

York Town Board Meeting  
May 10, 2018

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith and Norman Gates.

Absent: Frank Rose Jr.

Others: Charles "Dutch" VanRy, Harold Wolcott, George Worden Jr. (Highway Supt), Dave Bojanowski (Genesee Valley Conservancy), Kirk Richenberg, Carl Peter (Zoning/Code Officer).

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Gates to lead in the Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of April 12<sup>th</sup> Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

**HIGHWAY REPORT**

Mr. Worden reported the following for the Highway Department:

- The department has conducted some brush clean up in the cemeteries with more to follow. Mowing has also taken place
- The department cut and removed a tree at the cemetery on Rt. 20
- Recycling center shed now has a new roof
- With the purchase of trucks earlier in the year, Mr. Worden would like for the Board to consider classifying the 2001 Sterling and the 2002 Ford as surplus equipment.
- The department is ready for brush clean up slated for Monday May 14<sup>th</sup>.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to classify the 2001 Sterling and 2002 Ford as surplus equipment for the Town of York. Voted on and approved, Yes-4, No-0.

**WATER/SEWER REPORT**

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

**WATER:**

We have not been able to get the Grid Bee on the Greigsville hill tank to work. We have contacted the company about the situation. After review, we believe it is a motor problem and Grid Bee believes the same with the description we gave. They want us to send the motor in and they would

send us another one. Mr. Worden stated that he would like to remove it from the tank when the other projects are completed in the area, when the tank has been emptied.

#### SEWER:

Flushing of the lines took place in the Retsof hamlet the last week of April. Mr. Worden commented that this effort each year is well worth it as a great deal was removed.

Councilman Smith asked if the department had used the camera for this process which Mr. Worden replied that the camera was not used on the laterals but has been used on the main line.

### **PRIVILEGES OF THE FLOOR**

1) Charles "Dutch" VanRy:

Mr. VanRy began by thanking the Board for the opportunity to speak this evening and also thanked Mr. Worden and his crew for the wonderful job they do each year at the playground.

Mr. VanRy stated over the past few years trees have had to be replaced which the York-Leicester Kiwanis gladly replanted. Mr. VanRy expressed that the back fencing of the Piffard playground is in dire need of attention along with ditching in the same area wondering if the Town would consider as a Capital Improvement project funds to replace it. Mr. VanRy added that this ditch has not been trenched in roughly 50 years. Empire Fencing is a company that has been used previously. Mr. VanRy asked if perhaps Mr. Worden and his department could bulldoze the area where the current fencing exists in order to clear it for prep work and newer fencing to come. Mr. VanRy stated that the adjoining neighbor, Don Gullo is doing a great job maintaining his property next to the playground after many years of non-existent maintenance from others. Mr. VanRy asked the Board if the back fencing and ditching could come from this year's funds with perhaps replacement of the fencing on the other two sides in the next year's budget. North side of the playground is very grown up. In the third year, hopefully the final piece of fencing could be added which would ultimately secure the playground parallel to East Road.

Mr. Worden commented that the ditch area Mr. VanRy has discussed does not belong to the Town of York, and is more than likely owned by Mr. Gullo, we are not responsible for it. Mr. VanRy also advised the Board that a gas line is also located there as well which Mr. Worden stated he was aware of.

Supervisor Deming asked Mr. VanRy if he will be obtaining pricing for the fencing. Mr. VanRy replied he would gladly do so. Mr. Deming asked if he could please gather information for at least the first piece of fencing, but also a further quote for the other sections. Mr. Deming stated the Town is unable to ditch on another's property and suggested asking Mr. Gullo about the request. Mr. Worden expressed once again that we cannot work on private property.

Mr. VanRy discussed with the Board his second request, which pertains to the upcoming Bicentennial (200 year) celebration for the Town of York, in 2019. The York/Leicester Field Days Association is very grateful to the Town for their continued support each year, but respectfully requests a one-time increased donation up to \$2,000 for 2019 fireworks display.

Mr. VanRy reminded the Board that several years ago a Scout (Caleb Nellis) completed his Eagle Scout project of refurbishing the sign on Chandler Road and constructing and donating a picnic table for the area. Unfortunately the picnic table was stolen and we want to build a new one and bolt

it into the ground for safe keeping. Supervisor Deming replied that he does recall Caleb's project, but suggested that Mr. VanRy contact Rob Donnan due to the fact that he may have given permission for placement of the table on his property, in order to keep it out of the road right of way. Mr. VanRy responded he will touch base with Mr. Donnan.

2) Dave Bojanowski:

Mr. Bojanowski thanked the Board for the previous discussion and action at the April 12<sup>th</sup> regular meeting regarding the Batzing Farm grant application, but stated that he failed to acknowledge a necessary requirement at that time. Mr. Bojanowski stated that he forgot to ask the Board, in order to have it documented in the minutes, if any Town Board member had a conflict of interest, and asked this evening. Supervisor Deming and each board member responded that no one had a conflict of interest with the Batzing Farm application.

Mr. Bojanowski stated he is now able to proceed with the application and thanked the board for their time.

**OLD BUSINESS** – None

**NEW BUSINESS**

1) Water Service Shut-off:

a- 2539 Chandler Road:

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the Water Service Shut-off request submitted by US Department of Housing & Urban Development for 2539 Chandler Road. Voted on and approved, Yes-4, No-0.

2) Genesee Street correspondence:

Supervisor Deming addressed a letter the Board received from Hafiz Mahboob Ellahi, owner of the property located at 2727 Genesee Street ("the Retsof plaza"). Mr. Deming asked the Board if everyone has had the opportunity to read the letter, which all replied they had. The content outlines the tenants Mr. Ellahi has had over the years and the water & sewer charges associated with the building. Mr. Ellahi expressed his displeasure that the Board approved the construction of the new Dollar General and feels it is the board's responsibility now to buy the property or help dispose of it.

After a brief discussion the Board agreed that Attorney Campbell will be notified of this letter in order to generate a response on behalf of the Town.

(See attached letter below):

Received: PAB 5/7/18

Dayed 4/30/2018

Town Board Members

2668 Main Street

PO BOX 187

YORK NY 14592

**REF: 2727 GENESSEE STREET, Retsof/ Piffard NY**

**Dear sirs,**

**Please help me to dispose of this property which I bought in about 2004-5, with three tenants Marcey Deli, DG store and Bank of Castile. I paid \$530,000.00 with the hope these tenants will stay there except Marcey Deli but unfortunately Marcy Deli after few months did not pay her rent and forced to vacate the premises. I got another tenant to replace Marcey Deli but again bad luck he did not survive and vacated also in couple of months.**

**Later on in 2006-7 I came to know DG Planning to move across the street in the new building to be constructed across the street and I was expecting Board Members will not allow new construction for DG as being a small city two Dollar stores will not survive in a small town and I was expecting Board Members will protect my Interest and my investment \$530K**

**I would have renovated this building to meet the requirements of DG , if Board Members would not allowed. I have the feeling because of Board members allowed it, DG moved and vacated my place which is still vacant as being so small city, another FD, or Dollar Tree could not make it here and still paying the taxes and w/s**

**I did know that when I tried to inquire and new one of the Board Members did oppose it , GOD BLESS HIM as he did realize that I, as investor, from Long Island New York, invested \$530K will definitely be wiped out which exactly happened and I am very sorry BOARD MEMBERS who did not protect my interest *even* I was paying the taxes and w/s charges and helped DG being joint company having 10,000 stores. If DG WOULD HAVE MOVED OUT, from the area if not allowed by board members to construct, I WILL HAVE DOLLAR TREE /Dollar STORE HERE IN RETSOF.**

**Another tragedy that Bank of Castile broke the lease and left before the expiration of their lease INSPITE OF THE FACT , BANK was there long time since 1980 before my purchase and I was very much confident that bank will stay for a long time to come, but it did not happen**

The reasons I invested \$530K to make money as every investor had hopes, expecting Bank will be there for long time to come and more surprising that DG was progressing their business every year at this location as DG was reporting sales as per term of lease and I was shocked why DG had decided to move when making money at this location as a result of increase sales which were increasing every year.

I am paying to YORK TOWN not only my Real Estate Taxes every year without fail but also sewer charges for three stores @\$95.00 per store, \$285.00 every quarter, \$1140.00 every year and so far I paid to Town of York \$13680.00 for about 12 years apart from the taxes which comes to total in thousands of dollars with no income.

Charging sewer \$285.00 per quarter seems to be very unjustified, and I may call it unethical charge as there was no consumption for the last about 12 years or more and I am aware this must be rules which should be reviewed on ethical basis.

As now I lost all my hopes to survive and therefore requesting your help to buy this property or help me to dispose for any price to be reasonable may be about half of the price which I paid or less. I already spoke to Tax assessor who promised to help me to dispose of this property.

In the past couple of years Fire Dept was interested to buy this property Market value which was about \$387000.00 but for unknown reasons the deal did not go through. Now it is a good time now as I am very much motivated to get rid of the property.

Very Truly Yours,



Hafiz Mahboob Ellahi

28 Drayton Ave,

Bay Shore NY 11706

Te1:845-667-4449, Email [hafiz1247@gmail.com](mailto:hafiz1247@gmail.com)

**OTHER**

1) Water main on Main Street:

Councilman Gates inquired as to the 8 inch water main on Main Street and wondered if it is in use. Supervisor Deming replied if he is referring to the property owned by Mr. Brock and Mr. Rose, his understanding is that it is installed but not in use. Mr. Worden stated that this is correct and added at some point the line should be dedicated to us or have them disconnect from the main.

2) Comment from Mr. Richenberg:

Mr. Richenberg stated that the manure season has been pretty condensed, truck traffic has been horrible to contend with. He is aware that conversations were supposed to take place with Donnan Farms, and asked that they please be mindful of the day and time for which they are traveling. Recently the trucks to and from have been very disrespectful to this community, using the “jake brake” constantly in the hamlet, which is awful especially during a recent church service. Supervisor Deming agreed and stated he was aware of the situation this past weekend and has already placed a call to Rob Donnan and to our Attorney, Mr. Campbell. Mr. Deming stated other trucking operations, such as Mark Cole’s, M & T Trucking, drivers are not allowed to use the jake brake unless absolutely needed and questions why these trucks are using it continuously. Mr. Richenberg added, the people coming into town doing this work and work on the drag line are probably working long hours due to the number of farms they work for. Some of this work may be done at night, which is not the safest.

**BILLS**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

General Fund	# 127-158	\$ 11,507.06
Joint Water & Sewer	# 92-116	\$ 161,541.31
Light District	# 5	\$ 1,543.44
Youth Fund	# 3-5	\$ 1,359.44
Highway Fund	# 81-95	\$ 6,076.19

**ADJOURNMENT**

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Town Board meeting until June 14<sup>th</sup>. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 8:03 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk

