of the systems is very much encouraged especially prior to testing. Other measures are available but would take a great deal of capital, testing is mandated but not funded. When in violation the agency is required by law to publish the results, which we are unfortunately unable to offset the costs.

Dr. Matlin explained briefly the health effects of THM's. He expressed the need for chlorination of the water system, otherwise THM's would be much more active throughout. Numerous studies have been done to gauge the effects, with no one stating that THM's are good for us, but generally the results have been inconclusive regarding exposure to them. Dr. Matlin continued by saying that in the 70's the first thing the EPA did was regulate THM's. Much research has been documented but no certain results are present. A great deal of assumption, no true certainties and highly inconclusive.

Ms. Rodriguez reported that in the first EPA study a statistic was documented. If over a 70 year period three 2 liters of water was consumed per day, it may increase the chances of having cancer by 1 in 10,000.

QUESTIONS/COMMENTS

1) Mr. Fuller: If scientists have studied this issue since the 70's and it is now 2017, I find it difficult to believe that more conclusive facts have not been documented, which is not good for the public. Why do we flush the system prior to testing?

* Dr. Matlin replied that we ask municipalities to flush prior for obvious reasons, to have lower THM numbers. Anytime water is stagnant in the system it has a greater chance for THM's.

2) Mr. Fuller: I have been dissatisfied with answers and procedures pertaining to the THM issue for quite some time, and would like to discuss it further with someone from your department.

* Ms. Rodriguez stated that Mr. Fuller is more than welcome to make an appointment to further discuss this issue and any other matter, she will gladly sit down to review all material.

3) Mr. Richenberg: Why did the EPA lower the number in 2014?

* Ms. Rodriguez answered that a grant took place in 1997 with findings recommending that the numbers be lowered. It affected larger systems in 2001 and in 2003-2004 range, more so around here.

4) Mr. Richenberg: Is there any documentation or findings with this particular study?

*Dr. Matlin replied as a follow up to the previous question, we are unsure why the number was lowered, no one knows the actual reason, but it is the law and we must follow it. As far as findings, nothing specific has been documented.

5) Mr. Richenberg commented that the government does not do anything that drastic without specific reasons or answers, and we are exceeding the 80 MCL. Why are we only testing four times per year? There could be 75 days in between each test that levels are higher but not tested.

*Dr. Matlin stated that he believes quarterly testing is sufficient.

*Ms. Rodriguez added that increased testing has actually taken place in areas of need, above the required amounts.

6) Mr. Richenberg asked, when flushing, are we testing the dead end lines?

*Mr. Worden replied that we do test dead ends. We test in Fowlerville and another source as well, and added that the MCL of 80 discussed earlier, is actually based on a running average.

*Ms. Rodriguez reported that the data sources will be listed on the Livingston County Health Department website (www.livingstoncounty.us/doh.htm).

7) Mr. Richenberg: Of all of the systems tested, who recorded the highest number?

*Mr. Grove answered although it was unusual for this number to be 100, the highest number was probably the Town of York, and unfortunately it takes a while to get rid of that high number with the running average method.

8) Mr. Richenberg stated that THM's don't seem to be as bad as lead, but a remedy needs to happen, so what took place in Michigan doesn't happen here.

*Dr. Matlin commented what has taken place in Flint, Michigan would never happen here in Livingston County. Officials in Michigan knew in advance what was happening and did not take an active approach, it certainly would not happen here.

9) Mr. Fuller commented, when we get our reports, we ultimately end up with large amounts of THM's, but Geneseo does not have the same issues, how can that be if we are getting the water from them directly? What happens between Geneseo and the Town of York?

* Mr. Grove stated THM's form the longer water sits in the system. There is a long distance to get water here from Geneseo, and then it sits in the tank.

Mr. Fuller questioned that the only remedy then is to flush the line, which Mr. Grove agreed.

10) Ms. Forman: With the proposed additional users and usage, will the THM numbers get better?

* Mr. Grove replied that THM numbers would improve with users.

Supervisor Deming thanked Ms. Rodriguez, Dr. Matlin and Mr. Grove for attending tonight's meeting and proceeded on with the board meeting.

2) York Valley Fest:

Councilwoman Parnell informed the Board that the York Valley Fest enjoyed another successful year. This year's proceeds as well as last years, benefitted the York Recreational Program in the amount of \$500.00. The Valley Fest will now be accepting another non-profit organization to donate to for the next two years. Ms. Parnell wanted to thank the Board and the community for their continued support.

3) Henry Fuller:

Mr. Fuller stated that the representatives from the Health Department covered the first item that he wished to speak to the Board on, which was THM's.

Mr. Fuller asked Highway Superintendent, Mr. Worden if he has been on Fowlerville Road to see that the road is bleeding through from the work completed by the County Highway Department. Mr. Worden replied that he has witnessed it.

Mr. Richenberg asked to defer his Privileges until after the Highway and Water/Sewer Reports have been given.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- wedging on Federal Road and River Road, which we have not completed as of yet. Shoulders will be put on next week.
- we have been working with the County on Stewart Road.

WATER/SEWER REPORT

-recently had problems at the York Creek lift station, monitoring in the wet well. The issue occurred due to corrosion, but has now been corrected.

-we have now tested once again for THM's. Several of the surrounding neighbors who also tested have experienced very high numbers this quarter, which worries us that we too will have high numbers and have to advertise. We did flush the system prior to testing, but it sounds like the numbers are quite high throughout the county.

Councilman Smith asked about the recent water break. Mr. Worden reported that the break occurred on York Road East, Sunday morning. The area that experienced the break was the

section that did not get replaced. Mr. Worden commented that we found it early, but had to wait some time for Dig Safely to arrive. Mr. Worden added that he will be obtaining quotes to replace the piping for that area, which was installed in the late 60's or early 70's. The area we are speaking about would run from Bob & Vicki Abbey's down York Road East 1500 feet.

4) Kirk Richenberg:

Mr. Richenberg stated that he has inquired at previous meetings about a sewer line contract for Craig Road. Why did the pipe get installed before a contract was signed? Supervisor Deming replied that we should have made more of an effort to have it in place prior, but did not, but the contract will be signed shortly, which will be before we take ownership of the line. Mr. Richenberg stated even before taking ownership, the Town has liability, where is the protection to the community.

Mr. Campbell replied that this type of project is not a typical one. Actual liability does not go to the Town until dedication of the line(s) have taken place. Liability stays with the developer or contractor until that point. Once the Town takes dedication, it then becomes the focal point.

Mr. Richenberg asked if the Town has taken over the water or sewer line. Supervisor Deming replied that neither line belongs to the Town as of yet.

Mr. Richenberg commented that there are obvious road repairs to Craig Road that need to be addressed. Mr. Worden agreed.

Mr. Richenberg asked about the temporary building at the corner of Craig Road and Stewart Road. Mr. Worden answered that there is a 2 inch tap to pressurize the line, which they have used 4,000 gallons thus far and will be billed shortly. Mr. Richenberg questioned where the electric is coming from. Mr. Worden replied from the house located there. Mr. Richenberg then asked who is paying for it, which Attorney Campbell answered probably the homeowner, but not the Town of York.

Mr. Richenberg discussed with the Board the lagoon on MacIntyre Road. Mr. Richenberg commented it was said that the Town Board and the general public can't do anything about having a 6 million gallon lagoon (ultimately needing 660 truckloads to fill it), why can't the Town enact or propose something to protect our roadways from the expected repairs to come. Mr. Richenberg added, when Fracking was a topic, bonding wording was addressed, why not in this instance. Attorney Campbell replied that it is not in the regulatory rules right now, Ag & Markets has a great deal of protection for agricultural purposes. Mr. Campbell continued by saying, perhaps we need to research this issue further, prepare a formal opinion and obtain guidance from Ag and Markets for the possibility of structuring something going forward.

Mr. Richenberg asked, when does this become an industry with industrial waste produced? Their assessment should also be addressed as well.

Mr. Richenberg asked Mr. Worden the area on Cowan Road in front of a local farm's barn, will that section of road be repaired and will they be contributing to it? Mr. Worden replied once River Road is completed, Casey Road as well and some crossovers, I will then review the numbers to see if financially it is feasible to repair.

Mr. Richenberg stated that it was discussed at several meetings the money DFA contributed, \$1.6 million, in order for reduction of their debt service. Is there an actual copy stating what they have paid? Supervisor Deming stated the Town does not have a copy of that information, but DFA would.

Mr. Fuller questioned, when does farming become an Ag. Business? The Town of York is a Right to Farm Community, but not an Ag Industry, this is not a regular agricultural business.

OLD BUSINESS

1) Time Warner Cable:

a- Franchise Renewal:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to renew the Time Warner Cable Northeast, LLC, locally known as Charter Communications, Franchise Agreement for an additional 15 years. Voted on and approved, Yes-5, No-0.

NEW BUSINESS

1) Copier:

Clerk Harris discussed with the Board the need to approve a new copier lease for the office, due to the expiration of the current copier. Usherwood Office Technology quoted the town two models, which are similar to what we have in place. Ms. Harris stated that we currently pay a monthly fee of \$ 254.44, based 14,000 black & white and 2,700 color copies. Unfortunately due to the number of people using it (Zoning Officer, Assessor, Planning & Zoning Boards, Court and Office staff) the estimate was a bit low and we have been experiencing overage charges. With the two proposed copiers both quotes included increasing the images to 23,000 for black & white and 4,500 for color, which should alleviate or at least minimize the overage fee issue. The quotes were as follows:

Xerox C8035	\$ 229.52 per month
Canon C5535i	\$ 239.55 per month

Clerk Harris stated the Xerox model is \$10.00 cheaper per month, but the new Canon has the same features as the existing one, making the upcoming transition smoother for all who use it. Regardless of which copier is selected, it will be newer and cheaper for the Town. Ms. Harris recommended to the Board to contract with Usherwood for a new 60 month lease, with the Canon model.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Clerk Harris permission to contract with Usherwood Office Technology for a new 60 month copier lease, with Canon model # C5535i, at \$ 239.55 per month. Voted on and approved, Yes-5, No-0.

2) Solar discussion:

Supervisor Deming stated that the Board has discussed several times the possibility of establishing a temporary moratorium on large scale solar arrays, but has yet to proceed. Recently a discussion took place for a potential 500 acre large scale installation application. Smaller scale installs would not be any issues. Attorney Campbell commented that this is a real proposal, with a much different level of impact. There are consequences for any and all proposed applications, but recommends that the Town take steps now for protection until we are able to address all concerns. Attorney Campbell stated, as Supervisor Deming outlined, the proposed moratorium wording only restricts large scale solar arrays, it will not affect smaller applications. The moratorium would be for a period of one year. Mr. Campbell stated that he has already sent the proposed draft to the Livingston County Planning Department for review and

recommendation (they meet this evening as well), and expects an answer within a day or two and anticipates approval to proceed with a moratorium. Mr. Campbell asked the Board if they wish to schedule the Public Hearing tonight, which all members replied they would.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to schedule a Public Hearing for Tuesday, October 10, 2017 at 7:00 p.m. The purpose is to consider public opinion and comment concerning proposed Local Law #2 of 2017, for a one year Moratorium and Prohibition within the Town of York relating to application for, permitting of, approval of or installation of large scale solar installations within the township. Voted on and approved, Yes-5, No-0.

*Clerk Harris will prepare all notifications and mailing of documents to surrounding towns and counties.

3) York Fire Company:

a- Daniel Schaub:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell approving Daniel Schaub of Piffard, as a new member to the York Fire Company. Voted on and approved, Yes-5, No-0.

4) Anderson Road water:

Supervisor Deming reported now that the Anderson Road area surveys have been compiled and returned, the Board would like to schedule an Informational Meeting to discuss the results and whether or not to go forward. We have conducted several meetings for water, with some residents not wanting to be part of the district, which then were omitted, and now a number of those homeowners have changed their mind. The letter to the residents we will be preparing will include all properties from the original plan. The Informational meeting is slated for Thursday, October 5, 2017 at 6:00 p.m.

5) Speed limit request:

a- Chandler Road:

Supervisor Deming informed the Board that he received a request from Bruce Smalling of Chandler Road for a reduction of speed to the lower end of Chandler, to 35 mph. Mr. Deming stated that Mr. Smalling indicated that a number of issues have occurred, and most recently a Deputy registered a driver at 103 mph in that area. Supervisor Deming recommended that the Board refer this request to the Livingston County Traffic Safety Board.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to refer Mr. Smalling's request for a reduction in speed to 35 mph on Chandler Road, to the Livingston County Traffic Safety Board. Voted on and approved, Yes-5, No-0.

Councilman Smith inquired about the costs involved if the speed limit request is approved. Highway Supt., Mr. Worden replied the only costs involved would be for replacement of signage. Mr. Worden suggested perhaps looking at a 4-way stop, which Supervisor Deming answered we have already asked for several years ago.

6) Water/Sewer employee:

Supervisor Deming informed the Board that for the last two years money has been budgeted for a new Water & Sewer employee. Due to the fact that only two full-time employees handle the day to day operations, it is becoming difficult at times working around vacations and days off.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to advertise for a Water and Sewer position. Voted on and approved, Yes-5, No-0.

7) Liv. Co. Snow & Ice Agreement:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates authorizing Supervisor Deming permission to sign the 2017-2018 Snow and Ice Contract with Livingston County, for the time frame of October 15, 2017-October 14, 2018 at \$4, 500.00 per mile. Voted on and approved, Yes-5, No-0.

8) Linwood Road North:

Supervisor Deming spoke specifically to the Linwood Road North residents in attendance this evening. Numerous discussions have taken place regarding the proposed renaming from Linwood Road North to Stewart Road, which was suggested by Mike Bradley of the Livingston County 911 Center. Ms. Forman asked what potential other options were proposed. Supervisor Deming stated that a couple of names were discussed, but then introduced Dustin Geiger, Fire Chief for the York Fire Company, to explain the grid system they work with when dealing with service related calls. Mr. Geiger explained why EMS is proposing the road name change after a recent call in April of this year which delayed service to a home, bringing the necessary change to light. The current grid system the county has will not allow “flagging” of current addresses so they then suggested changing the name of the road. Mr. Richenberg commented that there are no homes that have the same number in that area. Mr. Mader expressed that Stewart Road is not a good option. Ms. Tiede stated it will be very confusing to people coming to our homes if Stewart Road is used, and suggested Walker Road. Ms. Jackson voiced another suggestion, perhaps Linwood Station Road. The residents from Linwood Road North and the Board agreed that this name is a viable one and Supervisor Deming stated he will speak with Mr. Bradley about the new option.

Michele Forman questioned, is the topsoil put down after the water line installation the final product? Supervisor Deming and Mr. Worden replied that it is not finalized. More restoration will need to take place, but in the meantime anyone wishing to have lawn care repairs, please contact Clerk Harris in order for us to have a master list to work from.

BILLS

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

General Fund Claim	# 240- 271	\$ 16,680.04
Joint Water & Sewer	# 185- 211	\$ 13,598.00
Light District	# 9	\$ 1, 497.01
Youth Fund	# 12	\$ 679.47
Highway Fund	# 151- 171	\$ 97,989.51

** Attorney Campbell announced that he will be meeting with the Town Board at the close of this meeting regarding legal advice, with no action to take place.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adjourn the Town Board Meeting until October 5th Informational Meeting. Voted on and approved, Yes-5, No-0.

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

Respectfully Submitted,

Christine M. Harris

Christine M. Harris, Clerk