

October 11, 2007  
2008 Budget Hearing  
6:30 p.m.

Present: Supervisor Gerald Deming, Council Members: Lynn Parnell, Norman Gates,  
William Hasler and David Sliker

Absent: None

Others: David Deuel

Supervisor Deming opened the 2008 Budget Hearing at 6:30 p.m.

PURPOSE

Supervisor Deming stated that the purpose of said hearing is to present the 2008 Preliminary Budget and to receive public comment and questions on it.

Mr. Deming outlined each of the districts and how they will be affected in the upcoming year.

In the General Fund money was allocated for two major expenditures: \$ 15,000 for zoning revisions and \$ 10,000 for cemetery upgrades. Mr. Deming also indicated that the budget will reflect a 3% increase in salaries for 2008. In the Highway Fund money is budgeted for a new pickup truck, two new lawn mowers and a new plow for an existing truck. In the Consolidated Water District \$ 100,000 has been placed in the budget for upgrades to the district and an additional \$ 30,000 for a Water & Sewer Superintendent (perhaps to be hired mid year). In the Retsof Sewer District currently the residents pay a \$ 80.00 quarterly (O & M) charge, which will be increased by \$ 5.00, to \$ 85.00 per quarter in 2008.

Mr. Deming reported that the Townwide Fund is \$ .08 per thousand lower than last year, the light district will encompass a \$ .67 decrease and the Fire District a 3% increase.

Supervisor Deming stated that the Fund balances for the General, Highway, Consolidated Water, Retsof Sewer, York Sewer #1 and #2 are quite substantial and feel positive about what is in the budget for 2008.

QUESTIONS/COMMENTS

1) David Deuel: Are water & sewer costs incurred by all Town of York residents?

\* Response: Supervisor Deming replied that only the residents receiving the benefit of water and sewer pay the quarterly and yearly fees.

2) David Deuel: How much has the budget increased over the last few years?

\* Response: Supervisor Deming and Councilman Sliker reported that the Town budget over the last eight years has not increased more than 2.6 %, and 3% at the county level.

3) David Deuel: Does the recycling center make a profit for the town?

\* Response: Mr. Deming stated that the recycling center does make a profit each year, roughly between \$ 5-6,000.00.

4) David Deuel: Where do the figures come from each year to prepare the budget?  
\* Response: Mr. Deming stated that each department head prepares a "wish list" for the Town Board to consider and then we modify the necessities thereafter.

Mr. Deming reported that two years ago the Town hired St. John and Baldwin for Accounting purposes. This year their fee was \$ 11,000 and with Shelby continuing to invest money throughout the year, we made \$ 14,000 in interest, which not only made a \$ 3,000 profit for the town, it fully paid for the accounting services.

Supervisor Deming stated if everything goes according to plan, next years big goal is water to the hamlet of Linwood.

After no further comment or questions from the public.....

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to close the Budget Hearing at 6:58 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

Regular Town Board Meeting  
October 11, 2007  
7:30 p.m.

Present: Supervisor Gerald Deming, Council Members: Lynn Parnell, Norman Gates, William Hasler and David Sliker

Absent: None

Others: George Worden Jr. (Highway Supt.), David Deuel and Ronald Cicoria (Town Attorney)

Supervisor Deming opened the regular Town Board Meeting at 7:45 p.m.

#### MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Hasler to approve the minutes of the September 27<sup>th</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

#### Attorney updates:

1) Anti-Trust litigation:

Town Attorney, Mr. Cicoria reported that he pursued the request made by the Board to review the documentation received regarding an upcoming Anti-Trust litigation matter. Mr. Cicoria stated after review of the documents he is confident that the legal matter does not pertain to the Town of York.

2) Bob Lowden issue:

Mr. Deming informed the Board that we have yet to hear from Mr. Lowden as to his plans for his residence on Chandler Road and the status of the 30 foot strip of land.

After a brief discussion the Board suggested to Mr. Cicoria to contact Mr. Lowden to have him attend a Town Board Meeting to discuss the matter further. Supervisor Deming stated, rather than having individuals speak with Mr. Lowden, it would be more appropriate to have Bob attend a scheduled meeting to review the information with the entire Board and department heads, so everyone will be on the same page.

Mr. Cicoria stated he would contact Mr. Lowden to relay the Board's request.

3) Wind Energy Systems:

Supervisor Deming reported that a request was made by Larry Smith, owner of Lawnel Farms for a wind energy conversion system. Mr. Deming added at this time the Town of York has a moratorium on such systems, but will be expiring on November 20<sup>th</sup>, 2007.

The Board discussed the need to have Mr. Smith submit a written plan to the Board for review before proceeding further. Mr. Deming stated he would inform Mr. Smith of the Board's request for detailed information.

4) Right-of-way matter:

Highway Superintendent, Mr. Worden asked Mr. Cicoria a legal question pertaining to a right-of-way issue on River Road in Fowlerville. Mr. Worden stated that the Highway Department will be re-surfacing roadway shoulders and ditches within the next week on River Road and at 2246 River Road a tree is located in the R.O.W (actually ½ of the tree is on private property and the other ½ is in the right-of-way).

Mr. Worden stated that he spoke with the owner about the matter and informed them that the tree might have to be removed, which the homeowner was not happy about. Mr. Worden would like to know what our legal responsibilities and liabilities are in this matter.

After a lengthy discussion Mr. Cicoria informed the Board and Mr. Worden that the owner does not have a great deal of say in whether or not the tree must come down, because the Town can not remove ½ of a tree. If any alteration of the tree happens the town could potentially open themselves up to a lawsuit if the tree roots are weakened and the tree falls onto property or oncoming vehicles or pedestrians. Mr. Cicoria suggested to Mr. Worden if the tree is a problem while performing routine maintenance, remove it.

## OLD BUSINESS

1) David Clark:

The Board discussed once again the matter whether or not to grant an easement to David Clark on Retsof Road. Two months ago Mr. Clark asked the Board to sell him 90 feet of property which would square up his property and most importantly allow him to own his entire driveway. The Board reviewed several ways to assist Mr. Clark, but ultimately decided to allow Mr. Clark a 60 foot easement. The Board suggested that Mr. Clark's Attorney prepare the easement and then have our Attorney, Mr. Cicoria review it before Mr. Deming signs. Supervisor Deming stated if Mr. Clark would feel more comfortable having Mr. Cicoria prepare the easement, we would allow it, with the

understanding all expenses incurred in preparation of the easement will be paid by the homeowner.

### NEW BUSINESS

#### 1) Tange Request:

Supervisor Deming reported that we received a request from town resident, Barbara Tange for property she owns on Retsof Road. Mrs. Tange stated that she and her husband Dick recently purchased 3501 Retsof Road (previously owned by Alice Parker). The Tanges have plans in the near future to construct a new residence on the property, and had the existing home burned in the spring. Before she bought the property the water was turned off at the request of the previous owner, but the sewer charge remained. Mrs. Tange is requesting at this time that the Board consider removing the sewer charge until a new residence has been erected.

After a great deal of discussion by the Board, they decided to allow Mrs. Tange to consider two options regarding this matter:

1<sup>st</sup> option: To continue to pay the flat rate charge until the home is erected (Retsof District does not pay a debt service on the yearly property tax bill, so the entire charge for a year would total; \$ 85.00 x 4 billings = \$ 340.00), which is \$5.00 more per quarter starting in 2008.

2<sup>nd</sup> option: The Board can remove the residential charge from the property and replace it with a vacant land charge of \$ 50.00 per year, but when they are ready to connect to the sewer district once again, a tap charge of \$ 1,500.00 will be incurred.

Supervisor Deming requested that Town Clerk Mrs. Harris contact Mrs. Tange in the morning to inform her of the Board's decision.

#### 2) Snow & Ice Control Contract:

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to adopt the following:

RESOLVED, pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads within the Town, the Supervisor and the Town Highway Superintendent are directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town to undertake and perform snow and ice control on County Roads located in the Town for a period beginning October 15, 2007 and ending October 14, 2010. Voted on and approved, Yes-5, No-0.

\* The rate per mile is as follows:

2007-2008:	\$ 3,600.00
2008-2009:	\$ 3,700.00
2009-2010:	\$ 3,800.00

### HIGHWAY

1) Truck tires:

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to classify 20 truck casings as surplus equipment. Voted on and approved, Yes-5, No-0.

2) Salt:

Mr. Worden reported to the Town Board that the salt received from Leicester at the desalinization plant has turned solid and needs to be broken down. Mr. Worden stated that Lawnel Farms has a piece of equipment for \$1,000.00 that might work and asked the Board permission to allow him to pursue it.

After a brief discussion the Board agreed to authorize Mr. Worden to inspect and try out the equipment at Lawnel Farms, and if it will benefit the Highway Department, buy it.

3) Fuel Bid:

RESOLUTION offered by Mr. Hasler and seconded by Mr. Gates to extend the Fuel Contract with Griffith Energy for a period of 1 year, with Griffith abiding by the State Bid price. Voted on and approved, Yes-5, No-0.

NEW BUSINESS continued:

3) Senior Citizen Exemption Limits:

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to approve the Senior Citizens Exemption and Persons with Disabilities and Limited Incomes Exemption for 2008. Voted on and approved, Yes-5, No-0.

INCOME

RESIDENTIAL EXEMPTION

\$ 0.00- \$ 18,500.00	50%
\$ 18,500.01- \$ 19,499.99	45%
\$ 19,500.00- \$ 20,499.99	40%
\$ 20,500.00- \$ 21,499.99	35%
\$ 21,500.00- \$ 22,399.99	30%
\$ 22,400.00- \$ 23,299.99	25%
\$ 23,300.00- \$ 24,199.99	20%
\$ 24,200.00- \$ 25,099.99	15%
\$ 25,100.00- \$ 25,999.99	10%
\$ 26,000.00- \$ 26,899.99	5%

4) Playground Equipment:

Supervisor Deming reported to the Board that a representative from our Insurance Company was in the area this week to inspect several aspects of our coverage. The representative met with Mr. Worden and Mr. Barrett for their departments and Mrs. Barefoot for the Town Hall and our recreational areas.

Mr. Deming stated that the comment continually made was the desperate need to upgrade the playground equipment behind the Town Hall, because it is “highly illegal and not government standard”.

Mr. Deming stated that the Youth Committee will need to address this matter and further review whether or not we can qualify for any grant funding for new equipment.

5) 2008 Budget:

RESOLUTION offered by Mr. Deming and seconded by Mr. Hasler to approve the 2008 Town Budget as presented. Voted on and approved, Yes-5, No-0.

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.

Retsof Sewer District	# 109-113	\$ 946.40
York Sewer District #1	# 46	\$ 63.82
Consolidated Water	# 210-220	\$ 4,880.48
Street Lights	# 10	\$ 1,571.26
General Fund Claim	# 315-347	\$ 5,584.56
Highway Fund Claim	# 161-170	\$ 10,334.59

OTHER

1) Shared Services Meeting:

Supervisor Deming reported that he received word from York Central School that a meeting will be taking place on Tuesday, October 22<sup>nd</sup> to discuss shared equipment services between the Towns of York and Leicester and York Central School.

Mr. Deming stated he will be unable to attend on that date and hopes to be able to change the date with Mr. Manko. Supervisor Deming reported he would keep the Town Board and Highway Superintendent, Mr. Worden informed on the matter.

\*\* Next Zoning Revisions Meeting will take place at the York Fire Hall on Tuesday, October 16<sup>th</sup> at 7:00 p.m.

2) Roof permit:

Supervisor Deming informed the Board that numerous complaints have been made by residents in regards to the need to apply for a building permit for roofing purposes, when the Town does not actually physically inspect them.

The Board agreed whether it be a roof permit or a permit for a swimming pool, the State Law requires a permit be obtained and since we have chosen to adopt the state regulations, we must abide by them, regardless of our own personal views.

WATER/SEWER

Senior Water & Sewage Treatment Plant Operator, Mr.Barrett was unable to attend tonight's meeting but did submit a written report for the Board to review:

1) Gates Farm:

The applications have been sent to the Livingston County Health Department. Questions did arise, which Mr. Barrett answered through Larsen Engineers. The anticipated approval to install the main should be sometime next week. We are looking to obtain an easement from Tennessee Gas Pipeline to install the main on their property

along Dow Road, which will be less expensive and faster for Gates Farms. Andy McDermott of Tenn. Gas, has requested a drawing of the area before granting verbal approval, which Mr. Barrett will take care of, and written approval thereafter.

2) Bernecker water main:

Livingston County Health Department has approved Mr. Bernecker's plans and he has since hired Peter Arrigenna as his Contractor. Mr. Arrigenna and Sandy Vreeland (Engineer) have spoken with Mr. Bernecker and they have decided to grant easements on the lots to install the water main inside the sewer line. Mr. Barrett made it quite clear to Mr. Bernecker that the water main would not be accepted or activated by the Town of York until the easements have been filed at the Livingston County Clerk's office.

3) South Wadsworth:

Everything seems to be proceeding well in south Wadsworth, but still have more topsoil and seeding to do. Mr. Barrett reported that the prepared three (3) letters for homeowners in the area regarding the need to install new water services and sewer laterals into their residences.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Sliker to adjourn the Town Board Meeting until October 25<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:05 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk