

**TOWN OF LEICESTER**  
**WORK BOARD MEETING**  
**TUESDAY, FEBRUARY 14, 2023**  
**6:00 P.M.**

The Work Meeting of the Leicester Town Board was held on Tuesday, January 10, 2023, at 6:00 p.m. at the Leicester Town Hall located at 132 Main Street, Leicester NY 14481.

**Present:** David Fanaro, Town Supervisor, Councilmembers, Gerald Hull, Jason Yasso, Matthew Durbin, and Karen Roffe; Russell Page, Highway Superintendent; Sean Sullivan, Code Enforcement Officer; Amy Neumann, Town Clerk.

**Others:** Rich Neumann, Renee Fanaro.

The Meeting opened at 6 pm and the Pledge to the Flag was led by Supervisor Fanaro

**Old Business:**

**Village Water Sale Agreement for Discussion/Attorney:** Rate possible to modify and also the meters and the age of the meters to be updated, also the maintenance of the meters. The supervisor asked the Town Board to mark this up and follow up next meeting. Town Attorney suggested making the Village responsible for all maintenance and replacement costs for any of the meters that feeds our water lines. This needs to be discussed further before signing and returning. Next week's agenda item.

**Fire Consolidation Grant/ARPA Funds:** The Town Board is working with John Yasso and the Village working with a consultant to enhance the service for the community for \$19,500,000 funded, this is to join the Village in the grant to help the two Fire Departments for a cost to the Town of \$9,750.00. We still have ARPA funds to use, and this is an eligible avenue for us to spend the funds on. Attorney James Campbell did research on this, and ARPA funds are broadening the scope of the use of these funds. The Town Board is in favor of this and contingent upon the Village agreeing.

A Motion was made to move forward contingent upon the Village being in agreement was made by Councilmember, Jason Yasso, and seconded by Councilmember, Matthew Durbin.

Motion carried. Ayes 5, Noes 0.

**New Business:**

Supervisor Fanaro opened the Two Local Laws at 6:12 p.m. to public comments or concerns. He described both Local laws and stated the Public Hearings would be open until 7:15 p.m.

**Local Law Public Hearing Local Law Sr. Citizen Tax Exemption:**

**TOWN OF LEICESTER LOCAL LAW NO.   1   of 2023**

**LOCAL LAW NO.   1-2023   PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO CERTAIN ELIGIBLE SENIOR CITIZENS**

Be it enacted by the Town Board of the Town of Leicester as follows:

**Section 1.** The intent of this Local Law is to adopt a real property tax exemption for certain qualifying senior citizens in accordance with New York State Real Property Tax Law §467.

**Section 2.** Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or siblings, one of whom is sixty-five years of age or

over, and used as the legal residence of such person(s), shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner(s) meet the qualifications set forth in section 3 below.

The partial exemption to be granted hereunder shall be determined by the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application. Any such income may not be offset by medical and prescription drug expenses actually paid by owner(s) which were not reimbursed or paid for by insurance.

**Section 3.** To be eligible for the exemption authorized by Real Property Tax Law §467 and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
\$0.00 - \$28,000.00	50 per centum
\$28,000.01 - \$28,999.99	45 per centum
\$29,000.00 - \$29,999.99	40 per centum
\$30,000.00 - \$30,999.99	35 per centum
\$31,000.00 - \$31,899.99	30 per centum
\$31,900.00 - \$32,799.99	25 per centum
\$32,800.00 - \$33,699.99	20 per centum
\$33,700.00 - \$34,599.99	15 per centum
\$34,600.00 - \$35,499.99	10 per centum
\$35,500.00 - \$36,399.99	5 per centum

**Section 4.** This Local Law supersedes all resolutions and Local Laws previously adopted by the Leicester Town Board to implement a partial real property tax exemption for certain eligible sixty-five (65) years of age or older.

**Section 5.** This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Dated at Leicester, New York  
January 10, 2023 (Introduced)  
February 14, 2023 (Adopted)  
Amy Neumann - Leicester Town Clerk

**Public Hearing Local Law Disabled Persons Tax Exemption:**

**TOWN OF LEICESTER LOCAL LAW NO.   2   of 2023**

**LOCAL LAW NO.   2-2023   PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOME**

Be it enacted by the Town Board of the Town of Leicester as follows:

**Section 1.** The intent of this Local Law is to adopt a real property tax exemption for persons with disabilities who have a limited income in accordance with New York State Real Property Tax Law §459-c.

**Section 2.** Real property owned by a person with disabilities whose income is limited by reason of such disabilities, and used as the legal residence of such person, shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner meets the qualifications set forth in Section 3 below.

The partial exemption to be granted hereunder shall be determined by the income of the owner for the income tax year immediately preceding the date of making application. Any such income may not be offset by medical and prescription drug expenses actually paid by owner which were not reimbursed or paid for by insurance.

**Section 3.** To be eligible for the exemption authorized by Real Property Tax Law §459-c and implemented by this Local Law, the maximum income of such person shall not exceed \$28,000.00. Any such person having a higher income shall be eligible for an exemption in accordance with the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
\$0.00 - \$28,000.00	50 per centum
\$28,000.01 - \$28,999.99	45 per centum
\$29,000.00 - \$29,999.99	40 per centum
\$30,000.00 - \$30,999.99	35 per centum
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\$32,800.00 - \$33,699.99	20 per centum
\$33,700.00 - \$34,599.99	15 per centum
\$34,600.00 - \$35,499.99	10 per centum
\$35,500.00 - \$36,399.99	5 per centum

**Section 4.** This Local Law supersedes all resolutions and Local Laws previously adopted by the Leicester Town Board to implement a partial real property tax exemption for certain eligible persons with disabilities.

**Section 5.** This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Dated at Leicester, New York

January 3, 2023 (Introduced)

February 14 , 2023 (Adopted)

Amy Neumann - Leicester Town Clerk

**LCWSA, January and February Water Meetings Discussion, Jason Molino:** Summary of January and February meetings that have been done. There is a lot of work that has been done.

Date: February 13, 2023

Subject: January and February Water Meetings

Over the past month I have met twice with Board Member Hull and the Town Highway/Water Staff. During our meetings I have reviewed current water consumption data with the group and discussed any issues of concern with respect to water service. This has included, but is not limited to, the Town water fund budget, water loss, water purchase from the Town of York and Village of Leicester, hydrant flushing and water customer account data.

During our discussions, the following two items are most notable:

- When reviewing the quarterly water bills from the Village and T-York it was identified that for the service period 10/1/22-12/31/22 (Q4) the T-Leicester purchased significantly less (~2M gallons) of water than in prior quarters. After further discussion it was identified that Q4 2022 had considerably less flushing than the prior year due to Rt. 36 just starting in 2021. It was also discussed that the Village could have read the meters on a different schedule, shorting the quarters total. No clear reason was identified for the decrease in consumption, but it was agreed that continuing to monitor next quarters consumption will be important.

- The January consumption data identified that Rt. 36/ Starr Park routes (Rt. 36 and Cuylerville Districts) showed a monthly water loss of ~560,000 gallons when comparing master meters to retail meter reads. This is a 42.7% loss in water/revenue or ~\$3,000 for the month of January. During our discussion Town staff confirmed they track daily flows into the water tank via meter reading. As a result, it was agreed that the daily tank reads should be incorporated into the monthly review as it may assist in isolating where the water loss is occurring – before or after the water tank. In addition, it was agreed that staff will walk the transmission line in back lots and check around stream banks for water surfacing or water leaks.

While still too early to determine what is causing the water loss, we will continue to take a proactive effort to minimize the amount of water loss/revenue.

If you have any questions, please do not hesitate to contact me.

**NYMIR Insurance Claim:** Town Attorney did make a claim to NYMIR for the Water, and it was denied.

Town Attorney and Town Supervisor made it clear that we are borrowing from the Reserve Highway Equipment Fund, and it will be paid back. We cannot borrow any other funds unfortunately. We have to do this and the Reserve equipment fund will be paid back.

**Water Resolution:**

**TOWN BOARD  
TOWN OF LEICESTER  
COUNTY OF LIVINGSTON  
RESOLUTION**

At a meeting of the Town Board of the Town of Leicester, Livingston County, State of New York, held at the Leicester Town Hall on the 14<sup>th</sup> day of February 2023.

**WHEREAS**, the Town of Leicester has certain water distribution facilities within the jurisdictional limits of the Town, which include facilities to service those properties in the Town that are or have received water from the Town purchased by the Town pursuant to a Water Supply Agreement with the Village of Leicester, and also includes those properties along Caledonia Road that are or have been served by water that the Town purchased from the Town of York (collectively referred to herein as “Water Customers”). The Water Customers do not include customers of the Town of Leicester Rt. 36 Water District (“Rt. 36 Water District”); and

**WHEREAS**, the Town of Leicester Water Department is operating at a deficit and is unable to meet its financial obligations while maintaining the rate and billing structure that is currently in place for the Water Customers; and

**WHEREAS**, the Rt. 36 Water District is not a part of the operating deficit referenced above and is not intended to be a part of the water rate changes anticipated herein; and

**WHEREAS**, the Town has determined that it is necessary to amend a certain aspect of the charges for water, that being the Quarterly Unit Base Charge which is applicable to each billing unit for Water Customers within the Town, which includes those customers that are or have been served by water purchased by the Town from the Village of Leicester and those properties along Caledonia Road that are served by water that the Town purchases from the Town of York; and

**WHEREAS**, in order to overcome the operating deficit associated with the Water Customers, the Town has determined the Quarterly Unit Base Charge for each billing unit needs to be raised from a previous rate of \$25.00 per unit each quarter, to a new rate of \$40.00 per unit each quarter; and

**WHEREAS**, that portion of the Water Customers that do or have received water from the Town through its supply agreement with the Village of Leicester (which does not include the properties along Caledonia Road that are served by water that the Town purchases from the Town of York or the Town of Leicester Rt. 36 Water District) are indebted to the Village of Leicester in the amount of \$180,000.00, which such amount represents a compromised and settled amount with said Village relating to previously unpaid water charges due and owing exclusively by the Water Customers in the Town of Leicester who received water supplied to the Town by the Village of Leicester; and

**WHEREAS**, such debt owed to the Village of Leicester by Town Water Customers who receive water supplied to the Town by the Village of Leicester shall be paid over time; and Page | 2

**WHEREAS**, in order to generate sufficient funds to pay the debt service associated with the amount owed to the Village of Leicester, the Town deems it to be necessary and appropriate to create a new Quarterly Debt Charge of \$30.00 that shall apply to each unit of the Water Customers that do or have receive water from the Town through its supply agreement with the Village of Leicester (which does not include the properties along Caledonia Road that are served by water that the Town purchases from the Town of York or the Town of Leicester Rt. 36 Water District) for an anticipated period of seven (7) years, or such period of time necessary to provide adequate funds to pay such debt; and **WHEREAS**, the Town has held a duly noticed public hearing on January 31, 2023, at which time all interested parties were afforded an opportunity to be heard; and **WHEREAS**, the Town has determined that the action of amending the charges to the users of the Consolidated Water District is a Type 2 Action under the New York State Environmental Quality Review Act 6 NYCRR 617.5.

**NOW, THEREFORE**, upon motion by Councilperson \_Karen Roffe\_, seconded by Councilperson \_Matthew Durbin\_, it is hereby:

**RESOLVED**, that effective with the May 1, 2023, billing cycle, the Quarterly Unit Base Charge applicable to each unit of the Water Customers (which does not include customers of the Rt. 36 Water District) shall be increased from the previous rate of \$25.00 per unit, each quarter to a new rate of \$40.00 per unit, each quarter; and be it further.

**RESOLVED**, that effective with the May 1, 2023 billing cycle, each unit of the Water Customers that do or have receive water from the Town through its supply agreement with the Village of Leicester (which does not include the properties along Caledonia Road that are served by water that the Town purchases from the Town of York or the Town of Leicester Rt. 36 Water District) shall be billed a new and additional Quarterly Debt Charge of \$30.00 that shall appear on the quarterly water bill; and be it further

**RESOLVED**, that the new and additional Quarterly Debt Charge of \$30.00 for each unit of the Water Customers that do or have receive water from the Town through its supply agreement with the Village of Leicester (which does not include the properties along Caledonia Road that are served by water that the Town purchases from the Town of York or the Town of Leicester Rt. 36 Water District) shall continue to be billed and collected until such time that all debt service associated with the repayment of the compromised and settled amount with the Village of Leicester relating to previously unpaid water charges due and owing have been paid, at which time such Quarterly Debt Charge will no longer be a charge per unit.

DATED: \_February \_14\_, 2023 Page | 3

**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

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Amy Neumann - Town Clerk

**Cuylerville Fire Contract:** Consult with Fire Department needs to happen first as per Jason Yasso. Typically, this expires yearly. The Town Attorney said we should have a public hearing when approving the Fire Contracts. Supervisor will reach out to Fire Chiefs to set up individual meetings. This will be on the next agenda.

**WNY Cemetery Services Price Increase:** This is for information for the Town Board. Went up for \$40.00. No action taken.

**Abstract and Bill Audit from January 17, 2023 Meeting:** A Motion was made to approve by Councilmember, Gerald Hull, and seconded by Councilmember, Jason Yasso. Motion carried. Ayes 5, Noes 0.

**Supervisor's subjects:**

**EFPR Budget Format Review:** Email from Margaret Dunn from EFPR Solutions apologizing for the lack of supervisors reports and Budget report and banks statements. They are working on getting these for your meeting.

Supervisor Requests the time sheets for excel and the individual vouchers requested before Supervisor approves payroll.

**NOCO Energy:** Next Tuesday they will be here and want to do a presentation to be only provider for electrical services.

**NYSEG:** Email received by Supervisor to Replace the streetlights for the Town of Leicester. One time cost to the Town. \$1,346.46 for 61 lights. The supervisor will send an email back to initiate this. The Town Board agrees to have the Town Supervisor proceed.

**NYMIR:** Deputy Supervisor, Jason Yasso, Highway Superintendent and Town Clerk met with NYMIR Rep she had some suggestions and everything was in good order except she said we need a fence around the water Tower and there was a miscommunication because she took picture of a different water tower not ours. NYMIR apologized for the miscommunication and the Highway Superintendent will follow up with a check list.



**Parking Lot:** A Motion was made to have the Highway Cut the Tree down near parking lot first and have all Town Employees and Town Highway Employees Park in the marked parking spots by Councilmember, Matthew Durbin, and Seconded by Councilmember Jason Yasso.  
Motion carried. Ayes 5, Noes 0.

**Highway Floor in Office Break Room and Bathroom:** Highway Superintendent will speak with Jaz Cam and let the Town Board know how we are proceeding. If they want to move forward put language in contract to the effect that the Town is not responsible for asbestos testing or removal.

**Total Benefits Paid By Town:** Highway Superintendent Russ Page asked the Town Supervisor to take care of the new Benefits paid by Town sheet from new accountant so he may properly bill the Village with new rates. Give it to Amy and she can send it to Margaret at EFPR Solutions to get updated.

Local Laws 1-2023 and Local Law 2-2023: Supervisor Fanaro asked if there were any questions or comments from the public or Town Board regarding these two local laws. Hearing none. A Motion was made to close both Public Hearings at 7:19 p.m.

A Motion was made to adopt Local Law 1-2023 by Councilmember Jason Yasso and Seconded by Councilmember Karen Roffe.  
Motion carried. Ayes 5, Noes 0.

A Motion was made to adopt Local Law 2-2023 by Councilmember Gerald Hull and Seconded by Matthew Durbin.  
Motion carried. Ayes 5, Noes 0.

**Adjournment:** A Motion made to adjourn the Town Board Meeting at 7:03 p.m. by Councilmember, Jason Yasso, and Seconded by Councilmember Gerald Hull.  
Motion carried. Ayes 5, Noes 0.

Respectfully Submitted,  
Amy Neumann, Town Clerk