

York Town Board Meeting  
August 9th, 2018

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

Absent: None

Others: Betty DeMocker, Henry Fuller, Thomas Gates Jr., George Worden Jr. (Highway Superintendent), Dustin Geiger, Kirk Richenberg, James Galbraith and James Campbell (Town Attorney)

Supervisor Deming opened the Town Board Meeting at 7:31 p.m. and invited Clerk Harris to lead in the Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of July 12<sup>th</sup> Regular Town Board Meeting. Voted on and approved, Yes-5, No-0.

**HIGHWAY REPORT**

Mr. Worden reported the following for the Highway Department:

- Assisted the County on Fowlerville Road with crossovers
- Replaced crossover on Linwood road
- Wedged Limerick and Batzing Roads, with more wedging still to come in other areas.
- Mowed cemeteries and roadsides
- On Monday (8/13) we will be oil and stoning the far end of Federal Road from Anderson Road to Rt. 20 and Old State Road from Tuttle to Clapp Road.

Councilman Gates inquired as to the status of Highway employee Al Hagan and his return to work. Supervisor Deming responded that we are unsure at this point. Attorney Campbell added that the Town must wait at least one year from the recorded injury date as to what the next step may be.

## **WATER/SEWER REPORT**

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

- Experienced a water break on Piffard Circle. A 2 inch hole appeared on the 6 inch main which we were able to fix in a timely manner. The nearest neighbor, (Karen Weaver) had a great deal of restoration of her property to be completed after the amount of water that flowed which the department conducted within two days.
- The Retsof Treatment facility is running smoothly. Mr. Worden reported that Sewer Operator, Mr. Hodges is working with the Engineers, Clark Patterson Lee on the SPEDES permit (State Pollutant Discharge Elimination System).

Supervisor Deming asked Mr. Worden if he knew the cause of the water break on Piffard Circle. Mr. Worden replied the reason is not quite clear but did state that the section of pipe was an older piece in the system... 6 inch cast iron. Mr. Worden added that the Abbey of the Genesee had a break as well at the same time on their private line but that we cannot be sure one had anything to do with the other. Mr. Worden stated that no record of any shock waves were recorded in the area at that time.

## **PRIVILEGES OF THE FLOOR**

1) James Galbraith:

Mr. Galbraith came to discuss with the Board this evening the water main upgrades taking place on Tuttle and Old State Roads and his desire to be included into the municipal water district.

Supervisor Deming expressed that the original plan did include Mr. Galbraith's property but when he did not sign the necessary easement the Town had to alter the piping plans and prepared a new route through the Moulton property which caused additional piping to be installed. Mr. Deming stated at this point the town could include him but the already existing customers in this district would have to pay an additional \$100.00 more for his inclusion. Supervisor Deming stated that another option would be to have a separate district for his parcel which would bring a \$1050.00 debt service each year on his Town & County tax bill. The last option discussed would be a lump sum upfront (\$20,000.00) which is the costs estimated by the engineers to bring that parcel back in to the actual district. Supervisor Deming commented that Town representatives along with engineers will be touching base with the residents in the area shortly to review and discuss how things will be moving forward and what to expect. Mr. Galbraith stated that he is willing to pay whatever is needed to be a part of the district, and would not expect his neighbors to have to pay anything additional in order to include him.

Mr. Worden reported due to the water main project, Old State Road will be experiencing one (1) lane traffic next week.

Supervisor Deming stated with the options discussed this evening, if Mr. Galbraith is willing to proceed with either the higher yearly debt service charge or the lump sum option we can discuss it further to iron out the details. Mr. Galbraith expressed once again his willingness to spend what is necessary to get into the water district

2) Kirk Richenberg:

Mr. Richenberg asked a number of questions:

- Why not run the main line down the Right of Way?

Mr. Worden responded that we can't make the corner to stay for pressure purposes.

- The Town has some easements already and what benefit will they receive.

Mr. Deming replied that we have Joe McIlroy, Reade Moulton and Rob Leslie. Mr. McIlroy asked for a tap for his shop, Mr. Moulton asked to be connected to the main and Mr. Leslie asked for a small portion of his driveway to be blacktopped.

- Has the Linwood waterline inspection taken place, if not any idea when it will?

Supervisor Deming answered that the inspection has not taken place. Mr. Worden added that he will be requesting County personnel with him for the inspection but will need to coordinate schedules.

- Mr. Richenberg expressed concern that the town will end up owning the line before the works gets completed and didn't want the taxpayers to pay for it.

Supervisor Deming stated that DFA has set aside funds in the Town's name for restoration purposes and until we are satisfied with the work, no final payment will be dispersed and according to engineers the estimate is sufficient that was discussed.

- Mr. Richenberg commented that the engineers were supposed to handle other matters as well and feels they are not very reliable.

- Is the water tower complete?

Mr. Deming replied that it is not complete but does have electricity to it.

- Is the town paying for the tower?

Supervisor Deming answered that we will be paying back the bond effective in January.

- Is the Cheese Plant and Creamery the only users?

Supervisor Deming responded that they are the only sewer users at this time.

- The water tower is a concern, they are using the tower free of charge solely benefitting from it and all they have to pay is quarterly charges?

Resident Thomas Gates asked if they will be charged an out of district rate which Supervisor Deming replied they will not but will be incurring a debt service charge beginning with the January 2019 tax bill.

- Is there a solar update?

Attorney Campbell stated he is finalizing a few items for review at the committee meeting. If the committee is satisfied with the wording it will then come to the Town Board for consideration.

- Does any Town Board member know how much production the Cheese Plant is at?

Councilman Smith and Mr. Worden commented that they are not at full production and Mr. Worden added that they are probably not even at half their production at this time. Supervisor Deming stated from what we have been told 50,000-60,000 gallons per day.

Resident Dustin Geiger commented he was informed they were at 1/3 production.

-Mr. Richenberg noted that the Town has made a huge infrastructure investment, what happens if this company leaves? There will not be any debt service money available to the district.

Attorney Campbell replied that this company has invested a great deal of money into this project and into this community and does not believe they will leave.

## **OLD BUSINESS**

1) Sidewalks:

Mr. Worden reported at the last Town Board meeting sidewalk repairs on Main Street and York Road West were discussed. The walk on Main Street has already been cut and seems to have relieved the stress reducing it down. The walk on York Road West has also been reviewed and we received a quote from a local contractor to correct this and one (1) door area at the Town barns in the amount of \$1000.00. Mr. Worden stated that they anticipate needing roughly 1 yard of concrete on the walkway.

The Board agreed to authorize Mr. Worden to proceed with both areas.

## **NEW BUSINESS**

1) Marriage Officer Appointment:

Clerk Harris reported that we continue to receive requests from marriage applicants to have a relative or friend perform the ceremony instead of a Priest, Minister and/or Justice of the Peace. The Town Board does have the authority to appoint a Marriage Officer, and has done so on several occasions.

A Marriage Officer can be a Board member, Town Clerk or another

individual, but must be spelled out by whom and length of term. Many couples feel the ceremony would be more personal if a loved one is able to "marry" them rather than an individual they have only recently met, especially when not affiliated with a particular church. The Town Board appoints a Marriage Officer for a period of time, which can be for one (1) day and/or one (1) specific event, which will then be filed with New York State Department of Health.

The Board has previously approved such requests, and have one this evening to review:

a- Marianne S. Gustafson:

**RESOLUTION** offered by Mrs. Parnell and seconded by Mr. Smith to appoint Marianne S. Gustafson as Marriage Officer for the wedding ceremony of Eric P. Streff and Lisa C. Nulton for the sole date of Saturday September 29, 2018 in the Town of York at the Hillcrest Estate located on Craig Road. Voted on and approved, Yes- 5, No- 0.

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

2) Greigsville Transportation Project (sidewalks):

Supervisor Deming discussed with the Board project estimates pertaining to the proposed construction of sidewalks on NYS Route 63 and 36 in the hamlet of Greigsville. Mr. Deming stated that the total cost of such project is \$815,200.00 of which the Town of York's portion would be \$163,040.00 (20%) and asked the Board their thoughts on whether to proceed.

Resident, Mr. Galbraith stated that businessman Joe Bucci expressed to him and others that his proposed salt mine museum that was earmarked for this area may not be constructed in York at all and may be built in Geneseo.

Councilman Gates questioned who would actually maintain the sidewalks once constructed.

After some discussion the Board agreed that they do not wish to participate further at this time due to the estimated costs. Each Board Member signified by a "No" answer of such.

3) NYS Regulation Policy:

Clerk Harris stated that recent legislation has been adopted with the State budget in April of this year, imposing requirements on towns and town employees, pertaining to sexual harassment prevention. Effective October 9, 2018, all employers are required to

have a sexual harassment prevention policy and provide annual anti-harassment training. The State will be developing a model, but to date they have not done so, and the clock is ticking.

Supervisor Deming and Attorney Campbell stated they are aware of the requirement and the County has had discussions about this as well, perhaps preparing a countywide plan for all towns to work from in the near future.

4) Sewer Bore request:

Mr. Worden reported that the State requires he sign off on the sewer bore request for placement of a manure line located on Route 36. The bore will be conducted by Red Barn Consulting (Edward Facer). Mr. Worden stated he is in favor of it, with a few stipulations. The Board asked where specifically the bore will take place. Mr. Worden replied directly at the strawberry patch across from John Anderson's farm market.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates authorizing Highway Superintendent, Worden permission to sign the necessary documents with the State of New York for a manure line on Route 36 in York. Voted on and approved, Yes-4, No-0, Abstain-1, Amos Smith.

5) BAS Tax software:

Clerk Harris discussed with the Board in great detail the BAS Tax software proposal given to each member a week ago for review and possible purchase consideration:  
(Attached is such documentation)

July 31, 2018

Gerald L. Deming, Supervisor &  
York Town Board  
2668 Main Street  
York, New York 14592

Dear Board members:

Over the past three months the Town Clerk/Tax Collector's Association has met on numerous occasions to discuss specifically the upcoming 2019 tax season. It was revealed to us from Livingston County representatives, that the two existing county run tax programs (Access and Web based) would not be available to us much longer. With this information, it created the need to find a reliable tax software not only for our township but for all of Livingston County Tax Collectors.

Within the last few months the Association has met with multiple potential vendors, but one stood out unanimously to all clerks, which was Business Automation Services (BAS). The majority of the clerks already contract with BAS for Town Clerk software and/or utility billing, and expressed the desire to proceed with BAS for tax purposes,

because of their incredible package and 24/7 support. Currently three towns in the County use BAS for tax collection and highly recommend them.

Livingston County Town Clerk's Association President, Cheyenne DeMarco recently sent County Administrator, Mr. Coyle and Board of Supervisor's Chairman, Mr. LeFeber a letter outlining this matter and asking the Board to consider approving adoption of the BAS Tax software program as a Countywide provider, replacing the previous two packages that will soon be obsolete. Due to the fact that this situation is time sensitive, I am fearful that the county will not render a decision in a timely manner in order for all collectors to have a program in place before the bills are printed, which brings me to our Town Board. In the event the county agrees to this "shared service", I assume the towns will pay a portion of the software along with the county, but if they do not wish to participate, the Town of York needs to be prepared with software, including training that must take place. As I mentioned three towns currently use the BAS tax program (Avon, Conesus and Livonia), with Caledonia, Nunda, Lima and potentially Leicester following suit.

It is a bit disheartening that local collectors are responsible each and every year for 3 1/2 months, to receive payments which benefit both the Town and the County because it is a combination tax bill. I can only hope the County will recognize their role in this very important process and assist with supporting of this software, but if they do not I am requesting that our Board consider approval of such in order for me and the staff to properly handle our \$3.3 million Town of York tax roll.

I have contacted BAS about obtaining a quote but due to the delay from County officials in determining what direction they wish to proceed in, I have yet to receive any documentation. The Town of Caledonia, who is relatively similar in size, did discuss the quote they received at their last board meeting and approved purchase of the software, which may be useful to us for the upcoming budget season. The breakdown was as follows:

<u>Software/Services</u>	<u>2 Workstations</u>
Tax Collection System	\$ 2,500.00
System Configuration & Install (4 hrs. remote work from BAS office)	\$ 600.00
Software Training (may be shared if trained with other towns)	\$ 600.00
Annual software support & maint. Fee (\$75/month invoiced annually)	\$ 900.00
RPS Tax File Processing Fee	\$ 300.00
** Point of Sale Credit Card Machine	\$ <u>0</u>

( residents using the machine 2.45% fee)

**Total 1<sup>st</sup> year cost:       \$ 4,900.00**

**\*\* ADDITIONAL OPTIONS**

\*\*Online Tax Module                               \$ 2,400.00

\*\*Online Dog Module                               \$    300.00

\*\* BAS has indicated that the monies can be spread out over a 2 year period if necessary.

Caledonia has decided to purchase the tax software but has yet to confirm the additional options. To be clear, the quote listed above was strictly for the Town of Caledonia, our quote could potentially be cheaper.

**BAS benefits:**

Audit trail is far superior then other vendors, including the current County program.

Online payments (in the future if the board chooses to go this route).

This software is owned and operated by BAS, providing technical support 24/7.

Provides everything the county needs to reconcile at the end of the tax season in terms of reports and electronic files.

System tracks overpayments and refunds, split parcels (apportioned bills), and bounced checks.

Tracks who made changes to the database.

Captures all payment information when payments to one tax bill are made by several different parties or different methods of tender.

From the feedback we are receiving from our fellow clerks using the BAS software, it is the only REAL choice for our needs.



I respectfully request that the Board consider purchasing BAS tax software this year. Thank you for your time and consideration.

Christine Harris  
*Chrissy*

After much discussion...

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the BAS Tax software purchase in the amount not to exceed \$5000.00. Voted on and approved, Yes-5, No-0.

\*\* The Town of York will not pay the full amount if Livingston County approves adoption of this tax software program, in order to provide to all towns.

**OTHER**

1) York Valley Fest update:

Councilwoman Parnell informed the Board that the 2018 Valley Fest celebration was once again very successful. The Chicken BBQ dinners sold out (250 cooked), with Karen Uhl donating all proceeds minus her expenses, to Honor Flight and YCS Backpack program equally.

**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	# 231-260	\$ 12,529.96
Joint Water & Sewer	# 168-187	\$ 157,926.23
Light District	# 8	\$ 1,452.52
Youth Fund	# 12-13	\$ 1,545.75
Highway Fund	# 140-159	\$ 57,071.36

**ADJOURNMENT**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adjourn the Town Board meeting until **Wednesday, September 12<sup>th</sup>**. Voted on and approved, Yes-5, No-0.

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

Respectfully Submitted,

Christine M. Harris, Clerk