

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 9th day of April 2024.

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

**OTHERS PRESENT:** Ron Maxwell, Code Enforcement Officer and approximately eight visitors

Councilman Butterbrodt led everyone in the Pledge to the Flag.

**ANNOUNCEMENTS AND COMMUNICATIONS**

1. Next Town Board Tuesday May 7, 2024, 7:00 P.M.
2. Congratulations to the Town of Conesus 2024 Senior Citizens of the Year  
Pat and Bert Auinger

**DISCUSSION – APPROVAL OF MINUTES**

The minutes of March 5, 21, and 26, 2024 will be considered for adoption at the next meeting.

**RESOLUTION #56 ACCEPT THE SUPERVISOR REPORT**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to accept the Supervisor’s monthly report for March 2024.

Receipts \$81,525.97, Highway Fund \$11,896.08 Special Districts \$.00 TOTAL \$93,422.05  
Disbursements General \$62,828.98 Highway \$60,903.31, Special District \$.164,273.00, Cell Tower \$1,128.00 TOTAL \$289,133.29.

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

**RESOLUTION #57 ACCEPT THE TOWN CLERK REPORT**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to accept the Town Clerk's monthly report for March 2024 as follows:

Total Local Shares Remitted \$714.84

New York State Department of Health \$0.00

NYS Ag. & Markets for spay/neuter program \$5.00

NYS Environmental Conservation \$0.00

TOTAL \$719.84

**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.

**DISCUSSION CODE ENFORCEMENT REPORT**

Code Enforcement Officer Maxwell reported on the following:

- Code Clerk Carol's surgery was complete, and she is in recovery.
- A thank you was extended to the Deputy Town Clerks for helping his department.
- He is becoming a Master Programmer of Code software and has a password for retrieving office phone messages.
- Lots of small projects and loads of questions occur.

**DISCUSSION HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Marusiak reported on the following:

- Working on repairs on loader bay
- Picked up flair mower.

**DISCUSSION UPDATES ON KEY ISSUES:**

**Town of Conesus and Livingston County Planning Board Representative**

Supervisor Wester reported the next scheduled meeting will be held on the 8<sup>th</sup> of May.

**DISCUSSION UPDATES ON KEY ISSUES: - continued**

**Town of Conesus Zoning Board of Appeals Representative**

Councilman McCarty reported there was a light meeting and shared the actions of the Zoning Board of Appeals

**Livingston County Board of Supervisor/GLOW/Liv. Cty. Water & Sewer (LCW&S)**

Supervisor Wester updated those in attendance stating:

There were few incidents for the Solar Eclipses except clouds.

GLOW meeting is scheduled for the 26<sup>th</sup> of April.

LCW&S no meeting

Requests for quotes on removal of bleachers were requested but no responses were received.

**DISCUSSION – AMBULANCE REQUEST**

Councilman McCarthy reopened the discussion of the request from the Town of Livonia Commissioners Ambulance District 1. Discussion included but was not limited to the following:

- Volunteering continues to be reduced.
- What dollars are currently available?
- Do we have available dollars in the 2024 budget, or do we wait for 2025 budgeting?
- List of priorities – 3 ambulances, ADE's and M74 & M75 Fly cars.
- Current prices
- Asking the public to hear their (ambulance volunteer's) voices and respond.
- Working with accountant
- Identifying the consequence of no additional support
- Operation is okay but need help with capital expenses.
- Not currently charging residents
- Accept insurance payments when they are available.
- The uninsured do not get billed.
- Number of calls taken last year
- Currently paying rent to Fire Department
- Letters will be mailed out to residents.

The Board appeared to agree with Deputy Supervisor Sparks to request a meeting with all parties involved to include the Towns of Livonia and Conesus and the Fire Commissioners.

**RESOLUTION #58 APPROVAL OF AN ESTIMATE FROM HURRICANE TECHNOLOGY FOR SONIC WALL TWO YEAR RENEWAL**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to approve an estimate from Hurricane Technology for sonic wall two-year renewal at a cost of \$910.00.

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

**RESOLUTION #59 AUTHORIZE SUPERVISOR TO SIGN PROPERTY ACCESS REQUEST**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to authorize the Supervisor to sign the Property Access request with the United States Department of Agriculture to study the European Cherry Fruit Fly and Box Tree Moths on town property.

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

**RESOLUTION #60 AUTHORIZE SUPERVISOR TO SIGN ACR CONSTRUCTION INC. PROJECT CONTRACT**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to authorize the Supervisor to sign the ACR Construction Inc., Project Contract for Siding, Electric and outside fixtures dated March 27, 2024, as follows:

# ACR Construction Inc.

6339 Railroad Ave., P.O. Box 95

Conesus, NY 14435

585-346-7273

Email: Adamcrogersconstructioninc@gmail.com

## Project Contract

Name: Town of Conesus

Date: March 27, 2024

Address: 6210 S. Livonia Rd.  
Conesus, NY 14435

Phone: 585-738-0753

Project: Siding, Electric, Outside Fixtures

Email: townclerk@town.conesus.ny.us

### Project Scope

Siding and related scope to be conducted to all specifications as outlined in Estimate #1082. All work to be conducted in a professional and workman like manner in accordance with all codes that pertain to this scope of work.

### Project Conditions

If any unforeseen or additional work that is found to be necessary to complete scope of original estimate, or additional work that is requested by customer, changes will be discussed and agreed upon by both Customer and Contractor. All additional work will be outlined on a company provided Additional Work or Change Order form and must be signed by both Customer and Contractor before work continues.

Contractor is not responsible for any delay of or work stoppage that may arise due to; incimate weather, material delays, illness, death, or other acts of God.

Tentative start dates are just a tentative time line. Customer will be contacted within 7 days of actual starting date.

All materials purchased by Contractor to complete scope of work, will be considered the property of purchasing contractor.

Contractor will keep project site clean, orderly, and safe during duration of project.

Customer must inspect and approve all work in scope once completed.  
Contractor to secure all necessary permits that are required to complete scope of work at Customers expense.  
Contractor will provide all necessary insurance forms upon request of Customer.  
Contractor will call for any necessary inspections.  
All estimates generated are good for 30 days. Any estimate older than 30 days may be subject to any increase of material costs that may be incurred.

**Contract Terms**


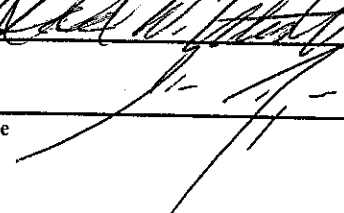
**Project Total:** \$51,600.00

**Payment Schedule:** 25% or \$12,900.00 material draw at time of contract signing.  
25% or \$12,900.00 material draw one week after signing.  
25% or \$12,900.00 is due when substantial progress has been made, determined by Contractor.  
Balance is due within 15 days of completion of original scope of work and any additional work that was performed.

**Active Balances:** Any active balance that is 30 days past due will be subject to a 5% interest charge for every 30 days that the balance is unpaid.

**Project Approval**

All work as outlined in Estimate #1082 plus any additional work performed by Contractor has been completed, inspected, and approved.

**Customer Signature:**  **Date:** 4/9/2024  
**Contractor Signature:**  **Date:** 4/9/2024  
Adam C. Rogers or Representative

**RESOLUTION #60 AUTHORIZE SUPERVISOR TO SIGN ACR CONSTRUCTION INC. PROJECT CONTRACT-continued**

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

**RESOLUTION #61 ACCEPT BID FROM COOK'S LAWNMOWING AND LANDSCAPING PROPOSAL FOR 2024**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to accept the bid from Cook's in the annual amount of \$6,100.00 as the lowest bid received as follows.

FURTHER RESOLVE a second bid was received from Bennett Over Backwards, in the amount of \$1,125.00/week and no response was received from Goodwin Law Service.

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

# Cook's Lawnmowing & Landscaping Proposal 2024

Cook's Lawnmowing & Landscaping  
6015 Cleary Road, Livonia, N.Y. 14487  
Matt's cell: (585) 329-8175; Ofc. Phone: (585) 346-3702  
E-Mail: [cookchris849@gmail.com](mailto:cookchris849@gmail.com)  
**Quality work from a Family Owned Business**  
Owners: Chris, Sr., Matt, Kathy Cook

Name: Town of Conesus  
Submitted to: Donald W. Wester  
Street: 6210 South Livonia Road, P. O. Box 188  
City/Zip: Conesus, New York 14435  
Phone: 585-346-3130; Cell Phone: \_\_\_\_\_  
E-Mail Address: dwester@town.conesus.ny.us  
SITE: See Attached "Proposal Letter"

### CHECK BOXES that apply:

We hereby Submit, Specifications, for the following:

- 1. Mowing & Line Trimming of all lawn areas designated by you as lawn: WEEKLY  
A. Clearing of grass clippings from concrete/asphalt after each mowing: \_\_\_\_\_
- 2. Other: \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. Specifications & Cost : April, 2024 Thru Nov, 2024
- 6. 2024 Seasonal Lawnmowing Contract : \$6,100.00  
\$871.43, Per Month : (for 7 Months) : (\$6,100.00 div. 7 Mo. = \$871.43)

**PAYMENT SCHEDULE:** You will be billed at the end of each month with payment due on the fifteenth of the following month. Past Due Accounts will be charged 2% per month (24% per annum) plus a monthly late fee of \$5.00. Any Accounts not paid up to date will be discontinued without notice until full payment is Received (Including All Late Charges)

1. By Signing this contract you are responsible for: (A) Removal of accumulation of debris from turf/grass area that may interfere with mowing. (B) Keeping animals (pets) & humans (Adults/Children) indoors or at a safe distance anytime machinery is running, (Atleast 60 Ft.).
2. All materials are guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices and shall be held harmless. Any deviation from specifications involving extra cost or extra work will be executed only upon written orders, and will become an extra charge over and above the written estimate.
3. All agreements are contingent upon strikes, accidents, natural disasters or other delays beyond our control.
4. If for any reason you or anyone else complete the job stated above, you are responsible to notify us two (2) days prior to the job. If we are not notified, and we arrive at your residence, you will be Charged a \$15.00 + Tax "Trip Fee".
5. This proposal may be withdrawn by us, if not accepted within 10 Days

**Acceptance of this proposal:** I have read this document and accepted the prices, specifications, and conditions stated. I understand that upon signing, this proposal becomes a legal binding contract. I authorize you to do the work as specified. Payment will be made as outlined above. I agree to pay all costs of collections and legal fees if I default on payment.

Signature: [Signature]; Date: 04/02/24; Signature: [Signature]; Date: 4/9/24  
(Cook's Lawnmowing & Landscaping Representative) (Property Owner)

Signature: \_\_\_\_\_; Date: \_\_\_/\_\_\_/24  
(Company Representative)

**Please Review ; Sign ; Date ; Return**

**Thank You for Your Business**



**UNFINISHED BUSINESS UPDATES**

Councilman Butterbrodt questioned if there is anything more that can be done by the Town Board by our Attorney regarding the property located at 6709 Dugway Road? Supervisor Wester stated it needs to be determined who owns the property and that our Code Department needs to inspect the property. It may be necessary to seek a warrant from a court. The Board appeared to agree to have Councilman Butterbrodt contact our Attorney to request moving forward as soon as possible as it's believed the property is not operating according to Town Code.

The specs for the Rickey Green Park sidewalk and roof are ready to go out to bid. Our budget will see a new line item A6010.4 for ARPA expenditures.

Two events will be held as follows:

The Livingston County News is requesting advertisements for a "We Salute Our First Responders in Livingston County". The deadline for participation is the 11<sup>th</sup> of April.

**UNFINISHED BUSINESS UPDATES - continued**

Livingston County Records Management Department has scheduled a training session on the Freedom of Information Act. A presentation will be held on the 18<sup>th</sup> of April led by Kristin O'Neill at the Conference Center, 1 Murray Hill Drive, Mt. Morris, New York.

**DISCUSSION – DEPUTY TOWN CLERK**

Deputy Town Clerk Knight updated the board stating she will be finishing her daily working hours and requested the Board conduct the Annual Audit of the Tax Collection and the Town Clerk Accounts as the newly appointed Town Clerk would be assigned to these accounts beginning in May. Deputy Town Clerk Bean would be continuing to train the newly appointed Town Clerk.

Ninety-one percent of taxes have been collected.

The New York State Town Clerk's Conference will be held in Albany later in April.

A thank you was received from Mrs. Mildred Szczgiel from Dacula Shores Road for the assistance provided by the Town Clerk's Office.

**DISCUSSION – VISITOR'S COMMENTS**

Several visitors addressed the Board on the following topics:

Visitor Joseph Kreuchten of Atlanta, New York addressed the Board regarding the removal of trees. He is fully insured and believes the marketing value is approximately \$5,000.00 and would not be removing anything under 18 inches. The Board will consider this request soon.

Visitor Darin Everdike presented a historical sign that he refurbished. He stated the cost was only \$20.00 for the paint. He worked at two-hour intervals for a total of twenty-four hours to complete the work. The historic sign recognizes a Military Route. The sign that was placed more than thirty years ago.

Property located at 6709 Dugway Road

Many safety concerns were shared regarding non-allowable use of property located at 6709 Dugway Road. This is an ongoing issue of residents, the Code Department and the Town Board. The following discussion included but was not limited to the following:

Off Dugway Road with an assortment of cottages

Consist of more than 28 acres

Property is being advertising at <https://themountainmeadow.com>)

#### **DISCUSSION – VISITOR’S COMMENTS - continued**

The owner of the property is not the person that appears to be working on the property.

This appears as if operating as a full-blown business.

Neighbors have lost privacy.

No site plan of buildings or approved by the Town in any way.

Many vehicles travel onto property.

A cabin is in the right-of-way.

Unsanitary conditions

Port-a potty emptying issues with large trucks narrowly backing out.

Easter Egg Hunt – A request to have the bathrooms open at Ricky Greene Memorial Park as made.

The Ga-ne'-a-sos History Keepers are meeting again. The last meeting was in 2019 which was pre-covid.

Prepared questions will be sent to the Supervisor.

**RESOLUTION #62 ACCEPT THE CLAIMS**

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

ADOPTED AYES 3 NAYS 0 ABSENT 1 (Councilman Fama) ABSTAIN 1 (Deputy Supervisor Sparks)

RESOLVE to pay the vouchers in the following amounts:

General Fund: Voucher #85 through #120 in the amount of \$57,269.08

Highway Fund: Voucher #42 through #55 in the amount of \$54,166.03

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

**RESOLUTION #63 ENTER INTO EXECUTIVE SESSION**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation inviting Sharon M. Knight, MMC/RMC and Sandra Bean Deputy Town Clerks/Tax Collectors at 8:18 P.M..

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

**RESOLUTION #64 CLOSE INTO EXECUTIVE SESSION**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to close executive session with no action taken at 9:25 P.M.

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

**RESOLUTION #65 APPOINT TOWN CLERK**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to appoint Julie Shutt to the position of Town Clerk, term to expire at the next general election in November of 2024.

FURTHER RESOLVE beginning May 1<sup>st</sup> Deputy Town Clerk Knight would be removed from Five Star Bank Accounts and Town Clerk Julie Shutt would be added to both accounts as a single user.

FURTHER RESOLVE that an audit will be scheduled at the next Town Board Meeting to be held May 7, 2024.

**RESOLUTION #65 APPOINT TOWN CLERK - continued**

FURTHER RESOLVE the rate of compensation will be \$20.00 per hour, term to expire at the next general election in November of 2024.

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

**RESOLUTION #66 APPOINT DEPUTY TOWN CLERK**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE to appoint Brenda Avery to the position of Deputy Town Clerk, term to expire December 31, 2024,

FURTHER RESOLVE the rate of compensation will be \$18.00 per hour, term ending December 31, 2024.

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

**RESOLUTION #67 ADJOURN THE MEETING**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Fama)

RESOLVE that no further business is on the agenda the meeting is adjourned at 9:35 PM.  
Carried unanimously.

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

Respectfully submitted,

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Sharon M. Knight, MMC/RMC  
Deputy Town Clerk