

VILLAGE OF GENESEO  
BOARD OF TRUSTEES

December 1, 2008

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  
Fire Chief Andrew Chanler  
1<sup>st</sup> Asst. Chief David Dewar  
2<sup>nd</sup> Asst. Chief Charles Parent  
Pumper Company Captain Frank Manzo  
FD Member Steve Zabrocki

PUBLIC PRESENT:

None

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 7PM. The minutes of the November 17, 2008 regular meeting were reviewed. Deputy Mayor Brennan moved and Trustee LaGrou seconded the motion to adopt the minutes as presented. Trustee Fox questioned some of the budget transfers that occurred in his absence. Trustee Hill questioned whether the police vehicle had indeed been approved at that meeting and the answer was yes. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee LaGrou-Aye, Mayor Hatheway-Aye, and Trustees Fox and Hill-Abstain.

2. ZONING REVISION UPDATE:

Sandy stated that Kevin Kelley and she left messages for each other and Kevin has been in contact with Attorney Reynolds.

3. BOND RESOLUTION:

With regard to the fire truck purchase financing, Mayor Hatheway stated that we have communicated with bond counsel and municipal finance advisors. A bid for the truck cannot be approved until its financing is in place. There are two options: one is finance through a bond anticipation note (BAN) requiring a bond resolution, which has been drafted by bond counsel, Attorney Tim McGill. The resolution provides flexibility in terms of maximum amount to be borrowed. If the Board approved the resolution tonight the 30-day waiting period (according to permissive referendum guidelines) would expire on December 31. After that an estoppel period must run for another 20 days. Due to this process, the earliest the Board could approve a bid for a fire truck is mid January.

With regard to financing through a lease/purchase arrangement, the question has been posed to determine if a bond resolution would be necessary if the term of the arrangement is under five years. Municipal Finance advisor Chuck Bastian felt that a lease/purchase agreement was the more expensive way to go because the full faith and credit of the Village is not formally pledged. But without reading through the entire agreement, that would be uncertain. According to the samples given by Oshkosh Capital (financing company used by Churchville Fire Equipment) the interest rate appeared to be around 7.25%. Dick said that his suggestion would be to adopt the bond resolution to get a safety valve in place and have that step accomplished. David Dewar felt that the municipal bonds would be less than the 7.25% quoted for the lease/purchase agreement.

Trustee Fox expressed concern that the fire truck bid received on November 13<sup>th</sup> would expire by December 31 and the price of the vehicle would increase significantly in 2009.

Discussion followed about the terms of the purchase and financing. If the truck is purchased after the 1<sup>st</sup> of January, other requirements (OSHA, etc.) come into play and Chief Chanler estimates a \$30,000 additional cost.

Deputy Mayor Brennan stated that it was futile to discuss the purchase using a bond resolution because there isn't enough time to make the purchase of the 2008 truck by December 31 and fulfill any of the financing timeline requirements.

Trustee Fox was in favor of asking Oshkosh for financing agreements covering 36, 48 and 59 month terms and Chief Parent said that would be possible. John also wanted to know what the cost of the truck would be if ordered after January 1<sup>st</sup>.

Mayor Hatheway said that information will be available from Chuck Bastian tomorrow as well as revised information from Oshkosh Capital. The Board agreed to meet on Thursday at 9AM to discuss the financing further.

In the meantime and in order to get the process moving, Trustee Fox moved to adopt the following resolution. Trustee Hill seconded the motion.

BOND RESOLUTION DATED DECEMBER 1, 2008 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF A FIRE TRUCK, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the Board of Trustees of the Village of Geneseo, New York (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The acquisition of one fire truck, which may include apparatus required in connection therewith (hereinafter referred to as "purpose"), is hereby authorized and serial bonds in an aggregate principal amount up to \$400,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$560,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide (i) \$400,000 of such maximum cost by issuance of obligations as herein authorized, (ii) \$120,000 to be expended from the existing capital reserve fund for such costs, and (iii) the balance to be provided from current funds to be made available by the Board.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 27 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (20) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy

of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Geneseo.

Section 7. The faith and credit of the Village of Geneseo, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution shall be published in full by the Village Clerk of the Village of Geneseo together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Geneseo, pursuant to Section 36.00 of the Local Finance Law.

The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The resolution was adopted.

#### 4. LEGAL ISSUES:

The sale of 14 Center Street was discussed. Attorney Reynolds will talk to realtor John Linfoot to discuss additional terms of the sale.

Courtside apartment billing issue: after extended discussion and analysis, the manager of the complex has offered to settle the amount due the Village for half the amount due. The rationale offered was that the error originated within the Village, although Courtside recognizes the complex has received Village sewer service without being charged for it. After discussion Trustee Hill moved to accept the payment of \$19,313.50 for the unbilled sewer units during the period of November 2003 through July 2008. Deputy Mayor Brennan seconded the motion and the vote was as follows: Deputy

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

A minor change in the nuisance abatement law is necessary to expedite mailing of notices. The Board will consider removing the words “including occupant(s)” from section 87-7 of the law. The Board set December 15<sup>th</sup> at 7:15PM for that public hearing.

The Shepard sewer hookup on Reservoir Road was discussed. A formal letter is ready to be mailed.

5. CELL PHONES OVERVIEW:

The cell phone billing and distribution was reviewed and it was determined that a policy change might be in order. It will be reviewed further. Deputy Mayor Brennan said fiscal responsibility is the main goal.

Preliminary budget items were also discussed.

6. TOURISM:

The Tourism Committee invites everyone to their newly revised geneseony.com website rollout on December 8<sup>th</sup> at the Quality Inn.

7. AGRICULTURAL DISTRICT:

Dick wrote a letter to the County Human Services Committee chairman detailing objections to establishing a district within the residential zone of the Village.

8. MISCELLANEOUS CORRESPONDENCE:

Randy Cofield has inquired about the possibility of applying for additional funding through the Business Development Loan Program. This would be Randy’s fourth loan through the program (Team Cheer 2001, Athletica 2007 and Athletica (2) 2008). Mayor Hatheway gave background on the program and the process. Normally, he stated, an application is filed with Stu Brown’s office (the administrator for the program) and then a recommendation is made to the Board for approval or disapproval. The Board asked for additional information before a consensus is reached as to whether or not an application should be pursued.

Clerk Merrick and Mayor Hatheway met with the DPW and Police union representatives to present information gleaned from Bryan Bond on different, less expensive health care programs. The Unions would like a specific proposal to consider the issue further. Dick would like to propose the Healthy Blue HSA Option 1 that includes putting money away in a health savings account (HAS). Sticky points include the amount of employee contribution, the amount to be placed in the health savings account, and the amount to be offered those who are not part of the Village’s health plan. The Board did not reach consensus on a proposal to offer the bargaining agents on these financial issues, but was supportive of any effort to get the process started. It was agreed that health insurance is only one aspect of terms and conditions of employment included in our negotiated agreements, and that the issue is complex enough that we should probably enlist professional help.

9. PUBLIC SAFETY:

All going well in the police department according to Trustee Hill, the new part-time hires are going through their training.

Fire department: Deputy Mayor Brennan moved to approve new members Matthew Micelli, Tiffany Chin, and Eric Hooper. Trustee LaGrou seconded the motion and all were in favor.

10. PUBLIC WORKS:

Trustee LaGrou reported that the crew is continuing leaf pickup and performing snow and ice removal when necessary.

Sewer and water departments: Deputy Mayor Brennan asked Supt. McTarnaghan to explore the possibility of disposing of un-used equipment.

11. TRUSTEES:

Trustee Fox: presented the Board with the equipment inventory sheets received from the Fire Department.

Trustee Hill: Trustee Hill met with Bob Bonfiglio and Chris Taylor (Livingston County Substance Abuse) and staff. A grant was received and hopefully the two groups can work together on mutual projects having to do with curtailing underage drinking.

12. CLERK/TREASURER:

Sign grant: Clerk Merrick asked the Board to consider a sign grant application by the owners of Canal Town Country Store to be located at 126 Main Street. The sign will cost \$1,296 and the grant amount would be \$648. Deputy Mayor Brennan moved to approve the sign grant for the Canal Town Country Store in the amount of \$648 based upon approvals of the Code Enforcement Office and the Planning Board and upon further review by Stu Brown's office as administrator for the program. Trustee Hill seconded the motion and all were in favor.

Deputy Mayor Brennan moved to adopt Local Law #1, 2008 providing a Cold War Veteran's Exemption pursuant to Section 458-b of the Real Property Tax Law. *Qualifying residential real property owned by a Cold War Veteran, or other qualified owner, shall be entitled to a partial exemption from taxation to the extent of 15% of the assessed valuation, not to exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest State equalization rate. Additionally, where the Cold War Veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War Veteran disability rating, not to exceed Forty Thousand Dollars or the product of Forty Thousand Dollars multiplied by the latest State equalization rate.*

*This local law shall take effect immediately upon its filing in the Office of Secretary of State and be effective with the 2009 assessment roll.* Trustee Fox seconded the motion and the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

13. MEETING CLOSE:

With no further business to discuss, Trustee Fox moved and Deputy Mayor Brennan 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 10:05PM.

Marsha B. Merrick, Village Clerk