

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

December 15, 2021

Village Hall, 3 West Main St., LeRoy, NY

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Raymond Yacuzzo, and Richard Tetrault; Chief of Police Gregory Kellogg; Supt. of DPW Robert Lathan, Supt. of WWTF Steve Carroll, Clerk-Treasurer Eileen Carmel; Town Councilman Ronald Pangrazio; Village employee Andre Carmel; Eric Fix and Lauren Humphrey - Genesee County Chamber of Commerce, Chris Fogarty and associate – representatives of LeRoy Boom LLC, 9 citizens

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

APPROVAL OF MINUTES: A motion was offered by Trustee Yacuzzo and seconded by Trustee Kettle to approve the minutes of the Board of Trustees dated November 17, 2021, which passed unanimously.

COMMUNICATIONS:

Genesee County Smart Growth Plan Triennial Review and Report – the Board will be looking over the Village Comprehensive Plan this coming year.

NYS Dept. of Public Svc., Low Income Household Water/Wastewater Assistance Program – Seems to be labor intensive on our end. Trustee Yacuzzo didn't think much to worry about regarding sewer, perhaps a small number of individual families.

DEPARTMENT CONSIDERATIONS:

LeRoy Police Dept.:

- Chief Kellogg announced the great success of two events LPD officers participated in recently: “Stuff the Cruiser” during LeRoy Winterfest on 12/4 with donations going to the LeRoy Pantry and Genesee County Dept. of Social Services, and “Shop with a Cop” on 12/12 with other agencies at Walmart in Batavia, benefiting 27 children in the county.
- Chief informed the Board of the recent outstanding efforts of Ptln. Curtis Miller and Ptln. James Prusak in the resuscitation of an unresponsive citizen on Church St. The Board congratulated both officers, who were unable to attend the meeting, and recommended that the Batavia Daily be at the January Board meeting.

Waste Water Treatment Facility:

- Supt. Steve Carroll announced they expected the new power generator to be installed in January and there was communication with National Grid on getting the generator in.
- Construction on the facility was moving along but it would help if there were any past geological maps or surveys of the area available, as they are finding fill in the old quarry on the property. Trustee Yacuzzo believed the fill went to a depth of about 35 feet, He didn't believe any photos existed but remembers an old stone cabin which housed the office for the quarry and was located on or south of the current greenhouse site.*

Dept. of Public Works:

- Supt. Bob Lathan stated that, two months ago, the county checked Village sidewalks for trip hazards. They found 50 total, rated from severe to not so bad. Fixing only the severe issues

would cost \$12,000 and for all, \$16,000. There was discussion regarding what has already been replaced, and the cost involved, with the final statement that they'd rather take action now than have a problem later. Supt. Lathan stated they could complete the work before the end of the year, weather permitting.

A motion by Trustee Yacuzzo for a **Resolution to Approve the Expenditure of \$16,000 to Fix Village Sidewalks** according to the recommendation of Genesee County. It was seconded by Trustee Bonacquisti and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye,

- Supt. Lathan said they'd continue to pick up leaves as the weather allowed. Trustee Bonacquisti asked about the tennis courts on Summit St. and was told they'd already been cleaned once.

OLD BUSINESS:

WWTF Project – Trustee Yacuzzo made a motion for a **Resolution to Authorize Pay Application #4 to Kaplan-Schmidt Electric, Inc. for \$92,696.92**. It was seconded by Trustee Kettle and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, Mayor Rogers – Aye.

NEW BUSINESS:

Presentation – Eric Fix and Lauren Humphrey from the Genesee County Chamber of Commerce spoke regarding the 2022 Genesee County Travel Guide, in which the Village of LeRoy is featured. Later, they mentioned that starting in January, the Chamber would be conducting assessments, allowing for re-branding Genesee County, with plans for updating the website and landing page. A motion was made by Trustee Kettle and seconded by Trustee Bonacquisti to contribute \$500 to the purchase of advertising in the Chamber's 2022 Genesee County Travel Guide and was passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, Mayor Rogers – Aye.

Resolution to Approve Zoning Referral – Site Plan Review received of proposed land for lease at 125 West Main St., to create a parking lot for a proposed Family Dollar/Dollar Tree store at the end of the plaza located at 127 West Main St. Chris Fogarty and associate, representatives of potential partners of the owner of the plaza, walked the Board through the proposal, including maps and photos of the area, and answered questions. A motion was made by Trustee Kettle for a Resolution to approve the zoning referral by Genesee County Dept. of Planning, #V-08-LEROY-11-21, and by the Town of LeRoy Planning Board for applicant LeRoy Boom LLC. It was seconded by Trustee Tetrault and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

Appointment Wastewater Treatment Plant Operator – Andre Carmel passed his Civil Service test and is #2 on the Eligible List. Mayor Rogers appoints Andre Carmel to the position of Wastewater Treatment Plant Operator at a pay rate of \$27.00/hour. A motion was offered by Trustee Yacuzzo to ratify the Mayor's appointment of Andre Carmel to Wastewater Treatment Plant Operator, seconded by Trustee Bonacquisti and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

Appointment Full-Time Police Officer – Current part-time officer Ptlm. Jordan Wolcott has passed his Civil Service test and is a Village resident. Mayor Rogers appointed Jordan Wolcott to the position of full-time Police Officer. A motion was made by Trustee Bonacquisti to ratify the Mayor's appointment of Jordan Wolcott to full-time Police officer pending Civil Service approval at a pay rate of \$24.03/hour. It was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

Sludge Transportation and Disposal Bid – Complete bids were received from Miller Environmental Group, Denali Water Solutions, and New England Waste Services of ME d/b/a Casella for Sludge Transportation and Disposal. An incomplete bid was received from Dickson Environmental Services. A motion was offered by Trustee Yacuzzo for a resolution to accept the bid from Casella. It was seconded by Trustee Tetrault and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

VILLAGE OF LEROY		
WASTEWATER TREATMENT FACILITY		
SLUDGE TRANSPORTATION AND DISPOSAL		
BID OPENING: December 15, 2021 @ 3:00 pm		
BIDDER CHECKLIST		
NAME OF BIDDER	Base Bid	Base Bid
	Sludge Transportation & Disposal	Weekend, Holiday & Emergency Hauling
New England Waste Services of ME dba Casella	\$112.00	\$127.00
Denali Water Solutions	\$122.33	\$134.33
Miller Environmental Group	\$131.79	\$146.18

RESOLUTION TO AWARD
LEROY WWTF SLUDGE TRANSPORT AND DISPOSAL BID
Spec No. 2021-3

MOTION BY: Trustee Yacuzzo

WHEREAS the Village of LeRoy’s engineering firm, CPL, authorized the Clerk-Treasurer to advertise bids for the LeRoy WWTF Sludge Transportation and Disposal, consisting of the cost to transport and dispose of sludge from the Village of LeRoy Wastewater Treatment Facility located at 7500 Red Mill Road, LeRoy, NY 14482, to an approved landfill. The bid included but was not limited to a Base Bid Sludge Transportation and Disposal price per ton as well as a Base Bid Weekend, Holiday, and Emergency Hauling price per ton, qualification of the bidders, and requirements concerning insurance, wage rates, details of pickup, delivery, and invoicing; and

WHEREAS, the Village of LeRoy received and CPL Engineer Nick Bayer read aloud the bids on December 15, 2021 at 3:00 P.M.; and

WHEREAS, New England Waste Services of ME, Inc. d/b/a Casella was the lowest responsible bidder, at a cost of \$112/ton Base Bid for Sludge Transportation and Disposal and \$127/ton Base Bid for Weekend, Holiday, and Emergency Hauling.

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

NOW THEREFORE BE IT RESOLVED, the Village of LeRoy Board hereby awards the bid to New England Waste Services of ME, Inc. d/b/a Casella for the LeRoy WWTF Sludge Transportation and Disposal contract, at a cost of \$112/ton for the Base Bid for Sludge Transportation and Disposal

and \$127/ton for the Base Bid Weekend, Holiday, and Emergency Hauling, contingent upon approval by the Village Attorney; and

BE IT FURTHER RESOLVED, the Village of LeRoy Board hereby authorizes the Mayor to execute the agreement with New England Waste Services of ME, Inc. d/b/a Casella once the aforementioned conditions are met.

SECONDED BY: Trustee Tetrault

Ayes: 5 Nays: 0 RESOLUTION APPROVED

Work Session – Proposed Contract with Town of LeRoy for LPD coverage

Chief Greg Kellogg stated he was again contacted by the Town of LeRoy and subsequently met with Supervisor Farnholz, Councilman Armitage, Genesee County Sheriff Sharon and Undersheriff Mazur, and Genesee County Legislator, Shelley Stein. In the end, the Sheriff said that if the Village and Town wanted it, he was not against it. Chief Kellogg found that there had been a Town/Village agreement in place up to 2010. He wrote a contract for LeRoy Police Dept. to provide protection to the Town of LeRoy. There is no additional cost to our insurance if this plan is implemented. He personally wanted LPD jurisdiction for the Jr/Sr High School.

Mayor Rogers announced he met with Shelley Stein and the Sheriff. All the ground work was laid. This was a Town issue, they drove the bus. He wanted the Sheriff to be comfortable. He was happy. It's good business. He appreciates all the hard work that went into this.

Trustee Yacuzzo questioned why the original agreement was dropped. The reason was that we piggybacked off the county's Memorandum of Understanding.

Trustee Kettle asked if the priority was in the Village will the other agency respond? Chief Kellogg explained that's what we currently do. We have 2 cars on. If 1 car is out, the other is still in the Village. What about records retention? Chief explained that we will continue to use the same programs we use now for records.

Trustee Bonacquisti mentioned that even though they only have one car on at 3 am, there are other officers that live in the village, have their official cars at home, and can respond. Chief said they did that on a call recently.

Councilman Pangrazio wanted to verify that there would be "no patrols" in the Town and Chief agreed.

Resolution to Accept and Sign the Proposed Contract with Town of LeRoy for LPD Coverage – A motion was made by Trustee Bonacquisti to accept and sign the proposed contract with the Town of LeRoy for LPD coverage. It was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

**AGREEMENT BETWEEN VILLAGE OF LE ROY AND TOWN OF LE ROY
TO PROVIDE POLICE PROTECTION**

The VILLAGE OF LE ROY, a municipal corporation of the State of New York, with offices at 3 West Main Street, Le Roy, New York, hereinafter referred to as the VILLAGE OF LEROY

The TOWN OF LE ROY, a municipal corporation of the State of New York, with offices at 48 Main Street, Le Roy, New York, hereinafter referred to as the TOWN OF LEROY; and

WITNESSETH:

WHEREAS, the Village of Le Roy is located wholly within the Town of Le Roy; and

WHEREAS, the Village has established and now maintains a Police Department which exercises its jurisdiction within Village limits; and

WHEREAS, the Town has no Police Department of its own but does desire to provide police protection for inhabitants of the Town residing outside Village limits; and

WHEREAS, from time to time, law enforcement demands exceed the resources of a particular law enforcement agency so that assistance and cooperation from other law enforcement agencies is necessary; and

WHEREAS, The Village and Town deem it desirable and in the interest of public safety for the Village Police Department to be authorized to perform law enforcement services within the limits of the Town for the joint benefit of the Village, Town and their respective inhabitants; such law enforcement by the Village being intended to protect life and property within the two municipalities; and

WHEREAS, General Municipal Law, Section 119-N allows such municipalities to undertake that joint service.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

A. The Village Board of Trustees shall authorize the members of its Police Department to act and perform law enforcement services within the Town of LeRoy.

B. The Town hereby authorizes and empowers all duly authorized and appointed representatives and members of the Police Department of the Village, during the term of this agreement, to act and perform law enforcement services within the areas of the Town which are outside of the Village limits of the incorporated Village of Le Roy with the same powers, duties, immunities and privileges as if such officers were acting as such Police Officers and performing such duties within the Village of Le Roy, New York. Nothing contained in this agreement shall be construed as in any way limiting the jurisdiction of such duly authorized and appointed members of the Police Department of the Village to act and perform the duties of such Police Officers to the area in the Town of Le Roy hereinabove in this Agreement described, and such jurisdiction shall extend to all areas of the Town both inside and outside the boundaries of the incorporated Village.

C. There are multiple law enforcement agencies with jurisdiction in the Town of Le Roy, including the Genesee County Sheriffs Office and New York State Police. This agreement is not intended to affect or diminish their responsibilities in the Town in anyway.

D. The Village of Le Roy Police Department shall be available for calls for service and law enforcement related matters in the Town of LeRoy if the LeRoy Chief of Police, Le Roy Police Sergeant or his/ her designee deem it to be in the best interest of public safety or to protect life and property.

E. It is further understood that the Le Roy Chief of Police, Le Roy Police Sergeant or his/ her designee shall adequately deploy available resources in a manner that will ensure adequate coverage for their

F. primary responsibility, the protection of all Village residents and all persons and property within the Village.

G. Nothing herein shall limit or restrict the Village Police's ability to seek assistance from other law enforcement agencies, including but not limited to the Genesee County Sheriff's Office and New York State Police.

H. The Village and Town shall take such steps as necessary to indicate and publicize to the public within the Town that the Police Officers have jurisdiction both within the Village and within the Town outside the limits of the Village.

I. The Village shall cause all insurance policies covering the operation of the Police Department to be endorsed to include the Town as an additional insured on the same basis as the Village and it shall hold harmless, indemnify and defend the Town from any claim, cost, liability and/or expense arising out of any occurrence involving any act of negligence, by omission or commission, by a police officer acting pursuant to this Agreement, but in no event shall such indemnification exceed the limits of said policies. In consideration of the premium charged, it is hereby understood and agreed that the Town of Le Roy will be added as an additional insured, but only with respect to this Police Protection Agreement and reimburse the Village the total cost for said additional premium.

J. From the date hereof through December 31, 2022 the Town shall pay to the Village Twenty Thousand Dollars (20,000.00) for Law Enforcement Services outside the Village by the Village Police Department.

K. From the date hereof through December 31, 2022 the Town shall pay to the Village Two Thousand Five Hundred Dollars (2,500.00) for fuel and maintenance for police patrol vehicles.

L. For dedicated law enforcement services requested by the Town (i.e., Bailiff, Town Court), the Town shall pay to the Village the hourly rate of a Police Officer time expended in such duty as stipulated and agreed to in the latest Village Police Collective Bargaining Agreement.

M. The term of this Agreement shall be one (1) year from the signing by the Mayor of the Village and the Supervisor of the Town herein.

N. This Agreement cannot be modified orally and can only be modified by the mutual, written agreement of the parties. This Agreement cannot be assigned by either party. Both parties represent that their respective boards have reviewed this Agreement and approved of the same via resolution. This Lease may be executed in counterparts, each of which, when taken together,

shall constitute one and the same document. This Lease represents the entire agreement between the parties.

O. All immunities from liability and exemptions from laws, ordinances and regulations, which law enforcements officers enjoy in their own jurisdiction, shall be effective in the Town of LeRoy, unless otherwise prohibited by law.

P. This Agreement shall be governed by the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this Agreement the day first written above.

Work Session – Review 2020-2021 Fiscal Reports – Mayor Rogers stated that in 2020, when COVID hit, we were fortunate in the way our fiscal year fell, that we were able to stop spending when we did. At the last meeting, when we discussed the adjustment reports for the 2020-2021 fiscal year, it looked like we had a shortfall of \$300,000. After meeting with Sharon and Eileen, that’s not the case, we had a surplus.

CITIZEN PARTICIPATION: None

OFFICIAL CONSIDERATION:

- Trustee Bonacquisti – Merry Christmas! He wanted the Board to know that the schools had something called the “Knight’s Closet,” for clothing donations, where students in need could pick out clothing to keep. He said the quality of the clothing was really nice and urged anyone with 2nd hand clothing to donate.
- Trustees Kettle, Yacuzzo, and Tetrault – Wished everyone a Merry Christmas and Happy New Year!
- Mayor Rogers – Wished everyone a Merry Christmas and Happy New Year! He reminded everyone that there would be fireworks on New Year’s Eve. Andrew Lathan and his crew did a great job on the Christmas tree, though maybe next year we could add more lights, spruce it up. When Trustee Bonacquisti suggested music, the Mayor thought they should reach out to the school, for the band or choirs, “let’s take it to the next level.” He finished by thanking all the department heads.
- Town Councilman Pangrazio – The Town opted out of the Cannabis dispensaries and consumption sites, met with a rep from AES Clean Energy with a site plan for the proposed solar farm on Rte. 5, bought the portable ice-skating rink which will be splitting cost with Village and located at Trigon Park, appointed Robert Zickl as Town Prosecutor, and reviewed the Police contract. Mayor Rogers thanked Councilman Pangrazio for his service on the Town Board. [Councilman Pangrazio was not re-elected in the last election cycle.]

EXECUTIVE SESSION:

Motion to go into executive session for personnel reasons was made by Trustee Yacuzzo and seconded by Trustee Kettle and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye. Mayor Rogers asked that Chief Kellogg, Supt. Carroll, and Clerk-Treasurer Carmel attend this session. Session entered at 7:50 pm.

REGULAR SESSION:

Trustee Yacuzzo offered a motion to go back into regular session, seconded by Trustee Tetrault and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye. Session entered at 8:10pm. No action taken during executive session.

Appointment of Water & Wastewater Maintenance Worker II – Mayor Rogers appointed Robert Semmel to the position of Water & Wastewater Maintenance Worker II. A motion was offered by Trustee Yacuzzo to ratify the Mayor’s appointment of Robert Semmel to the position of Water & Wastewater Maintenance Worker II at a pay rate of \$22.90, contingent upon Civil Service approval. It was seconded by Trustee Kettle and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

Letter of Resignation - A letter of resignation was received from full time Police Officer Ptlm. Austin Steinbrenner. A motion was offered by Trustee Bonacquisti to accept, with regrets, Austin Steinbrenner’s resignation, effective May 1, 2022. It was seconded by Trustee Kettle and passed with voting as follows: Trustees Bonacquisti, Kettle, Tetrault, Yacuzzo, and Mayor Rogers – Aye.

AUTHORIZATION TO PAY BILLS:

A motion to pay bills was offered by Trustee Bonacquisti and seconded by Trustee Kettle and passed unanimously. Payment is as follows:

General Fund – ACH and check numbers 24749 - 24800, totaling \$149,617.99

Cap #2 Fund – Check numbers 1131 - 1133, totaling \$158,628.33

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 8:25pm.

*Amended at 1/19/22 Board meeting from original sentence: “...an old stone cabin which housed the office for the quarry and was located south of the current greenhouse.”

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer