

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

May 2, 2022

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

PRESENT: Mayor Gregory Rogers; Trustee Richard Tetrault, Trustee Raymond Yacuzzo, and via Facetime: Trustee James Bonacquisti and Trustee William Kettle; Chief of Police Gregory Kellogg; DPW Sup. Robert Lathan; Clerk-Treasurer Eileen Carmel; Waste Water Plant Operator Andre Carmel; Village Attorney Jake Whiting, Guest Bob Winans, LandTech Surveying & Planning PLLC; Mallory Diefenbach, Batavia Daily News; Residents Chad Alquist, Rita Wallace, and Mary Ellen Joy

Absent: WWTF Superintendent Steven Carroll

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

PUBLIC HEARING: A motion was offered by Trustee Yacuzzo **to open the public hearing regarding issuing a special use permit for construction of a car wash at 13 Lake St.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye. Motion carried.

LandTech Engineer, Bob Winans, presented the architectural plans for 13 Lake St., owned by Ryan Dewitt Oil Co. of Pearl Cr. The property is zoned C-2 and they are asking for a special use permit to build a 24-hour, self-serve, 2-bay automatic car wash with two vacuum islands in front. They have followed Genesee County Planning Board recommendations to combine the two property parcels involved and obtain a driveway permit from NYS DOT by closing the southern entrance and allowing only one entrance/exit with vehicles directed around the back of the building.

Trustee Tetrault: What is the plan for snow storage? Engineer Winans: It'll be plowed to a 10 ft. strip behind the building.

Trustee Yacuzzo: Will water be recycled? Winans: No. Though there is an oil and water separator.

Mayor Rogers: Who owns the fence on the north side of the property? It's unsightly. Winans: Not sure but will talk to the business owner.

Mayor Rogers: Have they considered installing electrical car charging stations? Winans: No.

Mary Ellen Joy: What will be the name? Winans: Nothing specific yet, though will probably include "Laser Car Wash."

Mary Ellen Joy: What about lights, noise, trash pickup (it gets windy in that area)? Winans: There will be lights over the doors, no street lights, the light will be directed downward, the kiosks in front are set back.

Trustee Yacuzzo: Will there be a sign? Winans: Yes, it will be in the peak of the building roof line.

A motion was offered by Trustee Yacuzzo to close the public hearing, seconded by Trustee Tetrault and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye. Motion carried.

APPROVAL OF MINUTES: A motion was offered by Trustee Tetrault to approve the minutes of the Board of Trustees meetings on April 4th and 13th, 2022. The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Bonacquisti, Tetrault, Yacuzzo, and Kettle, and Mayor Rogers – all Aye.

DEPARTMENT CONSIDERATIONS:

LeRoy Police Dept.:

- Chief Kellogg stated the department had delayed in-service weapons training due to the lack of ammunition. They placed an order over a year ago and it just came in, so they'll now be able to do that training.
- Traffic issues continue to occur from the periodic food pantry located on Lake St. which usually serves around 350 people. He spoke with Christine Gephart, one of the coordinators, and they are looking into staging the pantry at a bigger location and giving people numbered tickets instead of on a first-come, first-served basis.
- The dept. is moving forward on a grant that would pay for a full-time officer for a year.
- They're working with the Fire Dept. to purchase a new generator for the combined Fire and Village Hall building.
- The drug drop-off last weekend was a big success.

WWTF:

- WWTF Operator Carmel spoke on behalf of the dept., stating all was working well.

DPW:

- Sup. Lathan stated he had a request from an unnamed new group in the community for the Village to purchase hanging flower baskets for Main St. They would cost approx. \$600 and he still had money in his budget this year for the purchase.
- He requested the purchase of benches for Main St., however the Mayor mentioned there was already a plan for several benches in the works as part of the Main St. grant program.
- He and WWTF Supt. Carroll found an online auction for a 16ft. Boston Whaler boat with 125 hp motor. The boat they currently use to pull dead logs from the dam before the Main St. bridge is no longer adequate.

Online auction purchase of boat for DPW: A motion was offered by Trustee Yacuzzo for the **purchase of a 16' Boston Whaler boat from online auction.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustees Bonacquisti, Tetrault, Yacuzzo, and Kettle, and Mayor Rogers – all Aye.

- An electrical pole on Wolcott St., originally installed for lighting for ice skating on the creek, is rotted and he wants to decommission it as it costs the Village money each month. The Board agreed with that plan.
- An electrical pole on East Main was sheared off.

Clerk-Treasurer:

- Clerk-Treasurer Carmel stated that the first State and Local Fiscal Recovery Funds Compliance Report (for Federal COVID funds received) was completed and submitted to the Dept. of the Treasury.
- The new website framework is complete and we just need to add the information.
- Sewer billing will be mailed this week.
- Fully executed agreements which the Board previously approved were received back from Genesee County Planning Board and Tompkins Bank and Mellon Bank.
- The next meeting will be on May 18th and will include a public hearing for the 143 Lake St. development project.

OLD BUSINESS:

Special Use Permit: A motion was offered by Trustee Tetrault for a Resolution to Issue a Special Use Permit for construction of a car wash at 13 Lake St. The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye. Motion carried.

Amendatory Bond: The ongoing Wastewater Treatment Facility project has been revised to include a disinfection system and requires an additional \$1 million be added to the original \$9 million bond. No questions or comments were made.

**AMENDATORY BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Board of Trustees of the Village of LeRoy, Genesee County, New York, held at 3 West Main St. in LeRoy, New York, in said Village, on the 2nd day of May, 2022, at seven o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Gregory Rogers, and upon roll being called, the following were

PRESENT:

- Mayor Gregory Rogers
- Trustee Raymond Yacuzzo
- Trustee William Kettle
- Trustee James Bonacquisti
- Trustee Richard Tetrault

The following resolution was offered by Trustee Yacuzzo, who moved its adoption, seconded by Trustee Tetrault, to-wit:

AMENDATORY BOND RESOLUTION DATED MAY 2, 2022.

A RESOLUTION AMENDING THE BOND RESOLUTION DATED MAY 2, 2016, ADOPTED BY THE VILLAGE OF LEROY, GENESEE COUNTY, NEW YORK, IN CONNECTION WITH THE CONSTRUCTION, RECONSTRUCTION, OR ADDITONS TO THE WASTEWATER TREATMENT PLANT IN AND FOR SAID VILLAGE.

WHEREAS, the Board of Trustee of the Village of LeRoy, Genesee County, New York duly adopted a bond resolution on May 2, 2016 authorizing the issuance of \$9,000,000 serial bonds to pay the cost of the construction, reconstruction, or additions to the Village wastewater treatment plant in and for said Village; and

WHEREAS, Section 1 authorizes the financing of the aforesaid project at a total maximum estimated cost of \$9,000,000 and authorizes the issuance of \$9,000,000 serial bonds to pay costs thereof; and

WHEREAS, Section 2 determines the plan of financing of such maximum estimated cost shall consist of the issuance of \$9,000,000 bonds; and

WHEREAS, the scope of the project has been revised to include a disinfection system and the maximum estimated cost and amount of bonds to be authorized to be issued for such improvements needs to be increased; and

WHEREAS, the maximum amount now proposed to be expended for said improvements by said Village is \$10,000,000, an increase of \$1,000,000, and the method of financing the cost of said

improvements shall be by the issuance of \$10,000,00 serial bonds of said Village; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of LeRoy, Genesee County, New York, as follows:

Section 1. Section 1 of the resolution referred to in the preambles hereof is hereby amended and a new Section 1 is authorized to read as follows:

“Section 1. The construction, reconstruction, or additions to the Village wastewater treatment plant in and for the Village of LeRoy, Genesee County, New York, defined as the replacement of the influent structure, replacement of a primary clarifier, addition of a final clarifier, sludge handling system improvements, installation of disinfection improvements and improvements to the existing facilities such as roofs, driveways, lighting, electrical, pumps, blowers, etc., including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$10,000,000.”

Section 2. Section 2 of the resolution referred to in the preambles hereof is hereby amended and a new Section 2 is authorized to read as follows:

“Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated is by the issuance of \$10,000,000 serial bonds of said Village hereby, authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any state, federal, or other grant monies received therefor.”

Section 4. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 5. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Gregory Rogers VOTING Aye
Trustee Raymond Yacuzzo VOTING
Trustee William Kettle VOTING Aye
Trustee James Bonacquisti VOTING Aye
Trustee Richard Tetrault VOTING Aye

The resolution was thereupon declared duly adopted.

Wolcott St. Reconstruction: Trustee Tetrault made a **motion for a Resolution to Authorize Pay Application #7 to Villager Construction for \$16,690.05.** The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

WWTF Project: Trustee Yacuzzo made a **motion for a Resolution to Authorize Pay Application #10 to Wind-Sun Construction for \$216,388.90.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

NEW BUSINESS:

Public Hearing: Trustee Bonacquisti made a **motion for a Resolution to Hold a Public Hearing for Proposed Senior Housing Development at 143 Lake St. on May 18, 2022, 7pm, Village Hall.** The motion was seconded by Trustee Kettle and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

LPD Resignations and Appointments: Letters of resignation were received from part-time Police Officers Timothy Quatro and John Martek. Trustee Yacuzzo made a **motion to accept, with regrets, the resignations of Timothy Quatro and John Martek.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

A request was received from full-time Police Officer Austin Steinbrenner to be permitted to continue on as part-time after he receives his Barber’s license. Civil Service applications have also been received from John Neilson and Sarah Martek. On the recommendation of Chief Kellogg, Mayor Rogers appoints Officer Austin Steinbrenner, John Neilson, and Sarah Martek as part-time officers. Trustee Yacuzzo made a **motion to ratify the appointment of Officer Austin Steinbrenner as a part-time Police Officer beginning June 10, and to ratify the appointments of John Neilson and Sarah Martek as part-time Police Officers, pending Civil Service approval and background checks, all with a pay rate of \$21.00/hour.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

DPW Main St. Tree Trimming and Gazebo Roof: The trimming of Main St. trees is overdue. Also, when the gazebo on Wolcott St. was damaged last year, some of the roof shingles were replaced, resulting in a two-toned roof. A request was made by a resident to replace all the shingles for a more cohesive appearance. Sup. Lathan stated the new shingles will likely fade after another winter. They are unique and expensive. The Mayor suggested they put that on hold while Sup. Lathan looks into the availability and for the price to come down.

Sup. Lathan also mentioned meeting with CPL engineer Zach Anderson about the Splash Park. The project requires a 4” water supply pipe and Monroe County Water doesn’t do 4”. It has to be engineered and will take extra time. The Town Highway Dept. will start to tear out the wading pool tomorrow.

Festival Applications: Festival applications were submitted, with all proper signatures secured, by:

- Botts-Fiorito Post #576, American Legion-Annual Memorial Day Parade, Monday, May 30
- LeRoy Youth Softball, Inc.-games and food truck at Wildwood Park on Saturday, May 14
- Woodward Memorial Library-Summer Reading Kick-Off, Wednesday, June 15
- LeRoy Knights, Inc.-Chicken BBQ, Trigon Park, June 16 and August 25

Trustee Yacuzzo made a motion to approve the parade and softball games, fees waived, seconded by Trustee Tetrault and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

Trustee Yacuzzo made a motion to approve the reading kickoff, fees waived, seconded by Trustee Bonacquisti, and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

Trustee Bonacquisti made a motion to approve the two chicken BBQs, fees waived, seconded by Trustee Kettle, and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

CITIZEN PARTICIPATION:

Chad Alquist – 57 Wolcott St. – On Feb. 15, the storm drain backed up into his house, causing damage. He doesn't believe it was his fault, mold is growing in his basement, and he would like to know who is taking care of the cleanup.

DPW Sup. Lathan stated that during the Wolcott St. Reconstruction project, Mr. Alquist's house was not hooked to the new storm drain system. His house has since been connected properly. There was a discussion about who was at fault. In the end, Village Attorney, Jake Whiting, stated that if the construction company didn't do what was in the plan, they were at fault, but if the plan wasn't correct, then it was the engineer's responsibility.

Mr. Alquist said he doesn't have the money to get the cleanup work done. Mayor Rogers stated to have them bill the Village.

OFFICIAL CONSIDERATIONS:

Trustee Kettle

- Said he's looking forward to seeing everyone face-to-face at the next meeting and he appreciates all they've done for him during his recovery.

Trustee Bonacquisti

- Nothing to share.

Trustee Tetrault

- Wanted to compliment the LPD for their efforts during the food pantry on Lake St., he was impressed.

Mayor Rogers

- Asked for a moment of silence for the two Mercy Flight pilots who died in the recent helicopter crash. They're unsung heroes in our community and it's a great organization run by great people.

A minute of silence in honor of the two pilots, James Sauer and Stewart M. Dietrick, took place.

EXECUTIVE SESSION:

A motion to go into executive session for personnel reasons was made by Trustee Yacuzzo and seconded by Trustee Tetrault and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye. Mayor Rogers asked that Chief Kellogg and Clerk-Treasurer Carmel attend this session. Session entered at 7:51 pm.

REGULAR SESSION:

Trustee Tetrault offered **a motion to go back into regular session**, seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye. Session entered at 8:06pm. No action taken during executive session.

Officer John Ceneviva – On the recommendation of Chief Kellogg, Mayor Rogers appoints John Ceneviva to a full-time Police Officer position. Trustee Bonacquisti offered **a motion to ratify the appointment of John Ceneviva as a full-time Police Officer, at a rate of \$24.03/hour, pending Civil Service approval.** Motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

There being no further business before the Board, **a motion was offered by Trustee Bonacquisti to adjourn**, seconded by Trustee Kettle and passed unanimously.

Meeting adjourned at 8:07pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer