

REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

10/20/2021

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON OCTOBER 20, 2021, IN THE MEMORIAL AUDITORIUM, TRIGON PARK.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Raymond Yacuzzo, and Richard Tetrault; Chief of Police Gregory Kellogg; Supt. of DPW Robert Lathan, Clerk-Treasurer Eileen Carmel; Village Attorney Jake Whiting; Village employee Andre Carmel; Town Councilman Ronald Pangrazio; Developer Eric Biscaro (including staff, Megan); 34 citizens

Excused: Supt. of WWTF Steven Carroll

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

APPROVAL OF MINUTES: A motion was offered by Trustee Kettle to approve the minutes of the Board of Trustees dated October 4, 2021 as previously printed and presented. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

COMMUNICATIONS:

DEPARTMENT CONSIDERATIONS:

**LeRoy Police Dept.:** Chief Kellogg informed the Board that **66 Lake St., owned by Ryan McDonald, is once again a problem property**, with a stabbing occurring at the location in the last week, the second stabbing to occur there in recent months. He feels physical security measures should be put in place. The owner, McDonald, claims his hands are tied as he has no control over who is placed there by the Department of Social Services (DSS) or any say in what happens after they are installed in the residence.

Chief Kellogg reached out to DSS agencies in Genesee and Wyoming counties with plans to contact others. He was told by DSS that what Mr. McDonald claims is not true. The parolees must sign a contract and no criminal activity is permitted under the contract. DSS had not heard of criminal activity involving parolees living at 66 Lake St., despite several having been arrested in recent months. In fact, there have been 35 calls for service by the LPD to 66 Lake St. since July 16<sup>th</sup>. He feels that the situation poses a risk to the public and to his officers. Chief Kellogg also plans to follow up with Code Enforcement as there are only 2 bathrooms for 17 individual rooms. He feels that the Nuisance Law criteria have been met.

Mayor Rogers agreed that they may just have to shut it down. Chief Kellogg will keep the Board informed of the situation.

Chief Kellogg asked the Board if, instead of Nov. 1, that the **Winter overnight street parking ban in the Village begin enforcement on Nov. 15<sup>th</sup>** due to the mild weather. A motion was made by Trustee Bonacquisti for the LPD to begin enforcing the Winter street parking ban in the Village on the morning of Nov. 15, 2021, subject to change in the event of a severe weather forecast. Motion seconded by Trustee Tetrault and on a call of votes Trustee Bonacquisti – Aye,

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Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

Chief Kellogg informed the Board he has acquired signage to install in the Village Hall parking lot to **designate areas for the public to safely exchange items bought and sold on the Internet** and which are under security camera observation. He plans to advertise.

**Dept. of Public Works:** Superintendent Bob Lathan stated the DPW was working on **final leaf cleanup and landscaping.**

**Waste Water Treatment Facility:** Mayor Rogers announced that **Superintendent Steve Carroll has had open heart bypass surgery** and his family has had COVID and to keep them all their prayers. He praised WWTF workers, Andre Carmel and Rob Semmel, for doing a good job in his absence. Carmel stated that the ongoing construction on the facility was moving along.

OLD BUSINESS:

- a. **Resolution to accept Sections 2 and 3 of the SEQR for East Avenue Senior Housing PUD** – Mayor Rogers read aloud an email from Eric Weiss, of the Village’s engineering firm, CPL, stating that the engineers “don’t feel any recent discussions or information changes the responses” to sections 2 and 3 of the SEQR. Trustee Bonacquisti made a motion for a resolution to accept Sections 2 and 3 of the SEQR for East Avenue Senior Housing PUD, seconded by Trustee Yacuzzo. On a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.
- Several members of the audience loudly objected.
  - Florence Condidorio stated that the public has not seen the SEQR forms. Several in the audience agreed that they didn’t want the Board to vote before being able to see the SEQR.
  - When asked about the availability of the SEQR paperwork, Clerk Carmel stated that the paperwork was emailed to the Town for upload to the joint Town/Village website but that it had not been posted on the website yet. Paper copies that were available before the meeting were taken by the audience.
  - Ronald Pangrazio stated that it seemed to him there was a big difference between the big retention pond in the middle of the first plan for the development and the small retention pond behind his house shown at the last meeting. Did the SEQR take that into consideration? The plan had changed since the SEQR was done. Developer Biscaro said that first plan was just preliminary and the engineers had been reviewing all plans along the way.
  - Mayor Rogers stated the engineers with CPL were unable to attend the meeting but it was his understanding that CPL had reviewed the changes.
  - After some back and forth between the audience and the Board, Trustee Yacuzzo stated that he believed they should table the motion until they heard from the engineers.

**Trustee Bonacquisti made a motion to rescind the previous motion and vote on the Resolution to Accept Sections 2 and 3 of the SEQR for East Avenue Senior Housing PUD. It**

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was seconded by Trustee Kettle and on a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

**Trustee Yacuzzo made a motion to table the following until Nov. 1 meeting:**

- a. **Resolution to Accept Sections 2 and 3 of the SEQR for East Avenue Senior Housing PUD**
- b. **Resolution to accept SEQRA Negative Declaration for East Avenue Senior Housing PUD**
- c. **Resolution to Adopt Local Law #5 of 2021.**

**It was seconded by Trustee Bonacquisti. On a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.**

**Continued Citizen questions and discussion regarding the East Avenue Senior Housing PUD:**

- **Ron Pangrazio, mentioned many ant hills** in the area where the plan shows the small retention pond. If this is built, “where will the ants go?” Mayor Rogers said he’d check with CPL.
- Two unidentified audience members (one, later identified at **Dina Graf**) explained they bought a house in February based on the rural location and now are upset by these plans that they knew nothing about and felt the Board was going about this all wrong. Village Attorney Whiting stated there was a legitimate application made and two previous public hearings regarding this PUD.
- **Mayor Rogers** explained that the Village tax rate was around \$10.70/\$1000 and the school tax rate was about \$24.00/1000. If the Village doesn’t grow, it will be unaffordable for many people. The Village tax base needs to grow. He thought he was helping the village with this plan.
- **Melissa Valle, an attorney with Knauf Shaw** representing Tom Condidorio, thought redoing the SEQR was a great idea. The road and potential development across the street need to be part of the SEQR. Mayor Rogers stated that the SEQR didn’t include the west side. Attorney Whiting stated the west side is not being rezoned, it’s R1, and that’s why it isn’t incorporated into the SEQR. The road is part of the SEQR.
- **Bob Taylor** believes that since there are 2 parcels, there should be 2 SEQRs.

**d. A motion was made by Trustee Kettle for a Resolution to Approve Amendment to Lease and License Agreement with Sprint Spectrum Realty Co., LLC, regarding leased premises at 12 North Ave. for \$1,907.71/month rent.** It was seconded by Trustee Yacuzzo and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

**RESOLUTION TO APPROVE FIRST AMENDMENT TO LEASE AND LICENSE AGREEMENT – 12 NORTH AVENUE, LEROY, NY**

MOTION BY Trustee Kettle

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WHEREAS, the Village of LeRoy is property owner of 12 North Avenue, LeRoy, NY 14482,

WHEREAS, the Village of LeRoy entered into a Lease and License Agreement with Sprint Spectrum, L.P. on November 22, 1996, regarding the leased premises located at 12 North Avenue, LeRoy, NY 14482, and

WHEREAS, the expiration of the current term of the agreement expires on November 22, 2021, and

WHEREAS, a First Amendment to the Lease and License Agreement has been offered by with Sprint Spectrum Realty Company LLC, (formerly a limited partnership), to extend the current term for three (3) additional and successive five (5) year terms, \$1,907.71 per month rent. NOW THEREFORE

BE IT RESOLVED the Board of Trustees hereby approve the First Amendment to the Lease and License Agreement with Sprint Spectrum Realty Company LLC.

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

e. A motion was made by Trustee Yacuzzo for a **Resolution to Authorize Pay Application #4 to Wind-Sun Construction on the WWTF Project for \$286,090.54**. It was seconded by Trustee Bonacquisti. On a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

f. A motion was made by Trustee Tetrault for a **Resolution to Authorize an Amendment to proposal for engineering services by CPL on the Wolcott St. Reconstruction for an additional \$10,000.00**. When asked what the reason was for the change, DPW Supt. Lathan stated that storm water lines had to be moved. It was seconded by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

**Citizen discussion regarding big tree on corner of East Ave. and East Main St. -** can't see around it and makes it hard to pull out on East Main. Mayor Rogers said that's something the state DOT has to make the decision on. Dan Fernaays said when East Ave. was constructed, DOT was asked about taking down that tree and they said "no." You'd have to change the entrance to East Ave. The entrance is 22' wide and the rest of the road is 25' wide. DPW Supt. Lathan said that was true.

g. A motion was made by Trustee Bonacquisti for a **Resolution to Renew Contract with Royal Employer Services – Employee Assistance Program – annual fee \$585.00**. Royal Employer Services provides a work-based program to assist in the identification

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and resolution of productivity problems associated with employees impaired by personnel concerns including, but not limited to: health, marital, family, financial, alcohol, other drugs, legal, emotional, stress, or other concerns which may adversely affect the employee's job performance. The motion was seconded by Trustee Tetrault and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

NEW BUSINESS:

- a. A motion was made by Trustee Bonacquisti for a **Resolution Proclaiming Oct. 23, 2021 “All LeRoyan Day” in honor of Edward Henry**. It was seconded by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.

**RESOLUTION PROCLAIMING “ALL LEROYAN DAY”  
EDWARD HENRY**

Motion by Trustee Bonacquisti

WHEREAS, each year the American Legion, Botts-Fiorito Post 576 declares a LeRoyan of the Year, and

WHEREAS, said award is given to an individual who has achieved outstanding accomplishments toward community and their fellow man, and

WHEREAS, the 2021 LeRoyan of the Year Recipient of the American Legion, Botts-Fiorito Post 576 is EDWARD HENRY, and

WHEREAS, the Village Board would like to recognize his achievements to the community, and

WHEREAS, the Village Board is appreciative of his dedication, time, and efforts to the community, NOW THEREFORE

BE IT RESOLVED that the Village of LeRoy Board of Trustees declares October 23, 2021 to be known as “All LeRoyan Day” in honor of Edward Henry, and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Mayor of the Village to sign said proclamation so stating and the seal of the Village be affixed thereto.

SECONDED by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.

Greg Rogers,  
Mayor

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- b. Trustee Yacuzzo made a motion for a **Resolution designating the 2022 Village Election Date as Tuesday, March 15, 2022 with two Village Trustee positions open with Terms of Office as four years for each position.** Trustee Bonacquisti seconded the motion and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.

**RESOLUTION 2022 VILLAGE GENERAL ELECTION DATE AND TERMS OF OFFICE**

MOTION BY Trustee Yacuzzo

WHEREAS, the Village of LeRoy General Election will be held on Tuesday, March 15, 2022 at Village Hall, 3 West Main Street, LeRoy, NY between the hours of Noon and 9:00 pm, and

WHEREAS, the Board of Trustees must designate by resolution and publish the offices which are to be filed in such election and terms thereof, NOW THEREFORE

BE IT RESOLVED that Sect 1. The Board of Trustees designates the following is being vacant at the end of the current official year, to be filled at the Village election for the following terms: Two (2) Trustees each, four (4) year term. Section 2. The Village Clerk is hereby directed to publish this resolution in full in the official newspaper.

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

- c. Trustee Kettle made a motion for a **Resolution to Declare Surplus DPW vehicle and equipment – 1999 dump truck, Gator, Craftsman mower, John Deere X540 mower, Stow Jumping Jack tamper, San-Blast sandblaster, electric generator, and 3 pumps (3” Gardner, 3” Multiquip, 1-1/2” Homelite)** Trustee Tetrault seconded the motion and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye. Motion carried.
- d. **Festival Applications:** Trustee Bonacquisti made a motion to accept the LeRoy Business Council’s festival application for a **Halloween Parade on 10/31/2021.** It was seconded by Trustee Yacuzzo. All were in favor. Motion carried. Trustee Kettle made a motion to accept the **Tri the Oatka/Karen Samis application for the Jingle All the Way 5K – 1 Mile Family Walk on 12/4/2021.** It was seconded by Trustee Bonacquisti. All were in favor. Motion carried. Fees waived due to non-profit organization status for both.
- e. Mayor Rogers announced that on Oct. 14<sup>th</sup> there had been a joint Village/Town Board meeting looking into the possibility of a Spray Park at Wildwood Park. Mayor Rogers stated all members of the Village and Town Boards were in agreement with this plan. Trustee Kettle made a motion for a **Resolution in favor of going forward with a joint Village/Town plan to replace the damaged Wildwood Park wading pool with a Spray Park.** It was seconded by Trustee Bonacquisti. All were in favor and the motion carried.

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CITIZEN PARTICIPATION:

**Bonnie Reed** asked about the PILOT for the East Ave. PUD and Village taxes. Attorney Whiting stated that the GCEDC had the independent authority to negotiate the PILOT programs. Developer Biscaro applied to the GCEDC for that, not the Village. The Village has no say in how the PILOT is administered.

**Rotary Club of LeRoy, NY - Shannon and Jason Karcher** presented a Power Point presentation on the **Revitalization of Wildwood Park**. Rotary formed the Wildwood Revitalization Committee in June, made up of a cross-functional group of Rotarians and other local stakeholders. The presentation looked at the current physical state of the park. Then they discussed possible infrastructure, playground, outdoor and indoor recreation, and aqua complex ideas. They asked if the Village was willing to partner with them as far as the Village being named as the primary on grants. They aren't asking for money, as Rotary is looking into fund raising and grants. They are also looking into a "friends of the park" type of group, private funding, and fundraising to help in maintaining the park.

Mayor Rogers thanked the Karchers for their presentation and stated he felt this has great value for the community. **He polled the rest of the Board, asking if they wanted to be a partner in this endeavor. All agreed, with the caveat that it be a joint Village and Town venture.**

Trustee Kettle felt that traffic safety should be of importance to this plan and parking is an issue.

Mayor Roger asked DPW Supt. Lathan to add paving the driveway at Wildwood Park to his budget for next year and he agreed.

Mayor Rogers told the Karchers that they have the Board's full cooperation.

Rita Wallace reminded the Board that kids damage everything. They've seen that around town. Trustee Bonacquisti mentioned the use of surveillance cameras. Mayor Rogers pointed out that "we shouldn't punish all because we're worried about a couple of bad ones."

OFFICIAL CONSIDERATION:

**Trustee Bonacquisti** – announced he was a grandfather again. The Board congratulated him.

**Trustee Kettle** – the LeRoy Business Council has made plans to bring back First Night in the Village after missing last year due to COVID.

**Trustee Tetrault** – asked if anything can be done about the upstairs hall in the Village Hall to make it usable for the village again? Trustee Yacuzzo pointed out that plans had been drawn up at one time to put an elevator in the building.

**Trustee Yacuzzo** – asked that the Village recognize that without the recently-deceased Tom Spadaro, we wouldn't have a LeRoy Pool. The Village owes him a lot for all the fundraising, planning, etc. that Tom did.

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RESOLUTION TO PAY BILLS – Motion to pay bills was offered by Trustee Bonacquisti and seconded by Trustee Kettle. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

General Fund – ACH and check numbers 24315, 24640-24679, totaling \$70,514.64

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 Tetrault – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

Meeting adjourned at 8:55 pm.

Respectfully submitted,

Eileen Carmel,  
Clerk-Treasurer