

York Town Board Meeting
February 28, 2008

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

Absent: None

Others: Stephen Gates (Town Historian), Carl Peter (Zoning & Code Officer), George
Worden Jr. (Highway Supt.) and Norman Barrett (Senior Water & Sewage
Treatment Plant Operator)

Supervisor Deming opened the Town Board Meeting at 7:32 p.m.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the
February 14th Public Hearing and regular Town Board Meeting minutes. Voted on and
approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Steve Gates:

Mr. Gates came this evening to discuss with the Board a request as Town Historian. Mr. Gates stated he was pleased to receive from past Historian, Arlene Doolittle, tape cassettes of town residents reciting their lifetime stories in a documentary format. Many cassettes have been turned over to the Town, which will be made into CDs, but we do not have a small safe to house them, and asked the Board if he may purchase one for the Historian's office. Mr. Gates added that Mrs. Doolittle had \$ 58.00 that she relinquished to him, and asked if the Board wanted him to use those funds toward the purchase.

The Board agreed that the documentary cassettes, soon to be cds, should be placed in a safe, along with other important documents and strongly urges Mr. Gates to make the purchase once he locates the one best suited for his purposes.

Town Clerk, Mrs. Harris also suggested if other larger items need to be secured, Mr. Gates was welcome to use the vault at the Town office.

HIGHWAY

1) Sample information-salt:

Mr. Worden addressed with the Board the recent ad in the Genesee Valley Penny Saver by American Rock Salt. The ad claims that the salt we have been receiving from the Leicester desalinization plant does not meet specifications, can be harmful to the environment and may cause damage to vehicles. Mr. Worden stated that he received a copy of an analysis report conducted by Phoenix Environmental Laboratories for AKZO, dated July 12, 2006, outlining all the samples tested and their results.

Mr. Worden also added to date, the Town of York and other surrounding towns throughout the county using the desalinization plant, have yet to receive any vehicle complaints regarding the salt, so the ad placed by ARS gave false information pertaining to this matter. Mr. Worden also wanted to

make clear to the Board even though he has been receiving free salt from the Leicester plant, we still continue to purchase salt from American Rock , because we have a contract to abide by.

Mr. Worden stated after the suggestion made at the February 14th meeting, he did obtain a sample of each salt and brought them to Wayland Labs this week for testing. The results will be back for the meeting on March 13th.

2) York Central School:

Mr. Worden reported to the Board of a meeting he, Supervisor Deming and Town Attorney, Mr. Cicoria attended Tuesday evening at York Central School to discuss potential shared services. Mr. Worden stated that York Central is quite interested in the prospect of contracting with the Towns of York and Leicester to assist at the school, particularly in the parking areas where re-surfacing of the lots are big projects. Mr. Worden informed the group that our highway department could be used on site, but we would have to charge the school the county rate, which would still be substantially less than if they had to bid it out and adhere to the prevailing wage guidelines.

Mr. Worden will continue to keep the Board informed.

3) Generator:

Mr. Worden informed the Board that he spoke with the Town of Mendon Highway Superintendent about a generator they are looking to give us because they have recently purchased a new one. Mr. Worden stated, due to Town Law, municipalities are unable to “give” any equipment away, but can do an exchange of sorts. The Town of Mendon will barter their old generator for two hand shovels, which is obviously quite a bargain for the Town of York.

4) Town of Mt. Morris:

Mr. Worden reported to the Board that the Town of Mt. Morris Highway Supt., Ken Troglauer contacted him this week regarding the need for salt. Mr. Troglauer stated that he was completely out of salt and wanted to know how our supply was in order to obtain some from us rather than American Rock, due to the fact that they will be charging double the rest of this winter because Mt. Morris did not bid enough initially. Mr. Worden stated that the Town of York was doing well with their salt supply from ARS because we have also been using the desalinization salt, which allows us to not use as much of the contracted salt with American Rock. Mr. Worden stated that he did allow Mt. Morris to obtain salt from our pile with the understanding we will in turn be receiving our reimbursement with their actual assistance, when the Highway Departments begin their road repairs.

** Mr. Worden reported he, along with other Highway Superintendents throughout the County will be going to Albany on March 4th and 5th to discuss the upcoming CHIPS Funding with the State representatives.

WATER/SEWER

1) Pump house:

Mr. Barrett reported that the Water Department installed two new valves this week at the Piffard pump house. The process took roughly 2 ½ hours and now must wait for Pumpsart to arrive to complete their portion of the project.

