

VILLAGE OF GENESEO
BOARD OF TRUSTEES

March 16, 2009

PRESENT:

Richard B. Hatheway, Mayor	Marsha B. Merrick, Clerk/Treasurer
Sandra F. Brennan, Deputy Mayor	J. Thomas Reynolds, Attorney
John Fox Jr., Trustee	Eric Osganian, Police Chief
Bradley R. Hill, Trustee	Andrew Chanler, Fire Chief
Thomas J. LaGrou, Trustee	Jason Frazier, Village Streets Supt.
	Steve McTarnaghan, Water/Wastewater

PUBLIC PRESENT:

Howard Appell

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 7:00PM. The minutes of the March 2, 2009 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.

2. EASEMENTS:

Attorney Reynolds reviewed two easement releases sent to his office by attorneys for Geneseo Wal-Mart Store #1966-03 Harter, Secrest & Emery. The sewer and water line easements are no longer necessary since work at the site has been completed. Street Supt. Frazier and MRB Group have also reviewed the request. After discussion and review by the Board, Trustee LaGrou moved to accept the following and to allow Mayor Hatheway to sign the agreements. Deputy Mayor Brennan seconded the motion.

THIS AGREEMENT to a Partial Release of Water Line Easements is entered into as of this 16th day of March 2009, by and between the Village of Geneseo, with offices for the transaction of business at 119 Main Street, Geneseo, New York 14454 ("Village") and Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust with a mailing address of c/o Legal Department, 2001 S.E. 10th Street, Bentonville, Arkansas 72716-0550 ("Wal-Mart").

WHEREAS, by Water Line Easements recorded on October 20, 1998 in the Livingston County's Clerk's Office in Liber 964 of Deeds, page 207 and in Liber 964 of Deeds, page 211, Village was granted certain easement rights over lands now of Wal-Mart, all as more particularly described in the Easements; and,

WHEREAS, the parties desire to release that part of the Easements as more particularly described in "Exhibit A" attached hereto (on file in the Clerk's Office) and made a part hereof.

NOW, THEREFORE, the parties agree that a portion of the Easement as described in "Exhibit A" be, and hereby is, released, and Village does hereby grant and release unto Wal-Mart and its distributees, successors, and assigns forever, all right, title and interest of Village in and to the lands described in "Exhibit A".

THIS AGREEMENT to a Partial Release of Sewer Easements is entered into as of this 16th day of March 2009, by and between the Village of Geneseo, with offices for the transaction of business at 119 Main Street, Geneseo, New York 14454 ("Village") and Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust with a mailing address of c/o Legal Department, 2001 S.E. 10th Street, Bentonville, Arkansas 72716-0550 ("Wal-Mart").

WHEREAS, by Sewer Easements recorded on December 8, 1997 in the Livingston County's Clerk's Office in Liber 939 of Deeds, page 172 and in Liber 939 of Deeds, page 175, Village was granted certain easement rights over lands now of Wal-Mart, all as more particularly described in the Easements (on file in the Clerk's Office); and

WHEREAS, the parties desire to release that part of the Easements as more particularly described in "Exhibit A" attached hereto and made a part hereof.

NOW, THEREFORE, the parties agree that a portion of the Easement as described in "Exhibit A" be, and hereby is, released, and Village does hereby grant and release unto Wal-Mart and its distributes, successors, and assigns forever, all right, title and interest of Village in and to the lands described in "Exhibit A".

The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion carried and Attorney Reynolds will file the documents at the County Clerk's office.

3. 2009-10 PROPOSED BUDGET:

The proposed budget was distributed to the Board while the various department heads were in attendance. Mayor Hatheway stated that the budget committee (comprised of Mayor Hatheway, Deputy Mayor Brennan, Clerk Merrick, Fire Chief Chanler, Police Chief Osganian, Streets Supt. Frazier and Water/Wastewater Supt. McTarnaghan) had two meetings and the resulting budget was compiled. He pointed out that there are no salary increases for elected officials in the budget. The General Fund budget totals \$2,946,890 using \$74,000 of appropriated fund balance and representing a 2% tax levy and tax rate increase. The Board reviewed the budget page-by-page and conferred with department heads on several items. Revenue projections were reviewed as well as expense lines. The Board discussed budget modifications that take place throughout the year. Trustee Fox noted that the original 2008-09 budget adopted last April called for total appropriations of \$2,522,448, while the modified budget shows appropriations of \$2,695,143. Mayor Hatheway stated that one reason was for expenditures for the Geneseo Building roof project, and another was planned equipment purchases from reserve accounts.

The water fund tentative budget totals \$1,028,370 and calls for a water rate increase of fifteen cents per 100 cubic feet across the board, Village, Town of Geneseo, Town of York and SUNY Geneseo. Water rates were last increased in 2003. Supt. McTarnaghan cited the reason for the increase was the rising cost of chemicals for water treatment, utilities and laboratory testing, and increased federal and state mandates.

The sewer fund tentative budget totals \$771,890 using an appropriated fund balance of \$6,500. The budget does not include any rate increases for the sewer fund.

Mayor Hatheway said that the department heads did a great job with their budget projections and kept a conservative and realistic approach throughout. Budget lines on both the revenue and expenditure sides were examined in an effort to make them accurate and therefore minimize budget transfers throughout the year. Trustee Fox was especially pleased with the tentative budget as he compared it to the original (before modification) current year budget. He is looking forward to minimal budget transfers also for 2009-10.

The Board thanked the department heads and the committee for a job well done. The next step in the process, according to the budget timeline, is to hold a public hearing on April 6 at 7:15PM.

4. LEGAL ISSUES:

Regarding the Business Development Loan Program application by Athletica (Randy Cofield), the Board confirmed that the jobs created would be in Geneseo and that Cofield will be matching the amount borrowed from the Village - \$50,000 to fund the improvements (computer network, work

stations, furniture and fixtures, telephone equipment, carpeting and flooring and renovation of the Company's offices, consistent with the proposal dated December 18, 2008). The credit reports were received and reviewed by Attorney Reynolds. He is confident that all is in order. Deputy Mayor Brennan moved to approve the application for funding made by Athletica Inc. in the amount of \$50,000 under the BDLP program for a term of five and a half years, with interest only payments for the first six months of the loan term. The interest rate will be variable annually and based upon an average of the rates quoted by the local branch offices of Key Bank, Bank of Castile, HSBC and Five Star Bank for 12-month certificates of deposit, plus one percent (1%). Security for the loan would be provided by a security lien on the equipment, furniture and fixtures purchased and installed as part of this project and personal guarantees from the principals of the firm. Trustee Hill 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. The motion carried. It was noted that this is the third Athletica Loan in addition to the first loan made by Cofield in the name of Team Cheer. Total borrowed by the company amounts to \$315,000 since 2002; however, all payments are timely and up to date and there have been no other applications for funding from any other company during that span.

With regard to the Oak Valley Inn business development loan, Attorney Reynolds did not have any new information to offer in that regard. The Board asked for current balance information and Attorney Reynolds will provide that for their review.

5. SUMMER REC – NEXT STEPS:

Trustee Fox went over some of the fine points of the most recent contract from the YMCA. The Board discussed the tentative agreement and hopefully by the next Board meeting there will be a final draft.

6. UPDATES:

- ❑ York water request: Engineer Ryan Colvin and Supt. McTarnaghan met with the York water staff, and determined that it should not be a problem to supply The Town of York with an additional 80,000 gallons of water per day to service Leicester. Supervisors Moore (Leicester) and Deming (York) are working on this potential agreement.
- ❑ Building renovation: Mayor Hatheway wrote to Clark Patterson architect Jon Norris asking for a proposal to provide an updated engineering report of the building. Hopefully he will hear from him soon.
- ❑ Earth Day events: April 22 is Earth Day; there is a national movement for everyone to turn their lights out for an hour and many other events are planned. More information will be forthcoming shortly.
- ❑ Relay for Life: The relay is to raise money for cancer research. Two SUNY senior girls have organized this event for the past few years, and is one of the biggest events of its kind in the country. They would like to increase community participation. The contact person is Kay Fly at SUNY.
- ❑ IDA – The County Industrial Development Agency is considering a request from an unidentified motel operator to assist in the construction of a new motel in the Village. The assistance is in the form of tax abatement, Mayor Hatheway reported. The IDA has accepted the application and has tentatively scheduled a public hearing for April 13 at 10AM in the Geneseo Building. The public hearing will not be held until after the Village Planning Board has reviewed the proposal. If the application is approved, and plans for the business proceed, all the local building and zoning codes will have to be complied with, but tax abatements also kick in.

From A1320.400 Audit Services to “	\$2,000
From A599 Fund Balance to A8010.400 Zoning Contractual	\$13,000
“ to A9060.800 Health Insurance	\$30,000

Water Fund

From F1010.400 Board Contractual to F1460.400 Records Management	\$604
From F8330.100 Purification Payroll to F8310.100 Water Administration Payroll	\$10,000
From F8310.400 Water Administration Contractual to F8330.400 Purification Cont.	\$5,000
From F8340.220 Transmission Projects to “	\$10,000
From F1990.400 Contingent to F1440.400 Engineering	\$4,000
From F1950.400 Taxes & Assessments to F9060.800 Health & Dental Insurance	\$5,695

Sewer Fund

From G1990.400 Contingent to G1440.400 Engineering	\$5,000
From G9030.800 Social Security to G9060.800 Health & Dental Insurance	\$5,000
From G8110.100 Sewer Administration Payroll to “	\$4,400

Trustee Hill 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.

After review by Mayor Hatheway, voucher numbers 932-998 (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 \$77,351.37. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

After discussion Trustee LaGrou moved and Trustee Fox seconded the motion to approve water fund vouchers (except for voucher number 03-09-971 that was voided) in the amount of \$48,579.31. 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, Trustee Fox moved and Trustee LaGrou seconded the motion to approve sewer fund vouchers in the amount of \$10,278.08. 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 a Community Development voucher in the amount of \$207.01. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Fox-Aye, Trustee Hill-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

11. OLD BUSINESS:

Trustee LaGrou asked about the status of the Highland Park grant. Deputy Mayor Brennan called the State Parks Department but did not hear anything new.

12. EXECUTIVE SESSION:

Trustee LaGrou moved to enter into executive session to discuss personnel issues at 9:30PM. Trustee Hill seconded the motion and all were in favor.

Trustee Hill moved to come out of executive session at 9:54PM with second from Trustee LaGrou. All were in favor. No formal action was taken during the session.

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 9:55PM.

Marsha B. Merrick, Village Clerk