

A regular meeting of the Geneseo Town Board was held on Thursday, March 25, 2010 in the Conference Room of the Geneseo Town Office Facility.

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

ALSO PRESENT: L. Levey-Hwy Supt, D. Parish-Town/Village Historian, K. Johnston, L. Rowling, M. Shepard

MEETING OPENING, APPROVAL OF MINUTES:

Supervisor Wadsworth called the meeting to order at 7:00 pm. The flag was pledged and a moment of silence was held for Collin Shearing, a local young man who is being deployed to Afghanistan, as well as service men and women serving around the world.

The Board reviewed the minutes of March 11th. Ms. Irwin moved and Mr. Manapol seconded the motion to approve the minutes of March 11, 2010 as presented. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Manapol-aye. Nays: None. Councilmen Dwyer and Taylor abstained from voting as they were absent from that meeting.

TOWN & VILLAGE HISTORIAN ISSUES:

Town and Village Historian David Parish introduced himself and offered his historical services to the two new members of the Town Board. He updated the Board on issues relating to his department, including the following:

- Mr. Parish would like to research “Beansville” and the Board suggested Joe Griffo, Johnny Kelly and Mary Ann Shepard be asked to serve on a Historical Advisory Committee for this project;
- photos of “Once upon a time in Geneseo...” are on display at 119 Main Street;
- the book on Horatio Jones is expected to be finished in approximately 6 months;
- Mr. Parish would like to see a marker at the “Poorhouse graveyard” explaining what it is;
- Mr. Parish’s newsletter “Bear Facts” could be distributed various ways, by the Tourism Committee and included in the Tourism Pennysaver inserts.

PUBLIC HEARINGS – SHEPARD PROPERTIES ANNEXATION & ALTERNATE ZBA MEMBER:

At 7:15 pm Supervisor Wadsworth opened two public hearings, one on the proposed annexation of .987 acres of Shepard Properties LLC property at 4154 and 4162 Reservoir Road into the Village of Geneseo, and the second public hearing on the proposed local law creating the position of Alternate Zoning Board of Appeals (ZBA) Member.

Annexation hearing

Councilman Dwyer asked if the proposed annexation includes the (former) collision shop. Mark Shepard responded that the annexation *does* include the (former) collision shop, as well as a tenant house. A map of the proposed annexation was viewed.

Kevin Johnston asked what the history behind this proposal to annex the .987 acres into the Village is. Supervisor Wadsworth responded that the property connected to the sewer and as a result, the Village requested that the property be annexed, rather than be an out-of-district user.

Local Law - Alternate ZBA Member hearing

Kevin Johnston asked if the Alternate ZBA Member would be getting compensation. Supervisor Wadsworth responded that he does not believe they would be paid, the appointment of an Alternate ZBA Member would be done only as needed, and the Secretary, for example, could be appointed to that position temporarily. Councilmen Taylor and Dwyer added that if the Board sees a need, the Board could set compensation by resolution in the future.

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

WARNER ROAD HOUSE DEMOLITION:

Supervisor Wadsworth updated the Board on the status of the demolition of the house at 5006 Warner Road. Since the house contains asbestos, Hwy Superintendent Levey obtained quotes for both asbestos abatement and demolition, and reported the results as follows:

Option	Company	Asbestos Abatement	Demolition	Total cost for Asbestos Abatement & Demolition
#1	Environmental Construction Group	\$22,650		\$24,250
#2	Spartan Environ'al Corp.	\$34,897	\$11,300	\$46,197
#3	KA&S Construction, LLC	\$21,450	\$20,595	\$42,045
#4	KBH Environmental, LLC			\$14,678

Hwy Supt Levey recommended option #4, which will also involve the Highway crew doing some preparation work.

Mr. Taylor moved that the Board direct Hwy Supt Levey to go with option #4 and contract with KBH Environmental to get the job done at a cost of \$14,678 and use the Highway crew as needed. Motion was seconded by Ms. Irwin and passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Dwyer-aye; Manapol-aye. Nays: None.

RENEWAL OF THE TOWN'S INSURANCE:

Jan Rogers of Livingston Insurance presented an insurance renewal proposal from Selective and reviewed it with the Board. He identified the changes that were made to the policy, including deletions of property coverage for 5006 Warner Road (since it will be demolished) and coverage on the contents of the Long Point Park garage (since all contents in it belong to the Boy Scouts). The Inland Marine schedule had been updated by Hwy Supt Levey and the replacement cost was increased by 4% for all items less than 10 years old. The Board discussed adding \$270,000 of crime coverage to the Secretary to the Supervisor position and the Board instructed Jan Rogers to make that change to the policy. Secretary to the Supervisor, Linda LeMoyne will have to fill out an application to authorize a background check and then she can be added to the policy. Mr. Rogers continued that Terrorism coverage was not included in the renewal and the Terrorism Exclusion form will need the Supervisor's signature.

Mr. Dwyer moved and Mr. Manapol seconded the motion to accept the proposal presented by Jan Rogers of Livingston Insurance for the town's insurance renewal through Selective and authorize payment to Selective in the amount of \$47,729.10, which excludes the Terrorism coverage. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Dwyer-aye; Irwin-aye; Manapol-aye. Nays: None.

PROCUREMENT POLICY:

The Board reviewed some suggested changes to the Procurement Policy that was reviewed and adopted at the January 5th Organizational Meeting. The proposed changes include the Town purchasing from the Bureau of Federal Property Assistance. Mr. Manapol moved and Mr. Taylor seconded the motion to accept the changes to the Procurement Policy and adopt it as follows:

TOWN OF GENESEO PROCUREMENT POLICY

WHEREAS, Section 104-B of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services that are not required by law to publicly bid and,

WHEREAS, comments have been solicited from all officers in the Town of Geneseo involved in the procurement process, now, therefore, be it

RESOLVED, that the Town of Geneseo does now adopt the following procurement policy that is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE TOWN OF GENESEO

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the

aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public work contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contracts over \$20,000: goods purchased from agencies for the blind or several handicapped pursuant to Section 175-b of the State Finance Law: goods purchased from correctional institutions pursuant to Section 186 of the Correction Law purchases under State Contracts pursuant to Section 104 of the General Municipal Law: purchases under county contracts pursuant to Section 103 of the General Municipal Law or purchases pursuant to subdivision 6 of this policy.
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings.

<u>ESTIMATED AMOUNT OF PURCHASE CONTRACT</u>	<u>METHOD</u>
\$1000 - \$4999	2 Verbal quotations
\$5000 - \$9999	3 Written/fax quotations or requests for proposals

<u>ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT</u>	<u>METHOD</u>
\$1500 - \$4999	2 Verbal quotations
\$5000 - \$9999	2 Written/fax quotations

\$10,000 - \$19,999

3 Written/fax quotations or
Requests for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstance, it may not be in the best interests of the Town of Geneseo to solicit quotations or document the basis for not accepting the lowest bid.
7. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement policies.

In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines: (a.1) whether the services are subject to State licensing or testing requirements: (a.2) whether substantial formal education or training is a necessary prerequisite to the performance of the services: and (a.3) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney: services of a physician: technical services of an engineer engaged to prepare plans, maps or estimates: securing insurance coverage and/or services of an insurance broker: services of a certified public accountant: investment management services: printing services involving extensive writing, edition or art software or programming services for customized programs,

or services involved in substantial modification and customizing of pre-packaged software.

8. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or alternate proposals if time permits.
9. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town of Geneseo is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product. However, the Board has approved purchases from the New York State Office of General Services, Bureau of Federal Property Assistance. These purchases will be made according to the terms of the annual agreement between the Town of Geneseo and the Bureau of Federal Property Assistance.
10. Goods or services under \$2500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such contracts would be awarded based on favoritism.

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

STREET LIGHTING:

The Board reviewed a request from David Haskins for the installation of a street light at the intersection of Long Point Extension and Crossett Road. It was the consensus of the Board that RG&E should be contacted for a quote for a light that would be directed straight down/ "dark sky compliant" at both the Long Point Extension/Crossett Road intersection and the Jones Bridge Road/Crossett Road intersection.

TRAFFIC ACCESS MANAGEMENT COMMITTEE REPORT:

Mr. Manapol reported on a meeting of the Traffic Access Management Committee. The Village of Geneseo will be installing new sidewalks in various locations within the Village, and the committee requested that the Town look into the cost of continuing the sidewalk along Lakeville Road on both the north and south sides, as well as down the west side of Volunteer Road. It was suggested that due to the steepness of the grade and the need for handicapped accessibility, the town's engineers should be contacted to request the cost for an engineering study for such a project.

ARCHITECTURAL REVIEW BOARD:

Supervisor Wadsworth reported that Hank Latorella has been appointed to the Architectural Review Board by Planning Board Chairman Folts. Mr. Taylor moved and Mr. Dwyer seconded the motion to appoint Robert Irwin and Ken Book to the Architectural Review Board through December 31, 2010. Motion passed with voting as follows:

Wadsworth-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None. Ms. Irwin abstained from voting.

CONESUS LAKE/LONG POINT PARK:

Mr. Manapol moved and Ms. Irwin seconded the motion *to hire James Brownell* as the Recreation Leader at Long Point Park for the 2010 summer. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Irwin-aye; Dwyer-aye; Taylor-aye. Nays: None.

EXTENSION OF WATER DISTRICT #1:

Ms. Irwin moved and Mr. Taylor seconded the motion to adopt the following order to Extend Water District #2 :

**IN THE MATTER
OF THE
EXTENSION NO. 1 OF WATER DISTRICT NO. 2 AND
CONSTRUCTION OF RELATED IMPROVEMENTS
IN THE TOWN OF GENESEO AND COUNTY OF
LIVINGSTON, STATE OF NEW YORK**

**ORDER
EXTENSION NO. 1 TO
WATER DISTRICT NO. 2**

WHEREAS, previously hereto a portion tax map parcel #100-1-10.1 was included within the boundaries of Water District No. 2; and

WHEREAS, a written request has been submitted by Gary Benedict and Norma Benedict, (the "Petitioners"), to extend the boundaries of Water District No. 2 to include the remaining portion said parcel (the "Extension"); and

WHEREAS, the Petitioners have acknowledged that the Extension is being made solely at their request and with their consent and further acknowledged and consented to their property being subject to special assessments for the costs itemized hereinafter at Fact Finding item 5., as well as the imposition of a connection charge as provided for hereinafter at Fact Finding item 6; and

WHEREAS, the Petitioners are the only landowners to affected by the Extension, and

WHEREAS, a Public Hearing was duly scheduled by this Town Board for February 25, 2010, at 7:00 p.m. at the Town Hall, 4630 Millennium Drive, Geneseo, New York to hear all persons interested therein, and to take such action thereon as is required or authorized by law; and

WHEREAS, a notice of said public hearing was duly published for one (1) week in the Livingston County News, the official legal newspaper for the Town, further, said Order was duly posted on the official sign board which is kept for the posting of official notices; both Publication and Posting was in full compliance with New York State Town Law Section 209-d; and

WHEREAS, the Public Hearing on the Extension was duly held by the Town Board on February 25, 2010 at 7:00 p.m. on said day, in the Town Hall, 4630 Millennium, Geneseo, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the requested extension of Water District No. 2 and construction of related improvements, if any; and

WHEREAS, the Extension is specifically defined by 6NYCRR Part 617.5(b) (11) to be a TYPE II action under the State Environmental Quality Review Act ("SEQRA").

NOW, THEREFORE, upon the evidence adduced at said Public Hearing, and all evidence in the record before the Town Board it is hereby determined as follows:

FINDINGS OF FACT

1. A portion of Petitioners property was previously included within the original boundaries of Water District No 2. The boundaries of the Extension are set forth in Schedule A, which is attached hereto and made a part hereof and consists solely of the remainder of Petitioners' parcel not originally included in Water District No 2.

2. That said area shall be incorporated into and shall become part of the Town of the Town of Geneseo Water District No. 2.

3. That the improvements which may be constructed to serve the Extension consists of water mains, distribution pipes, hydrants, related water works and facilities for the purposes of supplying residents or occupants of the Extension with pure and wholesome water. The remaining facilities serving the Extension are currently in existence as part of the distribution system for Water District No. 2, and will require no additional construction or cost.

4. The cost of any improvements necessary to extend service from the existing facilities of Water District No. 2 to the Petitioners' property will be financed entirely by the Petitioners and no public funds will be expended for that purpose.

5. The annual cost for debt service on capital improvements per typical equivalent unit throughout Water District No. 2 and which will also be charged to the Petitioners are the sum of Two Hundred Ninety-Seven (\$297.00) Dollars, and the estimated net annual cost for usage and commodity charges, operation and maintenance of the improvements which are levied upon each occupied equivalent unit is the sum of Two Hundred Fifty (\$250.00) Dollars and, therefore, the annual average cost to the Petitioners for the aforesaid usage, commodity, operation and maintenance and debt service on capital improvements is the combined sum of Five Hundred Forty-Seven (\$547.00) Dollars

6. The Petitioners' cost for connection or hookup to the supply facilities shall not exceed the sum of One Thousand Eight Hundred Dollars (\$1,800.00) per connection.

7. The Extension is defined by 6NYCRR Part 617.5(b) (11) to be a TYPE II Action under SEQRA which by Regulation has been determined not to have a significant impact on the environment.

Based upon the foregoing, it is hereby

RESOLVED AND DETERMINED:

a) That the Notice of the Public Hearing was published and posted, and is otherwise sufficient;

b) That Petitioners' property is the only property to be included within the Extension and is the only property to be benefited by the Extension;

c) That it is in the public interest to approve the Extension; and be it further

RESOLVED AND DETERMINED that Extension No. 1 of Water District No. 2 as described on Schedule A be approved; that the improvements, if any, are to be constructed, be accepted for public dedication only upon the approval of the Town of Geneseo Consulting Engineers, the Town of Geneseo Highway Superintendent, the New York State Department of Environmental Conservation and the Livingston County Department of Health; and it is further

RESOLVED AND DETERMINED that this Order is subject to a Permissive Referendum as provided in Section 209e of the Town Law. Petitions for the requesting of said Permissive Referendum are available at the office of the Town Clerk. Said Petitions must be completed and filed in the office of the Town Clerk, 4630 Millennium Drive, Geneseo, New York 14454 within thirty (30) days of the filing of this Order with the Town Clerk.

SCHEDULE A

Extension No. 1 to Water District No. 2 Town of Geneseo

All that tract, or parcel of land, situate in the Town of Geneseo, County of Livingston, State of New York, bound and described as follows:

Commencing at a point on the northerly boundary of Tax Map Parcel No. 100-1-10.1 said point being where the northerly boundary of Tax Map Parcel No. 100-1-10.1 intersects with the existing westerly boundary of Water District No. 2; thence;

(1) West along the northerly boundary of Tax Map Parcel No. 100-1-10.1 to the northwest corner of said tax parcel;

(2) Thence south along the westerly boundary of Tax Map Parcel No. 100-1-10.1 to the southwest corner of said tax parcel;

(3) Thence east along the southerly boundary of Tax Map Parcel No. 100-1-10.1 to a point where the southerly boundary of said tax parcel intersects with the existing westerly boundary of Water District No. 2;

(4) Thence north along the existing westerly boundary of Water District No. 2 to the point or place of beginning.

Said premises also identified as that portion of Tax Map Parcel No. 100-1-10.1 which was not originally included within the District Boundaries of Water District No. 2 and being a portion of the premises described in a deed to Petitioners dated August 16, 1963, which was recorded August 19, 1963, in Liber 377 of Deeds, page 361, in the office of the Livingston County Clerk.

The motion to adopt the above resolution to Extend Water District #2 passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None. A signed copy of the order is on file in the Town Office.

PUBLIC HEARINGS – SHEPARD PROPERTIES ANNEXATION & ALTERNATE ZBA MEMBER:

Since there were no further comments on either of the public hearings, at 8:20 pm Mr. Taylor moved and Ms. Irwin seconded the motion to close both hearings. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye; Taylor-aye. Nays: None.

MISCELLANEOUS:

The *part-time Highway Clerk* has found new employment and will be leaving next week. An ad for the vacancy will run in the Pennysaver this weekend.

The *February Supervisor's report* was in Board packets.

Supervisor Wadsworth updated the Board on some issues that have arisen regarding the *Compact of Towns Agreement* regulating lake levels. Attorney Coniglio is working on these issues.

Mr. Manapol reported that Hwy Supt Levey and Sign Language will be installing the *Geneseo entrance sign* next week on Tuesday.

ADJOURNMENT:

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

J. Bennett, Town Clerk