

Regular Town Board Meeting  
August 8<sup>th</sup>, 2023  
7:00 p.m.

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

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr., Eric Wies (CPL), Joe McIlroy, Henry Fuller, Kirk Richenberg, David Rose, Molly Cummings, John Morgan, Sue Mustari, Sheila Gargan and Davies Nagel.

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

**MINUTES**

RESOLUTION offered by Mr. Swede and seconded by Mr. Smith to approve the minutes of the July 11<sup>th</sup>, 2023 Public Hearing and regular Town Board Meeting and July 25<sup>th</sup> meeting. Voted on and approved, Yes-5, No-0.

**BILLS**

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

- General Fund # 185-212 \$ 30,804.79
- Consolidated Water/Sewer # 154-179 \$192,890.15
- Highway Fund # 117-128 \$ 17,344.23
- Y-L Youth Fund # 11 \$ 9,100.00

**PRIVILEGES OF THE FLOOR**

1)Sheila Gargan:

Ms. Gargan asked to speak with the Board this evening regarding a neighbor situation on Retsof Ave. Ms. Gargan stated that she has tried to be a good neighbor over the years by assisting with downed limbs and plowing of the driveway but now the parcel is completely out of control. Garbage has been piling up and mowing only occurred once this year in parts of the lawn with other areas not being addressed at all. The look of the area is disgraceful and it affects property values in the tune of up to 10% if she was to sell her home at some point. Ms. Gargan commented that she took a number of

pictures, sent them to Clerk Harris for the Board to view. (Each board member has a packet of pictures of the property), and feels perhaps we need to update town regulations to make them stronger for these such cases if we do not have sufficient regulations at this time.

Supervisor Deming commented that the Board did receive the pictures and noted that Zoning/Code Officer, Mr. Peter conveyed to him that he has issued 2 violation letters to the occupants and now has a court date set for this Monday, August 14<sup>th</sup> at 4 p.m. to address property maintenance violations. Supervisor Deming encouraged Mrs. Gargan to appear if she is able to do so.

Ms. Gargan thanked the Board for their time this evening.









2)Molly Cummings:

8 August 2023

Update: Town of York Small Business Group Update  
Molly Cummings  
True North Farm/Yoga  
[molly@truenorthfarmyork.com](mailto:molly@truenorthfarmyork.com)  
585-729-2745

This ad hoc group is moving forward by focusing on one project at this time: Emily Conable's Bank building. Being at one of the two primary intersections of our town—with more than one historic site in its midst.

While Emily is concentrating her resources, time, blood, sweat and tears on the house—making it ready to teach cut flower classes and small educational events—the group is examining the feasibility of transforming the Bank in to a community center/coop —celebrating the products, creativity and history of York through the revitalization of this site.

A couple of contractors are looking closely at the structure—the roofing and basement—to determine if it is salvageable, which for now, they are saying that it is.

Last week, Maureen Wheeler of Livingston County Economic Development, took a look at the building and our area and offered some questions/thoughts:

Maureen shared what is happening in Caledonia with their major solar project—Horseshoe. You may be familiar that they've set up an "Historic Resources Mitigation Plan"—a funding mechanism for historic projects which comes from the solar company separate from any taxes or host benefit. **Could something similar be done here to help out with the Bank building?** No one is looking to make a lot of money off of this project—but to share the goods and services this community has to offer as well as its rich history. If not, if the coop is set up as a 501(c)(3) or through another mechanism that is not being greatly profited by any person/persons—would current solar funds be available?

Does the town board want public input..suggestions as to how to spend solar money? If so, how has the public been informed?

Solar eclipse-working with County on events surrounding 4.8.24 event.

Councilman Smith inquired if Ms. Conable will be residing at the property. Ms. Cummings replied she believes the primary use is to teach cut flower classes and educational events.

3) Davies Nagel:

RE: Trail Town Committee

Mr. Nagel reported that the site work is scheduled to begin tomorrow (8/9/23) on the kiosk and other projects at Fowlerville, York Landing and Piffard. All are encouraged stop by. Mr. Nagel commented that he has not heard from Joe Bucci Jr. about the trail head planning in Greigsville. Supervisor Deming recently spoke with him and stated Mr. Nagel should reach out to him directly. Mr. Nagel reported that they had a group staining wood last Saturday and then went to Mr. Rose's place to view his renovations, and just wanted to thank him from the Trail Town committee for hosting them.

4) Henry Fuller:

Mr. Fuller asked to speak with the Board on Town Personnel and the Water District:

Q-What is the progress on the "big water line"?

Mr. Wies briefly explained that the design has been finalized and now we are ironing out an agreement with the Village of Geneseo for a long-term rate structure. Livingston County Water/Sewer Authority has met with the Village several times, trying to get the wording down to benefit all parties over the course of the loan.

Q- Who are the parties involved now?

Attorney Campbell answered AKZO committee.

Q- Is this the same water line?

Mr. Wies replied the original plan has been tabled.

Supervisor Deming and Councilman Smith briefly discussed necessary improvements to our pump station.

Q- Is Leicester involved?

Supervisor Deming answered that, yes Leicester is involved and York, Geneseo and Leicester will receive the majority of the funding.

Q- Why does the Town have problems keeping employees?

Supervisor Deming replied that the advertisement for water/sewer applicants is due to two people leaving, one to retirement and the other because he is potentially moving out of state.

Q- Who is moving and retiring?

Supervisor Deming answered Jim Hodges is retiring and Jim Jones hopes to move.

5) Kirk Richenberg:

Mr. Richenberg asked to speak with the Board on Solar Funds, Comp Plan, Highway Dept. and Water Dept:

Q- Who is licensed at Water/Sewer?

Mr. Worden answered that Mr. Hodges and Mr. Jones have both certifications and Mr. Stella has water thus far, he still must obtain sewer certification.

Q- What would be the scenario if we did not have a licensed person?

Mr. Worden replied at our last meeting when the matter was discussed, the Board created an additional position in the Water/Sewer Dept. in order to advertise for upcoming vacancies. We are trying to be proactive.

Q- Is there a condition to pass in order for him to keep the job?

Supervisor Deming stated that he failed the first attempt and will be paying himself for any future tests. Mr. Deming added if we were to lose both certified employees, we could potentially reach out to the other towns for temporary assistance.

Q- How much has been disbursed in Solar Funds?

Supervisor Deming answered no Solar money has been utilized.

Q- What is the situation with the Comp Plan committee?

Supervisor Deming stated that the first Comp Plan meeting has been scheduled for Tuesday, August 15<sup>th</sup> at 7:30 p.m. Members include: Scott Hulburt, Frank Rose Jr, Becky Lewis, Molly Cummings, Leslie Hamilton, Joe McIlroy, Davies Nagel, Carl Peter and Chris VanGelder. Supervisor Deming added that we hope to also have a representative from York Central School as well but do not have a confirmation as of yet. (Sheila Hess will be the representative for CC Environment and Planning)

Q- Do you have a brief on the legal situation with the Cheese Factory with the IDA?

Supervisor Deming reported that the IDA did go after DFA and do not anticipate any issues with receiving of money.

Q- The meeting on July 25<sup>th</sup> regarding mulch for the playground, was there a written request for proposals and what is the triple ground factor?



Supervisor Deming answered that he was unaware of the differences in mulch previously, but after conversations with County representatives, he was informed that schools and public playgrounds require a certified mulch, which is what we requested bids for. Mr. Deming added that we did request quotes in writing.

NOTE: Clerk Harris contacted a total of 6 vendors for quotes on mulch and fabric. Four were contacted via email with a verbal follow up, and the remaining two verbally.

### **HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Department:

- We have been preparing Craig Road and Federal Road for nova chipping
- Mobilized equipment for the Piffard water project
- Salt Storage update: Mr. Worden and Attorney Campbell stated that we had a temporary pause/stop work order on this project. The non-successful bidder claimed that the successful bidder did not comply with the bid specifications regarding height of the walls. After CPL verified the bids once again, the approval for Eagle Associates was confirmed.

Councilman Smith inquired if there is a timetable for the salt storage building. Highway Supt. Mr. Worden replied we must have the walls up in September.

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

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

- We began flushing our water system yesterday and will continue for two (2) weeks
- We continue to do additional maintenance on pumpstations.
- We had the bid opening for the UV Disinfection project yesterday.

### **NEW BUSINESS:**

1)Water Service Shut-offs:

a-2365 & 2369 Genesee Street

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the water service shut off application for property located at 2365 and 2369 Genesee Street owned by James Davis III. Voted on and approved, Yes-5, No-0

2)Proposed Local Law#5 of 2023:

a-Partial exemption to Volunteer Firefighters/Ambulance workers:

Supervisor Deming stated that we received correspondence from Livingstons County Real Property Services regarding a potential exemption from Real Property taxes to

qualifying volunteer firefighters and ambulance workers. Mr. Deming commented the Board of Supervisors passed a resolution for the County on July 12<sup>th</sup>.

Attorney Campbell added with any Local Law, it will require the Board to hold a Public Hearing prior to a decision. Mr. Campbell stated that this exemption is a local option. Each town may choose whether or not to allow the exemption. The exemption is limited up to 10 percent of the assessed value of the residence of a volunteer firefighter or ambulance worker. To be eligible the requirements are:

- (1) Primary Residence owned by enrolled member of an incorporated volunteer fire department or ambulance service for at least two years,
- (2) May be granted for the life of an enrolled worker who has accrued at least 20 years of active service.
- (3) May also be extended to the unmarried spouse of a deceased member killed in the line of duty.

Attorney Campbell stated some volunteers may already be receiving a \$200.00 benefit on their income tax. If the Town should pass this Local Law, a decision will have to be made by them on whether or not to continue with that or apply for this format...but it must be one or the other, they are not able to obtain both.

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede authorizing Attorney Campbell to draft Local Law wording for a partial exemption to volunteer firefighters and ambulance workers. Voted on and approved, Yes-5, No-0.

- 3) Genesee Valley Conservancy:
  - a) Doolittle application:

\*Councilman Amos Smith removed himself from the meeting area at this time.

Supervisor Deming reported that the Board addressed and approved at their April 11<sup>th</sup>, 2023 meeting the application submitted by the Genesee Valley Conservancy for a Farmland Protection Grant on behalf of Cynthia & William Doolittle. We were recently made aware that due to the fact that Councilman Smith's family farm leases land from the Doolittle's, abstaining from the previous vote was not sufficient, he had to leave the meeting completely, which he has done this evening in order for the Board to proceed.

- a) Conflict of Interest:

Supervisor Deming asked the Town board if any member had a conflict with the Doolittle application. The Board members each replied they did not have a conflict.

- b) Approval:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to endorse the Doolittle application to New York State Department of Agriculture and Markets for a Farmland Protection Implementation Grant. Voted on and approved, Yes-4, No-0.

**ROLL CALL**

Supervisor Gerald L. Deming	Aye
Dep. Supervisor Frank Rose Jr.	Aye
Councilman Jason Swede	Aye
Councilman Norman Gates	Aye

\*Councilman Smith returned to the meeting

4)Union Contract:

Supervisor Deming reported that he and Councilman Rose have been working with Highway and Water/Sewer personnel regarding the union contract. It was tentatively agreed upon for the following:

- Effective July 1, 2023 a 3% increase (retroactive), roughly \$9,000.00
- 2024-2026 a 4.25% increase
- Clothing/shoe allowance increased to \$500/yearly
- Any member not taking town insurance will receive \$5,000 payment

Supervisor Deming asked the Board if they wanted to proceed with the new contract.

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve the Union Contract for the Town of York Highway and Water/Sewer Departments. Voted on and approved, Yes-5, No-0.

5)UV Disinfection recommendation:

CPL Engineer, Eric Wies outlined to the Board that the previous bids for the UV Disinfection project were rejected and after such time we have re-designed and worked with DEC on an updated design that will work for the Town. We re-bid the project and had the 2<sup>nd</sup> bid opening yesterday.

**For Contract #1: General Construction, we received two bids:**

	<u>Base Bid</u>	<u>Proposed Equip. Substitutions</u>
STC Construction, Inc.	\$879,800	\$ 912,500.00
C. P. Ward Inc.	\$954,000	\$1,009,000.00

**For Contract #2: Electrical Construction, four bids were received:**

Invictus Electrical	\$404,000.00
Erie Electric	\$317,360.00
MW Controls Service Inc.	\$232,852.00
Concord Electric	\$351,000.00

Mr. Wies stated that the current design also has contingencies built in including \$75,000 in general contract, \$20,000 in the electrical contract for a new gas service, and \$25,000 for electrical field change allowance, equaling \$120,000 in total.

Mr. Wies stated that we estimate the project at \$1.25 million. We have a NYSDEC grant in the amount of \$750,000, leaving the local share at \$500,000. From where we were last year to present, costs are much better. Mr. Wies commented that the approximate increase for each customer would be \$37.00 if we do not receive any additional funding. Our hope is to obtain \$277,000 additional grant funding and to secure a 0% interest loan.

Mr. Wies stated that we have been in constant contact with DEC through this process and thought it prudent to proceed in getting this project moving to be up and running by May 1<sup>st</sup>, 2024.

Councilman Smith inquired as to the reputation for both low bidders, and asked how much additional time will be added each day to the daily routine.

Mr. Wies replied that he feels STC is the best wastewater contractor in the state and is very confident with them. MW Controls Service is also tops in their field for the electrical construction portion. Both companies are very reputable.

Mr. Worden responded it may add one more hour to the daily routine and added that this will only need to run for 6 months out of the year.

Councilman Swede questioned, if DEC required a significant change after we approve this are we stuck? Mr. Wies replied we could proceed with a change order if necessary. If we wait, delays could cost us more and we may not get STC to re bid.

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the recommendation to award Contract # 1 to STC Construction, Inc. in the amount of \$912,500.00 and Contract #2 to MW Controls Service, Inc. in the amount of \$232,852.00 for the UV Disinfection Project. Voted on and approved, Yes-5, No-0.

**7:52 p.m.**

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to enter into Executive Session for the purpose of current litigation, to include Town Board and Town Attorney. Voted on and approved, Yes-5, No-0.

**8:12 p.m.**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to end Executive Session. Voted on and approved, Yes-5, No-0.

Supervisor Deming reported no action was taken in Executive Session.

**ADJOURNMENT:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board Meeting until September 12<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, Clerk