

**VILLAGE OF MOUNT MORRIS  
REGULAR BOARD MEETING  
December 18, 2023**

The Regular Meeting of the Village Board of the Village of Mount Morris, County of Livingston and the State of New York was held at the Village Hall 117 Main Street, Mount Morris, New York on December 18, 2023.

**PRESENT:**

Joel Mike	Mayor
William Manthey	Trustee
Kelly Richardson	Trustee
Tim Bryant	Trustee
Beth Shea	Trustee
Lisa Torcello	Clerk/Treasurer
David DiMatteo	Village Attorney

**ALSO PRESENT:** Cathie Gehrig, Mark Mullikin, Debbie Yencer, Beverly Sackett, Amy Yencer, Mark Brado, Gretchen Saunders, Chris Young, Jennifer Young, Amanda Coniglio, Charlene Finnigan, Kevin Fahey, Jon Ladelfa, Chief Mark Brado.

**RESOLUTION 181.23**

**APPROVAL OF ABSTRACT**

On a motion from Trustee Manthey second by Trustee Bryant the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved to approve the following abstract:

ABSTRACT # 17

FUND	AMOUNT	VOUCHER
General	\$82,403.81	374-406
Water	\$34,071.19	191-211
Sewer	\$46,179.34	143-157

**RESOLUTION 182.23**

**APPROVAL OF MINUTES**

On a motion from Mayor Mike second by Trustee Manthey the following resolution was

**ADOPTED** Ayes 2 Manthey, Mike

**Nay** 3 Richardson, Bryant, Shea

Motion failed.

Resolve to approve the following minutes from October 16 and November 27, 2023.

**RESOLUTION 183.23**

**APPROVAL OF ACH & WIRE FOR BOND PAYMENTS**

On a motion from Trustee Richardson second by Trustee Bryant the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved to approve the following Ach & Wire payments:

VENDOR	BOND	AMOUNT
DEPOSITORY TRUST	WATER -REFUNING OF 95 & 99 USDA LOANS	\$3425.00

DEPOSITORY TRUST	WATER -REFUNING OF 95 & 99 USDA LOANS	\$120,000-WIRE
EFC	SEWER- SEWER PLANT/OUTFALL	\$115,000- WIRE
EFC	SEWER-NYS ENVIRONMENTAL PHASE TWO	\$55,132-WIRE
DEPOSITORY TRUST	FIRE HALL CONSTRUCTION	\$20,000
DEPOSITORY TRUST	FIRE HALL CONSTRUCTION	\$1562.50

**RESOLUTION 184.23**

**APPROVAL OF CONTRACT**

On a motion from Trustee Bryant second by Trustee Richardson the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved to allow Mayor Mike to sign the agreement with Hach Service.

**RESOLUTION 185 .23**

**APPROVAL OF CONTRACT**

On a motion from Trustee Bryant second by Trustee Shea the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved to allow Mayor Mike to sign the agreement for the 2024 Inter-municipal Agreement with Livingston County Highway Department.

Conesus of the board to change the February 19, 2024, Village Board meeting to February 26, 2024.

Street Department report-

Mayor Mike stated that Mike Demunn was back to work.

Trustee Bryant asked if the mayor could advertise for another street worker because the last one that they interviewed for didn't accept the position.

Police report-

Chief Brado stated that he has changed all the locks in the police area.

6:20 PM- Dave DiSalvo enters.

Planning and Zoning

Code Officer Mullikin stated that he received notification from the State of New York regarding a dispensary. He sent something back stating it wasn't a good location and he still hasn't received anything back.

Mayor Mike wanted to tell Code Officer Mullikin that the revenue for building permits hasn't been this high in a long time and thank you for his hard work.

Attorney DiMatteo handed out two resolutions regarding the properties for Radesi and Spallina property for the Riverside property.

**VILLAGE OF MOUNT MORRIS  
RESOLUTION 184.23**

Adopted: December 18, 2023

The Village Board of the Village of Mount Morris met at a regular board meeting at the Village Offices, located at 117 Main Street, Mt. Morris, New York 14510 on the 18 day of December, 2023, commencing at 6:00 p.m. at which time and place the following members were:

Present: Mayor: Joel W. Mike

Board Member Tim Bryant

Board Member Kelly Richardson

Board Member Bill Manthey

Board Member Beth Shea

Absent: \_\_\_\_\_

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, in accordance with Article 1, §1-102(1) of the Village Law, the Village Board of the Village of Mount Morris has the power to take, purchase, hold, lease, sell and convey real property as the purposes of the Village may require; and

**WHEREAS**, the Village of Mount Morris owns municipal real property along the Genesee River at the end of what had been designated to be Swett Street, also identified as Part of SBL No. 106.6-1-6, which was filed with the Livingston County Clerk's Office at Liber 288 and Page 290; and

**WHEREAS**, the Village of Mount Morris has a building on the west side of their the property line of the aforementioned parcel, which is situate on the parcel known as 140 North Main Street, Tax Map ID No. 106.-1-2 owned by *140 N MAIN ST LLC*; and

**WHEREAS**, the Village of Mount Morris and the owners of *140 N MAIN ST LLC* desire a resolution of adjustment to the western property boundary, moving it to the west so as to incorporate the land their building currently encroaches upon; and

**WHEREAS**, the owners of *140 N MAIN ST LLC* have agreed to subdivide their lot and provide 0.153 acre to the Village of Mount Morris; and

**WHEREAS**, the Village Board of the Village of Mount Morris believe the acquisition of this 0.153 to be in the best interest of the Village; and

**WHEREAS**, the suggested description of said 0.153 acre parcel is described as follows:

**ALL THAT TRACT**, or parcel of land situate in the Town and Village of Mount Morris, County of Livingston, State of New York, being part of Lot 51 of the Mt. Morris Tract, bounded and described as follows: Beginning at a point on the assumed northwesterly line of Swett Street, said point being the southeast corner of Richard Radesi (Ref L. 1015 P. 158); thence

1) South 43° 08' 49" West and along the northwesterly line of said Swett Street for a distance of 34.50 feet to a point; thence

2) North 44° 00' 00" West and through the lands of said Radesi for a distance of 120.00 feet to the edge of water of the Genesee River; thence

3) Northeasterly and along the edge of said Genesee River for a distance of 85.3 ± feet the northwest corner of the Village of Mt. Morris (Ref L. 1125 P. 288); thence

4) South 17° 45' 00" East and along the westerly line of said Village of Mt. Morris for a distance of 82.4 ± feet to the northwesterly line of Swett Street and the point of beginning. Containing 0.153 acre. As shown on a map by Grover & Bates Associates, dated March 16, 2021, Map No. 21-W13A, and recorded in the office of the Livingston County Clerk on June 14, 2023 in Map No. AO010454.

**INTENDING TO DESCRIBE** a portion of the lands in a Quit Claim Deed into the Grantor dated October 9, 2018 and recorded on October 15, 2018 in the Office of the Livingston County Clerk in Liber 1287 of Deeds at page 2041.

**AND WHEREAS**, said municipal property described above has value to the Village of Mount Morris as confirmed by the Mayor of the Village of Mount Morris, Joel Mike, and is declared to be useful municipal property and to be purchased for \$1.00 plus the sellers costs of the transaction; and

**WHEREAS**, based upon discussions with the seller, the owners of 140 N Main St LLC, the Village of Mount Morris agrees to accept the conveyance of the 0.153 acre parcel, with purchaser intent on merging this with their adjacent existing parcel, known by Tax ID No. 106.6-1-6 to form one conforming parcel; and

**WHEREAS**, based on the foregoing, the Village Board feels it is in the best interest of the Village of Mount Morris to enter this resolution into the minutes of the regular meeting on December 18, 2023, authorizing the purchase of 0.153 acre, formerly part of 140 North Main Street, along the property formerly designated as Swett Street; and

**NOW ON MOTION OF** Trustee Bryant which has been duly seconded by Trustee Manthey, now therefore be it

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the purchase of 0.153 acre from *140 N MAIN ST LLC* to be merged with their existing municipal parcel; and be it further

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the Village of Mount Morris will pay the costs of the seller in the transaction, including the fee for a Certificate of Status/Good Standing from the NYS Department of State; and be it further

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby declares that the parcel of property identified as a 0.153 acre portion of 140 North Street, Mount Morris, NY, known to be a part of SBL No. 106.6-1-2, and more fully described above, has value as municipal property that shall be purchased for \$1.00 and other valuable consideration already in possession of the Village of Mount Morris from *140 N MAIN ST LLC*; and be it further

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the Mayor to execute any further necessary documents for the purchase of said property from *140 N MAIN ST LLC*.

Ayes 5  
Nays 0

Quorum Present:  Yes  No

Dated: December 18, 2023

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**VILLAGE OF MOUNT MORRIS**

**RESOLUTION 185.23**

Adopted: December 18, 2023

The Village Board of the Village of Mount Morris met at a regular board meeting at the Village Offices, located at 117 Main Street, Mt. Morris, New York 14510 on the 18 day of December 18, 2023, commencing at 6:00 p.m. at which time and place the following members were:

Present: Mayor: Joel W. Mike

Board Member Tim Bryant

Board Member Kelly Richardson

Board Member Bill Manthey

Board Member Beth Shea

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, in accordance with Article 1, §1-102(1) of the Village Law, the Village Board of the Village of Mount Morris has the power to take, purchase, hold, lease, sell and convey real property as the purposes of the Village may require; and

**WHEREAS**, the Village of Mount Morris owns approximately 0.631 acres, situate between the Genesee River to the North, part of the formerly-designated on paper Swett Street to the South, and bounded on the East by lands of the Rochester and Southern Railroad, identified as Part of SBL No. 106.6-1-6, which was filed with the Livingston County Clerk's Office at Liber 288 and Page 290; and

**WHEREAS**, the Village of Mount Morris wishes to divest itself of approximately 0.631 acres of said parcel between Swett Street and the Genesee River to ***1 CONLON AVE LLC***; and

**WHEREAS**, the suggested description of said 0.631 acre parcel is described as follows:

**AND**

***ALL THAT TRACT***, or parcel of land situate in the Town and Village of Mount Morris, County of Livingston, State of New York, being part of Lot 51 of the Mt. Morris Tract, bounded and described as follows: Beginning at a point on the assumed westerly line of Genesee & Wyoming Railroad, said point being the intersection of the assumed westerly line of said railroad with the assumed southeasterly line of the Genesee River, said point being the northeast corner of the Village of Mt. Morris (Ref. L. 1125 P. 288); thence

- 1) South 22° 05' 09" East and along the southerly line of said Genesee & Wyoming Railroad for a distance of 129.4± feet to a point; thence
- 2) South 58° 47' 00" West and along the southerly line of said Swett Street for a distance of 314.69 feet to an angle point in the southerly line of Swett Street;
- 3) North 46° 30' 00" East for a distance of 65.00 feet to a point; thence
- 4) North 03° 00' 00" West for a distance of 90.0± feet to the southeasterly line of the Genesee River; thence
- 5) Northeasterly and along the southeasterly line of the Genesee River for a distance of 234± feet to the point of beginning. Containing therein 0.631 acre. Shown on a map by Grover & Bates Associates, dated March 15, 2021, Map No. 21-W13B – as filed in the Office of the Livingston County Clerk on June 14, 2023 as Map No. AO10453.

***INTENDING TO DESCRIBE*** a portion of the lands conveyed by C.B. Equipment & Rentals, Inc. to the Village of Mount Morris as recorded in the Office of the Livingston County Clerk in Liber 288 of Deeds at page 290, as well as a portion of land lying in the formerly designated area for the inactive Swett Street.

***INTENDING TO DESCRIBE*** a portion of the lands in a Quit Claim Deed into the Grantor dated October 9, 2018 and recorded on October 15, 2018 in the Office of the Livingston County Clerk in Liber 1287 of Deeds at page 2041.

**AND WHEREAS**, said municipal property described above has value to the Village of Mount Morris as confirmed by the Mayor of the Village of Mount Morris, Joel Mike, and is declared to be useful municipal property and to be purchased for \$1.00 plus the sellers costs of the transaction; and **WHEREAS**, based upon discussions with the seller, the owners of 140 N Main St LLC, the Village of Mount Morris agrees to accept the conveyance of the 0.153 acre parcel, with purchaser intent on merging this with their adjacent existing parcel, known by Tax ID No. 106.6-1-6 to form one conforming parcel; and

**WHEREAS**, based on the foregoing, the Village Board feels it is in the best interest of the Village of Mount Morris to enter this resolution into the minutes of the regular meeting on December 19, 2023, authorizing the purchase of 0.153 acre, formerly part of 140 North Main Street, along the property formerly designated as Swett Street; and

**NOW ON MOTION OF** Trustee Bryant which has been duly seconded by Trustee Manthey, now therefore be it

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the purchase of 0.153 acre from ***140 N MAIN ST LLC*** to be merged with their existing municipal parcel;

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the Village of Mount Morris will pay the costs of the seller in the transaction, including the fee for a Certificate of Status/Good Standing from the NYS Department of State; and be it further

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby declares that the parcel of property identified as a 0.153 acre portion of 140 North Street, Mount Morris, NY, known to be a part of SBL No. 106.6-1-2, and more fully described above, has value as municipal property that shall be purchased for \$1.00 and other valuable consideration already in possession of the Village of Mount Morris from ***140 N MAIN ST LLC***; and be it further

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes

**RESOLVED**, that the Village Board of the Village of Mount Morris hereby authorizes the Mayor to execute any further necessary documents for the purchase of said property from ***140 N MAIN ST LLC***.

Ayes 5

Nays 0

Code Officer Mullikin asked the board who was in charge of the Fire Department Mayor Mike stated he was and the mayor had some information for Mark after speaking to Fire Chief Regatuso.

Mr. Mullikin asked about the repairs at the fire hall on Mill Street and the Mayor stated he would reach out to Kitt Ceronie.

Judge Finnigan wanted know where the village was on the repairs for the court. She stated that it was approved. The mayor suggested that she would reach out to Kircher Construction regarding this.

Judge Finnigan asked Clerk Torcello why \$66.67 was coming out of the justice line and that there wasn't as much coming out of the clerk's line. The clerk tried to explain it was for postage. Many residents tried to give advice on how to solve this problem. Judge Finnigan stated that the code department doesn't have any coming out of his line and the Court Clerk does his mailing. Mrs. Cathie Gehrig asked why the Court Clerk was doing another department mail and Judge

Finnigan stated because the Clerk's office won't do his mailing for him. Mrs. Gehrig and Clerk Torcello both stated that each department should be doing their own mailings. Clerk Torcello stated at budget time last year she made a suggestion the percentage be changed, and nothing happened. Clerk Torcello stated to the Judge that she would look into this more and get back to her and the board.

Recreation Report- Trustee Shea stated that she has been looking at the list from the insurance company and would like to get more signs for the park. Mayor Mike stated as soon as someone gets done with something please fill in the spreadsheet. Clerk Torcello sent this spreadsheet to the board and get send it back to everyone.

Trustee Shea stated that she would be working on the upcoming budget.

Mayor Mike brought up the WII grant and the funding that is needed to ask for the extension. Trustee Bryant asked how the village could commit to taking \$152,000 when we don't even have that much in our fund balance at the moment. The mayor stated that we don't need that money until the project starts or by the end of the project.

## **RESOLUTION 186.23**

### **APPROVAL OF COMMENTMENT OF FUNDS FOR GRANT**

On a motion from Mayor Mike second by Trustee Manthey the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved that the Village use fund of \$152,000 for the water fund for the water improvements project #18422 due to the increase in total projects from \$1,000,000 to \$1,152,000.

Trustee Shea and Trustee Bryant brought up the Solar event on April 8<sup>th</sup> and rented out tent sites at the park.

Open Session:

Debbie Yencer thanked the board for letting the Mount Morris Rotary use the fire hall for this year's event.

Amy Yencer asked about the process of going into executive session. Attorney DiMatteo explained it.

Mrs. Cathie Gehrig addressed the village board. She addressed Deputy Mayor Manthey regarding the packet she handed him and the rest of the board members in August regarding the sale of 158 Main Street and the bid price that the village didn't collect. Mayor Mike stated that he knew nothing about this, and he was unaware of the bid price wasn't collected. He also stated that he wasn't at that meeting. The mayor asked Clerk Torcello to explain. She stated what the village received and that it had something to do with how the accepting bid was written. The residents in the boardroom all spoke up and stated

that it sounded that Mr. Brickwood owe additional money. Clerk Torcello stated to Mayor Mike that he speak to Attorney Putney (who was the Village Attorney at the time) regarding the bid price. The mayor stated he knew nothing about this.

Mrs. Gehrig wanted to know why she can't ever get answers to her questions. She handed out a list of questions including 158 Main and if it was condemned. Code Officer Mullikin spoke up and stated that it was condemned by a previous code officer for violation and currently this property does have a building permit. Mrs. Gehrig stated that she shouldn't have to come to a board meeting and continue to ask the same questions and never get answers.

Grethen Saunders wanted to know where the village board was with Solar Projects and a better website and Facebook site to inform the public with communication.

### **RESOLUTION 187.23**

#### **APPROVAL OF WEBSITE UPGRADES**

On a motion from Trustee Bryant second by Trustee Shea the following resolution was

**ADOPTED** Ayes 5 Manthey, Richardson, Bryant, Shea, Mike

Resolved to reach out to Joe Worden to see what he can do for the Village of Mount Morris website.

### **RESOLUTION 188.23**

#### **APPROVAL OF EXECUTIVE SESSION**

On a motion from Trustee Bryant second by Trustee Shea the following resolution was

**ADOPTED** Ayes 5 Bryant, Richardson, Shea, Mike, Manthey

Resolved to go into executive session of property maintenance.

Mr. Jon Ladelfa stayed.

Supervisor David DiSalvo stated that he needed to go and speak to the board in executive session also.

Chief Brado also stated that he needed to speak in executive session.

### **RESOLUTION 189.23**

#### **APPROVAL OF EXECUTIVE SESSION**

On a motion from Trustee Manthey second by Trustee Bryant the following resolution was

**ADOPTED** Ayes 5 Bryant, Richardson, Shea, Mike, Manthey

Resolved to come out of executive session.

### **RESOLUTION 190.23**



### **APPROVAL OF HIRING OF POSITION**

On a motion from Trustee Bryant second by Trustee Richardson the following

Resolved to hire Ron Huff to the position of part time police officer, at a rate of pay of \$26.25 per hour, effective 12.19.23.

### **RESOLUTION 191.23**

### **APPROVAL OF HIRING OF POSITION**

On a motion from Trustee Bryant second by Trustee Richardson the following

Resolved to hire Jim Reed to the position of part time police officer, at a rate of pay of \$26.25 per hour, effective 12.19.23.

### **RESOLUTION 192.23**

### **APPROVAL OF HIRING OF POSITION**

On a motion from Trustee Shea second by Trustee Manthey the following

Resolved to offer a full-time police officer position to Jake Zangerle, and to hire Jake Zangerle effective upon acceptance of this offer of a full-time position, at a rate of pay of \$68,466.00, which is step 5 of the MMPD council 82 contract, and upon written acceptance of this offer tendered to the Chief of Police on or before 1.1.24, and to be hired to this position of full-time police officer, starting date to be determined.

Having no further business, motion to adjourn by Tim, 2<sup>nd</sup> by Bill, all in favor.

Lisa J Torcello

Clerk/Torcello- minutes in regular session

Mayor Mike – took minutes after executive session.

