

February 14, 2008
Public Hearing
7:15 p.m.

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

Absent: None

Others: Don Davis, Mary Schlaefer, George Worden Jr., Howard Klein and Norm Barrett

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

PURPOSE

Supervisor Deming stated that the Public Hearing was called to discuss and review proposed Local Law #3 of 2008 entitled, " Senior Citizens Exemption and Persons with Disabilities and Limited Incomes Exemption for 2008".

Mr. Deming explained to the public that in previous years the County has allowed the individual towns to prepare a resolution accepting the sliding income scale for this exemption, but effective in 2008, a Local Law is required for such action.

Supervisor Deming read aloud the income scale and percentages involved with each.

Mr. Deming stated he will keep the hearing open for 20 minutes to allow any public comment.

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-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

Regular Town Board Meeting
7:30 p.m.

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

Absent: None

Others: Don Davis, Mary Schlaefer, George Worden Jr. (Highway Supt.), Howard Klein
and Norman Barrett (Senior Water & Sewage Treatment Plant Operator)

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

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the minutes of the two Public Hearings and regular Town Board Meeting on January 10, 2008. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Mary Schlaefer:

Ms. Schlaefer came this evening to ask the Board the status of the unit charge issue, as discussed at previous Town Board Meetings.

Supervisor Deming explained that Zoning/Code Officer, Mr. Peter prepared a document for the Board to review in order to render a decision on what constitutes a second unit in a residence. The recommendation stated if the area had kitchen and living quarters, it would be classified and charged as a second unit, or two-family residence. In order to eliminate the additional charges, the entire kitchen components must be removed in order to revert back to a single family residence.

Mr. Deming stated after speaking with Town Attorney, Mr. Cioria, he was informed when the Town Board verifies the information, a Public Hearing must be held before official action can take place, and the decision will then be filed as a Town Local Law.

Mrs. Schlaefer asked if the Board has scheduled the date and time of the Public Hearing.

Supervisor Deming and the Board agreed to schedule the hearing date for Thursday, March 13th at 7:00 p.m.

HIGHWAY

1) Plows:

Highway Superintendent, Mr. Worden reported that the two recently purchased plows are now in service and are working well.

2) Flag issue:

Mr. Worden stated to the Board that he had a conversation this week with VFW Commander Joe Vogel regarding the posting of the American flags through the hamlet of York. Mr. Worden suggested to Mr. Vogel that we lower the flag poles in order to alleviate them from getting wrapped around the wreath brackets above them. Mr. Vogel stated that Mr. Worden's suggestion was a great idea and asked if the Town Board would be willing to approve such action. Mr. Worden stated that he would bring the matter to the Board's attention, which he has done this evening.

After a brief discussion the Board agreed with Mr. Worden and asked him to inform Mr. Vogel of the Board's decision and to follow through with the changes.

3) Desalinization salt:

Mr. Worden stated that we have continued to obtain salt from the desalinization plant in Leicester, in addition to the salt purchased from American Rock Salt Company. Mr. Worden stated he had a conversation this week with Joe Bucci of ARS, and Mr. Bucci questioned the amounts of heavy metals within the salt extracted at the Leicester plant. Mr. Worden stated that tests are taken twice a week at the plant, with the results

indicating no heavy metals within. Mr. Worden added, he feels confident with the tests performed by AKZO and would be willing to share the results with any citizen that asks.

Councilman Rose suggested we should conduct our own comparison test on the two types of salt, obtaining a bucket of each.

The Board and Mr. Worden agreed that this action and potential results could dispel the concerns that Mr. Bucci addressed with Mr. Worden.

4) Truck:

Mr. Worden informed the Board that the Town of Mt. Morris recently sold a 10 wheel truck to a Town of York farmer. The farmer conveyed to Mr. Worden he would be willing to sell the truck to the Town for \$ 2,000.00 in order to have spare parts for our existing equipment.

The Board agreed for a mere \$ 2,000.00, having the extra parts on site when the Highway Department needs them is invaluable.

