

**VILLAGE OF LEROY BOARD OF TRUSTEES**

Minutes of Regular Meeting held on

**February 22, 2023**

Village Hall, 3 West Main St., Le Roy, NY

**PRESENT:** Mayor Gregory Rogers  
Trustee Raymond Yacuzzo  
Trustee William Kettle  
Trustee James Bonacquisti  
Trustee Richard Tetrault  
Chief of Police Greg Kellogg  
WWTF Superintendent Steven Carroll  
DPW Supervisor Robert Lathan  
Clerk-Treasurer Eileen Carmel  
Deputy Clerk-Treasurer Katie Eick  
Wastewater Plant Operator Andre Carmel

Others Present: Dawn & Heiko Monsees, Mari Runfola

Mayor Rogers called the meeting to order at 7:00 pm, followed by the Pledge to the Flag.

**PUBLIC HEARING: Proposed Local Law No.1 of 2023 Amending Village Law, Ch. 215 Zoning**  
**A motion was made by Trustee Yacuzzo to open the public hearing regarding the Proposed Local Law No.1 of 2023 Amending Village Law, Ch. 215 Zoning.** It was seconded by Trustee Bonacquisti and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

The two proposed text changes to the Village Law, Chapter 215 Zoning, pertain to Bed and Breakfast establishments. Dawn Monsees, of 30 West Main St., has plans to build/open a Bed and Breakfast on her property (see Board of Trustees minutes from 8/24/22). The Zoning Text Amendment Referral was approved by the Genesee County Planning Board, but recommended “the Village seek an advisory opinion from NYS Dept. of State as to whether the proposed changes conflict with NYS Building Code.” (See Board of Trustees minutes from 9/21/22). On 10/18/22, the LeRoy Planning Board approved one of the text changes but not the second, and asked for the Village Attorney to provide an interpretation of the plan vs the definition of a B&B dwelling. The Village Attorney’s opinion, was that even if a walkway exists between the existing residence and the second structure, it creates separate living quarters on one parcel, which isn’t allowed by Village Code and is the opposite of the definition of a B&B as guests commingling with the owner. At that point, the Board chose to cancel the public hearing on 10/19/22. Code Enforcement, however, requested that the zoning changes be addressed, thus the scheduling of the public hearing for this meeting.

Mayor Rogers stated that the plans were non-conforming to Village Code. Dawn Monsees was in attendance and reminded the Board of her plans and there was discussion of details, property size, etc. Trustee Kettle reiterated he liked the plan, as long as proper procedures were followed. Trustee Yacuzzo suggested that a local legislator could be asked to walk the plan through the home rule process.

**A motion was made by Trustee Bonacquisti to close the public hearing regarding the Proposed Local Law No.1 of 2023 Amending Village Law, Ch. 215 Zoning.** It was seconded by Trustee

Yacuzzo and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

#### **APPROVAL OF MINUTES:**

**A motion was made by Trustee Yacuzzo to approve the minutes of the Board of Trustees meetings on 1/18/23 and 2/6/23.** It was seconded by Trustee Tetrault and passed unanimously.

#### **COMMUNICATIONS:**

Thank you card, FRESH Committee – for Village’s donation towards WinterFest.

Letter, Town of Darien Supervisor – problematic county sales tax distribution: Mayor Rogers stated he spoke with Legislator Shelley Stein, who said the County Legislature would vote on the 24<sup>th</sup> on proposed distribution payments to municipalities for unexpected revenues.

#### **DEPARTMENT CONSIDERATIONS:**

LPD: Chief Kellogg said the department has been focused on training for new officers and background investigations for possible recruits.

WWTF: Supervisor Carroll stated the new influent building will be open by end of March and they will be done with Phase 1 of the project mid-Summer. Roof repairs are complete. Eventually, NYS won’t allow replacement of natural gas boilers, so he’s trying to replace the current one sooner rather than later. He has WW Maint. Worker Semmel signed up for training for his operator’s license in July and September.

DPW: All’s quiet.

Clerk: Scheduled with the Board their next meetings:

- March 6 @ 6:30pm (Budget workshop with department heads)
- March 15 @ 7pm
- April 12 @ 7pm (Public Hearing for FY 2023-2024 Budget and Annual Organizational Meeting)

#### **OLD BUSINESS:**

Resolution to Adopt Local Law No.1 of 2023: Mayor Rogers asked for a motion, but no one made a motion. Motion failed.

Mayor Rogers stated the Board was advised by Code Enforcement and the Village Attorney not to allow a secondary building. Mrs. Monsees said she had a “Plan B” and provided the Board with updated drawings which more fully integrated the existing house to the new walkway to the new structure and caused further discussion of the build and the property. Mayor Rogers asked that she take the new plan to Code Enforcement Officer Mike Risewick so he can make a recommendation. And the Village Attorney will need to weigh in, as well.

**A motion was made by Trustee Yacuzzo for a Resolution to Table the Resolution to Adopt Local Law No. 1 of 2023 Amending Village Law, Ch. 215 Zoning.** It was seconded by Trustee Kettle and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Resolution to Amend the Employee Health Reimbursement Account Plan: Mayor Rogers said he and Trustee Yacuzzo met with the DPW/WWTF Union Steward about the employee HRA plans and this new plan meets the Village's contractual obligations.

## **RESOLUTION TO AMEND VILLAGE OF LEROY HEALTH REIMBURSEMENT ACCOUNT**

### **MOTION BY: Trustee Yacuzzo**

**WHEREAS**, the Village of Leroy (the "Employer") maintains the Village of Leroy Health Reimbursement Account (the "Plan") for the benefit of certain of its employees; and

**WHEREAS**, pursuant to the applicable section of the Plan, the Employer desires to amend the Plan to reflect changes in the funding amounts;

**NOW, THEREFORE**, the Plan is hereby amended as follows, effective as provided therein:

### **Effective for Plan Years beginning March 1, 2023:**

#### **Eligible Expenses**

1a. The Plan will reimburse the following Eligible Expenses:

1.  Medical Expenses. The Plan will reimburse the following allowable medical expenses incurred by Covered Persons (Section 3.06):

A.  All allowable medical expenses. All medical expenses that are excludable from gross income under Code section 213(d).

B.  Non-essential health benefits. All medical expenses that are not essential health benefits under 26 C.F.R. 54.9815-2711(c).

C.  Listed medical expenses. All medical expenses that are listed on an appendix to the Adoption Agreement and that are excludable from gross income under Code section 213(d).

D.  Limited medical expenses. All medical expenses that are excludable from gross income under Code section 213(d) except expenses that are listed on an appendix to the Adoption Agreement.

2.  Health plan deductibles. The Plan will reimburse health plan deductible amounts that are otherwise payable by the Participant under an Employer-sponsored group health plan covering the Participant.

3.  Health plan coinsurance. The Plan will reimburse health plan coinsurance amounts that are otherwise payable by the Participant under an Employer-sponsored group health plan covering the Participant.

4.  Health plan premiums. The Plan will reimburse health plan premiums for the Qualified Health Coverage of the Covered Person.

5.  COBRA premiums. The Plan will reimburse COBRA premiums for the Qualified Health Coverage of the Covered Person.

6.  Other. The Plan will reimburse health plan copayment amounts and prescription drug amounts otherwise payable by the Participant under an Employer-sponsored group health plan covering the Participant.

#### **Administration**

Account-Based HRA. The Plan will be administered as an account-based HRA:

a. The Employer will credit an amount to the Participant's HRA for the Period of Coverage as follows:

1.  Discretionary

2.  % of the Participant's Compensation

3.  \$ per Participant

4.  Coverage-Based Amounts:

A. Participant Only: \$4,000

B. Participant plus 1: \$8,000

C. Participant plus tax dependents:

D. Family: \$8,000

E. Other:

5. [ ] Other:

SECONDED BY: Trustee Kettle

VOTE

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NOES: None

ABSTAIN: None

ABSENT: None

DATE: 02/22/2023

**RESOLUTION TO AMEND AND APPROVE THE SNOW AND ICE AGREEMENT CONTRACT SUPPLEMENTAL AGREEMENT NO. 2 TO CONTRACT NO. D014780 WITH NEW YORK STATE**

**MOTION BY:** Trustee Yacuzzo

**WHEREAS**, the Board of Trustees of the Village of LeRoy, New York on February 22, 2023, enacts a resolution to amend and approve the Snow and Ice Supplemental Agreement No. 2 to Contract No D014780 between the State of New York and the Village of LeRoy for snow and ice control, for the 2022-2023 season, in the amount of \$40,588.83.

**SECONDED BY:** Trustee Bonacquisti

VOTE

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NOES: None

ABSTAIN: None

ABSENT: None

DATE: 02/22/2023

WWTF Project – Phase1 – Contractor Pay App, Kaplan-Schmidt: **A motion was made by Trustee Yacuzzo for a Resolution to Pay Electrical Contractor Kaplan-Schmidt Pay App #10 in the amount of \$16,197.50.** It was seconded by Trustee Bonacquisti and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

WWTF Project – Phase1 – Contractor Pay App, Wind-Sun Construction: **A motion was made by Trustee Yacuzzo for a Resolution to Pay General Contractor Wind-Sun Pay App #20 in the amount of \$137,564.49.** It was seconded by Trustee Bonacquisti and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

**RESOLUTION TO AMEND AGREEMENT WITH CLINTON BROWN COMPANY ARCHITECTURE, PC**

**MOTION BY:** Trustee Yacuzzo

**WHEREAS**, on June 23, 2021, the Village of LeRoy entered into the Main Street Grant Program Administrative Services Agreement with Clinton Brown Company Architecture, PC (CBCA 21-026), terminating April 1, 2023, and

**WHEREAS**, Clinton Brown Co. has invoiced and the Village has paid \$17,869.21 for services rendered, and

**WHEREAS**, two projects in the program are not yet completed, and if the agreement terminates, the property owner will lose money they invested in the project, and

**WHEREAS**, the Clinton Brown Co. has requested an amendment to the agreement adding \$5,000 compensation and additional time, and

**WHEREAS**, the Board of Trustees has reviewed the request, **NOW THEREFORE**

**BE IT RESOLVED** the Board of Trustees hereby approves an amendment to the Main Street Grant Program Administrative Services Agreement with Clinton Brown Company Architecture, PC (CBCA 21-026), increasing the original \$17,250 compensation to a total of \$22,250 and extending the agreement to September 30, 2023.

**SECONDED BY:** Trustee Tetrault

**VOTE**

**AYES:** Trustee Tetrault, Trustee Yacuzzo, Trustee Bonacquisti, Mayor Rogers

**NOES:** None

**ABSTAIN:** Trustee Kettle

**ABSENT:** None

**DATE:** 02/22/2023

**NEW BUSINESS:**

WWTF: PlanTech Proposal: Supt. Carroll stated that they have to rebuild the RAS/WAS pump every year. There are issues with the operating conditions and they need a pump with more longevity. This will be reimbursed through the project. **A motion was made by Trustee Kettle for a Resolution to Approve \$7,650 to PlanTech Support for a clarifier pump station upgrade.** It was seconded by Trustee Yacuzzo and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Resolution to Amend Budget: Mayor Rogers stated this is a way to get more bang for the buck. Need to move funds within the current budget to make upgrades to property (buildings), heating units are needed in the DPW garage, a new rug is needed in the meeting room, etc. **A motion was made by Trustee Bonacquisti for a Resolution to Transfer \$10,000 from A5110.200 Maintenance of Roads/Equipment and \$90,000 from A5142.200 Snow Removal/Equipment to A1620.407 Buildings/Repairs.** It was seconded by Trustee Yacuzzo and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Resignation of Officer: Chief Kellogg stated that Lewiston PD offered Part-Time Officer Juan Ramos \$5/hour more. Because Ramos signed a contract with LPD, therefore, Chief sent a \$6,000 bill to Lewiston for reimbursement of training expenses. **Trustee Bonacquisti made a Motion to Accept Officer Juan Ramos' Resignation, effective 02/20/2023,** seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Appointments of Officers: Heith Mattingly, a former LPD Officer, and Michael Grover, have each submitted applications for Part-Time positions with the department. Mayor Rogers appointed Heith Mattingly and Michael Grover as Part Time Police Officers. **Trustee Bonacquisti made a Motion to Ratify the Appointments of Heith Mattingly and Michael Grover to Part Time Police Officer positions, each at the rate of \$24/hour, contingent upon Background Checks and Civil Service Approval.** It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault –

Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

**CITIZEN PARTICIPATION:**

Resident Mari Runfola brought two concerns to the Board:

- She believes the one-way alley between 9 and 15 Bank Street isn't properly marked and it's dangerous because vehicles drive the wrong way on it and there has been at least one incident of a child on a bike nearly being run down there. Sup. Lathan said he'd look into it.
- She watched a large fire truck drive very fast through the intersection of Routes 5 and 19 and felt the situation was dangerous for children trying to cross the road. She thought the crossing guard at the time couldn't be seen. Chief Kellogg said that the crossing guards do have reflective jackets and a flashing light, if needed,.

**OFFICIAL CONSIDERATIONS:**

Trustee Bonacquisti: Everything is good.

Trustee Kettle: Everything is good.

Trustee Tetrault: He believes some traffic signs are missing on Mill St.

Trustee Yacuzzo: Back to the intersection of Routes 5 and 19 – he believes the street line on Route 19 from the North isn't far enough back for when trucks make the turn.

Mayor Rogers: All's good.

**AUTHORIZATION TO PAY BILLS:**

Trustee Bonacquisti made a **Motion to Pay Bills retroactive to 1/27/23** was offered by and seconded by Trustee Tetrault and passed unanimously. Payment is as follows:

General Fund: Auto pays and check numbers 25746–25809, 25811–25831, totaling \$314,253.76

Cap #2 Fund: Check numbers 1172 – 1173, totaling \$151,078.23

**ADJOURN:**

There being no further business before the Board, **Trustee Yacuzzo made a motion to adjourn**, seconded by Trustee Kettle and passed unanimously. Meeting adjourned at 8:04pm.

Respectfully submitted,  
Eileen Carmel, Clerk-Treasurer