

**TOWN BOARD  
TOWN OF CONESUS  
APRIL 5, 2022  
7:00 PM**

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 5<sup>th</sup> day of April 2022.

<b>PRESENT:</b>	Donald Wester	-----	Supervisor
	Richard Corrigan	-----	Councilman/Deputy Supervisor
	John Fama	-----	Councilman
	Anita Martucio	-----	Councilwoman
	Gary Sparks	-----	Councilman
	Dan Marusiak	-----	Highway Superintendent
	Carol Crane	-----	Acting Secretary
<b>ABSENT:</b>	Annette McNinch	-----	Clerk

**OTHERS PRESENT:** Ron Maxwell, Steve Martucio and members of the community

Supervisor Wester called the meeting to order at 7:02 PM  
Councilman Corrigan led the Pledge to the Flag.

**PRIVILEGE OF THE FLOOR:** None scheduled

**ANNOUNCEMENTS AND COMMUNICATIONS**

- Next Town Board meeting Tuesday April 19, 2022 at 7:00 PM
- There are still a few COVID 19 Rapid test kits available, call 585-738-0753 or email [dwest@town.conesus.ny.us](mailto:dwest@town.conesus.ny.us) if you are interested.

**APPROVAL OF MINUTES – Tabled**

**REPORTS OF TOWN OFFICIALS**

**Town Clerk:** Clerk McNinch

- No Report

**Supervisor:** Supervisor Wester

- Monthly Financial Report for March 2022

**Highway Superintendent:** Superintendent Martucio/ Deputy Superintendent Marusiak

- Deputy Superintendent Marusiak stated that they are wrapping up for the winter, potholes fixed, and the repairs are finished, and he has 3 applicants to interview to replace himself so he can step-up after Superintendent Martucio is finished with his term.

**Submission of Written Report:**

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- Code Enforcement Report:
- Working on plans for 2 new houses and an addition that's as big as a house, trying to work through the backload of permits and catching up on renewing permits. Ron has been taking care of the day-to-day with Carol and Alan is getting ready to do fire inspections.

Assessor's Report:

- Tina & Mike Rados have been meeting with residents for informal hearings of assessments on Saturdays. They have met with approximately 16 individuals per day and are now booked out until May 7<sup>th</sup>. They have not had any phone calls in the last few days, as the last day for an informal hearing was March 30<sup>th</sup>. The next set of calls they receive will be for grievance day appointments on June 1<sup>st</sup>. Right now, they have two individuals scheduled for grievance, they are property owners that they have met with and could not come to an agreed amount for assessment.
- Supervisor Wester said it was good news and that it has been going well and thank goodness they were able to step up to the plate (on Mr. Mohr initiation and Bill Fuller's recommendation) and kept the smooth operation of the assessor's office going. Councilwoman Martucio questioned if the Town has been paying them. Supervisor Wester said that is what the Town will have to sort out, at this point no, the Town has not paid them and that they should be compensated. That is something he will have to check into and bring to the Board once he knows more in the future and what is going to happen with Mr. Mohr. The reason that Councilwoman Martucio asked that was because in the current budget report the assessor's clerk services (Line A1355.1A) which nothing had been budgeted but for the last three months (January, February and March) there has been \$1294.10 paid out of which puts that line over. As she looks through the budget there are a few lines that over already at three months and makes her think things aren't getting put where they belong. Supervisor Wester will have to check into that. Some of that might be because of the new AUD. The Town will have to compensate Mike & Tina in some way. The Town has budgeted Mr. Mohr to be paid \$20,000 and he has not turned in any vouchers so maybe the Town can pay them out of what was budgeted for him. Once we know what Mr. Mohr is going to do and how long he is going to be out then a decision can be made.

**UPDATES ON KEY ISSUES:**

**Conesus Lake:** Councilman Fama

- For the Conesus Lake Association there is a Watershed Education Center program on Wednesday, April 27 at 6:30 PM. It is an in-person or online and the topic this month is the comeback of a classic referring to the American Chestnut Tree. You can register at [www.conesuslake.org](http://www.conesuslake.org). call (585) 346-6864 for updates on the 2022 schedule or to register.
- In addition, he participated in an information sharing meeting last week regarding the CCA. The CCA is an entity that allows municipalities to offer potentially more cost-effective energy including electric supply and solar offerings. Some other municipalities

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participating with the CCA are Geneva, Lima, Canandaigua, Victor, Brighton, among others. Councilman Fama will be sending more information to the Board and place on a future agenda for discussion and possibly have someone from CCA Administration at one of the Board meetings.

- The CLA quarterly meeting is April 6, 2022.

**Conesus and Livingston County Planning Board: Reports:** Councilwoman Martucio

- Town Planning Board – No report – Meeting will be held on April 21, 2022
- County Planning Board – No report – Meeting will be held on April 14, 2022
- Reminder that the Easter Egg Hunt is Saturday April 9, 2022 at 11:00. If anyone is interested in helping, meet Anita and Don at 9:00 rain or shine (wear your mud boots) to help toss the eggs out that she has already bagged up.

**ZBA Reports:** Councilman Corrigan

- ZBA is currently working on a new house that requires a Lot Coverage Variance on East Lake Road. Councilman Corrigan commented on the great presentation of the plans. The Public Hearing will be held April 25, 2022

**Livingston County BOS/LCWS/GLOW Solid Waste:** Supervisor Wester

- The County Department of Health is conducting free Rabies Clinics. Information is on the back table and the schedule can be found on the Town and County's website
- Low Income Housing Water Assistance program for anyone needing help paying overdue water and wastewater bills again information is on the back table.
- GLOW is offering registration for free earth machine a composter through the GLOW recycle center. Information is on the back table.
- Also on the back table is information on the educational programs and lecture dates at the Watershed Education Center.
- The Livingston County Watershed has reported that there has been some movement on some steep slope logging which has been handled by the Code Office and Don Maryanski, Livingston County Health Department and also another one looked into and handled on the corner of Sliker and East Lake Roads.

**Town Facilities Maintenance Report**

1. Update on Overall Maintenance Councilman Corrigan
  - Supervisor Wester procured a copy on exterior paint (which was lengthy and illuminous). Councilman Corrigan has been going through the documents and can read all he wants, but he could not open it to do any edits or corrections in the email he had and is now waiting for word documents that he can go through. Once he does the editing, additions, extractions, deletions, etc. it can be reviewed by council. Also looking into a paving contract for what is needed for Ricky Green Park. With his committee he has started editing what they need to change He doesn't know what the dollar amount there is but there are repairs to the top seam of wood façade out front of the building that would have to be done. The rest of the building is in rough shape. It

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is a work-in-process. He has painting professionals lined up for information and to come out here to look.

2. Update on other project reports from various Town Board members.

- Update on Justice committee report: Councilman Sparks

At the last meeting with Councilman Fama (as well as Don Young for legal input) he was asked to get questions answered about whether the Town Board has the authority to fill a vacancy for a Justice seat and part 2 of that, is it obligated to do so. The answer is yes, the Town Board has the authority to do that. The obligation part of the question is very interesting in that the way the law reads the Town Board may appoint a new Justice to fill a vacancy. The Attorney General's office has a statement that Town shall appoint, and the State Comptroller's office said filling of the vacancy is discretionary by the Town Board, so we have disagreement among the people responsible for giving us the rules. That was interesting to him because either we can, we have to, or maybe we can. The appointment goes until the end of the calendar year as with any other vacancy unfilled until the next election. The other question was reducing from 2 to 1 Justices and what it takes to do that. It can be done either by permissive referendum or by a voter referendum. The other question was regarding the succession of the vacant position and how it relates to a reduction in seat and what would happen after the next election. If we want to look further into the reduction question, the Court Clerk Kolleen Redmond helped him out with data and reports, which he consolidated on the line draft which he gave everyone, and it shows a reduction in cases over the past, since 2015 until now which is quite significant.

- Update of committee assignments and upcoming projects:

Supervisor Wester suggested instead of the Planning Board taking on the responsibility alone forming a committee with Councilwoman Martucio, PB Chairman Francis, the Town Attorney, himself and other members on solar arrays/battery storage.

**UNFINISHED BUSINESS:**

- Appoint Councilman Corrigan chairman with legal counsel of Pervious/Impervious Committee to introduce Local Law regarding pervious/impervious surfaces which was brought up by members of the ZBA. Alternate member Reinhard Gsellmeier stepped forward and said he would like to be on that committee.

**NEW BUSINESS:**

- Resolution #1 Purchase of Town Highway machinery
- Approval of stipends for Planning and ZBA board members

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- Resolution #2 Re-Appointment of Mr. Michael Bentley to the Board of Assessment Review Board
- Addendum that Mr. Steven Passero did resign from the Board of Assessment Review
- Discussion for a plan and approval for Auditor for Justice Annual Audit
- Resolution #3 to move forward with annual Justice Audit

**RESOLUTION #31.22**

**APPROVAL OF SUPERVISOR’S MONTHLY FINANCIAL REPORT**

On a motion of Councilman Fama and seconded by Councilwoman Martucio, the following resolution was

**ADOPTED** Ayes 5      Wester, Corrigan, Fama, Martucio, Sparks  
                  Nays 0

Resolved that the Town Board approves the Supervisor’s Financial Report for March 2022 as follows:

Pursuant to Section 125.2 of the TOWN LAW, I hereby render the following detailed statement of all moneys received and disbursed by me, as Supervisor, during the month of March 2022

RECEIPTS	
SOURCE	AMOUNT RECEIVED
<u>GENERAL FUND:</u>	
Interest Ricky Greene Savings	0.03
NYCLASS Interest - ARPA	11.49
Clean Recycling	5,479.40
Interest Checking	1.31
NYCLASS Interest - Ricky Green	0.55
NYCLASS - Interest	79.73
Fines and Forfeited Bail	-636.00
Total	<u>4,936.51</u>
<u>HIGHWAY FUND:</u>	
Interest Earnings	3.31
Interest NYCLASS	158.53
Flow State Roads	9,831.54
County Snow & Ice	17,891.33
Insurance Recoveries	182,400.00
Total	<u>210,284.71</u>
<u>Special Districts</u>	
	0.00
Total	<u>0.00</u>
Total	215,221.22

DISBURSEMENTS	
Fund or Account	Amount Expended
<u>FUND</u>	
GENERAL	67,506.51
HIGHWAY	104,389.20
SPECIAL DISTRICT	0.00
Total	171,895.71

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**RESOLUTION #32.22**

**APPROVAL TO PURCHASE HIGHWAY MACHINERY**

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

**ADOPTED BY ROLL CALL VOTE**

Supervisor Wester	Aye
Councilman Corrigan	Aye
Councilman Fama	Aye
Councilwoman Martucio	Aye
Councilman Sparks	Aye

**Whereas** the Highway Department was provided a settlement of \$182,400 on 3/10/2022 check number 0000005031 to replace the 2009 International 10-wheel dump truck that was severely damaged.

**Whereas** the Town Superintendent of Highways did, on the fifth day of April 2022, duly recommend the purchase of certain highway equipment pursuant to the provisions of Section 142 of the Highway Law.

**Now, Therefore, Be It Resolved** that the Town Superintendent of Highways is authorized to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the following:

A model year 2023/24 Western Star Model 4700X 10-wheel truck on the Onondaga County Bid as Number 8996, for a maximum price of \$252,861.62 from certified Vendor's Tracy Road Equipment and TENCO dump body with fifteen-foot dump body, Roll Rite tarp system, Harder Spreader Model ES144 and snowplow equipment priced at \$101,380.00 also on the Onondaga County Bid 8996 for a total cost of \$251,861.62.

**Whereas** the vendor is uncertain the actual date of delivery due to supply chain issues it is imperative that this equipment be ordered as soon as possible.

A contract for the items purchased shall be duly executed between the Town Superintendent of Highways and such vendor. When the contract has been executed and upon delivery of the items purchased, the supervisor shall pay the following amounts as specified:

\$251,861.82 budgetary appropriations for purchase of equipment in the 2023 Highway Budget for \$251,861.82 from the proceeds of obligations issued pursuant to the local financial law.

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**RESOLUTION #33.22**

**APPROVAL OF PLANNING BOARD AND ZONING BOARD OF APPEALS  
ATTENDANCE STIPENDS**

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

**ADOPTED** Ayes 5 Wester, Corrigan, Fama, Martucio, Sparks  
Nays 0

**Whereas** the Town of Conesus Town Board on the 5<sup>th</sup> day of April 2022 has reviewed and agree to the approval of Planning Board and Zoning Board of Appeals Stipends,

**Now, Therefore, Be It Resolved** that the Town of Conesus Town Board agree on and accepts the attendance stipends would be paid for attendance of under 7 meetings at \$25.00 per meeting including payments for meetings that cancelled and further resolve that those members attending 7 or more meetings including cancelled meetings will receive full payment of \$250.00.

**RESOLUTION #34.22**

**APPROVAL TO RE-APPOINT MIKE BENTLEY TO THE BOARD OF ASSESSMENT  
REVIEW FOR A 5 YEAR TERM**

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

**ADOPTED** Ayes 5 Wester, Corrigan, Fama, Martucio, Sparks  
Nays 0

**Whereas** the Town of Conesus Town Board on the 5<sup>th</sup> day of April 2022 has reviewed the request that Michael Bentley be re-appointed on the Board of Assessment Review to a 5-year term.

**Now, Therefore, Be It Resolved** that Michael Bentley be re-appointed to the Board of Assessment Review to a 5-year term.

**RESOLUTION #35.22**

**ADDENDUM TO ACCEPT RESIGNATION FROM MR. STEVEN PASSERO**

On a motion of Councilman Fama and seconded by Councilwoman Martucio, the following resolution was

**ADOPTED** Ayes 5 Wester , Corrigan, Fama, Martucio, Sparks  
Nays 0

**Whereas** the Town of Conesus Town Board on the 5<sup>th</sup> day of April 2022 has reviewed and agree to accept the resignation from Steven Passero effective immediately from the Board of Assessment Review.

**Now, Therefore, Be It Resolved** that the Town of Conesus Town Board agree on and accept the resignation from Steven Passero effective immediately from the Board of Assessment Review.

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**RESOLUTION #36.22**

**PURSUANT TO SECTION 2019-A OF THE UNIFORM JUSTICE COURT ACT**

On a motion of Councilman Corrigan and seconded by Councilwoman Martucio, the following resolution was

**ADOPTED**   Ayes   5           Wester , Corrigan, Fama, Martucio, Sparks  
              Nays   0

The Town of Conesus Supervisor Donald W. Wester has requested the approval to move forward with Mr. Donald Przybyl to conduct the 2021 Annual Justice audit for Justice Coyne and Justice Mahoney.

May it be further approved to conduct the audit of retiring Justice Mahoney from January 1, 2022 through March 1, 2022.

**Whereas** the Town of Conesus Town Board on the 5<sup>th</sup> day of April 2022 has reviewed the request Annual Justice 2021 audit Justice Coyne and Justice Mahoney by Mr. Donald Przybyl and further approval to conduct the audit of retiring Justice Mahoney from January 1, 2022 through March 1, 2022 by Mr. Don Przybyl.

**Now, Therefore, Be It Resolved** the Annual Justice audit 2021 for Justice Coyne and Justice Mahoney.

**Now, Therefore, Be It Resolved** the audit of retiring Justice Mahoney from January 1, 2022 to March 1, 2022.

**Now, Therefore, Be It Resolved** that the Town Board approves Mr. Donald Przybyl to perform an audit of the Justice Court at a cost not to exceed \$500.00.

**PUBLIC COMMENTS:**

- Mr. Dickerson wanted clarification of the price of the truck.
- Mr. Gsellmeier asked what the disposition of the stimulus funds that the Town received. Councilwoman Martucio answered that right now it is in a checking account with the New York Class earning interest. We have another payment that will be coming hopefully by June, but it may not be until September, and they are looking at different ways of spending it. They are looking at a few things, Broadband is one that has been coming up consistently and whether we can use it to help with the painting of the Town Hall or the painting at Ricky Green Park. Currently we have \$121,115.29 and another payment of \$121,000 coming so it will be around \$242,000 in total, and which we have until 2025 to spend it. Councilwoman Martucio said the grants the County has gotten so far will benefit the Town of Conesus extensively. You can go on the County site and pull up the map to find out where it is going. Supervisor Wester has a meeting the first thing in the morning with the County and he will find out more.
- Mr. Gsellmeier was surprised to see on tonight’s agenda stipends for Planning Board and Zoning Board of Appeals members. He wanted to know what was driving that usually they



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are volunteer Boards. What drove that on the night you voted on it? Did someone request it or was there a plea by folks. Supervisor Wester said it really extends back to the old administration and the way it was set up, they revamped it a little bit and felt it would be a good thing to carry-over to the folks that on are these the Boards. They do dedicate their time, it's not a lot of money but it was looked at as helping to get people maybe come more regularly and it's a little token of appreciation and saying thank you and if you want to look back in the minutes, it will tell you how they did it last year. Mr. Gsellmeier said he was surprised because from his experience people are glad to donate their time, civic duty type thing. It's a nice gesture by the Board and he was curious about it. Councilwoman Martucio said that past boards did not have his opinion on civic duty.

- Councilman Corrigan stated he thought he was the Ricky Green Park liaison and wasn't sure if his fellow members of the Board were aware of a plumbing project going on down there. He wasn't even aware of it. Supervisor asked what he was talking about. Councilman Corrigan stated that the water is normally shut off to the bathrooms in the fall and at the time the gentleman who was taking care of the park was retiring. He was going to show Councilman Corrigan how it had to be done and what positively had to be done in the spring. He pointed out that the plumbing in the utility room was quite old and archaic and should be looked at. Rich thinks he mentioned it to the Board last fall. In the meantime, during the winter he reached out to a licensed plumber, told him his dilemma and the plumber told him to give him a call in the spring, he would come and look at it and give him an estimate so he could bring it to the Board. Rich called him last week and surprisingly he got a notice in an email that work was being done on the plumbing project he was going to present to this Board. Our Supervisor, apparently didn't tell him or didn't do anything on any reports being distributed that he was going to have this person come and do a plumbing job in the utility room. He didn't know anything about it so went down to look and saw the work that was in progress or partially done. He thought that he and with the Board's permission wanted to discuss why it was being done this way and with our protocol for this type of work.
- Supervisor Wester said the project Rich is talking about isn't a project, what it is, is that we have what we call backflow valves in our system. It has nothing to do with the project other than Mr. Hellis has to go down, put the plumbing back together so when they turn the water on, that the water goes through correctly. He then will test the path of flow system. He will do that down at the park and here at the Town Hall. That is the only plumbing project that is going on. Tom Hellis has to do it because it has to be not a licensed plumber but a certified person to do that test through the County and through the Water Authority Office. Mark Kosakowski (Water & Sewer Authority) sends out letters every year that if those aren't done and tested and done by a certified person who can do them and he's about the only one in the County who can. Supervisor Wester contacted him, he got the letters, and he took that project over, if you want to call it a project. It's something that has to be done or you won't get your water turned back on, or you could get your water shut off. It's as simple as that. He has handled it in the past and will continue to do so.

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- Since last year, another task Councilman Corrigan has been working on is the abandonment of Middle Road. He has been working on it with the Code officers and had discussions with another Councilman. We had a couple of other things going on so Councilman Corrigan was asked if we could put it on the back burner until January or February. Rich had met before that with Mr. Martucio who was still sitting as the Highway Superintendent and got the data to give to the Attorney. He supplied him with documentation on what needed to be done and not needed to be done. Now, it's a matter of our Attorney drawing up the abandonment documents, posting the Public Hearing and then moving forward. He had laid out before the pitfalls and the problems we were having in keeping but not abandoning Middle Road. We've been burned in the past other roads and for some reason after a discussion with our Supervisor he mentioned to Rich he had asked our Attorney to stop working on that. He wasn't advised of that and didn't think anyone else was. He is not willing to accept this assignment with Middle Road being taken away from him, we are 90% done, we are just waiting for documentation from our Attorney and doesn't know why it is being put on the back burner. The road qualifies for abandonment. Supervisor Wester said that the Attorney has a lot on his plate and there have been some new developments with Middle Road. It has not been taken off the Attorney's plate but it has been moved down. He thinks we need to look at Cannabis and look at Solar and Battery Storage and in the email it says it will be continued to be handled in a timely and appropriate manner. Councilman Corrigan has several things on his plate, the Town Hall, the Cemetery, the park projects so the Supervisor is out there to help him out a little and take a few things off his plate. We also have something developing on Dacula Shores that is very important. It has been moved down because we have a moratorium in place and are needed to be looked at before Middle Road. Mr. Young is still working on it but there have been some new developments that need to be looked into and Don will be handling them. Councilwoman Martucio asked if the new developments on Middle Road. Supervisor Wester said they are regarding Middle Road and one new development is about the land that Mr. Brown put into a Genesee Valley Conservatory. Is it the best way to abandonment or do we leave it as a seasonal road. It is not a dead issue. Councilman Corrigan said that we have been burned in the past and this is not a seasonal road anymore. It is a disaster waiting to happen again, it is another Bishop Road, another Kuder Hill. It is not a road anymore it is a quagmire. Councilwoman asked how long we have been trying to abandon Middle Road. Former Highway Superintendent said off and on about 16 years. He also discussed the issues (i.e. no power) and the high costs involved if not abandoned. Permission would be needed from neighboring owners (on Marrowback Road) to take some of their property to widen the road and in the past they were against that. The Highway Department would be involved especially if it has to be maintained and the Town would have to bear the costs if we have to open it.

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**RESOLUTION #37.22**

**APPROVAL TO SCHEDULE A PUBLIC HEARING FOR MIDDLE ROAD  
ABANDONMENT**

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

**ADOPTED** Ayes 5           Wester, Corrigan, Fama, Martucio, Sparks  
              Nays 0

Resolved the Town Board approve scheduling a Public Hearing for May 17, 2022 to go forward with the Middle Road abandonment if the Town Attorney is ready.

With no further business, on a motion of Councilman Fama and seconded by Councilman Sparks, the meeting was adjourned at 9:03 PM. Carried unanimously.

Respectfully submitted,

Carol Crane, Acting Secretary