

**TOWN OF LEICESTER**

**WORK MEETING**

**TUESDAY APRIL 11, 2017**

**6:00 P.M.**

The Work Meeting of the Town Of Leicester was held on Tuesday April 11, 2017 at 6:00pm at the Leicester Town Hall.

**Present** Dave Fanaro, Supervisor, Karen Roffe, Matt Durbin, Jerry Hull, Councilpeople: Amy Neumann, Deputy Town Clerk; Russ Page, Highway Superintendent, and Jim Campbell, Attorney.

**Absent** Joni Santucci

**Others** Tom Wamp, Linda Christiano, Gerald Christiano Sr., Mr. Hazen, and Renee Fanaro

The meeting was called to order and Pledge to the Flag was led by Supervisor Dave Fanaro.

Jim Campbell Presented the following Resolution:

**WHEREAS**, the Town of Leicester is the record owner of approximately 46.8 +/- acres of land located in the Town of Leicester, County of Livingston and State of New York, which is comprised of two (2) separate but contiguous parcels identified as Tax Identifier Map Parcel No. 88.00-3-47.114 and Tax Identifier Map Parcel No. 89.00-1-13.212 (hereafter "Town Property"); and

**WHEREAS**, the Town Property was conveyed to the Town by two (2) separate deeds recorded in the Livingston County Clerk's Office: 1). November 28, 1997 in Liber 938 of Deeds, at page 352 and 2). March 25, 2011 in Liber 1262 of Deeds, at page 74; and

**WHEREAS**, a portion of the Town Property was previously leased to a third party for purposes of operating a desalinization plant which benefitted the residents of the Town of Leicester and which recently was decommissioned and the lease agreement with the third party operator discontinued (hereafter "Brine Plant Property"); and

**WHEREAS**, the Town of Leicester has determined that it is no longer beneficial for the Town to own the Brine Plant Property, nor is it economically viable, practical or advantageous for the Town to use such property for any purpose; and

**WHEREAS**, the Town Board of the Town of Leicester has determined that the Town of Leicester has no viable use or need for the Brine Plant Property and has on February 14, 2017, declared the same

and some of the adjoining lands owned by the Town (a total of approximately 24.766 +/- acres and known hereafter as “Subject Property”) surplus for purposes of allowing such real property to be sold for the benefit of the tax payers of the Town of Leicester; and

**WHEREAS**, the Town Board of the Town of Leicester subsequently determined to place the Subject Property for sale at a public auction, which auction was duly advertised and noticed and was held by Pirrung Auctioneers, Inc. and Thomas P. Wamp on April 4, 2017; and

**WHEREAS**, the Town Board has authority to undertake such actions pursuant to New York State Town Law §64; and

**WHEREAS**, the successful bidder at the auction was **Gerald Christiano, Sr.** from Leicester, New York who placed the high bid of Ninety Thousand and no/100ths Dollars (\$90,000.00), plus a ten percent (10%) Buyers’ Commission to the Auctioneer, for a total purchase price of Ninety-Nine Thousand and no/100ths Dollars (\$99,000.00); and

**WHEREAS**, the Town Board of the Town of Leicester believes that the above high bid reflects the actual market value of the Subject Property and said Town Board wishes to accept such high bid as the sale price for the Subject Property; and

**WHEREAS**, the Town Board of Leicester has conducted a full and comprehensive single agency review of the proposed action pursuant to 6 New York Code Rules and Regulations §617, the New York State Environmental Quality Review Act (hereafter “SEQRA”) and on April 11, 2017 duly issued a Negative Declaration pursuant thereto; and

**WHEREAS**, this resolution approving the sale of the Subject Property is subject to permissive referendum, in accordance with Article 4 and Article 7 of the New York State Town Law.

**NOW, THEREFORE**, upon motion by Matt Durbin, seconded by Karen Roffe, it is hereby:

**RESOLVED**, that the Leicester Town Board authorizes the sale of the Subject Property known as a portion of Tax Identifier Map Parcel Number 88.00-3-47.114 and Tax Identifier Map Parcel Number 89.00-1-13.212, being comprised of approximately 24.766 +/- acres of land located along the south side of Cuylerville Road (U.S. Route 20A and N.Y.S. Route 39) in the Town of Leicester, County of

Livingston and State of New York, all as shown on an instrument survey map styled “Map of the Town of Leicester - Cuylerville Road Subdivision” prepared by Kevin M. O’Donoghue, L.S., designated as Job No. L16-8069W and dated February 6, 2017 to **Gerald Christiano, Sr.** for the purchase price of Ninety Thousand and no/100ths Dollars (\$90,000.00), plus a 10% Buyer’s commission for a total purchase price of of Ninety-Nine Thousand and no/100ths Dollars (\$99,000.00), is hereby approved; and be it further

**RESOLVED**, that the Buyer’s bid of Ninety Thousand and no/100ths Dollars plus the Buyer’s commission obligation of 10% of the purchase price is deemed to substantially satisfy the prior determination of the Town Board to “offer” the property for sale at \$100,000.00 or above and that proceeding with the above stated transaction will avoid duplication of costs and other expenses associated with any delay of the transfer of the subject property that would result from conducting another auction or otherwise listing and marketing the property for sale again; and be it further

**RESOLVED**, that the Subject Property shall be sold in “AS IS” condition with no representations or warranties of any kind and that the Subject Property shall be transferred by Bargain and Sale Deed, with a redated abstract of title and an existing instrument survey map; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute a Purchase and Sale Contract that memorializes the terms as set forth herein, said contract being contingent upon a successful permissive referendum process; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the Bargain and Sale Deed and all other necessary documentation required in order to convey the Subject Property after expiration of the time period for filing of petitions demanding a referendum if good and sufficient petitions are not duly filed, or, if so filed, after approval of the qualified voters upon due presentation of a proposition for approval at a duly noticed election therefore; and be it further

**RESOLVED**, that the Town Clerk is authorized and directed to publish notice of such permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

**IN WITNESS WHEREOF**, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

**VOTE OF THE BOARD:**

Dave Fanaro, Supervisor	YES
Karen Roffe	YES
Matt Durbin	YES
Joni Santucci	Absent
Gerald Hull	YES

Jim Campbell stated that the Permissive Referendum period of 30 days started on April 12, 2017 and to proceed in Dave Fanaro signing the Purchase and Sale Contract Dated April 11, 2017 and Publication to be printed then to move to Closing.

Jim Campbell Completed the Participation to SEQR , Part 1 Project information. A Motion was made to adopt EAF by Karen Roffe, seconded by Matt Durbin, Carried.

Part 2, Impact Assessment. A Motion was made to Adopt the Negative Impact Assessment by Karen Roffe and seconded by Matt Durbin, Carried.

A motion was made by Karen Roffe, and seconded by Jerry Hall to approve the signature of Dave Fanaro, Supervisor, to sign and Date Part #1 of the EAF Form and Part # 2 of the Negative Impact Assessment, Carried.

Gerald Christiano, Sr. asked for his name to be modified in Resolution on Document from Gerald Christiano to Gerald Christiano, Sr. A motion was made by Matt Durbin to approve the changes and seconded by Karen Roffe, Ayes 4, Noes 0, Carried.

**UPDATE**

Jim Campbell presented **Verizon Tower** update to the Board. Verizon restructured the time line from 1 year to 3 years and the Town Board was agreeable to the change in the contract.

Russ Page Highway Superintendent presented update on the, **2004 F550 Truck Replacement**. Upstate Chrysler Dodge in Attica has the best price with \$50,136.80. Russ Page stated he would have Copies of the numbers for next week's board meeting on April 18, 2017

Russ Page, Highway Superintendent presented update on **Road work**, Russ is to start scheduling priority roads as per Dave Fanaro. Dave Fanaro and Russ Page are in agreement that Canandaigua Street is First to be fixed. Drainage is a problem at Sportsman's Club on River Rd and needs to be taking care of for safety Reasons. Jerry Hull asked if letter could be sent to Sportsman's Club to address this ongoing issue. Dave Fanaro and Russ Page volunteered to go speak with Frank Schirmer at the Sportsman's Club to figure out a solution.

**Mary Yasso Buy out of Sick and Vacation Time.** Voucher was presented to Board for Action and Jena Snyder from Baldwins confirmed the number of said Buy Out is correct as per Dave Fanaro. No Action taken.

**Cemetery Bids** Dave Fanaro stated that Bid Specs were specific and as of this moment only have received one and that included Star Park and the Bid specs did not include Star Park. Jay Lynch as per Dave Fanaro is to clean up Decorations next Wednesday as per Dave Fanaro. Jay Lynch is to Keep track of hours and to be given in writing.

**Adjournment** A Motion was made by Karen Roffe and seconded by Jerry Hull to adjourn the meeting at 7:45 p.m. Motion Carried Ayes 4, Noes 0

Respectfully Submitted,

Amy L. Neumann, Deputy Town Clerk