

York Town Board Meeting
July 13, 2017

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

Absent: None

Others: Henry Fuller, George Worden Jr. (Highway Supt.), Richard Henry (Engineer Clark Patterson Lee), Carl Peter (Zoning/Code Officer), Geri Stella, Mike Costa, Kirk Richenberg, Dustin Geiger and James Campbell (Town Attorney).

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the June 8th regular Town Board Meeting and June 29th Special Town Board Meeting. Voted on and approved, Yes-5, No-0.

OLD BUSINESS

1) Tenth Street:

Supervisor Deming and Mr. Henry reported that they, along with Mr. Worden and Mr. Hodges met yesterday to discuss several water and sewer related issues and to trouble shoot specifically Tenth Street. Mr. Deming stated that the Town is fully aware of the need for upgrades to the Retsof hamlet.

Mr. Costa expressed that he, Mrs. Stella and a few other neighbors on Tenth Street have experienced water in their basements on a number of occasions, and were very grateful to the town crews today prior to rainfall for having equipment and manpower on site to stay ahead of it. Mr. Worden reported that we were able to run a jetter through the first time with no issues, but the second time through was snagged (Mr. Henry commented more than likely was due to laterals). The department then ran the jetter up the other side and came upon black silt. We would have loved to put a camera through, but with what was lodged, it was not feasible.

Mr. Henry stated at yesterday's work session we discussed the fact that having a pump on hand during heavy rainfall is a temporary solution to the problem until a permanent fix can be completed.

Mr. Worden commented the problem exists when heavy amounts of water run off flow into our sanitary sewer, and the residents located in the lower ends of the line get a "bottle neck" affect causing the water to back up in their basements.

Mr. Henry added the wastewater treatment plant during dry periods normally average 75-85,000 gallons per day. With the heavy rains we've experienced a few times this spring and summer the amounts have been well over and tipped one million today. The Town does have a Sewer District Law but many residents have tied into the system, creating even more infiltration. Mr. Henry commented for the last 3-4 years the Town has been trying to obtain funding to make such improvements to the Sewer district in the Retsof hamlet. Total capital cost for this Sanitary and Storm system project would run in the neighborhood of \$2 million dollars. Mr. Henry expressed realistically we are two years away from making these improvements. Mr. Henry stated, sadly homes in Retsof area that currently have laundry in the basement, will have these issues.

Mr. Henry stated once again we are trying to stay on top of this until we have a more permanent solution. Pumps with piping is working currently, but is only a temporary step until final steps can be achieved. New piping will need to be installed, adjustment of hydraulics and design tweaked.

Mrs. Stella asked once changes have taken place will everything continue to flow down at the residences. Mr. Henry replied we are not completely certain at this time, we may push it back to Retsof Road. Right now we are undergoing a great deal of evaluation.

Mrs. Stella and Mr. Costa stated they are pleased that the Town is addressing this and have a detailed plan in place to work from in order to resolve the ongoing matter. Mr. Henry commented he is pleased because funding is finally getting realistic, the expenses for the upgrades will still be there to those Retsof residents, but funding assistance is critical. Mr. Henry stated we hope to have a more detailed plan of attack by fall or winter, at which time we will have a meeting to explain how to proceed and the costs involved.

Mr. Henry gave a copy of the March 2009 report and revised version from April of 2017 to Mr. Costa for review. Mrs. Stella questioned if the upgrades will be for all of Retsof. Mr. Henry replied it will be for the entire Retsof hamlet.

Mr. Costa asked several specific questions pertaining to his residence, which Mr. Henry answered, and added when the times comes, personnel will be onsite to assist homeowners on what the best solution is for each residence.

Mr. Costa and Mrs. Stella thanked the Town and Mr. Henry for their efforts.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg stated that the Board had a Special Meeting on June 29th to adopt a Resolution Scheduling a Public Hearing and Special Town Board Meeting for July 20th, but now shows cancelled on the website.

Attorney Campbell explained that the Special Meeting was called to schedule both. Clerk Harris submitted the notices to the Livingston County News, posted on official signboard and the website, but unfortunately the paper did not follow through with publication. The law is quite clear and publication requirements must be adhered to, we did not have the 10 day posting requirement necessary to conduct the July 20th meetings. Due to lack of publication we have to reschedule. Mr. Campbell stated the Public Hearing comes first then the Board proceeds with the Resolution to adopt, and then Bond documentation will be completed for funding.

Mr. Richenberg asked what has taken place. Attorney Campbell replied in reference to actual bonding, we've been trying to prepare the Resolution dealing with water mains with the need to meld wording together that Bond Counsel would be satisfied with, and eliminate potential challenges. Mr. Campbell stated there has been many discussions on how to weave information together, with the Comptroller and Attorney General's comments as well. Documents are done and now we need to re-adopt the Resolution this evening.

Mr. Richenberg asked if there is an agreement yet with DFA or Covington, which Supervisor Deming replied not yet, but Attorney Campbell stated he has been working with Dave DiMatteo and his people on the subject.

Mr. Richenberg addressed the erosion issue once again on Stewart Road and expressed concern about the water line and future erosion once the Town owns it. Mr. Campbell stated DFA wants the Town to take dedication so motivation is there for them to make sure it is done correctly, and added there is significant retainage being held in order to ensure it. Mr. Henry added we have to be satisfied otherwise we won't accept dedication, and will make sure DFA is aware of that.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- Department has been busy fixing wash outs from previous storms, which has been an ongoing challenge.
- Mowing cemeteries
- With the continued rain, we have not been able to put down black top and don't dare do any ditching, due to additional erosion.

WATER/SEWER REPORT

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

- THM test results came in for Fowlerville (McVean Road) at 82
- Results for Pump House was 72
- Making our running average under the 80 requirement

Mr. Worden stated that Geneseo's read was in the 40's across the river and finds it hard to comprehend how they are so low, and our 1st read at the pump house which is water from them directly, is at 72. Supervisor Deming commented that it doesn't make sense

that they were in the 40's before it hits our system. Mr. Deming asked what the Health Department says about the reads. Mr. Worden replied they are leaving the issues to the towns to handle. Supervisor Deming stated he will be contacting the Health Department in the morning.

- Experienced a leak on the HDPE pipe at the Genesee River. We were able to fuse on a coupling that came loose and seems to be staying in place. It looked as though the pipe was not completely cleaned prior to fusing. Mr. Worden stated if this issue was to happen again he has located a person locally that could assist us. (we have the old coupling on hand for reference).
- Had a water leak on Piffard Circle. Although being quite time consuming, the fix was relatively easy.
- Implemented our pump and piping plan today on Tenth Street, which worked very well.
- Treatment plant is running the best it can under the circumstances.
- Smoke testing was discussed.

Councilman Smith asked what the cost would be to smoke test, which Mr. Worden answered he would have to seek pricing.

2) Henry Fuller:

Mr. Fuller clarified the average we cannot exceed pertaining to the THM's is 80, which Mr. Worden answered is correct. Mr. Fuller stated that Groveland has exceeded 82 for an entire year, and questioned what happens when people drink the water unknowing that the levels are higher than the requirement. Who's responsible for trying to straighten the matter out? Supervisor Deming replied the agency supplying the water is responsible and the County Health Department has a part in this as well. Mr. Deming stated in addition to speaking with the Health Dept., he will also be contacting the County Administrator Ian Coyle about these issues for his assistance as well.

Mr. Fuller addressed with the Board an issue on MacIntyre Road. There is a farm on the east side of the road that has dug a very large hole and the overage of dirt from that hole is roughly 12-14 inches from MacIntyre Road. Mr. Worden stated he was aware of a lagoon to be constructed in that area.

Mr. Fuller stated that these individuals have torn up many acres.

Mr. Fuller asked who brought the idea up about sidewalks by the school. Mr. Deming stated that this topic has been discussed for roughly 12 years and they are now finally doing a study. Mr. Fuller commented that he attended the recently held meeting and feels that the area must not be too interested due to the numbers that came, which were very low. Supervisor Deming commented that the matter has been brought up again due to the number of kids walking to and from the school.

Mr. Richenberg asked what the Greigsville grant amount was. Supervisor Deming answered \$50,000.00.

Mr. Fuller stated with what Livingston County is spending on Sheriff's patrols and State Police in the area, he spent three days viewing the activity around the intersection and feels it does not warrant what is proposed.

Mr. Deming explained that the area is more heavily used when school is in session, it is summer time right now.

Mr. Fuller asked who is in charge of signage on Fowlerville Road, no one has been back for 4-5 weeks. Mr. Worden replied in reference to the road work, the County Highway Department is in charge of their signs. Mr. Fuller commented if no work is being conducted they should have removed the signs. Supervisor Deming stated he will contact County Highway Supt., Don Higgins in the morning to invite him to our next meeting and to explain their procedures.

Mr. Richenberg asked additional questions:

Does anything fall back onto the contractor in regards to the river leak? Mr. Worden replied we are already inquiring about that, but have yet to receive an answer.

Mr. Richenberg commented that we have paid for a product that should not have had issued for many years and in this short period of time it has. We need to be looking at this more closely and make the contractor accountable. Mr. Worden answered we are inquiring what can be done. Mr. Richenberg inquired if the coupling used today for new projects has been upgraded. Mr. Worden replied he does not believe that it has been upgraded, but has witnessed that the contractor is scraping the piping prior to install to the coupling.

Mr. Richenberg asked in regards to Cowan Road with the oil & stoning that took place, is it logical to sweep the road within a 10 day period. Mr. Worden gave a brief overview of the reason for such action based on what was discussed and outlined at Highway Superintendent's schooling he attended.

Mr. Richenberg stated that Mr. Worden made mention that he has rebuilding plans regarding Cowan Road and questioned when that might take place. Mr. Worden responded that he referenced previously the work to be conducted there and elsewhere, but will need to evaluate the budget numbers to see what is left. Mr. Richenberg commented that total reconstruction on Cowan Road is due to what has been coming into the roadway from the local farm located there, which began ten years ago. Mr. Worden stated that he recently had a conversation with Rob Donnan about the work to be done. Mr. Donnan informed him that he would be willing to "chip in", but we have no idea what that figure might be. Supervisor Deming added, at this point we don't know the numbers yet ourselves. Mr. Richenberg commented, they created the issue and need to pay for the correction, not the taxpayers.

Mr. Richenberg addressed the potential road name change discussed at the last meeting for Linwood Road North. Mr. Richenberg stated that two county road numbers already

exist and questioned why not use them. Mr. Peter replied that the County 911 system does not like to use route numbers and prefer to use actual names. Mr. Richenberg asked the Board and Mr. Peter to address his suggestion with the County.

Mr. Richenberg commented when the Board schedules a last minute Special meeting, the message board needs to be used. Supervisor Deming agreed, when available.

Mr. Richenberg asked if there is a way to find out information on the minutes prior to posting. Supervisor Deming replied once Clerk Harris prepares the minutes and the Board reviews them, they are posted to the website within a two week span, until officially they are approved at the next meeting. There is not a way to review minutes earlier.

NEW BUSINESS:

1) Rescheduling of Public Hearing:

a- Construction of additional water mains & other improvements:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell:

RESOLUTION of the Town Board of the Town of York, Livingston County, New York Calling for a Public Hearing Pursuant to New York State Town Law § 199 and §202-b to Receive Comment on the Construction of Additional water mains and other improvements in and to the Town of York Consolidated Water District. The hearing is slated for Tuesday, August 1, 2017 at 7:30 p.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

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

2) Rescheduling Special Town Board Meeting:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to reschedule a Special Town Board Meeting for Tuesday, August 1, 2017 at 8:00 p.m. to render a decision on the matter of the Public Hearing to be held earlier that evening pertaining to construction of additional water mains and other improvements to the district. Voted on and approved, Yes-5, No-0.

3) 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 to once again “Turn the Town Teal” in September to raise awareness for Ovarian Cancer.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the campaign to “Turn the Town Teal” in the Town of York from September 1st-30th, 2017. Voted on and approved, Yes-5, No-0.

4) Caledonia Trailblazers agreement:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trailblazers Snowmobile Club for the 2017-2018 season. Voted on and approved, Yes-5, No-0.

5) Proposed Linwood Rd. North letter:

Mr. Peter submitted to the Board a copy of the letter he and Mike Bradley prepared for the Linwood Road North residents explaining the upcoming road name change. After reading the letter, Supervisor Deming suggested that the residents have more of a voice in the upcoming change and asked Mr. Peter to alter the letter somewhat.

OTHER

1) Town Hall:

Supervisor Deming reported that he recently spoke with Town Justice, Thomas Porter about the newest building requirements for the court system. Several issues need to be addressed which requires assistance from our engineering firm. Mr. Henry will be reviewing the hall layout for potential options to proceed with. Supervisor Deming stated that funding is available for such projects and equipment, which the office staff will be applying for.

2) York Valley Fest:

Councilwoman Parnell updated the Board that the yearly York Valley Fest will take place in two weeks on Saturday, July 29th at their new location, York Central School. Mrs. Parnell gave a brief overview of the route the runners/walkers will take. Mrs. Parnell commented while the 5K is in progress, Chandler Road will be closed and asked Clerk Harris for a list of property owners for such area in order to notify them prior to the race.

3) Time Warner Franchise renewal:

Clerk Harris submitted to the Board and Attorney Campbell the proposed renewal agreement from Time Warner for review. Mr. Campbell reported that the document is standard wording for franchise renewals and stated that the Board must conduct a Public Hearing to receive comment on the renewal. Mr. Worden expressed concern with the cable company and the double polls that are used, which Supervisor Deming replied can be addressed at the hearing.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to schedule the Time Warner Franchise Renewal Public Hearing for Thursday, August 10, 2017 at 7:30 p.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

** The Board will open the Regular Town Board and Public Hearing at 7:30 p.m.

BILLS

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

General Fund Claim	# 168-207	\$ 48,299.65
Joint Water & Sewer	# 142-166	\$ 12,010.32
Light District	# 7	\$ 1,363.31
Youth Fund	# 8-9	\$ 280.83
Highway Fund	# 107-129	\$ 64,700.76

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting until August 1st Public Hearing. Voted on and approved, Yes-5, No-0.

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

Respectfully Submitted,

Christine M. Harris, Clerk