

York Town Board Meeting  
May 11<sup>th</sup>, 2021  
7:00 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr., (Highway Supt) Kirk Richenberg, Heather & Davies Nagel, Joe McIlroy (Planning Board Chairman), John & Kaye Morgan, Henry Fuller, Matthew Halladay (Genesee Valley Conservancy) Martha Edmonds and Carl Peter (Zoning/Code Officer)

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

**MINUTES**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the April 13<sup>th</sup> Regular Town Board Meeting and April 27<sup>th</sup> Special Town Board Meeting. Voted on and approved, Yes-5, No-0.

**PRIVILEGES OF THE FLOOR:**

1) Genesee Valley Conservancy (Matt Halladay):

Mr. Halladay asked to speak with the Board this evening as he has in previous years about an application for a Farmland Protection Implementation Grant. This year the Genesee Valley Conservancy had over 10 applicants to review and ultimately chose Woodlawn Farm. Mr. Halladay explained that it is required to receive endorsement from the local Town Board in order to apply for such grant. Mr. Halladay added that it is also necessary for the Board to address whether any member may have a conflict with Woodlawn Farm.

Supervisor Deming asked the Town Board if any member had a conflict with the Woodlawn Farm application, which all replied they did not.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to endorse the Woodlawn Farm application to New York State Department of Agriculture & Markets for a Farmland Protection Implementation Grant, each member signified that they did not have a conflict with this application. Voted on and approved, Yes-5, No-0.

2) Henry Fuller:

Mr. Fuller distributed to four members of the Board copies of the Rt. 20 petition for review. He then stated that this list of names consisted of concerned residents

requesting information on the Rt. 20 Water District. Mr. Fuller commented that at the last meeting he was accused of intentionally trying to hold up water for this area which was not his intention. All he and they were asking for was more information and feels that not all Board members even saw the list of names and asked each member if they had. Councilmembers Parnell and Rose stated they had, Councilman Smith and Gates stated they had not.

\*NOTE: Town Clerk received the petition from Mr. Richenberg on March 10, 2021 and made copies for ALL Town Board members and Town Attorney the same day.

Councilman Rose stated that he noticed that the majority of the names on this petition are not in the proposed Rt. 20 district. Councilman Smith inquired what other conversations took place with the residents who signed the petition. Mr. Fuller responded that no other conversations took place but what was listed on the petition regarding concerns.

Attorney Campbell commented that this petition was not a request for information this stated purpose was to seek a vote to force a referendum.

Mr. Fuller stated that the district information the Town Board had originally was going to many areas, and that's what we were seeking more information on.

Supervisor Deming answered that Mr. Fuller had the same information as the Town Board did and what was being mailed to the residents in that proposed district boundary. Mr. Deming added that once the completed surveys were returned it reflected that the majority of the residents east on Telephone Road wanted water but west of Telephone Road did not.

Mr. Fuller stated that he questioned many things over the years including minutes to have a better account of what was said in the meetings.

Clerk Harris questioned Mr. Fuller's statement regarding her record keeping of meeting minutes and stated that she takes great pride in documenting as much information as possible. He may not always approve of what was recorded but the Board must be satisfied with them since they are approved at each meeting.

Councilman Smith answered that the Board does approve the minutes each meeting and we are happy with them.

Mr. Fuller stated that the Board received the first Map, Plan & Report for Rt. 20 right before the start of the meeting and voted on it without even seeing it and feels it was not enough time to approve.

Attorney Campbell clarified that the Board did not vote on the Map, Plan & Report, they approved acceptance of the document that was prepared. The Board is a long way from approval, they still need to have the Public hearing to receive comment for the proposed

district. The Map, Plan and Report is the beginning stage of the process to present to the public, not unlike how other districts were created.

Supervisor Deming reminded the Board that the Rt. 20 Water Public Hearing is scheduled for Tuesday, May 18<sup>th</sup> at 6:00 p.m.

Mr. Fuller questioned again what was voted on at the last Town Board Meeting? (April 13<sup>th</sup>)

Attorney Campbell replied that the vote was to accept receiving the Map, Plan & Report in order to present it to the public. It did not create the district, the hearing must be conducted with feedback and then a decision can be made thereafter.

2) Kirk Richenberg:

Mr. Richenberg stated he has nothing for tonight's meeting.

### **HIGHWAY**

Mr. Worden reported the following for the Highway Department:

- Unfortunately, we had to get the plow equipment back out and had to put salt down
- We worked on Federal Road, Anderson Rd and Linwood Rd. where the water line was installed. Stone has been put down recently but final grade is yet to be completed.
- We have been mowing cemeteries and parks once again
- Brush pick up started yesterday and should be finished tomorrow or Thursday

### **WATER/SEWER:**

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

- Had a meeting with CPL & Morsch Pipeline to address the punch list items for Anderson Road.
- The Town of Leicester will be connecting to us tomorrow for water service.
- Had a meeting with CPL & Rochester Pipeline regarding the start date for Retsof Water Services. They will begin on Monday (17<sup>th</sup>)
- Mr. Worden stated that he and Water/Sewer Operator Mr. Hodges are now reviewing the plans for the ultraviolet disinfection system.
- The Retsof Treatment Plant is running smoothly.

Supervisor Deming questioned the flushing process for Leicester which Mr. Worden explained in detail, adding that flushing will have to be done in increments in order to allow for our tanks to refill.

Councilman Smith inquired if the Town of Leicester has plans for a Water Department. Mr. Worden replied that a Highway person handles the water duties in Leicester.

**NEW BUSINESS:**

1) Recycling Fee Schedule:

The Board received a copy of the current Recycling Center rates along with a proposed new fee schedule for review and potential increase approval.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the new fee schedule for the Town of York Recycling Center effective **June 12, 2021**. Voted on and approved, Yes-5, No-0.

**NOTE: Effective June 12, 2021 the rate schedule at the York Recycling Center will increase due to the rising costs of solid waste and recycling removal. Below is the complete list of fees.**

**TOWN OF YORK RECYCLING CENTER**

**Saturday's ONLY - 8:00 am TO 10:30**

**REFUSE DISPOSAL RATES:**

**TRASH:**

White Kitchen trash bags	\$2.00
Trash Cans	\$5.00
Black Trash Bags	\$5.00
55 Gal. Drums	\$6.00
Trash/Contractor bags	\$6.00
Small Pick-up Load	\$40.00
Full size Pick-up Load	\$60.00

**APPLIANCES:**

Toilets	\$5.00
Microwave	\$5.00
Refrigerators/Freezers (all sizes)	\$30.00
Stoves/Dishwashers/hot water tanks etc.	\$10.00
Washing Machine/Dryers	\$10.00
Computer towers/terminals Lap tops	\$5.00
Flat screen TV's & Monitors any size	\$5.00
TV up 27" w/CRT	\$10.00
TV over 27" w/CRT	\$35.00
Oversized/Wood Console TV	\$40.00
Air Conditioners	\$25.00

**TIRES:**

Car/Truck tires (no rims)	\$5.00
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**Large Truck And Rear Tractor Tires are NO LONGER ACCEPTED**

**MISCELLANEOUS:**

Mattress(Single)	\$10.00
Mattress/Box Spring (D,Q,K)	\$18.00
Stuffed Chair/Recliner	\$5.00
Sofa/Couch (Large)	\$15.00
Love Seat	\$10.00

**ACCEPTED AT NO CHARGE:**

Scrap metal - sheet metal, metal parts, lawn mowers, electric motors, plumbing, fasteners, aluminum, steel, iron, brass, etc. Limbs, hedge trimmings etc.

**RECYCLABLE MATERIALS ACCEPTED NOW WITH WEEKLY USAGE FEE OF \$1.00**

***Glass and plastic containers, (clear/colored) rinsed clean\*\*  
Tin & Aluminum cans, rinsed clean, Cardboard (corrugated) and paper board,  
Newspapers/magazines/office paper.***

**ITEMS NOT RECYCLABLE - MAY BE BAGGED WITH REGULAR GARBAGE**

***Household batteries (all sizes), Paint Cans that are empty or have dried paint in them,  
\*\*Window glass, ceramics, decorative glass, mirrors, light bulbs, etc.***

**ITEMS NO LONGER ACCEPTED**

***Mercury light bulbs, motor oil, antifreeze, insecticides or any caustic containing plastics,  
propane or acetelene torch tanks***

2) Water Tap Application:  
a-4185 Main Street:

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to approve the Water Tap application submitted by Zach Kobylanski for property located at 4185 Main Street. Voted on and approved, Yes-5, No-0.

\*Tap fee was waived due to the fact that the owner has already been paying a yearly debt service on vacant land to the district. (which is greater a than a unit charge for a single-family residence).

3) Town Hall Window bids:

Supervisor Deming stated that we received one (1) bid to replace 5 windows inside the Town Clerk's office. The bid submitted was from DioGuardi Construction in the amount of \$6,875.00, replacing with Andersen 400 series Double Hung Tilt Wash windows with screens and no grills.

Councilman Smith inquired with our Procurement Policy, are we able to accept this quote because it is the only bid received. The policy states for purchases of goods less than \$7,000.00 but greater than \$3, 000.00, require an oral request, fax or email quotes from two vendors. Supervisor Deming stated that we officially advertised in our legal paper and it was posted on the website for bidders and feels we followed protocol.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose accepting the bid submitted by DioGuardi Construction for 5 replacement windows in the Town Clerk office in the amount not to exceed \$6,875.00. Voted on and approved, Yes-5, No-0.

4) Proposed Local Laws:

Attorney Campbell discussed and presented to the Board a draft moratorium prohibiting Large Scale Solar installations (Type 2 Solar Energy Systems as defined in the Town of York Zoning Ordinance and other Commercial Solar Energy Systems not therein defined) within the Town of York. (Each board member received a copy of this draft prior to the meeting).

Attorney Campbell stated per request of the Board at their April 27<sup>th</sup> Special Meeting, the Board authorized him to prepare a 6-month moratorium document for Large Scale Solar installations.

Mr. Campbell also presented a draft moratorium on Large Scale Battery Energy Storage System installations. (Each member received a copy of the draft prior to the meeting). Again, at the April 27<sup>th</sup> Special Meeting of the Town Board, Mr. Campbell was authorized to prepare a 6-month moratorium document for Large Scale Battery Energy Storage Systems.

The Board stated that all received and reviewed both proposed Local Laws.

A) Livingston County Planning Board:

1) Large Scale Solar:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing Attorney Campbell to refer proposed Local Law for Large Scale Solar to the Livingston County Planning Board for review at their June 10, 2021 meeting. Voted on and approved, Yes-5, No-0.

2) Large Scale Battery Storage Systems:

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith authorizing Attorney Campbell to refer proposed Local Law for Large Scale Battery Storage Systems to the Livingston County Planning Board for review at their June 10, 2021 meeting. Voted on and approved, Yes-5, No-0.

B) Schedule of Public Hearings:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to schedule the Public Hearings for Large Scale Solar installations and Large-Scale Battery Energy Storage Systems for Tuesday, June 15<sup>th</sup>, 2021 at 6:00 p.m. at the York Town Hall. Voted on and approved, Yes-5, No-0.

**\*Public Hearings will follow one another.**

5) Retsof Water Service Change Order:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose authorizing payment for Change Order #1; Retsof Water Services in the amount of \$12, 150.00. Voted on and approved, Yes-5, No-0

**OTHER:**

1) The Marijuana Regulation & Taxation Act:

Attorney Campbell reported that Clerk Harris through their Association, was recently made aware of new legislation pertaining to local towns “opting out” of Adult Use Cannabis Retail Dispensaries and on-site consumption sites. Nothing has to be determined at this point but wanted the Board to be aware of the deadline for action. If a given town choses to opt out, it must be done by Local Law and filed before December 31, 2021 otherwise the town loses the opportunity to render a decision. If the Town Board does not take any action, they will be permitted. Supervisor Deming asked if we proceed with a Local Law to “opt out” would we be able to change at a later date. Attorney Campbell replied the Town can change if they desire.

**BILLS:**

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

- General Fund # 119-147 \$ 16,060.95
- Consolidated Water/Sewer # 93-116 \$184,959.78
- Highway Fund # 71-85 \$ 4,733.84

**ADJOURNMENT:**

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

Town Board Meeting closed at 7:40 p.m.

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