

York Town Board Meeting
September 13th, 2022
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. (High Supt) Henry Fuller,
Martha Edmonds and Joe McIlroy.

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. Smith to approve the minutes
of the Regular Town Board Meeting of August 9th, Special Meeting of August 17th, and
Public Hearing & Special Town Board Meeting of September 6, 2022. 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 # 241-276 \$ 29,729.77
- Consolidated Water/Sewer # 190-217 \$ 133,296.55
- Highway Fund # 149-162 \$ 13,825.13

PRIVILEGES OF THE FLOOR:

1)Henry Fuller:

Mr. Fuller asked to speak with the Board regarding a number of water questions:

Q-What is the status of the Livingston County Water & Sewer Authority matter?

Supervisor Deming answered that the Authority (Jason Molino) filed for grant funding
last week.

Q- Did the rest of the Towns/Villages go with it?

Supervisor Deming responded that the majority of the agencies expressed interest with

the exception of the Town and Village of Geneseo, they chose not to participate.

Q- Why are we not allowed to use the money from the Salt Mine?

Supervisor Deming answered, the way the agreement was prepared by the Attorney General, monies could only be used for certain projects, such as for sources of water and improvement to quality of water. We could not use the money for installation of water lines.

Q- Is water actually needed on River Road?

Supervisor Deming reported that we did have a resident of Craig Road (near River Road) attend the Informational meeting with Jason Molino asking about water for the area. Clerk Harris added, a couple of years ago the Board received a petition for water from River Road residents. CPL prepared figures on a potential line, it was determined that the cost was too high to proceed.

Q- Do you know where Jason Molino came from?

Supervisor Deming and Attorney Campbell replied that they do know where Mr. Molino was previously and gave a brief background history.

Q- How much are we paying the Highway guys per hour?

Mr. Worden stated that we have a tiered contract with the employees and would have to get back to Mr. Fuller on the breakdown of each worker per hour.

Q- New York State DOT had an advertisement in the paper looking for workers with an \$18.00 per hour rate plus benefits, is the Town rate more?

Supervisor Deming and Mr. Worden stated that we do offer more, recently the rate was increased to \$26.76 per hour.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- The Department installed a 5-foot culvert on Cowan Road
- Mowing of cemeteries continues.
- We have been trimming brush and ash trees
- Conducting routine truck maintenance

Mr. Worden reported at our last meeting on September 6, he informed the Board that Highway employee John Pike had expressed his decision to return to Caledonia Town Highway Dept. Mr. Pike spoke with Mr. Worden today about his desire to stay with the Town of York if Mr. Worden is still able to do so. Mr. Worden stated that Mr. Pike is a very good worker and would like for him to continue.

Supervisor Deming replied with the fact that Mr. Pike will remain with the Town of York Highway Department, we will not need to advertise now for this position.

WATER/SEWER REPORT:

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

- Water meters are being read at this time for the October cycle
- Regarding THM's, our running average is a 66 but the read coming into us from Geneseo was a 79. With the maximum limit at 80, we have little room to work with. We were over the limit in Fowlerville with an 86 but due to usage of our Grid Bee, it has reduced the THM's and assisted our average tremendously. Geneseo does not have a Grid Bee.
- Rt. 20 Water customers received their letter allowing for connection to the municipal water line.
- York Rd. West waterline; water is on and short side homeowners may begin to connect. We have long side services to be done next week, once completed, those customers will be able to connect as well.

Councilman Rose inquired if we have a status regarding Piffard material, which Mr. Worden replied we have not received an updated timetable when the material will be arriving. Core & Main stated to us back in August when we approved the bid that it may take up to 10 weeks.

Mr. Fuller asked if the new water line is going to take care of the THM'S for us?

Mr. Worden replied with the tests the LCWSA currently run, THM'S have not been an issue and they do not foresee issues going forward. Mr. Worden commented that the Grid Bee works extremely well.

NEW BUSINESS:

1) Pay Application #3:

a-Fineline Pipeline:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve Pay Application #3 for Fineline Pipeline Inc in the amount of \$87,546.54 for the Route 20 watermain extension project. Voted on and approved, Yes-5, No-0.

Contractor's Application for Payment No. 3

Application Period 7/20/22-9/2/22	Application Date 9/2/2022	
To (Owner) Town of York	From (Contractor) EMLINE PIPELINE, INC.	Van (District) CPL
Project Rt 20 Water Main Extension	Contract	
Owner's Contract No.	Contractor's Project No.	Engineer's Project No. 1635

**Application For Payment
Change Order Summary**

Approved Change Order Number	Amount	Debitors
		-\$1,000.00
TOTAL		-\$1,000.00
NET CHANGE BY CHANGE ORDERS		-\$1,000.00

1. ORIGINAL CONTRACT PRICE.....	\$	586,100.00
2. Net change by Change Orders.....	\$	-51,000.00
3. Current Contract Price (Line 1 + 2).....	\$	573,100.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$	553,468.98
5. RETAINAGE:		
a. 5% Work Completed.....	\$	27,673.45
b. 5% Stored Material.....	\$	0.00
c. Total Retainage (Line 5a + Line 5b).....	\$	27,673.45
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	525,795.53
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Applications).....	\$	535,911.54
8. AMOUNT DUE THIS APPLICATION.....	\$	587,546.54
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$	547,361.93

Contractor's Certification

The undersigned Contractor certifies that to the best of his knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's respective obligations pursuant to agreement with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated or used Work on all items listed are owned by this Application for Payment and shall pass to Owner at time of payment; and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: [Signature] Date: 9/2/22

Payment of \$ 587,546.54
(Line 8 or other - attach explanation of the other amount)

is recommended by _____ 09/07/2022
(Signature) (Date)

Payment of \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by Deirdre F. Deming 9-13-22
(Owner) (Date)

Approved by _____
(Date)

Reviewed by the Contractor: Specifications Section

2) Trail Town Report/Upcoming Presentation:

Town of York Trail Town Committee
Report to Town Board for 9/13/22

1. A sincere thanks to the Town Board for authorizing approval for payment for the 2022-2023 Annual membership for the Letchworth Gateway Villages. This will enable us to continue to work with the Genesee Valley Trail Town Initiative.
2. The crosswalk on Route 36 in Greigsville, recommended by the Trail Town Committee, was included in the Safe Streets For All grant.
3. Most of the materials for the trail amenities purchased through the Trail Town grants have been delivered and inventoried. A schedule for completing the work is being developed.
4. A letter was sent to the York Travel Center asking them to meet with representatives of the Trail Town Committee to discuss trail amenities proposed at Greigsville Corners.
5. Plans have been finalized for a presentation by Craig Della Penna on Wednesday, October 5 at 7:30 pm at the York Central School auditorium. See poster on next page.

“Leave the road, take the trails.” ~Pythagoras

Please join The Town of York Trail Town Committee to learn about:
The Historic Trails in the Town of York and how they could benefit
the Genesee Valley community and beyond!

Our special guest



Craig Della Penna

Associate Broker, The Murphys Realtors, Trailside Team
Northampton, Massachusetts will present:

**“The on-the-ground reality of
getting places, neighborhoods
and communities to “YES”
on the idea of a trail.”**

Wednesday, October 5, 2022 at 7:30 PM
York Central School Auditorium

“Having given well over 1,200 lectures in 21 states and Canadian provinces, Craig is one of the country’s most sought-after motivational speakers on **the economic development, tourism, and community development aspect** of rail-trails, and their leveraging small amounts of public dollars to redevelop forgotten or derelict lands into treasured places. He is also the author of five books and numerous op-ed/guest editorials on **the value of smart growth development** and rail-trails. In their 10th anniversary issue, THE RIDE MAGAZINE named him as the most effective advocate for rail-to-trail conversions on the eastern seaboard.”

“And into the forest I go, to lose my mind and find my soul.” ~John Muir

3) Water tap Application:

a- Maqsood Mahmud:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the water tap application submitted by Maqsood Mahmud in the amount of \$1,500.00 for property located at 3664 Batzing Road. Voted on and approved, Yes-5, No-0.

4) Aquaman Waterline Service:

a) Invoice #2

181140

Aquaman Waterline Service
8882 W Bergen Road
Le Roy, New York, 14482
(585) 787-8848

Invoice #2

Invoice

SOLD TO Town of York	INVOICED TO RT 36 Water Services
ADDRESS C/O Casey DeGraaf	ADDRESS
CITY, STATE, ZIP CPL Associates	CITY, STATE, ZIP
CONTRACT NUMBER 	ORDER BY
TERMS 	DATE 8/15/22

<input checked="" type="checkbox"/>	Installed 13 Pressure Reducing Valves in 13 Houses. 7 in meter Pits, 6 inside houses	
<input checked="" type="checkbox"/>	Excavate and Remove 12 Houses From existing 2" water main and tap into new 8" water main.	
<input checked="" type="checkbox"/>	House # 4104 was already Tapped on 6" main In exchange the 2" meter Pit was dug and removed and water line (3") was dug back and removed from 6" DI Pipe and Corporation stop was closed.	
	All work was done to York water Dept specifications	
	ORIGINAL Estimate	\$ 20,600.00
	Invoice #1 PAID	2,000.00
	Balance	18,600.00
	Due This Invoice	\$ 10,510.00
	15% Balance will be	\$ 3090.00
	Billed when Landscaping is complete	

Mr. Worden reminded the Board that Aquaman Waterline Service was contracted to transfer over the old waterline users to the new line, installed in the Town of Leicester water project. In order to get our residents connected to the new line, we hired Aquaman to proceed but will be reimbursed by the Town of Leicester for all charges. The Board has invoice #2 for tonight's approval in the amount of \$10,510.00.

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve Invoice #2 from Aquaman Waterline Service in the amount of \$10,510.00 Voted on and approved, Yes-5, No-0.

5)Rt. 20 Bond Information;
a-Bond resolution

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD
ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of York, Livingston County, New York, held at the Town Offices in York, New York, on the 13th day of September, 2022:

PRESENT: Supervisor Gerald L. Deming, Councilmen: Frank Rose Jr., Amos Smith, Jason Swede and Norman Gates

ABSENT: None

Councilman Smith presented the following resolution and duly moved that it be adopted and was seconded by Councilman Gates:

BOND RESOLUTION DATED SEPTEMBER 13, 2022 OF
THE TOWN BOARD OF THE TOWN OF YORK, NEW
YORK, AUTHORIZING GENERAL OBLIGATION SERIAL
BONDS TO FINANCE WATER SYSTEM CAPITAL
IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING
THE ISSUANCE OF BOND ANTICIPATION NOTES IN
CONTEMPLATION THEREOF, THE EXPENDITURE OF
SUMS FOR SUCH PURPOSE, AND DETERMINING
OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of York Consolidated Water District NYS Route 20 Extension is a Water District Extension of the Town of York, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on June 8, 2021, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF YORK, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of York shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of

York Consolidated Water District NYS Route 20 Extension, to include the installation of approximately 14,160 linear feet of 2 inch, 4 inch and 8 inch water main, with hydrants, valves and other appurtenant infrastructure, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$673,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of York of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$673,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, presently estimated to be up to \$362,372 of Livingston County grant funds and a SAM grant.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of York.

Section 7. The faith and credit of the Town of York, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of York together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES
5

NAYS
0

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on September 13, 2022, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Christine M. Harris
Christine Harris, Town Clerk
Town of York, New York

OTHER:

1) Military Banners:

Councilman Smith inquired if we have had any correspondence with Sandy Streb regarding commemorative veteran/military banners many have viewed throughout other communities. Supervisor Deming replied he was under the impression through YCS Supt. Dave Furletti, that he would be meeting with Ms. Streb about it but has not heard anything recently.

Mr. Worden stated he will be visiting a local town to obtain measurements to use as a guide for what will be needed here if we proceed.

Councilman Smith asked who pays for these banners, which Supervisor Deming replied he is under the assumption that residents, family or friends can sponsor a banner and then the Town can order them.

2) Draft Solar Law:

Supervisor Deming stated that the Board needs to review the Draft Solar Law for potential adoption by the end of the year.

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board Meeting until October 11th. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 7:29 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk