

York Town Board Meeting  
June 14th, 2022  
7:00 p.m.

Present: Supervisor Gerald Deming, Council Members: Amos Smith, Jason Swede and Norman Gates

Absent: Frank Rose Jr.

Others: Sarah Santora (Rep from Sen. Patrick Gallivan's office), James Campbell (Town Attorney), Joe McIlroy, George Worden Jr. (High Supt), Henry Fuller, Davies Nagel, Zachary & Andriana Kobylanski, Martha Edmonds and Carl Peter (Zoning & Code Officer).

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

**MINUTES**

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to approve the minutes of the May 10<sup>th</sup> Public Hearing and Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

**BILLS:**

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

- General Fund # 141-178 \$ 63,268.94
- Consolidated Water/Sewer # 122-147 \$164,857.56
- Highway Fund # 96-114 \$257,841.17
- Youth Fund # 5-6 \$ 583.30

**PRIVILEGES OF THE FLOOR:**

1) Sarah Santora:

Ms. Santora thanked the Board for the opportunity to speak this evening as the community representative for Senator Patrick Gallivan's office. She expressed due to re-districting, Senator Gallivan will not be representing this area after December 31, 2022. Ms. Santora commented that the Senators office has enjoyed the working relationship with the Town of York over the years but he will now be responsible for a new district which will be middle to Southern Erie County.

Ms. Santora stated that Senator Gallivan has been proud to represent the 59<sup>th</sup> District and will continue to do so until the end of the year if the Town should need any assistance. He hopes to be in this area over the summer and conveyed how much he loved representing this area and is disappointed that it will be coming to an end.

Supervisor Deming asked Ms. Santora to inform Senator Gallivan how grateful the Town of York is for all of his assistance as our representative. He has always been helpful with anything we asked and a great person to work with. Mr. Deming added, thanks to Senator Gallivan, the Town of York benefitted with grant funding on several occasions.

2) Andriana/Zach Kobylanski:

Mr. & Mrs. Kobylanski requested privileges this evening to discuss with the Board a request to consider waiving the previous stipulations placed on the “Bernecker Subdivision lots” back in 2006, requiring a full basement for a single-family residence.

Mr. Kobylanski stated that he and his wife purchased two lots and have since combined them for the purpose of building their new home which will be a barn dominium style structure. The issue is the existing stipulations placed on the lots previously owned by Art Bernecker as it pertains to the requirement for a full basement for residential homes. Mr. Kobylanski commented after reviewing costs for a full basement (over \$100,000), they discussed the possibility of putting in a slab, with their modern style home. The shop is already on the property and they would like to begin the process for the home.

Andriana Kobylanski stated that they are asking for guidance from the Board and consideration to allow them to alter from the existing stipulations. Mr. Kobylanski added that the neighbors have signed a document in favor of this request.

Supervisor Deming clarified to the Board that the reason this matter is before the Town Board tonight is because back in 2006, the Town Board made such stipulations/regulations during the subdivision process. After the zoning was updated in 2009, subdivision responsibilities are now with the Planning Board.

Councilman Smith inquired, doesn't our Planning Board have jurisdiction on this?

Attorney Campbell replied even though the Planning Board would normally handle subdivision matters now, these regulations/stipulations were approved by the Town Board previously and should not have the Planning Board undo an action of the Town Board. This was a condition prepared by the Town Board.

Councilman Smith asked once again why this was before the Town Board?

Zoning/Code Officer, Mr. Peter explained that jurisdiction once belonged to the Town Board for subdivision issues and this regulation is only specific to the “Bernecker lots”.

Mr. Kobylanski added that several homes in town have converted barns for residential purposes. Attorney Campbell added that other areas throughout the town are free to place because they do not have stipulations to adhere to as this area requires.

Mr. Peter commented that there is nothing in the codes stating that basements are required, outside of these stipulations previously placed.

Councilman Swede asked if this would open up a can of worms if approved?

Supervisor Deming replied that it would not, the only other subdivision that has the same stipulations has additional requirements that must be met first.

Mr. & Mrs. Kobylanski commented that they would not construct anything in the area without proper site work first and have invested roughly \$10,000 already. Before spending any additional funds, they want to be certain approval can be obtained.

Councilman Swede stated if the home can be built to code, that is the biggest factor.

Mr. Peter explained about Town Code and NYS Building Codes and added that these structures with a slab can meet code.

Attorney Campbell suggested scheduling a public hearing to invite comments since the Town Board will be potentially altering the existing stipulations. Mr. Campbell added that many towns experienced the same method of having the Town Board do subdivision requests in previous years, this was not unusual.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to schedule a Public Hearing for Tuesday July 12, 2022 at 6:30 p.m. to accept comment on the request made by Andriana and Zachary Kobylanski to build a single-family residence without a full basement, to be constructed on a slab. Voted on and approved, Yes-4, No-0.

Councilman Smith questioned whether or not a slab would be sufficient in the climate we are in, with ground movement and such.

Mr. Kobylanski replied it is already being done in the township. Many homeowners do not have full basements and have chosen the slab method.

Mrs. Kobylanski added that they are investing a lot of money in this home and would not build something that wasn't code approved.

Councilman Swede stated as long as it meets the requirements that's the important factor and added it will all be ironed out at the Public Hearing.

Mr. Kobylanski commented that they did not want to invest another \$8,000 into plans unless approval had taken place by the Board to alter the previous stipulations.

Supervisor Deming stated that the matter will be discussed further at the July 12<sup>th</sup>

Public Hearing.

**HIGHWAY:**

Mr. Worden reported the following for the Highway Department:

- 90% of the oil and stoning projects have been completed
- Still need to put Piffard Circle back together (restoration/road updates) after the water project conducted by Blue Heron.
- Vault in Piffard will be dug up shortly and moved to the Rt. 20 project

**WATER/SEWER REPORT:**

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

- Fineline Pipeline has started the Rt. 20 water project. They have installed 2 inch down MacIntyre Road thus far, with the Engineer (Connor Himes) watching continuously. Mr. Worden added that they are doing a great job on restoration as well.
- The Water Department personnel have recently completed the water meter reads for the upcoming July billing cycle. Bills will be mailed out at the end of June.

**SEWER:**

- Mr. Worden informed the Board of the bid results of the Wastewater Treatment Facility UV Disinfection project opened on June 1<sup>st</sup>. The quotes were very high, much more than we expected.

Supervisor Deming stated that he spoke with CPL Engineer Eric Wies about having a meeting next week to discuss potential options going forward.

Mr. Worden stated that Covington has installed their pumps recently so we will be hearing from them shortly about water.

Councilman Smith commented that Craig Road turned out well and wanted Mr. Worden to know it.

**OLD BUSINESS:**

1)Highway Roof:

Mr. Worden informed the Board that the highway roof had been leaking. He reached out to Sunset Roofing and they put a clay patch on it but unfortunately the rubber has come unglued. Mr. Worden commented that the roof needs replacement, patching is not working.

Supervisor Deming stated we need to look at options other than a flat roof. Mr. Worden replied that this building is old style design, and he has not heard good things about flat roofs. Mr. Worden will contact CPL to discuss potential options.

**NEW BUSINESS:**

1)Trail Town committee:



## Town of York Trail Town Committee - Goals 5/17/22

**General:** To support the Genesee Valley Trail Town Initiative. This involves working together with the ten participating communities along Genesee Valley Greenway whose goal is to help revitalize our rural communities by growing outdoor tourism and small businesses and create more resilient communities in the Genesee Valley.

**Long Term:**

1. Connect the Genesee Valley Greenway to the Groveland Secondary (Phoebe Snow) Trail using the Little Italy Trail and the abandoned railroad bed located near the Abbey of the Genesee.

**Short Term (in no order of importance).** Genesee Valley Trail Towns Action Plan, York, January 2022: *Priority areas for action include **trail safety and access, community design, and signage and interpretation.***

1. **Social Media:** - *Of 30 hospitality-related businesses in the area, only 47% have a website and only 63% show up in Google search results when conducting a discovery search online.* Improve these percentages. Encourage creating a website that can be linked to the Town website, but could be more attractive and engaging. Update York's page on the Explore Genesee Valley website. Update the Town of York Map on the town's website.
  2. Build support for changing the name of the Groveland Secondary Trail to the Phoebe Snow Trail.
  3. Identify trail safety and access problem areas. Encourage participation in the Safe Streets for All (SS4A) grant opportunity.
  4. Complete the PTNY and NBRC grant work.
  5. Raise awareness about York as a trail town.
-

Supervisor Deming stated that he did have a few questions this evening for the committee.

Q- What are the priorities and the time frames associated with them?

Mr. Nagel replied that we anticipate grant funding this year and hope to have the kiosks installed.

Q- Who is going to be the point person(s) for social media?

Mr. Nagel responded that currently we are missing out on the social media platform. Other Trail Towns are already up and running and we need to follow suit.

Q- Is the Trail Town Committee applying for the Safe Streets grant?

Mr. Nagel answered that he hopes the County will apply for that grant. Mr. Nagel added the more agencies involved in this process, the better chance for funding. The key to funding is having a plan in which to work from, which the Town of York trail Town Committee does have.

Mr. Nagel asked if Trails are addressed in the 2018 Greigsville Plan?

Supervisor Deming replied that trails are addressed in the Greigsville Plan.

**\*NOTE:** Parks and Trails New York announced recently in an email \$50,000 in grants awarded to Genesee Valley Trail Town Communities. Nine organizations will be receiving assistance including the Town of York Trail Town Committee, in the amount of \$7,642. The funding will be used for parking signs at the Piffard trailhead, a kiosk, bike rack and bench at the Fowlerville trailhead, a bike rack and a bench at York Landing, signage on River Road and promotional materials.

2)Crown Castle Bore Request:

Mr. Worden stated that we received an email request by Joseph Klem of Crown Castle to apply for a directional bore for fiber optic cable on Chandler Road. He spoke with the gentleman about the specific location of the bore, but is not comfortable due to the fact that our water line is located there. Mr. Worden added more than likely we will be replacing our main on Chandler Road within the next 5-7 years so he does not want to contend with a fiber optic cable as well.

Supervisor Deming asked Mr. Worden to contact Mr. Klem once again to explain his concerns and a potential compromise.

3)Budget Modification:

a-Anderson Road

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

**TOWN OF YORK**

**RESOLUTION**

**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:

Miscellaneous	Decrease of	\$535.28
Direct Expense (Plug Hug)	Increase of	20,527.17

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 June 14, 2022, by the following vote:

	AYE	NAY
Gerald Deming, Supervisor	Aye	
Frank Rose Jr., Deputy Supervisor	Absent	
Amos Smith, Councilman	Aye	
Norman Gates, Councilman	Aye	
Jason Swede, Councilman	Aye	

Voted on and approved, Yes-4, No-0, Absent-1

Christine M. Harris  
Christine Harris  
Town Clerk – Town of York

Dated: June 14, 2022

Supervisor Deming reported that the remaining balance is now \$51,252.31.

4)Water Restoration request:  
 a-Angela Stokes

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the Water Service Restoration request submitted by Angela Stokes for property located at 2526 Main Street, in the amount of \$200.00. Voted on and approved, Yes-4, No-0.

5)Noblehurst Water Request:

Mr. Worden informed the Board that Chris Noble of Noblehurst Farms has requested and completed a water tap application for 1790 Craig Road. Mr. Worden commented before any action of the Board takes place, he would like to meet with them to fully discuss their water needs and what it will mean to our system.

Councilman Swede commented we definitely need more specific numbers before rendering a decision.

Supervisor Deming stated we will table this discussion until our next meeting on July 12<sup>th</sup>.

6)Line Transfers:

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to approve the following line transfers prepared by BBS Accounting services:

**TOWN OF YORK**

**PLEASE APPROVE THE FOLLOWING LINE TRANSFERS AT YOUR NEXT MEETING:**

**GENERAL FUND - TOWNWIDE**

<i>Transfer From:</i>	A1620.4	Buildings Contr.	\$	943.00
			TOTAL:	<u>\$ 943.00</u>

<i>Transfer To:</i>	A8020.4	Planning, Contr.	\$	943.00
			TOTAL:	<u>\$ 943.00</u>

**HIGHWAY FUND - TOWNWIDE**

<i>Transfer From:</i>	DA5110.4	General Repairs, Contr.	\$	-
			TOTAL:	<u>\$ -</u>

<i>Transfer To:</i>	DA5130.1	Machinery Pers. Serv	\$	-
	DA5130.2	Machinery, Equip. & Cap	\$	-
	DA5140.1	Brush & Weeds Pers. Serv.	\$	-
	DA9010.8	Retirement	\$	-
	DA9050.8	Unemployment Ins.	\$	-
			TOTAL:	<u>\$ -</u>

**CONSOLIDATED WATER DISTRICT**

<i>Transfer From:</i>	SW8320.4	Source of Supply, Contr.	\$ 238,249.00
			<u>\$ 238,249.00</u>
		<b>TOTAL:</b>	<b>\$ 238,249.00</b>
<i>Transfer To:</i>	SW8310.2	Water Admin, Equip. & Cap.	\$ 456.00
	SSW8310.4	Water Admin, Contr.	\$ 35,273.00
	SW8340.2	Water Trans. Equip. & Cap.	\$ 1,914.00
	SW8340.4	Water Trans., Contr.	\$ 200,606.00
			<u>\$ 238,249.00</u>
		<b>TOTAL:</b>	<b>\$ 238,249.00</b>

**RETSOF SEWER DISTRICT**

<i>Transfer From:</i>	SS8130.2	Sewage Treat, Contr.	\$ 10,000.00
	SS8130.2S	Sewage Share, Seperator	\$ 11,796.00
			<u>\$ 21,796.00</u>
		<b>TOTAL:</b>	<b>\$ 21,796.00</b>
<i>Transfer To:</i>	SS8110.2	Sewer Admin. Equip. & Cap. Outlay	\$ 356.00
	SS8110.4	Sewer Admin. Contr.	\$ 21,417.00
	SS8130.4A	Trans. & Dist. Contr.	\$ 23.00
			<u>\$ 21,796.00</u>
		<b>TOTAL:</b>	<b>\$ 21,796.00</b>

**SEWER DISTRICT #1**

<i>Transfer From:</i>	SS1-8130.2S	Sewage Share of Seperator	\$ 4,571.00
			<u>\$ 4,571.00</u>
<i>Transfer To:</i>	SS1-8110.2	Admin. Equipment	\$ 1,659.00
	SS1-8110.4	Admin. Contr.	\$ 2,807.00
	SS1-8340.4	Trans. & Dist. Contr.	\$ 105.00
			<u>\$ 4,571.00</u>

**SEWER DISTRICT #2**

<i>Transfer From:</i>	SS2-8130.2S	Sewage Share Separator	\$ 583.00
			<u>\$ 583.00</u>
<i>Transfer To:</i>	SS2-8110.2	Admin. Equipment	\$ 356.00
	SS2-8110.4	Admin, Contr,	\$ 227.00
			<u>\$ 583.00</u>

Voted on and approved, Yes-4, No-0.

Highway Superintendent Mr. Worden requested Executive Session with the Board to discuss a personnel matter.

**7:50 p.m.**

RESOLUTION offered by Mr. Smith and seconded by Mr. gates to enter into Executive Session to discuss employment history of a particular individual to include Town Board, Mr. Worden, Attorney Campbell and clerk Harris. Voted on and approved, Yes-4, No-0.

**8:05 p.m.**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to end Executive Session. Voted on and approved, Yes-4, No-0.

Supervisor Deming reported no action was taken in Executive Session.

**ADJOURNMENT**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board Meeting until July 12<sup>th</sup>. Voted on and approved, Yes-4, No-0

Town Board meeting closed at 8:07 pm.

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