

York Town Board Meeting  
November 14<sup>th</sup>, 2023  
7:00 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), Henry Fuller, Kirk Richenberg, David DiPasquale and Gary Nageldinger (Liv. Co Board of Elections Commissioners), Joe Eyer, Dustin Geiger, Davies Nagel, Carl Peter (Zoning/Code Officer) and George Worden Jr. (Highway Supt)

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 October 10<sup>th</sup> Public Hearing and regular meeting and October 26<sup>th</sup> Budget Hearing and regular meeting. Voted on and approved, Yes-5, No-0.

**BILLS:**

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

- |                            |          |              |
|----------------------------|----------|--------------|
| • General Fund Claim       | #276-304 | \$ 35,872.32 |
| • Consolidated Water/Sewer | #225-249 | \$238,726.59 |
| • Highway Fund             | #153-175 | \$220,936.87 |

**BOARD OF ELECTIONS:**

1)David DiPasquale & Gary Nageldinger:

Mr. DiPasquale introduced himself to the Board and stated that he is the Democratic Commissioner and Gary Nageldinger is the Republican Commissioner for Livingston County Board of Elections.

Mr. DiPasquale indicated that they received a telephone call from a Town of York resident stating a concern regarding the current cameras in the Town Hall polling location on Election Day. The caller also indicated that a DEC officer may have been monitoring the cameras while the polls were open. We certainly understand the need to have cameras for safety purposes, and over the years have noted that this hall is a perfect spot for elections due to its spaciousness.

Mr. Nageldinger added that many other polling sites have cameras in their locations as well, which is not uncommon.

Councilman Rose asked if it is public information to share whom the caller was who complained which Mr. DiPasquale replied it is, and the caller was Mr. Fuller.

Mr. Nageldinger stated that the Board of Elections take all calls or claims seriously, especially when dealing with privacy of voters. Mr. DiPasquale added that the Board of Elections has investigated and viewed the existing Town of York cameras and verified that in no way are the existing cameras a hinderance to the rights of privacy of voters in the Town Hall.

Mr. Fuller commented that his call was not a complaint, it was an observation.

Attorney Campbell commented that we have a clear statement from the Board of Elections for the minutes that they have investigated the complaint regarding the cameras in the voting area and have determined it to be a non-issue based on placement of the existing cameras.

Mr. Fuller asked if we could turn the cameras off on Election Day.

Councilman Smith stated that the Board of Elections verified that the placement of the cameras was of no issue to voter's privacy and the cameras are here for a reason, security purposes.

Mr. Nageldinger stated that the Board of Elections main concern was if the cameras were able to see voters' ballots which after review, was verified that they could not.

Supervisor Deming thanked Mr. DiPasquale and Mr. Nageldinger for attending tonight's meeting.

#### **PRIVILEGES OF THE FLOOR:**

1)Kirk Richenberg:

Mr. Richenberg asked to speak this evening regarding budget questions and solar money:

Q-Is there a White Creek Solar update?

Supervisor Deming responded that negotiations are winding down and we are almost at a point to discuss at a regular meeting.

Q-Is the representation from the Town still the Supervisor and Councilman Swede?

Supervisor Deming replied yes, he and Councilman Swede are the Town representatives.

Q-Who else is part of the negotiations?

Supervisor Deming answered that he along with Councilman Swede, Attorney Campbell, Bill Bacon, Leicester Supervisor Fanaro and Attorney Dwight Kanyuck are conducting negotiations.

Q-The negotiations are for the full solar package, has the school been involved?

Supervisor Deming replied that Mr. Bacon has spoken with the school but they have not had representation at the meetings.

Q-Could there be a concern by the school at a later date that they were not part of the original discussions?

Attorney Campbell answered that these negotiations follow the same division of funds as the previous solar projects.

Q-Are there any guidelines, plans or procedures on how to divide or allocate the solar funds?

Supervisor Deming commented as previously stated in other meetings, we as a Board will determine how to disburse funds. We ask that organizations come to the Board to outline their need and determination would be made thereafter. Supervisor Deming added that he will be asking the Board to fund the Highway Salt Barn with the existing funds.

Q-The past 2 years the Town Board has met in a public setting to draft the Tentative budget, why are you changing that format?

Supervisor Deming answered that the Board has met individually with him and Justin Bennett regarding the Preliminary budget not Tentative. The initial numbers were prepared at Baldwins with himself, Mr. Bennett, Mr. Worden and Councilman Rose and then met individually with the remaining board members for feedback and changes.

Q-Why are you changing the routine?

Supervisor Deming answered that the individual sessions seem to have more input from the members.

Richenberg comment: It looks like you don't want the public involvement and feel something is missing when it is not in the public setting.

Supervisor Deming responded that the individual sessions have worked well and feel we received more questions and feedback through these sessions. Mr. Deming pointed out that the public still has the opportunity to review the budget

and ask questions at the yearly budget hearing, but stated we will re-evaluate each year how the Board wants to proceed.

Q-There were four (4) increases in the budget this year:

Veterans Services

Y/L Kiwanis

Y/L Towners

Town of York Historical Society

Supervisor Deming stated after review of the budget figures, the Board agreed to increase the Veteran's Services from \$1000 to \$1,500, York/Leicester Towners from \$1,400 to \$1,500 and put \$2,000 back into the budget for the Town of York Historical Society. (Historian has a separate line item). We have a new addition this upcoming year for the Y/L Kiwanis after conversations with representatives from that organization. Supervisor Deming stated that he and Councilman Rose met with Kiwanis, where they explained the services they provide to the community which we will now be part of supporting.

Q-Did you ask for financial sheets from these organizations?

Supervisor Deming replied he did not.

Mr. Richenberg read aloud the following:

11/13/23

To The Town of York, NY Taxpayers and The York Town Board ,

These comment and facts are in response to the letter read by the town attorney at the 10/10/23 York Town Board meeting.

The facts are that the York Town Board violated the Open Meetings Law on 2/21/23. At least on two occasions I asked about if the meeting on 2/21/23 was properly following the executive session rules and to share the content of this meeting. One time was at the 4/11/23 board meeting after I presented the board a correspondence from the Committee on Open Government stating that "contractual matters" is not a ground for executive session under the Open Meetings Law. The other time was the 3/14/23 board meeting. Both of these times the board and the town attorney attempted to convince me of their position and that the board meeting on 2/21/23 was held following the law. I attempted to get the board to follow the Open Meetings Law. I have no obligation to tell the board of my lawsuit activities.

This lawsuit for the violation of the Open Meetings Law on 2/21/23 has cost the taxpayers of York, NY over \$16,000. All of the blame for this cost falls squarely on the shoulders of the York Town Board.

Throughout this whole process I have continued to wonder what else this board is hiding. Also there is a reason the York Town Board conceded to the court of their wrong doing.

It is the obligation of New York Public Officers to follow all the laws, Local, State and Federal.

It is the duty of all citizens to hold New York Public Officers accountable for their actions. And we have the right to open and transparent government.

Kirk Richenberg  


2)Henry Fuller:

Mr. Fuller asked to speak this evening as a rebuttal to the Supervisor's comments made at the October 10<sup>th</sup> meeting:

Mr. Fuller asked why some or all Town Board members did not asked questions when it was brought up about failing to comply with the Open Meetings Law after getting legal opinion that you didn't meet the State law? This lawsuit cost the town \$16,000 because you didn't get proper legal advice. Who represents the taxpayers in the town?

Councilman Smith replied that the Town Board represents the taxpayers in this township and added, in regard to the comment made that the Board did not ask questions, the Board certainly had questions and comments and further added we are well aware of how much this lawsuit cost the Town. Councilman Smith stated that perhaps Mr. Fuller should read the minutes to see that questions are asked.

Mr. Fuller stated, if he was getting legal advice, he would want to make sure they knew the law and added that the people don't trust the Board.

Supervisor Deming and Councilman Smith commented that the main reason the Board held the Executive Session was to keep solar negotiations from being leaked, it was not to keep the public from the process.

Councilman Smith commented if the taxpayers did not trust the Board, they wouldn't have voted for us once again.

### **HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Department:

- The walls of the Salt Shed are up, floors are leveled and now ready for blacktop
- To date, we do not have any word on the delivery date of our new truck
- We are working on re-claiming the gravel pit
- We are servicing trucks and sanders in anticipation of the winter season
- Retsof Sewer Dist. Collection improvements bid opening will be November 28<sup>th</sup>
- The Highway garage roof bid opening will take place on December 1<sup>st</sup>
- Piffard update-We hope to get water in the pipes tomorrow

### **WATER/SEWER REPORT:**

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

- As stated above, we will be working in Piffard tomorrow to try and get water in the pipes.

- PRV valve is now rectified on Route 20 (Telephone Road)
- UV Disinfection projects-nothing has happened thus far

**NEW BUSINESS:**

1)Trail Town Committee Report:

Mr. Nagel stated to the Board that the Genesee Valley Greenway has informed the Trail Town Committee that they have applied for another grant for trail improvements (stone dust) going from the Scottsville area to Mt. Morris.

Mr. Nagel also reviewed with the Board the Committee's report for November as well as an article in the New York Times:

Trail Town Committee Report to Town Board

11/14/23

1. The benches in Fowlerville, York Landing and Piffard have been installed. The kiosk in Piffard is being completed and the Fowlerville kiosk will be finished next. Planning for the installation of the bike fix-it stand in Piffard has started.
2. A meeting was held on 10/12/23 to discuss the collaboration between the Trail Town Committee and the York Travel Center regarding the amenity options for the trail head at Greigsville Corners. A second meeting is scheduled for November 15.
3. The included edited article, These Human-Made Natural Wonders Hide in Plain Sight, written by Peter Coy for the September 18, 2023 New York Times gives a great rationale for our trail work here in the Town of York.

Dave/Becky

## **These Human-Made Natural Wonders Hide in Plain Sight**

Peter Coy, Opinion Writer, The New York Times Sept. 18, 2023

Robert Moor was a 10-year-old at summer camp when the counselors took him and his fellow campers to Mount Washington, N.H., the tallest mountain in the Northeast. At one point as they flanked the mountain a counselor told them that they were turning onto the Appalachian Trail, which extends north to neighboring Maine and all the way south to Georgia.

“I still recall the tingle of wonder I felt upon hearing these words,” Moor wrote in a wonderful 2016 book, “On Trails: An Exploration.” “The plain-looking trail beneath my feet had suddenly grown to colossal scale.”

I feel that tingle every time I step onto a long trail, even if I’m walking just a small fraction of it. Lately I’ve been hiking the 125-mile-long Paumanok Path in eastern Long Island in sections. It’s an easy, sandy path through pitch pines, oaks, brambles and laurels. I love that it extends uninterrupted from Rocky Point in the west to Montauk Point in the east. And I love that it’s an open secret: open, in that anyone can walk on it, yet a secret in that even many people who cross it every day by car don’t know it’s there.

**There is an economic angle to trails. It’s the network effect, which says that a network grows in value as it adds nodes. A long trail becomes better when a short trail through a special piece of woodland is incorporated into it. The node improves the network. Conversely, the short trail attracts new attention and visitors. The network benefits the nodes.**

**In “On Trails,” Moor wrote that the creation of a trail is similar to progress in science. “We generally don’t make trails unless there is something on the other end worth reaching,” he wrote. “It’s only once an initial best guess is made, and others follow it, that a trace begins to evolve into a trail.”**



When Europeans arrived in North America, they used the trails that Native Americans had trampled out. Some of those trails became wagon roads and later highways. By one estimate, 85 percent of the aboriginal trails are now paved. “That system of paths is arguably the grandest buried cultural artifact in the world,” Moor wrote.

Trailblazers such as Lewis and Clark saw their mission as bringing civilization to the wilderness. Today it’s more often the opposite: Trailblazers aim to bring wilderness to civilization. Their obstacles are houses and highways.

Last week I interviewed the heads of the two organizations that manage the longest trails in the East, namely the Appalachian Trail and the East Coast Greenway. The Appalachian Trail goes from Springer Mountain in Georgia to Mount Katahdin in Maine. The greenway is younger and more urban, connecting metros rather than mountains. Only 36 percent of it is off-road, although the hope is to get 80 percent or more of it off-road eventually. It extends from Key West, Fla., to Calais, Maine, on the Canadian border.

“It’s a simple footpath in a really complicated system,” Sandra Marra, the president of the Appalachian Trail Conservancy, told me. “The trail almost floats above a whole variety of different forms of land ownership.”

The East Coast Greenway began in 1991 the same way the Appalachian Trail did, as an aspiration. Dennis Markatos-Soriano, the executive director of the East Coast Greenway Alliance, gave me what sounded like a practiced pitch: **“What we do is we help communities build out their trails in a way that forms this unifying connected tissue** from the Moose to the Manatee. From the best blueberry pie to the best Key lime pie.”

Counting everyone who steps on a bit of it each year, the East Coast Greenway is the nation’s most heavily visited park, Markatos-Soriano said.

“If you look down the path it almost seems like it goes to infinity,” Markatos-Soriano said. “It opens the imagination up and makes you feel connected to those other spaces.”

2)Advertisement:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to authorize the Clerk permission to advertise for the following vacancies:

Planning Board (1) 5-year term; effective January 1, 2024

Zoning Board of Appeals (1) 5-year term; effective January 1, 2024

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

3)Pay App #1:

(a)STC Construction, Inc:

RESOLUTION offered by Mr. Rose and Seconded by Mr. Smith to approve Pay App #1 to STC Construction, Inc. in the amount of \$22,420.00. Voted on and approved, Yes-5, No-0.

(b)MW Controls Service, Inc:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve Pay App #1 to MW Controls Service, Inc. in the amount of \$5,560.01. Voted on and approved, Yes-5, No-0.

\*\* Both Pay Apps are for the Wastewater Treatment Facility UV Disinfection Projects.

4)Line-Item Transfers:

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

TOWN OF YORK

PLEASE APPROVE THE FOLLOWING LINE MODIFICATIONS AT YOUR NEXT MEETING:

**GENERAL FUND - TOWNWIDE**

<i>Transfer From:</i>	A5182.4	Street Lighting Contr.	\$	19,000.00
	A5010.4	Garage Equip. & Cap. Outlay	\$	5,500.00
	AUB	Unexpended Balance	\$	78,045.00
			<b>TOTAL:</b>	<u>\$ 102,545.00</u>

<i>Transfer To:</i>	A1010.4	Board, Contr.	\$	175.00
	A1410.2	Clerk, Equip. & Cap.	\$	590.00
	A1420.4	Legal, Contr.	\$	29,362.00
	A1440.4	Engineering, Contr.	\$	4,075.00
	A1620.4	Buildings Contr.	\$	51,667.00
	A3189.4	Mileage	\$	100.00
	A7320.4	Youth	\$	12,000.00
	A7510.4	Historian, Contr.	\$	564.00
	A7510.4	Historical Property	\$	840.00
	A7550.4	Celebrations	\$	126.00
	A8010.2	Zoning, Contr.	\$	275.00
	A8020.4	Planning, Contr.	\$	2,771.00
			<b>TOTAL:</b>	<u>\$ 102,545.00</u>

**HIGHWAY FUND - TOWNWIDE**

<i>Transfer From:</i>	DA5130.2	Equipment	\$	9,160.00
			<b>TOTAL:</b>	<u>\$ 9,160.00</u>

<i>Transfer To:</i>	DA5112.2	CHIPS	\$	9,160.00
			<b>TOTAL:</b>	<u>\$ 9,160.00</u>

**CONSOLIDATED WATER DISTRICT**

<i>Transfer From:</i>	SW8320.4	Source of Supply, Contr.	\$ 534,538.00
			<u>\$ 534,538.00</u>
		<b>TOTAL:</b>	
<i>Transfer To:</i>	SW1950.4	Taxes & Assessments, Contr.	\$ 221.00
	SW8340.2	Water Trans. Equip. & Cap.	\$ 317.00
	SW8340.4	Water Trans. Contr.	\$ 534,000.00
			<u>\$ 534,538.00</u>
		<b>TOTAL:</b>	

**RETSEW SEWER DISTRICT**

<i>Transfer From:</i>	SS8130.2	Sewage Treat Equip. & Cap.	\$ 14,800.00
	SSUB	Unexp. Balance	\$ 10,296.00
			<u>\$ 25,096.00</u>
		<b>TOTAL:</b>	
<i>Transfer To:</i>	SS1670.4	Data Processing Contr.	\$ 42.00
	SS8110.2	Sewer Admin. Contr.	\$ 24,982.00
	SS8340.4	Trans. & Distr. Contr.	\$ 72.00
			<u>\$ 25,096.00</u>
		<b>TOTAL:</b>	

**SEWER DISTRICT #1**

<i>Transfer From:</i>	SS1-8130.1	Sewage Treat. & Dist. Serv.	\$ 4,022.00
			<u>\$ 4,022.00</u>
<i>Transfer To:</i>	SS1-8110.4	Admin. Contr.	\$ 3,982.00
	SS1-8340.4	Trans. & Dist. Contr.	\$ 40.00
			<u>\$ 4,022.00</u>

**SEWER DISTRICT #2**

<i>Transfer From:</i>	SS2-8130.1	Sewage Treat. & Disp. Serv.	\$ 4,410.00
			<u>\$ 4,410.00</u>
<i>Transfer To:</i>	SS2-8110.4	Admin. Contr.	\$ 246.00
	SS2-8120.4	Sewage Coll. Contr.	\$ 4,015.00
	SS2-8130.2	Sewage Treat & Disp. Equip	\$ 146.00
	SS2-9055.8	Disability Ins.	\$ 3.00
			<u>\$ 4,410.00</u>

**JOINT YOUTH**

<i>Transfer From:</i>	JUB	Unexp. Balance	\$ 9,026.00
			<u>\$ 9,026.00</u>
<i>Transfer To:</i>	J7310.1	Youth Services	\$ 5,492.00
	J7310.4	Youth Contr.	\$ 3,534.00
			<u>\$ 9,026.00</u>

5) Backus Correspondence:

Supervisor Deming read aloud correspondence received by the Board from Piffard resident Cheryl Backus regarding a suggestion for a dog park area at the playground site.

To the town of York, 11-13-23  
I have a suggestion for the park.  
I live at the end of Center St. and  
was thinking a nice addition to the  
park would be a "dog park" area.

There is a nice one at Highland  
Park in Geneseo. I believe it would  
be a minimal cost to the town and  
bring more activity to the area. We  
already have the updated playground,  
basketball court, and I understand  
parking and picnic area is in the  
works. With the addition of the "dog  
park area" there will be a area for  
the full family, to enjoy.

I hope you take my suggestion  
into consideration.

Thank-you

Cheryl J Backus

NOV 13 2023

The Board inquired as to the size of such parks in other townships. Mr. Worden commented that a 50' x 50' area is a routine size, and usually a dispenser is placed for disposal purposes.

Mr. Richenberg inquired if the Town had any signage stating that dogs are not allowed, which Supervisor Deming responded there are no signs posted for such.

The Board stated until review of other parks has taken place, we will table this discussion at this time.

**OTHER BUSINESS:**

1)Greigsville Sidewalk update:

Supervisor Deming informed the Board that he attended a meeting today at the County to discuss applying for a Tap Grant for Greigsville Sidewalks once again. Livingston County Senior Planner, Megan Crowe will be reaching out to Clerk Harris within the next day or so to coordinate necessary information for the grant application.

Supervisor Deming addressed Mr. Fuller at this time regarding the comments he made earlier in the meeting pertaining to the Executive Session meeting held in February which prompted his lawsuit. Mr. Deming stated that the meeting was called to keep the Board informed and try to secure information from leaking to the solar company before negotiations were finalized. Due to the way things played out thereafter, the Board can only go forward with two members representing the Town which is unfortunate but is how it must be until its's ready to be discussed as a Board along with the public. It was my mistake to have that meeting but in order to keep negotiations secure, he felt it was necessary. We now need to move forward and stop conversations about the lawsuit, the matter has been resolved.

**ADJOURNMENT**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board meeting until December 5<sup>th</sup>. Voted on and approved, Yes- 5, No- 0.

Town Board meeting closed at 7:44 p.m.

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