

York Town Board Meeting
July 13th, 2021
7:00 pm

Present: Deputy Supervisor Lynn Parnell, Councilmen: Norman Gates and Frank Rose Jr.

Absent: Gerald Deming and Amos Smith

Others: James Campbell (Town Attorney), George Worden Jr., (Highway Supt) Joe McIlroy (Planning Board Chairman) Kirk Richenberg, Greg Burm, Cortney Underwood, Alan Brightman, Melissa Alber and Carl Peter (Zoning/Code Officer).

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

MINUTES

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the minutes of the June 8th Regular Town Board Meeting and June 15th Public Hearing. Voted on and approved, Yes-3, No-0.

BILLS:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-3, No-0.

- General Fund # 180-215 \$ 73,179.62
- Consolidated Water/Sewer # 138-166 \$ 29,020.60
- Highway Fund # 98-114 \$ 3,208.42

PRIVILEGES OF THE FLOOR:

1) Kirk Richenberg:

Mr. Richenberg asked to speak with the Board pertaining to Anderson Road Water, Highway Department and Town Policies.

Q- Did the contractor fix the vault on Anderson Road?

Mr. Worden replied that he did fix the vault issue but we have yet to be billed for it.

Q- What was the resolve?

Mr. Worden answered that we hooked onto the drain tile across the homeowner's property to the ditch.

Q- I saw a drain in the lawn further onto the property?

Mr. Worden stated that we have an easement and are within the easement boundaries.

Q- How much money is left in the Anderson Rd project?

Deputy Supervisor Parnell commented that she does not have that figure this evening.

Q- Last month it was discussed to advertise for part-time help, did I miss the notice?

Mr. Worden stated he just completed the wording and it will be in the Livingston County News shortly.

Q- You wanted to hire a full-time person previously but now you are looking for part-time help instead?

Mr. Worden answered that we did advertise for a FT employee but only received one applicant. We hope to advertise once again at a later date when State incentives have ceased and people need to get back to work.

Q- Will work get done with P/T help?

Mr. Worden stated that the work will be completed.

Q- The Town Board is pursuing Rt. 20 Water Dist. establishment under NYS regulations, has any member of the Board read the law on Formation of districts?

Each member of the Board responded that they have not read the laws on Formation of Water Districts. Attorney Campbell commented that the Board does not have to read such laws, that's what his job as Town Attorney is for.

Q- In the current Town of York Zoning Ordinance, in Section 801 paragraph E, it states that the Code Enforcement Officer has to prepare monthly reports to the Town Board, has he been doing that?

Councilman Rose replied that Mr. Peter does prepare correspondence for the Board each month.

2)Melissa Alber:

“Good evening, my name is Melissa Alber and as the president of the York Historical Society I am here tonight on behalf of the organization in an attempt to help dispel the rumor that the society is selling the Warren House Museum on Dow Road.

The former home of Bill Orwen was purchased by the Historical Society in 2006. In the 15 years since owning the house a small group of dedicated members has worked diligently paying off the \$30,000 mortgage and is currently nearing the end of paying off a \$10,000 loan for a new roof and to make the museum wheelchair accessible. Since we have had the house, the Historical Society and the Town have benefitted from the \$2,000/year provided by the Town budget for record storage and the Town Historian’s office.

Over the past year as everyone knows, businesses and not for profits alike were hit hard by the limits imposed by the pandemic. We were unable to hold events and fundraisers as we have in the past and discussion did arise regarding what would happen IF we had to sell the house. Unfortunately, this information was communicated to the Town Board and apparently many members of the community as fact. This story was not shared by any of the Historical Society’s officers nor any of its board members. If it were just a matter of dispelling rumor that would be one thing, however based on this misinformation, the Town Historian has moved his office and the Town’s historical records to a local storage facility. This change has made direct access to the materials by members of the society as well as the community, much more challenging and likewise eliminated a major resource that enables the society to provide the museum and events to the community.

I understand that money for 2021 has already been allocated and currently the town historian’s office is now located in a storage facility but I wanted to let you all know of the serious financial hardship this move and rumor has created for the continued success of the museum and that we are still willing and able to house the town’s records and provide a 1st floor office for the historian if this creates easier access.

We plan to be open the last Sunday of the month and invite you to come enjoy our new exhibits. We thank you for your past support and look forward to continuing to partner with the Town to preserve and share the history of York with the community.”

Councilman Rose commented that he hopes conversations can take place with Mr. Gates (Town Historian) about bringing the records back to the Orwen House location.

Ms. Alber stated once again that Historical Society members have worked very hard to make improvements and do not have any plans to sell the house and wanted to address and dispel the rumors in the community.

Clerk Harris stated that the Town has paid for Mr. Gate’s storage unit until the end of October this year so if you are able to come to a resolve before that time, the Town will need to be notified in order to not renew for an additional six months.

Ms. Alber commented on another note, she wanted to thank the Town Board for the efforts made in getting water to her location and the rest of her neighbors. Municipal water has made a huge difference and they are grateful for it.

HIGHWAY:

Mr. Worden reported the following for the Highway Department:

- The department continues to mow cemeteries and road sides
- We changed a culvert this week on Milroy Road
- There was a great deal of storm damage on Batzing Rd, hauled 15 truck loads of brush and limbs away.
- We had several signs fixed throughout the town due to wear or accidents upon them.

WATER/SEWER:

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

- We recently had a water break on Piffard Circle. It ran for roughly an hour before we were able to get under control. It did run across some lawns but no real damage took place. The Board has discussed this area several times about replacement of this line and feels we need to replace the main now.

Mr. Worden stated that CPL has submitted a proposal for engineering services related to the replacement of the water main along Piffard Circle West and East. The project will include approximately 1,300 linear feet of 6-inch water main

- Mr. Worden reported that a town resident asked him about the restoration work to be completed by the Town of Leicester on Rt. 36 with their new line as it affects our residents' property. Mr. Worden contacted Leicester Supervisor, Mr. Fanaro about the request.

1) Tank Inspection:

Mr. Worden stated that he requested CPL obtain 3 quotes regarding inspection of the two tanks on Tuttle Road. The quotes are as follows:

- U.S. Underwater \$3,300.00
- Pittsburg Tank & Tower Group \$2,500.00
- Atlantic Underwater Services Inc. \$5,000.00

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the bid submitted by Pittsburgh Tank & Tower Group in the amount not to exceed \$2,500.00, for inspection to the water tanks on Tuttle Road. Voted on and approved, Yes-3, No-0.

2) Piffard Circle Water Main replacement:

The Board agreed that this area on Piffard Circle needs replacement and feels we must proceed with the engineering proposal from CPL.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the proposal submitted by CPL in the amount of \$15,800.00 for engineering services for replacement of watermain along Piffard Circle East and West. Voted on and approved, Yes-3, No-0.

SEWER: Mr. Worden reported that at the Retsof Treatment facility, the “Muffin Monster” needs some attention and we will be working on it.

OLD BUSINESS:

1) Rt. 20 Water Extension:

Attorney Campbell reported that Clerk Harris has prepared a certification stating that no petitions seeking a permissive referendum regarding Rt. 20 Water were filed within 30 days after the adoption of such resolution.

*Attorney Campbell will notarize this certificate after the meeting.

Mr. Campbell also addressed that a revised Map, Plan & Report for Consolidated Water District NYS Route 20 Extension by CPL is on file as well (revised date July 2021), with minor updates.

Mr. Campbell gave an overview of the Final Order Resolution to Establish Rt. 20 Extension District. This document once approved, must be filed within 10 days in the office of the Livingston County Clerk and in the Office of the NYS Department of Audit and Control in Albany.

2) Adopt Final Order:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve:

In the Matter of the Petition for the Establishment of a Water District Extension in the Town Of York, Livingston County, New York, to be known as the “Town of York Consolidated Water District NYS Route 20 Extension”.

**FINAL ORDER and
RESOLUTION TO
ESTABLISH DISTRICT**
(Pursuant to Town Law
§209-e)

WHEREAS, it is the intent of the Town of York to create the Town of York Consolidated Water District NYS Route 20 Extension, to include all of the real property indicated in the final map, plan and report prepared by Clark Patterson Lee, dated April 2021 and revised July 2021 and being styled "Final Map, Plan and Report for the Town of York Consolidated Water District NYS Route 20 Extension" (hereafter "Map, Plan and Report"), said real property being located in the Town of York, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district extension is more particularly described in said Map, Plan and Report filed in the York Town Clerk's Office and as being described in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Town of York Town Board (hereafter "Town Board"), acting on behalf of the Town of York Consolidated Water District NYS Route 20 Extension, by resolution adopted on February 9, 2021 pursuant to Town Law §209-b, directed the Town Engineer to prepare a map, plan and report with respect to the proposed district extension; and

WHEREAS, the Town Board therein directed that the charges incurred for the preliminary Map, Plan and Report shall be a Town charge until such time as the district extension formation shall take place at which time they shall become a district charge; and

WHEREAS, the above referenced resolution authorizing the preparation of the Map, Plan and Report was adopted subject to permissive referendum and pursuant to New York State Town Law §20, a Public Notice of Resolution Adopted Subject to Permissive Referendum was subsequently published in the official newspaper of the Town of York within ten (10) days of the adoption of such resolution; and

WHEREAS, on April 13, 2021, the Town Clerk of the town of York certified that no petitions seeking permissive referendum with regard to the published notice and meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140(1)(a) were filed within thirty (30) days after the adoption of such resolution; and

WHEREAS, on April 13, 2021, the Town Board adopted a resolution accepting the Map, Plan and Report; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the York Town Clerk; and
WHEREAS, the Board having previously complied with the relevant provisions of SEQR; and

WHEREAS, the Town Board on April 27, 2021 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on May 18, 2021 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Route 20 Extension; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 18th day of May, 2021 at 6:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Consolidated Water District Route 20 Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire Town of York Consolidated Water District Route 20 Extension, was available for the public inspection at the York Town Clerk's Office prior to the public hearing; and

WHEREAS, subsequent minor corrections were made to the Map, Plan and Report (dated July, 2021) and the same was circulated to the Town Board and was filed in the office of the York Town Clerk and the same is attached hereto and made a part hereof; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on May 18, 2021; and

WHEREAS, on June 8, 2021, the Town Board adopted a Resolution to Establish the Town of York Consolidated Water District NYS Route 20 Extension, which such resolution was adopted subject to permissive referendum pursuant to Town Law §91 ; and

WHEREAS, within ten (10) days after the adoption of the aforementioned Resolution to Establish the Town of York Consolidated Water District NYS Route Extension, the Town Clerk caused a Public Notice of Resolution Adopted Subject to Permissive Referendum to be duly published in the official newspaper for the Town; and

WHEREAS, more than thirty (30) days have elapsed since the adoption of the Resolution to Establish the Town of York Consolidated Water District NYS Route 20 Extension and no petitions have been filed seeking a referendum on the matter; and

WHEREAS, on July 13, 2021, the Town Clerk of the Town of York certified that no petitions seeking permissive referendum with regard to the published notice and meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140(1)(a) were filed within thirty (30) days after the adoption of such resolution; and

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, because the anticipated cost to the typical property located within the Town of York Consolidated Water District NYS Route 20 Extension is estimated to be at or below that of the estimated cost computed by the New York State Comptroller for the extension of similar types of districts, the formation of the Town of York Consolidated Water District NYS Route 20 Extension will not require approval of the New York State Comptroller's Office.

NOW THEREFORE, be it

RESOLVED and ORDERED by the Town Board of the Town of York as follows:

1. That the notice of public hearing for the May 18, 2021 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed District Extension are benefited thereby;

3. That all of the property and property owners benefited by the District Extension are included within the limits of the proposed district extension; and
4. That it is in the public interest to form the Town of York Consolidated Water District NYS Route 20 Extension as set forth; and it is further

RESOLVED and ORDERED, that the Town Board of the Town of York does hereby establish the Town of York Consolidated Water District NYS Route 20 Extension as set forth in the Map, Plan and Report and as shown on the legal description attached hereto as Schedule "A"; and it is further

RESOLVED and ORDERED, that the Town Board of the Town of York does hereby approve 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, with the maximum amount proposed to be expended for such improvements to be \$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, with the anticipated cost to the typical property located within the Town of York Consolidated Water District NYS Route 20 Extension to be on a benefit basis and to be \$887.00 per unit and 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 it is further

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Final Order and Resolution, the Town Clerk is directed to record a certified copy of this determination in the Office of the Livingston County Clerk as required by Town Law §209-g. and to file a certified copy of the same to be filed in the office of the New York State Department of Audit and Control in Albany, New York

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Tuesday, July 13, 2021 recorded as follows:

Vote of the Board:	Councilman Smith	Absent
	Councilman Gates	Aye
	Councilman Rose	Aye
	Deputy Supervisor Parnell	Aye
	Supervisor Deming	Absent

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 13th day of July, 2021.

Christine M. Harris

Christine Harris - Town Clerk
Schedule "A"

**TOWN OF YORK
CONSOLIDATED WATER DISTRICT NYS ROUTE 20 EXTENSION
BOUNDARY DESCRIPTION**

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.-114.21, 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.-1-118.12, 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 1,274 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.

NEW BUSINESS:

1) Comprehensive Plan Grant:

Attorney Campbell informed the Board of an opportunity to apply for funding under the 2021-2022 Smart Growth Comprehensive Planning Grant Program through the NYS Department of State. Mr. Campbell stated in order to apply for such funding SEQR must be conducted prior to a resolution.

PART 1- Project Information:

Mr. Campbell stated that the Town Board is seeking to apply for and receive funding under the 2021-2022 Smart Growth Comprehensive Planning Grant Program.

PART 2- Impact Assessment

Mr. Campbell read aloud to the Board the required 11 questions to which they responded "No, or small impact may occur" to all.

PART 3- Determination of Significance:

a) Adoption of Findings

RESOLUTION offered by Mr. Rose and seconded by Mrs. Parnell to Adopt the Findings that were made in the review of Part 2 of the Short Environmental Assessment Form. Voted on and approved, Yes-3, No-0.

b) Negative Declaration:
RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adopt a Negative Declaration based on the findings made in the review of the EAF. Voted on and approved, Yes-3, No-0.

c) Authorization:
RESOLUTION offered by Mr. Gates and seconded by Mr. Rose authorizing Deputy Supervisor Parnell permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-3, No-0.

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

d) Grant Application:
RESOLUTION offered by Mr. Rose and seconded by Mr. Gates authorizing the Town permission to apply for funding with the Smart Growth Comprehensive Planning Grant Program. The Town of York desires to apply for \$54,000 in financial assistance, with a local match (Town share) of \$6,000. Voted on and approved, Yes-3, No-0.

Authorizing the Town of York to Apply For and Receive Funding
Under the 2021-2022 Smart Growth Comprehensive Planning Grant Program

APPROVED: July 13, 2021

WHEREAS, the New York State Department of State (NYSDOS) provides grants to municipalities under the Smart Growth Comprehensive Planning Grant Program; and

WHEREAS, the Town of York desires to apply for an amount of \$54,000 in financial assistance through the 2021-2022 Smart Growth Comprehensive Planning Grant Program for assistance in updating its 2006 Comprehensive Plan; and

WHEREAS, this project will advance the update of the Town of York Comprehensive Plan to establish land use policies which support smart growth and clean energy principles for the community; and

WHEREAS, as a requirement of the 2021-2022 Smart Growth Comprehensive Planning Grant Program, the Town of York will provide a 10 percent (10%) local cash match of \$6,000 from the General Fund; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED, that the York Town Board hereby approves and endorses the 2021-2022 Smart Growth Comprehensive Planning Grant Program application to be submitted by the Town of York; and

BE IT FURTHER RESOLVED, that the Town of York will commit to appropriating \$6,000 as a cash match from the General Fund; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and designated as the representative

and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any contract and/or agreement with the NYSDOS in connection with the application and is further authorized to request and expend funds from New York State Government pursuant to said contract and/or agreement; and

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Town Supervisor are hereby ratified and confirmed and this Resolution take effect immediately.

Voted on and approved, Yes-3, No-O, Absent-2

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

Witness my hand and the seal of the Town of York, New York on the 14th day of July, 2021.

Christine M. Harris, Town Clerk

2) Marijuana Opt Out Bill:

Attorney Campbell reviewed once again the topic of new legislation pertaining to local town's "opting out" of Adult Use Cannabis Retail Dispensaries and onsite Consumption sites. Clerk Harris received this week correspondence from the Board of Elections stating if a town wants to submit this matter for referendum vote (for General Election on November 2nd, 2021) the Election Board must receive language from the town no later than August 2nd, which is 3 months prior to the election. Mr. Campbell stated if the Town Board decides to "opt out", it will have to be done by way of a local law requiring a Public Hearing first and has to be approved by December 31, 2021.

Attorney Campbell discussed with the Board both options and steps necessary for each.

Each Board Member expressed that they think the community should be able to speak on this matter and feel it should be listed on the November ballot.

Councilman Rose inquired if we opt out, will it eliminate us from potential revenue which Mr. Campbell replied it would.

Attorney Campbell asked the Board to give this some thought but can add as ballot referendum for the General Election.

Zoning & Code Officer Mr. Peter questioned if we opt out of the Adult Use Cannabis sites, should we address this in the proposed Comp Plan review and can we classify it in our existing Adult Use District. Mr. Campbell replied we can address this type of business in our current Adult Use District.

Mr. Richenberg asked if it may be considered discriminatory if we opt out.

Attorney Campbell commented that the mandate by the State only gave us two choices, it would be difficult to claim discrimination.

Mr. Brightman asked, if the Town decides one option, can we change later?

Mr. Campbell answered that if we opt out by December 31, 2021 we could add as a Permitted Use later.

Ms. Alber questioned if the Town prohibits liquor stores?

Mr. Campbell replied the Town does not prohibit liquor stores.

Mr. Campbell asked once again if the town Board wants to proceed with the referendum method through the Board of Elections.

Mr. Brightman asked about the potential revenue losses.

Mr. Campbell stated that we would lose County & Local Sales tax if we opt out and may lose State funding opportunities.

Deputy Supervisor Parnell inquired if sales tax information would be included on the ballot as well. Attorney Campbell replied it would not, it would need to be just referendum documentation.

RESOLUTION offered by Mr. Rose and seconded Mr. Gates directing Town Attorney Mr. Campbell and Town Clerk, Mrs. Harris to submit the proper language to the Board of Elections before August 2, 2021 in order to place this matter before the public for the General Election on November 2, 2021. Voted on and approved, Yes-3, No-0.

3) Anderson Rd. Budget Modification:

Deputy Supervisor Parnell read aloud a letter received from Brooke Reynolds regarding a water adjustment for her property located at 3169 Genesee Street. After a review of her consumption history and verification from the Water Department that the leak has been corrected, the Board took the following action.

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the Water Adjustment request submitted by Brooke Reynolds. Voted on and approved, Yes-3, No-0.

*Water adjustment saving totaled \$46.80

5) Water Tap Application:

a- Brian Brown/Jamie McClain:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve the Water Tap application submitted by Jamie McClain and Brian Brown for property located at 4173 Retsof Road in the amount of \$1,500.00. Voted on and approved, Yes-3, No-0.

6) Water Service Shut-Off:

a- 2073 Limerick Road-Betsy Scott

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the Water Service Shut Off request submitted at 2073 Limerick Road. Voted on and approved, Yes-3, No-0.

7) York/Leicester Towners:

Mrs. Parnell read a note prepared by York/Leicester Towner's members Louis Miller and Irene Sick respectfully requesting use of the Town Hall once again for their monthly luncheon gatherings.

Councilman Rose and Gates agreed that the Seniors certainly need a place to have their meetings and feel due to the lifting of Covid-19 guidelines we would like them to return here, Mrs. Parnell stated that Supervisor Deming also expressed to her his desire to have the meeting luncheons return to the Town Hall.

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the return of the York/Leicester Towners to the York Town Hall, effective in August. Voted on and approved, Yes-3, No-0.

8) DOT Correspondence:

Clerk Harris stated that each board member received a copy of correspondence she received from NYSDOT regarding a request made at our December 2020 meeting. Unfortunately, after their review, they determined that a reduction of speed in the listed requested areas was not warranted and wanted the Board to be aware of the decision.



Department of
Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

CHRISTOPHER REEVE, P.E.
Acting Regional Director

File: 24.26-CR/TH

Study: 04210020

04210021

04210022

June 22, 2021

Ms. Christine M. Harris, Clerk
Town of York
2668 Main Street
P.O. Box 187
York, NY 14592

Dear Ms. Harris,

We have completed our review of traffic conditions at the following locations, relative to the establishment of a lower speed limit.

1. Retsof Road, between the Leicester Town line and Route 63.
2. Chandler Road, between Route 36 and River Road.
3. County Road 5 (Fowlerville Road), between Route 36 and the east end of the Hamlet of Fowlerville and between the Genesee River and the west end of the Hamlet of Fowlerville.

A representative from this office visited each site to evaluate roadway characteristics. We also met with the Traffic Supervisor from the New York State Police to seek his input about lowering the speed limit at each location. In consideration of the roadway characteristics and the review by the State Police, we determined that a reduction of the speed limit at the above noted locations is not warranted at this time.

Sincerely,

Paul J. Spitzer, P.E.,
Regional Traffic Engineer

PJS/AOQ/CAR/mm

cc: T. Sgt. B. Bernard, State Police Troop "E"
J. Wolfanger, Highway Superintendent, Livingston County

9) Peglowski letter:

Deputy Supervisor Parnell read aloud a letter received from Pamela & Tracy Peglowski requesting (2) 25 MPH speed limit signs for the west end of Chestnut St. and the north end of Short Street.

RECEIVED
BY *Cmt* | *7/6/21* DATE

We (Pam and Tracy Peglowski – residents at 2742 Chestnut Street) are requesting that (2) 25MPH speed limit signs be posted one at the west end of Chestnut Street and the other at the north end of Short Street.

This request stems from two incidents that I (Pam) experienced recently.

The first incident happened around a month ago as a driver came around the Short Street/Chestnut Street corner at excessive speed and forced me to find safety by jumping into one of the front yards of a residence on the east end of the street.

The second incident happened on Friday, July 2nd in the morning. Very similar to the first, a car came around the same corner and forced me to seek safety once again but was much more aggressive. This incident generated a conversation between me and this very aggressive person in which the driver was rude, but also stated that he was within the speed limit. He then demanded to know if I was the same person who confronted him the previous day. I stated that I was not, but having received the same message from two different people on successive days should mean something. He then told me to keep my comments to myself, and I replied that I would not, when it came to the safety of the children on this street.

At this time there are no speed limit signs on either Chestnut or Short street and depending on which way you enter this combination, the speed limit is either 35 (entering Chestnut from Route 36) or 40 (entering Short street from East York Rd.), which also causes confusion, but both are too fast for a neighborhood with all kinds of children present.

Thanks for your time and consideration.


Pamela J. Peglowski


Tracy J. Peglowski

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose acknowledging the letter submitted by Pamela & Tracy Peglowski requesting two (2) 25 MPH speed limit signs, one for the west end of Chestnut Street and one for the north end of Short Street. Such request will be sent to the Livingston County Traffic Safety Board for review and potential action. Voted on and approved, Yes-3, No-0.

10) Local Laws (#1 & #2-2021):

A) Attorney Campbell commented that proposed Local Law #1 is a Type II Action, which does not require SEQR.

(1) Approval:

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve Local Law #1 of 2021; Establishing a Six (6) month Moratorium and Prohibition within the Town of York, Livingston County, New York relating to application for permitting of, approval of or installation of Large-Scale Solar Energy System Installations within the Town of York. Voted on and approved, Yes-3, No-0.

B) Local Law #2:

(1) Approval:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve Local Law #2 of 2021; Establishing a six (6) month Moratorium and Prohibition within the Town of York, Livingston County, New York, relating to application for, permitting of, approval of or installation of Large-Scale Battery Energy Storage System Installation with the Town of York. Voted on and approved, Yes-3, No-0.

The Board discussed formation of a Solar Committee and asked that a notice be placed on the website for interested town residents who may be willing to serve on this committee. We hope to secure 6-7 members in total. Councilman Rose inquired if perhaps the Battery Storage members may be willing to participate and commented we should ask them first.

*Clerk Harris reminded the Board of next Tuesday's (20th) Public Hearing at 6:00 p.m. regarding the proposed Grievance Day change in date.

ADJOURNMENT:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to adjourn the Town Board Meeting. Voted on and approved, Yes-3, No-0.

Town Board Meeting closed at 8:17 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk