

VILLAGE OF GENESEO  
BOARD OF TRUSTEES

December 15, 2008

PRESENT:

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

PUBLIC PRESENT:

Howard Appell	Dawn Aprile
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1. MEETING OPENED:

Mayor Hatheway opened the meeting at 7:00PM. The minutes of the December 1, 2008 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 December 1, 2008 public hearing 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.

The minutes of the December 4, 2008 special meeting were reviewed. Trustee Fox moved and Trustee Hill 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.

Mayor Hatheway noted that the new codebooks have been delivered and distributed to the Village Board, Planning Board and Board of Appeals. Each book is numbered and the Village Clerk's office will keep track of where the books are located. The book is up to date as far as any legislation that has been passed and any changes that have been made.

2. 14 CENTER STREET CLOSING:

The closing of the sale has taken place (net proceeds amounted to \$134,900) and Clerk Merrick has been in touch with Steuben Trust to close out the statutory installment bond that was outstanding, Mayor Hatheway reported. After paying off the bond, \$30,000 will be transferred to the land and buildings reserve fund.

Attorney Reynolds brought the Board up to date on the status of the parcel that has been reserved for access to the parking lot.

3. FIRE TRUCK FINANCING:

Financing documents from Oshkosh Capital have been forwarded to Chuck Bastian (BPD Municipal Finance) for review, Mayor Hatheway stated. Oshkosh Capital processes the documents and forwards the amount financed to Pierce to pay for the vehicle. The Village is then responsible for interest (first interest payment will be due in June) on debt for a vehicle that isn't completed. In order to perform due diligence on the financing plan, a comparison will be made between the lease/purchase method of financing and the traditional methods used in the past (BAN). This is somewhat complicated because using traditional bond financing requires a time frame that extends into late January. However, if the truck is ordered after December 31, new federal regulations become effective, and the

configuration and pricing of the truck are impacted. In other words, the method of financing is only part of the equation—another is the price increase effective January 1, 2009.

In the meantime, Mayor Hatheway stated, the Board can approve the lease/purchase agreement contingent upon it being similar to that which had been agreed to at the December 4<sup>th</sup> meeting. Trustee Fox moved to proceed with the financing agreements with Oshkosh Capital based on what has been proposed thus far in accord with the resolution for financing passed at the special meeting on December 4<sup>th</sup>, and to authorize the Mayor to execute the documents when they become available. 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.

Clerk Merrick and Mayor Hatheway completed an analysis of the fire equipment reserve fund. The fund balance on hand, ~\$126,000 is comprised of \$30,000 from Town of Geneseo contributions since 2005 and \$75,000 from Village contributions. The fund has earned \$12,000 in interest revenue; there was \$9,000 on hand after the last ambulance purchase in February 2005, for a total of \$126,000. Since the Town budget has already been adopted for 2009, no further assistance will be coming in the immediate future; however, hopefully contract amounts might be negotiated upward for 2010 and beyond.

#### 4. CODE REVISION:

The Board referred to the latest revision of the zoning code dated December 4<sup>th</sup>. Sandy met with Code Officers Ron and Dean to go over the draft and there were several items that came under question. She then talked to Kevin Kelley and he summarized all of them in a message received today and distributed.

Sandy highlighted the following items:

- Limit for agricultural use: the draft had one acre listed (page 9) and, after consideration, the suggestion was made to make it 5 or 7 acres (the Ag and Markets minimum). Dick mentioned that the Wadsworth Homestead already has property in an agricultural district currently. The Board agreed that a minimum of seven acres makes sense.
- *Manufactured* home replaced the word *mobile* home in the document (page 14 and others) as suggested by Code Officer Maxwell. The word *manufactured* is used in the NYS Fire Code.
- Bed & Breakfast: Ron suggests allowing for a maximum of 10 overnight guests rather than 12 as stipulated in the draft (page 92), in order to be consistent with NYS Code.

Sandy said that one option was to vote on the zoning code revisions tonight with consideration given to the changes that are proposed here, while the other is to wait until the final draft is prepared and take a vote when it is in final form. After further discussion, Dick said that these items should be given consideration before the document is considered for passage and perhaps that can take place at the next meeting on January 5, 2009.

#### 5. LEGAL ISSUES:

Trustee Hill moved and Trustee LaGrou seconded the motion to go into executive session at 8:07PM to discuss litigation. All were in favor.

A motion to come out of session at 8:16PM was made by Trustee Hill and seconded by Trustee LaGrou. All were in favor; no official action was taken during the session.

6. NUISANCE ABATEMENT LAW:

Following the public hearing, Trustee Hill moved to remove the following underscored wording in the law contained in Chapter 87: Nuisance Abatement Law section 87-7 and thus approve Local Law #2, 2008: *If there is or has been a violation of any code of statutory violations listed under Section 4 or Section 5 of this chapter, the Village Clerk, or designee, shall give notice of such violation and potential consequences to the person, persons or entities responsible under this chapter, including occupant(s) and, if separate, property owner(s). The section also stipulates: *Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by certified mail, with return receipt requested, to the person, persons or entities responsible, including occupant and, if separate, the property owner(s), as shown by the most recent tax roll of the Village.* Deputy Mayor Brennan seconded the motion to approve the local law and the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.*

7. ARC:

The Board approved and supported a request to hold the Ramon Rocha 5K Run/Walk originally scheduled for October 10 and rescheduled for October 3, 2009.

8. MIDLAND MANAGEMENT:

The Village Office received a check from Midland Management for the settlement of the outstanding sewer bill for Courtside Apartments. The manager wrote that she disagreed with the methods used to calculate the bill (as per Village Code), but appreciated the way the matter was handled.

9. TOURISM:

An event held last week to unveil the 'new' geneseony.com website was instructive and well done according to Board members that attended.

10. COUNTY PROPOSAL FOR PUBLIC WORKS:

Supt. Frazier has reported to Mayor Hatheway that the Livingston County Highway superintendent asked if there were any Village streets that might qualify for Federally funded repair work as the County was putting together an application. Contained within a document listing projects is a half page of Village of Geneseo possibilities. Jason extrapolated figures from the Wadsworth Street project estimates to submit for cost estimates for the application process.

11. PUBLIC SAFETY:

Chief Osganian asked the Board to consider David C. Beers for permanent employment. Officer Beers was hired on July 2, 2008 and is nearing the end of his six-month probationary period. Trustee Hill moved to offer Officer Beers permanent employment based on Chief Osganian's recommendation with second from Deputy Mayor Brennan. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

Trustee Hill reported that the Police Department has had a number of mental health calls this year including six so far this month and twenty-two so far this year. The total number of calls last year was nine.

Trustee Fox received a report from the fire truck committee and highlighted it for the Board. It will be filed in the Clerk's office.

## 12. PUBLIC WORKS:

A memo has been sent to all departments with regard to reducing or eliminating the use of part-time help, Mayor Hatheway reported.

Trustee LaGrou talked to Jason and then there was a water main break in the Riverside Drive area today. Otherwise, the situation is routine.

The Board discussed the storm sewer situation with regard to the infiltration of stormwater into the sanitary system discovered through the smoking process that took place this fall. This will be a topic for further discussion early in the new year.

## 13. TRUSTEES:

Trustee Fox reported that there would be a meeting with the Village and Town justices on the 17<sup>th</sup>. He and Councilman Tenalio plan to attend. Mayor Hatheway offered thanks to Deputy Mayor Brennan, Court Clerk Pieper, Clerk Merrick and Secretary to the Supervisor LeMoyne for their work on the grant awarded to the Courts of approximately \$60,000 for justice court improvements. The Unified Court System funds will be used for office furniture, security equipment, facilities enhancement and a new justice bench.

Deputy Mayor Brennan thanked the Mayor and Supervisor Wadsworth for their letter about the holiday decorations that was printed in the newspaper. She stated that they are pretty low key this year since the white lights in the trees were not used. It is understated but a lot of folks said it reminded them of their childhood. The committee will go back to work and decide about next year and hopefully add to the decorations.

Trustee Fox asked when a discussion might be scheduled with YMCA representatives to discuss the program this year and what might take place for summer 2009. Dick will be placing a call to Wess Audsley and a meeting will be set up.

Trustee Hill reported that the River Park finally has picnic tables, benches and grills as the Eagle Scout projects have been completed. Jason picked up tables and they are in storage for the winter months.

Trustee Hill indicated he, Sandy, and Chief Osganian revisited the special patrol details for events and reviewed the police overtime hours that are being used with projected dollar amounts for those services. The Board might be mindful of budget considerations when requests for special events are submitted in the future. This past year there were 13 events that would fall under those guidelines. Sandy suggests using the budget allocation as a guide rather than imposing a fee on the event organizers for the security coverage.

Trustee LaGrou is looking into temporary fencing options for Highland Park and has talked with Sean Ledwith.

## 14. CLERK/TREASURER:

Second Quarter Financials: Clerk Merrick distributed the second quarter financial reports to the Board including balance sheets, treasurer's report of cash transactions, reports of revenues and expenditures through November 30, 2008.

The January and February meeting schedule was discussed. The Board agreed to schedule meetings on January 5<sup>th</sup> and 26<sup>th</sup> and February 9<sup>th</sup> and 23<sup>rd</sup> due to conflicts with holidays. Clerk Merrick will advertise the meeting changes in the Livingston County News.

Voucher numbers 624-729 (for general/water/sewer funds) were presented for approval. After discussion, Trustee Hill moved and Deputy Mayor Brennan seconded the motion to approve general fund vouchers in the amount of \$244,087.31. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye and Mayor Hatheway-Aye.

After discussion Deputy Mayor Brennan moved and Trustee Hill seconded the motion to approve water fund vouchers in the amount of \$131,169.71. 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.

After discussion, Deputy Mayor Brennan moved and Trustee fox seconded the motion to approve sewer fund vouchers in the amount of \$28,780.02. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

15. MEETING CLOSE:

With no further business to discuss, Deputy Mayor Brennan 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 9:16PM.

Marsha B. Merrick, Village Clerk