

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
JANUARY 26, 2011**

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON WEDNESDAY, JANUARY 26, 2011, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor George E.D. Brady; Trustees Jennifer A.O. Keys, Gregory Rogers, Richard O'Shea, Robert D. Taylor, Jr.; Clerk-Treasurer Sharon Jeary; Village Attorney Laurence Boylan; Chief of Police Christopher Hayward; DPW Superintendent Robert Lathan, Jr.; 14 citizens.

Mayor Brady called the meeting to order at 7:00 PM and asked everyone stand and recite the Pledge of Allegiance.

APPROVAL OF MINUTES – A motion was offered by Trustee O'Shea to approve the minutes of the Board of Trustees dated January 12, 2011 as previously printed and presented. Seconded by Trustee Taylor and on a call of votes Trustee Keys – Aye, Trustee O'Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried.

RECOGNITION, MYRTLE BURRELL, YEARS OF SERVICE – Mayor Brady presented Village employee, School Crossing Guard Myrtle Burrell with a certificate of appreciation for her twenty-five plus years of dedicated service to the Village of LeRoy. Board members and Chief Hayward expressed their appreciation for her service too.

COMMUNICATIONS:

SUPERINTENDENT OF SCHOOLS, KIM COX – Letter received from Kim Cox, Superintendent of Schools commending the Police Department for their quick and effective response during the recent school evacuation.

DEPARTMENT CONSIDERATIONS:

DPW Superintendent Lathan – everything is going well.

Chief Hayward:

- Workplace Violence Training was recently held with our employees from that meeting it was suggested that additional security measures are needed in the building.
- Received a grant in the amount of \$12,000 for employee identification that will tie into the security system. Employee health information may also be included on the ID should the employee so desire.

PUBLIC HEARING, LOCAL LAW #1 OF 2011, AMENDMENT TO ZONING MAP, CHANGE FROM AN R-1, (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT), ROBBINS ROAD – A motion was offered by Trustee O'Shea to reopen the public hearing on the proposed Local Law #1 of 2011 amendment to the zoning map to rezone a property known as Tax Map Number 14-2-75.11, from an R-1 zone to a PUD zone that includes approximately 12 acres. Seconded by Trustee Rogers

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and on a call of votes Trustee Keys – Aye, Trustee O’Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried. Mayor Brady advised this hearing is to seek comments on the zoning change, this proposal was heard by Genesee County Planning Board and they recommended approval and by the Village Planning Board. The Village Planning Board recommend approval of the rezone with the following conditions: a buffer zone between the south side of Presidential Acres (existing natural conditions) and the north side of the proposed project; buildings on the lots that directly abut R-1 zones be built at existing R-1 set backs.

Stacy Shank lives on Robbins Road and is concerned about the additional traffic because there are quite a few children in the neighborhood. She then read the following letter:

To the Village Board Members:

My name is Carol Durney. I owned the property on Robbins Road which I recently sold to Pete McQuillen.

Before I sold Pete this property I asked him a number of times what his plans were. He told me it was for his children with the hopes of building one or two homes for his family.

In fact I had mentioned to him my concerns about a complex when I saw Pete and Mr. Gillard checking out the property. Again he assured me nothing like that was going to happen. In fact he told me it would be a long time before he would be doing anything on the property!

We finally agreed on a price after Peter informed me it would cost him around \$10,000.00 for water lines because the village had not run the line to the end of the property.

A week or two after the final papers were signed, I found out that he was planning to build a Senior Living Community. I also found out at that time he had purchased property on Presidential Acres so he didn’t need to spend money for the water line! This was much to my surprise. I questioned Peter a couple of weeks later and he passed it off as a rumor. He talked me down money wise but much worse than that, he lied to me.

Had I known this was his plan I would not have sold the property to Mr. McQuillen. I feel betrayed by Mr. McQuillen and if being a businessman means you have to lie and be distrustful to people I’m glad I’m not one.

I have been very upset by this because I feel like I let the residents on and around Robbins Road down. Robbins Road has been a nice, quite residential area and if this development is allowed I feel it would be disruptive to the people who live there. I think people who live there would like to keep it that way. Quiet!

/s/Sincerely, Carol Durney

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Martin Burt, 9283 Robbins Road – hope the Planning Boards and the Village Board are not just looking at the tax base this will add. A Planned Unit Development could change from senior living to a low income housing development. Quality of life for the current adjacent residents should be considered.

David Boyce – Residents who built adjacent to the proposed zone change built in an R-1 zone that was adjacent to an R-1 zone. Should the Board decide to adopt the law it would be great to have a buffer, we would appreciate a forever wild to protect the R-1 residences.

Steve Barbeau – Board should look at the uses for the PUD and consider what may be built. The Board has an obligation to the community – no spot zoning. One PUD is on West Main Street that didn't have an adverse impact on the surrounding areas. He then submitted to the Board a petition that states “pursuant to Village Law section 7-708, we protest and object to the rezoning of the property at Robbins Next to PUD and petition the Village of LeRoy Board of Trustees to deny that rezoning.”

/s/Stephen Barbeau, Doris Barbeau, Martin Burt, David Boyce, Stacey Schank, Valarie Webb.

Robert Walters – agriculture is right on the property line with the proposal – there will be farm activity including planes spraying

There being no further discussion a motion was offered by Trustee Rogers to adopt Local Law #1 of 2011, to amend the Village of Le Roy Zoning Map to change an R-1 zone (Residential) to a PUD (Planned Unit Development). Said property is located on Robbins Road, tax map number 14-2-75.11 and includes approximately twelve (12) acres.

Seconded by Trustee O'Shea. Mayor Brady discussion: Trustee Rogers spoke with the residents in the area and will work with developer to keep a green space. PUD's should be considered in other areas of the village. Trustee Taylor has a problem with the PUD zone not because of where it is because the yard requirements are not as restrictive as an R-1 zone. Also there are no sidewalks in that zone. Mayor Brady, the County recommended sidewalks, so they should be considered, related to a specific project. On a call of votes Trustee Keys – Aye, Trustee O'Shea – Aye, Trustee Rogers – Aye, Mayor Brady – Aye, Trustee Taylor – Nay, carried 4-1.

Steve Barbeau – asked if the property owners will be notified regarding all of the meetings pertaining to the Robbins Nest project.

It was requested the residents submit their email addresses and the Village will contact them regarding any information and meetings on the Robbins Nest project.

Also requested was to stop the contractor from clearing trees and brush from the area. Mayor Brady advised that a certain amount of the brush has to be cleared in order for a topographical map to be created. Trustee Rogers stated the Code Enforcement Officer

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was present at the site on Saturday and advised what the contractor can and can't do before the subdivision plans are submitted.

RESOLUTION TO AWARD REFUSE AND RECYCLING CONTRACT

MOTION BY Trustee Taylor

WHEREAS the Village Board of Trustees authorized the Clerk-Treasurer to advertise for bids for Refuse and Recycling, Specification Number 2011-1, and

WHEREAS, said notice to bidders was published in The Batavia Daily News and sent to contractors in the business of collection of refuse and recyclables, and

WHEREAS, said bids were received, opened and read aloud by the Clerk-Treasurer on Monday, January 24, 2011 at 3:00 PM, and

WHEREAS, the lowest apparent bidder was PSI, Inc. of Corfu, New York, NOW THEREFORE

BE IT RESOLVED, that the Village Board of Trustees contingent upon review and approval by Village Attorney Boylan hereby awards the Refuse and Recycling Bid, Specification Number 2011-1 to PSI, Inc. for the monthly fee of \$8775.00/refuse route collection and tipping fee of \$45.00/ton; \$6,820.00/refuse.

SECONDED BY Trustee O'Shea and on a call of votes Trustee Keys – Aye, Trustee O'Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried.

OFFICIAL CONSIDERATIONS:

Trustee Keys – a lovely letter was sent by the Superintendent of School thanking the Police and Fire Department for keeping our children safe.

Trustee Taylor – received a complaint and gave it to the DPW Superintendent, he was quick in handling the problem. A section of sidewalk wasn't plowed they were a man short, took care of it later that day. Trustee Keys added she is appreciative that the east end of Trigon is plowed.

Mayor Brady:

- Reported that mid February the Munson Street sewer project will begin. Should take a week to ten days, weather dependent.
- Swimming Pool Group – satisfy the process of alienation, parkland would become private property.
- Software – looking at an upgrade for our budgeting, billing, and receivables. Our system is very outdated.

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- East Avenue – contacted engineers, today to determine the start date for the East Avenue project.

Trustee Keys – thanked everyone from the Robbins Road area for being a part of the democratic process, in favor of people being notified of all of the meetings.

EXECUTIVE SESSION: A motion was offered by Trustee Taylor to enter executive session for the purpose of discussing a pending contract. Seconded by Trustee Keys and on a call of votes Trustee Keys – Aye, Trustee O’Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried. Mayor Brady requested Village Attorney Boylan, Chief of Police Hayward, and Clerk-Treasurer Jeary to remain for the session. Session entered at 7:30 PM.

REGULAR SESSION: A motion was offered by Trustee Taylor to return to regular session, seconded by Trustee O’Shea and on a call of votes Trustee Keys – Aye, Trustee O’Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried. Session entered at 8:40 PM. Mayor Brady announced no action was taken during executive session.

AUTHORIZATION TO PAY BILLS – A motion was offered by Trustee Rogers to pay bills as presented, seconded by Trustee Taylor and on a call of votes Trustee Keys – Aye, Trustee O’Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady - Aye, carried. Payment is as follows:

General Fund – check number 15414 – 15434
Trust & Agency – check number 1064 -58.80

ADJOURN – There being no further business a motion was offered by Trustee Rogers to adjourn, seconded by Trustee Keys and on a call of votes Trustee Keys – Aye, Trustee O’Shea – Aye, Trustee Rogers – Aye, Trustee Taylor – Aye, Mayor Brady – Aye, carried. Meeting adjourned at 8: 50 PM.

Respectfully submitted,

Sharon M. Jeary,
Clerk-Treasurer

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