

March 10, 2016
PUBLIC HEARING
7:00 P.M.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, and Frank Rose Jr.

Absent: Norman Gates

Others: Harold Wolcott, Joe and Timothy Eyer, Courtney Weimar (LCN), George Worden Jr. (Highway Supt.), Henry Fuller, Attorney James Campbell, Kirk Richenberg, Davies Nagel and Carl Peter (Zoning & Code Officer)

Supervisor Deming opened the Public Hearing at 7:06 p.m. and asked Town Attorney, Mr. Campbell to read the legal notice from the Livingston County News referencing Local Law #2 of 2016, proposed this evening.

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law § 130 and § 264, 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 7:00 p.m. on Thursday, March 10, 2016 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

The purpose of this local law is to authorize the Town of York to award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, on the basis of best value, as defined in section 163 of the State Finance Law, to a responsive and responsible bidder or offer.

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours, or by visiting the Town of York website at www.yorkny.org.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: February 11, 2016
By Order of
The York Town Board
Christine M. Harris,
Town Clerk

Mr. Campbell reported this proposed Local Law was first discussed over a month

ago with Highway Superintendent, Mr. Worden. Many communities have already passed such law in order to take full advantage of best value pricing. A new subdivision was added to General Municipal Law Section 103, as it pertains to competitive bidding for municipalities, allowing goods and services to be sought after on a broader scale with the notion to achieve the best value for taxpayer dollars. Mr. Campbell added we are finding statewide that many municipalities have taken this opportunity to tap into other counties and/or states for best value. Mr. Campbell stated the Board is unable to proceed with such purchases unless this Local Law is passed, giving them the authority to award purchase contracts on the basis of best value. Mr. Campbell added this law allows not only Mr. Worden but all departments, such authority. The goal is to obtain the best value possible.

At this time Supervisor Deming asked for any questions or comments pertaining to Local Law #2.

Mr. Fuller asked who checks for specifications, specifically quality. Mr. Campbell replied the material sought must meet all specifications as we currently have in place. Supervisor Deming clarified by saying for the Town Mr. Worden would be the representative verifying the specifications for the water and sewer departments.

Mr. Wolcott inquired how the bid process works, especially for out of state? Mr. Campbell stated it is essentially, but not exactly the same procedure. The purpose or intent of the competitive bidding process is to assist the municipality in obtaining the best products or equipment at the lowest practical prices by stimulating competition. The majority of the purchases will more than likely not come from out of state, but may come from other counties. Procedures for non-New York Contracts must be in general agreement with, and same principles as the competitive bidding or best value requirements in General Municipal Law Section 103.

Mr. Wolcott questioned where it equals out, where is the balance? Mr. Campbell answered when you use the bid process it must be competitive. All expenditures must still come before the Town Board, in order to warrant the purchase.

Mr. Worden commented he asked that the Board review such law due to the fact over the years he feels we have been paying a bit more in instances where others are not, while both are drawing material from the same location and gave an example.

Councilman Smith stated after Mr. Worden's example, he commented that it would still cost to transport material here, you may get two different bids at two different places. Mr. Worden replied if we were "piggy backing", we would save money by using the exact same plant. Mr. Wolcott asked if the example given by Mr. Worden was a County bid, which Mr. Worden answered it was.

Mr. Fuller commented he has concerns buying military equipment through the auction process. Military equipment will not be comparable to what we currently have, and stated we shouldn't buy equipment different from what we already use.

Mr. Campbell replied anytime purchases are made, they need to be done in a responsible manner. Mr. Campbell added, Section 103 allows the giver and receiver permission to proceed with the competitive bidding process for purchase and public work contracts. Previously municipalities were required to follow the "lowest bidder" rule on the basis of best value. Ultimately, the Town Board still must

approve any necessary purchases.

Mr. Richenberg commented knowing we cannot look into the future, but questioned if there is anything on the other end of section 103, allowing the State to amend this law. Mr. Campbell replied this was brought about by the State to allow municipalities to procure the best value possible. If approved by the Board, it allows us to step beyond the borders we have been confined by, to seek the best price. This request was something municipalities have wanted for many years, and at the state level they are happy to see municipalities working together, not being restricted to our own County.

Mr. Richenberg asked if the Town Board will be setting the dollar limit, which Supervisor Deming replied the numbers are already set and approved in the budget. Attorney Campbell added the Town already has a Procurement Policy in place, requiring purchases to come before the Town Board as a form of checks and balance.

Supervisor Deming stated each department head is required to submit proposed numbers prior to budget time, outlining their anticipated expenses for the upcoming year, which the Board then reviews and budgets accordingly.

Mr. Richenberg commented speaking on purchases, couldn't one of the proposed purchases "eat up" the budget. Supervisor Deming replied, yes it could reduce the budget, which then would require the department head to come back to the Board. Attorney Campbell added at each meeting the Board approves abstract of claims or "bills", so the Board is well aware of purchases made.

Joe Eyer asked if you can transfer line items if one has nothing left. Supervisor Deming replied it is permissible to transfer monies, but must come before the Town Board before any action. Mr. Deming added, transferring of funds can take place within the specific departments, we can't take money from Water to assist Highway. Mr. Campbell stated if monies are available in the Fund balance, it can be allocated out of the General Fund for a specific purpose.

Mr. Wolcott asked if there is any documented downside to this. Supervisor Deming responded not that he is aware of, and the County uses this in order to piggy back with other Counties. Mr. Campbell added, the Town of York is the last municipality he currently represents to utilize this, and does not see a downside.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Public Hearing at 7:35 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

REGULAR TOWN BOARD MEETING

March 10, 2016

7:30 p.m.

Present: Supervisor Gerald Deming, Council Members: Lynn Parnell, Amos Smith and Frank Rose Jr.

Absent: Norman Gates

Others: Harold Wolcott, Joe and Timothy Eyer, James Campbell (Town Attorney), Courtney Weimar (LCN), George Worden Jr. (Highway Superintendent),

Henry Fuller, Kirk Richenberg, Davies Nagel & Carl Peter (Zoning/ Code)
Supervisor Deming opened the regular meeting at 7:36 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the minutes of the February 11th Regular Town Board Meeting and February 24th Informational Meeting. Voted on and approved, Yes-4, No-0.

HIGHWAY REPORT

Mr. Worden reported the following for the Highway Department:

- We experienced major snowfall recently, with the Highway Department plowing for 15 straight hours.
- We have been updating road and speed limit signage
- The department has been ditching for the County
- Recently returned from Albany where he and fellow Highway Superintendents met with our representatives pertaining to CHIPS funding, and the municipalities need for it to continue. The State will not be doing the Winter Recovery Fund, but is looking into "Pave New York", to try to distribute through CHIPS. The meeting with Senators Young and Gallivan and Assemblyman Nojay went very well, each understanding our continued needs.

Councilman Smith asked Mr. Worden how the ditching format works with the County, specifically how we are paid. Mr. Worden replied once we have completed the work requested, he submits a bill to the County directly for payment.

WATER/SEWER REPORT

Mr. Worden reported the following for the Water and Sewer Departments:

- The department is once again reading meters for the April billing cycle
- We have been fortunate this year with the weather, no breaks to speak of, water is staying in the pipes.
- We have been noting additional infiltration in Retsof, but otherwise the system is handling it well
- No issues to speak of regarding sewer plant

OLD BUSINESS

1) Consolidated Water Regulations:

Supervisor Deming reported that each Board member has received a copy of the current Rules and Regulations for the Consolidated Water District for review. The most recent revision was dated June 23, 2005, but at this time the Water Department has suggested a few additions to the existing policy for meter and service installation instructions.

Supervisor Deming stated the Board and Mr. Worden will review the current and suggested information, and will render a decision at the April 14th meeting.

2) Right to Farm update:

Councilman Rose reported that he contacted Rob Donnan after the last meeting to update him on the board's discussion. Mr. Donnan expressed to Mr. Rose that he understands the concerns and assured him that he hopes not to have such incident in the future, but if so, it will be handled immediately. Councilman Rose added, Mr. Donnan conveyed he will try to get his employees and other farms involved with some training. Mr. Worden stated he will be contacting David Orr from Cornell Local Roads Program to conduct the training seminar.

Mr. Richenberg asked the Board if it is Mr. Worden's job to get involved in training aspects, he feels this is not in his job description. Councilman Rose commented Mr. Worden will assist by contacting Mr. Orr directly which Mr. Richenberg replied he had no issues with.

Mr. Richenberg stated it has been referenced a few times that spills will be cleaned in a "timely manner", and asked what constitutes a timely manner knowing the history, should there be a time table to it? Supervisor Deming asked Councilman Smith about Lawnel's process for clean-up. Councilman Smith stated as an owner you already assume responsibility, so any situation requires immediate action for a resolve. Mr. Richenberg commented one may not believe it to be an emergency, but others do.

Mr. Fuller asked if Mr. Worden will be contacting Mr. Orr, why not include law enforcement in this process, then all will be on the same page. Councilman Smith stated law enforcement is well aware of this issue and know repercussions will occur if this should happen in the future.

3) Ag Fire Tax update:

Supervisor Deming and Attorney Campbell updated the Board on a question posed at the February 24th Informational Meeting, whether or not the proposed change can be placed on the November ballot allowing the public to vote on the matter. Mr. Campbell stated after speaking with the Association of Towns, it was confirmed that we cannot go to the public for this vote, this is a Town Board decision to make, even if a straw poll was to be taken from the public.

Supervisor Deming commented, this Board was elected to make decisions and feels they can do that in an educated manner. Mr. Deming stated although wanting to proceed with a vote tonight, he feels we should postpone a decision until the full board is in place, which should be at the next meeting, and asked the Town Board their thoughts. Council Members Smith, Rose and Parnell all agreed to wait until the full board is in attendance.

NEW BUSINESS

1) Zoning Board of Appeals Chair Resignation:

Supervisor Deming stated we received a letter of resignation recently from Zoning Board of Appeals Chairman, Gerald Ayers.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to accept the Letter of Resignation submitted by Mr. Ayers for his position on the Zoning Board of Appeals, effective immediately. Voted on and approved, Yes-4, No-0.

RECEIVED
BY *GLD* | 2/15/16 DATE

February 14, 2016

To: York Town Board

From: Gerald P. Ayers- Chairman of York Zoning Board of Appeals

After many years of service on the ZBA Board and on the Valley Fest Committee for the Town of York, I no longer wish to serve for a board who displays such little character and integrity as shown to my family and myself over the last six years. With the exception of Mr. Smith, the rest of you know all about the issues to which I am referring.

Apparently the biased opinion of one person was able to negatively impact the entire board, with no consideration of what is appropriate as outlined in York Central School Board policy. This policy, developed in the fall of 2014, was developed at your request to address academic and athletic achievements. It appears by your lack of actions and follow through that you are unwilling to cooperate with the school and recognize the accomplishments of students who reside in this town.

I attended many town board meetings and have to say I was appalled at how I witnessed the York Town Board at work. A question was asked at one meeting and without any discussion a board member made a motion to reverse a previous action, changing a 5-0 vote from a previous meeting and rescinding a resolution 5-0. Apparently not a single board member felt the need to ask a question or discuss the matter in order to make an informed decision.

Since recognition of student accomplishment is the goal, it would seem that the York Town Board could work together with the school on this matter, but apparently not.

Therefore, my resignation is effective immediately.

2) Zoning Board of Appeals Vacancy Advertisement:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing permission to advertise for interested candidates to fill the vacancy on the Zoning Board of Appeals. This vacancy term will expire December 31, 2016, at which time interested parties may reapply for the 5 year term. Voted on and approved, Yes-4, No-0.

3) Representation Agreement:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Supervisor Deming permission to sign the authorization agreement as follows:

REPRESENTATION AGREEMENT

This representation agreement (the "Agreement") is entered into by the Town of York ("Client") and Daniel Raichel, Esq. ("Counsel") of the Natural Resources Defense Council ("NRDC"). The subject matter of this Agreement is Counsel's provision of legal advice to Client regarding the formulation of a local ordinance or ordinances designed to prevent, limit, or control oil or natural gas exploration or extraction activities, accessory land uses to such activities, and/or the disposal, storage, use, or treatment of oil and gas production wastes or products in the Town of York (the "Matter"). The representation covered by this Agreement is limited solely to this Matter and does not include any litigation relating to this Matter or otherwise. Representation beyond this scope will require an amended or additional representation agreement.

1. **SCOPE OF AGREEMENT.** Counsel agrees to represent Client in connection with this Matter. In doing so, Counsel will take such action as Counsel deems necessary to further Client's interests. Counsel will not provide advice that, in their opinion, is not well supported in law as well as fact. This Agreement covers all communications between Client and Counsel with respect to this Matter, including any such communications that predate this Agreement.
2. **EXPECTATIONS AS TO OUTCOME.** Client understands that Counsel has not made any guarantees with respect to the results to be achieved in this Matter or in any other matter.
3. **CLIENT REPRESENTATIVES.** Client designates the following person to be their representatives in this Matter. This person is the sole individual with whom Counsel need communicate in regard to this Matter, and he/she has authority to speak for and make decisions on behalf of Client:
 - a. James W. Campbell, Jr., Esq.
[Please provide Name, Title, Office Address, Phone #, and Email]
4. **COOPERATION WITH COUNSEL.** Client agrees to cooperate with and assist Counsel in the performance of Counsel's duties under this Agreement. Client will comply with all reasonable requests from Counsel for information.
5. **RESPONSIBILITY FOR FEES AND EXPENSES.** Counsel will furnish their legal services free of charge. Additionally, Counsel may also seek assistance of other attorneys and support staff at NRDC in performance of their responsibilities pursuant to this agreement and will assume responsibility for any costs associated with that assistance. Counsel and Client will each pay their own out-of-pocket expenses incurred in connection with the provision of advice pursuant to this agreement.
6. **ROLE OF NRDC AS EMPLOYER OF COUNSEL.** Daniel Raichel, Esq. is a salaried employee of NRDC. NRDC has a policy of refraining from any interference with the professional judgment of its lawyer employees in the course

of their representation of others. Daniel Raichel, Esq. will not accept any such interference and will promptly inform Client of any attempt by NRDC to interfere with their independent professional judgment.

In the event that Daniel Raichel, Esq. ceases to be employed by NRDC, he will withdraw. In such event, and if necessary, withdrawing Counsel will make their best efforts to secure successor counsel acceptable to Client.

7. **POTENTIAL RISKS TO CLIENT.** Client fully understands that it is possible that passage of the ordinance or ordinances covered by this representation agreement may provoke legal action against the Client for which Client could be held liable. Each Client is responsible for paying any fines, penalties, sanctions, or damages that are assessed against it. Counsel does not guarantee that they will represent Client in any such litigation, but, if they do not, they will attempt in good faith to find suitable representation for Client.
8. **WAIVER OF CONFLICTS.** Client recognizes that NRDC is a national non-profit environmental organization involved in helping local communities protect themselves from environmental harms associated with oil and gas development, and as such, that its attorneys, including Counsel, may currently be providing, or, in the future, may provide advice to other persons or entities regarding the formulation of ordinances similar to the one covered by this representation agreement. Additionally, Client recognizes that Counsel or their colleagues employed at NRDC may represent clients in or be a party to litigation regarding municipal ordinances regarding noxious industrial activity, including oil and natural gas exploration or extraction activities.

With this understanding, Client agrees that Counsel or their colleagues employed at NRDC may, now or in the future, represent other entities and persons, including in litigation, consistent with its institutional goals. In doing so, Counsel or any other person employed at NRDC will not share any confidential information provided by Client to Counsel under the scope of this Agreement to any other entity or person unless first authorized by Client. Furthermore, Client also agrees that it will not, for itself or any other entity or person, assert that either (a) Counsel's representation of Client in this Matter or (b) Counsel's actual, or possible, possession of confidential information belonging to Client is a basis to disqualify Counsel or any other attorney employed by NRDC from representing another entity or person in a manner consistent with NRDC's institutional goals. Likewise, Client will not hold Counsel, any NRDC employee, or NRDC liable for engaging in such representation.

9. **AMENDMENTS.** This Agreement may only be amended or modified in a writing signed by all persons or entities constituting Client and Counsel.
10. **ENTIRE CONTRACT.** This Agreement constitutes the entire contract for legal services between Client and Counsel.

11. **TERMINATION OF AGREEMENT.** This Agreement may be terminated by Counsel or Client for any reason upon written notice. Any person or entity constituting Client shall have the right to terminate representation under this Agreement, as to itself only, for any reason, upon written notice to Counsel and all other persons or entities constituting Client. In the event one or more persons or entities constituting Client terminate this Agreement, this Agreement shall remain in force as between Counsel and any remaining persons or entities constituting Client.
12. **GOVERNING LAW.** This Agreement shall be construed, interpreted, and governed by the laws of the State of New York.
13. **EXECUTION OF AGREEMENT.** This Agreement may be executed by Client and Counsel on separate signature pages, which may be exchanged by electronic copy, and which will then be compiled by Counsel and will be treated as a single signed Agreement.

The individuals signing their names below represent that they are authorized to enter into this Agreement on behalf of themselves and/or their respective organizations and that they have secured all approvals necessary to discharge their obligations pursuant to this Agreement.

3/11/16
Date

Gerald Denning
By: Gerald Denning, Supervisor

For: Town of York

3/15/16
Date

Daniel Raichel
Daniel Raichel, NRDC

4) Water/Sewer Resolutions:

Attorney Campbell reported three proposed resolutions have been prepared for the Board to consider:

- Resolution authorizing Clark Patterson Lee to prepare a map, plan and report for the Stewart Road Water District Extension
- Resolution authorizing Clark Patterson Lee to prepare a map, plan and report for the Craig Road Sewer District Extension
- Resolution authorizing Clark Patterson Lee to prepare an Engineering Report for the Consolidated Water District Extension improvements

Mr. Campbell stated with these proposed resolutions, if the Board approves, the Supervisor will then be authorized to engage in a written agreement with the engineering firm for each of the three projects, at a cost not to exceed \$15,000.00 (\$5,000.00 per project). Some of which will be borne by the district and some by the applicant.

Councilman Smith asked where specifically Monroe County's Water line runs, which Supervisor Deming replied it ends at Asbury Road. Supervisor Deming commented currently Linwood Road down Stewart is already in the district, but Linwood Road North is not. Councilman Rose asked how Project Garden will be participating. Supervisor Deming answered that Project Garden will be putting in the upfront money for the projects, ex: cost for water and sewer lines to the main facility, plus improvements. Linwood area would be paying as well. Attorney Campbell added, the applicant's financial input is substantial, making it possible for the Linwood area to get water. If the amount exceeds \$643.00 the Town must get Comptroller's approval, without their participation water would not be affordable.

Mr. Fuller asked the Board if the Planning Board looked into the number of gallons per day for Project Garden, plus the homes to follow. Supervisor Deming replied the discussions held pertaining to water consumption reflected 250,000 gallons per day, and through our existing contract with the Village of Geneseo, our allotment per day is 750,000-800,000 gallons, and feels we can handle the increase. Attorney Campbell added with the plant's proposed improvements, the system should handle the increases to come for this project and future expansion. Councilman Smith asked if we have discussed a rate reduction yet with the Village, which Supervisor Deming replied nothing formal at this point, the initial discussion did not go very well.

Mr. Fuller questioned if this district will be included in the Consolidated District. Supervisor Deming replied, the area is already part of the Consolidated Water District, which was done back in 2003. Many areas are "non-service" but were included at that time in order not to have to go through a very lengthy process again if water was potentially feasible at a later date. Mr. Deming stated Linwood residents will not be paying the same amount of debt service as current customers though. Supervisor Deming and Attorney Campbell explained there is a mechanism where even with consolidated customers, we can still keep debt service fees separate from one another. Mr. Deming added, if we proceed with upgrades all districts pay for the improvements, the costs are spread among all customers. Mr. Fuller questioned why the Retsof customers continue to incur charges when they have paid off the debt. Supervisor Deming answered debt services (water/sewer) are never paid off when you have improvements to make over time, and continued by saying the Retsof customers never had a debt service to begin with when the two sewer districts (#1 and #2) were formed. Mr. Fuller commented once Fowlerville had their debt in place, and then the Town consolidated, changing the amount. Supervisor Deming replied, Mr. Fuller is correct once consolidation took place several individual districts paid less, where others paid a little more. Councilman Smith stated overall, it is only fair that all customers pay accordingly.

With no further comment or questions...

RESOLUTION #1 (Stewart Road Water):

RESOLUTION offered by Councilman Smith and seconded by Councilwoman Parnell to approve the following:

In the Matter of the Construction of Water Facilities and Improvements Located Within the Stewart Road Water District Extension of the Town of York, Livingston County, NY

RESOLUTION

WHEREAS, the Town Board of the Town of York is considering the construction of certain water delivery improvements within a district extension yet to be perfected and to be known as the "Stewart Road Water District Extension;" and

WHEREAS, the improvements are to be located along a portion of Stewart Road in the Town of York, County of Livingston and State of New York; and

WHEREAS, prior to completion of the improvements and the financing thereon, a district extension must be perfected to create the "Stewart Road Water District Extension"; and

WHEREAS, in order to facilitate the creation of the "Stewart Road Water District Extension" and the intended infrastructure improvements therein, the Town must engage the services of a professional engineer to prepare a Map, Plan and Report to provide the details of the improvements and the costs of such improvements to take place within the newly extended district; and

WHEREAS, the cost of such Map, Plan and Report is intended to be borne by the district to be formed in which such improvements will be made, or by the Consolidated Water District for the Town of York, should the newly formed district be consolidated therein; and

WHEREAS, the Town of York, on behalf of the Stewart Road Water District Extension (which is yet to be perfected), desires to engage the services of Clark Patterson Lee to prepare a Map, Plan and Report with respect to such improvements;

NOW THEREFORE, BE IT

ORDERED by the Town Board of the Town of York as follows:

1. That the Town Supervisor is authorized to engage by written agreement, the engineering firm of Clark, Patterson, Lee to prepare a Map, Plan and Report for the Stewart Road Water District Extension project at a cost not to exceed \$5,000.00; and
2. Any such costs shall be passed on to the Stewart Road Water District or to the Consolidated Water District for the Town of York, should the newly formed district be consolidated therein.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the York Town Board on Thursday, March 10, 2016 recorded as follows:

Vote of the Board: Councilman Smith	Aye
Councilman Gates	Absent
Councilman Rose	Aye
Deputy Supervisor Parnell	Aye
Supervisor Deming	Aye

This is to certify that I, the undersigned, Clerk of the Board of the Town of York, Livingston Count, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 10th day of March 2016.

Christine Harris - Town Clerk

Voted on and approved, Yes-4, No-0.

RESOLUTION #2 (Craig Road Sewer):

RESOLUTION offered by Councilman Smith and seconded by Councilman Rose to approve the following:

In the Matter of the Construction of Wastewater Facilities and Improvements located within, or for the benefit of the Craig Road Sewer District Extension of the Town of York, Livingston County, New York.

WHEREAS, the Town Board of the Town of York is considering the construction of certain sewer and wastewater treatment improvements within and for the benefit of a district extension yet to be perfected and to be known as the "Craig Road Sewer District Extension;" an

WHEREAS, the improvements are to be located along a portion of Craig Road and at the current wastewater treatment facility in the Town of York, County of Livingston and State of New York; and

WHEREAS, prior to completion of the improvements and the financing thereon, a district extension must be completed to create the "Craig Road Sewer District Extension"; and

WHEREAS, in order to facilitate the creation of the "Craig Road Sewer District Extension" and the intended infrastructure improvements therein and at the existing Town of York wastewater treatment facility, the Town must engage the services of a professional engineer to prepare a Map, Plan and Report to provide the details of the improvements and the costs of such improvements to take place within the newly extended district and to the existing wastewater treatment facility which will be made to facilitate said district; and

WHEREAS, the cost of such Map, Plan and Report is intended to be borne by the district to be formed in which or for the benefit of which such improvements will be made; and

WHEREAS, the Town of York, on behalf of the Craig Road Sewer District Extension (which is yet to be perfected), desires to engage the services of Clark Patterson Lee to prepare a Map, Plan and Report with respect to such improvements;

NOW THEREFORE, BE IT

ORDERED by the Town Board of the Town of York as follows:

1. That the Town Supervisor is authorized to engage by written agreement, the engineering firm of Clark, Patterson, Lee to prepare a Map, Plan and Report for the Craig Road Sewer District Extension project at a cost not to exceed \$5,000.00; and
2. Any such costs shall be passed on to the Craig Road Sewer District Extension upon formation of said Extension.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the York Town Board on Thursday, March 10, 2016 recorded as follows:

Vote of the Board: Councilman Smith	Aye
Councilman Gates	Absent
Councilman Rose	Aye
Deputy Supervisor Parnell	Aye
Supervisor Deming	Aye

This is to certify that I, the undersigned, Clerk of the Board of the Town of York, Livingston Count, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 10th day of March 2016.

Christine Harris - Town Clerk

RESOLUTION #3 (Consolidated Water District Extension Improvements):

RESOLUTION offered by Councilman Rose and seconded by Councilman Smith to approve the following:

In the Matter of the Construction of Water
Facilities and Improvements Located Within
the Consolidated Water District of the
Town of York, Livingston County, New York.

RESOLUTION

WHEREAS, the Town Board of the Town of York is considering the construction of certain water delivery improvements within the Town of York Consolidated Water District pursuant to Town Law §202b; and

WHEREAS, in order to facilitate the engineering and construction of the desired improvements to the Consolidated Water District, the Town must engage the services of a professional engineer to prepare an Engineering Report to provide the details of the improvements and the costs of such improvements to take place within should the project proceed; and

WHEREAS, the cost of such Engineering Report is intended to be borne by the Consolidate Water District; and

WHEREAS, the Town of York, on behalf of the Consolidated Water District, desires to engage the services of Clark Patterson Lee to prepare an Engineering Report with respect to such improvements;

NOW THEREFORE, BE IT

ORDERED by the Town Board of the Town of York as follows:

1. That the Town Supervisor is authorized to engage by written agreement, the engineering firm of Clark, Patterson, Lee to prepare an Engineering Report for the Consolidated Water District project at a cost not to exceed \$5,000.00; and
2. Any such costs shall be passed on to the Consolidated Water District.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the York Town Board on Thursday, March 10, 2016 recorded as follows:

Vote of the Board:	Councilman Smith	Aye
	Councilman Gates	Absent
	Councilman Rose	Aye
	Deputy Supervisor Parnell	Aye
	Supervisor Deming	Aye

This is to certify that I, the undersigned, Clerk of the Board of the Town of York, Livingston Count, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 10th day of March 2016.

Christine Harris - Town Clerk

LEAD AGENCY RESOLUTIONS

- 1) SEQRA Notice of Lead Agency:
 - a. Sewer:

RESOLUTION

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE 2016 SEWER SYSTEM IMPROVEMENTS

On motion of Mrs. Parnell and seconded by Mr. Smith the following resolution was adopted by the York Town Board (Town):

Whereas, the Town has proposed a sewer main extension to service property owned by Noblehurst Farms, which will include the installation of sewer main and other related improvements, and easements and the creation of a new sewer district; and

Whereas, the Town proposes improvements to the Retsof WWTF to accommodate the additional flows from the proposed sewer district that will serve the property owned by Noblehurst Farms; and

Whereas, the Town also proposes the replacement of the sewer system within the Retsof Sewer District; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, the Lead Agency will undertake a coordinated review of this proposed action.

Now Therefore Be It Resolved, that the Town hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

VOTE

AYES: 4

NOES: 0

ABSENT: 1, Norman Gates

DATE: March 10, 2016

b. Water:

RESOLUTION

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE 2016 WATER SYSTEM IMPROVEMENTS

On motion of Mr. Smith and seconded by Mr. Rose, the following resolution was adopted by the York Town Board (Town):

Whereas, the Town has proposed a water main project to provide public water to the northwest area of the Town including Federal Road, Linwood Road, Stewart Road, Linwood Road North, and Craig Road, which will include the installation of water main, a water storage tank, a pump station, other related improvements, improvements to the existing water system, and residential water connections; and

Whereas, the proposed project may also include the creation of new water district(s) and service area(s) within the existing Consolidated Water District; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, the Lead Agency will undertake a coordinated review of this proposed action.

Now Therefore Be It Resolved, that the Town hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

VOTE

AYES: 4

NOES: 0

ABSENT: 1, Norman Gates

DATE: March 10, 2016

5) Unapproved Minutes Request:

Supervisor Deming informed the board he was recently asked by a resident to post unapproved minutes to the website once they have been completed. Due to the fact that the Board no longer meets every two weeks, and meet once per month, the minutes will take longer to be posted to the website. Supervisor Deming stated he spoke with Clerk Harris about the request and she conveyed that posting unapproved minutes would not be an issue if the Board wishes to proceed in that format. After a brief discussion the board agreed to grant such request.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Clerk Harris permission to post unapproved minutes to the Town's website once prepared. Voted on and approved, Yes-4, No-0.

6) Local Law #2 of 2016:

Attorney Campbell discussed with the Board the necessary requirements for the short form for SEQRA. Part 1 is the description of the proposed action and Part 2, is a series of eleven questions asking if there will be any potential negative impact with such law. Mr. Campbell read aloud each question with the Boards' response to all as "no or minimal affect".

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to Adopt the Findings that were made in the review of Part I and Part II of the Full Environmental Assessment Form as set forth therein. Voted on and approved, Yes-4, No-0, Absent-1, Norman Gates

Supervisor Gerald Deming	Aye
Council Member Lynn Parnell	Aye
Council Member Amos Smith	Aye
Council Member Frank Rose Jr.	Aye
Council Member Norman Gates	Absent

b) Negative Declaration:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adopt a Negative Declaration based on the findings made in the review of the Full Environmental Assessment Form. Voted on and approved, Yes-4, No-0, Absent-1, Norman Gates

Supervisor Gerald Deming	Aye
Council Member Lynn Parnell	Aye
Council Member Amos Smith	Aye
Council Member Frank Rose Jr.	Aye
Council Member Norman Gates	Absent

c) Authorization:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-4, No-0.

Local Law #2 of 2016:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adopt Local Law #2 of 2016, authorizing the Town of York to award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a Public Works contract pursuant to Article 8 of the Labor Law, on the basis of Best Value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer. Voted on and approved, yes-4, No-0.

7) Water Service Shut Off Request:

a) Craig Dengler- 2763 Main Street

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose approving the Water Service Shut off request submitted by Craig Dengler for property located at 2763 Main Street. Voted on and approved, Yes-4, No-0.

PRIVILEGES OF THE FLOOR

1) Davies Nagel:

Mr. Nagel asked to speak with the Board this evening to further discuss previous recommendations of the IRG regarding a Conservation Advisory Council. Mr. Nagel stated the group had made several recommendations in their presentation but thought creating a Council would be most beneficial to the Board and the community. The Advisory group would be able to gather and discuss valuable information, to then make recommendations to the Board, much in the same format the IRG did. Mr. Nagle commented the common goal would be to assist the Town Board and Planning Board with any upcoming issues pertaining to land and/or resources, and would also be able to apply for any potential grant funding available. Mr. Nagel expressed his hope that the Town Board will consider appointing a Council to move forward.

Supervisor Deming reported he and Mr. Nagel recently had an opportunity to speak about this in more depth. With this type of Council it would allow the Community to participate once again, with members consisting of no less than 3 and no more than 9. Mr. Nagel stated we would not want to eliminate any interested persons who wish to assist by volunteering. Once information is obtained we would then approach the Board with 3 individuals as representatives of the Conservation Advisory Council. Mr. Deming agreed having the community involvement again would be beneficial and asked Mr. Nagel to comprise some members. Several recommendations have been already discussed, but asked to continue to keep the Board apprised of upcoming developments. Councilman Smith asked if the Council will specifically be asked to make recommendations and/or suggestions to the boards', which Mr. Nagel replied they would, on pertinent information.

Supervisor Deming asked Mr. Nagel to update the Board in 2-3 months with committee names and potential outline.

2) Kirk Richenberg:

Mr. Richenberg commented that he did receive the highway figures requested previously from Mr. Worden, and also received the County information tonight as well.

Mr. Richenberg stated at previous meetings comments had been made by Board members that because of farmers, water projects were able to proceed. Supervisor Deming answered without Donnan's or Lawnel paying large number of units for water, projects would not have been affordable. Mr. Richenberg commented the State of New York has stringent rules in place when it comes to water district formations in order to assist taxpayers. When York Water District #4 was first proposed the debt service was too expensive, and it was stopped. A special arrangement was then made for Donnan's to take on more units, which lowered the debt service to others, then the district was formed. Mr. Richenberg stated he now has a burden on his tax bill and did not receive a special arrangement for public water, along with others who are in the same "boat". Mr. Richenberg commented he feels the water system was poorly designed, referencing a fire hydrant near his property out of service as well as in other areas, and because of the deal with this farm, he now has a tax burden forever.

Mr. Deming reported at the time the district was formed the residents in the area were aware that some spots would have low pressure, especially for fire protection, but the district expressed the need for public water itself and asked to proceed. Supervisor Deming stated although Mr. Richenberg may not have requested public water, the majority of the district did. Mr. Richenberg stated, he wants to make it clear he did not vote to create this district, but wanted to clarify.

Mr. Richenberg addressed with the Board Tuesday night's Planning Board Meeting and questioned who the Engineer was actually representing. He was instructing the members how to answer the questions. Mr. Richenberg also commented in previous minutes it was stated that these improvements would benefit the Retsof Sewer District customers. Supervisor Deming replied, it is correct that the proposed sewer upgrades would certainly help the Retsof hamlet. Mr. Richenberg asked if those repairs could be forced upon them? Mr. Deming replied repairs are spread out over all districts, and noted when the new sewer districts were formed each had a debt service, with exception to Retsof district customers who did not, and still don't. Mr. Richenberg asked if there is going to be any more special agreements down the road, which Supervisor Deming replied not that he is aware of.

3) Henry Fuller:

Mr. Fuller asked the board what the specific name is for the Linwood project since they

seem to have several names associated with it. Mr. Deming answered Project Garden is the name of the proposed project and added that the creamery which is already existing, is separate. Mr. Fuller questioned where the headquarters were located for Dairy Farmers of America. Councilman Smith replied the headquarters are located in Kansas City, Missouri. Their objective is to address the needs of national customers while assisting communities, which is a true Co-Op.

Mr. Fuller addressed with the Board the recent Planning Board meeting that took place Tuesday night. Mr. Fuller stated in his opinion he cannot put into words how embarrassing the meeting was. The majority of the members did not attend and questioned how many it takes to make a quorum before you can start a meeting, he feels the meeting was illegal based upon the number in attendance. Mr. Deming replied the Planning Board did have a quorum that evening with their alternates in attendance. Mr. Fuller stated this meeting was an important one, with poor attendance and how the meeting went, he does not have much faith in that board.

Mr. Fuller also inquired about the last survey done in Linwood. Supervisor Deming answered that the Anderson Road survey is different from the Linwood Road water project.

Mr. Fuller also spoke about benefits given to agriculture, specifically tax deferments to farms, and in cases there is no guarantees that they will stick around when the time comes to pay full value. Supervisor Deming commented in the case of Project Garden, it was expressed that roughly 30 people will be employed and feels the company will be here for quite some time.

Mr. Wolcott asked if spacing of hydrants is ever reviewed or examined and proceeded to explain what he has experienced at his residence on Cowan Road. Mr. Wolcott stated that he barely meets the needed pressure and will probably end up having to install a booster at some point. Highway Superintendent, Mr. Worden reported height of the water on Tuttle Road plays a factor with pressure. We have raised the level for pressure purposes but until there is a way to boost the pressure geographically, we are limited.

Mr. Fuller asked Mr. Worden if he felt that the Cowan Road water project was poorly engineered. Mr. Worden replied he did not feel it was engineered wrong, they stated then that we would have roughly 20 pounds of pressure, but the people wanted good potable water so badly they did not care as much at that time about pressure.

Mr. Richenberg asked if the proposed district is approved is there any idea where the tank will be located. Supervisor Deming answered there are preliminary sites marked for the pump stations. One station is proposed for Federal Road, but is not quite sure where the second pump station will be located, and the tank will be up by Noblehurst.

BILLS

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

General Fund Claim	# 66-89	\$ 13,713.84
Joint Water & Sewer	# 44-71	\$ 18,131.47
Street Lights	# 2	\$ 1,677.93
Youth Fund Claim	# 3	\$ 35.00
Highway Fund Claim	# 37-64	\$ 25,100.98

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board meeting until April 14th. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 8:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

