

York Town Board Meeting  
June 8<sup>th</sup>, 2021  
7:00 p.m.

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

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), Henry Fuller, Joe McIlroy (Planning Board  
Chairman) Kirk Richenberg, Greg Burn, Cortney Underwood, Carl Peter (Zoning/Code  
Officer), Alan Brightman and George Worden Jr., (Highway Supt)

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

**MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes  
of the May 11<sup>th</sup> Regular Town Board Meeting and the May 18<sup>th</sup> Public Hearing. Voted on  
and approved, Yes-4, No-0.

**\*\*7:02 p.m. Councilman Rose arrived at this time**

**PRIVILEGES OF THE FLOOR:**

1)Kirk Richenberg:

Mr. Richenberg had a number of questions pertaining to water lines and the districts.

Q- In the York Road West Water Project; at the April 27<sup>th</sup> Special Meeting, the  
total cost discussed was \$56,000, was that with hydrants and how many?

Supervisor Deming replied that \$56,000 was the total of the project to upgrade from 2”  
to 6” and it included 6 hydrants in the area. After discussion with the Board and  
Highway Supt. Worden it was determined that 3 hydrants would be sufficient, but the  
Liv Co. Health Department must approve that number first.

Q- Is that part of the district?

Supervisor Deming answered that the York Rd West project would be in the Linwood  
District. This area was included 20 years ago as a non-service area. This is not part of  
the Federal Road district.

Q- Is the Highway Department installing this?

Supervisor Deming stated that the Highway Department is not installing this main, the residents are per Town of York specifications.

Q- Are the funds coming from other sources?

Supervisor Deming replied the County has an Infrastructure Fund to utilize as needed which we will use for Rt. 20 water district, but not for this project. For the \$56,000, monies will come from Fund balance and/or ARPA Funding through the Federal govt.

Q- How are the taxpayers paying for this?

Supervisor Deming answered that they aren't paying for this, the residents in the York Road West area are paying for this including all engineering fees.

Q- This is a tax funded project; will it be bid out?

Mr. Worden answered that it will be bid out for materials but not for labor of the project because the residents are doing the work themselves. Attorney Campbell added once the labor component is completed per town specifications, it can then be turned over to the Town but materials aspect will be bid out.

Q- Why is this option available to this project and not others?

Attorney Campbell answered this option is available to all projects but due to the cost of some, it may be so high that it would exceed the NYS Comptroller's threshold. The cost for the Town to proceed with this would not be financially feasible to the residents that is the reason the property owners will be doing it and paying all expenses. The work will need to meet our specifications.

Supervisor Deming added they are laying out the capital now and will also pay a yearly debt service (Linwood District).

Q- Are these numbers specified in State Law?

Attorney Campbell replied in his experience over the years he has gained knowledge on requirements. There is not an actual model.

Q- How will the Town be protected?

Supervisor Deming stated part of the cost of the engineering the homeowners are paying for is for an onsite inspector and we would also have Town representation (George) there as much as possible. Attorney Campbell stated again, once the Town is satisfied with the installation portion, restoration takes place and then dedication thereafter.

Q- Is the inspector from Clark Patterson?

Supervisor Deming replies yes, the inspector will be from CPL.

Q- Now that the entire Town is paying for lighting, has LED lighting been thought of? , what does it take to change over?

Supervisor Deming asked Mr. Worden to give an update at this time on what he has received regarding LED lighting.

Mr. Worden stated that he has not inquired about LED lighting for roadways but has inquired regarding the Town Buildings (Town Hall, Highway Dept and Water/Sewer building). The information he received is as follows which includes removal of existing fluorescent tubes:

Sewer Building-	\$2,452.19
Our portion-	\$ 684.65
Highway Building-	\$8,275.44
Our portion-	\$2,181.73
Town Hall Building-	\$7,029.50
Our portion-	\$1,662.08

Attorney Campbell commented that the Town of Livonia made the change over to LED lighting and they saw a payback with a year and a half, and the savings over the years is substantial.

Mr. Worden stated that we have talked about upgrading for a few years and it has been over 10 years since our last upgrade.

Mr. Richenberg questioned if there needed to be an actual request from the Town Board for the changeover, the lifetime of an LED is fantastic.

Mr. Worden stated with the price we received for the buildings; the savings alone would pay for this within the first years.

Attorney Campbell suggested that the Town reach out to the Town of Livonia to seek whom they worked with specifically regarding street lighting. The Board agreed.

Mr. Richenberg asked how they are disposing of the old ones?

Mr. Worden answered that the contract reflects that it is their responsibility to dispose of them, he does not know who they work with.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the LED lighting contract with National Grid for the three (3) Town Buildings. Voted on and approved, Yes-5, No-0.

Councilwoman Parnell commented that the Board has been lenient regarding Privileges of the Floor. When a person calls to request speaking privileges, they need to give more detail as to what they wish to address the Board with and must be done by 4:30 on the Friday before the Town Board meeting.

### **HIGHWAY**

Mr. Worden reported the following for the Highway Department:

- We have been mowing parks, roadsides and cemeteries
- Changed pipes on Batzing Road
- Changed a driveway pipe on Mt. Pleasant Road

Mr. Worden stated that he would like to request placing a notice for part-time Laborer position for the Highway Department.

Mr. Worden also stated that we recently advertised for a (1) Full time position and had one applicant apply. He suggested waiting at this time and feels we could continue to get work done with using part-time assistance.

Councilman Smith stated we have a lot of work that needs to be accomplished this summer, are we certain we will be able to get to it. Mr. Worden replied we may have to lean on other towns for some assistance but we have done the same for them as well.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates authorizing permission to advertise for a part-time Laborer position for the Highway Department. Voted on and approved, Yes-5, No-0.

### **WATER/SEWER:**

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

- Retsof Water services is completed and we are very pleased with the quality of work from Rochester Pipeline. OSHA did come out to inspect but nothing stopped the progress. They completed the job in a timely fashion. One resident was concerned about their shrubbery but otherwise all went quite smoothly.
- In the Anderson Road project, the vault on top of the hill a drain was put in with perforated tile but water is now appearing. There is not a leak, we believe a spring may be there. The property owner asked for our assistance so we spoke with the contractor about a resolve, he suggested installing a 4" drain which would cost \$4,000.

Supervisor Deming inquired if any issues had arisen initially, which Mr. Worden replied no issues surfaced in the beginning but may take time to show itself. Councilman Smith asked if we have taken all the steps to verify we aren't experiencing any leaks, which Mr.

Worden answered we have and even isolated the vault itself to verify. Supervisor Deming asked if we tile, where the water ends up. Mr. Worden replied the water would then be diverted to an established road ditch. Water is not coming in to the vault itself.

Supervisor Deming asked Mr. Worden if he feels installing the 4” drain would be the best solution, Mr. Worden stated he does. Councilman Rose asked about a French drain. Mr. Worden answered there would not be a place to put it. Councilman Smith asked if the Contractor had any other ideas for a resolve, Mr. Worden stated this was the Contractor’s suggestion.

Mr. Richenberg asked if anything was in the Inspectors Report, which Mr. Worden replied nothing was in the report.

Councilwoman Parnell inquired if any additional funds are available in the Anderson Road project. Supervisor Deming answered there are funds still available.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the change order to install a 4” drain on Anderson Road in the amount not to exceed \$4,000.00. Voted on and approved, Yes-5, No-0.

- The Water Department is reading meters for the July billing cycle
- Retsof Treatment facility is running smoothly

### **OLD BUSINESS:**

#### 1) Salt Shed Roof Bid:

Supervisor Deming reported that we received one (1) bid to replace the roof of the existing salt shed at the Highway Department. The bid submitted was from DioGuardi Construction of Mt. Morris in the amount of \$10,747.00. Councilman Smith stated that we previously received informal bids from Richie Brock for \$7,400.00 and Dave Neiman for \$7,700.00 and asked if either had inquired about this in order to bid a second time, which Clerk Harris replied neither had contacted the Town office. Councilman Rose stated by repairing the roof, it will create longevity for the buildings.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the bid submitted by DioGuardi, Inc. in the amount of \$10,747.00 for roof replacement of the existing salt shed located at the Highway Department. Voted on and approved, Yes-5, No-0.

#### 2) Route 20 Public Hearing:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to officially close the Rt. 20 Water District Public Hearing. Voted on and approved, Yes-5, No-0.

Supervisor Deming stated that the Board received one written letter regarding Rt. 20 Water from Kirk Richenberg. Clerk Harris received an email as well from a resident on

Telephone Rd west expressing frustration that water main is no longer proposed for their location.

Mr. Campbell addressed the Board asking if they were ready to proceed with SEQR. The Board consented to having Mr. Campbell move forward with the process.

**PART 1-PROJECT INFORMATION**

Mr. Campbell read aloud the proposed action: Formation of the proposed NYS Route 20 Extension to the Consolidated Water District along with installation of 14,160 linear feet of 2 inch, 4 inch and 8 inch water main that will serve approximately 15 single family homes and 6 commercial properties.

**PART 2-IMPACT ASSESSMENT**

Mr. Campbell read aloud to the Board the required 11 questions to which they responded “No, or small impact may occur” to all.

**PART 3-DETERMINATION OF SIGNIFICANCE**

a) Adoption of Findings

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to Adopt the Findings that were made in the review of Part 2 of the Short Environmental Assessment Form. Voted on and approved, Yes-5, No-0.

b) Negative Declaration

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to Adopt a Negative Declaration based on the findings made in the review of the EAF. Voted on and approved, Yes-5, No-0

RESOLUTION:

CLASSIFYING THE NYS ROUTE 20 EXTENSION TO THE CONSOLIDATED WATER DISTRICT IN THE TOWN OF YORK AS AN UNLISTED ACTION, ESTABLISHING LEAD AGENCY AND DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE PUBLISHED IN ACCORDANCE WITH SEQRA.

Council Member Rose presented the following resolution and moved that it be adopted, and it was seconded by Council Member Smith

BE IT RESOLVED BY THE BOARD OF THE TOWN OF YORK AS FOLLOWS:

WHEREAS, the Town Board of York, New York is considering the financing and construction of improvements for the NYS Route 20 Extension to the Consolidated Water District, including the installation of approximately 14,160 linear feet of 2-inch, 4-inch, and 8-inch water main that will serve approximately 15 single family homes and 6 commercial properties. (the 'project'). The water main will be installed along portions of NYS Route20, Macintyre Road, and McPherson Road. Currently, these residences are served by private wells lacking in quantity and quality; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the "action") might have a significant effect on the environment, the Board caused to be prepared an environmental assessment form or similar information ("EAF"), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the EAF and related documents with respect to the above-referenced

project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"); and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF YORK DECLARES TO BE LEAD AGENCY FOR THE PROJECT FOR THE PROPOSED ACTION AND THEREFORE RESPONSIBLE FOR DETERMINING WHETHER AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED IN CONNECTION THEREWITH AND OTHERWISE COMPLYING WITH THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF SEQRA;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF YORK, NEW YORK AS FOLLOWS:

1. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an "Unlisted Action" under SEQRA and will result in no significant impacts and therefore, such action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
2. A copy of this resolution shall be placed on file in the office of the Town Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

Duly put to a vote as follows:

<u>AYES</u>	<u>NAYS</u>
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c) Authorization

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

Mr. Campbell indicated now that the Board has worked through the SEQR process you can proceed with adoption.

Mr. Campbell stated that such action will be adopted subject to permissive referendum. Any petition for referendum must be filed with the Town Clerk within 30 days of the adoption. If no petitions are delivered within the 30-day time frame, the Town Clerk submits an Affirmation that the Permissive Referendum period has ceased and no petitions were submitted then the district is approved.

Mr. Campbell stated that Mr. Richenberg submitted questions and concerns pertaining to the Rt. 20 Water District Extension which will now be addressed:

\*Paragraph 2- Requested more clarification where the non-service area is?

Supervisor Deming responded tht the non-service area is east of MacIntyre Road and Casey Road to Rt. 20.

Mr. Fuller questioned if you are in the non-service area now and change your mind?

Supervisor Deming answered if a non- service area wants water, you are welcome to proceed the way John Morgan and Charlie Harris has by paying for it and turning it over to the Town. Mr. Campbell added if it can't be done in a financially feasible manner, the Town can't put water in.

\*Paragraph 3-In the Map, Plan and Report on pg. 5 it maps out where 14,160 ft of main is going, Casey Rd is on it?

Attorney Campbell stated that Casey Road was inadvertently included in the description of the project. Figure 1 clearly shows where the new main will be located. The linear feet of 14, 160 is based on "not" including Casey Road.

\*Paragraph 4-In a document prepared by the Town dated 5/3/21, there seems to be conflicting information about non-service areas?

Mr. Campbell replied Figure 1 shows specifically where the new main will be.

\*Paragraph 5- Any intention of the Town to serve the non-service area?

Supervisor Deming responded if the future interest is there, the Town Board will review feasibility.

\*Paragraph 6- If the Town does not intend to service an area why include the area in the proposed district?

Mr. Campbell replied by including areas now in the district, it saves money later. If a property owner(s) request service later the expense of forming a district will not be required.

\*Paragraph 7- Discussion with County Administrator Ian Coyle regarding funding through an Infrastructure Fund. How many new jobs will be created and where and how long will these new jobs last?

Supervisor Deming answered that we are using \$112,000 from the County Infrastructure Fund. They anticipate hiring 1 or 2 more people but able to keep all existing employees.

\*Paragraph 8- Why did Anderson Rd. Water have a \$107,000.00 add on at the end of the project that did not serve one more property?



Attorney Campbell stated that the Anderson Rd Water District did not have a \$107,000.00 add on to serve one more property. A \$107,088.40 change was processed to extend water down to Simpson Road along Rt. 20 east of Rt. 36 & along Rt. 20 west of Rt. 36. The change resulted in the extension of main to the district boundaries funded by remaining grant funds.

\*Paragraph 9- Why does Growmark get a fixed number of units (16) on the basis of current water consumption? With future growth the units should be in line with their usage. Should be spelled out in Map, Plan & Report or in a separate contract.

Attorney Campbell responded that 16 units was based on a maximum anticipated water usage but Growmark agreed to pay 16 units whether they use their allotted gallons or not. Should future expansion result in exceeding water usage (2880 gallons per day for a full year) then the number of units will be recalculated for the following year.

\*Paragraph 10- Whomever is responsible for the groundwater and well water contamination should mediate the problem and be held accountable now and in the future.

Supervisor Deming stated that this area is a "Brownfield" and has been for 20-25 years. There is no evidence of leaching into their water supply with DEC still monitoring it. The well issue they have is sulfur related. Mr. Campbell added environmental liability extends to everyone, past and present. There is not much the Town is able to do but DEC continues to monitor the site.

Received 6-7-21

The following are my questions and concerns on the Consolidated Water District-Rte 20 Extension.

According to the Town of York approved Map, Plan, and Report on page 1 it states there is going to be a non- service area in this district. The map in appendix A shows an arrow pointing to one property in this yet to be formed water district. Is this the only property intended to not be serviced?

Also in the accepted Map, Plan, and Report on page 5 it states that 14,160 ft of water main along portions of Macintyre Rd, Casey Rd, McPherson Rd and NYS Route 20 included water district. These are the only roads included in this proposed water district, so where is the non service area that will not have pipe installed in it?

There is no other mention in the accepted Map, Plan, and Report of the description of the non-service area. In a document prepared by the Town of York dated 5/3/21

it states the proposed district does include an area of non-service to the east of Macintyre Rd. There seems to be conflicting information given to the public about this proposed district.

Is there any intention of the town ever serving this conflicted non-service area?

If the town does not intend to service an area why include the area in the proposed district?

I contacted the county on the funding that could be coming from them. I was told by Ian Coyle that there was discussion back in 2017-2018 about a project. The funding would be coming from a county infrastructure fund. I was also told these funds had to be used on projects that created new jobs within project area. I want to know how many new jobs will be created, and where, and for how long will these new jobs last?

Also along these same lines could it be that the proposed project in 2017-2018 is not the same as what is being proposed at this time. And the real answer as to why the Anderson Rd water district had a \$107,000 add on at the end of the project that did not serve one more property.

Also why does Growmark get a fix number of units at 16, on the of basis their current water consumption? There has been a very large capital expansion done on this property with expectations of large growth now and in the future, their number units should be in line with their water usage. This should be spelled out in the Map, Plan, and Report or in a seperate contract. The town does not need to provide corprate welfare.

Also whom ever is responsible for the ground water and well water contamination should mediate the problem and be held accountable now and in the future.

I also believe this project is getting pushed through very quickly and the town board needs to read throughly all documents before approving them.

Kirk Richenberg

## **ESTABLISH THE DISTRICT-Adoption**

**RESOLUTION** offered by Mr. Smith and seconded by Mrs. Parnell:

In the Matter of the Petition for the

Establishment of a Water District in the Town of York, Livingston County, New York, to be known as the "Town of York Consolidated Water District NYS Route 20 Extension".

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### **RESOLUTION TO ESTABLISH DISTRICT**

(Pursuant to Town Law § 209-e)

WHEREAS, it is the intent of the Town of York to create the Town of York Consolidated Water District NYS Route 20 Extension, to include all of the real property indicated in the map, plan and report prepared by Clark Patterson Lee, dated April 2021 and being styled "Final Map, Plan and Report for the Town of York Consolidated Water District NYS Route 20 Extension" (hereafter "Map, Plan and Report"), said real property being located in the Town of York, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in said Map, Plan and Report filed in the York Town Clerk's Office and as being described in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Town of York Town Board (hereafter "Town Board"), acting on behalf of the Town of York Consolidated Water District NYS Route 20 Extension, by resolution adopted on February 9, 2021 pursuant to Town Law §209-b, directed the Town Engineer to prepare a map, plan and report with respect to the proposed extension; and

WHEREAS, the Town Board therein directed that the charges incurred for the preliminary Map, Plan and Report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the above referenced resolution authorizing the preparation of the Map, Plan and Report was adopted subject to permissive referendum and pursuant to New York State Town Law §20, a Public Notice of Resolution Adopted Subject to Permissive Referendum was subsequently published in the official newspaper of the Town of York within ten (10) days of the adoption of such resolution; and

WHEREAS, on April 13, 2021, the Town Clerk of the town of York certified that no petitions seeking permissive referendum with regard to the published notice and meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140<sup>(1)</sup> filed within thirty (30) days after the adoption of such resolution; and

WHEREAS, on April 13, 2021, the Town Board adopted a resolution accepting the Map, Plan and Report; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the York Town Clerk; and

WHEREAS, the Town Board on April 27, 2021 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on May 18, 2021 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Route 20 Extension; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 18<sup>th</sup> day of May, 2021 at 6:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Consolidated Water District Route 20 Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire Town of York Consolidated Water District Route 20 Extension, was available for the public inspection at the York Town Clerk's Office prior to and at the public hearing referenced above and is attached hereto and made a part hereof; and

WHEREAS, the Board having previously complied with the relevant provisions of SEQR; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on May 18, 2021; and

WHEREAS, the Map, Plan and Report calls for the installation of approximately 14,160 linear feet of 2 inch, 4 inch and 8 inch water main (with hydrants, valves and other appurtenant infrastructure) that will serve approximately 15 single-family homes and 6 commercial properties; and

WHEREAS, the maximum amount proposed to be expended for the improvements above is \$673,000.00, of which \$362,372.00 shall be paid from grant funds from Livingston County as well as a SAM grant and the remaining balance of \$310,628.00 shall be financed through long term bonds at an estimated 2.25%, amortized for 20 years; and

WHEREAS, that the anticipated cost to the typical property located within the Town of York Consolidated Water District NYS Route 20 Extension shall be on a benefit basis and is estimated to be \$887.00 per unit; and

WHEREAS, the estimated one-time costs for hook-up fees are \$1 ,000.00 for the typical property, including installation of a service line at the costs of approximately \$10.00 per linear foot (\$500.00 average) and \$500.00 for interior plumbing modifications; and

WHEREAS, adoption of this Resolution and Order shall be subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, because the anticipated cost to the typical property located within the Town of York Consolidated Water District NYS Route 20 Extension is estimated to be at or below that of the estimated cost computed by the New York State Comptroller for the extension of similar types of districts, the formation of the NYS Route 20 Extension will not require approval of the New York State Comptroller's office.

**NOW THEREFORE, be it**

**RESOLVED and ORDERED** by the Town Board of the Town of York as follows:

1. That the notice of public hearing for the May 18, 2021 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed District Extension are benefited thereby;
3. That all of the property and property owners benefited by the District Extension are included within the limits of the proposed district extension; and
4. That it is in the public interest to form the District Extension as set forth; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby establish the Town of York Consolidated Water District NYS Route 20 Extension as set forth in the Map, Plan and Report; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby approve the installation of approximately 14,160 linear feet of 2 inch, 4 inch and 8 inch water main (with hydrants, valves and other appurtenant infrastructure) that will serve approximately 15 single-family homes and 6 commercial properties, with the maximum amount proposed to be expended for such improvements to be \$673,000.00, of which \$362,372.00 shall be paid from grant funds from Livingston County as well as a SAM grant and the remaining balance of \$310,628.00 shall be financed through long term bonds at an estimated 2.25%, amortized for 20 years, and with the anticipated cost to the typical property located within the NYS Route 20 Extension to be on a benefit basis and to be \$887.00 per unit;

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to publish a Notice that this resolution was adopted subject to permissive referendum as required by Town Law §90.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Tuesday, June 8, 2021 recorded as follows:

Vote of the Board:	Councilman Smith	Aye
	Councilman Gates	Aye
	Councilman Rose	Aye
	Deputy Supervisor Parnell	Aye
	Supervisor Deming	Aye

I, the undersigned, Clerk of the Board of the Town of York, Livingston County, New York, do hereby certify that the above Resolution was duly adopted by the Town Board of said Town on the 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 8<sup>th</sup> day of June, 2021.

Christine Harris - Town Clerk

## SCHEDULE A

All that tract or parcel of land situate in the Town of York, Livingston County, State of New York, being described as follows:

Beginning at a point, being at the intersection of the center line of NYS Route 20 (Telephone Road) (66 feet wide right-of-way) and the center line of Main Street (NYS Route 36) (right-of-way width varies); said point also being on a northerly line of the Existing Anderson Road Extension to the Consolidated Water District; thence,

1. Easterly, along the center line of NYS Route 20 (Telephone Road), and a northerly line of the Existing Anderson Road Extension to the Consolidated Water District, a distance of 500 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Main Street (NYS Route 36); thence,
2. Southerly, along a line 500 feet easterly of and parallel to the center line of Main Street (NYS Route 36), and the Existing Anderson Road Extension to the Consolidated Water District, through the lands of tax account number 31.-114.21, a distance of 501 feet, more or less, to a point 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road); thence,
3. Easterly, along a line 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road), through the lands of tax account number 31.-14.21, a distance of 1,798 feet, more or less, to the southerly line of tax account number 31.-1-16; thence,
4. Southeasterly, along the southerly line of tax account number 31.-1-16, a distance of 56 feet, more or less, to the westerly line of tax account number 61.-1-71.1; thence,
5. Southerly, along the westerly line of tax account number 61.-1-71.1, a distance of 558 feet, more or less, to the westerly extension of the southerly line of tax account number 31.-1-61.1; thence,
6. Southeasterly, along the westerly extension of the southerly line of tax account number 31.-1-61.1, and the southerly line of tax account number 31.-1-61.1, through the lands of tax account number 61.-1-71.1, a distance of 208 feet, more or less, to an angle point; thence,
7. Easterly, along the southerly lines of tax account numbers 31.-1-61.1 and 31.-118.12, a distance of 1,144 feet, more or less, to the easterly line of tax account number 31.-1-18.12; thence,
8. Northwesterly, along the easterly line of tax account number 31.-1-18.12, a distance of 729 feet, more or less, to a point 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road); thence,
9. Easterly, along a line 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road), through the lands of tax account numbers 31.-118.11 and 31.-1-19, a distance of 2,359 feet, more or less, to a point 500 feet westerly of and parallel to the center line of McPherson Road (49.5 feet wide right-of-way); thence,
10. Southerly, along a line 500 feet westerly of and parallel to the center line of McPherson Road, through the lands of tax account numbers 31.-1-19 and 31.-1-29.113, a distance of 2,194 feet; thence,
11. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of McPherson Road; thence,
12. Northerly, a distance of 2,256 feet, parallel to the center line of McPherson Road; thence,
13. Easterly, a distance of 2,222 feet, parallel to the center line of NYS Route 20; thence,
14. Southerly, a distance of 980 feet, parallel to the center line of Macintyre Road; thence,
15. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of Macintyre Road; thence,
16. Northerly, a distance of 142 feet, parallel to the center line of Macintyre Road; thence,
17. Easterly, a distance of 2,093 feet, parallel to the center line of NYS Route 20; thence,
18. Southerly, a distance of 4,258 feet, parallel to the center line of Casey Road; thence,

19. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of Casey Road; thence,
20. Northerly, a distance of 4,956 feet, parallel to the center line of Casey Road to the center line of NYS Route 20; thence,
21. Westerly, a distance of 1,830 feet along the Town line; thence,
22. Westerly, a distance of 11,274 feet, parallel to the center line of NYS Route 20, to a point 500 feet north of NYS Route 20 along the center line of NYS Route 36; thence,
23. Southerly, a distance of 171 feet along the center line of NYS Route 36 to the northern property line of tax account number 31.-1-7.12; thence,
24. Westerly, a distance of 746 feet, along the northern property line of tax account number 31.-1-7.12; thence,
25. Southerly, a distance of 334 feet, along the westerly property line of tax account number 31.-1-7.12; thence,
26. Easterly, a distance of 752 feet, along the center line of NYS Route 20, to the point of beginning.

Consolidated Water District NYS Route 20 Extension, as described above, contains approximately 483.30 acres of land.

All as shown on a map prepared by CPL, entitled "NYS Route 20 Extension — Proposed Water District Map", dated April 13, 2021.

**NEW BUSINESS:**

1) Caledonia Trailblazers:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trailblazers Snowmobile Club for the 2021-2022 season. Voted on and approved, Yes-5, No-0.

2) Water Service Restoration:

a- Angela Stokes:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the Water Service Restoration application for Angela Stokes at 2526 Main Street, in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

3) ZBA resignation:

Supervisor Deming reported that we received a resignation letter from Zoning Board of Appeals member Harold Wolcott dated May 13<sup>th</sup>, and need to officially accept it.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to accept with regrets the resignation of Harold Wolcott on the Zoning Board of Appeals. Voted on and approved, Yes-5, No-0.

Supervisor Deming stated that with Mr. Wolcott's resignation, it has left a vacancy on the ZBA. We did receive once application to fill such vacancy, Amy McMahon.

4) ZBA Appointment:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to appoint Amy McMahon to fill the vacancy position on the Zoning Board of Appeals, term to expire on December 31, 2021. Voted on and approved, Yes-5, No-0.

5) Retsof Water Services:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve payment application #1 for Rochester Pipeline, Inc in the amount of \$51,038.75. Voted on and approved, Yes-5, No-0.

6) Anderson Road Extension

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve payment application #4 for Morsch Pipeline, Inc in the amount of \$93,169.98. Voted on and approved, Yes-5, No-0.

7) Town Hall Rental Status:

Supervisor Deming reported that things have opened up more freely with Covid-19, the County building has been proceeding with the honor system. No masks are required if you have been fully vaccinated and social distancing has eased as well. Supervisor Deming asked the Board their thoughts on how to proceed at the Town Hall.

Councilman Smith asked Clerk Harris if we have been receiving requests to rent the hall, which she replied we have, mostly for upcoming graduation parties. Clerk Harris stated due to the time table for these parties the residents have found other locations but we still have the York/Leicester Seniors who will need a meeting location by the fall time frame.

Supervisor Deming commented due to the Court needs and NYS requirements, the main hall is now used for court nights which is housing the Judge's bench, several newly built tables and soon to arrive metal detector, we don't really have available space.

After a brief discussion, the Board agreed to hold off on renting the Town Hall at this time.

8) Submittal of Petition:

Supervisor Deming reported that Clerk Harris received yesterday a signed petition from residents on Rt. 20 (Telephone Road) west of Rt. 36 and east of Federal Road, requesting the Town Board consider the potential formation of a water district west. Signatures were obtained by Susan and Alan Brightman.



RECEIVED 6-7-2021

2302 Telephone Road  
Le Roy, NY 14482

June 7, 2021

York Town Board  
2668 Main Street, O Box 187  
York, NY 14592

RE: Request to form Consolidated Water District--NYS Route 20 Extension West

Dear Board Members,

Attached is a petition signed by taxpayers of the homes on Route 20 (Telephone Road) west of Route 36 and east of Federal Road requesting the York Town Board consider the potential formation of the Consolidated Water District--NYS Route 20 Extension West. Of the nine properties located along this section of Route 20, seven taxpayers have signed this petition, one taxpayer declined, and one taxpayer/caretaker could not be reached.

In addition, we are in the process of splitting our existing 7.6 acres into two lots and building a separate house on the vacant lot. We currently have completed our plans with the architect and have requested bids from builders. Also, we are awaiting the surveyor's final report to submit to the Planning Board for approval. Since this property has not previously been split, should only require the Chair's signature to approve. This new house will add an additional property to connect to municipal water should it be available.

Also, we have heard there may be some interest by Harold Morris, 1510 Federal Road (North) but this is was per a neighbor and we have been unable to reach this taxpayer this week. Therefore, this property is not included in this petition.

Please let us know if you have any questions or require any additional information.

Respectfully,

Alan Brightman



Susan A. Brightman

Enclosure

## Petition to Town of York, NY

We, the undersigned, Town of York residents petition the Town of York Board for the potential formation of the Town of York Consolidated Water District —NYS Route 20 Extension West to include the properties on Route 20 (Telephone Road) west of Route 36 to the intersection of Federal Road wholly in the Town of York, County of Livingston and State of New York. If agreed, the Town of York Consolidated Water District—NYS Route 20 Extension West would be added to the Town of York Consolidated Water Project to receive municipal water.

Signature	Full Name	Email Address	Mailing Address	Telephone
	Barb Guck	bandtguck@gmail.com	2617 Telephone Rd LeRoy 14482	585-813-7915
	Gerald Christman	-	2618 Telephone Rd	585-535-6080
	Allen R. Rodger	ARodger@frontier.com	2471 Telephone Rd	585-333-1198
	Allen R. Rodger	ARodger@frontier.com	2521 Telephone Rd.	"
	Brenda Schlageter	slageter_bj@frontier.com	2607 Telephone Rd LeRoy NY 14482	585-749-2585
	Cate Gruber	CV61@pet.edu	2371 Telephone Rd York NY 14482	717-228-7456
	Alan Brightman	Arundelberryers@gmail.com	2302 Telephone Rd., LeRoy 14482	585-768-2095 H 585-943-6990 C
	Susan A. Brightman			

Signatures obtained 6/3/21:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell acknowledging receipt of the petition for water submitted by Susan and Alan Brightman on behalf of the Rt. 20 west residents, and to further submit such request to CPL for review of the feasibility. Voted on and approved, Yes-5, No-0.

9) Flats Road Correspondence:

Supervisor Deming read aloud a letter received on June 4<sup>th</sup> regarding much needed road repair on Flats Road in Piffard.

RECEIVED 6-4-2021

June 1, 2021

Town Board  
Town of York  
2668 Main  
Box 187  
York NY 14592

Dear Members of the Board:

When was the last time you were on Flats Rd. in Piffard? It is falling apart— not just the usual wear and tear to the edges of rural pavement, but serious cracks and holes in the middle of the roadway down to the bed of the road itself.

With the expansion of the Donnan farm fields along Chandler Rd., large farm equipment and trucks now use Flats Rd. regularly. This road was not designed for the size and weight of these vehicles. Driving on it has become hazardous. The northern section of Flats Rd. is also a fairly densely populated residential area. These vehicles present a safety issue for the people who live there.

This problem that is only going to get worse over time. There are easy and readily available solutions:

- Repave Flats Rd. (perhaps not so easy, but it needs to be done)
- Restrict direct entry/exit to Flats Rd. by large farm equipment/vehicles via Rte. 63.  
(Access to the southern part of Flats Rd. is readily available off Chandler Rd. from Rte. 63.)

Thank you for serious consideration of this matter and for your work for the town.

Sincerely,

A Concerned Resident and Taxpayer

Mr. Worden commented that we do not have jurisdiction on the number of vehicles using the road, but we can make repairs. The State has increased the CHIPS funding so we will have money available to repave Flats Rd.

- 10) Re-Assessment Project:  
a-Request for State Assistance

RESOLUTION REQUESTING STATE ASSISTANCE FOR A  
REASSESSMENT PROJECT FOR THE TOWN OF YORK

ADOPTED: JUNE 8, 2021

RESOLUTION offered by Councilman Smith and seconded by Councilman Gates:

WHEREAS, the Town of York has undergone the revaluation of real properties within the Town, the Town feels that it is necessary to conduct a reassessment project of all properties for the 2022 assessment roll to maintain a uniform standard of assessment for the Town; and

NOW, THEREFORE, it is hereby

RESOLVED, by the Town Board of the Town of York, New York, that the Town of York hereby requests State assistance, specifically from the New York State Office of Real Property Services, to do a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program.

Voted on and approved, Yes-5, No-0.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 8<sup>th</sup> day of June, 2021.



Christine M. Harris,  
York Town Clerk

11) Grievance Day Change:

Supervisor Deming reported that Assessor, Gregg Torrey has requested that the Board consider changing Grievance Day to the 4<sup>th</sup> Tuesday in May each year. Attorney Campbell stated in order to make such change it must be approved as a Local Law and has prepared Local Law documentation for the Board to review this evening in order to schedule a Public Hearing for a later date. The Board confirmed that they did receive the proposed Local Law documentation.

After review of Local Law wording...

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to schedule a Public Hearing for Tuesday, July 20<sup>th</sup>, 2021 at 6 p.m. to consider public opinion and comment about or concerning changing the previously established Grievance Day from the first Tuesday after the fourth Tuesday in May, to the 4<sup>th</sup> Tuesday in May. Voted on and approved, Yes-5, No-0.

12) Davies Nagel request:

Supervisor Deming stated that he received recently an email from Davies Nagel requesting consideration of a round about at Rt. 36/63 and asked for clarification as to whom to inquire with, the Town Board or DOT?

The Town Board briefly discussed Mr. Nagel's request and do not wish to proceed with a roundabout at this time and feel it is not necessary.

**BILLS:**

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

- General Fund # 148-179 \$ 17,576.12
- Consolidated Water/Sewer #117-137 \$279,570.23
- Highway Fund # 86-97 \$ 2,723.77

**ADJOURNMENT:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:25 p.m.

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