

York Town Board Meeting
May 22, 2008

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

Absent: Lynn Parnell

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

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the May 8th Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY

1) Bid Opening:

Supervisor Deming stated after advertising for two weeks, the Board received only one bid for a 2008 or newer ¾ ton Supercab truck. The bid was submitted by Genesee Valley Ford in the amount of \$ 25,664.00.

Highway Superintendent, Mr. Worden stated after a brief review of the bid, the quote did not include: auxiliary switches or an outside temperature reading, but the vehicle could be available immediately. Mr. Worden added that the two omissions in the bid specs are not big issues, he can purchase an outside temperature reading gauge for a nominal charge.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to accept the bid submitted by Genesee Valley Ford for (1) 2008 ¾ ton Supercab in the amount of \$ 25,664.00. Voted on and approved, Yes-4, No-0.

2) Oil & stone:

Mr. Worden reported that the Highway Department will be oil and stoning the side roads in Piffard next week, weather permitting. Once the surfacing has been completed, the Water & Sewer Department will be assisting the Highway Department to re-blacktop the ends of the driveways in those areas.

3) CHIPS Funding:

Supervisor Deming informed Mr. Worden and the Board of the conversation he had yesterday at the County Board of Supervisors meeting. Many of the Supervisors are having their Highway Superintendents prepare their CHIPS funding documents as soon as possible, while money is still available. The concern is if we delay with our paperwork, funding may already be accounted for by other towns.

Mr. Worden stated he will prepare the CHIPS documents immediately.

7:40 p.m.- Council Member Parnell arrived at this time.

4) Cemeteries:

Mr. Worden reported to the Board that weed trimming of the five (5) cemeteries and two (2) parks is very time consuming, and asked the Board to consider allowing the men to use spray killer instead of weed trimming to eliminate some time. Mr. Worden added that he understands the Board's decision last year not to use the spray because of the additional grass that gets affected as well as how awful it looks, but believes the time factor would save money. Mr. Worden stated that currently it takes 1 full day to complete the cemeteries plus the two parks, and believes it would cut their time if they were able to use spray around the fences and gravestones.

The Board discussed both methods and agreed with Mr. Worden that spraying would definitely cut down on time, but would prefer to continue with trimming, with the cleaner result.

The Board also suggested to Mr. Worden to perhaps hire a part-time person to perform the mowing and weed trimming tasks while the full-time employees are able to continue the regular work load. Mr. Worden added that Genesee Valley Feeds (Jeff Edwards) has been carrying a spray product that does not affect the surrounding grassy areas as much as the other products do, and asked if we might want to try it.

The Board agreed to allow Mr. Worden permission to purchase some spray from Mr. Edwards as a test, and then will decide how to proceed after the results to a small area.

5) Salt contract:

Mr. Worden informed the Board that American Rock Salt received the bid for salt for the upcoming year. Mr. Worden expressed to the Board the need for the Town and Livingston County to address the increase in fuel prices as it pertains to our existing contracts. Mr. Worden stated we do not want to be locked into a contract for plowing snow and lose money for our efforts.

WATER/SEWER

1) Fencing:

Mr. Barrett reported that the Water Department has been erecting the fence purchased from Scalia's Landscape Batavia Fence Co. at the William Vitale property. The fence should be finished by the end of next week and then issues at Mr. Vitale's property will be completely done.

2) Amos Smith:

Mr. Barrett stated that the department installed the meter pit and serviced the Amos Smith property on York Road West. Mr. Smith is now able to connect to municipal water.

3) Pumpsmart:

Mr. Barrett reported that Pete Scondras completed the wiring and placing of transformers for a new drive for pump #2 at the pump house, his claim is in the bills this evening for payment.

4) Sidewalk:

Mr. Barrett and Mr. Worden updated the Board on their plans for the new sidewalk at the Town Hall. Mr. Barrett stated once the schedule has been set the town office will be unable to use the ramp area for at least two days because we will need to revamp the bottom portion of it order to proceed with the new section.

Mr. Worden also spoke with the Board on the blacktopping of the parking lot. Mr. Worden stated he will verify a timetable with the church to see when it will be feasible to complete.

5) One ton truck :

Mr. Barrett reported that the one ton truck sent to the Palmyra Auction two weeks ago was purchased for \$ 5,000.00. Once Teitsworths subtract their fee (\$500.00), we will be receiving a check in the amount of \$ 4,500.00.

OLD BUSINESS

1) Dubiel discussion:

The Board discussed once again the Wayne Dubiel accident issue. Councilman Rose contacted the Department of Transportation (DOT) after the last Town Board Meeting (May 8th) to discuss regulations pertaining to over width permits and to verify if municipalities are exempt from them. Mr. Rose explained that the Town of York and all other municipalities are not exempt from the regulations, even if we applied for and received an over width permit, we must follow the guidelines.

Highway Superintendent, Mr. Worden indicated that he spoke with Councilman Rose about his findings earlier in the week and suggested that they review the town's current policies to verify what has been done and what still needs to be completed for permitting purposes, which they will follow through with next week. Supervisor Deming stated that the permits can be completed at no charge and should be filed, and further suggested that Mr. Rose and Mr. Worden try to have all the permits come for renewal at the same time.

Supervisor Deming stated once he received the information last week from Mr. Rose he spoke with a local judge about our situation. It was conveyed to him that the Town does have some liability in this matter but added, if it should go to Court he does not believe the Town would be held liable completely because Mr. Dubiel hit a parked vehicle. Supervisor Deming stated that this issue must be resolved this evening, it is unfair to the Dubiels to have them wait any longer for a decision and suggested that we offer to pay half of the claim. Mr. Deming asked the Board and Mr. Worden their thoughts on the subject.

Councilman Rose stated that he reviewed the matter not only as a Town Board Member, but as a resident in this community, and understands Mr. Dubiel's feelings. Mr. Rose suggested that the Town offer to pay half and the Dubiels pay half due to the fact that both parties involved are equally at fault.

Councilman Gates agreed that both parties have liability in this matter and stated that we should offer to pay half of the claim.

Councilman Deuel stated as a driver we must always be more careful when approaching areas that have parked vehicles roadside, to alleviate such accidents. Mr. Deuel expressed if he was put in this situation as the driver, he would feel that he had

caused the accident and would incur the claim and pay it. Mr. Deuel added because of the accident report and the dual responsibility spelled out in it, perhaps we should offer a shared payment option to the Dubiels.

Highway Superintendent, Mr. Worden indicated which ever way the Board wishes to proceed with is fine with him, but stated if we should have to go to court, by the time we pay the employees to attend during working hours and the Town Attorney fees, it will cost more than the actual claim. Mr. Worden stated he too believes the Town should offer to pay half of the claim along with the Dubiels.

Council Member Parnell expressed how fortunate it was that no one was injured in this accident, it could have been very easily a different result. Mrs. Parnell stated as well, because the accident report does not show one party more at fault than the other, we should offer to pay half of Mr. Dubiel's claim for repairs.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell authorizing Supervisor Deming permission to prepare a letter to Wayne & Michelle Dubiel outlining the Board's decision this evening offering to pay half of Mr. Dubiel's claim for repairs to his vehicle mirror. If the Dubiels wish to pursue legal action, the Board would then withdraw their offer and have the court decide the result. Voted on and approved, Yes-5, No-0.

2) Industrial Appraisal update:

Mr. Barrett and Mr. Worden stated they have not had the opportunity to review fully the bound Industrial Appraisal document. Both men indicated that it would be more helpful if they could receive specific sheets for updating, pertaining to their department rather than having to review the entire appraisal for the information (the equipment is not broken down in the document by department)

Supervisor Deming questioned whether or not Industrial Appraisal could prepare a print-out for each department to help the process along, and stated he will ask Mrs. Barefoot to contact them in the morning.

NEW BUSINESS

1) Copier decision:

Town Clerk, Mrs. Harris reported that she received the office finisher quotes from Usherwood Office Technology and Garlock's Office Centre to add to their base bid given previously, for a 60 month lease.

Garlock's bid (Xerox model)	\$ 145.56 - Base bid
	\$ 21.98 – additional for 500 sheet feeder
	<u>\$ 22.86</u> – additional for 1000 sheet feeder
TOTAL BID:	\$ 167.54 (Base + 500 sheet feeder)
	or
	\$ 168.42 (Base + 1000 sheet feeder)

Usherwood's bid (Ricoh model) \$ 107.40- Base bid
\$ 10.60- additional for 500 sheet feeder
\$ 17.58- additional for 1000 sheet feeder
TOTAL BID: \$ **118.00** (Base + 500 sheet feeder)
or
\$ **124.98** (Base + 1000 sheet feeder)

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the quote submitted by Usherwood Office Technology for a Ricoh MPC 2500 series copier, with a 1,000 sheet finisher in the amount of \$ 124.98 per month, pending final clarification of the price. Voted on and approved, Yes-5, No-0.

2) Rafting proposal:

Supervisor Deming reported that he received an email today from Town Assessor, Mrs. Sapienza inquiring if the Board would consider approving a rafting excursion in August (28th) for the Town employees, in an effort to gather as a form of "team building". The Board discussed that they love the concept of the event, but did not believe it would be appropriate to take time off during a work day and pay the employees to go rafting. The Board added that most likely not all employees would participate and wondered what to do with the others. Councilman Deuel stated even if the Board approved the rafting trip, late August would not be the best time for rafting because the water would be much too low.

The Board agreed that perhaps an employee picnic would be a better and more enjoyable way to spend time together.

3) Reimbursement:

Town Clerk, Mrs. Harris presented to the Board a water history report for York Land and Cattle Company, owned by Larry Smith, located at 2711 Craig Road (Curry Farm). After reviewing this account, Mrs. Harris noticed that Billing Clerk, Mrs. Messana was charging the out of district rate for the quarterly bills when they should have been already included into the consolidated water district. Starting in 2007 and into 2008, this parcel was charged a unit charge: (\$ 200.63 in '07 and \$ 200.27 in '08), and once that occurred the account should have been changed over. After calculating the payments made by Mr. Smith over the past year and a half, we determined that he had paid \$ 2,996.00 too much, and must be reimbursed.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Supervisor Deming permission to reimburse Larry Smith \$ 2,996.00 for property he owns at 2711 Craig Road, Account #: 25-0170, for over payment of water charges for the year 2007 and two quarters of 2008. Voted on and approved, Yes-5, No-0.

OTHER

1) Arkema:

Supervisor Deming informed the Board that he spoke recently with Town Assessor, Anne Sapienza about the Arkema assessment situation. Mrs. Sapienza stated that she had a meeting last week with Paul Boylan (Attorney for the Town in this matter) and Arkema’s Attorney to discuss the claim further, and came to a settlement. Even though it is not officially finalized both parties have agreed to terms. Mr. Deming stated once all calculations had been taken, Arkema had been over assessed by our previous Assessor, amounting to \$ 9,000.00 more in taxes in the Town of York. Mrs. Sapienza has worked closely and diligently with Arkema on a new assessment that both parties are comfortable with, which is close to 1 million less than the previous assessment. Mr. Deming added, \$ 9,000.00 is the Town of York’s portion, but Livingston County and York Central School will also need to reimburse Arkema as well. Options were discussed on how to rectify the matter. The Town could pay back the entire \$ 9,000.00 now or reduce the assessment accordingly.

After some discussion the Board agreed how pleased they are that a settlement has been reached, and added that the Town will not be reducing the assessment for Arkema, we will pay our portion outright.

2) Website:

Council Member Parnell stated that she recently approved the layout for the Town’s website, and Design FM will now be revamping the site to base it to our needs. The approximate date of completion should be within a month.

3) Planning Board:

Mr. Worden addressed with the Board the need to appoint a new Chairperson to the York Planning Board, as he will be stepping down shortly.

The Board will speak with the current members to seek their input in the selection process.

BILLS

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

Sewer Districts	# 82-89	\$ 4,261.68
Consolidated Water	# 101-111	\$ 8,841.58
General Fund Claim	# 167-179	\$ 6,220.51
Youth Fund Claim	# 8-9	\$ 1,291.86
Highway Fund Claim	# 107-112	\$ 3,274.01

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adjourn the Town Board Meeting until June 12th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:26 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk