

October 10, 2023
6:30 p.m.
Public Hearing

Present: Supervisor Gerald L. Deming, Councilmen: Frank Rose Jr., Amos Smith,
Jason Swede and Norman Gates.

Absent: None

Others: James Campbell (Town Attorney), Dustin Geiger, Joe McIlroy and Henry Fuller

Supervisor Deming opened the Public Hearing at 6:30 p.m. and asked Attorney Campbell to read aloud the hearing notice.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, that a public hearing shall be held by the Town Board of the Town of York at the Town Hall, located at 2668 Main Street, York, New York at 6:30 p.m. on Tuesday, October 10, 2023 for the purpose of considering public opinion and comment about or concerning a proposed Local Law relating to the following:

A Local Law to adopt a real property tax exemption pursuant to New York State Real Property Tax Law §466-a, for certain qualifying volunteer firefighters and volunteer ambulance workers that are residents of the Town of York, Livingston County, New York.

A copy of the proposed Local Law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours and is available on the Town's website at www.yorkny.org.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: September 13, 2023

By Order of the York Town Board

Christine M. Harris, Town Clerk

Supervisor Deming asked if there were any comments or questions pertaining to the proposed local law.

Attorney Campbell commented that this exemption only applies to year-round residents within the Town of York and must be verified by the local fire department as to whom is “active” in order to confirm eligibility and had accrued at least 20 years of active service.

Dustin Geiger commented if the Town Board approves this law, the exemption will appear on the county/town tax bill, but for any exemption on the school taxes, York Central School would have to follow suit with approval as well for the benefit.

Councilman Smith inquired if this is a new exemption?

Supervisor Deming replied it is new for Livingston County.

Dustin Geiger responded that many other areas around the State have already offered this exemption for eligible volunteers.

Supervisor Deming stated some volunteers may already be receiving a \$200.00 benefit on their income tax. They will have to decide which is a better option for them, it must be one or the other, not both.

Councilman Swede commented he sees this exemption as a good thing and added perhaps more people might be willing to volunteer in their local communities on ambulance or with the fire department.

Dustin Geiger stated, this will have minimal impact on the residents who do not qualify.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to close the Public Hearing at 6:40 p.m. Voted on and approved, Yes-5, No-0.

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

York Town Board Meeting
October 10, 2023
7:00 p.m.

Present: Supervisor Gerald Deming, Council Members: Frank Rose Jr., Amos Smith, Jason Swede and Norman Gates.

Absent: None

Others: James Campbell (Town Attorney), Dustin Geiger, Joe McIlroy, Henry Fuller, George Worden Jr. (Highway Supt) Joe Eyer, Davies Nagel, Larry Lacy, Chris Ward, Molly Cummings, David Rose, Kirk Richenberg and Becky Lewis.

Supervisor Deming 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. Swede and seconded by Mr. Smith to approve the minutes of the September 12th, 2023 Town Board Meeting. Voted on and approved, Yes-5, No-0.

BILLS:

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

- General Fund # 243-275 \$ 41,378.01
- Consolidated Water/Sewer # 201-224 \$107,120.22
- Highway Fund # 144-152 \$ 4,515.78

Supervisor Deming stated that Mr. Richenberg submitted a letter at the September 12th Town Board meeting that he wished to respond to this evening. Mr. Deming prepared a statement but asked Attorney Campbell to read aloud due to a recent cold he has leaving him with minimal voice.

On June 23, 2023, Mr. Kirk Richenberg and Mr. Henry Fuller filed an Article 78 lawsuit against the Town of York. The papers were served on the Town on July 6, 2023. The lawsuit sought a finding that the Town erroneously went into an Executive Session on February 21, 2023, in violation of the New York Public Officers Law sections 100-111 (also known as the Open Meetings Law). The lawsuit also sought disclosure of the discussion held at the Executive Session in question, and that the Town be directed to abide by the Open Meetings Law during all future meetings. Lastly, Mr. Richenberg and Mr. Fuller asked the Court to award attorney's fees and reasonable litigation expenses.

The meeting that was the subject of this litigation involved a closed Executive Session for the Town Board to discuss the negotiation status and strategy for the Town relating to a PILOT agreement and a Host Community Agreement between the Town and the developer of the White Creek Solar Project. The intent of the meeting was to discuss how to best approach the negotiations to maximize the benefit to the Town of what is potentially more than \$10 million dollars, and was intended to protect the Town's bargaining position to secure the best financial outcome from the Host Community Agreement. The discussion was not about how any money received might be spent in the future.

Prior to the filing and service of the lawsuit, the attorney for Mr. Richenberg and Mr. Fuller made no effort to avoid litigation or even contact the Town or the Attorney for the Town. In fact, until the Town was served with the lawsuit, neither the Town nor the Attorney for the Town was aware that Mr. Richenberg and Mr. Fuller intended to seek redress concerning the February 21, 2023 meeting. It is unfortunate for the taxpayers of the Town, because if Mr. Richenberg's and Mr. Fuller's attorney had made his clients' intentions known, the Town may have been able to avoid some or all of the \$16,154.00 spent on legal representation for litigation defense of this matter, none of which was covered by the Town's insurance.

Shortly after being served with the lawsuit, the Town Board conferred with its litigation counsel and Attorney for the Town to discuss the lawsuit. At that time, the Town Board, with the advice of their attorneys, concluded that despite their good faith intentions for the Executive Session, the February 21, 2023 meeting did not meet the criteria for going into Executive Session. Shortly thereafter, the

Town's litigation counsel communicated with the attorney for Mr. Richenberg and Mr. Fuller and indicated the Town's acknowledgment that the Town Board improperly conducted the February 21, 2023 Executive Session. It was the Town's hope that this would resolve the matter, but the attorney for Mr. Richenberg and Mr. Fuller indicated his clients would not withdraw the lawsuit without being paid attorney fees and litigation costs. But for Mr. Richenberg's and Mr. Fuller's apparent insistence on recovering those attorney fees and litigation costs, this matter would not have had to proceed to Court.

On August 11, 2023, the case was heard by the Hon. Jennifer M. Noto. Each attorney made oral arguments and the Judge asked each attorney numerous questions.

On September 20, 2023, the Town was notified that Judge Noto had rendered a written decision with regard to the case. As mentioned above, at this point, the litigation was only about Mr. Richenberg's and Mr. Fuller's insistence on obtaining payment of attorney fees and litigation costs, since the Town had already acknowledged that the Executive Session to "discuss contract negotiations" was not properly justified under the Open Meetings Law.

Judge Noto specifically found that while there was a technical violation of the Open Meetings Law in the instant case, Mr. Richenberg and Mr. Fuller failed to establish that the violation warranted an award of attorneys' fees. The Court specifically found that the Town Board acted in GOOD FAITH and under the reasonable belief that the closed session was proper.

Judge Noto cited numerous cases at some length, quoting several:

"not every violation of the Open Meetings Law automatically triggers its enforcement sanctions."

"Awards of attorneys' fees under the Open Meetings Law should not be granted by courts to the prevailing party simply as a matter of course."

"purely technical and nonprejudicial infractions or wholly unintentional violations do not rise to the level of supporting an award of attorneys' fees."

“Where the defendant has made a good-faith, reasonable effort to comply with the statute, attorneys’ fees may not be warranted.”

“Attorneys’ fees are not appropriate where a Town Board had a reasonable basis to believe that a closed session was proper.”

“Attorneys’ fees are generally only appropriate where there is evidence of intentional and flagrant or repeated violations of the Open Meetings Law.”

The Town Board does and always has taken the Open Meetings Law seriously. The Town Board believes that transparency in local government is fundamental to the proper exercise of governmental powers conferred upon elected officials. While it was legally and technically improper to go into Executive Session on February 21, 2023 to discuss “contractual negotiations,” the Town Board never intended to subvert the Open Meetings Law, it only intended to protect the best interest of the entire community as they relate to a very complex and financially significant negotiation process.

If there is any question as to whether the York Town Board consistently tries to honor the spirit and intent of the Open Meetings Law, please consider the following statistics:

In the approximate 10 year period prior to filing of this lawsuit, Mr. Richenberg has been provided privileges of the floor at 88 Town Board meetings and has been allowed to speak without privileges being granted in advance at another 13 Town Board meetings. During that same time period, Mr. Fuller has been provided privileges of the floor at 65 Town Board meetings and permitted to speak without privileges at another 11 meetings.

For those who have been in attendance over the years, you know that the Town Board has been subjected to criticism and often unpleasant and frankly, unfair comments during privileges of the floor. Despite what seem like persistent attacks, the Town Board continues to allow privileges, even though the law does not require the Board to allow anyone to speak, except at public hearings. This is precisely because the Town Board DOES value the right of its constituents to be involved in government process, even if some of those constituents do not have anything pleasant to say.

We encourage everyone that is interested, to look at Judge Noto’s decision, which is available at the Town Clerk’s Office and will be posted on the Town’s website.

PRIVILEGES OF THE FLOOR:

1) Molly Cummings:

Molly Cummings came to speak with the Board this evening on behalf of the York Small Business Association. Ms. Cummings began by discussing a flyer prepared, "Happening in York" which outlines upcoming events on October 28th. Ms. Cummings stated that the York Small Business owners have been getting together to figure out a way to get the community more involved and thought this might be a way to get started to help support the local businesses.

10 October 2023

To: York Town Board

Re: Privileges of the Floor/York Small Business Association

From: Molly Cummings True North Farm & Yoga

- 1) October 28 is a big day/night in York! Dublin Corners celebrating its 7th anniversary, Woodlawn Distilling it's first, we're (TNF&Y) hosting our annual community dinner to benefit local Foodlink pantries and Pete's Antiques is having a sale.

We'll have cards that can be stamped—if you go to all four places that day you'll be in a drawing for a prize of gift certificates at all four businesses.

- 2) Marvelous York package (silent auction online bidding starts soon) is one of the silent auction items.
Yard of Ale, 2 night stay at Hillcrest, gift certificates from the brewery, distillery, yoga, swedes', hardware, petes, linwood gardens..
Five more silent auction item packages...raffle items.
no admission, dish to pass
* York school started a foodlink pantry last year, need is greater. Money will also go to other Foodlink Pantries in our county.
- 3) Solar money? Community initiatives—like the bank building as a community center—could use some help. How will people find out how to apply, IF organizations can apply for solar funds?

HAPPENING IN YORK

October 28th!

PETE'S ANTIQUES ANNIVERSARY SALE

2706 Main St, Piffard, NY 14533
11 p.m. - 6 p.m.

FOODLINK DINNER @ TRUE NORTH YOGA

2635 York Rd W, York, NY 14592
5 p.m. - 8 p.m.

DUBLIN CORNER'S BOOS AND BREWS

1906 Main St, Linwood, NY 14486
12 p.m. - 9 p.m.

**WOODLAWN DISTILLING FIRST
ANNIVERSARY PARTY**

2007 York Rd W, Linwood, NY 14486
1 p.m. - 10 p.m.

Enjoy special prizes, awesome food
and amazing performances and visit all four
locations to win a special prize!

2)Becky Lewis:

Ms. Lewis updated the Board on the Trail Town Committee activities. Ms. Lewis stated that she recently attended a Fall gathering for Genesee Valley Communities, which we received two certificates. The first is a framed Certificate of Recognition as a participant of the Genesee Valley Trail Town program and the second is a New York State Senate Citation for the Town of York in recognition and dedication as a Genesee Valley Trail Town member, signed by Senator Pamela Helming. (both will be displayed in the Town Clerk's office).

Ms. Lewis stated that the meeting was very useful as it allowed each Trail Town Community to update everyone on their latest activities. It was mentioned that there may be additional grant opportunities to tap into as well.

Trail Town Committee Report to Town Board

10/10/23

1. The supporting kiosk frames are now up at Piffard and Fowlerville and attaching the windows, roofs and benches is next. The pads for the benches at Piffard, York Landing, and Fowlerville have been poured and the benches will be installed soon. The bike repair station has been delivered but we still need to order two picnic tables, two bike racks and two finger signs.
2. A meeting has been scheduled for 10/12/23 to discuss collaboration between the Trail Town Committee and the York Travel Center regarding the Trail Head amenities at Greigsville Corners.
3. The York Historical Society, along with help from the Trail Town Committee and TOYs is holding a fall fundraising event on October 14th from 10am-2pm. See poster below.

**The Town of York Historical Society
invites you to their fall fundraiser and
eclipse viewing:**



**Saturday,
October 14
Partial Solar
Eclipse!
1:13 pm**



Make a donation to our **ADA compliant bathroom renovation project** and receive a pair of ISO CERTIFIED eye protection to view the 2023 and 2024 eclipses.

- Grab some coffee and Rosie's udderly delicious donuts!
- View our new research library of original 19th and vintage 20th century cookbooks! If you've never seen our recent exhibit on salt mining in York, here's your opportunity!
- Selected antiques, tools, etc. will be for sale.
- Safely view the partial eclipse with your new eclipse glasses under the supervision of an actual science teacher (retired).

The YHS Warren House, 2431 Dow Road, York, NY will be open from 10am - 2pm. Come on down and support your local historical society!

3)Henry Fuller:

Mr. Fuller asked each Board Member their opinion on sending only one individual to negotiate a 3–10-million-dollar solar contract:

Councilman Rose answered, as Supervisor for the Town, Mr. Deming represents us here and at the County level, and is confident in his abilities to negotiate.

Councilman Smith, Swede and Gates each responded that they agree with Councilman Rose's statement.

Mr. Fuller commented, so if something should go wrong, no one else would be aware of it?

Supervisor Deming replied when negotiations are ready further down the road, the entire Town Board will definitely be part of the process and will be discussed at a board meeting(s) in open session.

4)Kirk Richenberg:

Mr. Richenberg asked to speak this evening regarding the Annual Budget and White Creek Solar:

Mr. Richenberg stated at last month's board meeting, it was approved to accept the proposal for engineering services from CPL for the Highway garage roof.

Supervisor Deming replied that the Board did approve their proposal as we have used CPL for other projects, more importantly this is a time issue, Mr. Worden wants this done before winter.

Mr. Richenberg referenced the conversation that took place that night about looking at other engineering firms for a quote.

Councilman Smith stated the need to fix the problem before winter was a factor.

Mr. Richenberg asked about upcoming budget sessions.

Supervisor Deming responded that he, along with Justin Bennett met with each board member individually to prepare the Tentative Budget.

Mr. Richenberg inquired if any progress has been made on White Creek.

Supervisor Deming replied that there have been steps moving forward but then also resistance on other matters.

Mr. Richenberg asked if anyone besides Supervisor Deming is part of the negotiations?

Supervisor Deming answered that Councilman Jay Swede has been part of the negotiations as well.

Mr. Richenberg asked if Mr. Bacon is part of the Host Agreement conversations?

Supervisor Deming stated for the benefit of the Town of York we are discussing the entire packet, some conversations Mr. Bacon is part of.

Mr. Richenberg questioned if there is anything in the law that the Host Agreement/PILOT are together?

Attorney Campbell answered that White Creek doesn't have a preference, payments could be separate if need be. Mr. Campbell added, the PILOT agreement is with the IDA, which payment structure could be a longer time period. Depending upon where negotiations end up, we could have different agreements.

Mr. Richenberg asked if our York system is comprised once Covington came on?

Mr. Worden replied our system has not been comprised at all.

Mr. Richenberg asked about the status of the advertisement for personnel

Mr. Worden answered we received one application for a Water/Wastewater Operator.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Department has been patching holes & mowing roadside
- With the assistance from the Town of Leicester, we worked on the Piffard Water project
- Conducted a crossover fix at Limerick Road & York Road West
- Fixing driveway culverts as well

WATER/SEWER REPORT:

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

- Water/Sewer guys have been helping with the Piffard water project
- Maintenance on the sewer pumps
- On Rt. 20 water line, we have an issue with an altitude valve, which is getting re-built.

Councilman Smith inquired if Growmark has connected, which Mr. Worden responded they have connected and pressure tested the line but have yet to use any water. Mr. Worden added that there are two (2) services at Growmark.

OLD BUSINESS:

1) Highway garage roof:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede permission to advertise for bids for the Highway Garage Roof Replacement. Bids to be opened and read aloud on December 1, 2023 at 2:00 pm. Voted on and approved, Yes-5, No-0.

**TOWN OF YORK
HIGHWAY GARAGE ROOF REPLACEMENT
COUNTY OF LIVINGSTON, STATE OF NEW YORK**

ADVERTISEMENT FOR BIDS

Sealed Bids for the **Town of York Highway Garage Roof Replacement** will be received, by the **Town of York**, at the office of the **York Town Clerk** located at **2668 Main Street, York, New York 14592** until **2 p.m.** local time on **December 1, 2023**, at which time the Bids received will be **publicly** opened and read aloud.

This project involves replacement of the Highway Garage Roof with a pitched metal roofing system including trusses, downspouts and gutters.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis, as indicated in the Bid Form.

The Issuing Office for the Bidding Documents is: **CPL, 255 Woodcliff Drive, Suite 200, Fairport New York 14450; Attn: Jennifer Ingalls jingalls@CPLteam.com**. Electronic copies of the Bidding Documents may be obtained at **no cost** by e-mailing Jennifer Ingalls.

Bidding documents are available for general viewing at the Issuing Office or the Town Office.

Printed copies of the Bidding Documents may be obtained **in person** from the Issuing Office upon payment of a deposit of **\$75.00** check payable to "Town of York" for each set. Contact Jennifer Ingalls to schedule a time to pick up the Bidding documents.

Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office. Only Bidders receiving bid documents from the Issuing Office (electronic or printed) will be allowed to submit a bid to be considered for award.

A pre-bid conference will **NOT** be held.

Only written Requests For Information (RFI) will be accepted. RFI's will be accepted until **5:00 p.m.** (Local Time) on **November 22, 2023** at the office of the Engineer to the attention of Casey DeGraff via email: CDeGraff@cplteam.com. If necessary, an Addendum will be issued by **5:00 p.m.** (Local Time) on **November 28, 2023** from the office of the Engineer.

Bid security is not required.

Bidders on this work will be required to comply with the President's Executive Order Nos. 11,246 and 11,375 which prohibit discrimination in employment regarding race, creed, color, sex, or national origin.

The successful bidder must be an equal opportunity employer, must meet all appropriate State and Federal standards, and comply with all relevant governmental regulations.

Statement of Non-Collusion: Bidders on the contract are required to execute a non-collusive bidding certificate pursuant to Section 103d of the General Municipal Law of the State of New York.

Security for Faithful Performance: The successful bidder will be required to furnish Performance and Labor and Material Payment Bonds written by firms licensed to do business in New York State, each in the amount of one hundred percent (100%) of the contract amounts in accordance with the provisions of the Contract Documents.

Sales and Use of Tax Exemptions: The Town of York is exempt from the payment of sales and compensation use taxes of the State of New York and of cities and counties on all materials, equipment, and supplies sold to the Town of York pursuant to this contract. Also exempt from such taxes are

purchases by the Contractor and his Subcontractors of materials, equipment, and supplies to be sold to the Town of York pursuant to this contract, including tangible personal property to be incorporated in any structure, building, or other real property forming part of the project. These taxes are not to be included in the Bid.

All bids shall be binding for a period of sixty (60) days after the bid opening date. The Town of York reserves the right to reject any and all bids and to waive any informalities therein.

Owner: Town of York

By: Christine Harris

Title: Town Clerk

2)Local Law #5-2023

Supervisor Deming stated that the Board held a Public Hearing earlier this evening regarding a Partial Exemption for certain volunteer firefighters and ambulance workers and asked if they wish to proceed with the proposed Local Law. The Board agreed to do so.

Attorney Campbell stated that is a Type II Action under SEQR, which does not require additional action prior to approval.

ADOPTION:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve Local Law #5-2023 Providing a Partial Exemption from real Property taxes to certain eligible Volunteer Firefighters and Volunteer Ambulance workers. Voted on and approved, Yes-5, No-0.

**TOWN OF YORK
LOCAL LAW NO. 5 of 2023**

**LOCAL LAW NO. 5 PROVIDING A PARTIAL EXEMPTION FROM REAL
PROPERTY TAXES TO CERTAIN ELIGIBLE VOLUNTEER FIREFIGHTERS AND
VOLUNTEER AMBULANCE WORKERS**

Be it enacted by the Town Board of the Town of York as follows:

Section 1. The intent of this Local Law is to adopt a real property tax exemption pursuant to New York State Real Property Tax Law §466-a, for certain qualifying volunteer firefighters and volunteer ambulance workers that are residents of the Town of York, Livingston County, New York.

Section 2. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service, residing in the Town of York, Livingston County New York, shall be exempt from taxation to the extent of 10% of the assessed valuation of the qualifying person's Primary Residence (As defined below) for Town purposes, provided the owner(s) meet the qualifications set forth in section 3 below.

Section 3. To be eligible for the exemption authorized by Real Property Tax Law §466-a and implemented by this Local Law, the subject real property must be owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service residing in the Town of York, Livingston County, New York, subject to the following additional requirements: (a) the enrolled member resides in the Town of York; (b) the real property for which the exemption is sought is used as the Primary Residence of the enrolled member; (c) the real property for which the exemption is sought is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the enrolled member's Primary Residence, but is used for other purposes, such portion shall be subject to taxation at the full taxable rate and the remaining portion, only, shall be entitled to the exemption provided by this Local Law; and (d) the enrolled member has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service for at least two (2) years prior to the date of application for the exemption established hereby.

- A. For purposes of this Local Law, "Primary Residence" shall be defined as the dwelling that the eligible person lives in for at least six (6) months and one day of each year for which an exemption is to be claimed.

Section 4. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service residing in the Town of York, Livingston County, New York, who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service, who also meets all of the requirements set forth in Section 3, shall be granted a 10% exemption as described above for the remainder of his or her life as long as his or her Primary Residence is located within the Town of York.

Section 5. An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker killed in the line of duty while an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance, serving the Town of York, shall be eligible to receive the 10% exemption as described above provided that (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service as an un-remarried spouse of an enrolled member killed in the line of duty; (b) such deceased volunteer had been an enrolled member for at least five (5) years; and (c) such deceased volunteer had been receiving the exemption permitted hereby prior to his or her death.

Section 6. An un-remarried spouse of a deceased volunteer firefighter or volunteer ambulance worker shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service as an un-remarried spouse of a deceased enrolled member; and (b) such deceased volunteer had been an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance, serving the Town of York, for at least twenty (20) years, and (c) such deceased volunteer had been receiving the exemption prior to his/her death.

Section 7. The Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Dated at York, New York
September 12, 2023 (Introduced)
October 10, 2023 (Approved)

Christine Harris
York Town Clerk

NEW BUSINESS:

1) Tentative Budget:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to accept the Tentative Budget presented as the 2024 Preliminary Budget. Voted on and approved, Yes-5, No-0.

BUDGET HEARING/TOWN BOARD MEETING:

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to schedule the 2024 Town of York Budget Hearing and regular meeting for **Thursday, October 26, 2023 at 5:00 p.m.** Voted on and approved, Yes-5, No-0.

*Town Board meeting will immediately follow the Budget Hearing

2)Water Service Restoration:
a) 2368 Craig Road:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve the Water Service Restoration request submitted by Lawnel Farms 2, LLC for property located at 2368 Craig Road, in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

3)Court Grant:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing application for funds from the 2023-2024 Justice Court Assistance Program:

RESOLVED; the York Town Board hereby authorizes the York Town Court: Honorable Thomas A. Porter to apply for a Justice Court Assistance Program (JCAP) Grant in the 2023-2024 grant cycle up to the maximum amount available or \$9,001.12, for the purchase of:

A wall split unit for court offices that heats as well as cools	\$6,200.00
Key pad entry doors (2) for court offices	\$ 250.48
Acoustic panels for Court Clerk's office	\$1,060.88
Acoustic panels for Judges' office	\$1,489.76

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

4)Records Destruction Authorization:

Clerk Harris prepared a Records Destruction Form for the Board to review per "Records and Disposition Schedule for New York Local Government Records, (LGS-01) 2020", revised in 2022.

Upon review....

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve the Records Destruction Authorization Form prepared by Clerk Harris. Voted on and approved, Yes-5, No-0.

RECORDS DESTRUCTION AUTHORIZATION FORM

TOWN OF YORK

In accordance with the current SARA MU-1 Records Retention & Disposition Schedule, the following records have been determined to be obsolete and are to be destroyed, REVISED IN 2022

DEPARTMENT: Supervisor accounts and Water/Sewer

RECORD SERIES DESCRIPTION	PAGE	DEPARTMENT Schedule Mu-1	SCHEDULE ITEM #	SECTION #	DATES OF RECORDS from - to	RETENTIO N	CONFIDENTI AL?	ELECTRONIC FILE
Bank Communications, but not limited to bank statements, reconciliation, notification of returned check, or other notice for checking or savings account	119	"Banking & Investment"	1. [263]	475	1996-2016	6 yrs	N	Y (at Bank of Castile)
	119	Highway, Capital, General, Trust & Agency, Water/Sewer	1. [263]	475	1996-2016	6 yrs	N	Y (at Bank of Castile)
Banking Deposit slips:	120	Highway, Capital, General, Trust & Agency, Water/Sewer	7. [269]	482	2003-2016	6 yrs	N	N

* Town Board previously destroyed at the 9/12/2023 Town Board Meeting Water/Sewer worksheets and water stubs

Confidential? Yes No

Destruction Authorized by

Town Board:

Gerald Deming
Frank T. ...
...
Norman ...

Date: 10-10-23
Date: 10-10-23
Date: 10-10-23
Date: 10/10/23
Date: 10/10/23

Town Attorney:

[Signature]

Date: 10/10/2023

Records Management Officer:

Christine Harris
Christine Harris

Date: 10/10/2023

Print Name (RMO)

Destruction Certified by:

Christine Harris

Connie Burger
Witness

10-13-2023
Date

Method of Destruction (Circle):

Landfill Incineration Shredding Recycling

OTHER:

1)Property Violation:

Supervisor Deming informed the Board of a property violation on Rt. 63 (Genesee Street) that Code Enforcement Officer Mr. Peter and Attorney Campbell are aware of as well, and commented that he and Councilman Rose visited recently along with Mark Grove from the Livingston County Health Department. Attorney Campbell reported that the owner of the property, Mr. Davis passed away earlier in the year, but the parcel

has many outstanding issues that need to be addressed. Attorney Campbell has had conversations with the deceased's sister to try to decipher a cleanup plan. She expressed that she reached out to get the dumpster emptied but due to a vehicle in the way, they were unable to proceed with the removal. She informed Attorney Campbell that the car has finally been removed as of last week, so once a dumpster company comes, she can then contact others for multiple needs for the cleanup process. Attorney Campbell commented he is encouraged with the fact that she continues to reach out to him to keep him updated.

Supervisor Deming addressed Mr. Eyer at this time saying, after his conversation with the Town Board last meeting regarding zoning concerns on Cowan Road, he did contact Zoning/Code Officer Mr. Peter to send a letter to the Heckman's about the excessive debris at their property.

After no further discussion....

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting until October 26th Budget Hearing. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 7:50 p.m.

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