

Public Hearing
August 12, 2025
6:00 pm

Present: Gerald L. Deming, Supervisor, Councilmen: Amos Smith, John Morgan and Jason Swede

Absent: Frank Rose Jr.

Others: Dwight Kanyuck (Town Attorney), Sue Holland, Darlene Holland, Kirk Richenberg, Donald MacLeod, Bryan Scott and George Worden.

Supervisor Deming opened the Public Hearing at 6:05 pm and asked Attorney Kanyuck to give an overview pertaining to the Formation of the Town of York Consolidated Water District-River Road Extension project.

Attorney Kanyuck stated that the Engineering Report calls for the installation of approx. 22,400 linear feet of 6-inch water main that will serve approximately 12 single family homes, 9 agricultural properties and 1 utility property.

***6:06 pm** - Councilman Rose arrived at this time

Mr. Kanyuck continued by saying that the maximum amount proposed to be expended for the improvements is \$ 2,587,620.85, which will be funded by settlement from the AKZO Salt Mine Collapse Settlement Funds. The annual cost is estimated to be \$289.00 per unit for maintenance fees and \$305.52 for water usage, for the average residential user. Attorney Kanyuck reported that the estimated one-time cost for hook-up will be \$1,500 for the typical property, including installation of a service line at the costs of approx. \$10.00 per linear foot, which on average is \$500.00 and \$1,000.00 for interior plumbing modifications.

Supervisor Deming asked if there were any questions:

Sue Holland – How quickly can this happen?

Attorney Kanyuck replied the board is required to follow necessary steps when forming a water district, such as SEQR designations and a resolution creating the Formation; pursuant to NYS Town Law §209-e. Once the resolution has been adopted by the Board, which is subject to a permissive referendum, there is a 30-day period to allow any property owner in this district to file a petition in opposition of the resolution (which will be on or about September 11, 2025 time frame). If no one files such a petition, the district will be officially formed, and the engineers can then proceed.

Supervisor Deming added if we do not receive a petition within the next 30 days, we could potentially go to bid by the end of the year, and could start in early spring, if not sooner if we had a mild winter. Many contractors work through the winter months.

Don MacLeod – Will the water main be placed in the right of way or further off of the Road?

Supervisor Deming replied the watermain will be in the right of way.

Don MacLeod – Who will be responsible for driveway repairs?

Supervisor Deming answered the contractor will be responsible for repairs; it is part of the project cost.

Sue Holland/comment – I haul water every day, I chose the holding tank route rather than digging for another well, not only due to the cost but even if I obtain more water with a well, the quality is still terrible.

Don MacLeod -What happens to our current water system (well)?

Supervisor Deming responded you are able to continue to utilize your well for outside purposes but it must be separated from the municipal line, in order to not contaminate our system.

Don MacLeod- How hard is the water?

Councilman Smith replied they just tested for this, and answered that it is 10 parts per million.

Don MacLeod- There seems to be a great number of fire hydrants in the plan ?

Supervisor Deming stated that the Health Department requires a hydrant every 400-500 feet.

6:20 pm – Mr. Worden arrived at this time

Don MacLeod – Will the Water Department contact us about staking out for installation purposes?

Mr. Worden answered that the property owners will be notified in the construction phase where to stake out for their installation.

Mr. Worden answered Mr. MacLeod's first question pertaining to the location of the watermain, and how far off the road it will be. Mr. Worden stated that they measure 24 feet from the center of the road for right of way purposes.

Kirk Richenberg – In the Funding Agreement with the County, there is an Exhibit A, did the numbers change?

Supervisor Deming responded that the numbers have not changed in the contract. We can obtain up to \$4M from the County if needed. Mr. Deming clarified that in the breakdown of the Agreement, \$3.5M is for the River Rd. water project as well as the Replacement of the Flats Road pump station.

Kirk Richenberg – You stated that we can use up to \$4M, but the contract reflects \$3.5, we are already discussing going over what is in the contract.

Supervisor Deming stated that originally there was a 4" line proposed, we then upgraded to 6" line for fire protection purposes. Also, the engineers have estimated the contingency quite high, but believe it will come back lower.

Kirk Richenberg – They believe Contingency at 10% is very high? wait to see how the numbers come in, it might not be.

Mr. Richenberg commented he is not against anyone receiving potable water but wanted clarification regarding the Funding Agreement that was signed and has budgetary concerns.

Supervisor Deming added that the River Road Ext. Water Project and the Flats Road pump replacement project are two different and separate projects all together.

Kirk Richenberg – In the proposal, it was stated they are making a loop to close off dead ends but seems to have more dead ends.

Supervisor Deming agreed that there will be two more dead ends, they did look at potentially doing the loop.

Kirk Richenberg – The maintenance fee (\$289.00), it doesn't mention for how long?

Supervisor Deming replied the maintenance fee/debt service is a yearly charge, like any other debt service we have. Supervisor Deming added, the debt services have decreased greatly over the years.

Sue Holland- how many people need to agree to this in order to go forward?

Attorney Kanyuck answered this is a Town Board initiated water district extension under Town Law Article 12-A, so the requirements related to the necessary number of persons signing a petition for forming a water district under Town Law Article 12, would be based on the assessed value of the parcels.

For the petition to compel a referendum on the formation of the district, it is based on parcels.

After no further comments or questions...

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Public Hearing at 6:29 p.m. Voted on and approved, Yes-5, No-0.

Respectfully submitted,
Christine M. Harris,
Christine M. Harris, Clerk

YORK TOWN BOARD MEETING
August 12th, 2025
7:00 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Frank Rose Jr., Amos Smith, Jason Swede and John Morgan

Absent: None

Others: Dwight Kanyuck (Town Attorney), George Worden Jr. (Highway Supt), Bryan Scott (Dept. Highway Supt) Carl Peter (Zoning/Code Officer), Dustin Geiger (ZBA Chair), Cindy & Walter Pond, Emily Conable, Davies Nagel, Andrew Walton, David Deuel, Jeff Maggio, Kirk Richenberg and Neil Habig (Attorney, AES).

Supervisor Deming opened the Town Board meeting at 7:00 p.m. and invited Councilman 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 July 8th and July 24th Town Board meetings. Voted on and approved, Yes-5, No-0.

BILLS:

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

• General Fund Claim	# 205-233	\$ 19,924.60
• Consolidated Water/Sewer	# 192-224	\$238,977.22
• Highway Fund	# 130-151	\$ 51,351.47
• Youth Fund	#18-20	\$ 12,312.00

PRIVILEGES OF THE FLOOR:

1)David Deuel:

①

Thank you for the privilege to speak at tonight's meeting. At last month's meeting a Town Board resolution to consent to certain prime farmland and setback waivers for White Creek Solar project modifications was proposed. As I listened to the Board members' opinions and views I felt shocked, frustrated, disappointed, angered and then mostly betrayed. To even remotely consider this resolution, in my opinion, is a complete betrayal of the residents of the Town of York.

Over the past month I have spent a fair amount of time, or I should say way too much time, considering and researching this issue. I have spent several hours at the Town Hall reviewing documents along with more hours than I would like to admit outline with our Comprehensive Plan and Solar Zoning Law. I have reviewed 94-c documents, NYSDERA and Ag and Market documents, sent emails, made phone calls and accumulated numerous pages of notes. I could stand here and speak for an hour, but I will spare you that pain.

We have a newly adopted Comprehensive plan. It was formulated by a committee of resident volunteers, a paid 3 person planning team, and numerous other citizens attending meetings and workshops, submitting ideas and comments. A great amount of time, energy and money was spent creating and adopting this ~~plan~~ document, a large and wide ranging view of our town. Pages 30 through 34, under a title of Goal #2 - Character, are of particular interest regarding this matter. ~~Mentioned~~ Stated are,

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"Protecting and enhancing York's rural character and quality of life is a central goal." To achieve that goal, "Strategies include... enforcing setbacks, protecting farmland." In regards to renewable energy development the plan also states that local laws containing appropriate safeguards should be maintained. Throughout the process of developing our present Comprehensive Plan there was an ongoing discussion that the main problem with the 2006 Comprehensive Plan was that it was not enacted, enforced or followed. It is my opinion that if this proposed resolution to consent to waivers requested by White Creek Solar is adopted, our new Comprehensive Plan is rendered null and void. Just throw it in the trash as it means nothing. A complete betrayal to all who participated in ~~its~~ its development.

Local Law #4 of 2023, also known as our Solar Zoning Law is 45 pages long. Its development involved a great deal of time, effort, money, citizen volunteer committees, research, discussions and compromises. A quick, true story. A bit over a year ago a solar development representative stopped at our home inquiring whether we might be interested in leasing our property. Celia informed him our farm is comprised of over 80% prime and statewide importance soils and that local zoning prohibits solar arrays on such soils. He calmly stated, "Don't worry about your local zoning laws, we will get around them easily." She told him we still are not interested and ^{to} read the sign on our barn door on his way out. Over the course of developing the site plan for White Creek Solar, which is a LLC.

③

headquartered in Utah, which in itself is owned by Applied Energy Services (AES), a S+P 500 global energy company with offices in Virginia, Indiana, Netherlands, Panama and Chile, has routinely asked for waivers to our zoning code, a little here, a bit there, and they have been granted. This final request for waivers, if granted, would completely circumvent our local zoning code, giving AES the site plan design they originally wanted. "Don't worry about your local zoning laws, we will get around them easily." Again, if these waivers are granted, just throw our local solar zoning law in the trash with our Comprehensive Plan because it means nothing. A waste of time effort and money, a betrayal of all who worked on its development.

The reasoning behind AES requesting the latest waiver is to "reduce impacts to sensitive resources" and "the Project can avoid impacts to certain wetlands and cultural areas." My question, why was development allowed in this area in the first place? Was this area previously described as "sensitive" during the public hearings? I believe including this area in the original site plan was a well thought out, calculated, and intentional design to justify one final and complete ~~circumvention~~ of our zoning code. AES would now have the site plan design it desired all along to maximize corporate profits and shareholder returns.

I believe the intent of our Comprehensive plan and Solar Zoning Law is to keep our best soils, this wondrous natural resource we have in our town, under agricultural production. The areas of prime soils that waivers are requested for are

part of larger, highly productive fields. They should have never been allowed to become inaccessible. As page 29 of our solar zoning code states, "Development of Type 2 Solar is not permitted on any property or Lot (capital L) that is classified or designated as Prime Farmland or Farmland of Statewide Importance."

The areas for setback waivers are to the back property line, the back yard as it is, of the homes of community residents. These are residential lots, the backyards and viewsheds of our neighbors. How can any of you even remotely consider granting a waiver reducing the required 200ft setback? What if it was your home, your backyard, your ~~quality of life~~ everyday ~~everyday~~ view and quality of life?

In the past month has anyone toured the sites which these waivers impact? Have you talked to the homeowners, stood in their backyards? Have you looked at the quality of crops growing in these areas and in the field around them? Do you know the acreage and MW involved in the waiver request? Here's an idea. How about not developing the sensitive area and reducing the MW output of the facility by 5 or 10 MW? Is 135 MW some magical number, or just a number that maximizes corporate profits?

In my mind, as elected officials and residents of the Town of York, your choice is clear. You can protect and preserve our natural resources, our heritage, our rural character, our agriculture, our quality of life, enforce our zoning laws and follow our Comprehensive Plan guidelines. Or, you can vote to maximize the profits of AES and its shareholders. The choice is up to you. Betrayal is a strong word, yet appropriate. Thank you

2) Davies Nagel:

Mr. Nagel stated with the closing of the Little Italy property with the Genesee Valley Conservancy, 65 acres are now completely protected.

yorkclrk@rochester.rr.com

From: Davies G Nagel <dgnagel@rochester.rr.com>
Sent: Friday, August 8, 2025 1:52 PM
To: Jerry Deming; chrissy harris
Cc: Becky Lewis; Dave Nagel
Subject: POF for 8/12/25

Hi Patti/Chrissy,

Can you please put me down for privileges of the floor for the Town Board meeting on 8/12/25?

Trail Town Committee Report

1. Little Italy Nature Preserve update: Closing with the Genesee Valley Conservancy was on June 18th.
2. Greigsville Transportation Plan update? Has a steering committee for this been put together, like the one formed in 2018 that actually created the original Greigsville Transportation Plan? Are there any tentative plans that have been developed for this project that the Trail Town Committee could view?
3. Comprehensive Plan implementation update? Will/has a group be formed to begin to implement the recommendations made by the Comp Plan Committee or possibly will the Planning Board be doing this?

Thanks,

Dave

Mr. Nagel asked if there is someone specific the Conservancy could work with going forward.

Councilman Rose replied he has the draft blueprints for the sidewalks and crosswalks that he could share with Mr. Nagel.

Supervisor Deming stated that surveys will be conducted by TY Lin with them going door to door to the residents in the immediate area.

Councilman Rose reported that the plan reflects crosswalks across from York Central School's signage as well as Main Street (Rt. 36) adjacent from Virginia Avenue to the sidewalk and walking path to Little Italy.

3) Kirk Richenber:

Mr. Richenber asked to speak with the Board this evening regarding solar comments and concerns:

Q-Mr. Richenberg stated he has concerns regarding the proposed solar waivers and asked the Board now that we already agreed on monetary benefits, as a business person or individual, would you allow changes to a contract without receiving additional revenue? The Solar Company wants changes after the fact, but the Town is not receiving anything further.

Mr. Richenberg added that the Board should speak with some of the landowners in this area, they should be aware of the proposed waivers. From what others are saying, the developers are not abiding by the agreement.

Comment- Mr. Richenberg commented he has real concerns as to the answers received by the Town Attorney. Money is paid to his firm by the Developer, the Town needs to follow the trail.

Attorney Kanyuck answered Mr. Richenberg by saying that he does not get paid by the Developer his fees are paid by the Town of York.

Mr. Richenberg stated he hopes the Town Board does the right thing regarding the waivers, our regulations were already spelled out long ago, the developers should respect that.

OLD BUSINESS:

1)White Creek update:

Supervisor Deming introduced Neil Habig of AES Corporation. Mr. Habig gave a brief overview of the current White Creek Solar project as it pertains to final design. Mr. Habig stated that they are wrapping up the details and refining the project layout. Mr. Habig commented that the Town Board asked him to attend tonight's meeting due to some questions/concerns regarding the waiver requests.

Mr. Habig stated that AES is seeking a waiver of the Designated farmland requirements on Tax map # 61-1-25.111, north of Rt. 63 on the east and west sides of River Road (Area 1 & 3 in exhibit A)

Mr. Nagel asked if this information is located on their website to view, which Mr. Habig responded it is.

David Deuel: The latest waiver request was to "reduce impacts to sensitive resources and the project would avoid impacts to certain wetlands and cultural areas." These issues should have been addressed previously, not after the fact. A great deal of time and effort went in our Solar Zoning Law and should not be altered by granting these waivers.

Councilman Smith commented, if you look at the soil maps, the majority of the listed parcels are located in prime farmland. Many times, you are not dealing with the farmer, you are working with the landowner directly.

Mr. Richenberg stated a landowner may or may not be a farmer.

Mr. Habig stated we are putting panels on land that was once farmed.

Mr. Deuel commented that the Solar company does not respect our zoning code, which is our agricultural heritage, you should have to adhere to what is already in place.

Mr. Habig responded that there are significant benefits coming to this community with this project and stated, he does not feel we are being overly greedy with the proposed waivers.

Councilman Morgan inquired if anything is going near our Wastewater Treatment Plant, which Mr. Habig replied he does not believe so.

Supervisor Deming asked the Board after reviewing the material, Area 1 and Area 3 are being requested for a waiver, what is the Board's feeling on this.

Councilman Rose stated he would like the changes we discussed this evening to be verified.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- Driveways in the Retsof project area are not completely done but we are getting close.
- A week from Thursday (8/21) we will be working on Tuttle Road and then Old State Rd on the 25th.
- After surrounding Highway Departments assisted us in Retsof, we have been helping them in their jurisdiction; Town and Village of Geneseo.
- Suit-Kote: Supervisor Deming and Mr. Worden discussed with the Board that Mr. Deming had received a call from our insurance agent, David Boyce informing us that a surrounding county was experiencing an issue with a vendor (Suit-Kote). Their billing system had been hacked and wanted to make us aware because we also conduct business with them. It was stated that business/Towns payments were being intercepted and illegally cashed. Mr. Worden stated there are invoices in the bills this evening and offered to take our payment directly to them to make sure it is received properly.

WATER/SEWER REPORT:

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

- We recently experienced an incident with the Gen Set at the Piffard Pump House. There was a 10 second intermission in the electric which then did not allow the phone line to work properly giving the Water Dept. critical notifications. Once the phone company repaired the line, we re-set the Gen Set and have not had additional issues.
- Mr. Worden stated that JP from MRB suggested we proceed with a credit application with Xylem for potential replacement needs for a Godwin pump if in the event our existing pump should fail and need to purchase a replacement in a timely manner we would be prepared. (application has been completed)
- The phone line to the pump station on Tuttle Road also quit the same time frame as Flats Road. This area was repaired as well. Mr. Worden stated Fiber Optics would be the best way to go if it becomes available.

Mr. Worden informed the Board that he spoke with Fire Chief, Carl Peter about the potential of connecting to a fire truck in a water emergency situation until a pump was operational once again. Mr. Peter confirmed that it would not be an issue.

- Genesee Valley Construction has two (2) pay apps in the claims this evening. There is no issue in paying pay app #9 (Final) for Base Bid A, but questioned whether or not we should proceed with approval for pay app #3 (Final) for Base Bid B. We want to make sure if we close out "B" now, we could use the remaining funds to hire another contractor later.
- Supervisor Deming commented about the need to replace the coin meter at the Highway Barns. The dollar machine has been taken out of service, so we must make sure we have a reliable source of water for those that are still hauling.

White Creek discussion continued:

Mr. Habig stated after further review of Area 1 and Area 3 in Figure 1, Area 1 has roughly 5.5 acres and Area 3, less than 2 acres, and stated again that the setback requests are off the table.

Supervisor Deming stated the Board has before them a waiver request from White Creek and asked each board member if they wished to proceed with such request:

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

TOWN OF YORK

**TOWN BOARD RESOLUTION TO CONSENT TO CERTAIN PRIME FARMLAND
AND WAIVERS FOR WHITE CREEK SOLAR PROJECT MODIFICATIONS**

WHEREAS, On February 27, 2025, the New York State Office of Renewable Energy Siting and Electric Transmission ("ORES") issued a siting permit ("Permit") for the White Creek Solar Facility (the "Project") which is proposed to be partially located in the Town of York; and

WHEREAS, the Permit included waivers of Town of York Code §§ 618(C)(7)(a)(iii) and (c)(v)'s prohibition on the siting of solar facilities on prime farmland and farmland of statewide importance (collectively "Designated Farmland") for two discrete and specific locations currently proposed for components of the White Creek Solar Facility; and

WHEREAS, the Town of York, in a letter dated March 13, 2024, indicated its support for these waivers because granting a waiver under those specific facts was not inconsistent with the intent of the cited Town Code sections; and

WHEREAS, the Project is conducting detailed design and refining the Project layout to reduce impacts to sensitive resources and is seeking Town consent to a waiver of the Designated Farmland requirements ("Designated Farmland Waiver") in three additional discrete areas of Tax Parcel No. 61-1-25.111 north of Route 63 on the east and west sides of River Road, as shown on the map attached as Exhibit A, including the following:

1. Area 1, which would not be reasonably farmable given that it would be surrounded on all sides by PV arrays and enclosed within the facility fenceline; and
2. Area 3, which would not be reasonably farmable given that it would be surrounded on all sides by PV arrays and enclosed within the facility fenceline; and

WHEREAS, the Project indicates that by consenting to the Designated Farmland Waiver, the Project can avoid impacts to certain wetlands and cultural areas and remove all Project components in the area shown in Exhibit A, which includes the removal of permitted components west of Salt Creek. Removal of project components in this area will reduce the environmental impact of the project, as this area includes various environmental resources including archaeological, wetlands, and waterbodies, and much of the area needs to be cleared of trees to become usable; and

WHEREAS, the Project requests that the Town Board indicate its support for the Designated Farmland Waiver by executing a Stipulation, attached as Exhibit B, with the Project and ORES, which Stipulation will references Exhibits A herein.

NOW THEREFORE BE IT RESOLVED, that the Town Board supports the Designated Farmland Waiver; and

IT IS FURTHER RESOLVED, that the Town Supervisor, or his designee, is authorized to enter into the Stipulation with the Project and ORES in the form annexed hereto as Exhibit B or as otherwise consistent with this Resolution.

Motion was made by Councilperson Morgan to adopt the above Resolution and seconded by Councilperson Rose at a Town Board meeting held on August 12, 2025, and after discussion was approved by the following roll call vote:

ROLL CALL VOTE:

	Yes	No
John Morgan	Aye	
Jason Swede	Aye	
Amos Smith		Nay
Frank Rose Jr.	Aye	
Gerald Deming, Supervisor	Aye	

I, Christine Harris, Town Clerk, Town of York, Livingston County, do hereby certify that the foregoing resolution to be a true and exact copy of said original resolution as adopted by the York Town Board and contained in the official minutes of said Board.

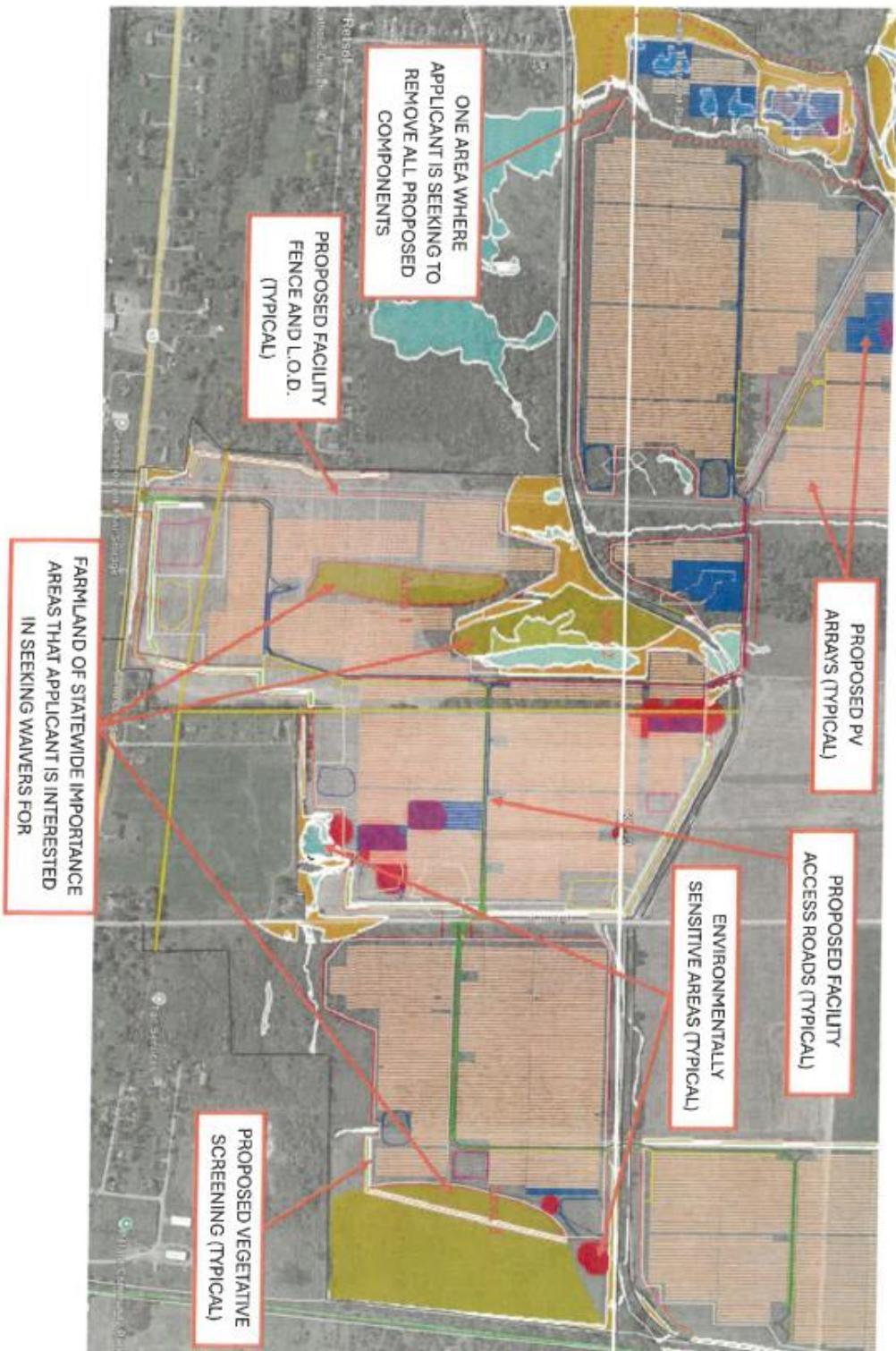
Christine M. Harris

Christine Harris, Town Clerk

Dated: August 12, 2025

Figure 1

Rev. B
12/2/2024



NEW BUSINESS:

- 1) Consolidated Water- River Rd. Ext.:
a-SEQR Resolution – Designating Lead Agency:

TOWN OF YORK
CONSOLIDATED WATER DISTRICT RIVER ROAD EXTENSION PROJECT

SEQR RESOLUTION
DESIGNATING LEAD AGENCY

RESOLUTION offered by Councilman Smith and seconded by Councilman Rose:

WHEREAS, Town of York Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of York Consolidated Water District River Road Extension Project (hereinafter referred to as Action); and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein;

Dated: August 12, 2025

The above Resolution was duly adopted on August 12, 2025 by the Town of York Town Board.

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

b-SEQR Resolution- Determination of Environmental Significance:

TOWN OF YORK
CONSOLIDATED WATER DISTRICT RIVER ROAD EXTENSION PROJECT

SEQR RESOLUTION
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

RESOLUTION offered by Councilman Smith and seconded by Councilman Swede:

WHEREAS, Town of York Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of York Consolidated Water District River Road Extension Project (hereinafter referred to as Action); and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including the supporting information on the Action prepared by the Town Engineer; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the August 12, 2025 meeting; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby authorized to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Town Board's determination of environmental non-significance.

Dated: August 12, 2025

The above Resolution was duly adopted on August 12, 2025 by the Town of York Town Board.

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

c-Formation Adoption:

RESOLUTION offered by Mr. Morgan and seconded by Mr. Swede:

TOWN OF YORK
2668 Main Street, York NY 14592

RESOLUTION AND ORDER for
the Formation of the Town of York Consolidated Water
District -River Road Extension pursuant to New York State Town Law §209-e

WHEREAS, it is the intent of the Town of York to create the Town of York Consolidated Water District -River Road Extension (the "River Road Extension") to include all of the real property indicated in the final map, plan and report prepared by MRB Group, entitled "Town of York Consolidated Water District River Road Extension-Map and Plan," dated June 2025 (hereafter "Map, Plan and Report"), said real property being located in the Town of York, County of Livingston and State of New York; and

WHEREAS, the purpose of the River Road Extension would be to construct, maintain, extend, repair and regulate such facilities as may be appropriate for the purpose of supplying the inhabitants of the District with pure and wholesome water for domestic and commercial uses, and for protection against fire; and

WHEREAS, the real property that will be included in the district is more particularly described in said Map, Plan and Report filed in the York Town Clerk's Office; and

WHEREAS, the Town of York Town Board (hereafter "Town Board"), acting on behalf of the River Road Extension, having previously directed the MRB Group to prepare a map, plan and report with respect to the proposed extension pursuant to Town Law §209-b; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the York Town Clerk; and

WHEREAS, the Town Board on July 10, 2025 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on August 12, 2025 to receive public comment relating to the possible adoption of a resolution to establish the River Road Extension; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on August 12, 2025 at 6:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the River Road Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and

Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on August 12, 2025 at 6:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the River Road Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire River Road Extension, was available for the public inspection at the York Town Clerk's Office prior to and at each of the public hearings referenced above and is attached hereto and made a part hereof; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on August 12, 2025; and

WHEREAS, the Board having issued a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") at the Town Board meeting held August 12, 2025; and

WHEREAS, the Map, Plan and Report calls for the installation of approximately 22,400 linear feet of 6-inch water main (with hydrants, valves and other appurtenant infrastructure) along York Road East, River Road, York Landing Road, and Craig Road; and

WHEREAS, the maximum amount proposed to be expended for the improvements above is Two Million Five Hundred Eighty Seven Thousand Six Hundred Twenty Dollars and Eighty Five Cents (\$2,587,620.85), which will be funded by settlement funds from the Akzo Salt Collapse Settlement Funds; and

WHEREAS, that the anticipated cost to the typical property located within the Town of York River Road Extension shall be on a benefit basis and the annual cost is estimated to be \$289.00 per unit for maintenance fees and \$305.52 for water usage for

the average residential user; and

WHEREAS, the estimated one-time costs for hook-up fees are \$1,500.00 for the typical property, including installation of a service line at the costs of approximately \$10.00 per linear foot (\$500.00 average) and \$1,000.00 for interior plumbing modifications; and

WHEREAS, adoption of this Resolution and Order shall be subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, because the anticipated cost to the typical property located within the Town of York Consolidated Water District -River Road Extension is estimated to be below that of the estimated cost computed by the New York State Comptroller for the extension of similar types of districts, the formation of the River Road Extension will not require approval of the New York State Comptroller's Office.

NOW THEREFORE, be it

RESOLVED and ORDERED by the Town Board of the Town of York as follows:

1. That the notice of public hearing for the August 12, 2025 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed River Road Extension are benefited thereby;
3. That all of the property and property owners benefited by the River Road Extension are included within the limits of the proposed district extension; and
5. That it is in the public interest to form the River Road Extension as set forth; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby establish the River Road Extension as set forth in the Map, Plan and Report; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby approve the installation of approximately 22,400 linear feet of 6-inch water main (with hydrants, valves and other appurtenant infrastructure) along York Road East, River Road, York Landing Road, and Craig Road; and

RESOLVED AND ORDERED, that the construction of the improvements within the District is hereby authorized at a cost not to exceed Two Million Five Hundred Eighty Seven Thousand Six Hundred Twenty Dollars and Eighty Five Cents (\$2,587,620.85), which will be funded by settlement funds from the Akzo Salt Collapse Settlement Funds; and

RESOLVED AND ORDERED, that pursuant to Town Law §202, the Town Board may impose appropriate charges for the River Road Extension allowed by law, including but not limited to charges for usage of water based upon water rates, water meter charges, and hook-up fees; and

RESOLVED AND ORDERED, that the River Road Extension shall bear all of the costs of the Map, Plan and Report prepared by MRB Group that have been incurred by the Town of York, and legal and consulting costs already incurred in preparation for creation of the district, and shall reimburse the General Fund of the Town for such costs; and

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to record a certified copy of this Resolution in the Livingston County Clerk's Office and shall file a certified copy to the New York State Department of Audit and Control.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Thursday, August 12, 2025, recorded as follows:

Vote of the Board:	Councilman Morgan	Aye
	Councilman Swede	Aye
	Councilman Smith	Abstain
	Deputy Supervisor Rose	Aye
	Supervisor Deming	Aye

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

In witness whereof I have hereunto set my hand and the official seal of the Town Clerk this 12th day of August 2025.

Christine M. Harris
Christine Harris, Town Clerk

2) Library request:

Supervisor Deming reported that he received an email request from York resident Janie Schwan inquiring if the Board would be willing to allow a "Little Free Library" in front of the York Town Hall building like many other towns currently have. Mrs. Schwan expressed her desire to purchase, install, and maintain the unit as a donation from her family.

See link for additional information: <https://shop.littlefreelibrary.org>

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the Little Free Library request which will be donated by the Schwan family. Voted on and approved, Yes-5, No-0.

3) Sidewalk updates:

Supervisor Deming stated that Mrs. Schwan also addressed the matter of sidewalks in need of repair in the hamlet of York, specifically the corner of York Rd. East and Main Street toward the York Hardware; and requested consideration for the upcoming budget season.

Highway Supt. Mr. Worden answered we are already working on this matter.

4) Genesee Valley Construction, LLC

a-Pay App #9; Base Bid A:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve Pay App #9 (Final) for Base Bid A to Genesee Valley Construction, LLC in the amount of \$18,766.10. Voted on and approved, Yes-5, No-0.

b-Pay App #3; Base Bid B:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve Pay App #3 (Final) for Base Bid B to Genesee Valley Construction, LLC in the amount of \$4,090.00. Voted on and approved, Yes-5, No-0.

8:22 p.m.-Executive Session:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to enter into Executive Session for matters leading to the appointment of a particular person(s). Voted on and approved, Yes-5, No-0.

8:56 p.m.:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose 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. Morgan to adjourn the Town Board meeting until September 9th, 2025. Voted on and approved, Yes- 5, No- 0.

Town Board meeting closed at 8:57 p.m.

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