

Regular Geneseo Town Board Meeting - Thursday, July 11, 2013

A Regular Meeting of the Geneseo Town Board was held on Thursday, July 11, 2013 in the conference room of the Geneseo Town Office Facility.

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

ALSO PRESENT: James Coniglio, Underberg & Kessler
Larry Levey, Highway Superintendent
Ron Maxwell, Code Enforcement Officer
Marianne DiLaura
Joseph DiLaura

MEETING OPENING, APPROVAL OF MINUTES & VOUCHERS:

Supervisor Wadsworth called the meeting to order at 5:30 pm, and Councilman Taylor led the pledge of allegiance to the flag. A moment of silence was then held for the men and women serving our country throughout the world.

The minutes of June 13th were reviewed. Mr. Taylor moved and Ms. Irwin seconded the motion to approve the minutes of June 13, 2013 as presented. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Manapol-aye. Nays: None. Mr. Wrubel abstained from voting as he was absent from that meeting.

The Board reviewed abstract #7 of vouchers. Mr. Taylor moved and Ms. Irwin seconded the motion to approve payment for vouchers #1444 through #1512 on abstract #7 in the following amounts:

General A vouchers	\$ 45,867.60
General B vouchers	\$ 3,389.41
Highway DA vouchers	\$ 60,579.98
Highway DB vouchers	\$ 2,191.70
Special Light District SL vouchers	\$ 282.42
Sewer District SS1 vouchers	\$ 1,276.39
Water O&M SW0 vouchers	\$ 8,840.89

and totaling \$ 122,428.39. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Wrubel-aye; Manapol-aye. Nays: None.

GENESEO HEIGHTS ASSESSMENT CHALLENGE:

Supervisor Wadsworth updated the Board on the Judge's decision on the Geneseo Heights Assessment Challenge. Though the decision identified incorrect years for the assessment challenge, the Assessor estimated the amount that the Town, County, School and Village will have to reimburse Geneseo

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Heights, which totaled approximately \$46,620 plus interest. After the Judge corrects his decision to incorporate the correct years, Livingston County Real Property Tax Director Joe Pukos will calculate the Town and County reimbursement due. For the Town in particular, it should be about \$2,750 plus interest.

MEMORANDUM OF AGREEMENT FOR STREAMBANK REMEDIATION:

The Town received an email from Heather Ferrero of the Livingston County Planning Department about revisions on the Memorandum of Agreement for the Streambank Remediation project and grant. The County Attorney has requested that language be added to the agreement which clarifies that the Livingston County Planning Department will be responsible for the administration of the grant instead of the county as a whole. Mr. Wrubel moved and Mr. Taylor seconded the motion to adopt the revised Memorandum of Agreement for Streambank Remediation project and grant, as on file in the Town Office, and authorize the Supervisor to sign it. Motion passed with voting as follows: Wadsworth-aye; Wrubel-aye; Taylor-aye; Irwin-aye; Manapol-aye. Nays: None. Highway Superintendent Levey had some questions on the logistics of the remediation and he will contact Heather Ferrero directly.

DILaura VARIANCE:

Joseph and Marianne DiLaura addressed the Board, each reading a letter to the Board commenting on their displeasure with the outcome of their variance request for expanding their cottage at 5355 Creekside Lane. The Town's Zoning Board of Appeals (ZBA) held a public hearing on the DiLaura's request on May 28th and made their decision at a continuation of the hearing on June 25th. Mr. and Mrs. DiLaura thanked the Town Board for listening to their statements and submitted copies for the record. Supervisor Wadsworth explained that the Town Board has no authority over the ZBA's decisions, but thanked the DiLauras for their in-depth notes and stated he believes the Town Board should respond to their statements.

ASSESSOR POSITION:

The Board discussed the Assessor position which will be shared with the Town of Groveland and will become available October 1st through the retirements of the current Assessors Carol LaVigne (Geneseo) and Bruce Knapp (Groveland). Supervisor Wadsworth reported that four (4) of the applicants were interviewed and Groveland and Geneseo interviewers agreed upon one (1) of the candidates. He advised that the plan is to offer the candidate an annual salary of \$38,000 without health benefits, with costs to be split 30%/70% between Groveland/Geneseo, and, starting October 1st, the hired Assessor would work 25 hours in Geneseo and 8 to 10 hours in Groveland, with the Town of Geneseo managing the payroll and billing Groveland. Until that time, that person could train with the current Assessors up to 10 hours/week for Geneseo and 5 hours/week for Groveland and be paid at an hourly rate pro-rated based on a salary of \$38,000. [$\$38,000/\text{year} \div 52 \text{ weeks/year} = \$730/\text{week}$; $\$730/\text{week} \div 32 \text{ hours/week} = \$22.81/\text{hour}$]

Mr. Taylor moved and Mr. Manapol seconded the motion to authorize the Supervisor to offer the Assessor candidate a salary of \$38,000, without health benefits, and with the candidate to train with the current Assessors for up to 15 hours/week between now and September 30th at an hourly rate of pay

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pro-rated based on a \$38,000 annual salary during the transitional period. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Manapol-aye; Irwin-aye; Wrubel-aye. Nays: None.

Ms. Irwin moved and Mr. Wrubel seconded the motion to approve the hiring of Tammy Baker as the Town Assessor, effective October 1, 2013, contingent on the Town of Groveland also approving. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Wrubel-aye; Manapol-aye; Taylor-aye. Nays: None.

JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT:

Councilwoman Irwin advised the Board that she talked with Town Justice Jerry Smith regarding a grant that is available through the Justice Court Assistance Program (JCAP) in the amount of \$30,000 per court. The grant money can be used for a variety of purposes, and in particular, Jerry recommends a grant application be submitted to improve court security. Ms. Irwin reviewed some of the safety concerns that exist at the Court that can be resolved with this grant money. Ms. Irwin reported that she also talked with Town Justice Presutti and he is in agreement with the need for improved security for court. Village Justices will also be consulted on the matter. It was the consensus of the Board that Councilwoman Irwin should continue to work with the Justices to apply for JCAP grant money for improvement of court security issues.

RESOLUTION – TOWN CLERK TO RECEIVE NOTICE OF CLAIMS:

Since Notices of Claims against municipalities may now be filed with the Secretary of State rather than the Town Clerk, the Town is now required to designate the Secretary of State as an agent for serving a notice of claim, as well as to appoint a designee to receive notices of claims served upon the Secretary of State.

To that end, Mr. Taylor moved and Mr. Wrubel seconded the motion to adopt the following resolution:

WHEREAS General Municipal Law §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service on a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificated to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e (1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate, ***Now therefore Be It***

RESOLVED, that the Town Board of the Town of Geneseo, County of Livingston designates Jean Bennett, in her capacity as the Town Clerk, to receive notices of claims served upon the

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Secretary of State by mail at 4630 Millennium Drive, Geneseo, New York 14454, and email at town@geneseony.org.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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

WATER/SEWER ISSUES:

Highway/Water Superintendent Levey advised the Board that the existing water and sewer hookup policy does not sufficiently address a multi-building project such as the Hammocks. He recommended the following water and sewer hookup policy for multi-building projects be added to the Town's current water and sewer connection policy. Ms. Irwin moved and Mr. Taylor seconded the motion to adopt the following water and sewer connection guidelines for multi-building projects and amend the current policy to include them:

Multi-Building Projects

Sewer - \$250/ sewer hookup

- This fee is per building that is connecting to the sewer
- Applicant's contractor to do all work related to installing new services from main to buildings
- All materials to be purchased by applicant
- Town representative to do inspections – *48 hour notice is recommended*
- All town engineering cost to be paid by applicant

Water - \$1800 for water hookup to the first building PLUS \$55/inspection

- Applicant's contractor to do all work related to installing new services from main to building
- Applicant to purchase meter(s) & appurtenances & all materials needed from main to buildings
- Applicant to pay all town engineering costs
- Town representative to do inspection -*48 hour notice is recommended*
- Commercial customer to have separate meter for each business
- Multi-family dwellings may be required to have separate meters per unit

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

MISCELLANEOUS:

Supervisor Wadsworth advised the Board on the following items: 1) a resolution recognizing Fred and Sam for their years of service will be on the agenda for the August 8th meeting at Long Point Park; 2) He met with Village Trustees Bob Wilcox and Sandy Brennan, Village DPW Superintendent Jason Frazier and

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Livingston County Planner Heather Ferrero to discuss the \$250,000 grant that is available for installation of a sidewalk on the south side of Route 20A to extend to the Sea Cow; and 3) The Town Attorney is working on easement documents for the Hammocks project.

Attorney Coniglio clarified the social host law with respect to Long Point Park. The Town would not be liable for minors drinking at Long Point Park under the Social Host Law because the Town is not actively involved in providing alcohol.

EXECUTIVE SESSION:

At 6:20 pm Mr. Manapol moved and Ms. Irwin seconded the motion to go into Executive Session to discuss a particular personnel issue. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Manapol-aye; Wrubel-aye. Nays: None.

At 6:40 pm Mr. Taylor moved and Mr. Wrubel seconded the motion to come out of Executive Session and go back into Regular Session, with no action taken. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Manapol-aye; Wrubel-aye. Nays: None.

PERSONNEL MATTER:

Ms. Irwin moved and Mr. Manapol seconded the motion to terminate Maxwell Callahan from employment as a lifeguard at Long Point Park since he took employment elsewhere and was unavailable to lifeguard at the Park until mid-July. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Manapol-aye; Taylor-aye; Wrubel-aye. Nays: None.

ADJOURNMENT:

At 6:50 pm Mr. Wrubel moved and Mr. Manapol seconded the motion to adjourn the meeting. Motion passed unanimously.

Jean Bennett, Town Clerk