

TOWN OF MOUNT MORRIS- SPECIAL MEETING- DRAFT

September 23, 2026 – 5:00 P.M.

A Special Meeting of the Town Board of the Town of Mount Morris was held on September 23, 2026, at the Mount Morris Town Hall regarding contractual matters.

IN ATTENDANCE:

Supervisor David DiSalvo

Deputy Supervisor Don Huff

Councilmember Karl Schrier

Councilmember Joseph Rawleigh

Councilmember Nate Guzzardi,

Town Attorney Joshua Levitt

Deputy Town Clerk Serena Silvernail

Also Present: Tracy Kenney, Jason Molino, Lauren Monaghan, Scott Caccamise, Sam Cipriano, Chad Woodworth, Jim Olverd, Chris Young, Jennifer Young, Joshua Bacon, Kelly Bacon, Deputy Ryan Damboise

CALL TO ORDER

Supervisor DiSalvo called the Special Meeting of the Mount Morris Town Board to order at 5:00 P.M., followed by the Pledge of Allegiance.

LCWSA AGREEMENT PROPOSAL- FINAL DRAFT RECEIVED

Supervisor DiSalvo noted that the updated version of the lease agreement for the water and sewer from LCWSA had been received. Supervisor DiSalvo asked if any councilmembers had additional questions for Mr. Molino and/ or his team as they were present in the room.

Councilmember Rawleigh expressed interest in hearing from Mr. Molino if he has had any communication with the Village about what they would be charging for water- Mr. Molino said no, not at this time.

Councilmember Schrier asked Mr. Molino if the board did approve this resolution would the County be interested in running lines from Sonyea down 36 and expanding. Jason Molino confirmed that the County's current water system ends at Sonyea, which is 2 miles off of Cleveland Road which would be the closest connection point. As of now the County has no plans of putting a water line down 36 to connect to the Mount Morris connection- due to the price of 2-mile length of pipe being very costly. More discussion and larger demand would be needed for a project of that size to take place.

Mr. Molino stated the LCWSA intentions, if the County was chosen to move forward on behalf of the Town, would be to maintain the water and sewer systems, get together with the Village and develop wastewater treatment agreements and a wholesale

agreement. Mr. Molino stated that the County currently conveys wastewater from Leicester, Groveland and Mount Morris to the wastewater plant for the Village and those plans are not going to go anywhere. The County is looking to continue to be a part of the customers that they serve and have all intentions to see those plants succeed and thrive.

OPEN PUBLIC DISCUSSION:

Mayor Bacon expressed that the Village of Mount Morris has been nothing but accommodating and responsive to negotiations with the Town of Mount Morris.

Councilmember Guzzardi voiced his concerns to the Village Mayor directly about having the previous contract proposal in the Village Boards hands for over 6 months and questioned why no one from the Village ever got around to signing it. Guzzardi also expressed concerns with how the Village does their billing.

Town Attorney Joshua Levitt expressed that the Town was beating a dead horse chasing the Village's requests in contract negotiations and stated ultimately it is up to the Town Board to decide how to move forward.

Councilmember Rawleigh expressed his concerns with the Town Board and Village Board not having as in depth discussions to try and make resolutions as much as he wished.

Councilmember Schrier made comment of wishing to see a contract proposal from the Village of Mount Morris Board to have something to compare to side by side the County proposal.

Supervisor DiSalvo stated that the most recent hiccup in negotiations with the Village of Mount Morris was an approximate \$12,000 engineering report required by the DEC in order to continue to move forward with the previous Village lease agreement.

Supervisor DiSalvo stated that the Town is not spending any more of the Town's money. Mayor Bacon stated that report could be split half and half, Supervisor DiSalvo reiterated- the Town is not spending any more money.

MOTION

Supervisor DiSalvo motioned to accept Resolution No.5-2026. Deputy Supervisor Huff seconded the motion.

Vote: Aye 3 (DiSalvo, Huff, Guzzardi) | No 2 (Rawleigh, Schrier) — **Motion Carried**

RESOLUTION NO. 5-2026

A Resolution Authorizing the 40-Year Lease of Sewer & Water Districts to the Livingston County Water and Sewer Authority Pursuant to Town Law § 198(12)(b) Subject to Permissive Referendum

WHEREAS, the Town of Mount Morris (hereinafter the “Town”) currently owns, operates, and maintains various water and sewer systems within the jurisdictional limits of the Town (collectively, the “Systems”) which serve Town residents; and

WHEREAS, the Town Board has determined that a lease of the Systems to the Livingston County Water and Sewer Authority (“LCWSA”), a public benefit corporation created by state legislation for the express purpose of providing water and sewer services within Livingston County, for a term of forty (40) years will serve the public interest by providing for the efficient, economical, and reliable continuation of water and sewer services to residents of the Town; and

WHEREAS, the LCWSA has expertise in the operation of water distribution systems and sewer treatment and distribution systems and is willing and able to assume operational responsibility for the Systems; and

WHEREAS, representatives of the Town and the LCWSA have negotiated two lease agreements providing for the lease of the water and sewer Systems to the LCWSA for a term of forty (40) years, on the terms and conditions set forth therein (the “Lease Agreements”); and

WHEREAS, the water and sewer Lease Agreements have been presented to the Town Board in substantially final form and are annexed hereto as **Exhibit A** and **Exhibit B**, respectively, and are incorporated herein by reference; and

WHEREAS, Town Law § 198(12)(b) authorizes the Town Board, with the approval of the majority thereof, to lease for a term not to exceed forty (40) years all or part of the property and facilities of a water and sewer improvement district to, among other entities, a public authority, provided that such lease is subject to a permissive referendum held in the manner prescribed by Article 7 of the Town Law; and

WHEREAS, the Town Board has reviewed and considered the proposed action – namely, the lease of the Systems to the LCWSA pursuant to the Lease Agreements, under which the LCWSA will continue to operate the existing System facilities, under the State Environmental Quality Review Act, Environmental Conservation Law Article 8, and the implementing regulations at 6 NYCRR Part 617 (“SEQRA”); and

WHEREAS, the Town has determined that the proposed action constitutes a Type II action under 6 NYCRR § 617.5(c)(26), (32) and (33), and that no further environmental review is required under SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MOUNT MORRIS AS FOLLOWS:

Section 1. SEQRA Determination. The Town Board hereby classifies the proposed action as a Type II action pursuant to 6 NYCRR § 617.5(c)(26), (32) and (33), and determines that no further review is required under SEQRA.

Section 2. Findings. The Town Board hereby finds and determines that (a) the proposed lease of the Systems to the LCWSA is in the public interest and will further the efficient, economical, and reliable provision of water and sewer services to residents of the Town; (b) the terms of the Lease Agreements do not exceed forty (40) years; and (c) the arrangements described in the Lease Agreements are authorized by Town Law § 198(12)(b).

Section 3. Approval of Lease Agreements. The Lease Agreements, in substantially the form annexed hereto as **Exhibit A** and **Exhibit B**, are hereby approved.

Section 4. Authorization to Execute. The Supervisor of the Town of Mount Morris is hereby authorized, empowered, and directed to execute the Lease Agreements in substantially the form approved by this Resolution, together with such ancillary documents, certifications, and instruments of conveyance as may be reasonably necessary or appropriate to effectuate the transactions contemplated thereby, with such non-material changes as the Supervisor may approve.

Section 5. Permissive Referendum. This Resolution is adopted pursuant to a permissive referendum pursuant to Town Law § 198(12)(b). The petition required by Town Law § 91 shall be sufficient if signed, acknowledged, or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the Election Law for the authentication of nominating petitions, by the owners of taxable real property serviced by the Systems as shown upon the latest completed assessment roll of the Town. A corporate owner of taxable real property serviced by the Systems shall be considered one owner for the purposes of any such petition and shall be entitled to one signature to be made by an officer or agent designated by appropriate resolution of such corporation.

Section 6. Direction to Town Clerk. The Town Clerk is hereby directed, within ten (10) days after the adoption of this Resolution, to post and publish a notice in the same manner as a notice of special town election pursuant to Town Law § 90. The notice shall (a) state the date of adoption of this Resolution, (b) contain an abstract concisely stating the purpose and effect of this Resolution, and (c) specify that this Resolution was adopted subject to a permissive referendum pursuant to Town Law § 198 (12)(b).

Section 7. Effective Date. This Resolution shall take effect on the thirty-first (31st) day after the date of its adoption, unless within thirty (30) days after such adoption a petition meeting the requirements of Town Law § 198(12)(b) is filed with the Town Clerk, in which event this Resolution shall take effect only upon approval by the affirmative vote of a majority of the owners of taxable real property serviced by the Systems voting upon the proposition at a referendum held in the same manner prescribed by Article 7 of the Town Law, as modified by Town Law § 198(12)(b).

Section 8. Severability. If any provision of this Resolution, or its application to any person or circumstance, shall be found invalid by a court of competent jurisdiction, the remainder of this Resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 9. Inconsistent Resolutions. All prior resolutions and parts of resolutions of the Town Board inconsistent herewith are hereby repealed to the extent of such inconsistency.

ADJOURNMENT

A motion was made by Supervisor DiSalvo and seconded by Deputy Supervisor Don Huff to adjourn the meeting.

Vote: Aye 5 (DiSalvo, Huff, Guzzardi, Rawleigh, Schrier) | No 0 — Motion Carried

The meeting was adjourned at 5:21 P.M.