

VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

May 1, 2023

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

PRESENT:

Mayor Gregory Rogers	WWTF Superintendent Steven Carroll
Trustee Richard Tetrault	Clerk-Treasurer Eileen Carmel
Trustee Raymond Yacuzzo	Deputy Clerk-Treasurer Katie Eick
Trustee William Kettle	Code Enforcement Officer Michael Risewick
Trustee James Bonacquisti	Code Enforcement Officer Jeffrey Steinbrenner
Chief of Police Gregory Kellogg	
Zoning Board of Appeals: John Allen (Chairman), Bob Taylor, Nikki Calhoun	

Absent: DPW Supervisor Robert Lathan

Others Present: Nancy Crocker, Steven Barbeau,

Mayor Rogers called the meeting to order at 6:30 pm, followed by the Pledge to the Flag.

GUEST: Samantha Vagg

EXECUTIVE SESSION:

Trustee Yacuzzo made a motion to go into Executive Session for reasons relating to a current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed. 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. Mayor Rogers stated the session was just for the Board. Session was entered at 6:32 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 6:55 PM. Mayor Rogers stated no business was conducted during the Executive Session.

WORKSHOP – UPDATE VILLAGE ZONING CODE

Mayor Rogers requested that Chairman of the ZBA, John Allen, start the workshop with his thoughts on updating the zoning code.

Chairman Allen said he believes the following need to be addressed:

1. Secondary Structures: There was a discussion regarding the increasing trend with “tiny homes,” COE Risewick mentioned that while Schedule A in the Zoning Code doesn’t specify a minimum square footage for a house itself, in Ch. 215-21, General Regulations, there’s a minimum 750 sq. ft. He said he hasn’t seen it here, but in some places, people convert an existing garage on a property into an apartment. The Board was concerned about secondary structures on a residential lot. The use of building a “starter” house and then a “main” house behind it was mentioned. The Mayor said, “No more creations.” He told the Code Enforcement Officers to “let us know and we’ll do a resolution.”
2. Farm animals: Current code isn’t very good at explaining what is and isn’t a “farm animal.” These days, people keep pets in their homes that used to be considered only farm animals-sheep,

goats, pigs, etc. In the end, it was decided that a Board Resolution was needed to define acceptable pets and anything other than that needs a special use permit. The Mayor felt the Village Attorney should write a definition of a “farm animal.”

3. Wind/Solar Power: In the Village, can have residential, not commercial. CEO Risewick mentioned rooftop solar where they are given an engineering study, they issue a building permit, and then do electrical inspections. Mayor Rogers felt the Village was good already on wind/solar, but would defer to the Village Attorney.
4. Penalty Fees for Code Violations: The Board agreed that they should look at the fees and update the listed penalty amounts for code violations. Code Enforcement usually goes by the 2020 NYS Building Code. The Mayor thought they should have a Board Resolution that the Village goes by the NYS Building Code and come up with a penalty list. The Village Attorney should be a part of this discussion.
5. CEO Risewick said they have a new form with updated sewer connection info and includes contacting the Village. The Mayor asked that they notify the Village when a Certificate of Occupancy (C of O) is issued. The application goes to the Clerk’s office and Bob Lathan does the final inspection before the Village issues the permit.
6. Fences: Current Village Code states that a building permit isn’t required for installing a fence but that the 2020 NYS Building Code requires a permit.

Mayor Rogers said they need to have a Public Hearing on all of this.

He asked what can be done about 78 Lake Street and the surrounding property. CEO Risewick said he sent out a letter to the property owner to clean it up and nothing changed in 30 days, so they’re going to court on May 9.

CEO Risewick mentioned the requirement for building plans to go out to a 3rd party. It requires a stamped plan by a design architect that’s NYS certified.

Nancy Crocker asked what the holdup was on the Senior Housing development on Lake Street. The Mayor said that Village engineering firm, CPL, had gotten backed up with the Site Plan and they still have to have the DOT, DEC, and Fire Dept. sign off on it. There’s a specification for a retention pond 200 ft. from the property line and with two soccer fields in the area, there’s a potential for problems. Fencing was discussed. The Mayor added that progress was made this week.

There being no further discussion, Mayor Rogers thanked the Code Enforcement Officers and ZBA members for attending. *At that point, the CEOs and ZBA members left the meeting.*

OLD BUSINESS:

Bob Johnson Sewer Line:

RESOLUTION OF SEQRA NOTICE LEAD AGENCY DESIGNATION AND DETERMINATION OF SIGNIFICANCE FOR SEWER FORCEMAIN EXTENSION

On motion of Trustee Yacuzzo, seconded by Trustee Bonacquisti, the following resolution was adopted by the Board of Trustees of the Village of LeRoy, New York:

Whereas, the Bob Johnson Chevrolet (the “Applicant”), located at 7000 West Main Road (State Route 5) in the Town of LeRoy, is proposing the installation of approximately 3,000 LF of 3-inch sewer forcemain from its current location to the municipal line; and

Whereas, the Applicant will connect the forcemain to the existing Village sewer collection system and dedicate said forcemain to the Village of LeRoy (the “Village”); and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the project is determined to be an Unlisted Action which will not be subject to a coordinated review.

Now Therefore Be It Resolved that the Board of Trustees hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

Be It Further Resolved that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Board of Trustees finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration; and

Be it Further Resolved that this determination is based on the facts and conclusions as noted in the attached EAF. [Environmental Assessment Form is added at the end of the minutes.]

VOTE

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

NOES: None

ABSENT: None

DATE: 05/01/2023

RESOLUTION FOR BOB JOHNSON CHEVROLET
PUBLIC SEWER DEDICATION

On motion of Trustee Bonacquisti, seconded by Trustee Tetrault, the following resolution was adopted by the Board of Trustees of the Village of LeRoy, New York:

Whereas, the Village of LeRoy (Village) was approached by the representatives of tax parcel ID 29.-1-10.11, owned by 7000 West Main LeRoy LLC (Owner), regarding the connection of the property to the Village public sewer system; and

Whereas, the request also included consideration for the Village to accept dedication of the sewer in the public right-of-way; and

Whereas, Village Law 14-1402 allows for the extension of public sewer outside of the Village limits with approval from the Town of LeRoy; and

Whereas, design plans were completed by Landtech Surveying & Planning, PLLC on March 28, 2023, and submitted to the Village Engineer (CPL) for review and approval; and

Whereas, revisions to the plans were requested by CPL and completed by Landtech Surveying & Planning, PLLC, with plans being approved contingent upon approval from the NYSDOT and NYSDEC; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), this is considered an Unlisted Action and the Village issued a negative declaration; and

Whereas, in consideration of the proposed project, the Village Board has duly considered all submissions and relevant information; and

Now Therefore Be It Resolved, that the Village will accept dedication of the proposed sewer main in the public right-of-way from tax parcel ID 29.-1-10.11 along NYS Route 5 to the Village line and connection to the public sewer contingent upon the following:

1. The sewer in the right-of way shall be designed and constructed to accommodate the existing homes and businesses along the project route.
2. Notwithstanding the foregoing, each real property owner along the project route shall be solely and individually liable for the cost and construction of its lateral connection to this sewer main, if and when an owner elects to connect, and follow all other pertinent laws of Village Code.
3. Approval of the dedication from the Town of LeRoy.
4. The Owner will obtain approval of the plans from the NYSDOT and NYSDEC.
5. The Owner will obtain the necessary permit from the NYSDOT for the installation of the sewer main.

6. The Owner will provide a 5-year maintenance bond for the sewer main, starting after the sewer main is placed into service.
7. The Owner will be responsible for all legal and engineering expenses related to the Town and Village of LeRoy.
8. If any easements are required, they will be obtained by the Owner on behalf of the Village.

VOTE

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

NOES: None

ABSENT: None

DATE: 05/01/2023

Clark Patterson (CPL) will watch over the project.

WWTF Project Phase 2 Electrical, No Cost Change Order: **Trustee Bonacquisti made a motion for a Resolution to Approve the No Cost Change Order, EC-01, for Phase 2 Electrical, extending the final completion date to October 31, 2023.** 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.

WWTF Project Phase 2 Contractor Pay App: **Trustee Yacuzzo made a motion for a Resolution to Authorize payment of Pay App. #2 to STC Construction for \$533,662.50.** 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.

NEW BUSINESS:

Retroactive Approval of Landry Proposal: This was for replacing heating units at the DPW. In February, the Board approved moving funds to cover several building projects. Sup. Lathan got three written quotes for this project and a verbal okay from the Mayor. However, Board approval should have been requested for this specific proposal before the work started. Trustee Yacuzzo pointed out that due to the amount, this should have been advertised to bid. **Trustee Yacuzzo made a motion for a Resolution to Approve Landry Mechanical Contractors Proposal # JED-23-66 for \$27,000, Retroactive to 3/17/23.** 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.

Letter of Resignation – Police Officer John Ceneviva: Chief Kellogg stated that Officer Ceneviva was offered a job in Webster. **Trustee Bonacquisti made a motion for a Resolution to Accept, with Regrets, Officer John Ceneviva’s Letter of Resignation, effective 5/5/23.** 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:

Mayor Rogers informed the Board he’d spoken to Jeremy Lises, owner of the Lake Street Meadows trailer park. He pleaded his case on the \$16,000 back usage sewer bill. Other property owners have been held accountable for back usage and paid their bills but that is the largest amount so far. No final decision was made.

Appointment Full-Time Police Officers: Chief Kellogg requested two part-time Police Officers be approved for full-time positions as they have passed their Civil Service tests. Mayor Rogers appointed

Terrez Smith and Tyler Mummery to the positions of full-time Police Officers. **A motion was made by Trustee Bonacquisti to ratify the Mayor's appointment of Terrez Smith to full-time Police Officer, pending Civil Service approval, at a pay rate of \$25.03/hour effective 5/1/23 and ratify the Mayor's appointment of Tyler Mummery to full-time Police Officer, pending Civil Service approval, at a pay rate of \$25.03/hour effective 6/1/23.** 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.

Surplus Police Vehicles: Chief Kellogg requested approval to surplus three Police vehicles. They will be going to auction. **A motion was made by Trustee Bonacquisti to approve the surplus of the following Police vehicles: 2008 Ford Pickup Truck, VIN: 1FTPW12VX8FB54672, 2009 Ford EC3 Van, VIN: 1FCHE39L89DA65087, and 2015 Ford EC3 Van, VIN: 1FDWE3FL2FDA36848.** 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.

AUTHORIZATION TO PAY BILLS:

Trustee Bonacquisti made a **Motion to Pay Bills, retroactive to 4/14/23.** It was seconded by Trustee Tetrault and passed unanimously. Payment is as follows:

General Fund: Auto and wire payments and check numbers 25958-25986, totaling \$108,661.62

Cap #2 Fund: Check numbers 1187-88, totaling \$605,289.29

ADJOURN:

There being no further business before the Board, **Trustee Yacuzzo made a motion to adjourn,** seconded by Trustee Kettle and passed unanimously. Meeting adjourned at 8:27pm.

Respectfully submitted,
Eileen Carmel, Clerk-Treasurer