

TOWN OF LEICESTER
REGULAR BOARD MEETING
TUESDAY, MARCH 21, 2023, AT 7:00 P.M.

The Regular/Public Hearing Meeting of the Leicester Town Board was held on Tuesday, March 21, 2023, at 7:00 p.m. at the Leicester Town Hall.

Present: David Fanaro, Supervisor; Matthew Durbin, Karen Roffe, Gerald Hull, Councilmembers; Russell Page, Highway Superintendent; Amy Neumann, Town Clerk.

Others: Renee Fanaro, Phillip Abbott, Drew Brownson, Rich Neumann, Sean Sullivan, Frank Radesi, John Yasso, Rob Semmel. Lisa Semmel, Todd Lubanski, James Kane.

NY CLASS; Kathy Saville Presentation (ZOOM): Presentation was on investing Town Funds with greater return on interest and presentation on information on how to proceed if the Town Board and Supervisor chooses to do so. Competitive Rates at 4.49% currently. This had been presented to the Town Board and Supervisor years prior in Nunda. The Town of Leicester joined NY Class 3 years ago with a Resolution that was passed by the Town Board with Supervisor as authorized signer. How to proceed is Supervisor Fanaro would sign into a secure portal with permissions he has been provided and transfer funds. Funds need to be transferred prior to noon on any given day. Transfers can be done by wire or ach and would start accumulating interest right away. You can move money in and out of the program as often as you want.

Livingston County Participants currently include, York Fire District, Livonia Fire District, Conesus Fire District, Avon School District, Livonia School District, Geneseo School District, Dansville School District, Town of Avon, Town of York, Town of West Sparta, Town of Conesus, Village of Geneseo, Village of Avon, and Village of Lima.

The supervisor explained why the stall in investing was the lower interest rate and speaking with banks, then covid. The Town of Leicester has just taken in Taxes, so feels now is the time to proceed. Supervisor will follow up with Kathy Saville and get started.

Supervisor asked if any questions, there were none.

NOCO Presentation: Phill Abbot and Drew Brownson presented to the Town Board and Energy Presentation. The company specializes in Gas, Diesel, Compost, Lighting Heating Cooling and Solar Farms, bundled or discounted. Main point is saves Town Money one point of contact for all energy needs, discounts for Town and Town Residents. Noco is a family owned. Bundle and save money by offering at discounted price. Grab Oil is owned by Noco as well.

Minutes: January 31, 2023, Special Public Hearing Meeting, February 14, 2023, Work Meeting, and February 21, 2023, Regular Meeting: A Motion was made to approve the meeting minutes presented by Councilmember, Karen Roffe and Seconded by Councilmember, Matthew Durbin. Motion carried. Ayes 5, Noes 0.

Lisa Semmel asked why they are on the web site before they are approved. The answer was that as soon as they are sent to the Town Board in an email, the Town Clerk posts to the Website for the public viewing. If there is an Amendment, they are reposted after with amendment. Supervisor states he would rather have them up as soon as possible.

Highway Superintendent, Russell Page:

HIGHWAY SUPT. REPORT

MARCH 2023

- Twelve days out of the past twenty-seven, had snow and or ice removal.
- Sign work to include: refacing some signs for future replacement, put a stop sign back up at the intersection of Peoria Rd. @ Caledonia Rd., put a curve sign back up on Upper Peoria Road.
- Equipment service and repair.
- Routine cleaning and washing of equipment and the shop floor bays.
- Hauled in 200 ton of Town use salt, 100 ton of State use salt and a load of Town use sand to replenish the piles.
- Compiling a list of road projects and quotes for the summer season.
- Had four trees to clean up and remove that had come down due to the wind and ice events.
- Extended the main air line in the Highway Garage.
- Trimmed some trees back on Highbanks Rd., Starr Rd., Brian Rd., and South Street.
- I attended a Legislative presentation on our needs for the State funding held at the T/O Canandaigua Hwy. facility.
- The Town Clerk and I submitted our annual Federal drug and alcohol clearing house query with no drivers prohibited.
- Started 10 hr. workdays since March 15th.

“WATER BUSINESS”

- Routine daily/monthly water check and testing.
- Had our monthly meeting with Jason Molino from the Liv. Co. Water Authority, councilman Hull, and Town/water staff (see report from Jason Molino). Went over water operations and data. Reviewed results from the prior action item list and created more action items. Working on that list to include: walking water mains, checking creeks, streams and ditch lines for any unusual appearance of water, listening to hydrants and valves, documenting/mapping curb boxes, main valves and services and reading the master water meters.

Highway Superintendent Subjects:

Bathroom Office Breakroom Update: Joe Zambito from Jaz Cam not confident that he can guarantee it would bond appropriately. Joe had also reached out to Kircher about asbestos remediation like at \$500.00 per square foot. Project on hold for the moment.

Loader: Loader is in. Arrangements for Loader trade 2020 for a 2023. 1-year full machine factory Warranty with additional 2 years or 1000 hours. \$31,933.57. Highway Superintendent will keep the Board updated.

Auction Surplus Results: Water Meter Parts from old meters were sold at March Net Auction. They will be coming to the Town Highway Department to pick them up. Check for \$37.00

Excavator Trade Proposal Update: Alta with 5301 Hours. 300 Hours a year on it. Leaks water.

Code Enforcement Report, Sean Sullivan:

2/14/2023 – 3/21/2023

Final inspection for Larry Wilkins addition located on 4715 Brian Road
C of O pending after completion of a couple details.

3/6/2023 Working on lot line adjustment for Dean and Sandra Pendergast. The Pendergast's have applied for a variance to accommodate the lot line adjustment.

CORRECTION: In an email I sent out regarding this variance I made a mistake on the setback requirements. Because the barn is considered an accessory structure the setback is 10' not the 20' that I stated in the email. I have notified Dean and Sandra of this correction.

3/6/2023 Worked with Andrew Cutting regarding the requirements for obtaining a permit for a new home construction.

3/6/2023 Received confirmation from Livingston County Planning on the addressing I did for Andrew Cutting's new home construction.

3/12/2023 Researched Tax Parcel 87.-1-26.116 for Tucker Patnode who was interested in purchasing the property. I had questions about building in back of the Business District as the driveway would have to be routed through the Business District. After some research it was decided that indeed a home could be constructed in back of the B District. I sent an email to Tucker confirming this also with the Town Zoning Regulations regarding lot size and road frontage.

3/13/2023 – 3/15/2023 I attended a 3-day FLBOA (Finger Lakes Building Official Association) professional development seminar. It was an excellent seminar. As a result of attending, I now have all the necessary credits (24 hours) for this year.

3/17/2023 Inspected garage footing at Andy Cuttings new home project on Peoria Road. Passed

3/17/2023 Went to 1 Junk Lane and found a large addition being built without a permit. By chance the owner (Salvatore Dioguardi) came by while I was there, and I asked him to stop all work and to come in to my office so we could discuss his project.

3/20/2023 Met with Salvatore Dioguardi and advised him as to the requirements necessary to secure a building permit for the construction.

3/20/2023 Responded to an email from Jason Yasso regarding the demolition of some accessory structures on his property.

3/20/2023 Received and email regarding a roof top solar installation located at 4890 York Road.

3/20/2023 Spoke to Don Kane regarding the zoning hearing for the variance for Dean and Sandra Pendergast.

Don suggested that we consider the requirements for the septic as the new lot line placement seems pretty close to the existing septic leach field.

3/20/2023 I called Dean Pendergast and let him know where we are with the variance process.

3/21/2023 I spent 2 hours at the Livingston County Sheriffs 911 office Deputy Mike Bradley learning about the correct procedure for 911 addressing.

Sean Sullivan reported Dean Pendergast to be set on a Date next week.

Old Business:

Water Leak Detection: Highway Mapping curb stops. Rural Water Department coming tomorrow. Rural Water will want Main line valves exposed. Did have RFP out through Livingston County Shared Services that may have a little bit more of extensive process the Supervisor explained, than Rural Water. The supervisor didn't get a cost on what Rural Water would cost us, if there is any charge. If they don't find this leak the Supervisor will bring back another number to the board and it may not necessarily go up to vote, if he gets a number mid next week, he will converse with the Town Board and pull the trigger. Karen Roffe states we must solve.

Supervisor really needs a time that pipe will be replaced on tank, THMs are higher than Supervisor expected this time of year. Ed Hauslauer has not been able to flush, and we don't normally have THM removal system running this time of year and will get going again soon. Talked about connecting the Caledonia Rd line back in with a meter to be able to keep that water line fresh.

Cuylerville Fire Dept Contract: Frank Radesi, Jennifer Johnson Cuylerville FD & EMT:

Data and Financials have been given to Town Board along with Contract that is up.

Councilmember Jason Yasso was given the floor. Question, The \$9,000. Is there a detailed breakdown of what that is for that is supposed to be supplied to the Town Board. Jason has not seen this breakdown. Answer: Frank Radesi said it was provided last year and Jack McAny will provide it again in April due to fiscal year going from April to April. Jack will send to the Town Board. The supplies, according to Frank Radesi, is the only thing that is broke down for the \$9,000.00. Fuel not broken down in that cost.

Discussion continued about the training with all members. A list of all trained members was given to the Supervisor and Town Board. All current members have first aid and CPR Certified and 12 Members Narcan certified. More discussion about calls and mutual aid to neighboring towns and how long it has been going on. Jason Yasso would like to have better and clearer communication with the Town Board and Cuylerville Fire Department and have a modification to the new contract that this happens. So that when the Cuylerville Fire Department needs

money it is discussed and is represented why it is needed. Councilmember Jason Yasso is Thankful for the Services that both Fire Departments provide. The Supervisor agrees with Councilmember Jason Yasso that there needs to be better communication and data that shows what is needed and why and is hoping that the study will help with some of these questions why two fire districts are paid for the Town of Leicester.

August is our budget time and the communication needs to be had before this time frame so it can be planned for in the Town Budget plan.

The supervisor said to add #10 paragraph Cuylerville Fire Department will provide the Leicester Town Board a Monthly Report that will show calls, and a profit and loss report.

Public Hearing was brought to the attention of the Supervisor by Councilmember Jason Yasso, and we are out of contract currently.

The supervisor would like to have paragraph # 10 added by his office and get the contract signed and checks distributed. It will be emailed to Frank Radesi and the Board.

TOL Total Paid Benefits: Supervisor to have discussion with Margaret Dunn at EFPR Solutions. This is a hourly rate for the Highway Department. This must be done so the Highway Superintendent can bill the Village. The supervisor will bring it back to the Board.

New Business:

Agreement for Fire Study: CGR Grant with Consultant. A Motion was made to approve by Councilmember, Matthew Durbin, and Seconded by Councilmember, Karen Roffe. Motion carried. Ayes 5, Noes 0.

Parks and Rec: Livingston County Ian Coyle, is going to fill out paperwork to send \$20,000.00 It must be spent first then we will be reimbursed. The supervisor has spoken to a couple of local contractors to redo the roof at buildings in Boyd and Parker Park, to save structure, next meeting will have those numbers for the Board.

Awarded JCAP GRANT HVAC Upgrade for Board/Court Room \$8,365.70, Info Only: Mini split for Court Room. Information only.

Tarpon-Verizon Cellular Tower:

Cell Tower SEQR: Unlisted Action

Part 1: A Motion was made to Authorize the Town Supervisor to sign Part One was made by Councilmember, Jason Yasso, and Seconded by Councilmember, Matthew Durbin. Motion carried. Ayes 5, Noes 0.

Part 2: 11 questions for the Town Board to answer:

- 1.) **No**
- 2.) **No**
- 3.) **No**

- 4.) No
- 5.) No
- 6.) No
- 7.) No
- 8.) No
- 9.) No
- 10.) No
- 11.) No

A Motion was made to adopt these answers as the official findings of the Town Board for Part 2 of the SEAF by Councilmember, Jason Yasso, and Seconded by Councilmember, Karen Roffe. Motion carried. Ayes 5, Noes 0.

Part 3: A Motion to adopt a Negative Declaration, the Town Board has determined that the proposed action will not result in any significant adverse environmental impacts and Authorize the Town Supervisor to sign by Councilmember Karen Roffe and Seconded by Councilmember Jason Yasso. Motion carried. Ayes 5, Noes 0.

**Cell Tower Resolution:
TOWN BOARD
TOWN OF LEICESTER
COUNTY OF LIVINGSTON**

RESOLUTION # 3 of 2023

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 21st day of March, 2023.

WHEREAS, the Town of Leicester is the record owner in fee of real property known as 4682 Caledonia Road, located in the Town of Leicester, County of Livingston and State of New York, also being known as tax identifier map parcel number 88.-1-54 and being approximately 1.00 acres in area (hereafter “Subject Property”); and

WHEREAS, the Town of Leicester utilizes a portion of the Subject Property for certain water system infrastructure; and

WHEREAS, the Town of Leicester does not need to utilize the entire area of the Subject Property to meet its water infrastructure needs; and

WHEREAS, the Town of Leicester has been approached by Tarpon Towers III, LLC (“Tarpon”) requesting to lease a portion of the Subject Property not being used by the Town, to allow Tarpon to

construct and manage a cellular tower on a portion of the Subject Property that is an area of 75' by 75' or 5,625 square feet as shown on the attached map ("Leased Area"); and

WHEREAS, the Town of Leicester has no other legitimate municipal or public purpose or need for the use of the Leased Area; and

WHEREAS, the Town Board wishes to enter into a lease agreement with Tarpon for the Leased Area and deems it to be in the best interest of the Town residents and businesses, especially given that cellular coverage in the Town is limited; and

WHEREAS, the Town Board has authority to undertake such action pursuant to New York State Town Law §64; 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 March 14, 2023 duly issued a Negative Declaration pursuant thereto; and

WHEREAS, this resolution approving the lease of a portion 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 BE IT RESOLVED that the lease of a 5,625 square feet portion of the Subject Property for an annual rental fee of Twelve Thousand and no/100ths Dollars (\$12,000.00), with an annual escalator clause, all as shown in the proposed Land Lease Agreement attached hereto is hereby approved; and be it further

RESOLVED, that the Subject Property shall be let in "AS IS" condition with no representations or warranties of any kind other than those as may be set forth in the proposed Land Lease Agreement; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Land Lease Agreement as offered by Tarpon that memorializes the terms and which is contingent upon the permissive referendum process; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Land Lease Agreement and all other necessary documentation required in order to establish the leasehold interest in the Leased Area, 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 this Resolution made subject to 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 is adopted subject to permissive referendum, in accordance with Article 4 and Article 7 of the New York State Town Law.

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 __Aye____

Karen Roffe __Aye____

Matt Durbin __Aye____

Gerald Hull __Aye____

Jason Yasso __Aye____

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LEICESTER**

March 21, 2023

Amy Neumann, Town Clerk

Cell Tower Notice Subject to Permissive Referendum: to be published within 10 days.

**PUBLIC NOTICE OF RESOLUTION OF THE TOWN OF LEICESTER
ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

PLEASE TAKE NOTICE that a Resolution was adopted by the Town Board of the Town of Leicester on March 21, 2023, by majority vote at a duly convened and noticed public meeting, subject to permissive referendum, whereby the Town Board of the Town of Leicester determined that it was in the best interest of the public to lease a portion of its property located at and known as 4682 Caledonia Road in the Town of Leicester, County of Livingston and State of New York, also being known as tax identifier map parcel number 88.-1-54 and being approximately 5,625 square feet in area, which will be leased to Tarpon Towers III, LLC and used to erect and operate a cellular communications tower. Such Resolution further authorized the Town Supervisor to accept and sign the Land Lease Agreement and to execute any and all documentation necessary to in order to create the leasehold interest for Tarpon Towers III, LLC.

The Town Board has authority to undertake such actions pursuant to New York State Town Law §64; and

Such action was adopted subject to permissive referendum and notice thereof is hereby provided pursuant to New York State Town Law §90; and

Pursuant to New York State Town Law, any petition for referendum must be made and filed pursuant to Article 7 thereof; and

Copies of the Town Board minutes and the above-referenced Town Board Resolution (including a copy of the Land Lease Agreement) may be obtained at the Leicester Town Hall from the Office of the Town Clerk.

Dated: March 21, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LEICESTER

Amy Neumann, Town Clerk

Warrens Service Contract for 2023/2024 Year: A motion to approve was made by Councilmember Gerald Hull, and Seconded by Councilmember, Karen Roffe. Motion carried. Ayes 4, Noes 0.

Hometown Heroes Banners and Veterans Monument in Village Park: Karen Roffe brought to Town Boards attention information from Village board meeting, that it is time for banners to be put up and they have run out of poles to put them on and one idea to put on poles in Cuylerville was one idea and they were wondering if the Town of Leicester will be helping Mark Bonadonna put up banners because it takes two people to put them up. They also brought up that its time to refurbish the Veteran’s Monument in Village Park and brought up a valid point that the Village and Town should be helping with that. Just relaying information. Supervisor Thanked Councilmember, Karen Roffe.

Financial Reports: A Motion to accept the Town Clerk Report and Monthly Receipt Sheet Reports, Budget Report, Monthly Statement of Supervisor was made by Councilmember Karen Roffe and Seconded by Councilmember Gerald Hull. Motion carried. Ayes 5, Noes 0.

Audit Abstract of Claims: A Motion was made to audit the bills and pay bills by Councilmember Matthew Durbin and Seconded by Councilmember Gerald Hull.

ARPA	\$ 0.00
Prepaid	\$ 6,743.38
Prior Year	\$ 0.00
Regular	\$ 24,414.64
Total	\$ 31,158.02

Town Clerk/Comptroller Signature
Amy L. Neumann
Motion carried. Ayes 5, Noes 0.

Supervisor Fanaro asked if there were any questions or anything else to come before the Board?

Frank Radesi asked if requiring from Both Fire Departments the same things that were asked of them for reports? Town Board member Karen Roffe and Supervisor Fanaro answered yes.

Adjournment: A Motion was made to adjourn the meeting at 8:53 p.m. by Councilmember Karen Roffe, and Seconded by Councilmember, Jason Yasso.

Motion carried. Ayes 5, Noes 0.

Respectfully Submitted,
Amy Neumann, Town Clerk