

York Town Board Meeting  
September 12<sup>th</sup>, 2023  
7:00 p.m.

Present: Supervisor Gerald Deming, Council Members: Amos Smith, Jason Swede and Norman Gates

Absent: Frank Rose Jr.

Others: Jacob Smith, James Campbell (Town Attorney), John Morgan, Joe Eyer, Henry Fuller, Becky Lewis, Kirk Richenberg, Dustin Geiger, George Worden Jr. (Highway Supt) and Andrew Walton.

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

**MINUTES:**

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve the minutes of the August 8<sup>th</sup>, 2023 Town Board Meeting. Voted on and approved, Yes-4, 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-4, No-0.

- General Fund # 213-242 \$ 21,148.71
- Consolidated Water/Sewer # 176-200 \$51,026.63
- Highway Fund # 129-143 \$ 79,121.71
- Y-L Youth Fund # 12 \$ 9,100.00

**PRIVILEGES OF THE FLOOR:**

1) Joe Eyer:

Mr. Eyer came before the Board this evening to discuss zoning concerns. Mr. Eyer stated down the road from his property a neighbor is running a scrap yard from their home. After speaking with the Zoning Officer, he was told nothing can be done if the Town is unable to see the excess from the roadway or stop him from trucking items home.

Supervisor Deming stated that he and Mr. Eyer have discussed this situation a number of times over the past few months as well as conversations with Mr. Peter, the Code

Officer. Mr. Peter indicated we have no jurisdiction on hauling items to the property and if the Town cannot view it from the right of way, a violation notice cannot be issued.

Attorney Campbell agreed the Town is limited to what can be done based on what is viewed from the road. As far as what is being hauled on the roadways, we do not have jurisdiction for such.

**7:03p.m.**- Councilman Rose arrived at this time.

Supervisor Deming commented, to date the Town has not received any complaints from the neighbors on either side of this property. Attorney Campbell stated once again, if the Code Officer cannot visibly see a violation, we cannot prepare a notice.

Mr. Eyer commented he feels something should be done, this has been going on for 20 years and stated that there seems to be different rules for people in the Town.

Attorney Campbell replied that there are not different rules on the enforcement aspect, we must have evidence (pictures) to show a judge that a violation has taken place.

Mr. Eyer stated that you can see the junk from the street. Supervisor Deming answered from the road you cannot see what they have on the property. Mr. Deming then asked Highway Supt. Mr. Worden if he has viewed anything when traveling Cowan Road. Mr. Worden stated that he has not looked at that residence specifically but will do a drive by to view.

Supervisor Deming expressed to Mr. Eyer that at this time we do not have an answer for him but will speak with Mr. Peter once again to see if a violation can be processed.

Supervisor Deming asked each Board member if anyone has traveled Cowan Road to view the parcel we are speaking about?

Councilmen Swede, Gates and Rose all replied they had not. Councilman Smith commented that you cannot see anything from the road because of the fence in front but he has viewed the parcel from another site and witnessed a great deal of excess. Mr. Smith added after Mr. Eyer contacted him about his concerns, he reached out to Code Officer Mr. Peter to discuss further. Mr. Peter informed Councilman Smith that he was unable to write a violation due to the fact he could not see anything from the road.

Mr. Eyer stated if he put junk cars on his property, he knows the Town would send a violation to him.

Attorney Campbell replied if junk cars & other items are behind a fence out of view, we do not have much enforcement to work with.

Mr. Eyer stated he had two cars without plates and had to get rid of them. Every time he does something, his assessment goes up. He understands increases but the neighbor down the street is getting away with it.

Supervisor Deming stated we will speak with Mr. Peter once again about the matter and asked M. Worden to conduct a drive by as well.

2)Jacob Smith:

Jacob came to discuss with the Board plans for his upcoming Eagle Scout Project. Jacob and his fellow scouts will be constructing a cremation garden at the Pleasant Valley Cemetery.

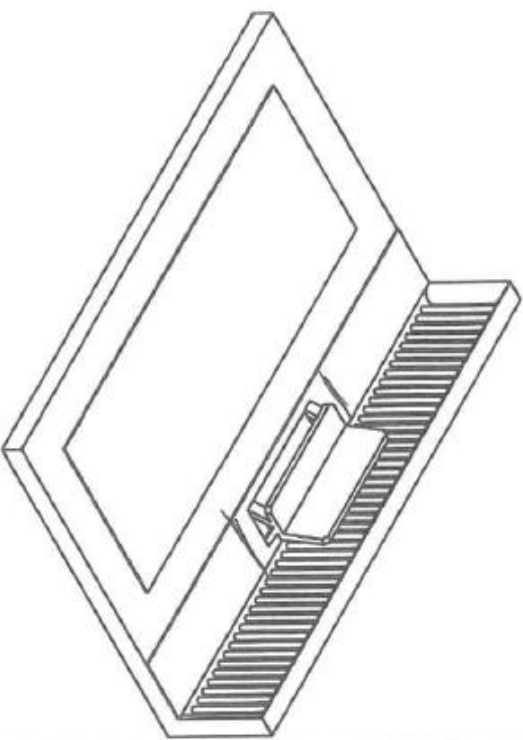
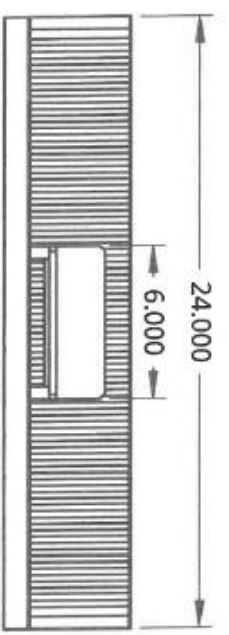
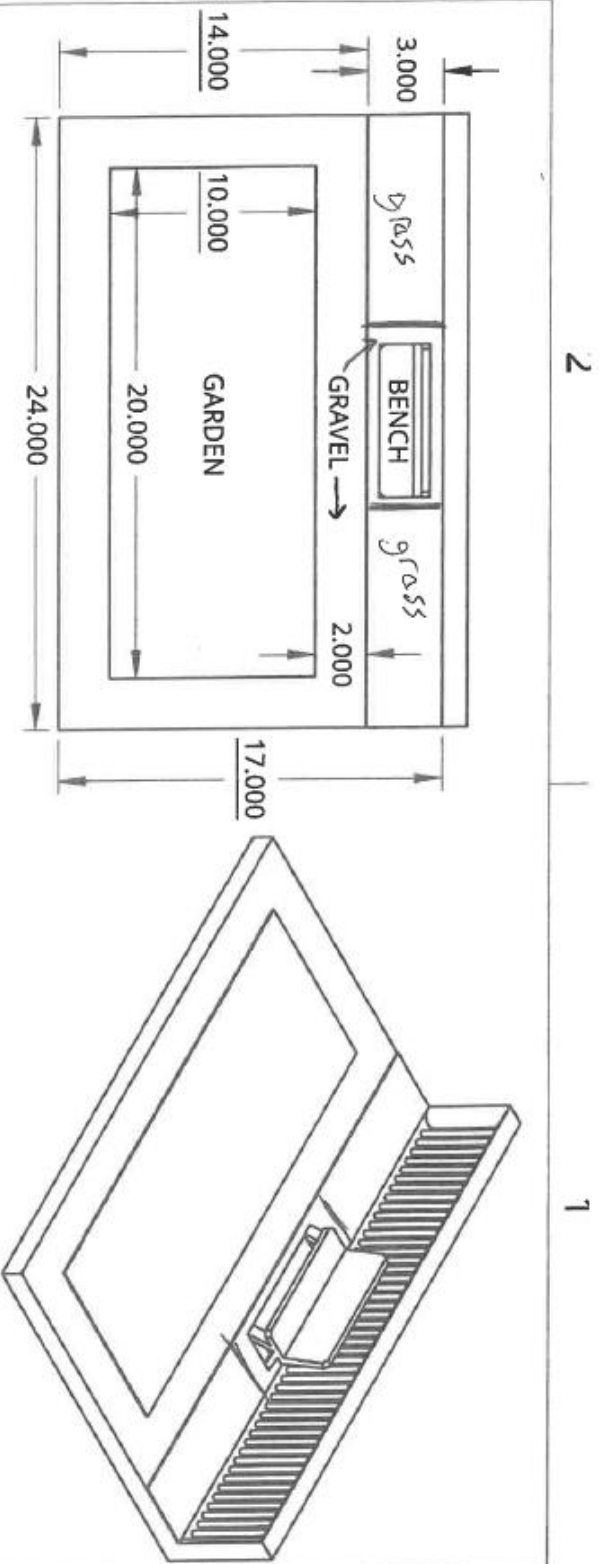
Jacob outlined work that will need to be completed prior to the construction of the garden but asked the Town Board if the Town of York might be willing to donated some or all gravel needed for the project. From the calculations made, Jacob anticipates roughly 2.35 ton of crushed gravel but if possible 2.5 ton in total, giving them a bit extra to be certain.

Highway Supt. Mr. Worden asked if Jacob required the same gravel as is already on site, Jacob replied that was not necessary, they are using this material to outline the area in and around the cremation garden.

Mr. Worden commented the Highway Department can certainly assist, once approval has taken place by the Town Board and recommends crusher run material.

Supervisor Deming asked the Board if they wish to donate, all agreed.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the donation of crusher run material and hauling of such to the Pleasant Valley Cemetery for Jacob Smith's Eagle Scout Project to construct a cremation garden. Voted on and approved, Yes-5, No-0.



UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES 2X = 1/8" ANGLE = 1/4" 3000 = 1.00" SURFACE FINISH ✓		DRAWN	NAME	DATE
DO NOT SCALE DRAWING	BREAK ALL SHARP EDGES AND REMOVE BURRS	CHECKED	JACOB SMITH	
THIRD ANGLE PROJECTION		APPROVED		
TITLE				
CEMETERY DIMENSION DRAWING				
SCALE	SHEET	NO.		
1:10	1 of 1			
JACOB SMITH				

A

B

3)Henry Fuller:

Mr. Fuller asked to speak with the Board tonight regarding employee testing documentation requirements and water billing:

Mr. Fuller stated that people have asked why credit card payments cannot be installed at the office.

Clerk Harris commented that Mr. Fuller must have had a conversation with his son, as he has inquired previously the same question. Ms. Harris stated that we have discussed pursuing moving forward with credit card payments but have yet to decide which company to contract with in order to get the best price at minimal charge to the residents.

Mr. Fuller asked if the Town Board ever receives documentation regarding training certification for town employees?

Supervisor Deming replied that a Code Enforcement Officer is required to take 6 classes of basic training taught by the State to obtain certification and then required to take 24 hours of continuing education each year to maintain certification. Records are submitted to the State annually for verification. The Assessor is also required to obtain yearly certifications through the State as well. Our Planning and Zoning Board of Appeals members are required to obtain 4 hours of training credit yearly, which we keep track of.

4)Kirk Richenberg:

Mr. Richenberg asked to speak tonight regarding government transparency, Highway and Water Departments:

Mr. Richenberg noted that the waterline in Piffard is underway, is that welded pipe?

Mr. Worden replied it is fused. Mr. Richenberg asked if the Town hired a sub-contractor. Mr. Worden replied we have, and he is charging us \$200.00 per fuse.

Mr. Richenberg questioned if they were qualified and if the Town had any guarantees if something should fail, what recourse would we have. Mr. Worden answered that we have hired Morsch Pipeline, who has worked in this community on several projects.

Mr. Richenberg stated that Federal Road was recently paved, will the shoulders be back up before winter?

Mr. Worden replied yes, once we get the machinery from Caledonia we can proceed.

Mr. Richenberg asked if we have any criteria yet regarding dispensing of solar funds?

Supervisor Deming commented that we have had several requests and suggestions.

We have previously used: \$62,000 – on the Town Hall building  
\$76,00 was moved over for the Highway truck

We still have \$192, 000 left in ARPA funds and both solar funds have not been touched.

Mr. Richenberg asked if those funds must be approved by the Town Board?

Supervisor Deming answered the funds will be approved by the Board and added some money will be used for the Highway roof as well.

Mr. Richenberg read aloud the following:

9/12/23

To the Citizens of the Town of York, N.Y.

On 8/10/23 The Town of York Town Board conceded to the STATE OF NEW YORK SUPREME COURT : COUNTY OF LIVINGSTON that on 2/21/23 the York Town Board violated the open meetings law. This is a very important positive step in holding our elected officials accountable for their actions, and also important step toward transparent and open government. As we all know when decisions are made behind closed doors they are not always in the best interest of the general public. The York Town Board had several opportunities to correct this so-called mistake but chose instead to fight this through the courts.

In my opinion it is appalling that elected officials of more than 30 years, who have taken an oath of office to uphold New York State Laws and the U.S. Constitution, do not know and understand The New York State Open Meetings Law. Also very concerning to me is the fact the town attorney, who has access to many legal documents, legal decisions and should know the law, helped the York Town Board in the process fighting this Article 78 petition. This should be a wake-up call to the citizens of The Town Of York. Open government helps the York Town Board follow the laws and act in the best interest of all of the citizens of the Town of York. Please come to town board meetings, see what is really going on in your local government and how your tax dollars are being spent.

Kirk Richenberg

A handwritten signature in black ink, appearing to read 'Kirk Richenberg', with a large, stylized flourish at the end.

### **HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Department:

- Nova chipped Federal Road from Linwood Rd. to Anderson Rd.
- Nova chipped Craig Rd. from Federal Rd. to Stewart Rd. Both roads will have additional gravel on the sides shortly
- Started the waterline in Piffard, with Morsch conducting the fusing of pipes. Some pipe is already in and is going smoothly thus far. We anticipate roughly two weeks to get all pipe in the ground then testing will take place, certification and then connection thereafter.
- Must advertise for an MEO position.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to advertise for the Highway Department and Water/Sewer Department. Voted on and approved, Yes-5, No-0.

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

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

- The department is currently reading meters for the October billing cycle and anticipate completion by the end of the week.
- We have been changing out parts on many of our lift stations (22) and expect to see a difference in our electric bills for efficiency purposes.

### **NEW BUSINESS:**

1)Trail Town Report:

Trail Town Report to Town Board - 9/12/23

1. Site work on the amenities along the Greenway is continuing. Hopefully, all current projects will be completed before the snow flies.
2. Contact has been made with Joe Bucci, Jr about the Trail Town Committee working with the Travel Center on the Greigsville Trailhead.
3. Plans are being made with the York Historical Society to have an event at the Warren House on October 14th (during the partial solar eclipse) to distribute solar glasses in return for a donation to the ADA compliant bathroom fund. More on that soon.

- 2)Water shut off Applications:  
a-2526 Main St. (Stokes)  
b-2866 Genesee St. (Burdick)

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve water service shut off applications for 2526 Main Street and 2866 Genesee Street. Voted on and approved, Yes-5, No-0.

3)Highway Roof:

Mr. Worden reported that we may need engineering services to properly review what will be needed for the Highway roof replacement to make sure we do not have issues going forward.

Supervisor Deming stated that we will need to get quotes for engineering services and has one already from CPL. Councilman Rose commented that it will take time for firms to come out and review the building to see what is the best option. Councilman Smith stated perhaps we should reach out to MRB as well.

Mr. Worden stated he does not have a preference on whom the Board wants to use as an engineering firm as long as we have a durable design that can be constructed quickly.

Councilman Smith expressed the need to get the roof fixed before the winter season since it was only patched previously.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to accept the CPL quote for engineering services for the Highway Department garage roof replacement in the amount of \$18,300.00. Voted on and approved, Yes-5, No-0.





September 12, 2023

Gerald Deming, Supervisor  
Town of York  
2668 Main Street  
York, NY 14592

**RE: PROPOSAL FOR ENGINEERING SERVICES  
HIGHWAY GARAGE ROOF REPLACEMENT**

Dear Supervisor Deming:

We appreciate the opportunity to submit this proposal for engineering services related to the design, bidding, and construction of improvements to the Town of York Highway Department roof. The existing flat roof system has outlived its useful life expectancy and leaks in several locations. Based on discussions with the Town, including George Worden, we understand the preferred method of replacement is to utilize trusses installed over the existing flat roof with purlins and metal roofing, which should provide the Town with a reliable system for the next 50-years.

**Project Scope**

Design

- Development of design plans suitable for bidding, including a plan view, sections, and appropriate details. This will require a site visit to document existing conditions and measurements. A structural review will be completed to determine the ability of the existing structure to support the truss roof system and to detail any improvements that may be required to the existing structure.
- Present options to the Town for the materials that will be incorporated into the project, including the metal roofing and siding on the gable ends.
- Preparation of project specifications, which will include bid form, agreement, funding agency requirements, detailed building specs, and other legal sections to protect the Town.

Bidding Phase

- Provide up to twenty (20) sets of plans, specifications, and contract documents to be issued to prospective bidders.
- Respond to bidders' questions during the bidding period and issue any addenda required for the interpretation and clarification of the bidding documents.
- Attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare the bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.



Construction Phase - Administration

- Provide construction administration services, which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the contractor and Town, final inspection and punch list, and preparation of record drawings.

Construction Phase - Observation

- We have assumed that construction observation would be completed by the Town.

**Project Fee**

Our fee proposal to complete the work described above is as follows:

Task	Fee
Design	\$12,800
Bidding	\$2,500
<u>Construction Administration</u>	<u>\$3,000</u>
Total:	\$18,300

We appreciate the opportunity to submit our proposal and look forward to working with all those involved.

If you have any questions or require any additional information, please contact me at (585) 260-4970.

Very truly yours,

CPL

Eric C. Wies, P.E.  
Vice President

Proposal Accepted By:

Signature: Gerald L. Deming

Date: 09-14-23



Construction Phase - Administration

- Provide construction administration services, which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the contractor and Town, final inspection and punch list, and preparation of record drawings.

4)Anderson Road:

a) De-obligation of funds

**TOWN OF YORK**

**ANDERSON ROAD WATER DISTRICT EXTENSION  
PROJECT COMPLETION RESOLUTION**

**RESOLUTION offered by Councilman Swede and seconded by Councilman Smith:**

**WHEREAS**, the Town of York has substantially completed construction of the Anderson Road Water District Extension Project; and

**WHEREAS**, the Town of York has \$217.08 of funds remaining for their Anderson Road Water District Extension Project which must be de-obligated; and

**WHEREAS**, the Town Board of Trustees of the Town of York received notice of final completion for the Anderson Road Water District Extension Project; NOW, therefore be it.

**RESOLVED**, that the Town Board of Trustees of the Town of York accepts the Anderson Road Water District Extension Project as complete and authorizes final payment to the contractors as well as the de-obligation of the remaining \$217.08 of funds.

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of York hereby states an operator appropriately licensed by New York State has been retained to oversee operation of the water system; **James Hodges, license Number: NY0036833.**

I, Christine Harris, Town Clerk of the Town of York, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of York on September 12, 2023, by the following vote:

ROLL CALL

Gerald Deming, Supervisor	Aye
Frank Rose, Jr., Deputy Supervisor	Aye
Amos Smith, Councilman	Aye
Jason Swede, Councilman	Aye
Norman Gates, Councilman	Aye

Christine M. Harris  
Christine Harris  
Town Clerk, Town of York

Dated: September 13, 2023

FORM E

RURAL DEVELOPMENT (RD) PROJECT BUDGET / COST CERTIFICATION

TOWN OF YORK

Project Name: Anderson Road Water District Extension Date: 09/12/23 Report No.: 13  
 Actual: X  
 Estimate:

Funding Source	
RD Loan:	\$1,038,000
RD Loan:	
RD Grant:	\$803,000
RD Grant:	
SUBTOTAL:	\$1,841,000
Applicant Contribution (RD Application):	\$6,000
SUBTOTAL:	\$6,000
TOTAL:	\$1,847,000

ITEM	ORIGINAL BUDGET	MODIFIED BUDGET	PREVIOUS EXPENDITURES	EXPENDITURES THIS PERIOD	EXPENDITURES TO DATE	BALANCE REMAINING
<b>A. ADMINISTRATIVE</b>						
1. Legal - Kruk & Campbell	\$1,700.00	\$1,700.00	\$1,700.00		\$1,700.00	\$0.00
2. Bond Counsel - Harris Beach	8,758.99	8,758.99	8,758.99		8,758.99	0.00
3. Net Interest	3,717.92	3,717.92	3,717.92		3,717.92	0.00
4. Fiscal Advisor - Municipal Solutions, Inc.	25,772.80	25,772.80	22,187.27	3,585.53	25,772.80	0.00
5. RD Application (RD Ineligible)	5,227.20	5,227.20	5,227.20		5,227.20	0.00
6. Single Audit - Bonadio & Co.	7,500.00	7,500.00	7,500.00		7,500.00	0.00
7. Miscellaneous (copies, postage, legal ads, permits)	464.72	464.72	464.72		464.72	0.00
<b>Total A. Administrative</b>	<b>\$53,141.63</b>	<b>\$53,141.63</b>	<b>\$49,556.10</b>	<b>\$3,585.53</b>	<b>\$53,141.63</b>	<b>\$0.00</b>
<b>B. TECHNICAL SVCS.</b>						
1. Engineering - Clark Patterson Lee						
a. Study & Report Phase	\$2,500.00	\$2,500.00	\$2,500.00		\$2,500.00	\$0.00
b. Preliminary & Final Design	100,500.00	100,500.00	100,500.00		100,500.00	0.00
c. Bidding	6,000.00	6,000.00	6,000.00		6,000.00	0.00
d. Construction Administration	37,500.00	37,500.00	37,500.00		37,500.00	0.00
e. Construction Observation	73,700.00	73,700.00	73,700.00		73,700.00	0.00
2. Soil Borings - SJB Services	12,216.00	12,216.00	12,216.00		12,216.00	0.00
<b>Total B. Technical Svcs.</b>	<b>\$232,416.00</b>	<b>\$232,416.00</b>	<b>\$232,416.00</b>	<b>\$0.00</b>	<b>\$232,416.00</b>	<b>\$0.00</b>
<b>C. CONSTRUCTION</b>						
1. Construction Contracts						
a. Contract 1- Morsch Pipeline	\$1,483,509.40	\$1,483,509.40	\$1,483,509.39		\$1,483,509.39	\$0.01
<b>Total C. Construction</b>	<b>\$1,483,509.40</b>	<b>\$1,483,509.40</b>	<b>\$1,483,509.39</b>	<b>\$0.00</b>	<b>\$1,483,509.39</b>	<b>\$0.01</b>
<b>D. DIRECT EXPENDITURES</b>						
1. Direct Expenses						
a. Core & Main	\$26,213.73	\$38,327.82	\$26,213.73	\$12,114.09	\$38,327.82	\$0.00
b. Hydrant Maintenance (Plug Hug)	20,527.17	20,527.17	20,527.17		20,527.17	0.00
c. Computers (Hurricane Tech)	1,913.28	1,913.28	1,913.28		1,913.28	0.00
d. Landscape Rake (Bobcat)	0.00	8,516.08	8,516.08		8,516.08	0.00
e. Meter Reading Equipment	0.00	0.00	0.00		0.00	0.00
f. Smart Water Meters	0.00	0.00	0.00		0.00	0.00
g. GPS Equipment	0.00	8,431.55		\$8,431.55	8,431.55	0.00
<b>Total D. Expenditures</b>	<b>\$48,654.18</b>	<b>\$77,715.90</b>	<b>\$57,170.26</b>	<b>\$20,545.64</b>	<b>\$77,715.90</b>	<b>\$0.00</b>
<b>E. CONTINGENCY</b>						
1. Contingency	\$29,278.79	\$217.07				\$217.07
<b>Total E. Contingency</b>	<b>\$29,278.79</b>	<b>\$217.07</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$217.07</b>
<b>TOTAL PROJECT COST</b>	<b>\$1,847,000.00</b>	<b>\$1,847,000.00</b>	<b>\$1,822,651.75</b>	<b>\$24,131.17</b>	<b>\$1,846,782.92</b>	<b>\$217.08</b>

I certify to the best of my knowledge and belief that the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due, which has previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.

Scott Dering Supervisor  
 Town of York Title

Clark Patterson Lee  
 Clark Patterson Lee

Reviewed by: \_\_\_\_\_

RD Review Date: \_\_\_\_\_

5) Proposed Local Law #5 of 2023:

Attorney Campbell gave a brief overview of the draft Local Law he prepared for the Board providing a partial exemption from Real Property taxes to certain eligible volunteer firefighters and volunteer ambulance workers. Mr. Campbell stated the Board requested that he prepare this, which would now require the Town Board to conduct a Public Hearing on the subject.

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to schedule a Public Hearing for Tuesday, October 10, 2023 at 6:30 p.m. for the purpose of considering public opinion and comment regarding the above Local Law. 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)

Christine Harris  
York Town Clerk

6)York Road West Waterline:

Supervisor Deming and Attorney Campbell reported that Woodlawn Land Company has made a formal request to the Town Board to dedicate their existing waterline to the Town of York. CPL and Highway Supt. Worden have verified that the line was installed per town specifications.

Attorney Campbell read aloud the following resolution:



TOWN BOARD  
TOWN OF YORK  
COUNTY OF LIVINGSTON

**RESOLUTION**

At a regular meeting of the Town Board of the  
Town of York, Livingston County, State of New York,  
held at the York Town Offices on September 12, 2023

**WHEREAS**, Woodlawn Land Company LLC and Woodlawn Farms Inc. (“Woodlawn”) are the developers and owners of certain water infrastructure improvements made within the Town of York (hereafter “Town”) that were constructed with the intention of dedication to the Town of York on behalf of the Town of York Consolidated Water District York Road West Extension; and

**WHEREAS**, Woodlawn is the developer and owner of certain water infrastructure improvements, consisting of 6,100 linear feet of 2 inch water line with appurtenant facilities along York Road West (hereafter “Water Improvements”), made within the Town of York, that were constructed with the intention of dedication to the Town of York on behalf of the Town of York Consolidated Water District York Road West Extension; and

**WHEREAS**, all Water Improvements to be dedicated have been fully constructed and completed in compliance with the plans and design criteria of the Town of York and to the satisfaction of the Town’s engineering consultant and water department; and

**WHEREAS**, all as-built drawings have been delivered to the Town; and

**WHEREAS**, Woodlawn has made formal written request for the Town to accept dedication of such facilities; and

**WHEREAS**, there are no liens or outstanding debt associated with the installed facilities; and

**WHEREAS**, the Town now wishes to accept dedication of the Water Improvements on behalf of the Town of York Consolidated Water District York Road West Extension; and

**WHEREAS**, the Town is satisfied that Woodlawn is possessed of good and marketable title to convey to the Town ownership in and to the Water Improvements as shown on the as-built drawings for those improvements; and

**WHEREAS**, the Town Board has reached the conclusion that the acceptance of ownership of such Water Improvements is in the best interest of the Town of York and the residents within the Town of York Consolidated Water District York Road West Extension;

**NOW, THEREFORE**, upon motion by Councilman Smith, seconded by Councilman Rose, it is hereby

**RESOLVED**, that the Town Board of the Town of York hereby accept dedication of the Water Improvements made within the Town of York Consolidated Water District York Road West Extension; and

**RESOLVED**, the Town Supervisor of the Town of York shall be authorized and empowered to execute any and all documentation that may be reasonably required to memorialize the tender and acceptance of dedication of such Water Improvements as anticipated herein.

Dated: September 12, 2023

Vote of the Board:	Supervisor Gerald Deming	Aye
	Councilmember Norman Gates	Aye
	Councilmember Frank Rose, Jr.	Aye
	Councilmember Amos Smith	Aye
	Councilmember Jason Swede	Aye

By Order of the York Town Board  
Christine M. Harris, Town Clerk

7)Retsof Sewer District Improvements:  
a-Advertisement for bids

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede permission to advertise for bids for the Retsof Sewer District Collection System Improvements. Bids will be opened on November 7, 2023 at 2:00 pm.

ADVERTISEMENT FOR BIDS

TOWN OF YORK  
COUNTY OF LIVINGSTON, STATE OF NEW YORK  
RETSEF SEWER DISTRICT  
COLLECTION SYSTEM IMPROVEMENTS

Town of York (Owner) is requesting Bids for the Construction of the following Project:

**Retsof Sewer District – Collection System Improvements**

Sealed Bids for the construction of the Project will be received at the Town Hall located at 2668 Main Street, York, New York 14592, until **2:00 pm.** local time on **November 7, 2023.** At that time the Bids received will be **publicly** opened and read.

This project involves replacing or CIPP lining of approximately 7,050 LF of 6-inch, 8-inch and 10-inch sewer main, sanitary laterals, cleanouts and associated appurtenances along portions of Evans Avenue, Tenth Street and Retsof Avenue in the Town of York. This project also includes replacement of the pump station located on Retsof Avenue and the installation of storm water laterals at each home on Retsof Avenue.

**Obtaining the Bidding Documents**

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

Printed copies of the Bidding Documents may be obtained **in person** from the Issuing Office, during the hours from **8:00 a.m. to 3:00 p.m.**, upon payment of a deposit of **\$75.00 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 **October 31, 2023**, at the office of the Engineer to the attention of Casey DeGraff, Project Engineer via email: [cdegraff@cplteam.com](mailto:cdegraff@cplteam.com). If necessary, an Addendum will be issued by 12:00 p.m. (Local Time) on **November 3, 2023** from the office of the Engineer.

Bid security shall be furnished in accordance with the Instructions to Bidders.

Each bid must be accompanied by a certified bank check or bid bond from a domestic carrier licensed to do business in the State of New York in the amount of not less than five percent (5%) of the amount of the bid submitted.

This project is partially funded under the Rural Utility Service as administered by the United States Department of Agriculture Rural Development (USDA RD) and is subject to the provisions of Section 3 of the HUD Act of 1968 as amended and other USDA RD regulations. Prospective bidders should review the USDA RD requirements included in the contract documents.

Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent

statutes mandating domestic preference applies an American Iron and Steel requirement to this project. All iron and steel products used in this project must be produced in the United States. The term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and Construction Materials.

The following waivers apply to this Contract:

*De Minimis,*

Minor Components,

Pig iron and direct reduced iron.

This project will also be partially funded by the New York State Environmental Facilities Corporation with a WIIA grant. The successful bidder will be required to comply with all requirements applicable to this funding agency. The MWBE participation goal is 30% and the SDVOB goal is 6% as established by NYSEFC.

Bidders on this work will be required to comply with 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 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.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

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  
Date: September 13, 2023

#### 8)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 of the form....

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose 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 M.U.-1 Records Retention & Disposition Schedule, the following records have been determined to be obsolete and are to be destroyed, REVISED IN 2022  
DEPARTMENT: TOWN CLERK

RECORD SERIES DESCRIPTION	PAGE	DEPARTMENT Schedule Mu-1	SCHEDULE ITEM #	SECTION #	DATES OF RECORDS from - to	RETENTION N	CONFIDENTIAL?	ELECTRONIC FILE
Tax Collection Records: data file, returned copy of bill, copy of receipt, daily accounts, records of overpayments , etc	322	"Tax Collection"	1. [595]a	1047	2013-2016	6 yrs	N	Y
Tax escrow account records: list of escrow accounts (lists/packets)	322	"Tax Collection"	3. [597]c	1049	2016-2022	1 yr	N	N/A
Dog Licenses (originals/renewals)	77	"Dog Identification & Control"	2. [163]	327	2016-2019	3yrs	N	N (CURRENT RECORDS ON FILE IN BAS)
Spay / Neuter Records (for deceased/gone dogs)	77	"Dog Identification & Control"	3. [164]	328	2015-2022	0 AFTER OBSOLETE	N	N
Rabies Vaccination Certificates	78	"Dog Identification & Control"	12. [667]	336	2015-2020	3 yrs	N	Y
NYS DEC/(DECALS) correspondence	158	"Licenses and Permits"	7. [319]	610	2012-2016	6 yrs	N	N
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	2013-2016	6 yrs	N	Y (at Bank of Castle)
	119	Tax Collector	1. [263]	475	2013-2016	6 yrs	N	Y (at Bank of Castle)
	120	Tax Collector	7. [269]	482	2013-2016	6 yrs	N	N
Banking Deposit slips:	120	York Town Clerk	7. [269]	482	2013-2016	6 yrs	N	N
Handicapped Parking Permits Records	334	Temporary	23. [634]a	1089	2016-2019	3 yrs	N	Y (cannot delete from BAS)
"Transportation and Engineering"	334	Permanent	23. [634]a	1089	2016-2019	3 yrs	N	Y (cannot delete from BAS)
Reports (T.C. End of the month)	133	"Reports"	1. [283]	555	2013-2016	6 yrs	N	Y (through BAS)
General Receipts Books	126	"General Acct/Misc"	17. [282]	519	1992-2016	6 yrs	N	Y (Through BAS)
Billing Records covering services provided by local government (W/S records)	126	"General Acct/Misc"	12. [256]	514	2000-2016	6 yrs	N	Y (Through WaterWorks)
FOIL Documentation	191	"Public Access to Records"	4. [409]a	706	2014-2020	6 months	N	N

Confidential? Yes  No

Destruction Authorized by

Town Board:

<u>Verall Dennis</u>	Date: <u>9-12-23</u>
<u>Franklin</u>	Date: <u>9-12-23</u>
<u>Quartz</u>	Date: <u>9-12-23</u>
<u>Hammer</u>	Date: <u>9-12-23</u>

Town Attorney:

<u>[Signature]</u>	Date: <u>9/12/2023</u>
--------------------	------------------------

Records Management Officer:

<u>[Signature]</u>	Date: <u>9/12/2023</u>
--------------------	------------------------

Print Name (RMO)

Christine N. Harris

Destruction Certified by:

Christine Harris

<u>[Signature]</u>	Date: <u>9-18-2023</u>
Witness	

Method of Destruction (Circle):

Landfill  
9-17-2023

Incineration

Shredding  
9-18-2023

Recycling

9)Town of York Welcome Signs:

Supervisor Deming reported that he and Clerk Harris each received an email from a town resident addressing the poor condition of our Town of York signs and questioned if it was possible to utilize solar funds to upgrade to perhaps composite material.

Supervisor Deming stated that the signs do look quite worn and asked Mr. Worden if they could be fixed or should signage be replaced completely. Mr. Worden replied that they can be and have been repaired a few times over the years. The original material was wood and with the newer repairs made, some were done with composite material. Supervisor Deming asked Mr. Worden if he could get some pricing.

A digital sign was also discussed for the Town Hall a few years back. Councilman Smith commented that the pricing he obtained at that time was \$20,000 but can reach out to the same contact person to inquire on current costs. Supervisor Deming stated we could use ARPA funds for this if the price was reasonable.

Mr. Richenberg asked the Board since there was no written documentation from the February 21, 2023 Town Board meeting, is there any verbal information that could be shared?

Supervisor Deming commented that the Board reviewed several town's PILOT's and Community Benefit Agreements as it pertained to a dollar amount for wattage. The amount paid to these other towns ranged from \$3,500 to \$6,000 per megawatt and our discussion was where the Town of York would like to be going forward with the White Creek Solar Project. We submitted our position which has since been rejected and now we are waiting for their counter offer.

Attorney Campbell outlined in Section 94-c, of the Renewable Energy Siting Regulations, municipalities have influence when it comes to participation in the process. Mr. Campbell commented, in the 2020 Accelerated Renewable Energy Growth and Community Benefit Act, they established Executive Law Section 94-c to replace Article 10 for major renewable projects. With the Host Community Benefit, participation in a PSC program provides a 10-year utility bill discount of \$500.00/MW per year to be shared amongst residential customers if an agreement is agreed upon between the applicant and the host community. This amount would be part of the overall dollars provided by the developer as part of the PILOT and Host Community Agreement financial allocation.

Attorney Campbell stated at this point we are trying to figure things out for this project in order to get the highest monetary benefit for the community. We hope to obtain final numbers soon, so the Town Board can review and firm up details.

Supervisor Deming reported White Creek was at the town hall today to discuss their preliminary plans for a Road Use Agreement. Attorney Campbell stated Highway Supt. Mr. Worden was at this meeting and was very helpful in mapping out road documentation.

Mr. Fuller suggested reviewing the previous fracking documents regarding Road Use Agreement as a guide.

Attorney Campbell commented with these types of solar projects, there will be more heavy equipment brought in for preparation and installation purposes.

Supervisor Deming reported, regarding the AKZO money, the Town is still waiting to hear back from the Attorney General's office and DEC on how to spend these funds.

Mr. Fuller asked where the Trail Town Committee put the kiosks?

Ms. Lewis replied that the kiosks are placed by the Yard of Ale restaurant and on Fowlerville Road, both on State property.

After no further discussion...

**ADJOURNMENT:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board Meeting until October 10<sup>th</sup>, 2023. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 8:13 p.m.

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