

York Town Board Meeting
May 8, 2008

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

Absent: None

Others: George Worden Jr. (Highway Supt.) and Norman Barrett (Senior Water and Sewage Treatment Plant Op.)

Supervisor Deming opened the 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 April 24th Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

1) Road Widener & Roller:

Mr. Worden stated that the Highway Department has been using the new road widener and roller that was purchased through the shared services agreement. In the bills this evening the Town of Leicester (as Lead Agent), submitted a claim for our portion of the equipment, including insurance as well, in the amount of \$ 7,033.35.

2) Mowing:

Mr. Worden stated that the Highway Department has been busy with routine mowing of roadsides and cemeteries. Mr. Worden informed the Board that last year discussion was held regarding the possibility of purchasing a new scag mower, but stated we may want to wait an additional year for several reasons, most importantly due to the cost of fuel, it is much too high at this time.

3) Truck:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Highway Superintendent, Mr. Worden permission to bid for the purchase of a 2008 or newer 4x4 ¾ ton super cab. The bids will be received until Thursday, May 22nd, 2008 at 4:00 p.m., and then opened and read aloud at the Town Board Meeting later that evening at 7:30 p.m. Voted on and approved, Yes-5, No-0.

WATER/SEWER

1) Pumpsmart:

Mr. Barrett informed the Board after the installation of the pump by Pumpsmart, a few days later the engine light came on the system. Mr. Barrett contacted Doug from Fluid Kinetics about the matter and he came out to lower the voltage. Even after such action, it is still running a bit higher than it should. Mr. Barrett stated that Doug will be out once again next week to re-evaluate the issue, but also had the opportunity to speak with Pete

Scondras about the matter. Mr. Scondras does not believe the motor is the issue, he states that the current motor is more than adequate, something else is causing the problem.

2) Tom Trathen:

Mr. Barrett stated today he and the men were at Tom Trathen's residence on Craig Road regarding a sewer matter. Mr. Trathen asked the department to dig on his property to see if they might be able to lower his sewer lateral. After review of the existing lateral, Mr. Barrett informed Mr. Trathen that we are unable to assist him, the lateral cannot be lowered.

3) Fence:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Mr. Barrett permission to purchase the multi fence materials from Scalia's Landscape Batavia Fence Co., in the amount of \$ 1,302.00. The previous fence was removed from Mr. Vitale's property when the Water Department worked on the river crossing project last year. Voted on and approved, Yes-5, No-0.

** At the Town Board Meeting of April 24th, Mr. Barrett estimated the cost of the fence would total \$ 1,250.00, but after verification, concluded that the total cost would be \$ 1,302.00.

4) 8 inch main:

Mr. Barrett reported that the Water Department completed the capping of the 8 inch water main yesterday. Mr. Barrett expressed how pleased he was on how smooth the process went.

OTHER

1) Fowlerville Square:

Mr. Worden asked the Board their thoughts on the type of fencing needed for the Fowlerville Square area. After some discussion the Board asked Mr. Worden to obtain pricing for treated posts.

OLD BUSINESS

1) Industrial Appraisal:

Supervisor Deming asked Mr. Worden and Mr. Barrett the status on the Industrial Appraisal updated lists. Both gentlemen stated they have not had the opportunity to sit and review the current document in order to update. Councilman Deuel stated once each department, including Carl Peter, Town Hall Custodian prepares the updates he will then contact Industrial Appraisal with the changes.

2) Wind Energy Ordinance:

The Board briefly discussed the proposed Wind Energy Facilities Law for the Town of York. Comments were made rather than adopting this document as a Local Law, perhaps it should be addressed and added into the revised zoning regulations. The Town Board agrees that they are willing to allow wind towers in the township, but regulations and guidelines must be outlined.

NEW BUSINESS

1) One-Ton truck:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Senior Water & Sewage Treatment Plant Operator, Mr. Barrett permission to send the 1997 One-Ton truck to the Palmyra Auction this weekend. Voted on and approved, Yes-5, No-0.

2) Voicemail:

Supervisor Deming reported that Clerk, Mrs. Barefoot contacted Frontier Telephone recently about the information pertaining to voicemail for the office. Mrs. Barefoot was quoted \$ 5.50 per month for call forwarding and \$ 17.00 per month for personalized mailboxes, which would be a total of \$ 22.50 additional charges to our existing telephone bill.

3) Town/Church Agreement:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Gerald Deming as Supervisor for the Town of York, permission to sign an agreement with the York United Presbyterian Church, permitting the use of their parking lot as a “Municipal lot” and for town and public functions held at the York Town Hall. In exchange for such use, the Town of York will surface and maintain the parking lot and driveways of the church at 2662 Main Street, York. Voted on and approved, Yes-5, No-0.

4) Water Adjustment:

a- Donald & Jennifer Barnhart:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the water adjustment request submitted by Jennifer and Donald Barnhart, for property located at 3417 Retsof Road, as per Town policy. Voted on and approved, Yes-5, No-0.

Original charges:	Water	\$ 292.32
	Sewer	<u>\$ 85.00</u>
		\$ 377.32
Adjusted Amount:	Water	\$ 258.20
	Sewer	<u>\$ 85.00</u>
		\$ 343.20

** The adjusted savings totaled: \$ 34.12

OTHER

1) Surveys:

Councilman Deuel informed the Board that 87 agricultural surveys were sent out over a month ago and to date, 41 completed surveys have been returned. The majority of the responses indicated that weekday meetings will be the preference. Mr. Deuel stated that one of the questions asked was if any person would be interested in serving on a

committee, which three men responded they would: Jim Kennedy, Jason Swede and James Weaver. Two gentlemen, Mark Cole and Keith Stein stated they might be able to participate at a later time frame.

2) Grant funding:

Mr. Deuel stated that he and Davies Nagel attended a workshop recently about obtaining grant funding. Mr. Nagel is in the process of completing paperwork for such funding for next year. Unfortunately it is too late to submit for this year, but at least the application will be ready for the following year.

3) Dubiel discussion:

Supervisor Deming stated that the Board met earlier this evening with Michelle Dubiel at her request, to further discuss the issue of her husband's accident with the Town truck on River Road on April 16th. Mrs. Dubiel expressed her displeasure that the Board did not ask to speak with her husband, Wayne about his version of the accident. Mr. Deming explained that the Town followed proper procedures after the incident occurred by contacting the Livingston County Sheriff's Department, obtaining statements and contacting our insurance company, the Board did not need to contact Wayne directly, his version was listed in the accident report. Mr. Deming added that the Board made their decision not to pay Mr. Dubiel's claim at the April 24th Town Board Meeting based upon the written reports and advise from Town Attorney, Mr. Cicoria, but stated to Mrs. Dubiel the Board would discuss the matter further.

Councilman Deuel stated based upon the information received, the credibility of the witnesses and remarks from Legal Counsel, he believes the Town's decision should stand.

Supervisor Deming stated that this is a difficult situation because two very different versions of the incident are being discussed, and unfortunately we were not on site when this accident occurred so we must move forward with the information we have.

Councilman Rose stated because we were not on site we do not have a clear idea of exactly how far over the truck the branches were sitting. DOT does have a requirement of 8 Feet 6 inches (102 inches) of the width of the vehicle, inclusive of load, that we are not able to exceed without a wide load permit. Mr. Rose stated that perhaps municipalities are exempt from this requirement, but offered to contact DOT in the morning for verification.

Councilman Gates and Council Member Parnell stated once the verification has been made regarding truck requirements, if we are liable in the eyes of New York State DOT regulations we will then revisit our decision.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

Sewer Districts	# 71-81	\$ 9,080.66
Consolidated Water	# 88-100	\$ 77,446.28
General Fund Claim	# 150-166	\$ 10,710.86
Youth Fund Claim	# 7	\$ 1,043.00
Street Lights	# 5	\$ 1,595.07
Highway Fund Claim	# 94-106	\$ 22,397.47

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mr. Rose to adjourn the Town Board Meeting until May 22nd. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk