

TOWN OF LEICESTER
PUBLIC HEARING/
REGULAR BOARD MEETING
TUESDAY, SEPTEMBER 19, 2023, AT 7:00 P.M.

The Regular /Public Hearing Meeting of the Leicester Town Board was held on Tuesday September 19, 2023, at 7:00 p.m. at the Leicester Town Hall. Pledge to the Flag was led by Supervisor Fanaro.

Present: David Fanaro, Town Supervisor; Jason Yasso, Gerald Hull, Matthew Durbin, Karen Roffe, Councilmembers; Russell Page, Highway Superintendent, James Campbell, Town Attorney; Jason Molina, LCWSA Director; Amy Neumann, Town Clerk.

Others: Renee Fanaro, Lisa Semmell, Rob Semmell, John Yasso, Jon Barrett, Rich Neumann, Jennifer Johnson, Frank Radesi, Jerry Christiano, Rich White, Dan Christiano, Jim Kane, Fay Barrett, Ed Hauslauer, Carl, and Dean Pendergast.

MINUTES: July 11, 2023, Work Meeting Cancelled, July 18, 2023, Regular Meeting: A Motion was made to approve meeting minutes by Councilmember Gerald Hull and Seconded by Councilmember Matthew Durbin. Motion carried. Ayes 5, Noes 0.

OPEN PUBLIC HEARING: Supervisor Fanaro opened Public Hearing for Two different proposed items,

One Fire Protection Agreement with Village of Leicester: A one year Fire Protection Agreement with the Village of Leicester (on behalf of the Village of Leicester Fire Department), which will commence on January 1, 2024, and expire on December 31, 2024, at 11:59. p.m. and which will provide for one annual payment to the Village by the Town in the sum of FORTY THOUSAND DOLLARS (\$40,000.00).

Second for Proposed Local Law: A proposed Local Law to establish a real property tax exemption pursuant to New York State Real Property Tax Law §466-a, for certain qualifying volunteer firefighters and volunteer ambulance workers that are residents of the Town or Village of Leicester, Livingston County, New York.

The supervisor asked if there were any questions or comments from the Town Board, there were none.

Lisa Semmell question on Fire Protection, what was the amount paid last year? Answer, \$26,000.00.

Frank Radesi asked questions on Fire Protection, Will they be required to provide all the information and training that Cuylerville Fire Department is required to provide? Answer, I would certainly hope so.

Gary Moore, Spoke and said he is in favor of both proposed public hearing items and hopes the board is as well, and “God Bless the Volunteers!” Supervisor Fanaro, Thanked Gary Moore for his comment.

Lisa and Joe Hauslauer requested to be on the agenda. Not present.

HIGHWAY SUPT. REPORT:

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SEPTEMBER 2023

- Helped the Village of Mt. Morris blacktop Parker Rd. and the basketball court at the village park that we helped mill.
- Started making a pass around town cutting foliage and saplings down off around signs and signposts.

- Prepared and blacktopped the site of the watermain break that took place a while back on Pleasant St. for the Village and an area in the parking lot of Boyd & Parker parking lot.
- Shot grades on Cone Rd. between Coverdale Rd. and Covington Rd. for upcoming work.
- Helped the T/O York shim blacktop on Craig Rd. between Stewart Rd. and Federal Rd. then backed up with gravel shoulders. Applied shoulders to Federal Rd. between Linwood Rd. and Anderson Rd. all in preparation for and NOVA chipped both roads.
- Helped the T/O West Sparta oil and stone a couple roads.
- Helped the T/O Caledonia shim blacktop on a section of Cameron Rd. then backed up with gravel shoulders.
- Cleaned up a tree that came down on Covington Road between Rte. 36 and Coverdale Road.
- Helped the T/O Perry pave a portion of Lake Leroy Road.
- Helping the T/O York install watermain in Piffard (in the area of Center Street).
- Servicing pieces of equipment to include an inspection and preparing the roadside mowers for fall mowing.

“WATER BUSINESS”

- Routine daily/monthly water check and testing.
- Some stakeouts for UFPO.
- Some flushing of the Caledonia waterline and the dead-end lines.
- Installed another valve at the Village pump station.
- Cleaned out a shut off valve in front of 221 Main Street for the Village. There was follow up work that Chris Young and RG&E took care of.

Garage Doors: \$5044.00 is the estimate to replace all four garage doors at highway building. A Motion was made to approve not exceeding \$5044.00 to replace all four doors with Woodruff Door Company was made by Councilmember Gerald Hull and Seconded by Councilmember Karen Roffe. Motion carried. Ayes 5, Noes 0.

CODE ENFORCEMENT REPORT:

September 19, 2023

Code Enforcement report (July 17- August- September 18)

New permits

Judith Milhollen 4920 Brian Road, (Roof)

Ann Marie Rodriguez 5502 Mt Morris Road, (10'x12' shed)

Michelle and Richard Pete 2462 New Road, (inground pool)

Terry Spurlock 4924 Caledonia Road, (above ground pool)

Brian Lenard 5700 Gibsonville Road (above ground pool)

Mint CP, LLC (mobile home demolition)

Sharon Blazak, (roof)

Roy Yamonaco 4965 High Street, (roof)

Peter Sica 5364 Upper Mt Morris Road, (barn demolition)

Thomas Muscarella Covington Road, (36'x 48' pole barn)

Eric Butler 1789 Bush Road, (3100 sq.ft. new home) This permit will require 11 inspections.

Robert Predmore 2738 Cuylerville Road (14'x20' shed addition to existing building)

Cayetano de Jesus 5041, (1500 sq.ft. home built on piers) After reviewing the drawings I had the engineer of record revise the foundation plan. I have already met several times with the owner/ builder Cayatano and the engineer. This permit will require 12 inspections.

Other Work

We had two Subdivision requests that were reviewed on 9/18/2023.

1. The Van Scott subdivision was reviewed and tabled after it was determined that the application was incomplete. There was concern that a buried transmission line crossed the property. I asked on several occasions for verification in writing to confirm or deny the existence of the gas line. We did not receive this information as requested so the board voted to table.

1 subdivision application. As per our subdivision law: Section 1- Minor Subdivision Plat, A. (6) All existing restrictions on the use of the land including easements, covenants and zoning lines (must be on the Plat)

2 Eric Butler (Corn Planters) subdivision was reviewed and approved by the planning board. I contacted Eric (9/19/2023) to inform him that the subdivision was approved and that he should make arrangements to have the Planning board chair sign the copy of the new survey which he will file with the county.

I have been working with Wayne Schofield to get him a permit for the building he will use for his transfer station.

I have a person who wants to build a Barndiminius in the town somewhere. I am waiting for some plans.

I have received notice from White Creek Solar Project of their intent to file an application with the Office of Renewable Energy Siting (ORES)

I have three other permit applications pending my review.

Please don't hesitate to contact me with any questions.

Sean M. Sullivan

CEO Town of Leicester

LEICESTER FIRE DEPT REPORTS: John Yasso:

Village board meeting 9/18/2023 Leicester Fire Dept. Report Town Board Meeting 9/19/2023

1. Activities

Number of calls in the past month (Aug 14 – Sept 17) 6 calls.

1) 8/31/23 – Lift assist @ 11 Oak Manor

2) 9/06/23 – Fill in at Perry Fire Hall

3) 9/06/23 – 4-Wheeler Accident @ 67 Market Street

4) 9/12/23 – MVC one vehicle into tree @ 2777 Perry Road

5) 9/16/23 – Smell of Gas at campsite @ Letchworth State Park camping area

6) 9/17/23 – Dirt Bike Accident @ 2011 New Road Empire Dragway

August monthly training – Dry Hydrant pumping – used the Village Park cistern.

2. TRUCKS:

2017 Pumper Truck 135 – Quick dump on back not working. Part is in. Repair to be done.

2006 Pumper Truck 134 - OK

.2006 Mini Pumper 133 - OK

3. Fire Hall:

1. Back Roof needs to have repairs - Leaks - Contractor to provide a quote – on Hold

2. Backup Generator?? – Wait Till Fire and EMS study is completed

4. Equipment

A) Need to order 2 more sets of gear for next budget year 2023-24. 7-9 months delivery time – Estm. \$5500.00

B) Ordered equipment for the Forestry Grant (\$3000) \$1500 / \$1500 match –

*7-12-23 most of the items are here – Invoices total \$3028.77

* 8-14-23 contacting Forest Ranger to close out grant

C) Rescue tool / Jaws needs repair – repaired and back on truck

D) AED machine updated quote to purchase 2 – one for Truck and one for village hall office -

5. Other items

A) Application for 2022 FEMA grant is submitted. Total \$190,884 for 16 air packs and spare cylinders

* 9-18-23 No response yet

C) Local Gov Efficiency - Fire and EMS study grant approved for \$19,500 at Feb. meetings Town and Village. Total for the study is \$39,000.00.

*6-7-23 Final application signed by Supervisor Fanaro and sent back to DOS

*7-17-23 CRG will start study – meeting with Fire Depts. week of July 24, 2023

* 8-14-23 Sub-Committee meeting with CRG group to kick off study information

*9-18-23 CRG is meeting with officials to get data

CUYLerville FIRE DEPT. REPORTS; Frank Radesi:

8-4 SOLAR PANEL FIRE MT MORRIS 4 MEMBERS

8-17 STANDBUY DRAGSTRIP 5 MEMBERS

8-18 STANDBUY DRAGSTRIP 6 MEMBERS

8-19 STANDBUY DRAGSTRIP 5 MEMBERS

8-23 FILL IN PERRY CENTER 7 MEMBERS

WE HAD 5 CONTROLLED BURNES

WE HAD 21 EMS CALLS

233 CALLS FOR THE YEAR

OLD BUSINESS:

Tarpon Towers Update: Supervisor Fanaro stated that a \$5,000.00 deposit from Tarpon Towers was made and will be allocated to offset the water costs due to the Tower being on Water Tower property.

Lease Agreement with LCWSA:

Deputy Supervisor Jason Yasso Public Hearing last month to discuss the lease agreement. Very small turnout, tonight since full house we will give public opportunity to speak in orderly fashion with limited time of three minutes each please stand up and state name if you're in favor or against and comments. Updated Lease agreement Draft on website for everyone's viewing.

Gary Moore, Water user, in favor of, it is time.

Rich White, Not a Water user, against it, eventually it would be in the best interest of the Town, however believes premature, would like to have time to fix what's causing everyone so much concern at this moment, if you sign agreement now there will be no difference for several years, suggested to put on hold, would like to see local control over water system stay as long as possible.

Lisa Semmell, I agree with Rich White, and water bills were just turned over to the county and her bill was still all over the radar, and we need to figure out one step before we jump into another. Until this project comes closer, we should keep water at home with local crew.

Dan Christiano, Water user at business, is against bringing to the Livingston County Water, Billing and not getting answers when calling on bills, and believes it is a precursor to the future and does not believe the Town Board should move forward.

Jackie Scaccia, I agree with several of the public, against it, I don't believe we should be moving forward, and until we know more, and the system is working right now, and we put all this money into the current system and now to turn all over to Livingston County Water Sewer Authority. There are issues and have called several times and got no one.

Deb Logsdon, I agree with everyone here. I think something to consider in future but not right now. Not sure what rush is, for this being such a huge undertaking, this is a 40-year agreement, what happens at forty years, no one on board will be here in forty years. I think a great in future but there is an election November and whoever is Supervisor, this should wait and start with New Supervisor. Too many questions, with no answers.

Gary Moore, The Towns in a Forty Year agreement already with Livingston County for Sewer.

Supervisor Fanaro Thanked everyone for their comments.

NEW BUSINESS:

Youth Board Report: Renee Fanaro Gave a quick presentation on information she was providing to the Town Clerk for handouts to the community they are for distribution on the Town Clerks Counter at the Town Hall and on the Website. School Age Learning Sessions, Family Support and Advocacy Program, Parent Network of WNY Social Media Profiles, Family/Caregiver Groups, Free online workshops, and children with disabilities. The supervisor and Town Board thanked Rene Fanaro for the information.

New Engagement Letter for EFPR moving to Local Government Services, LLC.: A Motion was made to approve signature of Supervisor on the engagement letter by Councilmember Kern Roffe. And Seconded by Councilmember Matthew Durbin.

Motion carried, Ayes 5, Noes 0.

FINANCIAL REPORTS: Budget Report, Monthly Statement of Supervisor, Town Clerk Monthly, Record of Receipts: A Motion was made to Accept the Financial Reports was made by Councilmember Karen Roffe and Seconded by Councilmember Gerald Hull.

Motion carried. Ayes 5, Noes 0.

AUDIT ABSTRACT OF CLAIMS \$161,027.92: A Motion was made to audit the bills and pay bills by Councilmember Matthew Durbin and Seconded by Councilmember Karen Roffe

Motion carried. Ayes 5, Noes 0.

CLOSE PUBLIC HEARING: Supervisor asked if there were any more comments or questions regarding local law for exemption? Frank Radesi asked what that entails? The supervisor said it was lengthy, and there are rules and following the County, and Jim Campbell described it in detail.

Supervisor Fanaro closed the public hearing at 7:30 p.m. for Proposed Local Law for Exemption.

A Motion was made to approve Proposed Local Law to establish a real property tax exemption pursuant to New York State Real Property Tax Law §466-a, for certain qualifying volunteer firefighters and volunteer ambulance workers that are residents of the Town or Village of Leicester, Livingston County, New York by Councilmember Jason Yasso and Seconded by Councilmember Gerald Hull.

Motion carried. Ayes 5, Noes 0.

Supervisor asked if there were any other questions or comments regarding the Public Hearing on one year Fire Protection Agreement with the Village of Leicester? Comments from the Town Board were to table and have not had a lot of time with this agreement, made by Jason Yasso and Karen Roffe. Supervisor Fanaro's comment was we are under a consolidation grant for the two fire companies, and it is a process, and feel that this would have a direct impact on that. Mayor Briffa spoke up and said that is why the Village only asked for a one-year agreement. Leave public hearing open and moving to table the Fire Agreement.

Comments from Town Board for the Water Lease agreement:

Councilmember Matthew Durbin appreciates comments, I will be voting yes to turn water over to Livingston County Water Sewer Authority to Jason and team. The Board and I have been discussing this for over a year. Ms. Scaccia said things have been working, they haven't been working, working in the red for a while. There are some government regulations and EPA regulations and things the Water Sewer Authority are better equipped. We want to be ready now get ducks in a row now. Those are my reasons Matthew Durbin stated.

Councilmember Karen Roffe, I vote yes on contract with Livingston County Water Sewer Authority as Matt said, this has been a long-term discussion with a lot of information. Better equipped with man power and we don't have to wait they do the water billing and meter reading, we are still going to own we are leasing and except they could improve on phone calls for bills, there are a lot of regulations coming and we have had many issues in the past, because of the way we really don't have a water department, or anyone that is responsible, and no employees will get laid off at any time. Livingston County Water Sewer Authority is better equipped to handle. Better at getting grants, doesn't see a reason to wait.

Councilmember Gerald Hull feels we should move forward with leasing to Livingston County Water Sewer Authority, we have operated in red for some time, still operating in red and would mean a rate increase and have been on notice that our supplier will give us a rate increase which would mean a rate increase to you. We have no one really in charge of overseeing everything, to reconcile everything and the bills the money, and if we hire, we need someone that is in charge of the whole thing that would mean a water rate increase. Feels County is much more qualified to handle.

Councilmember Jason Yasso, also in agreement with the rest of the Town Board. Forthcoming and forthright from day one. Since the day I took the oath, there has been nothing but troubles with billing, and goes back to when we had forensic accountant come in and review the books that led to the surcharge water increase from when Lisa Semmel was on the board so that's how long this has been around. Not something we have talked about since June and this has been talked about since Gary Moore. Councilmember Jason Yasso states has lost sleep over it some research has meetings with people taking phone calls and not easy to sit here and say in favor when you know friends' family community members are against but with all the time I have put in, have not heard why we should not, I have heard excuses, and later and why now. Comes down to lack of accountability and everyone points to the Town Board, but it is many levels in local government that is responsible. Met with Highway guys and I still agree that we should turn it over, I have listened to their concerns as well. Struggles with maintenance and accounting and billing. In favor of Leasing to Water Authority and feels it is in the best interest of the Town.

Supervisor Fanaro agrees and echoes everyone's comments on the Board in favor of. Thanks everyone for their comments and concerns, and it is time we turn this over, we cannot keep wasting money.

A Resolution:

TOWN BOARD

**TOWN OF LEICESTER
COUNTY OF LIVINGSTON**

RESOLUTION

At a regular meeting of the Town Board of the Town of Leicester, Livingston County, State of New York, held at the Leicester Town Hall on the 19th day of September, 2023.

WHEREAS, the Livingston County Water and Sewer Authority, a public benefit corporation (hereafter “Authority”) was created by state legislation (See NYS Public Authorities Law §1199-CCCC) for the express purpose of providing water and sewer services within Livingston County, New York; and

WHEREAS, the Authority has expertise in the operation of water distribution systems and sewer treatment and distribution systems; and

WHEREAS, the Town of Leicester (hereafter “Town”) owns various water distribution systems within the jurisdictional limits of the Town, which include water transmission mains, a water storage tank, fire hydrants, valves, water services, and water meters that comprise cumulatively the water distribution improvements that serve the Town’s Cuylerville Water District, Rt. 36 Water District and water customers along Caledonia Rd. within the Town (the "System"); and

WHEREAS, the Town has determined that it is in the best interest of its residents to lease the System to the Authority, so that the Authority can operate and maintain such improvements and provide water delivery services for the benefit of Town residents; and

WHEREAS, the Town has the legal standing to lease the System to the Authority pursuant to NYS Town Law §198 12. (b); and

WHEREAS, the Authority has determined that it is in furtherance of its legislative purpose (to provide water and sewer services within Livingston County) to lease the System from the Town and to operate and maintain such improvements for the benefit of the residents of the Town and the other customers of the Authority; and

WHEREAS, the Authority has the power to acquire leasehold interest in, and to operate the Town’s System pursuant to NYS Public Authorities Law §1199-DDDD; and

WHEREAS, the Town and the Authority desire to enter into a long-term agreement, wherein the Authority will lease, maintain, operate, repair and replace the facilities of the System, and will supply water directly to customers served by the System, under the terms and conditions specified in a written Lease Agreement; and

WHEREAS, the Town has determined that the action of entering such a Lease Agreement for the System is a Type 2 Action under the New York State Environmental Quality Review Act 6 NYCRR 617.5 (25) and (26).

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

RESOLVED, that the Leicester Town Board does hereby authorize the leasing of, for a forty (40) year term, the water transmission mains, water storage tank, fire hydrants, valves, water services, and water meters that comprise cumulatively the water distribution improvements located within the Town of Leicester Cuylerville Water District, Rt. 36 Water District and along Caledonia Road to the Livingston County Water and Sewer Authority and the right to operate and maintain the same pursuant to the Lease Agreement attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Town Board does hereby request that the Town of Leicester Town Clerk, Water Clerk, Highway Department and Water Department assist the Livingston County Water and Sewer Authority with the transition of the System pursuant to this Resolution and the terms of the Lease Agreement transferring the System; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to execute such Lease Agreement and any and all documents necessary to effectuate such leasing as the same may be reviewed and or prepared by the Attorney for the Town; and be it further

RESOLVED, Adoption of this Resolution is subject to permissive referendum pursuant to Article 7 of the New York State Town Law.

DATED: September 19, 2023

VOTE OF THE BOARD:

The vote duly taken resulted as follows:

Dave Fanaro, Supervisor	Aye
Matt Durbin	Aye
Gerald Hull	Aye
Karen Roffe	Aye
Jason Yasso	Aye

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LEICESTER

Amy Neumann - Town Clerk

ADJOURNMENT: A Motion to adjourn was made at 8:44 p.m. by Councilmember Matthew Durbin and Seconded by Councilmember Gerald Hull
Motion carried. Ayes 5, Noes 0.

Respectfully Submitted by,
Amy Neumann, Town Clerk