

**VILLAGE OF MOUNT MORRIS
REGULAR MEETING
May 20, 2019 6:00 PM**

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 the 20 the day of May 2019.

PRESENT: Frank Provo	Mayor
Rebecca Crocker	Trustee
Joseph Rawleigh	Trustee
Joel Mike	Trustee
Geoff Pagano	Trustee
Lisa Torcello	Village Clerk/Treasurer
Amanda Coniglio	Deputy Clerk/Treasurer
Chris Young	Street Superintendent
Lou Stein	Code Officer
Rich White	Police Chief

ALSO PRESENT: Cathie Gehrig, Debbie Yencer, Roger & Peggy Delavergne, Tim & Chris Howe, Rose Moyer, Irene Bodnarnk, Steve Morrison, Mike Loverdi, Mark Brado, Melody Moore

Public Comments: Two residents spoke on issues in the village.

Mayor Provo called the meeting to order and led in the Pledge of Allegiance.

RESOLUTION 78.19

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to approve the meeting minutes from March 18, 2019.

RESOLUTION 79.19

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Provo, Mike, Crocker, Rawleigh

ABSTAIN 1 Pagano- wasn't present

Resolved to approve the meeting minutes from April 1, 2019.

RESOLUTION 80.19

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to approve the meeting minutes from April 9, 2019.

RESOLUTION 81.19

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Provo, Mike, Crocker, Rawleigh

ABSTAIN 1 Pagano- wasn't present

Resolved to approve the meeting minutes from April 15, 2019.

RESOLUTION 82.19

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to approve the meeting minutes from April 24, 2019.

RESOLUTION 83.19

APPROVAL OF AMENDING MOTION # 60.19 SENDING UNPAID WATER, SEWER, MISCELLANEOUS BILLS

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to send unpaid water bills in the amount of \$46,649.73 and sewer bills in the amount of \$46,049.91 to Livingston County to put on the 2019-2020 Village Tax Bills.

RESOLUTION # 84.19

APPROVAL OF ABSTRACT

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

ABSTRACT # 24

FUND	AMOUNT	VOUCHER
General	\$21,394.78	678-695
Water	\$8230.38	327-338
Sewer	\$1719.07	217-221
Recreation	\$68.00	36

ABSTRACT # 25

FUND	AMOUNT	VOUCHER
General	\$75,714.92	696-728
Sewer	\$13,183.84	222-240
Water	\$13,020.16	339-358

RESOLUTION # 85.19

APPROVAL OF TRANSFER

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to clear \$161.70 from Petty Cash it was overstated we will debt the expense of \$161.70 from A1325.4 Clerk Contractual.

RESOLUTION # 86.19

APPROVAL OF BUDGET TRANSFER

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to increase revenue A7989.21 Riverside \$180,600 and increase the A3997.1 by \$180,600.

RESOLUTION # 87.19

APPROVAL OF VOIDING OF CHECKS

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to void the following checks:

Check Number	Date	Amount
16076	4-11-18	\$210.00
16168	5-23-18	\$4779.50
16572	11-19-18	\$94.83

Fire Department Report

Street Department Report

RESOLUTION # 88.19


APPROVAL OF RESOLUTION FOR NEW YORK STATE DEPARTMENT OF TRANSPORTATION

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to adopt the following resolution:

PERM 1 (2/12)



UNDERTAKING
For the benefit of
The New York State Department of Transportation
In connection with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Village of Mount Morris (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

- 1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
- 2. Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
- 3. Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

NYSDOT PERM 1 (rev. 2/12)

PERM 1 (2/12)

- 4. Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
- 5. Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, Village of Mount Morris (Municipality, County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Frank Provo, Mayor Date 5/21/19
Authorized Agent
Print Name/Title
117 Main St. 585-658-4160
Address Phone number
MT Morris, NY 14510 Frank.provo@mountmorrisny.us
Address e-mail

NYSDOT PERM 1 (rev. 2/12)

Planning/Zoning Report

RESOLUTION # 89.19 APPROVAL OF REGINATION

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to accept Tom Rodgers resignation from the Planning Board effect immediately with regrets.

RESOLUTION # 90.19 APPROVAL OF REGINATION

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to accept Greg Stefaniak resignation as a Part Time Police Officer effect May 3, 2019.

RESOLUTION # 91.19

APPROVAL OF HIRING OF EMPLOYEE

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

ADOPTED Ayes 4 Provo, Mike, Pagano, Crocker

ABSTAIN 1 Rawleigh

Resolved to hire Melissa Huffman effect July 1, 2019 - August 10, 2019 as the Recreation Leader with a salary of \$3,000.00.

RESOLUTION # 92.19

APPROVAL OF CONTRACT

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

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

Resolved to approve Mayor Provo to sign the Application with Livingston County Downtown Enhancement Program for the Mural project on the right side of 80-84 Main Street, Mount Morris, NY.

RESOLUTION # 93.19

APPROVAL OF CONTRACT

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to approve Mayor Provo to sign a contract with Shawn Dunwoody for the creation of a Mural on 80-84 Main Street, Mount Morris, NY. Funds to pay Mr. Dunwoody will be provided from the Genesee Valley Council on the Arts, Livingston County Downtown Enhancement Program and the Partners for Progress.

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RESOLUTION # 94.19

APPROVAL OF CONTRACT

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

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

Resolved to approve Mayor Provo to sign the contract with the Livingston County Development Corporation for the 2019 Downtown Partnership Program.

Conesus of the board to move forward the signs for the Riverside Boat Launch.

RESOLUTION #95.19

APPROVAL OF EXECUTIVE SESSION

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to go into executive session to discuss the medical, financial credit or employment history of a particular person or corporation, or matters leading to the appointment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

RESOLUTION # 96.19

APPROVAL OF EXECUTIVE SESSION

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

ADOPTED Ayes 5 Provo, Mike, Pagano, Crocker, Rawleigh

Resolved to come out of executive session

With no further business on a motion from Trustee Mike and second by Trustee Rawleigh, the meeting was adjourned.

Respectfully submitted,

Lisa J Torcello
Clerk/Treasurer

