

**REGULAR MEETING
TOWN OF CONESUS
FEBRUARY 7, 2023**

A regular meeting of the Town Board of the Town of Conesus, County of Livingston and the State of New York was held at the Town Hall, 6210 South Livonia Road, Conesus, New York on the 7th day of February 2023.

PRESENT:	Donald Wester	-----	Supervisor
	Jerome Butterbrodt	-----	Councilman
	Richard Corrigan	-----	Councilman
	John Fama	-----	Councilman
	Gary Sparks	-----	Councilman/Deputy Supervisor
	Annette McNinch	-----	Clerk
	Dan Marusiak	-----	Highway Superintendent

OTHERS PRESENT: Ron Maxwell, Code Enforcement Officer; and members of the community.

Supervisor Wester led the Pledge to the Flag.

PRIVILEGE OF THE FLOOR:

- **Larry Ebersold and Jo Beach, Livonia Ambulance**
 - Mr. Ebersold thanked the Town Board for their support of the Ambulance District
 - He stated that the monies from the Town of Conesus are strictly used to support Conesus Citizens needing their services. Conesus Residents utilizing the ambulance service are not billed and are not responsible for copays.
 - The current commissioners of the Ambulance District are Matt Cicero, Larry Ebersold, Scott Marshall, Jo Beach, and Andre Allen
 - 1,531 Calls were answered in 2023.
 - Recent purchases utilizing Livonia Code Relief Fund Grants included 3 new stretchers, new stair climbers and an oxygen generator.
 - One of the old ambulances was fitted with a new chassis which saved the District \$6,000.
 - The Ambulance District provides CPR classes at no charge and would provide training for Town Employees.
- **Michelle Salvagno and James LaValle, Garham Group/Highbridge Regarding New Phone System for Town Hall and Highway Garage**
 - Councilman Sparks invited Ms. Salvagno and Mr. LaValle to attend the meeting so that Board Members could ask questions Supervisor Wester thanked Councilmen Sparks and Butterbrodt and Ms. Salvagno and Mr. LaValle for their time and efforts regarding this project
 - The phone service that would be provided is a managed IP and VOIP
 - There will be one main phone number and one fax number.
 - Unlimited number of in and out calls.
 - They are coordinating with Hurricane Technologies for the necessary hardware and interface with the current IT infrastructure.

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- The return on this investment was estimated at 23 months based on today's rates.
- If the internet is out at the Town Hall the app on cell phones will still work on the phones that it is installed on.
- The next step is the configuration meeting with the engineer. He will be on site in the next week. This meeting will be coordinated with Hurricane Technologies.
- Mid-March is the target for installation.

ANNOUNCEMENTS AND COMMUNICATIONS

1. Next Town Board Tuesday February 21, 2023, 7PM
2. Public Hearing for Local Laws: Exemption for Senior Citizens and Disabled Citizens will be held on February 21, 2023.

REPORTS OF TOWN OFFICIALS:

Supervisor – *Don Wester:*

- Supervisor's Financial Report for January 2023

Town Clerk – *Annette McNinch:*

- Clerk's Financial Report for January 2023

Highway Superintendent – *Dan Marusiak:*

- Snow and Ice Removal has been the top priority
- A new eye wash system has been purchased and installed from Grainger. This will save money over the current system.
- A reaction blade has been ordered for the truck Tim Willis operates. He provides plow service for Marrowback Road and Durkee Road. If it works as well as stated that eventually all the trucks would be converted. Other Towns in the County and surrounding areas have reported that it works well on dirt roads.
- Reported that there is a new tax on fuel.

Code Enforcement Report – *Ron Maxwell*

- Issued 2 demolition permits for the trailer park. 2 new trailers are going in.
- Issued a permit for a new double wide manufactured home on Joy Road.
- New permit for a home on South Cove Lane.
- Waiting for the fire damage report for repair permit for Railroad Ave. home.

Assessor Report – *Mike and Tina Rados*

- Mailed postcards notifying individuals that they may qualify for a senior citizen exemption if they meet certain criteria – Must be over 65, own the home, it must be their primary residence and total household gross income must be less than \$36,400'
- Still processing exemptions.
- Sales have all been entered and all other administrative tasks are up to date.

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UPDATES ON KEY ISSUES:

Conesus Lake: Councilman Fama

- Watershed Education Center is offering the following programs - Pre-Register at the CLA Website: www.conesuslake.org
 - On February 8, 2023 at 6:30 PM (Virtual or in person) Farming in our Watershed

Conesus and Livingston County Planning Board: Reports: Supervisor Wester

- Livingston County – No Report
- Town Planning Board – Approved a Charging Station at the Conesus Lake Campground

ZBA Reports: Councilman Corrigan

- No business before the Board except for approving the minutes.

Livingston County/Town Report: Supervisor Wester

- Supervisor Wester will attend the NYS Association of Counties annual meeting at the end of the month.
- GLOW – Peggy Granison, Director of GLOW is retiring after serving for 39 years. She will stay thru the transition.
Watershed – No Report
- The County Board of Supervisors met with Ian Coyle, County Manager on Monday February 6th for strategic planning and legislative planning.
- Countywide childcare is being investigated.

Town Facilities Maintenance Report:

- An entity is willing to look at the Highway Garage and assess needs and provide advice.
- Town Park drainage – Ads for bids have been place in the Livingston County News and posted at the Town Hall
- Town Hall siding – Councilmen Corrigan and Sparks are working on detail for RFP.
- Middle Road Abandonment is back on the agenda for completion. Supervisor Wester and Attorney Young are working together on this project and will commence work after the Solar Law is completed and in place.
- Solar Law – The Committee will meet one more time – MRB and Livingston County had comments so there may be more items to address.
- Town Hall Meeting Room chairs – Councilman Fama was unable to find a better price for the desired chairs. 24 chairs will be ordered at \$100/each plus shipping
- New Phone System – Councilman Sparks stated that a site meeting has been scheduled for Thursday January 26th.
- Greene Memorial at Ricky Greene Park – Councilman Butterbrodt is working with Paula Lunn and the family of the Greene’s for ideas. Currently he is awaiting email responses.

NEW BUSINESS/RESOLUTIONS:

- Resolution to destroy obsolete and duplicate CLEAN Recycling Center user Tickets was approved
- Local Law for Senior Citizens and Disabled Citizens with Limited Incomes Property Tax Exemptions – A Public Hearing is scheduled for February 21, 2023
- New Phone System – Sparks-Wester - a resolution to approve the purchase of the new phone system was approved.
- Replacement of Town Hall Chairs – Fama /Sparks – The purchase was finalized and approved.

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RESOLUTION #17.23

APPROVAL OF MINUTES

On a motion of Councilman Butterbrodt and seconded by Councilman Fama following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved the minutes of the Organizational and Regular Town Board Meeting held on January 3, 2023 are approved.

RESOLUTION #18.23

APPROVAL OF TOWN CLERK’S MONTHLY FINANCIAL REPORT

On a motion of Councilman Sparks and seconded by Councilman Corrigan following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that the Town Board approves the Town Clerk’s Financial Report for January 2023 as follows:

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Marriage License Fees	Marriage License Fee	1	17.50
			Sub-Total:	\$17.50
A1603	Vital Statistics Fees: Death Record	Certified Copies	18	180.00
			Sub-Total:	\$180.00
A2544	Dog Licensing	Female, Spayed	14	210.00
		Female, Unspayed	2	44.00
		Male, Neutered	11	165.00
		Male, Unneutered	3	66.00
			Sub-Total:	\$485.00
A2555	Building Permit	Building Permits	15	2,998.94
	Code Enforcement	Erosion Control Permit	2	80.00
	Demolition Permits	Demolition Permits	3	120.00
			Sub-Total:	\$3,198.94
			Total Local Shares Remitted:	\$3,881.44
Amount paid to: N Y S Department of Health _____				22.50
Amount paid to: NYS Ag. & Markets for spay/neuter program _____				40.00
Total State, County & Local Revenues:			\$3,943.94	Total Non-Local Revenues:
				\$62.50

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RESOLUTION #19.23

APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL REPORT

On a motion of Councilman Fama and seconded by Councilman Butterbrodt following resolution was

ADOPTED Ayes 5 Wester, Butterbrodt, Corrigan, Fama, Sparks
 Nays 0

Resolved that the Town Board approves the Supervisor's Financial Report for January 2023 as follows:

RECEIPTS	
SOURCE	AMOUNT RECEIVED
GENERAL FUND:	
Property Taxes	341,294.00
Sales Tax	26,112.98
Recycling Center	8,326.00
Interest - Checking	11.07
Interest - NYCLASS	2,100.46
Interest - R. Green Savings	0.00
Interest - R. Green - NYCLASS	20.73
Interest - ARPA - NYCLASS	856.07
Fines & Forfeited Bail	712.00
Traffic Diversion	300.00
Insurance Refunds - Self Pay	2,783.94
Gifts & Donations - Park	425.00
Total	<u><u>382,942.25</u></u>
HIGHWAY FUND:	
Property Taxes	1,118,800.00
County Snow & Ice	18,081.67
Interest Checking	4.57
Interest NYCLASS	3,888.40
Total	<u><u>1,140,774.64</u></u>
Special Districts	
Property Taxes	151,671.00
Total	<u><u>151,671.00</u></u>
Total	<u><u>1,675,387.89</u></u>

DISBURSEMENTS	
Fund or Account	Amount Expended
FUND	
GENERAL	93,516.89
HIGHWAY	79,468.24
SPECIAL DISTRICT	0.00
Total	<u><u>172,985.13</u></u>

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RESOLUTION #20.23

APPROVE AUDIT AND DESTRUCTION OF TICKETS WITH OLD PRICING

On a motion of Councilman Corrigan and seconded by Councilman Fama following resolution was

ADOPTED BY ROLL CALL VOTE

Aye	Supervisor Wester
Aye	Councilman Butterbrodt
Aye	Councilman Corrigan
Aye	Councilman Fama
Aye	Councilman Sparks

Resolved that after Town Board audit, the following obsolete CLEAN Recycling Center Tickets are approved for destruction:

- \$20.00 punch tickets numbered 7471-8000
- \$10.00 punch tickets numbered 0588-1000

RESOLUTION #21.23

APPROVE PURCHASE OF 24 CHAIRS FOR MEETING ROOM

On a motion of Councilman Fama and seconded by Councilman Sparks the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that the purchase of 24 chairs from Henry Schwab Company for the Town Hall Meeting Room at \$100/each plus shipping is approved and further that the costs do not exceed \$2500.00.

RESOLUTION #22.23

APPROVE PURCHASE AND INSTALLATION OF PHONE UPGRADE

On a motion of Councilman Butterbrodt and seconded by Councilman Corrigan the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that the Town Board approves the purchase and installation of a VOIP Administrator System from Garam Group/Highbridge at a cost not to exceed \$2300 and further approves Hurricane Technologies to install ethernet drops and applicable hardware at a cost of \$3,000 and further approves the upgrade of the security system by Seneca and Gorham Security to be compatible with said VOIP upgrade at a cost not to exceed \$1,000.

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RESOLUTION #23.23

APPROVE APPOINTMENT TO PLANNING BOARD

On a motion of Councilman Butterbrodt and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that Christopher Imm is appointed to the unexpired term held by David Johnson effective immediately.

RESOLUTION #24.23

APPROVE REAPPOINTMENT TO BOARD OF ASSESSMENT REVIEW

On a motion of Councilman Sparks and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that David McNicholas is reappointed to the Board of Assessment Review term commencing immediately and expiring 9/30/2027.

RESOLUTION #25.23

APPROVE RENEWAL OF LIVINGSTON COUNTY DOG CONTROL CONTRACT

On a motion of Councilman Corrigan and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that the Town Board approves the 1/1/2023-12/31/2023 Dog Control Contract with Livingston Count Department of Health.

RESOLUTION #26.23

APPROVE HOURLY RATE TO REFLECT THE MINIMUM WAGE INCREASE

On a motion of Councilman Sparks and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that the Town Board approves the increase of Sheila Staley's hourly rate to \$15.00 and further that she is paid retroactively to the first of the year.

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RESOLUTION #27.23

INTRODUCE AND SET PUBLIC HEARING DATE FOR LOCAL LAW #2 OF 2023: TO PROVIDE PERSONS WITH DISABILITIES TAX EXEMPTION PURSUANT TO NY RPTL SECTION 459-C AND DEFINE INCOME LIMITS FOR THE SAME

On a motion of Councilman Corrigan and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

WHEREAS, NY Real Property Tax Law permits a partial real property tax exemption for persons with disabilities and limited incomes who qualify thereunder; and

WHEREAS, the income limits relative to the same were recently updated by the State of New York; and

WHEREAS, the Town of Conesus will be considering a local law to set forth such real property tax exemptions for persons with disabilities, including the income limits, therefore.

NOW, THEREFORE, BE IT, RESOLVED, that a public hearing shall be had on February 21, 2023, at 7:00PM for the purpose of considering the adoption of Local Law No 2-2023 To Provide Persons With Disabilities Tax Exemption Pursuant to NY RPTL Section 459-C and Define Income Limits for the Same and,

BE IT FURTHER RESOLVED, that the Town Clerk advertise for said public hearing in a manner consistent with law.

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**LOCAL LAW NO.1-2023 TO PROVIDE PERSONS WITH DISABILITIES TAX EXEMPTION
PURSUANT TO NY RPTL SECTION 459-C AND DEFINE INCOME LIMITS FOR THE SAME**

BE IT ENACTED, by the Town Board of the Town of Conesus, Livingston County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with New York Real Property Tax Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 1-2023 To Provide Persons with Disabilities Tax Exemption Pursuant to NY RPTL Section 459-C and Define Income Limits for the Same.

Section III. Legislative Finding

The Town Board of the Town of Conesus finds and hereby determines that the NY Real Property Tax Law Section 459-C Tax Exemption for Persons with Disabilities shall be applicable in the Town of Conesus, including that income limits shall be set in accordance with this Local Law.

Section IV. The RPTL Section 459-C Persons with Disabilities Tax Exemption and
Incorporation thereof into the Conesus Town Code.

The NY Real Property Tax exemption for Persons with Disabilities pursuant to NY RPTL Section 459-C and income limits relative to the same are hereby established, all via and in accord with the amendment of Chapter 139 of the Conesus Town Code, including the amendment of Article II thereof, as follows:

Subsection 139-3 shall be amended to read as follows:

Section 139-3. Exemption Granted.

Pursuant to and in accordance with the authority granted by § 459-c of the Real Property Tax Law, real property in the Town of Conesus owned by one or more persons with disabilities, or real property owned by a husband and wife, or both, or by siblings, at least one of whom has a disability, and whose income (as determined in accordance with NY Real Property Tax law) is limited by reason of such disability, and where any such property is the qualifying residence pursuant to § 459-c of the Real Property Tax Law, shall be exempt from taxation by the Town of Conesus to the extent as set forth herein.

Subsection 139-4 shall be amended to read as follows:

Section 139-4. Maximum Income.

Property eligible for the exemption pursuant to this Article shall be exempt from taxation up to a maximum of 50% of the assessed valuation where applicable annual income or combined

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annual incomes does not exceed \$28,000.00 (all as determined in accordance with NY Real Property Tax law), and further, for incomes in excess of the \$28,000.00, such property shall be exempt from taxation to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
\$28,000.00 and less	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 V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other resolutions, ordinances or local laws of the Town of Conesus which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law shall take effect immediately.

RESOLUTION #28.23

AUDIT OF HIGHWAY FUND CLAIMS

On a motion of Councilman Sparks and seconded by Councilman Butterbrodt the following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that Highway Fund Vouchers #12- #23 as set forth in Abstract No. 3 of 2023 in the amount of \$26,627.80 are approved.

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RESOLUTION #29.23

AUDIT OF GENERAL FUND CLAIMS

On a motion of Councilman Fama and Councilman Corrigan seconded by following resolution was

ADOPTED	Ayes	5	Wester, Butterbrodt, Corrigan, Fama, Sparks
	Nays	0	

Resolved that General Fund Vouchers #42-#50 as set forth in Abstract No 3 of 2023 in the amount of \$160,596.77 are approved.

With no further business, on a motion of Councilman Fama and seconded by Councilman Sparks, the meeting was adjourned at 8:42PM. Carried unanimously.

Respectfully submitted,

Annette M. McNinch

Annette M. McNinch
Town Clerk