

York Town Board Meeting
February 9, 2017

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

Absent: None

Others: Richard Henry (Clark Patterson Lee), George Worden Jr. (Highway Supt.), Henry Fuller, Kirk Richenberg, James Powell, Joe Eyer and an unidentified gentleman

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. Gates & seconded by Mr. Smith to approve the minutes of the January 12th, 2017 Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY REPORT

Mr. Worden reported that the department has been de-icing and plowing as needed. When warm spells have occurred, patching of potholes have taken place. Mr. Worden commented with the ongoing freezing and then thawing, it takes a toll on the roads. The men have continued to work on our machinery and organizing of the shop.

Mr. Worden reported that he was recently approached about putting piping under the road, for the purpose of pumping manure through, rather than the usual truck method to and from.

Mr. Worden stated we can put the piping through the culvert, but would like a protocol to work from, and added that part of the regulations would be not to plug or pollute the piping. Some talks have taken place about boring under the road which ultimately would take the ongoing of truck traffic off the road. Currently farms draw from their lagoon to pump manure onto the field. Mr. Deming asked about the process. Mr. Worden replied at the end of the day, their piping would be removed from the culvert (piping would be slipped inside of the culvert). Mr. Worden added we would back charge them for the cost. Supervisor Deming asked approximately how much hose are we talking about. Mr. Worden answered, 60 feet, but would still need to give permission for the Right of Way. Councilman Smith stated we need to make sure that each party using this method has an Emergency Action Plan in place, in order to assume responsibility if needed. Mr. Smith stated that Lawnel Farms has applied to the County for such piping and they directional drill, which Lawnel will be incurring all costs. Mr. Worden commented all work conducted in our Right of Way will still require our permission. Councilman Rose stated usually when directional drilling is done, they must bond with the entity. Councilman Smith replied, it depends on the road, and added another important aspect, is to make sure that the parties involved make their neighbors aware of what's going on prior to starting. Even though this process will

eliminate many truck loads, there should be an Emergency Action Plan in place regardless. Councilman Smith stated Lawnel has done this for 3-4 years now.

Mr. Richenberg asked about the longevity of the pipe. Mr. Worden replied roughly 25-30 years. Mr. Smith added that they use HDP pipe, which is made to handle a number of years. Mr. Richenberg questioned if the Town approves this and then the pipe bursts and buckles the roadway or spills manure, whose responsibility will it be? Councilman Smith replied if that should happen, farms are bound by the CAFO Plan. Mr. Richenberg stated each farm goes about things differently, but ultimately the Town should not incur any expense. Mr. Eyer asked how many farms this could include. Councilman Smith answered approximately 5.

Councilman Smith stated he wished to address the freezing/thawing issues once again, and asked Mr. Worden if there was a way to view perhaps a 10 day forecast in order to alter our spreading, maybe using more sand than salt. Mr. Worden replied there really isn't an in between method. We have to use the proper amount of salt in order for the roads to dry out more quickly.

WATER/SEWER REPORT

Mr. Worden stated at the last meeting he reported that two sewer pumps had failed on Flats Roads, but wanted the board to know at this time everything is working smoothly once again.

NEW BUSINESS

1) Water Service Restoration:

a. Nick Callan

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the water Service Restoration request submitted by Nick Callan for property located at 3666 Main Street, in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

2) Reschedule Public Hearing:

Supervisor Deming stated due to the fact that the official paper, The Livingston County News did not publish the legal notice emailed over by Clerk Harris, the Board is required to re-schedule the Public Hearing originally slated for February 22nd pertaining to Local Law #1 of 2017, to create a Wind Overlay Zone on Cowan Road.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to reschedule the Public Hearing for Wednesday, February 22nd, 2017 at 7:00 pm and schedule a Special Town Board Meeting for 7:30 pm the same evening, to render a decision pertaining to the matter. Voted on and approved, Yes-5, No-0.

3) Water Resolutions:

a. Linwood Rd. North Extension (Petition):

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

BE IT RESOLVED, THAT A DULY VERIFIED Petition has been received calling for the establishment of the Town of York Linwood Road North Water District Extension, said Petition being signed by the owners of taxable real property, situate in the water district proposed herein, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed water district or owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed water district owned by resident owners, as shown on the latest completed assessment roll of the Town of York, hereby petitions the Town of York to establish the “Town of York Linwood Road North Water District Extension” covering the real property described on the Boundary Map and legal description attached thereto, all being in compliance with the requirements of New York State Town Law §191; and
BE IT RESOLVED, that the Town Board accepts said Petition and finds that it is in compliance with the requirements of New York State Town Law §191.
Voted on and approved, Yes-5, No-0.

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

b. Linwood Water Service Area (Petition):

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith:
BE IT RESOLVED, THAT A DULY VERIFIED Petition has been received calling for the establishment of the Town of York Linwood Water Service Area, said Petition being signed by the owners of taxable real property, situate in the water district proposed herein, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed water district or owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed water district owned by resident owners, as shown on the latest completed assessment roll of the Town of York, hereby petitions the Town of York to establish the “Town of York Linwood Water Service Area” covering the real property described on the Boundary Map and legal description attached thereto, all being in compliance with the requirements of New York State Town Law §191; and
BE IT RESOLVED, that the Town Board accepts said Petition and finds that it is in compliance with the requirements of New York State Town Law §191.
Voted on and approved, Yes-5, No-0.

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

c. Public Hearing notices:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to schedule a Public Hearing for Linwood Road North Extension and Linwood Water Service Area, for Tuesday March 7, 2017 at 7:00 pm. Voted on and approved, Yes-5 No-0.

4) Standard Work Days Resolution:

Supervisor Deming stated that we received from the Comptroller a request to draft a Standard Work Day and Reporting Resolution, due to the fact that standard hours have already been established.

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

BE IT RESOLVED, that the Town of York, Location Code 30450, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/Day)
Clerks	6
Assessor	6
Custodian	6
Recycling Attendant	6
Recreation Aid	6
Historian	6
Zoning Officer	6
Supervisor and Town Board members	6
Justice	6
MEO & Water Op. (Laborers)	8
Water & Sewer Operator Director	8
Highway Superintendent	8

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

5) Livingston County Youth Board:

a. Town of York Representation:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to appoint Katie Dunn as the Town of York's representative to the Livingston County Youth Board.

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

OTHER

1) Linwood Water and Sewer overview:

Supervisor Deming stated that Town Engineer, Rick Henry is present this evening to give a brief overview of the WNY Cheese Enterprise projects:

Mr. Henry began by stating prior to the March 7th Public Hearings, establishment of the districts for the Linwood projects were required and petitions were signed by the property owners in that area. In the Linwood Road North Extension, we received 100% and in the Linwood Water Service Area 68% of the signatures. Mr. Henry stated that Clark Patterson Lee negotiated a contract to build to town standards, infrastructure, which they are looking to start within the next two weeks. The water projects total just a bit under \$4 million dollars: Consolidated Water will be a little under \$1.5 million, Linwood Road North Extension & Linwood Water Service area \$800,000, with the balance of \$1.6 million to be paid by DFA.

The current consolidated Water District has 1050 units. With WNY Cheese Enterprise, they will be adding 906 additional units and will be charged a debt service cost. The same will take place regarding sewer. They will be adding 416 units to the system. At this point, WNY Cheese is a single user line for sewer, but there is no contract on sewer discharge yet. We are estimating 120-125,000 gallons per day, with the 416 units. $416 \text{ units} \times \$90.00 \text{ quarterly charge} \times 4 \text{ billings} = \$149,760 \text{ per year}$. With this project it allows the Town to make the improvements in the Retsof Sewer District that have needed to be done for many years. Mr. Henry added, it is true that the project will be adding more wastewater to our system, but with the revenue received, we can make the improvements we need to.

Mr. Henry stated WNY will be paying full rate for water at the full build out, which is estimated to be in roughly 18 months. What has been calculated based on their anticipated usage, they will be paying over \$400,000.00 per year for water. Due to the costs incurred by the Town, as well as charges from the Village of Geneseo, the Town will receive roughly \$100,000 per year in actual revenue. WNY's goal is to be ready for startup by the end of August (Sewer infrastructure must be addressed at a later date).

Councilman Smith asked when the water tower will go up. Mr. Henry replied in the summer. Councilman Rose asked if homeowners are required to hook up to the main, which Mr. Henry replied they are. Mr. Henry explained in past water projects, usually they were subject to Permissive Referendum, but because the property owners in this district have signed the petition for water, they have in fact voted for it and a Public Hearing is the legal next step, to further outline what to expect moving forward.

Councilman Smith asked what the timeline is on the installation of the water main. Mr. Henry responded if the weather cooperates probably before spring, but ultimately depends on the conditions. We anticipate 40-50 days for the mainline construction, then services, testing, restoration and then final connections.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg asked how the number of units were calculated. Mr. Henry replied, the number of units were calculated based on actual water consumption. Mr. Richenberg asked when the decision made on the number of units. Mr. Henry stated the decision was made in the fall, at a session held at the Town Hall. Mr. Richenberg questioned if this meeting was advertised and if there was a quorum of the board. Supervisor Deming replied that the work session was posted and we did have a quorum that day, but no minutes were taken. Mr. Richenberg commented, through the Open Meetings Law the board is required to record minutes of all meetings.

Mr. Richenberg asked if the 906 units are inclusive with the existing structure. Mr. Henry answered that the new plant will add 835 units with the old plant. Mr. Richenberg asked if the farm will receive any units, which Mr. Henry replied they are not intending to connect. Councilman Rose asked as WNY continues to grow will they pay additional units? Mr. Henry answered with growth, they will be required to pay more units. Mr. Henry added the Agreement of the loan to build the Linwood Service area, tanks and pumps is \$2 million dollars.

Mr. Richenberg asked if a Public Hearing for the water tower will be scheduled here knowing it will be located in another county. Mr. Henry answered that the hearing will take place on March 7th here at the Town Hall.

Mr. Richenberg questioned how it was determined what the Consolidated Water customers will be paying. Mr. Henry replied due to the fact that the existing district will benefit from the improvements, on Flats Road, Federal Road increase in pressure and upgrading of the line on Old State, many areas were lumped together. Mr. Richenberg asked how we were able to put a value number on those upcoming projects, onto the current customers, and further questioned if any of the costs are being spread onto the new areas? Mr. Henry answered Yes, there will be costs spread on approx. 100 units in the new district. Mr. Richenberg commented he feels this is a double standard because the people in the consolidated district are paying in units and the new district is paying by consumption. Mr. Henry replied we are converting it to units, and have done so for all of the town projects previously. We have kept the standard unit to be consistent.

Mr. Richenberg stated that this project may be generating potentially \$150,000 of revenue per year for water, is there any written guarantee that we would be required to add linear footage and have to hire more people and do more maintenance? Mr. Henry replied we have had this same discussion on all large projects to the water system over the years. Currently we have two full-time employees and may not need additional staff. They have been able to handle the day to day duties very comfortably, so we have yet to see if additional help will be needed. Supervisor Deming added, for many years we had three employees at the water/sewer department, but after the last retirement we have not needed to replace, but will in the future if the workload requires.

Mr. Richenberg commented in the current Consolidated water district, even with the normal wear and tear, he finds it hard to swallow that a specific number has not been determined, which is ultimately more on us, to help a multi-million dollar business. "We continue to pay more to bail them out".

Mr. Richenberg then addressed with the board a posting correction that needed to be made last month on the website, and stated that it needs to be looked at more closely.

Mr. Richenberg asked if there is a possibility of getting a copy of the Linwood survey? Mr. Henry responded that a survey was not done for that area, but petitions were, and with the resident's signatures, that signified approval to proceed. Mr. Richenberg asked for a copy of the petition sheets.

2) Henry Fuller:

Mr. Fuller expressed his ongoing displeasure with the appointment of Richard Ellis to the Board of Assessment Review. Mr. Fuller stated that in his opinion, Mr. Ellis' track record was deplorable, with poor attendance and no training updates to speak of. He feels the Board cannot justify his new appointment. Supervisor Deming commented that we advertised for this position but no one applied and more importantly Mr. Ellis had previously served on this board, knowing what the upcoming duties will be. Mr. Deming added that this particular board meets one day per year, but if he does not obtain his required training, we would have to remove him. Mr. Fuller commented he disagrees with this choice.

Mr. Fuller asked when the Wind Overlay Zone Public Hearing first came before the Town Board? Supervisor Deming replied that initially it came before the Planning Board in November and then briefly before the Town Board in December of last year. Mr. Fuller stated that it seems to be a long time to wait for a hearing because of the way the board meets now, only once per month, the same with the County Planning. Mr. Fuller added he feels it is unfair to come to a given board, fill out paperwork and then get told to go to a different board for review on top of waiting for the County Planning Board as well. The timetable is roughly three months and still waiting. Supervisor Deming answered that the process had to go before the York Planning Board prior, and will still have to return there, but the Board has a separate matter to decide upon with the upcoming Public Hearing. Clerk Harris stated that we had every intention of conducting the hearing on the 7th of February and rendering a decision this evening, but because of the Livingston County News error, re-scheduling was a legal necessity.

Mr. Fuller asked if we have a copy of the petition? Mr. Henry replied that the completed petitions were given to the Town Clerk this evening prior to the start of the meeting. Mr. Fuller asked who actually went door to door for the signatures? Mr. Henry replied that the Town Board initially wanted to do this, with Councilmen Gates and Smith able to obtain some, but then was asked to contact Jay Grasso to complete the process due to how long it would take otherwise. Mr. Fuller asked if the petition information is spelled out to the residents? Mr. Henry responded that the petition clearly spells out what a unit charge will be each year (\$857.00), which cannot be exceeded. Mr. Fuller commented when the Fowlerville water project was started, the unit charge was too much for

Comptroller approval and then plans had to be changed with a new unit number, including grant funding. Mr. Fuller asked, all of these people agreed to pay this amount per year? Supervisor Deming and Mr. Henry answered Yes, they did agree when they signed the petition itself, which outlines the costs involved.

Mr. Fuller questioned why schedule a Public Hearing for the Linwood area water projects?, which Mr. Henry replied we must do so because it is required by law. Mr. Fuller commented, “Ever since DFA came into this project in York, things seem to be crammed down our throats, is there any protection for our town”? Councilman Rose replied there is protection and they are bound to our water district for 20 years.

Mr. Fuller questioned whether there was any notes or minutes taken at the Public Hearing in the fall that no one seemed to know about? Supervisor Deming stated once again that the meeting was a work session not a hearing, and a notice was prepared and posted on the board at that time, but no minutes were taken.

OTHER

1) Mr. Henry continued:

Mr. Henry added, the gentleman who went door to door for the Anderson Road survey as well, was Jay Grasso, and the results obtained have been quite favorable. Based on results, the area would qualify for a low interest loan (\$688,000) and may be in line for a \$750,000 Rural Development grant. Mr. Henry stated this area would be part of the Consolidated water district, but added the Town should hire someone to do the required paperwork to apply for Rural Development financing. Mr. Grasso can do the work or the town can reach out elsewhere.

The Board discussed and concluded that an Informational Meeting should be scheduled as soon as possible.

Mr. Richenberg asked, who paid Mr. Grasso for the survey work? Mr. Henry replied the Town paid Mr. Grasso. Mr. Fuller asked how far off the main does a property have to be in order to be considered out of the district? Supervisor Deming answered 500 feet.

2) Assessor correspondence:

Councilman Rose informed the Board that he and numerous other commercial property owners received a letter from Assessor, Gregg Torrey recently requesting financial information. Mr. Rose stated this is the first time he has received such a request and questioned why now, and suggested anyone in the same situation, to contact the Assessor for clarification. Supervisor Deming stated he will also be contacting Mr. Torrey as well.

3) Anderson Road meeting:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to schedule an Informational Meeting for Anderson Road area for Thursday, March 9, 2017 at 6:30 p.m., prior to the Board's regularly scheduled meeting. Voted on and approved, Yes-5, No-0.

** Letters will be mailed out to property owners in the proposed area as well as posting on the Town's website and advertising in the official paper.

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	# 27-57	\$ 202,095.83
Joint Water & Sewer	# 19-41	\$ 140,223.40
Street Lights	# 2	\$ 1,853.92
Highway Fund Claim	# 18-35	\$ 36,288.69

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting until February 22nd. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:47 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk