

York Town Board Meeting
April 11th, 2023
7:00 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt.), Joe
McIlroy, Davies Nagel, Molly Cummings, David Rose, Carl Peter (Zoning/Code Officer),
Kirk Richenberg and Becky Lewis.

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

MINUTES:

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to approve the minutes
of the March 14th, 2023 Regular 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-4, No-0.

- General Fund # 79-101 \$ 17,222.97
- Consolidated Water/Sewer # 58-79 \$ 19,878.22
- Highway Fund # 52-66 \$ 14,178.79
- Y-L Youth Fund # 2-5 \$ 944.39

PRIVILEGES OF THE FLOOR:

1)Molly Cummings:

Re: Town of York Small Business Group

Ms. Cummings stated she is representing the York Small Business group and wanted to
give a brief overview of their recent discussions as well as inquiring on a few Town
related items.

Privilege of the Floor
4.11.23

Update on what the York small business group—an ad hoc group—is up to, then questions:

In February—our first mtg, we met at True North Farm and Yoga; last month at Woodlawn Distilling. Since then, the York post office bldg and I believe one of the other hamlet's post office bldg—is in the process of being sold. Some of us joined an architect to walk through The Bank bldg and the old Yorks Landing—both structures, he thought, were more solid than you may think. (one more than the other), there is the potential for businesses to return there.

Our April meeting is this Thursday 7 pm at Emily Conable's place.

Scheduled to attend this meeting are Bill Bacon, Maureen Wheeler and Louise Wadsworth of Livingston County Economic Development.

We will share with them the pride we have for our town and some ideas we have to revitalize York and see if they can steer us in the right direction to apply for grants. They've been concentrating on the villages in the county...its the towns turn!

Our group would really like for you to come to this meeting on Thursday. Frank, you'll have the Rose Inn up and running..within a year?

Questions—helpful to know when we're talking to the county about possibilities going forward:

Comprehensive Plan: RFPs in? Timeline?

Solar Money- How and when can ideas be brought forth as to how some of that money may be spent? Matching grants?

Supervisor Deming reported that we received four (4) proposals for the York Smart Growth Plan (Comp. Plan) that we will be reviewing on Thursday, April 13th with Angela Ellis and the committee to determine upcoming interviews of potential consultants.

Molly Cummings inquired about the length of time it took to complete the last Comprehensive Plan, which Zoning/Code Enforcement Officer Mr. Peter replied roughly two years. Supervisor Deming added that it took a great deal of time because we were creating the plan for the first time and believes this time will be less due to the fact we have a base to work from.

Molly asked when and how ideas can be brought to the Board on use of Solar funds?

Supervisor Deming answered that we have had several discussions on potential use(s) of the solar funds. As stated previously, he and Councilman Rose met with Melissa Alber from the Town of York Historical Society to review options/projects and how the Town may be able to assist financially with the property on Dow Road. The main issue is to determine how we can give town funds to a separate entity. It was thought to perhaps put a lien on the Warren house and if the Historical Society was to sell the parcel, they would have to pay back the donated funds from the Town with the proceeds from the sale.

Attorney Campbell elaborated further on how to “give public funds” to private entities, stating that it has to be definitely tied to a public purpose.

Molly then asked about the previously used building on Main Street (old York Landing) and wondered if the Town could assist with perhaps a co-op?

Attorney Campbell answered if the organization obtains a 501-c designation “Not for Profit”, that could be an avenue that the town could potentially assist.

Molly commented that thoughts have been brought up about a soup kitchen for the public at this location due to a need in the community.

Attorney Campbell stated that could certainly be considered a public benefit, allowing municipal funds from the town. This would be the right kind of purpose, as well as a community center or specific community events, all would apply.

Molly inquired as to the status of the Travel Center?

Supervisor Deming replied that a pre-construction meeting will be taking place next week. Attorney Campbell added that the permit will be issued once they have submitted the last of the items to Mr. Peter.

2)Kirk Richenberg:

Mr. Richenberg asked to speak with the Board this evening regarding solar funds and highway questions.

Q- You previously stated that you will use County guidelines on solar funds, have you received that yet?

Supervisor Deming replied, that he did receive and review the County's guidelines pertaining to solar funds. After reading through theirs, he prepared a draft mission statement for the Town of York which he has given to each board member in order to get feedback on.

Q- At the Board level has there been any approval?

Supervisor Deming answered until the Board does come up with something, we will probably approve on a case-by-case basis.

Q- Wouldn't it be helpful to include and reach out to the entire community their thoughts?

Supervisor Deming stated that many residents have expressed already ideas on usage of solar funds which we are happy to receive their input, and hope more thoughts come forward that benefit the community as a whole which we will gladly entertain any and all ideas.

Q- At the last meeting documents for the Highway Department for upcoming work to be done were discussed and approved. One item was Craig Road and he has concerns that the road will not hold up with only the nova chip process. The concern is that we don't want to waste money putting this material down and it does not hold up.

Highway Supt, Mr. Worden commented that the document Mr. Richenberg is referring to is the Agreement to Spend Town Highway Funds, as required each year by the County. This print-out gives basic information on upcoming projects but is not spelled out in great detail the whole process, just the funding aspect. Mr. Worden added there is much more to this process than 1 1/2 inches of nova chip.

Becky Lewis asked Mr. Worden what nova chip was, which Mr. Worden gave a brief summary of.

Q- Since the Cheese Plant is offline, will it go back to full value?

Supervisor Deming replied it will and actually has already been altered.

Q- After the meeting on February 21st when the Board went in to Executive Session, he reached out to the Committee on Open Government to see their input on the matter:

COMMITTEE ON OPEN GOVERNMENT

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-2518
FAX: (518) 474-1927
WWW.OPENGOVERNMENT.NY.GOV

COMMITTEE MEMBERS
ANTONIO DELGADO
PETER D. GRIMM
HADLEY HERRIGAN
ROBERT MEGNA
JEANETTE M. MOY
ROBERT J. RODRIGUEZ
DAVID A. SCHULZ
FRANKLIN H. STONE
STEPHEN B. WATERS

EXECUTIVE DIRECTOR
SHOSHANAH BEWLAY

April 3, 2023

Kirk Richenberg
2337 Federal Road
Linwood, NY 14486

Mr. Richenberg,

The Committee on Open Government received your correspondence regarding an executive session held by the York Town Board (Board).

The Open Meetings Law (OML) allows public bodies to discuss certain matters in executive session upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered. § 105(1). One matter allowed to be discussed in executive session under the OML is, "the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation." § 105(1)(f).

While it is possible the executive session was held to discuss matters leading to the employment of a particular person or corporation regarding the solar project, the Board is, in my opinion, required to identify the relevant statutory language in a motion to enter executive session. Simply motioning to enter executive session for 'contractual matters,' as the Board did in this case, is not a ground for executive session under the OML. *See* OML-AO-2608.

Relatedly, while the Town Supervisor can let you know the Board plans to enter executive session during a meeting, the Board cannot enter executive session until it passes a motion in an open meeting. Additionally, the Board cannot require you to leave until it passes a motion to enter executive session.

Thank you for your inquiry.

Jake Forken
Excelsior Fellow
NYS Committee on Open Government



Committee on
Open Government

Supervisor Deming answered when we discuss contractual matters, he still feels Executive Session is the best way to handle potential negotiations and added that we used the same format for the other two projects.

K. Richenberg Comment:

We are an open board and that is why the open meetings law is in effect. This solar money is public money and feels it should be discussed in open session. Mr. Richenberg stated he would like to hear others' opinions and added that the board needs to follow the law.

Attorney Campbell advised the Board that the NYS Open Meetings Law provides for limited purposes for which the Town Board can meet in a closed executive session. However, the Town Board, at any time and for any reason, can ask to meet with its legal counsel for purposes of obtaining legal guidance or advice and those meetings will be closed to the public because they are protected by attorney-client privilege. Furthermore, the Town Board does not need to provide any notice or publication to notify members of the public that it desires to meet with the attorney on such a basis.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- The Highway crew has been cleaning roadside ditches
- Changing crossovers
- Repairing signage
- Removed snow plow equipment from 10-wheelers

Councilman Smith asked Mr. Worden about the driveway stone work done in the cemetery (Pleasant Valley Cemetery), which Mr. Worden replied that was not conducted by the Town of York, it was contracted out by that cemetery association.

WATER/SEWER REPORT:

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

- Had a water leak in Piffard on Easter Sunday which we were able to correct within a few hours.
- Mr. Worden did discuss with the Board the suggestion of obtaining quotes from a contractor to replace the water main in Piffard, previously decided to be completed by Town personnel.

SEWER:

- During the recent storm event, power was out for a few hours but we had an employee managing the system and handled it very well.
- We are waiting for DEC approval for the UV Disinfection and Retsof Collection projects.

Councilman Smith informed the Board that he was contacted to let him know that the roof is leaking once again on the Highway building. Mr. Smith stated that he reached out to Steve Ezard to patch and then for a quote for more of a long-term fix.

Councilman Swede inquired at our March 14th meeting discussion was held regarding water issues on Dow Road, have you reviewed the area. Supervisor Deming and Mr. Worden replied we have a meeting scheduled onsite next week for this.

NEW BUSINESS:

1)Trail Town Committee Report:

Supervisor Deming stated that he has spoken recently with Becky Lewis and Dave Nagel regarding insurance coverage for any upcoming walks/hikes they have scheduled.

Supervisor Deming noted that the Town of York will not cover the liability. Any future walks will need to be under the Trail Town committee, not the Town of York.

Trail Town Committee Report to Town Board 4/11/23

1. We had a cold, but successful hike to the Little Italy Nature Preserve (Phoebe Snow Hike #2) on March 19th.



2. We completed and submitted the 2023 Parks & Trails Grant application on 3/29/23. The funding would cover: 4 wayfinding signs, 3 ADA compliant picnic tables, 3 yield to horses signs, 2 GVG road signs, a bench and bike repair station (Piffard) and information displays for the kiosks.

3. We will be holding an “I Love My Park Day” event on May 6th. All are invited to volunteer and support our trails in the Town of York. ————>



4. Working together with the Town of York small business association, a “Countdown to April 8, 2024 - Total Solar Eclipse Party - Calendar of Events has been created to promote our town and the surrounding Trail Towns. See next page.

**Join Thousands of Volunteers on Saturday,
May 6th for I Love My Park Day!**
Make a difference you can enjoy all season. Register today.

Join Parks & Trails New York – and thousands of volunteers across the state – on **Saturday, May 6** in celebrating and enhancing New York's parks and public lands. Sign up for an I Love My Park Day event to clean up parks and shorelines, plant native trees and gardens, restore trails and wildlife habitat, remove invasive species, and more.

With 120+ events scheduled across the state, it's easy to find one near you!

[Sign Up for I Love My Park Day](https://ptny.org/ilovemypark)

Town of York small business association's



Countdown
to April 8,
2024
**The Great
American**



**Total Solar
Eclipse Party**
"Official" Calendar
of Events



APRIL 2023 Get on the
Calendar!

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		The Party Started April 1st 2023!			Regtag Rabble Dublin Corners Every Friday	Stain Bros Dublin
Sam Grisman Riviera					Wheie Jerrings Wadsworth Ork	Yes Sir, Young Man Dublin
	5 DYNCHIE DAY AT SWIMMER LAKE BREWING		Sam Restaurant Spring Dooding	TOYS MEETING	Regtag Rabble Dublin	April 8 One Year Until TOTALITY!
Brunch, Beermosas & Bingo Dublin Corners					Regtag Rabble Dublin	
					Regtag Rabble Dublin	DOON GRIFFIN AND THE GAY DRINKERS AT DOOLEY

Free Printable Calendars from: typesetcalendars.com

2) Water Adjustment:

a) Kathy & Jon English-

Supervisor Deming reported that we received a water adjustment request from Kathy & Jon English for a property located at 3170 Retsof Road. (See attached)



Jon and Kathy English
3170 Retsof Rd
Piffard, NY 14533
245-1260

April 5, 2023

York Town Board
2668 Main Street
York, New York 14592

Town Board,

While my wife and I were away for several weeks last January evidently an old water fixture that daylighted at the foundation of the building near Retsof Road let loose. I didn't discover the water pouring from the line until I tried a week later to get water from a frost free hydrant connected to that same line by my shop. I got no water and after calling the water department I found the problem. So as is evident by our meter reading we lost a huge amount of water. I am requesting that we use a one time forgiveness of use by the town board. We realize this is a one time situation and as we have been on the property since 1982 it won't happen again!
Thank You for your consideration,

Jon English

Town of York
P.O. Box 187; 2668 Main Street; York, NY 14592
585-243-8128

Account No.	Service from	Service to	Due Date
25-2490	01/01/2023	03/31/2023	04/30/2023

Service Add: 3170 Retsof Road; York, NY 14592

Read Date	Previous	Current	Method	Usage
03/06/2023	724	1132	HANDHELD	408,000

Chg Item	Discount	Current	Penalty	Arrears
SEWER		90.00		
WATER		2,052.24		

Subtotal	Credits	Payments	Amount Due
\$2,142.24			\$2,142.24

PAY Late Amount of: \$2,356.46 after 04/30/2023
*****PLEASE SUBMIT***** a current
provide number for your account

PRESORT
FIRST-CLASS MAIL
U.S. POSTAGE PAID
PERMIT No. 9
Mailed from Zip Code
14592

3170 Retsof Road

Please Return this Stub with Payment

Due Date	Amount Due
04/30/2023	\$2,142.24

If Late Pay: \$2,356.46

Account No: 25-2490

Jon & Kathy English
3170 Retsof Road
Piffard, NY 14530

124

After a brief discussion and verification that the correction has been made, the Board made the following resolution:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the water adjustment request submitted by Kathy & Jon English, with a total savings of \$545.28. Voted on and approved, Yes-5, No-0.

(New bill will total: Water-\$1,506.96 + Sewer -\$90.00 = \$1,596.96.)

- 3) Genesee Valley Conservancy:
 - a) Cynthia & William Doolittle:

Supervisor Deming stated that we received a request from Matt Halladay of the Genesee Valley Conservancy with an application for a Farmland Protection Implementation Grant. This year the Conservancy chose the farm owned by Cynthia & William Doolittle. Supervisor Deming stated, as we know from previous years, it is required to receive endorsement from the local Town Board in order to apply for such grant.

(a)Conflict of Interest:

Supervisor Deming asked the Town Board if any member had a conflict with the Doolittle application. Councilman Smith stated he will be abstaining from the upcoming vote.

(b)Approval:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to endorse the Doolittle application to New York State Department of Agriculture and Markets for a Farmland Protection Implementation Grant. Voted on and approved, Yes-4, No-0, Abstain-1.

ROLL CALL

Supervisor Gerald Deming- Aye
Dep. Sup Frank Rose Jr- Aye
Councilman Jason Swede- Aye
Councilman Amos Smith- Abstain
Councilman Norman Gates- Aye

4)Water Shut Off Request:

a-Emily Conable:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the Water Service shut off request submitted by Emily Conable for property located at 2703 Main Street (the old bank). Voted on and approved, Yes-5, No-0.

5)Municipal Clerk Week Resolution:

RESOLUTION

AT A MEETING of the Town Board of the Town of York, held at the Town Hall, 2668 Main Street, Town of York, County of Livingston, State of New York, on the 11th day of April 2023 at 7:00 p.m. there were:

Present: Gerald L Deming, Supervisor
Frank Rose Jr., Councilman
Amos Smith, Councilman
Jason Swede, Councilman
Norman Gates, Councilman

Whereas, The Office of the Professional Municipal Clerk, a time-honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Resolved, the Town Board of the Town of York, do recognize **the week of April 30 through May 6, 2023**, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Christine Harris and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

RESOLUTION offered by Councilman Smith and seconded by Councilman Swede. Voted on and approved, Yes- 5, No-0. **Roll Call:** Supervisor Deming-Aye, Councilman Rose-Aye, Councilman Smith-Aye, Councilman Swede-Aye and Councilman Gates-Aye.

Dated: April 11, 2023

Under the Hand and Seal of Town Clerk

7:39 p.m.

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to enter in to Executive Session for contractual Union negotiations to include Town Board and Town Attorney. Voted on and approved, Yes-5, No-0.

8:09 p.m.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede 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. Swede to adjourn the Town Board Meeting until April 19th, 2023 Public Hearings. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 8:10 p.m.

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