

York Town Board Meeting
May 12, 2020
Via Zoom Conferencing
7:00 p.m.

Present: Supervisor Gerald L. Deming
Councilwoman Lynn Parnell
Councilman Amos Smith
Councilman Frank Rose Jr.
Councilman Norman Gates
Town Clerk Christine M. Harris

OTHERS: Highway Superintendent, George Worden Jr.
Water & Sewer Billing Clerk, Connie Burger
Zoning & Code Officer, Carl Peter
Town Attorney, James Campbell
Thomas Trathen
Kirk Richenberg

Start time of the meeting:

0.05- Supervisor Deming

Good evening, this is Jerry Deming, I would like to call the meeting to order. The first order of business is roll call:

Norman Gates Yes
Frank Rose Yes
Amos Smith Yes
Lynn Parnell Yes
Town Clerk, Christine Harris- Present
Highway Supt. George Worden- Present
Attorney, James Campbell- Present

Supervisor Deming

Is there anyone else joining us this evening for the official record?

.048- Tom Trathen

.050- Connie Burger

.056- Carl Peter

1:02- Kirk Richenberg was admitted to the meeting at this time.

1:03- Supervisor Deming

The Executive Order of the Governor is as follows:

Whereas, on March 7, 2020, Executive Order #202 was issued declaring a State disaster emergency for the entire State of New York;

Whereas, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; Article 7 of the Public

Officer's law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed.

We will once again conduct basic town business this evening, hearing from department heads and board members. We will not have privileges of the floor.

2:05- Supervisor Deming

So, at this time I need a motion for approval of the minutes of the April 14th Town Board meeting...

2:12- Amos Smith

So moved

2:17- Lynn Parnell

Second

2:21- Supervisor Deming

I am going to take roll call:

Norman Gates	Aye
Frank Rose	Aye
Amos Smith	Aye
Lynn Parnell	Aye
Supervisor Deming	Aye

2:40- Supervisor Deming asked about a Highway Report:

2:41- Amos Smith

Actually, that's not the transcribed, that's the edited correct?

2:45- Clerk Harris

Well, Yes, I literally had to go back and listen to it verbatim because you all saw the actual physical transcript, which did not make any sense what so ever. I had to physically listen to every word of the board meeting last month to document the minutes as they were spoken.

3:06- Amos Smith... yeah, okay

3:08- Supervisor Deming asked for a Highway Report:

3:09- George Worden

We have been doing a lot of cleaning of the ditches, allowing us a good opportunity to practice social distancing because everyone is in different machinery, and getting caught up with that kind of work. We have also been mowing the cemeteries and parks this year, we did not go out to bid before all this happened so we still have the mowers luckily, and they are continuing to do that. We can revisit that at a later date or whatever the board's wishes are but will continue to do them. We started some brush pickup today. There seems to be quite a bit out there, I believe

everyone is at home and dragging it to the edge of the road, or seems like it. Should be able to finish that up tomorrow. We also hauled some stone for the County within the month for the Federal Road project. The County did grind that the other day and they have been up there working on it. We had to install a pipe in front of 3018 Federal Road for the County.

The other thing I do have on the Highway Report, we have noticed that a lot of people are walking on the Greenways and they are driving down to the Greenways. They've been using York Landing Road quite a bit and the other place I've noticed is the parking along Chandler Road quite a bit. It's kind of a fast area for vehicles, it might be something we want to visit and keep an eye on, maybe even addressing parking on one side of the road so traffic can get through easier. That's pretty much it for the Highway.

5:18- Supervisor Deming
Anyone have any questions on Highway?

5:20 – Lynn Parnell
Yeah, Georgie...I know this is a County project but what is the status?, what are they doing and when will they be done up here?

5:20- George Worden
They ground the whole surface up, they added stone to it to make the base stronger in the road. They're grading it and rolling it, trying to get it to tighten up now. They told me they are up in the air on what their next step is going to be, whether they are blacktopping because of the funds might not be available this year through CHIPS, we're not positive on that. So, they don't know if they are going to blacktop it or oil and stone it or coal pave it. They said it would be in this status for 30 days.

6:05- Lynn Parnell...Really?

6:06- George Worden
Yes, I know that doesn't make you feel warm and fuzzy about that because of that road, but it did slow the traffic down.

6:15- Lynn Parnell...not the manure trucks, they are going up and down this road like you wouldn't believe it, leaving nothing but a cloud of dust.

6:27- George Worden
I will point that out to the county and see what they want to do about it. They need the traffic on there to help tighten the road back up as well. The trucks do need to abide by the construction speed limit signs, which would be a concern. I recommend calling the Sheriff's Department and make out a report.

6:49- Lynn Parnell
Okay, well last week it was Donnans and this week it's M & T.

6:58- George Worden

If it's M & T, if you want I can make a call and I can call Donnan's too, to make sure everyone is abiding by the speed of the construction area. I will make those phone calls tomorrow.

7:14- Lynn Parnell...okay, thank you.

7:16- Supervisor Deming
Anyone else have any questions on Highway?

7:24- Supervisor Deming
George, have you been keeping track of the CHIPS and where we are going with that?

7:28- George Worden
We have been a little bit, our State Association is tracking the CHIPS. Right now everything is there in the budget. The scary part is we all know what is happening to the budget because our Governor already said he is going to take 30% of the school's budget back, so he can pull ours back at any time. So, we could go forward and hurry to get the reimbursement made before he has a chance to pull that...it's a gamble. Or do I do half of it and see where we are at so we don't get in financial trouble.

8:07- Supervisor Deming
Yeah, let me pull the budget and we can talk about it later this week. If you could give me a list of what you want to do with the CHIPS, what your plans are and how much each section is going to cost, we'll see where we are budget wise and then what we can get done in the next two to three months and get it billed back to the State. Once it's billed back the Governor can't take it at that point, but anything unused, is my understanding, he can take back.

8:58- George Worden
Okay, so I will bump up the schedules with the sales reps and firm up with them.

9:11- Supervisor Deming
Okay

9:12- Supervisor Deming
Water and Sewer Report...

9:14- George Worden
We did have a water leak on River Road. We had to replace a saddle down there, it was on a two inch tap. I think it had been leaking for a bit. I know we lost some water out of the deal, but I can't put a total number on it because it was unmetered water. The other thing is we have a water adjustment, which I'm sure you got, it's on your agenda, and is more water lost. Our water consumption has gone up a little bit so we're keeping an eye on it.

10:01- Supervisor Deming
Yeah, we looked at it this afternoon, on the consumption and it seems to be balancing out for what we're being charged from Geneseo and what we're actually billing out. So, I think we are okay.

10:19- George Worden

The sewer seems to be working okay. I did get some quotes back. I can make copies of them and maybe we can get them emailed to everyone if you want to look at them for the Gen Set down at the Tabtronics pump station. Right now it is not a big emergency at this moment because we have a generator down there that we are utilizing for that, in an emergency situation. We can actually wait if you want until next month and we can discuss it. The prices aren't going to change that much, but just so you know we are talking about a substantial piece of coin.

11:04- Supervisor Deming

Okay, why don't you get a copy out to the board members and then we can discuss it next month.

11:06- George Worden

Okay

11:12- Supervisor Deming

Anything else for Water and Sewer?

11:14- George Worden

No, we're good there

11:16- Supervisor Deming

Does anybody else have questions for water and sewer?

11:22- Amos Smith No

Lynn Parnell No

Norm Gates No

11:26- Supervisor Deming

On New Business we have a water adjustment request from Our Family Diner. I guess the bill was \$685.03. They did have a leak that has been corrected and I believe the adjustment savings is \$114.62.

11:48- Amos Smith

George, did you investigate that? How long had it been going on?

11:53- George Worden

It had been going on for that quarter.

11:57- Amos Smith

Three months?

11:58- George Worden

Possibly. Yeah, it is tough to tell when it actually leaks because we read them every quarter. It gives us a high read on that quarter and we just go by the average of a quarter, so it could have started halfway through that quarter or it could have been at the beginning of the quarter.

12:33- Supervisor Deming

I do know that the owners of the diner did not know they had a leak until they got their water bill and then verified with Connie they had a high reading.

12:34- George Worden

That's correct

12:38- Amos Smith

Okay, I'll make that motion...this is the first adjustment they would have?

12:40- Supervisor Deming...Yes

12:47- Amos Smith

I'll make the motion to approve the adjustment

12:51- Frank Rose

Second

12:54- Supervisor Deming

Roll Call...

Norm Aye

Frank Aye

Amos Aye

Lynn Aye

Supervisor Aye

13:01- Supervisor Deming

We also have a Water Tap Application for 2683 Limerick Road for Brad and Melissa Zambito. We have received the check for \$1500 for that and we need a motion to approve it.

13:30- Amos Smith

I'll make that motion

13:35- Norm Gates

Second

13:40- Supervisor Deming

Roll Call

Norm Aye

Amos Aye

Lynn Aye

Frank Aye

Supervisor Aye

13:50- Supervisor Deming

We have a proposal from Municipal Solutions, that's who we use for our Rural Development help with paperwork in financing for the Retsof Collection System. This is for the Retsof Sewer Project, it is not to exceed \$20,000. The fee is based on the project scope outlined in the contract over a 12 month period. Any questions on this one?

14:36- Amos Smith

I'm assuming this is standard practice Jerry?

14:40- Supervisor Deming

Yes, we use Municipal Solutions on just about all of our water projects.

14:42- Amos Smith

What is the scope of most other costs associated with projects like this, is it within range?

15:02- Supervisor Deming

Yes, what they will be doing is a lot of work through Rural Development for more money. We did get a \$500,000 grant from EFC on this project and they'll work on getting us more money for it.

15:29- Frank Rose

Is a grant like that protected during this pandemic?

15:32- Supervisor Deming

Yes it is

15:40- Supervisor Deming

So we need a motion for that...

15:42- Lynn Parnell

So moved

15:44- Frank Rose

Second

15:50- Supervisor Deming

Roll Call

Amos Aye

Lynn Aye

Norm Aye

Frank Aye

Supervisor Aye

15:56- Supervisor Deming

I believe everyone received paperwork on this, on the Retsof Sewer Plant proposal for engineering services. CPL, Clark Patterson Lee did the engineering report for the disinfection of the wastewater treatment plant along with the other general improvements. We did get a grant for \$24,000 to cover those costs. So we need a motion to accept the \$24,000 and also reimburse CPL the \$24,000.

16:54: Lynn Parnell

So moved

16:56- Norm Gates

Second

17:00- Supervisor Deming

Roll Call

Norm	Aye
Lynn	Aye
Amos	Aye
Frank	Aye
Supervisor	Aye

17:05- Supervisor Deming

Anderson Road water...we did have five bidders. We opened the bids on Thursday, May 7th at the town hall. The low bidder was Morsch Pipeline in the amount of \$1,350,116.00. Out of the five bids, the second lowest was only \$2,000 difference, and all were under the \$1.8 million estimate. So, to award the bid for the Town of York Anderson Road Water District...

Whereas, the Town of York received bids on May 7, 2020 for the construction of approximately 31,000 linear feet of 6-inch and 8-inch water mains, valves, hydrants, water services, and associated appurtenances along portions of Anderson Road (County Road 45), Main Street (NYS Route 36), Limerick Road, Federal Road (County Road 50), and Linwood Road (County Road 23) in the Town of York;

Whereas, Morsch Pipeline, Inc. of Avon, NY, was the lowest responsible bidder at a cost of \$1,350,116;

Whereas, CPL has completed a review of the low bidder and the bid tabulation;

NOW THEREFORE BE IT RESOLVED, the Town of York hereby awards the bid to Morsch Pipeline, Inc. at a cost of \$1,350,116 contingent upon approval by the USDA-Rural Development and the insurance and bonding being in place as approved by the Town Attorney; and

BE IT FURTHER RESOLVED, the Town of York hereby authorizes the Supervisor to execute the agreement with Morsch Pipeline, Inc and to issue the Notice to Proceed once the Aforementioned conditions are met.

We need a motion...

19:30- Norman Gates

So moved

19:33- Lynn Parnell

Second

19:36- Supervisor Deming

Roll Call

Norm Aye

Lynn Aye

Amos Aye

Frank Aye

Supervisor Aye

19:51- Supervisor Deming

Everyone also has a copy of the USDA required resolution, since the Town has specific requirements for materials. It's a Resolution to Standardize Water Service Fittings, Water Valves and Hydrants in the Town of York.

20:10- Supervisor Deming

Any questions on this?

20:12- Lynn Parnell

No

20:16- Supervisor Deming

We need a motion...

20:17- Norm Gates

So moved

20:18- Amos Smith

Second

20:25- Supervisor Deming

Roll Call

Lynn Aye

Norm Aye

Amos Aye

Frank Aye

Supervisor Aye

20:37- Supervisor Deming

I want to mention that masks are still available at the town hall. To date we have received 1400 from the County, with roughly 350 still remaining. Anyone wishing to obtain a pack of 5 please visit our website for details or call the office directly.

21:15- Supervisor Deming

Other Business I have... after the last Planning Board meeting Joe McIlroy, Jim Campbell and myself were on the phone discussing the meeting and how unhappy we were with how that meeting went along with the engineer from TY Lin. After the very first meeting we met with the engineer from TY Lin to go over what our procedures are, what we expected him to follow and after the second meeting, they seem to not have changed at all. So, we have relieved TY Lin of the engineering for this project for Solar Park.

Jim...you're still on the phone, can you explain conversations we had with another engineer and where we are with that.

22:24- James Campbell

Sure, just to clarify, we did relieve TY Lin of all responsibility for consulting engineering services, not just for Solar Park but also with regard to the pending OYA application and the Article 10, the White Creek Article 10 project that will involve the Town of Leicester as well. Following the discussions between Jerry, Joe and myself we came to the conclusion that it made sense to at least try to see if we could find someone that was a better fit for the Planning Board. One of the firms that I work with is MRB. I work with them in the Town of Avon, and they have a gentleman by the name of Lance Brabant, who is a Planning Specialist. He works with planning boards, that is his function with regard to the review of site plans and special use permits for all different kinds of projects, from small commercial to very large, complex commercial things. His firm has varying degrees of engineering and architectural expertise on staff. So, what he does is come to the planning board meetings and familiarize himself with the procedure and protocol and code of the given community and then work with a planning board to help facilitate the review of the projects based on what their needs are. He's a very competent guy and has a really good personality. He likes working with boards and takes direction well. He tries to meet the needs of the board rather than takeover and change processes that communities are used to. I suggested to Jerry and Joe that maybe we have a conference call with Lance and have some conversation about whether it might be a good fit. One of the other planning board members, Chris Wall participated in that conference call as well. The conference call I thought, was good, it seemed that Joe and Chris were comfortable with what they were hearing from Lance, and certainly based on my familiarity working with him for four or five years on lots of different kinds of matters, I think he'll be a real asset, with a lot of assistance to the planning board. I think the fit is really going to be great. So, my recommendation to Jerry and Joe was if they were comfortable, to consider engaging MRB for that position that was previously filled by TY Lin. Again, MRB has a lot of expertise. They do have an engineer who works on a lot of solar things, including the big Article 10 projects, so I think it might be a good fit. What Joe has asked on behalf of the planning board, is that the Town Board give their blessing to entering into an engagement agreement with MRB and Lance Brabant. Lance sent over the proposed engagement letter this afternoon, I think Jerry has it. The terms of it are I think favorable, the cost is going to be probably more modest than what we were paying with TY Lin. I don't think you're going to sacrifice anything in terms of expertise, and certainly he's going to work better with the boards and that's going to facilitate these projects being much more efficient. I think the applicants are going to be happy because we're not going to be delayed by our consultant. Our consultant is going to help make things more efficient, not less.

27:08- James Campbell

So, Joe is looking for a motion from the board to authorize the Planning Board to go ahead and make that change, and Jerry would sign that engagement letter if it's the pleasure of the board.

27:32- Supervisor Deming

Any questions...

27:35- Amos Smith

So moved

27:42- Norm Gates

Second

27:47- Supervisor Deming

Roll Call

Lynn	Aye
Norm	Aye
Frank	Aye
Amos	Aye
Supervisor	Aye

27:51- Supervisor Deming

We received a letter this afternoon from Kirk Richenberg and he had some questions. Part of this deals with TTHMs and test results and so on. I think George, I read some of this to you just before the meeting, can you comment on the averages and what we are getting right now.

28:36- George Worden

On the TTHMs everyone knows that we're at the mercy of our supplier of getting a low number from them. Anytime we get something above a 50 we run a risk, toward Fowlerville, of getting an 80 on our TTHMs. So basically we're kind of at the mercy of the supplier there. It hasn't gotten any worse since we've done any of the expansions or anything. It's going to be interesting because it is temperature related. The other thing is, it doesn't just affect how much water we're using, it's also on how long it sits in their 3 million gallon reservoir over there. You have to take into consideration too when the college is in session they use a lot more water in Geneseo than when they're not. So, that kind of affects us as well, that is one reason I think its temperature related. We are doing the best we can, everything that goes to our tanks is getting treated with the Grid Bee which includes the ones on Tuttle Road and the one up on Covington.

29:59- Amos Smith

Both are operational?

30:01- George Worden

Yeah, that's correct

RECEIVED

Cmtt | 5/12/20 DATE
2:30 PM

Town of York Board,

I have the following questions for which I would like to be answered.

In the 2019 Annual Water Quality Report the TTHMs averaged just under the allowable limit. What were actual test results for each date the samples were taken? It has been stated many times at public meetings by the town engineering firm and the water department leader that this TTHM problem would be resolved with the increase in water usage by adding users. Why is this not the case? Also when the town applied for the grant and/or loan for the upcoming Anderson road water project did the town reveal the 2019 TTHMs were above the EPA limits? More important has the town informed all the potential new customers of this ongoing problem?

What was the reason for all the ditch work and the new driveway pipe at and near the first house north of Linwood Rd on Federal Rd? It was my understanding that this ditch was all taken care by the contractor who installed the water main to this area. How does the town board address problems with contractors on past projects and with these contractors awarded future and upcoming projects? Will this be considered in the Anderson road water project?

Was there a public meeting held for the opening of the bids for Anderson Rd water project?

Is the town board considering any possible ways for virtual public input at public meetings?

Kirk Richenberg

5/11/20

30:07- George Worden

That's the best we can do, we have to stay under an 80 with a limit. We do the best we can but sometimes we have only a few points to work with because we have received in the high 70's from Geneseo. When we get those reads we know we are going to be in trouble.

30:31- Supervisor Deming

One of the other questions is when we applied for a grant and a loan for the Anderson Road project, did the town reveal the 2019 TTHMs were above the EPA limits?

30:51- Supervisor Deming

I don't actually recall that. Believe me Rural Development went through everything, and I don't think they missed a thing. I do not remember anything being discussed about TTHMs at that time. The other question is, was the potential new customers informed about the TTHMs? Yes, that was at the public hearing. Somebody brought that up and asked that question and it was addressed at the meeting, so they were aware. Plus the report is published each year for all the residents to view.

George, you recently did some ditch work and installed a new driveway pipe near the first house north of Linwood Road and Federal Road...does it have anything to do with the contractor when the work was done up there?

31:52- George Worden

It does not. The gentleman that lives there called me up one night because it was running, and it was raining at the time, he said he was having problems with water in his front yard and his drainage all goes out the front of the house, eaves trough and everything. So I went out and took a look at it and noticed it wasn't draining from the north side of his driveway properly, that was because of a driveway pipe that was bad. To be honest when a driveway pipe goes bad, it is our responsibility. Then I had other conversations with this gentleman and he asked if there was any way I could get the driveway pipe deeper. I told him we couldn't answer that question right then. The water was running down the ditch properly other than where we did put some stone back in the ditch with the wing, unfortunately this winter. So we went up with a laser and was able to lower his driveway pipe by six inches and still have fall to the crossover pipe that goes under Linwood Road I did do this for him like I would do for anyone that asked us if it was possible to do. So, we cleaned the ditch and lowered the ditch and replaced his driveway pipe.

33:28- Supervisor Deming

How does the town board address problems with contractors on past projects and with these contractors awarded future and upcoming projects? Will this be considered in the Anderson Road water project? ... I'm not sure, I don't think right now we have any past projects or problems with any contractors that I am aware of. Is that the case George?

33:56- George Worden

Yeah, everything was done and fixed properly that we asked for any of these past projects we've had. Even the most recent one through Linwood.

34:13- Supervisor Deming

Was there a public meeting held for the opening of the bids for Anderson Road water project? Yes, the bid opening took place on Thursday, May 7th at 8 am at the Town Hall and it was advertised.

34:31- Supervisor Deming

Is the Town Board considering any possible ways for virtual public input at public meetings? I'm not looking to do anything different than what we're doing at this time.

34:47- Supervisor Deming
Anybody have any other business?

34:53- Amos Smith
Jerry, with the update on TY Lin can you also address the other issue, I think was addressed regarding the solar officer?

35:18- Supervisor Deming
Are you talking about Shawn Grasby?

35:20- Amos Smith
Yes

35:22- Supervisor Deming
Yes, that was also discussed, and Jim you did have a conversation with him?

35:30- James Campbell
Yes, in fact Shawn and I spoke again today. Shawn's role from his perspective is really most helpful at a different point in the solar projects, certainly with regard to Article 10, the big ones, he will likely need to be much more involved and it really will be a regular involvement not sporadic, and will be regular for quite some time once that gets going. With regard to the smaller projects like Solar Park and OYA, his thought is that from an efficiency standpoint and a financial standpoint, it doesn't make sense for him to be very involved until possibly when it comes time to issue permits, if Carl needs his assistance. The permit requirements for the solar projects are very particular and if Carl is not familiar with them Shawn would be willing to assist on an as needed basis. He really sees himself being in the background until needed on those things, and with regard to the Article 10 when needed when that project starts to take off.

37:04- Amos Smith
Have we incurred any expense with him thus far?

37:09- Supervisor Deming
I haven't see any expenses from him.
Amos Smith- okay

37:14- James Campbell
Now, I don't know if we have or not, but I will tell you he's been a good resource on a number of things for me. If he hears something or sees something that he thinks might be beneficial he does pass it along. He may not be billing you for that and that wouldn't surprise me but I just wanted you to know I think there has been some real benefit already from him on some of these things. You can let me know if you get a bill from him or not, I don't play a role in that so I have no idea whether that will happen.

37:59- Supervisor Deming
Any other questions...

38:04- Supervisor Deming

Now we need approval of the Bills:

General Fund	# 116-138	\$ 15,251.20
Consol. W/S	# 95-114	\$ 186,872.45
Youth Fund	# 5	\$ 428.00
Light District	# 5	\$ 1,605.36
Highway Fund	# 90-101	\$ 9,522.43

Need a motion to approve the bills...

38:35- Lynn Parnell

Jerry, what's the Youth one for?

38:38- Supervisor Deming

That bill I believe is for basketball, just coming in, there is nothing going on right now.

38:44- Lynn Parnell

Oh, all right

**** Town Clerk Point of clarification: the \$428.00 Youth claim was actually the annual premium from Markel Insurance, who writes the liability policy for the York/Leicester Youth program.**

38:47- Supervisor Deming

Motion for the Bills...

38:48- Lynn Parnell

I make a motion to approve the bills

38:50- Amos Smith

Second

38:56- Supervisor Deming

Roll Call

Lynn Aye

Norm Aye

Frank Aye

Amos Aye

Supervisor Aye

39:09- Supervisor Deming

Is there any other business before the Board?... Christine, did I miss anything?

39:17- Clerk Harris

You covered everything.

39:20- Supervisor Deming

We need a motion to adjourn.

39:25- Amos Smith

So moved

39:28- Frank Rose

Second

39:30- Supervisor Deming

Roll Call

Lynn Aye

Norm Aye

Frank Aye

Amos Aye

Supervisor Aye

39:38- Supervisor Deming

Meeting is adjourned, thank you everyone...

James Campbell- Thank you everyone, have a good night...

39:48- Frank Rose, Norm Gates

Good night

Transcribed by <https://otter.ai>

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk
7:40 p.m.