

December 3, 2024
Public Hearing
6:00 p.m.

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

Absent: None

Others: Sheila Hess, (CC Environment & Planning), Dustin Geiger, Joe McIlroy, David Dermody, Scott Hulburt, Walter Pond, Davies Nagel, Kirk Richenberg and Carl Peter

Supervisor Deming opened the Town Board meeting at 6:00 p.m. and read aloud the Legal Notice:

LEGAL NOTICE

The York Town Board will conduct a public hearing at 6:00 pm on December 3, 2024 at the York Town Hall, 2668 Main Street, York, NY 14592 on the proposed Town of York Comprehensive Plan Update. Copies of the revised draft Comprehensive Plan Update are available for public review during normal business hours at the York Town Clerk's office and on the York Town website.

Dated: November 13, 2024
York Town Board

Supervisor Deming introduced Sheila Hess of CC Environment & Planning to give a brief overview of the steps taken thus far to update the Town of York Comprehensive Plan.

Ms. Hess began by saying that the Comprehensive Plan Committee has been working to update and draw from the previous 2006 Comp. Plan, which normally should be reviewed and updated within a 10-year period. Ms. Hess commented the primary goal is to focus on the communities' main priorities and key issues. The committee wanted to adopt development and conservation strategies that will make the community attractive, economically viable, socially diverse and resilient.

Livingston County Planning Department reviewed the Comprehensive Plan draft at their November 14th meeting, ultimately recommending approval, but did make some advisory comments.

Ms. Hess suggested that the Town Board consider keeping the comment period open until the first meeting in January in order to allow additional feedback on the draft.

David Dermody inquired if the survey was mailed out to Town residents directly?

Ms. Hess replied that the survey information was posted in several locations throughout the Town as well as the Town of York website, but an individual mailing did not take place. We received a total of 125 survey responses to the community survey and 25 responses to the teen survey.

Mr. Dermody commented we only received 125 responses of roughly 3,000 residents.

Supervisor Deming stated the number of responses seem quite low but it is actually better than normal.

Joe McIlroy explained, as a member of the Comprehensive Committee, it was very hard to get people to respond to the survey, we certainly hoped for far more responses.

Scott Hulburt, (ZBA member and Steering Committee Chairman) added we conducted two public workshops along with several committee meetings, all which were open to the public to listen and give feedback.

Mr. McIlroy stated unfortunately majority of people choose not to participate.

Dustin Geiger (ZBA Chairman), stated after reviewing the draft plan, the future Land Use Maps did not change much from the existing, outdated Comp. Plan maps, as it pertains to Commercial and Industrial sites. It is difficult for Zoning Board of Appeals purposes when businesses submit applications and our current zoning does not always allow it. We then must take additional steps.

Mr. McIlroy answered that commercial distinctions were discussed several times at the committee meetings.

Mr. Geiger commented now is the time to adjust mapping in order to be the guiding map(s) going forward for this community.

Ms. Hess stated the map is not regulatory and we could address development in a different way.

Walter Pond commented that he is pleased with the implementation added and looks forward to the progression.

Kirk Richenberg – comment: The whole process of getting a committee to update the Comprehensive Plan was a poor one. There was not an effort to obtain a diverse group of people that fully makes up the town. We did not have a process to seek out members of the public for ideas or input. The people on the committee were picked by the Board, but

it was not a good cross section of our community from the start. A diverse group should have consisted of many different individuals: ethnicity, younger and senior generations, large business as well as small business...we did not get a diverse group.

Mr. Richenberg continued by saying the draft consists of lots of data and many interesting pictures, but we have a plan in place now and it has not been followed in its entirety and hasn't been enforced, all you need to do is view 2008-2009 changes made to zoning.

Mr. Richenberg added, the Town of York updated Plan is looking for a plan for Smart Growth infrastructure, but we are a farming community, and attracting very large economic boom to the community will probably not happen.

Mr. Richenberg also stated from the maps viewed, one particular map reflects a future trail on railroad tracks, how is that possible?

Davies Nagel commented as a committee member he can confirm that updating the Comprehensive Plan has taken a great deal of time and effort.

Supervisor Deming asked for any additional comments....

ADJOURNMENT:

RESOLUTION offered by Mr. Swede and seconded by Mr. Rose to close the Public Hearing at 6:16 p.m., but authorized receiving written comments regarding the Comprehensive Plan Update until January 7th, 2025 Town Board meeting. Voted on and approved, Yes-5, No-0.

REGULAR TOWN BOARD MEETING

December 3rd, 2024

7:00 p.m.

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

Absent: None

Others: Dwight Kanyuck (Town Attorney) Dustin Geiger, Joe McIlroy, David Dermody, Scott Hulburt, Walter Pond, Davies Nagel, Kirk Richenberg, Carl Peter, George Worden Jr. (High. Supt.), John Morgan, Andrew Walton and Joe Neenan (Lima Planning Board member).

Supervisor Deming opened the Town Board meeting at 7:00 p.m. and invited Councilwoman Parnell to lead in the Pledge of Allegiance.

MINUTES:

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to approve the minutes of the November 12th meeting. Voted on and approved, Yes-5, No-0.

BILLS:

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

• General Fund Claim	# 328-349	\$12,327.24
• Consolidated Water/Sewer	# 268-285	\$67,139.80
• Highway Fund	# 179-194	\$ 9,858.09

PRIVILEGES OF THE FLOOR:

1)Kirk Richenberg:

Mr. Richenberg requested privileges this evening to discuss with the Board the following topics: Water/Sewer, Highway and Budget questions.

Q- What is the status of the Liv. Co. Water/Sewer Authority project?

Supervisor Deming replied he will have more of an answer to this question after tomorrow's meeting but can say that we are very close.

Q- Can you elaborate a bit more?

Supervisor Deming answered that he wants to wait on offering any details until after the meeting in the event it does not go as planned.

Q- Just to follow up from the original project from August of 2022, the Town Board made a resolution to proceed, since then, things have changed but the Board has not made any additional resolutions? Were there any resolutions after the original one?

Supervisor Deming replied there have not been any additional resolutions made after the initial one. The project has been altered/changed a number of times, but the document details for York did not, that's why I did not come back to the Town Board for another approval.

Q- At the last meeting it was stated you did not have a copy of the grant application, why don't we?

Supervisor Deming replied once again the project has changed so many times for other areas, but the York portion has remained the same. Until the areas were completely finalized, we were waiting for the final draft.

Q- In 2022, an Intermunicipal Agreement with the Livingston County W/S Authority was done, did previous Attorney Mr. Campbell prepare it?

Supervisor Deming answered that it was prepared by Attorney Campbell.

Q- Was he the Attorney for the Liv. Co. W/S Authority at that time and did he disclose that in writing?

Supervisor Deming replied he was legal counsel for the Authority, and we did not have that disclosure in writing.

Q- Is there a contract with Leicester...and did Mr. Campbell prepare that?

Supervisor Deming answered there is a contract for water with Leicester and yes, Attorney Campbell prepared the contract wording.

Q- Don't you think the Town should proceed with an ethical review of our previous Attorney's past actions for Conflict of Interest?

Supervisor Deming replied the Town has made a change for Legal Counsel.

Q-What is the status of the truck?

Mr. Worden reported we have confirmation that it was built in Texas and now is in route between Texas and here. It has not arrived at Tenco yet.

Q- At the year end meeting, could the Town Board give a summary of the fund balances for all districts?

Supervisor Deming replied that we always review all fund balances each year at the budget hearing.

KR Comment: I understand that, but at the budget hearing that is usually October time frame and we still have two months to go.

Supervisor Deming answered we can, it will not be a problem.

Q- I recently found out that the two (2) kiosks put on the Greenway did not have a building permit from the State.

Attorney Kanyuck answered under State Law, the State is not required to obtain local permits for State land. Mr. Richenberg inquired where that requirement can be found. Attorney Kanyuck replied he was unsure as to the exact section but recalled it was either in the Town Law or General Municipal Law.

****NOTE:** Attorney Kanuck submitted an email to Clerk Harris after the meeting pertaining to this question:

I subsequently checked where the State's immunity from local permitting requirements arises and it is from Court interpretations of NY Town Law Section 261, which provides for the establishment of local zoning laws. There are exceptions (not applicable to Mr. Richenberg's questions), but Courts have determined that generally the state of New York is not required to conform to municipal zoning regulations when performing a governmental function (such as operating a state park). This is because Town zoning ordinances are enacted pursuant to power granted by the state, and this does not include the power to regulate uses of land by the state itself. The cases are Washington County Cease, Inc. v. Persico, 99 A.D. 2d 321, 473 N.Y.S. 2d 610 (3d Dept 1984), order aff'd, 64 N.Y.S. 2d 923, 488 N.Y.S. 2d 630, 477 N.E. 2d 1084 (1985); Matter of City of Rochester, 72 N.Y. 2d 338, 533 N.Y.S 2d 702, 530 N.E. 2d 202 (1988).

Q- Is that State owned?

Mr. Nagel and Mr. Pond responded that it is owned by the Genesee Valley Greenway State Park.

HIGHWAY REPORT:

Mr. Worden reported the following for the Highway Department:

- The Highway Department has made three (3) salt runs thus far
- We started putting shoulders on River Road
- Would like to set up an interview committee to review the applications submitted for the MEO positions available, we received several. Councilmen Rose & Smith will assist Mr. Worden with the interviews
- We have in this year's budget, funds for a new pick up (\$50,000) and asked the Board if he can proceed with the bid process to replace the 2012 F150.

ADVERTISEMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing Highway Supt. Mr. Worden permission to advertise for bids for a new pickup truck for the Highway Dept. Voted on and approved, Yes-5, No-0.

- Mr. Worden stated once again the truck has been built. It will arrive in Buffalo first, then to Tenco. There is not a price change, but do we want to pay in 2024? This is an automatic transmission and feel that Allison transmissions are a better model. Some towns have changed their specs, but we are comfortable with ours.

Councilman Swede commented that he would prefer to wait on paying for the truck until we actually receive it in order to make sure we are satisfied. Councilman Smith agreed as well.

Councilman Smith asked, regarding the pickup, are you going to bid for a regular 4-wheel drive truck?

Mr. Worden answered we are going to bid both ways.

- Mr. Worden informed the Board of a recent issue with the loader. The loader currently sends out signals to Caterpillar and Mr. Worden. After noticing that the overhead doors to the shop were opened a few times, they believed the frequency for the loader was opening the doors. We have since changed the codes on the doors and hope this solves the issue.

WATER/SEWER REPORT:

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

- Previous water leak issues on Batzing and McVean Roads have been corrected
- W/S Operator Jim Hodges sampled the other day, but we do not have results as of yet.
- Our new operators are at class this week in Morrisville and will return next week as well. Both gentlemen have really stepped up to the challenge and are doing a great job.
- Mr. Hodges will begin reading meters and when Mr. Graves and Mr. Grant return, they will assist with the remaining water meters.

Councilman Smith inquired about the UV Disinfection System.

Mr. Worden answered that the system has been stored away for the season and the company will assist us when we are ready to start up once again.

NEW BUSINESS:

1)Planning/Zoning Appts:

a-Planning Board:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to re-appoint Joe McIlroy to the York Planning Board for an additional 5-year term, expiring 12-31-2029. Voted on and approved, Yes-5, No-0.

b-Zoning Board of Appeals:

RESOLUTION offered by Mr. Swede and seconded by Mrs. Parnell to re-appoint Charity Donnan to the York Zoning Board of Appeals for an additional 5-year term, expiring 12-31-2029. Voted on and approved, Yes-5, No-0.

2)Greigsville Transportation Project:

Supervisor Deming reported that the Initial Project Proposal has been approved for the Hamlet of Greigsville Corridor Improvements in the Town of York. The projects will include the construction of sidewalks, a mid-block crossing, signage, and tree plantings approaching intersection of routes 63 & 36.

3)Pay App #5:

a-Genesee Valley Construction:

RESOLUTION offered by Mr. Rose and seconded by Mr. Swede to approve Pay App #5 (Base Bid A) to Genesee Valley Construction, LLC in the amount of \$42,688.25. Voted on and approved, Yes-5, No-0.

Mr. Worden commented that he, along with many others have noticed the railroad tracks in Wadsworth are in desperate need of repair as well as the tracks on Rt. 20, and asked Supervisor Deming to reach out to the Genesee and Wyoming to seek assistance.

OTHER:

1)Planning Board Alternate:

Mr. McIlroy informed the Board that the Planning Board has an Alternate position currently occupied by Steve Carroll. Mr. Carroll's term will be up at the end of this year and decided not to seek re-appointment, Mr. McIlroy stated that Mr. Carroll didn't really have the opportunity to participate as much as he would have liked to due to the fact that the full-time members were able to attend the meetings. Mr. McIlroy stated he believes his board is set with a five (5) person board and if an alternate is needed at some point we will address it at that time.

2)Y-L Kiwanis letter:

Supervisor Deming reported that the Board received a letter from the York-Leicester Kiwanis Club expressing their thanks for the budget funds the Town allocated for their organization.



York-Leicester Kiwanis Club, Inc.

Town Board of York
c/o Supervisor Gerald Deming
2668 Main Street
P.O. Box 187
York, New York 14592-0187

December 3, 2024

Dear Board:

As 2024 draws to a close, York-Leicester Kiwanis Club wishes to extend gratitude to the Town Board of York for the inclusion of \$4000.00 in its annual budget towards Y-LK's community projects. That level of support made an incredible difference in the Club's ability to maintain expenditures for youth needs in the area including, but not limited to: Boy Scout Troop 85, Cub Scout Pack 76, Noyes (Mental Health Unit), Golisano Children's Hospital, York Food Pantry, and X-mas Sharing (gifts for needy YCS children). In addition, Y-LK directly provided YCS with "Quiet Funds" for a special need, on-going support for trophies for 3 sports seasons, and assistance with the Backpack Food Program and Character Carnival. These expenditures alone totaled over \$5,000.00.

Please know that Y-LK remains extraordinarily appreciative to the Town of York for its support via a variety of cooperative efforts through the years.

Regards,

Glenda VanRy, President, York-Leicester Kiwanis Foundation
P.O. Box 507
Piffard, NY 14533-0507

Councilman Rose also commented that he reached out to the York Historical Society about addressing what they will use the funds for as well. Their response was that the \$2,000.00 will be utilized for general maintenance of the Warren House.

After no further discussions...

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Swede to adjourn the Town Board meeting until the close out meeting on December 27th at 5:00 p.m. Voted on and approved, Yes- 5, No- 0.

Town Board meeting closed at 7:26 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk