

York Town Board Meeting
September 8th, 2020
7:00 pm

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

Absent: None

Others: James Campbell (Town Attorney), Tammy & Don Gullo, Henry Fuller, David Deuel, Thomas Wolfe (Deputy Highway Supt.) Kirk Richenberg, Andrew Walton, Dustin Geiger and Raymond Stella

Supervisor Deming opened the Town Board Meeting at 7:00 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the minutes of August 11th, 2020 Regular Town Board Meeting and September 1st Special Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

Deputy Highway Superintendent Mr. Wolfe reported the following for the Highway Department:

- Mowing of roadside and cemeteries continues as well as clean up of downed trees and limbs
- The Department will be wedging Simpson and Casey Road shortly.

WATER/SEWER:

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

- The Water Department has begun reading meters today for the October billing.
- Mr. Wolfe commented that the Anderson Road Water construction started today as well.

PRIVILEGES OF THE FLOOR:

1) David Deuel:

Mr. Deuel stated he has a few questions this evening and asked what the status was of the Light District. Attorney Campbell replied that Clerk Harris located actual documents from the 1924 minute book reflecting that the light district was approved by resolution at that time. If the Town Board wishes, they can abolish Lighting District #1 and roll future costs and expenses of the street lights into the General Fund.

Mr. Campbell explained further that in January of 1924, the Board determined that they viewed a proposition in regards to placing electric lights in several areas throughout the Town of York. In March of 1924, they accepted a contract with Livingston Niagara Power company to install lights in the areas of the town.... which has been a charge on residents' tax bills over the years in such district. Supervisor Deming stated with the way the district was created it did not charge all residents but with the proposed abolishment, the Board can proceed as a town wide charge going forward. Councilwoman Parnell agreed that the entire town should pay for lighting.

Supervisor Deming explained in the current budget, the Lighting District has had it's own line item with \$18,000 in it per year but we average roughly \$12,000. All future lighting expenses would now be a General Fund obligation. Attorney Campbell added that the Board could expand the lighting district but it would be an expense not necessary.

Supervisor Deming asked the Board if they wish to proceed which all agreed.

RESOLUTION:

WHEREAS, the Town Board of the Town of York on or about February 23, 1924 adopted a resolution to establish the Town of York Lighting District #1, which provided street lighting benefits for the area within such district; and

WHEREAS, since its inception, the parcels within Town of York Lighting District #1 have paid for the costs associated with the street lights, including but not limited to electricity charges; and

WHEREAS, the Town Board of the Town of York has determined that the street lighting provided within the Town of York Lighting District #1 is a benefit to the entire community of the Town of York and not just those owners of property within Town of York Lighting District #1; and

WHEREAS, the Town Board desires to terminate the Town of York Lighting District #1 so that hereafter all expenses associated with the street lighting previously paid for by the property owners within Town of York Lighting District #1 will be a town-wide expense that will be paid out of the Town's General Fund; and

WHEREAS, it is the specific intent of the Town Board that hereafter, all charges incurred as a result of the street lights formerly within the Town of York Lighting District #1 be paid from the Town's General Fund and no longer apportioned to individual tax parcels located within the Town and made a charge on the individual real property tax bills of such parcels.

NOW, THEREFORE, upon motion by Councilman Smith and seconded by Councilwoman Parnell, it is hereby:

RESOLVED, that the York Town Board does hereby abolish the Town of York Lighting District #1; and be it further

RESOLVED, that hereafter, all costs and expenses of the street lighting previously the responsibility of Town of York Lighting District #1, shall be borne by the Town as a whole and paid out of the Town General Fund; and be it further

RESOLVED, that the Town Board hereby direct the Town Assessor to modify the tax roll records and take any necessary action to remove future charges associated with street lighting (that were formerly the responsibility of Town of York Lighting District #1) from individual real property tax bills; and be it further

RESOLVED, that the Town Supervisor and Town Assessor are authorized to execute any necessary documentation to affect this Resolution.

VOTE OF THE BOARD: Yes-5, No-0.

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

By Order of the York Town Board
Christine M. Harris, Town Clerk

Mr. Deuel also addressed questions pertaining to Solar. Mr. Deuel stated he has participated in several Zoom meetings with the Planning Board and suggested two things be added. First solar classification. The OYA developer was upset on the solar classification and has since moved their project to another area of the parcel. Mr. Deuel strongly feels a definition only by USDA designation of solar classification be used to describe Prime vs non-Prime Soils.... the developer should not play a factor in the determination.

Supervisor Deming responded by saying that in our process over the years, we have always used USDA's determination of soil classification and will continue to do so. Attorney Campbell added in the Town's second Local Law, it is spelled out that we will use USDA as our baseline determination because we are not in a position to determine our own, assistance is needed.

Mr. Deuel stated that the second item to be added should be protection of an established woodlot. In his opinion, clearing of a 17-acre wood lot is absurd due to the many benefits of a woodlot.

Mr. Deuel also addressed Community Benefit Program, and expressed that it should be changed to mandatory. Many of the Solar companies do not have the Community's best

interest at heart. Think about what is the actual benefit to a community after solar is in? There are no jobs to speak of, what real benefit would they offer.

Supervisor Deming discussed the two existing projects (Solar Park & OYA) and PILOT conversations.

60% project for Community benefit
40% split between Town, County and School

Mr. Deming stated that a PILOT has to be negotiated based on megawatts. Mr. Campbell commented that a PILOT is limited to 15 years, after that it goes to full value. \$6,000 per megawatt per year yields money over the years.

Supervisor Deming & Attorney Campbell stated in the PILOT discussions we have indicated that the first 60% should go to the Town directly pursuant to host benefit. The reasoning is the Town has all risk. The remaining funds would be divided three ways (County, School and Town). Mr. Campbell outlined that the "Host" would receive \$270,000 upfront with remaining funds going to a 15-year PILOT. The County and the school have each approved it. YCS may have issues with the tax cap because they are unable to do lump sum monies for tax purposes.

Mr. Deuel asked how the PILOT is taxed (Assessed) after 15 years. Attorney Campbell answered they would pay full value. Mr. Deuel questioned how the Town can approve a project(s) if a PILOT is not in place. Mr. Campbell replied any approvals will require a PILOT agreement with the Town.

Attorney Campbell explained that we spent a great deal of time on PILOT information because we will probably see more 5 megawatt projects in the future and wanted a good plan in place. Supervisor Deming added that the State is quite clear on how monies can be utilized for community benefit.

2) Raymond Stella:

Mr. Stella asked to speak with the Board regarding ongoing issues in the Retsof hamlet. Mr. Stella expressed frustration with water in his basement every time we receive heavy rainfall which has continued to happen for years and asked the Board for assistance once again.

Supervisor Deming stated that many homes in the Retsof area experience issues due to cellar drains in basements which is not permissible. The Town realizes that this is an issue and has tried to obtain grant funding for years to install sanitary sewers to alleviate the situation. Unfortunately, the costs started out at \$1,193.00 per year (which the state would not approve), then we were able to get it down to \$ 813.00 in debt service which was still too expensive but then received word that we obtained a \$400,000 grant for this. With this grant, it brings the amount for each residence down to \$481.00/per year. At this time, we are waiting to see if we qualify for a low interest loan through Rural Development. Surveys are now being taken in the Hamlet and we should know within two months if we are approved for the loan. If that should happen it would reduce the

yearly debt service further to \$388.00 per year, which is far more affordable to Retsof. It is our hope to put this to bid in the first of the year.

Mr. Stella explained that we have had these discussions for years but have yet to get a resolve and wondered what can be done prior to the sanitary sewers being installed. Every time it rains he worries about what will take place. Deputy Highway Supt., Mr. Wolfe stated that we pump when heavy rains occur but there is not much more we can do when cellar drains are pumping into the system. Perhaps we may need to jet the area again and would discuss the suggestion with Mr. Worden and see if we can get it on the schedule. Mr. Wolfe commented there is too much water in the lines and the lines can't handle it. Supervisor Deming stated that the three homes on Tenth Street have the entire water flow of the area draining toward them.

Supervisor Deming instructed Mr. Wolfe to coordinate with Highway Supt. Worden a date and time to meet onsite at Mr. Stella's residence to review the area and discuss potential options. Mr. Deming stated he wants to be a part of the upcoming meeting as well.

3) Donald Gullo:

Mr. Gullo discussion with the Board this evening is in regards to the property he owns on North Road in Piffard and his desire to rezone it. Mr. Gullo would like to create four (4) building lots for residential purposes from the land that is part of a 28-acre parcel stretching behind and to the east of the playground. Mr. Gullo wants to develop 4 lots on the north side of North Road. The area is currently zoned Industrial which does not allow residential.

Attorney Campbell reported if the Board wants to proceed with a change in zoning, they must authorize him to prepare documentation for a proposed Local Law to do so.

Supervisor Deming stated with Mr. Gullo's proposed re-zoning it would certainly fit the makeup of the rest of the Piffard hamlet.

RESOLUTION offered by Mrs. Parnell & seconded by Mr. Rose authorizing Attorney Campbell to prepare a draft Local Law to rezone the 28.40-acre parcel from Industrial to Hamlet Residential. Voted on and approved, Yes-5, No-0.

4) Kirk Richenberg:

Mr. Richenberg discussed with the Board several items:

Q-What was the purpose of the September 1st Special Town Board Meeting?
Supervisor Deming answered that the meeting was called to discuss with the Judges the possibility of renting court space in the plaza in Retsof. Discussions were held over the past two months but the rental space fees continue to change and we needed to get a firmer handle on what is needed and costs involved. Mr. Deming stated for rent and utilities, it would run roughly \$25,000 per year. Court believes they would be able to obtain a \$30,000 grant for construction materials and court equipment but until that happens the Town would have to upfront the funds which Supervisor Deming stated he

is a bit uncomfortable doing. If we were to proceed with renovations, we would be looking at a 3% increase in taxes.

Q-What is the status of the Cheese Factory?

Supervisor Deming stated that unfortunately he has minimal news on the Cheese Factory. He received a letter the day the news broke that they closed.

Q-Does the Town of York's name appear on the deed for the Cheese Plant?

Supervisor Deming replied he does not believe so, as it was fully funded elsewhere.

Q-As a member of the County Board of Supervisors, you haven't received anything more?

Supervisor Deming answered that nothing more was offered, but options are being discussed at the county level.

Q-Weren't jobs supposed to be provided?

Supervisor Deming stated that yes, they did provide some jobs and added that he spoke with Bill Bacon from Livingston Co. Economic Development, where it was brought up that they were fulfilling their PILOT agreement, but once layoffs took place, they stopped.

Q-Is there a way to collect back taxes?

Supervisor Deming replied he is unsure about that issue but will verify with the County.

Q-Was it in mind that we would get additional revenue from the Plant to do other water and sewer projects?

Supervisor Deming answered that we did anticipate revenue to assist with Retsof Sewer, and will lose on the sale of water, but we still have debt service we can collect.

Q-Was there a Bond in place to protect the Town?

Attorney Campbell replied that there was no Bond in place.

Q-Was there a Decommissioning Plan?

Supervisor Deming answered there was not a plan in place.

Q- So, there was nothing to protect the Town?

Comment: Mr. Richenberg asked Supervisor Deming as a member of the Board of Supervisors to please keep this community informed as information becomes available. Mr. Richenberg also stated that maybe we need to think about projects more closely before approving them.

Councilman Smith stated according to the newspaper they alluded to the fact that recent circumstances (COVID-19) played a factor in the closure.

OLD BUSINESS:

1) AED:

Supervisor Deming informed the Board that he has reviewed the AED equipment quotes and spoke with Karen Dewar, Director of Emergency Medical Services for Livingston County. Knowing that the UP church has one next door and two at the Fire Department around the corner, the Town will not be purchasing one at this time.

*Clerk Harris stated she will contact Ms. Vogt of Cardiac Life in the morning to inform her of the Board's decision.

2) Town Hall Rentals:

The Board discussed briefly the status of renting of the Town Hall. Due to ongoing requirements the Board concluded that for September, October and November we will not be allowing any rentals. The Board will revisit the matter in December.

NEW BUSINESS:

1) Rob Grant Correspondence:

Supervisor Deming conveyed that the Board received a thank you card from recently retired Water/Sewer operator Rob Grant thanking us for the retirement gift basket.

2) Covington Water Agreement:

Supervisor Deming and Attorney Campbell stated that we received a contract recently for an out of district water supply agreement involving the Town of York, Town of Covington and Noblehurst Farms. The Town has several questions regarding this contract that need clarification before signing, so we will table this discussion at this time.

3) Water Service Restoration:

a-3518 Fowlerville Road

RESOLUTION offered by Mr. Smith and Seconded by Mr. Rose to approve the Water Service request submitted by Andrew St. Clair for property owned at 3518 Fowlerville Road in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

4) Anderson Road Resolution:

a-Project Budget Modifications

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates:

WHEREAS, the Town of York has received funding from Rural Development for their Anderson Road Water District Ext. Project ("Project"); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on Form E;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of York authorizes the following Budget modifications for the Project;

Net Interest

Decrease of \$ 20,000

I, Christine M. Harris, Town Clerk of the Town of York, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of York on September 8, 2020, by the following vote:

Gerald L. Deming, Supervisor	Aye
Lynn Parnell, Deputy Supervisor	Aye
Amos Smith, Councilman	Aye
Norman Gates, Councilman	Aye
Frank Rose Jr., Councilman	Aye

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

Christine M. Harris

Christine M. Harris,
York Town Clerk

5) Battery Storage:

Supervisor Deming reported that the next scheduled Battery Storage meeting is slated for Thursday, September 24th at 6:00 p.m. A speaker will discuss “what’s involved with installation of battery storage”. All Board members are welcome to attend.

6) Brush cleanup:

Supervisor Deming stated that the office staff have been receiving calls inquiring if we will be sponsoring a brush cleanup this fall. Mr. Deming commented due to the Highway’s work schedule and upcoming water project, he is unsure if they will be able to accommodate this year, but asked Deputy Highway Supt., Wolfe to check with Mr. Worden.

7) Court status:

Supervisor Deming continued the conversation pertaining to the court system and discussions on whether or not to move to the Retsof plaza. As stated earlier, the fees for the move are now at \$1,500 per month and having to put up \$30,000 for construction/equipment seems to be far more than originally expected. Mr. Deming stated he does not feel this is a good time to spend that large sum of money right now. We will have to continue to use the main hall for DA nights as well as regular court evenings. Supervisor Deming added that he made it clear to the judges that no one should be going upstairs on court nights so visitors do not have to contend with the stairs. Councilman Smith agreed with Supervisor Deming that at this time this may not be the best use of money due to the expense and added which is unfortunate because it

would have made a great space for court and ample parking as well. Mr. Deming stated until the State comes in to give more specific detail, we will wait and continue to use what we have. Supervisor Deming commented that another option that was discussed was potential consolidation of courts with the Town of Leicester. Councilwoman Parnell expressed that we can't afford a 2-3% increase in taxes.

Mr. Richenberg questioned in order to be ADA compliant (Americans with Disabilities Act), does the risk outweigh the benefit? , are we putting the Town at risk?

Supervisor Deming replied as long as we are conducting court in the main hall we should not have issues with any person(s) not able to be heard. We would be liable if court was still taking place upstairs, this is why I explained to the judges the reason for court to be downstairs going forward.

BILLS:

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

- General Fund #226-251 \$ 20,065.98
- Consolidated Water/Sewer #186-210 \$ 30,880.73
- Lighting District #9 \$ 1,481.43
- Highway Fund #148-162 \$ 23,002.86

OTHER

Supervisor Deming informed the Board of Town Clerk, Christine Harris' recent recognition as Livingston County Clerk of the Year, wishing her congratulations and stating it was well deserved.

ADJOURNMENT:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Town Board Meeting until October 13th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:25 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk