

Special Town Board Meeting
April 27th, 2021
11:00 am

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

Absent: None

Others: James Campbell (Town Attorney), Henry Fuller, George Worden Jr. (Highway Supt.) and Kirk Richenberg.

Supervisor Deming opened the Town Board Meeting at 11 a.m. stating that the purpose of the meeting is to discuss three topics. Supervisor Deming asked Attorney Campbell to give an overview of the Rt. 20 matter.

1) Rt. 20 discussion:

Attorney Campbell stated now that the Map, Plan & Report was presented and approved by the Town Board, the Board can now proceed with scheduling of a Public Hearing to receive comment on the Formation of the Consolidated Water District-New York State Route 20 Extension.

The Board discussed how to proceed with the hearing due to Covid-19 regulations. It was determined that the hearing will be of a hybrid nature, some in the hall with others able to access via Zoom.

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

TOWN OF YORK
2668 Main Street, York NY 14592

NOTICE IS HEREBY GIVEN, that pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020 (and subsequent Executive Orders), and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town of York Planning Board will convene a hybrid (in-person and remotely held) Public Hearing on Tuesday, May 18, 2021 at 6:00 p.m. for the purpose of considering public opinion and comment about or concerning the following:

The potential formation of the Town of York Consolidated Water District –NYS Route 20 Extension to include the property noted in the Map, Plan and Report filed in the York Town Clerk’s Office and as more particularly described in the Map, Plan and Report on file the York Town Clerk’s.

The Public Hearing will commence at 6:00 p.m. and shall be conducted at the Town of York

Town Hall, located at 2668 Main Street, York, New York **AND** through the use of ZOOM, a remote video and/or telephone conferencing tool that will allow the public to participate remotely by telephone or video connection. **Please note that due to social distancing constraints and the limitations on in-person capacity at the Town Hall, the Town Board is requesting that those members of the public that are comfortable attending remotely through ZOOM please do so using the following instructions:**

Join Zoom Meeting

<https://us02web.zoom.us/j/83715523979?pwd=Mjl3OTFsbXltMDdSV1hxMys1e1BjUT09>

Meeting ID: 837 1552 3979

Passcode: uJxW03

One tap mobile

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Dial by your location

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+1 253 215 8782 US (Tacoma)

Meeting ID: 837 1552 3979

Passcode: 431070

This meeting will be recorded and transcribed.

**RESOLUTION AND ORDER for Legal Notice of Public Hearing to
Receive Comment on the Formation of the
Town of York Consolidated Water District –NYS Route 20 Extension pursuant to New York State
Town Law § 209-d**

WHEREAS, the Town Board of the Town of York desires under Article 12-A of the New York State Town Law to create the Town of York Consolidated Water District –NYS Route 20 Extension, which would include certain real property located wholly in the Town of York, County of Livingston and State of New York; and

WHEREAS, the Town Board on February 9, 2021 resolved pursuant to Town Law §209-b to have the Town Engineer produce a Map, Plan and Report to provide the details of the improvements and the costs of such improvements to take place within the Town of York Consolidated Water District –NYS Route 20 Extension; and

WHEREAS, the Town Engineer has caused such Map, Plan and Report to be prepared and delivered to the Town Board and the Town Clerk of the Town of York; and

WHEREAS, the real property that will be located in the district is described in the map, plan and report attached to said petition and filed in the York Town Clerk's Office and is more particularly described as follows:

All that tract or parcel of land situate in the Town of York, Livingston County, State of New York, being described as follows:

Beginning at a point, being at the intersection of the center line of NYS Route 20 (Telephone Road) (66 feet wide right-of-way) and the center line of Main Street (NYS Route 36) (right-of-way width varies); said point also being on a northerly line of the Existing Anderson Road Extension to the

Consolidated Water District; thence,

1. Easterly, along the center line of NYS Route 20 (Telephone Road), and a northerly line of the Existing Anderson Road Extension to the Consolidated Water District, a distance of 500 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Main Street (NYS Route 36); thence,
2. Southerly, along a line 500 feet easterly of and parallel to the center line of Main Street (NYS Route 36), and the Existing Anderson Road Extension to the Consolidated Water District, through the lands of tax account number 31.-1-14.21, a distance of 501 feet, more or less, to a point 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road); thence,
3. Easterly, along a line 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road). through the lands of tax account number 31.-1-14.21, a distance of 1,798 feet, more or less, to the southerly line of tax account number 31.-1-16; thence,
4. Southeasterly, along the southerly line of tax account number 31.-1-16, a distance of 56 feet, more or less, to the westerly line of tax account number 61.-1-71.1; thence,
5. Southerly, along the westerly line of tax account number 61.-1-71.1, a distance of 558 feet, more or less, to the westerly extension of the southerly line of tax account number 31.-1-61.1; thence,
6. Southeasterly, along the westerly extension of the southerly line of tax account number 31.-1-61.1, and the southerly line of tax account number 31.-1-61.1, through the lands of tax account number 61.-1-71.1, a distance of 208 feet, more or less, to an angle point; thence,
7. Easterly, along the southerly lines of tax account numbers 31.-1-61.1 and 31.-1-18.12, a distance of 1,144 feet, more or less, to the easterly line of tax account number 31.-1-18.12; thence,
8. Northwesterly, along the easterly line of tax account number 31.-1-18.12, a distance of 729 feet, more or less, to a point 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road); thence,
9. Easterly, along a line 500 feet southerly of and parallel to the center line of NYS Route 20 (Telephone Road), through the lands of tax account numbers 31.-1-18.11 and 31.-1-19, a distance of 2,359 feet, more or less, to a point 500 feet westerly of and parallel to the center line of McPherson Road (49.5 feet wide right-of-way); thence,
10. Southerly, along a line 500 feet westerly of and parallel to the center line of McPherson Road, through the lands of tax account numbers 31.-1-19 and 31.-1-29.113, a distance of 2,194 feet; thence,
11. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of McPherson Road; thence,
12. Northerly, a distance of 2,256 feet, parallel to the center line of McPherson Road; thence,
13. Easterly, a distance of 2,222 feet, parallel to the center line of NYS Route 20; thence,
14. Southerly, a distance of 980 feet, parallel to the center line of Macintyre Road; thence,
15. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of Macintyre Road; thence,
16. Northerly, a distance of 1,142 feet, parallel to the center line of Macintyre Road; thence,
17. Easterly, a distance of 2,093 feet, parallel to the center line of NYS Route 20; thence,
18. Southerly, a distance of 4,258 feet, parallel to the center line of Casey Road; thence,
19. Easterly, a distance of 1,000 feet, along a northern line of the Consolidated Water District to a point 500 feet east of the centerline of Casey Road; thence,

20. Northerly, a distance of 4,956 feet, parallel to the center line of Casey Road to the center line of NYS Route 20; thence,
21. Westerly, a distance of 1,830 feet along the Town line; thence,
22. Westerly, a distance of 11,274 feet, parallel to the center line of NYS Route 20, to a point 500 feet north of NYS Route 20 along the center line of NYS Route 36; thence,
23. Southerly, a distance of 171 feet along the center line of NYS Route 36 to the northern property line of tax account number 31.-1-7.12; thence,
24. Westerly, a distance of 746 feet, along the northern property line of tax account number 31.-1-7.12; thence,
25. Southerly, a distance of 334 feet, along the westerly property line of tax account number 31.-1-7.12; thence,
26. Easterly, a distance of 752 feet, along the center line of NYS Route 20, to the point of beginning.

Consolidated Water District NYS Route 20 Extension, as described above, contains approximately 483.30 acres of land.

All as shown on a map prepared by CPL, entitled “NYS Route 20 Extension – Proposed Water District Map”, dated April 13, 2021.

NOW THEREFORE BE IT ORDERED and RESOLVED, that the Map, Plan and Report for the Town of York Consolidated Water District –NYS Route 20 Extension as prepared by Clark Patterson Lee and dated April 2021 is hereby acknowledged as received by the York Town Board and has been filed in the York Town Clerk’s Office; and be it further

RESOLVED, that pursuant to New York State Town Law, a public hearing be held on the 18th day of May, 2021 at 6:00 p.m. at the York Town Hall at 2668 Main Street, York, New York and remotely by ZOOM, with respect to the formation of the Town of York Consolidated Water District – NYS Route 20 Extension to include the property noted in the Map, Plan and Report filed in the York Town Clerk’s Office and as more particularly described in the Map, Plan and Report on file the York Town Clerk’s; and be it further

RESOLVED, that the Map, Plan and Report calls for the installation of approximately 14,160 linear feet of 2 inch, 4 inch and 8 inch water main (with hydrants, valves and other appurtenant infrastructure) that will serve approximately 15 single-family homes and 6 commercial properties; and be it further

RESOLVED, that the maximum amount proposed to be expended for the improvements above is \$673,000.00, of which \$362,372.00 shall be paid from grant funds from Livingston County as well as a SAM grant and the remaining balance of \$310,628.00 shall be financed through long term bonds at an estimated 2.25%, amortized for 20 years; and be it further

RESOLVED, that the anticipated cost to the typical property located within the Town of York Consolidated Water District –NYS Route 20 Extension shall be on a benefit basis and is estimated to be \$887.00 per unit; and be it further

RESOLVED, that 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 be it further

RESOLVED, that a copy of the map, plan and report describing the proposed district formation and the improvements to be constructed therein is available for the public inspection at the York Town

Clerk's Office; and be it further

RESOLVED, that at the time and date aforementioned, all interested parties may be heard concerning the formation of the proposed Town of York Consolidated Water District –NYS Route 20 Extension.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Tuesday, April 27, 2021 recorded as follows:

Vote of the Board: Supervisor Deming - Aye, Councilperson Gates – Aye, Councilperson Rose – Aye, Deputy Supervisor Parnell – Aye, Councilperson Smith – Aye

I, the undersigned, Clerk of the Board of the Town of York of the County of Livingston, hereby certify that the above Resolution and Order was duly adopted by the York Town Board of said Town on date above, and that the same is a true and correct transcript of said Resolution and Order.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 27th day of April, 2021.

Christine M. Harris
Christine Harris, Town Clerk

Dated: April 27, 2021

By order of the Town Board
Christine Harris, Town Clerk

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

2) Moratorium Discussion:

Supervisor Deming stated that due to the ever-changing regulations for Solar Energy, the Board may wish to proceed with a potential moratorium to combine the two existing Local Laws we have on the books regarding large scale solar energy systems as well as wording for Battery Storage.

Mr. Campbell stated that Large Scale Solar and Battery Storage are separate laws.

Supervisor Deming reported that a local farm wants to rent out their roof top to a solar company which currently our law does not allow. Attorney Campbell explained that Type 1 Solar is for your own use but Type 2 Solar is for your use and additional profit. What is being proposed, ground mounted arrays our code does not allow, we only allow on buildings for own purposes.

Councilman Smith commented that we need to move forward in order not to hold this application up.

Attorney Campbell stated again, currently there is not a permitted use for this application so in order for them to proceed it will be up to the Town Board on how they wish to go forward since it is not allowed currently in our zoning. Mr. Campbell added this is the first request in the region.

Supervisor Deming stated we could do a separate Local Law for each (Large Scale Solar and Battery Storage).

Attorney Campbell commented that he has been working on updates for the Town of Avon recently that might work here in York as well and added that the Industry is constantly changing.

Councilman Rose stated that a moratorium does not lock you into a year, we can always terminate it if necessary.

Mr. Campbell stated that the Board discussed the possibility of a 3-month moratorium but feels that it is not a sufficient time table when filing requirements necessary and suggested a 4-6 months moratorium.

Councilman Smith and Supervisor Deming agreed that a 6-month moratorium would be appropriate.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing Attorney Campbell permission to prepare a 6-month moratorium document for Large Scale Solar installations. Voted on and approved, Yes-5, No-0.

RESOLUTON offered by Mr. Smith and seconded by Mr. Gates authorizing Attorney Campbell permission to prepare a 6-month moratorium document for Large Scale Battery Energy Storage System installations. Voted on and approved, Yes-5, No-0.

3) York Road West water:

Supervisor Deming stated at the April 13th meeting the Board granted permission to Mr. Morgan and Mr. Harris to install a 2 inch water main on York Road West per Town of York specifications. It was recently discussed that perhaps the line might want to be upgraded to a 6 inch line. The residents of York Road West would pay the original cost of the 2 inch line, with the Town of York paying the difference for the upgrade.

Highway Superintendent, Mr. Worden commented that it would be a great opportunity now to upgrade from 2-6". Currently if we were to lose one of the two loops, we are unable to get water to areas within the town, but this upgrade would connect the loops, with no dead ends.

Councilman Smith asked what the additional cost would be to the Town. Supervisor Deming replied for piping and valves it would cost \$25,600, and to include six (6)

hydrants the total would be \$56,000. Mr. Deming added with a 6 inch line fire protection would be available to those residents.

Supervisor Deming reported that we roughly have \$350,000 in Fund Balance and an additional \$300,000 coming from COVID-19 Relief Fund that can be used for infrastructure (water, sewer and internet) purposes.

Councilman Gates inquired what the debt service would be. Supervisor Deming answered that the York Road West area would have the same debt service as the current Linwood District. Mr. Deming commented that he is confident we would be able to use the Relief funds for this water project.

Councilman Smith asked how many hydrants are required. Mr. Worden replied that each project is different but the Health Department has been scaling back regulations when it comes to Ag land, because hydrants are not needed in those areas.

Supervisor Deming and Councilman Smith stated they believe three (3) hydrants in this area would be sufficient. Mr. Worden added that we have had a bit more say on the number of hydrants with the Health Department, but ultimately they have the final determination. Attorney Campbell commented that three hydrants are better than none.

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith authorizing CPL to upgrade the water main on York Road West from 2” to 6” and to adjust the number of hydrants from 6 to 3, if approved by the Health Department. Voted on and approved, Yes-5, No-0.

*York Road West residents will pay the cost of the originally quoted 2 inch line, with the Town of York paying the difference to upgrade.

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Special Town Board Meeting at 11:25 a.m. Voted on and approved, Yes-5, No-0.

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