

Regular Meeting of the Town Board of the Town of LeRoy held on Thursday, September 24, 2020 at 7:00 PM in the Courtroom of the Town Hall, 48 Main Street LeRoy, New York.

Members Present: James Farnholz, Supervisor
John Armitage, Council
Stephen Barbeau, Council
John Johnson, Council
David Paddock, Council
Eric Stauffer, Highway Supt.

Recording Secretary: Patricia A. Canfield, Town Clerk

Others Present:

Supervisor Farnholz called the regular meeting to order at 7:00 PM followed by the pledge to the flag and approval of the regular meeting of August 27, 2020 on **MOTION** by Councilman Barbeau and seconded by Councilman Armitage and passed unanimously.

PUBLIC HEARING:

1. PCORE, Inc., 135 Gilbert Street – Special Use Permit Application -

Supervisor Farnholz read the following notice of public hearing:

Please take notice that the Town Board of the Town of LeRoy will hold a Public Hearing to consider the request of PCORE Electric Inc., 135 Gilbert Street, LeRoy NY for a Special Use Permit to construct a 2,790 sq. ft. (29.7 x 94') addition to an existing non-conforming industrial use with 6,700 sq. ft. pad included in Residential [R-1] District. Per Chapter 165-13 - a non-conforming use can only be enlarged by a special use permit. Said hearing will be held on September 24, 2020 at 7:00 PM at the Town Hall, 48 Main Street, LeRoy NY. Inquiries regarding the hearing may be directed to the Zoning Office at 768-6910 ext. 223 or 225 or by attending the hearing. By Order of the Town Board, Patricia A. Canfield Town Clerk

Hearing was open for comments or questions.

After hearing no comments, On **MOTION** by Councilman Paddock and seconded by Councilman Armitage and passed unanimously to close the public hearing.

PCORE, Gilbert Street – Special Use Permit – Approval -

On **MOTION** by Supervisor Farnholz and seconded by Councilman Barbeau and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy approves the special use permit request submitted by PCORE, Inc., Gilbert Street, LeRoy NY to construct a 2,790 sq. ft addition to an existing non-conforming use with a 6,700 sq. ft. pad included with stipulation recommendation from Genesee County Planning that the permit does not disturb the buffer from Oatka Creek.

2. Carolina Eastern Crocker, LLC., 7591 Selden Road – Special Use Permit Application -

Please take notice that the Town Board of the Town of LeRoy will hold a Public Hearing to consider the request of Carolina Eastern Crocker LLC, 7591 Selden Road, LeRoy NY for a Special Use Permit. Application request is for construction of a Pole Barn 60'x80'x16' for truck storage with no electric service and gravel floor and is a non-conforming use in a Residential & Agricultural Zone [R&A]. Per Chapter 165-13 - a non-conforming use can only be enlarged by a special use permit. Said hearing will be held on September 24, 2020 at 7:00 PM at the Town Hall, 48 Main Street, LeRoy, NY. Inquiries regarding the hearing may be directed to the Zoning Office at 768-6910 ext. 223 or 225 or by attending the hearing. By Order of the Town Board, Patricia A. Canfield Town Clerk

Hearing was open for comments or questions.

After hearing no comments, On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously to close the public hearing.

Carolina Eastern Crocker, LLC., Selden Road – Special Use Permit Application – Approval –

On **MOTION** by Supervisor Farnholz and seconded by Councilman Barbeau and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy approves the Special Use Permit request submitted by Carolina Eastern Crocker, LLC., Selden Road, LeRoy NY to construct a pole barn 60'x 80 x16' which is a non-conforming use for truck storage with no electric service and gravel floor.

CORRESPONDENCE:

Lawley – Risk Management – Workman's Comp Policy – Providing Risk Management Services.
State Law NY – Develop Plan for Public Health Emergencies – Emergency Template.

OLD BUSINESS:

1. **DePaul Community Center & St. Anne's Senior Living – PILOT Clarification –**
DePaul Community and St. Anne's are both not for profit and tax-exempt status. Supervisor Farnholz met with St. Anne's Director with discussion of payment to Town of \$70,000 annually to be budgeted at Town's discretion. DePaul has committed \$18,000 annually after certificate of occupancy is issued.
2. **Plow Truck Purchase – Financing Options – Information –**
Town Board received information from Fiscal Advisors regarding financing plow truck for five years with interest rate of 1.65% due to reduced revenue. Oldest truck in fleet is 2008 and will be looking at a four-year rotation schedule.
3. **Water District #11 – Public Interest Order – 209-h Town Law -**
On **MOTION** by Councilman Barbeau and seconded by Councilman Paddock and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

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WHEREAS, the Town Board of the Town of LeRoy, Genesee County, New York (the "Town"), has heretofore received a map, plan and report including an estimate of cost, prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town in relation to the establishment a new Water District in said Town, to be known as Water District No. 11 of the Town of LeRoy, Genesee County, New York at a revised maximum estimated cost of \$123,000; and

WHEREAS, an order was duly adopted by said Town Board on August 27, 2020, reciting a description of the boundaries of said proposed Water District No. 11, the improvement proposed therefor, the revised maximum amount proposed to be expended for said improvement, the proposed method of financing to be employed, the fact that said map, plan and report, including estimate of cost, were on file in the Town Clerk's office for public inspection, and specifying the 10th day of September, 2020, at 7:00 o'clock P.M., Prevailing Time at the Town Hall, 48 Main Street, in LeRoy, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, the estimated cost of hook-up fees to the typical property in the District remains \$1,490 and the estimated cost to the typical one or two-family home in the District remains \$880; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated first-year costs to the typical property and typical one or two-family homes in said District, has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, a petition requesting approval of the establishment of the District at the new maximum estimated cost has been duly executed and presented to the Town;

WHEREAS, it is now desired to increase the maximum estimated cost for the establishment of Water District No. 11; **NOW, THEREFORE, IT IS HEREBY**

ORDERED, by the Town Board of the Town of LeRoy, Genesee County, New York, as follows:

Section 1. Pursuant to Section 209-h of the Town Law, it is hereby determined that it is in the public interest to establish Water District No. 11 at an increased maximum estimated cost of \$135,000 and that the maximum amount to be expended in the establishment of Water District No. 11 in the Town of LeRoy, Genesee County, New York, is hereby increased by \$12,000.

Section 2. The improvements proposed for said Water District No. 11 consist of the construction of a water distribution system in the Town of LeRoy, and including all related right-of-way costs, site work and other ancillary work, including preliminary costs and other improvements and costs incidental thereto. The maximum amount to be expended by said Water District No. 11 pursuant to these proceedings for said improvement shall not exceed \$135,000, an increase of \$12,000 over that previously authorized for the establishment of said District. Said cost of said improvement shall be financed by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance, to the extent not paid from water rents, from assessments levied upon and collected from all the taxable real property within Water District No. 11 in the manner provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. It is hereby further determined in accordance with Section 209-e of the Town Law:

- (a) the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- (b) all the property and property owners within the proposed district are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed district;
- and
- (d) the establishment of such district is in the public interest.

Section 4. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Genesee County, New York, within ten days after the effective date of this order and to file a certified copy thereof also within said ten days in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-h of the Town Law.

Section 5. This order is hereby adopted effective immediately.

4. Water District #11 – Bond Resolution -

On **MOTION** by Councilman Barbeau and seconded by Councilman Johnson and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION**:

**BOND RESOLUTION DATED SEPTEMBER 24, 2020
A RESOLUTION AUTHORIZING THE ISSUANCE OF \$12,000 SERIAL BONDS OF THE
TOWN OF LEROY, GENESEE COUNTY, NEW YORK, TO PAY PART OF THE COST OF
THE ESTABLISHMENT OF WATER DISTRICT NO. 11 IN SAID TOWN.**

WHEREAS, by proceedings heretofore duly had and taken pursuant to the Town Law, the Town Board of the Town of LeRoy, Genesee County, New York, duly established Water District No. 11 in said Town; and

WHEREAS, by bond resolution dated June 27, 2019, the Town Board of the Town of LeRoy, Genesee County, New York, authorized the issuance of \$123,000 serial bonds of said Town to pay the cost of the construction of a water distribution system in the Town of LeRoy, and including all related right-of-way costs, site work and other ancillary work, including preliminary costs and other improvements and costs incidental thereto; and

WHEREAS, it has now been determined that the maximum estimated cost of such improvement in connection with the establishment of said District is \$135,000, an increase of \$12,000 over that previously authorized; and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, and more particularly an order dated September 24, 2020, the Town Board of the Town of LeRoy, Genesee County, New York, has authorized the expenditure of an additional \$12,000 for the establishment of Water District No. 11 of the Town of LeRoy, Genesee County, New York; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed therefor, as more fully set forth in said proceedings authorizing the increase in the maximum amount to be expended for the establishment of Water District No. 11 of the Town of LeRoy, Genesee County, New York; **NOW, THEREFORE, BE IT**

RESOLVED, by the Town Board of the Town of LeRoy, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying a part of the cost of the improvements in connection with the establishment of Water District No. 11 of the Town of LeRoy, Genesee County, New York, consisting of the construction of a water distribution system in the Town of LeRoy, and including all related right-of-way costs, site work and other ancillary work, including preliminary costs and other improvements and costs incidental thereto, there are hereby authorized to be issued an additional \$12,000 serial bonds of the Town of LeRoy, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$135,000, and that the plan for the financing thereof is as follows:

a. By the issuance of the \$123,000 serial bonds of said Town authorized to be issued pursuant to bond resolution dated June 27, 2019; and

b. By the issuance of the additional \$12,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however that the amount of serial bonds to be issued therefor shall be reduced dollar for dollar by any grant monies received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law calculated from the date of issuance of the first obligation therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of LeRoy, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be assessed upon the taxable real property in said Water District No. 11 in the manner provided by law, an amount sufficient to pay said principal and interest as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein and in the bond resolution dated and duly adopted June 27, 2019, relating to the bonds authorized herein, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably

expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the Batavia Daily Newspaper official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

5. 2021 Budget Review –

Town Board reviewed the 2021 Tentative Budget filed with the Town Clerk at the meeting of September 10, 2020. All Town revenues and expenses were reviewed for town, highway, water and special district funds. Items highlighted to be discussed further at the meeting of October 10, 2020.

NEW BUSINESS:

1. Viability of Intermunicipal Agreement – LeRoy, Pavilion, Bethany – Combined Court -

Supervisor Farnholz reported Towns are looking at state grant funding for combined courts and will investigate feasibility of proposed agreement to report back to Town Board.

2. Three + One – Transfer Funds -

Supervisor Farnholz reported Town will be moving \$200,000 as certificate of deposit and \$200,000 will be left in Tompkins Bank of Castile for liquidity. Town will not be moving monies to TD Canadian Bank.

3. Retention Schedule and Disposition – LGS-1 -

On **MOTION** by Supervisor Farnholz and seconded by Councilman Barbeau and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy adopts Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 7-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local governments records, is hereby adopted for sue by all officers in legally disposing of valueless records listed therein.

BE IT FURTHER RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

4. Authorization for Application for 2020 JCAP Grant Funding –

On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously with voting as follows: Council Armitage, Barbeau, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy authorizes Town Justices Sehm and Duyssen to apply for the 2020-21 JCAP Grant Program for purchase and installation of security glass located in the courtroom to comply with Covid19 protocol requirements to enable Town of LeRoy to resume hearing and holding court cases at a total cost of \$6,265.00.

COMMITTEE REPORTS:

Assessment:

Supervisor Farnholz reported Assessment Board of Review has a member with term expiring and will contact for clarification of continuing on or term expiration.

IT:

Supervisor Farnholz reported Just Solutions reviewed Town Hall for hardware and software and will present a bid package based on findings.

Transfer Station:

Councilman Johnson reported on consideration of utilizing one bin for all recycling to reduce costs.

Ambulance:

Councilman Johnson reported LeRoy Ambulance will be forgiven \$84,000 disbursed for payroll protection.

GAM/Supervisor:

Supervisor Farnholz reported on discussion at the county level of consolidating fire services and will be reporting back as further information becomes available

EXECUTIVE SESSION:

On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously to enter into Executive Session at 8:50 PM for legal issue with Town Board and Town Clerk present.

On **MOTION** by Councilman Armitage and seconded by Councilman Paddock and passed unanimously to come out of executive session at 9:17 PM with no action taken.

AUTHORIZATION TO PAY BILLS:

On **MOTION** by Councilman Paddock and seconded by Supervisor Farnholz and passed unanimously the following bills were presented for payment:

Abstract # 18	2019/2020	Voucher #
General Fund A, B, SL & Cap Proj H:	\$26,909.89	312~325
Highway Fund DA & DB:	\$72,193.42	138~142
Water Fund HG:		

With no further business to come before the Board, on **MOTION** by Councilman Armitage and seconded by Councilman Paddock and passed unanimously to adjourn at 9:18 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk