

A regular meeting of the Geneseo Town Board was held on Thursday, July 8, 2010 in the Conference Room of the Geneseo Town Office Facility.

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

ALSO PRESENT: J. Coniglio-Town Atty, L. Levey-Hwy Supt, C. LaVigne-Assessor, R. Maxwell-Code Enf Officer, M. Zea-Conesus Lake Assn, R. Hatheway-Village Mayor, A. Carney, Barb Carney, Brad Carney, J. Bruckel

MEETING OPENING, APPROVAL OF MINUTES AND VOUCHERS:

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

Minutes of the Special Meeting of June 24th were reviewed. Mr. Dwyer moved and Mr. Taylor seconded the motion to approve the minutes of June 24, 2010 as presented. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None.

The Board reviewed the July abstract of vouchers. The claimant on voucher #560 was corrected from Five Star "Bank" to Five Star "Equipment". Mr. Taylor moved and Ms. Irwin seconded the motion to approve payment for the following vouchers in the indicated amounts:

General A Fund vo #522 through #583	\$20,507.83
General B Fund vo #522 through #575	\$5,272.40
Hwy DA Fund vo #522 through #579	\$4,584.89
Hwy DB Fund vo #522 through #576	\$4,593.75
Water O&M SW0 Fund vo #523through #582	\$4,274.73
Water District #2 SW2 Capital Fund vo #521	\$75.00
Sewer District #1 SS1 vo #523	\$24.26
Special Light District SL Fund vo #581	\$300.86
Booher Hill Rd water Capital Fund H2 vo #555 through #576	\$24,782.47

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

GENESEO BUILDING:

Geneseo Village Mayor Hatheway addressed the Board with regards to a \$400,000 grant the Village is applying for through the NYS Office of Parks & Recreation and Historic Preservation in order to renovate the Geneseo Building. The Architects "wittled down" the project to include an elevator, HVAC, plumbing and electric, and renovation of the 3rd floor of the building to be used as a Town/Village Court Room and Community Center. The Judges' bench would be at the west end of the 3rd floor, so that the existing stage remains intact and can still be used, thereby maintaining the integrity of the building. The Town/Village Historian office would also continue to be housed in the renovated Geneseo Building. According to the Architects, the "scaled down" version of the building project can be accomplished at a cost of \$2.1 million.

Mayor Hatheway requested that the Town Board support the Village Board's intention to seek a grant and semi-commitment to assist in some way with the renovation of the Geneseo Building. A letter of

support for the grant application would need to be mailed with the grant application by 5:00 pm on Monday, July 12th.

Later in the meeting, Mr. Dwyer moved and Mr. Taylor seconded the motion that the Geneseo Town Board supports the Village in their efforts to obtain a grant for the renovation of the Geneseo Building and authorizes the Supervisor to write a letter of support to be included with the grant application. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None. Supervisor Wadsworth will write a draft letter and share it with Town Board Members before sending it on to the Village.

WARNER ROAD PROPERTY:

On behalf of his father, Brad Carney addressed the Board with a request for a 25 foot right-of-way through the south end of the town highway building/property in order to more easily access the (approximately) 56 acre parcel that he is purchasing from the town. Since the subdivision has been approved by the Town's Planning Board, Brad felt it is the appropriate time to discuss this possibility with the Town Board. The Carneys are requesting a 25 foot right-of-way in order to avoid clearing pine trees and traversing wetlands to access the 10 acre portion along the southern boundary of the parcel they are purchasing. Brad indicated that they may possibly farm the 10 acres, and would like to get a tractor and, less often, a pickup truck and 4-wheeler, through the right-of-way. At this time, the Carneys left the meeting.

Later in the meeting, Highway Superintendent Levey updated the Board on a discussion he had with the Town's Planning Board regarding a possible barrier to be positioned at the south side of the highway building property. The barrier could be a line of trees or a berm and would help to cut down on the noise from running loaders and trucks at the highway building, thereby making the Town a better "neighbor".

This led to further discussion of the Carney Family's request for a right-of-way and, it was the consensus of the Board that the Town has future plans for the property and that the Board is not interested in granting a right-of-way through the highway building property.

COMPUTER SUPPORT:

Mr. Dwyer moved and Mr. Taylor seconded the motion to approve the Professional Services Agreement with Integrated Systems for 50 hours of computer support at a rate of \$85.00 per hour. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None.

STANDARD WORK DAY AND REPORTING RESOLUTION:

Ms. Irwin moved and Mr. Taylor seconded the motion to adopt the following Standard Workday and Reporting Resolution for town employees participating in the NYS Retirement System and appointed/elected since August 12, 2009, as required by the NYS Retirement System:

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Geneseo hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State

and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day Hrs/Day	Term Begins/Ends	Participate in Employer Time-Keep	Days/Month
<i>Elected Officials</i>					
None					
<i>Appointed Officials</i>					
Hwy Superintendent	Larry Levey	8	1/1/2010-12/31/2011	Y	21.67
Town Clerk	Jean Bennett	8	1/1/2010-12/31/2011	Y	21.67
Zoning Board Member	Steve Haigh	6.4	1/1/2010-12/31/2014	N	0.28

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

CONFERENCE ATTENDANCE REQUEST:

The Board reviewed a request from Town Justice Gerald Smith to attend a New York States Magistrates Assn conference September 26 through 28, 2010 in Callicoon, NY for required training. The projected cost for 3 nights lodging (includes meals and tips), registration and mileage is estimated at \$873.00 but it is expected that NY State will reimburse almost 45% of the cost. Mr. Taylor moved and Ms. Irwin seconded the motion to authorize Town Justice Smith to attend the NYS Magistrates Association conference September 26 through September 28, and apply for reimbursement of a portion of the cost from the state. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Dwyer-aye; Manapol-aye. Nays: None.

LONG POINT PARK:

The Board reviewed a request for the Conesus Lake Association to use Long Point Park pavilion for their Directors' Picnic on Thursday, July 22nd and waive the associated fee. Mr. Manapol moved and Mr. Taylor seconded the motion to approve the CLA's request and waive the pavilion fee, provided a proper certificate of insurance is provided. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Taylor-aye; Irwin-aye; Dwyer-aye. Nays: None.

WATER SYSTEM HYDRAULIC MODELING & STUDY:

The Board revisited MRB Group's proposal to the town and village of Geneseo to do a comprehensive water study and hydraulic analysis for the town and village water system in the amount of \$27,500. In addition to the town's portion of the engineering cost in the amount of \$12,000, town employees would do the flow tests. It was the recommendation of the Supervisor and the consensus of the Board to table this proposal.

CONESUS LAKE COMPACT

Supervisor Wadsworth updated Board Members on a proposed Agreement between LCWSA and the Conesus Lake Compact for LCWSA to operate and maintain the flood gates in Conesus Creek at the

outlet of Conesus Lake. The cost to perform the services listed in the agreement is \$15,000 annually, with the Towns of Conesus, Geneseo, Groveland and Livonia all contributing. The Town of Geneseo's portion is 25%, amounting to \$3,750. Mr. Taylor moved and Mr. Dwyer seconded the motion to authorize Supervisor Wadsworth to sign the agreement, as on file in the Town Office. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Dwyer-aye; Irwin-aye; Manapol-aye. Nays: None.

SHEPPARD PROPERTY ANNEXATION:

Mr. Dwyer moved and Ms. Irwin seconded the motion to adopt the following resolution approving the Shepard Property annexation, subject to permissive referendum:

RESOLUTION APPROVING ANNEXATION

WHEREAS, a petition, dated October 19, 2009, pursuant to General Municipal Law Article 17, was presented to the Town Council of the Town of Geneseo, New York (the "Town"), for the annexation of certain territory in the Town to the Village of Geneseo, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit A, and

WHEREAS, a hearing of the Town Council was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall on March 25, 2010, at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Council has duly considered said petition and the evidence presented at said hearing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council finds as follows:

(1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(2) There is no Town debt related to the annexation territory which is to be assumed by the Village, and there is no agreement for the assumption of the debt by the Village.

(3) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest because of the following:

(a) Municipal utilities such as sanitary sewer and water can best serve the territory through the Village utility system; and

(b) The public safety considerations for the annexed territory can be enhanced by the addition of police protection provided by the Village Police Department, which would otherwise not be available.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Town Council is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition "Exhibit A," to the Village.

Exhibit A

(To be attached to the Town Minute Book)

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

HIGHWAY:

Highway Superintendent Levey asked the Board how they thought installation of culvert pipes for driveways for individual residents should be handled by his department. Mr. Dwyer moved that when a landowner requests permission to build anything in the Town right-of-way to enhance their own property, that improvement is subject to the permission, specification and supervision of the Town Highway Superintendent and any improvements taken are at the landowner's expense,

effective immediately. Motion was seconded by Councilman Taylor and passed with voting as follows: Wadsworth-aye; Manapol-aye; Taylor-aye; Irwin-aye; Dwyer-aye. Nays: None.

WATER DISTRICT #3 – BOND RESOLUTION:

The Board discussed the proposed agreement with Livingston County Water and Sewer Authority (LCWSA) for debt reimbursement to LCWSA for the improvements made on behalf of the Town's Water District #3. It was the consensus of the board to seek funding to repay the remaining approximately \$149,000 debt rather than pay the 5% requested by LCWSA, and also that the interest rate going back to 2008 should be negotiated.

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

BOND RESOLUTION

JULY 8, 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 \$150,000, AND AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN AN AMOUNT NOT EXCEEDING \$150,000 TO PAY THE COSTS THEREOF.

WHEREAS, Water District No. 3 hereinafter described as a Water District of the Town of Geneseo (the "Town") in the County of Livingston, duly established by the Town Board of the Town of Geneseo and had previously entered into an agreement (the "Agreement") with the Livingston County Water and Sewer Authority ("LCWSA") to construct various system improvements, (the "Improvements") in connection with the maintenance and operation of 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, and

WHEREAS, pursuant to the Agreement the LCWSA constructed the Improvements, and

WHEREAS, pursuant to the Agreement the Town agreed to reimburse the County for the Town's pro rata share of the Improvements, including the pro rata share of debt service incurred by the LCWSA,

WHEREAS, LCWSA has proposed that the Town enter into an Agreement for the amortization of the remaining balance owed by the Town to LCWSA at an interest Rate of 5% retroactive to 2008, and

WHEREAS, it is in the best interest of the Town and District No. 3 to sell serial bonds or bond anticipation notes to pay in full the Town's obligation to LCWSA .

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 Improvements were approved by the Town Council and constructed pursuant to the Agreement.

Section 2. The Improvements constitute 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 \$150,000 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. 3 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; Manapol-aye; Taylor-aye; Irwin-aye; Dwyer-aye. Nays: None.

MORGAN ESTATES:

Attorney Coniglio advised that he was been contacted by Morgan Estates and M&T Bank because Morgan Estates is **refinancing their loan** for the remaining debt due on phase 1 of their Morgan Estates project as well as financing phase 2, which, under the private housing finance law, must be approved by the Town Board. Mr. Coniglio explained that the resolution he is proposing approves the financing but does not constitute approval of phase 2. Mr. Taylor moved and Mr. Manapol seconded the motion to approve the following resolution:

**RESOLUTION
TOWN OF GENESEO TOWN COUNCIL
July 8, 2010**

WHEREAS, the Town of Geneseo (the "Town"), is the supervising agency for Morgan Estates, LLC, an approved redevelopment company under Article V of the New York State Private Housing Finance Law (the "Company"); and

WHEREAS, the Company is in the process of refinancing its current debt on its 64 unit multi-family project located at 4588 Morganview Road, Geneseo, New York, (Phase I) also is financing the construction of Phase II, Morgan Estates; and

WHEREAS, the Company must obtain the consent of the Town for both of the aforementioned actions;

IT IS THEREFORE, resolved as follows:

The terms of the Mortgage Loan from M&T Bank as set forth in a commitment dated May 3, 2010, annexed hereto as Exhibit A is hereby approved.

The approval of the financing of the new construction for Phase II of the Morgan Estates is not a finding or determination of the Town Council that Phase II constitutes a qualified project under Article V of the New York State Private Housing Finance Law.

Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Manapol-aye; Dwyer-aye; Irwin-aye. Nays: None. (Exhibit A as attached to the official minute book)

With regards to Morgan Estates' request for **tax abatement for Phase 2** of their project, Town Assessor Carol LaVigne reminded the board that in the year 2000, Morgan Estates LLC entered into a PILOT (Payment in Lieu of Tax) Agreement with the Town for development of the original eight (8) eight-unit Morgan Estates Senior Apartment buildings. The PILOT Agreement stipulated an age of 55 and median income guidelines of \$30,981 for the residents of the senior apartments, requiring 40% of the tenants' income to fall below the median income. The Agreement also required Morgan Estates to provide audited financial statements, income tax returns and a certified rent roll of the project annually to the town. Ms. LaVigne stated that, though the tax reduction was given to Morgan Estates, to her knowledge no financial statements, income tax returns nor certified rent roll was ever provided to the town in the 10 years while the Agreement was in force. Ms. LaVigne suggested that someone "police" the provisions of the agreement if similar wording is in a tax agreement for the Phase 2 apartment buildings.

Assessor LaVigne also requested that she would prefer the exemption be set up as a business exemption and advised that only the apartment buildings will qualify for the exemption, the duplexes will not.

At this time, Councilman Taylor turned to Josh Bruckel and requested a few years worth of the required financial documents to ensure that Morgan Estates was in compliance with the previous PILOT agreement.

WATER DISTRICT #5 WATER MAIN INSTALLATION PROJECT:

Highway/Water Supt Levey updated Board Members on the status of the watermain installation project for Water District #5. The main has been tapped and 350 feet of line installed. They have crossed the road in the back of the Benedict property, a fire hydrant has been installed and erosion control has been approved by Kathy McPherson of the Livingston County Health Department. The highway department will continue installing the main up Booher Hill Road on Monday.

MISCELLANEOUS:

The Board discussed some ***difficulties at Long Point Park with motorized vehicles*** such as golf carts and mopeds being driven through the park, as well as problems with tents being put up on park property and problems with dogs. It was the consensus of the Board to amend the Long Point Park Rules and Regulations in response to these issues. The Rules and Regulations will be updated and brought back to the board for approval.

The Board discussed a resident's request for a ***weight limit on Lakeville-Groveland Road***. Due to the paving project on Groveland Road, Lakeville-Groveland Road has experienced a lot of heavy truck traffic hauling stone and gravel, as well as speeding by the truck traffic. One of the problems the Board discussed that would occur if the board were to adopt a weight limit for Lakeville-Groveland Road is that traffic would be diverted to the town roads Stapley and Gray Roads, which were not built for that extent/type of traffic. It was agreed that Supervisor Wadsworth will call the Livingston County Sheriff's Department to request they step up their patrol of Lakeville-Groveland Road.

June Supervisor reports were in Board packets.

ADJOURNMENT:

At 8:45 pm Mr. Dwyer moved and Ms. Irwin seconded the motion to adjourn the meeting. Motion passed unanimously.
Jean Bennett, Town Clerk

Attachments: Exhibit A of Shepard Annexation resolution, Exhibit A as referred to in Morgan Estates Resolution