

Public Hearing
September 12th, 2019
7:00 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), Eric Wies (Engineer, Clark Patterson Lee), Dustin Geiger, Gail Laursen, Kevin Laursen, Sandy Jester and George Worden Jr. (Hwy Supt)

Supervisor Deming opened the Public Hearing at 7:00 p.m. and asked Attorney Campbell to read aloud the Public Hearing notice. Mr. Campbell then turned the meeting over to Mr. Wies of Clark Patterson Lee to give a brief overview of the proposed Retsof Sewer District Collection System Improvements.

Mr. Wies explained that the hearing was necessary as a requirement in order to allow the Town Board authorization to expend funds. The mains in the hamlet of Retsof are original and are in need of upgrades. All current drains go in to the sewer plant. Mr. Wies stated that he and the Board have discussed and researched options for roughly 15 years, trying to obtain the proper funding to assist us. Last year, USDA came out with a new program changing and improving funding opportunities. This project will consist of new gravity sewer mains while converting existing gravity sewer mains to storm drains. Improvements and upgrades will alleviate concerns, public health and safety risks associated with aging pipes and manholes. If approved tonight by the Board, Mr. Wies will submit the proper documentation tomorrow.

We hope to be notified in late November to early December if we are successful with funding. If we are not able to secure such funding, we will certainly reapply next year. Attorney Campbell asked if we are not successful this time can we use the approvals already in place for next year's submittal. Mr. Wies replied we can use the approval made this year for next year as well.

After no further comment or questions...

RESOLUTION offered by Mrs. Parnell & seconded by Mr. Smith to close the Public Hearing at 7:15 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,
Christine M. Harris,
Christine M. Harris, Clerk

York Town Board Meeting
September 12th, 2019
7:30 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (High Supt), Eric Wies (Engineer, Clark Patterson Lee), Kevin Laursen, Gail Laursen, Sandy Jester, Dustin Geiger, David Deuel, Kirk Richenberg, DeLisa Drumm, Elizabeth Lyness, Mary Jane Schwan, Frances Froid, Norma Geary, Jane Towne, Nancy Bishop and Jerome Butterbrodt (Event Coordinator for Honor Flight)

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

MINUTES:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the August 8th Town Board Meeting and the August 15th Public Hearing. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR:

1) York Valley Fest:

Councilwoman Parnell stated on behalf of the York Valley Fest two presentations will take place this evening. Mr. Jerome Butterbrodt, Event Coordinator for Honor Flight is in attendance to receive \$1,500.00 for this worthwhile program. The second \$1,500.00 check will be supporting the York Central School Backpack Program. Frances Froot and a few of her “packers” were present to receive this donation. Mrs. Froot commented now that school is underway, the program has now begun preparations for the children. Roughly 30 kids are already set to receive this benefit.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Dept:

- We replaced the pipe on Casey Road but still need to wedge Fowlerville to that culvert
- The crew has been mowing roadsides
- We still have paving to complete in the Fall

WATER/SEWER REPORT:

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

- The Department has been reading meters for the Oct. cycle.
- Linwood water main contractor has started on the last of the punch list items.
- We had a pump problem recently at the station in front of the sewer plant which was running at a higher level. We have reached out to Siewert and Clark Patterson for suggestions on a resolve.

PRIVILEGES OF THE FLOOR: (continued)

2) Kevin Laursen:

Mr. Laursen came this evening to discuss with the Board their existing waterline and the issues they have dealt with over the years. Mr. Laursen began by giving a brief history of when the waterline was originally installed which was in the 60’s by his grandfather. In 2007, after approval for a new line by the Town, discussion and agreement took place about separation of taps to each residence rather than the existing 1 line feeding all structures.

Mr. Laursen expressed his frustration on why this has yet to take place. In 2009, we had a large water break which he spent days trying to locate the leak which should not have happened if the taps had been in place. It is reflected in the minutes of February 25, 2010 that Mr. Barrett (previous Water/Sewer Supt.) discussed how the October 2009 and January 2010 water bills must be adjusted due to the leak which the Town was responsible for, and the Board approved this adjustment. In 2010, this was a 1-time adjustment when the meter pit was installed, and it was put in by the Town.

From 2010-2019 several water leaks have occurred which we have taken care of and technically it was not our responsibility, it was the Town's. In January 2019, I spoke with Mr. Worden about the line and the 4 taps, which he assured me would happen but has not.

Mr. Laursen stated after the third leak, a temporary line was put in costing them \$600.00 this year. It was then expressed to him by Mr. Worden that the change would not take place now until next year which is unacceptable. Mr. Laursen commented, "I am not fixing another water break." In the minutes of March 11, 2010 meeting it was reported that the service line on Tuttle Road had been installed and that individual services were tied in, which they are not. After the most recent construction, Joe McIlroy has a tap for his property, all we are asking for is the same.

Mr. Laursen stated over the last twelve years (2007-2019) his mother, Gail Laursen has paid \$7,800.00 for 3 units of water on her C/T tax bill and his Aunt, Gay Bigelow has paid \$2,600.00. Between the two over \$ 10,400.00 has been paid for town water and we still do not have separate taps. The Town should not only put in the taps but should dig it as well. Mr. Laursen asked the Board when he can expect action.

Supervisor Deming commented that our past Water Supt. had informed the Board that Tuttle Road was completed and now asked Mr. Worden when the update can take place.

Mr. Worden replied that we can put a 2-inch line to the meter pit and put four taps off of that or 3 if the one home remains vacant.

Mr. Deming asked once again when Mr. Worden can begin. Mr. Worden answered he can call for a stakeout tomorrow, so within a 2-week span digging will take place.

Councilman Rose commented there have been a few others over the years we have had to address and correct as well.

Mr. Laursen stated that a great deal of time and money has been expended by the family over the years and we hope we can finally get a resolve. Mr. Laursen thanked the Board for their time.

3) David Deuel:

Mr. Deuel began by inquiring as to the status of the Lighting District. Supervisor Deming answered that we have been trying to locate when the District was actually formed in order to proceed.

Attorney Campbell stated that the district was not filed as an ordinance or Local Law which Clerk Harris confirmed. It was probably approved at a Board Meeting but we are not sure of the date at this time. Mr. Campbell stated that he prepared a draft for the Board but after a brief discussion earlier, the draft is not exactly the direction they want to go. Attorney Campbell discussed a couple of options for the Board to consider, abolishment or amending of the lighting district, further discussion will take place.

Mr. Deuel commented that Ag land does not need street lights and should not be taxed in such district.

Mr. Deuel addressed solar updates and asked what time table the Board has. We didn't have a lot of time last year prior to adoption of the moratorium and questioned if there will be sufficient time for the new regulations to be discussed.

Attorney Campbell stated that he has already made revisions to the document and if the committee is comfortable with the wording, they will then send on to the Town Board. Supervisor Deming reported that the next solar committee meeting is scheduled for Wednesday, October 2nd at 6:30 p.m. Mr. Deuel stated that soils of statewide importance must be addressed.

Councilman Smith asked, when will it actually go to the public? Attorney Campbell replied after the committee reviews it, it is then presented to the

Town Board to schedule a Public Hearing for comment. It will proceed as a Local Law.

Mr. Deuel and Attorney Campbell discussed the option of “opting in or out” of the Real Property Tax Law (Section 487). Mr. Deuel stated that a great deal of information is on the website on this topic. Mr. Campbell replied that jurisdictions are not permitted to conditionally opt out of the property tax exemption for large scale solar only. Towns cannot choose to tax large systems and not small ones, it’s all or nothing. Mr. Campbell added that he has had a great deal of solar discussions/meetings over the past several months, most of which about opting out and the benefits and negatives associated with it. The important factor is how to figure out a way to assess a value for these projects, currently there is nothing in place to work from.

Mr. Deuel expressed his frustration that Livingston County is not opposing the Horseshoe Project.

**Mr. Deuel submitted comments this evening along with additional correspondence.

RECEIVED

by CmH | 9-12-19 DATE
7:30 pm

York Town Board 9/12/19

Thank you-

light district status-

- Ag District law 1971-1972 - before that
- states states ag land not taxed for lights

Solar zoning law time frame - end of moratorium?
time to discuss with community + revise
unlike last time

Concerns - soils of statewide importance not mentioned
25% prime - way too much
10% total prime + statewide importance combined

article 487 - property tax exemption - PILOT - no mention
- suggest 25,000kw state residence
state ave 9000kw - income possibility
for every citizen -

- business - 250% of on site use -
income possibility

unless we
protect -

- ~~whichever~~ - all others - full value assessment -
- comprehensive plan - extend moratorium until
new one drafted - replace ag with
solar power generating

sheep - Ag + Mkts - passive grazing - should stay
rotational crops - discuss in depth -
solar corps. take advantage general public lack
of knowledge/understanding food production

- developing best soils harms environment -
nutrition per gkg emissions - ag sequesters
carbon - best soils lead way - \$
- more reading - open space - long discussion -
tremendous possibilities

Solar - mkt and public relations - now is time before
public becomes informed -
- expedient + lowest cost - not best option
- time Army - time + money to do it twice
- corp profits ahead environment
landowners - financial windfall ahead of environment

Christine Harris

From: Patti Barefoot <yorksupr@rochester.rr.com>
Sent: Wednesday, September 11, 2019 9:39 AM
To: 'Chris Harris'
Subject: FW: Industrial Solar Power Plants
Attachments: Saving our Farmland...and forests.docx; Town Board Solar.docx

From: David Deuel <dsdeuel@gmail.com>
Sent: Tuesday, September 10, 2019 8:30 PM
To: Patti <yorksupr@rochester.rr.com>
Subject: Industrial Solar Power Plants

Good Morning,

We live on our 400 plus acre farm in the Town of York, Livingston County, New York. We are retired dairy farmers who manage our crop acres with a neighbor and use our woodlots for maple syrup and fire wood production. We believe in climate change and support all types of renewable, including solar. However, we strongly believe converting thousands upon thousands of acres of open space, especially prime cropland, is a grave waste and misuse of one of our nation's most valuable natural resources, prime agricultural soils. These are the acres that feed our nation and the world with the lowest carbon footprint per unit food produced of any nation and at any time in history.

Attached to this letter are two documents we have written the first, an editorial, the second a presentation we gave to two local town boards. We hope you will review them along with the American Farmland Trust document, "Farms Under Threat- The State of American Farmland" which is, as most everything, available online.

We believe solar has lost its way. Originally, it was promoted as a renewable energy source that would not cause a change in land use patterns or development of open space. It would utilize rooftops, brown fields, wastelands, parking lots and lawns. How about adding highway medians/interchanges to the mix? A 2005 NASA led study using satellite imagery showed 32 million acres of turf, most of it lawns, in the United States. What an opportunity for solar production without threatening food security and the environment. A program to encourage home owners/small businesses to become efficient, economical small scale solar producers can be developed and implemented and should be the cornerstone of any renewable energy proposal. Allowing individuals to generate up to 25 kw of solar power, instead of limiting production to their history of electrical use, would be a great incentive. Tax grant money would go to local citizens, the working middle class and seniors, instead of distant corporations, their investors, and wealthy venture capitalists. Providing local households with \$2-3000 extra income annually, instead of

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sending it to Wall Street, would be a boost to the local economies and start to address the growing income inequality in our nation.

It is also our opinion that other sources of renewable energy are being overlooked. These sources have a proven track record and the technology continually improves. Biogas, from municipal waste water treatment plants, livestock facilities, and yard and food waste. This would also provide the benefit of removing methane from the atmosphere. Clean burning biomass, for cogeneration of electricity and heat. A well managed forest sequesters more carbon than an unmanaged one, the remaining trees grow faster and remove more CO2 from the atmosphere. Trash conversion to electricity. The Copenhagen, Denmark facility on its industrial waterfront should be an inspiration and goal for all of us. It captures all of its CO2 emissions. Just think of the financial and GHG savings of not having to transport trash and landfill it at distant locations. Not to mention the difficulty in finding locations for landfills and the acreage they require.

Thank you for the privilege and value of your time and the considerations of our opinions.

Sincerely,

Cecilia and David Deuel
3236 Telephone Road
Caledonia, NY 14423
585-226-2952
cgdeuel@gmail.com
dsdeuel@gmail.com

Town Board Solar

Thank you for the opportunity to speak with you this evening. My wife Celia and I live on a 400 acre farm on US Route 20, Town of York. We believe in climate change and support all types of renewables, including solar. However, we strongly believe converting thousands upon thousands of acres of open space, especially prime cropland, is a grave waste and misuse of one of our nation's most valuable natural resources, prime agricultural soils. We will very briefly speak on three points tonight; food security, environmental stewardship, and common sense.

Food Security

It is estimated that by 2050, the global population will reach 9.5 billion, requiring 50-70% more food and fiber than we currently produce. The World Health Organization states we already have a food shortage, as 800 million people globally are in a chronic state of malnutrition. United States Department of Agriculture (USDA) census figures state that since 1992, the US has lost 45 million farm acres to development, 5000 acres per day, every day, over a 25 year period. Add to this that food production on hundreds of thousands of acres of irrigated western croplands is being threatened by diminishing water availability. Given these facts, what effect will increasing the present rate of loss of cropland to development by adding solar to the mix have on a national and global food security?

Environmental Stewardship

US agriculture, with continuing advances in technology and mechanization is the most productive it has ever been. It produces more food with the smallest environmental footprint ever; fewer inputs, fewer acres, fewer livestock. As a result of this efficiency, over the past 100 years, farmers retired their least productive, highly erodible, fragile lands from crop production. These lands have become woodlots, permanent pastures, and acreage enrolled in the Conservation Reserve Program. What cropland still in production is the best available. In order to maintain present levels of food production, let alone increase it by 50%, , developing our current prime croplands would bring these highly erodible, less productive lands back into crop production at a rate of 2 or 3 acres for each acre of prime soil developed. This would cause a huge loss of habitat, cause more erosion, and use more fuel, fertilizer, pesticides, seed, water, and labor. A higher carbon footprint per each unit of food produced. A backwards step for the environment.

Common Sense

Hugh Hammond Bennett, an early soil conservationist and considered the founding father of what has become the National Resource Conservation Service (NRCS) division of the USDA, stated in 1959, "Productive land is neither limitless or inexhaustible". Given this statement,

the NRCS has spent \$1.5 billion since 1996, and New York State has spent \$140 million since 1994 on farmland preservation. In 2018 alone, New York spent \$35 million, \$10 million in Livingston and Wyoming Counties on farmland preservation. New York has announced \$1.5 billion in taxpayer grant money available for large scale solar. New York taxpayers are simultaneously paying to protect and develop our prime farmland.

Buffalo and Rochester are both in the Top Five of Cloudiest Cities in the United States. Add to this that morning fog often lingers over the Genesee River Valley where the Horseshoe project would be located. Taking 1200 acres of prime soils for solar production in one of the cloudiest areas of the country? In a foggy river valley?

A 2005 NASA satellite study shows 32 million acres of turf in the United States. Add to this millions of rooftops, and we have a huge area available for solar energy production. We believe a program to encourage home owners/small businesses to become efficient, economical small scale solar producers can be developed and implemented. Solar energy production with no loss of cropland and open space, no threat to food security. Tax grant money would go to local citizens, not distant corporations and their investors, providing a real boost to the local economy and the middle class.

In a letter to town boards in April of this year, the Livingston County Planning Board (LCPB) stated of large solar, "The potential impact of these enterprises on Livingston County's prime agricultural soils is a serious concern. Agriculture in the #1 industry in Livingston County and prime soils are identified in the Livingston County Agriculture and Farmland Protection Plan as an important resource to be protected". The LCPB then goes on to recommend the protection of prime agricultural soils. If we are not to follow the County's Agriculture and Farmland Protection Plan, or the LCPB's recommendations, why do we have them?

Closing Remarks

The NRCS states, "Prime farmland is of major importance in meeting the Nation's short and long term needs for food and fiber. Because the supply of high quality farmland is limited, the USDA recognizes that responsible levels of government, as well as individuals, should encourage the wise use of our Nation's prime farmland."

Is New York State a responsible level of government? Obviously not, or we would not be speaking to you this evening. We are putting our faith in our county and town governments.

Thank you for the privilege and the value of your time, and your consideration of our views and opinions on this matter. This is a very complicated issue; our comments tonight were very brief and condensed. We would welcome and appreciate the opportunity to discuss this issue in detail and in depth with the Town Board or any other group or individual. We have listed our contact information. In the meantime, we would encourage the board to review the document, "Farms Under Threat- The State of American Farmland" by the American Farmland Trust.

Again, a sincere thank you for your time and consideration.

David & Cecilia Deuel
3236 Telephone Road
Caledonia NY 14423

585-226-2952

dsdeuel@gmail.com

Saving our farmland...and forests!!

There is no denying the world population is increasing, from 4 billion in 1970 to around 7 billion today, and projecting to 9.5 billion by 2050. With this increase in population, comes an increase in carbon emissions, thus the move to renewable energy sources. There are opportunities for a variety of renewable sources, on different scales, to be developed economically. The short and long term pros and cons of each source should be thoroughly examined. As a retired dairy farmer, land and forest owner, my concerns are on the impact large scale solar arrays will have on our food security and open space.

Information from the United States Department of Agriculture (USDA) and American Farmland Trust (AFT) show that between 1992 and 2017 the US has lost 46 million acres of farmland to development. That works out to an average of over 5000 acres per day. Five thousand acres per day! Presently, there are 900 million acres in the US classified as farmland. More importantly, only 340 million of these acres are considered cropland, land suitable for cultivation of grains, vegetables, orchards, nuts, cotton, etc. The remaining acreage is pasture, grasslands, and rangeland, suitable for grazing livestock, not crop production. As global demand for food and fiber will increase by 50-70% by 2050, what is the best use of our agricultural land?

Hugh Bennett, considered the father of soil conservation and creator of what is now the Natural Resources Conservation Service (NRCS) department of USDA, stated in 1959, "Productive land is neither limitless nor inexhaustible." This statement is the basis of a number of governmental policies on the local, state, and federal levels. On the federal level, since 1996, the NRCS has invested \$1.5 billion in conservation easements on farmland. The New York State Department of Agriculture and Markets, as part of the Farmland Protection Program started in 1994, has funded conservation easements on 50,000 acres, at a cost of over \$140 million. In 2018 alone, Ag and Markets budget for farmland protection was \$35 million. Of this, \$10 million went to six farms in Livingston and Wyoming Counties to protect 4,270 acres. Most New York County and Town comprehensive plans contain sections on the importance of agriculture to the municipality's economy, environment, and quality of life. In fact, a number of counties and towns have official Farmland/Open Space Protection Plans, funded in large part by NYS grants. Taxpayer dollars, on all levels, are being used to protect our farmland and ensure our food security.

Large scale solar arrays have the potential of taking thousands upon thousands of acres out of agricultural production nationwide. In New York, Governor Cuomo has announced \$1.5 billion in grants and incentives available for large scale solar arrays developed in New York. Taxpayers are now funding both farmland protection and solar developments that will remove thousands of acres from agricultural production.

In what universe does it make sense to spend taxpayer dollars to preserve valuable farmland at the same time we are spending taxpayer dollars to convert valuable farmland to other uses? What is even more troubling is the fact that the solar project developers choose to use our best croplands for their projects. The conversion of these highly productive soils will cause a shift of food production to less productive lands. This will require more acreage, more fuel, more fertilizer, more seed, more pesticides, more water, and more labor to produce the same amount of food and fiber. Add to this the fact that the world will need 50-70% more food and fiber in 30 years, and we have a real problem.

This leads to another environmental issue. If we continue to develop our best cropland, where will our food and fiber come from? Will this accelerate the conversion of South American rainforest and African savannah to cropland? Will the more fragile, highly erodible land in our country that has been taken out of production in the past be converted back to cropland? Will our forest land be returned to agricultural production as it was in the 19th century? What value do we place on our natural, wild, undeveloped lands for human mental and physical well being?

Our nation and the world need both food and renewable energy. How we go about fulfilling the need for both, and how one affects the other, is of utmost importance. Agricultural cropland is under tremendous developmental pressure. Add to this the water issues that threaten the loss of thousands of irrigated western crop acres, how many crop acres can we afford to convert to solar arrays and still provide food and fiber security? Major solar projects, such as the Horseshoe Project proposed in Caledonia, NY, should not be sited on prime cropland; they should be sited on our least productive land, or better still, rooftops and other spaces that can't be used for food or fiber production.

Hugh Bennet said, "As a nation, we will conserve our productive land and use it prudently only if there is sustained public demand for such a course of action." I urge anyone concerned about the proposed Horseshoe Solar site in Caledonia, or other similar very large proposed solar developments, to contact their representatives and encourage them to consider the value of farmland in permitting such projects. Better yet, attend your local town board or county legislature meeting and express your opinions in person.

"Don't it always seem to go that you don't know what you've got till it's gone. They paved paradise and put up a parking lot." Joni Mitchell

4) Kirk Richenberg:

Mr. Richenberg asked if the budget process has begun, which Supervisor Deming replied it had, with the Tentative budget to be filed with the Town Clerk in a day or so, and then to the Town Board. Mr. Richenberg commented that the budget process was rushed last year and then adopted quickly in order to file on time. If numbers need to be changed it does not allow much time to do so, you need to have more time to review.

Supervisor Deming stated he has been working on the budget for over two months and legally the Tentative budget must be filed by September 30th to the Town Clerk and October 5th to the Town Board. Adoption of the budget must take place by November 20th.

Mr. Richenberg stated with the Tentative budget, the Board receives a copy but the public does not have the opportunity to comment prior to the actual budget hearing.

Mr. Deming commented that the Town Board will have it within a few days, if they are comfortable with the numbers, we will have more time to review.

Mr. Richenberg asked why the Board does not form a subcommittee with Jerry to prepare the budget. Supervisor Deming replied in most cases the Tentative budget is the Supervisor's budget then it is offered to the Board for review/comments/changes.

Mr. Richenberg asked if there has been any report from the Fire Department regarding the court facilities. Mr. Deming replied that a few meetings have taken place with the department but at this point we are waiting on a quote for the costs involved and potential additional options. Mr. Richenberg asked about adding on to the Town Hall. Supervisor Deming answered that we have obtained pricing over the years for renovations to the hall but have been very expensive.

Mr. Deming added with the proposed construction for the Town facility portion, the fire department would have to incur the prevailing wage requirement which would be an increase to the quote.

Mr. Richenberg inquired if there was an update on the Linwood Water/Sewer dedication. Supervisor Deming replied not as of yet, one contractor is still left to finish (Morsch).

Councilman Smith commented that the temporary pump station still needs to be removed. Mr. Richenberg replied that the contractor was working over the Labor Day weekend including excavation. We have no way of knowing that the work completed was done correctly as no one was around especially the inspector. Mr. Worden stated he was unaware that the contractor was working at that time and Mr. Wies added that he will speak with Mr. Morsch directly and discuss what was completed.

Mr. Richenberg asked Mr. Worden questions regarding Federal Road oil and stoning. Mr. Worden reported that Midland will be coming back to do it once again. Mr. Richenberg informed the Board that south of Anderson Road the road is narrowing. Mr. Worden stated that he is aware of the situation and will be patching but does not want to do a full repair until after the water main is installed.

Mr. Worden stated once again regarding the question posed pertaining to depth of the water main on Stewart Road. It has sufficient depth and was verified electronically.

Mr. Richenberg asked about the situation of the pipes on Casey Road. Mr. Worden replied it has been replaced with the same size piping. Mr. Richenberg questioned if the Town received any payment from that farmer. Supervisor Deming and Mr. Worden replied we did not. Mr. Deming briefly explained he was made aware that if the farmer did not use State or Federal funding for such clearing, the town does not have a recourse for making them pay even a portion for the culvert repairs.

OLD BUSINESS:

1) Retsof Sewer Improvements:

Attorney Campbell stated that the Board held a Public Hearing earlier this evening to receive comment on the Retsof Sewer District Improvements. We will now review the SEQR documents that must be completed prior to an approval decision.

Part 1- Project and Setting:

Mr. Campbell read aloud the purpose of Part 1 which includes the installation of new manholes and sewer main in the project area that were not replaced under Sewer District #1, for the conveyance of the sanitary flows. The new Sewer main will consist of 8-inch PVC pipe while the manholes will be pre-cast concrete. All laterals in the project area will be identified re-connected from the Right of Way. The pump station along Retsof Ave. will also be rehabilitated. An additional 5,500 linear feet stormwater piping with catch basins will be installed as the lines need to be extended to permit them to daylight.

Part 2- Identification of Potential Project Impacts:

Attorney Campbell read aloud 11 questions for Part 2 SEQR review with the Board replying “No” to each of them.

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 2 of the Short Environmental Assessment Form as set forth therein for Town of York Retsof Sewer Replacement. Voted on and approved, Yes-5, No-0.

b) Negative Declaration:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adopt a Negative Declaration based on the findings made in the review of the short EAF. Voted on and approved, Yes-5, No-0.

c) Authorization:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Supervisor permission to sign the Environmental Assessment form signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

d) Classification as Type II Action:

RESOLUTION: CLASSIFYING THE TOWN OF YORK RETSOF SANITARY SEWER REPLACEMENT IN THE TOWN OF YORK AS A TYPE II ACTION.

Council Member Smith presented the following resolution and moved that it be adopted, and it was seconded by Council Member Parnell.

BE IT RESOLVED BY THE BOARD OF THE TOWN OF YORK AS FOLLOWS:

WHEREAS, the Town of York Board (“Town”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

WHEREAS, the capital improvements, known as the (“Project”), being considered includes the replacement of sewer mains to convey wastewater to the sewer plant for treatment and the conversion and rehabilitation of the existing mains to convey the storm water to local drainage areas, including the reconnection of laterals, the rehabilitation of the Retsof Avenue Pump Station and the installation of an additional approximately 5,500 linear feet of storm water piping with catch basins to emerge at designated storm water drainage areas; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Town must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of

an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Town has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Town:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5 (c) (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF YORK, NEW YORK AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute SEQRA Type II Actions as defined under said regulation and do not require an environmental impact statement or any other determination or procedure.
2. The Town hereby authorizes the preparation and submittal of such grant applications to the Environmental Facilities Corporation as may be deemed necessary to obtain assistance in funding the subject projects.

This resolution shall take effect immediately.

Duly put to a vote as follows:

AYES
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NAYS
0

e) Public Interest:

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

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 12th day of September, 2019.

Resolution of the Town Board of the Town of York, Livingston County, New York, Pursuant to New York State Town Law §199 and §202-b Determining that it is in the Public Interest to Construct and Install Replacement Sewer Main, New Storm Water Piping and Other Improvements in and to the Town of York Retsof Sewer District

RESOLUTION offered by Councilman Smith and seconded by Councilman Rose:

WHEREAS, the Town Board of the Town of York has determined that there is a need to make certain improvements for the benefit of the Town of York Retsof Sewer District (the “Retsof Sewer District”) that will allow for safe and effective collection and treatment of sanitary wastewater and appropriate collection and dissipation of storm water which will mitigate the public health risks associated with the potential for inadequate collection and/or treatment of sanitary wastewater within said Retsof Sewer District as well as the proper and effective collection and distribution of storm water within said Retsof Sewer District; and

WHEREAS, in order to accomplish such needs, the Town Board of the Town of York is proposing the following improvements to the combined wastewater/storm water collection system: The installation of replacement sewer mains to convey the wastewater to the sewer plant for treatment and the conversion and rehabilitation of the existing mains to convey the storm water to local drainage areas. The replacement sewer main will consist of 8-inch PVC pipe, while the manholes will be pre-cast concrete. The slope and location of all replacement mains will be identical to the existing, but at a higher elevation. All laterals in the project area will be re-connected from the right-of-way. The pump station along Retsof Avenue will also be rehabilitated. Since the storm water flows will be separated from the sanitary flows, the existing main will be lined and utilized for the storm water transmission to designated drainage areas. An additional 5,500 linear feet of storm water piping with catch basins will be installed, as the lines need to be extended to permit them to “day light” or emerge at the surface within the designated storm water drainage areas (collectively, the “Improvements”); and

WHEREAS, the Town Board has caused a Preliminary Engineering Report, last dated August, 2015 of the proposed Improvements, together with an estimate of the cost thereof to be prepared by Clark Paterson Lee, a firm of competent engineers, duly licensed by the State of New York (the “Engineering Report”), which Engineering Report is on file in the Office of the York Town Clerk; and

WHEREAS, the Town Board is empowered to authorize the proposed Improvements subject to the provisions of New York State Town Law §202-b (and to authorize the proposed improvements to the sewer laterals subject to the provisions of New York State Town Law §199); and

WHEREAS, the Town Board, by a Resolution and Order adopted on August 8, 2019 pursuant to New York State Town Law §§ 202-b and 199, called for a public hearing on the subject of the approval the aforementioned Improvements to be held on September 12, 2019, at 7:00 p.m., at the Town Hall located at 2668 Main Street, York, New York to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

WHEREAS, the Town Clerk, in accordance with such Resolution of the Town Board and in compliance with Town Law §193, duly caused such Order regarding the proposed Improvements to be published in the official newspaper of the Town on August 29, 2017 and to be posted on the official sign board of the Town on August 26, 2019; and

WHEREAS, the Town Board pursuant to such Order, held a public hearing on September 12, 2019, to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

WHEREAS, a copy of the Engineering Report describing the proposed Improvements to be constructed therein was made available for public inspection at the York Town Clerk’s Office prior to the Public Hearing and copies were available to the public at the Public Hearing; and

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all public comments received, the Town Board of the Town of York believes it to be in the public interest for the health, safety and welfare of the residents of the Retsof Sewer District to authorize and hereby does authorize the installation of replacement sewer mains to convey the wastewater to the sewer plant for treatment and the conversion and rehabilitation of the existing mains to convey the storm water to local drainage areas. Specifically, the replacement sewer main will consist of 8-inch PVC pipe, while the manholes will be pre-cast concrete. The slope and location of all replacement mains will be identical to the existing, but at a higher elevation. All laterals in the project area will be re-connected from the right-of-way. The pump station along Retsof Avenue will also be rehabilitated. Since the storm water flows will be separated from the sanitary flows, the existing main will be lined and utilized for the storm water transmission to designated drainage areas. An additional 5,500 linear feet of storm water piping with catch basins will be installed, as the lines need to be extended to permit them to “day light” or emerge at the surface within the designated storm water drainage areas. The above Improvements are as more particularly described in the Engineering Report on file in the York Town Clerk’s office, and all of said Improvements would take place within the Retsof Sewer District; and be it further

RESOLVED, that the maximum amount proposed to be expended for the improvements is \$1,770,255.00 of which it is expected that \$442,563.75 will be funded from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant and \$1,327,691.25 will be financed through long term financing through

either the New York State Environmental Facilities Corporation or the United States Department of Agriculture, Office of Rural Development; and be it further

RESOLVED, that the anticipated cost for the Improvements shall be shared by all of the properties within the Retsof Sewer District as a whole as set forth in the Engineering Report and in proportion to the amount of benefit which the Water Main Improvements confers upon such properties; and it is further

RESOLVED, that Town Board hereby directs the Clark Paterson Lee, the engineers retained by the Town for the Improvements to prepare definite plans and specifications, and to make a careful estimate of the expense, and, with the assistance of the Town Attorney, to prepare one or more proposed contracts for the execution of the work.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Thursday, September 12, 2019 recorded as follows:

Vote of the Board:

Councilperson Gates	Aye
Councilperson Rose	Aye
Councilperson Smith	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 of the County of Livingston, was duly adopted by the York 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 12th day of September, 2019.

Christine M. Harris,
Christine Harris- Town Clerk

f) Issuance of Serial Bonds:

At a regular meeting of the Town Board of the Town of York, Livingston County, New York, duly held at the Town of York Town Hall located at 2668 Main Street, York, New York 14592 at 7:30 p.m. on September 12, 2019.

PRESENT: Gerald L. Deming, Supervisor
Lynn Parnell, Deputy Supervisor

Frank Rose Jr.
Amos Smith
Norman Gates

ABSENT: None

The following resolution was offered by Councilman Smith, who moved its adoption, seconded by Councilwoman Parnell, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ISSUANCE OF UP TO \$1,770,255 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF YORK RETSOF SEWER DISTRICT

WHEREAS, pursuant to proceedings undertaken by the Town Board (the “Town Board”) of the Town of York, Livingston County, New York (the “Town”) under Sections 199 and 202-b of the Town Law, including in particular a resolution adopted on September 12, 2019 immediately prior to the consideration of this resolution (the “Approval Resolution”), the Town Board (A) determined it was in the public interest to undertake certain improvements to the Town of York Retsof Sewer District (the “District”) consisting of the installation of replacement sewer mains to convey wastewater to the sewer plant for treatment and the conversion and rehabilitation of the existing mains to convey the storm water to local drainage areas, including the reconnection of laterals, the rehabilitation of the Retsof Avenue Pump Station and the installation of an additional approximately 5,500 linear feet of storm water piping with catch basins to emerge at designated storm water drainage areas (collectively, the “Project”), at an estimated maximum cost of \$1,770,255, and (B) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, by resolution dated September 12, 2019, adopted prior to consideration of this of this resolution, the Town Board of the Town, acting as lead agency for purposes of conducting a review of the Project under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively, “SEQRA”), determined that the proposed Project constitutes an “Type II” action within the meaning of SEQRA, and that no further action under SEQRA need be taken by the Town Board with respect to the Project; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town’s serial Bonds and of bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$1,770,255 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the

provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,770,255, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of (i) the \$1,770,255 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the application of up to \$442,563.75 in monies from a Water Infrastructure Improvement Act ("WIIA") grant expected to be received by the Town from the State of New York Environmental Facilities Corporation ("EFC") with respect to the Project, and (iii) the assessment, levy and collection of assessments upon the benefited properties within the District and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections

56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in public or open session

		AYES:	NAYS:
Norman Gates	Aye	5	0
Amos Smith	Aye		
Frank Rose Jr.	Aye		
Lynn Parnell	Aye		
Gerald L. Deming, Supervisor	Aye		

Dated: September 12, 2019

g) WIIA Grant:

**RESOLUTIONS REQUIRED FOR NY WATER INFRASTRUCTURE IMPROVEMENT
ACT (WIIA) GRANT APPLICATION**

Council Member Parnell presented the following resolution and moved that it be adopted, and it was seconded by Council Member Smith.

BE IT RESOLVED BY THE BOARD OF THE TOWN OF YORK AS FOLLOWS:

WHEREAS, the Town of York (Town), is seeking a grant for the Retsof Sewer Replacement and intends to submit via the Environmental Facilities Corporation for funding to the New York Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the project cost estimate for the Retsof Sewer Replacement project is \$1,770,255; and

WHEREAS, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 25% of the of the project cost in the amount of \$442,563.75; and

WHEREAS, CPL is authorized to prepare a grant application on behalf of the Town of York (Town) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the Supervisor is required to sign the grant application on behalf of the Town of York as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore be it

RESOLVED, that the Town authorizes and appropriates a minimum of 75% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match must be at least 75% of total project of \$1,770,255 or a total share of \$1,327,691.25. The maximum local share appropriated subject to any changes agreed to by the Supervisor shall not exceed \$1,327,691.25 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$442,563.75. The Supervisor may increase this local match through the use of in-kind services without further approval from the Town; and be it further

RESOLVED, that the Supervisor is authorized to sign a grant application on behalf of the Town via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

RESOLVED, that should a WIIA grant be awarded to the Town, the Supervisor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts,

documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the WIIA Program through NYSEFC.

Duly put to a vote as follows:

AYES	NAYS
5	0

Norman Gates	Aye
Amos Smith	Aye
Frank Rose Jr.	Aye
Lynn Parnell	Aye
Gerald L. Deming	Aye

h) Loan Application:

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

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Town BoardOF THE Town of York

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

wastewater/sewer and storm water transmission and treatment

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the York Town Board on behalf of the Retsof Sewer District*(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Seven Hundred Seventy Thousand Two Hundred Fifty Five Dollars (\$1,770,255)pursuant to the provisions of NYS Local Finance Law, Chapter 33-a of Consolidated Laws ; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 442,563.75

under the terms offered by the Government; that the Town Supervisor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yes 5 Nays 0 Absent --

IN WITNESS WHEREOF, the Town Board of the Town of York has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 12th day of September 2019

Gerald Deming

By Gerald Deming
Title Town Supervisor

(SEAL)
Attest:

Christine M. Harris
Title Town Clerk

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

2) Bernecker re-zoning request:
Supervisor Deming reminded the Board of Art Bernecker's request to change his current zoning from Planned Development back to Agricultural.

Mr. Bernecker stated previously that they thought they had already completed this but in fact still want to change back to the original zoning.

SEQR

Part 1- Project and Setting:

Mr. Campbell read aloud the purpose of Part 1 which is to modify the boundaries of a certain Planned Development District (PD) within the Town changing a certain specified area to Agricultural District (A); address: 4185 Main Street; Tax Map #: 70-1-57, 19.01 acres more or less.

Part 2- Identification of Potential Project Impacts:

Attorney Campbell read aloud 18 questions for Part 2 SEQR review with the Board replying “No” to each of them.

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to Adopt the Findings that were made in the Review Part 2 of the Full Environmental Assessment Form as set forth therein for the Town of York zoning district boundaries change. Voted on and approved, Yes-5, No-0.

b) Negative Declaration:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adopt a Negative Declaration based on the findings made in the review of EAF. Voted on and approved, Yes-5, No-0.

c) Authorization:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing the Supervisor permission to sign the Environmental Assessment Form signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

ADOPTION:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve Local Law #4 of 2019 entitled, “A Local Law to modify the boundaries of a certain Planned Development (PD) zoning district within the Town, changing such certain specified area to Agricultural District (A)”. Voted on and approved, Yes-5, No-0.

3) Large Scale Battery Energy Storage Systems:
Supervisor Deming stated that the Public Hearing for a one-year moratorium on energy storage systems took place on August 15th. The Board allowed written comments until September 10th, receiving two, one from Father Stephen Muller of the Abbey of the Genesee and the second from Kirk Richenberg. Mr. Deming stated at this time he asked the Board their thoughts on how they wished to proceed.

Christine Harris

From: Stephen Muller <samuller98@gmail.com>
Sent: Tuesday, September 10, 2019 12:58 PM
To: Christine Harris
Subject: abbey comment

RECEIVED
BY *CmH* | 9/10/19 DATE

Good afternoon Chrissy,

I hope you're doing well.

Please pass on our comment regarding the newest proposed moratorium.

Many thanks,
Fr. Stephen

Dear Supervisor Deming and the York Town Board,

The Abbey of the Genesee is still very interested in installing a large-scale commercial solar array on our property. Time is of the essence, and we hope these two moratoria won't slow us down unnecessarily while other Towns get in ahead of us and fill up the transmission lines.

Thank you,
Fr. Stephen Muller

RECEIVED

BY *CmtH* | 9/10/19 DATE

9/10/19

I am not in favor of the Moratorium Prohibiting Large Scale Battery Energy Storage System Installations. I feel the passing of this Local Law is an unnecessary expense that the Town of York taxpayers will incur because of no valid reasons. Also I do not agree with the use of the town attorney to help develop and research a local law to regulate land use in the Town of York. I feel the attorney has a conflict of interest and does not have the best interest of the town when serving in this capacity for the Town of York. I am encouraging the town board not to pass this Local Law.

Thank You

Kirk Richenberg

Councilwoman Parnell: Mrs. Parnell expressed great concern over the large-scale units in our township.

Supervisor Deming stated at this point there has been a lot of concern regarding these large units but we do not know enough about them and potential dangers and feels additional research would help educate us more.

Councilman Gates stated he fully agrees with Supervisor Deming's comments.

Councilman Rose added that the Board's hands are tied. If we do not take measures this evening with a one-year moratorium we are potentially opening ourselves up to any application. The town needs to determine how to address/update certain wording in our codes.

After no further comment from the Board...

ADOPTION:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve Local Law #5 of 2019 entitled, “A Local Law for the Moratorium on and Prohibition of Large-Scale Battery Energy Storage System Installations within the Town of York”. Voted on and approved, Yes-4, No-1 Amos Smith.

Councilman Rose asked Attorney Campbell if any towns had banned this use in their township. Mr. Campbell answered none locally, but he is not sure what has transpired statewide.

Councilwoman Parnell inquired as to what local towns have proceeded with a moratorium. Attorney Campbell replied the towns of Avon, Lima, Leicester Livonia and several others. Mr. Campbell stated currently, the Town of York codes do not have anything in place, we are trying to protect ourselves. Councilman Rose added the Large-Scale Battery storage aspect of solar has far more issues than solar itself.

4) Consolidated Water District- Rt. 20 W of McVean Road:

Supervisor Deming stated that the Board has already conducted the Public Hearing (July 30th, 2019) to receive comment on the Formation of an extension to the Consolidated Water District-Route 20 West of McVean Road. We will now review the SEQR documents that must be completed prior to an approval decision.

Part 1- Project Information:

Mr. Campbell read aloud the purpose of Part 1, which is to extend the existing Consolidated Water District to Rt. 20 West of McVean Road (encompassing two parcels) for installation of 2,900 LF of 2 inch water main along McVean Road and Telephone Road in the Town of York.

Part 2-Impact Assessment:

Attorney Campbell read aloud 11 questions for Part 2 SEQR review with Board replying “No” to each of them.

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to Adopt the Findings that were made in the review of Part 2 of the Short Environmental Assessment Form as set forth therein for the Town of York Extension to the Consolidated Water District-Route 20 West of McVean. Voted on and approved, Yes-5, No-0.

b) Negative Declaration:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to Adopt a Negative Declaration based on the findings made in the review of the Short EAF. Voted on and approved, Yes-5, No-0.

c) Authorization:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates authorizing the Supervisor permission to sign the Environmental Assessment Form signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

Establishment of the District:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith....

In the Matter of the Petition for the
Establishment of a Water District Extension in the Town of
York, Livingston County, New York, to be known
as the “Extension to the Consolidated Water District –
Route 20 West of McVean”.

**RESOLUTION
TO ESTABLISH DISTRICT**

WHEREAS, it is the intent of the Town of York to create the Town of York Extension to the Consolidated Water District – Route 20 West of McVean to include all of the real property indicated in the final map, plan and report prepared by Clark Patterson Lee, dated June 2019 and being styled “Final Map, Plan and Report for the Town of York Extension to the Consolidated Water District – Route 20 West of McVean” (hereafter “Map, Plan and Report”), said real property being located in the Town of York, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in said Map, Plan and Report filed in the York Town Clerk’s Office; and

WHEREAS, the Town of York Town Board (hereafter “Town Board”), acting on behalf of the Town of York Extension to the Consolidated Water District – Route 20 West of McVean, having previously directed the Town Engineer to prepare a map, plan and report with respect to the proposed extension; and

WHEREAS, the Town Board therein directed that the charges incurred for the preliminary Map, Plan and Report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the York Town Clerk; and

WHEREAS, the Board having previously complied with the relevant provisions of SEQR; and

WHEREAS, the Town Board on July 11, 2019 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on July 30, 2019 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Extension to the Consolidated Water District – Route 20 West of McVean; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 30th day of July, 2019 at 5:30 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Extension to the Consolidated Water District – Route 20 West of McVean to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk’s Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 30th day of July, 2019 at 5:30 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Extension to the Consolidated Water District – Route 20 West of McVean to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk’s Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire Town of York Extension to the Consolidated Water District – Route 20 West of McVean, was available for the public inspection at the York Town Clerk’s Office prior to and at each of the public hearings referenced above and is attached hereto and made a part hereof; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on July 30, 2019; and

WHEREAS, the Map, Plan and Report calls for the installation of approximately 2,850 linear feet of 2 inch water main (with other appurtenant infrastructure) along portions of Telephone Road; and

WHEREAS, the maximum amount proposed to be expended for the improvements above is \$0.00, as all of the improvements are being installed to Town specifications by the owners of the two (2) residences that will be served by the water line, which said improvements will thereafter be dedicated to the Town at no cost to the Town. The estimated net cost of the improvements is \$85,160.00; and

WHEREAS, that the anticipated cost to the typical property located within the Extension to the Consolidated Water District – Route 20 West of McVean is estimated to be \$332.78; and

WHEREAS, the estimated one-time costs for hook-up fees are \$1,000.00 for the typical property, including installation of a service line at the costs of approximately \$10.00 per linear foot (\$500.00 average) and \$500.00 for interior plumbing modifications; and

WHEREAS, adoption of this Resolution and Order shall be subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, because the anticipated cost to the typical property located within the Town of York Extension to the Consolidated Water District – Route 20 West of McVean is estimated to be below that of the estimated cost computed by the New York State Comptroller for the extension of similar types of districts, the formation of the Extension to the Consolidated Water District – Route 20 West of McVean will not require approval of the New York State Comptroller’s Office.

NOW THEREFORE, be it

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

1. That the notice of public hearing for the July 30, 2019 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed District Extension are benefited thereby;
4. That all of the property and property owners benefited by the District Extension are included within the limits of the proposed district extension; and
5. That it is in the public interest to form the District Extension as set forth; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby establish the Town of York Extension to the Consolidated Water District – Route 20 West of McVean as set forth in the Map, Plan and Report; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby approve the installation of approximately 2,850 linear feet of 2 inch water main (with other appurtenant infrastructure) along portions of Telephone Road with all of the improvements being installed to Town specifications by the owners of the two (2) residences that will be served by the water line, which said improvements will thereafter be dedicated to the Town at no cost to the Town (as a result, the maximum amount proposed to be expended for the improvements above is \$0.00); and

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to record a certified copy of this Resolution in the Livingston County Clerk’s Office and shall file a certified copy to the New York State Department of Audit and Control.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Thursday, September 12, 2019 recorded as follows:

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

I, the undersigned, Clerk of the Board of the Town of York, Livingston County, New York, do hereby certify that the above Resolution was duly adopted by the Town Board of said Town on the 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 12th day of September, 2019.

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

**Attorney Campbell stated after 30 days if there are no petitions filed, the District will be officially finalized.

NEW BUSINESS:

1) S & P Rating:

Supervisor Deming informed the Board that the Town received an A+ Standard and Poor's rating for bonding purposes. We are very pleased with such rating ultimately being able to get bonded at 2.5%.

2) York Fire Department:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith approving the following individuals as new members to the York Fire Department:

- Mykala Prentice
- Kayla Geiger
- Thomas Hargrove

Voted on and approved, Yes-5, No-0

3) Jerry Sturm -Resignation:

Supervisor read aloud a letter of resignation from Jerry Sturm from the York Zoning Board of Appeals. Mr. Deming stated that the Board is appreciative of Mr. Sturm's interest and willingness to serve for the past 9 years.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to accept the letter of resignation from Jerry Sturm from the Zoning Board of Appeals with regrets. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to advertise for a member to the York Zoning Board of Appeals, term to expire December 31, 2022. Voted on and approved, Yes-5, No-0.

4) Water tap application:

a) Arlene Miller

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the Water Tap application submitted by Arlene Miller for property located on Retsof Road in the amount of \$1,500.00. Voted on and approved, Yes-5, No-0.

b) 2539 Chandler Road:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the Water Service Restoration request submitted by Kathleen Vogt for property located at 2539 Chandler Road in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

c) 2526 Main Street:

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

5) Livingston County Snow and Ice Contract:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Supervisor Deming permission to sign the Livingston County Snow and Ice Control contract for a period of five (5) years, commencing on

October 15, 2019-October 14, 2024, with a rate of compensation per mile as follows:

- October 15, 2019 to October 14, 2020: \$4,600.00
- October 15, 2020 to October 14, 2021: \$4,650.00
- October 15, 2021 to October 14, 2022: \$4,700.00
- October 15, 2022 to October 14, 2023: \$ 4,750.00
- October 15, 2023 to October 14, 2024: \$4,800.00

Voted on and approved, Yes-5, No-0.

9:13 p.m.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to enter in to Executive Session for Union Negotiations to include Town Board and Town Attorney. Voted on and approved, Yes-5, No-0.

9:29 p.m.

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to end Executive Session. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported that no action was taken in Executive Session.

BILLS:

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

GENERAL FUND:	# 257-287	\$ 20,160.82
HIGHWAY FUND:	# 166-189	\$ 43,895.73
CONSOLIDATED WATER/SEWER FUND:	# 187-218	\$ 84,069.05
LIGHTING DISTRICT:	# 9	\$ 1,540.58

ADJOURNMENT:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adjourn the Town Board Meeting. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 9:29 p.m.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk