

Public Hearing
October 27, 2022
5:00 p.m.
Proposed Local Law of #2 of 2022

Present: Supervisor Gerald Deming, Councilmen: Norman Gates & Amos Smith.

Absent: Frank Rose Jr. and Jason Swede

Others: James Campbell (Town Attorney), Henry Fuller, Doug McFarland, Kirk Richenberg and Justin Bennett (BBS Accounting)

Supervisor Deming opened the Public Hearing at 5:00 p.m. and asked Attorney Campbell to read aloud the hearing notice:

**TOWN OF YORK
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Town Law §130 and General Municipal Law §3C, 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 5:00 p.m. on October 27, 2022 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

- A. A local law authorizing the Town Board to override the limit on the amount of real property taxes that may be levied by the Town of York for the fiscal year 2023 as limited by General Municipal Law §3-C, which will allow the Town Board to adopt a budget for the fiscal year 2023

A copy of the proposed local law is available for review for 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: October 11, 2022

By Order of the Town Board of the Town of York

Christine M. Harris
Christine Harris, Town Clerk

Supervisor Deming reported that the proposed 2023 budget was originally under the tax levy limit but we then decided to add \$100,000 in Equipment Reserve which then put us over the tax cap, warranting a Public Hearing.

Mr. Fuller asked how much is in the Highway reserve, which Supervisor Deming replied \$300,000 but will be left at \$0 if we purchase a new 10-wheeler.

Mr. Fuller asked the age of the oldest truck at the highway department?

Councilman Smith thought perhaps in the 90's. Supervisor Deming answered he is not sure but will reach out to Mr. Worden in a text. Mr. Worden replied that the oldest truck is a 2004.

Mr. Fuller stated that now is not the time to make large purchases. He understands that equipment has to be updated but after going through a town re-evaluation this year, the people can't afford additional spending.

Supervisor Deming replied that we have not replaced a 10-wheeler in a while and at that time the cost was \$200,000, right now the figure is at \$300,000. Mr. Bennett added the one truck the Town needs to replace is 18 years old.

Mr. McFarland commented now is not the time to make large purchases because everything is much more expensive. We have a budget to work from. We need to abide by the law and not override the tax cap. The Town can continue to maintain the trucks to last a long while and should do that.

Supervisor Deming stated that the department has been maintaining this truck for 18 years.

Councilman Smith added even with routine maintenance, the existing vehicles cost more to continue to maintain, especially as they age.

Mr. McFarland expressed again, now is not the time to be expending any more than needed, hopefully the economy will turn around but for now it is not a good idea, maybe we need to cut back on hours or a cutback somewhere else.

Mr. Fuller remarked that government likes to spend when they should be cutting back.

Supervisor Deming answered that if we do not upgrade regularly, we will end up spending more later in repairs. Mr. Deming commented that if we do not move \$100,000 in the Reserve, we would stay under the tax cap.

Mr. Richenberg stated that he feels the same way as the others this evening with not wanting to make large purchases at this time. He noticed that money is being taken from the Highway to add to the Equipment for a big purchase later. Why not bring the Reserve down rather than going over the cap. Maybe our Highway Supt. should go back

to looking at the Federal government surplus equipment. You all, as a Board are making financial decisions when people are struggling right now.

Supervisor Deming stated although having a good amount in our water & sewer reserve, we could go through that money quickly with an emergency repair.

Mr. Fuller inquired what is available in the Covid Relief funds?

Supervisor replied roughly \$130,000.

Mr. Bennett referenced that the Highway Budget is close to a million dollars.

Mr. McFarland expressed his disbelief that the Highway Department budget is a million dollars, which Mr. Bennett replied it is \$900,000 in normal expenditures. Mr. McFarland continued by saying that responsible people need to re-evaluate budget necessities and discussed the patchwork job conducted on York Road West which is very rough riding on. Supervisor Deming replied he is aware of this but stated we do not have jurisdiction on York Road West because it is a County Road.

Mr. Richenberg stated that Craig Road was done less than 1 year ago and it's falling apart already, wasting money. When I bring these issues up to the Highway Department or the Board, I'm the bad guy. Maybe we should send out to bid for road repairs to see the longevity of those repairs. By spring time, Craig Road will have major holes to contend with, creating vehicle issues and ultimately spending more money to repair.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to close the Public Hearing at 5:27 p.m. Voted on and approved, Yes-3, No-0.

Budget Hearing/Special Town Board Meeting 5:30 p.m.

Present: Supervisor Gerald L. Deming, Councilmen Amos Smith and Norman Gates

Absent: Frank Rose and Jason Swede.

Others: James Campbell (Town Attorney), Henry Fuller, Kirk Richenberg, Doug McFarland, Carl Peter and Justin Bennett (BBS Accounting).

Supervisor Deming opened the Budget Hearing at 5:30 p.m. and asked Attorney Campbell to read aloud the Hearing/Special Town Board Meeting notice:

LEGAL NOTICE
Notice of Hearing of Preliminary Budget and Fire Contract-2023
and
Special Town Board Meeting

Notice is hereby given that the Preliminary Budget of the Town of York for the fiscal year beginning January 1, 2023, has been completed and filed in the Office of the Town Clerk, York, New York, where it is available for inspections by any interested person or citizen at all reasonable hours, Monday through Friday.

Further notice is hereby given that the York Town Board will meet and review said Preliminary Budget and hold a Public at the York Town Hall, 2668 Main Street, at **5:30 p.m.** local time, on the **27th October, 2022** and at such hearing any person may be heard in favor of or against any item or items therein contained.

Pursuant to Section 113 of Town Law, the proposed salaries of the following Town Offices are hereby specified as follows:

Supervisor	\$10,000.00
Town Justice (2)	\$ 9,877.50 EACH
Council Members (4)	\$ 5,725.00 EACH
Town Clerk	\$ 34,000.00
Highway Supt.	\$65,650.00

Notice is hereby given that a public hearing will be held at the same time, date and place as above, for the purpose of considering contracting with the York Fire Department for fire protection service in the Town of York.

- 1) The York Fire Department shall answer all calls in the fire district.
- 2) That for such service, will receive \$216,691.00 per year.
- 3) The Town shall be responsible for payment for injury or death of fire personnel in connection with such calls.
- 4) The fire contract shall expire December 31, 2024.

A Special Town Board Meeting will take place following the Budget Hearing.

All interested persons in the matter shall be heard at such time and place.

Dated: October 11, 2022
By Order of the York Town Board
Christine M. Harris

Supervisor Deming now opened the meeting up for questions or comments on the budget:

Mr. Richenberg asked a number of questions pertaining to current PILOTS (other payments in lieu of taxes A1081), General income (A1289), potential court grant funding (A1110.4), state aid, mortgage tax, Supervisor contractual expenditures (A1220.2, Assessor equipment (A1355.2), Attorney Contractual expenditure (A1420.4), the York Travel Center (A2590), and Covid funds.

Mr. Richenberg commented that we are not charging Attorney fees to the specific projects; they are charged to the General Fund, projects should be charged accordingly.

Supervisor Deming responded that some of the more recent projects, the costs were included in the debt of the project.

Mr. Richenberg stated, we are budgeting through the General Fund for legal fees when it should be taken from those projects directly.

Mr. Fuller asked if there were projects that the lawyer fees were taken out from? Which Supervisor Deming replied yes, solar projects.

Mr. Richenberg asked about the lighting balance paid through the grant, was it put back into the fund? Mr. Bennett answered that the balance was put in A3089 (State Aid-other; Parks/Trail Grant).

Mr. Fuller asked a number of questions pertaining to snow removal (DA2302) and (DA5142.4) and commented between snow removal, personal services, snow removal-medical reimbursement and snow removal contractual expenditure it totals \$203,000...to take care of snow?

Supervisor Deming replied we have estimated \$127,000 for contractual expenditure but need to make sure we have sufficient funds for those line items.

Mr. Fuller inquired about line item A2544 "Dog Licenses"? Supervisor Deming reported that this is the revenue for dog licenses, not wages.

A question was asked regarding DA3501 "State Aid-Consol. Highway Aid" and the difference from estimate to preliminary amount for 2023?

Mr. Bennett replied we budget conservatively because we can't guarantee the aid funding.

Mr. Richenberg asked additional questions on: Misc. Revenue from other Gov't (DA2389), Revenue coming from York Rd West water, Machinery Contractual Expend (DA5130.4) and snow removal-Personal Services (DA5142.1). Mr. Richenberg commented that the snow removal line item is very high and could be going to another

line item. Mr. Richenberg review with the Board this line item from 2017 to present, stating the proposed number for 2023 is way too high.

2017-\$29,235.00
2018-\$30,349.00
2019-\$36,908.00
2020-\$29,174.00
2021-\$33,294.00
2022-\$71,000.00

Mr. Richenberg questioned Hospital & Medical insurance, Employee Benefits line (A9060.8), which Supervisor Deming replied we were notified of a 10% increase from last year but to date we have yet to receive an actual amount, and expressed how difficult it is to budget for the unknowns.

Mr. Richenberg suggested the Board consider using fund balances.

Supervisor Deming replied we carry larger fund balances for emergencies and also because we try not to finance items if possible.

Mr. Richenberg commented, before the budget is passed perhaps some of the salaries paid by the Covid funding should be looked at and tightened up and take money out of the fund balance. Mr. Richenberg added, don't automatically think that the three people voicing concerns this evening are the only ones, there are more people in the community asking as well.

Mr. Richenberg asked if the Board receives yearly expenditure/revenue sheets from the Fire Department?

Supervisor Deming answered that they do submit some summary information but not a detailed report.

Supervisor Deming addressed Mr. Bennett and asked how we can adjust the current budget in order to not go over the tax cap, knowing we have to purchase a new truck.

Mr. Bennett answered if Covid money is not used by 2024, it has to be returned. Supervisor Deming commented instead of \$100,000 in equipment, perhaps we can use some of that money.

Mr. McFarland inquired as to how much money goes into a Reserve fund? Supervisor Deming replied the dollar amount varies each year.

Mr. Richenberg asked if we have any hard numbers of state bid for a truck? Supervisor Deming answered the numbers we have are from the State bid.

Mr. Richenberg commented he understands having monies saved for a serious issue but if a good maintenance plan exists, we can continue to use the current equipment.

Supervisor Deming replied that the truck we are planning to replace is rusting out and until a new one has been ordered & delivered, we will need to continue to use the current truck for probably 2 more years until the new one arrives.

Supervisor Deming asked the Board and Mr. Bennett to reviews the truck line item and suggested putting \$100,000 there. Councilman Smith asked if we do that, will it keep us under the tax cap? Mr. Bennett replied it will, until next year. Councilman Smith stated the Town needs a truck and a loader so we have to move forward. Mr. Bennett stated we can budget \$75,000 from Covid money which will put us under the tax cap.

Mr. Fuller asked about the State Aid-Parks/Trail grant line item, which Supervisor Deming answered that Mr. Nagel obtained grant funding through Trail Town. Mr. Fuller inquired if the Town would be liable. Supervisor Deming replied the Town is liable only for Trail town committee members through the set-up process of the trails.

Mr. Richenberg stated with a fund balance of \$268,000 and now using \$75,000 for a truck, you still have \$193,000...any idea where to spend that?

Supervisor Deming replied some of the Covid money will be used to re-construct the back steps of the Town Hall building as well as new basement doors.

Mr. Richenberg questioned if any decisions have been made regarding the solar money?

Supervisor Deming answered that continued conversations have taken place with the Historical Society but no decisions as of yet. Mr. Deming added we will also want ideas from the community as well.

Supervisor Deming addressed once again with Mr. Bennett, the specific dollar amount needed in order to NOT go over the tax cap. After further calculations, Mr. Bennett replied \$76,280.00.

Supervisor Deming asked the Board for any final comments...

Councilmen Smith and Gates both stated with the changes discussed this evening, they would like to move forward with the approval of the budget.

2023 Budget:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the 2023 Town of York Budget including the changes made earlier in the evening. Voted on and approved, Yes-3, No-0.

Supervisor Deming commented that he does appreciate the questions and comments from the public. Mr. Deming added that he is disappointed that all board members reviewed the budget prior with none having issues, before scheduling this hearing. Councilman Swede informed us that he was not able to attend tonight but others were

aware of the date and time and stated he is very disappointed that other town representatives were absent.

Clerk Harris reported that we have a few items of business to conduct:

1) Aquaman Waterline Service:

a) Invoice #3-Final Payment

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve Invoice #3-Final Payment to Aquaman Waterline Service in the amount of \$3,090.00. Voted on and approved, Yes-3, No-0.

2) Municipal Solutions proposal:

a) Continuing Disclosure Filings

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates approving continuation of Municipal Solutions, Inc. to assist the Town of York with Disclosure Filings and Regulations pursuant to the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12. Voted on and approved, Yes-3, No-0.

3) Sewer Tap Application:

a) Michael Burt

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the Sewer Tap Application submitted by Michael Burt for property located at 3386 Retsof Road in the amount of \$1,500.00. Voted on and approved, Yes-3, No-0.

*When Sewer District #1 was created previous homeowner, Marjorie Fasano was not required to connect to the district due to the distance from the main line and chose not to be included. This parcel has not been charged any quarterly sewer fee or yearly debt service, but after approval this evening, Mr. Burt will be charged accordingly.

4) Advertisement:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing the Clerk permission to advertise for the following vacancies:

Planning Board (1) 5-year term; effective January 1, 2023

Zoning Board of Appeals (2) 5-year terms; effective January 1, 2023

Voted on and approved, Yes-3, No-0.

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting at 6:59 p.m. Voted on and approved, Yes-3, No-0.

Respectfully submitted,
Christine Harris
Christine M. Harris, Clerk