

**VILLAGE OF LEROY BOARD OF TRUSTEES**

Minutes of Regular Meeting held on

**July 19, 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  
**ABSENT:** DPW Sup. Robert Lathan  
**OTHERS PRESENT:** Nancy Crocker

Chief of Police Gregory Kellogg  
WWTF Supt. Steven Carroll  
Clerk-Treasurer Eileen Carmel  
Municipal Historian Lynne Belluscio

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

**APPROVAL OF MINUTES:**

**A motion was made by Trustee Bonacquisti to approve the minutes of the Board of Trustees meeting on 6/21/23.** It was seconded by Trustee Yacuzzo and passed unanimously.

**A motion was made by Mayor Rogers to approve the minutes of the Sewer Board meeting on 7/17/23.** It was seconded by Trustee Yacuzzo and passed unanimously.

**DEPARTMENT CONSIDERATIONS:**

LPD:

- Chief Kellogg stated the Oatka Festival the previous weekend went extremely well. No problems.

STP:

- Superintendent Carroll said that day they lost power in one building. The generator kicked in and, eventually, power was transferred back but the electrician couldn't figure out why it happened.
- He's getting a preliminary proposal for solar incentives next week.
- In an effort to plan ahead, if they get the digestion system up and running for the plant in 2025, they will have the empty compost facility. The facility is old but savable and just needs patching. Ideas for use of the facility include: Milling of downed trees and electrical poles into lumber, screening of dirt to create top soil, a locked space for the Garden Club to store equipment, etc. Mayor Rogers felt they needed to find a purpose for the facility but not to sink too much money into it.
- He wanted the Board to know what an asset Sewer Specialty Services was to STP and the Village. Sewer Specialty Services is the company hired to camera, clean, and repair the sanitary sewer system.

DPW:

- Mayor Rogers said that Supervisor Lathan is on vacation, and kudos to him and his dept. for all the hard work in preparation for the Oatka Festival. The creek bank looked great, everything looked great.

Clerk:

- Next meeting dates:
  - 8/16, 7:00pm – Regular meeting – Trustee Kettle stated he wouldn't be in attendance

- When asked about a September meeting date, Mayor Rogers said he wanted to get back to the Monday meetings again, particularly to update the Comprehensive Plan, but he wanted to wait a bit to schedule any more meetings.

Municipal Historian (moved from Citizen Participation):

- Historian Belluscio said she was working with the Town on the Lent tomb as it's in an abandoned cemetery.
- The Barn Quilt Trail received an Excellence in Tourism award from the NYS Tourism Industry Association. An article in the Batavia Daily was published today announcing it.

## OLD BUSINESS:

**BOND RESOLUTION AUTHORIZING IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND RELATED FACILITIES, IN AND FOR THE VILLAGE OF LEROY, GENESEE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$5,500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$5,500,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF**

Mayor Rogers announced they pulled out every stop to get half of the money needed for the project. Trustee Yacuzzo said this is not actually committing to the bond but is more of statement of intent.

**A motion for the resolution was offered by Trustee Yacuzzo**, who moved its adoption, seconded by Trustee Kettle and on a call of votes: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. The resolution was thereupon declared duly adopted.

[Full text of the bond resolution can be found at the end of these minutes.]

WWTF – Phase 1, Wind-Sun Contractor Pay App #25Revised for \$95,976.60: **Trustee Yacuzzo made a motion for a Resolution to Approve Phase 1, Wind-Sun Contractor Pay App #25Revised for \$95,976.60.** 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

WWTF – Phase 1, Work Change Directive No. 1: This is for the general contractor, Wind-Sun Construction. Trustee Yacuzzo asked if they were “casual” about this job. Supt. Carroll agreed but said that CPL, the engineering firm, had put Wind-Sun on notice. The new CPL engineer, Ke’Shara, is dealing with the situation to his satisfaction. **Trustee Tetrault made a motion for a Resolution to Approve Phase 1, Work Change Directive No. 1.** 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.

Amended Resolution – Falcone’s Funeral Home, 8700 Lake St. Rd.: The original Resolution included an invoice amount for minimum charges based on the Inside Village Rate. The Amended Resolution is recalculated based on the Outside Village Rate, since the property is in the Town of LeRoy.

**AMENDED 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 **\$5,112.00.**

SECONDED BY: Trustee Kettle

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

#### **NEW BUSINESS:**

Fiscal Advisors – Financial Advisory Services Agreement: Due to the continuing Wastewater Treatment Plant project, the scope of financial advisory services that Fiscal Advisors' provides the Village has increased and is reflected in the new agreement. **Trustee Yacuzzo made a motion for a Resolution to Accept the Financial Advisory Services Agreement from Financial Advisors & Marketing, Inc., with a proper explanation of Appendix B – Fee Schedule.** 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.

Resignation letter, Officer Heith Mattingly: Chief Kellogg said Officer Mattingly had done a great job as School Resource Officer but he was offered a full-time position with the Livingston County Sheriff's Dept. **Trustee Bonacquisti made a motion for a Resolution to Accept, with Regrets, Officer Heith Mattingly's letter of Resignation, effective 6/29/2023.** 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.

Police Vehicle and Equipment Surplus Request: **Trustee Bonacquisti made a motion for a Resolution to Surplus, effective 6/29/2023, Police Vehicles and Equipment: 2014 Black Dodge Charger, VIN# 2C3CDXKT0EH351225, 2016 Black Ford Explorer VIN# 1FM5K8AT4GGB64758, 2016 Black Ford Explorer VIN# 1FM5K8ATXGGB64747, and Misc. Outdated Law Enforcement Surveillance Equipment to also be destroyed.** 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.

North Ave. Water Tower: Mayor Rogers spoke with Monroe County Water Authority, which is planning to decommission the North Ave. water tower and build a new tower in Pavilion that’s higher. MCWA owns the tower and the Mayor thought they might want the Village to buy it back. He said, “We’ll hear what they have to say,” at an upcoming meeting.

New Building Requirements: Mayor Rogers said he was approached by a property owner who wanted to build a pole barn on his property which is adjacent to an industrial building in the Village but it bogs down in Code Enforcement. The requirements are cumbersome. When asked, he wasn’t sure about the proposed use. If they want to change the requirements, it would involve a public hearing and a local law. “Is this a road we want to go down?” Trustee Kettle said he wanted to know the details. Trustee Yacuzzo suggested they run it by the attorney. The Village Board conducted a workshop meeting regarding Zoning Code on May 1, 2023. The Mayor would like to go over the Zoning Code in the future and will get more information regarding this new building plan.

Festival App: – **Trustee Yacuzzo made a motion for a Resolution to Approve a Festival Application for LeRoy/Stafford Senior Citizens, Summer Music series, Thursdays 6:30-7:45pm at Trigon Park from 7/20 – 8/17/23.** 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.

Sewer Exclusion Request, 30 North St.: Sam DeFazio of 30 North St. replaced his pool liner and hired an outside company to refill his pool at 12,006 gallons. He requested a sewer exclusion for the refill. At a regular meeting on 7/17/23, the LeRoy Sewer Board voted to deny his request. **Trustee Kettle made a motion for a Resolution to Deny a Sewer Exclusion Request for Sewer Acct. #03095, 30 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.

Sewer Exclusion Request – LeRoy Central School District: The LeRoy Central School District requested a sewer exclusion for water used to maintain the lawn and fields of the school. At a regular meeting on 7/17/23, the LeRoy Sewer Board voted to deny a sewer exclusion request but recommended installing a secondary meter, per Village Code, Section 168-12 F, as an alternative option which would measure the water usage not entering the sanitary sewer system. **Trustee Bonacquisti made a motion for a Resolution to Deny a Sewer Exclusion Request for Sewer Acct. #22077, 9300 South St. Rd. with an alternate recommendation to install a secondary meter, per Village Code, Section 168-12 F.** 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.

Request to Install Force Main to Village Sewer Main, 127 W. Main, LMC Industrial Contractors: For several years, 127 West Main St. has experienced problems with sewer backing up into the building, causing damage. They believe a shallow dip exists in the line where sewer waste collects and the property doesn’t use enough water to push the waste through the gravity fed line. Potential buyers for the building will not proceed with the sale unless this issue is resolved. LMC requests approval to install a force main with “doghouse” and pump to the Village Sewer Main. **Trustee Kettle made a motion for a Resolution to Approve a Request to Install a Force Main to the Village Sewer Main at 127 West Main St., contingent upon Village engineers reviewing any and all proposal and plans for this project.** 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. *[This resolution was rescinded later in the meeting.]*

### **CITIZEN PARTICIPATION:**

Nancy Crocker: Announced a new fundraiser for the LeRoy Ambulance Svcs. Her company, Empire Realty Group, and VIP K9 put together a Canine Calendar to help raise funds for a new ambulance. It is \$5 to enter your dog and you can enter as many times as you want. They already have 150 entries. Twelve dogs will be selected at random to be featured. Calendars go on sale Sept. 10th (\$10 ea.) and all proceeds will go to LeRoy Ambulance Svcs.

Andre Carmel: The LED replacement street lights look good.

### **OFFICIAL CONSIDERATIONS:**

Trustee Bonacquisti: 31 Wolcott St. needs lawn mowing. Water is pooling on the South East corner of the Main St. bridge. Who's responsible? We spend millions on a project and it's not right. The Mayor said he'd talk to CPL about it. Water sits in front of the school. Trustee Tetrault said the paving wasn't done right. Trustee Yacuzzo stated Villager paved it. Supervisor Farnholz's recent article makes it sound as if the Village is being cheap about the pool.

Trustee Kettle: Two things: 1. Regarding the bridge, his concern is that could be a safety hazard and we need something in writing. 2. The article says the Village only contributes \$11,000 to the pool. Village residents pay Town taxes as well as Village taxes. It skews the conversation. We need an informed conversation. There's also a safety concern in the number of people at the pool.

Trustee Yacuzzo: He's been involved in Village government for 47 years and there are still people who believe the Village vs Town myth. Village tax payers put more money into the fund because there are more taxpayers in the Village.

Trustee Tetrault: There are more kids down at the park than last year. Chief Kellogg mentioned they have a computer program feature that auto populates for checking the parks, so there's increased LPD presence in the parks.

Mayor Rogers: Oatka Fest was perfect, the Committee did a great job. We're very fortunate and hope people enjoyed it. There's no place he'd rather be. Channel 13 had good coverage. He thanked everyone for their support.

### **AUTHORIZATION TO PAY BILLS:**

Trustee Bonacquisti made a **Motion to Pay Bills, retroactive to 6/21/23**. It was seconded by Trustee Kettle and passed unanimously. Payment is as follows:

General Fund: Auto payments, wire transfers, and check numbers 26141-26200, 26202 totaling \$360,830.61

Cap #2 Fund: Check numbers 1196-1198, totaling \$239,229.00

### **EXECUTIVE SESSION:**

**Trustee Bonacquisti made a motion to go into Executive Session.** 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. Mayor Rogers stated WWTF Supt. Carroll and Clerk-Treasurer Carmel could attend the session. Session was entered at 7:59 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 Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. Session was entered at 8:04 PM. Mayor Rogers stated no business was conducted during the Executive Session.

Force Main at 127 West Main: **Trustee Kettle made a motion to reject advice of the Sewer Board on further information and rescind the previous resolution approving the request for a force main at 127 West Main St.** 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.

**ADJOURN:**

There being no further business before the Board, **Trustee Bonacquisti made a motion to adjourn,** seconded by Trustee Yacuzzo and passed unanimously. Meeting adjourned at 8:09pm.

Respectfully submitted,  
Eileen Carmel, Clerk-Treasurer

**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 the Village Hall, in LeRoy, New York, in said Village, on the 19th day of July, 2023, at 7 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: William Kettle  
Raymond Yacuzzo  
James Bonacquisti  
Richard Tetrault  
Gregory Rogers

ABSENT: None

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

**BOND RESOLUTION DATED JULY 19, 2023.**

**A RESOLUTION AUTHORIZING IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND RELATED FACILITIES, IN AND FOR THE VILLAGE OF LEROY, GENESEE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$5,500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$5,500,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.**

WHEREAS, the purpose described herein has been determined to constitute a Type II Action as defined under regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, by such definition, will not have a significant adverse impact upon the environment; 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. Improvements to the Wastewater Treatment Plant and related facilities, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the Village of LeRoy, Genesee County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$5,500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$5,500,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced by grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of LeRoy, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said

Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the Village of LeRoy, Genesee County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 8. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.



Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. 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 14. **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:

Trustee Kettle VOTING Aye

Trustee Yacuzzo VOTING Aye

Trustee Bonacquisti VOTING Aye

Trustee Tetrault VOTING Aye

Mayor Rogers VOTING Aye

The resolution was thereupon declared duly adopted.