

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON FEBRUARY 20, 2019, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Richard Tetrault; Clerk-Treasurer Sharon Jeary; Chief of Police Chris Hayward; DPW Supervisor Robert Lathan; Village Attorney Jake Whiting; Village Engineer Rick Henry; 5 citizens.

EXCUSED: Trustee Yacuzzo.

Mayor Rogers called the meeting to order at 7:00 pm and asked everyone stand and recite the Pledge of Allegiance.

MADISON AVENUE FLOODING - Mayor Rogers opened the discussion regarding flooding of Madison Avenue. Gail Young was present and reiterated her problem. She has been experiencing flooding in her backyard and driveway, that has created flooding in her home too. The flooding began around the time Mr. McQuillen was constructing a road to the rear of her property.

Pete McQuillen – owns property down from Adams Street, Mrs. Young’s property is lower, running west/east higher towards the back. In the front of the property there is not proper drainage, no storm trunk line. Main runs down the center of the road. He presented a profile of Adams Street and there is no ditch line included on the map. He continued the problem could be fixed by draining back to his yard and then he would discharge the water onto the new property.

DPW Supervisor Lathan – there may have originally been a ditch that took care of the water. If a swale or ditch is put in it will take care of the water problem. He continued before the street went in there should have been discussion on the street. If discussion had taken place there would be a street cut, with a ditch.

Engineer Henry – if there is a drainage problem you can’t alter the drainage problem that will alter other properties. You can not force water somewhere else, it doesn’t matter if it didn’t show on the map.

Pete McQuillen – lot adjacent to raised the property is raised up and will push the water to the neighbor.

Trustee Kettle – is there a storm tap?

Pete McQuillen – there is a 4” line into the main on Adams Street –

Attorney Whiting – if you run a ditch line right on the boundary on Mrs. Young’s side yard sits lower. Run a ditch or hard pipe it doesn’t matter they are both the same. The Village is not able to put in a ditch, it is on private property.

Mayor Rogers – create another ditch right down the property line.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

DPW Supervisor Lathan – cost would be approximately \$5.00/foot to run down a pipe. If we were informed before this wouldn't be a problem.

Mayor Rogers – our forefathers had a hand in this subdivision, everyone shares the responsibility. We would like to see an agreement reached amicably.

Attorney Whiting – If we analyze the situation this has been fairly uncontested water flow through a ditch for decades. A swale or ditch should be installed with all the effected parties.

Pete McQuillen – he will put in a 4” water line due west. He mentioned he is taking on water from the Walters property, would like the Board to understand his problem too.

Gail Young – she will build up her property, and landscape. She asked if the pipe could be put in the corner of back of her property.

Mayor Rogers – thanked and stated that Mr. McQuillen will put in a 4” pipe at the lowest point behind the curbs and figure out what to do with the water. He also asked if Engineer Henry would look over as Mr. McQuillen does the work, to see all is well.

Trustee Tetrault – there is water draining into the Village's sanitary sewer on that street. This should be corrected.

APPROVAL OF MINUTES – A motion was offered by Trustee Kettle to approve the minutes of the Board of Trustees dated January 16 and February 4, 2019 as previously printed and presented. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.

**COMMUNICATIONS:**

NYCOM 2019-2020 EXECUTIVE BUDGET – Information was received from NY Conference of Mayors summarizing the proposals that will impact cities and villages in the State's 2019-2020 Budget.

REQUEST TO SUPPORT REPEAL OF SAFE ACT – Mayor Rogers asked if there was a motion to support the repeal of the SAFE Act, a motion was offered by Trustee Bonacquisti. There was no second to the motion.

**NEW BUSINESS:**

SET DATES FOR BUDGET WORK SESSIONS – Board members determined Wednesday, March 20 at 6 pm and Monday, March 25 at 7 pm are tentatively scheduled for Budget work sessions.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

RESOLUTION TO ENTER AGREEMENT WITH DEPAUL REGARDING USE OF  
VILLAGE PROPERTY

MOTION BY Trustee Kettle

WHEREAS, Depaul Acquisitions LLC (hereinafter “Depaul”) owns various parcels along the west side of Mill Street situate in the Village of LeRoy; and

WHEREAS, the Village of LeRoy (hereinafter “the Village”) owns Mill Street Park along the east side of Mill Street, between Mill Street and Oatka Creek; and

WHEREAS, Depaul razes several existing buildings on its lands in order to begin construction of its residential housing complex; and

WHEREAS, Depaul hired Christa Construction, LLC (hereinafter “Christa”) as a contractor to complete various construction tasks on its land; and

WHEREAS, there is limited space for parking along Mill Street, especially during the winter months wherein Village plows require access to the street; and

WHEREAS, Depaul and Christa desire to allow Christa to park its construction trailer overnight on the north end of Mill Street Park, but not on Mill Street itself; and

WHEREAS, the Village desires to accommodate Depaul and Christa in this request.

NOW, THEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable considerations, the parties agree as follows:

1. Christa may park its construction trailer overnight on the north end of Mill Street Park.
2. Christa will position its trailer in a manner that least obstructs the use of Mill Street Park, including use of the pedestrian walkway and foot-bridge over Oatka Creek.
3. As soon as feasible after its use of the construction trailer is complete, Christa will remove the trailer from Mill Street Park.
4. In the event placement and removal of the trailer disturbs the land or soil it is placed on, Christa and Depaul shall be obligated to repair the Village lands to their condition before any placement of the trailer.
5. In any event, the Village can notify Christa and/or Depaul to request removal of the trailer. If this request is made, the trailer will be removed within five business days.
6. The Village will notify the LeRoy Police Department and Genesee County Sheriff’s Office of this Agreement.
7. This Agreement cannot be assigned to any party without the written consent of all other parties.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

8. Depaul and Christa fully indemnify and hold the Village harmless from any damages to Christa's construction trailer or any contents therein.
9. This Agreement may be signed in counterparts and be fully enforceable.
10. This Agreement cannot be modified unless done so in a subsequent writing signed by all parties.

SECONDED BY Trustee Tetrault and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.

RESOLUTION AUTHORIZING THE PURCHASE OF A PUMP, SEWER TREATMENT PLANT – Director Carroll is requesting permission to purchase a specialized pump for polymer use at the Sewer Treatment Plant, in the amount of \$4,500. The quote is from CPE who is the only company that will provide this type of material handling. The sewer budget includes in the equipment line item monies for this purchase. A motion was offered by Trustee Bonacquisti to authorize the purchase of a specialized pump for polymer at the Sewer Treatment Plant in the amount of \$4,500.00 from CPE (sole source). Seconded by Trustee Tetrault and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.

**OFFICIAL CONSIDERATIONS:**

Trustee Kettle – asked Town Supervisor to articulate what the Town is doing with their money. Supervisor Barbeau explained they have hired a company to investigate how the Town's money maybe invested in order to have a better interest return. After it was determined the amount of the money that could be invested, they signed up with JP Morgan for 30/90 days at 3% interest and over a 12-month period are projected to received approximately \$20-25,000. It is a good way to bridge them through the lack of other revenues that we will be facing.

Trustee Tetrault – are we continuing with the ambulance as a taxing district. Whose responsibility is it to go through the process. Mayor Rogers explains the process of creating an ambulance district. The Town must adopt a resolution to create the district after that the Village may approve the district by local law. Once all the steps have been completed the Ambulance becomes a taxing district added to the Town/County Tax bill. Discussion continued on the subject.

AUTHORIZATION TO PAY BILLS – A motion was offered by Trustee Bonacquisti to pay bills as presented, seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers - Aye, carried. Payment is as follows:

General Fund – check number 21984 – 22023: \$134,235.04

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

ADJOURN – There being no further business a motion was offered by Trustee Bonacquisti to adjourn, seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried. Meeting adjourned at 8:35 pm.

Respectfully submitted,

Sharon M. Jeary,  
Clerk-Treasurer

DRAFT

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
FEBRUARY 20, 2019**

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