

PUBLIC HEARING
November 13, 2008
7:00 p.m.

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

Absent: None

Others: George Worden Jr.

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

PURPOSE

Supervisor Deming opened the Public Hearing by explaining the purpose. Mr. Deming stated that the hearing was called to discuss and adopt Local Law #5 of 2008 entitled, " A Local Law Providing a Partial Exemption from Real Property Taxes to Persons with Disabilities who have Limited Income for the year 2009".

Supervisor Deming stated that the hearing will remain open for comment until 7:15 p.m.

After no comment or questions...

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to close the Public Hearing at 7:15 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

PUBLIC HEARING
November 13, 2008
7:15 p.m.

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

Absent: None

Others: George Worden Jr. and Norman Barrett

Supervisor Deming opened the Public Hearing at 7:15 p.m.

PURPOSE

Supervisor Deming opened the Public Hearing by explaining the purpose. Mr. Deming stated that the hearing was called to discuss and adopt Local Law #6 of 2008 entitled, “ A Local Law Providing a Cold War Veterans Exemption Pursuant to Section 458-b of the Real Property Tax Law “.

Supervisor Deming stated that the hearing will remain open for comment until 7:30 p.m.

After no comment or questions...

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to close the Public Hearing at 7:30 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

Regular Town Board Meeting
November 13, 2008
7:30 p.m.

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

Absent: None

Others: Norman Barrett (Senior Water & Sewage Tr. Pl. Op.), George Worden Jr. (Highway Supt.), Terry Baird and Jeff Fitch (SignLanguage)

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the October 23rd Meeting, October 30th Budget Hearing and November 6th Special Town Board Meeting. Voted on and approved, Yes-5, No-0.

Privileges of the Floor

1) Terry Baird & Jeff Fitch:

Mr. Baird came this evening to discuss with the Board his sign quotes for the Town of York and explained that he recently merged with "SignLanguage Inc.", a company located on Route 20A in Perry. Mr. Baird & Mr. Fitch gave a brief overview of the two sample signs they brought with them this evening. The first sign is a singlesided carved HDU (High Density Eurathane) and the second is a MDO ³/₄ " (Medium Density Overlay). Mr. Fitch stated that either sign would be adequate and able to weather the elements, but added that the HDU sign has a much higher quality look and would maintain that look longer. Mr. Fitch also stated that their company takes great pride in their craft and visits the locations of their signs each year to view if any "touch ups" need to occur.

Supervisor Deming asked about the warranty of each sign. Mr. Baird stated that they are very willing to fix a sign(s) as long as it has not been physically hit by a vehicle and/or equipment. The Board asked if it would be possible to use the existing posts for a new sign. Mr. Fitch replied as long as the posts are in good condition we may use the existing pieces. Mr. Fitch added, the current posts are 4" x 4" and recommend custom wrapped

5"x 5" posts with tops, if the existing posts are in need of replacement. Highway Superintendent, Mr. Worden informed the Board that they may want to consider upgrading the posts because wear and tear on the existing pieces may compromise the new signs.

After a great deal of discussion the Board asked Mr. Baird to prepare a quote for 4 singlesided carved HDU signs, finished, with partial 23k gold leaf, aluminum back and aluminum side rails and 4 pairs of custom wrapped 5"x 5" posts with tops.

** The Town will dig the post holes for installation of the signs.

** The quote will be reviewed and acted upon at the Board's December 11th Town Board Meeting.

HIGHWAY

1) Retsof Road:

Mr. Worden reported that the Highway Department has been working with the Water Department on Retsof Road for the watermain project. Mr. Worden stated that the process has been smooth, and added that the men seem to have enjoyed the change in their normal routine.

2) Material:

Mr. Worden stated that the salt & sand material is ready for the upcoming season and the plow equipment can be attached rather quickly.

WATER/SEWER

1) Retsof Road:

Mr. Barrett reported that he is very pleased with how the Retsof Road project has been handled. The Highway Department has been a tremendous asset, without them we would not be close to completion. Mr. Barrett stated earlier in the week Roger McCracken and Louie Price layed 1100 feet of watermain pipe in one day, which is outstanding. Mr. Barrett stated the cooperation from the Highway Department was not only needed, but very much appreciated. Mr. Barrett stated that two mishaps occurred with water services, and once the breaks took place we shut down the main, fixed them, restored service and continued laying pipe.

2) Water to Leicester:

Mr. Barrett reported that he has been contacted several times by Leicester Supervisor, Gary Moore and Town Board Member, Felix Valentino about installing a water meter pit. Mr. Barrett expressed his desire to assist the Town of Leicester but questioned whether or not we should have a contract in place before any work begins.

The Board agreed if the Town of Leicester wants to purchase pipe and necessary equipment for a watermain, they are welcome to do so, but before a connection between the two towns can exist, a contract must be prepared and signed by both parties.

3) Inspection:

Mr. Barrett informed the Board that the yearly inspection of the Treatment Plant took place yesterday by Erin Shirkey of DEC. Several suggestions were made by Ms. Shirkey for potential upgrades, but Mr. Barrett stated we have our own list of priorities for the plant before other suggestions can be implemented.

OLD BUSINESS

1) Fire & Ambulance:

Supervisor Deming reported that he has yet to hear from Carl Peter on behalf of the York Fire Department regarding the contract status. Mr. Deming informed the Board that he spoke with Livingston County Emergency Management Services representatives, Kevin Niedermaier and Bill Sheahan recently about our situation and asked about other options, if we should need to move in a different direction. Mr. Deming also stated that he spoke with County Health Director, Joan Ellison as well about the matter and she has since asked to have a meeting with the Town Board and Fire Department to further discuss the ambulance service issues.

2) Farmland Preservation:

Councilman Deuel stated that he scheduled another Farmland Preservation Meeting. The date has been slated for Wednesday, November 19th at 7:00 p.m. at the Town Hall, in the Clerk's office.

NEW BUSINESS

1) Local Law #5 -2008:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve Local Law #5 of 2008 entitled, " A Local Law Providing a Partial Exemption from Real Property Taxes to Persons with Disabilities, who have Limited Income for the year 2009". Voted on and approved, Yes-5, No-0.

2) Local Law #6-2008:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve Local Law #6 of 2008 entitled, "A Local Law Providing a Cold War Veterans Exemption Pursuant to Section 458-b of the Real Property Tax Law". Voted on and approved, Yes-5, No-0.

** The Local Laws will now be filed with the Secretary of State.

3) Intermunicipal Agreement:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the following agreement:

THIS AGREEMENT, made and entered into this **13th** day of **November**, 2008, between the County of Livingston, a municipal subdivision of the State of New York, with offices at Livingston County Government Center, 6 Court Street, Geneseo, New York, and the Town of York, a municipal subdivision of the State of New York, with offices at 2668 Main Street, York, New York 14592,

RECITALS

WHEREAS, the County of Livingston has been awarded funding through the 2006-2007 NYS Department of State Shared Municipal Services Incentive (SMSI) Grant in the amount of \$ 78,080.00 toward the \$ 98,770.00 purchase of an Asphalt Zipper AZ-500 Recycling/Milling Machine (Contract No. C-068849) for the purpose of road repair and rehabilitation projects on County and Town roads in Livingston County, and

WHEREAS, it is in the interest of the taxpayers of Livingston County and the Town to share resources in the undertaking of public works and other municipal improvement projects and services, and the intent of the SMSI Grant is to allow for the sharing of the Asphalt Recycling/Milling Machine between the County and the Town, and

WHEREAS, flexibility in operating local governments and their public works programs is necessary to ensure efficiency and maximum benefits at minimal cost to all parties, and

WHEREAS, an Inter-Municipal Agreement (IMA) between the County and each of the 17 Towns in the County is required by the NYS Department of State, and Livingston County Board of Supervisors Resolution No. 2008-156 authorizes said IMA, pursuant to General Municipal Law, Article 5-G.

NOW, THEREFORE, IT IS HEREBY AGREED, by the County and the Town, as follows:

1. The Asphalt Zipper AZ-500 machine will be retained as County property, and will be principally housed and stored at the Livingston County Highway Department, 4389

Gypsy Lane, Groveland, New York.

2. The County will bear the cost to provide and carry adequate insurance to cover the value of the machine.
3. The County will be responsible for all costs of repairs and proper maintenance of the machine.
4. When used on a Town road, the machine will only be operated by a qualified County Highway employee. There will be no charge to the Town for the County employee.
5. The County Highway operator will be responsible for proper application and operation of the machine, including depth, speed and appropriate material.
6. There will be no charge to a Town for transportation/delivery to the Town's project site.
7. When used on a Town road, diesel fuel for the machine will be the responsibility of the Town.
8. When used on a Town road, the machine will be mounted on the Town's loader, which will be operated by a Town Highway employee.
9. In the event a Town loader is not available, a County loader may be supplied at the current listed County rental rate plus the current County operator rate.
10. When used on a Town road, the initial rental rate through October 31, 2009 charged by the County to the Town will be based on the machine's engine hour meter, at a nominal rate of Fifty Dollars (\$ 50.00) per engine hour, to cover maintenance and repair costs, and said rental rate in subsequent years will be reviewed and adjusted annually in a fair and equitable manner, based on future costs of parts and supplies.
11. Arbitration- Should any dispute arise between the parties respecting the terms of this agreement, the disputed matter shall be settled by arbitration in accordance with the laws of the State of New York, by three arbitrators, one of whom shall be selected by each of the parties hereto, and the third by the two arbitrators so selected. If the selection of any arbitrator shall not be made within 15 days of the time that either party shall notify the order of the name of the arbitrator selected by the notifying party, then the arbitrator or arbitrators not selected shall be appointed in the manner provided by the laws of the State of New York.
12. Authority for Execution on Behalf of the Town- The Town Supervisor has executed this agreement pursuant to a Resolution adopted by the Town Board of the Town of York, at a meeting thereof held on **November 13, 2008**.
13. Authority for Execution on Behalf of the County- The Chairman of the Board of

Supervisors has executed this agreement pursuant to a Resolution adopted by the Board of Supervisors of the County of Livingston, at a meeting held on 4/23/08.

14. Notices- Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated in writing by either party hereto:
To County of Livingston: James C. Merrick- 6 Court Street, Geneseo, N.Y. 14454
To Town of York: Gerald L. Deming- 2668 Main St. Box 187, York, N.Y. 14592
15. Waiver- No waiver of any breach of any condition of the agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
16. Modification- This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
17. This Agreement shall Commence on October 1, 2008 and terminate on October 31, 2015.

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

4) Authorization of prepaid bills:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing payment of all prepaid claims for November and December until the end of the year. Voted on and approved, Yes-5, No-0.

** Due to only one meeting in November and one in December, approval of the prepaid bills allow the Accounting Firm to issue payments without incurring late penalties.

5) Festival update:

Council Member Parnell updated the Board on the most recent festival committee meeting held this week. Mrs. Parnell stated that the group continues to be enthusiastic, and has generated many ideas for July 25th.

We have been fortunate to have festival members from other towns willing to allow us to view their documentation as a guide, which has been very helpful. Mrs. Parnell stated that the group has now recently divided up into committees to begin the “real work” of finding and securing vendors, sponsors and advertisement.

The next festival meeting has been scheduled for Tuesday, December 2nd at 7 p.m.

6) Weight Limit postings:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing Highway Superintendent, Mr. Worden to post weight limit signs on York Road West, from Main

Street (Rt. 36) to the town/county line AND on Retsof Road from Chandler Road to the Leicester line (Caledonia Road), allowing local traffic only. Voted on and approved, Yes-5, No-0.

OTHER

1) Town Hall piano:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to declare the piano at the York Town Hall surplus property and to advertise for bidders. Bids will be received until 2:00 p.m. on Tuesday, November 25th, and at such time will be opened and read aloud. Voted on and approved, Yes-5, No-0.

BILLS

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

Sewer Districts	# 177-185	\$ 1,767.50
Consolidated Water	# 239-256	\$ 102,938.76
General Fund Claim	# 374-408	\$ 10,932.62
Street Lights	# 12	\$ 1,553.70
Highway Fund Claim	# 189-198	\$ 14,984.39

ADJOURNMENT

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

Town Board Meeting closed at 8:35 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk