

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON WEDNESDAY, MAY 13, 2015, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Robert D. Taylor, Jr, Michael Tucci; Clerk-Treasurer Sharon Jeary; DPW Supervisor Robert Lathan, Jr; Superintendent of Wastewater Treatment Steve Carroll; Code Enforcement Officer Jeff Steinbrenner; 6 citizens.

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

APPROVAL OF MINUTES – A motion was offered by Trustee Bonacquisti to approve the minutes of the Board of Trustees dated April 22, 2015 as previously printed and presented. Seconded by Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

COMMUNICATIONS:

LETTER OF APPRECIATION, LEROY FIRE DISTRICT – A letter of appreciation was received from the Board of Commissioners of the LeRoy Fire District. They offer their thanks to DPW Supervisor Lathan for great job they did during the recent severe winter.

LAND USE TRAINING - The Orleans County Department of Planning and Development and the Niagara County Department of Economic Development are presenting Land Use Training on Wednesday, June 17, in Albion from 5 to 9:30 pm. Interested Board members are to contact the Clerk-Treasurer.

U.S. ENVIRONMENTAL PROTECTION AGENCY, LEHIGH VALLEY RAILROAD DERAILMENT SUPERFUND SITE – The U.S. Environmental Protection Agency, Region 2 (EPA) is providing this notice as information for the status of activities at the Lehigh Valley Railroad Derailment Superfund Site, located in the Town of LeRoy, Genesee County, NY. The consultants hired to perform the soil and ground water have completed their investigations. A soil remediation plan was completed in 2014 and the soil remedial actions will begin in the spring of 2015. The groundwater investigation was completed in December, 2014. EPA will continue to provide updates of the progress. Construction of Soil Vapor Extraction to remediate the contaminated soil will begin summer of 2015.

GENESEE COUNTY CHAMBER OF COMMERCE - Chamber is holding a Business Workshop today in Batavia.

INSECT & DISEASE FIELD ID, NY RELEAF – New York ReLeaf will hold a workshop for field identification of tree and shrubs and characteristics in relation to insects and diseases on Thursday, June 4 in Buffalo. Interested Board members are to notify the Clerk-Treasurer.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

DEPARTMENT CONSIDERATIONS:

DPW Supervisor Lathan – new planters have been ordered for Main Street.

Code Enforcement Officer Steinbrenner – a letter has been sent out to the owner of Creekside Restaurant advising his permit has expired and his need to update it.

Mayor welcomes new Superintendent of Wastewater Treatment, Steve Carroll.

OLD BUSINESS:

RESOLUTION TO RESCIND MOTION MEMBER ITEM GRANT
MONIES FOR STREET LIGHTS

MOTION BY Trustee Bonacquisti

WHEREAS the Village of LeRoy received a Member Item Grant, Community Projects Appropriation Contract #TM07601 from the NYS Department of State in the amount of \$23,000.00, and

WHEREAS, said grant was submitted for the purpose of purchasing Street Lights for Main Street, and

WHEREAS the Board of Trustees at their meeting of May 28, 2014 approved unanimously the use of the monies for Street Lights, and

WHEREAS the amount of the Contract, \$23,000 has not been expended for street lights,
NOW THEREFORE

BE IT RESOLVED the Board of Trustees hereby rescinds the motion of May 28, 2014 for the street light purchases, and

BE IT FURTHER RESOLVED that due to updates needed at the Sewer Treatment Plant the Board of Trustees hereby authorizes an amendment to the Community Projects Grant in the amount of \$23,000 be used for Sewer Treatment Plant updates that will include an updated Process Flow Control that will automate the adjustment of the return of sludge percentage.

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

APPOINTMENT OF SUPERINTENDENT OF WASTEWATER TREATMENT PLANT – Mayor Rogers appointed Superintendent of Wastewater Treatment Plant, Steve Carroll to be the official NY-Alert Notifier for the Sewage Pollution Right to Know Act. A motion was offered by Trustee Taylor to ratify the Mayor's appointment of Steve

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

Carroll to be listed as the official on the NY-Alert Notifier for the Sewage Pollution Right to Know Act. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, carried.

SANITARY SEWER UPDATE - DPW Supervisor Lathan advised the Board that Sewer Specialists completed approximately \$20,000 worth of repairs. They cut roots out of lines, repaired, and patched lines.

RESOLUTION TO OUTSOURCE LAB TESTING AND THE PURCHASE OF EQUIPMENT, SEWER TREATMENT PLANT - Superintendent of Wastewater Treatment Plant and Clark Patterson Lee advises the Board that it is in the best interest of the Village to outsource testing for the Sewer Treatment Plant. A motion was offered by Trustee Kettle to outsource testing for the Sewer Treatment Plant for Phosphorous, Total Suspended Solids and Biochemical Oxygen Demand weekly to ALS Labs of Rochester in the amount of \$89.00/week. Also needed at the plant is a spectrophotometer and parts from Hach Company (a sole source vendor for this equipment) in the amount of \$8,964.32; a process Control Package from Raven Environmental in the amount of \$1,319.00 (sole source vendor). Seconded by Trustee Tucci and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

RESOLUTION TO AUTHORIZE REFUND INCORRECT ASSESSMENT
1 MAIN STREET

MOTION BY Trustee Tucci

WHEREAS, an application of a refund of taxes has been received for the 2014-2015 Tax Roll, for tax map number 9-1-33, located at 1 Main Street, and

WHEREAS, the applicant is requesting refund based on the fact that the parcel was incorrectly assessed on the taxable portion of the roll, when it should have been wholly exempt, that is covered by a PILOT agreement with GCEDA, dated March 1, 2011, and

WHEREAS, due to the wholly exempt status from taxation, the property should not have been assessed on the taxable portion of the roll, NOW THEREFORE

BE IT RESOLVED, that the property known as 1 Main Street, Tax Map Number 9-1-33, owned by Wedge 24, LP is hereby refunded the tax paid by them in the amount of \$315.20.

SECONDED BY Trustee Bonacquisti Discussion: Trustee Kettle asked what right do they have to apply to have the tax refunded. There are a number of milestones that need to be addressed in order to receive the program. Board members agreed. On a call of

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

votes Trustee Bonacquisti – Nay, Trustee Kettle – Nay, Trustee Taylor – Nay, Trustee Tucci – Nay, Mayor Rogers – Nay. Motion failed.

RESOLUTION TO AUTHORZE 2015-2016 TAX WARRANT

MOTION BY Trustee Kettle

WHEREAS, the Board of Trustees on April 22, 2015 did approve the 2015-2016 Budget that includes a tax rate of \$10.45/per thousand, and

WHEREAS, the Clerk-Treasurer prepared a list of delinquent water/sewer charges and delinquent Public Works Fees which are a part of these minutes, NOW THEREFORE

BE IT RESOLVED that the Board of Trustees hereby authorizes and certifies the 2015-2016 Tax Warrant and also authorizes the delinquent Water/Sewer Charges to be included in the 2015-2016 Tax Warrant, and

BE IT FURTHER RESOLVED that the Mayor, Board of Trustees, and the Clerk-Treasurer are authorized to sign the Tax Warrant, and the collection of taxes shall begin June 1, 2015.

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

AUTHORIZATION, INTERNS, POLICE DEPARTMENT – Genesee Valley BOCES is requesting one-day job shadow for their students. A motion was offered by Trustee Taylor authorizing the following students may participate in a one-day job shadow internship with the Police Department with insurance provided by BOCES: Grace Judge, Brianna Pangrazio, Zoey Ransom, and Justine Reed. Seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

Genesee Valley BOCES is requesting a half-day job shadow for their students. A motion was offered by Trustee Bonacquisti authorizing the following students may participate in a half-day job shadow program with the Police Department and insurance provided by BOCES: Guy Rapone, Emily DuBois, and Jonathon Pierce. Seconded by Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

RESOLUTION TO DECLARE SURPLUS EQUIPMENT – The Police Department and the Sewer Treatment Plant submitted items that need to be declared surplus. A motion was offered by Trustee Tucci declaring the following items surplus equipment:

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

Bikes:

Make	Model	Color	Serial No.	CR#
Roadmaster	MT Fury	Red/silver	SNFSDO6B20607	2012-2848
MGX	Boys	Blue	HCHE02474	2012-3649
Roadmaster	MNT Bike	Purple	SNFSD14CP9009	2012-3957
Huffy	Boys	Blk/Gry/Red	BB04B17443	2013-2784
Mongoose	Hoop D	Chrome	ACL8K04807	2014-2473
Raleigh	Glacier	Black	M1H08931	2014-2900
Hyper	2G Series	Green/Silver	MG08A39722	2014-4298

Seconded by Trustee Bonacquisti. Discussion: Trustee Taylor suggested that the Mayor in his column advise that the bikes are available if anyone needs one. On a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

A motion was offered by Trustee Kettle to declare the following items surplus from the Sewer Treatment Plant:

Make	Model	Serial No.
Jaz	2GB SCSI Drive	
Acer Monitor	7254E	SN9171602007
Televideo Monitor	KM800S	SN843D0287
AST Research	386/33 Desk top	
Dell Desktop	Mod DHP	SNV4V3D911
Compaq Desktop	Desk Pro	SN6851BW27D060
Panasonic Printer	Multi Mode	MOD15XP1624
HP Laser Jet 1100	C4224A	SNUSJB112507
IBM Monitor	Mod 8512-002	NS9693-11371
Mac Power Book	3400	0606
Panasonic	Printer	KXP2180

Seconded by Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

RESOLUTION APPROVING FESTIVAL PERMITS - The following permits were submitted, approved by Department Heads and appropriate insurance filed.

A motion was offered by Trustee Bonacquisti to approve a Festival Permit for the Salvation Army to hold a Fishing Derby on the Wolcott Street creek bank on Saturday, May 23rd from 9 am to 5 pm and to waive the fee. Seconded by Trustee Tucci and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

A motion was offered by Trustee Tucci to allow the Eagles Fountain Fellowship (EFF) Church to hold a community outreach event on August 1 from 10 am to 2 pm. They will have an obstacle course, bounce house and healthy living information and to waive the fee.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

Seconded by Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

A motion was offered by Trustee Kettle to allow the LeRoy Historical Society to hold a Chicken Barbecue on Sunday, June 14th in Trigon Park from 9 am to 3 pm. Fees to be waived. Seconded by Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

A motion was offered by Trustee Taylor to authorize the Oatka Festival Inc. to hold the Annual Oatka Festival, parade, and activities on Saturday, July 18 and Sunday, July 19 in Trigon Park, Wolcott Street, and creek bank. Fees to be waived. Seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

ZONING BOARD MEMBER APPOINTMENT – Mayor Rogers appoints to the vacant position of the Zoning Board of Appeals, previously held by Carl Seaburg, to Bob Scott; term of office until April 2019. A motion was offered by Trustee Bonacquisti to ratify the Mayor’s appointment of Bob Scott as a member of the Zoning Board of Appeals. Seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, carried.

CITIZEN PARTICIPATION:

Terry Starowitz – is requesting the Board modify the Zoning Law in an R-1 zone to allow a professional business in a residence. Mayor Rogers suggested she submit the proper paper work that would schedule meetings for both the County and Town/Village Planning Boards.

Tom Spadaro – there is a change to the sun cover at the pool. It will be placed on the wading pool. Pool Committee will purchase the supplies and he is requesting the Village provide the manpower. It will be a green metal roof and it will be placed on the north side to the east side.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti – toured the Sewer Treatment Plant. He feels it is important that a video be taken showing what improvements are needed. We will have to raise rates and this will show exactly where we will be expending the money. The community will be well informed of the updates. In addition he would like the Board in its entirety to tour the Sewer Plant.

Trustee Kettle – Derek King, President of the Historic District will complete the necessary paperwork by May 26th, this includes the designation of Main Street and West Main Street. Information will be provided to SHIPO late summer and if approved we will be contacted in the fall. Regatta is back in the festival.

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**

EXECUTIVE SESSION: A motion was offered by Trustee Kettle to enter Executive Session for the purpose of discussing pending litigation, contract, and a personnel matter. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried. Mayor Rogers requested Clerk-Treasurer Jeary and Village Attorney Jim Wujcik be present for the session. Session entered at 7:30 pm.

REGULAR SESSION: A motion was offered by Trustee Taylor to enter Regular Session, seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried. Regular session entered at 8:45 pm. Mayor Rogers announced no action was taken during the Executive Session.

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

General Fund – check number 18715 – 18756: 138,911.57

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 Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried. Meeting adjourned at 8:45 pm.

Respectfully submitted,

Sharon M. Jeary,
Clerk-Treasurer

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 13, 2015**