

PRESENT:

Richard B. Hatheway, Mayor                      Marsha B. Merrick, Clerk/Treasurer  
John Fox, Jr. Deputy Mayor  
Sandra F. Brennan, Trustee  
Margaret Duff, Trustee  
Thomas J. LaGrou, Trustee

PUBLIC PRESENT:

Howard Appell                      Dawn Aprile

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 5:00PM. The minutes of the June 21, 2010 regular meeting were reviewed. Deputy Mayor Fox moved to approve the minutes as presented with second from Trustee Brennan. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

2. PAT NICOLETTA - MRB:

Highland Park Project bids were opened on July 1 for contract one (site work) and contract two (building construction). Pat reported that there were three bidders for each contract; the bids ranged from \$273,747 to \$357,700 on contract one and from \$136,500 to \$169,000 for contract two.

For contract one the low bidder is LeFrois Builders and Developers (LBD) from Henrietta, NY. Their base bid was \$263,747 with a \$10,000 allowance for under-drainage work (that might be unnecessary) and quoted a \$2,700 additional cost for alternate #1, wooden fencing. The base bid for the fencing is a chain link fence with the alternate for the wood material. The project involves 1,000 feet of fence and the wood alternative would be pressure treated lumber. Maintenance would be a setback for the wood fence, Pat continued. Trustee Brennan noted that one property owner in particular sold the property to the Village contingent upon a wooden fence being erected. Discussion followed as to the placement of additional fence and fencing material advantages and drawbacks. Pat added that the engineer's estimate for the site work portion of the project was in the range of \$420,000. Based on the bids that were received, that portion of the project would be under budget so that the wooden fence alternate would not be cost prohibitive. Pat wondered if the Board would like to consider accepting the bid from LBD contingent upon approval of the NYS Office of Parks, Recreation and Historic Preservation and contingent upon LeFrois meeting the MBE/WBE (minority and woman owned business requirements as stipulated by NYS OPRHP) requirements. LeFrois is in the process of submitting their plan for the MBE/WBE requirements dependent upon the fence choice made by the Board. Trustee Brennan moved acceptance of the LeFrois base bid of \$273,747 (with under drainage allowance) and include the additional \$2,700 for the wood fencing (alternate #1) along the northern edge. Discussion took place with respect to timing of the various portions of the

project and the fact that two different firms were the low bidders. Trustee Duff entered the meeting and seconded the motion to accept the LeFrois bid. Deputy Mayor Fox wondered if additional fence work could be “added on” as long as the force is mobilized in the area. Pat responded that a request for proposals could be submitted to the contractor for the additional work. Mayor Hatheway then called for the vote on the motion and the vote was follows: Trustee Brennan-Aye, Trustee Duff-Aye, Deputy Mayor Fox-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

The second contract is for construction of the restroom facility and the pavilion. Pat reported that the bids ranged from \$136,500 to \$169,000. Frank Maranacci Inc. (FMI) was the low bidder and the next highest was LeFrois at \$159,747. The bid includes standard siding and roof materials and the alternate includes a metal roof and siding. Supt. Frazier thought the additional cost for the alternates was expensive and perhaps could be done at a different time. However, Trustee LaGrou was in favor of the metal roofing and feels that it would be worth a discussion on the alternate bid (\$15,095 additional on the low bid). The base bid could be awarded and then a decision could be made on the alternate, Pat commented. The State will be reviewing the MBE/WBE requirements and in the meantime, the Board could decide about adding the alternate to contract #2. Following discussion, Trustee Brennan moved to award contract #2 for the building construction to FMI at the base bid price of \$136,500 reserving the right to make a decision later on the alternate for the metal roof and siding. The award would be contingent upon approval by the NYS OPRHP on the MBE/WBE plan made by FMI and final NYS OPRHP approval. Trustee LaGrou seconded the motion and the vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Deputy Mayor Fox-Aye, Trustee LaGrou-Aye and Mayor Hatheway-Aye.

There is a bit of bad news to report as the project progresses, however. Pat reported that during the asbestos survey on the old DPW building, some of the material was found in the silver coating on the roof of the building that has to be removed before Jason can tear the building down. Early estimates are in the range of \$20-\$35,000 to remove the material. If the work is under \$20,000, it would not have to be bid out, and three quotes can be obtained; if over that amount, a bid process would be involved. That process would cost approximately \$2,500 for MRB to prepare the documents and go through the process. After discussion, it was determined that Pat would supply the information on the hazardous material on the roof to Jason so that he can request quotes at this time. In the meantime, the pole barn can be removed with no problem.

With regard to the site work, once we issue a notice of award, LeFrois will have 14 days to start the work, Pat explained. The contractor must get the MBE/WBE items to Bill Reemtsen this week and then the goal is to have everything submitted to the State by the 18<sup>th</sup>. The notice of award could be completed around the 26<sup>th</sup> of July and then project start up would be mid-August.

Trustee Brennan passed on a letter to Clerk Merrick for the Highland Park Project file from Bill Reemtsen to DAKKSCO Pipeline advising them of the M/WBE requirements for bidding on the project. DAKKSCO did not submit a bid.

### 3. NATIONAL GRID:

Dawn Aprile was invited to speak to the Board regarding the electric utility service to the new ESL Bank on Ryan Drive. By way of history, Mayor Hatheway explained that initially National Grid wanted to supply the service via a pole from Volunteer Drive over to the new building. However that is not desirable due to the Town's vision that there shall be no poles on Volunteer for that purpose. To provide the electric service via underground wiring on Ryan Drive from Rte 20A will cost \$35-40,000, which might be cost prohibitive according to National Grid representative Laurie Mastin. National Grid could go underground at Volunteer Road just needing to talk to the Town, bore under the road and come into the northeast corner of the ESL project. That would solve the ESL issue, but not issues presented by further development in the area. Dawn Aprile stated that she has had conversations after the fact and the site plan approved by the Village Planning Board stipulated that electric service would be coming from Route 20A and go underground on Ryan Drive. Aprile Associates, as the property owner, is in favor of it going underground; it was their intent before ESL came and was indicated in the minutes as approved by the Planning Board. Dawn has a meeting scheduled with ESL officials on Friday and hopefully she will get the issue resolved according to the approved Village site plan.

Another National Grid issue has to do with utilities gross receipts tax. Mayor Hatheway explained that there have been issues with how the Gross Receipts Tax has been calculated by the utility and NYCOM has been working to resolve those issues. An error in the calculation was discovered in December 2008 with regard to the tax being calculated on transactions involving the delivery of gas and electric commodity purchased from Energy Supply Companies (ESCOs). In the latest correspondence from National Grid, they invited all the municipalities involved to participate in a conference call on July 7, 2010 for the purpose of generally walking through the settlement proposal and discussing any general questions or issues pertaining to the proposal. Mayor Hatheway did not participate in the conference call and instead suggests we accept the offer proposed by National Grid whereby they will not attempt to collect monies owed to them by the Village in the amount of \$4,973.25 if the Village agrees not to attempt to collect monies owed to them by the utility in the amount of \$3,700. The essence of the proposal is: *(a) your municipality would keep the money that was mistakenly paid to it for the 2005-08 period, (b) National Grid would not be required to remit further monies for the payments due from December 2008 through November 30, 2009, and (c) prospectively, National Grid would collect and pay local GRT on the delivery portion of ESCO transactions.* All in all it means \$13 million dollars to National Grid as this has occurred with municipalities across NY State. Mayor Hatheway predicts that eventually NYCOM will suggest that the Village Board of Trustees execute the settlement agreement, but that we await further developments before we sign any agreement.

#### 4. COMPLUS AGREEMENT:

Complus Data Innovations has handled parking ticket processing for the Village since 1990. The current contract for that service expired in 2007. A renewal contract has been drawn up and reviewed by Clerk Merrick, Parking Clerk Lund and Meter Attendant O'Keefe. Complus has the ability to process the tickets virtually all electronically (via a handheld ticket writer that interfaces with the computer all supplied by the company) and also works with the Commissioner of Motor Vehicles for the scofflaw (of vehicle registrations) process. For the service, Complus collects 20% of all monies paid to the Village for parking ticket fines. After discussion, the Board suggested polling other communities to see what parking ticket processing company they use and if the fees are similar.

#### 5. LCWSA PROPOSAL:

Mayor Hatheway and Clerk Merrick met with Cathy VanHorne and Harold Stewart to discuss the agreement the Village has with the Livingston County Water and Sewer Authority for the supplemental water supply connection. The Authority requested the meeting to discuss the terms of

the agreement, specifically the interest rate charged to the Village for the debt incurred by the Authority to make the connection. According to Amendment No. 1, dated April 3, 2006, the Village agreed to pay a quarterly base charge, commencing in September 2006 of \$13,200 per quarter based on the parties' estimate that the actual costs of constructing the transmission line will be \$740,000 and the Authority will be financing those costs over 29 years at 5.25% interest rate. The agreement further stated that the Supplier (Authority) shall recalculate the Base Charge using the final costs and financing terms and conditions, and shall notify the Village in writing of the new amount of the Base Charge, and thereafter the Base Charge shall be as set forth in the notice. Ultimately, the financing was done internally at the County level. They are now proposing amending the rate to 5% (but keeping the payment the same to reduce the amount of time of payback) rather than 5.25% for a term of 22 years to be paid of in August 2028.

The information supplied during the meeting was sent to BPD Municipal Finance (Chuck Bastian) and he is concerned with where the 5% number came from and what the rationale was behind it. The transmission line has not been used as yet, but the Village is responsible for paying for the capital construction. Discussion followed. Mayor Hatheway will write back to the Authority stating that the Board has some question about the rate proposed and ask them to consider a lower rate than 5%.

#### 6. EMERGENCY PLAN:

The Board is reviewing the General Operating Procedures and the Emergency Operations Plan that have been drafted by the various department heads.

#### 7. YOUTH SOFTBALL REPORT:

Jeffrey Hammond sent a note of thanks for the support of the Youth Softball program under the auspices of Geneseo Youth Recreation. He enclosed a roster, budget and other items requested through the new registration program initiated last spring. He notes that the program will be turned over to Chris and Vicki Phillips for next year.

#### 8. GENESEO BUILDING GRANT PROPOSAL:

Mayor Hatheway reported that a grant proposal has been submitted through Thoma Development for a State Parks and Recreation and Historic Preservation grant for renovation of the Geneseo Building. Town Supervisor Will Wadsworth submitted a letter of support for the project, which was enclosed with the application.

#### 9. PUBLIC SAFETY:

Deputy Mayor Fox reported on the Incident Action Plan developed by the Sheriffs Department and the local police and fire departments for the Air Show held last weekend. The Geneseo Fire Department received an award from the 1941 Historical Aircraft Group stating: *To our friends in the Geneseo Fire Department, without whom the air show would not be possible. The unfailing support of your volunteers to our annual event is greatly appreciated.*

Trustee Brennan highlighted Chief Osganian's monthly report of activity: 665 calls for service during the month of June, with a total of 4,544 complaints received thus far for the year indicating a 13% increase over last year. There were 7 motor vehicle accidents during June and the officers wrote 175 traffic citations along with making 15 arrests for criminal offenses. Deputy Mayor Fox complimented two officers that were on duty Saturday for taking the time to walk around the Village during the Festival.

Center Street was closed for the Festival from the muni lot entrance to Main and that worked out well this year.

A noise permit request was received from Herbert & Denise Gibbs for 6-10PM on July 24<sup>th</sup> at 115 Center Street. Chief Osganian will be consulted before a decision is made.

#### 10. PUBLIC WORKS:

Supt. McTarnaghan reported via Trustee LaGrou that the crew has completed the sewer smoking and found only minor issues this year. There has been general maintenance work at the wastewater and water treatment plants including painting and pressure washing of the buildings. The water/sewer crew has been helping the DPW crew with milling and paving streets. The water meters are being read this month in preparation for the August water/sewer billing cycle.

Trustee Duff added that the DPW crew has been working on park items and worked to make sure everything was in place for the Festival.

#### 11. TRUSTEES:

Trustee Brennan asked the Board to consider two sign grants. Bradley Copeland is requesting consideration for a sign at 128 Main Street, *Designs by Bradley James*. The Planning Board voted to recommend approval for the single sided high-density urethane carved sign at a total cost of \$1,995.00 with the grant award amounting to half the cost or \$997.50. Mr. Copeland was the proprietor of the former Flower Cart and is moving across the street into the Chanler Building. Following discussion, Trustee Brennan moved to accept the recommendation of the Planning Board and give approval for the grant in the amount of \$997.50 contingent upon final approval from Stu Brown's office as grant administrator. Trustee Duff seconded the motion and all were in favor.

The second sign grant to be considered tonight is for the *Not Dot Shop* at 127 Main Street (the former Flower Cart location). The Planning Board approved the single sided carved sign in the total amount of \$1,175 (the grant would be for half that amount or \$587.50). The proprietor of the shop and owner of the building is Marcia Podhorecki. Trustee Brennan moved to accept the recommendation of the Planning Board and give approval for the grant in the amount of \$587.50 subject to final approval by grant administrator Stu Brown's office. Trustee LaGrou seconded the motion and all were in favor.

Trustee Duff: Margaret reported that she has received positive and negative comments on the no smoking law.

Deputy Mayor Fox: John sent a synopsis of his meeting with Cooperstown officials to the Board members regarding their parking procedures. He noted that the key to their success is enforcement.

Deputy Mayor Fox had a couple of Code questions that he will forward to the Code office.

Trustee LaGrou: Tom met with Supt. Frazier about moving the dugout at Highland Park. If the dugout can be moved, it would not be necessary to purchase any other property for the walking trail portion of the park project. Tom reported the dugout could be moved to allow inclusion of a walking trail on property already owned by the Village.

#### 12. CLERK/TREASURER:

Clerk Merrick notified the Board that she has received a copy of the liquor license application for the Geneseo Liquor Store (Ronald Aprile d/b/a).

Clerk Merrick reported that a request has come in to hold the annual Oak Street Block Party on August 23<sup>rd</sup> from 5-9:30PM. The organizers plan to provide signs and sawhorses. Chiefs Osganian and Chanler will be notified. The Board was supportive.

13. OLD BUSINESS:

The Board members agreed that many, many people visited the Village this past Festival weekend. There was great music, great food, and great fun for folks of all ages. It was noted that Geneseo Central School classes from 1970, 75, 80, 85 and 1990 held reunions during the Festival weekend in various venues in the area including the Village Park.

14. MEETING CLOSE:

With no further business to discuss, Trustee LaGrou moved and Trustee Duff seconded the motion to adjourn. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 7:32 PM.

Marsha B. Merrick, Village Clerk

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