

York Town Board Meeting  
January 11, 2007

Present: Gerald L. Deming, Supervisor, Council Members: William Hasler, Lynn Parnell and David Sliker

Absent: Norman Gates

Others: Frank Rose Jr., Richard Brock, Norman Barrett (Senior Water & Sewage Tr. Plant Op.), George Worden Jr. (Highway Supt.) and Gary Wall

Supervisor Deming opened the Town Board Meeting at 7:35 p.m.

MINUTES

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Hasler to approve the minutes of the December 14<sup>th</sup> regular Town Board Meeting, December 29<sup>th</sup> Special Town Board Meeting and January 2<sup>nd</sup>, 2007 Organizational Meeting. Voted on and approved, Yes-4, No-0.

Privileges of the Floor

1) Frank Rose Jr.:

Mr. Rose came before the Board to inform them of his recent actions. Mr. Rose explained that he has attended Town & County Planning Board meetings to discuss his intentions for subdivision of his property (Phase I- 3 lots of a 10 lot PUD off of Route 36). After much review and several alterations, each of those Boards have approved his plans and is now seeking Final Approval from the Town Board.

Supervisor Deming addressed with Mr. Rose the recommendations made by the Planning Boards, and also discussed the breakdown of the phases.

Phase I- 3 lots

Phase II- 3 lots

Phase III- 4 lots

Mr. Deming noted that the Livingston County Planning Board voted to recommend approval of the proposed action with the following stipulations:

#1: One of the stipulations listed on the submitted plans states that lots are “to be developed with safe egress onto Route 36 with an approved road or common entrance”. The possibility of a “common entrance” onto Route 36 instead of an approved roadway could become problematic because shared driveways often lead to neighbor conflicts. Also, if a “common entrance” was permitted for Phase I, it might be difficult to develop road access for future phases of the subdivision. The Town should consider removing “or common entrance” from the stipulation regarding egress onto Route 36. All ingress and egress from Route 36 should be from an approved road.

#2: If not done already, the Town should advise the Applicant that the Phase II Storm water Regulation will apply to this development and that a Notice of Intent will need to be filed with the NYSDEC before development can begin.

The Town Planning Board suggested one additional stipulation:

#3: At the end of the road for each phase a temporary stone turn-around will be provided by the developer.

The Planning Board agreed to be the lead agency in SEQR and agreed that there is no significant impact on the environment.

### APPROVAL

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to accept the recommendations prepared by the Town & County Planning Boards, to approve Frank Rose Jr.'s plans for subdivision in the Town of York, with the above stated stipulations along with the recorded stipulations listed on the mylar map, and with one additional stipulation to be added stating that any sources of heating (external tanks) must be buried, and any additional costs to update the mylar will be incurred by the Town of York. Voted on and approved, Yes-4, No-0.

#### 2) Richard Brock:

Mr. Brock also came before the Board to review with them his approved subdivision plans from the Town & County Planning Boards. Mr. Brock stated that the Boards reviewed his subdivision plans for Phase II (4 lots) of a 21-lot PUD off of Retsof Road and Dow Road, and is now seeking approval from the Town Board.

Mr. Deming discussed with the Board and Mr. Brock that both Boards recommended approval of the subdivision plans but stipulations were outlined by the County & Town Planning Boards, they are as follows:

#1: Stipulation #10 on the submitted plans states that "Developer will install water line between Dow Road and the future road running westerly from Retsof Road when Lots 11,12, 13, 14, 15, 17 and 29 are sold. No building permit for these lots will be issued before the completion of this water line".

This is in direct conflict with Stipulation #11, which reads that "Each phase must have completed roadway and utilities before lots are sold & building permits are issued."

It may take years to sell the seven lots listed. To protect the future owners of Lots 11,12, 13, 14,15, 17 & 29 and ensure that they will have public water service, the Town should consider removing Stipulation #10 and keep Stipulation #11. Roadways and utilities should be completed before any lots are sold in a phase. Alternatively, the Town could require the Applicant to file a performance bond for the water line with the Town Clerk, as outlined in Section 5(A)(1) of the Town of York Subdivision Regulations, once the road for Phase IV and V has been constructed and the lots for Phases IV and V have

been subdivided. This would ensure that the water line is completed, though the issue of time delay (how many years it will take to sell those seven lots) will still exist.

#2: If not done already, the Town should advise the Applicant that the Phase II Storm water Regulation will apply to this development and that a Notice of Intent will need to be filed with NYSDEC before development can begin.

#3: At the end of the road for each Phase a temporary turn-around will be provided by the developer.

The Planning Board agreed to be the lead agency in SEQR and agreed that there is no significant impact on the environment.

### APPROVAL

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to accept the recommendations made by the Town & County Planning Boards, to approve Richard Brock's plans for subdivision in the Town of York, with the above stated stipulations, along with the recorded stipulations on the mylar map, and with two additional stipulations: (1) Any sources of heating (external tanks) must be buried (2) All lots will have natural gas. Any additional costs incurred to update the mylar will be paid for by the Town of York. Voted on and approved, Yes-4, No-0.

\*\* Mr. Rose and Mr. Brock will be required to submit **one (1)** regular copy of the plans to the Town, and **one (1)** mylar plus **two (2)** regular copies to the County for filing. All maps will require Supervisor Deming's signature before recording.

### WATER/SEWER

1) Water Adjustment Request:

a- Sharon FitzSimmons:

Mr. Barrett reported, according to our records, Mrs. FitzSimmons quarterly charges usually run between \$ 24.00- \$ 31.00, but this January bill totaled \$ 389.76. Once Mrs. FitzSimmons was notified by Water Billing Clerk, Mrs. Messana of the very large read, she then had her son correct the leak and contact the Water Department for inspection, as per our policy.

RESOLUTION offered by Mrs. Parnell and seconded by Mr.Sliker to approve the Water Adjustment request submitted by Sharon FitzSimmons for property located at 2233 River Road. The adjusted bill will total \$ 264.87, which is a savings of \$ 124.89. Voted on and approved, Yes-4, No-0.

### HIGHWAY

1) Maintenance:

Highway Superintendent, Mr. Worden reported to the Board that the men have been very busy with routine maintenance and painting of the highway equipment. Mr. Worden added, because the weather has been so mild we have been able to continue ditching town roads quite regularly, and have sent two trucks to work with the County each week,

which generates funds for the town. Mr. Worden stated that he and the men removed the holiday wreaths this week and they are now stored in a corner at the highway barns.

2) Inventory:

Mr. Worden stated he would like to prepare an inventory list of highway equipment, materials, tools, etc. within the next few weeks and asked if we had on file anything for the department.

Councilman Sliker replied that we have at the Town Hall a complete inventory list of the Highway barns, but is unsure of the most recent update to it. Mr. Sliker stated that Mr. Worden should contact Supervisor's Clerk, Mrs. Barefoot for the listing, in order to review and update the list properly.

3) State Roads:

Mr. Worden stated that the Board discussed with him recently the possibility of re-submitting to the State about getting back their roads (Routes 20,36 & 63) for plowing purposes. Mr. Worden was informed the only way we can obtain state roads once again if they could get "lane miles" elsewhere, otherwise they will not release them to us.

4) 6-wheel truck:

Mr. Worden reported to the Board that the 6-wheel truck is in dire need of attention. The engine has a skip in it and the air tanks are in poor condition, the only positive aspect of it is the box & plow portion. Mr. Worden added, if a new chassis is put on it, it could last another 10 years, but money will definitely have to be spent to bring up to par.

5) Building:

Mr. Worden asked the Board to consider painting the inside of the town barns and installing new lighting. The lighting has been an issue for quite some time and should be updated if the budget allows.

The Board agreed to allow Mr. Worden permission to obtain estimates for new lighting.

6) Recycling Center:

Mr. Worden stated he had the opportunity to review the current gate at the recycling center to see if sliding gates might be more appropriate. After review of the area, Mr. Worden suggested that he and the men could put in a new fence that would better serve the recycling center needs.

Mr. Worden suggested that the Board consider two other issues at the recycling center, re-blacktopping the driveway and a new drainage tile. Mr. Worden and Senior Water & Sewage Treatment Plant Operator, Mr. Barrett stated between the two departments cutting a pipe under the existing driveway for a drainage tile will not be a problem. After the drainage tile has been installed, re-blacktopping the area will be the last step.

7) Deputy request:

Mr. Worden informed the Board that Deputy Highway Supt., Mr. Nevin asked him if he will be able to take a pickup home with him each night. Mr. Worden stated he would ask the Board their thoughts on the matter.

After a brief discussion, the Board stated that Mr. Nevin will only be able to take the Town pickup home with him when he is filling in for Mr. Worden.

8) Computer & Software:

Mr. Worden reported that the current computer at the Highway Department is completely outdated, and requested if funds are available, to purchase a new one.

Supervisor Deming stated that over the years we have not updated that computer because the previous two Highway Superintendents did not use it, but if Mr. Worden plans to use the equipment, we will definitely upgrade.

( We will be ordering the equipment on State Bid)

9) Tires:

Mr. Worden stated that he and the men have been cleaning and clearing out items at the Highway barns. Several spare tires have been wedged in corners throughout the building, and after last count, collected 8 tires which we can sell for \$ 286.46 per tire (\$ 2,291.68) back to the dealer, Utz-Parmenter.

WATER/SEWER CONTINUED

2) Pre-Construction Meeting:

Senior Water & Sewage Treatment Plant Operator, Mr. Barrett reported that he met with Clark Patterson Associates Engineer, Eric Wies and Burrows Bros. (Contractors) on Wednesday of this week for a Pre-Construction Meeting for the River Crossing project. Pipe will be on site on Monday the 15<sup>th</sup> and the start date of the project itself should be by the end of that week or Monday, the 22<sup>nd</sup>.

Mr. Barrett stated that the temporary bypass line is strong and ready to go, with milk house heaters in every box along the way. Mr. Barrett anticipates the drilling portion of the project to take roughly 5 days, and the entire project approximately 2 weeks. Mr. Barrett added if the 8 inch line stays undisturbed after the drilling phase, we will be able to stop using the temporary bypass and begin using the existing line once again until the project is completed.

3) South Wadsworth:

Mr. Barrett addressed with the Board the areas of concern for the South Wadsworth area waterline. Mr. Barrett reported that the Water Department has been very busy reviewing and making mapping notations of the proposed work necessary.

Mr. Barrett reviewed with the Board print-outs prepared by the department, outlining each homeowner in the area and the upcoming work needing to be completed. Councilman Sliker stated that a few of the homes listed are inaccurate regarding the existing pipe and the upcoming prep work necessary. Mr. Sliker explained that he assisted in the installation of some the homes, so he is well aware of what is existing, and stated what has been documented is not completely accurate for a few homes.

Mr. Barrett replied that he is submitting to the Board what has been prepared by his men, so if a few homes need to be re-evaluated they will be shortly, but overall the cost factor could be substantial.

Supervisor Deming asked Mr. Barrett the estimated cost for updating the area with new connections (meters). Mr. Barrett stated that between materials, new connections to

the main (\$ 208.75 per home (6)), curb stops and box (\$ 94.40 per home (5)) and meter pits (\$ 475.00 (4)), the average amount for 1 home will roughly total \$ 778.15 to be brought into the district. A few of the homes will not need as much attention as others, but money will need to be expended.

Supervisor Deming stated effective this year, the Town of York is now responsible for this waterline and we need to make sure that the homeowners have the proper materials in place to be able to obtain future water reads in the district. The south Wadsworth area residents are now being charged a debt service on their County & Town Tax bill, so it is important that we begin the process to bring them aboard into the district.

\*\* Mrs. Harris will contact Town Attorney, Mr. Boylan in the morning to authorize him to prepare waterline easements for the South Wadsworth residents.

### OLD BUSINESS

#### 1) Empire Zone Meeting:

Supervisor Deming reminded the Board of the upcoming Empire Zone Meeting at the York Town Hall. The meeting has been scheduled for Wednesday, January 24<sup>th</sup> at 7:00 p.m. All Town Board Members are urged to attend, also present that evening will be Pat Rountree, Director of Economic Development for Livingston County, along with residents and business owners who own property within such boundaries of the Empire Zone.

### NEW BUSINESS

#### 1) School Security:

Supervisor Deming reported that he received a letter from the Livingston County Sheriff's Department discussing potential options on how to assist York Central School with traffic issues on Route 63. One idea they had was to place boulders along Genesee Street to alleviate the excess parking along the main route.

After some discussion the Board stated that they do not believe placing boulders would be a safe and viable solution to the problem, but did suggest that planting trees might be a better thought and will pass that along to the Sheriff's Department.

#### 2) Verizon Proposal/Update:

The Board discussed updating the cell phone policy. The current policy is with Verizon Wireless and will be expiring in February of this year, if the Board wishes to upgrade.

After a brief discussion the Board agreed to authorize Supervisor's Clerk, Mrs. Barefoot to update the cell phone policy.

#### 3) Fire Dept. contract extension:

Mr. Deming explained that the merge process has taken a bit longer than the Fire Departments expected, and we need to have a contract in place for fire and ambulance protection until the merge has been completed.

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to extend the current Fire & Ambulance contract for a period of 90 days. Voted on and approved, Yes-4, No-0.

4) Veterans Exemption Hearing:

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to schedule a Public Hearing for Thursday, February 8<sup>th</sup>, 2007 at 7:00 p.m. at the York Town Hall. The hearing is called to discuss "Increasing Maximum allowable Veterans Exemption under Section 458 a of the Real Property Tax Law". Voted on and approved, Yes-4, No-0.

\*\* Once approved, this will be Town of York Local Law #1 of 2007.

5) Planning Consulting Services:

The Board discussed the need to begin the next phase of updating/revising the Town's Subdivision regulations and Zoning Law. The Board agreed that we should at this time request proposals for Planning Consulting Services to revise the Town of York Zoning Law.

After a brief discussion, Town Clerk Mrs. Harris stated she would prepare and send out the requests to the 9 firms suggested by the Livingston County Planning Department. All proposals must be received at the York Town Hall by 11:00 a.m., February 7<sup>th</sup>, 2007

6) Water Shut-off:

RESOLUTION offered by Mr. Hasler and seconded by Mr. Sliker to approve the Water Service Shut-off request submitted by Betty Townsend for property located at 3739 East Road in Piffard. Voted on and approved, Yes-4, No-0.

7) Assessment Filing Refund:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Hasler authorizing the Supervisor to reimburse Kirk Richenberg and Nancy Glazier \$ 30.00 for filing fees associated with the grievance process at the County level, for assessment review. Voted on and approved, Yes-4, No-0.

\*\* After review of the assessment, the Hearing Officer, Rekha Jain, lowered the assessment for parcel, 40-1-11.2, which now requires the Town to reimburse the resident for fees incurred.

8) Christiano parcel:

Town Clerk, Mrs. Harris reported to the Board that the process has begun to correct the tax bill previously owned by the estate of Margaret Christiano on Genesee Street in the amount of \$ 699.05. In March of last year the property was split between Craig Bianchi and Frank Rose Jr. Mr. Rose ultimately purchased more land to roll into his current parcel, but because the transfer occurred after March 1<sup>st</sup>, it remained in the previous owner's name, with the old tax map number. Unfortunately the Assessor placed unit charges on this parcel, thinking that the parcel would continue to merge to Route 63, which it does not, it is land locked. Mrs. Harris stated that she contacted Joe Pukos at the Livingston County Real Property Office for verification on ownership of this tax bill. Mr. Pukos informed Mrs. Harris that Mr. Rose will be responsible for this bill once it has been corrected by removing the unit charge for water (\$ 200.63) and sewer (\$ 299.72).

The Board of Supervisors will approve of this correction at their January meeting in order to re-print a new bill for Mr. Rose. His new total will be \$ 198.70.

9) Town Policy:

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell setting a Town Policy stating that no persons under the age of 18 shall ride in town owned vehicles, due to the liability issue outlined by our insurance carrier. Voted on and approved, Yes-4, No-0.

OTHER

1) Gary Wall:

a- Unit charges:

Mr. Wall discussed with the Board his current water charges for the properties he owns in Greigsville. Currently Mr. Wall is being charged for seven (7) units of water and sewer, of which 3 units for the 3-family residence are not tied into the system because of line issues. Mr. Wall asked the Board if he can obtain a water adjustment for these properties.

Councilman Sliker explained to Mr. Wall that he can fill out the water service shut-off applications at any time, which would cease the quarterly water bills (sewer continues), but when he is ready to restore the service, a \$ 200.00 turn on fee will be required for each unit. Mr. Sliker added that the 7 unit charges currently in place will remain on the County & Town tax bill.

b- 3410 Fowlerville Road:

Mr. Wall also addressed with the Board a water issue at his tenant house in Fowlerville. Mr. Wall stated that he was made aware early in December that the tenant at 3410 Fowlerville Road (the old Station 42) had a water leak. He contacted the tenant to let him know of the problem and stated he needed to fix it. Three weeks later Mr. Wall touched base with the tenant once again to find out that nothing had been done and the water leak continued. Mr. Wall then fixed the problem himself and is now asking the Board informally if they would grant a water adjustment if he prepared the request in writing.

After a brief discussion, Supervisor Deming stated that Mr. Wall is more than welcome to prepare the request, but the three week time span that Mr. Wall knew of the problem and did not follow through will be an issue for the Board to determine whether or not an adjustment will be granted.

BILLS

RESOLUTION offered by Mr. Hasler and seconded by Mrs. Parnell to pay all claims brought before the Board. Voted on and approved, Yes-4, No-0.

2006

York Sewer District #1	# 57-58	\$ 3,040.72
Consolidated Water	# 258-269	\$ 7,525.38
Retsof Sewer District	# 179-188	\$ 3,156.58
General Fund Claim	# 437-461	\$ 9,047.13



Youth Fund Claim	# 17	\$ 1,042.52
Highway Fund Claim	# 237-245	\$ 2,328.06

**2007**

Retsof Sewer District	# 1-6	\$ 1,295.83
York Sewer District #1	# 1-2	\$ 2,881.99
York Sewer District #2	# 1	\$ 1,800.00
Consolidated Water	# 1-16	\$ 2,117.96
General Fund Claim	# 1-30	\$ 21,626.58
Street Lights	# 1	\$ 1,794.20
Youth Fund Claim	# 1	\$ 138.16
Highway Fund Claim	# 1-8	\$ 7,403.15

10:20 P.M.

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to enter into Executive Session to discuss personnel issues to include Town Board, Town Clerk and Mr. Barrett. Voted on and approved, Yes-4, No-0.

10:35 P.M.

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to end Executive Session. Voted on and approved, Yes-4, No-0.

Supervisor Deming reported that no action was taken in Executive Session.

ADJOURNMENT

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to adjourn the Town Board Meeting until February 8<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 10:38 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk