

York Town Board Meeting
November 15th, 2022
7:00 p.m.

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

Absent: Jason Swede

Others: James Campbell (Town Attorney), Kirk Richenberg, Dustin Geiger, George Worden Jr. (High Supt), Andrew Walton, Becky Lewis and Carl Peter (Zoning/Code Officer).

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. Gates and seconded by Mr. Smith to approve the minutes of the October 11th Town Board Meeting, October 27th Public Hearing, Budget Hearing and Special Town Board meeting. Voted on and approved, Yes-4, No-0.

BILLS:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

- General Fund # 304-330 \$ 18,993.74
- Consolidated Water/Sewer # 245-278 \$ 264,741.41
- Highway Fund # 173-191 \$ 15,135.02

PRIVILEGES OF THE FLOOR:

1)Kirk Richenberg:

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

Q-Does the Board have any specific plans with the remaining COVID money?

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

Q-Why is there not a separate line item in the budget for the equipment we share with Caledonia & Geneseo?

Mr. Worden stated that the three towns share all bills incurred for the equipment, with expenses coming out of equipment maintenance.

Q-So, there is not a specific line item set up for this?

Supervisor Deming & Mr. Worden responded that there is not a separate line item in the budget for Shared Services equipment.

Q-Isn't that a requirement by the State?

Supervisor Deming answered it is not required by the state.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Salters have been installed on the trucks
- Blacktopped Piffard Circle West and East
- We have been shoring up signage

WATER/SEWER REPORT:

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

- York Road West water services have been completed & the residents now have access to municipal water once their portion of connection has taken place.
- Covington tank-After we pump water to the tank, Covington has been having issues with chlorine residual so they will be seeking assistance from CPL to find a resolve for this matter, completely at their expense.
- Retsof Sewer discussion- Discussion took place with CPL about separation of the sanitary sewer from storm water. Mr. Worden commented that he didn't like the option suggested and posed another option with a roadside ditch & sump pump or just a sump pump option. Additional conversation will take place.

Mr. Richenberg inquired if we have an update on the salt shed facility?

Supervisor Deming replied we have been waiting on CPL and have yet to receive anything to date.

Mr. Richenberg questioned why it is taking so long?

Mr. Worden answered as much as we would like for this to proceed, he did express to CPL to concentrate more so on upcoming sanitary sewer details.

Councilman Smith asked if engineering is a stipulation for the grant, which Mr. Worden replied there is not a lot of engineering required but we do need assistance in order to

proceed. Mr. Worden added that discussion took place on options for salt sheds but until the recommendation comes back from CPL we are at a standstill. Councilman Smith and Supervisor Deming commented perhaps we need to look elsewhere in order to move things along.

- Mr. Worden reported that water samples have been completed, we are now waiting for results.

Supervisor Deming inquired if we experienced any issues at the treatment facility or elsewhere with the recent heavy rainfall. Mr. Worden responded that we did not have any flooding issues of basements or issues at the plant. Levels did increase for a short time but quickly decreased.

OLD BUSINESS:

1)WNY Cheese contract:

Mr. Campbell briefed the Board once again about the intended dedication to the Town of York on behalf of the WNY Cheese Sanitary Sewer District. Mr. Campbell stated that he introduced a copy of the proposed contract at the August 9th meeting and has received suggested alterations from Supervisor Deming and Mr. Worden. CPL Engineer, Eric Wies has not pushed too hard for this to be signed because an easement and other items have to be buttoned up first.

2) Livingston County Traffic Safety:

a-Appointments:

RESOLUTION offered by Mr. Smith & seconded by Mr. Rose to re-appoint Highway Superintendent, George Worden Jr, and Councilman Norman Gates to the Livingston County Traffic Safety Board effective January 1, 2023. Voted on and approved, Yes-4, No-0.

3) Trail Town Report:

TO: York Town Board

FROM: TOY Trail Town Committee

Report for November 15, 2022

1. Members of the Trail Town Committee met on November 4th with representatives of Parks & Trails NY, Letchworth Gateway Villages, the York Planning Board and a few others to discuss trail issues and future options for the Town of York. Maps of the trails in the area were shared showing the Trail Town Committee's goal of connecting the Groveland Secondary Trail to the Genesee Valley Greenway.
2. Off site work on the kiosks, etc. continues. Before any work is done on the Greenway, the Cooperative Agreement needs to be signed by the town and sent to PTNY. What us the status of this form?

3. Volunteer guided hikes sponsored by the Trail Town Committee have been suggested and the town's lawyer is looking into any legal issues that may arise from this.
4. The next Trail Town Committee meeting is scheduled for Tuesday, November 22, 7-8pm at the Town Hall

Becky Lewis/Dave Nagel

Committee chairs, Mrs. Lewis & Mr. Nagel addressed with the Board item #3 in the report as it pertains to a guided hike, "First day hike" (January 1, 2023). Mr. Nagel commented that Kristine Uribe asked each committee to sponsor a first day hike and his committee feels this is a great idea and a wonderful way to begin the new year.

Supervisor Deming replied as a Town, we are supportive of a hike(s) but are concerned about the liability issue if it's classified as a Town sponsored event.

Mrs. Lewis remarked perhaps the Greenway holds liability insurance and offered to contact Ms. Uribe to confirm.

Supervisor Deming asked the Board their thoughts on the Cooperative Agreement for the Trail Town Improvement Project that still needs to be signed. The Board and Attorney Campbell received a copy of such agreement for review in order to comment and/or make any recommendations or changes.

Mr. Nagel reported until this contract has been signed the committee is unable to conduct any work on the trail.

Attorney Campbell briefly reviewed with the Board a few items he noticed in the contract that needed a bit more clarification.

Mr. Richenberg asked, has the state recommended where to put the kiosks, the Town could be held liable if they were not placed properly?

Mrs. Lewis and Mr. Nagel responded that Kristine Uribe had given the committee direction on this matter and we have presented our documentation to her already and has been approved.

AUTHORIZATION:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Supervisor Deming to sign the Cooperative Agreement Trail Improvement Project and to further designate Councilman Jason Swede as the Town of York representative.

4) Intermunicipal Agreement

a) Livingston County

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to extend the terms of the Intermunicipal Agreement between Livingston County and the Town of York, for Machinery, Tools, Equipment and Service Sharing for an additional term of one (1) year; effective January 1, 2023 and expiring December 31, 2023. Voted on and approved, Yes-4, No-0.

5) NYCLASS Resolution:

Supervisor Deming informed the Board of a recent visit to the town's bank, Tompkins Bank of Castile to discuss our existing accounts. After the visit, Mr. Deming was made aware of an organization called NYCLASS who specializes in investments for Towns, Villages, Counties, fire departments and school districts. Once we are enrolled, we will be able to transfer as much or as little as we desire. Interest is compounded daily.

Supervisor Deming stated if we were to invest the \$500,000 solar funds in January through October, we would accumulate approximately \$6,000 in interest alone. Mr. Deming added that Clerk Harris could follow suit with the tax money as well, knowing the interest based on 2-3 million we collect would be substantial.

Councilman Smith inquired if their fees are set, which Supervisor Deming replied their fees are received off of the interest.

Mr. Richenberg asked if there are any political ties and do they have a Board of Directors?

Supervisor Deming replied he is not aware of political ties and they do appoint Board of Directors comprised of the agencies that participate.

Mr. Nagel inquired as to the percentage of the charge?

Supervisor Deming answered .02%

Mr. Peter commented that the York Fire Department is also reviewing this documentation and their Board of Directors will determine if they will be participating as well.

Councilman Smith asked if there is an annual fee, which Supervisor Deming responded there is not.

Mrs. Lewis inquired how long this organization has existed, Councilman Smith replied after reading the documentation, 1989-1990.

Supervisor Deming commented that the majority of the towns and villages in Genesee County have participated for some time.

APPROVAL

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose:

**TOWN BOARD
TOWN OF YORK
COUNTY OF LIVINGSTON**

MUNICIPAL COOPERATION RESOLUTION

At a regular meeting of the Town Board of the Town of York,
Livingston County, State of New York, held at the York Town
Hall on the 15th day of November, 2022.

**AUTHORIZING THE TOWN OF YORK TO INVEST PORTIONS OF ITS AVAILABLE
INVESTMENT FUNDS IN COOPERATION WITH OTHER MUNICIPAL CORPORATIONS
AND/OR SCHOOL DISTRICTS PURSUANT TO THE NYCLASS MUNICIPAL
COOPERATION AGREEMENT AMENDED AND RESTATED AS OF MARCH 28, 2019.**

WHEREAS, the Town of York has various financial resources that are available to be invested in safe investment vehicles that can earn a reasonable return and can be readily liquidated as needed by the Town; and

WHEREAS, the Town Board of the Town of York has determined it to be in the best interest of the Town of York and its citizens that portions of the Town's financial resources be properly invested in safe investment vehicles that can earn a reasonable return and can be readily liquidated as needed by the Town; and

WHEREAS, the Town of York wishes to invest portions of its available investment funds in cooperation with other municipal corporations and/or school districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2021; and

WHEREAS, the Town of York wishes to satisfy the safety and liquidity needs of their investible funds.

NOW, THEREFORE, upon motion by Councilman Smith, seconded by Councilman Rose, it is hereby:

RESOLVED, that the Town Supervisor, on behalf of the Town Board, is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

DATED: November 15, 2022

VOTE OF THE BOARD:

Gerald Deming, Supervisor	Aye
Norman Gates	Aye
Frank Rose, Jr.	Aye
Amos Smith	Aye
Jason Swede	Absent

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF YORK**

Christine M. Harris,
Christine M. Harris, Town Clerk

6) White Creek Solar Meeting (AES)

Supervisor Deming informed the board if they have not already received a post card, White Creek Solar (AES) will be hosting a meeting for the community. The meeting is slated for Wednesday, November 30th from 5:30-7:30 p.m. at the Genesee River Restaurant & Reception Center. Project information will be on display as well as AES representatives to answer any questions. The community meeting is to discuss a 135 MW Solar project located in the Towns of York & Leicester and will give project updates and outline the 94-C permitting process.

*Must RSVP by phone or email to: [www.aes.com/white-creek solar](http://www.aes.com/white-creek-solar)
1-866-757-7697

OTHER:

1)Hometown Heroes banners:

Councilman Smith asked if we have any updates regarding the Hometown Heroes banners and if we need a template?

Mr. Worden responded that he did have the opportunity to review banners/brackets in other towns & believes we may be able to construct a bracket that would work for us. Councilman Smith stated he will reach out to Sandy Streb at YCS to see how other towns began the process and will also contact Tom Tiede for his input with the York VFW.

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting until December 6th. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 7:50 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk