

Public Hearing
March 13, 2008

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

Absent: Frank Rose Jr.

Others: William Hasler, George Worden Jr., Mary Schlaefer, Don Davis and Gary Wall

Supervisor Deming opened the Public Hearing at 7:00 p.m.

PURPOSE

Supervisor Deming stated that the Public Hearing was called to discuss and review proposed Local Law #4 of 2008, "Establishing a definition of Equivalent Dwelling Units for Residential Properties in all Water & Sewer Districts in the Town of York".

The Board reviewed the current document and asked the public if they have any comments or questions:

1) Mary Schlaefer: "This proposed law does not address canning facilities" ?

* Response: Supervisor Deming stated that the current regulations do not specifically address canning basements, but do outline in Section 3 (A) what a unit is, and stated that we will also make sure the entrance issue is added to the proposed law before its approval.

2) Don Davis: "What will happen with the yearly costs involved with this law"?

* Response: Supervisor Deming replied that the costs involved with additional units will remain the same as it stands currently. For a 1-family residence, a quarterly water & sewer bill will encounter a unit of each and once again on the yearly County & Town tax bill. For a 2-family residence, a quarterly bill will have two units of sewer and one unit of water and the county & town tax bill will have two units of each. In essence the additional charges incurred from a 1-family to a 2-family residence will roughly increase \$ 550.00.

3) Gary Wall: "The law does not speak of "In Law Apartments" ?

* Response: Mr. Deming stated that In-Law apartments usually consist of a bathroom and sleeping quarters, which is not considered a unit. Under this Local Law a unit would consist of a self contained residential unit, with living, sleeping, cooking and sanitary facilities.

4) Gary Wall: "After reading Section 5 of the proposed law, why would bathroom facilities need to be removed" ?

* Response: Supervisor Deming thanked Mr. Wall for bringing this item to the Boards' attention, because it should not be in the proposed Local Law, it will be removed.

5) Mary Schlaefer: " Could the Board please explain Section 3 (B), it is a bit unclear and needs clarification".

* Response: Supervisor Deming and Councilman Deuel read aloud the paragraph and explained their interpretation of the determination of use and occupancy of the premises.

Ms. Schlaefer and Mr. Wall stated even after the explanation the paragraph still does not make complete sense to them, and asked the Board to speak with the Attorney once again to re-write the document in order to better understand the Local Law.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to close the Public Hearing at 7:35 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

Regular Town Board Meeting
March 13, 2008

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

Absent: Frank Rose Jr.

Others: George Worden Jr. (Highway Supt.), Norman Barrett (Senior Water & Sewage Treatment Plant Op.), Gary Wall, William Hasler, Don Davis and Mary Schlaefer

Supervisor Deming opened the regular Town Board Meeting at 7:40 p.m.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the February 28th Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY

1) Salt:

Mr. Worden reported we still have in stock salt from American Rock but the desalinization salt is almost gone. We will be receiving another load early next week.

2) Salt results:

Mr. Worden stated that he received the analysis report from Wayland Labs this week regarding the two samples of salt taken from our piles.

Mr. Worden reported that each Board member has a copy of the results to review, and to verify the safety of the desalinization salt. Mr. Worden added, the analysis report shows in most all categories tested, the lowest levels were in the desalinization salt rather than ARS.

The Board agreed after review of the lab report, American Rock Salt's claim that the salt from the Leicester plant was more harmful, was not accurate.

WATER/SEWER

1) Shutts property:

Mr. Barrett reported that the department installed the sewer lateral on Dow Road this week for the Francis Shutt's property. The installation process was a smooth one.

2) Meter readings:

Mr. Barrett stated that the men began the meter readings today for the April water/sewer billing cycle. The department should have all readings completed within one week, weather permitting.

3) Pump house:

Mr. Barrett reported that the piping portions have been completed at the Piffard pump house. The last remaining obstacle is the electrical portion, which Pete Scondras will finish.

4) Asbuilts:

Mr. Barrett stated that he spoke with Rick Henry of Clark Patterson Lee last week about the asbuilts. Mr. Henry assured Mr. Barrett that the completed asbuilts will be in the mail to him within a week or so, in order to then pass along to DEC.

5) Proposed Sewer Ordinance:

Supervisor Deming stated that Town Clerk, Mrs. Harris prepared copies of the proposed sewer ordinance for the Board to fully review before the next meeting. The Board must make any comments or corrections to the draft.

6) Gates water dedication:

Mr. Barrett inquired to the Board the status of the Gates' Farm water main and whether or not the town took dedication to it. Mr. Barrett stated several weeks ago he prepared a draft resolution for the Board to review, but can not remember if it was for Gates or for another matter.

Supervisor Deming apologized to Mr. Barrett by saying he does not recall seeing the proposed resolution for dedication, and asked Mr. Barrett to produce it once again at the

meeting on March 27th in order for Town Attorney, Mr. Cicoria to review it before its approval.

OLD BUSINESS

1) Wind Energy Law:

The Board briefly discussed the proposed Local Law entitled, “ Town of York Wind Energy Facilities Law”. Unfortunately only a few of the members have had the opportunity to read the document, so we are unable to schedule a Public Hearing at this time. Mr. Deuel stated, after reading the law he has several questions that need clarification and suggested that the Board schedule a committee meeting to review the document, to be ready for the upcoming meeting and future Public Hearing.

2) Website outline:

Council Member Parnell informed the Board that Design FM prepared an outline of the website topics and features of the Town of York, for the Board to review and make suggestions from. The company was unable to attend tonight’s meeting but stated they could attend the meeting on the 27th if needed.

3) Local Law #4-2008:

Supervisor Deming stated due to the fact that several questions still need to be clarified regarding proposed Local Law #4 of 2008, “Town of York Residential Property Water & Sewer Unit Law”, the Board will table this matter until the next meeting, when Town Attorney, Mr. Cicoria will be present.

NEW BUSINESS

1) Water Tap Application:

a- Amos Smith of Lawnel Farms:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Tap Application submitted by Amos Smith of Lawnel Farms, for property located at 2114 York Road West, in the amount of \$1,500.00. Voted on and approved, Yes-4, No-0.

2) Remedy Intelligent Staffing request:

Supervisor Deming informed the Board that we received a written request submitted by Nicole Cunningham (of Wadsworth) on behalf of “Remedy Intelligent Staffing”. Ms. Cunningham asked if the Board would consider allowing use of the Town Hall for a job fair for the community at no charge.

After a brief discussion the Board concluded more information will need to be obtained regarding this request because the Board does not allow individual companies to use the hall in order to make a profit. Supervisor Deming stated he will have Mrs. Barefoot contact Ms. Cunningham tomorrow morning for further details of her request.

3) Farmland Protection Program:

Councilman Deuel reviewed with the Board two documents he prepared. The first packet consisted of a letter and survey to 78 landowners in the Town of York owning 50 or more agricultural acres. The letter outlines the Agricultural and Farmland Protection Program, and encourages towns to include agriculture in local comprehensive planning and to support the retention of the best soils and most productive farmland in a manner

that supports local development objectives. Mr. Deuel stated even though a small committee has already been formed, now is the time to see if others might be willing to assist in the process as well, hence the reason for the survey portion.

After some discussion Mr. Deuel asked Mrs. Harris to prepare the documents to the landowners within the next few days in order to receive the completed surveys in a timely fashion. Mrs. Harris stated the mailings will be prepared and mailed out tomorrow.

Mr. Deuel also discussed with the Board a draft version of the “York Right to Farm Law”. Once the Board has the opportunity to review the document, we will then schedule a Public Hearing, approve and file as a Local Law.

4) Desalinization Plant Tour:

Supervisor Deming informed the Board that he spoke with the Town of Leicester Supervisor, Gary Moore recently about scheduling a tour of the desalinization plant in Leicester, owned by AKZO Nobel.

Mr. Moore stated that Monday the 24th or Tuesday the 25th is available. The Board agreed that Tuesday, March 25th would be the date of the tour, and would meet on site at 5:30 p.m.

** After the Tour the Town Boards of York and Leicester will meet at the Leicester Town Hall to discuss the York Central School Resource Officer Position and the yearly funding for such program.

(Town Clerk, Mrs. Harris will post a notice on the official signboard of such meeting)

5) Town Hall:

Councilman Deuel reported that he spoke with Custodian, Carl Peter recently about the restoration of the main floor in the Town Hall. Mr. Peter informed him that he contacted Tony Gullo (Maintenance Supervisor at York Central School) about the issue, and Mr. Gullo offered to assist the Town by placing a gym-seal coating in the hall, which is exactly what they use on the hardwood floors at the school.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

Retsof Sewer District	# 35-42	\$ 349.95
York Sewer District #1	# 44-52	\$ 1,608.24
York Sewer District #2	# 34-41	\$ 3,575.96
Consolidated Water	# 46-60	\$ 3,734.51
General Fund Claim	# 85-100	\$ 165,464.24
Youth Fund Claim	# 3	\$ 225.00
Highway Fund Claim	# 53-63	\$ 28,170.71

OTHER

1) Copier:

Mrs. Harris reported at the meeting of February 28th, the Board discussed the need to obtain a second quote for a copier and a lease quote verification from the initial bidder. The original quote from Usherwood Office Technology did not list a lease quote, but Mrs. Harris spoke with Bernie Ward to add to the information. Mr. Ward stated that the price for a 5 year (60 months) lease of the Ricoh color copier would be \$ 110.00 per month. The second quote is from Garlock Office Centre (Tim Garlock). Mr. Garlock quoted Mrs. Harris a monthly base lease of \$ 138.80, based on 1500 copies. The average cost for black/white copies will be \$.0084 and color copies \$.099, total monthly cost \$ 151.40.

Council Member Parnell stated she would contact Mr. Garlock in the morning to verify a few line items in his quote, in order to render a decision at the Board Meeting on March 27th.

2) Tax Collector Resolution:

RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to approve the following resolution:

WHEREAS, there is a Tax Collector within the Town of York, conveniently located and accessible to our citizens; and

WHEREAS, the York Town Clerk/Tax Collector has safely and successfully handled the collection of millions of dollars for the Town of York; and

WHEREAS, the York Town Clerk/Tax Collector provides service to the Town of York taxpayers with professionalism, diligence, intelligence and integrity and brings a specialized experience to the position particularly with issues unique to the community of York; and

WHEREAS, since 1894 provisions that are only amendable by Local Referendum, have been in place to protect Home Rule in New York State and the services provided by the Towns within New York State; and

WHEREAS, Governor Spitzer's 2009 Budget seeks to remove those powers from the voters without voter input;

NOW THEREFORE BE IT RESOLVED, that Town Board of the Town of York supports the continuation of the centuries old tradition of local tax collectors presiding in Livingston County towns, and the Town of York; and it is further

RESOLVED, that the Town Board of the Town of York opposes any effort to eliminate citizens' local and convenient access to the Tax Collector; and it is further

RESOLVED, that the Town Board of the Town of York finds that the local presence of the Tax Collector provides a meaningful and necessary presence within our community and ensures the continued safety of our taxpayers' dollars; and it is further

RESOLVED, that the Town Board of the Town of York is overwhelmingly opposed to any amendment to the Real Property Tax Law, General Municipal Law, Town Law and Education Law that would remove the statutory impediments for the consolidation of local government tax collection functions including eliminating elected tax collectors in towns and making these offices appointed; and it is further

RESOLVED, that the Town Board of the Town of York is opposed to the governor's proposal to dispense with the requirement that town tax collecting officers be town residents; and it is further

RESOLVED, that Town Board of the Town of York is opposed to any measures that would create bigger, more costly government which is less convenient, and lacking in the personal service that is currently provided by local tax collectors.

Voted on and approved, Yes-4, No-0

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to adjourn the Town Board Meeting until March 27th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 9:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk