

York Town Board Meeting  
December 5<sup>th</sup>, 2019  
7:30 pm

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

Absent: None

Others: James Campbell (Town Attorney) Frank Burger, Henry Fuller, Mike Gates, Thomas Gates Jr., Susan & Andrew Smith, Renee & Bill Young, George Worden Jr. (Hwy Supt) Sandra & David Sliker, Kirk Richenberg and Andrew Walton, Dep. Tim Sweeting.

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

**MINUTES:**

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the minutes of November 6<sup>th</sup>, 2019 Solar Public Hearing meeting and the Regular meeting minutes of November 14, 2019 providing a correction was made to the latter at the request of both Mr. Fuller and Mr. Richenberg referencing comments and wording to their respective privileges from the November 14<sup>th</sup> meeting. Voted on and approved, Yes-5, No-0.

**HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Dept:

- He mentioned that all were aware of the recent snow & ice event that was tough to deal with, especially the ice. The department used quite a bit of salt and sand.
- Recent high winds also caused several road signs to require attention and repair.
- During snow event, road was damaged due to operator error, which will result in a re training again.
- Dead ash trees on McPherson Road were trimmed.

Councilman Smith noted that there was a tree on York Road East that needs trimming. Mr. Worden replied that he had already called Livingston County to report the need for attention at the site.

Supervisor Deming mentioned that at last meeting there was a Highway question posed about the road condition at Federal and Linwood Road and asked if Mr.

Worden had gotten a chance to take a look. Mr. Worden did, and he stated that a crew will be putting crusher run in the necessary places next week.

Councilman Smith asked the Highway Supt. if he had planned to do fill any pot holes on Craig Road.

Mr. Worden replied with “yes, the cold patch is thawing in the shop as we speak so that it would be ready to do on Monday” reiterating that he has 2 crews scheduled to work on that project.

**WATER/SEWER REPORT:**

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

(WATER)

- Started reading meters this week which means bills will be coming out soon.
- Mr. Worden mentioned that he and the Board have discussed for some time adding another employee to the Water/Sewer Department as we currently have only 2 employees (one with over 27 years of service). With additional lines coming on, Mr. Worden said a new hire would be beneficial to the department but would require time for training and certifications. Mr. Worden asked the Board to consider setting up a committee to move forward with the hiring process. Supervisor Deming reiterated that funds had been previously appropriated in the budget to include additional personnel.

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to form a committee for the purpose of adding a new hire to the Town of York Water/Sewer Department. Voted on and approved Yes-5, No-0.

(Sewer)

- Mr. Worden reported that the Sewer plant is operating fine and we are meeting all the current removal requirements at the plant.

Councilman Smith asked Mr. Worden if he knew of any requirement changes for the upcoming year that the Town would need to make.

Mr. Worden replied that we continue to work with engineers and DEC but to date we meet all requirements and has not yet heard of any pending changes for next year.

**PRIVILEGES OF THE FLOOR:**

1)David Sliker:

Mr. Sliker thanked the Board for the opportunity to speak this evening and read the following:

12/5/2019

Thank you again for the opportunity to speak today. My name is David Sliker, past York Town board member, 12 years, 10 years as deputy supervisor. Also 7 years on The Livingston County Planning Board.

I would like again to discuss the Town of York Solar law and the proposed changes to it.

I am not sure who the comments are intended for from a submittal to the public hearing made by another person. But I have, and the Gates family has been trying to watch the progression of this law since its beginning over 2 years ago, I was on the County Planning Board when the first moratorium was approved. I have volunteered to be on the first and second committee, and was turned down because of being out of town for a 3 month period each year. Upon return each year I asked the town supervisor numerous times when the meetings were being held and where, and if there is anything that can be done to help. There was no "open opportunity to be part of this committee", the answer was always, everything is fine, don't worry about it. I also spoke at the public hearing of the initial law over a year ago. We have been working with a solar developer for more than 2 years, we were not "recently approached to have our land developed for solar", this has been known by the town supervisor, code enforcement officer along with others. I would like to point out to the committee and the town board that there was no map attached to the Local Law No. 2 of 2018, nor was it presented at the public hearing last year when the initial law was discussed then adopted. The first time this map was shown to the public was at the October solar committee meeting. Perhaps if this had been made public earlier we would not be going through this today.

Once again I have concerns over using a soil map that was produced over 100 years ago, as the primary tool for locating type #2 solar installations. As pointed out in earlier meetings the grading of the soils took into account the soil chemical properties and the physical limitations, (flooding, drainage, etc) in 1920. With today's drainage and farming methods those limitations have been rectified. Just ride through the town and you will find every acre either planted or covered with trees or buildings. **This map does not reflect today's land in our town.** As land owners, and farmers, I would assume you would want to protect as much land as possible. Yet you support allowing up to 8,748 acres, 28% of the town's land to be potentially used for solar development. Please don't make the excuse that the farmers will never cover their land with solar panels. I'm sure that is what the farmers to the west and south of us said before they found out about the big money they would make without burning a gallon of diesel or spending 1 man hour of labor by putting wind farms on their property.

What can of worms is the town opening up if allowed to use this map for determining solar location? Will it be used as the new norm for any development? Will it be O.K. to build another 20,000 sq. ft. barn, or 2,000,000 gallon manure pond on prime farm land, that's where they are now. How about a contractor that wants to build a housing development on a 100 acre piece of land labeled as "PRIME" will it be allowed? There are 100's of other scenarios that could be effected by this president.

I support reasonable solar development as described in comments at a previous board meeting. Let all land owners determine what is best for their land, and have an opportunity to develop if they desire. The regulations in the law already to determine setbacks and buffering should be sufficient. Set a maximum number of acres that can be developed as #2 solar within the town, with maximum size per any installation. The law must also address the amount of time for construction, 12 months is not at all reasonable, and there needs to be some kind of extension provision. I am sure there are many things within this law that could be challenged in court if someone desires to. I would be more concerned with the vague "Community Benefit Agreement" section.

It is important for everyone to understand there is no requirement to use this map or any map when creating this law. In fact the only other town I found to use a similar map is Leicester. Mr. Campbell is also their lawyer.

During the 2 board meetings, and the public hearing, I have attended and in all of the town board minutes I have not seen or heard any comments from town board members discussing the use of this map or anything to do with this law. There have been a lot of opinions and information put in front of you over the last few months, what are your opinions on this?

During the public hearing there was NO ONE that spoke in support of the use of the "Lands Not Excluded for Type 2 Solar" map. There were at least 5 that spoke against its use. In the written comments there was NO ONE that supported the use of this map. There were over 50 residents that signed letters opposing its use.

Now it's time as officials that are elected to create laws that reflect the values and wishes of the residents that elected you, to look at the public feedback and make a decision.

**Please return this law to committee to make changes from the public feedback.**

I will once again volunteer to be part of any committee if this law is returned for revisions.

Thank You

Mr. Sliker stopped mid-way through his notes to ask the Board if they had any thoughts relating to his comments to which there was no response from the group. After reading his remarks, Mr. Sliker then noted the presence of a deputy and constable in attendance this evening by thanking the Town Board for providing this service.

## 2) Renee Young:

### **Comments by Renee Young at York Town Board Meeting 12/5/19**

**Hello again,**

**I would like to thank everyone who submitted their opinions, to The Town Clerk, about the Town's solar development future. Some of the submissions were much more eloquent than mine. I would like to address a few comments made against solar development on MY land.**

**Why would my family even consider an offer for solar development on our land? Of course, our first thought wasn't "Hey, let's sell our land that has been in our family since the 1950's to someone we don't know." We are like most people. We don't want an unknown or outsider to become our neighbor if we can help it. My family loves this land more than anyone else could. We don't really want to sell it to anybody but sometimes you're forced to roll with the changes. I know my brothers and sisters never envisioned our land transfer after mom's death would happen or not happen like this.**

**A little family history lesson for the past almost 5 years. My mother passed away on March 14, 2015. At this time, I became 1/6 owner of 160 Acre piece of farm land. FYI, this farm property abuts four out of the six property owner's homes including my own home. We called a few farmers and no interest was shown on the land. In 2016 we listed the 160 Acre property with a realtor known for their experience in farm real estate and also had the land surveyed. Again, NO offers on the land. We then purchased a large "For Sale 160 Acres" sign. It has been located along the Route 36 R.O.W. since 7/10/2017 with not one purchase offer from a farmer. When will a farmer buy our land? Will a dairy or crop farmer ever buy our land if milk or crop prices improve? This Board is costing my family hundreds of thousands of dollars by misclassifying this land as "PRIME" farmland when it obviously isn't. The free market is the truth teller of something's value. If my land is such "PRIME" farm land why is it still for sale after almost 5 years?**

**I don't understand why this Board is appearing to "double down" on the use of this flawed soil classification map. I've studied this "be all end all" map labeled Town of York Lands Not Excluded for Type 2 Solar for way too many hours now. There are many problems with the accuracy of the land classifications. Why is the map that is at the core of our solar zoning future different than the map posted on the Town's website under Farmland Preservation - Soil Classification? It is very suspect that additional land parcels are marked "Prime" farmland on the map Lands Not Excluded for Type 2 Solar. I noticed several discrepancies between the 2 maps and have included an attachment outlining them. When and who was authorized to change these soil classifications? Were they changed at the same time our view shed requirements were altered? What power you all have with the swish of a pen. You can affect people's livelihood forever. By relying on this map as a basis for solar placement, you are stabbing some of your fellow local farmers and neighbors in the back when it's not necessary in implementing a solar policy. Why??? Do you not trust your neighbor farmer to make the**

right decision for themselves on how best to utilize their land investment? Who thought it would be their LOCAL government capable of such onerous zoning laws? Doesn't the county, state and federal governments regulate the activities on your property enough? Where and what is the risk to the public's health, safety and welfare that will occur when land labeled on the map to be "prime" farmland is developed with solar arrays? What damage to the community's wellbeing will occur unless solar development is prevented on these specific properties? By banning solar development on certain land parcels, it will manipulate land values downward immediately by limiting competition for the land. This zoning implementation will be a theft of many property owner's rights with no compensation for it.

It's difficult to get community input when people are busy living their lives and the information available is spotty. Unfortunately, usually only people directly involved with anything will be vocal including myself. You know who has business with the Board by who is present at that Town Board Meeting. I have to tell you. Unless you've got a line on the inside or was allowed on the solar committee, the progress of the solar committee has been hard to follow. I've looked back through everything available online. Way back in the posted minutes for the York Solar meeting on 2/28/2018, the discussion was about "zoning, potential sites, landowner's rights and ability to generate income from rental". On 3/5/2019 the solar committee distributed a map titled "Town of York: Historic & Trail Resources with Proposed Viewshed Protection Areas". While the committee drafted the new law, they didn't protect the viewshed area as shown on the map. Why distribute it? The solar committee distributed a map they chose not to adhere to but failed to post the important map being used as the foundation of our new solar policy. Would that be considered misinformation or disinformation? We then jump ahead to October 2019. The committee added several items to the proposed law in the "11th hour". The most egregious addition was the controversial use of the map designated Lands Not Excluded for Type 2 Solar. The map that is being used as the foundation of our new solar zoning law wasn't introduced to the public until just a few weeks ago.

Many of the new items are stipulations required of solar development only. The "community benefit agreement" makes our town look unreasonable and greedy. It is an unwarranted financial demand. Also, I think it would be unwise to start leveling a fee to any businesses that have a negative effect on the community. It would set a precedent for farms or any business operating in the town to compensate the community for any discomfort incurred due to their business operation. This "community benefit agreement" is unneeded and unwise in the formation of our new solar bill.

Also, I was in favor of the maximum acreage language until I spent time utilizing the Livingston County interactive Real Property map. The Abbey of the Genesee appears to own one of the largest parcels of land in the town. The Abbey has informed the committee they are interested in a large solar development and the town is already condoning it. Due to logistics, this will most likely be the largest installation to occur in the town. Adding the maximum acreage language just complicates the law and opens the town up to one more potential legal battle.

**The other "deal breaker" in the new law is the timetable given for the completion of the solar projects. Why no time extensions for any reason including difficulties beyond their control or weather delays? Why such an unyielding schedule when similar projects of this magnitude are held to less stringent standards? This language doesn't benefit the community. It only deters any solar development in this town. Making it overly difficult for solar companies to do business in this town is unfair to them and the taxpayers. Apparently, time is only of the essence on the solar developer's part. This Town Board has had 2 years to complete the writing of a new solar law and still haven't got it done. I see a government overstepping and overcomplicating this whole solar issue.**

**Last but not least, farmers are vital in our food production but resources like water, roads and power etc. are equally crucial in "Feeding America". I'm assuming our town is not legislating all farm land MUST be used for farming only. If we are a "Right to Farm" community, we also should have the constitutional "Right Not to Farm".**

**I get the feeling I'm considered one of the bad guys here. I'm causing unnecessary problems for the town. I'm just trying to protect my families LANDOWNERS RIGHTS from being stomped on by "City Hall". While I was growing up, my father farmed this land part time plus worked 2 jobs to pay the bills. My parents worked hard for this property and I'm sure they struggled many times with 6 kids to raise. I'm just trying to speak up like I know my father would have if he was still alive. My father passed in 1992 so I'm sure most of you don't remember him. There is no way he would have sat back and stayed quiet while witnessing this injustice. Normally it's the federal or state government you'd expect to over regulate. Not this time. It's my fellow neighbor and my "so called" friends with the big powerful boot on our neck.**

**Many taxpaying neighbors from the Town of York have voiced their disapproval in the use of the map titled " Town of York Lands not excluded for Type 2 Solar" to determine the locations of the large solar installations. Since this community supports moving forward with solar development and retaining LANDOWNER'S RIGHTS at the same time, I would hope our Solar Committee &/or Town Board would please stop dragging their feet on this issue. I still have faith that our LOCAL government will be a voice of ALL the people by lifting the TEMPORARY solar moratorium after 2 long years and implement a solar policy that is fair to every taxpaying citizen in the Town of York**

**Thank you.**

A portion or all of the following land parcels were NOT classified "Prime" Farmland on the map titled Farmland Preservation - Soil Classification but were labeled "Prime" Farmland on the map titled Town of York Lands Not Excluded for Type 2 Solar at the following locations:

1. East of Federal Road - North of Anderson Road

Donnan Farms 68.4 acres

Donnan Farms 97.5 acres

Stein & Sons 105.9 acres

Bonita Morgan 108.72 acres

2. East of Limerick Road -

North of Cowan Road

David Dermody 141.0

acres

3. East of Limerick Road -

South of Cowan Road

Donnan Farms 87.33

acres

York Land & Cattle Co. 142.0 acres

4. West of Stewart Road - North of York Road West

Noblehurst

Farms 28.8

acres

Noblehurst

Farms 32.8

acres

Noblehurst

Farms 61.3

5. East of Stewart Road - North of York Road West



John Morgan 172.9 acres

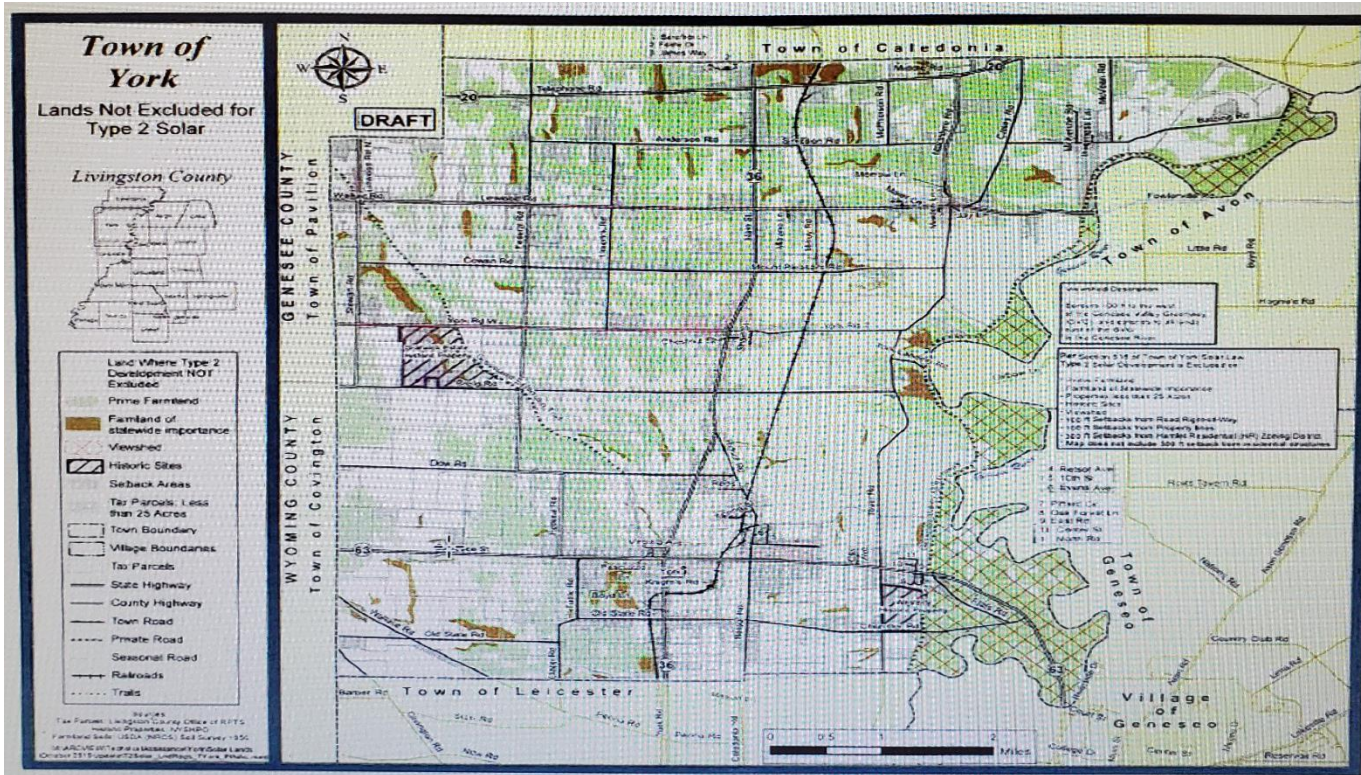
6. East of Stewart Road - North of Cowan Road

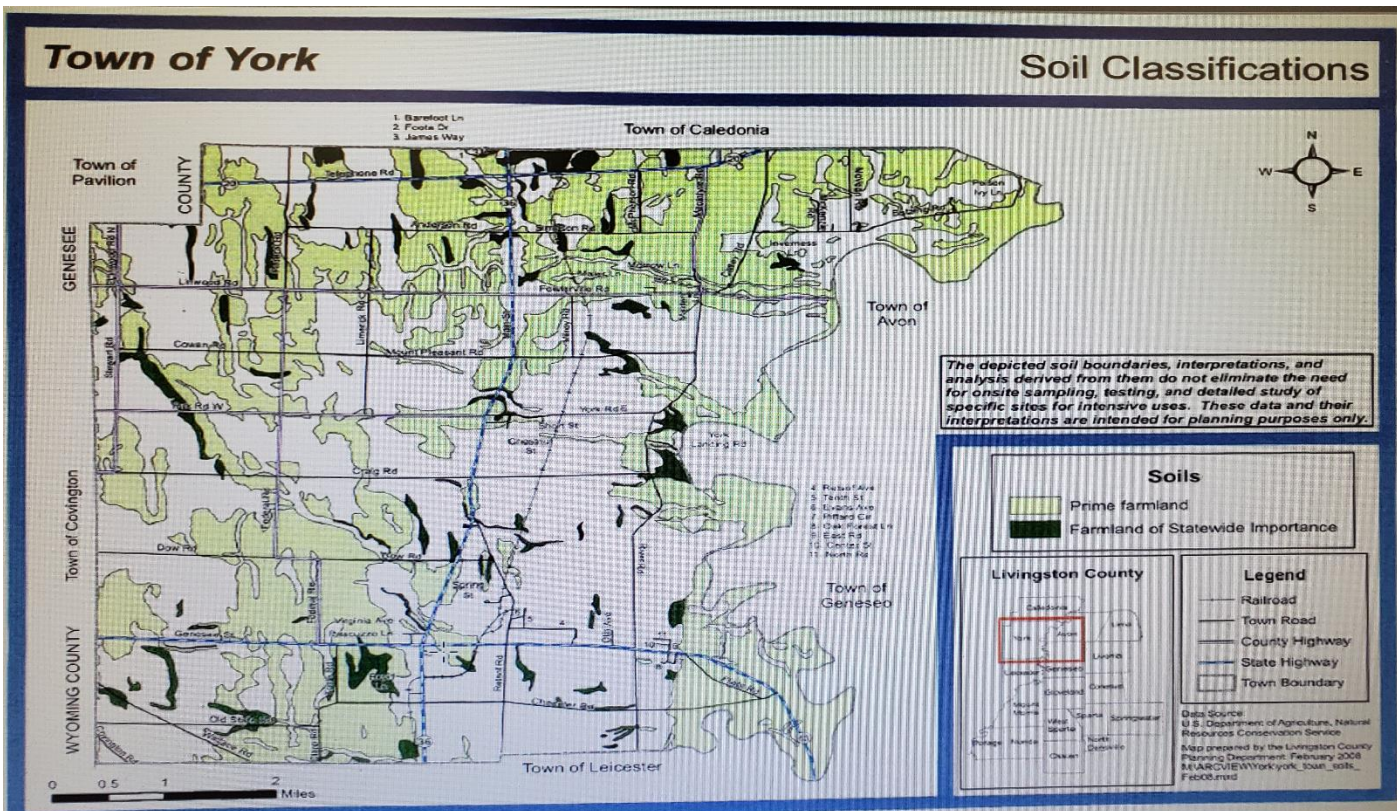
Dorman Farms 155.6 acres

John Noble 175.6 acres

7. East of Linwood Road North - North of Linwood Road

Noblehurst Farms 97.29 acres





**OLD BUSINESS:**

1)Solar:

Attorney Campbell gave a status update of the draft Local Law on Large Scale Solar Arrays that was recently presented. In addition, Mr. Campbell gave an overview of the timeline for the recent meetings and comment period while sharing information and proposed language changes offered by the Livingston County Planning Department as part of its review of the proposed Local Law pursuant to General Municipal Law §239m.

Mr. Campbell went on to say that after the Public Hearing on November 6<sup>th</sup>, the Town Board had asked to meet with him to discuss legal advice relating to the ethical issues that were raised during the hearing and now wanted to respond to those comments.

At this time, Mr. Campbell then indicated to the group that Councilmember Gates conveyed to him that he would abstain from voting on the proposed Local Law amending section 618 of the Zoning Ordinance of the Town of York due to a family connection which the Attorney said was understandable and appeared to make sense.

Mr. Campbell summarized that all Board Members are landowners, some more significant than others. The allegations leveled in the Public Hearing implied that the proposed amendments to the solar regulations were intended to give certain Town Board members and committee members an advantage over some other property owners in the community. Mr. Campbell continued to say that he researched local and state law statutes, case law and opinions of the NYS Attorney General and other departments and could not find any ethical or

conflicting issues pertaining to the existing Town board members as a result of their ownership of property within the Town of York and relating to the Town Board's possible action with regard to the proposed amendments of the solar regulations. Attorney Campbell summed up by saying that there is no evidence to suggest that there is any conflict or ethical impropriety with regard to the Town Board Members (other than Councilmember Gates who had recused himself) and there is no merit to any of the ethical allegations made at the Public Hearing.

With that said, the attorney told the Board they will have decisions to make and stated some of the options available at this time.

Mr. Campbell mentioned they could move forward with the Local Law as is; or move ahead with a few changes or even perhaps some significant changes. Another option posed would be to abandon what has been drafted and start over with a new committee.

At this point, Town Board members Smith, Rose, Parnell and Supervisor Deming all individually and verbally stated that they wish to proceed with the Local Law but with changes.

Attorney Campbell spoke about the changes and if they were modest, the Board could proceed with the SEQR review and subsequent deliberation of the proposed Local Law. If more significant changes are desired, the Board would likely need to hold a new public hearing and make an additional referral to the Livingston County Planning Board.

Mr. Campbell suggested looking at the changes Livingston County Planning referred to as a guide in relation to land vs. property map. Another relevant comment was that the Town of York may wish to add language to the map. Attorney Campbell noted that it would make sense to put language in reflecting map changes if USDA does, so that our maps are in tandem.

\*8:10-Mr. Fuller exited the meeting

Attorney Campbell presented the recommendations that Livingston County Planning had suggested and it was then that Mrs. Young inquired as to why there were 2 separate maps being used. The Attorney stated that the 2 maps were because one of the maps showed Prime Farmland and Lands of Statewide Importance and the other included those two classifications as well as other areas where Type 2 solar could not be developed because of setback requirements, scenic viewsheds and historically significant properties.

Mr. Campbell also noted a prior comment made by Mr. Richenberg that seemed to have made sense about the Genesee River boundaries.

Mr. Campbell then discussed with the Board the time window for the permitting and development process and spoke of discussions about extending it from 6-12 to now 12-24 months and asked the Board if they agreed that the change should be made. The Board Members were in agreement and Mr. Campbell then inquired as to what else they would like to address.

Supervisor Deming replied mentioning the community benefit and the fact that a representative from a Solar company had used strong language at a previous meeting when being discussed.

Mr. Campbell stated that the community benefit that a Solar Company may offer is different than a generic PILOT payment. Often community benefit arrangements are not monetary and might be in the form of improvements to the Town, like park improvements. In doing so, some developers feel they are able to show the community that they are good neighbors.

In previous meetings 2 potential solar developers talked with a difference of opinions regarding community benefit agreements with one using such wording as “extortion” and not the case with the other who thought it was a good thing.

Councilman Smith’s opinion was to leave it up to the developer to offer rather than mandate to see what benefit they may offer to our community.

Attorney Campbell did note that it might be seen as a positive thing for a developer to demonstrate that they are good neighbors and community minded.

Mr. Smith again reiterated that he believes the community benefit should be taken out.

Mr. Sliker then acknowledged all the changes that Mr. Campbell was discussing with the Board and asked the Board their thoughts on the 50+ signatures on a petition that he provided and submitted recently. The Town Board members did not reply nor offer any comment to Mr. Sliker.

Mr. Rose then indicated that he would like to see the community benefit as a suggestion not as a demand.

Attorney Campbell suggested the possible changes in wording to say the Town urges but does not require developers of Type 2 solar energy systems to consider making community benefits as part of their application and the Board was receptive to the change.

At this time, Supervisor Deming asked the Board if anyone had anything more to offer and the Town Board replied “No”.

Mr. Campbell then asked the Board if there is no more additional discussion on this matter, is it your intention to move forward this evening?

All Board Members individually replied “yes” to the Attorney.

It was then that Mr. Richenberg questioned the group by saying “taking out the community benefit is not major?”

Mr. Campbell replied no, saying that changing the requirement of a community benefit agreement to a suggestion would not impact the requirements for PILOTs/revenues and would not change the framework of the amendments to the solar regulations.

Tom Gates Jr. added that he believes the community benefit should be looked in to further especially if there is a 20-year lease involved with a company, which could result in millions of dollars for the Town.

At this time, Mr. Campbell addressed the Town asking if they were ready to proceed with the SEQR. The Board then consented to having Mr. Campbell move forward with the SEQR process.

\*8:25 pm M. Gates, S.Sliker, D. Sliker and B. Young exited meeting.

SEQR:

Part 1- Project & Setting:

Mr. Campbell read aloud the purpose of Part 1, A Local law to amend Section 618 of the Zoning Ordinance of the Town of York regarding Solar Energy Systems. This Local Law is to amend certain portions of Section 618 of the Town’s Ordinance, which was established by Local Law #2 of 2018, adding Solar Energy Systems to the Ordinance.

Part 2- Identification of Potential Project Impacts:

Mr. Campbell read aloud to the Board the required 18 questions to which they responded “No” to all.

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 Full Environmental Assessment Form. Voted on and approved, Yes-4, No-0, Abstain -1 (Councilman Gates)

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 Full Environmental Assessment Form. Voted on and approved, Yes-4, No-0, Abstain-1 (Councilman Gates)

c) Authorization:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made and to have the Town Clerk send the Negative Declaration to the Environmental Notice Bulletin. Voted on and approved, Yes-4, No-0, Abstain-1, (Councilman Gates)

Mr. Campbell indicated now that you have worked through the SEQR process, you have specified that you would like to make changes.

d) Adoption:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adopt Local Law #6 of 2019 entitled "Amending Section 618 of the Zoning Ordinance of the Town of York which was established by Local Law #2 of 2018 and which Added Solar Energy Systems to such Ordinance with the following changes previously discussed:

1. Change page 2, paragraph 2 referencing Exhibit 1 as "Town of York-Prime Farmland and Farmland of Statewide Importance";
2. Change page 3, C. (ii). To reflect "bounded on the east by the Genesee River";
3. Change page 3, D. (iii). To say "Any lands that are..." in the first sentence;
4. Change page 8, (xvi.) to say "...shall obtain a building permit within twelve (12) months..." and... "shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within twenty-four (24) months..."
5. Change page 11 Section 4. (7) to say "Community Benefit Contribution. The Town encourages owners, developers and or landowners of the property upon which a Type 2 Solar Energy System is to be developed, to implement an appropriate community benefit contribution. Such contribution is not mandatory, nor will failure to do so negatively impact an application or the granting of any approvals.

Voted on and approved, Yes-4, No-0, Abstain-1 (Councilman Gates)

\*8:35 pm Mrs. Young exited meeting.

2)Anderson Road:

Mr. Campbell spoke to the Board about getting ready to work with Bond counsel for the installation of Anderson Road Water District. As a requirement for funding purposes, an additional resolution to establish the district is needed, which will be subject to permissive referendum.

Supervisor Deming mentioned that he believes this is to be the last piece in the process with Attorney Campbell saying it is the last item before the bidding process and both men agree that in 30-45 days from now, we should be going out to bid and just have to finish up these few particulars.

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

In the Matter of the Petition for the Establishment of a Water District in the Town of York, Livingston County, New York, to be known as the “Town of York Consolidated Water District Anderson Road Extension”.

---

**RESOLUTION  
TO ESTABLISH DISTRICT**  
(Pursuant to Town Law §209-e)

**WHEREAS**, it is the intent of the Town of York to create the Town of York Consolidated Water District Anderson Road Extension to include all of the real property indicated in the final map, plan and report prepared by Clark Patterson Lee, dated July 2018 and revised November 2018 and being styled “Final Map, Plan and Report for the Town of York Consolidated Water District Anderson Road Extension” (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 Consolidated Water District Anderson Road Extension, having previously directed the Town Engineer to prepare a map, plan and report with respect to the proposed extension, said direction being authorized by a resolution of the Town Board pursuant to Town Law §209-b, which said resolution was adopted on October 12, 2017; 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 January 11, 2018 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on March 14, 2018 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Anderson Road Extension; 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 14<sup>th</sup> day of March, 2018 at 7:00 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 Consolidated Water District Anderson Road Extension 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 Town Board on March 27, 2019 adopted a Resolution and Order pursuant to Town Law §209-d which directed that an additional public hearing be held on April 24, 2019 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Anderson Road Extension, said additional public hearing being set to correct a possible error in the previously published notice of public hearing related to the March 14, 2018 public hearing; 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 24<sup>th</sup> day of April, 2019 at 6:00 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 Consolidated Water District Anderson Road Extension 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 Consolidated Water District Anderson Road Extension, 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 March 14, 2018 and the public hearing conducted on April 24, 2019; and

**WHEREAS**, the Map, Plan and Report calls for the installation of approximately 31,000 linear feet of 8 inch water main (with hydrants, valves and other appurtenant infrastructure) along portions of Anderson Road, Federal Road, Linwood Road, Limerick Road and NYS Route 36; and

**WHEREAS**, that the maximum amount proposed to be expended for the improvements above is \$1,847,000.00, of which \$836,000.00 shall be paid from a USDA Rural Development Loan and the balance financed through long term bonds at an estimated 2.5%, amortized for 38 years; and

**WHEREAS**, that the anticipated cost to the typical property located within the Anderson Road Extension shall be on a benefit basis and is estimated to be \$859.33 per unit; 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 Consolidated Water District Anderson Road Extension 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 Anderson Road Extension 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 April 24, 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 Consolidated Water District Anderson Road Extension 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 31,000 linear feet of 8 inch water main (with hydrants, valves and other appurtenant infrastructure) along portions of Anderson Road, Federal Road, Linwood Road, Limerick Road and NYS Route 36, with the maximum amount proposed to be expended for such improvements to be \$1,847,000.00 of which \$836,000.00 shall be paid from a USDA Rural Development Loan and the balance financed through long term bonds at an estimated 2.5%, amortized for 38 years, and with the anticipated cost to the typical property located within the Anderson Road Extension to be on a benefit basis and to be \$859.33 per unit;

**RESOLVED and ORDERED**, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to publish a Notice that this resolution was adopted subject to permissive referendum as required by Town Law §90.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Wednesday, December 5, 2019 recorded as follows:

<b>Vote of the Board: Councilman Smith</b>	–	<b>Aye</b>
<b>Councilman Gates</b>	–	<b>Aye</b>
<b>Councilman Rose</b>	–	<b>Aye</b>
<b>Deputy Supervisor Parnell</b>	–	<b>Aye</b>
<b>Supervisor Deming</b>	--	<b>Aye</b>

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 5<sup>th</sup> day of December, 2019.

Christine Harris - Town Clerk

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

3) Anderson Road /Soil Borings:

Attorney Campbell stated that the Town had a request from Clark Patterson Lee to adopt resolution for a bid that is required by USDA Rural Development funding in obtaining soil information along the project route. Only 1 contractor submitted a bid, SJB Service, Inc totaling \$8,794.00 which is paid for by USDA, not the Town of York.

Councilman Smith questioned Mr. Campbell again asking for confirmation that USDA will in fact be covering the entire cost of the sampling. The attorney did confirm that there was no cost to the Town.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the bid quote for soil borings from SJB Service Inc. in the amount of \$8,794.00 to be paid by USDA Rural Development. Voted on and approved. Yes-5, No-0.

**NEW BUSINESS:**

1)Water Tap Application:

Supervisor Deming stated that we had received an application for a water tap service for Gary Swede at 11363 Peoria Road and Mr. Swede had already paid the required fee accompanied with his application.

RESOLUTION offered Mr. Smith and seconded by Mr. Rose to approve the water tap application submitted by Gary Swede for the property located at 11363 Peoria Road, Pavilion NY 14525 in the amount of \$1,500.00. Voted on and approved, Yes-5, No-0.

2) Livingston County Traffic Safety Board Appointment:

Supervisor Deming noted that an appointment for Town of York representation to the Livingston County Traffic Safety Board would need to be made this evening.

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to re appoint George Worden as representative from the Town of York to the Livingston County Traffic Safety Board. Voted on and approved, Yes-5, No-0.

### 3) Planning Board/ZBA update and appointments:

The Supervisor stated that we had a few applicants submit letters of interest for the current vacancies on the Planning Board and the Zoning Board of Appeals.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to make the following appointments to the Town of York Planning Board and Zoning Board of Appeals.

- Joe McIlroy, Planning Board (re appointment)
- Davies Nagel, Planning Board Alt #1 (replacing C. McLouth who did not seek re appointment)
- Zachary Kobylanski, Planning Board Alt #2 (replacing Davies Nagel.)
- Charity Donnan Zoning Board of Appeals (re appointment)

and to re advertise for the current vacancy on Zoning Board of Appeals due to member resignation . Voted on and approved. Yes-5, No-0.

### 4) Approval of year end Due to/Due from and Transfers: (See next page)

TOWN OF YORK

PLEASE APPROVE THE DUE TO'S/DUE FROM'S AT YOUR 12/05/2019 MEETING:

**GENERAL FUND - TOWNWIDE**

<i>Due From:</i>	Trust & Agency	\$	3,815.68
	Water - McVean	\$	2,340.00
	McVean	\$	<u>2,340.00</u>
	TOTAL:	\$	<u><u>8,495.68</u></u>

<i>Due To:</i>	Highway	\$	<u>33.30</u>
	TOTAL:	\$	<u><u>33.30</u></u>

**HIGHWAY FUND - TOWNWIDE**

<i>Transfer From:</i>	Trust & Agency	\$	13,513.00
	General	\$	<u>33.30</u>
	TOTAL:	\$	<u><u>13,546.30</u></u>

**CONSOLIDATED WATER DISTRICT**

<i>Due From:</i>	Trust & Agency	\$	791.39
	TOTAL:	\$	<u><u>791.39</u></u>

<i>Due To:</i>	Retsof	\$	70.55
	Sewer #1	\$	81.51
	Sewer #2	\$	<u>7.93</u>
	TOTAL:	\$	<u><u>159.99</u></u>

**RETSEW SEWER DISTRICT**

<i>Due From:</i>	Trust & Agency	\$	110.79
	Cons. Water	\$	<u>70.55</u>
	TOTAL:	\$	<u><u>181.34</u></u>

**SEWER DISTRICT #1**

<i>Due From:</i>	Trust & Agency	\$	569.80
	Cons. Water	\$	<u>81.51</u>
	TOTAL:	\$	<u><u>651.31</u></u>

**SEWER DISTRICT #2**

<i>Due From:</i>	Trust & Agency	\$	110.79
	Cons. Water	\$	<u>7.93</u>
	TOTAL:	\$	<u><u>118.72</u></u>

TOWN OF YORK

PLEASE APPROVE THE FOLLOWING LINE TRANSFERS AT YOUR 12/05/2019 MEETING:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1110.2	Justice, Equip.	\$	2,250.00
	A1110.4	Justice, Contr.	\$	3,750.00
	A1355.2	Assessment, Equip.	\$	400.00
	A1670.4	Central Print	\$	2,000.00
	A3120.1	Police, Service	\$	1,500.00
	A7550.4	Celebrations	\$	1,000.00
	A8160.4	Refuse, Contr.	\$	5,000.00
	A9010.8	Retirement	\$	18,630.00
		TOTAL:	\$	<u>34,530.00</u>

<i>Transfer To:</i>	A1010.4	Legislative Board, Contr.	\$	1,180.00
	A1420.4	Law, Contr.	\$	2,000.00
	A1450.4	Elections, Contr.	\$	440.00
	A1620.4	Buildings, Contr.	\$	28,000.00
	A1680.4A	Data Processing Contr.	\$	500.00
	A1950.4	Taxes & Assess on Munic. Prop.	\$	20.00
	A3189.4	Mileage Contr.	\$	100.00
	A8010.4	Zoning, Contr.	\$	100.00
	A8160.1A	Refuse Director	\$	2,000.00
	A9055.8	Disability Ins.	\$	190.00
		TOTAL:	\$	<u>34,530.00</u>

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>	DA5110.4	General Repairs, Contr.	\$	62,000.00
	DA5130.1	Machinery, Services	\$	5,000.00
	DA5130.2	Machinery, Equip.	\$	10,000.00
	DA5130.4	Machinery, Contr.	\$	38,000.00
	DA5140.1	Brush & Weeds Service	\$	8,000.00
	DA3501	CHIPS	\$	103,064.82
	DA5142.1	Snow Removal, Services	\$	15,000.00
	DA5142.4	Snow Removal, Contr.	\$	33,000.00
	DA9007.8	Emp. Ben. - Sick	\$	10,000.00
	DA9010.8	Retirement	\$	15,000.00
	DA9030.8	Soc. Sec.	\$	1,692.18
		TOTAL:	\$	<u>300,757.00</u>

<i>Transfer To:</i>	DA5110.1	General Repairs, Service	\$	17,000.00
	DA5112.2	CHIPS	\$	139,860.00
	DA5680.2	Other Transportation, Equip.	\$	137,897.00
	DA9060.8	Hospital & Med. Ins.	\$	6,000.00
		TOTAL:	\$	<u>300,757.00</u>

**CONSOLIDATED WATER DISTRICT**

<i>Transfer From:</i>	SW8340.1	Trans. & Dist. Service	\$ 62,000.00
		BOND/BAN	<u>\$ 225,300.00</u>
			<u>TOTAL: \$ 287,300.00</u>
<i>Transfer To:</i>	SW1680.4	Data Processing Contr.	\$ 200.00
	SW1950.4	Taxes & Assess. On Munic. Prop.	\$ 7,100.00
	SW8310.1	Water Admins. Services	\$ 30,000.00
	SW8310.4	Water Admins. Contr.	\$ 35,000.00
	SW8320.4	Source of Supply, Contr.	\$ 185,000.00
	SW8340.4	Trans. & Dist. Contr.	\$ 25,000.00
	SW9710.64	Bond Principal	<u>\$ 5,000.00</u>
			<u>TOTAL: \$ 287,300.00</u>

**RETSOF SEWER DISTRICT**

<i>Transfer From:</i>	SS8130.2	Sanitary Sewers, Equip. & Cap.	<u>\$ 2,001.00</u>
			<u>TOTAL: \$ 2,001.00</u>
<i>Transfer To:</i>	SS1670.4	Data Processing Contractual	\$ 100.00
	SS1950.4	Taxes & Assess. On Munic. Prop.	\$ 1.00
	SS8110.1	Sewer Admin, Serv.	\$ 250.00
	SS8110.4	Sewer Admin, Contr.	\$ 500.00
	SS8130.4	Sewage Treatment, Contr.	\$ 1,000.00
	SS8340.4	Trans. & Dist. Contr.	<u>\$ 150.00</u>
			<u>TOTAL: \$ 2,001.00</u>

**SEWER DISTRICT #1**

<i>Transfer From:</i>	SS1-8130.1	Sewage Treat, Serv.	\$ 22,000.00
	SS1-SS1-8130.2S	Seperator	<u>\$ 11,540.00</u>
			<u>\$ 33,540.00</u>
<i>Transfer To:</i>	SS1-1950.4	Tax & Assess. On Munic. Prop.	\$ 10.00
	SS1-8110.4	Admin. Contr.	\$ 1,500.00
	SS1-9710.6	Bond Principal	<u>\$ 32,030.00</u>
			<u>\$ 33,540.00</u>

**SEWER DISTRICT #2**

<i>Transfer From:</i>	SS2-8130.2S	Seperator	<u>\$ 7,506.00</u>
			<u>\$ 7,506.00</u>
<i>Transfer To:</i>	SS2-1950.4	Taxes & Assess. On Munic. Prop	\$ 1.00
	SS2-8110.4	Admin. , Contr.	\$ 500.00
	SS2-8120.4	Sewage Coll. Contr	\$ 5,000.00
	SS2-8130.4	Sewage Treatment Cont.	\$ 2,000.00
	SS2-9055.8	Disability	<u>\$ 5.00</u>
			<u>\$ 7,506.00</u>

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the following year end transfers. Voted on and approved Yes-5, No-0.

**BILLS:**

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

GENERAL FUND:	# 361-379	\$ 13,007.51
HIGHWAY FUND:	# 233-245	\$ 10,460.29
CONSOLIDATED WATER/SEWER FUND:	# 289-313	\$ 24,555.30
LIGHTING DISTRICT:	# 12	\$ 1,755.40

**ADJOURNMENT:**

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to adjourn the Town Board Meeting until Friday, December 27<sup>th</sup> (end of year close out). Voted on and approved, Yes-5, No-0

Town Board Meeting closed at 8:45 p.m.

Respectfully Submitted,

Patricia A. Barefoot, Dep Town Clerk