

York Town Board Meeting
September 10, 2015

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, David Deuel, Norman Gates and Frank Rose Jr.

Absent: None

Others: Angela Ellis (Livingston County Planning Dept. Director), George Worden Jr. (Highway Supt.), Kirk Richenberg, Patricia Gardner and Carl Peter (Zoning & Code Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the August 20th Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Angela Ellis:

Ms. Ellis stated she was invited to give an overview of the potential application for the Greigsville area, to the Genesee Transportation Council United Planning Work Program (GTC UPWP). Ms. Ellis explained in detail the necessary steps that must be taken by a community in order to qualify for grant funding. Funding may be available for planning studies as well as physical improvements.

Ms. Ellis commented by addressing a project need, needs assessment, delegating a Project Manager and inclusion of public participation, all should create a strategy for future funding opportunities for a community. Ms. Ellis added applications are due by the middle of October so if the Town desires, the County Planning Department can prepare the grant, but must receive solid support from the town initially. Supervisor Deming asked if we should involve the school as well, which Ms. Ellis replied additional involvement can support the application even further. York Central has indicated they would be interested in participating and seem very willing to support the process, especially since they are a major stakeholder of the proposed area. Mr. Deming questioned participation of the property owners in the area, with Ms. Ellis again responding more support from the area and community as a whole is positive.

Councilman Rose stated the last time an application was applied for was for curbing of the area, but questioned the drainage issue. Ms. Ellis replied she is not sure what the previous application stated but expressed the need to review the existing location in order to address this and any other potential situations. Mr. Rose stated the Department of Transportation (DOT) has been in the area recently to review. Ms. Ellis commented DOT will be one of the members on the committee if the Town decides to proceed, working very closely with all of us.

Mr. Richenberg asked if any other projects have gone through this procedure. Ms. Ellis described in detail a project in Dansville to secure funds for rail purposes to assist LMC. Through the improvements they will be able to continue to expand their business. Ms. Ellis also spoke about trying to assist with sewer improvements, as well as the municipal airport. Ms. Ellis stated once

again the County will not pursue any application unless the Town wants them to and offered her department's assistance.

Mr. Richenberg questioned if there are or have been any other proposals similar to this one, and asked if the County owns any land on Rts. 36 & 63. Ms. Ellis replied the County does not own land in that area. Mr. Richenberg added this is mostly a traffic issue, not really looking to add growth for this location and asked what the objective was. There isn't a 5 year plan at DOT, so if this is approved and paid to fund, when will this be implemented. Ms. Ellis stated this is just a process to create a plan to address concerns and/or improvements, if the Town desires to proceed. They may decide to keep things exactly the same. If a decision is made to proceed it runs on a 2 year cycle. There are other funding sources such as Safe Routes to School. Ms. Ellis added how important it will be to review the existing Comprehensive Plan to see if the initial vision still exists, or what actions may be taken or needed as far as improvements for the area. The County is strictly "a partner at the table", working with communities to achieve additional wants & needs, but they must receive the initial go-ahead from the Town to begin the process. Mr. Richenberg commented he believes Rts. 36 & 63 is one the busiest areas. Mr. Richenberg asked Ms. Ellis if there are any current applications for the corner property, which she replied the corner parcel is available for development. Ms. Ellis added if the Board decides to move forward, we have to be proactive in the process and if any drainage related questions or concerns come about, they must be addressed in the plan.

Supervisor Deming asked the Board their thoughts on whether or not to proceed. Councilman Rose commented without a doubt this process will be complex. Ms. Ellis stated projected costs would total \$ 50-55,000 (which is a combination of Consultant costs- \$ 40-45,000 and In-kind non cash from the County-\$10,000).

Supervisor Deming discussed with Ms. Ellis the Board's upcoming scheduled Public Hearing in two weeks regarding a possible zoning change along the west side of Main Street (Rt.36) from the intersection to Virginia Avenue. Mr. Deming asked due to the discussed potential application, if we should obtain grant funding, would she recommend tabling the re-zoning of the area. Ms. Ellis replied if the change is supported by the Comprehensive Plan and has vast support of the community, then you can always incorporate the change into the application process. While working on a study it is not necessary to stop any upcoming requests. Ms. Ellis stated she is aware that the County Planning Department will be reviewing the zoning referral on behalf of the Town of York this evening which then you will have recommendations to consider.

Supervisor Deming thanked Ms. Ellis for attending this evening to present the information to the Board.

** Below is the Transportation Safety & Access Improvement Plan for the hamlet of Greigsville :

**Hamlet of Greigsville
Transportation Safety & Access Improvement Plan**

**Potential Application to
Genesee Transportation Council United Planning Work Program (GTC UPWP)**

A. Project Need

Develop a strategy for addressing transportation safety and access improvement concerns and recommendations identified in the' *Town Comprehensive Plan, Livingston County Transportation Connectivity Plan, Genesee Transportation Council Transportation Strategies for Freight and Goods Movement in the Genesee-Finger Lakes Region, and the Genesee Transportation Council Regional Trails Initiative, including but not limited to:*

- **Traffic safety and traffic calming improvements for State Routes 63 and 36;**
- **Landscaping and community enhancements that help create a sense of place and identity that respects community history;**
- **Pedestrian safety improvements, especially for school operations and events;**
- **Transportation infrastructure needs that encourage future business development based on locally defined community development objectives and community livability goals, and;**
- **Recreational trail improvements that tie into an overall active transportation (pedestrian, bicycle) connectivity plan for the hamlet area.**

B. Products

Draft and Final Report that outlines:

- a. **Existing Conditions Report/Needs Assessment/Strategies for Future Development/Recommendations/Implementation Matrix**

Existing Conditions/Baseline Analysis. For example, inventory of the existing transportation system, land uses, zoning and regulatory framework, environmental resources, infrastructure and utilities.

Needs Assessment. For example, consideration of transportation needs for the school (pedestrian and vehicle safety), existing businesses, potential development/build-out scenarios/needs of available vacant land, local planning efforts such as the Town's Comprehensive Plan, and county, regional and state plans and activities.

- b. **Preferred Development Scenarios & Build-Out Analysis (based on public input)**
c. **Beautification Enhancements -- Landscaping and Design Improvements for the 36/63 Intersection and Pedestrian Areas**
d. **Zoning language ready for Town adoption based on locally defined development objectives and community livability goals (Possible recommended changes to the Comprehensive Plan to coincide with strategy recommendations.)**

C. Project Management

A Project Steering Committee will be formed to provide oversight for the project.

The Planning Department can serve as Project Manager for the project on behalf of the Town and project partners.

A Consultant Selection Team will be formed to oversee the selection of the consultant for the project. A Request for Proposals will be issued.

D. Public Participation Plan

A consultant will work with the Town's Project Steering Committee to create a public participation plan for the project. It is anticipated that there will be a minimum of 2 public meetings. Efforts will be made to identify effective outlets for advertising public meetings and obtaining public input, such as flyers, email distribution lists, press releases, and information posting on the County and/or Town of York website.

E. Tentative Schedule, If Awarded Funding

Scope of Work approved	April/May 2016	July/August
Consultant selection completed	2016	
Contract awarded	August/September, 2016	
Draft report completed	December 2016/January	
Final report completed	2017 February/March	2017

F. Project Budget

Consultant costs -- \$40,000 - \$45,000

Project Administration costs -- \$10,000 (In-kind non-cash from the County)

Total Project Cost: \$50,000 - \$55,000

GTC UPWP Grant Request: \$45,000

In-kind County: \$10,000 (non-cash)

Other contributions are not required, but do help with competition because it shows local support.

Town of York: Greigsville Transportation Safety & Access Improvement Plan

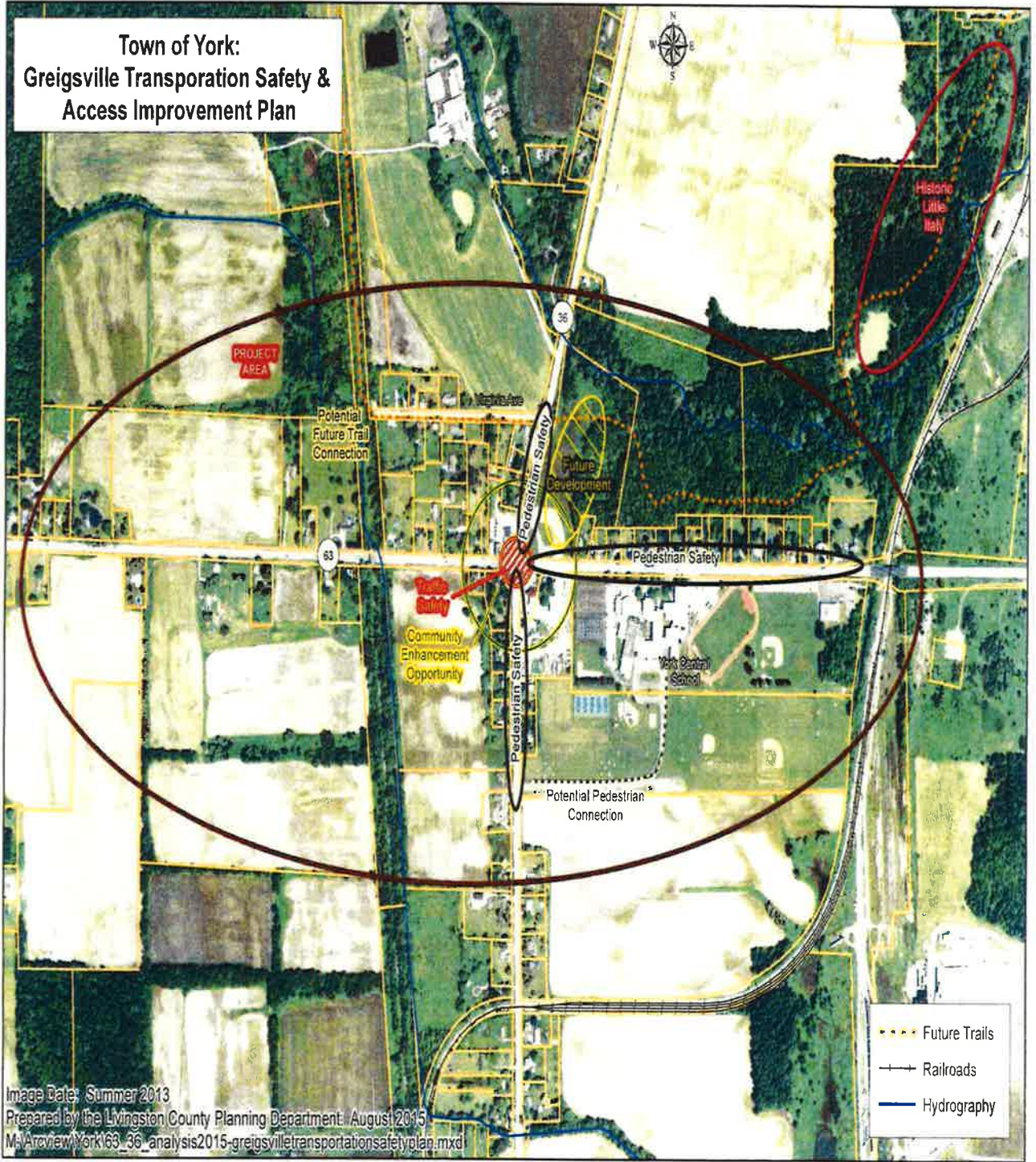


Image Date: Summer 2013
Prepared by the Livingston County Planning Department, August 2015
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HIGHWAY

Mr. Worden reported the following for the Highway Department:

- Department has been working on Fowlerville Road for the County
- Department had been working on Craig Rd, but stopped in order to assist a neighboring town, which will be reciprocated when we are in need.
(Mr. Worden stated the department helped with construction of a stone/block bridge, which was a very good learning experience for our crew).
- The department will be oil & stoning River Road from Route 63 to the town line on Monday. Money for this project will come out of CHIPS.

WATER & SEWER

1) McVean Road:

Mr. Worden reported that the McVean Road water main bid opening for materials took place on Tuesday the 8th at 2:00 p.m. at the Town Hall. The Town received only one bid, which was from Blair Supply Corporation. Supervisor Deming stated we received a summary letter referencing the project and bid tabulation from Engineers, Clark Patterson Lee, and their recommendation to award such contract.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to award the McVean Road Water Main Procurement of Appurtenances to Blair Supply Corporation in the amount of \$ 23,891.80. Voted on and approved, Yes-5, No-0.

2) Rt. 36 Water Main Project:

Mr. Worden stated that he recently had a meeting with the contractor from Randsco Pipeline regarding the upcoming Route 36 Water main project. They are requesting at this time a letter to proceed, which we will certainly comply with, but do have one additional matter to discuss prior to start. Mr. Worden reported that he has met with a property owner in the project boundary area a couple of times to discuss an easement. After review of the easement the homeowner was not comfortable signing it and suggested that the Town pay him \$1,000 per tree (which there are roughly 3 or 4) rather than re-planting of trees if the existing have to be removed. Mr. Worden informed him that he would offer the suggestion to the Board, but felt it may not be agreed upon due to the dollar figure. Prior to the meeting this evening Mr. Worden & Councilman Rose met with the contractor once again to review this area for additional options other than the required easement. After viewing, the contractor stated for \$1,000 he could alter placement of the pipe, closer to the roadway and intersection, in order to alleviate the easement all together. Mr. Worden commented with placement closer to the road this is actually a better option and we shouldn't be interfering with the homeowner's trees.

RESOLUTION offered by Mr. Rose and seconded by Mrs. Parnell authorizing Supervisor Deming permission to sign any necessary documents to proceed with the Route 36 water main replacement project, including the option allowing Randsco to alter placement of the pipe on Rt. 36 & Old State Road, in the amount not to exceed \$1,000. Voted on and approved, Yes-5, No-0.

OTHER

Mr. Worden reported that the Water Department has been reading meters. The October billing cycle will be mailed out at the end of this month.

Mr. Worden discussed this evening two quotes for a new computer at the Retsof Treatment Facility. Supervisor Deming read aloud the following quotes:

Hurricane Technologies	\$ 863.99
DELL	\$ 780.36

Mr. Worden stated although Dell's online quote is less, we currently have a contract with Hurricane for computer & telephone services and suggested perhaps awarding the new computer bid to Hurricane to keep everything with them. Mr. Worden stated the programs needed should include Word & Excel.

After brief discussion the Board agreed before a decision is rendered we will verify the quotes further. The Board tabled the discussion at this time.

Mr. Worden informed the Board once we confirm with Blair Supply about the materials for McVean Road, pipe should be arriving within 2-3 weeks, which work can then begin thereafter.

Mr. Worden stated the sewer main work in the Retsof hamlet will also take place in October.

OLD BUSINESS

1) IRG minutes:

Supervisor Deming reported the IRG meeting minutes presented to the Board previously have now been posted to the website.

2) Public Hearing:

Mr. Deming reminded the Board of the upcoming Public Hearing introducing proposed Local Law #2 of 2015, to amend the Zoning Map and a portion of Zoning Ordinance to extend the boundaries of the Hamlet Commercial District and reduce the boundaries of the Commercial District. The hearing is slated for Thursday, September 24, 2015 at 7:00 p.m.

3) Dow Road signage:

Councilwoman Parnell asked Mr. Worden if he has had the opportunity to speak with Don Higgins regarding the sign request for Dow Road. Mr. Worden replied he has spoken

with Mr. Higgins about the matter and the reasons why they should not be posted. Mr. Higgins offered to obtain additional information for Mr. Worden. Mr. Worden added, the Sheriff's Department will be canvassing the area more frequently, watching for speeders.

NEW BUSINESS

1) Davies Nagel letter:

Supervisor Deming reported that the Board received a letter from Davies Nagel in regards to the northeast corner of Routes 36 & 63 in Greigsville. The letter is as follows:

9/8/15

York Town Board
York, NY

Dear Board Members,

The future of the current "green space" on the northeast corner of the juncture of Routes 63 and 36 in Greigsville will have an impact on the entire town and surrounding area. It is our busiest intersection and, as York Central School is located directly adjacent to this area, could be considered the de facto center of our town.

Many of the surrounding communities have enhanced their own towns by "creating a certain hum in the neighborhood" and this area has great potential to do that for the Town of York.

My hope is that efforts to develop the area will be an open process and involve the many stakeholders that might be associated with it. Landowners, school officials, town officials, the York Historical Society, Livingston County planners, as well as other interested parties could all be very helpful in formulating plans for the corner.

Because of the importance of any project involving this area, my suggestion is to form an open committee, similar to the Town of York Impact Research Group, which would bring together these stakeholders, especially if there is the possibility of accessing grants to help with the funding.

By working together we may be able to create a special place that will be enjoyed by many and leave a lasting legacy for future generations.

Sincerely,

Dave Nagel
Town of York

Cc Dan Murray, York Central School
Jerry Deming, Town of York
Greg O'Connell, 3962 Avon Rd, Geneseo, NY 14454
Joe Bucci, American Rock Salt, NY-63, Mt. Morris, NY 14510
Phil Saunders, 9902 Rowe Rd, Dansville, NY 14437
Joe McIlroy, 3825 Tuttle Rd, Piffard, NY 14533

2) Water Service Shut-off:

a- 2526 Main Street:

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the Water Service Shut-off request submitted by Angela Stokes for property located at 2526 Main Street. Voted on and approved, Yes-5, No-0.

3) Liv. Co. Snow & Ice Contract:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Supervisor Deming permission to sign the 2015-2016 Snow & Ice contract with Livingston County, for the time period of October 15, 2015- October 14, 2016 at a rate of \$ 4,500 per mile. Voted on and approved, Yes-5, No-0.

4) BAN for McVean Rd. water project:

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel authorizing and adopting Post Issuance Compliance policies and procedures related to the Town's Tax Exempt obligations, such policies and procedures intended to ensure that the requirements imposed upon the Town pursuant to the Internal Revenue Code of 1986, as amended, will be satisfied.

WHEREAS, the Town of York, Livingston County, New York (the "Town") previously has issued bond and notes (the "Tax-Exempt Obligations"), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Town intends to issue additional series of Tax-Exempt Obligations in the future; and

WHEREAS, in order to ensure that the interest on Town's Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the Town complies with its tax certifications relating to the Tax-Exempt Obligations, the Town Board has determined, based on the advice of the Town's Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the "Post-Issuance Compliance Procedures").

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of York, Livingston County, New York (the "Board"), as follows:

Section 1. The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

Section 2. The Board hereby appoints the Town Supervisor of the Town to serve as the “Designated Tax Compliance Official” under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Town Supervisor, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the Town, as the Town Supervisor deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Town Supervisor, as such Designated Tax Compliance Official, to delegate to such other Town officials or employees as the Town Supervisor shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Gerald L. Deming	VOTING	AYE
Lynn Parnell	VOTING	AYE
Norman Gates	VOTING	AYE
David Deuel	VOTING	AYE
Frank Rose Jr.	VOTING	AYE

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT A

TOWN OF YORK

POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES Related to Tax-Exempt Obligations

Adopted: September 10, 2015

These Post-Issuance Compliance Policies and Procedures (the "Procedures") are adopted by **TOWN OF YORK**, Livingston County (the "Town") to ensure that interest on tax-exempt obligations of the Town (the "Bonds") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986 (the "Code").

In order to ensure continued compliance with requirements of the Code and the applicable regulations (the "Applicable Federal Tax Law") associated with the issuance of Bonds, the Town will consult with the Town's bond counsel, in advance, regarding deviations from the facts and expectations set forth in the closing certifications relating to any issue of Bonds.

If as a result of changes to the Applicable Federal Tax Law or the New York State Local Finance Law these Procedures are in conflict with such laws, the Town will consult with Bond Counsel regarding the proper course of action, including amending these Guidelines.

I. Procedures

The Town Supervisor of the Town (the "Designated Tax Compliance Official") is the primary person to consult with the Town's bond counsel ("Bond Counsel"), financial advisor and other advisors on a continual basis for the entire term of the Bonds. The Designated Tax Compliance Official may delegate to his or her staff or contract with independent contractors (such as an arbitrage/rebate consultant) responsibility for different aspects of post-issuance tax compliance. However, the Designated Tax Compliance Official will be ultimately responsible for implementing the procedures described herein.

II. Securing Closing Documents

Following each issuance of Bonds, the Designated Tax Compliance Official or his or her designee will:

- a. Confirm the filing of the Form 8038 or Form 8038-G (or applicable successor form) with Internal Revenue Service ("IRS"). Filing of the applicable Form 8038 is usually undertaken or overseen by Bond Counsel at or soon after the closing of a bond issue.

- b. Obtain and store the Transcript of Proceedings prepared by Bond Counsel (which typically includes the applicable Form 8038 and the Arbitrage and Tax Certificate containing the Town's expectations as of the date of issuance of the bond issue).

III. Recordkeeping

The Designated Tax Compliance Official or his or her designee will:

- a. Establish a plan for keeping relevant books and records as to the investment and the expenditure of bond proceeds.
- b. Keep accurate records including:
 - (i) Basic records relating to the bond transactions (including the bond resolutions, closing documents, and the Bond Counsel Opinion (see Securing Closing Documents, above);
 - (ii) Documentation evidencing the expenditure of bond proceeds;
 - (iii) Documentation evidencing use of bond-financed property by public and private sources (L e., copies of leases, management contracts);
 - (iv) Documentation evidencing all sources of payment or security for the bonds; and
 - (v) Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, subscriptions for United States Treasury Securities-State and Local Government Series ("SLGs"), yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts and rebate calculations).
- c. Keep all records in a manner that ensures their complete access to the IRS so long as they are material.
- d. Keep the relevant records for each issue of bonds for as long as such issue of bonds is outstanding (including any bonds issued to refund such issue of bonds) plus three years after the final redemption date of the bonds.

IV. Arbitrage Rebate and Arbitrage Yield Restriction

The Designated Tax Compliance Official or his or her designee will:

- a. Engage the services of the Town's financial advisor or an arbitrage/rebate consultant for assistance in compliance with arbitrage related issues.
- b. Consult with the Town's bond counsel, and/or financial advisor to determine if an issue of Bonds is exempt from the rebate requirement under the exception for "small issuer" (Section 147(f)(4)(D) of the Code).
- c. Work with the Town's bond counsel, financial advisor and/or arbitrage/rebate consultant to monitor compliance with "temporary period exceptions" for expenditure of bond proceeds, typically three years for new money bonds and provide for yield restriction of investments or "yield reduction payments" if exceptions are not satisfied.
- d. Work with the Town's bond counsel and financial advisor to ensure investments acquired with bond proceeds are purchased at fair market value. This may include use of bidding procedures under the regulatory safe harbor (Section 1.148-5(d) of the Regulations).

- e. Consult with the Town's bond counsel or arbitrage rebate consultant prior to the creation of funds which would reasonably be expected to be used to pay debt service on tax-exempt bonds to determine in advance whether such funds must be invested at a restricted yield (i.e., yield restricted).
- f. Consult with the Town's bond counsel and financial advisor before engaging in post issuance credit enhancement transactions (*e.g.*, bond insurance, letter of credit) or hedging transactions (*e.g.*, interest rate swap, cap).
- g- Consult with the Town's bond counsel, financial advisor, and/or arbitrage rebate consultant to identify situations in which compliance with applicable yield restrictions depends upon subsequent investments (*e.g.*, purchase of 0% SLGS from U.S. Treasury) and monitor implementation.
- h. Work with an arbitrage rebate consultant to arrange for timely computation of rebate/yield reduction payment liability and, if an amount is payable, for timely filing of Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate (or applicable successor form), and payment of such liability. Rebate/Yield Reduction payments are ordinarily due at 5-year intervals.

V. Private Use of Bond-Financed Facilities

The Designated Tax Compliance Official or his or her designee will:

- a. Create and maintain records of which proceeds of bond issues were used to finance which facilities. These records shall incorporate the refunding or partial refunding of any bond issues.
- b. Record the allocation of bond proceeds to expenditures, including reimbursements. These records will be consistent with the expenditures used for arbitrage purposes.
- c. Record the allocation of bond proceeds and funds from other sources in connection with any bond funded project. Review expenditure of bond proceeds with bond counsel to ensure bond proceeds are used for qualifying costs.
- d. Review with bond counsel prior to the sale or lease of a bond-financed facility, or the granting of a license or management contract, or any other arrangement allowing private use of a bond financed facility, the terms of such arrangement.
- e. Keep records of private use, if any, of bond financed facilities to monitor the amount of private use of bond financed facilities. Private use of bond-financed facilities shall be reviewed no less frequently than once a year (in connection with the preparation of the annual financial statements). If a change in private use occurs, bond counsel will be consulted to determine if remedial action is necessary.

PRIVILEGES OF THE FLOOR-continued:

2) Patricia Gardner:

Mrs. Gardner informed the Board of her decision to resign from the Livingston County Youth Advisory Board. A copy of her letter is attached:

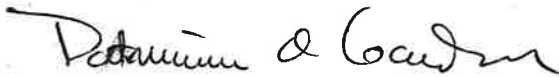
September 10, 2015

To the York Town Board,

It is with mixed feelings that I hereby request your acceptance of my resignation of my appointment to the Livingston County Youth Advisory Board, effective immediately.

Thank you for the opportunity to have served.

Sincerely,



Patricia O. Gardner PO Box
462

York, NY 14592

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to accept Patricia Gardner's letter of resignation to the Livingston County Youth Advisory Board. Voted on and approved, Yes-5, No-0.

BILLS

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

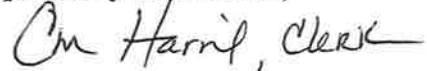
General Fund Claim	# 267-299	\$ 11,384.14
Joint Water & Sewer	# 208-226	\$ 13,634.46
Street Lights	# 9	\$ 1,447.52
Youth Fund Claim	# 17	\$ 306.72
Highway Fund Claim	# 158-168	\$ 7,046.78

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until September 24th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:33 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christine M. Harris, Clerk". The signature is written in black ink and is positioned above the printed name.

Christine M. Harris, Clerk