

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 3<sup>rd</sup> day of December, 2024 at 7:00 PM.

**PRESENT:**

Donald Wester	-----	Supervisor
Gary Sparks	-----	Deputy Supervisor
Jerome Butterbrodt	-----	Councilman
John Fama	-----	Councilman
Brian McCarty	-----	Councilman
Julie C. Shutt	-----	Appointed Town Clerk
Dan Marusiak	-----	Highway Superintendent

**OTHERS PRESENT:** Ron Maxwell, Code Enforcement Officer, and approximately 8 guests.

Supervisor Wester opened with a moment of silence and Councilman McCarty led everyone in the Pledge of Allegiance.

**ANNOUNCEMENTS AND COMMUNICATIONS**

The Town of Conesus 2025 Organizational Meeting will be held on Tuesday, January 7, 2025 at 7:00 PM

The next Town Board Meeting will begin after the Organizational Meeting on Tuesday, January 7, 2025.

**DISCUSSION: THE TOWN CLERK’S MINUTES**

**RESOLUTION #136 ACCEPT THE TOWN CLERK’S MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board accepted the Town Clerk’s minutes of November 7, 2024, and requests 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**

**DISCUSSION: THE SUPERVISOR’S REPORT**

**RESOLUTION #137 ACCEPT THE SUPERVISOR’S REPORT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board accepted the Supervisor’s monthly report for November 2024 as follows:

Receipts:

General Fund \$59,483.24  
Highway Fund \$25,325.06  
Special Districts \$0.00  
TOTAL \$84,808.30

Disbursements:

General \$72,238.83  
Highway \$125,385.69  
Special District \$0.00  
Cell Tower \$0.00  
TOTAL \$197,624.52

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

**DISCUSSION: TOWN CLERK’S REPORT**

**RESOLUTION #138 ACCEPT THE TOWN CLERK’S REPORT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board accepted the Town Clerk’s monthly report for October 2024 as follows:

- Total Local Shares Remitted \$365.00
- New York State Department of Health \$0.00
- NYS Ag. & Markets for spay/neuter program \$5.00
- NYS Environmental Conservation \$0.00
- TOTAL \$370.00

**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 submitted a report which was read by Supervisor Wester:  
We have sent out and are receiving back AG exemptions and Senior exemptions. The county will be pulling the RPS file shortly for the creation of the 2025 Town and County bills. All sales, splits and mergers are up to date.

**DISCUSSION CODE ENFORCEMENT REPORT**

- Code Enforcement Officer Maxwell reported on the following:
- The town is updating with Livingston County Planning – specifically a lot to do with erosion.
  - Code Enforcement is issuing a lot of building permits and assigning new addresses.

### **DISCUSSION HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Marusiak reported on the following:

- The Highway Dept. is gearing up for winter – readying trucks and plows.

### **DISCUSSION PARK UPDATE**

Councilman Butterbrodt updated us on the following:

- Edging for the playground will be ordered after the holidays
- The “Lighting of the Park” will take place on Saturday, December 7<sup>th</sup> at 6:00 PM.
- Ricky Greene Park Repairs (sidewalk and roofs) will be rebid after the holidays.
- The flower bed will be fixed in the spring.

### **DISCUSSION UPDATES ON KEY ISSUES:**

#### **Conesus Lake Association Representative**

No update.

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

Supervisor Wester updated us on the following:

Livingston County passed their budget.

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

- The ZBA met on November 25<sup>th</sup>. They postponed the approval of June minutes. They approved September’s minutes. Colways are seeking a variance and have a public hearing on December 30<sup>th</sup>.

**NEW BUSINESS/RESOLUTIONS**

**RESOLUTION #139 TO APPROVE A JUSTICE AUDIT FOR 2024**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board has approved that a Justice Audit be completed for 2024.

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

**RESOLUTION #140 TO ISSUE MINI-BID CONTRACT AWARD FOR RECYCLING AND TRASH  
REMOVAL SERVICES TO WASTE MANAGEMENT**

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

**ADOPTED AYES 5 NAYS 0**

WHEREAS, the Town Board has engaged in the “mini-bid” process as per the NY State Office of General Services (“OGS”) in order to pursue services for recycling and trash removal for the Town’s facilities at or about 5742 Federal Rd., Conesus, NY; and

WHEREAS, the Town has received a response from one contractor, that contractor apparently being the only contractor eligible pursuant to the OGS process, such contractor being Waste Management of New York, LLC (“Waste Management”); and

WHEREAS, the response of Waste Management has been evaluated by the Town, is responsive and is, by definition, the lowest bid.

**RESOLUTION #140 TO ISSUE MINI-BID CONTRACT AWARD FOR RECYCLING AND TRASH  
REMOVAL SERVICES TO WASTE MANAGEMENT  
(CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED, that, in accord with the OGS process, a mini-bid contract award is hereby issued to Waste Management of New York, LLC for "Recycling and Trash Removal Services" pursuant to, in accordance with and subject to the terms, conditions and contract(s) associated with the OGS Statewide "Recycling and Trash Removal Services" Statewide Award 22760-SW, with such award specifically for those services at those prices as specified in the response of Waste Management of New York, LLC, including for the term set forth therein; and, be it further

RESOLVED, that the Supervisor is hereby authorized to notify Waste Management of such award and to execute any documentation necessary to effectuate such award.

**Vote of the Board:**

**Councilman Butterbrodt – Aye**

**Councilman Fama- Aye**

**Councilman McCarty – Aye**

**Deputy Supervisor Sparks – Aye**

**Supervisor Wester – Aye**

**RESOLUTION #141 TO AGREE TO EXTENSION OF INTERMUNICIPAL AGREEMENT**

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

**ADOPTED** AYES 5 NAYS 0

RESOLVE that the Town Board of the Town of Conesus has agreed to extend the terms of the Intermunicipal Agreement with Livingston County for an additional term of one year beginning on January 1, 2025 and to terminate on December 31, 2025. This is the second of five renewal options being exercised under the originally executed Agreement which was made effective January 1, 2023.

RESOLVE that for this renewal year, the Town Board agrees to follow the equipment and wage schedules that will be effective as of January 1, 2025.

RESOLVE that the Town Board further agrees that pricing for equipment, machinery, and tools shall be modified to reflect a 5% increase. All other terms and conditions to the original Agreement, not otherwise modified, shall remain in full force and effect.

**Vote of the Board:**

**Councilman Butterbrodt – Aye**

**Councilman Fama- Aye**

**Councilman McCarty – Aye**

**Deputy Supervisor Sparks – Aye**

**Supervisor Wester – Aye**

**RESOLUTION #142 TO AGREE TO EXTENSION OF STATE SNOW & ICE CONTRACT**

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

**ADOPTED AYES 5 NAYS 0**

RESOLVE that the Town Board of the Town of Conesus has agreed to the terms of the State Snow and Ice Control Agreement between Livingston County and New York State for an additional term. The dates of this extension are from 07/01/2024 until 06/30/2029.

RESOLVE that the Town Board is aware that the Town of Conesus Highway Dept. are subcontractors for Livingston County and will continue to perform the snow and ice control work on State Roads, just as before.

**Vote of the Board:**

**Councilman Butterbrodt – Aye**

**Councilman Fama- Aye**

**Councilman McCarty – Aye**

**Deputy Supervisor Sparks – Aye**

**Supervisor Wester – Aye**

**RESOLUTION #143 TO APPROVE LIGHTING OF THE PARK EVENT**

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

**ADOPTED AYES 5 NAYS 0**

RESOLVE that the Town Board has approved the Lighting of the Park/Festival of Lights Event to be held at Ricky Greene Memorial Park on Saturday, December 7, 2024, beginning at 6:00 PM.

**Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye,**

**Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye**



**RESOLUTION #144 TO REAPPOINT TO BOARD OF ASSESSMENT REVIEW**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board has approved reappointment of Angela Levenson to the Town of Conesus Board of Assessment Review, for a term effective October 1, 2024 to September 30, 2029.

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

**DISCUSSION: HOMETOWN HERO BANNERS**

Councilman Butterbrodt updated us on the Hometown Hero Banners. He will be talking with the Conlon-Mulvaney American Legion Post #1779 and including them in this project. More information to come.

**DISCUSSION: FLAG WAS REPLACED AT TOWN HALL**

The Conlon-Mulvaney American Legion Post #1779 donated the new flag that flies outside of the Conesus Town Hall. We are thankful for them.

**RESOLUTION #145 TO AUTHORIZE DATE CHANGE ON HIGHWAY SHOP CONTRACT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Town Board has authorized Supervisor Wester to change the date on the Highway Shop Repairs contract with Thompson Builds from December 2<sup>nd</sup>, 2024 to December 3<sup>rd</sup>, 2024.

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

Resolution Authorizing the Purchase of Town Highway Machinery

Resolution By: Jerome Butterbrodt

Seconded by: Brian McCarty

Whereas, the Town Superintendent of Highways did, on the 3rd day of December 2024, 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 by the Town Board to purchase the following equipment, in accordance with the provisions of Article 5-A of the General Municipal Law:

A 2025 Volvo EW160E Wheeled Excavator with a Wain Roy Swinger, 60inch Ditch, Direct Link Thumb and a Seppi BMS-F125 Forestry Mulcher, on NY State Contract: PC69437 for a maximum price of Two Hundred Seventy Thousand Six Hundred Forty-Four Dollars (\$172,644.00) from Alta Construction Equipment NY LLC.

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:

\$272,664.00 budgetary appropriations for purchase of equipment or \$272,644.00 from the proceeds of obligations issued pursuant to the local financial law.

Vote of the Town Board (Aye) (Nay)

[Signature]  
Supervisor

Vote of the Town Board (Aye) (Nay)

[Signature]  
Town Counsel person

Vote of the Town Board (Aye) (Nay)

[Signature]  
Town Counsel person

Vote of the Town Board (Aye) (Nay)

[Signature]  
Town Counsel person

Vote of the Town Board (Aye) (Nay)

[Signature]  
Town Counsel person

**RESOLUTION #147 TO ACCEPT BUDGET MODIFICATIONS AND TRANSFERS**

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

**ADOPTED AYES 5 NAYS 0**

**RESOLVE** that the Town of Conesus Town Board has accepted the year-end 2024 budget modifications and approves all line transfers as set forth below:

		<u>GENERAL FUND</u>	
<i>Transfer From:</i>	A1990.4	Contingency	\$ 3,000.00
	A1410.1	Town Clerk Serv.	\$ 10,000.00
	A1420.4A	Attorney Fees	\$ 10,000.00
	ARPA	ARPA	\$ 9,990.00
	A1440.4	Engineering Contr.	\$ 5,000.00
	A5132.4	Garage Contr.	\$ 20,000.00
	A8160.4	Refuse Contr.	\$ 6,000.00
	AUB	Unexpended Balance	\$66,466.00
			<b>TOTAL: \$ 130,456.00</b>

<i>Transfer To:</i>	A1110.4	Municipal Court, Contr.	\$ 1,553.00
	A1110.4A	Justice Audit	\$ 350.00
	A1330.4	Tax Collection, Contr.	\$ 1,285.00
	A1410.1A	Town Clerk Deputy	\$ 9,674.00
	A1410.4	Town Clerk Contr.	\$ 2,700.00
	A1420.4	Legal, Contr.	\$ 3,482.00
	A1460.4	Records Management, Contr.	\$ 13.00
	A1460.4A	IT Support	\$ 2,869.00
	A1620.2	Buildings, Equip, & Cap.	\$ 62,487.00
	A1620.4	Buildings, Contr.	\$ 2,200.00
	A3020.1	Public Safety, Pers. Serv	\$ 23,796.00
	A3120.4	Justice Court Security	\$ 80.00
	A3510.4	Control Of Animals, Contr.	\$ 507.00
	A4020.1	Registrar Pers. Serv.	\$ 37.00
	A6010.4	ARPA Contr.	\$ 9,990.00
	A7110.4	Parks, Contr.	\$ 3,460.00
	A7510.4	Historian, Contr.	\$ 65.00
	A8020.4	Planning, Contr.	\$ 3,223.00
	A8160.1	Refuse & Garbage, Pers. Serv.	\$ 2,685.00
			<b>TOTAL: \$ 130,456.00</b>

		<u>HIGHWAY FUND</u>	
<i>Transfer From:</i>	DA5110.4	Maint. Of Street, Contr.	\$ 19,593.00
	DA5142.4	Snow Removal, Contr.	\$ 13,500.00
			<b>TOTAL: \$ 33,093.00</b>

<i>Transfer To:</i>	DA5112.2	CHIPS	\$ 18,420.00
	DA9010.8	Retirement	\$ 1,173.00
	DA5130.2	Machinery, Equip & Cap	\$ 13,500.00
			<b>TOTAL: \$ 33,093.00</b>

**Vote of the Board:**

**Councilman Butterbrodt – Aye**

**Councilman Fama- Aye**

**Councilman McCarty – Aye**

**Deputy Supervisor Sparks – Aye**

**Supervisor Wester – Aye**

**PUBLIC COMMENTS:**

Resident Vicki Quinn spoke with concerns about the speed on Marrowback Rd., the intersection of Marrowback Rd. at Niver Rd. and people not understanding how to recycle at the CLEAN Recycling Center. The Town Board feels more input is needed from other Marrowback Rd. residents with their opinions on the speed. Superintendent Marusiak will check what signage is currently at the Marrowback Rd./Niver Rd. intersection and what could be added. It was mentioned that the GLOW may have resources on how to recycle properly (what is recyclable, how to clean items beforehand, etc.).

**RESOLUTION #148 ACCEPT THE CLAIMS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to pay the vouchers in the following amounts:

General Fund: Vouchers #356 - #385 totaling \$18,432.30

Highway Fund: Vouchers #172- #186 totaling \$10,761.55

**Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye,**

**Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye**

**RESOLUTION #149 ADJOURN THE MEETING**

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

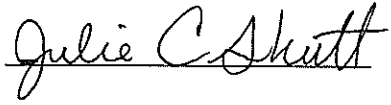
ADOPTED AYES 5 NAYS 0

RESOLVE to adjourn the meeting at 8:15 PM

**Vote of the Board: Councilman Butterbrodt - Aye, Councilman Fama- Aye,**

**Councilman McCarty - Aye, Deputy Supervisor Sparks - Aye, Supervisor Wester – Aye**

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie C. Shutt". The signature is written in black ink and is positioned above a horizontal line.

Julie C. Shutt

Appointed Town Clerk