

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 7th day of May 2024 at 7:00 PM.

<b>PRESENT:</b>	Donald Wester	-----	Supervisor
	Gary Sparks	-----	Deputy Supervisor
	Jerome Butterbrodt	-----	Councilman
	Brian McCarty	-----	Councilman
	John Fama	-----	Councilman
	Julie C. Shutt	-----	Appointed Town Clerk
	Sharon M. Knight MMC/RMC	-----	Deputy Town Clerk
	Dan Marusiak	-----	Highway Superintendent
	Ron Maxwell	-----	Code Enforcement Officer

**OTHERS PRESENT:** approximately 7 visitors

**SPECIAL GUEST:** Megan Crowe, Livingston County Planning Department – Broadband

Deputy Supervisor Sparks led everyone in the Pledge of Allegiance

**DISCUSSION – “LIGHT UP LIVINGSTON – BROADBAND”**

Megan updated us on the “Light Up Livingston” initiative – an effort to get 1 gig Broadband Internet service to every home in the county.

- Livingston County is part of the project team – we as a town or county do not own any of the infrastructure.
- After Covid, all federal funds for Broadband went to the state level.
- Livingston County is going for more grant money to see if more rural areas in our county can get service.
- She shared some informative maps about who is currently served, underserved and unserved in our town.
- She reported that Frontier is widely expanding Broadband service to several areas of Conesus aside from these funds.
- Empire Access is the service provider doing the work for the grant projects. Based on distance from the POP (point of presence) in Dansville to the POP in Lima, it has been determined that somewhere in the hamlet of Conesus is the ideal location for another POP to ensure proper infrastructure for this Broadband expansion project. The POP is essentially a 10x10 space to house servers, electrical components, heating/cooling, etc. It can be a free-standing structure or can possibly be housed within another structure.
- Empire Access is asking the Town of Conesus to consider entering into an agreement to place a POP on town property.

**ANNOUNCEMENTS AND COMMUNICATIONS**

1. Next Town Board Tuesday June 4, 2024 at 7:00 P.M.
2. The Board of Assessment Review will meet to hear complaints on June 5th, 2024, from 4:00 – 8:00 PM. Grievance is held by appointment. Please call 585-346-3130 to schedule an appointment time.
3. Welcome to our new appointed Town Clerk: Julie Shutt  
\*\*New Clerk Open Office Hours starting May1-June 6 are as follows:  
Monday 9am-2pm  
Tuesday 9am-2pm  
Wednesday 9am-2pm

**RESOLUTION #68 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of March 5, 2024, and request they be posted on the Town of Conesus website.

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

**RESOLUTION #69 APPROVAL OF MINUTES**

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (COUNCILMEN FAMA & MCCARTY)

RESOLVE to approve the minutes of March 21, 2024, and request they be posted on the Town of Conesus website.

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

**RESOLUTION #70 APPROVAL OF MINUTES**

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (COUNCILMEN FAMA & BUTTERBRODT)

RESOLVE to approve the minutes of March 26, 2024, and request they be posted on the Town of Conesus website.

**RESOLUTION #70 APPROVAL OF MINUTES - continued**

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

**RESOLUTION #71 ACCEPT THE SUPERVISOR REPORT**

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

ADOPTED AYES 5 NAYS 0

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

Receipts: General Fund \$60,247.68 Highway Fund \$52,221.11 Special Districts \$0.00 TOTAL \$112,468.79

Disbursements: General \$93,353.90 Highway \$58,121.19, Special District \$0.00, Cell Tower \$0.00 TOTAL \$151,475.09.

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

**RESOLUTION #72 ACCEPT THE TOWN CLERK REPORT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Town Clerk’s monthly report for April 2024 as follows:

Total Local Shares Remitted \$927.90

New York State Department of Health \$22.50

NYS Ag. & Markets for spay/neuter program \$13.00

NYS Environmental Conservation \$0.00

TOTAL \$963.40

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

**DISCUSSION – TOWN CLERK REPORT**

Newly Appointed Town Clerk Julie Shutt shared a few things about her first couple of weeks in office:

- Attended the New York State Town Clerk Association Annual Conference in Albany April 21 – 24.

**DISCUSSION – TOWN CLERK REPORT - continued**

- Took classes while at conference on Clerk Basics, Clerk Minutes, Birth, Death and Marriage Certificates. Livingston County was not well represented there, but she made some great connections with other clerks and is grateful she was able to attend.
- Due to the unfortunate health emergency with Deputy Clerk Sandy Bean's husband, the in-office training with her has been cut, but Julie did get a few hours of training in with Sharon Knight.
- Julie started in the office on her own on April 29<sup>th</sup> and has reached out to Sharon, neighboring town clerks, Livingston County Clerk, Livingston County Treasurer, and the town's accountant with questions as needed.

**DISCUSSION ASSESSOR REPORT**

Assessor Rados shared a written report with us, but was not physically in attendance:

- The tentative assessment roll has been filed.
- Change of assessment notices have been mailed.
- Grievance Day is June 5<sup>th</sup> and Board of Assessment Review members have been sent reminders.
- 

**DISCUSSION CODE ENFORCEMENT REPORT**

Code Enforcement Officer Maxwell reported on the following:

- Sandy Bean's husband Mark is out of the hospital.
- Carol Crane (Code Clerk) has returned to the office after surgery.
- Rick McGrain had surgery and is up walking.

**DISCUSSION HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Marusiak reported on the following:

- They are currently working on some culvert pipes and crossover pipes.
- The crew is gearing up for a lot of summer projects.
- Lately there have been a lot of breakdowns of trucks and machinery.
- Jeff Wilson is working on drawing up plans for repairs in the highway barn.
- The new mower is ready to go and will allow for more timely mowing of roadsides and less breakdowns.
- East Swamp Rd. – the long-term goal is to be oiled and stoned. Between plowing and cars, it has lost just about all its gravel, so first they will apply some gravel back onto it. Oiling and stoning will not be completed this year. A section of Partridge Corners will get oiled and stoned this year.

**DISCUSSION HIGHWAY SUPERINTENDENT REPORT – continued**

- ❖ Supervisor Wester thanked Dan and his crew for saving the town money. Councilman Butterbrodt also thanked Dan and the highway crew for a job well done.

**DISCUSSION PARK UPDATE**

Councilman Butterbrodt reported on the following:

- Lights at the park are not working. He has been reaching out to various people to resolve the problem.
- They are waiting for specs to come back on the replacement of both cabin and gazebo roof. Audrey DeWit, a Conesus resident, is working towards earning her Eagle Scout Rank. She would like to fix the steps on the gazebo as well as completely repaint the gazebo from top to bottom (excluding the roof). She will need volunteers to help with some items. Councilman Butterbrodt has offered to power wash the gazebo for her in preparation for paint application.
- Elaine Jacobs just notified Councilman Butterbrodt of a backed-up toilet in the women's restroom at the park.
- Councilman Butterbrodt also updated on the ongoing concerns over the Ribble property. Currently, Code Enforcement is not able to enter the property. The town will be working with the attorney to have a judge issue an administrative order for entrance onto the property. Mr. Ribble has not sought approval for any of the activities or buildings on the property but has been heavily advertising his site.

**DISCUSSION TOWN HALL PROJECT**

Supervisor Wester reported on the following:

- The town hall siding project has begun.
- New trim has been put on the windows.
- The insulation is on.
- Installation of siding will begin on May 8, 2024

**DISCUSSION UPDATES ON KEY ISSUES:****Conesus Lake Association Representative**

Councilman Fama reported on the following:

- The Watershed Education Program for May 23<sup>rd</sup> will be Professor of Biology, Dr. Sid Bosch and some SUNY Geneseo students talking about their studies of cyanobacteria and HABS (shoreline harmful algal blooms).
- A Folk Herbalist will talk at Chip Holt Nature Center on May 24<sup>th</sup>.
- CLA will sponsor the Veteran Boat Tour again. Veterans can choose from June 20<sup>th</sup> or August 13<sup>th</sup> for a 2.5 hour, 15-mile boat tour of Conesus Lake including facts, history, and a chance to connect with other veterans. Lunch will be provided after the tour. New this year – veterans can bring a guest. Go on to the CLA website to sign up.

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

**Town of Conesus and Livingston County Planning Board Representative/ Livingston County Board of Supervisor/GLOW/Liv. Cty. Water & Sewer (LCW&S)**

Supervisor Wester reported that:

- Mike Marusiak and Emily Foley were recognized from Conesus at the Livingston County Teen Recognition Awards
- Bert and Pat Auinger were recognized by Livingston County as Senior Citizens of the Year from Conesus
- No report from County Planning Board
- Watershed Council will meet the 17<sup>th</sup> of May

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

Councilman McCarty reported that the Zoning Board of Appeals had no new or old business, so the meeting was canceled.

**UNFINISHED BUSINESS UPDATE**

- Discussion regarding the harvesting of trees on town property:

Deputy Supervisor Sparks updated the board on the inquiry from a gentleman to purchase trees adjacent to the Recycling Center on Federal Rd. The gentleman was willing to pay \$5,000. A recommendation has been made to Councilman Sparks to get multiple quotes. It was discovered that a consultant would need to be hired and due to the location within the Conesus Lake Watershed, the cost for the consultant would likely cancel out any profit from selling the trees.

**RESOLUTION #73 TO NOT HARVEST TREES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board will not take anyone up on the offer to harvest trees on town property at this time.

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

**DISCUSSION – “LIGHT UP LIVINGSTON – BROADBAND”- continued**

- Discussion update regarding location of Broadband POP and possible approval of letter for placement of the POP.

**DISCUSSION – “LIGHT UP LIVINGSTON – BROADBAND”- continued**

Consideration was given to putting the POP (point of presence) for Broadband on Mill St., but it may be too unsightly for the residents. It's a sizeable steel/metal type structure. Discussion was had about the possibility of making the exterior look more appealing. It was mentioned that perhaps the old Livingston County buildings on Railroad Avenue could be utilized for placement of the POP. Further meetings will be had, and more discussion is needed. No action taken at this time.

**NEW BUSINESS/RESOLUTIONS:**

**RESOLUTION #74 TO APPOINT AUDITOR(S) OF TAX COLLECTOR AS REQUIRED BY NYS OFFICE OF STATE COMPTROLLER**

On motion of Councilman McCarty, seconded by Councilman Fama the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board appoint Councilman Butterbrodt and Deputy Supervisor Sparks to complete an audit of the Tax Collector as required by the NYS Office of State Comptroller

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

**RESOLUTION #75 TO APPOINT AUDITOR(S) OF TOWN CLERK AS REQUIRED BY NYS OFFICE OF STATE COMPTROLLER**

On motion of Councilman McCarty, seconded by Councilman Fama the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board appoint Councilman Butterbrodt and Deputy Supervisor Sparks to complete an audit of the Town Clerk as required by the NYS Office of State Comptroller

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

**RESOLUTION #76 TO APPOINT REGISTRAR OF VITAL STATISTICS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board appoint Julie C. Shutt to serve as Registrar of Vital Statistics, term ending December 31, 2024.

**RESOLUTION #76 TO APPOINT REGISTRAR OF VITAL STATISTICS-continued**

FURTHER RESOLVE the rate of compensation will remain the same at \$10.00 per death certificate, term ending December 31, 2024.

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

**PUBLIC COMMENTS:**

- Tawn Feeney came forward asking what the timeline is on the lawyer obtaining a warrant for the Ribble property. She is concerned for safety because camping season is fast approaching, and it is nearly impossible for emergency vehicles to access the property.
- Jason and Holly Sampson were present and again expressed interest in removing/taking the unused bleachers owned by the park. They are fully insured.

**RESOLUTION #77 TO AMEND 2024 BUDGET**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to amend 2024 budget as follows:

**GENERAL FUND**

<i>Transfer From:</i>	A1990.4	Contingency	\$	3,000.00
	A1410.1	Town Clerk Serv.	\$	3,169.00
	ARPA	ARPA	\$	29,544.00
		<b>TOTAL:</b>	<b>\$</b>	<b><u>35,713.00</u></b>
 <i>Transfer To:</i>	A1110.4	Municipal Court, Contr.	\$	720.00
	A1410.1A	Deputy Town Clerk Serv.	\$	4,095.00
	A1410.4	Town Clerk, Contr.	\$	825.00
	A1620.2	Buildings, Capt. & Equip.	\$	29,319.00
	A3510.4	Control of Animals, Contr.	\$	364.00
	A6010.4	ARPA	\$	225.00
	A8020.4	Planning, Contr.	\$	165.00
		<b>TOTAL:</b>	<b>\$</b>	<b><u>35,713.00</u></b>

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

**RESOLUTION #78 ACCEPT THE CLAIMS**

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

ADOPTED AYES 5 NAYS 0



**RESOLUTION #78 ACCEPT THE CLAIMS-continued**

RESOLVE to pay the vouchers in the following amounts:

General Fund: Vouchers #121 - #159 totaling \$83,362.73

Highway Fund: Vouchers #57 – #75 totaling \$54,932.76

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

**RESOLUTION #79 ADJOURN THE MEETING**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adjourn the meeting at 8:21 P.M.

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

Respectfully submitted,



Julie C. Shutt

Appointed Town Clerk