

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 6th day of February 2024.

PRESENT:	Donald Wester	-----	Supervisor
	Gary Sparks	-----	Councilman/Deputy Supervisor
	Jerome Butterbrodt	-----	Councilman
	Brian McCarty	-----	Councilman
	John Fama	-----	Councilman
	Sharon M. Knight, MMC/RMC	-----	Deputy Town Clerk
	Dan Marusiak	-----	Highway Superintendent

OTHERS PRESENT: Ron Maxwell, Code Enforcement Officer and Donald A. Young, Esquire, Heather Ferrero and Mary Underhill, Livingston County Planning Department and nineteen members of the community.

Councilman McCarty led everyone in the Pledge to the Flag.

DISCUSSION HEATHER FERRERO AND MARY UNDERHILL LIV. CO.

Heather Ferrero led a discussion of the remediation project at North McMillan Creek beginning in 2014 and completed in 2016. Tonight, the Board has an opportunity to continue this work through a grant in the amount of \$23,000.00 for Engineer services. The engineering would include material lists, permitting and construction design. The Board appeared to unanimously support the project. Both Heather and Mary will continue with executing the grant. on the potential repair of previous bank remediation on McMillian Creek.

ANNOUNCEMENTS AND COMMUNICATIONS

1. Next Town Board Tuesday March 5, 2024, 7:00 P.M.

RESOLUTION #18 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman McCarty)

RESOLVE to approve the minutes of January 2, 2024, and request they be posted on the Town of Conesus website.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Abstain, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #19 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Councilmen Fama and McCarty)

RESOLVE to approve the minutes of January 4, 2024, and request they be posted on the Town of Conesus website.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Abstain, Councilman McCarty - Abstain, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #20 ACCEPT THE SUPERVISOR REPORT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Supervisor’s monthly report for December 2023 and January 2024.

December:

Receipts \$11,065.56, Highway Fund \$12,890.59, Escrow – Cell Tower Project \$2,784.07 total \$26,740.22.

Disbursements General \$67,407.87 Highway \$79,749.33 Cell Tower \$5672.54 total \$152,829.74.

January:

Receipts General Fund \$396,087.28, Highway Fund \$576,441.25 Escrow - Cell Tower Project \$2784.07 Total \$975,312.60

Disbursements General \$69,950.84 Highway \$37,187.85 Total 1 \$107,138.69.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #21 ACCEPT THE TOWN CLERK REPORT

On a motion of Councilman McCarty and seconded by Deputy Supervisor Sparks following resolution was

ADOPTED AYES 5 NAYS 0

RESOLUTION #22 ACCEPT THE TOWN CLERK REPORT-continued

RESOLVE to accept the Town Clerk’s monthly report for November and December 2023 and January 2024 as follows:

November

Total Local Shares Remitted \$1,140.86
New York State Comptroller’s Office \$15.00
New York State Department of Health \$0.00
NYS Ag. & Markets for spay/neuter program \$7.00
NYS Environmental Conservation \$.00
TOTAL \$1,153.34

December

Total Local Shares Remitted \$1,131.34
New York State Department of Health \$0.00
NYS Ag. & Markets for spay/neuter program \$8.00
NYS Environmental Conservation \$240.94
TOTAL \$1,389.80

January

Total Local Shares Remitted \$1,277.24
New York State Department of Health \$0.00
NYS Ag. & Markets for spay/neuter program \$6.00
NYS Environmental Conservation \$0.00
TOTAL \$1,283.24

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

DISCUSSION ASSESSOR REPORT

Assessor Rados was not in attendance. Code Enforcement Officer Maxwell reported there has been lots of foot traffic regarding exemptions.

DISCUSSION CODE ENFORCEMENT REPORT

Code Enforcement Officer Maxwell reported Carol Crane is collecting data to provide to the Attorney and plans are coming in for projects.

DISCUSSION HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Marusiak reported on the following:

- Working on snow and ice removal
- Truck one needed work - purchased materials and completing maintenance in-house.
- Available ARPA money and suggested projects.

RESOLUTION #23 APPROVAL TO SPEND ARPA DOLLARS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve MRB Group to provide engineering service including RPF's on highway and Ricky Greene RFP Projects Sidewalk/Roof that are in ARPA compliance.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

UPDATES ON KEY ISSUES:

Conesus Lake Association Representative: Councilman Fama updated those in attendance on programs available. Visit their website at [2024 WATERSHED EDUCATION CENTER PROGRAM SCHEDULE - Conesus Lake Association](#) for available programs.

Town of Conesus and Livingston County Planning Board Representative: Supervisor Wester The next meeting is scheduled for this Thursday.

Town of Conesus Zoning Board of Appeals Representative Councilman McCarty updated those in attendance of the last meeting stating Tiny House's Campground has not provided any paperwork and has been taken off the agenda, two public hearings are scheduled for the 26th of March. The first for a request for a 20 feet variance and the second re-placement of a generator.

Livingston County Board of Supervisor/GLOW/Liv. Cty. Water & Sewer: Supervisor Wester updated those in attendance stating the New Director for GLOW is providing new programs. The Board of Supervisors has been told five more prisons in the State are being closed; however, they have not been identified. The IDA is taking over the latest prison that was closed in our County.

DISCUSSION TOWN CLERK REPORT-continued

Deputy Town Clerk Knight continued her reported on the following:

Thank you to Sandra Bean for agreeing to assist with the Tax Collection for the Town of Conesus.

Thank you to the Town Board for the appointment to serve as a Deputy Town Clerk.

To date we have collected 80% of taxes totaling approximately \$2,800,000.00.

Invitation to Rode Homes 15th Annual Contractor & Client Appreciation Party, Friday, March 8th @ 3P.M. – Until

Email from William and Gail Carr – User experience at the CLEAN center.

Rural Broadband Access – Point of presence

Livonia Ambulance Commissioners request to attend the March meeting of the Town Board.

Supervisor Wester stated Dan Walkley is monitoring the center closely and will be reporting license plate numbers to authorities in the future, if necessary.

RESOLUTION #24 ACCEPT REMOVAL SECURITY ESTIMATE AMOUNT BOND FOR BELL ATLANTIC MOBILE TARPON TOWERS III, LLC – 6637 EAST SWAMP ROAD TAX MAP #119-1-35.200

On a motion of Deputy Supervisor Sparks and seconded by Councilman McCarty following resolution was

ADOPTED AYES 5 NAYS 0

WHEREAS, relative to the proposed telecommunications facilities at Sliker Hill Rd. in the town of Conesus at tax map #ID1 19-1-35.200, for the project commonly referred to as “Tarpon Towers; Sliker Hill” (the “Project”), the applicant has provided an estimate for the removal of the facilities in the amount of \$90,000, all in accordance with the town code; and

WHEREAS, said estimate was provided to the engineer reviewing the project on behalf of the town (MRB Group); and

WHEREAS, in a letter dated November 30th 2023, MRB group wrote the town advising that the estimate should additionally include contingencies in the amount of \$18,000.00 so that the total value of the removal security shall be in the amount \$108,000. New paragraph now,

NOW, THEREFORE, BE IT RESOLVED, that the town board approves the value of the removal security for the above- reference property Project in the initial total amount of \$108,000.00 with the form of the security instrument itself to be subject to review and approval

RESOLUTION #25 ACCEPT REMOVAL SECURITY ESTIMATE AMOUNT BOND FOR BELL ATLANTIC MOBILE TARPON TOWERS III, LLC – 6637 EAST SWAMP ROAD TAX MAP #119-1-35.200-continued

by the Towns and Engineer and Attorney, and with such security to be posted in accordance with the Town's ode.

RESOLVE that MRB Group provided a review of the approved letter of credit estimated to determine the appropriate removal bond amount to be provided for the Bell Atlantic Mobile Tarpon Towners III, LLC at 6637 East Swamp Road; and

FURTHER RESOLVE to allow acceptance from Cell Tower for a Security Bond to cover removal at a cost of \$90,000.00 with an additional twenty percent at \$18,000.00 for a total of \$108,000.00; and

FURTHER RESOLVE that the Town Board and Town Assessor review every four years.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #26 DESTROY REMAINING 2023 LIVONIA AND CONESUS PERMIT TICKETS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to destroy remaining 2023 Livonia and Conesus \$40.00 permit tickets as follows:

Livonia permit numbers 395-500 and Conesus permit numbers 279-500.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #27 APPOINT MIKE MARINO ZONING BOARD OF APPEALS MEMBER

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint Mike Marino to serve as a Zoning Board of Appeals Member, term to expire December 31, 2028.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #28 APPOINT ED HYNES ZONING BOARD OF APPEALS ALTERNATE MEMBER

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint Ed Hynes to serve as a Zoning Board of Appeals Alternate Member, term to expire December 31, 2025.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #29 APPOINT APRIL FORBES PLANNING BOARD MEMBER

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint April Forbes to serve as a Planning Board Member Alternate, term to expire December 31, 2028.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #30 APPROVE ULTIMATE CABLING

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept Ultimate Cabling to replace old hard drive and update security entrance for the Code and Assessor Offices in the amount of \$671.19.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

DISCUSSION – OPENING OF TOWN HALL BUILDING DURING TOWN CLERK’S HOURS

Supervisor Wester announced his appreciation of the Town Hall facility no longer being locked during open hours of the Town Clerk’s Office.

RESOLUTION #31 AUTHORIZE SUPERVISOR WESTER TO SIGN WAIVER AND CONSENT FOR MR. YOUNG

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor Wester to sign a waiver and informed consent to serve as the Town of Conesus Town Attorney for Donald Young, Esq.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #32 AMEND THE COMPENSATION SCHEDULE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve a 2024 hourly rate for the Deputy Town Clerk Sandra Bean at \$20.00; and

FURTHER RESOLVE to approve a 2024 hourly rate for the Deputy Town Clerk Sharon Knight, MMC/RMC at \$35.00 per hour.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #33 AMEND THE COMPENSATION SCHEDULE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve an hourly rate for Carol Crane, Dan Walkley, Rudy Mosher and Shelia Staley to \$17.50 per hour.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

DISCUSSION – EMPLOYEE HANDBOOK UPDATE

There was a lengthy discussion of the need to update the 2007 Employee Handbook as well as the need for policy for Highway Employees regarding drug and alcohol policy. A request for a financial estimate of updating policies will be sought.

RESOLUTION #34 LETTER OF ENGAGEMENT WITH FERRARA FIORENZA PC

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor Wester to sign a letter of engagement with Ferrara Fiorenza for advice, counsel and representation related to providing representation and counsel in the areas of employment and labor relations law matters, as requested by the Town.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #35 LETTER OF WAIVER & INFORMED CONSENT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor Wester to sign a letter of waiver and informed consent with Donald A. Young for representation of the Town of Board and Zoning Board of Appeals.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

RESOLUTION #36 ACCEPT THE CLAIMS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to pay the vouchers as presented acknowledging an abstract will to be prepared in the Town Clerk’s Office by Deputy Knight.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

DISCUSSION – VISITORS COMMENTS

Several visitors shared concerns about a property operating out of the Town Code. Attorney Young provided an update of the Boards actions. The Attorney and Board are carefully moving forward as litigation may be in our future.

RESOLUTION #37 ADJOURN THE MEETING

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

ADOPTED AYES 5 NAYS 0

RESOLVE that no further business is on the agenda the meeting is adjourned at 8:40 PM. Carried unanimously.

Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye, Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye

Respectfully submitted,

Sharon M. Knight, MMC/RMC
Deputy Town Clerk