

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
APRIL 22, 2015**

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON WEDNESDAY, APRIL 22, 2015, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Robert D. Taylor, Jr, Michael Tucci; Clerk-Treasurer Sharon Jeary; Chief of Police Christopher Hayward; DPW Supervisor Robert Lathan, Jr; Village Attorney James Wujcik; 3 citizens.

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

PUBLIC HEARING LOCAL LAW #1 OF 2015 – Mayor Rogers opened the public hearing for the purpose of discussing Local Law #1 of 2015 that will amend the Village’s Zoning Map. Property to be changed is at 127 West Main Street, tax map number 2-1-3.1 and 2-1-3.2 to Rezone from a Planned Unit Development (PUD) to a Commercial 1 (C-1) Zone. County’s recommendation stated that with this required modification, the proposed medical use and professional office should pose no significant county-wide or inter-community impact. There being no further discussion a motion was offered by Trustee Bonacquisti to close the public hearing, 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.

APPROVAL OF MINUTES – A motion was offered by Trustee Kettle to approve the minutes of the Board of Trustees dated, April 8, 2015 as previously printed and presented. Seconded by Trustee Tucci and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – abstains, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

COMMUNICATIONS:

LETTERS OF APPRECIATION – A letter of appreciation was received from Dick Scott for the recent assistance from the Police Department with his car.

A letter of appreciation from Anne Mattice was received expressing her appreciation for the work of DPW Supervisor and his department for keeping the Village as clean as possible throughout a very snowy winter.

Machpelah Cemetery Association submitted a letter expressing their appreciation to the DPW with the removal of leaves from the cemetery.

LETTER, DEPARTMENT OF MOTOR VEHICLE, SIGN CHANGE – A letter was received from the Department of Motor Vehicles advising that Chapter 190 of the Laws of 2014 amends the Executive Law by adding a new section 101 to require the following changes: the word handicapped must be removed from any new signs or signs being replaced. The Department of State is creating a new universal symbol of access, which will depict a figure of a person leaning forward in a wheelchair portraying a sense of movement. As the Village changes signs the County will provide the updated ones.

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NEW YORK CONFERENCE OF MAYORS, UPDATE ON STATE BUDGET –

Information was received from New York State Conference of Mayors providing a summary of the proposed 2015-16 State Budget.

NEW YORK RURAL WATER ASSOCIATION – A letter and Certificate of Recognition and Appreciation of membership was given to the Village with the New York Rural Water Association as a 30 year member.

GENESEE ARC – Invitation for Board members to attend their Annual Meeting and Awards Banquet on Friday, May 15, 2015. The event will be held at the Clarion Hotel in Batavia. Interested Board members contact the Clerk-Treasurer.

NY CONFERENCE OF MAYORS, ANNUAL MEETING - New York Conference of Mayors Annual Meeting will be held on May 3-5 at Saratoga's Gideon Putnam Hotel. Interested Board members contact the Clerk-Treasurer.

2015 REGIONAL LOCAL GOVERNMENT WORKSHOP – A Regional Local Government Workshop will be held Thursday, May 14th at the Burgundy Basin Inn, Pittsford. Interested Board members contact the Clerk-Treasurer.

NYS URBAN FORESTRY COUNCIL – The New York State Urban Forestry Council is holding an Annual ReLeaf Conference July 16-18, 2015 in Syracuse. Interested Board members contact the Clerk-Treasurer.

DEPARTMENT CONSIDERATIONS:

Chief of Police, Christopher Hayward:

- One of the three new part time officers is on his own and the other two will be next week.

Code Enforcement Officer, Jeff Steinbrenner:

- Dunkin Donuts submitted their prints and the Engineers are reviewing them.

RESOLUTION TO ADOPT 2015-2016 BUDGET

MOTION BY Trustee Kettle

WHEREAS, the Clerk-Treasurer submitted to the Board of Trustees a Tentative Budget for the 2015-2016 Fiscal Year, and

WHEREAS, a public hearing was held on April 8, 2015 on the proposal, and

WHEREAS, after review and consideration the Board also authorized to expend General Fund: \$94,500 from the Debt Reserve Fund; Sewer Fund: \$250,000 Equipment Reserve, and \$110,000 Retirement Reserve, NOW THEREFORE

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BE IT RESOLVED that the Tentative Budget setting the estimates of revenues, expenditures, salary and wages for twenty-seven pay periods (including Department Heads and non-union employees) for the 2015-2016 Fiscal Year of the various funds of the Village of LeRoy is hereby approved at a tax rate of \$10.45/per thousand of assessed valuation is established for said fiscal year.

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.

RESOLUTION TO DECLARING NEGATIVE DECLARATION, AMENDMENT TO ZONING MAP - A motion was offered by Trustee Tucci declaring a negative declaration for the rezoning of a section of West Main Street, known as 127 West Main Street, tax map numbers 2-1-3.1 and 2-1-3.2 from a Planning Unit Development (PUD) to a Commercial (C-1) Zone. 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 ADOPT LOCAL LAW #1 OF 2015, AMENDING THE ZONING MAP – A resolution was offered by Trustee Bonacquisti to adopt Local Law No. 1 of 2015 that will amend the Village’s Zoning Map for the property known as 127 West Main Street, tax map numbers 2-1-3.1 and 2-1-3.2, Rezone from a Planned Unit Development (PUD) to a Commercial 1 (C-1) Zone. 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.

POOL COMMITTEE REQUEST – The Pool Committee would like to extend the roof on the pool building to provide shade at the park. The cost of the proposal is \$5,000.00 which the committee will pay for. They are requesting the Board’s approval to provide the change to the building. A motion was offered by Trustee Tucci to approve the Pool Committee’s request to extend the roof at the pool building, and that they will be responsible for the payment of the project. Also, they are to provide the appropriate insurance for the work. 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.

RESOLUTION TO AWARD, SAFE ROUTES TO SCHOOL, AWARD OF BID, SIDEWALK

MOTION BY Trustee Taylor

WHEREAS, the Village of LeRoy is a recipient a Federal-Aid Local Project, between the NYS Department of Transportation, Contract No. D033986, and

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WHEREAS, the said Contract allows the Village to bid for the replacement of concrete sidewalks within the Village, and

WHEREAS, a Notice to Bidder was advertised and Bid Documents were available to interested persons, and

WHEREAS, sealed bids were received until 10 am on April 17, 2015, and

WHEREAS, nine competitive bids were received and the lowest Base Bid is Pro Construction, Inc. from Bergen, NY in the amount of \$299,542.00, and

WHEREAS, Village Engineers' Clark Patterson Lee reviewed the bids and recommend the Bid be awarded to Pro Construction, Inc., NOW THEREFORE

BE IT RESOLVED that the Board of Trustees hereby awards the Bid for the replacement of concrete sidewalks to Pro Construction, Inc. from Bergen, NY in the amount of \$299,542.00.

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.

NEW BUSINESS:

LETTER OF RETIREMENT, THOMAS FERNAAYS – A letter of retirement has been received from Sewer Plant Operator, Thomas Fernaays. A motion was offered by Trustee Kettle to accept Thomas Fernaays letter of retirement, effective May 1, 2015 with regrets. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Ay, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

LADY LIBERTY – Our Lady Liberty that stands on the Oatka Creek bank is in need of repair. A letter was received from Historian Lynn Belluscio advising that there is between \$5-7,000 of damage to her. The Historical Society voted to be the lead agency for the restoration of the statue. The creek bank is a beautiful and a central part of our community therefore the Board is in agreement with the restoration. After the fund raiser the Board will determine the amount of money they will donate to the project.

RESOLUTION TO APPROVE SEWER EXCLUSIONS

MOTION BY Trustee Taylor

WHEREAS, the following properties: 26-28 West Main Street, 67 Wolcott Street, 53 South Street, and 9 Garden Lane have requested exclusion of metered water from their sewer bills due to extenuating circumstances, and

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WHEREAS, the requests were heard by the Village Sewer Board on Wednesday, April 15, 2015 and they unanimously agreed and recommend that the above mentioned properties should be granted sewer exclusions, NOW THEREFORE

BE IT RESOLVED, that the Board of Trustees hereby authorizes the Clerk-Treasurer to adjust 26-28 West Main Street, account #12572 in the amount of \$7,717.42; 67 Wolcott Street, account #09010 in the amount of \$969.50; and 53 South Street, account # 05310 in the amount of \$3,463.79, 9 Garden Lane, account # 00785 in the amount of \$163.92 .

SECONDED BY Trustee Tucci Discussion: Trustee Taylor requested the Mayor advise our residents in his column that residents must show proof of the problem and that it did not enter our sewer system. On a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

REQUEST FOR INTERN, POLICE DEPARTMENT – A request has been received from Genesee Valley BOCES for a one day job shadow with the Police Department. A motion was offered by Trustee Bonacquisti to approve the request by Genesee County BOCES to allow a one day job shadow with the Police Department, insurance to be provided by BOCES, on April 24, 2015 for Tyler Schoonover from Pavilion High. 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.

APPROVAL, FESTIVAL PERMITS – A Festival Permit was received from Sunshine Nursery School to hold a Chicken Barbecue. A motion was offered by Trustee Taylor to approve a Festival Permit for Sunshine Nursery School to hold a Chicken Barbecue at Trigon Park on April 25, 2015 from 11 am to 2 pm. Seconded by Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Tucci – Aye, Mayor Rogers – Aye, carried.

A Festival Permit was received from Botts-Fiorito Post #576, American Legion to hold their annual Memorial Day Parade. A motion was offered by Trustee Bonacquisti to approve the Festival Permit for Botts-Fiorito Post #576, American Legion to hold their Annual Memorial Day Parade on Monday, May 25, 2015 from 10:30 am to Noon. Parade to begin at Legion grounds to Trigon Park. 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.

CITIZEN PARTICIPATION:

Dave Cashin – there was an incident in front of his home, that required police response. The department responded quickly and professionally. He was appreciative of their actions.

OFFICIAL CONSIDERATIONS:

Trustee Taylor – apologized for missing the last Board meeting.

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Trustee Tucci – Planning Board discussed the Dunkin Donuts project, that will begin soon and a new sign that Mooney’s on Lake Street requested.

Trustee Kettle – attended the Sewer Board Meeting and the Festival Meeting, Regatta was discussed.

Trustee Bonacquisti – congratulations to John Piazza who noticed the garage door opened at the home of a Village resident, and contacted him to take care of it. He is appreciative of the call.

Mayor Rogers – advised the Board of the recent meeting held with the County regarding the communication system. The meeting went well but we still have issues. We are working on getting the issues resolved.

EXECUTIVE SESSION: A motion was offered by Trustee Bonacquisti to enter Executive Session for the purpose of discussing pending litigation, contract and personnel matter. 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. Mayor Rogers requested Clerk-Treasurer Jeary, Chief of Police Hayward, and Village Attorney Wujcik to be present. Session entered at 7:33 pm.

REGULAR SESSION: A motion was offered by Trustee Boncquisti to enter Regular Session 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. Regular session entered at 8:30 pm. Mayor Rogers announced no action was taken during the Executive Session.

RESOLUTION TO RESCIND, NEGOTIATOR – Upon the advisement of Village Attorney, James Wujcik the Board of Trustees hereby rescinds their resolution appointing, Trustee William Kettle as Negotiator between the Citizens of Fillmore Street and the Village of LeRoy on a motion by Trustee Taylor, 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 TO PAY BILLS – A motion was offered by Trustee Taylor to pay bills as presented, 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. Payment is as follows:

General Fund – check number 18683 – 18714: 89,890.56

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ADJOURN – There being no further business a motion was offered by Trustee Tucci to adjourn, 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. Meeting adjourned at 8:35 pm.

Respectfully submitted,

Sharon M. Jeary,
Clerk-Treasurer

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