

York Town Board Meeting
March 9th, 2021
7:00 pm

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

Absent: None

Others: Joe McIlroy, Carl Peter, (Zoning/Code Officer), George Worden Jr. (Highway Supt.) Heather Nagel, Henry Fuller, Kirk Richenberg, Cortney Underwood, Greg Burm, Andrew Walton and Dustin Geiger

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. Gates and seconded by Mr. Rose to approve the minutes of the February 9th Town Board Meeting. Voted on and approved, Yes-5, No-0.

HIGHWAY

Mr. Worden reported the following for the Highway Department:

- We continue to patch potholes where needed.
- We assisted the Town of Nunda with hauling of stone. When we need help at a future date, they will return the favor.
- The new Highway pick up is in service, hope to get it lettered soon.

1) Surplus Equipment:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to declare the 2004 pickup surplus equipment. Voted on and approved, Yes-5, No-0.

- We received a quote from R.B. Brock Construction for replacement of some siding at the shop and a new roof on the salt barn. If we do not take action soon, we will have problems. Mr. Worden stated that the Brock quote totaled \$8917.00 which included steel roof and flashing as well.

Councilman Smith commented that we discussed the possibility of replacing a building.

Mr. Worden replied the salt barn is structurally sound, it just needs a new roof. With no grant money available right now we can't look at replacement. We can always use this building for storage in future years if a new one is built.

Councilman Smith stated it would be his recommendation to obtain a 2nd bid. With multiple bids, we would have a choice on the proposed work. Mr. Worden encouraged

Councilman Smith to proceed with additional quotes and commented tht it is difficult because Brock’s quote has already been read aloud.

2) Agreement to spend Highway Funds:

Mr. Worden reported that the Livingston County Highway Dept. requests yearly documentation from him, with the Town Board considering approval of an Agreement to Spend Town Highway Funds. Mr. Worden outlined for the Board the improvements he will be preparing for this year and the estimated costs involved with such repairs:

-Simpson Rd & MacIntyre Rd. leading to McPherson Rd. (Black Top)	\$25,000.00
-Chestnut St at Rt. 36 to Short St. (Black Top)	\$10,000.00
-Limerick Rd at Anderson Rd. (Black Top)	\$25,000.00
-Federal Rd. at Anderson Rd. leading to Linwood (Black Top)	\$26,000.00
-River Rd. at Mt. Pleasant Rd. leading to Fowlerville Rd. (Black Top)	\$27,000.00
-Craig Rd. at Rt. 36 leading to Federal Rd. (Black Top)	\$40,000.00
-Mt. Pleasant Rd. at Milroy R/R leading to River (Black Top)	\$30,000.00
-Cowan Rd. at Federal Rd. leading to Stewart Rd. (Culvert replaced)	\$4,000.00
	TOTAL: \$187,000.00

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose, Pursuant to the provisions of Section 284 of the Highway Law, we agree that the monies levied and collected for the repair and improvement of highways and received from the State for the repair and improvement of highways shall be expended in the amount of \$187,000.00. Voted on and approved, Yes-5, No-0.

WATER/SEWER:

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

- The new water pickup is in service, hope for lettering soon.
- The Department has begun reading meters for the April billing cycle.
- Our THM test results are in the low 40’s
- Had a water leak in Piffard recently, there was yet again another saddle failure. We corrected the matter quickly.
- Had an issue with a sewer pump on Retsof Ave. We had a spare, which we used. Mr. Worden inquired with the proposed upgrades to the Retsof system, do we want to spend money for a new pump or we could use a portable pump or rent one if needed.
- Our newest FT hire has been moving forward with his training, additional session is scheduled for this summer which he was fortunate to get in.

- Our PT hire is doing very well learning the duties quickly. Mr. Worden commented that the Board has a letter from Senior Water/Sewer Operator Jim Hodges regarding potential plans for PT Water/Operator Trainee Riley Stella.

The Town Board each read the letter from Mr. Hodges pertaining to Riley Stella and his desire for the Board to consider hiring him as a full-time employee.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve Riley Stella as a full-time employee of the Town of York Water & Sewer Department. Voted on and approved, Yes-5, No-0.

*Mr. Stella's official start date will be effective March 15, 2021

(Continuation of Water/Sewer Report)

- Mr. Worden met with CPL a few weeks ago to discuss the new mandates for the State. Mr. Worden explained in detail the disinfection process at the Wastewater Treatment Plant.

Mr. Deming stated that this mandate from the State will cost roughly 1 million dollars. We were told that there may be some money available through the Water Quality Improvement Project Program but either way we have to proceed. Construction time frame 2022-23. At this time the Board would be approving the Preliminary & Final Design work.

1) WWTF Disinfection Proposal:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the proposal for engineering services from CPL for Preliminary & Final Design work in the amount of \$50,000.00 for an Ultraviolet Disinfection system at our wastewater treatment plant. Voted on and approved, Yes-5, No-0.

2) Retsof Water Services:

Mr. Worden reported that a pre-construction meeting has yet to be scheduled but did want the Board to be aware of a potential matter. There is a chance when construction takes place there may be 30 feet that needs to be addressed that homeowners should not be responsible for.

Supervisor Deming stated that this issue needs to be resolved before the project begins and feels CPL should be a part of this project for inspection purposes. We have this evening a proposal for engineering services for water services along Retsof Road in the amount of \$9,400.00. Mr. Deming added that these homes were put in back in the 40's and currently the shut offs cannot be located.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the proposal by CPL for engineering services related to the replacement of the water services along Retsof Road including connection to the main on the west side of the road, in the amount of \$9,400.00. Voted on and approved, Yes-5, No-0.

Councilman Smith asked how the quote is based? Supervisor Deming replied that the proposal is based upon the size of the project.

3) Covington Easement:

Mr. Worden reported that the Board has tonight an easement request from the Town of Covington for pump station purposes. Mr. Worden stated that they want to build a pump house which will be out of our way, so he does not have issues with it.

Attorney Campbell added tht he reviewed the easement and added additional language. There is no cost to the Town of York.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing the Supervisor permission to sign the Easement with the Town of Covington. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR:

1) Heather Nagel:

Mrs. Nagel asked to speak tonight regarding the ongoing application for a truck stop in Greigsville. Mrs. Nagel stated that the Planning Board has conducted Zoom meetings which is very difficult to follow and read aloud a statement she prepared:

3/9/2021 received

At the PB meeting a couple weeks ago, the applicants for the proposed truck stop in Greigsville indicated that they would likely ask the town for a tax incentive to pay for the pedestrian safety infrastructure that will likely be a requirement for their project.

I hope that the Town Board would not agree to such a proposal since there are 4 places in the Town's Zoning Code that specifically say that it's the builder's responsibility to make sure their development is safe, not the Town's.

Code 905, Section D2b says that: A proposed building, its use, or the intensity of operations involved with its use will not have a substantial or undue adverse effect upon traffic conditions and any other matters affecting public health and safety. In other words, a project needs to be safe. If that means sidewalks are needed, then sidewalks need to be part of the project and it's not the Town's responsibility to provide sidewalks for them.

Code 802, Section C says that: A special use permit may be issued with conditions that are directly related to and incidental to the proposed use." In other words, if the Planning Board needs to require safety features for a project, it has every right to do so. It doesn't say, "and the town will pay for those safety features.

Code 1 1 04, Section A2 says that: A plan shall include adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general, sidewalks shall be required along all dedicated roads on lots within 1 ,000 feet of a school or residential concentration. The proposed truck stop is less than 50 feet from school property, well within the 1000 foot proximity that makes sidewalks a requirement.

And finally, Code 515, Section B says that: Incentives shall be granted only if the amenities, such as sidewalks, that the builder offers to install in exchange for tax incentives wouldn't otherwise be required, or likely be required,

from the planning process before the Planning Board.

As you can see, there is no rationale for the TB to grant tax incentives for safety features that are the responsibility of the developers, not the Town of York taxpayers.

Also, if these sidewalks go in, who would maintain them and who would hold the liability on them?

The Town had studies done a few years ago which identified recommended safety features in the Greigsville Transportation Plan and I hope that the corner does get those upgrades some day. But on the Town's terms, when we are ready for them and in the way the Town chooses to, not as part of a deal to give tax breaks for something that a developer should be doing anyway.

2)Kirk Richenberg:

Mr. Richenberg asked a number of questions this evening:

Q-Does the Town Board or Planning Board have jurisdiction for a PILOT?

Supervisor Deming responded that usually a PILOT is initiated by the County with input by the Town, specifically the Town Board.

Q-With the new Solar law, it states that the Town Board has jurisdiction for a PILOT.

Supervisor Deming answered with the Solar PILOT, the Town Board along with the County and the school discussed details of the PILOT for a determination.

Comment-In regards to manure, the lagoons are full and lots of trucking is taking place...the trucks are parked on hills and creating dangerous situations.

Mr. Worden stated when he is aware of those situations, he speaks directly with the individual about where they could/should be located in order to unload more safely.

Councilman Smith added tht Mr. Worden had the same discussion with their farm and Lawnel ultimately put in a pull-off to eliminate any potential issues. Mr. Smith stated that their farm feels they have a responsibility to the community to do the right thing.

Comment- Mr. Richenberg stated this is becoming a safety issue.

Highway Superintendent, Mr. Worden stated that he is aware of some towns that work with their local farms, such as the Town of Perry, to put in pull-offs, with the towns actually paying for it.

Supervisor Deming asked what the Farm Bureau's thoughts are on this. Mr. Worden replied that he met with County Highway and the Farm Bureau to discuss potential recommendations.

Councilman Smith inquired with this type of agricultural procedure, what is the Town's liability? Mr. Worden answered that if the Town is aware of what is taking place we can also be named in a lawsuit if something should happen. Mr. Deming added unfortunately in most events we are included in lawsuits. Councilman Smith commented that he would think the other party is far more liable than the town.

Comment- Mr. Richenberg commented that we need to have better communication and farms must be held accountable. The same farm continues to do this and other things over and over without having any regard for safety of this community.

Mr. Worden reported that law enforcement has been up there frequently and can write tickets if they need to.

Councilman Smith stated that it should be up to law enforcement not our Highway Superintendent. This is not a productive way to spend highway tax dollars.

Supervisor Deming asked if the Board would be opposed to putting a Local Law on the books.

Councilman Smith expressed if the Town wants farms to put in pull-offs, the Town should do it. Supervisor Deming asked Mr. Worden the cost for a pull-off. Mr. Worden answered that it depends, but could be up to \$6,000. We need to know where specific areas need to be "beefed up".

Mr. Richenberg stated that recently there was total blockage of Linwood Road and this needs to be addressed. Councilman Smith replied if traffic is blocked that is the Sheriff's issue not the town. Mr. Walton commented that the Linwood Road issue was a bad situation. They need to have signage and cones up to notify drivers what is ahead, it would certainly go a long way.

Councilman Smith said there needs to be a clear line of communication between Mr. Worden, the Sheriff's Department and the local farmer to make this work.

Supervisor Deming stated he and Mr. Worden will contact the Livingston County Highway Department to discuss further suggestions.

Q- At the last meeting there was approval of manure lines, which I think is great, does the Town have to have easements for protection?

Mr. Worden replied we currently do not have easements but he does oversee the drilling aspect.

Q- Does the Town have protection?
Supervisor Deming and Mr. Worden stated that the Town could be put on the policy as a rider or additional insured.

Q- Is there any connection between the proposed Rt. 20 District and the \$107,000 “add on” approved for Anderson Road?

Supervisor Deming replied there is no connection with the two.

Comment- Mr. Richenberg commented that the three Anderson Road extensions serve no one.

3) Henry Fuller

Mr. Fuller asked the following questions of the Board:

Q- Was the February meeting the 1st time the Town Board saw the proposed Rt. 20 document?

Supervisor Deming replied that the official document was seen for the first time that night, but the Board did have copies prior to the meeting to review. They also were aware that Attorney Campbell was preparing such document. The Town Board only created the district, which is the first step in any water district. Nothing else has taken place, no pipe is in the ground.

Q- How long before Rt. 20 gets added to the Consolidated District?

Supervisor Deming answered that the residents within the proposed district need to convey to the Town if they even want us to proceed. Surveys are being completed as we speak and once they have been returned we will have a better understanding of who really wants and needs town water. If the majority chooses that they do not want water, we assist the areas that do.

Q- Who actually requested water?

Supervisor Deming replied that Growmark, Peter Stein and Jon Barefoot all inquired about the possibility of town water. More have expressed interest thereafter including residents on Route 20 going west. At this point this is only preliminary information to see whom actually wants this.

Q- Is the Town making any concessions to Growmark?

Supervisor Deming stated that the Town is not making any concessions to Growmark. Growmark has had discussions with the County regarding abatements.

Comment- I agree that there is a serious issue with the trucks dealing with the manure lines, something needs to be put in place.

NEW BUSINESS:

- 1) Liv. Co. Economic Dev. Correspondence
a- Growmark:

Supervisor Deming read aloud a letter he received from William Bacon, Executive Director of Livingston County Economic Development regarding Growmark's request to connect to the town's water system.



March 2, 2021

Supervisor Gerald Deming
Town of York
2668 Main Street
York, NY 14629

RE: GROWMARK FS
PUBLIC WATER SUPPLY

Dear Supervisor Deming:

As you are aware, Livingston County Economic Development has been working with Growmark F.S. on an expansion project at their location on NYS Route 20 (Telephone Road) that will include a 15,000 SF fertilizer plant and railroad spur extension. Growmark F.S. has expressed a desire to obtain a connection to the public water supply to support their operations.

On behalf of Growmark F.S., Livingston County Economic Development formally requests the ability to connect to the Town of York Public Water System. We understand that water main was recently installed to the corner of NYS Route 36 and NYS Route 20, as part of a Town project, and that additional main will be required to reach the facility. We will work with the Town as needed to implement the proposed system extension.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

William Bacon, Executive Director
Livingston County Economic Development

2) Davies Nagel Resignation

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to accept the resignation of York Planning Board member Davies Nagel, effective February 23, 2021. Voted on and approved, Yes-5, No-0.

3) Appointment

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to appoint Zach Kobylanski to the position recently vacated by Mr. Nagel on the York Planning Board. Voted on and approved, Yes-5, No-0.

** Mr. Kobylanski's previous position was Alt. #1 on the Planning Board.

4) Advertisement

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to advertise for one (1) alternate to the York Planning Board for a term of 5 years. Voted on and approved, Yes-5, No-0.

5) Correspondence

Supervisor Deming read aloud and email Clerk Harris received recently from Lynne Messana:

3-2-2021 received

March 2, 2021

To: York Town Board
Christine Harris

Earlier this week I was asked to sign a petition "to get more information" on the York Water District for Route 20. I signed it. After signing it I kept thinking about it and decided to get more information about what was going on.

Would like you to understand that I have no problem with people getting more Let's look out for our neighbors water, my husband and I are all in on the York Water District providing them with that sacred water connection.

We also had a sparce providing well and our water has been a very big blessing. Let's look out for our neighbors and help them with their needs.

I am sorry for any confusion of my signing the petition and hope this note will help to convey what we really want.

Thank You

Lynne Messana

6) Public Employer Health Emergency Plan

a) Requirement per NYS

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to approve the Public Employer Health Emergency Plan for the Town of York in accordance with NYS Legislation S8617B/A10832. Voted on and approved, Yes-5, No-0.

7) Town Hall rental status

Clerk Harris reported that a number of residents continue to contact her inquiring if the Town Hall is available to rent once again, and asked the Board how they wish to proceed for the next few months.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to not allow renters of the York Town Hall for the months of April and May of 2021. Voted on and approved, Yes-5, No-0.

8) York Fire Department

a) New member:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates approving Dan Nichols as a new member to the York Fire Department. Voted on and approved, Yes-5, No-0.

BILLS

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

• General Fund	# 51-75	\$ 17,013.58
• Consolidated Water/Sewer	# 47-68	\$ 65,456.61
• Highway Fund	# 35-51	\$ 48,995.97
• Youth	# 1	\$ 1,475.00

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting until April 13th, 2021. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:00 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk