

Approved Town Board minutes of February 28, 2013

A regular meeting of the Geneseo Town Board was held on Thursday, February 28, 2013 in the conference room of the Geneseo Town Office Facility.

PRESENT: William S. Wadsworth, Supervisor
Roberta Irwin, Deputy Supervisor
Felicisimo Manapol, Councilman
Rick Taylor, Councilman
Jerry Wrubel, Councilman

ALSO PRESENT: Edward Russell, Underberg & Kessler
Patti LaVigne, Geneseo Republican Committee
Rebecca McKeown, Genesee Sun Newspaper

MEETING OPENING, APPROVAL OF MINUTES:

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

The minutes of February 11th were reviewed and corrected. Mr. Taylor moved and Ms. Irwin seconded the motion to approve the minutes of February 11, 2013 as amended. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Wrubel-aye. Nays: None. Mr. Manapol abstained from voting as he was absent from that meeting.

The minutes of February 14th were reviewed. Mr. Taylor moved and Ms. Irwin seconded the motion to approve the minutes of February 14, 2013 as presented. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Manapol-aye; Wrubel-aye. Nays: None.

NEW YORK SAFE ACT OF 2013:

The Board discussed the resolution presented at the February 14th meeting calling for the repeal of the ***New York SAFE Act of 2013***. In the paragraph with the fourth "WHEREAS", it was agreed the phrase "contains serious flaws, i.e., police officers are not exempt" should be removed from the sentence. Also, "concern about the loss of revenue to small businesses" should be added to the resolution as a concern of the Town Board. It was agreed other changes are needed and so it will be amended and re-presented at the next board meeting.

TAKING CREDIT CARDS:

Ed Russell, Attorney from Underberg & Kessler reported that Town Attorney Coniglio had looked over the various ***contracts relating to the taking of credit cards***, debit cards and electronic checks on line and thought that they were fine for the Supervisor to sign. Mr. Wrubel moved and Mr. Taylor seconded the motion to authorize the Supervisor to sign the various contracts relating to the Town accepting credit cards, debit cards and electronic checks as payment for various town fees. Motion passed with voting as follows: Wadsworth-aye; Wrubel-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None.

Approved Town Board minutes of February 28, 2013

CODE ENFORCEMENT AGREEMENT WITH VILLAGE OF GENESEO:

The Board revised the 2012 **Code Enforcement Agreement with the Village of Geneseo**, changing the year to 2013 and taking out the word "initial" in the phrase "initial one-year agreement" in item #1. Ms. Irwin moved and Mr. Taylor seconded the motion to adopt the Intermunicipal Agreement with the Village for the sharing of Code Enforcement services in 2013, as revised. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Manapol-aye; Wrubel-aye. Nays: None. Two original copies of the 2013 contract were signed by Town Board Members and will be forwarded to the Village Board for their approval and signatures.

MISCELLANEOUS:

Supervisor Wadsworth reported that he has been invited to attend a Groveland Town Board Meeting to see if they are interested in having **Livingston County take over the Assessor duties** for the Town of Groveland. If both Geneseo and Groveland Town Boards are interested in this, the timing is good to explore this option since both Assessors' terms are up on September 30th this year and both Assessors are planning to retire. The Board agreed they have a duty to the taxpayers to explore this option. If the Towns of Groveland and Geneseo are both interested, the county will put together a proposal. The Supervisor will report back to the Town Board on this subject.

Supervisor Wadsworth reported that he and Councilmembers Wrubel and Irwin attended the **Public Officials' Workshop sponsored by the Livingston County Emergency Management Office** on Monday, February 25th. At the workshop, Livingston County EMS Director Kevin Niedermaier reviewed local roles and responsibilities in an emergency, executive law article 2b, local situational awareness, recovery from a disaster and continuity of operations and government. Supervisor Wadsworth said the workshop "woke him up" as to what the Town is responsible for in case of a natural disaster, and he feels more needs to be done other than just adopting the Emergency Plan and General Operating Procedure each January. One idea that he suggested is making a 1-page "Quick Assessment Form", so that we know what kind of assistance the Town needs to request from the county. It was agreed Council Member Irwin will form a subcommittee to look into developing a structure to insure the Town of Geneseo is prepared for any disaster.

CONESUS LAKE/LONG POINT PARK:

The Board discussed the unsafe condition of the **floating dock at Long Point Park**. This dock is at water level and, in addition to being used by the SUNY Geneseo Crew Club, it is also used for the launching of car-top boats such as canoes and kayaks. Mr. Taylor moved and Mr. Wrubel seconded the motion to approve the building of a floating dock at Long Point Park by Town forces at a cost not-to-exceed \$10,000. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Wrubel-aye; Irwin-aye; Manapol-aye. Nays: None. Fund raising for this project by the Crew Club will be formalized before the semester's end.

Approved Town Board minutes of February 28, 2013

A letter from Bill Anderson of Boy Scout Troop # 70 (AKA #4070) was received requesting the **scouts' continued use of the garage at Long Point Park**. The Board reviewed the proposed one-year contract renewal, effective through March 1, 2014. Ms. Irwin moved and Mr. Manapol seconded the motion to approve the renewal of the 1-year contract for Boy Scout Troop 4070's use of the garage and authorize the Supervisor to sign it, with an acceptable certificate of insurance to be provided. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Manapol-aye; Taylor-aye; Wrubel-aye. Nays: None.

Supervisor Wadsworth reported that the contract between the Conesus Lake Compact of Towns and the Livingston County Water & Sewer Authority (LCWSA) for **operation and maintenance of the flood gates** at the outlet of Conesus Lake is not yet ready for presentation to the Town Board. It should be ready for the next Town Board meeting agenda.

HIGHWAY ISSUES:

Patti LaVigne addressed the Board, representing the Geneseo Republican Committee. She asked if the Town would support **Volunteer groups picking up roadside trash** along the sides of Town roads by having the Highway crew pick up and dispose of the collected trash at no charge. It was suggested the Town could purchase and provide identifiable trash bags for the Volunteer groups and the highway department could pick up and dispose of those (filled) bags at the Transfer Station. The Board was agreeable to pursuing this.

Mr. Wrubel moved the Town Board approve the following Undertaking and authorize the Supervisor to execute it:

UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Town of Geneseo from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

Approved Town Board minutes of February 28, 2013

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's , activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

Approved Town Board minutes of February 28, 2013

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by the NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it shall apply.

IN WITNESS WHEREOF, the Town of Geneseo agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

The motion was seconded by Councilman Manapol and passed with voting as follows: Wadsworth-aye; Wrubel-aye; Manapol-aye; Irwin-aye; Taylor-aye. Nays: None.

ADJOURNMENT:

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

Jean Bennett, Town Clerk