

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

April 12, 2023

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

PRESENT:

Mayor Gregory Rogers	WWTF Superintendent Steven Carroll
Trustee Richard Tetrault	DPW Supervisor Robert Lathan
Trustee Raymond Yacuzzo	Clerk-Treasurer Eileen Carmel
Trustee William Kettle	Deputy Clerk-Treasurer Katie Eick
Trustee James Bonacquisti	Municipal Historian Lynne Belluscio
Chief of Police Gregory Kellogg	

Absent: None

Others Present: Nancy Crocker, Jill Fitzgerald, 2 residents

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

PUBLIC HEARING: TENTATIVE BUDGET FY 2023-2024

A motion was made by Trustee Kettle to open the public hearing for the tentative budget for fiscal year 2023-2024. 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. Mayor Rogers stated the tax rate for this budget would remain the same, at \$10.70/\$1000. We will stay at this rate with the help of our reserves and fund balances for the good of our residents. Our fiscal stress level from the state is zero and our bond rating is A++. We have building projects coming up. But we also took some bad hits – employee health care went up significantly, salaries increased to keep with the 6% inflation rate. We lost 5 full-time Police Officers in the last year because we can’t compete with the signing bonuses, healthcare for life, and other benefits promised by bigger departments. When asked for comments by the Board, Trustee Kettle said he was concerned. There being no further discussion on this subject, **a motion was made by Trustee Bonacquisti to close the public hearing.** 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, carried.

RESOLUTION TO ADOPT THE 2023-2024 BUDGET

MOTION BY: Trustee Yacuzzo

WHEREAS the Clerk-Treasurer submitted to the Board of Trustees a Tentative Budget for Fiscal Year 2023-2024, and

WHEREAS, a public hearing was held on April 12, 2023 on the proposal, **NOW THEREFORE**

BE IT RESOLVED that the Tentative Budget setting the estimates of revenues, expenditures, salary and wages for Village employees for the 2023-2024 Fiscal Year of various funds of the Village of LeRoy is hereby approved at the tax rate of \$10.70/per thousand of assessed valuation is established for said fiscal year.

SECONDED BY: Trustee Kettle

VOTE:

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

NOES: None

ABSENT: None

ABSTAIN: None

ORGANIZATIONAL APPOINTMENTS AND RESOLUTIONS

ORGANIZATIONAL APPOINTMENTS: Mayor Rogers appoints the following:

Deputy Mayor.....Trustee Kettle
Clerk-Treasurer..... Eileen Carmel
Deputy Clerk-Treasurer.....Katie Eick
Budget Officer..... Mayor Rogers
Attorney..... Jake Whiting
Bingo Inspector..... Steve Rogers
Official Newspaper.....Batavia Daily News
Alternate Official Newspaper.....Democrat & Chronicle
Registrar.....Patricia Canfield
Official Depository.....General – Five Star Bank
Payroll – Tompkins Bank
Investment – NYCLASS

Mayor Rogers appoints the following individuals as members to serve on Village Boards:

PLANNING BOARD

Tom Frew (2025)
John Mangefrida (2027)
Pat Majors (2028)

SEWER BOARD

Gerry Aron, Chairman (2026)
Brian Wardell (2024)
Christopher Kemp (2025)
Dave Panepento (2027)
Colin Dailey (2028)

ZONING BOARD OF APPEALS

John Allen, Chairman (2027)
Joseph Spadaro (2024)
Bob Taylor (2028)
Chad Alquist (2028)
Nikki Calhoun (2028)

HISTORIC PRESERVATION

Joanne Snyder Raymond Yacuzzo Dawn Monsees

Mayor Rogers appoints the following as Board Liaisons:

Town Council and Business Council, Main Street Revitalization – Trustee Kettle
Sewer Board – Trustee Yacuzzo
Parks, Recreation & Youth Board, Police Department, Watershed – Trustee Bonacquisti
Genesee Association of Municipalities, Planning Board – Trustee Tetrault

ANNUAL MOTIONS:

MEETING NIGHTS – During the 2023-2024 official year, the third Wednesday of each month shall be the Board’s Regular Meeting night and, when the Board chooses, the first Monday of a month shall be a Workshop meeting.

AUTHORIZATION TO ATTEND MEETINGS

WHEREAS, there is to be held during the coming official year (a) the Annual Meeting conducted by the NYS Conference of Mayors; (b) the Training School for Fiscal Officer’s and Municipal Clerk’s conducted by New York State Conference of Mayor’s; (c) the Winter Legislative Conference conducted by the New York State Conference of Mayors; (d) the following County and Professional Association

Meetings – GAM, ICMA, Highway Superintendent’s Association, Government Finance Association Meetings, Water Environment Federation, New York Water Environment Association, Inc., and **WHEREAS**, it is determined by the Board of Trustees that attendance by certain municipal officials and employees at one or more of these or similar meetings, conferences or school benefits the municipality, **NOW THEREFORE**

BE IT RESOLVED, that all elected officials and employees (with prior notification) of the Village Board are authorized to attend the above meetings and reasonable budgeted expenses be paid with the approval of the Clerk-Treasurer.

AUTHORIZATION FOR CLERK-TREASURER TO PAY RECURRING BILLS: to authorize the Clerk-Treasurer to pay recurring utility, rent, postage, freight, mandated legal, health insurance, cell phone, and contractual expenses throughout the year in advance of the Board’s monthly audit of claim.

MILEAGE ALLOWANCE:

WHEREAS, the Board of Trustees of the Village of LeRoy has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village of LeRoy, **NOW THEREFORE** **BE IT RESOLVED**, Section 1. That the Board of Trustees shall approve the reimbursement of such officers and employees at the rate of the IRS official business mileage rate (as of January 2023) \$.655 cents /per mile; Section 2. That this resolution shall take effective as of June 1, 2023.

SPECIAL MEETING PROCEDURE:

WHEREAS, a procedure should be adopted by the Board of Trustees for calling a special meeting, and **WHEREAS**, should a special meeting be necessary the meeting may be called by the Mayor and by at least one trustee acting together, or by at least two trustees acting together, and **WHEREAS**, after those Board members have decided the necessity of a special meeting, **NOW THEREFORE** **BE IT RESOLVED** that calling a special meeting may be accomplished by having the Clerk-Treasurer contact each Board member individually by letter, email, phone, or personally, and **BE IT FURTHER RESOLVED** that notice be given to the news media and the public as soon as practicable.

RESOLUTION TO SET ORGANIZATION MEETING, 2024 – to set the 2024 Organizational Meeting for April 1, 2024 at 7:00 PM.

RESOLUTION TO SET FEE FOR REGISTRAR – to set the annual fees for the Registrar’s services at \$1,600.00.

RESOLUTION GRASS AND WEEDS

WHEREAS, it has been reported to the Board of Trustees of the Village of LeRoy those certain properties within the Village are in violation of Chapter 120 of the Village of LeRoy Code entitled “Grass and Weeds,” specifically Section 120-1 and 120-2 thereof, in that grass and weeds have been allowed to grow unmowed until they now exceed six inches in height, and **WHEREAS**, the Code Enforcement Officer for the Village has heretofore attempted to give the notice required by Section 120-2 of the said Code to the last known owners of the respective premises without avail, and such notices have been returned to him marked as undeliverable by the United States Postal Service, **NOW THEREFORE** **BE IT RESOLVED** that the Village Clerk-Treasurer shall notify the Village’s mowing contractor to mow the grass and weeds on specified properties, and to assess the costs thereof to the respective owners

pursuant to Section 120-2 of the Village Code, including, if necessary, by adding the said costs to the respective owners' tax bills, and

BE IT FURTHER RESOLVED that the said Code Enforcement Officer shall continue to monitor the conditions of the said premises, and all other premises within the Village, and shall have the authority to direct the Village Clerk-Treasurer to engage the mowing contractor for additional mowing whenever and wherever additional violations of the said Chapter are found, similarly assessed back to property owners as aforesaid, without further action of this board.

Trustee Yacuzzo offered a motion to Ratify Appointments and Accept All, and to Adopt All Resolutions. It was seconded by Trustee Tetrault and on a call of votes Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, Mayor Rogers – Aye, carried.

APPROVAL OF MINUTES:

A motion was made by Trustee Bonacquisti to approve the minutes of the Board of Trustees meeting on 3/15/23. It was seconded by Trustee Yacuzzo and passed unanimously.

COMMUNICATIONS:

Oatka Creek Watershed Committee – Email from James Seiler on behalf of the Watershed Committee asking to be considered during the Comprehensive Planning process.

DEPARTMENT CONSIDERATIONS:

LPD:

- Chief Kellogg said they have 5 part-time and 2 full-time Civil Service approvals. The other 2 full-time candidates are going for their medical this week. 1 new part-timer is in the 2024 Academy. They are training new officers and he feels they're in a good position now.

WWTF:

- WWTF Project: Superintendent Carroll said that the UV construction deadline is end of the month. Phase 1 should be done by August. The new clarifier is in standby.
- They had first loss of service [for sludge disposal], were denied at the landfill, and it could be a problem later. When Trustee Yacuzzo asked about other landfills, Supt. Carroll stated that Bath and Angelica are both a "no." The sludge hauler, Casella, is subcontracting this, and he feels there are politics going on.

DPW: Sup. Lathan states the DPW is "all good."

Clerk:

- Clerk-Treasurer Carmel said the short-term financing extension from EFC for the WWTF project closed on April 6. A request was put in for reimbursement for contractor invoices that had been piling up since the end of the month.
- Next meeting dates:
 - 5/1, 6:30pm – Workshop for updating the Village Zoning Code
 - 5/17, 7:00pm – Regular meeting
 - 6/5, 6:30pm - Workshop to update Village Comprehensive Plan [meeting cancelled on 5/1/23]
 - 6/21, 7:00pm – Regular meeting
- Keystone Novelties fireworks tent – both the Clerk and Code Enforcement were contacted by the company to set up a tent for the 4th of July weekend again. However, last year, the person selling

from the tent was uncooperative and not in compliance with Village Code. The Clerk-Treasurer requested the Board weigh in on the subject for this year. After some discussion both for and against the tent, the Mayor and Board decided they did not want the fireworks tent in the Village.

- Deputy Clerk-Treasurer Eick stated the Clerk's Office is moving forward to finish the sewer audit. There are just a few accounts they're finishing up now.

Municipal Historian:

- Historian Belluscio states LeRoy is now being promoted as the "Barn Quilt Capital of the World," according to a new billboard on the Thruway. The Genesee County Chamber of Commerce paid for the billboard and for printing new maps. She gave out copies of the full-color brochures that open up into a map of the barn quilts in the area. She has more in her office at Village Hall and the Clerk's Office has some, as well.
- She thanked the Board for her new office. She likes it very much.

OLD BUSINESS:

WWTF Project Phase 1 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #12 to Kaplan-Schmidt Electric for \$17,955.** 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 Phase 2 Contractor Pay App: **Trustee Kettle made a motion for a Resolution to Authorize payment of Pay App. #1 to Hewitt Young Electric for \$4,468.32.** 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 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #2 to Hewitt Young Electric for \$11,681.68.** 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.

Agreement to Owner-Engineer Agreement: **Trustee Yacuzzo made a motion for a Resolution to Approve Amendment No. 1 to the Owner-Engineer Agreement dated January 27, 2021 between The Village of LeRoy and CPL.** [The full text of the amendment is added to the end of these minutes.] 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 1 Contractor Pay App: **Trustee Bonacquisti made a motion for a Resolution to Authorize payment of Pay App. #22 to Wind-Sun Construction for \$71,620.79.** 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.

NEW BUSINESS:

Surplus 2004 Ford F350: **Trustee Bonacquisti made a motion for a Resolution to surplus a 2004 Ford F3500, VIN: 1FTSW30P74ED26408, to be sold at auction.** 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. This vehicle will be replaced at the WWTF with a 2001 Chevy Silverado, VIN: 1GBGC24U01Z310990 bought at Federal Surplus Auction for \$4900.

Sewer Exclusion Request, 92024 Summit St. Rd.: Owner Kim Wolfanger requested an exclusion due to a damaged, leaking pool last summer which had to be drained, fixed, then refilled. **Trustee Kettle made a motion for a Resolution to Approve a Sewer Exclusion of \$654.82.** 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.

2022 Annual Financial Report: The NYS Office of the State Comptroller uses the Fiscal Stress Monitoring System to examine annual financial info reported by municipalities. It provides an objective assessment of the fiscal challenges facing individual local governments, identifying situations where corrective action is needed. A review of the Village’s 2022 Annual Financial Report shows the Village was not under any fiscal or environmental stress.

Health Insurance Buyback for Deputy Clerk-Treasurer: As the Dep. Clerk-Treasurer is not a department head, a member of a union, or receiving insurance benefits from the Village, **Trustee Yacuzzo made a motion for a Resolution to Approve the Deputy Clerk-Treasurer Receive the Village’s Health Insurance Buyback, starting 6/1/23.** 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.

RESOLUTION TO APPROVE NON-UNION COMPENSATORY TIME PAYOUT

MOTION BY: Trustee Yacuzzo

WHEREAS, the Clerk-Treasurer submitted to the Board of Trustees the compensatory time accumulations for non-Union department heads, and

WHEREAS, the Board of Trustees wishes to establish a 320 hour maximum comp time accumulation policy, **NOW THEREFORE**

BE IT RESOLVED that the Board of Trustees approves a one-time-only 200 hour payout to non-Union department heads if requested and paid out by May 31, 2023, and

BE IT FURTHER RESOLVED that, going forward, further accumulations of comp time by non-Union department heads requires a written explanation to the Board on a monthly basis.

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.

Appoint Logan Filipiak: On the recommendation of Chief Kellogg, Mayor Rogers appointed Logan Filipiak to the position of part-time Police Officer. **Trustee Bonacquisti made a motion for a Resolution to Ratify the Mayor’s Appointment of Logan Filipiak to the position of part-time Police Officer, pending background check, at \$21.00/hr.** 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.

ADDED:

Appointment Full-Time Police Officers: Current part-time Police Officers, Kaden Vangalio and Matthew Nielson have passed their Civil Service tests and are Village residents. Mayor Rogers appointed Kaden Vangalio to the position of full-time Police Officer. **A motion was made by Trustee Bonacquisti to ratify the Mayor’s appointment of Kaden Vangalio to full-time Police Officer pending Civil Service approval, at a pay rate of \$26.38/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. Mayor Rogers appointed Matthew Nielson

to the position of full-time Police Officer. **A motion was made by Trustee Bonacquisti to ratify the Mayor's appointment of Matthew Nielson to full-time Police Officer pending Civil Service approval, at a pay rate of \$25.03/hour.** 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.

ADDED:

Sewer Audit: Deputy-Clerk Eick stated that the owner of Lake Street Meadows Trailer Park had planned to be at the meeting but couldn't make it. He received his letter explaining the \$16,000 in back sewer usage charges and is looking for compensation. Mayor Rogers said he'd contact Mr. Lisles.

CITIZEN PARTICIPATION:

Jill Fitzgerald – stated she was interested in the Village Comprehensive Plan and wanted to participate. The Board was pleased to hear that. She noticed in the February Board Minutes a mention of “dissolution” of the Village in connection with the Comprehensive Plan and asked them to elaborate on the subject. She was concerned because she chose to move to the Village instead of the Town several years ago and likes the Village. Mayor Rogers said he was sorry if he spooked her but explained that it's important to at least broach the subject. However, it requires a Village-wide vote of 66% to pass and he believes the only way it would be if the Town agreed to keep the Police Dept.

The Board also welcomed a teen and his mom who attended for class credit at school.

OFFICIAL CONSIDERATIONS:

Trustee Kettle: He noticed the LED light at the Post Office wasn't lit.

Trustee Bonacquisti: Asked about 78 Lake St. and Code Enforcement and there was mention that Gene Sinclair is back working part-time at the Code Enforcement office. He thought he saw people camping in the cemetery on Lent Ave.

Trustee Yacuzzo: Nothing.

Trustee Tetrault: Nothing

Mayor Rogers: Thanked everyone for coming.

AUTHORIZATION TO PAY BILLS:

Trustee Bonacquisti made a **Motion to Pay Bills, retroactive to 3/16/23.** It was seconded by Trustee Yacuzzo and passed unanimously. Payment is as follows:

General Fund: Auto pays and check numbers 25880-25912, 25914, 25916-25957, totaling \$229,153.77

Cap #2 Fund: Check numbers 1177-1186, totaling \$279,349.12

EXECUTIVE SESSION:

Trustee Yacuzzo made a motion to go into Executive Session. It was seconded by Trustee Kettle, and passed with voting as follows: Trustee Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. Mayor Rogers stated the session was just for the Board. Session was entered at 8:05 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 Yacuzzo – Aye, Trustee Kettle – Aye, Trustee Bonacquisti – Aye, and Mayor Rogers – Aye. Session was entered at 8:55 PM. Mayor Rogers stated no business was conducted during the Executive Session.

ADJOURN:

There being no further business before the Board, **Trustee Kettle made a motion to adjourn**, seconded by Trustee Tetrault and passed unanimously. Meeting adjourned at 8:57pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer