

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

July 20, 2022

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

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

Absent: Trustee William Kettle

Others Present: Sewer Board Chairman, Gerry Aron, Sewer Board Member, Dave Panepento, Carolyn Fitzgerald, Jill Fitzgerald, Dawn Wahl, LKS & GAS for Kevin McCrary

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

A **motion** was offered by Trustee Bonacquisti **to open the Public Hearing regarding a Proposed Sewer Rate Increase**. It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Mayor Rogers explained the history of the Wastewater Treatment Facility project and the planned changes to the structure, including a UV disinfection system not originally in the plans but mandated by NYS DEC. Although the Village has secured grant funding from the state, extra expenses, including the dramatic increase in the cost of sludge hauling, chemicals, and utilities have all combined to create a need for increasing the sewer rates for residents. The Village doesn't have a choice. The improvements have to be made and the bills paid. After months of meeting with the Village engineering firm, NYS DEC officials, and the Sewer Board, this is not a decision made lightly. [A handout given to the audience is added at the end of these minutes. Please note: the Board changed the rates listed for the Outside (Town) rates when they voted later in the meeting.]

Questions asked by the audience and answers given:

What about composting? The plant doesn't have the permit to do sludge.

When will the new rates take affect? November 1.

What happened in one year that caused this? [During discussion, the following were mentioned as possible contributions to the rate increase.] The new building project and cost increases. Over 40 years ago, there was a flawed rebuild of the facility that resulted in the Village suing the engineers (different firm than current) and was awarded \$2 million, paid out over several years, which has since ended. It kept the rates low. Also, in recent years, new low-water appliances and general water conservation has caused residents to use less water overall. One part of sewer bills is based on water consumption and so revenues from that part of the bill have decreased.

Where do the grants mentioned in the presentation come from? The grants come from New York State, however the exact department/division needed to be looked up. The resident's contact info was provided so the Deputy Clerk-Treasurer could answer. [The grants come through the NYS Environmental Facilities Corporation.]

Trustee Tetrault mentioned he'd been asked by residents whether it would be possible to have a special summer rate. Mayor Rogers stated he'd entertain a summer rate. He'd listen to anything.

A **motion** was made by Trustee Tetrault **to close the Public Hearing regarding a Proposed Sewer Rate Increase.** It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

APPROVAL OF MINUTES:

A **motion** was made by Trustee Bonacquisti **to approve the minutes of the Board of Trustees meeting on June 15, 2022.** It was seconded by Trustee Tetrault and passed unanimously.

COMMUNICATIONS:

An email letter was received from resident William Young regarding uneven sidewalks which make it difficult for him to navigate with his power chair. Mayor Rogers stated the Village has redone approximately \$1 million worth of sidewalks in recent years. He said he'd respond to Mr. Young himself, who was not in attendance at the meeting.

OLD BUSINESS:

RESOLUTION TO AUTHORIZE INCREASE IN SEWER RATES

MOTION BY: Trustee Yacuzzo

WHEREAS, the Village Sewer Board met on March 29 and June 13, 2022 and discussed the status of the Waste Water Treatment Facility upgrades, NYS mandates, change in water usage of our residents, and sewer rate schedule (last change was November 2016), and

WHEREAS, after a study of usage and rates was performed, the Sewer Board recommends to the Board of Trustees the Sewer Rates for Village users be increased for the November 1, 2022 billing cycle from a \$40.00 minimum (usage 3,000/gals.) and excess charge of \$8.00/1000 gallons per quarter to a \$48.00 minimum and charge of \$9.60/1000 gallons usage per quarter, and

WHEREAS, the Sewer Board recommends an increase for Town users be increased for the November 1, 2022 billing cycle from \$120.00 minimum (usage 3,000 gals.) and excess charge \$9.25/1000 gallons per quarter, to a \$144.00 minimum and charge of \$11.10/1000 gallons usage per quarter, **NOW**

THEREFORE

BE IT RESOLVED that the Board of Trustees hereby authorizes a Sewer Rate Change as recommended by the Sewer Board to begin November 1, 2022 as follows: Village users - \$48.00 minimum and charge \$9.60/per thousand gallons per quarter; and Town users - \$144.00 minimum and charge of \$11.10/1,000 gallons per quarter.

SECONDED BY: Trustee Bonacquisti

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

**VILLAGE OF LEROY BOARD RESOLUTION
SEQRA TYPE II DETERMINATION
LEROY WWTF IMPROVEMENTS**

WHEREAS, the Village of LeRoy made a previous State Environmental Quality Review Act (“SEQRA”) Type II determination related to improvements to the LeRoy Wastewater Treatment Facility that included the installation of a new influent structure, new clarifier, new generator, solids handling improvements, etc. (the “project”); and

WHEREAS, the Village of LeRoy has determined that additional upgrades are required to the facility including the installation of a UV disinfection system and aeration system improvements (the “additions”); and

WHEREAS, pursuant to the requirements of the SEQRA, the Village of LeRoy having declared itself as lead agency must consider pursuant to criteria set forth in SEQRA the environmental implications of such additions to 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 a full Environmental Assessment Form, 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 of LeRoy has considered under SEQRA the actions described in the project additions, 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) (5), the project is determined to be Type II actions because they involve the following requiring no further review by the Village of LeRoy:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility or in connection to any actions on this list;

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;

Updates that include:

- Capital improvements to the existing LeRoy WWTF including but not limited to replacing the aeration blowers, replacing the aeration diffuser grid, and associated equipment and site improvements.

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;

Updates that include:

- Capital improvements to the existing LeRoy WWTF including but not limited to installing a new UV disinfection system.

And is therefore not subject to further review under 6 NYCRR Part 617.

NOW, THEREFORE, BE IT

RESOLVED, that that the project additions discussed above hereby are 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;

July 20, 2022

Moved By: Trustee Yacuzzo

Seconded By: Trustee Tetrault
AYES: Trustee Bonacquisti
Trustee Yacuzzo
Trustee Tetrault
Mayor Rogers
NAYS: None
ABSENT: Trustee Kettle

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

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

AMENDATORY BOND RESOLUTION DATED JULY 20, 2022.

A RESOLUTION SUPERCEDING THE BOND RESOLUTION DATED MAY 2, 2022, ADOPTED BY THE VILLAGE OF LEROY, GENESEE COUNTY, NEW YORK, IN CONNECTION WITH THE CONSTRUCTION, RECONSTRUCTION, OR ADDITIONS 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 an amendatory bond resolution on May 2, 2022 authorizing the issuance of \$10,000,000 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 \$10,000,000 and authorizes the issuance of \$10,000,000 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 \$10,000,000 bonds; and

WHEREAS, the scope of the project was revised to include a disinfection system and the maximum estimated cost,

WHEREAS, SEQR had not yet been completed at the time of the adoption of such bond resolution and the 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 \$10,500,000, an increase of \$500,000, and the method of financing the cost of said improvements shall be by the issuance of \$10,500,000 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 \$10,500,000.”

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 \$10,500,000 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. This resolution supersedes the May 2, 2022 resolution and 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:

Trustee Bonacquisti - Aye
Trustee Yacuzzo - Aye
Trustee Tetrault - Aye
Mayor Rogers - Aye
ABSENT: Trustee Kettle

The resolution was thereupon declared duly adopted.

WWTF Project: A **motion** was made by Trustee Bonacquisti for a **Resolution to Authorize Pay App. #13 to Wind-Sun Construction for \$420,118.39**. It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

NEW BUSINESS:

Officer Resignation: Trustee Yacuzzo made a **motion for a Resolution to Accept Patrolman John Condidorio's Resignation, effective 7/8/2022**. It was seconded by Trustee Bonacquisti, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Employee Compensation: Trustee Tetrault made a **motion for a Resolution that Sharon Jeary's Compensation be \$1,250.00/month, retroactive to 6/20/22**. It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Police Officer Reinstatement: Trustee Bonacquisti made a **motion for a Resolution to reinstate Austin Steinbrenner as a full-time police officer, retroactive to 6/9/22**. It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

WWTF & DPW: Trustee Tetrault made a **motion for a Resolution to Surplus Tools, Equipment, etc. and send to Auction**. It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

Festival Application: Trustee Bonacquisti made a **motion to approve the Festival Application submitted by the LeRoy/Stafford Senior Citizens, for the Thursday Summer Music Series in Trigon Park**. It was seconded by Trustee Yacuzzo, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

CITIZEN PARTICIPATION: None

DEPARTMENT CONSIDERATIONS:

LPD:

- Chief Kellogg said the LPD had a good presence at the Oatka Fest the past weekend, with no major issues, just one DWI and two courtesy rides home.

WWTF:

- Superintendent Carroll stated they tested the new water system off of Route 19 and will see soon if everything is okay. Hopefully, the new clarifier will be up and running before the old one gives up.

DPW:

- Supervisor Lathan stated drainage for the Splash Park is hooked up but they're waiting on Monroe County Water Authority now. We sent a check to the Genesee County Health Department for permit. Just waiting for the okays now.

Clerk:

- Clerk-Treasurer Carmel stated all was good.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti: Kudos to Chief Kellogg for the recent Facebook posts about Officer Stawicki out in the community and he's heard nice compliments from residents as well.

Trustee Tetrault: He asked about the solar panel system at the golf course that was previously discussed. The Board said the next step was for the owner of the property to contact them with his plans. He asked the status of the situation where a house wasn't hooked up to the sewer properly during the Wolcott Street Reconstruction Project. The Board stated that it was currently in attorney's hands.

Trustee Yacuzzo: He's been asked two questions by residents recently. One - why do we still have fire sirens if everyone on the Fire Dept. has cell phones now? After some discussion, Chief Kellogg offered to reach out to the Fire Dept. Two – regarding zoning and building inspection, there's a certain person who doesn't seem to know the Village Code and is too strict with an imaginary code.

Mayor Rogers: He thanked the Village Sewer Board for all their help; it's not easy to raise rates. He congratulated DPW Supervisor Lathan and his staff on the great job they did getting ready for and cleaning up after Oatka Fest. He congratulated Chief Kellogg and his officers on the great job they did during Oatka Fest.

AUTHORIZATION TO PAY BILLS:

A motion to pay bills retroactive to 6/17/22 was offered by Trustee Bonacquisti and seconded by Trustee Yacuzzo and passed unanimously. Payment is as follows:

General Fund – Auto pays and check numbers 24356, 24359, 25167-25273, totaling \$436,173.91
Cap #2 Fund – check number 1156 - \$643,501.50, and 2 checks erroneously written from Gen. Fund (#24360, #24361) and amounts moved to Cap #2 Fund - \$420,899.39, totaling \$1,064,4000.89

EXECUTIVE SESSION:

Motion to go into executive session concerning proposed acquisition, sale, or lease of real property was made by Trustee Bonacquisti and seconded by Trustee Tetrault and passed with voting as follows: Trustees Yacuzzo, Bonacquisti, Tetrault, and Mayor Rogers – all Aye. Mayor Rogers asked that WWTF Superintendent Carroll and DPW Supervisor Lathan attend this session. Session entered at 8:09 pm.

REGULAR SESSION:

Trustee Bonacquisti offered a **motion to go back into regular session**, seconded by Trustee Tetrault and passed with voting as follows: Trustees Yacuzzo, Bonacquisti, Tetrault, and Mayor Rogers – Aye. Session entered at 8:55pm. No action taken during executive session.

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

Meeting adjourned at 8:57pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer

7/20/2022 Public Hearing: Proposed Sewer Rate Increase

Planned changes to the Village of LeRoy Wastewater Treatment Facility

- Replacement of the influent structure
- Replacement of a primary clarifier
- Addition of a final clarifier
- Sludge handling system improvements
- Installation of disinfection improvements
- Improvements to the existing facilities such as roofs, driveways, lighting, electrical, pumps, blowers, etc.
- Including original furnishings, equipment, machinery, and incidentals

Current Budget and Projections

- Today and for the past 3 years the sewer plant has had no debt payments. They will resume again in 2025.
- The plant has a current rents receivables total 850k.
- The sewer budget must balance. Meaning revenues (the amount taken in) equal expenditures (the amount spent).
- Current budget balances at \$950,600. This includes an anticipated rents increase.
- Principal debt amount - \$240,000-\$245,000 (1st payment due May 31, 2025).

Example Bills – Village Accounts

Current Rate: \$40 minimum + \$8/1000 gallons, and includes 3,000 gallons minimum usage

Projected Rate Change: Increases rate by 20%. \$48 minimum + \$9.60/1000 gallons (straight usage charge)

Current Average Annual User Cost: \$465.71 vs. Projected Average Annual User Cost: \$663.84

3,000 Gallons Usage

Current Bill:

\$40 (min) + \$0 (usage) = \$40 owed

Projected Bill:

\$48 (min) + \$28.80 (\$9.60 X 3) = \$76.80

15,000 Gallons Usage

Current Bill:

\$40 (min) + \$96 (\$8 X 12) = \$136 owed

Projected Bill:

\$48 (min) + \$144 (\$9.60 X 15) = \$192

Example Bills – Outside (Town) Accounts

Current Rate: \$120 minimum + \$9.25/1000 gallons, and includes 3,000 gallons minimum usage

Projected Rate Change: \$128 minimum + \$10.85/1000 gallons (straight usage charge)

15,000 Gallons Usage

Current Bill:

\$120 (min) + \$111 (9.25 X 12) = \$231.00 owed

Projected Bill:

\$128 (min) + \$162.75 (\$10.85 X 15) = \$290.75