

A regular meeting of the Geneseo Town Board was held on Thursday, March 27, 2008 in the conference room of the Geneseo Town Office Facility.

PRESENT: W. Wadsworth, D. Dimpfl, D. Dwyer, M. Tenalio, F. Manapol
ALSO PRESENT: J. Coniglio-Town Attorney, A. Carney-Hwy Supt, R. Maxwell-Code Enf Officer, D. O'Keefe-Code Enf Officer, H. Latorella-Planning Board Member, C. Latorella, M. Scoville, F. Manzo-Geneseo Fire Department, K. Book, C. Carey-HSBC Bank, D. Aprile, C. Aprile, B. Swanson-Key Bank, W. Curry, G. Lyons-Key Bank

MEETING OPENING, APPROVAL OF MINUTES:

Supervisor Wadsworth called the meeting to order at 7:00 pm. The meeting began with the pledge to the flag and a moment of silence for troops in harm's way and local resident and serviceman Mike Henchen who is in Afghanistan for 15 months.

The Board reviewed the minutes of March 13th. Mr. Tenalio moved and Mr. Dwyer seconded the motion to approve the minutes of March 13, 2008 as presented. Motion passed with voting as follows: Wadsworth-aye; Tenalio-aye; Dwyer-aye; Dimpfl-aye; Manapol-aye. Nays: None.

COMPREHENSIVE PLAN UPDATE:

Councilman Dimpfl provided the Board with copies of the Draft Comprehensive Plan for town outside village (except Gateway area) and explained the format of the draft plan. Mr. Dimpfl advised that as Board Members review the draft, the committee is willing to meet with Board Members at their convenience to answer questions and listen to any comments. Copies of the draft will also be provided to Planning Board Members for their review. A copy for the public will be on file in the town office however the public comment period is not yet open. Mr. Dimpfl explained that he believes the process starts with the Town Board approving the draft, the plan is then referred to the County Planning Department, the town board schedules a public meeting on the plan and goes through the SEQR process. Attorney Coniglio will help with the SEQR process.

CONESUS LAKE/LONG POINT PARK:

Councilman Manapol advised that the bids for the Long Point Park bathroom facility have been advertized and are due on April 18th. Beach hours at Long Point Park were discussed. Mr. Manapol moved and Mr. Dwyer seconded the motion to schedule the Long Point Park beach to be open 11 am until 5 pm on weekdays and 10:30 am until 6 pm on weekends and revisit the beach hours if problems arise. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Dwyer-aye; Dimpfl-aye; Tenalio-aye. Nays: None.

PUBLIC HEARING - LOCAL LAW TO REQUIRE KEY LOCK BOX:

At 7:15 pm, Supervisor Wadsworth opened the public hearing on proposed local law #2 of 2008 which would require certain structures to have a key lock box installed to aid the Geneseo Fire Department when responding to calls for emergency service. Deputy Supervisor Dwyer stated the reason that this law has come about is because there are multiple alarmed buildings and many false alarms. Having one key would eliminate the need for the Fire Department to have so many keys.

Fire Chief Frank Manzo stated the Fire Department (FD) responds to numerous alarms in both the town and village since they are required to investigate each and every alarm. Many times, an alarm goes off and the FD cannot get access to the building and the keyholder may be as far away as Rochester. It is the FD's responsibility to insure the safety of the building and they may not be able to gain access. It is NY State law that the Fire Chief owns the building when the fire alarm goes off. The FD does not want to be destructive, but it may be a life safety issue. The FD arrives at the scene, looks in the windows and then waits for the keyholder. It would be much more efficient to gain access, secure the building and then wait for the keyholder. Destruction done either by forceful entry or by a fire burning an extra hour while Fire Fighters wait for the keyholder can be costly. For example, there was a gas leak in the basement of a building on Main Street and the FD got a call when someone smelled it. FD could not make contact with the key holder and were 10 seconds away from breaking down the door when the keyholder arrived. Mr. Manzo continued by saying when the FD

has 50 keys, it is tough to keep up and keep track of which one is for which building, not to mention that if a building is re-keyed, the FD may no longer have a key that works. It would help to have one common key. Mr. Manzo stated that the Fire Department is in favor of this local law.

Mark Scoville stated he is concerned about the security of the system and asked if it would be a lockbox with a key or with a security code.

Fire Chief Manzo responded that the Fire Chief and his two Assistants would have a key and in the fire truck, three other fire fighters would have access to the key to the lockbox. In total, 6 fire department members would have access to the lockbox key.

Mark Scoville repeated that he is concerned about security and asked if the town would be liable if they pass this local law and someone with a key to the lockbox, or someone who breaks into the lockbox and gets the key, gains access and does damage.

Dean O'Keefe stated the key cannot be reproduced and the key held by the FD is to a lockbox which holds the key to the building, not the actual building key itself.

Mark Scoville asked what the basis for requiring the lockbox on a residential multi-unit building would be. Is it a duplex or multiple units?

Mr. O'Keefe stated a commercial residential complex would be required to have a lockbox. The situation is bad if there are residences above a commercial building and the fire department gets a call from a neighbor and we have to wait for a keyholder from Rochester. This lockbox law is not new, the Town of Perinton has a lockbox law. The lockbox has a burglar alarm tied into it and if the lockbox is opened, an alarm is triggered. Please keep in mind, Dean continued, that the Sheriff's Department is there with or before the FD.

Carol Carey stated she manages the HSBC Bank office in Geneseo, which is in the village and would not be affected by a town law, however she understands that the village will probably follow whatever the town does. She advised that after talking with the HSBC Buffalo Office, HSBC would be opposed to the box due to the increased risk. It would also be an added expense, especially if tied into the existing alarm system. Ms. Carey stated she does not know of any HSBC Banks in the Buffalo area that have a lockbox, but she did check with HSBC banks in the Rochester area and found that the Perinton office does have a lockbox, but the key inside is not to the bank but to a utility-type room. Additionally, the box will be a target for vandals, and with the village's avoidable alarm law, if vandals make the alarm go off, will it be deemed avoidable and the village charge the fees for it going off?

Mr. Manzo responded that he believes the avoidable alarm fee is charged if the alarm goes off for no reason. If vandals make the alarm go off, he does not believe the fee would be charged.

Dean O'Keefe added that the lockbox is mounted 6 to 8 feet above the ground and not readily accessible.

Hank Latorella asked if there was a box that would require 2 keys for 2 people to collaborate, to which Dean O'Keefe responded not that he is aware of.

Supervisor Wadsworth stated that you could have a box where dispatcher tones allow the box to open, but it would be pretty expensive. Mr. O'Keefe added that you could have a box with a memory chip in it to tell when and who opened it, but this would also be more expensive.

Councilman Dimpfl asked if there is any data available to give statistics on if any have ever been broken into, etc. It was agreed this could be researched.

The question arose if there is any liability to the town with the requirement of lock boxes. Butch Curry stated he talked with his insurance carrier and they will not cover him for burglary, etc, if someone gets into the lock box, he believes it would shift over to the town/village's policy.

Greg Lyons of Key Bank stated that their offices in Greece and Perinton do not have lock boxes. He/his bank is opposed to lock boxes as they are an added expense and liability. If a key turns up missing, they would have to change the lock. He asked in what way would it be a cost-saving measure.

Mr. Manzo responded that it is cheaper than breaking down the door, to which Mr. Lyons stated in a possible emergency situation, he feels they should go ahead and break down the door. He added that in a college town, Key Bank has vandalism, even at 6 to 8 feet high.

Hank Latorella suggested that the Fire Department not carry keys and give everyone the option of lockbox or axe. Those who have a lockbox don't get the door broken down and those who don't get the axe.

Frank Manzo stated that the FD uses their best judgement.

Dawn Aprile suggested that it be optional. When a business/multiple residence registers their alarm, information on lock boxes should be given to them so they have the opportunity to purchase a lock box and if they choose not to, they will know that their door may be broken down. Additionally, letters could be mailed to commercial property owners to notify them so they also can make their own decision.

Ken Book stated that he has been in charge of a large facility and he would never install a lockbox and key to the facility available to someone else.

Councilman Dwyer stated that Perinton reports they have not had any problems.

Frank Manzo added that he has never heard of any problems but is curious as to how larger places deal with this issue.

Bonnie Swanson of Key Bank expressed concern with the avoidable false alarm charges.

Ron Maxwell stated he was under the impression that if a security system is in place, such as a bank, that even if a key is gotten out of a lockbox, an alarm would go off when the FD enters.

Charlie Aprile asked who is responsible if someone gets into a lockbox at an apartment building and rapes someone.

Dean O'Keefe offered to call Perinton and Greece to find out why there are no lockboxes at their Key Bank locations.

Councilman Tenalio stated he believes that it is critical for the Town to check into insurance/liability issues and also consider if there should be exemptions to the law.

Councilman Dwyer stated he will work with Attorney Coniglio to revamp the proposed local law, perhaps incorporating some of Perinton's law into our law, such as the height of the box, or perhaps designate the type of box, after consultation between the FD and building department. He added that the Fire Marshall in Perinton controls the lockbox key, and Perinton is served by three (3) different fire departments.

Councilman Dimpfl added that vandalism with lockboxes has to be researched, perhaps the Association of Towns has some information. The Board agreed they have some more homework to do on this proposed local law.

At 8 pm, since there was no further questions or comments relating to the proposed local law to require lockboxes at this time, the public hearing was left open and the Board returned to regular business.

MISCELLANEOUS:

Supervisor Wadsworth and Code Enforcement Officers Maxwell and O’Keefe will attend the April 2nd pre-construction meeting on the ***119 Main Street roof project***.

Supervisor Wadsworth reported that he has a meeting tomorrow morning with the ***appraiser for the Warner Road house*** and will have a full report at the next board meeting.

Supervisor Wadsworth addressed the board, asking if the town has any interest in ***purchasing Macauley property*** located in the town outside village connecting Crossett Road and Groveland Road, for recreation and/or park land. There may be grant money available that pays for 50% of the acquisition and 50% of the improvement costs. It was the consensus of the Board that they will consider this idea and discuss it at a later date.

WATER/SEWER ISSUES:

The Board reviewed and discussed a written request from the Livingston Country Club (LCC) to consider the following measures to resolve the ***Country Club’s issues with water charges*** incurred in the past three (3) years: 1) town is willing to replace the operative mechanisms of the high flow water meter currently servicing the golf course; 2) a town representative will regularly inspect the meter with the Grounds Superintendent to record and monitor water consumption during May through September; 3) following a review of water usage, the town is willing to discuss past water bills and overages the LCC may have incurred; 4) town is willing to pursue the possibility of adopting a large volume user policy.

Mr. Tenalio moved to authorize Hwy Supt Carney and his crew to take care of the ***water meter at the Livingston Country Club*** in the manner that they deem appropriate in an amount not to exceed \$7,000, and to work with the LCC Grounds Superintendent Brian to monitor the LCC water consumption for the next year/season. Mr. Dwyer seconded the motion and it passed with voting as follows: Wadsworth-aye; Tenalio-aye; Dwyer-aye; Dimpfl-aye; Manapol-aye. Nays: None. Hwy Supt Carney will contact the Livingston Country Club.

The Board reviewed a memo from Assessor Carol LaVigne questioning the number of ***water capital units*** to be assigned on the 2008 assessment roll for the following 7 commercial properties: 80-1-17, 80-1-18.111, 80-1-18.112, 80-1-18.21, 81-1-29.121, 80-1-1.11 and 80-1-13. Since the formula used in 1996 to establish commercial water units is not valid for establishing water units currently, the town will look at formulas used by other municipalities.

Hwy Supt Carney reported that the pumps were running at the ***Groveland Road water pump station*** but needed a little more work and had to be shut back down. Mr. Carney advised that the town should look at running a sleeve under Groveland Road to replace the old 2 inch water line that services Long Point Road Extension, and tie the residents on Long Point Road Extension in. Mr. Dwyer added that with the pump station in service, the Town Board should also look at the extension of public water to Long Point Road residents.

PUBLIC HEARING - LOCAL LAW TO REQUIRE KEY LOCK BOX:

At 8:30 pm, since there were no further comments regarding the proposed “lock box” law, Mr. Tenalio moved and Mr. Dimpfl seconded the motion to close the public hearing. Motion passed with voting as follows: Wadsworth-aye; Tenalio-aye; Dimpfl-aye; Dwyer-aye; Manapol-aye. Nays: None. There was no action taken on the proposed law at this time.

PACKET ITEMS:

Items included in board members packets are as follows: 1) a public notice from the Livonia Zoning Board of Appeals to consider the application of Doug Houghton for variances to construct a single family residence at

4043 Graywood South. No comments were made at this time; 2) a request from Geneseo Central School for 5 years of participation in paying for a Geneseo Central School Resource Officer and other related correspondence. The Town of Geneseo's portion would start at \$6,307 and gradually assumed by the school over a 5 year period. This item will be discussed at a later time; 3) a Livingston County News article on the approval by the Livingston County Planning Board of Hamption Corners rezoning to allow for light industrial and business uses; 4) a memo from James Merrick and Dominic Mazza advising the town of a county law prohibiting smoking upon all real property owned or leased by Livingston County; 5) request for support for the Town of Livonia's Sunday night summer concert series at Vitale Park.

ADJOURNMENT:

At 8:30 pm Mr. Dwyer moved and Mr. Manapol seconded the motion to adjourn the meeting. Motion passed unanimously.

J. Bennett, Town Clerk