

**Regular Meeting** of the Town Board of the Town of LeRoy held on Thursday, April 26, 2018 at 7:00 PM in the Boardroom of the Town Hall, 48 Main Street LeRoy, New York.

**Members Present:** Stephen Barbeau, Supervisor  
John Armitage, Council  
James Farnholz, Council  
David Paddock, Council  
Thomas V. Stella, Council  
Eric Stauffer, Highway Supt.

**Recording Secretary:** Patricia A. Canfield, Town Clerk

**Others Present:** Jackie Whiting, Bob Dawley, David Luettkie-Archbell, Charles Hull

Supervisor Barbeau called the meeting to order at 7:00 PM followed by the pledge to the flag and approval of the minutes from the meeting of April 12, 2018 on **MOTION** by Councilman Farnholz and seconded by Councilman Paddock and passed. Councilman Stella – Abstained.

**PUBLIC HEARING:**

**1. 7077 West Main Road – Rezone Request – C2 to R&A -**

Supervisor Barbeau read the following notice of public hearing:  
Please take notice the Town Board of the Town of LeRoy will hold a public hearing to consider the request to rezone property located at 7077 West Main Road, LeRoy, NY from Commercial [C2] to Residential Ag [R&A]. Said hearing will be held at the LeRoy Town Hall, 48 Main Street, LeRoy NY 14482 on Thursday, April 26, 2018 at 7:00 PM. Inquires regarding the hearing may be directed to the Zoning Office at 768-6910 ext. 223 or by attending the hearing.  
By Order of the Town Board, Patricia A. Canfield, Town Clerk  
Rezone request went before Genesee County Planning with determination of no significant impact.  
Property would be returned to original zoning use prior to Walmart purchasing adjacent property.  
Hearing was open for any comments:  
Hearing no comments, the public hearing was closed.

**Approval of Rezone Request – 7077 West Main Road -**

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

**RESOLVED**, the Town Board of the Town of LeRoy approves the request to rezone property located at 7077 West Main Road, LeRoy NY from Commercial [C2] to Residential Ag [R&A].

**2. 7863 Griswold Circle – Special Use Request – No Action Taken -**

Owner of property, Lori Brown, withdrew application for special use permit, as property will be owner occupied and doesn't require special use application.

**NEW BUSINESS:**

**1. Capitalization Policy – Fixed Assets Addendum – Procurement Policy Attachment –**

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

**RESOLVED**, the Town Board of the Town of LeRoy establishes and adopts the Capitalization Policy to include capitalization threshold, depreciation method and estimated use of life addendum to be included in the procurement policy retroactive effective January 1, 2018.

**2. Hazard Mitigation – Flooding –**

Town Board to review listing to identify projects to undertake as part of its hazard mitigation program. Genesee County Emergency Mgmt. to meet with Highway Supt., Village DPW, Village and Town Board representatives to discuss new action mitigation plan as relative to Town of LeRoy. Town Board to table flooding item pending review of maps.

**3. 2019 Budget – Priority Planning –**

Town Board will be reviewing priority for planning including personnel, union and non-union wages, records project, equipment rotation and contributions to community groups.

**4. Inter Municipal Agreement - GCEDC**

**INTERMUNICIPAL AGREEMENT**

This Agreement effective April 2018 between the Town of LeRoy, County of Genesee, a New York Municipal Corporation with offices at 48 Main Street, LeRoy, NY 14482 (hereinafter "Town") and the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, a Public Benefit Corporation with offices at 99 MedTech Drive, Batavia, NY 14020 County of Genesee, (hereinafter "GCEDC") is made to govern the relationship between the parties with respect to the construction of approximately 360 linear feet of roadway at the LeRoy Food & Technology Park (hereafter "Park"), located in the Town of LeRoy.

WHEREAS, the GCEDC has acquired 73 acres of land to develop into a corporate business park within the Town, and WHEREAS, the Town of LeRoy has pledged its support to the project in both cash and in-kind services of Town forces, and

WHEREAS, the GCEDC is working with a company to become the first tenant at the Park that would require infrastructure, including approximately 360 linear feet of roadway; and

WHEREAS, the parties now wish to state their mutual responsibilities and obligations regarding the construction of the roadway, and payment for said construction.

NOW THEREFORE, the \_\_\_\_\_ agree as follows:

1. Construction: The GCEDC, pursuant to and in furtherance of purposes and powers granted pursuant to Article 18-A of the General Municipal Law (the "IDA Act"), intends to construct certain road improvements to be used by the public (the "Improvements") within the Town situated at the Park. The Improvements will be constructed by the GCEDC upon real property owned by, and under the supervision and control of, GCEDC in connection with the development by GCEDC, of the Park.

2. Engineering: GCEDC will engage Clark Patterson Lee (the "Engineer") to act as engineer for the design, engineering and construction of the roadway, including construction management and inspection services.

3. Cost Allocations: The Town has previously passed a resolution for the purpose of the GCEDC to facilitate the planning, design and construction of the Improvements. The Town has budgeted up to Fifty Thousand and 00/100 Dollars (\$50,000.00) in funds to be granted to the GCEDC for the purpose of paying a portion of the costs of the planning, design and construction of the Improvements.

4. Grant Authorization: The Supervisor of the Town, as the Chief Financial Officer of the Town, is authorized to provide the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) to GCEDC to pay a

portion of the cost of the planning, design and construction of the Improvements (the "Grant"). This Grant shall be drawn from budgeted funds appropriated by the Town for economic development purposes. In connection with the administration of the Grant to GCEDC, the Supervisor of the Town is authorized to execute any necessary grant documents, drafts or other agreements as may be approved as to form and content by counsels to the Town.

5. Grant Conditions: The disbursement of the Grant shall be conditioned upon the following:

a. The Improvements shall be constructed by GCEDC in accordance with all applicable construction rules, regulations, codes and standards applicable to the Town (or County) in connection with the construction of public roadways normally, including public bidding and prevailing wage laws;

b. The use of the Grant funds by GCEDC shall be limited to the planning, design and construction of the Improvements, which shall be used to develop the Park;

c. The Grant shall be provided to the GCEDC by the Town in the form of a lump sum upon written request by the GCEDC to the Town. Such request is to be accompanied by Engineer-certified plans, specifications and cost estimates for the Improvements;

d. Upon completion of the Improvements, GCEDC shall provide the Town with actual cost documentation relating to the Improvements.

4. Indemnification:

a. To the fullest extent authorized by law, the Town of LeRoy shall to the extent of its commercial general liability insurance defend, indemnify and hold harmless the GCEDC, its officers and employees for all claims, damages, expenses and costs (including reasonable attorney's fees if assessed by a court of competent jurisdiction) or injury to persons or property which may arise out of the acts or omissions of the Town of LeRoy, or its employees in the course of their employment in carrying out the terms of this Agreement, except to the extent that such claims, damages, expenses and costs are attributable to the acts or omissions of the GCEDC, its officers, employees, agents, and volunteers.

b. To the fullest extent authorized by law, the GCEDC shall to the extent of its commercial general liability insurance defend, indemnify and hold harmless the Town of LeRoy, its officers and employees for all claims, damages, expenses and costs (including reasonable attorney's fees if assessed by a court of competent jurisdiction) or injury to persons or property which may arise out of the acts or omissions of the GCEDC, or its employees in the course of their employment in carrying out the terms of this Agreement, except to the extent that such claims, damages, expenses and costs are attributable to the acts or omissions of the Town of LeRoy, its officers, employees, agents and volunteers.

5. Applicable Laws: The parties state that this Agreement shall be governed by the laws of the State of New York, and the United States of America.

6. Jurisdiction/Venue: The parties state that if there is any disagreement among the parties arising out of this Agreement, sole venue for the dispute shall be in the Supreme Court, County of Genesee, New York.

7. Approvals: By their signatures below, the parties indicate that they have obtained approval of their respective Boards to enter into this Agreement.

8. Term of Agreement: This Agreement shall remain in effect for 12 months, or completion of the construction of the roadway, whichever occurs first.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written.

**COMMITTEE REPORTS:**

**Highway Supt:**

Highway Supt. Stauffer reported:

- Woodward Memorial Library hosting “Touch a Truck” June 25<sup>th</sup> from 6:00 – 8:00 PM – Town will provide a plow truck for showing.
- **Work Schedule – Change to 4 Ten-hour days - Effective May 1, 2017 –**
- On **MOTION** by Supervisor Barbeau and seconded by Councilman Armitage and passed unanimously with voting as follows: Council Armitage, Farnholz, Paddock, Stella and Supervisor Barbeau – aye the following **RESOLUTION:**

**RESOLVED**, the Town Board of the Town of LeRoy authorizes the Highway Dept. to work Monday through Thursday, ten-hours per day effective May 14, 2018 through Labor Day, September 3, 2018.

**Assessment:**

Supervisor Barbeau reported Assessors are meeting with residents on assessment changes.

**Code:**

Zone and Code Officer Bob Dawley reported there is no fee for a request for zone change and would like consideration to implement fee of \$200.00.

Town of LeRoy does not currently have a permit for a tent sale in a parking area. Public tents are inspected by code office without a charge. Town Board discussed covering under Peddlers Licensing.

**Request to Add Fee for Zoning Change –**

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

**RESOLVED**, the Town Board of the Town of LeRoy will implement a fee for Request for Zoning Change in the Town of LeRoy in the amount of \$200.00 to be added to the fee schedule.

**Parks & Recreation:**

Recreation Director Jackie Whiting reported:

- 2018 Summer Recreation Booklet is being finalized for printing.
- Resident inquired about opening and staffing Genesee Park. Park was closed in August 2015 due to decreased enrollment.

**Cemetery:**

Supervisor Barbeau reported:

- Snyder Brothers to be contacted to continue cemetery repair on Keeney Road.
- Asbury Road resident contacted Highway Supt. about overgrown brush encroaching on property line.
- Machpelah Cemetery operating at a deficit of \$2,400 reported from cemetery meeting with burials down. Town of LeRoy may assist with mowing services.

**GAM/Supervisor:**

Supervisor Barbeau reported:

- Genesee County Treasurer researching assistance on financing for better interest monies and reviewing treasury bills for increased interest.
- NYSERTA Symposium – Held on May 8<sup>th</sup> at Genesee County Planning to discuss developing local laws for solar power.
- County Manager spoke on shared services and opportunities.
- Sales Tax First Quarter – Town of LeRoy at \$249,460 – highest in six years.

**COMMENTS:**

**Dave Luetticke-Archbell** – Inquired about publishing the fee schedule online.

**AUTHORIZATION TO PAY BILLS:**

On **MOTION** by Councilman Stella and seconded by Councilman Paddock and passed unanimously the following bills were presented for payment as amended:

<b>Abstract #8</b>	<b>2018</b>	<b>Voucher #</b>
General Fund A, DA, B & Cap Proj H:	\$15,309.55	179~201 [incl prepay]
Highway Fund DA & DB:	\$22,492.74	92~99
Water Fund SW:	\$4,823.06	2~3 Prepay

**EXECUTIVE SESSION:**

On **MOTION** by Councilman Farnholz and seconded by Councilman Armitage and passed unanimously to enter into Executive Session at 8:42 PM for the purpose of contractual negotiations with Town Board, Highway Supt. and Town Clerk present.

On **MOTION** by Councilman Stella and seconded by Councilman Armitage and passed unanimously to come out of Executive Session at 9:29 PM with no action taken.

With no further business to come before the Board, on **MOTION** by Councilman Paddock and seconded by Councilman Farnholz and passed unanimously to adjourn at 9:30 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk