

Public Hearing  
October 27, 2020  
“Modify Boundaries”  
5:00 p.m.

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

Absent: Amos Smith

Others: James Campbell (Town Attorney), Dustin Geiger, Kirk Richenberg, Donald Gullo, George Worden Jr. (Highway Supt.) Carl Peter (Zoning/Code Officer) Henry Fuller, Sandra Curran and Justin Bennett (Baldwin Business Services).

Supervisor Deming opened the Public Hearing at 5:02 p.m. and read aloud the purpose of the meeting after which he turned it over to Attorney Campbell for additional detail. Mr. Campbell stated that the required hearing is to receive public opinion and comment on the proposed law to modify boundaries. The parcel containing a strip of land 100 feet in width (north to south) and 600 feet in length would be modified from the present zoning of Industrial to Hamlet Residential with the official Town of York Zoning map to be amended to reflect this reclassification if adopted by the Board.

Mr. Campbell stated that he has submitted to the Livingston County Planning Board this zoning referral for the review which will take place at their November 12<sup>th</sup> meeting. Once the Town Board receives the county’s determination, we may take action at the December 8<sup>th</sup> meeting after conducting a SEQR review. Other matters such as an easement for turnaround purposes; 30 x 60 ft. (with Mr. Worden) and drainage (with the Planning Board) will need to be discussed.

**QUESTIONS/COMMENTS:**

Q-Kirk Richenberg: Why wasn’t the easement mentioned in the actual notice?

Mr. Campbell answered that it wasn’t necessary to do so in the hearing notice but did want Mr. Gullo to know of Mr. Worden’s request this evening. Easement wording is not part of the Local Law.

Q-If the easement is not obtained, will the Town go forward with the Local Law?

Mr. Campbell replied the Board, Mr. Worden and Mr. Gullo have to discuss the easement further but the Board can certainly proceed with the Law.

Mr. Worden commented due to location being a dead-end street, it is very difficult to get our trucks turned around there without an easement. We have since purchased a smaller truck for this area and others but a written easement will be necessary since we only had a handshake agreement with the previous owner. Mr. Worden added that garbage trucks also use the turnaround as well. Mr. Worden briefly discussed options

with Mr. Gullo, with Mr. Gullo stating that he does not have an issue but does not want to cut into the 600 feet too much. Mr. Worden added he would be willing to move the driveway if necessary.

Mr. Campbell requested if changes are made to please make him aware of them for documentation purposes. Mr. Worden asked, with an easement we have use of the property but no ownership, correct? Attorney Campbell replied that is correct.

Q-Mr. Richenberg: At initial discussions, spot zoning was talked about, why isn't this spot zoning, it was Industrial surrounded by agricultural, there is a buffer?

Attorney Campbell answered that the road itself does not have a zoning classification. We need to make sure it's contiguous, if there was not Hamlet Residential there it would have been spot zoning. If you review case law, spot zoning is when you take an isolated area to something completely different, this is not the situation.

Q-Mr. Richenberg: You should be concerned about setting president. That land is pretty barren because of what was previously there. If you change to residential, make sure there is no fall back on the Town if he has land issues.

Mr. Campbell replied there will not be liability on the Town of York but perhaps on Mr. Gullo.

Comment: Dustin Geiger- In our Comprehensive Plan, we encourage and want additional residential homes, this proposed change makes sense.

After no further comments or questions....

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to close the Public hearing at 5:20 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,  
*Christine Harris*  
Christine M. Harris, Clerk

Public Hearing  
October 27, 2020  
Override the Tax Cap  
5:15 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Lynn Parnell, Norman Gates and Frank Rose Jr.

Absent: Amos Smith

Others: James Campbell (Town Attorney), Dustin Geiger, Kirk Richenberg, George Worden Jr. (Hwy. Supt), Carl Peter (Zoning/Code Officer), Henry Fuller, Sandra Curran and Justin Bennett (Baldwin Business Services).

Supervisor Deming opened the hearing for proposed Local Law #2 of 2020; to Override the Tax Cap limit at 5:20 p.m. and asked Mr. Bennett to give a brief review.

Mr. Bennett read aloud the budget number of \$1,617,512.00 which is the amount we need to achieve without going over the tax cap. The number we are currently at is \$1,630,074.50 which is \$12,562.50 over. Supervisor Deming stated the only reason we are over the tax cap is because of the debt service for the Anderson Road water project.

QUESTIONS/COMMENTS:

Q-Kirk Richenberg: Why wasn't this brought up at the October 13<sup>th</sup> meeting?

Supervisor Deming answered while scheduling all of the other meetings, he completely forgot this one.

Comment: Mr. Richenberg: It looks fishy that a Special Board Meeting was held 2 days later.

Mr. Campbell stated due to notice requirements, the Special meeting was necessary.

Q-Mr. Richenberg: Can we take the money out of the Fund Balance so we don't go over the tax cap?

Supervisor Deming answered that we cannot take money from the Fund Balance because accounts must be kept separate and as of right now this account does not have monies in it.

After no further comment or questions...

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to close the Public Hearing at 5:25 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,  
*Christine M. Harris,*  
Christine M. Harris, Clerk

2020 Budget Hearing  
October 27, 2020  
5:30 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Lynn Parnell, Norman Gates and Frank Rose Jr.

Absent: Amos Smith

Others: James Campbell (Town Attorney), Dustin Geiger, Kirk Richenberg, George Worden Jr. (Hwy. Supt), Carl Peter (Zoning/Code Officer), Henry Fuller, Sandra Curran and Justin Bennett (Baldwin Business Services).

Supervisor Deming opened the 2021 Town of York Budget Hearing at 5:30 p.m. and asked Mr. Bennett to review highlights.

Mr. Bennett began by giving a summary of the appropriations and provisions of each fund:

General Fund -	\$599,093.00
Highway Fund -	\$822,630.00
Fire District -	\$204,251.00
Consolidated Water -	\$1,187,428.81
Retsof Sewer Dist. -	\$63,977.00
Sewer Dist #1 -	\$431,802.00
Sewer District #2 -	\$97,990.00
Joint Youth -	\$18,400.00

Supervisor Deming reported that we do not have new equipment in the upcoming year's budget but do have a few sewer upgrades including a building expansion we've planned for which Mr. Worden briefly discussed.

Mr. Deming stated that not many changes have occurred. The budget includes a 2% increase for employees, two pickup trucks (1 for the Highway Dept and the 2<sup>nd</sup> for Water/Sewer; both to be taken from the 2020 budget)

Mr. Bennett explained that it is very difficult to determine what the State will give us through the CHIPS funding. In 2020, we budgeted \$158,000.00 and for 2021 we budgeted \$131,581.00.

Supervisor Deming stated he is pleased with the current state of our fund balances.

Mr. Bennett reviewed the Fund balances from 2019:

General Fund A-	\$267,851.00
Highway Fund DA -	\$270,591.00
Consolidated Water -	\$593,959.00
Retsof Sewer Dist. -	\$319,024.00
Sewer Dist. #1 -	\$525,437.00
Sewer Dist #2 -	\$80,718.00
Joint Youth -	\$8,602.00

**Questions/Comments:**

Q-Mr. Fuller: Why is there an increase in the Police and Constable?

Supervisor Deming stated due to State regulations we are required to have a Deputy for each DA Court Night which now takes place twice per month.

Q-Mr. Fuller: Asked to explain the contract expenses (Accounts/Codes)

Mr. Bennett stated the following:

- .1- Wages (Personnel Services)
- .2- Equipment
- .4- Contractual Expense
- .6- Debt Service Principal line items
- .7- Interest line items
- .8- Employee Benefits
- .9- Interfund transfers

Q-Mr. Richenberg: Asked if every category has the same purpose.

Mr. Bennett explained the purpose for each of the line items. Supervisor Deming added we can always go back to see what has been spent for each department, in several ways even by vendor.

Q-Mr. Richenberg: In regards to the summary page, last year and this year you read off the numbers, it is too difficult to write it down as you read them, can't we have them in writing?

Mr. Bennett answered he would have to verify.

Comment: Mr. Richenberg- All we want is to have 1 more column added to show last year as well as this year, also it would be helpful if you numbered each page.

Q-Mr. Richenberg: In the Tentative budget there are appropriations made out for vacant land?

Mr. Bennett replied they are not paying out, they are paying in.

Comment: Mr. Richenberg- We need to clarify how the Tentative automatically changes to Preliminary.

Mr. Bennett explained in detail the process involved.

Q-Mr. Richenberg: In that process, does the Town Board have to say what the changes are?

Mr. Bennett replied changes are outlined in the Preliminary Budget.

Q-Mr. Fuller: In the General Fund "Garage", what is \$6,000?

Mr. Bennett replied the money is for the Highway Department garage building.

Q-Mr. Fuller: For contractual expense (.4)?

Mr. Bennett stated that the way the book is set up, Transportation reflects totals for that section (Highway).

Q-Mr. Richenberg: Under the Justices line item (Equipment), \$2,500.00 is that something new?

Supervisor Deming answered that the Justices requested funds for equipment.

Q-Mr. Richenberg: Why not increase the contractual, A1110.4?

Mr. Bennett replied this line is for postage, envelopes etc. which are variable expenses, the numbers for expenses continue to go up.

Q-Mr. Fuller: In the Library line item, \$6,700.00 (A7410.4)?

Supervisor Deming answered that no funds are budgeted for this year, but we previously donated to the Pavilion and Geneseo Libraries.

Q-Mr. Fuller: Historian line item?

Mr. Deming stated monies are budgeted for the yearly Historian as well as for moving of historical documents from their current location to storage.

Q-Mr. Richenberg: Unallocated Insurance?

Supervisor Deming reported that we have changed insurance companies and premiums are continuing to increase. We previously had Selective and now have NYMIR.

Q-Mr. Richenberg: Under Street Lighting, I believe it was \$18,000 for last year, now at \$24,000?

Mr. Bennett answered that we projected spending over \$18,000 for this year so we increased. Supervisor Deming added now that it is town wide, if Linwood or other areas previously not in the district want a light, we have additional money for it.

Q-Mr. Richenberg: How do they calculate it?

Mr. Worden replied that it is regulated.

Q-Mr. Fuller: For the Fire District, does the public get a chance to view what's ahead?

Supervisor Deming answered he doesn't see why they wouldn't.

Comment: Mr. Fuller- We are getting less ambulance coverage but budget more.

Supervisor Deming stated that is not correct. Volunteers cover from 6pm.-6am., and we do not fund the ambulance. What is budgeted is for fire protection.

Q-Mr. Richenberg: Decrease in cemeteries (A8810.4)?

Supervisor Deming replied we are going to have the Highway Department mow once again; we are not contracting out for 2021.

Q-Mr. Richenberg: In General Fund revenues, increase in A1081 (other payments in Lieu of Taxes)?

Mr. Bennett answered this is for the WNY Pilot Agreement.

Q-Mr. Richenberg: So, in year 10 they should be at 100%?

Supervisor Deming replied Yes, but he is not sure what year we are in currently.

Q-Mr. Richenberg: On the Revenue side (State Aid Per Capita) are we optimistic or realistic with the numbers?

Mr. Bennett replied that the State stopped paying last year, but we won't take it away.

Q-Mr. Richenberg: In Highway appropriations under Personal Services (DA5110.1), there is a substantial increase from \$77,750 to \$101,722?

Councilwoman Parnell stated in her previous notes, the Board discussed the purpose for this increase stating that the benefits have been moved to this line item, combo of salary and benefits.

Q-Mr. Fuller: What is the definition of personal services?

Mr. Bennett stated Personal Services are wages for that line.

Q- Mr. Fuller: The Town Clerk's salary is \$32,640.00, is that the entire amount?

Supervisor Deming stated that this salary is for the elected position, other lines in the budget are for water, sewer and Registrar of Vital Statistics. Mr. Bennett added, the back page of the budget represents wages just for elected positions.

Q- Mr. Fuller: Under Highway "Misc. Brush/Weeds", \$ 16,000 ?

Mr. Worden stated this is for brush pick up, removal of trees and mowing roadside.

Q- Mr. Richenberg questioned the math on Highway employee benefits.

Mr. Bennett outlined the numbers on each line item and added that the department has the opportunity to bank their sick time, which we need to be mindful of. What was paid out to the employees could potentially be greater.

Q- Mr. Richenberg: Why can't we get the numbers closer?

Mr. Bennett replied right now they are broken down separately, this is what we have.

Q- Mr. Geiger asked if the employees are able to roll in other things?

Mr. Worden answered that sick time is the only thing that can be accumulated.

Comment: Mr. Richenberg stated that the Town Board needs to dial in the numbers more. We have \$175,000 in Fund balances that could be used.

Q- Mr. Richenberg: The State froze wages, how do you justify a 2% increase, these are unprecedented times?

Supervisor Deming stated that the Board did discuss this, but ultimately believed they deserve the increase.

Comment: Mr. Richenberg: The Governor put a freeze on, you need to reevaluate.

Supervisor Deming replied that we are not the only town that is proposing a 2% increase for their employees, he has spoken with many Supervisors and the majority did the same.

Mr. Bennett added that minimum wage is also going up as well.

Q- Mr. Fuller: In Water Appropriations; "Pers. Services" (SW8310.1) Why such a decrease from \$31,000 to \$4,900?

Mr. Bennett stated it was an allocation transfer to disburse the payroll expenses that were going into this account.

Q- Mr. Richenberg: Water Contractual (SW8310.4) dramatic decrease?

Mr. Bennett answered that it was for engineering fees for water. It went from \$57,833 to \$6,000.

Q- Mr. Richenberg: Are we anticipating a new water/sewer employee?

Supervisor Deming stated we do hope to hire a new person, we are stretching the current staff with all of the new water projects, and we need to think ahead to when our senior water/sewer operator is ready to retire, we need to have trained operators. This is not certifications you can obtain quickly.

Q- Mr. Richenberg: You mentioned previously the Rt. 20 project (Growmark) ?

Supervisor Deming commented that we are going to Growmark, perhaps to McPherson or MacIntyre Road. It is planned to go 500 feet. Just to make clear, if we go past Growmark we will be over the tax cap next year and if we proceed with Retsof Sewer Improvements we will be over the cap that year as well.

Q- Mr. Richenberg: In Sewer Dist. #1 Revenues "Sewer Charges" (SS1-2122), why did the amount go away; \$ 29,635?

Mr. Bennett stated the revenue previously was from WNY Cheese and Craig Station.

Q- Mr. Richenberg: So this is lost revenue that others will have to make up because we will not receive any more?

Supervisor Deming stated we won't have it, but we did receive money for upgrades.

Q- Mr. Richenberg: In Joint Youth, "Personal Services" ?

Supervisor Deming answered that this is for Pete Robinson (Director) and staff. Mr. Bennett added that we share this with the Town and Village of Leicester.

Q- Mr. Richenberg: Is there a separate account between the Town of York, Geneseo and Caledonia?

Mr. Worden replied it is taken from the Highway account, (.4).

Q- Mr. Richenberg: Is there a separate account for guys working for the County?

Supervisor Deming stated that we bill the County separately for manpower and trucking.

Q- Mr. Richenberg: Are we coming out even, are the numbers adding up?

Supervisor Deming answered that we are ahead on the numbers for County work. Mr. Worden added we try to utilize the hours evenly.

Q- Mr. Richenberg: If we added things in total, just want to make sure we are not losing out. Is there a dollar for dollar account?

Mr. Bennett answered we are not losing out and there is not a dollar for dollar account.

Q- Mr. Richenberg: In the 2020 budget there was money for pickups?

Supervisor Deming stated there is money in for trucks, and the purchases will be taken from that year.

Q- Mr. Fuller: In Youth; Personal Services, who are we paying?

Supervisor Deming replied that we have already answered this, the amount is for the Youth Director and youth staff. The program was able to proceed with basketball this year but had to cancel remaining programs due to COVID-19.

Q- Mr. Fuller: Youth contractual, what happens with unused money?

Mr. Bennett said money not used goes into the fund balance. Supervisor Deming commented that he hopes the programs will be up and running next year.

Discussion was held on potential for reduction of Youth line items, Ms. Curran explained that Youth is a separate item shared by three (Towns of York & Leicester and Village of Leicester) and can't be reduced.

Supervisor Deming stated that monies are used for soccer, basketball, baseball, field trips and other summer youth programs.

Q- Mr. Fuller: Does the school have money in this?

Supervisor Deming answered that they do not have money in the program but do allow us use of the fields and the school (swimming pool and gym).

Q- Mr. Fuller: Did the Board decide about Town Hall rentals?

Supervisor Deming stated we have not made a determination yet.

Q- Mr. Richenberg: The salary for the Town Clerk, is it \$46,273.00?

Supervisor Deming replied she has several line items throughout the budget, added together.

Comment: Mr. Richenberg: I would like to see the Board consider reducing the fund balances more. Water district has separate costs and will have an increase on their part. I would love to see more of a reduction, we need tax relief.

Supervisor Deming stated things will tighten even more next year with less relief from the State and Federal governments. Mr. Bennett added, the towns you are hearing about in the news/papers are struggling because of not having enough fund balances on hand.

Comment: Mr. Richenberg: The Board needs to have further review before approval.

Supervisor Deming stated that \$12,000 will not change the budget numbers dramatically.

Comment: Mr. Richenberg expressed that many people are struggling in these difficult times and every bit helps.

After no further questions or comments....

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to close the Budget Hearing at 6:58 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,  
*Christine M. Harris,*  
Christine M. Harris, Clerk

October 27, 2020  
6:30 p.m.  
Special Town Board Meeting

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

Absent: Amos Smith

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt.), Dustin Geiger, Henry Fuller, Kirk Richenberg, Sandra Curran & Justin Bennett (Baldwin Business Services)

Supervisor Deming opened the Special Town Board Meeting at 7:00 p.m.

1) Local Law decision

a- Tax Cap override:

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

A Local Law to override the tax levy limit established in General Municipal Law 3-C

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of York pursuant to General Municipal Law § 3-c 5, and to allow the Town of York to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c 2 (g).

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of York, County of Livingston, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or

circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

Date: October 27, 2020

Moved by : Councilwoman Parnell

Seconded by: Councilman Gates

Roll Call of Town Board:

Supervisor Gerald Deming	Aye
Councilmember Lynn Parnell	Aye
Councilman Norman Gates	Aye
Councilman Frank Rose Jr.	Aye
Councilman Amos Smith	Absent

Certified by: Christine M. Harris on October 28, 2020  
Christine Harris, Town Clerk                      Date

\*\* With this approval it will now make this Local Law #1 of 2020 for filing with the State.

2) 2021 Town Budget

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adopt the 2021 Town of York Budget as presented. Voted on and approved, Yes-4, No-0.

3) Minutes

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the minutes of the October 13<sup>th</sup> regular Town Board meeting and October 15<sup>th</sup> Special Town Board meeting. Voted on and approved, Yes-4, No-0.

**ADJOURNMENT**

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Special Town Board meeting until November 10<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 7:02 p.m.

Respectfully Submitted,  
*Christine M. Harris*  
Christine M. Harris, Clerk