2) Asbuilts:

Mr. Barrett stated that he completed the drawings for the asbuilts requested by the New York State Department of Environmental Conservation. He has since sent the packet to Rick Henry of Clark Patterson Lee to review, finalize and make copies of in order to send next week to Kim Merchant at DEC.

3) John McCaffrey letter:

Supervisor Deming read aloud to the Board a letter prepared by John McCaffrey of Craig Road addressing the ongoing drainage issue on his property. Mr. Worden stated that he and Mr. Barrett reviewed the area (Craig Road/Route 36) in the fall of last year, making a recommendation to the Board to have the Water & Sewer Dept. and our Highway Department try to resolve the issue, but action was not taken.

After a great deal of discussion the Board, Mr. Worden and Mr. Barrett all acknowledge the situation and stated they will continue to work toward a solution. Mr. Worden has already contacted Duane Aycock from New York State DOT and he has agreed to meet with the Town within the next 2-3 weeks (after the snow has melted) to assess the situation and determine the best course of action.

Supervisor Deming stated he will have Mrs. Barefoot prepare a letter informing Mr. McCaffrey of the Board's discussion this evening and have Mr. Worden contact him directly once we receive a confirmed date from Mr. Aycock.

3) Linwood Water:

Supervisor Deming reported that he met with Rick Henry this week to discuss municipal water to parts of the Linwood hamlet. Mr. Deming stated the areas involved are: Linwood Road beginning at 2358 (Eugene McMaster) to the town line, which is Linwood Road North, Walker Road to the town line, Stewart Road (1st group of homes) and Federal Road after Tom Tiede's home to the Amburgey residence. Mr. Deming also contacted Stu Brown, our Livingston County Grant Writer, to inquire if funding may be available for this proposed project. Mr. Brown suggested that the Town follow through with the survey format, which would allow the Town the opportunity to obtain residential results which would be submitted with the Small Cities Grant application itself. If the residents in the proposed areas qualify (based on average income level) they could truly benefit by the \$ 600,000.00 grant.

Mr. Deming stated he will have the office staff prepare the survey information and make contact with the residents in order to obtain the results in a timely fashion before the grant deadline.

(Surveys must be returned by March 15th)

8:40 P.M.

Mr. Deuel excused himself from the meeting at this time.

OLD BUSINESS

1) Dieter matter:

Mr. Deming informed the Board of a letter we received recently from Assemblyman Dan Burling regarding the Roger Dieter issue for unit charge reimbursement.

Mr. Burling stated that Mr. Dieter sent him a letter outlining the issue with the Town of York regarding an "unresolved code enforcement issue". Mr. Burling continued by saying that it is not customary for a State Legislator to interfere with the inner workings of a town, but did feel that he should notify us of the letter for review.

The Board stated this issue was discussed and resolved last year by the previous Board and brought up once again in January of this year with the new Board, with the same result. Mr. Deming asked each of the members their thoughts on the matter. Council Members Parnell and Gates stated they believe this issue to be discussed and settled, not “unresolved” as Mr. Dieter stated in his letter. Councilman Rose added that the issue had been resolved, and suggested that the town respond to Mr. Burling with the facts of the situation and send a copy as well to Mr. Dieter.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to respond to Mr. Burling’s letter, and to prepare a copy for Mr. Dieter as well. Voted on and approved, Yes-4, No-0.

2) Town Hall complaint:

Supervisor Deming reminded the Board of the Town Hall rental complaint submitted by Ann Marie VanGelder. Mr. Deming stated that Councilman Deuel met with Custodian, Carl Peter after February 14th meeting to discuss the complaint further. Mr. Peter stated to Mr. Deuel he believed the hall to be in proper order for the rental date, but can not be certain of it. Mr. Peter stated to the Board that it has been a bit challenging to keep the main hall clean over the past couple of years because the finish is completely worn from the floor, making it look continuously unclean. Mr. Peter did admit that he could spend more time on the bathrooms, which he will make more of an effort to do.

RESOLUTION offered by Mr. Rose and seconded by Mrs. Parnell authorizing Supervisor Deming permission to refund Ann Marie VanGelder the entire rental fee of \$ 150.00. Voted on and approved, Yes-4, No-0.

3) Website Info:

Council Member Parnell reported that she and Supervisor Deming met with FM Design to discuss a town website. Mrs. Parnell stated that they will be attending the March 13th Town Board Meeting, and thereafter will prepare a quote for setting up and maintaining the site.

NEW BUSINESS

1) Fire Contract:

Supervisor Deming stated Town Attorney, Mr. Cicoria drafted the 2008 Fire contract and asked the Board to review the document this evening for comments or suggestions.

The Board discussed two changes to the draft copy:

#1: Page 1, paragraph 3: add; “shall cover a minimum of seventy percent (70%) of emergency calls”.....

#2: Page 2, number 2: add; “ shall be the responsibility of the Company for emergency transport of any sick, injured or disabled person found or reported to be within the contract district or area....

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the 2008 Fire Contract with the York Fire Department for Fire Protection and Ambulance Service, pending the two additions addressed this evening. Voted on and approved, Yes-4, No-0.

2) Cliffside Manor Inc.:

Town Clerk, Mrs. Harris submitted to the Board a copy of the 2008 tax bill for Cliffside Manor Inc., for property located at 2878 Genesee Street (Mini Storage). Mrs. Harris stated while reviewing the unpaid parcels in the township she noticed that Cliffside was being charged a vacant land fee for water, but a full unit charge for sewer and asked the Board to verify which fee they wish to continue with, vacant or unit charge because the two line items must be on the same scale, and recommended the vacant land standard fee.

The Board agreed that this parcel should be charged the vacant land fees only for Water & Sewer and asked Mrs. Harris to notify Town Assessor, Mrs. Sapienza with the correction.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to correct the sewer charge on future tax bills for Cliffside Manor (70-1-12.4) from a unit charge to a vacant land fee. Voted on and approved, Yes-4, No-0.

3) Arkema:

Supervisor Deming stated he spoke with Town Assessor, Mrs. Sapienza today about Arkema's plans to grieve their assessment. Mrs. Sapienza met with their Appraiser today to discuss the land value and current assessment on this parcel, when she noticed that the assessment prepared by the previous Assessor, went from 200,000 to 2.1 million, which she believes is completely off base and would like to rectify the matter without having to go to court.

The Board agreed to have Mrs. Sapienza continue the discussions with Arkema in order to resolve the matter.

4) Copier Quote:

Mrs. Harris informed the Board that she met this week with Bernie Ward of Usherwood Office Technology to discuss a new copier for the Town office. Mrs. Harris stated due to the age and limited features of the current copier, she welcomed the opportunity to speak with Mr. Ward regarding a quote for a new one.

Mr. Ward discussed several RICOH models, with emphasis on the MPC 2500 color copier, based on the average number of copies made per month. The quote to buy the copier outright is \$ 4,982.00, with black/white copies at \$.0093 and color copies at \$.095 per sheet for overages. Mrs. Harris added, with the Planning Board continuing to work on the zoning revisions, it would be quite helpful to them to have a durable color copier here at the office for their use.

The Board asked if Mr. Ward had prepared a quote to lease the copier, which Mrs. Harris replied he had not.

After a brief discussion the Board asked Mrs. Harris to obtain an additional quote from another company and also to verify a price with Mr. Ward for leasing the copier as discussed this evening.

5) Wind Energy Law:

The Board discussed the Wind Energy Law briefly and stated that each member will fully review the proposed Local Law before the next meeting in order to schedule a Public Hearing for a future filing with the Secretary of State.

6) Local Law #4-2008:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to schedule a Public Hearing for Thursday, March 13th, 2008 at 7:00 p.m. The purpose of said hearing is to discuss and take public comment on proposed Local Law #4-2008 entitled, “ Town of York Residential Property Water & Sewer Unit Law”. Voted on and approved, Yes-4, No-0.

7) Ambulance Request:

RESOLUTION offered by Mr. Rose and seconded by Mrs. Parnell authorizing the York Fire Department permission to install a wireless router at the York Town Hall, with all expenses to be incurred by the Fire Department. Voted on and approved, Yes-4, 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-4, No-0.

Retsof Sewer District	# 30-34	\$ 476.95
York Sewer District #1	# 38-43	\$ 4,051.37
York Sewer District #2	# 29-33	\$ 3,492.01
Consolidated Water	# 38-45	\$ 5,641.25
General Fund Claim	# 74-84	\$ 4,593.52
Street Lights	# 3	\$ 1,785.44
Highway Fund Claim	# 47-52	\$ 13,815.11

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Town Board Meeting until March 13th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 9:40 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk