

A regular meeting of the Geneseo Town Board was held on Thursday, January 28, 2010 in the conference room of the Geneseo Town Office Facility.

PRESENT: W. Wadsworth, D. Dwyer, R. Irwin, F. Manapol, R. Taylor

ALSO PRESENT: C. LaVigne- Town Assessor, L. Levey-Hwy/Water Supt., R. Maxwell-Code Enf Officer, G. Benedict

**MEETING OPENING, APPROVAL OF MINUTES:**

Supervisor Wadsworth called the meeting to order at 7:00 pm. Councilman Taylor led the pledge to the flag and a moment of silence was held for the people of Haiti as well as servicemen and women serving around the world.

Mr. Taylor moved and Ms. Irwin seconded the motion to approve the minutes of January 14, 2010 as presented. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None.

**MORGAN ESTATES SENIOR APARTMENTS – PHASE 2 – TAX EXEMPTION REQUEST:**

The Board reviewed a letter from Josh Bruckel requesting that Phase 2 of the Morgan Estates Senior Apartments be given a tax abatement/reduction. It was agreed that the Town Attorney and Assessor should be consulted in order to make recommendations to the Town Board on this tax abatement request. Assessor LaVigne recommended that the phase 2 Morgan Estates Apartments be given a tax abatement/exemption similar to a business tax exemption, equivalent to 50% exemption on any buildings, with the exemption on a decreasing sliding scale for 10 years.

**EMPLOYEE PRE-TAX HEALTH INSURANCE CONTRIBUTIONS:**

The Board reviewed the proposed “cafeteria plan” under Section 125 of the Internal Revenue Code of 1986, which will provide town employees the opportunity to contribute a portion of their pay for their Health insurance plan on a pretax basis. Mr. Taylor moved and Mr. Manapol seconded the motion to adopt the “cafeteria plan” for Town of Geneseo employees effective January 1, 2010, as attached to the official minute book. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Manapol-aye; Dwyer-aye; Irwin-aye. Nays: None.

**PUBLIC HEARING – TAX ASSESSMENT OF CONVERTED CONDOMINIUMS:**

At 7:15 Supervisor Wadsworth opened the public hearing on the proposed local law amending Chapter 96 of the Code of the Town of Geneseo to add Article IV entitled “Tax Assessment of Converted Condominium Units” and asked if anyone wished to comment on the proposed local law. Since there were no comments at this time, the Board continued with other business.

**PROPOSED LOCAL LAW REGARDING KOCH PROPERTY REZONING:**

The Board completed Part II of the short Environmental Assessment Form for the proposed local law to rezone tax map # 81-1-32.119 from Low Intensity Office (OFF) to

Residential. Mr. Dwyer moved and Mr. Taylor seconded the motion to adopt the short EAF form, as on file in the Town Office, and issue a negative declaration, the proposed rezoning will not result in any significant environmental impact. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None.

Mr. Dwyer moved and Ms. Irwin seconded the motion to adopt Local Law #1 of 2010 as follows:

**Town of Geneseo**  
**Local Law No. 1 of the year 2010**

A local law amending the of 106-8 of the Code of the Town of Geneseo to amend the boundaries of the Residential (R) Zoning District

Be it enacted by the Town Council of the

Town of Geneseo as follows:

§106-8 Zoning Map

The Zoning Map of the Town of Geneseo is hereby amended to include Tax map parcel No. 81-1-32-119 in the Residential (R) Zoning District.

Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye; Taylor-aye. Nays: None.

**WATER/SEWER ISSUES:**

Gary Benedict addressed the Board. A portion of his property denoted by tax map # 100-1-10.1 and located at the southwestern corner of West Lake Road and Booher Hill Road is in Water District #2. He requested that **Water District No. 2 be extended** to include the remainder of that property. Mr. Dwyer moved and Mr. Manapol seconded the motion to start the process of extending water district #2 to include the remaining portion of tax map # 100-1-10.1 and schedule a public hearing on that extension on February 25, 2010 at 7:15 pm. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Manapol-aye; Irwin-aye; Taylor-aye. Nays: None.

Mr. Dwyer moved and Mr. Taylor seconded the motion to adopt the following Bond Resolution:

**BOND RESOLUTION**  
**JANUARY 28, 2010.**

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM IN THE AND FOR WATER DISTRICT NO.5 IN THE TOWN OF GENESEO, LIVINGSTON COUNTY, NEW YORK, INCLUDING**

**INCIDENTAL IMPROVEMENTS, AT A MAXIMUM ESTIMATED COST OF \$135,000, AND AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN AN AMOUNT NOT EXCEEDING \$135,000 TO PAY THE COSTS THEREOF.**

**WHEREAS**, Water District No.5, hereinafter described as a Water District of the Town of Geneseo in the County of Livingston, duly established by the Town Board of the Town of Geneseo and as such proposes to construct, maintain and operate a water system for the district in accordance with article 12A of the Town Law of the State of New York, and a purpose, hereinafter described is a special improvement authorized by article 12A.

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Geneseo, Livingston County, New York, as follows:

Section 1. The construction of a Water System in and for Water District No.5 in the Town of Geneseo, Livingston County, New York, consisting of water mains, the installation of distribution pipes, reservoirs and hydrants, necessary for the operation of the system and including the acquisition of necessary rights of way and easements and other improvements in connection therewith on Booher Hill Road in the Town, (the "specific object or purpose"), is hereby authorized at a maximum estimated cost of \$135,000.

Section 2. The specific object or purpose is an object or purpose described in Section 11 of the Local Finance Law.

Section 3. The Town Board, acting as Lead Agency under the SEQRA regulations of the State of New York, has previously issued a NEGATIVE DECLARATION for such project finding that the same will not have a significant impact upon the environment.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of bonds of the Town in an amount not exceeding \$135,000 which are hereby authorized to be issued therefor pursuant to the Local Finance Law; special assessments shall be levied on all benefitted property within District No.5 for the costs for the specific purpose including the payment of principal and interest on the bonds; **PROVIDED, HOWEVER**, that to the extent that any monies from any other sources, including grants-on-aid, are received for such project, the amount of obligations to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to paragraph 1.a. of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will be in excess of five (5) years.

Section 6. The faith and credit of the Town of Geneseo, Livingston County, New York, are hereby irrevocably pledged for the payment of the principal of the interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Supervisor of the Town, as the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to Section 38.10 of the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, as the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in full in the Livingston County News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Taylor-aye; Manapol-aye; Taylor-aye. Nays: None. Ms. LaVigne was instructed to put the Water District #5 units on the water assessment roll/tax roll.

**HIGHWAY:**

Mr. Manapol moved and Ms. Irwin seconded the motion to adopt the following Bond Resolution:

**BOND RESOLUTION**  
**January 28, 2010**

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF GENESEO, LIVINGSTON COUNTY, NEW YORK, TO FINANCE THE PURCHASE OF A HIGHWAY DEPARTMENT VEHICLE AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF.**

**WHEREAS**, the TOWN OF GENESEO, in the County of Livingston, by its Town Council has determined it necessary for the Town, to purchase a vehicle for town highway construction, maintenance and snow removal, (the "Vehicle").

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Geneseo, Livingston County, New York, as follows:

Section 1. The financing of the Vehicle (the "specific object or purpose"), is hereby authorized at a maximum estimated cost of \$202,000.

Section 2. The specific objects or purposes are objects or purposes described in Section 11 of the Local Finance Law.

Section 3. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town in an aggregate principal amount not exceeding \$185,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph, 28 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of fifteen (15) years.

Section 5. The faith and credit of the Town of Geneseo, Livingston County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution shall be published in full in the official newspaper of the Town, which is hereby designated as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Town pursuant to a petition being filed or 30 days shall have expired without a petition being filed.

Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Irwin-aye; Dwyer-aye; Taylor-aye. Nays: None.

Mr. Dwyer moved and Mr. Manapol seconded the motion to ***create a Capital Fund (H3) to purchase a 2010 Volvo tandem axle truck*** for the Highway Department for a cost not to exceed \$202,000. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Manapol-aye; Irwin-aye; Taylor-aye. Nays: None.

**PUBLIC HEARING – TAX ASSESSMENT OF CONVERTED CONDOMINIUMS:**

At 7:40 pm, since there were no comments on the proposed local law regarding tax assessments on converted condominiums, Mr. Taylor moved and Ms. Irwin seconded the motion to close the public hearing. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Dwyer-aye; Manapol-aye. Nays: None.

Mr. Taylor moved and Ms. Irwin seconded the motion to adopt Local Law #2 of 2010 amending Chapter 96 of the Code of the Town of Geneseo to add Article IV entitled "Tax Assessment of Converted Condominium Units", as follows:

**Town of Geneseo**  
**Local Law No.   2   of the year 2010**

**A local law amending Chapter 96 of the Code of the Town of Geneseo to add Article IV entitled "Tax Assessment of Converted Condominium Units"**

Be it enacted by the   Town Council   of the

Town of   Geneseo   as follows:

Chapter 96 of the Code of the Town of Geneseo is hereby amended to add Article IV which shall provide as follows:

**ARTICLE IV.**

**TAX ASSESSMENT OF CONVERTED CONDOMINIUM UNITS**

**§96-7. Legislative Authority.**

This Local Law is enacted pursuant to the authority contained in Section 339-y(f) of the New York State Real Property Law and Section 581(c) of the New York State Real Property Tax Law.

**§96-8. Converted Condominium Unit.**

For purposes of this Local Law, a Converted Condominium Unit shall mean a dwelling unit held in condominium form of ownership that had previously been on an assessment roll as a dwelling unit in a form of ownership other than condominium form, and which had not been previously subject to the provisions of Real Property Tax Law §581 (a) and Real Property Law §339-y (b).

**§96-9. Assessment of Converted Condominium Units.**

The provisions of New York State Real Property Tax Law § 581(a) and New York State Real Property Law §339-y (b) which prescribe the method of assessing condominium units shall not apply to Converted Condominium Units located within the Town of Geneseo.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Dwyer-aye; Manapol-aye. Nays: None.

**MISCELLANEOUS:**

It was the consensus of the Board to allow the **LCWSA Board to use the town's conference room** for their meetings on Wednesday morning of each month.

Supervisor Wadsworth provided Board Members with a summary of quotations received from five (5) of the authorized depositories for investing the **town's excess funds**, as required by the Town's short-term investment policy.

Supervisor Wadsworth advised that Art Carney is offering to purchase the town's approximately **56 acre Warner Road property** at the formerly appraised value/asking price. Supervisor Wadsworth will check with the Attorney on this matter.

**ADJOURNMENT:**

At 8:00 pm Mr. Taylor moved and Ms. Irwin seconded the motion to adjourn the meeting. Motion passed unanimously. J. Bennett, Town Clerk

Attachments: "Cafeteria" Plan