

York Town Board Meeting  
April 9th, 2024  
7:00 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Frank Rose Jr., Amos Smith, Jason Swede and Lynn Parnell

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt), Joe McIlroy, Davies Nagel, Henry Fuller, Dustin Geiger, Becky Lewis, Kirk Richenberg, Carl Peter (Zoning/Code Officer), Blaine VanRy, Martha & Edward "Ned" Edmonds, Paul Trower, and John Trower.

Supervisor Deming opened the Town Board meeting at 7:00 p.m. and asked Councilwoman Parnell to lead in the Pledge of Allegiance.

**MINUTES:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the minutes of the March 12<sup>th</sup> Public Hearing and Regular Town Board meeting. Voted on and approved, Yes-5, No-0.

**BILLS:**

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

• General Fund Claim	# 88-117	\$ 31,031,.83
• Consolidated Water/Sewer	# 64-90	\$ 367,800.97
• Highway Fund	# 58-72	\$ 6,624.74

**PRIVILEGES OF THE FLOOR:**

1) Davies Nagel:

a) Trail Town Committee Report to Town Board

**4/9/24**

1. Trails Are Rural Economic Drivers- 2/22/24 (youtube.com)
  - Research has demonstrated that trails and outdoor recreation are powerful, and cost effective, community and economic development assets.
  - Rural communities are changing as work from home grows

- Active lifestyles, access to the outdoors, and a sense of place attract highly skilled workers, creative people and their ideas, energy, and capital.
- 2. Any thoughts regarding my suggestion of 3/12/24 about developing some guidelines, a procedure, or a committee to help the community access the solar funds we have now and that we will have. What might be some reasons that this would not be a good idea?

Mr. Nagel stated that he recently viewed a very good webinar outlining why trails can be beneficial to communities and encouraged the Board to view it on YouTube, “Trails are Rural Economic Drivers”.

Mr. Nagel also addressed if there have been any thoughts on forming a committee about developing guidelines on how and whom can potentially access solar funds, and asked Councilman Smith if he thought this might be a good route to go.

Councilman Smith replied having conversation and guidance with community members can be beneficial.

2)Kirk Richenberg:

Mr. Richenberg asked to speak with the Board this evening on the topic of energy storage.

Q- Are the Board members aware of any state laws pending regarding energy storage?

Supervisor Deming replied he is not aware of any pending. Attorney Campbell commented he is aware of a few items in the propose State budget.

Q- Are there any current incentives the State is pushing regarding battery Storage?

Supervisor Deming stated not for battery but yes for solar.

Q-The chimney at the Highway Department was removed, what was the fee? Supervisor Deming answered after a few conversations with CPL we ended up paying \$1,500.00.

Mr. Richenberg commented that is a big difference from the amount quoted last month (\$4,500.00). Supervisor Deming agreed.

Q- The Town lost (2) Water/Sewer employees, what about the 3<sup>rd</sup> employee, he was planning to retire shortly.

Supervisor Deming replied that we did lose two employees, but Mr. Hodges has not retired yet and is willing to continue for now. The Civil Service test will be given next

week, and we are happy to report that four (4) Town of York residents have signed up to take the exam.

### **HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Department:

- We have been repairing signage.
- Piffard Water: we are currently in the testing phase and will be sending samples out tomorrow.
- We do have an employee leaving us shortly to start his own business so we will need to advertise for the Highway Department.

### **Advertisement**

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing permission to advertise for (1) MEO position. Voted on and approved, Yes-5, No-0.

### **WATER/SEWER REPORT:**

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

- Mr. Hodges has been handling the Water and Sewer matters very well. He is sampling and conducting day to day routine duties while Mr. Worden has been doing the maintenance of the lift stations.
- We had a lift station issue last night in Wadsworth. Once the call came in from the neighbor in proximity, Mr. Worden went out to verify the issue and was repaired quickly.
- Sewer Plant is under construction, the building is up and the roof is on, and they are now working on the electric.

### **NEW BUSINESS:**

1) Mary Mayes- Resignation:

Supervisor Deming reported that we received a resignation letter from the Town Constable Mary Mayes. Mrs. Mayes has served as Constable for 19 years and he feels it would be appropriate to thank her with perhaps a gift card but we must first officially accept her resignation.

RESOLUTION offered by Mr. Swede and seconded by Mrs. Parnell to accept the resignation of Mary Mayes as Town of York Constable effective March 16, 2024. Voted on and approved, Yes-5, No-0

\*Clerk Harris stated she will obtain a gift card from the Yard of Ale.

2) Water Service Restoration:

a)2872 Main Street:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the Water Service Restoration request submitted by Brad Zambito for property located at 2872 Main Street, in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

3) Michelle Sumption Correspondence:

Supervisor Deming commented that Clerk Harris received an email from UP Church Pastor Michelle Sumption, that she forwarded to each of the Board members regarding the playground equipment behind the Town Hall. Pastor Michelle inquired if the Town would be willing to partner with the Church and Fire Department to update the equipment. Mr. Peter answered that the swing equipment and slide are situated on Fire Department property; the remaining area is owned by the Church, and the equipment was purchased many years ago by the Town.

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**Town Clerk**

**From:** Michelle Sumption <michelle.sumption@gmail.com>  
**Sent:** Thursday, March 14, 2024 11:49 AM  
**To:** Town Clerk  
**Subject:** Playground Equipment

Good morning, Chrissy!

I am reaching out in regards to the playground equipment that is behind the parking lot, and I am wondering if the town would be interested in partnering with the church and fire department to update the equipment?

For some background information, you may know that a community member anonymously posted on a York community Facebook page, expressing that the equipment is in disrepair. Though I accept their post simply as venting, I became curious as to who maintains that equipment. This led to a conversation with Fire Dept VP Brittany Peter (with Carl Peter answering some of our questions) to find out that the fire department mows the area, the church owns the area, and the town's insurance covers the equipment. When I reported this to the church's Trustees on Tuesday night, we wondered if this could be a project fit for the solar funding, and Sue Smith said she would follow-up with Amos about this idea. Even if the solar funding is not an option, there still seems to be a lot of ideas and creativity being generated around this topic.

So basically, there is energy from both the fire department and especially the church about creatively exploring options for that area and playground equipment, and I wanted to make sure that y'all were kept in the loop. If you have any feedback, concerns, or ideas, please feel free to reach out to me. Email is a good option, or my cell is (585)447-4250.

Thank you!

Michelle

Supervisor Deming stated we should have a representative from the Town to partner with the Church and Fire Department to have further discussions on upgrades. Supervisor Deming commented even with the aged equipment, this area is used a great deal and should receive some updates. Councilman Amos Smith agreed to be the Board's representative.

4) York Fire Dept:

a) New Member:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve Daniel E. Chapman as a new member of the York Fire Department. Voted on and approved, Yes-5, No-0.



## York Fire Department

P.O. Box 409 –York, New York 14592

Established in 2007

April 5, 2024

To: York Town Board

The York Fire Department requests your approval of new member Daniel E. Chapman as an active member in the York Fire Dept.

Respectfully,  
Chief Carl Peter  
York Fire Department, Inc.

5) Pay App #2 (UV Disinfection Project):

a) M.W. Controls:

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to approve Pay App #2 to M.W. Controls Services in the amount of \$63,692.85. Voted on and approved, Yes-5, No-0.

6) Pay App #4 (UV Disinfection Project):

a) STC Construction:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve Pay App #4 to STC Construction, Inc. in the amount of \$238,545.00. Voted on and approved, Yes-5, No-0.

7)Change Orders (Retsof Sewer District):

a) Base Bid A & Base Bid B:

Supervisor Deming stated that we received documentation from CPL regarding Change Orders #1 for Base Bid A and Base Bid B for the Retsof Sewer District. The Change Orders will not reflect additional cost but will increase the time for completion by two months. Supervisor Deming will be signing both change orders this evening.

**OTHER:**

1)Battery Storage update:

Attorney Campbell discussed with the Board the need to incorporate additional language in the Battery Energy Storage Law. Mr. Campbell stated that he will be broadening the language to include hydrogen storage as well.

Supervisor Deming asked how hydrogen came into discussions.

Attorney Campbell answered that Planning Board member, Chris Wall stated that his company has worked on a couple of hydrogen storage projects in the region and feels this is probably the direction the industry will be going. Mr. Campbell also commented that there are a fair amount of incentives with this as well.

Mr. Richenberg commented that there should be an expert in the field weighing in on this in order for the Town Board to make a proper decision.

Planning Board Chairman, Joe McIlroy replied he agrees that additional assistance is needed and asked Attorney Campbell at their last Planning Board meeting to reach out to Lance Brabant of MRB.

Mr. McIlroy stated he feels one provision should be addressed, which is the 400' set back, having battery storage next to a residence. Mr. McIlroy believes the 400' provision should apply to all property owners, and participating property owners should not be exempt.

Mr. Fuller commented that the State has a proposal on the table which we should review before the Town goes forward with the proposed Local Law.

Supervisor Deming stated the reason we have our Local Laws is for some protection. Thus far, the solar companies have abided by our laws and hope battery storage companies will follow suit. Mr. Deming commented we need to have at least something on the books for our protection.

2)OYA Status:

Attorney Campbell informed the Board that he contacted property owner Mario Dragani about the delinquency status of the OYA PILOT payment. Mario then put Attorney Campbell in touch with his son Rocco who was able to give us a representative from OYA, Greg Rossetti. Attorney Campbell prepared a letter/email outlining the PILOT delinquency and the additional charges that have now been included with such delays. The initial PILOT payment was \$1,524.00 with new charges of \$22.86 in interest as of 4/9/24 and attorney fees of \$611.00, **now totaling \$2,157.86 due.**

Attorney Campbell stated the Board could declare OYA to be in default of the PILOT if payment is not received by the end of the week if they desire. At that point, the Assessor would then be notified to remove the PILOT and put back to full assessment on the parcel, plus dealing with decommissioning aspect. Mr. Campbell commented OYA would certainly challenge default of PILOT but the Board would be well within their right due to lack of payment.

Supervisor Deming stated that the County received their payment.

Mr. Richenberg questioned if the school received their PILOT payment.

**NOTE: (4/10/24)** Supervisor Deming contacted York Central School and was informed that OYA did make payment in September 2023 and will be required for payment in September each year.

Attorney Campbell and Supervisor Deming each stated that they tried to make contact several times with OYA representatives in Toronto regarding this situation but all of the people we have dealt with over the last two years are no longer with the company, creating the delays.

After no further discussion...

### **ADJOURNMENT**

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to adjourn the Town Board meeting until May 14<sup>th</sup>. Voted on and approved, Yes- 5, No- 0.

Town Board meeting closed at 7:28 p.m.

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