

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on
October 18, 2023

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

PRESENT: Mayor Gregory Rogers Trustee William Kettle
Trustee Richard Tetrault Chief of Police Gregory Kellogg
Trustee Raymond Yacuzzo DPW Supervisor Robert Lathan
Trustee James Bonacquisti Clerk-Treasurer Eileen Carmel
ABSENT: WWTF Supt. Steven Carroll Municipal Historian Lynne Belluscio
OTHERS PRESENT: None

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 10/03/23. It was seconded by Trustee Tetrault and passed unanimously.

CORRESPONDENCE:

National Grid Rebuild Project: National Grid is in the early planning stages of an electric transmission line rebuild project which will include LeRoy. Currently, they are doing field studies.

DEPARTMENT CONSIDERATIONS:

POLICE:

- Chief Kellogg said the dept. is concerned by the homeless men frequently seen on Routes 5 and 19, asking for money. They are camping on Mill St. by the creek, on Village owned, public property. The men agreed to get help and were transported to Dept. of Social Services today but he's not sure of the current disposition. The situation could get worse and winter is coming.
- There have been multiple overdoses recently, with NARCAN saves. There have been several larcenies from vehicles, private property, "smash and grab" type incidents.
- Officer Ethan Riley has completed his training. The dept. is waiting on Civil Service exam results for officers.
- A used U-Haul box van with flat tires and no headlights has sat in the Bacon Street parking lot for some time. The owner has been given until Monday to get rid of it or it'll be towed.
- LPD was called to 27 Bacon St. and found the property a "disaster" with a lot of garbage, etc. everywhere. Code Enforcement is involved.

DPW:

- Sup. Lathan said the DPW has paved Adams and Fillmore Streets. Mayor Rogers said he spoke with Village Attorney Jake Whiting regarding this situation and presented a resolution for the Board to consider.

ADDED:

**RESOLUTION FOR ACKNOWLEDGEMENT OF
FILLMORE AND ADAMS STREETS AS DEDICATED STREETS**

Motion by: Trustee Bonacquisti

Whereas, Fillmore and Adams Streets are situated within the Village of LeRoy; and

Whereas, the Village has accepted dedication of all infrastructure located on Fillmore and Adams Streets; and

Whereas, the Village has issued building permits and certificates of occupancy to numerous homes on Fillmore and Adams Streets; and
Whereas, the Village has maintained Fillmore and Adams Streets and installed street signs and traffic signs on Fillmore and Adams Streets; and
Whereas, Fillmore and Adams Streets are used by the general public; and
Whereas, the Village desires to clarify the dedication status of Fillmore and Adams Streets.

Now Therefore, Be It Resolved:

1. That the Village affirms and acknowledges Fillmore Street and Adams Street as dedicated streets.
2. By affirming and acknowledging dedication, the Village provides clarity, promotes the public good, and promotes public safety within the village.

Seconded by: Trustee Tetrault

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NOES: None

ABSENT: None

DATE: 10/18/2023

DPW (Continued):

- Trustee Yacuzzo asked if striping could be done on the faded parking areas on Main Street. Sup. Lathan said they could do it. He also asked about raising manhole covers. Sup. Lathan said the person he'd normally talk to at Batavia DOT retired and hasn't heard yet if the position was filled. He said he'd look into it, though.

Clerk:

- The Board asked at the last meeting what the end date of the current garbage hauling contract was. Clerk-Treasurer Carmel found the Agreement with Waste Management ended on 5/31/23; however, it's standard to extend it another year with a Board Resolution. This wasn't something she was aware of but she'll prepare the resolution for the next regular Board meeting.
 - Mayor Rogers said it was brought to his attention the Village had once looked into purchasing a garbage truck with the DPW collecting Village garbage one day a week and the cost would be cheaper than what they were paying an outside contractor to do. Board members all agreed this didn't sound like a good idea to consider.
 - Trustee Bonacquisti said it was mentioned previously people wanted to do away with the sticker program. But, he felt it was unfair, for instance, that an elderly couple would have to pay the same as him, whose wife runs a daycare out of their home and has a lot of garbage. Trustee Tetrault said before the ticket program, he used to go to work very early in the morning and see people from out of town adding garbage bags in front of people's homes.
- The next scheduled meetings will be at Village Hall:
 - 11/6/23 – Comprehensive Plan Workshop, 6:30pm
 - 11/15/23 – Regular Meeting, 7:00pm

OLD BUSINESS:

Contractor Pay Apps: **Trustee Bonacquisti made a motion for a Resolution to Approve All of the Following:**

WWTF – Phase 1, Wind-Sun Construction, Contractor Pay App #28 Revised for \$58,900.00

WWTF – Phase 1, Kaplan-Schmidt, Contractor Pay App #14 for \$2,755.00

WWTF – Phase 2, STC Const. Contractor Pay App #6 for \$53,675.00

WWTF – Phase 2 Hewitt Young Electric, Contractor Pay App #7 for \$14,250.00

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.

Town LPD Coverage: Chief Kellogg presented the Board with an updated agreement between the Village and Town for LPD coverage which includes a 3% cost increase. **Trustee Bonacquisti made a motion for a Resolution to Approve and Authorize the Mayor to Sign the Agreement Between Village of LeRoy and Town of LeRoy to Provide Police Coverage.** 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.

[Both parties have since signed the agreement, which is attached to the end of these minutes.]

Main and Mill Sidewalk: The insurance company for the corner building, owned by WRK Properties, is concerned with the sidewalk (further down Mill St. than the original project scope) putting pressure on the building. A plan was developed and presented which would involve cutting a channel alongside the building and filling it with expansion material. Lathan Equipment Co. submitted an estimate of \$12,800 for the whole project. That amount included American Concrete completing the sidewalk cutting portion. **Trustee Yacuzzo made a motion for a Resolution to Approve a Plan to cut a channel in the sidewalk alongside 10-12 Main St. on the Mill St. side and fill with expansion material and to award the job to Lathan Equipment Co., LLC.** It was seconded by Trustee Tetrault, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Abstain, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye.

NEW BUSINESS:

Genesee County Emergency Management Services - Hazard Mitigation Plan Update : Genesee County is preparing to update its county-wide hazard mitigation plan and invited the Village to participate in the plan update. The Board agreed that the Village should be a part of this. Mayor Rogers stated he would be the Primary Point of Contact. He asked for a volunteer to be the Alternate/Secondary POC and Trustee Kettle volunteered. **Trustee Bonacquisti made a motion for a Resolution to Participate in the Genesee County EMS Hazard Mitigation Plan Update and authorized the Mayor to sign a Letter of Intent.** 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.

VILLAGE OF LE ROY RESOLUTION TO APPROVE ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY FOR 13 LAKE ST.

MOTION BY: Trustee Yacuzzo

WHEREAS, The Monroe County Water Authority (“Authority”) intends to provide public water service to 13 Lake Street located in the Village of LeRoy; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 13 Lake Street (Tax Acct. No. 7.0-1-16.1), which is owned by Countryside ALF, LLC; and,

WHEREAS, §1096(6-a) of New York’s Public Authorities Law requires the Authority to obtain the prior approval of the Village Board for the above-referenced acquisition;

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby approves of the Authority’s acquisition of the frontage easement located at 13 Lake Street in accordance with §1096(6-a) of the New York Public Authorities Law: and,

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Authority.

SECONDED BY: Trustee Bonacquisti

Duly put to a vote as follows:

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NAYS: None

October 18, 2023

VILLAGE OF LEROY RESOLUTION TO APPROVE ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY FOR 143 LAKE ST.

MOTION BY: Trustee Yacuzzo

WHEREAS, The Monroe County Water Authority (“Authority”) intends to provide public water service to 143 Lake Street located in the Village of LeRoy; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 143 Lake Street (Tax Acct. No. 5.-1-19.113), which is owned by Ivy Village Corp.; and,

WHEREAS, §1096(6-a) of New York’s Public Authorities Law requires the Authority to obtain the prior approval of the Village Board for the above-referenced acquisition;

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby approves of the Authority’s acquisition of the frontage easement located at 143 Lake Street in accordance with §1096(6-a) of the New York Public Authorities Law: and,

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Authority.

SECONDED BY: Trustee Bonacquisti

Duly put to a vote as follows:

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NAYS: None

October 18, 2023

RESOLUTION TO AUTHORIZE SEWER DEPT. EQUIPMENT RESERVE FUND

MOTION BY Trustee Yacuzzo

WHEREAS, the Sewer Department desires to use the proceeds from the sale of surplus Sewer Department equipment in order to offset the purchase of future equipment needs,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Sewer Dept. Equipment Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of Sewer Dept. equipment.

The Village Clerk-Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The LeRoy Village Board of Trustees may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Clerk-Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shall, at the end of the fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the LeRoy Village Board of Trustees and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

SECONDED BY Trustee Bonacquisti

Duly put to a vote as follows:

AYES: Trustee Tetrault, Trustee Yacuzzo, Trustee Kettle, Trustee Bonacquisti, Mayor Rogers

NAYS: None

October 18, 2023

Appoint PT Police Officer: On Chief Kellogg's recommendation, Mayor Rogers appointed Fernando Rivera to the position of part-time Police Officer. **A motion was made by Trustee Bonacquisti to ratify the Mayor's appointment of Fernando Rivera as part-time Police Officer, pending background and Civil Service approval, at a pay rate of \$15/hour.** 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.

DPW – Lawn Mower, Main St. Hanging Baskets: Sup. Lathan provided the Board with information on different lawn mowers and discussed the pros and cons of each. **A motion was made by Trustee Yacuzzo to authorize the purchase of the John Deere Z970R ZTrak with standard options and extended contract for \$17,531.36.** 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.

Next, Sup. Lathan explained the advantages of self-watering planters instead of standard hanging flower baskets for Main St. These initially cost more but would save the Village in overtime pay for employees to water flowers on weekends and holidays and are made in Auburn, NY. The specific brand is already being used in Honeoye Falls, Lima, and Avon and he believes other local municipalities are using similar planters. **A motion was made by Trustee Bonacquisti to authorize the purchase of 30 Earth Planter Pro-Series 22 Self-Watering Hanging Baskets, totaling \$5,370.** 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.

Festival Applications: **A motion was made by Trustee Kettle to approve the Festival Application for LeRoy Business Council/FRESH, for a Small Business Trick or Treat event on Sun 10/29,12-3pm.** 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.

A motion was made by Trustee Bonacquisti to approve the Festival Application for LeRoy Music Boosters for a "Trigon Trees" fundraiser in Trigon Park for 11/18/23 – 1/9/24. 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.

CITIZEN PARTICIPATION: None

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti: He asked if they could close down Summit Street from Wolcott St. to Hilltop Dr. for Halloween Trick or Treat but it was agreed that wouldn't be a good idea.

Trustee Kettle: He attended the LeRoyan of the Year Award ceremony and presented Kate Flint with her award and key. It was a very nice event.

Trustee Tetrault: He can't make it to the next GAM meeting and Mayor Rogers said that was okay.

Trustee Yacuzzo: Nothing.

Mayor Rogers:

- He said Nov. 1st was the traditional start of no on-street parking overnight but asked if we could go later. After discussion with Chief Kellogg and Sup. Lathan, it was decided to extend it to Nov. 15th.
- They're still working on updating the Village Code concerning farm animals.
- The Recreation Agreement with the Town is expiring and we have to look at it.

EXECUTIVE SESSION:

Trustee Bonacquisti made a motion to go into Executive Session for personnel reasons. 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 7:55 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 8:06 PM. Mayor Rogers stated no business was conducted during the Executive Session.

AUTHORIZATION TO PAY BILLS:

Trustee Bonacquisti made a Motion to Pay Bills, reluctantly, retroactive to 9/20/23. It was seconded by Trustee Yacuzzo and passed unanimously. Payment is as follows:

General Fund: Auto payments, wire transfers, and check numbers 26382-26405, 26407-26446, 26448-26453, totaling \$250,445.35

Cap #2 Fund: Check numbers 1204, 1206, 1209, totaling \$201,879.75

ADJOURN:

There being no further business before the Board, **Trustee Tetrault made a motion to adjourn**, seconded by Trustee Kettle and passed unanimously. Meeting adjourned at 8:15pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer