

A regular meeting of the Geneseo Town Board was held on Thursday, October 22, 2009 in the Conference Room of the Geneseo Town Office Facility.

PRESENT: W. Wadsworth, D. Dimpfl, D. Dwyer, F. Manapol, M. Tenalio

ALSO PRESENT: L. Levey – Hwy Supt, L. LeMoyné – Secretary to the Supervisor, R. Maxwell – Code Enf Officer, R. Taylor, D. Parish – Town Historian

**MEETING OPENING, APPROVAL OF MINUTES:**

Supervisor Wadsworth called the meeting to order at 7:00 pm. He led the pledge to the flag and a moment of silence was held for service men and women around the world.

The Board reviewed and amended the minutes of October 8<sup>th</sup>. Mr. Dimpfl moved and Mr. Tenalio seconded the motion to approve the minutes of October 8, 2009 as amended. Motion passed with voting as follows: Wadsworth-aye; Dimpfl-aye; Tenalio-aye; Manapol-aye. Nays: None. Mr. Dwyer abstained from voting as he was absent from the October 8<sup>th</sup> meeting.

**TOWN/VILLAGE HISTORIAN UPDATE:**

Town and Village Historian David Parish addressed the Board to update them on four items of interest:

1. He has seen/responded to 70 more patrons in 2009 than last year at this time, with 80% of the inquiries arriving by email;
2. Three volunteers worked with Mr. Parish this year, with one college student volunteer assisting him in authoring a power point presentation on the meaning of the Big Tree;
3. Mr. Parish's book on Horatio Jones is progressing; and
4. Mr. Parish suggested putting a NYS historic sign at the location of the POW camp that was on Court Street, which the Town Board was in favor of.

**2010 BUDGET – PUBLIC HEARING:**

At 7:15 pm Supervisor Wadsworth opened the public hearing on the 2010 tentative budget and stated that he and Hwy Supt Levey have a change to make to the budget. DB5112.220 Transportation Improvements should be increased by \$125,000 (from \$75,000 to \$200,000) for highway repair work. The highway repair work budgeted for 2009 was not used, and Hwy Supt Levey would like to use that money and do a major project in 2010. Supervisor Wadsworth advised that this increase will come from the Fund Balance, and since CHIPS money was not used this year, it can be "rolled over" and the town will still receive more CHIPS money next year. Councilman Dwyer asked how much will be encumbered for next year. Supervisor Wadsworth responded that all of this increase will come out of Fund Balance: \$30,000 in road repair work, \$75,000 in CHIPS money, and the rest is the amount saved from not doing a project this year. This change will also increase the DB Appropriated Fund Balance by \$125,000. Supervisor Wadsworth, Secretary Linda LeMoyné and Hwy Supt Levey reassured the board that there would be no tax impact with this change.

Councilman Dwyer questioned if the Town will be taking out a BAN on the truck purchase. Supervisor Wadsworth responded yes, however, the BAN will be for \$200,000 rather than \$225,000 previously discussed since a pick-up truck will be purchased without borrowing.

Since there were no further comments on the 2010 budget at this time, Supervisor Wadsworth advised that the public hearing on the budget will be left open for another ½ hour, and the Board continued with another public hearing.

**PUBLIC HEARING –LOCAL LAW TO ADOPT DESIGN STANDARDS BY TOWN BOARD RESOLUTION IN LOW INTENSITY OFFICE AND BUSINESS DISTRICTS:**

At 7:20 pm Supervisor Wadsworth opened the public hearing on the proposed local law amending Chapter 106 to provide for the adoption of Design Standards by Town Board resolution in the Low Intensity Office (OFF) and Business (B) Districts. The Board had copies of comments received from the Livingston County Planning Board and Dawn Aprile of Premium Development on the Design Standards for the Gateway District. There were no comments from the public at this time, but Councilman Dimpfl expressed concern over page 10 of the proposed Design Standards, Section 3 A. (3), and asked what prevents a developer from buying an insufficient amount of land and claiming they cannot meet the 150 front setback, but can meet the 50 feet. Mr. Tenalio asked if this is a mute issue, given the property available on Route 20A, to which Mr. Dimpfl responded that property is available from the Lowe's easterly within the Gateway. Code Enforcement Officer Maxwell advised that when the developer comes to the Planning Board for subdivision and site plan approval, the property would not be able to be subdivided if it cannot meet the requirements. Councilman Tenalio added that though he believes the issue is quite remote, he will take another look at it before the next meeting.

Councilman Dwyer questioned Dawn Aprile/Premium Development comments regarding public transit and asked why bus stops would be part of the design standards. Mr. Tenalio responded that the Gateway area should be included on the bus route and adequate structures would be needed. Supervisor Wadsworth and Councilman Tenalio both added that it is not the intent to have the developer build the structure(s), they would be built by the bus company. Councilman Dwyer asked why the standards are being set forth by LATS (Livingston Area Transportation Services) and if LATS should be the ones setting the standards or if there are better standards. Mr. Dwyer suggested and the Board agreed that the sentence on page 17, G.(1) (a) be amended to add "with the approval of the Town Planning Board" so that it reads: "Public transit stops shall be constructed to the standards set forth by the Livingston Area Transportation Service and with the approval of the Town Planning Board, ...."

Supervisor Wadsworth advised that there has been some discussion on the map of the area for which the design standards apply. There was a question on three (3) parcels owned by Peter Bruckel at the southeast corner of the Reservoir Road/Morgan View Road intersection that are zoned Low Intensity Office (OFF) but are not included in the Design Standard area map. According to Bergmann Associates, those three parcels were not included on the map because they could not meet lot depth requirements.

It was reported that Electa Daniels of 4392 Lakeville Road had called the Town Office with two items of concern about the proposed local law hearing: 1) she expressed concern that she may have to put in bushes, etc and meet the requirements of the Design Standards even though she owns a 2 family residence in the Low Intensity Office District; and 2) she is concerned that the traffic heading west on Route 20A comes up over the hill at the Livingston Country Club and has a passing zone. A driver of a vehicle turning right out of the Office Buildings may not even look to the right to see if there is a

vehicle in the passing lane before he/she pulls out. Is there a way to have that area changed to a "no passing" zone? It was agreed Councilman Dwyer will email David Goehring of NYS DOT to inform him of Ms. Daniel's concern so that the DOT can look into the situation.

Since there were no further comments on either public hearing, the Board continued with other business.

#### **WARNER ROAD PROPERTY:**

The Board discussed the approximately **56 acres of surplus vacant property** on Warner Road that the Town owns and bid out for sale in August. Since it did not sell, Supervisor Wadsworth suggested that it be re-advertised, with a picture and a larger and better ad. The question was asked if the town advertises a minimum bid, are they legally bound to reject a bid lower than the minimum bid. It was agreed this is a question for counsel and it was the consensus of the Board to leave the minimum bid to be considered at the appraised value of \$71,300.

Supervisor Wadsworth updated the Board on the **Warner Road house**. Due to the new state burning law, it is believed that the house cannot be burned, and other alternatives are being looked at. Code Enf Officer Maxwell suggested that the Supervisor check with Kevin Niedermaier of Liv Co EMS since the house was already "lined up" for burning prior to the passage of the no-burning law, it may still be able to be burned.

#### **RECORDS MANAGEMENT GRANT:**

Supervisor Wadsworth informed Board Members that the Town applied for and is receiving a Records Management grant from the state. The grant is for purchasing and installing shelving and improved lighting in the records room, re-boxing and re-labeling the records in the records room, as well as purchasing software and hiring a part-time clerk to enter data on the computer of the location of the records on the new shelving units. The Town Clerk will look at the applications submitted for the part time Highway Clerk for this position.

#### **WATER/SEWER ISSUES:**

Mr. Manapol moved and Mr. Dwyer seconded the motion to **levy the unpaid Town of Geneseo water and sewer bills to the 2010 town and county tax bills**, as per the list attached to the official minute book. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Dwyer-aye; Dimpfl-aye; Tenalio-aye. Nays: None.

Supervisor Wadsworth reported that the 30-day permissive referendum period has passed on the **Extension #5 to Water District #1** without a petition for referendum being received. Mr. Tenalio moved and Mr. Dimpfl seconded the motion to authorize Attorney Coniglio to draft a Final Order Establishing the Water District #1 Extension #5 for adoption by the Town Board. Motion passed with voting as follows: Wadsworth-aye; Tenalio-aye; Dimpfl-aye; Dwyer-aye; Manapol-aye. Nays: None.

Supervisor Wadsworth shared a letter he sent to LCWSA with regards to a **water loss issue at 5137 Reservoir Road**. The standard water loss policy was used to calculate the relief from charges, which was \$272.49 in consumption charges and \$110.38 in penalties. This amount was credited before the relevy of unpaid water and sewer bills to the January tax bill.

Supervisor Wadsworth reminded Board members of the **November 5<sup>th</sup> informational meeting on public water for the Lima/North/Elm/Polebridge Road area**. It is scheduled for 7 pm at 119 Main Street. Owners of parcels within the area being considered were sent an invitation to the meeting.

**2010 BUDGET PUBLIC HEARING, CONTINUED:**

At 7:55 pm Mr. Dwyer moved and Mr. Tenalio seconded the motion to close the public hearing on the 2010 budget. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Tenalio-aye; Dimpfl-aye; Manapol-aye. Nays: None.

Mr. Dwyer moved and Mr. Manapol seconded the motion to adopt the 2010 budget as attached to the official minute book. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Manapol-aye; Dimpfl-aye; Tenalio-aye. Nays: None.

**PUBLIC HEARING –LOCAL LAW TO ADOPT DESIGN STANDARDS BY TOWN BOARD RESOLUTION IN LOW INTENSITY OFFICE AND BUSINESS DISTRICTS, CONTINUED:**

The Board agreed to keep the public hearing on the proposed local law amending Chapter 106 to allow for design standards for the Low Intensity Office (OFF) and Business (B) Districts to be adopted by Resolution open for written comment through November 3<sup>rd</sup> at 4:30 pm.

**MISCELLANEOUS ITEMS:**

Supervisor Wadsworth advised the Board that Craig Chiara has filed a notice with the Town of his intention to submit an **application for a New York State Liquor license at 4436 Lakeville Road**, the Nines at Livingston Inc (former location of the Villa on the Green). He is requesting that the Town Board waive the 30-day advance notice provision. Mr. Tenalio moved and Mr. Manapol seconded the motion to authorize the Supervisor to sign a letter waiving the 30-day notification requirement for the Nines at Livingston Inc. Motion passed with voting as follows: Wadsworth-aye; Tenalio-aye; Manapol-aye; Dwyer-aye; Dimpfl-aye. Nays: None.

Miscellaneous items that the Board discussed included: the possibility of doing an **audit of the town books** this December or in 2010. David Dwyer will contact David Dewar regarding his firm doing the audit; Councilman Tenalio suggested the Board have Attorney Coniglio look into a **solicitation notification law** and the Board agreed this was a good idea; Councilman Tenalio will draft a letter to Judges regarding **future court location**.

**ADJOURNMENT:**

At 8:00 pm Mr. Dimpfl moved and Mr. Tenalio seconded the motion to adjourn the meeting. Motion passed unanimously. Jean Bennett, Town Clerk

Attachments: 2010 budget, water & sewer relevy list