WATER/SEWER

1) Meters:

Mr. Barrett informed the Board over the past two weeks the Water Department has encountered 4 incidents of frozen meters. The majority of the cases have been at locations involving trailers, with the meters freezing in the crawl space area.

2) Easements:

Mr. Barrett reported to date he has filed 32 easements at the Livingston County Clerk's Office since the first of the year. Approximately 50 more will need to be filed. Mr. Barrett added that the residents have been kind and cooperative to him and Mr. McCracken when approaching them for updates signatures.

3) Pump House:

Mr. Barrett stated that the pump house located on Flats Road in Piffard is in dire need of attention. A great deal of piping must be replaced which Mr. Barrett has prepared a detailed account of the items to purchase. Mr. Barrett stated Fluid Kinetics agreed to keep their quote from last year, \$ 8,305.00, Blair Supply quoted \$ 4,181.00 and electrical work from Pete Scondras should run roughly \$ 1,900.00, which totals \$ 14,386.00.

After a brief discussion...

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Senior Water & Sewage Treatment Plant Operator, Mr. Barrett permission to proceed with the purchase and installation of the necessary equipment for the Piffard pump house, amount not to exceed \$ 15,000.00. Voted on and approved, Yes-5, No-0.

4) Treatment Facility:

Mr. Barrett reported to the Board that the treatment facility has been experiencing problems with the three (3) sludge holding tanks. The sludge becomes so thick that it can not be re-circulated through 2 of the 3 holes.

Mr. Barrett stated that he believes that an "EMU" mixer would be able to assist in the matter of circulation, and we will have 90 days to decipher if the machine will solve our

issues, if it doesn't we will be able to receive our money back in full. The cost of the mixer will total \$2,340.00.

The Board agreed to allow Mr. Barrett permission to proceed.

5) Jack Pascuzzo easement:

Mr. Barrett stated that the easement for Mr. Pascuzzo has been prepared, signed and will be filed within the next few days, so we may proceed with the tap fee reimbursement to him in the amount of \$ 1,500.00.

(The reimbursement document is in the bills this evening)

6) Bernecker restoration:

Mr. Barrett addressed with the Board the upcoming restoration work to be completed at Art Bernecker's property on Dow Road. The restoration will be the responsibility of the owner and he has informed us that Peter Arrigenna, PM & A Contracting will be finishing the area.

7) Betty Grant:

Supervisor Deming stated we received a letter from Piffard resident, Betty Grant expressing the need to correct the situation at her property (her side and front yards). Issues arose after the installation of the municipal sewer system and the rebuilding of River Road. Mrs. Grant stated that previously a culvert was located under the road, but was removed and not replaced when sewers were installed, so now the run off goes directly onto her lawn toward her residence. The excess water has also damaged the condition of her lawn and she fears that what is left will be ruined as well if not corrected.

After a great deal of discussion the Board, Mr. Barrett and Mr. Worden agreed that the matter must be addressed once again, but will have to wait to be reviewed until early spring, once the snow melts.

Mr. Deming stated he will prepare a response for Mrs. Grant informing her of the Board's discussion this evening and to thank her for her patience in this matter.

8) AGL:

Mr. Barrett informed the Board that an issue came to light at the property owned by Affordable Great Locations; AGL, located on Casey Road in Fowlerville. When reading the meters for the last billing cycle the department noticed that 2 of the 4 meters on site had been vandalized. Mr. Barrett prepared a letter to Mr. Cohen informing him of our findings and stating because of that, they need to install a meter pit at the property, but has yet to hear back from him.

The Board stated to Mr. Barrett not to delay in putting in the meter pit, even if Mr. Cohen does not contact him, this issue must be taken care of in a timely manner.

9) Sewer odor:

Mr. Barrett stated that he received three complaints regarding sewer odor infiltration. The first complaint was from Mike & Heather LoBello in Wadsworth, at the corner of Route 36 and Old State Road. The second from Mike VanGelder, near his new shop on Retsof Road and Rt. 63, and lastly by the York Post Office, on Main Street in the hamlet.

After review of each spot the department then put a seal on each of the manholes in the area to help alleviate the sewer odor, which seems to be holding well.

NEW BUSINESS

1) Planning Board Appointment:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to appoint David Russo as an Alternate on the York Planning Board until George Worden resigns his position, then Mr. Russo will be the 5th person to the Board. Mr. Russo will not have a vote on issues of the Planning Board unless Mr. Worden is not present at the meeting(s). Voted on and approved, Yes-5, No-0.

2) Town Hall complaint:

Supervisor Deming informed the Board that Deputy Town Clerk, Mrs. Geary received a telephone call this week from Ann Marie VanGelder regarding her recent rental of the Town Hall. Mrs. VanGelder stated she was very upset with the way the hall looked when she arrived, and had to clean the building before her party. Mrs. VanGelder would like to request that the Town Board consider reimbursing her the entire rental fee.

Supervisor Deming suggested that Building's Committee Chairman, David Deuel meet with Custodian, Carl Peter about the complaint before rendering a decision for Mrs. VanGelder.

3) York/Leiceser Youth:

Mr. Deming stated that a York/Leicester Youth Committee Meeting will be scheduled within the next few weeks, to include: Mrs. Parnell, Mr. Deming and Pete Robinson.

4) Abbey of the Genesee:

Supervisor Deming read aloud to the Board a letter from Kathe Hartnett, Retreat House Manager at the Abbey of the Genesee. Ms. Hartnett is requesting road signs on River Road.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to refer Ms. Hartnett's request to the Livingston County Traffic Safety Board for review and a determination. Voted on and approved, Yes-5, No-0.

5) Sewer Tap Request:

1- Francis Shutts:

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to approve the Sewer Tap Application submitted by Francis Shutts for property located at 2712 Dow Road, in the amount of \$ 1,500.00. Voted on and approved, Yes-5, No-0.

** Note: The Water Tap fee was waived for this property because owner (Art Bernecker) installed the water main to the site already.

6) Local Law #3-2008:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve Local Law #3 of 2008 entitled, "Senior Citizens Exemption and Persons with Disabilities and Limited Incomes Exemption for 2008". Voted on and approved, Yes-5, No-0.

7) Judicial purchase:

Supervisor Deming stated that a request was made by Town Justices, Purtell and Porter for purchase of a law book for the Town of York Court, entitled, "Handling the DWI Case in New York".

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell allowing Court Clerk, Mrs. Geary permission to purchase one (1) Law Book from West Thompson, the West Group in the amount of \$ 244.00. Voted on and approved, Yes-5, No-0.

8) Proposed Sewer Ordinance:

Mr. Barrett stated that he prepared a proposed Town of York Sewer Ordinance for the Board to review. Each member of the Board will receive a copy of the document to view for any comments or questions, in order to adopt at a future date.

9) Soil Classifications:

Councilman Deuel informed the Board that he recently spoke with Rachel Chrostowski, Planning Assistant with the Livingston County Planning Department. Mr. Deuel requested a map outlining prime farmland and farmland of statewide importance in the Town of York, which Ms. Chrostowski produced for him.

Mr. Deuel stated the map depicted soil boundaries, interpretations and analysis of the areas. Mr. Deuel also stated that he formed a discussion committee consisting of : Mr. Deuel, Davies Nagel, Kevin Simpson and Andrew or Amos Smith of Lawnel Farms, to further review the Farmland Protection Plan.

**** Note:** Mr. Deming informed the Board that Livingston County is proposing a "No Smoking Law" on all county owned properties. The law should take effect June 1st of this year.

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.

Retsof Sewer District	# 13-29	\$ 1,230.46
York Sewer District #1	# 13-37	\$ 10,213.46
York Sewer District #2	# 12-28	\$ 2,397.96
Consolidated Water	# 14-37	\$ 101,019.51
General Fund Claim	# 32-73	\$ 25,205.36
Youth Fund Claim	# 1-2	\$ 1,182.92
Street Lights	# 2	\$ 1,885.21
Highway Fund Claim	# 24-46	\$ 30,986.94

ADJOURNMENT

RESOLUTION offered by Mr. Deuel and seconded by Mrs. Parnell to adjourn the Town Board Meeting until February 28th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:30 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk