

PRESENT:

Richard B. Hatheway, Mayor
Sandra F. Brennan, Deputy Mayor
John Fox Jr., Trustee
Bradley R. Hill, Trustee
Thomas J. LaGrou, Trustee
Marsha B. Merrick, Clerk/Treasurer
J. Thomas Reynolds, Attorney

PUBLIC PRESENT:

Howard Appell Kurt Cylke Bob Wilcox

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 6:30PM following a workshop session during which the Board discussed the Geneseo Building. The minutes of the September 8, 2008 regular meeting were reviewed. Deputy Mayor Brennan moved and Trustee Fox seconded the motion to adopt the minutes as amended. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-aye, and Mayor Hatheway-Aye.

The minutes of the September 22, 2008 meeting were reviewed. Trustee Fox moved and Deputy Mayor Brennan seconded the motion to adopt the minutes as presented. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

2. ZONING CODE ISSUES:

Deputy Mayor Brennan discussed a procedural question posed by Dawn Aprile with Kevin Kelley (Bergmann Associates) and relayed to the Board that the issue is with document *versions* and that Dawn reviewed a copy with a date stamp that was different than the copies the Board received. However, according to Kevin Kelley, all copies delivered between 7/23 and 9/1 had the same wording and were the same version. Sandy and Mayor Hatheway plan to meet with Dawn to discuss the questions she has. The Board set the second public hearing for October 20, 2008 at 7:15PM. That meeting notice will be published in the local newspapers.

With regard to the negative declaration motion passed during the public hearing (September 22, 2008), Sandy advised the Board that the motion should have been in the form of a resolution. Along with that, Bergmann Associates prepared a *statement of findings for a negative declaration* and Sandy read that document into the record as follows:

Village of Geneseo Zoning Code Revision
Statement of Finding for a Negative Declaration
Reasons for supporting this determination:

Each of the potential impacts identified in Parts 1 and 2 of the full Environmental Assessment Form have been carefully evaluated and compared against the criteria in section 617.11 of the SEQR regulations. As documented in the EAF, none of the expected impacts from the adoption of the Revised Zoning Code are likely to have any large or significant impacts. Although certain impacts may result from future development that is in accordance with the Revised Zoning Code, the adoption of the code per se will not have any large significant impacts on the environment. Furthermore, any new development that might impact the environment would need to be evaluated in a project specific environmental review pursuant to SEQRA.

The Revised Zoning Code is intended to encourage appropriate and orderly physical development; to promote public health, safety, convenience and general welfare; to classify, designate and regulate the location and use of buildings, structures and land for mixed use, residential, commercial, industrial or other uses in appropriate places; and, for said purpose, to divide into districts of such number, shape and area as may deemed best suited to carry out these regulations and provide for their enforcement.

The Revised Zoning Code is one of the key mechanisms for implementing the Village's long-term planning goals which will guide development in Geneseo to provide a balance of developed uses and open space throughout the Village; to create residential neighborhoods close to but not negatively impacted by recreation, employment and shopping opportunities; and to avoid the negative impacts of uncontrolled access and demands for inefficient expansion of public utilities.

The regulations included in the Revised Zoning Code are designed to minimize effects on air quality, ground or surface water quality and quantity, traffic or noise levels, increase in solid waste production, and the potential for erosion, flooding, leaching or drainage problems. The code is designed to preserve environmentally sensitive areas, improve neighborhoods and protect historic resources.

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Trustee Fox then moved to adopt the following resolution with second from Trustee Hill  
WHEREAS, the Village of Geneseo intends to update its Zoning Code to reflect upon the vision, goals, objectives and recommendations expressed in its recently completed Comprehensive Master Plan; and

WHEREAS, the existing code is more than 35 years old and needs to be revised to reflect modern standards, best practices for planning and land use, and the changing conditions in the Village; and

WHEREAS, the proposed action is considered a "Type 1 Action" under State Environmental Quality Review (SEQR) regulations and, therefore, requires that an environmental review be completed on the proposed project; and

WHEREAS, a Lead Agency must be established to oversee the environmental review; and

WHEREAS, the Geneseo Village Board declared Lead Agency status for the purposes of conducting the environmental review at their meeting on September 8, 2008 Board meeting; and

WHEREAS, the Geneseo Village Board has received and accepted the Environmental Assessment Form prepared by Bergmann Associates, dated September 16, 2008, that evaluates the potential impacts of the proposed action; and

WHEREAS, the Geneseo Village Board has received and accepted the Statement of Findings for a Negative Declaration;

NOW THEREFORE BE IT RESOLVED, based on the Environmental Assessment that has been prepared, the proposed update of Chapter 130 of the Code of the Village of Geneseo will not create any significant adverse impacts on the human and natural environment, and the Village Board hereby issues a Negative Declaration for the proposed action.

This resolution shall take effect immediately upon its adoption. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

### 3. GENESEO BUILDING:

Points agreed on during the work session include: A) saving the Geneseo Building, B) renovating the building to make it useable for Village offices and C) hoping to work with the Town to develop a multi-purpose room on the second floor. Trustee Fox will be working with Town Councilman Tenalio to see how the two entities might proceed.

4. 14 CENTER STREET:

The process of selling the property is continuing according to Attorney Reynolds.

5. GENESEE VALLEY RURAL PRESERVATION COUNCIL:

Notification has been received from GVRPC that the NYS Housing Trust Fund Corporation has awarded \$400,000 in HOME (Home Investment Partnerships) funds for first time homebuyers in Livingston and Wyoming Counties. The program is administered through the GVRPC. The program will assist 34 first time homebuyers with acquisition funding, pre and post purchase education and counseling, housing quality survey inspection, energy audit, very minor home improvement and related costs.

6. GENESEE VALLEY CONSERVANCY:

A letter was received from the Conservancy describing the Island Preserve (~40 acre parcel donated to the Conservancy as part of the Briar Patch LLC subdivision on Cavalry Drive). Progress made since 2006 includes trail establishment and maintenance; a mowed trail through the grass starts at the base of Cavalry Drive and heads up the large field. Hopefully interpretive signs (2-3) will be placed along the trail in 2009. Also, GVC is working with the USDA Natural Resources Conservation Service office to establish native grasses on the property. As word spreads about the trail, hopefully it will be a resource for Geneseo Central teachers and students to have access to this natural area. Volunteers to maintain the trail are always welcome and should be directed to the Conservancy.

7. MEETINGS:

- Livingston County Association of Village Boards: hosted by Livonia on October 15; Bernard Thoma, the new County grants writer will be the speaker.
- Destination Downtown: scheduled for October 21, registration forms are available. Sandy suggests giving the opportunity to attend to Arlene Somerville and possibly Mary Kay Nitsche.
- The Genesee Finger Lakes Regional Planning Council is planning a workshop about the Western Erie Canal region.
- SMSI – Shared Municipal Services grant program workshop will be held on October 23 in Syracuse.
- The Livingston County Chamber of Commerce is planning a number of events including a Healthy Breakfast Series workshop on Customer Service.

8. MISCELLANEOUS CORRESPONDENCE:

The New York Army National Guard (Alpha Company, 2<sup>nd</sup> Battalion, 108<sup>th</sup> Infantry Regiment) is expecting approximately 85 soldiers to return from Afghanistan this week and would like to request that they march down Main Street on either Wednesday October 1 or Thursday October 2. They have been in contact with the GPD and the Sheriff's Department. Chief Osganian plans to use cars to go in front of and behind the group as they march down Main Street. The Board was supportive.

The Board considered the annual resolution for collection of the remaining taxes to be the responsibility of the County. Therefore, Deputy Mayor Brennan moved to adopt the following resolution:

BE IT RESOLVED that the Livingston County Treasurer be authorized to collect the 2008 Village of Geneseo taxes (as well as water/sewer fees shown on the 2008 Final Village Tax warrant) as of October 1, 2008 in accordance with Section 1442 of the Real Property Tax Law of the State of New York. Trustee Fox seconded the motion to adopt the resolution. The vote was as follows: Deputy

Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye and Mayor Hatheway-Aye.

Mayor Hatheway met with Pat Gardner, Healthy Heart program facilitator for Noyes Hospital, to complete a policy survey having to do with initiatives the Village does to promote health and wellness in the community. The survey had been done about five years ago and was updated. Pat hopes to also pursue grant funding of a farmer's market in the area.

The United Way is having a Recognition Celebration on October 8<sup>th</sup> at the Big Tree Inn.

The Ramon Rocha 5K Run/Walk is scheduled for October 25<sup>th</sup>. The event benefits Livingston-Wyoming ARC.

The Livingston County Chamber of Commerce is planning an *After Hours* event on October 8<sup>th</sup>.

Trustee Fox has agreed to work with Town Supervisor Wadsworth and Councilman Tenalio on shared departments and expenses between the two municipalities.

With regard to the sewer unit discussion for 24 Main Street, the Board determined on the basis of information gleaned since the last discussion that the units should be increased from 4 to 6. It was determined during a review by the water department that the six units were relevant at this point in time based on past and current water usage.

Clerk Merrick apprised the Board about a tax penalty question posed by the Wal-Mart corporate office. Wal-Mart mailed their Village tax payment on June 13<sup>th</sup>. The problem was that it was mailed to the *Town of Geneseo*. The envelope was returned (*Forwarding Time Expired*) to Wal-Mart and apparently was "lost in the shuffle" there. Wal-Mart was unaware that the bill remained unpaid until the Clerk's office sent out a second notice in September. Upon contacting Clerk Merrick, they were advised to get the tax (\$61,486.98) to the Village Office by overnight mail to avoid having it levied to the County for collection. Their question is about the penalty amount of \$4,266.67 that is technically also due. After discussion, during which it was pointed out that the problem was due to a mailing issue and not dereliction on the part of Wal-Mart, Trustee Fox moved to absolve Wal-Mart Stores East LP of the tax penalty in the amount of \$4,266.67. Trustee LaGrou seconded the motion and all were in favor.

## 9. PUBLIC SAFETY:

Trustee Hill reported that it was a busy weekend for the Police Department. There was a 5K run on Friday night, horses and hounds on Saturday morning and extra officers on duty all weekend for homecoming events and activities in the early morning hours.

Chief Osganian would like to recommend Courteney Kilmer to replace a part-time officer that recently resigned. Jason Yasso and Dana Carson interviewed Courteney and on a separate occasion Chief Osganian and Trustee Hill interviewed her. Trustee Hill moved approval to hire Courtney Kilmer to fill a part-time police officer position based on a recommendation of Chief Osganian. Deputy Mayor Brennan seconded the motion and all were in favor.

The Livingston County Personnel office has asked that part-time Officer Fuller be placed on leave of absence due to his service in Afghanistan. Trustee Hill so moved and Deputy Mayor Brennan seconded the motion. Trustee Fox wondered if another officer would be requested in his place; Trustee Hill stated that was the plan. Mayor Hatheway explained that having an extra position available does not translate into increased labor costs; on a weekly basis a certain number of hours are assigned to part-timers. Which part-timers work those hours does not affect the total dollar amount allocated. Trustee Hill stressed that another position is not being added; when Fuller returns, he will fill the slot, and the new hire will be let go. After further discussion the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

The Board reviewed Fire Department resignations and new appointments. Trustee Fox moved to place on leave: Tom Dillon and Chris Thomas and to install new member Sharon Leary. Deputy Mayor Brennan seconded the motion and all were in favor.

Chief Chanler submitted a report to Trustee Fox that included information on an increased number of calls during the month of September. Calls during a recent windstorm numbered 4 and Andrew reported that the firehouse generator came into use during the recent power outage.

The fire/ambulance equipment inventory list will be completed by the end of October according to Andrew's report. Specifications for the new fire truck are being reviewed.

#### 10. PUBLIC WORKS:

Supt. Frazier reported to Trustee LaGrou that they are preparing for leaf collection season. Equipment is being readied for auction and Jason thanked the Board for approving the list of surplus items.

Mayor Hatheway passed on a letter from a Center Street resident with regard to use of Highland Park since the fence has been removed. Trustee Fox suggested that the fence might be used at Kelsey Field perhaps to keep out vehicles etc. The Board discussed that idea.

Finalization of the Infiltration & Inflow study is still ongoing per Deputy Mayor Brennan.

#### 11. TRUSTEES:

Trustee Hill: Brad went out with the PD on Friday night, walking and in the patrol cars with Officer Piedmonte and Officer Yasso from 11:15PM until 1:45AM. He said that there were lots of people out due to SUNY Homecoming. The Police presence around the Village especially during those times is very valuable he reported.

Brad worked with Eric and Sandy on the issue of police details and presented some suggestions. Eric would like to be consulted early in the process when walks/runs are requested through the Village so that he can make suggestions about the best routes to be followed. They also discussed fee-based (when the event organizers are charging a fee) events and if organizers could possibly be charged for police security during those events.

Deputy Mayor Brennan: reported that the Supporters of Main Street have a Christmas decoration committee consisting of members from the Town and Village. They are looking to use the banners that were purchased last year and also exploring what they might be able to do this year. They plan to meet tomorrow and will be presenting a budget to the Village Board soon.

The tourism committee is putting together a budget according to Sandy.

Sandy asked about the YMCA and when a meeting would be set up with them to discuss the summer program. Dick said that he had been in contact with Y personnel, and that a meeting would be set up as soon as he and Sandy could coordinate their schedules. Trustee Fox mentioned that they would like to start forming plans for next year.

#### 12. CLERK/TREASURER:

Clerk Merrick reported that the Omega Restaurant on Lakeville Road has applied for a renewal of their liquor license.

#### 13. NEW/OLD BUSINESS:

Trustee Fox presented the Board with an evaluation of water system billing from 1989 until 2007. The Board discussed the rate structure that has been in place during that period.

14. MEETING CLOSE:

With no further business to discuss, Trustee Fox moved and Trustee Hill seconded the motion to adjourn. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 8:22PM.

Marsha B. Merrick, Village Clerk