

York Town Board Meeting
December 8th, 2020
7:00 p.m.

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

Absent: None

Others: Joe McIlroy (Planning Board Chair), George Worden Jr. (Highway Supt.) Dustin Geiger, James Campbell (Town Attorney), Carl Peter (Zoning/Code Officer) and Kirk Richenberg.

Supervisor Deming opened the Town Board Meeting at 7:02 p.m. and invited Councilman Rose to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the November 10th Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

Mr. Worden reported the following for the Highway Department:

- The department has been servicing equipment.
- We have had to salt the roads a bit here and there.
- With decent weather we have been able to patch pot holes where needed

WATER/SEWER:

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

- Over 20 homes have been connected thus far in the Anderson Road water project. The hook ups have been smooth.
- The Water Dept. has begun reading meters for the January billing cycle.
- We had two water issues recently: One at the corner of Chestnut Street and Rt 36 where a tap saddle rotted on the main and the second one on Federal Road, the bolts from a fire hydrant rotted and blew out the bottom. Both were able to be fixed quickly.

Mr. Worden stated that we received four (4) bids for the Retsof Water service project. The bid opening took place at the Town Hall at 11:00 a.m. yesterday with himself, Rich Tousant (CPL) and Clerk Harris present along with a few contractors. The specs came in lower than what we anticipated and now the engineers will verify the potential low bidder has met all the criteria for a decision at the December 28th meeting.

**** Bid Results:**

(1) V&B Underground Utilities, Inc.	\$67,371.00
(2) Ledge Creek Development, Inc.	\$66,100.00
(3) Morsch Pipeline, Inc.	\$58,594.00
(4) Rochester Pipeline, Inc.	\$45,500.00

Councilman Smith inquired if we can anticipate the time table for the Anderson Road customers to fully connect. Mr. Worden replied when the contractors are involved it has been going very smoothly. It does take a few more trips to the location when the homeowners connect themselves. Overall, we are pleased with how it has been progressing but have to wait for the homeowner to contact the office for an install appointment for future connections.

PRIVILEGES OF THE FLOOR:

1)Kirk Richenberg:

Mr. Richenberg discussed with the Board several items:

Q-Status of the Time Warner/Spectrum poles, any permits?

Mr. Worden replied that no one has come to us for a permit but did have the Town Attorney review some paperwork previously. Attorney Campbell commented at the Oct. 13th meeting he received information that he wanted to review in greater detail. He has since spoken with the Utility Company's representative and they conveyed under Federal Law they could do what they needed to do. This answer made Mr. Campbell uncomfortable and he conducted a more extensive search to see where it states this, which he could not locate. Mr. Campbell asked for more specific detail regarding their upcoming work in order to indemnify the Town but no word as of yet.

Q-Has the County been contacted?

Mr. Worden answered that Livingston County Highway has issued permits.

Comment-They are not governed by the FCC (Federal Communications Commission), so we do not get a say on an increase in price. The Town needs to be aware of their intentions.

Mr. Campbell agreed that we need to make sure the Town is protected and need to authorize permits.

Q- Is this for current or for expansion?

Supervisor Deming responded expansion.

Q- Can we ask for payment?

Attorney Campbell answered we can ask for compensation, through fees or easements, we certainly can make them pay for the work.

Q-Can there be stipulations on where multiple polls are located; remove the old when new are installed?

Attorney Campbell stated they are probably trying to eliminate what they can, and agreed the Town needs to be aware of where they are working.

Comment: I have legitimate concerns with this project, the Town needs to stay on top of this.

Q-At the last meeting the Town Board approved purchase of 2 trucks, and feels we went over budget on them?
Supervisor Deming replied that money was put in the budget for these trucks.

Q-In the budget there was \$35,000 a piece, we spent over that?
Mr. Worden responded that we paid \$58,000 for 2 trucks total.

Comment: Mr. Richenberg stated it was his mistake, thank you for the clarification.

Q-For \$5,000 we purchased (1) plow as well, why another plow?
Mr. Worden replied this smaller plow can get around smoother in tight areas.

Q-Is there a procedure in place, or protocol for contractors that work for the Town?
Supervisor Deming answered that the hourly contractors go through Mr. Worden, and Mr. Worden keeps track of the hours.

Q-Now that we have multiple consultants how is this handled?
Supervisor Deming replied the engineers keep track of hours for each project and list accordingly. Attorney Campbell bills us hourly and breaks down this time specifically to the individual projects. He has broken things down even more so over the last few months.

Q-There are so many boards (Town Board, Planning, and ZBA) how do we know the hours charged are accurate? In some of the invoices I recently reviewed, the bill for TY LIN is not accurate based on the time/bill prepared by Mr. Campbell, they didn't match up.
Mr. Campbell stated that his invoices include travel time, and due to the number of different topics, especially for the Planning Board, he has broken contractors out more so.

Q-Can we put a protocol in place? \$190.00 per hour was listed for TY LIN, someone was wrong, and I haven't even checked the other invoices.
Attorney Campbell replied that we certainly want to make sure the bills are accounted for properly. Supervisor Deming added, he reviewed the TY LIN bill, but did not match Jim Campbell's invoice time with Mr. Burtons.

Comment: Mr. Richenberg stated once again the need for more protocol.

OLD BUSINESS:

1) Gullo Re-zoning:

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

PART 1 – Project and Setting:

Mr. Campbell read aloud the purpose of Part 1, A Local Law to modify the boundaries of the Industrial (I) Zoning district within the Town, changing a certain specified area to Hamlet Residential District (HR). Part of 3229 Genesee Street (now known as East Road) and bearing Tax Map Number: 62-1-8.111.

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.

PART 3 – Evaluation of the Magnitude & Importance of Project Impacts and Determination of Significance:

a) Adoption of Findings:

RESOLUTION offered by Mrs. Parnell & seconded by Mr. Rose to Adopt the Findings that were made in the review of Part 2 of the Full Environmental Assessment Form. Voted on and approved, Yes – 5, No – 0.

b) Negative Declaration:

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

c) Authorization:

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

Mr. Campbell indicated now that you have worked through the SEQR process, you can now proceed with adoption.

d) Adoption:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adopt Local Law #2 of 2020 entitled, “A Local Law to Amend the Boundaries of the Industrial District and change a portion of such area by re-designating such area to a Hamlet Residential Classification, all within the Town of York, Livingston County, New York.” Voted on and approved, Yes – 5, No – 0.

2) Solar discussion:

Attorney Campbell spoke about the Community Benefit and PILOT agreements for both Solar Park and OYA. It is proposed that the Community Benefit Payment of \$270,000 will be paid at the time of issuance of a building permit and those funds will be held in a non-interest bearing account for a period of up to 120 days, instead of the 60 days as originally discussed. If the developer elects to not build the project within the 120 days and surrenders the building permit along with acknowledging the relinquishment of all approvals for the project, the funds held in escrow will be returned. If more than 120 days elapses without the developer surrendering the building permit and relinquishing all approvals, or if the developer starts construction, the escrow is terminated and the funds become the Town's funds and are non-refundable. Attorney Campbell asked the Board if those terms were acceptable and the Board indicated affirmatively. Attorney Campbell told the Board that OYA is then ready to move forward and Solar Park has minor adjustments that need to be made.

RESOLUTON offered by Mr. Smith and seconded by Mr. Rose authorizing the Supervisor permission to sign the Community Benefit and Pilot agreements for both Solar Park and OYA once finalized. Voted on and approved, Yes – 5, No – 0.

NEW BUSINESS:

1) Organizational Meeting:

The York Town Board will conduct their 2021 Organizational Meeting on Friday, January 1, 2021 at 11:00 a.m. at the Town Hall.

2) Close-out Meeting:

Supervisor Deming reminded the Board of the Closeout Meeting on Monday, December 28, 2020 at 5:00 p.m.

3) 4-Way Stop/Reduce Speed at Chandler/Retsof Roads & reduce speed limit on Fowlerville Road:

Supervisor Deming reported that he has received several requests from residents regarding reduction in speed limits. Mr. Deming stated that a study was done 15 years ago for a reduction in speed on Chandler/Retsof Roads. At that time there was only 1 car-deer accident on file, but this past year four major accidents have occurred, all to do with speed. Two people ran a stop sign and broadsided a vehicle and the other two accidents occurred because both were driving over 75 mph. Requests have come to him for a 4-way stop at the intersection of Retsof Road and Chandler Road, as well as a speed reduction on Chandler Road from 45 mph to 35 mph from Route 36 (Main Street) to Retsof Road. Request was also made to reduce the current speed from 55 mph to 35 mph on Retsof Road from the Leicester Townline to Route 63.

A request was also made by American Rock Salt for “NO PARKING” on the west side of Retsof Road from Route 63 to the Salt mine, which we can proceed with.

Another request was made to the reduce the speed limit on Chandler Road from River Road to Retsof Road, from 55 mph to 45 mph.

Supervisor Deming stated the 99% of the time the state rejects speed limit reduction requests because they can't enforce them, and most times will recommend a higher limit. Mr. Deming added in one of the accidents, the Town of York was sued.

Mr. Worden commented that signage can be expensive, but can be safer and alleviate lawsuits.

The last request was made on Fowlerville Road to reduce the speed from 55 mph to 45 mph from Route 36 into the hamlet and from the Genesee River back to the hamlet 55 to 45 mph.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the following requests to the Livingston County Traffic Safety Board for review and action:

- (1) 4-way stop at the intersection of Retsof Road and Chandler Road
- (2) Speed limit reduction from 45 mph to 35 mph on Chandler Road from Route 36 to Retsof Road
- (3) Speed limit reduction on Retsof Road from the Leicester Town line to Route 63, from 55 mph to 35 mph.
- (4) Speed limit reduction on Chandler Road from River Road to Retsof Road, from 55 mph to 45 mph.
- (5) Speed limit reduction on Fowlerville Road from Route 36 into the hamlet and from the Genesee River back into the hamlet, from 55 mph to 45 mph.

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

OTHER:

1) COVID-19 Testing:

Supervisor Deming reported that the Livingston County Health Department will be sponsoring COVID-19 Rapid Testing on Saturday, December 12th from 10 am to 12 noon at the Murray Hill site.

2) York Fire Department Members:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the following new members to the York Fire Department:

James Hargrove

Grant Vogt

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

3) Request for assistance:

Mr. Worden reported that he received a call today from a neighboring town seeking assistance due to positive tests for COVID-19 in the Highway Department. The Town of York will assist them if needed, especially if the snow comes.

Supervisor Deming stated that the positive numbers in Livingston County are rapidly increasing for COVID-19, and commented that the Board needs to be prepared for Zoom meetings once again and could come as soon as January.

BILLS:

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

General Fund Claim	# 309-337	\$ 14,130.42
Consolidated Water/ Sewer	# 258-276	\$ 66,788.80
Light District	# 12	\$ 1,782.23
Highway Fund	# 200-217	\$ 10,710.50

•

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Town Board Meeting until December 28th close out meeting. Voted on and approved, Yes - 5, No - 0.

Town Board Meeting closed at 8:00 pm.

Respectfully submitted,
Christine M. Harris
Christine M. Harris, Clerk