

Regular Meeting of the Town Board of the Town of LeRoy held on Thursday, March 11, 2021 at 7:00 PM in the Boardroom of the Town Hall, 48 Main Street LeRoy, New York.

Members Present: James Farnholz, Supervisor
John Armitage, Council
David Paddock, Council
Ronald Pangrazio, Council

Absent: John Johnson, Council
Eric Stauffer, Highway Supt.

Recording Secretary: Patricia A. Canfield, Town Clerk

Others Present: Zoom Meeting

Supervisor Farnholz called the regular meeting to order at 7:00 PM followed by the pledge to the flag and approval of the minutes of the meeting of February 25, 2021 with correction on **MOTION** by Councilman Pangrazio and seconded by Supervisor Farnholz and passed.
Councilman Johnson – abstained.
Due to Covid19 Pandemic, meeting was held via zoom with no guests present.

OLD BUSINESS:

1. Police Contract – Village of LeRoy & Town of LeRoy –

Police Chief Kellogg spoke through zoom to answer questions regarding the proposed contract between Village and Town of LeRoy for police protection in Town outside. Town Board discussed language in contract and removed “patrolled” and consideration of a six-month contract. On **MOTION** by Supervisor Farnholz seconded by Councilman Armitage and passed with voting as follows: Council Armitage, Paddock and Supervisor Farnholz – aye; Council Johnson and Pangrazio – nay the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy authorizes to forward agreement as written to the Village Trustee of the LeRoy of LeRoy for consideration of expansion of Village of LeRoy police services to provide coverage for Town of LeRoy outside for term of six months.

2. Commercial Solar Discussion –

Supervisor Farnholz relayed the code language was forwarded to the Genesee County Planning Board for review and comments. Town Board has removed the total surface area in industrial zone.

NEW BUSINESS:

1. a) MCWA Request – Sec 149 Highway Law – Install Wtr Svc – Resolution – 8896 Keeney Rd -

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

WHEREAS, application submitted by MCWA, 475 Norris Drive, Rochester, NY to allow MCWA to install 1” long side domestic water service, new build; no pavement cut; MCWA Acct. No. 188656 for 8896 Keeney Road, LeRoy, NY 14482, as per Section 149 of the Highway Law; and

THEREFORE, BE IT RESOLVED, the Town Board of the Town of LeRoy authorizes the Highway Supt. to sign and execute the three (3) above agreements and forward said agreements to MCWA.

b) MCWA Request – Sec 149 Highway Law – Install Wtr Svc – Resolution – 8571 Vallance Rd -

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

WHEREAS, application submitted by MCWA, 475 Norris Drive, Rochester, NY to allow MCWA to install 1” long side domestic water service, new build; no pavement cut; MCWA Acct. No. 188707 for 8571 Vallance Road, LeRoy, NY 14482, as per Section 149 of the Highway Law; and

THEREFORE, BE IT RESOLVED, the Town Board of the Town of LeRoy authorizes the Highway Supt. to sign and execute the three (3) above agreements and forward said agreements to MCWA.

2. Water District No. 11 – Change Order – Form E –

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

RESOLVED, the Town Board of the Town of LeRoy authorizes approval of change order No. 1 for the Town of LeRoy Water District No. 11 Project, which increases Rochester Pipeline Contract by \$3,595.00 for a total project cost of \$97,475.00 due to poor soils with Turner Underground installing long side water service at 6946 East Bethany LeRoy Road and final quantities for the contract as well as additional water main footage.

3. MCWA – Water Rate Opposition – Resolution –

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

RESOLVED, the Town Board of the Town of LeRoy is in opposition of the Genesee County Legislature and the Monroe County Water Authorities (MCWA) consideration of an equalized uniform retail water rate for customers in the currently defined Eastern and Western Genesee Retail Rate areas of Genesee County;

WHEREAS the Genesee County Legislature, through resolution No. 95 Recommendation To Monroe County Water Authority to Study the Establishment of a County-Wide Retail Water Service Rate for Genesee County requested a Rate Equalization Study from the MCWA; and **WHEREAS** the MCWA currently charges two different retail rates for Genesee County property owners within two differed Retail Rate Areas. The rate study only impacts those towns and village which are current customers of MCWA. One area is referred to as the Western Genesee Retail Rate, for the towns where MCWA water is purchased through a third party and includes the towns and associated village of Pembroke, Corfu and Darien and the Eastern Genesee Retail Rate. The second area is referred to as the Eastern Genesee Retail Rate area, where the MCWA provides water directly and does not have to purchase water from a third party and includes the towns and associated villages of Bergen, Byron, Leroy, Stafford and Pavilion.

WHEREAS the Central part of the county includes. Towns of Alabama, Oakfield, Elba, Batavia, Alexander, the Villages in those Towns and the City of Batavia are not included in this study;

WHEREAS the Monroe County Water Authority (MCWA) retained the Amawlak Consulting Group to prepare a Rate Consolidation Study for Genesee County retail customers; and

WHEREAS the MCWA has presented the outcomes of the Rate Consolidation Study in a report dated December 14, 2020, to the Genesee County Legislature; and

WHEREAS the Water Rate Consolidation Study, requested by the Genesee County Legislature and commissioned by the MCWA, dated December 14th 2020 recommends the creation of one Genesee County- Wide retail rate as opposed to the existing two separate water retail rates; and

WHEREAS the proposed recommended Genesee County-Wide retail rate will result in the residents included in the currently defined Eastern Genesee Retail Rate area paying a disproportionately higher rate (\$.49 per 1000 gallons more than current rates) than the residents of the currently defined Western Genesee Retail Rate area and for which the residents of the Western Genesee Retail Rate area would pay a disproportionately lower rate (\$.81 per gallons less than current rates) than the residents of the currently defined Eastern Genesee Retail Rate area; and

WHEREAS the proposed unified, one county-wide retail water rate;

. does not appear to take into consideration future growth in water consumption for municipalities in the Eastern Retail Rate Area;

. is not based upon the cost of provision of the water to the retail customers in each of their respective service areas i.e. MCWA purchase of water from a third party to provide water to residents of the Western Genesee Retail Rate Area and uses their own water to provide water to residents of the Eastern Genesee Retail Rate Area;

. is based upon the interest of the County Legislator, on behalf of the municipalities in the Western Genesee Retail Rate Area, to have a lower rate and;

. does not include all municipalities in Genesee County; and

WHEREAS the proposed unified rate unfairly financially burdens, through a significant rate increase for Genesee County residents of five towns and associated villages and retail customers of the Eastern Genesee Retail Rate area for the financial benefit, through a significant reduction of current rates for Genesee County residents of three towns and associated villages and retail customers of the Western Retail Rate area;

NOW, BE IT THEREFORE RESOLVED that the Town Boards of the Towns of Bergen, Byron LeRoy, Stafford and Pavilion are in opposition of any unified County -Wide one rate for Genesee County for the reasons as outlined in this resolution; and

BE IT FURTHER RESOLVED that the Town Boards of the Town of Bergen, Byron, LeRoy, Stafford and Pavilion requests the Genesee County Legislature not promote a unified rate and the Monroe County Water Authority not establish a unified County-Wide one retail water rate that results in a financial burden for residents of the Towns of Bergen, Byron, LeRoy, Stafford and Pavilion in order to provide a financial gain for residents of the Western Genesee Retail Rate Area.

Town of Bergen Supervisor; Town of Stafford Supervisor; Town of Byron Supervisor;
Town of Pavilion; Town of LeRoy Supervisor.

COMMITTEE REPORTS:

Highway:

- Highway garage roof is failing and will be working to repair/replace.
- No bids have been received for Transfer Station to date.
- Highway interior flooring will need to be replaced.

Town Clerk:

Total fees collected for the month of February 2021 at \$5,391.20 with \$5,133.08 remitted to the Supervisor.

Code:

Supervisor Farnholz reported code officers will be inspecting the Route 5 Business Park on West Main Road, per court order from Judge Zambito on March 12, 2021 at 2:00 PM for any code violations.

Parks & Recreation:

Supervisor Farnholz reported Senior Recreation dinners will resume on March 17th at 12:30 PM for a catered lunch at the Knights of Columbus and following all current CDC health requirements.

Cemetery:

Supervisor Farnholz reported Association of Towns has emailed information regarding options for burials in non-active Town of LeRoy owned cemeteries and will be reviewed for clarification.

IT:

Supervisor Farnholz reported state is requiring lap top, camera and large screen for witnesses to be able to view judges per state guidelines and will be working with IT on bringing requirements into compliance.

Transfer Station:

Councilman Johnson reported on year-end total of revenue and expenses for transfer station and net profit of \$12,900.

Ambulance:

Councilman Johnson has requested report for number of mutual aid calls responded to by LeRoy Ambulance. LeRoy Ambulance has received payroll protection funding under Covid19 for a total of \$164,000.

Supervisor/GAM:

Supervisor Farnholz reported:

- Zoom call on Saturday at 9:00 AM for updates on Covid19 with clinics for vaccines and state guidelines for those eligible to receive the vaccine.

Village:

Councilman Pangrazio reported:

- Contractor Eric Biscaro is presenting initial stage of plans for 23 acres for development of patio homes and building lots off of East Avenue.

EXECUTIVE SESSION:

On **MOTION** by Supervisor Farnholz and seconded by Councilman Johnson and passed unanimously to enter into Executive Session at 8:24 PM for legal litigation and personnel with Town Board and Town Clerk present.

On **MOTION** by Supervisor Farnholz and seconded by Councilman Johnson and passed unanimously to come out of executive session at 8:52 PM with the following action taken:

- Court Clerk Appointment – Rachel Olsen – Part-time Court Clerk –**
On **MOTION** by Supervisor Farnholz seconded by Councilman Paddock and passed unanimously with voting as follows: Council Armitage, Johnson, Paddock, Pangrazio, Supervisor Farnholz – aye the following **RESOLUTION:**
RESOLVED, the Town Board of the Town of LeRoy authorizes the appointment of Rachel Olsen as part-time court clerk for the Town of LeRoy effective March 11, 2021, under budgeted contract wages.
- Town Clerk Deputy – Increase Line Item A1410.110 – \$5,500.00 -**
On **MOTION** by Supervisor Farnholz seconded by Councilman Johnson and passed unanimously with voting as follows: Council Armitage, Johnson, Paddock, Pangrazio, Supervisor Farnholz – aye the following **RESOLUTION:**
RESOLVED, the Town Board of the Town of LeRoy authorizes to increase budget line item A1410.410 under Town Clerk Deputy in the amount of \$5,500.00 effective March 11, 2021.

AUTHORIZATION TO PAY BILLS:

On **MOTION** by Councilman Johnson and seconded by Councilman Pangrazio and passed unanimously the following bills were presented for payment:

Abstract # 5	2020/2021	Voucher #
General Fund A, B, SL & Cap Proj H:	\$28,622.14	92~123 [incl. prepay]
Highway Fund DA & DB:	\$55,092.63	46~54
Water Fund HG:	\$14,187.50	3~4 [incl. prepay]

With no further business to come before the Board, on **MOTION** by Supervisor Farnholz and seconded by Councilman Paddock and passed unanimously to adjourn at 8:59 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk