

York Town Board Meeting
April 12th, 2022
7:00 p.m.

Present: Supervisor Gerald Deming, Council Members: Frank Rose Jr. Norman Gates and Jason Swede

Absent: Amos Smith

Others: James Campbell (Town Attorney), Carl Peter (Zoning/Code Officer), Davies Nagel, George Worden Jr. (Highway Supt) Greg Burm, Kirk Richenberg, Henry Fuller, Joe McIlroy, Rich Brock and Becky Lewis.

Supervisor Deming opened the Town Board Meeting at 7:00 p.m. and invited Councilman Swede to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Swede to approve the minutes of the March 8th Town Board Meeting and March 24th Special Town Board Meeting. Voted on and approved, Yes-4, No-0.

BILLS:

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

- General Fund # 82-113 \$ 26,465.40
- Consolidated Water/Sewer # 67-97 \$ 95,581.37
- Highway Fund # 51-76 \$ 20,914.53
- Youth Fund # 2-3 \$ 1,942.04

PRIVILEGES OF THE FLOOR:

1) Stephen & Kelly Hint:

Mr. Hint stated to the Board that he recently sent a letter outlining the ongoing issues with the developer at their residence on Reds Lane for the past 8 years. He is hoping by coming to the meeting this evening to be able to obtain a resolution in the near future. Mr. Hint expressed when they bought the property it was with the understanding that Reds Lane would be maintained by the owner, Mr. Brock which has only happened a few times since they have lived there. Mr. Hint is now asking for Town assistance by

potentially taking over the road by eminent domain or have Mr. Brock follow through with what he was supposed to have done years ago. Mr. Hint stated that it is his desire to get this matter resolved along with taking possession of the water and sewer that travels along Reds Lane. Mr. Hint expressed that he pays the same or more taxes than others, without the additional services. He also addressed safety concerns with the driveway, during winter months when it would be difficult to get a firetruck or ambulance to his residence if need be because Mr. Brock does not maintain it as he had agreed upon when purchased.

Supervisor Deming commented that Reds Lane has not been dedicated to the Town at this time. The agreement must be addressed by parties involved, which is you and Mr. Brock directly.

Attorney Campbell added that there has been current discussion with Mr. Brock about future steps necessary but at this time, the Town will not assume responsibility or liability of Reds Lane until a road is in place.

Mr. Hint then asked how he is able to get issues addressed.

Attorney Campbell answered by Mr. Brock's failure to improve the property, there are legal remedies you can proceed with, but the Town cannot.

Mr. Hint stated once again in the agreement with Mr. Brock he was to make all repairs to the lane and provide snow removal. He has mowed the lots only one time and Mr. Hint has been filling potholes and plowing the road thereafter with no financial reimbursement from Mr. Brock. Mr. Hint added until agreed upon work has been completed, he urged the Town not to approve any new permits to the lots until brought up to specifications.

Supervisor Deming asked Mr. Brock if he wished to address the comments this evening on Reds Lane.

Mr. Brock stated that he did agree to plow the road and did fix potholes a couple of times and then hired it to be plowed in the winter.

Mr. Hint commented that 8 years has been long enough to wait for a resolve, there are potholes now and the road/lane needs repairs.

Mr. Hint's letter

Dear Town of York,

I live at 2697 Reds Ln, and the only resident on Reds Ln. We moved to York about 8 years ago and purchased this house with the understanding that the road "Reds Ln" and the "Development" would be maintained by the owner Mr. Brock. During several conversations with Mr. Brock he also mentioned that he would be "fixing" the road. Obviously, this hasn't happened. So I would like to bring attention to the local law below (502) for the Town of York. It is my understanding that the permit for the "development" at Reds Ln has expired, I am asking that the Town board to NOT approve any new Permits for this until either the road is brought up to town specs, or if the

Town could take it over through eminent domain or another Legal avenue, At which Time I would be interested in purchasing the piece of property known as Reds Ln for \$1.00 and assume all maintenance and liability for that property and give utility right of ways to any new house being build on either side of reds Ln in the future. What I am calling reds Ln north and reds Ln south, to have their own driveway's off of Retsof road. I would also like the Town to take possession of the Water, Sewer that travels along Reds In. Currently the Fire Hydrants are not working. We pay the same Taxes as everyone else in the Town and do not receive the same level of Services. We feel we should have the Same Fire protection, Road maintenance as everyone else. I am currently assessed Fifty thousands dollars higher than the exact same house built by the same person with the exact same floor plan that is located on retsof ave.

Just to make the Town aware I have been mowing, filling in potholes, and plowing this road. I have asked Mr. Brock a few times for financial reimbursement and have not received anything. I bought a tractor, box scraper, snow plow and bush hog to maintain the road and some of the lots as we have been overrun with snakes, mice, woodchucks, and the like... Mr. Brock has only mowed the "lots" 1 time during the last 8 years and that happened the first year we lived there. Many times I have been unable to reach retsof road due to heavy snow and Mr. Brock not signing an agreement with a snowplow removal provider. If there was an emergency nobody would be able to reach my house either. As you can probably tell living here has been stressful.

We are asking that this matter be addressed at the next Board meeting, April 2022 meeting. I also plan on attending this meeting if I need to be put into the minutes or speak to the board. We would like a Hard date set by which either the road is brought up to spec or the town or I become the owner of Reds In. We were thinking 60 to 90 days max as Mr. Brock has had 20 years to resolve this issue. We also feel that Advertising "building Lots for sale" is very misleading as technically nobody can actually build on them so we have people coming in and out blocking the road and using my driveway to look at the Land. The "turn around" area at the top is not maintained or plowed in the winter.

502. Access to improved street(s). No lot may be created or permit for the construction of any building shall be approved, unless such structure has access from an improved street or a street on an official map, plan, approved subdivision or duly filed plat in accordance with the regulations for Subdivision of Land in the Town Code. Every lot shall have access in accordance with the provisions of this Chapter.

Stephen & Kelly Hint, 2697 reds In.

2)Kirk Richenberg:

Mr. Richenberg asked questions pertaining to the assessment reevaluation, salt storage barn and Anderson Rd. water:

Q-At the June 8, 2021 Board Meeting, the Town asked for state assistance for the re-assessment project, have we received any money yet?

Supervisor Deming replied we have not yet received the money.

Q-In that resolution on June 8th, it states that "all properties for the 2022 assessment roll" will be re-evaluated but per the Assessor, it is residential and land parcels, not all parcels.

Supervisor Deming answered that he is aware that commercial parcels were not part of

the re assessment project but all others were. Mr. Deming added that Assessor Torrey submitted his assessment numbers to the state twice but were not approved until the third attempt in order to receive state reimbursement for the re-assessment project.

Comment: If all properties are not included in the re-assessment project while others are being done to current market level, it will not maintain a uniform standard.

Supervisor Deming stated that Mr. Richenberg will need to speak with Mr. Torrey directly about the re-evaluation and added that state funding is based on the number of parcels.

Q-With the salt storage barn, are you using some solar money for it? I don't believe there have been any discussions on where to spend those funds.

Supervisor Deming agreed that no official conversations have taken place on how to utilize the solar funds but we have been making a tentative list of potential uses.

Comment: The Board should have input from the community on how they use the solar funds since it is a Community Benefit funds and not use solar funds toward projects that were already budgeted.

Q-Are all Anderson Road items in?
Supervisor Deming replied the rockhound is left.

Q-You are having the Town employees do a water line in Piffard, do we have qualified people to do that?

Supervisor Deming answered that we do have qualified people and have done projects before. Mr. Worden also commented that we had personnel that put a 12" across the Flats on a busy Route 63, our people can handle the Piffard water main.

3)Henry Fuller:
Mr. Fuller asked questions pertaining to office equipment and water accounting as well as the current re-assessment project:

Q-How many Smart meters are installed in Town?
Mr. Worden replied that we have three (3) radio reads, the Smart gun is actually the device that reads the Sensus meters directly.

Q-Town Board has agreed to the re-assessment but people are falling through the cracks and can't buy groceries or gas now, with the new assessments it will be worse. In the scheme of things, we hired an out of town assessor, what other jobs does he have outside of Livingston County? Does he have a real estate job?

Supervisor Deming answered that he is a legislator for Genesee County but he is not aware of other jobs, he will have to contact Mr. Torrey to ask that question.

Q-How come the assessments are all over the place, what's going to happen in the future?

Supervisor Deming stated that we all wonder what will take place in the future with the values but a factor in this is what people have been paying for homes the last two years, which are well above the previous housing market values.

Q-A \$300,000 house in California, is \$150,000 in New York, what happens going forward?

Attorney Campbell commented that all of the towns he works with, those assessors have expressed the same concerns with tax rates in the future. Office of Real Property Services (ORPS) is making the Assessors proceed with this process. Not a lot can happen now, it will be more so issues in years to come. It is across the state. This is a very unusual time for the housing market.

Q-How come property he owns in another town is not getting re-assessed?

Supervisor Deming replied he cannot answer for that township.

Councilman Rose added we have to continue to watch the rates in the future.

Q-Isn't it a conflict of interest for the Assessor since he owns his own real estate business?

Supervisor Deming answered that he was not aware that Mr. Torrey had this business and will follow up with him directly.

Comment by Mr. Richenberg: there are brochures available by ORPS helping to put a value on your property and it states "under normal conditions..." this is not normal conditions.

Mr. Richenberg added that the Assessor is a legislator in another county and sits on the Genesee County IDA as well.

HIGHWAY:

Mr. Worden reported the following for the Highway Department:

1) Agreement to spend Highway Funds:

Mr. Worden reported that the Livingston County Highway Department requests yearly documentation from him, with the Town Board considering approval of an Agreement to spend Town Highway Funds. Mr. Worden detailed for the Board the proposed improvements he will be conducting for 2022 and the estimated costs involved with such repairs.

- Craig Rd. at Rt. 36 to Federal Rd. (Pave/novachip)	\$160,000.00
- River Rd. at Mt. Pleasant to Fowlerville Rd. (oil/stone)	\$ 16,400.00
- Mt. Pleasant at Rt. 36 to R/R tracks (oil/stone)	\$ 12,500.00
- Simpson Rd. from MacIntyre to McPherson (oil/stone)	\$ 10,500.00
- Limerick Rd. at Anderson to Linwood Rd. (oil/stone)	\$ 17,000.00
- Federal Rd. at Anderson to Linwood Rd. (oil/stone)	\$ 14,800.00
- Old State Rd. at Clapp Rd. to Wallace Rd. (oil/stone)	\$ 25,700.00
- Old State Rd. at Wallace to Covington Rd. (oil/stone)	\$ 15,800.00
- Covington Rd. at Old State to Town Line (oil/stone)	\$ 12,800.00
- Wallace Rd. at Leicester line to Covington line (oil/stone)	\$ 36,000.00
- Misc. roads in town for patching/pipes	\$ 16,500.00
TOTAL:	\$ 338,000.00

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede, Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways and received from the State for the repair and improvement of highways, shall be expended in the amount of \$338,000.00. Voted on and approved, Yes-4, No-0.

Mr. Worden stated that he has tentative dates for all listed roadwork, as he is aware that oil prices will go up soon and is trying to lock in a price.

Supervisor Deming asked when the blacktop plants will be open.

Mr. Worden responded that the plants will be open in May and we will be one of the first to receive and will have the assistance of other towns to help in hauling. Mr. Deming inquired as to the schedule of the other towns. Mr. Worden stated he will contact them to lock them in with us.

Mr. Worden also reported that the Highway Department moved a large amount of office furniture that was given to us. Several areas benefitted from the new-used furniture.

WATER/SEWER REPORT:

Mr. Worden reported the following for the Water & Sewer Department:

- Water has been staying in the pipes, thankfully.
- The new line in Piffard is up and running, only receiving 1 complaint during this process from a nearby neighbor with the excessive mud in the area.
- The watermain project that the Town of Leicester conducted on Rt. 36, our residents have yet to be connected to that new line and have questioned the office staff & Highway Supt about it. Perhaps we should hire a contractor to proceed with the connections and bill the Town of Leicester directly. Mr. Worden stated he will reach out to Leicester tomorrow about this matter.
- The Sewer treatment plant has been running smoothly
- Our latest employee has one (1) more test to take and then is fully certified.

OLD BUSINESS:

1)LED Conversion:

Supervisor Deming reported that we received confirmation that the LED conversion project is now complete. National Grid will now prepare the paperwork for the EE Incentive payment to the Town.

2)Comprehensive Plan:

Supervisor Deming stated that the Department of State will be coming out to meet with us the end of May to discuss and review what is needed in the Comprehensive Plan, in order to meet the criteria for the funding we received through the grant. After such discussion, we will then prepare an RFP.

NEW BUSINESS:

1)Surplus Equipment:

RESOLUTION offered: by Mr. Gates and seconded by Mr. Rose declaring the following items surplus equipment that are no longer of use to the Town and authorize Highway Supt., Mr. Worden permission to send items to the Palmyra Auction, with exception of the printer which will be disposed of at the Town of York Recycling Center and removed by vendor EWASTE+, the Town's contractor for electronic waste. Voted on and approved, Yes-4, No-0.

SURPLUS:

- 1 Water billing office desk; 30+yrs. old
- 1 Code officer desk; 30+yrs. old
- 1 Conference table; 30+ yrs. old
- 2 Assessor chairs; 15 & 30 yrs. old
- 1 Assessor's desk; 15 yrs. old
- 2 Water/Sewer desks; 30+ yrs. old
- 1 HP Office Jet Pro Printer; 10yrs. old

Supervisor Gerald Deming- Aye
Councilman Frank Rose- Aye
Councilman Norman Gates- Aye
Councilman -Jason Swede- Aye
Councilman Amos Smith- Absent

2)Water tap Application:

a-Paul & Ashley Graves-

RESOLUTION offered by Mr. Rose & seconded by Mr. Swede to approve the Water Tap application submitted by Paul & Ashley Graves for property located at 3243 Fowlerville Road, in the amount of \$1,500.00. Voted on and approved, Yes-4, No-0.

3)Brush Pick up:

RESOLUTION offered by Mr. Gates & seconded by Mr. Rose to schedule a brush and limb clean up day for **Monday May 9, 2022**. Voted on and approved, Yes-4, No-0.

4)Village of Geneseo water rate increase:

Supervisor Deming reported that we received a letter last week from the Village of Geneseo informing us of their decision to increase the water rates effective August 1, 2022. The rate increase will go from \$2.55 per 100 cubic feet to \$2.65 per 100 cubic feet of water, which is an increase of .10.

5)York-Leicester Kiwanis request/Playground Equipment:

Supervisor Deming stated that the Board recently received a letter from the Y/L Kiwanis requesting updating of the existing equipment at the Piffard Playground. (3) regular swings, (1) bucket swing and replacement of the existing slide.

After some discussion, the Board agreed that funds are available in the Youth budget line to replace the swings and add a 2nd bucket swing but would like to review the area to determine what to do regarding the slide and basketball hoop.

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede authorizing purchase of (3) regular swings and (2) bucket swings for the Piffard Playground. Voted on and approved, Yes-4, No-0.

6)Water adjustment request:

a-James Webb:

Supervisor Deming informed the Board of a water adjustment request we received from James Webb of Chandler Road. Mr. Webb's April water bill reflected 605,000 gallons totaling \$2,964.50. Mr. Webb stated that the leak occurred in his pasture that the neighbor used for their horses and would ask that the Board consider an adjustment at this time.

The Board discussed Mr. Webb's request and Clerk Harris explained with the Town's current water adjustment policy, this property has already received an adjustment (with previous owners' Mr. & Mrs. Prise in 2012) so the Board will have to decide if they will be granting a second one.

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to decline the request for a water adjustment for James Webb at 3151 Chandler Road. Voted on and approved, Yes-3, No-1, Norman Gates.

7)Proposed Local Law:

a-Replacing existing zoning map:

Attorney Campbell gave a brief overview of proposed Local Law to repeal the existing zoning map of the Town of York which was adopted on January 15, 2009 and revised in 2017 and to replace the entirety with a new "Zoning Map of the Town of York." Mr. Campbell stated Clerk Harris emailed each of the board members with this proposed law on March 28th, so we can officially acknowledge receipt of this law this evening, in order to then schedule a Public Hearing if the board chooses to do so.

Councilman Rose inquired as to the changes Attorney Campbell made.

Mr. Campbell explained that the changes made were zoning classifications and corrections to certain areas based upon Local Laws the Board has adopted over the last several years.

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to schedule a Public Hearing to repeal the existing zoning map of the Town of York and to replace with a new "Zoning Map of the Town of York" for **Tuesday, May 10, 2022 at 6:30 p.m.**, at the York Town Hall. Voted on and approved, Yes-4, No-0.

8)Town of York Historical Society:

Supervisor Deming reported that he received correspondence from President of the Town of York Historical Society, Melissa Alber expressing the Society's wish for the Town Board to consider utilizing some of the solar funds on possible projects with the Historical Society, and gave a few examples of such. (each member received a copy of the letter).

Supervisor Deming and Deputy Supervisor Rose will schedule a meeting with Ms. Alber to discuss further.

9)Water Shut-off Requests:

a-David Beach (Acct# 25-0075)

RESOLUTION offered by Mr. Rose & Seconded by Mr. Swede to approve the Water Service shut-off request at the Beach residence; 2872 Main Street. Voted on and approved, Yes-4, No-0.

b-Lawnel Farms (Acct#- 6467)

RESOLUTION offered by Mr. Rose & Seconded by Mr. Swede to approve the Water Service shut-off request submitted by Lawnel Farms for the property located at 2368 Craig Road. Voted on and approved, Yes-4, No-0.

Mr. Fuller asked the Board if they were aware that the Assessor does not have a copier to print out comparables?

Supervisor Deming answered that the Assessor handles the ordering of his equipment, if he needs something, he is certainly able to order what he needs.

OTHER:

1)HVAC work:

Supervisor Deming stated that the Board previously approved at their March 8th meeting the quote for HVAC work submitted by Don Fox heating and Cooling in the amount of \$22,300.00. Mr. Fox informed us recently from the time he submitted the quote to the Boards official approval, the cost for the material has increased by \$2,350 and asked if they still wish to proceed.

Supervisor Deming reported that the only other quote was for \$33,658.00 so even with the increase, Mr. Fox is still low bidder and asked the Board if they wish to proceed.

RESOLUTION offered by Mr. Swede & seconded by Mr. Gates authorizing Don Fox Heating and Cooling, the HVAC work at the Town Hall (Contract #2) in the new amount of \$24,650.00 which is an increase of \$2,350.00 from the original quote. Voted on and approved, Yes-4, No-0.

2)Trail Town Committee Correspondence:

Clerk Harris verified that all members received correspondence prior to the meeting this evening.

To: York Town Board

From: Town of York Trail Town Committee

Report for April 12, 2022

1. The Parks & Trails New York/Genesee Valley Trail Town Grant application was completed, sent in, and accepted on March 28th, 2022. Nine out of the ten eligible trail towns participated. The applications will be reviewed in April and the awards (\$5K- \$15K) announced in May/June 2022. Thanks to all the committee members for their time and effort in making this happen.
2. For Trail Towns in Livingston County, budgets for the \$5.5K NBRC (Northern Border Regional Commission) Trail Town Grant must be approved by Letchworth Gateway Villages no later than May 1, 2022. This is non-competitive funding and no formal grant application is required which means that each budget submitted will get the reward. The purpose of offering this funding is to help communities activate priorities identified in their Trail Town Action Plans that enhance trail-to- town connectivity. Our committee is researching the possibility of using this funding for a kiosk with enhancements at the Piffard trailhead.
3. The Committee will continue to work on additional recommendations and priority next steps as outlined in the York Trail Towns Action Plan of January 2022 (sent to the Town Board on 2/28/22).

Sincerely,

Becky, Dave, Ryan, Brian and Molly

ADJOURNMENT:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to adjourn the Town Board Meeting until May 10th. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 8:05 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk