

York Town Board Meeting
August 28, 2008

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

Absent: None

Others: George Worden Jr. (Highway Supt.), Gary Wall, Jason Johnson, Karen Johnson, Douglas Hare and Norman Barrett (Senior Water & Sewage Treatment Plant Operator)

Supervisor Deming opened the Town Board Meeting at 7:35 p.m.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve the minutes of the August 14, 2008 Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Jason Johnson:

Mr. Johnson came this evening to discuss with the Board his thoughts on expansion of his business. Mr. Johnson reminded the Board that he currently rents a portion of the building on Route 63 owned by Gary Wall (previous tenant: Mike VanGelder). Mr. Johnson would like to rent the office at the corner of Route 63 & 36 from Mr. Wall and use the frontage area for placement of cars to be sold. Mr. Johnson stated that he discussed this matter with Zoning & Code Officer, Mr. Peter a few weeks ago and Mr. Peter suggested he contact DOT to verify with them any restrictions they may have that might not permit vehicles that close to two main highways. The only issue they addressed was interference with the drainage ditch that currently exists. Mr. Johnson stated he has no intension of altering the ditch at all, which satisfied DOT. Mr. Deming asked Mr. Johnson if visibility was even questioned, which he replied it was not. DOT did not believe that the vehicles would create a visibility issue at all.

Mr. Johnson asked the Board if they would consider allowing him to display 12-15 cars between the corner and the shop area where he rents. Supervisor Deming questioned once again the visibility concern at the corner and suggested that the vehicles be angled in order to alleviate that concern. The Board asked Mr. Johnson where will the prospective buyers pull into to view the vehicles more closely, which he replied was still unknown at this time. He stated that he will encourage customers to use the parking lot around the corner, in order to keep Route 63 clear. Karen Johnson assured the Board that they will place a very clear sign directing customers to the parking lot, which will be neat and presentable, making the area more attractive for potential buyers.

Mr. Wall informed the Board that 6-7 vehicles could easily be placed for sale. The Board replied 6-7 vehicles are more apt to be allowed than the original request of 12-15. A question arose on whether or not repairs were going to take place on site, which Mr.

Johnson stated would not. Ms. Johnson stated that this particular area is not a suitable location for repairs, this will be strictly for sales only. Mr. Hare introduced himself to the Board and stated he will be the owner of this business, while Mr. Johnson will be the salesman.

After much discussion the Board concluded that they do not foresee any major issues with Mr. Johnson's request, but would like to refer the matter to the Planning Board for review and recommendation. The Planning Board's next meeting has been scheduled for September 9th and Town Board will be September 11th.

HIGHWAY

1) Joe McIlroy request:

Highway Superintendent, Mr. Worden informed the Board that he spoke with Joe McIlroy this week about a request he has. Mr. McIlroy explained that last year his farm added a driveway on Route 63 to their fields, and now has experienced visibility issues trying to exit the site and asked if the Board would consider moving the "Welcome to the Town of York" sign.

After a brief discussion the Board concluded before any potential action can take place Mr. Worden should meet with Mr. McIlroy to survey the area and then make a recommendation to the Board. The Board agreed if after viewing the site Mr. Worden believes the sign should be moved, it will be at Mr. McIlroy's expense because the sign was placed before the additional driveway was added.

2) Howard McKeown:

Mr. Worden stated that he recently had a conversation with Cowan Road resident Howard McKeown. Mr. McKeown expressed his concerns with the number of vehicles driving past his residence, and the high rate of speed they are traveling, and asked if it would be possible to place a speed limit sign near his home.

Mr. Worden stated he will view the area in order to make a determination.

3) Shared Services luncheon:

Supervisor Deming stated that the Shared Services Equipment Grant luncheon will take place tomorrow morning at 10:30 a.m. A small presentation will be first on the agenda and the luncheon will follow shortly thereafter. Senator Volker, Assemblymen Burling and Errigo will be in attendance, along with numerous representatives from each Town (Avon, Caledonia (Town & Village), Leicester, Mt. Morris and York).

Mr. Worden informed the Board that two members of our Highway Department will be attending tomorrow, Deputy Highway Supt., Mr. Nevin and employee Frank Burger. The remaining members of the Highway Department chose not to attend.

4) Jill Smith request:

Ms. Smith spoke with Town Clerk, Mrs. Harris a week ago about the excess water in her back lawn. Mrs. Harris viewed the area with Ms. Smith and was told that the water has increased once the York UP Church parking lot was paved. The height of the blacktop on the side driveway is roughly 3-4 inches higher than previous, and with the number of storms over the past month, the water run-off has created a pond on her property, and asked if anything could be done.

Mr. Worden reported he is aware of the driveway height difference and stated his plans for placement of gravel in the near future in hopes of rectifying the matter.

WATER/SEWER

1) Henry Fuller:

Supervisor Deming read aloud a letter submitted by Henry “Steell” Fuller of Fowlerville Road. Mr. Fuller states that he believes the 1 inch copper water line he has at his property, installed in 1997, might be receiving too much current directly beneath the 6 inch steel gas main (electrolysis), creating erosion to the waterline and leading to a break and higher water consumption. Mr. Fuller states that the last two or three water reads have been unusually higher than normal and now understands the reason why and would like to ask the Town Board to consider reimbursement for the April and July water bills.

The Board agreed before reimbursement will be made, they suggested that Senior Water and Sewage Treatment Plant Operator, Mr. Barrett contact Mr. Fuller to view the area and obtain further details. Mr. Barrett agreed to do so.

2) Art Bernecker:

Mr. Barrett informed the Board that Mr. Bernecker plans to construct a new home at his property on Dow Road. Mr. Bernecker asked if the Town could cut down roughly 3 feet of the peak of the hill where he plans to build, in order to have better visibility entering and exiting his driveway. Mr. Barrett stated that he had this conversation with Mr. Bernecker months ago when the water & sewer lines were being placed, in order to eliminate any further cuts after installation had occurred. Mr. Barrett stated he will connect with Mr. Bernecker to iron out the details.

3) Virginia Avenue:

Mr. Barrett reported that the Town office and his department have been receiving numerous complaints from Virginia Avenue residents regarding water quality. The residents state that the water coming directly from the facet is dirty and gritty tasting. Mr. Barrett stated that his department has made several visits to the avenue to flush the main, but continue to receive calls for the same issue and decided to replace the old Matthews style hydrant that was leaking in hopes to rectify the problem.

OLD BUSINESS

1) Farmland Protection meeting:

Councilman Deuel reported that the Farmland Protection meeting took place last night, but unfortunately with only 7 people in attendance. The group discussed the proposed zoning document and suggested that the minimum size lot be altered. In the proposed regulations there is a 3 acre minimum lot size for agricultural land, and suggests that it be removed and replaced with a 1 acre maximum, and anything further should be brought before the Planning Board for approval.

The Board agreed that Mr. Deuel’s comments were viable and stated that he should prepare the suggestion in writing for the Steering Committee to review at their September 17th meeting.

2) Public Hearing feedback:

The Board and Mr. Worden discussed the proposed Zoning Public Hearing from Tuesday the 26th. All agreed they were pleased to see such a large turn out, which showed people are interested in the future of this community.

Mr. Worden asked as a member of the Planning Board, do we need to address every question asked that evening. Supervisor Deming replied that the Steering Committee does not need to answer every question, but should focus on the main ones, ultimately it is up to the committee on what issues they wish to address.

Councilman Rose stated that roughly only five issues seem to be the focus, but the remainder of the proposed document was sufficient. Council Member Parnell stated she thought the hearing went well and several positive comments came about.

NEW BUSINESS

1) Vital Statistics Resolution:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates approving the following resolution:

RESOLUTION OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW, CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS

WHEREAS, The New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics, and

WHEREAS, New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the Commissioner could consolidate these services without county legislative approval, and

WHEREAS, the local city, town and village Clerks have provided this service professionally and efficiently over the years, and

WHEREAS, losing this business would have a financial impact on the local governments, and

WHEREAS, many citizens are under financial stress due to high fuel costs, and

WHEREAS, the County's geography would increase this burden since services would be located further from the residents, and

WHEREAS, the local Registrars presently charge \$ 10.00 per certified copy and the State proposes that the County will charge \$ 30.00 per certified copy, and

NOW, THEREFORE, BE IT RESOLVED that the interest of good government, the York Town Board opposes the consolidation of the function of local registrars of vital statistics, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Governor and State Elected Officials to encourage their support.

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

Gerald L. Deming, Supervisor	Aye
Council Member Lynn Parnell	Aye
Councilman David Deuel	Aye
Councilman Norman Gates	Aye
Councilman Frank Rose Jr.	Aye

2) Smoking Policy:

Supervisor Deming informed the Board of an incident that occurred Monday evening during Court. Someone deliberately started a fire in the cigarette canister on the front steps of the Town Hall. The Board discussed the possibility of enacting a "No Smoking Policy" for the grounds in addition to the rules inside of the building. The Board agreed before any action can take place Mr. Deming should speak with Town Attorney, Mr. Cicoria on how to proceed, whether it be a Town Board resolution or by way of a Local Law. Councilman Deuel stated he will speak with the elders at the York UP Church to get their thoughts on the subject.

3) 2009 Budget:

The Board slated a 2009 budget work session for Tuesday, September 16th at 7:00 p.m. at the York Town Hall.

OTHER

1) Shared Services grant application:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to participate in a second round of the Shared Services Grant Program to include the Towns of Avon, Caledonia, Leicester, Lima, Mount Morris and York. Voted on and approved, Yes-5, No-0.

** A participation letter will be sent to the Town of Lima at a later date.

2) VanGelder bill:

Supervisor Deming informed the Board due to sewer repairs having to be made at Mike VanGelder's property at the corner of Route 63 and Retsof Road a few weeks ago, Mr. Barrett prepared a written bill. Mr. Barrett stated in total the amount came to \$ 306.28, and added that the bill will be mailed out to Mr. VanGelder in the morning.

BILLS

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

Sewer Districts	# 134-142	\$ 7,957.98
Consolidated Water	# 177-187	\$ 4,467.05
General Fund Claim	# 283-293	\$ 2,932.73
Youth Fund Claim	# 24	\$ 47.50
Street Lights	# 9	\$ 1,527.08
Highway Fund Claim	# 158-159	\$ 268.72

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adjourn the Town Board Meeting until September 11th. Voted on and approved, Yes-5, No-0.

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

Respectfully Submitted,

Christine M. Harris, Clerk