

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

September 21, 2022

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
Chief of Police Greg Kellogg
WWTF Superintendent Steven Carroll
DPW Supervisor Robert Lathan
Clerk-Treasurer Eileen Carmel
Deputy Clerk-Treasurer Katie Eick

Others Present: Nancy Crocker, Pete & Judith McQuillen, Bob Fussel, Mitch Cowen

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 Yacuzzo **to approve the minutes of the Board of Trustees meeting on August 24, 2022.** It was seconded by Trustee Kettle and passed unanimously.

COMMUNICATIONS:

NYS Dept. Of Public Svc.: Notice of proposed energy delivery rate increase and virtual public hearings. Mayor Rogers announced that WWTF Supt. Carroll was looking into ways to save money at the Wastewater Treatment Facility.

DEPARTMENT CONSIDERATIONS:

LPD: All set.

WWTF:

- Making progress on the project construction - the foundation is in for the entrance structure. There's an issue with paving cuts in the street leading to the WWTF. The contractor, Wind-Sun, needs to patch the street before winter. He asks that the Board give the contractor notice for it to be fixed. Mayor Rogers stated he would contact Wind-Sun.
- Trustee Kettle mentioned he's on a newsletter list for the Watershed Committee. He wanted to pass on that the Committee was impressed with a recent visit to the WWTF and think they're doing a good job.

DPW:

- They've been paving streets this week.

Clerk:

- Trustee Yacuzzo and Clerk-Treasurer Carmel attended the NY Conference of Mayors Fall Training School. She focused on the finance track and learned a tremendous amount that she'd like to incorporate once she has time to process it all.
- Trustee Yacuzzo stated he networked quite a bit and attended sessions on changing laws and infrastructure that were very good.

OLD BUSINESS:

Zoning Change Request for Bed & Breakfast: Mayor Rogers stated that CEO Mike Risewick had some concerns regarding the plans for the proposed B&B at 30 West Main St. including two separate structures on the property. They discussed the fact there were other properties in the Village with two structures as well, with no real problems.

Trustee Bonacquisti made a **motion To Schedule a Public Hearing October 19th at 7PM Regarding Changes to Village Zoning Law Regarding Bed & Breakfasts.** 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.

15 Madison Ave. Water Problems: Mayor Rogers reminded Board members that at the last meeting, homeowner Gayle Young of 15 Madison Ave., had asked for information regarding the continuing problems of excessive water on her property and the Board made a resolution to negotiate for the purchase of a section of property at the end of Adams Street so the Village could put in a swale in an effort to alleviate the water issue.

Developer Pete McQuillen, who was in attendance at the current meeting, was asked to speak and he, DPW Supervisor Lathan, and the Board, consulted maps and photos of the area in question and discussed the original plans for the development, the history of the problems, and possible fixes for the issue.

In the end, it was decided to clear out the vegetation within the Village right-of-way and see if that helps Ms. Young’s problems and everyone on the Board agreed as did Mr. McQuillen.

SRO Agreement: Trustee Bonacquisti made a **motion for a Resolution to Accept and Approve Modification Agreement to Intermunicipal Agreement between the Le Roy Central School District and the Village of LeRoy.** 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. *Text of the agreement is below.*

This Modification Agreement to Intermunicipal Agreement is made as of this 30th day of August 2022, between the Board of Education of the Le Roy Central School District (the “District”) and the Village of Le Roy (the “Village”).

MODIFICATION AGREEMENT

WHEREAS, the District and the Village have entered into a valid and binding Intermunicipal Agreement (“Agreement”) for School Resource Officer services dated August 17, 2021, effective up and through June 30, 2024; and

WHEREAS, the parties wish to clarify certain provisions of the Agreement, all in compliance with Paragraph 17 of the Agreement, the General Municipal Law and the Education Law.

NOW, THEREFORE, in consideration of the promises and the agreements contained herein, the District and Village agree as follows:

1. Pursuant to Paragraph 4 of the Agreement, the District will reimburse the Village the amount of \$87,400 for the services of 2.0 School Resource Officers for the 2022-2023 school year.
2. Pursuant to Paragraph 4 of the Agreement, for event supervision occurring outside of the regular school day, the District will reimburse the Village a flat for School Resource Officer services as follows:

A per-hour rate will be billed back to the District not to exceed the overtime rate as stated in the Le Roy Police Department Collective Bargaining Agreement.

3. The undersigned agree that the Intermunicipal Agreement is hereby clarified in accordance with the foregoing provisions. Any reference to the Intermunicipal Agreement from September 1, 2022, shall be deemed to mean the Intermunicipal Agreement as further clarified hereby. Except as clarified, the Intermunicipal Agreement will remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have signed this Contract Modification as of the date first written above to become effective as of September 1, 2022.

LE ROY CENTRAL SCHOOL DISTRICT
By: Merritt Holly
Superintendent of Schools

THE VILLAGE OF LE ROY
By: Greg Rogers
Mayor

Mill St. Sidewalk Ramp Project: Trustee Yacuzzo made a **motion for a Resolution to Award Bid and Contract for the Mill Street Sidewalk Ramp Project to Millennium Construction, Inc. for \$115,200.00**. 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.

**RESOLUTION TO AWARD BID & CONTRACT
SIDEWALK RENOVATIONS – MILL STREET SIDEWALK RAMP**

MOTION BY Trustee Yacuzzo

WHEREAS, the Village of LeRoy received bids on September 16, 2022 at 10:00 am for the Village of LeRoy Sidewalk Renovation – Mill Street Sidewalk Ramp Project, consisting of the demolition and reconstruction of the existing sidewalk, ramp, and railing at the intersection of Main Street (NYS Route 5) and Mill Street; and

WHEREAS, Millennium Construction, Inc. was the lowest responsible bidder for the contract, at a cost of \$115,200.00, for the Base Bid; and

WHEREAS, CPL has completed a review of the low bidders and the bid tabulation (attached); and **NOW THEREFORE BE IT RESOLVED**, the Village of LeRoy Board hereby accepts the base bid amounting to \$115,200.00 as received from Millennium Construction, Inc., and awards the contract, contingent upon delivery from the bidder of a fully-executed Agreement and Contract insurance and bonding; and

BE IT FURTHER RESOLVED, the Village of LeRoy Board hereby authorizes the Mayor to execute the agreement with Millennium Construction, Inc. and to issue the Notice to Proceed once the aforementioned conditions are met.

SECONDED BY Trustee Tetrault

VOTE

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Bonacquisti, Mayor Rogers
NOES: None
ABSENT: None
ABSTAINED: Trustee Kettle

Mill St. Sidewalk Ramp Project: Trustee Yacuzzo made a **motion for a Resolution to Award Bid and Contract for the Mill Street Sidewalk Ramp Project to Millennium Construction, Inc. for \$115,200.00**. 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 Kettle made a motion for a **Resolution to Authorize Pay App. #15 to Wind-Sun Construction for \$73,615.50**. 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.

WWTF Project Modify EFC Funding Agreement: On the recommendation of the engineering firm, CPL, and due to NYS permit changes requiring the installation of a UV disinfection system and higher than anticipated costs, the Village requests to modify the Funding Agreement with EFC (NYS Environmental Facilities Corp.), with a 12 month extension and additional funds of \$1.5 million.

Trustee Yacuzzo made a motion for a **Resolution to Approve the Request to Modify the Village’s EFC Funding Agreement** with a 12 month extension and additional funds of \$1.5 million. 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 Project Phase 2 UV Disinfection: Trustee Yacuzzo made a **motion for a Resolution to Award Bids and Contracts for the WWTF Project Phase 2 UV Disinfection to STC Construction, Inc. (General Contractor) and Hewitt Young Electrical LLC (Electrical Contractor) for base bids of \$1,118,700 and \$138,000 respectively**. 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.

RESOLUTION TO AWARD BID & CONTRACT WWTF PROJECT PHASE 2 UV DISINFECTION

MOTION BY Trustee Yacuzzo

WHEREAS, the Village of LeRoy received bids on April 27, 2022 for the LeRoy WWTF Improvements Phase 2 UV Disinfection project consisting of upgrades to the existing Village of LeRoy Wastewater Treatment Facility located at Red Mill Road, along New York State Route 19 (Lake Street Road) LeRoy, NY 14482. The upgrades include but are not limited to concrete modifications and installation of a UV Disinfection system, construction of a metal-sided pole barn, construction of a steel platform, installation of electric conduit, panels, disconnects and wiring for all new process equipment and lighting systems; and

WHEREAS, STC Construction, Inc. and Hewitt Young Electric, LLC were the lowest responsible bidders for the General Construction and Electrical Construction contracts, respectively, at a cost of \$1,118,700.00 and \$138,000.00, respectively, for the Base Bid; and

WHEREAS, CPL has completed a review of the low bidders and the bid tabulation (attached); and

NOW THEREFORE BE IT RESOLVED, the Village of LeRoy Board hereby awards the bids to STC Construction, Inc. and Hewitt Young Electric, LLC for the General Construction and Electrical Construction contracts, respectively, at a cost of \$1,118,700.00 and \$138,000.00, respectively, contingent upon concurrence of Award by the NYS Environmental Facilities Corporation and delivery from the bidder of a fully-executed Agreement and Contract insurance and bonding being in place; and

BE IT FURTHER RESOLVED, the Village of LeRoy Board hereby authorizes the Mayor to execute the agreements with STC Construction, Inc. and Hewitt Young Electric, LLC and to issue the Notice to Proceed once the aforementioned conditions are met.

SECONDED BY Trustee Bonacquisti

VOTE

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers
NOES: None
ABSENT: None

Royal Employer Services Agreement: Trustee Bonacquisti made a motion for a **Resolution to Approve the Agreement with Royal Employer Services for Employee Assistance Program services for one year beginning 10/1/22 at a cost of \$585.** 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.

Public Hearing to Amend Local Law: Trustee Bonacquisti made a motion for a **Resolution to Schedule a Public Hearing regarding Time Limits for Village Owned Property.** 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.

LBC 2023 Genesee County Travel Guide: Trustee Tetrault made a motion for a **Resolution to Approve the LeRoy Business Council’s Previous LeRoy Community Write-Up in the 2023 Genesee County Travel Guide at a cost of \$500.** 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.

Added – All LeRoyan Day: A motion was made by Trustee Kettle for a **Resolution Proclaiming Oct. 15, 2022 “All LeRoyan Day” in honor of Martha Bailey.** It was seconded by Trustee Yacuzzo and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.

**RESOLUTION PROCLAIMING “ALL LEROYAN DAY”
MARTHA BAILEY**

Motion by Trustee Kettle

WHEREAS, each year the American Legion, Botts-Fiorito Post 576 declares a LeRoyan of the Year, and

WHEREAS, said award is given to an individual who has achieved outstanding accomplishments toward community and their fellow man, and

WHEREAS, the 2022 LeRoyan of the Year Recipient of the American Legion, Botts-Fiorito Post 576 is MARTHA BAILEY, and

WHEREAS, the Village Board would like to recognize her achievements to the community, and

WHEREAS, the Village Board is appreciative of her dedication, time, and efforts to the community,

NOW THEREFORE

BE IT RESOLVED that the Village of LeRoy Board of Trustees declares October 15, 2022 to be known as “All LeRoyan Day” in honor of Martha Bailey, and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Mayor of the Village to sign said proclamation so stating and the seal of the Village be affixed thereto.

SECONDED by Trustee Yacuzzo and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.

Greg Rogers,
Mayor

NEW BUSINESS:

Request to Surplus Equipment to Auction: At the request of Chief Kellogg, Trustee Bonacquisti made a **motion for a Resolution to Surplus Police Equipment, including (10) Macom Police Radios with Control Boxes and (4) Tires, to Auction.** 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.

CITIZEN PARTICIPATION: None

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti: He stated parking is still a problem in front of the Library. When they redid Wolcott Street, the signs were taken down and haven't been put back up. DPW Sup. Lathan stated they were going to restripe the area and paint "L" on 2 parking spots in front of the Library.

Trustee Kettle: Congratulated Martha Bailey on being named LeRoy of the Year.

Trustee Yacuzzo: He's noticed people are driving the wrong way on the one way street next to Capish! Restaurant. Is the sign not visible? Sup. Lathan and Chief Kellogg will look into it. Also, people are still parking on Lake Street in front of driveways in spots not big enough for cars. Chief Kellogg will check into it.

Trustee Tetrault: Nothing.

Mayor Rogers: He stated that the LeRoy FRESH Committee has applied for a \$5M grant for Main Street.

[Trustee Kettle excused himself from the meeting at this point.]

Mayor Rogers says a Main Street property owner has asked that the Village continue with the Main Street grant program, this one requires the property have 51% vacancy and includes the second floor. Trustees Yacuzzo and Bonacquisti and the Mayor all agreed to continue the Main Street grant program.

[Trustee Kettle returned to the meeting at this point.]

EXECUTIVE SESSION:

Trustee Bonacquisti made a **motion to go into Executive Session for Discussion of Proposed, Pending or Current Litigation.** 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. Mayor Rogers asked that Clerk-Treasurer Carmel and DPW Sup Lathan attend as well. Session was entered at 7:57 PM.

RETURN TO REGULAR SESSION:

Trustee Bonacquisti made a **motion to Return to Regular Session**. 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. Session was entered at 8:11 PM.

Mayor Rogers directed Clerk-Treasurer Carmel to pay all outstanding bills associated with 57 Wolcott Street.

AUTHORIZATION TO PAY BILLS:

A **motion to pay bills retroactive to 9/7/22** was offered by Trustee Yacuzzo and seconded by Trustee Bonacquisti and passed unanimously. Payment is as follows:

General Fund – Auto pays and check numbers 24371-24375, 24377-24381, 25355-25433, totaling \$298,749.46

ADJOURN:

There being no further business before the Board, Trustee Yacuzzo made a **motion to adjourn**, seconded by Trustee Bonacquisti and passed unanimously. Meeting adjourned at 8:12pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer