

York Town Board Meeting
April 13th, 2021
7:00 pm

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Norman Gates

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), Joe McIlroy (Planning Board Chairman), Henry Fuller, Heather & Davies Nagel, Blaine VanRy, Cortney Underwood, Greg Burm, Carl Peter, (Zoning/Code Officer), Dustin Geiger, Chris Geiger George Worden Jr. (Highway Supt.), Kirk Richenberg, Avery Wall, Molly Cummings, David Rose, Rebecca Lewis and Martha Edmonds.

Supervisor Deming opened the Town Board Meeting at 7:05 p.m. and invited Councilman Gates to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of the March 9th Town Board Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY

Mr. Worden reported the following for the Highway Department:

- We have recently put away the snow plow equipment, let's hope for the best
- Started mowing parks and cemeteries
- Next week we will be changing a crossover on Batzing Road and have another on Limerick as well but not sure if we will get to that one in the same week.
- We had an employee resign recently so an interview committee will be formed after the advertisement has been prepared.

RESOLUTION offered by Mr. Smith and seconded by Ms. Parnell to advertise for a Heavy Motor Equipment Operator for the Town of York Highway Department. Voted on and approved, Yes-4, No-0.

WATER/SEWER:

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

- The Department experienced a leak on Chestnut Street. It was once again a saddle issue and has been corrected.
- A saddle leak occurred on River Road as well which was also fixed.

- Mr. Worden reported that the Treatment facility has been running smoothly.
-

Councilman Smith inquired as to the status of the Gen Set for Tabtronics pump station. Mr. Worden replied that the company has indicated that it is still coming but not sure exactly when. Mr. Worden commented that he is not “pushing it” right now because we currently have a backup if need be.

PRIVILEGES OF THE FLOOR:

Kirk Richenberg and Henry Fuller requested that their privileges be deferred until after the New Business portion of the agenda.

1) Chris Geiger:

Chris asked to speak with the Board this evening to discuss his plans for his upcoming Eagle Scout project. Chris is a member of the York-Leicester Boy Scout Troop and intends to restore 5 historical markers within the township. The work would consist of uprooting the existing signs with the assistance of the Highway Department and repainting to original form. The Highway would then assist with the placement as well. The markers are located as follows:

● Fowlerville

In Fowlerville on MacIntyre Road (County Route 67)
at Fowlerville Road (County Route 5)

- Genesee Valley Canal port. Named for Wells Fowler, the first settler and postmaster 1816. Canal Warehouses and tavern called Spencerville.

● Brick School

In York on Main Street (New York State Route 36) just south of York Road e District No. 8; built 1825. President Chester A. Arthur attended this school
1837-1842

● The History of the Yard of Ale Bell

In York near Genesee Street (New York State Route 63) at Piffard Circle e
The Yard of Ale bell is from the original St. Lucy's Church located in
Retsof, New York, which formally opened on Christmas Day 1911 with
Father Poli celebrating the mass.

● Genesee Valley Canal

In York near Genesee Street (New York State Route 63) at Piffard Circle

- This section of the Genesee Valley Canal opened as far as Mt. Morris on September 1, 1840. The canal provided a practical means of transporting both goods and people, making Piffard an active commercial center.

● **O-ha-gi**

Near Piffard on Chandler Road

0.4 miles east of River Road

- Tuscarora Indian Village only one in the county

Estimated costs: 1 gallon of Rust Oleum Blue Enamel	\$58.00
1 quart of Rust Oleum Sunburst Yellow Enamel	\$12.00

Supervisor Deming asked about the approximate start date. Chris and Mr. Geiger answered that they hope to begin this summer after the approval of the scout committee.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing Chris Geiger permission to proceed with his Eagle Scout project and to authorize purchase of the necessary paint after Scout Committee approval. Voted on and approved, Yes-4, No-0.

OLD BUSINESS:

1) Map Plan & Report-Rt. 20 Water:

Attorney Campbell discussed with the Board the steps involved with the Rt. 20 water District Extension petitions that were submitted but were invalid after verification.

Mr. Campbell stated after review of the surveys completed the Map, Plan & Report reflects a smaller district area, including 15 residences, 4 commercial and Growmark (16 units). The estimated capital cost is \$673,000 with anticipated grant funding of \$362,372 with the balanced to be financed.

The estimated project annual debt is based on financing at a 2.2% interest rate for a 20-year term. Total estimated unit cost would be \$887.00.

Attorney Campbell stated if the Board wishes to proceed, they would need to first accept the Map, Plan and Report as presented.

Supervisor Deming commented that the Rt. 20 project is going from Rt. 36 on Telephone Rd. (Rt. 20) east to MacIntyre Road. Casey Road and the rest of the Rt. 20 will be a non-service area. We are no longer looking to extend water west on Rt. 20.

This updated district is based on the survey responses received so adjustments were made to the project area.

NEW BUSINESS:

1) Anderson Road Budget Modification:

RESOLUTION offered by Mr. Smith & seconded by Mrs. Parnell:

**ANDERSON ROAD WATER DISTRICT EXT. PROJECT
PROJECT BUDGET MODIFICATIONS**

WHEREAS, the Town of York has received funding from Rural Development for their Anderson Road Water District Ext. Project ("Project"); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of York authorizes the following Budget modifications for the Project:

Net Interest	Decrease of	\$11,282.04
RD Application	Decrease of	272.80
Fiscal Advisor	Increase of	272.80
Direct Expenses (Core & Main)	Increase of	10,392.23

I, Christine Harris, Town Clerk of the Town of York, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of York on April 13, 2021, by the following vote:

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

Christine Harris,
Town Clerk — Town of York

Dated: April 13, 2021

2) Anderson Road change order request:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the Change Order increase in the amount of \$22,305.00 from Morsch Pipeline for Anderson Road Water Extension. Voted on and approved, Yes-4, No-0.

3) Retsof Water Services change order request:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the change order increase in the amount of \$12,150.00 from Rochester Pipeline Inc for Retsof Water Services. Voted on and approved, Yes-4, No-0.

4) Water Tap Application:

a-3333 Fowlerville Road

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the Water tap application submitted by William Lloyd for property located at 3333 Fowlerville Road. Voted on and approved, Yes-4, No-0.

*Tap fee was waived due to the fact that the owner has already been paying a yearly debt service.

5) USDA

a-NY European Cherry Fruit Fly Program

Supervisor Deming reported that all Board members received copies submitted from Steve Schilling, technician with the USDA European Cherry Fruit Fly Program. Mr. Schilling is requesting permission to place a few fruit fly traps in select locations throughout the town. Mr. Schilling stated that the European Cherry Fruit Fly is a major threat to the economic stability of the cherry industry in New York and across the Country. The USDA in cooperation with NYS Dept of AG & Markets is working very hard to monitor and manage this pest through trapping and outreach programs. Thanks to the cooperation of municipalities across the region, they were able to place traps at over 1500 locations last year, giving them the ability to make sound policy decisions.

At this time, they are requesting permission annually to trap.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing USDA permission to proceed with placement of fruit fly traps throughout the township. Voted on and approved, Yes-4, No-0.



Questions and Answers: 2021 European Cherry Fruit Fly Survey in New York



What is the European Cherry Fruit Fly (ECFF) survey?

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) and New York's State Department of Agriculture and Markets (NYS AGM) are placing approximately 2,000 traps across the Western and Central New York Regions. APHIS and NYS AGM are also placing traps in New York counties outside the ECFF quarantine area that are most at risk for ECFF's spread to determine if there are other locations where the invasive fruit fly is present.

What do the traps look like?

The yellow panel trap is a rectangular cardboard trap coated on both sides with a mixture of a sticky material and a food bait. The traps are about 9 inches long and hang vertically in trees.

Do the traps really catch the fruit flies?

The trap helps detect new infestations and monitor the insect's spread. It is not meant to catch fruit flies as a way to reduce populations.

What is the bait?

The attractant is a food additive called ammonium acetate that lures fruit flies to the coated yellow trap.

How do the traps work?

Adult fruit flies are attracted to the baited trap. If the flies land on the trap, they will get stuck in the non-toxic glue. APHIS services the traps at least every 2 weeks to replace the bait and collect insects.

If a trap is in my area, does that mean ECFF is there?

No. If you see a trap in your community, it does not mean ECFF is present. It just means we are looking for ECFF in your area. The goal of the survey is to determine where the insect is and monitor for potential spread.

What were the results of the 2020 survey in New York?

The 2020 survey found more than 1,100 ECFF in over 100 trap locations. These results helped guide decisions on trap placement for the 2021 survey.

Where will traps be set this year?

For the 2021 season, surveyors will place traps along the edge of the quarantined areas in North Western New York.

How can I help?

Please allow APHIS and NYS AGM surveyors access to your property to place and check traps. Residents with questions can contact the ECFF program office by calling 1-800-249-2363 or emailing ppq.ecff@usda.gov. Learn more at www.aphis.usda.gov/hungrypests/ecff.

Issued January 2021

USDA is an equal opportunity provider, employer, and lender.



United States Department of Agriculture

Pest Alert

Animal and Plant Health Inspection Service
Plant Protection and Quarantine

European Cherry Fruit Fly (*Rhagoletis cerasi*)



Adult European cherry fruit fly (Blopik, S.D. Lund, www.biopik.com)

European cherry fruit fly is the most serious pest of cherries in Europe. The fly attacks ripening fruit, causing it to rot and fall off the tree. In heavily infested areas, the fly can destroy up to 100 percent of cherry and other host plants if left uncontrolled.

Distribution

European cherry fruit fly is found throughout Europe and in parts of West and Central Asia. In 2016, Canada confirmed this pest on wild honeysuckle at several sites in Ontario. In 2017, the United States found European cherry fruit fly on traps hung in wild honeysuckle plants and sweet cherry trees along the Niagara River in New York. This was the first U.S. detection of European cherry fruit fly.

Damage

European cherry fruit fly attacks only the fruit of its host plants. Larvae-infested fruit may have dark soft spots or appear wilted or shriveled. As mature larvae emerge from the fruit, they may leave behind visible exit holes.

If European cherry fruit fly becomes established in the United States, it could affect U.S. access to foreign cherry markets and cause lower prices and economic losses for U.S. cherry growers.

Host Range and At-Risk Areas of the United States

European cherry fruit fly prefers sweet cherries and honeysuckle, but may also attack tart cherries. If this pest establishes itself in New York and spreads to other parts of the country, it could threaten commercial cherry production along the Pacific Coast (California, Oregon, and Washington), in the Northeast (Maryland, New York, and Pennsylvania), and in several Western and Central States (Colorado, Michigan, New Mexico, and Utah).

Appearance and Life Cycle

Adult flies range in length from 1/8 to 3/16 of an inch (3.5–4.0 millimeters). Both males and females are mostly black with yellow to orange heads. A

large yellow dot is visible on their backs. The wings are transparent with dark bands.

Adults typically emerge from May to July and have an average lifespan of 2 to 4 weeks. Females usually lay one egg beneath the skin of each piece of fruit. Once they hatch from the eggs, the larvae develop inside the fruit and feed for up to 6 weeks. As the larvae develop, they damage the fruit pulp. Mature larvae exit the fruit through emergence holes, drop to the ground, and burrow into the soil. Once in the soil, they pupate within a few days and overwinter in the soil underneath or near the host plant.

Preventing Fruit Fly Spread

When U.S. Department of Agriculture (USDA) or State agriculture officials find an infestation of invasive fruit flies that could damage crops in this country, State regulatory officials first establish an intrastate quarantine to prevent the pest's spread within that State. USDA then establishes a parallel interstate quarantine to keep the

pest from spreading to other States. Together, these quarantines allow State and Federal officials to control and suppress the outbreak locally and regulate the movement of host fruits, nursery plants, and other items that could harbor the pest. These efforts help protect growers in other vulnerable parts of the country.

What You Can Do

Please cooperate with agricultural workers who may be in your area surveying for the pest. In areas where the pest has been found, agricultural workers may request approval from the property owner to apply treatment to prevent the spread.

When traveling, declare all food, live animals, and plant or animal products to a U.S. Customs and Border Protection officer or agriculture specialist at the first port of entry. If your items are generally allowed, the inspector will check them to make sure they are free from pests and disease.

If you travel to Canada, be advised that you may not bring cherries from Ontario into the United States. Cherries from other Canadian provinces are allowed if they are accompanied by a receipt or other document that confirms the fruit's origin. For more information, view the Federal Order: www.aphis.usda.gov/import_export/plants/plant_imports/federal_order/downloads/2017/DA-2017-15.pdf.

Learn More

To learn more, visit USDA's exotic fruit fly Web site (www.aphis.usda.gov/plant-health/ff) or contact:

- **The New York State Integrated Pest Management Program**
nysipm.cornell.edu/agriculture/fruits
- **Your local Extension office**
www.nifa.usda.gov/Extension
- **Your State department of agriculture**
www.nationalplantboard.org/member
- **The nearest USDA Animal and Plant Health Inspection Service office**
www.aphis.usda.gov/planthealth/sphd

6) Brush pick up:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to schedule a brush and limb cleanup day for **Monday, May 10, 2021**. Voted on and approved. Yes-4, No-0.

7) Salt Shed Quote:

Supervisor Deming reported after reviewing the Procurement Policy, he feels we should bid out not only for the salt shed roof but for new windows at the Town Hall in the Clerk's office.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing permission to advertise for bids for **replacement of metal rooftop on the salt shed building and for replacement of 5 windows in the Town Clerk's office**. Voted on and approved. Yes-4, No-0.

8) DFA/CPL Dedication:

a- Resolution to accept dedication

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

TOWN BOARD
TOWN OF YORK
COUNTY OF LIVINGSTON

At a regular meeting of the Town Board of the
Town of York, Livingston County, State of New York, held at the
York Town Offices on April 13, 2021

WHEREAS, Dairy Farmers of America (hereafter "DFA") and Clark Patterson Lee (hereafter "CPL") are the developers and owners of certain sewer infrastructure improvements (hereafter "Sewer Improvements") made within the Town of York (hereafter "Town") that were constructed with the intention of dedication to the Town of York on behalf of the WNY Cheese Sanitary Sewer District; and

WHEREAS, DFA and CPL are the developers and owners of certain water infrastructure improvements (hereafter "Water Improvements") made within the Town of York that were constructed with the intention of dedication to the Town of York on behalf of the Consolidated Water District Linwood Road Service Area and the Consolidated Water District Linwood Road North Extension; and

WHEREAS, all Sewer Improvements to be dedicated, including the sewer pump station at WNY Enterprise and the sewer transmission main along Craig Road have been fully constructed and completed in compliance with the plans and design criteria of the Town of York and to the satisfaction of the Town's engineering consultant; and

WHEREAS, all Water Improvements to be dedicated, including the water transmission main along Craig Road, Linwood Road, Stewart Road, Peoria Road, Wolcott Road and Federal Road have been fully constructed and completed in compliance with the plans and design criteria of the Town of York and to the satisfaction of the Town's engineering consultant; and

WHEREAS, all as-built drawings have been delivered to the Town; and

WHEREAS, DFA and CPL have made a formal written request for the Town to accept dedication of such facilities; and

WHEREAS, CPL has provided a fully executed Contractor's Affidavit of Release of Liens from both itself and from Morsch Pipeline, Inc., the construction contractor that installed the facilities; and

WHEREAS, the Town now wishes to accept dedication of the Sewer Improvements on behalf of the WNY Cheese Sanitary Sewer District; and

WHEREAS, the Town now wishes to accept dedication of the Water Improvements on behalf of the Consolidated Water District Linwood Road Service Area and the Consolidated Water District Linwood Road North Extension, respectively; and

WHEREAS, the Town is satisfied that DFA and CPL are possessed of good and marketable title to convey to the Town ownership in and to the Sewer Improvements and Water Improvements as shown on the as-built drawings for those improvements; and

WHEREAS, the Town Board has reached the conclusion that the acceptance of ownership of such Sewer Improvements and Water Improvements is in the best interest of the Town of York and the residents within the WNY Cheese Sanitary Sewer District and the Consolidated Water District Linwood Road Service Area and the Consolidated Water District Linwood Road North Extension, respectively;

NOW, THEREFORE, upon motion by Councilman Smith, seconded by Councilwoman Parnell, it is hereby

RESOLVED, that the Town Board of the Town of York hereby accept dedication of the Sewer

Improvements made within the WNY Cheese Sanitary Sewer District and the Water Improvements made within the Consolidated Water District Linwood Road Service Area and the Consolidated Water District Linwood Road North Extension; and

RESOLVED, the Town Supervisor of the Town of York shall be authorized and empowered to execute any and all documentation that may be reasonably required to memorialize the tender and acceptance of dedication of such Sewer Improvements and Water Improvements as anticipated herein.

Dated: April 13, 2021

Vote of the Board:	Supervisor Gerald Deming	Aye
	Councilmember Lynn Parnell	Aye
	Councilmember Norman Gates	Aye
	Councilmember Frank Rose, Jr.	Absent
	Councilmember Amos Smith	Aye

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF YORK**

Christine Harris
Town Clerk

b-Bill of Sale

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing Supervisor Deming permission to sign the Bill of Sale. Voted on and approved, Yes-4, No-0.

9) Water Installation and Maintenance Agreement with Leicester:

Attorney Campbell reviewed with the Board the proposed Watermain Installation and Maintenance Agreement between the Town of Leicester and Town of York for the portion of water main within the Town of York from 2” to 8” that will be replaced as part of the Town of Leicester’s Rt. 36 water project. This will affect approx. 12 users and put them on the 8-inch line. The Town of Leicester will own the main and be responsible for all maintenance of it until all financing for the project has been paid off, which is approximately 38 years. At which time the Town may accept dedication, making it part of our water system.

Supervisor Deming reported that per contract, we currently sell up to 50,000 gallons per day, and with this agreement, it will not change the contract volume needed. Mr. Campbell added, additional volume should not be needed but if at a later date Leicester needed more, they would have to come back to us for permission.

Mr. Worden asked with any new taps (new homes), who’s responsibility will it be to process? Supervisor Deming replied it will be our responsibility.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the Water Main Installation and Maintenance Agreement with the Town of Leicester. Voted on and approved, Yes-4, No-0.

10) Water Adjustment:

a-3806 Telephone Road

Clerk Harris submitted to the Board a water adjustment request from Chris Wall owner of 3806 Telephone Rd. (rental property). The upstairs apartment had some intermittent issues with the toilet running but not until it overflowed on March 5th did the biggest issue occur which was corrected that day. The April bill reflected 131,000 gallons that went through the meter and he has since corrected the situation. He is now requesting that the Board consider an adjustment on this bill. Clerk Harris stated that she has the print out of the meter history and a copy of this quarter's bill but was unable to locate on the water billing clerk's desk the proposed adjustment and asked if the adjustment could still take place pending the normal format of this policy.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the Water adjustment request submitted by Chris Wall for property located at 3806 Telephone Road pending our existing policy format. Voted on and approved, Yes-4, No-0.

OTHER:

1) Crossovers:

Councilman Smith stated that their farm (Lawnel) installed four manure crossovers but still need to have ends put on them. Mr. Smith commented that he will be in contact with Mr. Worden for verification.

Councilman Smith briefly explained the purpose for the manure lines. Mr. Smith stated that Lawnel Farms tries to keep numerous vehicles off the roads with back and forth of manure trucks. By using the manure crossover method, the process is more efficient and timelier.

2) John Morgan/Charlie Harris:

Supervisor Deming stated that he recently spoke with Rick Henry of CPL about the request made previously by John Morgan and Charlie Harris for town water on York Road West. Mr. Morgan and Mr. Harris have hired CPL to conduct the engineering necessary for such request which will be done to the Town of York's specification.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell granting Mr. Morgan and Mr. Harris permission to install water main on York Road West per CPL's engineered specifications. Voted on and approved, Yes-4, No-0.

*Dedication of this line will take place at a later date.

3) York Fire Department:

a-New Member:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith approving Jake Robbins as a new member to the York Fire Department. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR (continued)

2) Blaine VanRy:

Mr. VanRy asked to speak with the Board this evening to clear up some confusion on proposals brought to the Planning Board. Mr. VanRy asked if the Planning Board will be making a recommendation to the Town Board or rendering an actual decision pertaining to the truck stop project (York Travel Center).

Attorney Campbell replied that the Planning Board has jurisdiction to review and render a decision on this project. Mr. Campbell explained in detail about Permitted Uses in a Commercial District. The application is first interpreted from Zoning Officer for code purposes (permitted use), then on to the Planning Board to review the project fully. If the Zoning Code identifies permitted use/allowable use, it is difficult not to allow a project based on our current regulations. The Planning Board will mitigate the appropriate use of the area.

Mr. VanRy also addressed the vacancy position on the York Planning Board, and inquired how he is able to apply for it. Supervisor Deming answered that he may submit a letter or email of interest to Clerk Harris and the Board will render a decision at the next meeting.

Map, Plan & Report continued:

a-Rt. 20 Water

Attorney Campbell stated if the Board feels comfortable tonight to proceed with the acceptance of the Map, Plan and Report for Rt. 20 water we can, if you do not, we can do it at another meeting if more time is needed. The Board replied they wish to proceed tonight.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve:

In the Matter of the Formation of the Town of York Consolidated Water District — NYS Route 20 Extension Located Therein, Within the Town of York, Livingston County, New York.

WHEREAS, the Town Board of the Town of York is considering the formation of a water district extension (and certain improvements therein), to be known as the Town of York Consolidated Water District — NYS Route 20 Extension; and

WHEREAS, in order to facilitate the creation of the "Town of York Consolidated Water District —NYS Route 20 Extension" the Town Board on February 9, 2021, duly adopted a resolution authorizing the engagement of Clark Patterson Lee to prepare a Map, Plan and Report to provide the details of the water delivery improvements and the costs of such improvements to take place within the newly created district extension; and

WHEREAS, adoption of the Resolution authorizing preparation of the Map, Plan and Report was subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, the Town Clerk for the Town of York caused a Public Notice of Resolution of the Town of York Adopted Subject to Permissive Referendum to be duly published in the Town's official newspaper within ten (10) days of its adoption as required by New York State Town Law §90; and

WHEREAS, no petitions meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140(1)(a) have been filed seeking permissive referendum with regard to the published notice; and

WHEREAS, the cost of such Map, Plan and Report shall be passed on to the "Town of York Consolidated Water District — NYS Route 20 Extension" upon formation of said district. If such district extension is not formed, the expense incurred for the preparation of such Map, Plan and Report shall be a Town charge and shall be assessed, levied and collected in the same manner as other Town charges; and

WHEREAS, Clark Patterson Lee has prepared such Map, Plan and Report with respect to the establishment of the "Town of York Consolidated Water District — NYS Route 20 Extension" and all improvements intended to be made therein and presented the same to the York Town Board; and

WHEREAS, the York Town Board now wishes to accept such Map, Plan and Report so that it may schedule a Public Hearing regarding the potential creation of the "Town of York Consolidated Water District — NYS Route 20 Extension";

NOW THEREFORE, be it

RESOLVED by the Town Board of the Town of York as follows:

- I. That the Town Board of the Town of York has been presented with the Map, Plan and Report for the "Town of York Consolidated Water District — NYS Route 20 Extension" as prepared by Clark Patterson and Lee and hereby accepts the same on behalf of the district to be formed; and
2. The cost of such Map, Plan and Report shall be passed on to the "Town of York Consolidated Water District NYS Route 20 Extension" upon formation of said district. If such district extension is not formed, the expense incurred for the preparation of such Map, Plan and Report shall be a Town charge and shall be assessed, levied and collected in the same manner as other Town charges; and
3. Pursuant to New York State Town Law 209-c, the Town Clerk shall hereafter file the Map, Plan and Report at the Office of the Town Clerk, where it may be viewed by the public.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the York Town Board on Tuesday, April 13, 2021, recorded as follows:

Vote of the Board:	Councilperson Lynn Parnell	Aye
	Councilperson Frank Rose, Jr	Absent
	Councilperson Norman Gates	Aye
	Councilperson Amos Smith	Aye
	Supervisor Gerald Deming	Aye

This is to certify that I, the undersigned, Clerk of the Town Board of the Town of York, Livingston County, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 13th day of April, 2021.

Christine M. Harris

Christine Harris - Town Clerk

3) Kirk Richenberg:

Mr. Richenberg addressed several items with the Town Board:

Q-Regarding the manure crossover on York Road East, it looks as if it is pretty close to the ditch line, who is responsible if there is damage done?

Mr. Worden answered if in the Right of Way, not us. Mr. Worden added he will measure it but as far as for snow plowing purposes, we could add markers to that area if needed.

Q-At the last Town Board meeting hauling of material for Nunda was mentioned, do we have a shared agreement with them?

Supervisor Deming and Mr. Worden replied that each Highway Department assists one another when able, when we need them they return the favor. Mr. Worden stated that the Intermunicipal Agreement is through Livingston County.

Q-Is there separate bookkeeping for this?

Mr. Worden answered that he keeps a record of trucks, stone, manpower, etc. in his log book in order to get equal value when we need it.

Q-For Leicester water, is there any York tax cost to this new line?

Supervisor Deming replied there is no cost to York residents for Leicester's waterline.

Q-Even after the dedication?

Supervisor Deming stated once it becomes part of our water system, all districts pay accordingly.

Q-We've heard about saddle problems with our projects, we shouldn't have to pay for that.

Attorney Campbell commented for the next 38 years issues with Leicester's line will be their responsibility until the debt has been paid in full, then it becomes our responsibility after dedication. Mr. Worden added he has had conversations with Leicester about our saddle issues and gave them specific requirements for their project.

Q-What will be the rate per gallon?

Supervisor Deming answered 10% above the district cost.

Q-Is there an interconnection between our water & Mt. Morris? (where Leicester obtains their water)

Supervisor Deming and Mr. Worden replied that the water between the two systems cannot be mixed, has to be separated per Health Department regulations.

Q-Regarding Rt. 20 water, the petition submitted had questions with it, does the Town Board have any answers?

Supervisor Deming stated that he will address those questions and other inaccurate comments heard throughout the community.

Supervisor Deming commented as heard earlier tonight, we must wait for surveys to be returned in order to get a better understanding of whom wants or needs water. The question on the petition asked how does the engineer know what to map, this is the answer.

Q-Costs involved with new district is borne by that district but what if the formation doesn't happen, who pays the charges involved?

Supervisor Deming answered if the district does not proceed, the General Fund pays outstanding charges.

Q-Why is this not a stand-alone district?

Supervisor Deming replied it is a stand-alone district. The proposed district will be created exactly as all of the others. Mr. Deming added that the last question on the submitted petition stated that the taxpayers should be able to vote on the proposed extension. In all previous water projects, the property owners in the proposed district will have the opportunity to vote on it, a format we have always used.

Questions and comments received by Supervisor Deming on the recent petition:

Supervisor Deming stated in regards to the recent petition submitted, 65 of those names wanted water at one time, including Mr. Fuller and now that you have it, you don't want others to receive it.

- 1. Mr. Fuller and Mr. Richenberg stated to people that the reason for the petition is that there was not enough information on this project.**

Both gentlemen had copies of the same information the Town Board had.

- 2. The Board is going to raise everyone's annual debt amount...**

The Board never discussed or even considered doing this. To change the annual debt amount would require an advertised public hearing.

- 3. The Board is going to increase the years (38) associated with their debt...**

Once again, the Board never discussed or considered this.

The reference to the statements above goes back 15+ years. Back in 2005 the Town Consolidated several water districts into one Consolidated District. At this time, some residents had an increase of \$19.89. Mr. Fuller went from \$190.31 to \$210.20 and some residents had a decrease of \$109.80. Mr. Richenberg went from \$320.00 to \$210.20 annually. The Town Board held a Public Hearing on the changes and received NO opposition.

Supervisor Deming continued by saying in regards to the Anderson Road Change Orders, we had a \$1,350,116.00 Rural Development Loan, of which \$803,000.00 was paid for with a grant. Change Order #1: \$107,000.00 and Change Order #2: \$22,305.00 were both paid for with grant funding.

Mr. Deming explained that Grant funding cannot be used to reduce/lower the annual debt payment already established. By doing change orders it does not/will not change the present annual debt amount. Any grant funding the town does not use must be returned to Rural Development.

To date we have replaced and added 253,100 feet of water lines. The original water district was made up of 52,895 feet. The original sewer district consisted of 6,305 feet and we added an additional 97,695 feet. The Town Board has received almost \$7M in grant funding.

Supervisor Deming concluded by saying, we as a Town Board have always and will always respond to the residents in need of service whether some feel we shouldn't as it is our responsibility to hear what the community is asking of us.

Mr. Richenberg continued his questions....

Q-Can the debt service be increased?

Attorney Campbell replied that a debt service can go down but cannot be increased.

Q-There was nothing borrowed for this project?

Supervisor Deming replied that nothing was borrowed. Mr. Deming added, as more users come into the district, the debt can be reduced.

Comment Mr. Richenberg:

The Map, Plan & Report is coming for approval from the board. Back in October of 2020 there was approval from the Planning Board for a large expansion (Growmark) with sales tax relief in exchange for nothing. The engineer for this project is the same as the Town's which is CPL. In November, the Ad-on you approved for Anderson Road did not go anywhere, why do it. In February/March of this year Growmark asked for water, hard to believe no one knew their plans before that the recent request. York Road West people asked for water a while ago, now they are finally getting it.

Supervisor Deming replied that the residents who inquired about water for York Rd. West finally came back to the town, we were not the delay.

Q-What is the exact Procurement Policy?

Supervisor Deming answered from \$1,000-\$3,000 left to discretion of us. From \$3,000-\$7,000 requires an oral request with two quotes. From \$7,000-\$20,000 requires three quotes and a RFP (request for a proposal).

Q-At the last Town Board Meeting you approved services.

Supervisor Deming answered that Professional Services do not need to be bid out.

Q-Was the Full time Water/Sewer position advertised?

Supervisor Deming replied that we proceeded with the Civil Service requirements, this individual passed the exam and placed in the top three.

4) Henry Fuller:

Mr. Fuller stated that the original intent for the petition was that the Town was not forthcoming with information,

Supervisor Deming responded that the information for Rt. 20 Water was discussed at a Board meeting that Mr. Fuller was in attendance for. Mr. Deming commented that no matter what the Board proceeds with, we will not be able to please him.

Councilwoman Parnell expressed thanks to the Supervisor Deming for all of his efforts with Town related matters.

BILLS:

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

- General Fund # 76-118 \$ 23,158.77
- Consolidated Water/Sewer # 69-92 \$ 27,617.02
- Highway Fund # 52-70 \$ 9,267.11
- Youth Fund # 2 \$ 428.00

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Town Board Meeting until May 11th, 2021. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 9:10 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk