

Public Hearing
July 11th, 2023
6:30 p.m.

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

Absent: Norman Gates

Others: James Campbell (Town Attorney), George Worden Jr. Henry Fuller,
Kirk Richenberg and Dustin Geiger

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

TOWN OF YORK

2668 Main Street, York NY 14592

Resolution calling for a Public Hearing to Receive Comment on the Town of York, Flats Road Pump Station Improvements Pursuant to New York State Town Law §§202-b.

WHEREAS, the Town Board of the Town of York has determined that it is necessary to make
significant improvements, rehabilitation and repairs to the Flats Road Pump Station within the Town of
York Consolidated Water District; and

WHEREAS, the Town Board of the Town of York recognizes there is a need to provide safe and
effective public water service to its customers within the Town of York Consolidated Water District and
that appropriate improvements to the existing drinking water delivery facilities will mitigate the public
health risks associated with the potential for inadequate ability to deliver potable water within said
District; and

WHEREAS, in order to accomplish such needs, the Town Board of the Town of York is proposing the
following improvements to the Flats Road Pump Station within the Town of York Consolidated Water
District: The replacement of the existing Flats Road booster pump station. The new pump station will
include a building, pumps, piping, electrical supply, generator, and chlorine injection. Once the new
building is constructed, the existing building will be demolished; and

WHEREAS, the Town Board is empowered to authorized such improvements subject to the provisions
of New York State Town Law §202-b; and

WHEREAS, this Public Hearing Notice is made pursuant to and in compliance with Town Law §§202-
b and 193; and

NOW THEREFORE BE IT RESOLVED, that pursuant to New York State Town Law, a public hearing be held on the 11th day of July, 2023 at 6:30 p.m. at the Town Hall located at 2668 Main Street, York, New York, with respect to the replacement of the Flats Road Pump Station as more particularly described in the Engineering Report last dated June, 2023, prepared by Clark Patterson Lee, which said report is on file in the York Town Clerk's office; and be it further

RESOLVED, that the maximum amount proposed to be expended for the improvements is \$1,300,000.00 of which it is expected that \$780,000.00 will be funded from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant and the local share of \$520,000.00 will be financed through long term financing through either the New York State Environmental Facilities Corporation or through long term bonding; and be it further

RESOLVED, that the anticipated cost for such improvements shall be borne by the Town of York Consolidated Water District; and be it further

RESOLVED, that a copy of Engineering Report dated June, 2023, prepared by Clark Patterson Lee, describing the proposed improvements to be constructed therein shall be available for the public inspection at the York Town Clerk's Office; and be it further

RESOLVED, that at the time and date aforementioned, all interested parties may be heard concerning the proposed improvements to the Flats Road Pump Station within the Town of York Consolidated Water District as noted above and described in more detail in the Engineering Report.

Dated: June 13, 2023

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

Attorney Campbell stated every year we review potential grants through the NYS EFC Water Infrastructure Improvement Act (WIIA) for the water and sewer department. The deadline for all applications this year is the end of July.

Supervisor Deming commented that the Flats Road Pump Station Project is much needed and is at the top of the to-do list for us.

Mr. Richenberg submitted correspondence which Attorney Campbell read aloud:

The following are my concerns and comments in regards to the Town of York, Flats Road Pump Station Improvements.

For several years there have been comments made about replacing pumps in the Flats Rd. pump station by the highway superintendent. But never been replaced. Never anything said about needing to replace the chlorine injection system, the generator, the building, or the electric supply. New pumps are much less expensive than a whole new facility and all new equipment inside. But somehow I don't believe there is a lot of engineering involved with pump replacement. The current 1973 concrete block structure and the wooden building appear to be in fine shape.

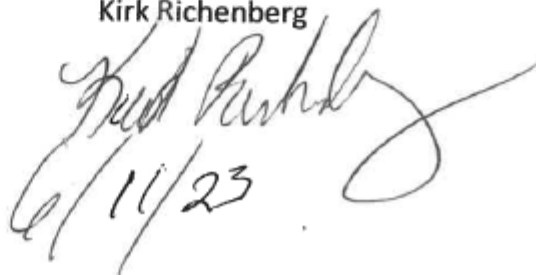
In the public notice about the public hearing for this project it states that the Consolidated Water District will bear the cost for these improvements. There are six other water districts in this town that are supplied water through the Flats Rd. pump station and these other districts should also pay for any improvements made at this pump station.

Also I have concern about who is preparing the replacement report and who the engineer will be on the new facility. Possibly a conflict there.

What is the current fund balance in the water districts? These funds should be used as the pump replacement should be part of maintenance of the water districts equipment.

After other grant application to fund some of this pump replacement have not come through the town engineer comes up with another different spin on pump replacement.

Kirk Richenberg



6/14/23

QUESTIONS/COMMENTS:

H. Fuller- Why do we need to do this?

Supervisor Deming responded that we need this due to the age of our existing pumps that are 40-50 years old.

Highway Superintendent, Mr. Worden elaborated on the potential need to not only update the pumps but maybe the building as well.

Supervisor Deming stated if we receive the WIIA grant funding, the balance, our hope will come from the AKZO funds.

Attorney Campbell added, we are trying to do both in order to reduce cost for the project.

Mr. Worden commented in order to get enough power to the building, we must use a larger pump. Larger the district, larger pumps are necessary to run.

K. Richenberg- How often are both pumps used?

Mr. Worden answered, it varies based on the time period and temperature.

K. Richenberg- Is there an hourly/yearly meter to see how often the pumps are used?

Mr. Worden replied that the Water Department conducts a daily log of this.

H. Fuller- Has it been affected by the Covington pump station?

Mr. Worden answered that we incur additional burden sometimes when Covington fills their tank. Mr. Worden added, older pumps are drawing more electric.

K. Richenberg- Is this a National Grid issue or Town of York?

Mr. Worden responded that National Grid has been onsite twice and have determined that the issue is our pumps (age and energy draw).

H. Fuller Do we have to put a generator there?

Mr. Worden replied, we already have a generator onsite, we need a larger one if we install larger pumps. We also need to reduce the pump time at night, when rates are cheaper.

Councilman Smith inquired if the Town has reached out to private electricians to review our situation.

Mr. Worden answered we have, Pete Scondras and Carmen Electric have both been out to review our pump house.

K. Richenberg- We don't have a complete engineering study?

Supervisor Deming stated we don't have all of the engineering done thus far but need to move forward with upgrades.

Mr. Worden added, we need to act sooner than later in the event we have an emergency situation such as a large fire or water break that will tax the pumps, we need to be able to recover in a timely manner.

H. Fuller- The Town talked about this for a while now and then you added the Cheese factory and Covington, maybe we shouldn't have expanded.

Councilman Rose commented that the existing pumps are so old, if they were to go down, a solution could not take place overnight to rectify the problem. We need to be proactive.

K. Richenberg- Are we doing a River Road pump station or using current infrastructure? Supervisor Deming replied at this point we are looking at a River Rd. pump station but it is not definite right now. Mr. Deming stated we still need two sources of water.

H. Fuller- How is the new waterline proposal going to affect the pumps? Supervisor Deming answered, we will need to have new pumps regardless of any new expansion.

H. Fuller- More thought and engineering should be done.

Attorney Campbell stated that more engineering will certainly need to come to discuss options on whether we update the existing pump station or upgrade to a new one.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to close the Public Hearing at 6:55 p.m.

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

Regular Town Board Meeting
July 11th, 2023

7:00 pm

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

Absent: Norman Gates

Others: James Campbell (Town Attorney), George Worden Jr., Dustin Geiger, Davies Nagel, Henry Fuller, Kirk Richenberg, Carl Peter (Zoning/Code Officer) and Joe McIlroy.

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

MINUTES:

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve the minutes of the June 13th, 2023 Town Board Meeting. Voted on and approved, Yes-4, 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-4, No-0.

- General Fund # 160-184 \$ 64,199.11
- Consolidated Water/Sewer # 131- 153 \$ 15,020.78
- Highway Fund # 101- 116 \$ 8,748.03
- Y-L Youth Fund # 10 \$ 910.00

7:01 p.m.

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to enter in to Executive Session for the purpose of current litigation, to include Town Board and Town Attorney. Voted on and approved, Yes-4, No-0.

7:29 p.m.

Resolution offered by Mr. Smith and seconded by Mr. Swede to end Executive Session. Voted on and approved, Yes-4, No-0.

Supervisor Deming reported no action was taken in Executive Session.

Attorney Campbell addressed the Board by saying due to the recent lawsuit served upon

the Town under Article 78 of the CPLR (Civil Practice Laws & Rules) by Kirk Richenberg and Henry Fuller, the Town must now seek legal representation for such suit. We have previously used Webster Szanyi from Buffalo, New York and recommended using them once again. Mr. Campbell read aloud the billing hourly rates for partners (\$285), Senior Associates (\$250), Associates (\$230) and non-attorney professionals (\$120). Attorney Campbell added that a return date for court will be July 31st so a resolution is needed to authorize the Supervisor to secure representation.

Supervisor Deming informed the Board that he contacted our insurance agent, David Boyce about this matter to inquire if our carrier NYMIR would cover us for this situation. We were notified by NYMIR that all Article 78 matters are not covered. All funds we will be expending for this lawsuit will be coming from the taxpayers.

PRIVILEGES OF THE FLOOR:

1)Town of York Historical Society:

Mr. Nagel inquired if there may be anything new the Historical Society should know about progress regarding potential solar funds because the society is trying to make decisions on upcoming projects themselves and need to budget accordingly.

Supervisor Deming stated that there has not been a decision as of yet and will be a Board decision on how to distribute such funds. Mr. Deming added that the big question was whether or not the Historian was going to return to the Dow Road building. Supervisor Deming recently spoke with Mr. Gates about the move back and was informed that he is not interested in returning and if the Historian was made to return, he would resign his position.

Supervisor Deming asked Zoning/Code Officer Mr. Peter about Mr. Gate's office space. Mr. Peter stated that the storage facility is not designated for living purposes just for storage purposes but with that said, it does have heat and is handicap accessible to the public.

Supervisor Deming offered to meet once again with the Historical Society if they wish, they just need to contact him directly.

2)Kirk Richenberg:

Mr. Richenberg asked to speak this evening regarding the Consolidated Water District and Procurement Policy.

Q- Last month's meeting there were resolutions made to approve purchases, one of which was the salt storage shed but only received two bids, concerned that the town got a fair quote?

Supervisor Deming answered that multiple contractors received the bid documents but only two submitted bids. The bids came in as the engineer had hoped for and anticipated.

Q- The second item approved was playground equipment not to exceed \$10,000?

Clerk Harris informed Mr. Richenberg that she researched several sites for playground equipment in addition to the BEARS Playground site. The majority of the companies were far more expensive commercially generated than what we were looking for as well as not being local. Having to purchase individual pieces rather than a “built unit” would have been a great deal more. Clerk Harris reported after visiting many sites, she was able to narrow it down to “Miracle”, “Game Time Playground” and BEARS” to review their catalog of items with the Town’s needs, ultimately recommending BEARS from Lima, New York.

Q- The other approval was for remaining Anderson Road funds for equipment?

Mr. Worden stated that CPL did the leg work for quotes for software and equipment, with Waypoint Technology Group having the best price with Trimble software and accessories. Mr. Worden added that this is what the County has and is helpful to be on the same page and may build from that.

Comment: Mr. Richenberg stated if this information was known at the June meeting, he would not have asked for more details tonight.

Q- Consolidate Water project, what is the status?

Supervisor Deming reported that he had a meeting yesterday to discuss the MOU (Memorandum of Understanding). The discussion at the meeting was the need to change the MOU to have more flexibility.

Q- What is the process to change an MOU?

Supervisor Deming replied all parties must agree on the change.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Trees came down over the 4th of July holiday
- Still reclaiming Gravel Pit
- Patching Holes
- Part-Time employee was recently injured while mowing, no broken bones but very sore
- Would like to proceed with a 4-way STOP at intersection of Retsof Rd/Chandler Rd. We can do this for \$2,000 plus labor and ask the Board their thoughts.

Supervisor Deming commented that we have attempted a number of times over the years to get a speed limit reduction for this area but the Livingston County Traffic Safety

Board feels it is not warranted. Changing to a 4-way stop we hope, will slow down the traffic.

After little discussion...

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Highway Supt. Mr. Worden permission to obtain 4-way STOP signs and install signage at the corners of Chandler Road and Retsof Road. Voted on and approved, Yes-4, No-0.

WATER/SEWER REPORT:

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

- THM results reflected a 47 in Fowlerville, which we are very pleased about
- We have called Grid Bee for an onsite visit to verify if the system is working properly. We will check to see if we are still under warranty.
- CPL is still working on UV Disinfection project (Bid opening is Monday, July 24th at 11am) and Retsof Sewer improvements. DEC is asking for additional information from CPL.

Councilman Smith asked about the Piffard piping project, which Mr. Worden answered it is slated for the end of this month or early August.

NEW BUSINESS:

1)Water/Sewer Operator Trainee Position:

Supervisor Deming reported, per Livingston County HR/Personnel, in order for the Town to advertise for any upcoming vacancies within the Town's Water & Sewer Dept, the Board will need to create an additional opening as all slots are currently filled with the 3 operators that we currently have. Once a resolution to create a position has been made, advertisement can go in the paper and we can obtain the list of eligibles from the County to see who has taken the most recent civil service exam and their scores.

Supervisor Deming stated that one of our employees is moving out of the state by the end of the year and one plans to retire after the first of the year sometime.

Councilman Smith questioned if we can utilize the County W/S Authority?

Mr. Worden responded that he is not sure how many have both certifications in order to assist us.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to create an additional position within the Town of York Consolidated Water/Sewer Department for the position of Water/Waste Water Treatment Plant Operator/trainee per Livingston County Civil Service requirements. Voted on and approved, Yes-4, No-0

2) Caledonia Trailblazers Snowmobile Club:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede authorizing Supervisor Deming permission to renew the yearly Land Use Agreement with the Caledonia Trailblazers Snowmobile Club for the 2023-2024 season. Voted on and approved, Yes-4, No-0.

3)Water Service Restoration:

a-2770 Evans Ave

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve the application for water service restoration for 2770 Evans Ave. (Kevin Culross) in the amount of \$200.00. Voted on and approved, Yes-4, No-0.

4)Water Adjustment Request:

a-1699 Main Street (R. Volkmar-owner)

Supervisor Deming stated that the Board previously tabled this request from our June meeting in order to verify that the water issue had been fully resolved, which it now has been. The Board will now decide if an adjustment is warranted and from what billing cycle the adjustment will come from (April had 254,000 gallons went through the meter and July had 191,000 gallons).

After a brief discussion....

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve the one-time water adjustment request submitted by Robert Volkmar for property located at 1699 Main Street for the April 2023 billing cycle. Voted on and approved, Yes-4, No-0.

*Savings: \$341.58 (penalties will not be assessed)

5)Kathryn Bovee correspondence:

Supervisor Deming read aloud a letter from Town of York resident, Kathryn Bovee regarding historic preservation of abandoned cemeteries:



TO: Town Board, Town of York
2668 Main Street
York, New York 14592

FROM: Kathryn Bovee

DATE: July 7, 2023

RE: Historic Preservation in abandoned cemeteries

My name is Kathryn Bovee. I am requesting permission to work in the abandoned cemeteries in the town of York.

I am a member of the Daughters of the American Revolution (DAR). Our group is actively working on historic preservation in abandoned cemeteries in Livingston County by recording, photographing, measuring, evaluating the condition of the stones, clearing around the stones, and cleaning the stones.

The product we use to clean the stones is called D/2. It is a Biological Solution that does not harm the monuments or the surrounding environment. This product is the only cleaning agent used by the US Government in all of the national cemeteries.

We are currently working in the Old Methodist Cemetery in the Village of Lima, so our work in the cemeteries in York may not start until August or September. Our teams usually work in groups of 2 to 6 on each work day. We bring our own supplies. I will stay in touch with the Board, and the Town Clerk about when we will be starting.

When we have completed our evaluation and cleaning process, we will provide our information to the DAR, the Livingston County Historian, and the Town of York Historian, and the Town Clerk for their records.

I look forward to your decision about our project. If you have any questions, please contact me – information below. Thank you.

Kathryn Bovee
Voice: 585-301-6238
Email: kmbovedar@gmailcom

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Kathryn Bovee permission to work in the abandoned cemeteries in the Town of York. Voted on and approved, Yes-4, No-0.

6) Flats Road Pump Station Resolutions:

Attorney Campbell stated that a number of resolutions need to take place regarding improvements to the Flats Road pump station.

a) SEQRA:

**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 Hall on the 11th day of July, 2023.

Councilman Smith presented the following resolution and moved that it be adopted, and it was seconded by Councilman Swede:

BE IT RESOLVED BY THE BOARD OF THE TOWN OF YORK AS FOLLOWS:

WHEREAS, the Town of York Board (“Town”) has determined that it is appropriate to apply for grant funding to assist in the financing of various capital improvement projects; and

WHEREAS, the capital improvements, known as the (“Project”), being considered includes the replacement of the existing Flats Road Pump Station; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Town must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Town has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Town:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (9) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5 (c) (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF YORK, NEW YORK AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute a SEQRA Type II Action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure.

This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Tuesday, July 11, 2023 recorded as follows:

Vote of the Board:

Councilperson Gates	Absent
Councilperson Smith	Aye
Councilperson Swede	Aye
Deputy Supervisor Rose	Aye
Supervisor Gerald Deming	Aye

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 11th day of July, 2023.

Christine M. Harris

Christine M. Harris, Town Clerk

b)Public Interest:

**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
Hall on the 11th day of July, 2023.

**Resolution of the Town Board of the Town of York, Livingston County, New York, Pursuant to
New York State Town Law §202-b Determining that it is in the Public Interest to Construct and
Install Replacement Pump Station, Piping, Electrical Supply, Generator, Chlorine Injection and
Other Improvements in and to the Flats Road Pump Station located within the Town of York
Consolidated Water District**

RESOLUTION offered by Councilman Swede and seconded by Councilman Rose:

WHEREAS, the Town Board of the Town of York has determined that there is a need to make certain improvements for the benefit of the Town of York Consolidated Water District (the “Consolidated Water District”) that will allow such the providing of safe and effective public water service to its customers within the Consolidated Water District and that appropriate improvements to the existing drinking water delivery facilities will mitigate the public health risks associated with the potential for inadequate ability to deliver potable water within said District; and

WHEREAS, in order to accomplish such needs, the Town Board of the Town of York is proposing the following improvements to the Flats Road Pump Station within the Town of York Consolidated Water District: The replacement of the existing Flats Road booster pump station. The new pump station will include a building, pumps, piping, electrical supply, generator, and chlorine injection. Once the new building is constructed, the existing building will be demolished (collectively, the “Improvements”); and

WHEREAS, the Town Board has caused an Engineering Report, last dated June, 2023 of the proposed Improvements, together with an estimate of the cost thereof to be prepared by CPL a firm of competent engineers, duly licensed by the State of New York (the “Engineering Report”), which Engineering Report is on file in the Office of the York Town Clerk; and

WHEREAS, the Town Board is empowered to authorize the proposed Improvements subject to the provisions of New York State Town Law §202-b; and

WHEREAS, the Town Board, by a Resolution and Order adopted on June 13, 2023 pursuant to New York State Town Law §§ 202-b, called for a public hearing on the subject of the approval the aforementioned Improvements to be held on July 11, 2023, at 6:30 p.m., at the Town Hall located at 2668 Main Street, York, New York to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

WHEREAS, the Town Clerk, in accordance with such Resolution of the Town Board and in compliance with Town Law §193, duly caused such Order regarding the proposed Improvements to be published in the official newspaper of the Town on June 22, 2023 and to be posted on the official sign board of the Town on June 12, 2023; and

WHEREAS, the Town Board pursuant to such Order, held a public hearing on July 11, 2023, to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

WHEREAS, a copy of the Engineering Report describing the proposed Improvements to be constructed therein was made available for public inspection at the York Town Clerk's Office prior to the Public Hearing and copies were available to the public at the Public Hearing; and

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all public comments received, the Town Board of the Town of York believes it to be in the public interest for the health, safety and welfare of the residents of the Town of York Consolidated Water District to authorize and hereby does authorize the replacement of the existing Flats Road booster pump station. The new pump station will include a building, pumps, piping, electrical supply, generator, and chlorine injection. The above Improvements are as more particularly described in the Engineering Report on file in the York Town Clerk's office, and all of said Improvements would take place within the Town of York Consolidated Water District; and be it further

RESOLVED, that the maximum amount proposed to be expended for the improvements is \$1,300,000.00 of which \$780,000.00 will be funded from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant and the local share of \$520,000.00 will be financed through long term financing through either the New York State Environmental Facilities Corporation or through long term bonding; and be it further

RESOLVED, that the anticipated cost for the Improvements shall be shared by all of the properties within the Town of York Consolidated Water District as a whole as set forth in the Engineering Report and in proportion to the amount of benefit which the Water Main Improvements confers upon such properties; and it is further

RESOLVED, that Town Board hereby directs the Clark Paterson Lee, the engineers retained by the Town for the Improvements to prepare definite plans and specifications, and to make a careful estimate of the expense, and, with the assistance of the Town Attorney, to prepare one or more proposed contracts for the execution of the work.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Tuesday, July 11, 2023 recorded as follows:

Vote of the Board:

Councilperson Gates	Absent
Councilperson Smith	Aye
Councilperson Swede	Aye
Deputy Supervisor Rose	Aye
Supervisor Deming	Aye

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 11th day of July, 2023.

Christine M. Harris
Christine Harris, Town Clerk

c)Adoption of Bond Resolution:

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD
ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of York, Livingston County, New York, held at the Town Offices in York, New York, on the 11th day of July, 2023:

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

ABSENT: Councilman Norman Gates

Councilman Amos Smith presented the following resolution and duly moved that it be adopted and was seconded by Councilman Jason Swede:

BOND RESOLUTION DATED JULY 11, 2023 OF THE TOWN BOARD OF THE TOWN OF YORK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of York Consolidated Water District is a water district of the Town of York, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on July 11, 2023, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on July 11, 2023, has duly determined and found the purpose to be a type II action which will not have a significant impact on the environment and is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF YORK, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of York shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of York Consolidated Water District, duly authorized pursuant to Section 202-b of the Town Law, including, without limitation, the replacement of the existing Flats Road booster pump station, to include a building, pumps, piping, electrical supply, generator,

and chlorine injection, and the demolition of the existing building, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,300,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of York of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,300,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of NYS EFC Water Infrastructure Improvement Act (WIIA) Grant received, currently expected to be up to \$780,000.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination

to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of York.

Section 7. The faith and credit of the Town of York, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of York together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES
4

NAYS
0

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on July 11, 2023, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.



Christine Harris, Town Clerk
Town of York

STATE OF NEW YORK }
 }
COUNTY OF LIVINGSTON }

ss:

I, the undersigned clerk of the Town of York, DO HEREBY CERTIFY as follows:

1. A meeting of the Town Board of the Town of York, Livingston County, State of New York, was held on July 11, 2023, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Town Board.

2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

3. Said Minutes correctly state the time and place when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of York this 12th day of July, 2023.

{SEAL}



Christine M. Harris,
York Town Clerk

d)Authorization of WIIA Grant Application:

**TOWN BOARD
TOWN OF YORK
COUNTY OF LIVINGSTON**

**RESOLUTION AUTHORIZING WIIA GRANT APPLICATION
FOR THE
TOWN OF YORK FLATS ROAD PUMP STATION REPLACEMENT**

At a regular meeting of the Town Board of the Town of York,
Livingston County, State of New York, held at the York Town Hall on
the 11th day of July, 2023.

RESOLUTION offered by Councilman Swede and seconded by Councilman Rose :

WHEREAS, the Town of York (Town), is seeking a grant for the Flats Road Pump Station Replacement (Project) and intends to submit via the Environmental Facilities Corporation for funding to the New York Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the Town project cost estimate for the Project is \$1,300,000; and

WHEREAS, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 60% of the project cost in the amount of \$520,000; and

WHEREAS, CPL is authorized to prepare a grant application on behalf of the Town via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the Supervisor is required to sign the grant application on behalf of the Town as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore be it

RESOLVED, that the Town authorizes and appropriates a minimum of 40% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match must be at least 40% of total project of \$1,300,000 for a total share of \$520,000. The maximum local share appropriated subject to any changes agreed to by the Town shall not exceed \$520,000 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$780,000. The Town may increase this local match through the use of in-kind services without further approval from the Town; and be it further

RESOLVED, that the Supervisor is authorized to sign a grant application on behalf of the Town via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

RESOLVED, that should a WIIA grant be awarded to the Town, the Supervisor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the WIIA Program through NYSEFC.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Tuesday, July 11, 2023 recorded as follows:

Vote of the Board:

Councilperson Gates	Absent
Councilperson Smith	Aye
Councilperson Swede	Aye
Deputy Supervisor Rose	Aye
Supervisor Deming	Aye

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 11th day of July, 2023.

Christine M. Harris,
Christine Harris, Town Clerk

- 7) Retsof Wastewater Treatment Facility
 - a) Authorization of WIIA Grant Application

**TOWN BOARD
TOWN OF YORK
COUNTY OF LIVINGSTON**

**RESOLUTION AUTHORIZING WIIA GRANT APPLICATION
FOR THE
TOWN OF YORK IMPROVEMENTS TO THE RETSOFF WASTEWATER TREATMENT
FACILITY**

At a regular meeting of the Town Board of the Town of York,
Livingston County, State of New York, held at the York Town Hall on
the 11th day of July, 2023.

RESOLUTION offered by Councilman Swede and seconded by Councilman Smith

WHEREAS, the Town of York (Town), is seeking a grant for the Retsof Wastewater Treatment Facility Improvements (Project) and intends to submit via the Environmental Facilities Corporation for funding to the New York Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the Town project cost estimate for the Project is \$1,860,000; and

WHEREAS, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 25% of the project cost, minus the WQIP grant of \$750,400, in the amount of \$277,400; and

WHEREAS, CPL is authorized to prepare a grant application on behalf of the Town via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the Supervisor is required to sign the grant application on behalf of the Town as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore be it

RESOLVED, that the Town authorizes and appropriates a minimum of 25% local match as required by the Water Infrastructure Improvement Act (WIIA). The local match is \$832,200, with a WQIP grant of \$750,400 and an anticipated WIIA grant of \$277,400; and be it further

RESOLVED, that the Supervisor is authorized to sign a grant application on behalf of the Town via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

RESOLVED, that should a WIIA grant be awarded to the Town, the Supervisor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the WIIA Program through NYSEFC.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the York Town Board on Tuesday, July 11, 2023 recorded as follows:

Vote of the Board:

Councilperson Gates	Absent
Councilperson Smith	Aye
Councilperson Swede	Aye
Deputy Supervisor Rose	Aye
Supervisor Deming	Aye

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 11th day of July, 2023.

Christine M. Harris,
Christine Harris, Town Clerk

8) Trail Town Report:

**Town of York Trail Town Committee
Report for 7/11/23**

1. Construction on PTNY grants trail amenities has started. Stop in at 3585 Main St, Greigsville to observe our progress.
2. Potential "Hike Through History" Retsof to Greigsville being planned for Saturday, August 5th, 10am-noon. Details out soon.
3. The TTC is ready to work with the Town and the York Travel Center regarding plans for the signage, etc. at the planned trail head in Greigsville. We look forward to setting a date to initiate this project.

Dave/Becky

Supervisor Deming stated that he met up with Joe Bucci Jr. last night and he asked him about the status of the signage for the Greigsville trail head. Mr. Nagel replied that the committee is willing to meet anytime. Supervisor Deming commented he will reach out to Mr. Bucci to inform him that the Trail Town Committee is ready to move forward.

9) York Fire Department

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the membership application of Jake Pierson to the York Fire Department. Voted on and approved, Yes-4, No-0.

OTHER

1) Highway Department garage roof:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede authorizing Mr. Worden permission to engage the assistance of CPL with specifications for options for the existing Highway department garage roof. Voted on and approved, Yes-4, No-0.

*Councilman Smith will also be part of the process as well.

ADJOURNMENT

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to adjourn the Town Board Meeting until August 8th. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 8:14 p.m.

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