

York Town Board Meeting  
September 13, 2012

Present: Supervisor Gerald L. Deming, Council Members: Frank Rose Jr., Norman Gates, David Deuel and Lynn Parnell

Absent: None

Others: George Worden Jr. (Highway Supt.), Matthew Orman (Liv. Co. Deputy), Roger McCracken (Water & Sewer Operator), Patricia Gardner, Clara & Darwin Dale, Andrew Emborsky (Town Attorney), Grayce McLaughlin, Fred Mingrino, Lee Gratwick, Melissa Alber, Elizabeth Rhodes and Davies Nagel

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the Pledge to the Flag.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the August 23<sup>rd</sup> Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Grayce McLaughlin & Fred Mingrino:

Ms. McLaughlin asked to speak with the Board this evening regarding the upgrades and construction at 3242 Federal Road, owned by Dominion Resource Services. Ms. McLaughlin stated the project is roughly 500 feet from her residence and now contains three new structures on the site, with perhaps a 4<sup>th</sup> building still to come. Ms. McLaughlin asked if Dominion had come before the Town Board or Planning Board prior to the project, informing the Town of their plans.

Supervisor Deming replied the Board was made aware of Dominion's building plans after Zoning & Code Officer, Carl Peter submitted approved building permits. Attorney, Mr. Emborsky stated three permits applied for in February of this year were for: (1) 8' x 12' pipeline storage building at north end of the lot, demolition of an existing building, with construction of (1) 32' x 56' building to house meters for underground gas transmission line and construction of (1) 13' 4" x 21' 4" waterbath heater building to be located at south end of the lot. Ms. McLaughlin stated when her family moved to the area in 1986, the property consisted of one building and now must contend with three very large additional structures this year alone with no say. Ms. McLaughlin added they were informed that the gas company was replacing pipe, but what they have witnessed is much more involved than what was outlined. This is now a complete gas metering station without the neighborhood's ability to have a voice in the process. Ms. McLaughlin commented in April of 2011, a meeting was held in Castile/Silver Springs area informing residents of the upcoming Ellisburg to Craigs Project, but nothing was ever scheduled in Livingston County. With the construction of the three buildings on Federal Road, why have we not had a meeting on the subject or required a Site Plan review before the building permits were issued. Attorney Emborsky replied the property

is Pre Existing Non-Conforming Use, with Commercial/Industrial Land Use. If the project was to significantly alter the existing use we would require additional action, the fact they are continuing their use, we did not. Mr. Emborsky reiterated Dominion has obtained the necessary permits for the new structures on site. Ms. McLaughlin commented she is aware of the permits but questioned the perception of “minor additions with no significant visual impact”. In her opinion, the new buildings are major additions to the site, which has altered the property visually, making it completely different from the original site.

Ms. McLaughlin asked the Board when this project came before the Town. Supervisor Deming stated the project itself never came before the Board, they viewed the material in February of this year once the building permits had been approved by Zoning Officer, Mr. Peter. Ms. McLaughlin and Mr. Mingrino stated they now have serious concerns living in close proximity to a gas metering station and expressed what health impacts may come to the residents in the area. Mr. Mingrino added when Dominion’s proposed project was published in a Batavia newspaper, the plan was to replace an 8 inch line, but they did not make mention that they were replacing it with a much larger 16 inch line. Mr. Emborsky stated the determination was made by the Zoning Officer that there would not be a change in use and was grandfathered in. Ms. McLaughlin asked why the Town of York, the Board specifically, did not take action on all of the activity to this site. Even though it is a Commercial/Industrial use, shouldn’t the matter have come before the Planning or Zoning Board. Mr. Emborsky stated with construction of the new buildings it was the determination of Mr. Peter that it was not necessary to come before the Board, but did proceed properly with building permits. Ms. McLaughlin commented she believes the function has changed with the addition of the new structures, not to mention the view. Mr. Mingrino asked if the Board had viewed the site, which all replied they had. Ms. McLaughlin asked if Dominion had been connected to municipal water. Water Operator, Mr. McCracken stated Dominion Resource is not connected to town water, when construction was underway they had a temporary tank for water purposes, but they have not tapped our system.

Ms. McLaughlin expressed her disappointment when the project went through Castile, the Town Board was involved and wondered why such meeting wasn’t scheduled here. Mr. Emborsky commented depending on the size and function of the compressor station in Castile, they may have required a hearing if it disturbed a significantly large area. Mr. Emborsky added there might be additional issues to come, but currently we do not have cause based on the existing zoning regulations and determination of the Zoning Officer. Mr. Emborsky stated to Ms. McLaughlin as a resident of that area, she may have a private Cause of Action against Dominion Resource, but the Town does not.

Mr. Mingrino asked if the Board was aware of anything else in the “works”. Supervisor Deming replied at this time he was not aware of other issues. Ms. McLaughlin commented the business may already have been there, but the buildings are new and the issue should have come before the Town. Mr. Mingrino stated the Town Board needs to be more aware of matters within our township. Supervisor Deming agreed the Board must be involved earlier in the process with future inquiries and made it clear to Mr. Peter that new requests must be discussed with the Town Board and Legal Counsel before any action is taken.

Ms. McLaughlin, Mr. Mingrino, Ms. Gratwick, Ms. Alber, Ms. Rhodes and Mr. Nagel exited the meeting at this time.

2) Darwin Dale:

Mr. Dale came to discuss with the Board matters pertaining to the Highway Department, including Superintendent Worden. Mr. Dale stated he resides at 2489 Old State Road in Wadsworth and has asked numerous times for ditching to be completed. Mr. Dale commented he feels Mr. Worden did not think his issue was a priority and when they finally did come to Old State he thought the matter would be resolved. When the machines sat for a week and a half with no activity, and then were moved elsewhere, he feels his request was ignored. Mr. Dale added while he continued to wait for action on his road, the Highway Department was close by on Tuttle Road and could have handled his small request. When he tried to discuss the matter further with Mr. Worden he was given in his opinion, the cold shoulder. Mr. Dale expressed to the Board that our Highway crew consists of a good bunch of guys, who work hard and feel Mr. Worden runs the department as if they were contractors, which they are not. The department has been doing many other projects outside of their normal job, such as paving at the school and water related matters, and think they should be focusing on highway projects. Mr. Dale stated Mr. Worden expects too much from the men.

Mr. Dale also addressed with the Board the roadside sign of Davies Nagel on Route 36. Mr. Dale stated the sign was disgusting and should be removed. Mr. Dale expressed his thoughts to Clerk Harris when asking for privileges this evening and was informed other residents have also complained to the office staff about the sign. Mr. Dale stated he spoke with Zoning Officer, Carl Peter about the matter and was told it is the State's responsibility because the sign is in their right of way. Mr. Dale commented why is it the State's issue when the Town has a sign ordinance, we should be able to enforce it. Supervisor Deming agreed that the sign does not meet our codes and expressed it to Mr. Peter, and also commented that DOT told us they did not want to be involved.

Mr. Dale thanked the Board for allowing him to speak this evening and he and his wife, Clara excused themselves from the meeting.

Supervisor Deming asked Highway Superintendent, Mr. Worden his thoughts on Mr. Dale's comments.

Mr. Worden stated he was disappointed to hear what Mr. Dale had conveyed to the Board and stressed not everything was accurate. Mr. Worden stated he never said he was low on the priority list with his issue, but did have other pressing matters to contend with. Over the last two weeks, the department had four water breaks that consumed a great deal of time, in addition to other duties. Mr. Worden commented Mr. Dale expressed that he expects too much from the employees, which he agreed with, and feels we should always want to do more if able. Water Operator, Roger McCracken stated he feels Mr. Worden and the Board should expect more from the employees because we get compensated well. Supervisor Deming commented Mr. Dale was unhappy with the fact our Highway Department paved the parking lots at York Central School, but did not understand with the Shared Services agreement with YCS, the taxpayers saved a great deal of money by not contracting the job out and having to pay prevailing wage.

## HIGHWAY

### 1) Maintenance:

Mr. Worden stated the Highway Department has been oil and stoning parts of Chandler, Wallace, Federal and Cowan Roads over the past two weeks, restoring driveway pipes and other routine maintenance duties.

Clerk Harris stated she received photos from resident Jerry Parsons regarding much needed road repairs to Batzing Road. Supervisor Deming stated he too was aware of the number of large potholes and road edge repairs needed and asked Mr. Worden if Batzing Road was slated for repairs anytime soon. Mr. Worden replied he was aware of the conditions and in fact has scheduled patching for next week. Mr. Worden added a large stretch of Batzing Road needs attention, but not all of the road is in our district, we will be taking care of what is ours.

## WATER/SEWER

### 1) Meter reads:

Mr. McCracken stated the Water Department began this week reading meters for the October billing cycle. Reads should be completed by the middle of next week.

### 2) Water breaks:

Mr. McCracken commented as Mr. Worden reported earlier, the Water Department has had to contend with four breaks over the past few weeks and numerous hydrant replacements. All have been corrected, but did consume a great deal of time.

### 3) Solar Bee:

Mr. McCracken stated after the last water break was fixed, the department began late afternoon with Solar Bee. Once everything is in place, flushing will proceed and THM samples taken, with Solar Bee accepting the charges for each of the three samples.

### 4) SPDES Permit:

Mr. McCracken reported we finally received approval from New York State DEC to modify the Town of York's SPDES Permit. We are still waiting for final limits for the treatment plant, but pleased that the main details have been completed.

### 5) Nardi water:

Mr. Deming informed the Board the court date with Mr. Nardi was postponed at his request in order to have an Attorney present regarding the water matter with the Town. Attorney Emborsky asked Clerk Harris to speak with Court Clerk, Mrs. Geary about the upcoming date for appearance and notify him directly.

## OTHER

### 1) DOT correspondence:

Clerk Harris informed the Board that she received word from New York State Department of Transportation regarding the Town's request to investigate traffic conditions on River Road between Fowlerville Road and Mt. Pleasant Road AND MacIntyre Road between Simpson Road and Fowlerville Road, for establishment of a

lower speed. Once the study has been completed the Town will be notified of their determination.

BILLS

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

General Fund Claim	# 246-264	\$ 10,609.86
Joint Water & Sewer	# 241-263	\$ 66,099.12
Street Lights	# 8	\$ 1,588.76
Highway Fund Claim	# 171-182	\$ 13,435.54

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until September 27<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:25 p.m.

Respectfully submitted,

Christine M. Harris, Clerk