

VILLAGE OF GENESEO
BOARD OF TRUSTEES

January 7, 2008

PRESENT:

Richard B. Hatheway, Mayor	Marsha B. Merrick, Clerk/Treasurer
Sandra F. Brennan, Trustee	J. Thomas Reynolds, Attorney
Bradley R. Hill, Trustee	
William S. Lofquist, Trustee	
Robert D. Wilcox, Deputy Mayor	

PUBLIC PRESENT:

Howard Appell Ken Emerson

1. MEETING OPENED:

Mayor Hatheway called the meeting to order at 7:00PM. The minutes of the December 17, 2007 meeting were reviewed. Trustee Lofquist moved and Trustee Brennan seconded the motion to adopt the minutes as amended. The vote was as follows: Trustee Brennan-Aye, Trustee Hill-Aye, Trustee Lofquist-Aye, Deputy Mayor Wilcox-Aye, and Mayor Hatheway-Aye. The motion passed.

The minutes of the November 26, 2007 special meeting with the zoning committee were reviewed. Trustee Lofquist moved and Trustee Hill seconded the motion to adopt the minutes as presented. The vote was as follows: Trustee Brennan-Aye, Trustee Hill-Aye, Trustee Lofquist-Aye, Deputy Mayor Wilcox-Aye, and Mayor Hatheway-Aye. The motion passed.

2. KEN EMERSON – SWAIN SKI & SPORTS:

Mayor Hatheway outlined the procedure that should be followed in order to obtain a sign grant. Mr. Emerson explained that a sign rendering was submitted with the grant application to the Planning Board but the sign was finished and erected before the board gave its approval. The board did not like the final product. The sign cost \$1,985 and Ken explained that he would not have purchased a \$2,000 sign without the prospect of a grant to help defray the cost. He's not sure what the Village Board can do to resolve the situation but he was told by the planning board to appear here tonight.

According to Mr. Emerson, the planning board decided to 'table' the issue for now. Trustee Brennan explained that the grant money came about through a federal program when the Scoville building was built in the mid-1980's whereby money was loaned to the Scovilles and repaid to the Village for *community development* purposes. The Village Board then initiated the sign-grant program using those funds with the planning board overseeing the process. What has happened on rare occasions in the past is that a merchant is anxious to get the sign up and doesn't wait for final approval to take place. The planning board doesn't feel this particular sign fits within the guidelines that they established for color, style etc. Ken was under the assumption that it was approved and then was told the contrary and now is 'out' \$992.50 at this point (1/2 the cost of the sign). Trustee Lofquist said it would seem to him that it should go back to the planning board and they could make their recommendation to the village board for approval or disapproval of that recommendation. Bill would like to see the planning board specify what is needed to make the sign compliant in their estimation. Bob wondered if Ken could be on the agenda for the meeting of the planning board scheduled for this Wednesday night. Ken will contact Aprile in the morning to discuss that.

In conclusion, the Board thanked Mr. Emerson and Mr. Pritchard for 'setting up shop' downtown again – it's a good thing for downtown and a good thing for Swain Ski & Sports. The Board does not want to make things difficult for Swain.

3. GENESEO BUILDING:

Mayor Hatheway reported that Jon Norris provided a new construction administration schedule outlining the following dates:

- Advertisement/Request for bids out: January 18, 2008
- Bid due date: February 15
- Award of contracts: March 3
- Demolition/roof structural work/site work: April 2008
- New roof work: May 2008
- Punch list: June 2008

Mayor Hatheway said that the Town has been involved in all communications with Jon Norris, and is in agreement with the revised schedule.

4. YOUTH RECREATION DIRECTOR VACANCY:

With regard to the vacancy and the invitations to Groveland and the Town of Geneseo to participate in the interviewing process, Mayor Hatheway has not yet heard back from Supervisor Merrick or Supervisor Wadsworth. The advertisement has been in the papers with a deadline for applications of February 4th. Brad and Bob will serve on the committee and Dick asked Doug about the possibility of having Kurt Frazier on the committee as well. Bob plans on being contact with Kathy Booth also.

5. LEGAL MATTERS:

Attorney Reynolds had a meeting with the judge with regard to rental housing along with Attorney LaGrou. Justice Anne Marie Taddeo has stipulated that the matter be resolved by February 22. Tom has requested information from the other attorney as to what are the specific changes he wants that were mentioned in the meeting with Judge Taddeo. Tom feels that the changes are minor and can be implemented easily.

A matter has surfaced with regard to a Village-owned fence that encroaches upon a segment of Scoville property on Riverside Drive. Attorney Chip Presutti sent a map and boundary line agreement to Attorney Reynolds to present to the Village Board. If the agreement is approved, the fence can stay where it is. Tom has discussed the situation with Supt. Welch. The gist of the agreement states: *Geneseo (Liber 1052 of Deeds at page 47) hereby releases, remises and quit claims unto Scoville (Liber 911 of Deeds at page 155) and Scoville's successors and assigns forever all right, title, claim or interest as they may have or might hereafter have acquired in or to, by adverse possession or otherwise, to the land lying east of the northwesterly and southwesterly line as shown on the attached map (on file in the Clerk's office).* The agreement will have no consequence to property values for either party. Attorney Reynolds pointed out that there is to a practical reason for the fence to be located where it is (otherwise it would be in the pond) and Attorney Reynolds recommended that the Village approve the agreement with Daniel and Judith Scoville. After consideration, Trustee Lofquist moved to approve the proposed boundary line agreement between the Village and Daniel and Judith Scoville, stating that a Village owned fence encroaches upon Scoville property on Riverside Drive, and for the Mayor to sign the documents. Trustee Hill seconded the motion and all were in favor.

6. PLANNING BOARD APPOINTMENT:

Due to Kurt Christiansen relocating to Texas in January, he has submitted his resignation from the Planning Board. Mayor Hatheway proposed Dori Farthing fill the vacancy. Professionally, she is an environmental geologist, has an appropriate breadth of knowledge, and has a wonderful way of dealing with people. She will bring a unique dimension to the board, he added. Mayor Hatheway pointed out that filling a vacancy on a board does not require Village Board approval, but would

appreciate Board affirmation of the appointment. Trustee Brennan moved to approve the appointment of Dori Farthing to the planning board (term to expire in 2010), with second from Trustee Hill. All were in favor of that appointment.

7. ARC REQUEST:

The Livingston-Wyoming ARC asked permission to hold the Ramon Rocha 5K Run/Walk on October 25, 2008. The Board was supportive. The letter noted that this fundraising walk for ARC raised more than \$5,300 to benefit community members with disabilities last year.

8. SUMMER FESTIVAL:

Dick spoke with Rotary representative Dick Gallivan with regard to their request to close off Park Street during Friday and Saturday of the Summer Festival, relaying that the Village Board didn't anticipate a problem if the Fire, Police or UPD didn't have any issues.

9. DOT RESPONSE: Route 63 'by-pass'

Daniel Hallowell, NYS DOT Program Development and Management, sent the Village a letter along with the *Executive Summary of our findings on the use and safety of the Route 63 by-pass in Geneseo*. Mayor Hatheway distributed copies of the findings to Board members and noted that *thorough* rationale was used for the whole process. The report states that: *This data collection was done to look at the existing usage and determine if there is a significant safety issue with the students crossing the roadway*. Topic items researched included: Significance of the Rt. 63 By-Pass as a State Highway, Accident History, Thru Traffic Analysis, Pedestrian Traffic Analysis, Using an Alternative Routing on Other Existing Highways, Constructing a New Facility, and Sufficiency of Existing Pedestrian Crossings. Their conclusion was that "we have found no safety deficiency that would merit the closure of this section of roadway at this time". Copies of the document can be obtained in the Village Clerk's office.

10. MISCELLANEOUS ITEMS:

The Livingston County Tobacco Coalition thanked the Board for passing a resolution of support.

Genesee Valley Council on the Arts is planning an awards ceremony on February 1, 2008 for grant recipients. The Village/Town Tourism Committee received one of the grants.

The Livingston County Business Education Alliance has planned an event for February 13.

Dick extended appreciation to Trustee Brennan for the letter of invitation she sent to local merchants, for a meeting between board members and Stu Brown to discuss grant funding opportunities for the Main Street district. The meeting is scheduled for January 8 at 5:30PM.

11. PUBLIC SAFETY:

Police Rules & Regulations: Mayor Hatheway reported that Attorney Dave Lippitt (our consultant for personnel issues) contacted Chief Osganian with regard to a State court decision that has struck down negotiated discipline policies within village collective bargaining agreements. The decision means that New York State Village law applies to police officer discipline. The reality of the ruling means that we have no Village disciplinary policy in place at the current time. The contract between the Village of Geneseo and the Geneseo Police Benevolent Association, Council 82 contains disciplinary guidelines (Article 4), which by court action are now null and void. Attorney Lippitt stated that if a village has disciplinary rules and regulations, which are consistent with NYS Village Law in place, these rules and regulations should be *grandfathered in* if new legislation is eventually adopted by the State. He provided some boilerplate rules and regulations and feels it would behoove the Village

to adopt them, as a matter of protection. They do not require a public hearing or local law or any other procedural process. These rules (copy on file in the Clerk's office) would supplant that which has been negotiated in the past. Mayor Hatheway recommends that the Village adopt these rules for the police department. It was noted that the only reason for adopting this proposal is to insure that the Village has rules and regulations in place since the court has ruled contract disciplinary procedures are null and void. It was emphasized that this policy is for protection only, and that there are no pending disciplinary matters confronting the Chief. As a matter of fact, the last time any disciplinary matters were brought forth was at least two chiefs prior to Eric, so historically disciplinary matters are not a concern. Additionally, Police Officers are still protected by Civil Service, so chances of frivolous initiatives by the Chief or Board are non-existent. After consideration, Trustee Hill moved to adopt the Rules & Regulations for Discipline of Members of the Village of Geneseo Police Department. Trustee Brennan seconded the motion and all were in favor.

Bob reported that the complaints and arrests are at a level plane now, a result of very effective police work. A \$9,000 grant to participate in the statewide 'Selective Traffic Enforcement Program' has been received from the State of New York Governor's Traffic Safety Committee.

Bob plans to discuss obtaining a defibrillator for the Geneseo Building with Fire Chief Manzo. This was discussed in the past but has not yet occurred.

12. PUBLIC WORKS:

The crew is now back to work in full force after the holidays. Charlie Parent finished repairing/replacing the men's room floor at the Depot and is prepared to do the same in the woman's room. The generator for the wastewater treatment plant has been delivered and Board members are invited to see the massive piece of equipment. Clerk Merrick reported that a railing has been installed at the rear of the Geneseo Building for the back steps. The railing is a welcome safety addition the building.

Livingston County Dept. of Health report: the DOH conducted a facility sanitary survey on September 18, 2007. According to the letter written on December 31, 2007 by Jason Neus, Public Health Technician, *The survey of the water supply system ensured that there were no existing public health hazard violations at the time of inspection. The condition and operation of the water system are in good working order. Mr. McTarnaghan and the other water operators do a fine job operating the system and preparing the required reports.* Listed on the report as comments include:

- ❑ Water consumption in some areas is not metered (SUNY Geneseo and some of the Town of Geneseo districts).
- ❑ Currently there are waters systems purchasing from the Village of Geneseo who are having difficulty meeting the Maximum Contaminant Levels (MCL's) for Total Trihalomethanes (TTHM's) a by-product of the chlorination process.
- ❑ Public water facility security is always a concern. Please ensure all plant entrances, gates, valve vaults, tank hatches, access ladders and other areas continue to remain locked at all times except when access is necessary. It is recommended that a protective fence be installed around the water storage tank on Reservoir Road.

As for the latter comment, Mayor Hatheway noted that he has resisted this last notion for several years. He does not feel there are any advantages to installing a fence around the water tank. All in all, he concluded, the report states that the Village of Geneseo's water system provides good water.

13. TRUSTEES:

Trustee Brennan: Sandy received an email message from Stu Brown's assistant stating that they are still planning to attend tomorrow's meeting with local merchants and the Village Board regarding possible grant funding opportunities.

Trustee Hill: Brad composed a letter to be sent to rental property owners that he will forward to the Board members for their review. Hopefully the letter can be sent out this month. He is also working on a form letter for incidents as they happen and will review that with Clerk Merrick.

Trustee Lofquist: Bill is still trying to re-schedule a zoning meeting that was cancelled by snow a few weeks back. Mayor Hatheway asked if the access management items would be integrated into the new zoning regulations for the Village and wonders if the Access Management Plan could be adopted around the end of January.

Deputy Mayor Wilcox: The tourism committee is taking the month of January off and with Arlene Somerville away, Bob is fielding the requests for information through the website (geneseony.com).

Bob is working on the prospect of selling the 14 Center Street house in order to have it moved to another location. He will work with Sandy on the various aspects of that idea.

Sandy said that the SMS (Supporter's of Main Street) hope to work with the tourism committee this year on the holiday decorations and Bob concurred.

14. CLERK/TREASURER:

Clerk Merrick provided the Board with the November financial report.

15. MEETING CLOSE:

With no further business to discuss, Trustee Brennan moved and Trustee Hill seconded the motion to adjourn. The vote was as follows: Trustee Brennan-Aye, Trustee Hill-Aye, Trustee Lofquist-Aye, Deputy Mayor Wilcox-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 8:30PM.

Marsha B. Merrick, Village Clerk