

York Town Board Meeting
May 9th, 2023
7:00 p.m.

Present: Supervisor Gerald Deming, Council Members: Frank Rose Jr., Amos Smith,
Jason Swede and Norman Gates

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr., Kirk Richenberg, Davies
Nagel, Carl Peter (Zoning/Code Officer) Molly Cummings, David Rose and Henry
Fuller.

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. Smith and seconded by Mr. Swede to approve the minutes
of the April 11th, 2023 Regular Town Board Meeting and April 19th Public Hearings.
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-4, No-0.

- General Fund # 102-128 \$ 19,606.42
- Consolidated Water/Sewer # 80-108 \$ 198,820.00
- Highway Fund # 67-85 \$ 7,381.17
- Y-L Youth Fund # 6-8 \$ 4,760.50

PRIVILEGES OF THE FLOOR:

1) Molly Cummings:
RE: York Small Business Group update

9 May 2023

Update: York ad hoc Small Business Group (aka TOYs) to the York Town Board

The group met at Emily Conable's on April 13, 2023. The meeting was well attended by the group as well as Bill Bacon and Louise Wadsworth of County Economic Development and our town supervisor, Jerry Deming and two board members, Frank Rose and Jay Swede. Thank you for coming on such short notice.

The county listened to the group's ideas and gave some context as to how to move forward.

On Monday, June 12 at 7 pm, the group will meet at Hillcrest Estate. Rick Hauser of In Site Architecture will talk to the group about Perry's growth plan and how he has traveled around the state talking to other towns and villages about the Main Street LLC concepts.

As always, you are invited and encouraged to come.

We would like York's revitalization to be a true partnership with the town—not just an ad hoc group of business owners and residents.

Molly Cummings
True North Farm/Yoga
2635 York Road West
York, NY 14592
molly@truenorthfarmyork.com
585-729-2745

2)Kirk Richenberg:
Despite requesting speaking privileges, Mr. Richenberg waived his time this evening.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Brush pick up is now complete
- Plow equipment has been stored away
- We have part time help now mowing the cemeteries

WATER/SEWER REPORT:

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

- We have two water adjustment requests to review later in the meeting
- We still need to bid out for the UV Disinfection Project and Retsof Sewer Collection

Councilman Smith asked if we have any idea when the bidding may take place. Supervisor Deming replied that he spoke with CPL engineer Eric Wies about this and Mr. Wies expressed that they are waiting on a few items before bidding happens.

OLD BUSINESS:

1)Local Laws:

a-Local Law #3 of 2023:

Attorney Campbell addressed the Town Board regarding proposed Local Law #3 of 2023, stating that it is a Type 2 action under SEQR and if the Board wishes to adopt, they can do so at this time.

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to adopt Local Law #3 of 2023, "A Local Law for a one-year moratorium and Prohibition within the Town of York, Livingston County, New York, relating to application for, permitting of, approval of or installation of Large Scale Battery Energy Storage System Installations with the Town of York". Voted on and approved, Yes-5, No-0.

b) Local Law #4 of 2023:

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

PART 1- Project and Setting:

Attorney Campbell read aloud the purpose of Part 1, a Local Law to repeal and fully replace Article VI of the Code of the Town of York (established by Local Law 2 of 2018 and Local Law 6 of 2019).

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.

(1) Type 1 Action:

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

(2) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede 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.

(3) Negative Declaration:

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith 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.

(4) Authorization:

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

(5) Part 3 Filing:

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

(6) Approval:

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve Local Law #4 of 2023, “To Repeal and fully replace Article VI of the Code of the Town of York, established by Local Law #2 of 2018 and Local Law #6 of 2019, with a new set of regulations regarding the approval, permitting and siting of Solar Energy Systems within the boundaries of the Town of York”. Voted on and approved, Yes-5, No-0.

Roll Call Vote:

Councilman Frank Rose	Aye
Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Jason Swede	Aye
Supervisor Gerald Deming	Aye

NEW BUSINESS:

1)Trail Town Committee:

Dave Nagel reviewed with the Board the report for the Town of York Trail Town Committee:

Town of York Trail Town Committee
Report for 5/9/23

1. I Love My Park Day, the largest single day volunteer event in NYS, <<https://www.ptny.org/events/i-love-my-park-day>> will be held at York Landing May 6 from 9:30 am to noon. "Come and show your park some love".

2. Grants update:

2022 - The final documents are in so we should be cleared to start construction on the Greenway amenities soon.

2023 - A grant has been submitted that includes ADA picnic tables, wayfinding signs, a bike repair station, bench, and yield to horses signage.

3. May's York Trail Town Committee meeting was a walk through Little Italy with Pauline Burnes, the Genesee Valley Trail Town coordinator. She has offered her assistance to help with our Committee's goals of enhancing, expanding and promoting the trails in our town.

Dave/Becky

Supervisor Deming and Mr. Nagel discussed grant opportunities, with Supervisor Deming stating that we have already applied for funding and should hear something within the next 60 days on whether we receive it. What we applied for was through the Northern Boarder Regional Commission (NBRC), for the Greigsville area. Mr. Nagel questioned about funding for the Piffard area crosswalk, which Supervisor Deming responded given the location on a very busy Route 63, he is not sure if we could obtain permission for a crosswalk there.

Supervisor Deming asked Mr. Nagel for Ms. Burnes' telephone number so he can discuss her assistance further in promoting trails in the Town of York.

Supervisor Deming informed the Board and commented that Mr. Nagel may be interested as well about the postcard he received from Livingston County Tourism regarding the 2024 Solar Eclipse and the upcoming presentations they have scheduled assisting us on how to potentially plan for this event. Supervisor Deming offered Mr. Nagel the card, which he accepted.

2) 2023 Tax Collection:

Clerk Harris informed the Board that the 2023 Tax Collection season has been closed out and reviewed with them a summary of tax collection activity.

2023 TAX COLLECTION

May 1, 2023

Total Tax Roll	\$ 3,802,381.46
Total Warrant to Supervisor	\$ 1,767,460.65 paid on:
	<u>January 13, 2023:</u>
	Check #: 591: \$ 380,998.00
	<u>January 24, 2023:</u>
	Check #: 593: \$ 550,322.00
	Check #: 594: \$ 216,691.00
	Check #: 595: \$ 488,379.25
	<u>January 31, 2023:</u>
	Check #: 596: \$ 5,560.41
	Check #: 597: \$ 37,409.99
	Check #: 598: \$ 74,365.00
	Check #: 599: \$ 2,318.00
	Check #: 600: \$ 11,417.00
Payments to Liv. Co. Treasurer	\$ 500,000.00 pd. 2/02/23 ck. #: 601
	\$ 300,000.00 pd. 2/14/23 ck. #: 602
	\$ 200,000.00 pd. 2/28/23 ck. #: 603
	TOTAL: \$ 1,000,000.00
Refund for overpayment (Wells Fargo; S. Main)	\$.20 pd. 1/20/23 ck. #: 592
Close Out at Treasurer's Office	\$ 386,632.10 pd. on 4/10/23 ck. # 604
Penalty \$ to Supervisor (April interest)	\$ 3,274.92 pd. on 5/01/23 ck. #605
TAX COLLECTION BALANCE	\$ 0.00


Gerald L. Deming, Supervisor


Christine M. Harris, Collector

Town of York Town & County 2023
Bank Register Summary
 All Inclusive

Total Taxes Collected:	3,622,008.70
Total Penalty Collected:	3,007.28
Total Surcharge/Interest Collected:	0.00
Total Notice Fees Collected:	90.00
Total Duplicate & Overpayments:	0.00
Total Returned Check Fees:	0.00
Bank Interest Earned:	35.64
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Total:	3,625,141.62
Total Direct Payments:	467,773.95
Total Bounced Checks:	0.00
Total Refunded/Applied Overpayments:	0.00
Disbursements to Supervisor:	1,770,735.57 <i>(Warrant + Penalty \$)</i>
Disbursements to County:	1,386,632.10 <i>(Installments + Final Settlement)</i>
Other Disbursements:	0.00
Bank Service Charges:	0.00
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Total:	3,625,141.62
Other Adjustments:	0.00
<hr/>	
Bank Balance:	0.00

TOWN OF YORK TAX COLLECTOR 2668 MAIN STREET PO BOX 187 YORK, NY 145920187	50-681/223	605	
		DATE <u>May 4, 2023</u>	
PAY TO THE ORDER OF <u>Gerald L. DeWisp, Supervisor</u>		\$ <u>3,274.92</u>	
Three Thousand Two Hundred Seventy-four AND <u>92/100</u> DOLLARS		<input type="checkbox"/> <small>Security Features</small> <input type="checkbox"/> <small>Check One's Mark</small>	
THE BANK OF CASTLE A Tompkins Community Bank		MEMO <u>Final Payment</u> <u>CM Harris</u> MP	
⑆022306818⑆ 914⑆00003⑆91⑆ 0605			

3) Auditing Services/Retsof Sewer Project:

Supervisor Deming and Attorney Campbell discussed with the Board the two proposals received pertaining to the required audit for the Retsof Sewer Project. Attorney Campbell stated that we reached out to Jeff Smith of Municipal Solutions to assist us deciphering both proposals based on how each firm quoted. Neither gave an actual specific dollar amount quote, because CPA representatives within each firm have different pay scales and are used according to their need.

Supervisor Deming stated EFPR Group (Williamsville, NY) quoted an all-inclusive maximum price of \$8,500 and anticipate 70 hours needed to complete. The second quote was submitted by MMB Co. (Mengel, Metzger Barr & Co. LLP; Rochester NY), for a single audit covering 2023-2024; at \$5,500 but does not include the staff's hourly rate and they anticipated 200 hours to complete the audit.

*Rate scale would go from Partner (\$325.00/hr) to staff (\$100-\$140/hr)

Councilman Smith commented that these quotes are very hard to follow, which Supervisor Deming responded is the reason why we reached out to Jeff Smith to review with us. Attorney Campbell added Jeff Smith informed us that EFPR's quote is very reasonable.

Supervisor Deming commented that we previously used the Bonadio Group and the last audit cost us \$12,000. After speaking with them, this year we were informed that a new audit would be roughly \$20,000.

After little discussion...

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the audit proposal submitted by EFPR Group, with an all-inclusive price of \$8,500.00 for years ending December 31, 2023 and 2024.

Councilman Smith read a segment from the quote speaking on an addendum as it relates to additional costs the Town would incur for extra work performed.

Attorney Campbell and Supervisor Deming commented, if our accounting firm, Baldwin's can give EFPR the documents they need in a timely manner, the quote will stand, otherwise it may cost us more which we will need to be on top of.

4) Water Adjustments:

a-Tom Trathen

Mr. Worden reported that the Board has a copy of a water adjustment request from Tom Trathen for property he owns at 2673 Chandler Road (Mill). Mr. Trathen contends that the meter failed resulting in an erroneous consumption with a bill totaling \$5,798.10. Clerk Harris stated that Mr. Trathen's history reflects minimal consumption for years, never exceeding the minimum usage of 6,000 gallons in any billing cycle. Mr. Worden reported that the Chandler Road property has a meter pit installed but unfortunately not by us, and really should be upgraded to make sure no further issues appear in the future.

Mr. Worden added, a meter pit can cost in the neighborhood of \$1,200.00 and must meet our specifications.

Councilman Smith inquired if we have experienced this issue elsewhere. Mr. Worden responded that we have and the customer upgraded their meter pit to our specifications at that time.

After a lengthy discussion on how to proceed with a potential adjustment...

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Highway Superintendent, Mr. Worden to contact Tom Trathen to determine which option he wishes to proceed with:

#1- Tom Trathen would purchase a Town approved meter pit with the Town of York conducting the installation. If new pit is installed, the current April bill will be adjusted to the minimum \$30.12.

#2- If a new meter pit is not installed, the proposed adjustment prepared by the Water Clerk will reflect the April bill to total \$4,242.22. (savings of \$1,555.88). ***Future adjustments will not be granted, based on our existing one and done policy.**

b- Bonnie Morris

The Board revisited the previous request submitted by Bonnie Morris & Tim Raycroft for property they purchased at 2514 Main Street.

After a great deal of discussion regarding our current adjustment policy & the potential savings, the Board agreed that they feel we should contact the homeowners directly to see if they want to use their one and only water adjustment request to receive a minimal credit at this time. The Board agreed that we may have to alter the policy going forward.

Supervisor Deming stated we will table this request until we have a chance to speak with the owners directly.

Mr. Worden commented to the Board, we are the only town in Livingston County with this water adjustment policy.

5) Livingston County Planning Board Rep:

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to appoint Scott Hulburt as the Town of York's representative to the Livingston County Planning Board. Voted on and approved, Yes-5, No-0.

6) Water and Sewer Tap applications:

a-YTC 1, LLC

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve both the Water and Sewer tap applications submitted by YTC 1, LLC (York Travel Center) for

property located at 3667 Main Street in the amount of \$1,500.00 each. Voted on and approved, Yes-5, No-0.

OTHER:

Supervisor Deming reported that we received four (4) bids for professional services to update the Town of York Comprehensive Plan. The committee conducted three interviews last week and have narrowed it down to two companies; CC Environment and Planning (Batavia, NY) and Wendel Companies (Williamsville, NY). Additional review of both firms is taking place by Angela Ellis at this time and a decision of the committee is anticipated shortly.

Attorney Campbell informed the Board of the need to have an Executive Session for potential litigation.

7:53 p.m.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to enter into Executive Session for a potential legal matter, to include Town Board, Attorney Campbell and Highway Supt., Mr. Worden. Voted on and approved, Yes-5, No-0.

8:09 p.m.

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to end Executive Session. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported no action was taken in Executive Session.

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting until June 13th, 2023. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 8:09 p.m.

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