

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

August 16, 2023

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

PRESENT: Mayor Gregory Rogers Chief of Police Gregory Kellogg
Trustee Richard Tetrault DPW Supervisor Robert Lathan
Trustee Raymond Yacuzzo Clerk-Treasurer Eileen Carmel
Trustee James Bonacquisti Municipal Historian Lynne Belluscio

ABSENT: Trustee William Kettle WWTF Supt. Steven Carroll

OTHERS PRESENT: Gary & Emily Mankes, Steven Sanders, Barbara Inges, Paul Talmon, Jaime M. Vickers, Nancy Crocker, Earl Funderburk, Judy

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 7/19/23. It was seconded by Trustee Yacuzzo and passed unanimously.

CORRESPONDENCE: Deputy Clerk-Treasurer Eick provided a memo to the Board explaining that she had been in contact for months with RG&E regarding an anomaly with one of several Village accounts. RG&E's representatives provided inconsistent information and resistance at every step in the process. She was finally able to get a credit on the account, but the meter readings are still inaccurate. Now, new problems with many of the remaining Village accounts have occurred. She asked if the Board would authorize her to file an official complaint with the NYS Public Service Commission. The Mayor and Board agreed to authorize her to move forward with a complaint to the NYS PSC.

DEPARTMENT CONSIDERATIONS:

LPD:

- Chief Kellogg stated they've lined up SROs for the start of school.
- The Dept. is upgrading the software for the security camera system in Village Hall.

STP:

- Mayor Rogers stated that Supt. Carroll wasn't able to be at the meeting but wanted to let everyone know that the carbon tanks that were previously declared surplus, they think they've found a buyer to take them down and away at no cost.

DPW:

- Sup. Lathan said that several streets were paved in the Village [Lathrop, Poplar, Orchard, Bank, and Myrtle]. On a question from Trustee Yacuzzo, Sup. Lathan said they were going to redo the catch basin on Bank St. Trustee Tetrault asked about Route 19, state project, but Sup. Lathan said the Genesee County DOT contact, Dan Stehle, retired and no one knows who took over. Mayor Rogers said the roads and sidewalks look great.
- Sup. Lathan said they were going to be demo-ing lawn mowers in the next few weeks to take advantage of end-of-season deals.

Clerk:

- Next regular meeting date will be 9/20 at 7:00pm. The Mayor declined to schedule out any further.

Municipal Historian:

- Historian Belluscio said the Barn Quilt Trail's Excellence in Tourism award from the NYS Tourism Industry Association would be awarded on Sept. 14.
- Genesee County would like to tie the Barn Quilt Project into their Solar Eclipse Program for April 2024.

OLD BUSINESS:

WWTF – Phase 1, Wind-Sun Construction, Contractor Pay App #26Revised: Trustee Tetrault made a motion for a Resolution to Approve Phase 1 Wind-Sun Construction, Contractor Pay App #26Revised for \$80,770.90. 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

WWTF – Phase 2 Hewitt Young Electric, Contractor Pay App #5: Trustee Yacuzzo made a motion for a Resolution to Approve Phase 2 Hewitt Young Electrical, Contractor Pay App #5 for \$6,650.00. 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

NEW BUSINESS:

Emily Mankes, 43 Church St., Letter from Code Enforcement, re: Chickens:

On 7/25/23, Village of LeRoy Code Enforcement took a complaint that Emily Mankes, residing at 43 Church St. in the Village, was keeping chickens on the property in violation of Village Code 215-21 G.(1), which states that farm animals and poultry are not allowed within the Village limits. Mrs. Mankes asked to speak to the Board and related the following:

- She got the chickens when eggs became expensive.
- She is planning to have gastric bypass surgery soon and needs a source of protein.
- She has 36 chickens and roosters.
- She buys special pine pellets to absorb the smell of the manure.
- Her son, Steven, has had mental health issues but the chickens are good therapy for him – caring for a living thing, the routine, has helped ease his anxiety, etc. They are in the process of registering the chickens as emotional support animals. She provided the Board with a letter from her and her son's psychiatrist.

Neighbor Paul spoke that, at first, he thought it was a joke, but he's seen how the chickens have helped them deal with their anxiety. He asked the Board to please take into consideration the mental health issue and help low income families.

Lynne Belluscio asked how many roosters she has. Mrs. Mankes stated she has 3 roosters, that the neighbors like the chickens and roosters and that the roosters keep predators away. Mrs. Belluscio stated she has experience as she kept chickens and roosters on her property in the Town and found that her roosters couldn't save her chickens from raccoons and weasels and it's not a pleasant thing to witness.

After everyone was satisfied they'd had a chance to speak, Mayor Rogers stated that this wasn't the first go around in the Village with support chickens. The last time, the young man in question had to give up his chicken and the family moved out of the Village. There's a set procedure already on this issue. He suggested she could get a petition together to get a public referendum going. *[Please note: It was later discovered that such a petition would have no legal significance, but rather only serve as a political act, a petition request that the village board take action and is not legally binding. In New York, only actions that are specifically authorized by State law may be the basis for a voter initiative (legal actions*

triggered by a petition being circulated by the residents). Initiating a referendum on amending local zoning regulations is not one of the subject matters that is authorized by State statute.]

Trustee Bonacquisti said there's a reason codes are in place. We've gone down this road before. If you want farm animals, live in the Town.

Resolutions: Police Equipment Reserve, Surplus LPD Vehicles and Equipment, Transfer Funds: Clerk-Treasurer Carmel stated that with the new Federal program for economically purchasing police vehicles, Chief Kellogg respectfully requested that the Board consider the following resolutions pertaining to a new Police Equipment Reserve Fund:

RESOLUTION TO AUTHORIZE POLICE EQUIPMENT RESERVE

MOTION BY Trustee Yacuzzo

WHEREAS, the Police Department desires to use the proceeds from the sale of surplus law enforcement equipment in order to offset the purchase of future equipment needs.

NOW, THEREFORE, BE IT RESOLVED, that the LeRoy Village Board of Trustees does hereby authorize the Village Clerk to create and maintain a Police Equipment Reserve.

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

**RESOLUTION TO DECLARE POLICE DEPT EQUIPMENT SURPLUS
FOR PURPOSE OF DISPOSAL**

MOTION BY Trustee Yacuzzo

WHEREAS, The LeRoy Police Department has declared the equipment listed below surplus; and

WHEREAS, the Village of LeRoy requires a surplus declaration of property to be made prior to disposal or sale of equipment; and

WHEREAS, the Police Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the Police Equipment Reserve

NOW THEREFORE, BE IT RESOLVED, the LeRoy Village Board hereby authorizes the following declared as surplus for the purpose of disposal:

- 2016 Ford Police Interceptor Utility VIN - 1FM5K8AT4GGB64758
- Polaris ATV
- Various Used Law Enforcement Tires

NOW, THEREFORE, BE IT RESOLVED, that the LeRoy Village Board of Trustees does hereby authorize the transfer of the proceeds from the sale of said equipment to the Police Equipment Reserve

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

**RESOLUTION TO TRANSFER FUNDS FROM POLICE DEPARTMENT SURPLUS
EQUIPMENT**

MOTION BY Trustee Yacuzzo

WHEREAS, The Police Department has previously declared the following equipment surplus and;

WHEREAS, The Police Department has sold the equipment listed below at surplus auction and;

WHEREAS, the Police Department desires to use the proceeds from sale of the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the Police Equipment Reserve;

NOW THEREFORE BE IT RESOLVED, the LeRoy Village Board of Trustees authorizes the transfer proceeds from sale of the equipment listed below to the Police Equipment Reserve:

- 2014 Dodge Charger VIN: 1225; \$3,300.00
- 2016 Ford Explorer VIN: 4747; \$3,550.00
- 2009 Trailer VIN 1726; \$5,505.00
- 2008 Ford F150 VIN 4672; \$3,449.00
- 2015 Ford E-350 VIN 6848; \$14,700.00
- 2009 Ford Econoline VIN 5087; \$11,700.00

Total: \$42,204.00

AND BE IT FURTHER RESOLVED, that the LeRoy Village Board does hereby authorize the transfer of \$42,204 from the sale of said equipment to the Police Equipment Reserve.

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

Sewer Exclusion Request – 1 Woodward Dr., Dr. Anthony Gugino Jr.: Dr. Gugino requests a sewer exclusion of 12,000 gallons. His pool sustained damage, requiring that it be drained for repair, and then refilled. The Sewer Board recommended a sewer exclusion of \$115.20 for 12,000 gal. usage. **Trustee Bonacquisti made a motion for a Resolution to Grant a Sewer Exclusion of \$115.20 for the property located at 1 Woodward Dr., sewer account #00620.** 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.

Resignation Letter, School Crossing Guard, Richard Loftus, effective 8/7/23:

Trustee Bonacquisti made a motion for a Resolution to Accept the Resignation (with regrets) of School Crossing guard, Richard Loftus, effective 8/7/2023. 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. Chief Kellogg put an ad in the Pennysaver for Crossing Guard candidates and the dept. is vetting them now.

CITIZEN PARTICIPATION:

- Judy, a resident, asked when the Village was going to pave Fillmore and Adams Streets. Mayor Rogers said it was on the radar but was still in the hands of attorneys. Those streets are not yet dedicated. Village Attorney, Jake Whiting, is currently looking into it. (See remarks made during Official Considerations)
 - She asked about a hole in the street with a metal plate over it that keeps moving. Sup. Lathan will look at it.
 - She mentioned flooding at 3 Fillmore. Sup. Lathan said the problem is that the catch basin is at grade and the final layer of blacktop is supposed to hold it. The metal plate was a temporary fix but it just sits on top. Trustee Yacuzzo asked if a topcoat would solve the problem. He said yes. Blacktop season ends approximately November 15th, depending on the weather.
- Earl Funderburk, received a letter from the Village about a sewer audit of the Jello Factory property, 57 North St., owned by his family. It was found there was a second water meter that goes back to 2017 that's accrued \$984 in back minimum sewer charges. He explained they didn't know there was a water meter and it wasn't being used. He's meeting with Monroe County Water Authority on Friday to remove the meter. He retired from his corporate job to build a distillery at the factory. Mayor Rogers asked that he inform the Village what happens with MCWA.

- Nancy Crocker announced that \$2000 was raised by the dog calendar fundraiser for the Ambulance Base. 396 dogs were entered and there are 126 orders for calendars already.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti: Everything's good.

Trustee Tetrault: Asked about the Bob Johnson sewer project. Mayor Rogers said it's all done and ready to go. He also asked about the issue with Judy: Why do we need an attorney? When a developer builds a subdivision, it's their responsibility to develop roads to the Village's specs. Mayor Rogers stated that's why the attorney is checking.

Trustee Yacuzzo:

- Please consider repaving and striping the south side parking lot behind Main St.
- The Fire Dept. used to use the dry hydrant on the creek bank and blow out the weeds. Something to think about.
- A Fire truck can't make the turn onto Pleasant St. We should buy the building at the corner of Bank and Pleasant and take it down.
- The Planning and Zoning Board should give recommendations and do actual planning.
- Eric Biscaro closed on the property at 143 Lake St. about a month ago and they're clearing the land now.

Mayor Rogers:

FRESH Committee is looking to do the next round of the Main St. grants [Downtown Revitalization Initiative/NYForward] again. There's a Main Street Revitalization meeting coming up. The County will pay for a grant writer, \$5000.

AUTHORIZATION TO PAY BILLS:

Trustee Yacuzzo made a Motion to Pay Bills, retroactive to 7/19/23. It was seconded by Trustee Bonacquisti and passed unanimously. Payment is as follows:

General Fund: Auto payments, wire transfers, and check numbers 26203-26273 totaling \$305,990.35
Cap #2 Fund: Check numbers 1199-1201, totaling \$110,983.60

ADJOURN:

There being no further business before the Board, **Trustee Bonacquisti made a motion to adjourn**, seconded by Trustee Tetrault and passed unanimously. Meeting adjourned at 8:00pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer