

A regular meeting of the Geneseo Town Board was held on Thursday, May 26, 2011 in the conference room of the Geneseo Town Office Facility.

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

ABSENT: R. Taylor

ALSO PRESENT: James Coniglio-Town Atty, Ron Maxwell-Code Enf Officer, Larry Levey- Hwy Supt, Pam Smith-Mt. Pleasant Cemetery, Larry Smith- Mt. Pleasant Cemetery, David Woods, Sara Scondras, Joseph Enfonde, Robert Peri- Mt. Pleasant Cemetery, Josh Williams, Bob Irwin

MEETING OPENING, APPROVAL OF MINUTES:

Supervisor Wadsworth called the meeting to order at 7:00 pm. The flag was pledged and there was a moment of silence for service men and women serving around the world.

The May 12th minutes were reviewed. Ms. Irwin moved and Mr. Dwyer seconded the motion to approve the May 12, 2011 minutes as presented. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye. Nays: None.

MT. PLEASANT CEMETERY REQUEST:

Attorney Coniglio updated the Town Board members of recently adopted provisions under NYS General Municipal Law which allow a municipality to make monetary or in-kind service contributions to a cemetery which is open to the public. Mr. Peri commented that the Mt. Pleasant Cemetery is requesting that \$5,000 be made available to them to pay their bills for mowing after their funds are depleted. Mr. Manapol moved and Ms. Irwin seconded the motion to make \$5,000 available to pay bills for the Mt. Pleasant Cemetery after the cemetery has depleted its funds for 2011. The bills will be submitted to the Town Clerk and paid through the town's voucher system. Mt. Pleasant Cemetery should approach the Board each year with their request for funds and if there is money not expended at the end of the year, it will go into the town's fund balance and the cemetery will start over each year. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye. Nays: None.

YOUTH RECREATION PROGRAM:

A copy of a memo from Keith Mitchell, Director of Livingston County Youth Bureau, to Municipal Recreation Programs, was reviewed by the Board. The memo identified the difficulty with state funding for municipal recreation programs and the resultant inability to budget appropriately. If a recreation program decided not to use state funding, the rec program could charge a participation charge estimated at a\$15 per participant for a 5 to 7 week program. Mr. Mitchell suggested a scholarship process could then be set up to accommodate children whose family cannot afford the fee. Mr. Mitchell requested the recreation programs advise him by June 15th if they intend to waive the state funding.

DOG CONTROL:

The Board was advised of a dog complaint received for a dog living in the town outside village whereby the town's new dog legislation was reportedly being violated. It was agreed a Dog Control Officer should be appointed at this time to deal with this particular issue and a proposal for dog control meanwhile be drafted for the next meeting. Mr. Dwyer moved and Ms. Irwin seconded the motion to appoint Dean O'Keefe as the Dog Control Officer. Mr. O'Keefe will be

requested to deliver a warning with regards to the dog complaint received. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye. Nays: None.

PUBLIC HEARING – EXTENSION #7 TO WATER DISTRICT #1:

At 7:20 pm Supervisor Wadsworth opened the public hearing on the Extension (#7) of Water District #1 to supply public water to 5071 Route 63.

The Board was in possession of a copy of a letter to Robert Somers of the NYS Department of Agriculture and Markets from Angela Ellis, Livingston County Planning Director. The letter informed Mr. Somers of the Livingston County Agricultural and Farmland Protection Board's recommendation to approve the extension of public water to supply the residence only at 5071 Route 63, and recommendation to request an updated water analysis report demonstrating that the water is not potable. Since the property at 5071 Route 63 is within the Livingston County's Agricultural District, the water district extension was drawn and described to include only a small portion of land surrounding and including the existing residence.

Sara Scondras, of Seven Nations Stakes Inc, owner of the property, stated that the September 17th 2009 analysis of the well water indicates that the water had high salt and particle count, but stated she is willing to obtain an updated analysis.

Attorney Coniglio advised that the survey and description of the district extension must be "tied to" the existing water district. It was suggested MRB Group be contacted to help with this since they have the existing Water District #1 map and description.

Since there were no further questions or comments on this public hearing at this time, the hearing was left open and the Board continued with a second public hearing.

PUBLIC HEARING – PROPOSED LOCAL LAW PROVIDING FOR CROSS CONNECTION CONTROL OF TOWN'S WATER DISTRIBUTION SYSTEM:

At 7: 25 pm Supervisor Wadsworth opened the public hearing on a proposed local law providing for cross connection control of the Town's Water Distribution System.

David Woods asked what the essence of the proposed local law is.

Hwy/Water Supt Larry Levey responded that the law is to protect our public water supply from contamination by individual water services such as doctors' offices, car washes, etc. The NYS Building Code requires new building construction to be reviewed by engineers to determine the backflow prevention device needed. This new law will give the Town's Water Supt the authority to review construction and demand the necessary device.

Bob Irwin asked if this new law will apply to existing places to which Larry responded yes and suggested if anyone knows of any existing places that may need one, let him know and he will investigate.

Bob Irwin asked if this new law applies to residential water services, saying he does not see residential services as needing this.

Hwy/Water Supt Levey answered that this is a cross connection policy that is being made into law so that it can be enforced, the public health department dictates where back flow prevention devices are needed.

Supervisor Wadsworth read Section 4.02 of the proposed law which states that “The Water Superintendent shall evaluate each premises connected to the public water supply system and determine if the customer/operation may pose a hazard to the system greater than those associated with residential use. Some of the factors to be considered are the use and availability of contaminants, the use of equipment that may cause an increasing pressure in the water piping, the availability of an auxiliary water source and the type of fire suppression system utilized at the facility.” and added that it does not exclude residential property that may pose a hazard.

Bob Irwin asked if there have been any circumstances where we have had contamination.

Larry Levey responded not that he is aware of in the Town of Geneseo but there have been instances where a whole city’s water has been contaminated.

Attorney Coniglio added that the New York State Sanitary Code requires some system to be in place.

Since there were no further questions or comments at this time, the public hearing was left open but the Board continued with other business.

HIGHWAY ISSUES:

Hwy Supt Levey provided Board Members with a fee schedule for property owners requesting a **second or subsequent driveway installation**. He had developed the schedule at the request of the Town Board at their May 12th meeting. Larry advised that each case is different, due to the various depth of the ditches. He continued that the fee schedule is approximate and each job will be billed according to pipe size, number of tons of crusher run and stone fill used, time of truck, excavator, labor and administration hours expended.

Mr. Manapol moved and Mr. Dwyer seconded the motion to adopt a policy of charging property owners for second and subsequent driveway installation, and bill the property owner for actual time and materials, using the fee schedule on file in the Town Office as an estimate for additional driveways after the first driveway. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Dwyer-aye; Irwin-aye. Nays: None.

The Board reviewed correspondence from David Goehring, NYSDOT Regional Traffic Engineer, stating that his office will investigate **traffic conditions of Lima Road** relative to a lower speed limit.

PUBLIC HEARING, CONT. – EXTENSION #7 TO WATER DISTRICT #1:

Supervisor Wadsworth returned to the matter of the public hearing for the proposed Extension #7 to Water District #1 and asked if Board Members would want to require another well water sampling/analysis. Attorney Coniglio responded that he believes the recommendation for a second sampling is because the property is in an Ag District and requires a Notice of Intent and there must be an absolute showing of necessity.

Bob Irwin added that sometimes water quality can change over time.

Attorney Coniglio advised that before any action is taken by the Board, the survey and description must be amended to tie in with the existing Water District.

At 7:45 pm, since there were no further questions or comments on the proposed water district extension, Supervisor Wadsworth closed the hearing.

PUBLIC HEARING, CONT - CROSS CONNECTIONS PROPOSED LOCAL LAW:

At 7:45 pm since there were no further comments on the public hearing for cross connection control for the town's water distribution system, Supervisor Wadsworth closed the public hearing. Mr. Manapol moved and Mr. Dwyer seconded the motion to adopt Local Law no. 2 of 2011 providing for cross connection control of the town's water distribution system, as attached to the official minute book. Motion passed with voting as follows: Wadsworth-aye; Manapol-aye; Dwyer-aye; Irwin-aye. Nays: None.

DECEPTIVE ADVERTISING AT GAS STATION:

Town Attorney Coniglio reported on the issue of deceptive advertising at one of the local gas stations that was discussed at the May 12th Board meeting. He informed Geneseo Resident Joseph Enfonde that the Town cannot take any action on Mr. Enfonde's complaint since the Town does not have the authority to enforce New York State laws. He suggested Mr. Enfonde contact the New York State Office of the Attorney General at the phone number that had been given to him by the Town Clerk. It was also pointed out that the signs have since been changed/corrected.

MISCELLANEOUS:

Other issues discussed:

- 1) Hwy Department/crew and Superintendent commended for their work on Reservoir Road;
- 2) Possible polling sites for District 8 since the town's highway building seems too small if there is a large voter turnout;
- 3) Letter from Joseph Muscarella of NY State Office of Real Property Tax Services stating the Town has met the requirements for Cyclical Reassessment on the 2010 Assessment Roll and will be receiving \$10,146.60 in state aid for this;
- 4) Public Hearing notice from the Town of Avon on proposed local law amending their zoning code relating to their Agricultural District regulations;
- 5) Board agreed to a change of St Luke's use of Long Point Park pavilion from September 10th to September 17th.

ADJOURNMENT:

At 8:00 pm Mr. Dwyer moved and Ms. Irwin seconded the motion to adjourn the meeting. Motion passed unanimously.

Jean Bennett, Town Clerk