

March 12, 2024
Public Hearing
6:30 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), Emily Conable, Davies Nagel, Becky Lewis,
Molly Cummings, David Rose, Kirk Richenberg, Carl Peter (Zoning/Code Officer),
David Deuel, Andrew Smith, Stephen Hint, Andrew Walton and George Worden
(Highway Supt)

Supervisor Deming opened the Public Hearing at 6:33 p.m. and asked Attorney Campbell
to read aloud the Public Hearing notice:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of
York, and pursuant to Town Law §130 and §264, that a public hearing shall be held by
the Town Board of the Town of York at the Town Hall, located at 2668 Main Street,
York, New York at 6:30 p.m. on Tuesday March 12, 2024 for the purpose of considering
public opinion and comment about or concerning proposed Local Law No. 1 of the year
2024 relating to the following:

The purpose of this local law is to modify the boundaries of the Hamlet
Residential District (HR) zoning district within the Town, changing certain specified
areas to Hamlet Commercial (HC). The parcels that are to be amended from a partial
designation of Hamlet Residential District (HR) to a new designation of Hamlet
Commercial (HC) are located on the east side of Main Street (NYS Rt. 36), south of
where it intersects with York Road East, are situate in the Town of York, County of
Livingston, State of New York and are known as 2706 York Road East (Tax Identifier
Map Parcel Number: 51.6-1-35) and ___Main Street (Tax Identifier Map Parcel Number:
51.6-1-34.2)

A copy of the proposed Local Law is available for review by the public at the office of
the Town Clerk during regular Town Clerk hours.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: February 15, 2024
By Order of the York Town Board
Christine Harris- York Town Clerk

Supervisor Deming now opened the hearing for comments:

Mr. Richenberg asked, at the January meeting, the Board stated that four properties would be involved in the proposed boundary changes?

Attorney Campbell replied after reviewing the latest version of the official zoning map that was adopted on May 10, 2022, he verified that two parcels were already included in the Hamlet Commercial District, but that the two parcels owned by Ms. Conable's that are the subject of the proposed Local Law, were only partially re-classified at the time of adoption of the official zoning map.

Mr. Richenberg inquired, so the bank parcel was already included?

Attorney Campbell answered that only a portion of it, not the entire parcel but all will now be included in Hamlet Commercial if the Board approves the Local Law.

Mr. Richenberg commented that he feels that this potential change is spot zoning and gave a copy to each board member the meaning of such:

SPOT ZONING

Spot zoning refers to when a piece of property or groups of property have special zoning laws applied to them that differ from the zoning laws surrounding them. The practice of spot zoning can be very controversial and may be illegal. Some types of spot zoning actually can be necessary, such as granting waivers for existing businesses when new zoning laws come into force or when a business might be needed in a residential area. However, spot zoning also can involve corruption where an individual receives special treatment that may harm surrounding areas or impede competition. For example, a large supermarket could persuade a local government to rezone a plot in a residential only neighborhood for building a new store, and this would reduce the value of the homes near the supermarket, increase noise, and allow the supermarket a virtual monopoly in the neighborhood.

The laws on spot zoning vary greatly by state and locality. Some areas may allow spot zoning broadly while others may condone most uses of spot zoning. For example, in New York, spot zoning is not allowed to benefit one individual or set of individuals unless it benefits the comprehensive plan for the area. Also, local governments must be careful when spot zoning not to trigger equal protection scrutiny for racial discrimination, as occurs with zoning more broadly.

Attorney Campbell stated that this change does not constitute spot zoning. The properties border parcels already in a Hamlet Commercial District. Spot Zoning is where something is not in common with adjacent parcels, this is not the case.

Becky Lewis inquired which parcels were already zoned Hamlet Commercial with the adoption of the new zoning map?

Attorney Campbell answered that the side portion of the bank on York Rd. East was not, as well as the parcel behind it. This Local Law would ensure that the entirety of each parcel is zoned Hamlet Commercial, rather than a portion of the same parcels being zoned for Hamlet Residential.

Councilman Smith commented, after reading the spot zoning definition, it outlines that some types may be necessary when a business might be needed in a residential area. Mr. Smith added, this parcel will be a benefit and increase business in the area.

Mr. Richenberg stated that this land was never a topic at the time of the zoning map change.

Molly Cummings commented that there are four members in attendance tonight from the Town of York Comprehensive Plan Committee who will be reviewing the zoning and maps for updating purposes.

Supervisor Deming stated over 50 years ago, it was used for business and continued to be used for business purposes such as the first location for Reed Palmers barbershop.

Mr. Richenberg expressed that he is not against this business but wanted clarification on the potential for spot zoning.

Attorney Campbell stated that what is proposed is not spot zoning.

Mr. Richenberg inquired how only a portion of these parcels were included and the remainder was not?

Attorney Campbell responded that most of the zoning maps in Livingston County do not follow property line borders. Properties are often subdivided, changing boundary lines and over time, it has the result of zoning districts not following actual property lines on zoning maps.

After no further questions or comments...

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to close the Public Hearing at 6:52 p.m. Voted on and approved, Yes-5, No-0.

Respectfully submitted,
Christine M. Harris
Christine M. Harris, Clerk

Regular Town Board Meeting
March 12th, 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), Emily Conable, Davies Nagel, Becky Lewis, Molly Cummings, David Rose, Kirk Richenberg, Carl Peter (Zoning/Code Officer), David Deuel, Andrew Smith, Stephen Hint, Andrew Walton, George Worden Jr. (Highway Supt) and Dustin Geiger.

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

MINUTES:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Swede to approve the minutes of the February 13th Town Board meeting. Voted on and approved, Yes-5, 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-5, No-0.

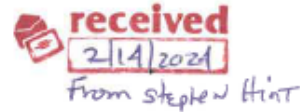
| | | |
|----------------------------|---------|---------------|
| • General Fund Claim | # 64-87 | \$ 27,017.28 |
| • Consolidated Water/Sewer | # 43-63 | \$ 155,997.99 |
| • Highway Fund | # 44-57 | \$ 22,263.26 |
| • Youth Fund | # 4 | \$ 500.00 |

PRIVILEGES OF THE FLOOR:

1) Stephen Hint:

Mr. Hint stated that he sent an email to the Board concerning the Reds Lane subdevelopment issue and wishes to continue discussions regarding a possible resolve.

The Board confirmed receiving Mr. Hint's email.



To: Town board of York, NY

Subject: Reds In subdevelopment 2 years after first town board meeting update

I am again requesting the town board to bring into compliance the Undeveloped Subdivision known as Brock Subdivision located at REDS In. It is my understanding that the planning board, Town board and the Comprehensive plan all have the same goals regarding the use of land, future growth and Zoning laws in this community. I believe that Mr. Brock has made it quite clear that he has no plans to continue development or bring into compliance any of this property as the entire development is for sale. This property should not be able to be sold as is as it does not conform to the Zoning laws in place at this time. I talked to Mr. Peters 2 years ago and there are a couple of solutions that could be put into place to resolve some of these issues. For example, if Reds In belonged to me, Mr. Brock could sell his land and only have a couple of new homes go in with their own driveways.

After attending several town boards meeting it appears to me that the Town Board has the ability to brainstorm through some tough issues. There must be a solution here and I am requesting the Town board again to reach out to Mr. Brock to come up with a permanent solution. Again, this is a 20-year-old problem.

Section 7 Undeveloped Subdivisions. The Town board is to Notify the property owner involved to meet and discuss with the planning board a possible redesign and submittal of their subdivision to the standards and requirements in accordance with Town Laws.

Questions, "I don't know" is not an answer.

- #1 When is the Town going to Address the Non-Compliance of this subdivision?
- #2 When is the town going to change the Zoning for this subdivision, so it reflects the current way in which the land is being used?
- #3 When is the Code Enforcement going to order the responsible party in writing to remedy the conditions that are not in compliance?
- #4 When will an Improvement or performance bond be put into place by the developer to cover the required improvements?
- #5 When is the Town going to take over the Water and Sewer for this development?
- #6a, is it normal for a residential home to have a water supply 700ft away and cross other people's land?
- 6b, where is the water supply meter normally located in relation to the home?
- #7 Is there anywhere else in York where the Fire Hydrants are Present but not turned on?
- #8 Who is responsible for a water leak if it's not on your property?
- #9 Is the town going to stop the sale of this property until a resolution is put into place?
- #10 When is the Town board going to show an interest in resolving these issues?

Mr. Hint questioned after reviewing the town codes and subdivision regulations, why hasn't the Town enforced with Mr. Brock to address the regulations in place or bring him back in to discuss future plans. Mr. Hint stated he was here two years ago to discuss this matter with the Board and Mr. Brock stated he would follow through with certain items but nothing ever transpired. It was his responsibility to have contracted to mow and plow

but no one ever came, which he then took him to court for. Mr. Hint stated Mr. Brock has no plans to build or finish what he originally wanted to, so now he is seeking assistance from the Board for a logical solution. Mr. Hint expressed that this has been 20 years and asked if something can be done, while also commenting the law was not intended to have land locked parcels. Mr. Hint suggested that Mr. Brock try to scale down the original plan for a smaller subdivision.

Supervisor Deming stated that he, Mr. Peter and Attorney Campbell met once again last week with Mr. Brock. Mr. Brock conveyed he was willing to put the road in if he was able to use oil and stone rather than blacktop. Supervisor Deming then contacted Highway Supt. Mr. Worden to ask if that method would be permissible, with his response being it would, as long as it meets Town specifications. Supervisor Deming added, Mr. Brock can sell the lots but until work is completed, no one can obtain a building permit until infrastructure is complete.

Attorney Campbell commented on the actual filed subdivision, all requirements had to be met within 10 years or then becomes defunct. Mr. Campbell stated that the Town spelled out to Mr. Brock what will be required if Mr. Brock wants to continue with the subdivision development or sell any lots. We told Mr. Brock that he would be required to complete the road before any further action could be taken to revive the subdivision or sell any of the individual .9 acre lots on the right side of Reds Lane. Mr. Brock said he was receptive to proceeding with the road and future dedication of the water line to the Town.

Mr. Campbell addressed with Mr. Hint a comment made earlier in the evening as to land locked parcels. Attorney Campbell reviewed Mr. Hint's deed and stated he is not land locked from a legal standpoint and questioned about any maintenance agreements.

Mr. Hint commented he does have a maintenance agreement on file.

Mr. Campbell stated that Mr. Brock is still paying taxes on all four parcels as individual lots, even though the subdivision approval has expired.

Mr. Hint commented that the lots are roughly assessed at 3,000 so he pays minimal amount in taxes each year.

Clerk Harris submitted the 2024 Tax Roll to the Board for review of Mr. Brock's parcels. Attorney Campbell reported that the four lots are each assessed for \$18,000+ and the taxes are \$560.00-580.00 for each.

Mr. Hint asked once again how to hold him accountable?

Attorney Campbell replied the Town does not have the authority to make him re-apply for a subdivision. We all agree that the subdivision has expired. There are four lots that are not building lots until further work is done to Town specifications. Our existing code cannot compel him to proceed. Mr. Peter can make an interpretation on how to read the

code or ask the ZBA to review his interpretation but the remedy does not exist to make Mr. Brock re-apply.

Mr. Hint claims Mr. Brock is selling the parcels as a subdivision.

Mr. Campbell replied he can sell all of the lots, but it is not an approved subdivision and that any buyer would have to go before the Planning Board to seek subdivision approval before continuing with the development. Councilman Rose commented Mr. Brock's penalty now is paying taxes on lots he cannot sell without having additional work completed and feels he should be financially motivated to proceed at this time.

Attorney Campbell stated when we met with Mr. Brock, we inquired about consolidating the lots, which he informed us he would rather keep them separate. Our code does not compel him to re-apply for a subdivision. The maximum statute of limitations is 7 years so we cannot force him to proceed.

Councilman Smith stated that Mr. Hint took Mr. Brock to court previously, perhaps that is the way to go once again.

Mr. Hint inquired about the temporary waterline they are currently using and about potential dedication of the line to the Town.

Attorney Campbell stated in the meeting with Mr. Brock we did address the water line dedication and he did indicate that he would like to proceed with that.

Mr. Hint questioned if there is anything in the law that might require Mr. Brock to mow or maintain the lots near his property (that he himself has been mowing), so it does not impede issues onto the neighbor's property. Why can't he mow his lots?

Attorney Campbell replied that we can look to the NYS Uniform Property Maintenance Code for assistance. Mr. Peter clarified, the code indicates you must maintain from the immediate proximity of the house and since there are no homes currently, there is nothing to enforce.

Mr. Hint asked if there is anything he needs to follow up with the Town Board on? Attorney Campbell answered that the water line dedication will take some time but we will start the legal process for the dedication. Attorney Campbell asked Mr. Hint if he approached Mr. Brock about purchasing the Red's Lane smaller parcel, which Mr. Hint replied he had not because at their court session he expressed then he would not sell him anything.

Mr. Campbell stated he will review the NYS Uniform Code further and will follow up with Mr. Brock about the road, mowing and waterline dedication.

2)Edmonds Correspondence:

Deputy Supervisor, Mr. Rose read aloud a letter from Martha and Ned Edmonds.

March 5, 2024

Dear Town Board Members (Jerry, Frank, Amos, Jason, and Lynn)

I recently learned that you all felt uncomfortable about using solar funds from recent solar farms in the Town of York as an investment in putting Little Italy into the Genesee Valley Conservancy. My understanding was that these funds were to be used for the good of the community of the Town. I do not understand why you were uncomfortable.

With the possibility of the donation of Little Italy to the Genesee Valley Conservancy, our Town would have a green space of historical significance in our locale. Many farmers around us are donating their land to preserve and prevent development. As we are a "right to farm" Town, this is important. But the farmer still owns the land and we do not have the right to enjoy the green space. Other Towns have GVC parks, notably Geneseo with Island Preserve which is right across from the Geneseo School and Indian Fort which is closer to SUNY Geneseo. I know that the York School Board sent a letter of support for this. Fourth graders use a walk through Little Italy as part of their study of local history, as do various science classes and sports teams as part of training. Our community would benefit greatly.

When we learned of this decision, we were actually enjoying the many National Parks, Monuments, and State Parks in Arizona. This emphasized to us that the need to preserve and protect our green space is so increasingly important. We can all enjoy these spaces. We continue to enjoy our local Letchworth State Park which was protected and preserved. Otherwise it would be a mass of saw mills and towns, as was Niagara Falls before it was protected.

The monies that are being asked for are pale in comparison to what it would be if it had been developed. The money includes an endowment to maintain the upkeep.

I ask you to reconsider and make an investment in our future and take the funds out from under the mattress and use a small portion to make this possible.

Thank you,
Martha Edmonds
Martha Edmonds

Ned Edmonds
NED EDMONDS

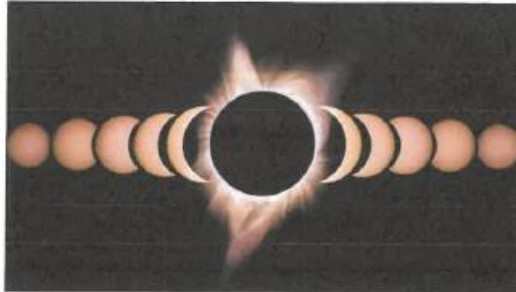
3) Dave Nagel:

Mr. Nagel reported that the Genesee Valley Conservancy is still very much committed to the Little Italy project. They were impressed with almost 90 letters of support that were given as well as additional letters still coming in. With the desire to preserve Little Italy, we may follow through with a GO FUND ME page. Mr. Nagel suggested, as the Town is probably going to get more requests for the solar money (community solar funds now held by the town), it might be helpful to the community if there was a process or guidelines or maybe even a committee to help determine where the money might go and what the Town Board feels comfortable with funding.

Mr. Nagel also wanted the Board to be aware of an upcoming event on Saturday, April 6th, at 10 am-noon.

The Town of York Historical Society Presents

A special 2024 Total Solar Eclipse



Hike Through History

Saturday, April 6, 10am - Noon

Starting Point - Little Italy Nature Preserve
2670 Spring Street, Retsof, NY 14539

Do you want to impress your eclipse visitors and show them one of the special places in the Town of York? See the remnants of the mining town settlement known as Little Italy that was a thriving community from the 1880's to 1930's. Witness its transformation to a unique natural habitat recognized by the National Audubon Society as being on the edge of an Important Bird Area and also deemed an eBird Hotspot by the Cornell Lab of Ornithology.

Learn how a solar eclipse may have marked the beginning of the Iroquois Confederacy and how this might relate to the "Western Door" of the Preserve.

Easy to moderate hike of about two miles returning to the starting point for a pre-eclipse celebration of community. Please call or text 585/519-3017 for reservations as the Preserve limits the size of visiting groups.

Additional Sponsors: York Trail Town Committee and TOYs (Town of York small business association)

4)David Deuel:

Mr. Deuel stated he and his wife Celia live on Rt. 20 in the Town of York. He asked to speak with the Board this evening regarding potential use of the community benefit solar funds to upgrade internet service in the township. Mr. Deuel commented that multiple dead spots occur throughout the Town creating spotty service which affects their household and certainly many others, as well as businesses. We and our neighbors have

dealt with the issue for many years but spotty internet service was highlighted especially during Covid with so many working from home and school children logging in through Zoom.

I have spoken with a representative from Spectrum and they in fact confirmed we are in a dead spot, and we wondered if the Town would consider using solar funds to build out service to these dead spots. Through Clerk Harris and Supervisor Deming, Mr. Deuel stated he was informed of the County plan, using Federal funds to build out fiber optic network through the entire County. We may be 3-5 years out and suggested that the Town set up a dedicated fund earmarked for internet service, partially funded by solar and annual payments received each year from Spectrum (Charter Communications), to be utilized for fiber optics. High speed internet is a must.

Mr. Deuel commented before we finalize the Comp Plan, the committee should take the time to conduct a Cost of Community Services Study (COCS), which is a type of fiscal impact analysis that determines the fiscal impact of current land uses on a Town's budget. Ag land get less bang for the tax dollar than other parcels which in some cases contribute more in revenue than they require in expenditures.

By time and town specific, present and accurate set of figures and facts cannot be dismissed as outdated or not pertinent to our town.

Mr. Deuel stated after reading the 2006 Comprehensive Plan and the 2009 Zoning Ordinance, there seems to be a disconnect between the two (2) plans. Hopefully moving forward before the Comp Plan is finalized and zoning updated, a review will be conducted to share ideas and vision. The Comp Plan is supposed to drive zoning.

What the Comprehensive Plan Committee will prepare will be reference for Town, Planning and Zoning Boards going forward as they act upon policies and projects.

Lastly, Mr. Deuel inquired if the Town might be willing to sponsor residents or a yearly litter cleanup event to rid our roadsides of discarded debris. Many residents conduct the clean up and he wondered if they might be able to bring it to the Town Recycling center at no charge to entice the community to get involved.

Supervisor Deming replied that many residents over the years have been conducting clean up on or near their property and we have allowed them to bring to the Recycling Center at no cost.

3)Kirk Richenberg:

Mr. Richenberg asked to speak with the Board regarding the following topics: Purchasing policy, water districts and Flats Rd. pump station.

Q- Regarding Mr. Hint's issue, could the Town charge Mr. Brock the legal fees involved with this?

Attorney Campbell replied when they met with Mr. Brock, it was discussed that he would be responsible for the legal fees associated with the dedication of the waterline.

Q- At the last Town Board meeting, the Board approved 4 signs, Mr. Richenberg has concerns that there were no specification sheets prepared and the quotes were not apples to apples.

Clerk Harris replied that no spec sheet was prepared but after discussions with Blaine VanRy on the size and type of signage we were looking for, he conveyed that to each of the three companies. Clerk Harris stated that Mr. VanRy is a very detailed oriented person and would express to all the same information. We do not have any control as to how each company submits a bid. They each were verbally given the same information.

Comment- The signs currently there were donated, now the taxpayers are paying for new ones. What are the parameters for locations?

Councilman Smith replied that the signs recently approved will replace existing signage (2 on Rt. 36 and 2 on Rt. 63).

Q- How do you address the fact that there was no spec sheet for request for proposals?

Attorney Campbell answered that Blaine was probably not aware of our Procurement Policy requirements when he solicited quotes on the Town's behalf but did follow through with obtaining three quotes.

Q-Has there been any attempt to get businesses to pay for them?

Supervisor Deming replied no, there has not been any attempt to ask our local businesses for donations.

Q- Regarding the loader quotes, did any of the board members see the quotes before the meeting?

Each member of the Board replied they had reviewed the information prior to the meeting.

Q- Why were more choices not reviewed?

Mr. Worden responded that he reviewed a number of models, the two presented were the best and had very good re-sale value.

Comment: I just wanted the Town Board to see options that were cheaper than the two presented.

(Mr. Richenberg submitted a sheet prepared by George & Swede for a Hyundai loader)



Town of York Highway
4034 Main Street
York, NY 14592

7155 BIG TREE RD.
PAVILION, NY 14525

WWW.GEORGEANDSWEDE.COM
PH: 585-584-3425 or 1-800-724-8722
FAX: 585-584-8853

GREG NEWELL - SALES
gregn@georgeandswede.com
CELL: 585-734-3346

GEORGE & SWEDE RECEIVES CONTRACT AWARD FOR HYUNDAI HL960A WHEEL LOADER

NYS OGS CONTRACT AWARD PC69513 / Sourcewell contract # 032119-HCE

Hyundai HL960A Wheel Loader with Cummins B6.7C Tier IV Final Engine

| | | | | |
|-------------------------------|--------------|--|---------------------------|-----------------|
| AM/FM Radio | Air Con | PAY LOAD SCALE SYSTEM | 23.5 X 25 Triangle Radial | Block Heater |
| Rear Camera | Beacon | Air Ride Heated Seat | Extra Counter Weight | Heated Mirrors |
| Fuel Warmer & Fuel pre filter | | Reversible cooling fan | Front Diff Lock | 3rd spool valve |
| Coupler piping | RIDE CONTROL | 3 YEAR OR 3,000 HOUR FULL MACHINE WARRANTY | | |

| | | | | |
|---------|--------------------------------------|------------|---|------------|
| HL960A | Front Attachment including cylinders | \$ 406,930 | <input checked="" type="checkbox"/> ADD | \$ 406,930 |
| HL960XT | XTD FRONT ATTACHMENT | \$ 7,930 | <input type="checkbox"/> ADD | |

BUCKET and COUPLER OPTIONS

| | | | | |
|------------|---|-----------|---|-----------|
| HL960LB01 | 4.3 YARD BUCKET WITH CUTTING EDGE | \$ 23,200 | <input checked="" type="checkbox"/> ADD | \$ 23,200 |
| VL BUCKET | VOLVO STYLE 4.3 YARD BUCKET WITH CUTTING EDGE | \$ 15,460 | <input type="checkbox"/> Add | |
| VL COUPLER | VOLVO STYLE COUPLER | \$ 12,330 | <input type="checkbox"/> ADD | |
| HL960HQ01 | Quick Coupler Piping Only | \$ 2,450 | <input type="checkbox"/> ADD | |

OTHER OPTIONS

| | | | | |
|------------|---|-----------|---|----------|
| HL960FJ02 | DUAL BRAKE PEDALS - **FACTORY ORDER ONLY** | \$ 1,980 | <input type="checkbox"/> ADD | |
| HL960E102 | ALL AROUND VIEW CAMERA **FACTORY ORDER ONLY** | \$ 4,200 | <input type="checkbox"/> ADD | |
| HL960AEWR1 | Rear Detection System & 2nd Monitor | \$ 3,500 | <input type="checkbox"/> ADD | |
| HL960EB20 | FULL LED LIGHT PACKAGE - **FACTORY ORDER ONLY** | \$ 8,040 | <input type="checkbox"/> ADD | |
| HL960LP04 | REAR FENDERS | \$ 4,440 | <input checked="" type="checkbox"/> ADD | \$ 4,440 |
| HL960OL03 | BELLY PAN GUARD | \$ 840 | <input type="checkbox"/> ADD | |
| HL960HB11 | EXTRA PIPING WITH 3RD SPOOL | \$ 1,980 | <input type="checkbox"/> Add | |
| AUTO LUBE | AUTO LUBE | \$ 13,630 | <input type="checkbox"/> Add | |
| HL960AJS01 | ** Joystick Steering ** | \$ 4,430 | <input type="checkbox"/> Add | |
| HL960ADY14 | ** Push button start With smart key fob ** | \$ 1,300 | <input type="checkbox"/> Add | |
| HL960ADY22 | Remote Door Open w/ Universal Key | \$ 1,160 | <input type="checkbox"/> Add | |
| HL960ADY24 | Remote Door Open w/ Smart Key Fob | \$ 2,450 | <input type="checkbox"/> Add | |
| AP01 | Air Gun in Cabin & Air Compressor | \$ 1,860 | <input type="checkbox"/> Add | |
| HL960LP05 | 5-Speed Transmission with Lock-Up Clutch | \$ 17,570 | <input type="checkbox"/> Add | |
| HL960XC01 | ** Axle Oil Cooler in Front Only ** | \$ 5,700 | <input type="checkbox"/> Add | |
| HL960ACG06 | Front & Rear Cabin Guard | \$ 4,880 | <input type="checkbox"/> Add | |

SUB TOTAL \$ 434,570
Less 51% \$ (221,631)
\$ 212,939

FREIGHT TO DEALER \$ 2,000
FREIGHT TO CUSTOMER \$ -
PRE DELIVERY INSPECTION \$ 2,000
CUSTOMER TRAINING \$ 1,000

ANY OTHER OPTIONS CAN BE QUOTED UPON REQUEST \$ 217,939

1998 Cat 966F Trade \$ (40,000)
hl960a

TOTAL SALE PRICE AFTER TRADE \$ 177,939

Customer Approval Signature _____ Date _____
George and Swede Sales and Service _____ Date _____
2/26/2024 ON THE FINAL

Mr. Worden stated that he did look at a Hyundai model but commented that the resale value was not very good.

Q- Last month regarding the Truck Stop, are the legal fees paid by them?
Supervisor Deming replied the legal fees are paid by the Travel Center.

Q- The water system at the Highway Barns is not working?
Mr. Worden answered that the issue is with the dollar machine, the bills are getting stuck and shorting out so he shut that machine off but the quarter machine is still working fine.

Q- There is probably a meter on that which reflects how much was used?
Mr. Worden replied there is not a meter on that machine. Mr. Worden stated that we lost some water with that issue but we still have the quarter machine working properly and it would cost roughly \$4,000 to correct.

Councilman Smith explained the type of meter and timer they have at the farm, which does not cost anything close to \$4,000. Councilman Swede asked if it has a flow meter, which Mr. Worden replied it does. Mr. Worden added that the Town of York is the only one around that has the dollar machine and questioned if we should leave as is.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- The department has been hauling stone.
- Servicing equipment.
- Significant wind event took place.

WATER/SEWER REPORT:

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

- We had two (2) more saddles fail since our last meeting.
- We have major clean up and restoration for all the water breaks.
- The 6-inch main broke under Rt. 63, which is a high-pressure zone. Morsch Pipeline was called to assist us. He had to drill so we hooked to the other main. We cannot be certain but believe breaks may be due to the vibration of the highway or ground movement itself.

Supervisor Deming stated we must keep aware of ground movement, especially where the areas of the AKZO collapse took place.

- We are trying to connect Center St., North Rd. and East St. on the new main.
- The Livingston County Health Dept. conducted their yearly inspection of the Water/Sewer plant, making a few suggestions.
- SEWER PLANT UPDATE: They have dug for the generator for UV Disinfection project and are now starting on the building. Mr. Worden reported that the contractor states they are on schedule for initial completion date.

Mr. Worden informed the Board that we are losing two employees at the Water and Sewer Department. Mr. Jones is moving out of state and Mr. Stella has taken a job elsewhere. Mr. Worden stated he has been making some inquiries and has received some interested candidates.

Mr. Richenberg stated he forgot to ask about the Flats Rd. Pump Station update.

Supervisor Deming replied we have a tentative letter from NYSDEC and the Attorney General's office about how we may use the funds, and Flats Rd. pump station is one option for such funds per DEC.

Mr. Richenberg asked if the Mine's original footprint is in Piffard, which Supervisor Deming replied the old mine goes through Piffard under the river to Geneseo.

HIGHWAY REPORT (Continued):

- Roof project for the Highway barns was started, trusses will be next week. They suggested removal of the chimney under the new roof and gave us a price of \$6,500 to remove it. After speaking with the contractor, he was willing to come down to \$4,500. Mr. Worden feels this should have been addressed by CPL and/or the contractor when they reviewed the site, not after the work had begun.

Supervisor Deming agreed, why wasn't the chimney discussed prior? Mr. Worden replied at the time of the inspections, they did not look at the chimney.

Councilman Smith commented that it is ridiculous for the amount of money we are paying for the job itself that they cannot remove the chimney as well, which should have been addressed previously.

Supervisor Deming stated he will contact CPL Eric Wies in the morning about the matter.

OLD BUSINESS:

1) Davis property update:

Attorney Campbell reported that the notification was prepared and will be published in the Liv. Co. News for 3 consecutive weeks. Regular mail and certified mail to all Davis family members took place as well. Once the 3rd notice appears in the paper, we have officially done our diligence with proper notification requirements.

Mr. Peter commented that he has been researching cleanup companies, which has been difficult. Attorney Campbell added whoever we hire, prevailing wage will be involved which will add approximately 30% on to the cost that would otherwise be paid by a private individual. The final cost will be added to the tax bill.

NEW BUSINESS:

1) Pay App #3-STC Construction Inc.:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve Pay App #3 for STC Construction, in the amount of \$125, 115.00. Voted on and approved, Yes-5, No-0.

2) Local Law #1-2024:

Attorney Campbell addressed the Town Board asking if they were ready to proceed with SEQR for proposed Local Law #1 of 2024. The Board consented to having Mr. Campbell move forward with the SEQR process.

PART 1- Project and Settings:

The purpose of this Local Law is to modify the boundaries of the Hamlet Residential District (HR) zoning district within the town, changing such certain specified areas to Hamlet Commercial District (HCD).

PART 2- Identification of Potential Project Impacts:

Mr. Campbell read aloud to the Board the required 18 questions to which they responded “No, or small impact may occur” to all.

PART 3- Determination of Significance:

Attorney Campbell stated that a Type 1 Action requires additional submittal of documentation to the Environmental Notice Bulletin. Mr. Campbell read aloud the proposed SEQR resolution and asked for comments.

(a) Type 1 Action:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to declare as a Type 1 Action. Voted on and approved, Yes-5, No-0.

(b) Adoption of Findings:

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

(c) Negative Declaration:

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

(d) Authorization:

RESOLUTION offered by Mr. Swede 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.

(e) Part 3 Filing:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede authorizing Clerk Harris to file Part 3 of the Full EAF to the Environmental Notice Bulletin. Voted on and approved, Yes-5, No-0.

(f) Approval:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve Local Law #1 of 2024, “A Local Law to amend the boundaries of the Hamlet Residential District and to change a portion of such area by re-designating such area to a Hamlet Commercial District classification, all within the Town of York, Livingston County, New York”. Voted on and approved, Yes-5, No-0.

ROLL CALL

| | |
|-----------------------------|-----|
| Councilwoman Lynn Parnell | Aye |
| Councilman Amos Smith | Aye |
| Councilman Jason Swede | Aye |
| Councilman Frank Rose Jr. | Aye |
| Supervisor Gerald L. Deming | Aye |

3) Court Audit-2023 Records:

RESOLUTION offered by Councilwoman Parnell and seconded by Councilman Swede acknowledging that the York Town Board examined Justice Thomas Porter and Justice Daniel Koch’s court records for the fiscal year ending December 31, 2023. The Board found the records to be procedurally adequate for control of monies, per section 2019-a of the Uniform Justice Court Act. Voted on and approved, Yes-5, No-0.

OTHER:

1)Solar Review:

Attorney Campbell informed the Board that the Planning Board did review Dwight Kanyuck’s documents pertaining to the White Creek Solar Project. Mr. Campbell stated if the Town Board agrees with the one comment made by the Planning Board, he will contact Mr. Kanyuck to send out the zoning opinion letters. The Board indicated that Mr. Campbell should do so.

(2) OYA Update:

Councilman Smith inquired as to the status of the yearly OYA payment. Attorney Campbell responded, after receiving emails from Clerk Harris stating that OYA had yet to submit their yearly payment, he reached out to OYA making it clear if the PILOT payment and interest at the statutory rate of 9.00% per day for each day past 2-15-2024 until the day received by the Town is not fully paid within 30 days, the Town may terminate the PILOT agreement and the property and improvements will be taxed at their full assessment value. When Clerk Harris reported as of March 11th, payment was still not received, he drafted another email stating that he had advised the Town to consider

the PILOT to be in default and would likely lead to the Town placing the project on the tax rolls at full value as well as terminating approvals and triggering decommissioning of the project. Attorney Campbell did express that some of the representatives who were initially involved in the project appear to no longer be working with OYA, making it a bit more difficult to connect with the company to have them come into compliance before other action is taken. A suggestion was made to perhaps reach out to the owner of the property (Mr. Dragani) to see if he may have a contact person at OYA, in order to share with the Town to get this matter resolved.

Mr. Richenberg inquired if the school received their money?
Supervisor Deming replied he is not sure if the school did receive payment but will verify with them.

After no further comment....

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Town Board meeting until April 9th. Voted on and approved, Yes- 5, No- 0.

Town Board meeting closed at 8:35 p.m.

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