

A regular meeting of the Geneseo Town Board was held on Thursday, December 8, 2011 in the conference room of the Geneseo Town Office Facility.

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

ALSO PRESENT: Jerry Wrubel - Councilman-Elect, Ed Russell-Underberg & Kessler, Larry Levey-Highway Superintendent, Sara Wood, Gordon McClellan, Dan Dulmat, Mark Mogavero, Anita Bowersox, Rudi Muller, Jeremy Grace, Kathleen Trainor, Jordan Kleiman, Rebecca McKeown, David Augustyn, F. Kurt Cylke, Marie Kalet, Ted Universal, Vicki Universal, Andrew Timm, Steve Sprecher, David Klingman, Cathy Shaffer, Patrick Dimpfl, Dan Dimpfl, Tamar Massen, Susan Sprecher, Catherine Evershed, Sharyn Duffy, Don McLane, Ken Kranz, Jean Trescott, Mike Millard, Anne Zmich, Joe Bucci Jr., Christopher Ivers, E. Kort, James Feuerstein, Bethany Feuerstein, Mary Calabrese, Marcia Ballard, James Mullin, Ben Gajewski, Jim Allen, Soren Thomas, Felicity Thomas, David Woods, Jenny Frank, Elizabeth Kupruclie (sp?)

MEETING OPENING, APPROVAL OF MINUTES, VOUCHERS & TRANSFER OF FUNDS:

Supervisor Wadsworth called the meeting to order at 7:00 pm. Councilman-Elect Wrubel led the pledge to the flag and a moment of silence was held for our service men and women serving around the world and to remember Pearl Harbor.

The Board reviewed the minutes of November 10th and November 21st. Mr. Dwyer moved and Ms. Irwin seconded the motion to approve the minutes of November 10, 2011 as presented. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye. Nays: None. Mr. Manapol and Mr. Taylor abstained from voting since they were absent from that meeting. Ms. Irwin moved and Mr. Taylor seconded the motion to approve the minutes of November 21, 2011 as presented. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None.

The Board reviewed the proposed transfer of funds. Mr. Taylor moved and Mr. Manapol seconded the motion to authorize the Supervisor to make the transfer of funds which includes funds for Temple Hill Cemetery bills through the end of this year, and 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.

The Board reviewed the abstract of vouchers. Both Councilwoman Irwin and Supervisor Wadsworth had reviewed the individual vouchers and recommended payment. Ms. Irwin moved and Mr. Taylor seconded the motion to approve payment for vouchers # 864 through #913 on abstract #12 in the amount of \$146,269.05. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Irwin-aye; Manapol-aye; Taylor-aye. Nays: None.

COMMENTS ON PROPOSED LOCAL LAW AMENDING ZONING CHAPTER 106:

Written comments from various residents on the proposed local law to amend the zoning code were in Board Member packets. Supervisor Wadsworth advised that these

comments will be kept as active comments, to be considered before making any decision on the proposal. As a result of the comments, Supervisor Wadsworth continued, it is his recommendation to the Board that this issue be tabled until further review by the Town Planning Board and until more information is received from the developer. Mr. Taylor moved and Mr. Manapol seconded the motion to table the proposed local law amending Zoning Chapter 106. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Manapol-aye; Dwyer-aye; Irwin-aye. Nays: None. Copies of these comments will be attached to the official minute book as part of the record.

SCHEDULING OF ORGANIZATIONAL MEETING:

Mr. Taylor moved and Ms. Irwin seconded the motion to schedule the Town Board's organizational meeting for Tuesday, January 3, 2012 at 7:00 pm. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Dwyer-aye; Manapol-aye. Nays: None.

TIME WARNER CABLE EXTENSION TO LONG POINT ROAD:

The Board discussed the possibility of Time Warner extending cable to a portion of Long Point Road in exchange for the Town giving up their franchise fees. Councilman Dwyer expressed his belief that the Town should do this, since the Town's franchise fees will not be affected until 2013 and there would not be financial implications in 2012. Mr. Dwyer moved and Mr. Manapol seconded the motion to instruct Time Warner to offer cable service to residents of Long Point Road between Groveland Road and the expressway/ NYS 390, with the Town to forfeit any stipends/franchise fees they would have received. Discussion continued, with Supervisor Wadsworth stating he would like to see a fund set aside by the Town and extend cable as they are able. With other options available such as Direct TV & Dish, it was suggested that the financial "dollars and cents" be looked at and this issue tabled until the next meeting. Councilman Dwyer withdrew his motion with the understanding that the Time Warner Cable extension to Long Point Road be on the agenda for action at the December 22nd meeting.

WATER & SEWER ISSUES:

Extension #8 to Water District No.1 was established by the Town Board at their meeting of October 27th subject to permissive referendum. This extension broadens water district no. 1's boundary to include more of a portion of Teitsworth property (Stonewall Homes Inc), in the Rock Wall Drive vicinity and the map of the extension will be attached to the official minute book. Mr. Taylor moved and Ms. Irwin seconded the motion to adopt the Final Order Establishing Extension No. 8 to Water District No.1, as follows:

At a regular meeting of the Town Board of the Town of Geneseo, in the County of Livingston, New York, held at the Town Hall in said Town, on December 8, 2011.

P R E S E N T:

WILLIAM S. WADSWORTH, Supervisor
DAVID DWYER, Council Member
FELICISIMO L. MANAPOL, Council Member
ROBERTA IRWIN, Council Member
RICHARD TAYLOR, Council Member

IN THE MATTER
OF THE

EXTENSION NO.8 OF WATER DISTRICT NO.1
IN THE TOWN OF GENESEO AND COUNTY
OF LIVINGSTON, STATE OF NEW YORK

**FINAL ORDER
ESTABLISHING
EXTENSION NO.8 TO
WATER DISTRICT NO.1**

WHEREAS, an application has been made to the Town Council to extend the boundaries of Water District No.1 to lands described at Schedule A (the "Extension"), and

WHEREAS, a Public Hearing was duly scheduled by this Town Board for October 13, 2011, at 7:30 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 October 13, 2011, at 7:30 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.1 and construction of related improvements, if any; and

WHEREAS, on October 27, 2011 the Town board adopted an Order which established Extension 8 to Water District No.1, and said order was adopted pursuant to Permissive Referendum; and

WHEREAS, the period of time for the submission and filing of a petition against said order and requesting that it be submitted to the qualified electors for a permissive referendum has elapsed without such a petition being submitted and filed.

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Geneseo, Livingston County, New York, as follows:

Section 1. The above-described Extension to Water District No.1 in the Town of Geneseo, Livingston County, New York, is hereby created, to be bounded and described as set forth in Schedule A hereto.

Section 2. The Extension shall be known as “Extension No. 8 of Water District No.1.”

Section 3. The construction of improvements related to the extension of said water district, substantially in accordance with a map, plan and report filed in the office of the Town Clerk, including land or rights in land, and other original equipment, machinery or apparatus incidental thereto, are hereby approved and upon the approval thereof by the Livingston County Department of Health and the issuance of a permit by the New York State Department of Environmental Conservation (if either is so required), all improvements shall be accepted for dedication.

Section 4. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Livingston County, New York, within ten days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law. When so recorded, such order shall be presumptive evidence of the regularity of the proceedings instituted for the creation of said Extension No. 6 to Water District No.1, of the proceedings instituted for the construction of the related improvements hereinbefore described and to all other action taken by said Town Board in relation thereto.

Section 5. This Order shall take effect immediately.

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LANDS SITUATE IN THE TOWN OF GENESEO, COUNTY OF LIVINGSTON, STATE OF NEW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS

COMMENCING AT A POINT AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO JOSEPH REITZ AND KIMBERLY ALLOCO BY LIBER 1150 OF DEEDS, PAGE 177; THENCE S 88°-48'-24" E, ALONG THE SOUTH LINE OF LANDS OF SAID REITZ & ALLOCO AND LAND CONVEYED TO RONALD K. POLLOCK BY LIBER 944 OF DEEDS, PAGE 335, A DISTANCE OF 550.32 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF EXTENSION NO. 3 TO WATER DISTRICT NO. 1 SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE

- 1) S 88°-48'-24" E, ALONG THE SOUTH LINE OF SAID REITZ AND ALLOCO, A DISTANCE OF 40.54 FEET TO A POINT; THENCE
- 2) S 00°-47'-41" W, A DISTANCE OF 1169.03 FEET TO A POINT ON THE NORTH LINE OF GENESEE EXPRESSWAY; THENCE
- 3) S 89°-22'-33" W, ALONG THE NORTH LINE OF THE GENESEE EXPRESSWAY, A DISTANCE OF 65.00 FEET TO A POINT; THENCE
- 4) N 02°-14'-37" E ALONG THE EAST LINE OF EXTENSION NO. 3 TO WATER DISTRICT NO. 1, DISTANCE OF 987.14 FEET TO A POINT; THENCE
- 5) N 00°-38'-01" E, CONTINUING ALONG THE EAST LINE OF SAID WATER DISTRICT, A DISTANCE OF 184.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.358 ACRES

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

William S. Wadsworth	VOTING	AYE
David Dwyer	VOTING	AYE
Roberta Irwin	VOTING	AYE
Felcisimo Manapol	VOTING	AYE
Richard Taylor	VOTING	AYE

The Order was thereupon declared duly adopted.

HIGHWAY ISSUES:

Highway Superintendent Levey updated the Board on the results of the 2012 refuse removal bids for the Transfer Station and Long Point Park. A bid from Waste Management was the only bid received, with the amount they bid for 2012 exactly the same as their 2011 bid. With Highway Superintendent Levey's recommendation to award the bid to Waste Management, Mr. Taylor moved and Mr. Manapol seconded the motion to award the 2012 refuse removal for the Transfer Station and Long Point Park to Waste Management, with the costs to be as follows:

Waste Management

40 cubic yard Compactor container at T.S.	\$70/month plus \$668/haul
40 cubic yard Open top container at T.S.	\$65/month plus \$545/haul
6 cubic yard container at Long Point Park	\$40/month plus \$33.68/lift

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

HYDRAULIC FRACTURING FOR NATURAL GAS:

Andrew Timm addressed the Board on the issue of “hydrofracking”. He presented a petition to the Town Board containing 82 signatures urging the Town (and Village) Board to impose a moratorium on gas extraction using high-volume, slick water, hydraulic fracturing in the Town of Geneseo.

Mr. Timm provided the Board with a pamphlet entitled “Agriculture and High-volume HydroFracking are not compatible”.

Mr. Timm also read a statement that was presented by Stephanie Low at the November 29th NYSDEC public hearing in New York City, on behalf of an employee of the DEC and member of the PEF union. In the statement, concern was expressed about the ability of the existing staff at the DEC to carry out all existing regulatory and statutory responsibilities, due to the 25% reduction in DEC staff. According to the statement, the staff reduction will prohibit the DEC’s ability to adequately add any new responsibility as labor-intensive as regulating, monitoring and inspection activities related to high-volume hydraulic fracturing, and will make it impossible to provide emergency response to any clean up or spills.

The floor was turned over to Geneseo Resident Jean Trescott to update the Board on several items: Over 30,000 acres in Livingston County have been leased for hydrofracking; the Livonia Town Board has drafted a moratorium on hydrofracking; and the NYSDEC has extended their comment period on this process.

Ms. Trescott urged the Town Board to impose a moratorium since more time is needed to obtain information regarding this issue and if and how it can be done safely, and to hold a public hearing to hear what the Boards’ constituents want. She suggested a January 19th date as a deadline for the hearing and moratorium.

Supervisor Wadsworth responded that the Town Attorney is working on this issue, methodically looking at all of the options for the Town of Geneseo. He continued by saying that though no proposal is ready for action at tonight’s meeting, it is expected a course of action should be ready for the next meeting.

Supervisor Wadsworth thanked everyone for attending the meeting.

MISCELLANEOUS:

Councilman Manapol and Kathy Trainor presented the Town Board and the Geneseo Community with a framed collage of scenic and welcoming pictures of the Town of Geneseo properties. The collage will hang in the Boardroom.

Also included in Board packets were the following items: September, October and November Code Enforcement reports; November Supervisor's report; Sara Kelly and Susan Sprecher comments on hydraulic fracturing; and Notice of the Town of Livonia's public hearing on a proposed local law imposing a moratorium on and prohibition of gas and petroleum exploration and extraction activities.

EXECUTIVE SESSION:

At 8:00 pm Ms. Irwin moved and Mr. Taylor seconded the motion to go into Executive Session to discuss Highway negotiations with Attorney Ed Russell and Councilman-Elect Jerry Wrubel remaining. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None.

At 8:10 pm Mr. Taylor moved and Mr. Dwyer seconded the motion to come out of Executive Session. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Dwyer-aye; Manapol-aye. Nays: None. It was reported there was no action taken.

TRAINING OPPORTUNITY:

Councilman-Elect Wrubel requested permission to register and attend the Association of Towns training school for newly elected Town officials in Rochester on January 4th through 6th. Ms. Irwin moved and Mr. Dwyer seconded the motion to authorize Councilman-Elect Wrubel to attend the training. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Dwyer-aye; Manapol-aye; Taylor-aye. Nays: None.

ADJOURNMENT:

At 8:15 pm Mr. Dwyer moved and Ms. Irwin seconded the motion to adjourn the meeting. Motion passed unanimously. Jean Bennett, Town Clerk

ATTACHMENTS: Transfer of Funds; Map of Ext #8 to WD#1; Residents' comments on proposed zoning law