

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

June 21, 2023

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

PRESENT:

Mayor Gregory Rogers
Trustee Richard Tetrault
Trustee Raymond Yacuzzo
Trustee William Kettle
Trustee James Bonacquisti
DPW Supervisor Robert Lathan
Clerk-Treasurer Eileen Carmel

Absent:

Chief of Police Gregory Kellogg
WWTF Superintendent Steven Carroll

Others Present:

Nancy Crocker, Rita Wallace, Lonni Carroll

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

(Out of Order)

APPROVAL OF MINUTES:

A motion was made by Trustee Yacuzzo to approve the minutes of the Board of Trustees meeting on 5/17/23 and the Sewer Board meeting on 6/5/23. It was seconded by Trustee Kettle and passed unanimously.

GUEST: Eric Weiss from engineering firm, CPL, gave an update of the WWTF Project:

- Phase 1 (Influent Building) is taking longer than expected. They are trying to push the General Contractor, Wind-Sun Construction, but will have to extend the time. A change order is coming soon.
- Phase 2 (UV project) will go online one week later than expected but the General Contractor, STC Construction, is the #1 outfit to work with in the future. The Electrical Contractor, Hewitt-Young, was originally under Phase 3, but had to maximize grant funding with the WQIP, so moved to Phase 2.
- Phase 3 (Aeration Improvements) still requires DEC approval.
- Overall, the project is going well, just taking longer.
- But, the next goal is to not haul sludge to the landfill anymore. Costs are going up dramatically and some landfills are turning us down. That's why they want to add Phase 3 for the aerobic sludge digestion process.
- They are applying for a grant to fund this process in July from EFC (NYS) and it includes funding from the federal BIL (Bipartisan Infrastructure Law). At the next Board Meeting, they will have Bond Counsel write up a Bond Resolution. He recommended that they do the bond. It doesn't require that it be used. But, wait and see if the Village gets the grant at the end of the year. If possible, need to get letters of support for the Village.

Separate item:

- Repair Shop Facility – getting the bid package together (for supply only) for the August meeting.

OLD BUSINESS:

VILLAGE OF LEROY
RESOLUTION CLASSIFYING THE WASTEWATER TREATMENT FACILITY
IMPROVEMENTS AS A TYPE II ACTION

Trustee Yacuzzo presented the following resolution and moved that it be adopted, and it was seconded by Trustee Bonacquisti.

BE IT RESOLVED BY THE VILLAGE OF LEROY BOARD OF TRUSTEES AS FOLLOWS:

WHEREAS, the Village of LeRoy Board (“Village”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

WHEREAS, the capital improvements at the Village of LeRoy Wastewater Treatment Facility, known as the (“Project”), being considered includes solids handling upgrades including converting an existing tank to an autothermal thermophilic aerobic digester (ATAD) tank and a storage nitrification denitrification reactor (SNDR) tank to produce Class A biosolids. This project also includes the installation of a biofilter tank and a rotary drum thickener; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Village must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Village has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Village:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF LEROY, NEW YORK BOARD OF TRUSTEES, AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute SEQRA Type II Actions as defined under said regulation and do not require an environmental impact statement or any other determination or procedure.

This resolution shall take effect immediately.

Duly put to a vote as follows:

AYES NAYS

Trustee Tetrault None

Trustee Yacuzzo

Trustee Kettle

Trustee Bonacquisti

Mayor Rogers
June 21, 2023

(In Order)

COMMUNICATIONS: No communications.

DEPARTMENT CONSIDERATIONS:

LPD:

- The Police Dept. had a call to 66 Lake St. for a report of a resident in possession of an AK-47. Turns out it was an Airsoft, a plastic gun, designed to look like an actual gun. Chief Kellogg is working with the landlord.
- They made an arrest in a Village park, after hours, for selling drugs to a child.
- Have had several false allegation calls from 43 Mill St. that tie up staff resources. He's working with the building manager.

STP:

- Old clarifier went down over the weekend and they ordered parts.
- Cleaning up around the plant.
- Screening topsoil for the DPW to use.

DPW:

- Splash Park is up and running. At a question from a Board member, he explained that the water is not recycled; it goes into the storm sewer.
- DPW made repairs to Wildwood pavilion roof and bath house, and got half of the Wolcott St. Gazebo roof done but had to order more shingles.

Clerk:

- The Permanent Drainage Easement Agreements between the Village of LeRoy and Carmen Vega and other property owners on Madison, Adams, and Robbins Rds. are now completed and filed with the County Clerk.
- Village Taxes were mailed out at the beginning of June and a large amount have already been paid, including a few through the new online portal.
- July 4th is on a Tuesday this year and the Village Clerks asked permission to close the Clerk's Office on the 3rd, but not as a paid holiday. The Board gave permission.
- Next meeting dates:
 - 7/19, 7:00pm – Regular meeting
 - 8/16, 7:00pm – Regular meeting

OLD BUSINESS (continued):

WWTF – Phase 2, STC General Contractor, Change Order: Trustee Yacuzzo made a motion for a Resolution to Approve Phase 2 STC General Contractor, Change Order GC-01, for \$8,500.00. 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

WWTF – Phase 2 Hewitt Young Electric Contractor, Change Order EC-02, \$138,016.94: Trustee Yacuzzo made a motion for a Resolution to Approve Phase 2 Hewitt Young Electrical Contractor, Change Order EC-01, for \$138,016.94. 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

Main/Mill Sidewalk – Change Order #1: Trustee Bonacquisti asked why this wasn't done the first time. Mayor Rogers said Engineer Eric Weiss understands the Board's frustration and understand CPL needs to regain the Board's confidence. CPL has not shared responsibility. Trustee Yacuzzo stated the specified sealant is approved for such an application and looks like it'll work. **Trustee Bonacquisti made a motion for a Retro Resolution to Approve Main/Mill Sidewalk Change Order #1 for \$10,175.00**, which was previously approved via email. It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Abstained, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye

Main/Mill Sidewalk – Change Order #2: **Trustee Yacuzzo made a motion for a Retro Resolution to Approve Main/Mill Sidewalk Change Order #2 for \$8,750.00**, which was previously approved via email. It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Abstained, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye

WWTF Project Phase 1 Contractor Pay App: **Trustee Yacuzzo made a motion for a Retro Resolution to Authorize payment of Pay App. #23 to Wind-Sun Construction for \$71,088.31** which was previously approved via email. 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.

WWTF Project Phase 1 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #24 to Wind-Sun Construction for \$156,237.00**. 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.

WWTF Project Phase 2 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #4 to Hewitt Young Electric for \$29,032.00**. 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.

WWTF Project Phase 2 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #4 to STC Construction for \$53,960.00**. 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

Pro Construction Cost Proposal for Sidewalk Replacement: DPW Supervisor Bob Lathan requested the Village piggyback the Town of Brighton's contract with Pro Construction, but with a better rate due to the difference in thickness. Trustee Yacuzzo stated he was not impressed with Pro Construction's work. Sup. Lathan stated he trusts Pro, they've been good for LeRoy. Mayor Rogers said they get the bid each time. It looks like we're circumventing the bid. Sup. Lathan denied it. [The last time the Village advertised for sidewalk replacement bids, Pro Construction was the only bid.] **Trustee Bonacquisti made a motion for a Resolution to Accept Pro Construction's Proposal for Village Sidewalk Replacement at a cost of \$12.25/sq.ft. for 4" thick concrete and \$13.75/ sq. ft. for 6" thick concrete**. 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 – Nay.

Sewer Board Meeting Payment: **Trustee Yacuzzo made a motion for a Resolution to Authorize Payment of \$50.00/meeting attendance for each Sewer Board member, up to five members.** 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.

NEW BUSINESS:

Resolution to Amend Tax Warrant: Payment was made after the due date. **Trustee Yacuzzo made a motion for a Resolution to Amend the Tax Warrant to exclude 56 Myrtle St., tax map 9.-1-17, in the amount of \$324.80.** 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.

Sewer Board Appointments: Mayor Rogers appointed Christopher Kemp as the Chair of the Village of LeRoy Sewer Board and Brian SinClair as a new member to the Sewer Board. **Trustee Bonacquisti made a motion for a Resolution to Ratify the appointments of Christopher Kemp as Chair of the Village of LeRoy Sewer Board and Brian SinClair as a new member to the Sewer Board.** 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.

Sewer Exclusion Requests: Based on the recommendations of the Sewer Board, **Trustee Yacuzzo made a motion for a Resolution to Approve a Sewer Exclusion in the amount of \$3,245.44 to account #10410, 32 Myrtle St.** 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. **Trustee Yacuzzo made a motion for a Resolution to Approve a Sewer Exclusion in the amount of \$20,993.60 to account #03400, 76 North St.** 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.

Falcone’s Funeral Home, 8700 Lake St. Rd.: Mayor Rogers explained that in 2013 the establishment of a sewer account for Falcone’s Funeral Home was complicated by the fact the property was out of the Village limits and the Village had no way to recover unpaid charges, unlike in the Village where unpaid sewer accounts are relieved to taxes each year. The issue was tabled at a Board meeting and never brought up again. In the meantime, the building was hooked up to Village sewer but no account was established and no sewer charges billed or paid. During the recent sewer audit, the situation was uncovered, and needs to be rectified.

**RESOLUTION TO ESTABLISH SEWER ACCOUNT AND
CHARGE BACK MINIMUM AMOUNT
FALCONE’S FUNERAL HOME, 8700 LAKE ST. RD.***

MOTION BY Trustee Bonacquisti

WHEREAS, in 2012 Vern Falcone approached the Village, requesting permission to tap into the Village’s sewer line for his property at 8700 Lake St. Rd., and

WHEREAS, on 6/19/2012, the request was heard by the Sewer Board, at which time the Board asked Director Lathan of the Sewer Plant to review the drawings and asked the Village Attorney to update an existing contract dated 12/14/1981 with The Fathers of Our Lady of Mercy, Inc. which owned 8692 Lake St. Rd. and detailed connecting to the Village system via an existing trunk line. The updated contract would include sewer service for Falcone’s, LeRoy Manor (8678 Lake St. Rd.), and Donald Antinore (8692 Lake St. Rd.), as all would be on the same line, and

WHEREAS, on 7/31/2012, the Sewer Board offered a motion “to allow Mr. Falcone to go ahead with his construction but he will not be able to tap into the sewer line until the Village has a contract in hand,” and, later, the Village Board accepted the minutes for that Sewer Board meeting, noting the stipulations to be fulfilled, and

WHEREAS, at a later Sewer Board meeting, a condition to the Falcone account would be an escrow account set up for an amount 2 or 3 times their quarterly sewer bill that would cover any delinquent charges, and

WHEREAS, the contract was not updated and a sewer account was not created for Falcone’s Funeral Home but the LeRoy Manor’s sewer line was tapped in 2013 and sewer services have been in use with no payment to the Village up to the present, NOW THEREFORE

BE IT RESOLVED that the Board of Trustees hereby authorizes the establishment of a sewer account for Falcone’s Funeral Home and invoice for minimum charges from 2013 to present in the amount of \$1,704.00.

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.

**Above resolution was amended on 7/19/2023.*

RESOLUTION TO ESTABLISH SEWER ACCOUNT AND CHARGE BACK USAGE PETER MCQUILLEN 9313 ROBBINS RD.

MOTION BY Trustee Yacuzzo

WHEREAS, Village records show that Peter McQuillen, residing at 9313 Robbins Rd., has access to water services through a meter at 7 Fillmore St., and is therefore billed for Village sewer based on readings from that meter, and

WHEREAS, during a recent Sewer Audit, the Village Clerk’s office discovered the property was billed a minimum charge but had little to no usage on the account for years and, suspecting a problem with the meter, contacted Monroe County Water Authority, and

WHEREAS, MCWA looked into the issue and found the meter at 7 Fillmore St. did not service the house at 9313 Robbins Rd., and

WHEREAS, due to MCWA error, a meter installed at 9313 Robbins Rd. was either not hooked up or was not reading since 2016, Mr. McQuillen wasn’t charged for water or sewer usage from 2016 to the present, and

WHEREAS, MCWA is back-billing Mr. McQuillen for 110,000 gal. for 2 years of usage, NOW THEREFORE

BE IT RESOLVED that the Board of Trustees hereby authorizes the establishment of a sewer account for Peter McQuillen at 9313 Robbins Rd. and invoice for 55,000 gal. back sewer usage charges at the pre-November 2022 rates and 55,000 gal. back sewer usage charges at the new rates for a total of \$944.00.

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.

Festival Permit Application: **Trustee Bonacquisti made a motion to approve a festival permit for the American Legion LeRoy Business Council, Kids’ Fishing Derby, on the creek bank during Oatka Fest, 7/16/23, 7am-1pm.** The motion 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.

Trustee Bonacquisti made a motion to approve a festival permit for the Smokin’ Eagle, for an Oatka Festival Band Tent/Stage, 7/14-7/16, 11am-2am. The motion 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:

- Rita Wallace asked if the Lake Street apartments were still going on. The Mayor said that yes, the senior housing development, which is now named Ivy Village, is still going to be built, it's just taking time to go through all the proper channels.
- Nancy Crocker mentioned that three families had to give up their plans to move to Ivy Village because they had to find housing immediately. The Mayor mentioned the Village engineering firm was a little slow in approving the plans but the LeRoy Planning Board approved it last night at their meeting.
- A resident said the old Spirits property at 78 Lake St. sold to the same family who also owns 66 Lake St. and the apartment complex at the corner of North and East Main Streets. There was concern about problems with the residents in 66 Lake St. and if the same problems will occur at 78 Lake St. as well. The Chief of Police is in contact with the owner and trying to find solutions to the situation.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti: Asked about the List of Vacant Buildings in the Village. Clerk-Treasurer Carmel stated she had asked for the list from Code Enforcement but hadn't gotten an answer yet. She would try again. He also mentioned two properties that needed lawn mowing, 30 Lincoln and 129 East Main.

Trustee Kettle: Added that 5 North St. also needed mowing. He asked Chief Kellogg to send the Board his updated Dept. Roster, which the Chief promised to do. He asked Sup. Lathan if the recent purchase from MTE Equipment Solutions Inc. was a Bobcat exchange and it was.

Trustee Tetrault: nothing.

Trustee Yacuzzo: About the Lake St. problem properties, he was looking through the Village Code and found the definition of a "Boardinghouse" was an "owner-occupied dwelling." They could go at the situation from that direction. He also wondered if 8 Pleasant St. was abandoned (nobody knew), and if they were aware that the 12 Myrtle St. apartment building was empty and said it should be on the Vacant Registry as well.

Mayor Rogers: Mentioned that on the last day of school, the school buses were led out by a LeRoy Police car and thought that was great! He thanked everyone for coming to the meeting.

EXECUTIVE SESSION:

Trustee Bonacquisti made a motion to go into Executive Session for Personnel Reasons. It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. Mayor Rogers stated the session was just for the Board. Session was entered at 8:00 PM.

RETURN TO REGULAR SESSION:

Trustee Yacuzzo made a motion to Return to Regular Session. It was seconded by Trustee Bonacquisti, and passed with voting as follows: Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. Session was entered at 8:16 PM. Mayor Rogers stated no business was conducted during the Executive Session.

ADDED:

Police Contract: The LeRoy Police Department and Village of LeRoy have been negotiating on a new contract. The members of the Local Law Enforcement Officer's Union Council 82 voted to accept the new agreement, pending final insurance contractual language. **Trustee Bonacquisti made a Motion for a Resolution to Ratify the New Agreement between Village of LeRoy Police Department and Law Enforcement Officer's Union Council 82, AFSCME, AFL-CIO, pending final insurance contractual language.** It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

AUTHORIZATION TO PAY BILLS:

Trustee Bonacquisti made a **Motion to Pay Bills, retroactive to 5/18/23.** It was seconded by Trustee Yacuzzo and passed unanimously. Payment is as follows:

General Fund: Auto payments and check numbers 26025- 26104, 2106-26114, 26116-26140, totaling \$543,675.12

Cap #2 Fund: Check numbers 1191-1192, 1194-1195, totaling \$112,144.11

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 8:18pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer