

York Town Board Meeting
December 13, 2007

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

Absent: None

Others: David Deuel, Frank Rose Jr., Mary Schlaefer, Donald Davis, Myron Rodger, Kip Finley, Davies Nagel, Norman Barrett (Senior Water & Sewage Tr. Pl.Op.), Carl Peter (Zoning/Code Officer) and Ronald Cicoria (Town Attorney)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Hasler to approve the minutes of the November 15th Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel came to further discuss with the Board the Healthy Trails, Healthy People program. Mr. Nagel stated that the program would assist the Town of York with its trail development. Each year New York selects five (5) communities interested to receive technical and planning assistance, grants and workshops in order to further develop the Healthy Trails, Healthy People program. Mr. Nagel outlined the proposed area for the trail: from Stewart Road in the hamlet of Linwood, the trail would proceed downward to Virginia Ave, crossing Route 36 through "Little Italy" to the Genesee Valley Greenway Trail in Piffard, by the Abbey of the Genesee.

Mr. Nagel stated if the Town Board is interested in this program a letter of support from the Town of York would be required with the application, which Mr. Nagel will complete as the Project Contact person. The deadline for all applications is Friday, January 11, 2008. Selected communities will be announced on Friday, February 8th.

Supervisor Deming suggested to Mr. Nagel that he contact Patricia Gardner from Noyes Hospital for their possible involvement and potential financial funding. Mrs. Gardner resides in York and has been quite dedicated to the Healthy Heart Program for the past several years.

After some discussion the Board agreed to authorize Supervisor Deming to prepare a letter of support for the Healthy Trails, Healthy People program, in order to submit with the application before the January 11th deadline.

WATER/SEWER

1) Water break:

Senior Water & Sewage Treatment Plant Operator, Mr. Barrett informed the Board of the major water break that occurred last Monday, December 3rd in the middle of another snowy day. The break was located on the mainline before the fire hydrant in Jim Templeton's front lawn. Mr. Barrett stated that Highway Superintendent, Mr. Worden

received a telephone call that morning at 6 a.m. from the homeowner informing him of the break, which then Mr. Worden contacted the Water Department to shut the main line off. The break was substantial and the tank lost 15 feet of water for that period of a day and a half. (we went from 24 to 9 feet). Mr. Barrett stated that the cause of the break was the decaying of the existing bolts, they completely broke apart. Mr. Barrett added after what the Water Department encountered we will be on a routine maintenance schedule now to change out bolts in a timely fashion, with stainless steel ones in order to alleviate if possible this issue from re-occurring.

2) Sewer laterals:

Mr. Barrett reported that Sewer Specialties (Jim Fagan) was contacted this week to perform a test on infiltration of water in our municipal system. Mr. Fagan sent the camera throughout the laterals, and it passed 23 spots, of which 10 were taking in water, 3 areas with large amounts. Mr. Barrett stated that the results have been documented on a VHS tape to have the Department and the Board review at any time in order to determine a solution.

HIGHWAY

1) Plow purchase:

Supervisor Deming stated that Highway Superintendent, Mr. Worden was unable to attend tonight's meeting but did discuss with him the need to purchase two new plows for the existing trucks.

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to purchase two new plows for the Highway Department, (for truck #10 and truck #2) from Viking Plows in Batavia, New York, in the amount of \$ 5,385.00 each. One plow will be delivered in 2007 and the second plow to be delivered and paid for out of the 2008 budget. Voted on and approved, Yes-5, No-0.

OLD BUSINESS

1) Interviews:

The Board discussed once again the need to conduct interviews to find a replacement for George Worden Jr. on the York Planning Board. Two members from the Town Board and Planning Board will make up the interview committee. From the Town Board: Supervisor Deming and Council Member Parnell and from the Planning Board: George Worden and Rob Susz.

The interviews will take place on Monday, January 7th, 2008, beginning at 7:00 p.m. The interviews will be 15 minute intervals. The six applicants are:

Phil Cooper
Grace McLaughlin-Mingrino
Pam Battaglia
Anna May Allenbrandt
Jerry Parsons
David Russo

2) Wind Energy Document:

Supervisor Deming stated that two days ago we received a copy of Wind Energy Regulations prepared by Daniel Spitzer, Esq. pertaining to siting wind power in New York State. The Board has not had the opportunity to review the document as of yet, but Town Attorney, Mr. Cicoria has, and stated that the regulations are quite clear and precise and should be helpful in outlining to the Board what they want in the Town of York.

3) Kip Finley:

Mr. Finley thanked the Board for scheduling a work session last Thursday evening (December 6th) and stated he and the Rodgers feel comfortable with what has been discussed and agreed upon.

Mr. Finley reviewed the changes that took place and asked the Board for any further comment or questions.

Supervisor Deming commented that the work session was quite productive and further stated that Heather Ferraro (Livingston County Planning Department) also was comfortable with what was presented, no negative comments or concerns were raised.

APPROVAL

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to adopt the plan presented by Avery Engineering on behalf of Myron and Randy Rodger, for a change in zoning from Agricultural to Planned Development on the following parcels:

70-1-6.116	(71.83 acres)
70-1-4.1	(41.90 acres)

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

NEW BUSINESS

1) Uniform Codes (1203):

Zoning and Code Enforcement Officer, Mr. Peter discussed with the Board the need to comply with the updated revisions to the New York State Uniform Fire Prevention and Building Code, by way of adoption as a Local Law.

The Board reviewed with Mr. Peter a draft version of the Code and made several changes/alterations in order to conform to the needs of the Town of York.

RESOLUTION offered by Mr. Gates and seconded by Mr. Hasler to approve the changes to the New York State Uniform Fire Prevention and Building Code, which will include the Town of York Unsafe Buildings Law, and to schedule two Public Hearings for Thursday, January 10th, 2008. The hearings will be as follows:

Proposed Local Law #1-2008; Town of York Unsafe Buildings Law	7:00 pm
Proposed Local Law #2-2008; NYS Uniform Prev. & Bldg Code	7:15 pm

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

2) Mary Schlaefer:

Ms. Schlaefer asked to speak with the Town Board once again regarding the matter previously discussed at the November 15th meeting. Ms. Schlaefer stated that she prepared a letter for Zoning Officer, Carl Peter dated November 29th, requesting that a determination be made on what constitutes a single family residence. Due to the fact that the Town does not currently have a written policy in place, the definition of a 1 family vs a 2 family residence has not been determined. The Town Board stated over the past several years we have been classifying homes based upon kitchen and bathroom facilities located within the residence. A kitchen unit would consist of a stove, sink and refrigerator. Ms. Schlaefer stated that she asked at the November meeting and once again in her letter, what would need to be removed from her parents' home in order to continue to keep the dwelling as a single family residence, which she added she has not received a reply to.

Mr. Peter reported to the Board that he did in fact respond to Ms. Schlaefer's letter within the 5 day time frame, but conveyed that a determination has not been reached as of yet. Mr. Peter stated that he has been busy contacting surrounding towns to inquire what their policies are in this matter, only to realize that each town's determination is different from the others, which has not been helpful in trying to prepare a policy.

The Board and Town Attorney, Mr. Cicoria stated that the main issue is to gain direction to put a policy in place in order to resolve this issue. Mr. Peter stated he will have a proposed plan in place for the meeting on January 10th, 2008, for the Board to review and make any further suggestions.

3) Water Service Restoration:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Service Restoration request submitted by ReMax (a Division of Craiglynn Corp. Inc.) for property located at 3967 Main Street Wadsworth, in the amount of \$ 200.00. Voted on and approved, Yes-5, No-0.

4) 2008 Organizational Meeting:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to schedule the 2008 Organizational Meeting for Tuesday, January 1st, 2008 at 1:00 p.m. Voted on and approved, Yes-5, No-0.

5) Approval of Court Records:

a- Judge Purtell:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Hasler to approve the court records for Town of York Justice, Walter Purtell. Voted on and approved, Yes-5, No-0.

b- Judge Porter:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the court records for Town of York Justice, Thomas Porter. Voted on and approved, Yes-5, No-0.

c- Court Clerk:

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to approve Court Clerk, Norma Geary's petty cash records as presented. Voted on and approved, Yes-5, No-0.

6) Training Session:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates authorizing any Town Board member permission to attend the Training Seminar in Rochester from January 15th-17th at the DoubleTree Hotel. Voted on and approved, Yes-5, No-0.

** All applications must be submitted to Town Clerk, Mrs. Harris by December 21st.

BILLS

RESOLUTION offered by Mr. Sliker and seconded by Mr. Hasler to pay all claims brought before the Board. Voted on and approved, Yes-5, No-0.

Retsof Sewer District	# 131-150	\$ 11,808.84
York Sewer Dist. #1	# 52-55	\$ 1,874.25
Consolidated Water	# 244-271	\$ 16,114.33
General Fund Claim	# 396-433	\$ 21,621.64
Street Lights	# 12	\$ 1,875.10
Highway Fund Claim	# 192-207	\$ 13,396.41

COMMENTS:

Mr. Sliker thanked the Town Board members for the last 12 years as Councilman. He stated that he learned a great deal and thoroughly enjoyed working with each member.

Mr. Hasler also thanked the Board for the opportunity to serve the public and stated that he is most appreciative of the way this Board worked together to solve issues in the town, and is quite happy with all that we have accomplished.

ADJOURNMENT

RESOLUTION offered by Mr. Hasler and seconded by Mr. Sliker to adjourn the Town Board Meeting. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:10 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk