

York Town Board Meeting
October 11th, 2022
7:00 pm

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

Absent: Amos Smith

Others: James Campbell (Town Attorney), George Worden Jr. (High Supt) Henry Fuller, Carl Peter (Zoning/Code Officer), George Worden Sr. Davies Nagel and Kirk Richenberg

7:55 p.m.- Justin Bennett and Sandra Curran (BBS Accounting Services).

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. Swede and seconded by Mr. Smith to approve the minutes of the September 13th Town Board Meeting. Voted on and approved, Yes-4, 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 # 277-303 \$ 21,107.26
- Consolidated Water/Sewer # 218-244 \$ 120,556.19
- Highway Fund # 163-172 \$ 9,699.69

PRIVILEGES OF THE FLOOR:

1) Kirk Richenberg:

Mr. Richenberg asked to speak with the Board this evening regarding the 2023 Budget and Highway questions:

Q-Two months ago I inquired about Craig Road and the water coming up through the newly paved road, what is the status?

Mr. Worden replied at the time of the paving, we were not aware of any issues but once it was brought to attention, we have plans to push under the road with a 2” pipe to help

alleviate the water issue.

Mr. Richenberg then said in the future we need to fix the problems prior to paving, which nothing was done, otherwise it becomes more expensive to do a second time. The Board must be aware going forward.

Supervisor Deming replied that the Highway Dept. is the responsibility of the Highway Supt., the Board does not have jurisdiction. Mr. Richenberg responded that the Board does have authority financially with the budget.

Mr. Worden stated that prior to the paving, road shoulders were high on Craig Road and we took care of that matter but did not know of the water situation.

Q- What is the status of the salt storage?

Supervisor Deming answered that we have not heard from CPL as of yet regarding the site work plans.

Q- So it will probably not be this year?

Supervisor Deming replied more than likely it will not.

Q- We were getting grant funding for this; will it still be available?

Supervisor Deming answered the funding will still be available to us.

Q- I see on the agenda Tax Cap Override?

Supervisor Deming reported that the current budget presented to the Board is over by \$75,000 and if we decide to go forward with this budget as is, a Public Hearing will be required to file as a local law to override the tax cap. The Town Board members will have to review and decide if that is the route to proceed with.

Q- Do you have a number of total assessed increase for the new year?

Supervisor Deming replied that a more detailed overview of the proposed budget will take place later this evening once Justin & Sam arrive.

Q-What are we doing with the nearly 1 million in solar funds?

Supervisor Deming commented that we have had a few requests for possible usage of money in several areas. Councilman Rose added that he and Supervisor Deming recently met with Melissa Alber of the York Historical Society asking about assistance as well. Supervisor did clarify though that solar funds were actually \$540,000.

Q-Have we depleted the Covid money?

Supervisor Deming replied that we have \$268,000 remaining in Covid funds.

Q-Can it be used for other things?

Supervisor Deming answered that it can be used as we see fit, and may be used for matching funds for the sidewalks in the Greigsville area.

Q-What is the Comp Plan status?

Supervisor Deming stated he has a meeting tomorrow with Angela Ellis to sign the necessary documents to file with the State for the NYS Smart Growth funding in the amount of \$54,000.

2)Henry Fuller:

Mr. Fuller asked to speak with the Board about water questions and legal representation:

Q-What is the status of the County water project?

Supervisor Deming replied that Mr. Molino has applied for the grant funding and now we are waiting to see if we will obtain Federal grant funds.

Q-I was under the impression if all of the towns did not participate in this project it would not go forward?

Supervisor Deming answered by saying, what was presented recently was for towns to sign on now to allow us to proceed for grant purposes only. Mr. Deming commented numbers will really change though if the Towns who expressed interest initially decide not to participate going forward.

Attorney Campbell stated the 17 million in AKZO funds earmarked specifically for the Towns of Leicester and York.

Mr. Richenberg: York & Leicester were the only two towns involved in all scenarios of the water project(s)?

Supervisor Deming replied that's correct, York & Leicester are involved in all options. The funding is critical as well as the proposed towns participation.

Mr. Fuller directed the following questions to Attorney Campbell:

Q-What exactly is the process to get a building permit?

Attorney Campbell explained the process of submittal of a building permit application and the verification from Zoning/Code Officer, Mr. Peter.

Q-What about for site plan review?

Attorney Campbell conveyed that a building permit is different from site plan review requirements and explained in detail the difference between the two. Mr. Campbell stated site plan is generally tied to business or commercial projects.

Q-In the zoning regulations, site plan has a list of criteria to follow, why then is it the Zoning officer's determination going forward?

Attorney Campbell agreed that the zoning regulations do have a list of criteria to follow but ultimately it is the Zoning Officer's responsibility to review and determine what is necessary for a given project.

Q-Why doesn't it spell it out in the Comp Plan?

Attorney Campbell asked, in the Comp Plan or Codes?

Q-Why is the Zoning Officer the one to pick and choose what may or may not be required?

Attorney Campbell explained that determination of our regulations is Carl's responsibility and it is his discretion on how the applicant is to proceed. Mr. Campbell outlined in the Zoning Ordinance Sections 1102A & 1103 specifically the process and the Zoning Officers' role:

1102. Sketch Plan Conference

A. Applicants shall meet with the Code Enforcement Officer and/or the Planning Board to review the basic site design concept and determine the information to be required on the preliminary site plan. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the York Comprehensive Plan, to determine whether the activity is subject to the performance standards of §516, and to advise the applicant of other issues or concerns. The sketch plan conference provides an opportunity to indicate whether the proposal, in its major features, is acceptable or whether it should be modified before expenditures for more detail plans are made.

The Code Enforcement Officer and/or Planning Board may waive required items in the preliminary site plan based upon discussion of the proposed development during this time.

1103. Preliminary Site Plan Application

A. Application for preliminary site plan approval. An application for preliminary site plan approval shall be made in writing **to the Code Enforcement Officer and shall**

be accompanied by information drawn from the following checklist, as determined necessary by the Code Enforcement Officer at the sketch plan conference. All site plan information and building designs shall be prepared by a licensed architect or engineer.

B. Preliminary site plan checklist. Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist available from the Code Enforcement Officer.

Q-How much is the Comp Plan Grant?

Supervisor Deming replied that the Comp Plan grant funding is \$54,000.

Q-Why do we spell out rules in the Code and have only 1 person interpret them?

Attorney Campbell stated that it is the Zoning Officers' authority and discretion to interpret the codes, which is not uncommon in most townships.

Q-What is the process when an application is submitted?

Attorney Campbell explained the application process and the determination from there. For site plan requirements a potential Public Hearing and SEQ. R.

Q-Why did Frank Rose get approved without going through the steps? Town Planning Board had to refer this to the County Planning Board and they did not have a quorum at that meeting. Others are required to get architectural drawings before a Public Hearing is scheduled?

Attorney Campbell replied that the Town Planning Board did proceed correctly and even though County Planning Board did not have a quorum, they did make recommendations. Changes to the original plan were made based upon the County recommendations which are why our zoning requires county review.

Comment: Mr. Fuller- Some people have to follow the rules when others do not.

Attorney Campbell stated if the Zoning Officer determines or deems additional steps are necessary, the applicant must follow through. Each project is different and must be reviewed as such. Some applications will require more regulations than others.

Comment: Mr. Fuller- The process followed by the town was backwards.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Continue to mow roadside
- Patching potholes tomorrow.
- Limerick Road pipes
- Adjusting of signage and cleaning as well
- We still have yet to receive a bill for the roof repair

WATER/SEWER REPORT:

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

- We still have four (4) long sides to do on York Road West. If we do not receive parts within a few days, we will rent a rockhound in order to complete. Residents will need to get their lines out to the road.
- All previously applied for water taps approved by the Board are completed.
- Covington is now onboard with water consumption. They used a great deal during the flushing process but now currently at a minimal consumption.
- Sewer is running smoothly at the treatment facility. Mr. Worden prepared the Board for the 6 months when using the UV Disinfection System, the cost will be roughly \$3,300 per month.

Mr. Richenberg asked about the hookups on York Road West. Mr. Worden replied that the Town Highway Department is doing the boring for this as previously discussed. Mr. Worden added we have the right to work in the Right of Way.

NEW BUSINESS:

1)Trail Town Committee Report:

To: Town of York

From: TOY Trail Town Committee

October 11, 2022

1. The Cooperative Agreement 0022M- Trail Improvement Project, Genesee Valley Greenway, Town of York and the sketch site maps have been sent by PTNY and needs signatures before any work is done on the Genesee Valley Greenway. One of us will be at the Town Board meeting if there are questions that can be answered that night or obtained from PTNY.
2. Work to construct the trail amenities covered by the PTNY and NBRC grants has started (off trail) with Scout Aidan Harding assisting as part of his Eagle Scout Project.

3. On October 5th Craig Della Penna (trail advocate) was given a tour of the town of York (lunch at the Barn Restaurant, visits to the GVG in Piffard, the Abbey of the Genesee, the Little Italy Nature Preserve, Linwood Gardens, supper at the Yard of Ale, overnight at Hillcrest Estates) and then gave his presentation on trails at the YCS Auditorium. We had approximately 45 people in attendance. This was part of an ongoing effort that the Genesee Valley Trail Town Initiative is working on to promote trails in our valley.
4. We would like to plan a series of volunteer guided hikes to “discover” and promote the trails in the town. As it would be a TOY Trail Town Committee project, authorization for this probably needs to come from the Town Board.

Becky Lewis/Dave Nagel
Co-chairs

Mr. Nagel also wished to discuss with the Board the Cooperative Agreement Contract between the NYS office of Parks, Recreation and Historic Preservation (OPRHP) and the Town of York for the Trail Improvement Project. Mr. Nagel stated before any work to construct the trails amenities can take place on the trail itself, the contract must be signed. Currently, Scout Aidan Harding expressed interest to participate as part of his Eagle Scout project and how been constructing off site until signatures are obtained for the contract. His Eagle project must be completed prior to his 18th birthday which is in April of next year. This may not be a project for him if there are any delays.

Supervisor Deming stated he will have Attorney Campbell review the existing contract.

Mr. Nagel briefly discussed plans for a series of guided hikes of the trails and commented that authorization will most likely be required from the Town Board. Supervisor Deming did express liability concerns which Attorney Campbell suggested contacting the Town’s insurance carrier to perhaps have a waiver in place prior to the hikes.

2)Courts Grant:

RESOLUTION offered by Councilman Rose and seconded by Councilman Swede authorizing Court Clerk, Kimberly Reitz permission to apply for New York State JCAP Grant for the 2022-2023 grant cycle up to \$30,000. Voted on and approved, Yes-4, No-0.

3) Pay Application #4-Final:

a) Fineline Pipeline, Inc.

RESOLUTION offered by Mr. Swede and seconded by Mr. Gates to approve Pay Application #4 for Fineline Pipeline, Inc. in the amount of \$16,670.42 for the Rt. 20 watermain extension project. Voted on and approved, Yes-4, No-0.

*This payment is the last for the Rt. 20 water project.

4) Custodian:

Supervisor Deming reported that Town Hall custodian, Louie Miller expressed his desire to resign as the custodian for the Town but was willing to stay on until a replacement was secured. One of our current employees at the recycling center, Gardner Low reached out to inquire about the position and has since conducted a walk thru with Mr. Miller of the building & grounds and stated his interest.

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve the appointment of Gardner Low as Town Hall custodian effective October 23, 2022. Voted on and approved, Yes-4, No-0.

***7:50 p.m.** -The Town Board took a short recess until Justin Bennett and Sandra Curran of BBS Accounting arrived.

8:00 p.m.- The Board conducted a budget work session to review the current figures in the Tentative Budget as presented. The session concluded at 8:35 p.m.

8:36 p.m.-The Board now continued with the regular meeting...

Supervisor Deming asked the Board if they have any changes to the Tentative Budget, which all replied they do not. Supervisor Deming stated as discussed earlier in the evening with no changes to the existing budget we will need to schedule a Local Law Public Hearing to discuss overriding the tax cap.

LOCAL LAW #2 of 2022:

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to schedule a Public Hearing for Thursday, October 27, 2022 at 5:00 p.m. authorizing the Town Board to override the limit on the amount of real property taxes that may be levied by the Town for 2023, per General Municipal Law § 3-C. Voted on and approved, Yes-4, No-0.

2023 Budget Hearing/Special Meeting:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to schedule the 2023 Town of York Budget Hearing and Special Town Board Meeting for Thursday, October 27, 2023 at 5:30 p.m. Voted on and approved, Yes-4, No-0.

*Budget Hearing will begin at 5:30 p.m., with Special Town Board meeting to follow thereafter.

ADJOURNMENT:

RESOLUTION offered by Mr. Gates and seconded by Mr. Swede to adjourn the Town Board Meeting until October 27th. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 8:45 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk