

York Town Board
January 11, 2018

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

Absent: None

Others: Kirk Richenberg, James Campbell (Town Attorney) and Carl Peter (Zoning/Code Officer)

Supervisor Deming opened the Town Board Meeting at 7:31 p.m. and invited Councilman Rose to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the minutes of the January 2, 2018 Organizational Meeting and January 4th Emergency Meeting. Voted on and approved, Yes-5, No-0.

* Supervisor Deming stated that Highway Superintendent Mr. Worden is sick this evening, so there will not be an official Highway or Water/Sewer report given.

Mr. Deming did inform the Board that after conversations with Mr. Worden, new hire, Jakob Powell began work the first week of January, and is doing very well, catching on quickly. Lewis Price announced his retirement plans, which will become effective January 24th, 2018. Mr. Deming stated that Mr. Worden would like to request that the Board advertise for the upcoming position, with the understanding that an individual will not be hired until Mr. Price has officially retired.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing permission to advertise for (1) Highway MEO position. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Kirk Richenberg:

Mr. Richenberg stated that he has a number of questions pertaining to Linwood Water.

Mr. Richenberg commented that the Board approved the water tank, does this mean we have accepted the bid submitted by Aquastore?

Attorney Campbell replied what the Board has approved is the Water Improvement Repayment contract with WNY Cheese Enterprise, Noblehurst and WNY Enterprise, LLC. The contract ensures, going forward that #1 they will be responsible for paying back capital debt, and #2, due to the fact that the tank is in the Town of Covington, if

any tax implications arise with these improvements, the Town of York wouldn't be responsible, DFA would. The contract also makes sure the numbers will not be increased to the district. Mr. Campbell continued by saying, at the time the tank was being built, it was DFA and/or Clark Patterson's responsibility, not ours. Once all details were worked out, the Board then felt comfortable to proceed. Attorney Campbell stated that Statewide Aquastore had not been paid anything through the build process, we are now authorizing to borrow money. At this time we will be paying a portion of the \$796,680.00 tank total.

Mr. Richenberg asked if there is an agreement yet with Covington. Supervisor Deming and Mr. Campbell both replied not as of yet. Attorney Campbell stated that the Covington Planning Board did not have a quorum for their last meeting, once they are able to meet the action will require following subdivision protocol. The deed and title need to be transferred as well. Once transfers have been completed, Wyoming County will then follow through with the tax abatements for the tank, which we have received confirmation on. Mr. Campbell conveyed that the Town of Covington and Wyoming County have each expressed excitement to make this happen, especially since Covington may get water from us. Mr. Campbell added that he hopes to have this all set with both within the next week or two. Nothing can be in the Town of York's name until after subdivision approved.

Mr. Richenberg questioned how the tank could be built without subdivision. Attorney Campbell replied that subdivision was not required in order to build the tank, just for Town of York to own it.

Mr. Richenberg asked if the remainder of the district has been turned over to the Town (Water/Sewer)? Supervisor Deming and Mr. Campbell replied neither have at this time.

Mr. Richenberg questioned the need or reason for the Emergency meeting. Attorney Campbell stated it was his request of the Board to schedule such meeting in order to proceed with: The Water Improvement Repayment Contract, Tank Contract and Transfer of Funds. Mr. Campbell felt once the contingencies were covered, it was proper to undertake the process to pay Statewide Aquastore.

Mr. Richenberg asked what type of protection the taxpayers have that this tank won't fall down and that proper inspections were made. Attorney Campbell replied that Statewide Aquastore is a very good contractor, quite reputable and followed pursuant to our specifications. Our engineers were there to monitor and inspections were conducted. Mr. Richenberg asked if the language is in the contract and if the contract is now with Aquastore. Attorney Campbell replied the Town needs to discuss further additional wording.

Mr. Richenberg asked if the solar bee was included. Supervisor Deming responded that the tank specifications were bid as a base bid and alternate #1, the Solar Bee was the alternate.

Mr. Richenberg asked once again the need for the Emergency meeting, was it really an emergency? Mr. Campbell replied that Statewide Aquastore was 95% complete with the tank and felt it was proper to proceed. Mr. Richenberg questioned why not wait until tonight to grant the approvals. Attorney Campbell answered that he and the Board felt it was in the best interest of the community to move forward, and added that Mr. Richenberg asked the board not to rush to decisions, which we have not. The process has been slowed down to make sure all details were ironed out to our satisfaction and now has been. This tank is a big part of the next phase to get water to the residents.

Mr. Richenberg commented that there was not an immediate need and could have waited, and feels that DFA dictates what the Town Board does. Attorney Campbell replied that that statement is not true, this meeting was recommended by him specifically. Mr. Richenberg stated he is not happy with how this took place.

Mr. Richenberg stated at the last Town Board meeting of 2017 there was authorization to purchase two trucks, and questioned how many times it had been bid out. Supervisor Deming replied that the bid process took place twice, the first time the bids did not meet specifications, which prompted the second one.

NEW BUSINESS

1) Cold War Vets Exemption:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to schedule a Public Hearing for Thursday February 8, 2018 at 5:30 p.m., for the purpose of considering public comment and opinion about or concerning proposed Local Law #1 of 2018, relating to a Partial Exemption from Real Property taxes for Cold War Veterans under Section 458-b of the NYS Real Property Tax Law. Voted on and approved, Yes-5, No-0.

2) Baldwin Business Services:

a- Yearly Contract

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to renew the yearly bookkeeping and payroll services contract with Baldwin Business Services for 2018, in the amount of \$12,100.00. Voted on and approved, Yes5, No-0.

3) Agreement to spend Town Highway Funds:

Due to Mr. Worden's absence, the Board will table this discussion until next meeting.

4) York Fire Dept. member:

a- Robert Smith:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith approving Robert Smith as a new member to the York Fire department. Voted on and approved, Yes-5, No-0.

5) Bid approval for Consolidated Water:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing permission to go to bid for the construction of the Town of York Contract No.2: Water Main (which is completion of the installation of two (2) PRV vaults, approx. 7,600 linear feet of 8-inch and 12-inch water main, and piping modifications at the Tuttle Road tank site in the Town of York). Voted on and approved, Yes-5, No-0.

*Supervisor Deming reported that our Water Dept. had fully reviewed the documentation and officially signed off for the next step.

OTHER

1) Anderson Road water extension:

Attorney Campbell reported that the Town Board previously received a copy of the "Map, Plan & Report" prepared by Clark Patterson Lee for the Town of York Consolidated Water District Anderson Road Extension, for review. If the Board has had ample time for review and feels comfortable proceeding, we can adopt the Map, Plan & Report and schedule a Public Hearing to present such information to the residents.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adopt such Map, Plan & Report and schedule a Public Hearing for Anderson Road Water for Wednesday March 14, 2018 at 7:00 p.m. Voted on and approved, Yes-5, No-0.

2) Cold War Vets Exempt hearing- MODIFIED

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to modify the previous resolution for the Cold War Veteran's Exemption hearing, moving the time on February 8th, 2018 from 5:30 p.m. to 7:00 p.m. Voted on and approved, Yes-5, No-0.

3) Petty Cash Audit:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the Water and Town Clerk Petty cash audit submitted by Clerk Harris. Voted on and approved Yes-5, No-0.

*The audit was conducted prior to the start of tonight's meeting, by Supervisor Deming and Councilman Gates.

4) Statewide Aquastore documentation:

Attorney Campbell informed the Board that he received all documentation today from Statewide Aquastore for the water tank, and commented he would like to conduct further review of such, and asked the Board if they felt comfortable approving tonight, pending his review and verification. Mr. Campbell stated that Mr. Henry has already finished his review of the documentation.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Supervisor Deming permission to sign the contract for Statewide Aquastore pending Attorney Campbell's verification. Voted on and approved, Yes-5, No-0.

BILLS

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

Joint Water & Sewer	# 1-20	\$ 30,389.22
General Fund	# 1-29	\$ 44,499.80
Street Lights	# 1	\$ 1,785.17
Highway Fund	# 1-14	\$ 58,286.17

*Mr. Peter informed the Board that the York Fire department received in December, their new rescue pumper and invited anyone interested to view it.

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Town Board Meeting until February 8th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:15 p.m.

Respectfully submitted,

Christine M. Harris, Clerk