

An organizational & regular meetings 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 2nd day of January 2024.

PRESENT:	Donald Wester	-----	Supervisor
	Gary Sparks	-----	Councilman/Deputy Supervisor
	Jerome Butterbrodt	-----	Councilman
	John Fama	-----	Councilman
	Carol Crane	-----	Acting Secretary
	Dan Marusiak	-----	Highway Superintendent

ABSENT: Councilman Brian McCarty

OTHERS PRESENT: Ron Maxwell - Code Enforcement Office, Ellen Coyne - Town Justice, Brenda Eddy – Town Historian, and nineteen members of the community.

DISCUSSION – CALL THE MEETING TO ORDER AND THE PLEDGE TO THE FLAG

Supervisor Wester called the 2024 Organization meeting to order at 6:58 P.M. and Highway Superintendent Marusiak led everyone in the Pledge to the Flag.

DISCUSSION - ORGANIZATIONAL APPOINTMENTS FOR 2024

There was a discussion of the proposed organizational appointments, and the Board took the following action.

RESOLUTION #1 APPROVAL TO ACCEPT ORGANIZATIONAL APPOINTMENTS FOR 2024

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the Town Board accept the Organizational appointments for 2024 as follows:

Appointed Councilman Sparks as Deputy Town Supervisor

Appointed Tim Willis as Deputy Highway Superintendent

Appointed Deb Coburn as Justice Clerk

Appointed Kolleen Redman as Deputy Justice Clerk

Records Management - TBD

Appointed Reinhard Gsellmeier as Zoning Board of Appeals Board Member

Town Board Meetings will be once a month.

Special Meeting on January 4, 2024, to appoint Deputy Town Clerks
Operating Procedures - Supervisor Wester will obtain a list of new members and changes from
the Fire Department

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

RESOLUTION #2 APPROVAL OF AGREEMENT TO SPEND HIGHWAY FUNDS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE, to approve the 2024 Agreement to Spend Town Highway Funds effective
immediately as follows:

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and
collected for the repair and improvement of highways, and received from the state for the repair
and improvement of highways, shall be expended as follows:

**RESOLUTION #2 APPROVAL OF AGREEMENT TO SPEND HIGHWAY FUNDS
continued**

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

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN**

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

ADOPTED AYES 4 NAYS 0 ABSSENT 1 (Councilman McCarty)

RESOLVE, the Town of Conesus engages Donald A. Young, Esq. to provide legal services to the Town, all at the cost set forth in and as in accordance with the engagement letter for such services, which letter is hereby approved, and authorize the Supervisor to sign, said services provided in the alternative to the office of the Town Attorney, which office is abolished as follows:

Donald A. Young, Esq. ·
Email: dyoung@younglawofwny.com
63 Hillary Ln. · Penfield, NY · 14526 ·
Phone: m: 585-474-5471

December 28, 2023
Mr. Don Wester
Town of Conesus Supervisor
6210 South Livonia Rd. Conesus, NY 14435
Re: General Legal Counsel for the Town of Conesus, NY

Dear Supervisor Wester:

I am very pleased to have the opportunity to be of continued service to the Town of Conesus (the “Town”) and I look forward to continuing to work with you and the team at Town. I will continue to endeavor to provide high quality legal services in a responsive and efficient manner that best serves the Town’s interests.

Key to a sound attorney-client relationship is a clear understanding of the terms and conditions upon which legal services will be provided. Thus, the purpose of this letter is to clarify and confirm these terms and conditions. Please excuse the formal nature of this letter – some of its substance is mandated by the Rules of Court.

A. Scope of Services

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN-continued**

The Town has asked me to represent it as general legal counsel in relation to a variety of municipal, planning and zoning legal services requested by the Town. Such legal services may include representation of the Town Board, including representation at the meetings of such Board when requested (to address inquiries that may arise during such meetings, to address agenda items specified by the Town, etc.), and any other municipal board meetings as requested, as well as addressing other legal needs specifically requested by Town including, for example, local law and Town Code drafting and amendments; rezoning applications; intermunicipal agreements, FOIL requests; Open Meetings Law issues; improvement districts (including sewer, water and drainage, for example); routine, nontransactional real estate matters (e.g., licenses, easements, etc.); review and negotiation of contracts; addressing SEQR issues, addressing ongoing issues with developments, etc. Additionally, at the request of the respective Boards, I will provide services relating to the particular needs of the Town's Zoning and Planning Boards, including advising on site plan, subdivision and variance matters, for example. This representation does not include employment/union matters or litigation matters.

B. Representation

Generally, I, Donald A. Young, Esq., will be responsible for the representation. I will provide legal services on matters specifically referred to me and requested by the Town and which are within the Scope of Services, all in accordance with this agreement. When questions or comments arise about services, billings, or other aspects of the representation, please do not hesitate to contact me directly. It is important that you are satisfied with my services and responsiveness at all times. This engagement begins on January 1, 2024 and, unless terminated by either party, continues on a month to month basis through the end of the calendar year, but may be extended and/or continued thereafter under the terms set forth herein on a month to month basis for the monthly fee set forth below for so long as the Town and I agree to the same.

Termination. Should the Town decide that it no longer requires my services, for budgeting purposes or otherwise, it may terminate representation at any time. To the extent permitted by rules of professional responsibility and the court, I may terminate representation under this monthly contract a) upon 30 days' notice, or b) at any time if you breach any material term of this agreement, fail to cooperate or follow advice on a material matter, if a conflict of interest develops or is discovered, or if there exists, at any time, any fact or circumstance that would, in my opinion, render my continuing representation unlawful, unethical, or otherwise inappropriate. If I elect to terminate representation, you will timely take all steps reasonably necessary and will cooperate as reasonably required to relieve me of any further obligation to perform legal services.

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN-continued**

C. Responsibilities

In reliance upon information and guidance provided by the Town, and at the specific request of the Town, I will provide legal counsel and assistance to the Town in accordance with this letter on those particular matters for which the Town has requested provision of legal services. However, should I determine that any requested legal service exceeds my professional ability/competency to provide such services, I will so advise the Town such that it may pursue alternative counsel. For matters I am handling, I will keep the Town informed of progress and developments and respond to the Town's inquiries.

To enable me effectively to render these services, the Town agrees to cooperate fully with me in all matters relating to the preparation and presentation of all matters, to fully and accurately disclose to me all facts that may be relevant to the matters or that I may otherwise request, and to keep me apprised of developments relating to the matters.

During the course of this representation, I may express opinions or beliefs concerning a matter and the results that might likely be anticipated, based upon my experience. Any such statement is intended be an expression of opinion only, based on information available at the time, and must not be construed by the Town as a promise or guarantee of any particular result.

D. Fees, Disbursements, and Other Charges

Monthly Fee. The fee for representation will be the monthly amount of \$2,125.00. This will entitle the Town to 10 hours of general legal services per month. The services which will be rendered for such sum include those requested services listed above under Scope of Services.

A running balance of hours will carry over from month to month so long as this contract is in effect, such that should the Town not fully utilize all available hours from the previous month, any unused hours will carry forward and be added to the hours available for the next month (e.g., if 5 hours were used in January, 5 hours would carry forward and Town would begin February with 15 [5+10] hours).

Should the Town ever exhaust its balance of hours, any excess hours used will be subtracted from those hours to be made available the following month (i.e., if 15 hours [of 10 hours] were used in January, 5 hours would be subtracted from the allotted February hours and the Town would begin February with 5 hours). To the extent the Town exceeds its balance of available hours during the final month of this contract, any such excess hours will be charged at the hourly rate of \$217.50. In the unlikely event that the Town begins a month without any available hours (e.g., due to excess hours in the prior month), any further hours used will be charged at the hourly rate of \$217.50 until the Town

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN-continued**

achieves a positive hours balance in a future month. All hourly rates herein shall be billed in 1/10th of an hour increments.

Other Matters – Additional Hourly Fee. The following matters will be billed separately from and in addition to the above-quoted general legal services and associated monthly fee: A) “Charge back matters,” which include services rendered in relation to land use applications where legal fees may be charged back to a land use applicant per the Town’s Code, including addressing the State Environmental Quality Review Act (“SEQR”) relative to such matters, to be billed at the rate of \$240.00 per hour.

Litigation not within Scope. Among other matters not listed as within the Scope of Services litigation matters, including, for example, Article 78 Proceedings, tax certiorari, employment litigation (including complaints filed with administrative agencies [i.e., EEOC], preparing for litigation, investigations, Article 75 proceedings), and investigations are not within the scope of this agreement.

Payment. The Town will receive a statement of services at the end of each month invoicing the Town for the amount owed and detailing services rendered, including setting forth the number of hours of legal services utilized that month, detailing how the time was spent, and setting forth any hours to be credited or debited from the following month, if any. Payment is expected within thirty days, however, should the Town anticipate any difficulties in timely payment, the Town should promptly contact me upon receipt of the billing statement so we can discuss potential accommodations. The Town should also be aware that failure to pay billing statements as rendered, or as modified by agreement, may result in withdrawal of representation.

Termination/Hours. Any remaining, unused balance of hours will expire at the termination of this contract. However, the final invoice will be reduced by \$212.50 for each unused hour remaining at the termination of this contract, but only up to a maximum one-time reduction of 100% of the final monthly flat fee set forth above (i.e., the final invoice only may be reduced by a maximum of up to \$212.50 x 10 under this provision). If this contract is not terminated at the end of a calendar month, a pro-rated portion of the monthly fee will be due, and the hours allotted for that final month calculated, based upon the proportion of the number of days this contract was effective during the last month in which this contract was effective. After termination, no additional monthly fees will be due nor will any hours carry forward thereafter.

Expenses. While I do not anticipate significant disbursements or out of pocket expenses, I must advise that in addition to legal fees, the Town will be responsible for payment for disbursements and out-of-pocket expenses, including, for example, filing fees, and, if necessary, any third-party consultants. Any significant disbursements or out-of-pocket expenses will be discussed with the Town beforehand.

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN-continued**

Lastly, in accordance with Part 1215 of the Joint Rules of the New York State Appellate Divisions, these rules require me to advise the Town that if a dispute arises about these fees, the Town has the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided upon request.

E. Client Confidentiality and Records/Files

Confidentiality. As a general matter, information I receive from the Town is held in confidence and is not released to any outside individuals or organizations, except as agreed to by the Town, or as required under an applicable law. I am obligated to maintain the confidentiality of your confidential information. I retain records relating to professional services provided so that I am better able to assist the Town with its professional needs and, in some cases, to comply with professional guidelines. In order to guard its non-public personal information, I maintain physical and electronic safeguards to comply with professional standards.

Records/Files. At the conclusion of this representation, I will retain your client file for a period of seven years. I may store some or all client file materials in a digital format. Regarding digitizing such documents, any original paper documents provided by you will be returned to you. Any copies of paper documents provided by you will not be returned to you unless you request such copies in writing prior to their destruction. After any or all paper documents are digitized, all paper documents in the client file will be destroyed, subject to the exceptions noted above. At the expiration of the seven-year period, I may destroy all client file materials unless you notify me in writing that you wish to take possession of them.

If this letter correctly reflects the Town's understanding of and its agreement to the terms and conditions of my representation of the Town, please confirm the Town's acceptance by signing the enclosed copy in the space provided below and promptly return it to me. Upon acceptance, these terms and conditions will apply retroactively to the date I first performed services the subject of this Agreement on the Town's behalf.

I am very pleased to have the opportunity to be of service and look forward to working with the Town to meet its legal needs.

Very truly yours,

Donald A. Young, Esq.

I have read and understand the terms and conditions set forth in this letter and, on behalf of the Town of Conesus, agree to them.

Town of Conesus

Date: _____

By: Don Wester, Town of Conesus Supervisor

**RESOLUTION #3 APPROVAL OF AGREEMENT FOR GENERAL LEGAL SERVICES
TO THE TOWN BOARD AND AUTHORIZE THE SUPERVISOR TO SIGN-continued**

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

RESOLUTION #4 ORGANIZATIONAL ITEMS

On motion of Deputy Supervisor Sparks, seconded by Councilman Fama the following resolution was

ROLL CALL VOTE ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVED to accept the Organization appointments for 2024 as follows:

2024 ANNUAL APPOINTMENTS

REGISTRAR OF VITAL STATISTICS	TBD
RECORDS ACCESS/RECORDS MGT OFFICER	TBD
HISTORIAN	Brenda Eddy
CODE ENFORCEMENT OFFICERS	Ronald Maxwell
	Allan Rudgers
DOG CONTROL OFFICER	County of Livingston
PLANNING BOARD SECRETARY	Carol Crane
ZONING BOARD OF APPEALS SECRETARY	Carol Crane
CODE ENFORCEMENT COORDINATOR	Carol Crane
RESERVATION OF PARKS	Hazel Delaney
ATTORNEY FOR TOWN	Donald A. Young, Esq.
SPECIAL COUNCIL	Terence Robinson
WEBSITE DEVELOPER/ASSISTANT	Supervisor Don Wester
FOREST & MUCK COORDINATOR	Supervisor Don Wester
LEAD RECYCLING ATTENDANTS	Dan Walkley
	Rudy Mosher
PLANNING BOARD CHAIR 5 YEAR TERM	Brad Francis
ZONING BOARD CHAIR 5 YEAR TERM	Mark Hopkins
TRAFFIC SAFETY COUNCIL 12/31/2024	Supervisor Don Wester
TRAFFIC SAFETY COUNCIL ALT. 12/31/2024	Deputy Supervisor Gary Sparks
COUNTY ALL HAZARD COMMITTEE	Dan Marusiak
BOOKKEEPER/ACCOUNTING SERVICES	Baldwin Business
PARKS CUSTODIAN	Elaine Jacobs
CLEANER	Sheila Staley

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

FAIR HOUSING OFFICER	Supervisor Don Wester
PARK HANDYMAN	Andrew Kranz
SNOW REMOVAL WALKWAYS TOWN HALL	Andrew Kranz
ZONING BOARD OF APPEALS 5 YEAR TERM	Reinhard Gsellmeier

FURTHER RESOLVE, the following 2024 Salary Schedule be adopted:

2024 SALARY SCHEDULE

TITLE	ANNUAL/HR. RATE	PAYMENT SCHEDULE
Supervisor	\$13,000.00	Monthly
Town Council	\$ 2,500.00	Monthly
Town Clerk	\$27,536.00	Bi-Weekly
Deputy Town Clerk	TBD	By Voucher
Town Tax Collector	\$ 3,646.00	Bi-Weekly
Town Justice	\$ 7,200.00	Monthly
Court Clerk	\$ 8,000.00	Bi-Weekly
Assessor	\$21,000.00	Annually
Assessor Clerk	\$ 3,700.00	Annually
Highway Superintendent	\$66,000.00	Bi-Weekly
Deputy Highway Superintendent	Hourly per Union Contract	Bi-Weekly
Building and Zoning Officer	\$ 26.00/hr.	By Voucher
Park Custodian	\$ 4,260.00	Monthly - Seasonal
Town Vital Statistics Registrar	\$ 288.00	Annually
Records Management Officer	\$ 2,530.00	Annually
Cleaner	\$ 16.00/hr.	Annually
Historian	\$ 2,007.00	By Voucher
Attorney	\$ 2,187.50	Monthly
Special Council	Per Diem	Monthly
Accountant	\$11,800.00	Per Diem
Payroll	\$ 2,300.00	By Voucher
Board of Assessment Review (5)	\$75/diem	By Voucher
Planning Board (5)	\$25/diem	By Voucher
Zoning Board (5)	\$25/diem By Voucher	\$300/December
Zoning Board Secretary	\$ 1,258.00	\$300/December
Planning Board Secretary	\$ 1,258.00	Monthly
Code Enforcement Clerk	\$ 15.00/hr	By Voucher
Recycling Center Lead Attendants	\$ 16.00/hr	Bi-Weekly

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

Recycling Center Personnel	\$ 15.00/hr	By Voucher
Election Service Personnel	Per Law/per Diem (\$300.00)	By Voucher
Parks Handyman	\$ 15.00/hr.	By Voucher
Snow Removal walkways Town Hall	\$ 25.00/job	By voucher

ESTABLISH STANDARD WORK HOURS FOR ALL HIGHWAY OFFICERS AND EMPLOYEES

FURTHER RESOLVED that the Town Board establishes eight (8) hours per day as the standard number of work hours for all highway officers and employees of the Town of Conesus for retirement purposes.

ESTABLISH STANDARD WORK HOURS FOR ALL NON-HIGHWAY OFFICERS AND EMPLOYEES

FURTHER RESOLVED that the Town Board establishes six (6) hours per day as the standard number of work hours for all non-highway officers and employees of the Town of Conesus for retirement purposes.

2024 TOWN BOARD MEETING SCHEDULE ALL MEETINGS WILL BE HELD AT CONESUS TOWN HALL 6210 SOUTH LIVONIA RD., CONESUS.

FURTHER RESOLVED bill paying review begins at 6:30 P.M. the meetings begin at 7:00 P.M. All meetings are held on 1st Tuesday of the month unless otherwise noted. January 2 *Special Meeting 7:00 P.M., January 4, 2024, Appoint Deputy Town Clerk(s) Cancel if Annette appoints Deputy Town Clerk(s) on February 6th, March 5th, April 2nd, May 7th, June 4th, July 2nd, August 6th, September 3rd, October 1st, *November Thursday 7th, (Election Day is Tuesday November 5th), December 3rd.

ESTABLISH ORDER OF BUSINESS

FURTHER RESOLVED the order of business for Town Board Meetings:

1. Call to Order
2. Pledge to Flag
3. Public Hearings (If Any)
4. Privilege of the Floor
5. Introduction of Local Laws

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

6. Announcements and Communications
7. Approval of Minutes
8. Clerk's Report
9. Supervisor's Report
10. Highway Report
11. Submission of Written Reports:
 - Assessor's Report
 - Code Enforcement Report
12. Updates on Key Issues:
 - Conesus Lake
 - Liv. Co./Town Planning Board Liaison Report
 - Town ZBA Liaison Report
 - Liv. Co BOS Report / Supervisor Reports (LCWC, LCWSA, GLOW, C.L.E.A.N, IT-Tech, Cemetery, Food Pantry)
 - Maintenance Report
13. Unfinished Business
14. New Business / Resolutions
15. Public General Comments and Questions
16. General Fund Claims
17. Highway Fund Claims
18. Adjournment

AUTHORIZE THE HIGHWAY DEPARTMENT REMOVE SNOW AND ICE FOR CONESUS FIRE DEPARTMENT AND THE TOWN OF CONESUS FACILITIES

FURTHER RESOLVE Highway Department participation in ice and snow removal for the Conesus Fire Department and the Town of Conesus facilities.

AUTHORIZE THE HIGHWAY DEPARTMENT TO DESIGNATE AND POST TOWN ROAD

FURTHER RESOLVE the Highway Superintendent designate and post Town Roads sections that are without residences or commercial buildings as seasonal and limited access roads.

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

APPROVAL OF GENERAL OPERATING PROCEDURES FOR TOWN OF CONESUS

FURTHER RESOLVE, the Town Clerk amend the Town of Conesus and County of Livingston Disaster Preparedness to reflect changes by elected and appointed employees of the Town of Conesus and County of Livingston. Disaster Preparedness.

APPROVAL OF SUPERVISOR SPENDING

FURTHER RESOLVE, to authorize the Town Supervisor to pay time-sensitive bills to avoid paying late fees and penalties.

ESTABLISH TOWN CLERK PETTY CASH FUND

FURTHER RESOLVE, the Town Board approves the Town Clerk to have a petty cash fund of One Hundred Fifty Dollars and No Cents from which to make change and make miscellaneous purchases.

DESIGNATE OFFICIAL NEWSPAPER

FURTHER RESOLVE, the Town Board approves the Livingston County News as the official newspaper for the Town of Conesus.

DESIGNATE LEGAL DEPOSITORY

FURTHER RESOLVE, the Town Board approves Five Star Bank as the legal depository for the Town of Conesus.

2024 MILEAGE RATE

FURTHER RESOLVE to approve the mileage reimbursement rate for 2024 is \$.67/per mile (same as Livingston County)

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

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

DISCUSSION - REVIEW OF VARIOUS TOWN POLICIES

1. General Operating Procedure
2. Town of Conesus, New York Sexual Harassment Policy
3. Town of Conesus Website Policy
4. Town of Conesus Procurement Policy
5. Public Access to Records of Town of Conesus, New York
6. Town of Conesus, NY Policy for Workplace Violence

TOWN BOARD COMMITTEES AND LIAISON

Supervisor Wester: Livonia Recreation Liaison
Recycle Center Records/Permits/Liaison
Town Hall Interior/Exterior Maintenance
EOC Contact Person
IT/Technical Support
Traffic Safety Board
Conesus Representative to the Liv. Co Planning and Town Planning Board
Assist and support projects when and where necessary.

Councilman Butterbrodt:
Conlon/Mulvaney Legion Liaison
Parks Liaison/Projects
Assist and support Projects when and where necessary.
Park ARPA projects Assistant

Councilman Sparks: Conesus Alternate Representative to the Liv. Co. Traffic Safety Board
Liaison to Ambulance District
Liaison to Boy Scouts
Liaison Deferred Compensation Plan
Assist and support Projects when and where necessary.

Councilman McCarty:
Town Facilities Maintenance (Parks-Exterior Town Hall)
Liaison Golden Years
Town Board Liaison - Zoning Board of Appeals
Assist and support Projects when and where necessary.

RESOLUTION #4 ORGANIZATIONAL ITEMS-continued

Councilman Fama: Town Board Liaison - Conesus Lake/Conesus Lake Association Liaison
Co Partner CLWC/CLWSA with Supervisor Wester
Assist and support projects when and where needed.
ARPA projects Assistant

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

RESOLUTION #5 ADJOURN THE 2024 ORGANIZATION MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE to close the 2024 Organizational meeting at 7:15 P.M.

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

Supervisor Wester called the regular meeting to order at 7:15 P.M. by stating there were no privilege of the floor requested. There is a need to hold a special meeting to appoint a Deputy Town Clerk and the next regular Town Board meeting is scheduled for Tuesday, February 6th, 2024, at 7:00 P.M.

**RESOLUTION #6 APPROVAL OF MINUTES DATED NOVEMBER 21 AND
DECEMBER 19, 2023**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the minutes of November 21st and December 19th be approved with corrections and request Supervisor Wester post on the Town of Conesus Website.

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

DISCUSSION - REPORTS OF TOWN OFFICIALS:

The Supervisor's November Report will be provided next month.

Town Clerk's November Report Nothing to report.

Assessor's Report Nothing to report.

Code Enforcement Report

Two variances and working with Rick McGrain on tiny houses issue on Dugway Road
Highway Superintendent Marusiak's Report:

Still working with Jeff Wilson on Highway Facility repairs

DISCUSSION - UPDATES ON KEY ISSUES:

Conesus Lake Association Representative: Councilman Fama reported on the following:

- Boat Safety Courses for 2024 - All boaters need to take before 2025.
- Look on website for more information www.conesuslake.org

Liv Co/Town Planning Board: Supervisor Wester reported on the following:

- Looking for alternates for Conesus Planning Board
- Looking for alternates for Zoning Board
- Liv Co BOS/LCWS/GLOW nothing to report.

DISCUSSION - UNFINISHED BUSINESS

Reports/Strategic Plans:

Highway Facility Repairs ARPA Funds-Marusiak Report on meeting with Engineer Jeff Willson.

Ricky Greene RFP projects (sidewalk, roofs) status Councilman Butterbrodt, Supervisor Wester, are working on getting sealed bids for sidewalk, roof and possibly the log cabin.

Cell Tower Bond/Project update was provided Code Enforcement Officer- Maxwell, and Attorney Young

Code Enforcement Officer Maxwell stated the Site Plans have been signed and he is waiting for the 911 address. After this meeting they can start testing for shale.

DISCUSSION – OPENING PUBLIC HEARING FOR PROPOSED LOCAL LAW T-1A-2024 AND LOCAL LAW T-2A-2024

The following legal notices were read as follows:

The following legal notices were read to open the Public Hearings for Local Law T-1A-2024 and T-2A-2024.

NOTICE OF PUBLIC HEARING

LOCAL LAW 1 OF 2024 TO REVISE THE CONESUS TOWN CODE AT CHAPTER 151 TO CLARIFY SECURITY/BOND REQUIREMENTS FOR WIRELESS SERVICE FACILITIES

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by the Conesus Town Board, designated as a Local Law 1 of 2024 to “Revise Town Code at Chapter 151 to Clarify Security Requirements for Wireless Service Facilities.”

PLEASE TAKE FURTHER NOTICE that said proposed Local Law, generally, is aimed at revising and clarifying the requirements for tower removal security.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Conesus Town Clerk’s Office located at 6210 S Livonia Rd, Conesus, NY 14435, where it is available for public inspection during regular business hours, and may also be reviewed on the Town website at www.town.conesus.ny.us

Conesus.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said proposed Local Law has been scheduled for the 2nd of January, 2024, at 7:05 PM, to be held by the Conesus Town Board at the Conesus Town Hall, 6210 S Livonia Rd, Conesus, NY 14435. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Conesus Town Clerk at 6210 S Livonia Rd, Conesus, NY 14435.

Dated: 12/20/2023 Annette McNinch, Town Clerk

Donald W. Wester, Town Supervisor

NOTICE OF PUBLIC HEARING

FOR LOCAL LAW 2 OF 2024 TO SET RESIDENCY REQUIREMENTS FOR TOWN OF CONESUS DEPUTY TOWN CLERKS TO INCLUDE LOCAL COUNTIES

PLEASE TAKE NOTICE that a proposed local law is under consideration by the Conesus Town Board, designated as “Local Law No. 2 of 2024 to Set Residency Requirements for Town of Conesus Deputy Town Clerks to Include Local Counties.”

PLEASE TAKE NOTICE that, in sum, said proposed local law is aimed at permitting the Town’s deputy town clerk(s) to reside in a local county, instead of restricting their residency to the Town of Conesus, such counties to include Livingston, Monroe, Genesee, Wyoming, Allegany, Steuben, Ontario and Yates.

DISCUSSION – OPENING PUBLIC HEARING FOR PROPOSED LOCAL LAW T-1A-2024 AND LOCAL LAW T-2A-2024-continued

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Conesus Town Clerk's Office located at 6210 S Livonia Rd, Conesus, NY 14435, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE, that a public hearing upon said proposed local Law has been scheduled for the 2nd day of January 2024, at 7:05 PM, to be held by the Conesus Town Board at the Conesus Town Hall, 6210 S Livonia Rd, Conesus, NY 14435. An opportunity to be heard in regard thereto will then and there be given.

Written comments may also be directed to the Conesus Town Clerk.

Dated: 12/20/2023 Annette McNinch, Town Clerk

Donald W. Wester, Town Supervisor

DISCUSSION – PROPOSED LOCAL LAWS

There was discussion on the proposed local law including the public and Board Members comments. The following actions were taken.

RESOLUTION #7 CLOSE PUBLIC HEARING FOR LOCAL LAW T-1A-2024

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Councilman McCarty)

RESOLVE to close the public hearing for Local Law T-1A-2024.

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

RESOLUTION #8 CLOSE PUBLIC HEARING FOR LOCAL LAW T-2A-2024

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Councilman McCarty)

RESOLVE to close the public hearing for Local Law T-2A-2024.

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

**RESOLUTION #9 APPROVAL TO ADOPT LOCAL LAW #1 OF 2024 TO REVISE THE
CONESUS TOWN CODE CHAPTER 151 TO CLARIFY SECURITY/BOND
REQUIREMENTS FOR CELL TOWER WIRELESS SERVICE FACILITIES**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the Town Board approve the following local law as follows:

Section I. Authorization and Supersession

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II Title and Purpose

This law shall be known as and may be cited as Local Law No. 1 of 2024 to "Revise Town Code Chapter 151 to Clarify Security Requirements for Wireless Service Facilities." The purpose of this Local Law is to revise and clarify the requirements for tower removal security.

Section III Legislative Finding

The Town Board of the Town of Conesus finds and hereby determines that the Town Code should clearly set forth the requirements for tower removal security.

Section IV Substantive Legislation

The following local legislation is hereby adopted and shall be codified in the Conesus Town Code as follows:

Section 151-6, subsection I thereof, is hereby amended to read as follows:

Removal / Security. Security (which may include, but is not limited to, a cash escrow or a bond) shall be provided and maintained by the owner/operator of the facility to the Town to ensure, and be in an amount sufficient to ensure, the complete removal of the tower installation, all in accord with the Town Code, including but not limited to removal of the tower, appurtenances, pad/base, etc., and restoration of the site, including seeding. The amount of security shall be 120% of the estimated cost of removal and site restoration, which cost shall be established by an engineering estimate acceptable to the Town. Said security shall be subject to approval for sufficiency and form by the Conesus Town Board or designee. Acceptable security shall be posted with the Town prior to commencement of construction, and in no event shall a building permit be issued prior to posting of such security. The amount shall be reviewed every five years and updated as needed (e.g., due to inflation or other cost changes). In this event of default in completing

**RESOLUTION #9 APPROVAL TO ADOPT LOCAL LAW #1 OF 2024 TO REVISE THE
CONESUS TOWN CODE CHAPTER 151 TO CLARIFY SECURITY/BOND
REQUIREMENTS FOR CELL TOWER WIRELESS SERVICE FACILITIES -continued**

construction within the permitted periods, or a default in removal in accordance with this Chapter, the security shall be forfeited to the Town, which shall be entitled to maintain action thereon. The security shall remain in full force and effect until restoration of the property as required herein. Failure to maintain the security shall be a violation of the terms of this special use permit.

Section 151-8. subsection [C](3) thereof, is hereby amended to read as follows:

The owner/operator shall have 90 days from the date of the mailing at (2) above to remove the facility, and, failing timely removal, the Town of Conesus may remove the facility at the owner/operator's expense making full use of the security issued per 151-6 above.

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 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 be effective immediately upon its approval, upon filing with the Secretary of State.

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

RESOLUTION #10 APPROVAL TO ADOPT LOCAL LAW #2 OF 2024 TO SET RESIDENCY REQUIREMENTS FOR THE TOWN OF CONESUS DEPUTY TOWN CLERK(S) TO INCLUDE LOCAL COUNTIES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the Town Board approved to adopt Local Law #2 of 2024 to set residency requirements for Town of Conesus Deputy Town Clerk(s) to include local counties.

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

Section I. Authorization and Supersession

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law, and amends and/or supersedes the following laws, as follows:

- A. New York Public Officers Law Section 3, to the extent it requires that deputy town Clerks appointed to hold a local office be required to be a resident of the municipality in which he/she is appointed, and
- B. New York Town Law Section 23, to the extent it requires that deputy town clerks appointed to office in a town be required to be a resident/elector of the town in which he/she is appointed, and
- C. New York Town Law Section 30, to the extent it requires that the appointment of deputy town clerks be required to comply with NY Town Law Section 23 and NY Public Officers Section 3, requiring such appointed person to be a resident/elector of the municipality in which he/she is appointed.

Section II Title and Purpose

This law shall be known as and may be cited as Local Law 2 of 2024, to Set Residency Requirements for Town of Conesus Deputy Town Clerk(s) to include Local Counties. The purpose of this Local Law is to supersede the town residency requirement for deputy town clerks (found in NY Public Officers Law Sections 3 and 30, and NY Town Law Section 23), and instead require that such officials be a resident of one of the following New York counties: Livingston, Monroe, Genesee, Wyoming, Allegany, Steuben, Ontario and Yates.

Section III Legislative Findings

**RESOLUTION #10 APPROVAL TO ADOPT LOCAL LAW #2 OF 2024 TO SET
RESIDENCY REQUIREMENTS FOR THE TOWN OF CONESUS DEPUTY TOWN
CLERK(S) TO INCLUDE LOCAL COUNTIES-continued**

The Town Board of the Town of Conesus finds and hereby determines that restricting appointment of deputy town clerk(s) to those persons which reside in the Town of Conesus limits the number of qualified individuals eligible for such positions. Thus, in order to retain the most qualified individual(s), the Town should permit deputy town clerk(s) to reside in a local county, instead of restricting their residency to the Town of Conesus.

Section IV Amendments

In the Town of Conesus, New York, the provisions of the New York Public Officers Law Section 3, New York Public Officers Law Section 30, and New York Town Law Section 23, which require town officials to be residents of the town where they are appointed, are expressly superseded for the position of deputy town clerk, including but not limited to the first deputy clerk and any additional or other deputy town clerks.

Instead, any person holding such position(s) in the Town of Conesus must be a resident of one of the following New York counties: Livingston, Monroe, Genesee, Wyoming, Allegany, Steuben, Ontario, and Yates.

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 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 be effective immediately upon its approval and filing with the Secretary of the State of New York.

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

**RESOLUTION #11 APPROVAL TO EXTEND EQUIPMENT, MACHINERY, TOOLS,
AND SERVICES SHARING CONTRACT FOR 2024**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the Town Board approves to extend equipment, machinery, tools, and services sharing contract for 2024 as follows:

RESOLUTION #11 APPROVAL OF LIMA TO EXTEND EQUIPMENT, MACHINERY, TOOLS, AND SERVICES SHARING CONTRACT FOR 2024-continued

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

RESOLUTION #12 APPROVAL OF APPOINTMENT OF DONALD WESTER TO LIVINGSTON COUNTY TRAFFIC SAFETY BOARD AND APPOINTMENT OF GARY SPARKS TO LIVINGSTON COUNTY TRAFFIC SAFETY BOARD ALTERNATE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE the Town Board approves the appointments of Supervisor Don Wester as the Town of Conesus Representative to the Livingston County Traffic Safety Board and Deputy Supervisor Gary Sparks as Alternate to the Livingston County Traffic Safety Board.

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

DISCUSSION – TINY HOMES ON DUGWAY AND RESIGNATIONS

There was discussion on the construction of tiny homes on Dugway and the resignations of the Town Clerk and Deputy Town Clerk.

RESOLUTION #13 ADJOURN THE MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman McCarty)

RESOLVE that no further business is on the agenda the meeting is adjourned at 8:19 PM. Carried unanimously.

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

Carol Crane, Acting Town Clerk

Donald Wester, Town Supervisor

Sharon M. Knight, MMC/RMC, Deputy Town Clerk