

VILLAGE OF GENESEO
BOARD OF TRUSTEES

March 21, 2011

PRESENT:

Richard B. Hatheway, Mayor
John Fox, Jr. Deputy Mayor
Sandra F. Brennan, Trustee
Margaret Duff, Trustee
Thomas J. LaGrou, Trustee

Marsha B. Merrick, Village Clerk/Treasurer

PUBLIC PRESENT:

Anna Kowalchuk
Howard Appell
Bob Wilcox

Dave Bojanowski
Josh Williams
Aaron Swartz

Pat Nicoletta
Cate Concannon

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 5:00PM. The minutes of the March 7, 2011 regular meeting were reviewed. Trustee Brennan moved to approve the minutes as presented with second from Trustee LaGrou. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee LaGrou-Aye, Mayor Hatheway-Aye, and Trustee Duff-Abstain.

2. LIVINGSTON COUNTY HISTORICAL SOCIETY:

Anna Kowalchuk presented a message from Historian Amy Alden who has organized a commemoration of the 150th anniversary of the start of the Civil War on April 12. On that day at 10AM churches, schools, and individuals from across the county are requested to simultaneously ring bells for two minutes to mark the solemn occasion. Anna will be in the tower housing the Village clock (Christ Community Church) to ring that bell. She told everyone to open windows on the 12th at 10AM. Amy might also be organizing something in the Village Park and there will be a resolution for the Town to consider recognizing the sesquicentennial so that it will be in the minutes for future generations to read. 3,000 men from Livingston County were involved in the Civil War.

3. FARMER'S MARKET:

Dave Bojanowski came before the Board to give an update on the farmer's market. Plans are moving along. The committee held a 'meet and greet' two weeks ago with invited vendors who were interested. They looked at the Center Street site and the Municipal lot site. The committee surveyed them to see if they were interested in Geneseo and what day of the week they would be available. Many of the vendors interested are from Livingston County. Thursday would be the best day to have the vendors available, 4-7PM would be the best time and the group determined that the Center Street site would be the best location. A letter will be forthcoming requesting approval of the request for closing Center Street from Main to the municipal lot entrance. The committee conducted a somewhat informal survey of merchants on Center Street and received strong support from everyone on the establishment of the Farmer's Market. The vendors will bring their own tents for their wares.

Trustee LaGrou asked about how they plan to clear the cars on the street. Dave responded that they would like the vehicles gone by 3PM for the market to start at 4PM; they thought about "bagging" the meters around 1:30 or 2 in the afternoon so that the cars would not park there at that time. Dave will talk with Fire Chief Chanler and Chief Osganian about emergency considerations.

With regard to the insurance aspect there are four choices, Mayor Hatheway reported after discussing the issue with insurance agent Andrew Chanler. The organizers of the market could procure

liability insurance (premiums start out at approximately \$468). A second option is that all vendors have their own liability insurance and name the Village as additional insured. A third option is to have the Village assume all liability, and a fourth option would be to take no action and the Village would assume any and all liability. Option two would be the best and put the responsibility of insurance on the part of the vendors.

Howard Appell wondered if thought had been given to moving the market from Thursday to Friday (for example) to coincide with other events like the Arts Stroll on June 17. Another thought was to move those other events to Thursday to coincide with the Market.

After discussion, Mayor Hatheway stated that the request is to approve the Geneseo Farmer's Market for Thursday afternoons from 4-7PM on Center Street beginning the first week in June through September for a total of eighteen weeks. Deputy Mayor Fox so moved with the proviso that the vendors must provide proof of liability insurance naming the Village of Geneseo as additional insured. Trustee Brennan seconded the motion. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

Dave said that they have obtained a wide range of support from the community, including the downtown merchants. The vendors will be selling their own goods, grown or produced locally. Bob Wilcox mentioned that the committee is comprised of new volunteers to the community and it is great. Cate Concannon introduced Aaron Swartz, a SUNY student representative for the farmers market committee. They presented their business plan to the Board and noted that they have tried to cover all the bases in working this out for the community.

4. II PROJECT – PAT NICOLETTA:

Pat presented the Board with bid tabulations and a recommendation for award. Eleven bids were received on March 9th with a base bid and conditional items ranging from \$1,517,877 to \$2,588,058.50. There were two alternates, one for resurfacing the asphalt roadway on Lower Court Street and the other for resurfacing the asphalt roadway on Court Street. Adding in the alternates, Babcock Enterprises LTD (from Dansville) was the low bidder with a total bid of \$1,583,877 and North America Construction (Attica NY) was the high bidder at \$2,921,286.50.

MRB contacted Babcock and they understand the extent of the project. They are comfortable with their bid and are anxious to get started, Pat reported and added that they see no reason not to award Babcock the contract. The estimated price of the construction with contingency added in is \$1.8 million. The total bond resolution was for \$2,460,000 (this includes construction plus on-site inspection, engineering and legal fees); the bids are within the budgeted range. The start date is projected for the 18th of April on Lower Court Street. The bid documents stipulated that work on University or Wadsworth could not begin until after SUNY graduation in mid-May. Completion date is scheduled for the end of November and any additional items will be hopefully cleaned up before the end of the calendar year.

Mayor Hatheway said the hope is that if Babcock can get started early, the project can be completed early. Babcock worked most recently in the Village on the Lima Road project and they did a satisfactory job there also.

Deputy Mayor Fox moved to award the bid to Babcock Enterprises Ltd. for the total bid price of \$1,583,877 based on the recommendation of MRB Group Engineers and on the good reputation that Babcock has in the Village. Trustee LaGrou seconded the motion and all were in favor.

Pat Nicoletta discussed change orders with the Board. Sometimes, with a project of this nature, change orders must be acted on before the whole board can be assembled. In the past, MRB has suggested that the Mayor be given authorization to approve orders of a certain dollar amount up to a greater dollar amount (an aggregate amount). Pat suggested an amount of up to \$5,000 per order with

an aggregate amount of \$30,000. Trustee Duff so moved to approve that authorization with second from Deputy Mayor Fox and all were in favor.

A pre-construction meeting might be scheduled for the first week in April and Pat will keep the Board apprised of any details along the way. The Board thanked Pat for his report and for handling the project thus far.

5. HIGHLAND PARK SUMMARY:

Pat Nicoletta also reported on progress at the park. The LeFrois site work contract was completed last fall; however the contractor does need to come back this spring to reseed and fine-tune some areas. Pat will be giving them a final punch list of items to complete. Trustee Brennan asked about the trails and it was reported they are getting quite a bit of use already and are not quite complete. \$6,000 has been withheld until all the items are completed (retainage).

Work on the concession stand is moving much slower than they anticipated. When Pat recently visited the site, the ceiling wasn't completed and that was holding up other contracts. The electricians have completed their work and the plumber is underway. The exterior work must be completed by May 1st according to Pat who added that the building should be 90% complete by the end of this month.

With regard to the site work around the building, Jason plans to pour a concrete walk hopefully prior to the opening day of little league scheduled for Saturday, April 30.

Mayor Hatheway and Clerk Merrick met with grant administrator Bill Reemtsen to go over the finances and Dick copied the board on those findings. In order to get the project completed, the trail and the practice wall must be completed. The final accounting for the project was discussed. As soon as the contracts are paid and the list of items is complete as per the original grant application, the project will be completed and the park will be ready for final inspection by State Parks representative Karen Ferguson.

6. GENESEO BUILDING:

- Clark Patterson proposal: Mayor Hatheway distributed a proposal to the Board members. Clark Patterson has proposed to perform a walk-thru of the interior and exterior of the building in order to update the condition of the building systems and infrastructure. They plan to obtain mortar analysis on the exterior and prepare a report of their findings. They plan to take field measurements and information as required for determination of work scope. An electrical engineer will meet with the Mayor (and as discussed, Trustee LaGrou) to obtain information on additional electrical building requirements. They plan to narrate the proposed work scope and modifications to the existing facility, review structural implications to proposed building improvements, and review the need for hazard sampling as a result of demolition work. They will review historic guidelines and standards for approach to exterior building work and interior renovations. Also included in the proposal were various services related to the project. The total cost for their work was not-to-exceed \$13,455. Discussion followed. Board members expressed the thought that CP already has done considerable research on the building. Mayor Hatheway explained that most of these items are aspects that have not been investigated previously (brick and trim restoration, energy improvements, re-wiring, and HVAC). Deputy Mayor Fox wonders if the proposal can be negotiated since they have been reviewing the building for several years. Dick will call CP to relate the Board's reservations and ask if there is room for discussion.
- Cleaning Services: Clerk Merrick in consultation with the other department heads, drafted a request for quotes for cleaning services for the building. Two quotes were received; one with ServiceMaster at a price of \$65 per visit (once per week) and the other was from KD

Enterprises at \$70 per week. Both of the firms are willing to supply their own cleaning materials and equipment and we will purchase the paper products as we do now. After discussion Trustee Brennan moved to approve the quote from ServiceMaster (they also clean the firehouse currently). Trustee LaGrou seconded the motion and all were in favor.

- Resolution to spend reserve money: Mayor Hatheway explained that currently there is \$728,000 in the Land & Buildings Reserve Fund (*set up in 1987 to finance the cost of construction, reconstruction and acquisition of land and buildings*) and the thought is to approve spending up to \$700,000 (\$500,000 maximum on the Geneseo Building and \$200,000 for the Highland Park Project) from that fund. After discussion, Trustee Brennan moved to adopt the following resolution: RESOLVED that the Board of Trustees of the Village of Geneseo hereby authorizes the expenditure of up to \$700,000 for protection, repair and renovation of the Geneseo Building and for improvements to Highland Park. Such expenditures will be from the General Fund Land & Buildings Reserve. Trustee LaGrou seconded the motion and the vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

7. RESOLUTIONS TO BE INTRODUCED:

- Main Street Grant program: In order to proceed with the grant application, Trustee Duff moved to adopt the following resolution: RESOLVED: That Richard Hatheway, as Mayor of the Village of Geneseo, is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its New York Main Street Program 2011, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Geneseo for the Geneseo Downtown Revitalization Program. Trustee Brennan seconded the motion to adopt the resolution and the vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. Also in regard to the Main Street grant, Rich Cunningham, who is handling the application for the Village of Geneseo asked if the Homestead should be included in the Main Street revitalization program and the Board agreed that that would be appropriate. Also, Mayor Hatheway spoke with RG&E to inquire about including new streetlights in the streetscape portion of the grant application. They responded that there would be a charge for removing the existing lights, purchasing new poles and fixtures, but the wiring and other components of the existing streetlights could be utilized. Discussion followed.
- Employee Savings & Investment Plan: Clerk Merrick explained to the Board the need to again re-state the IRS Code 457 Deferred Compensation plan the Village has with Nationwide Retirement Solution. In order to proceed with that, Deputy Mayor Fox moved to adopt the following resolution: **WHEREAS**, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Village of Geneseo (the "*Model Plan*") and offers the Model Plan for adoption by local employers; **WHEREAS**, the Village of Geneseo Board of Trustees, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Village of Geneseo; **WHEREAS**, effective December 7, 2007 the Board amended the Model Plan to adopt provisions
 - Expanding the eligibility for unforeseeable emergency withdrawals

- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and **WHEREAS**, upon due deliberation, the Village of Geneseo Board of Trustees has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Geneseo by adopting the amended Model Plan. **NOW, THEREFORE, BE IT RESOLVED**, that the Village of Geneseo Board of Trustees hereby amends the Deferred Compensation Plan for Employees of the Village of Geneseo by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A (on file in the Clerk's office). Trustee Brennan seconded the motion and the vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

8. SUMMER RECREATION:

The summer program is shaping up for this coming season. YMCA program coordinator Erik Fix has written letters to staff members to determine how many of them are interested in returning. Advertisements have gone out on the Y website, as well as a SUNY posting and in the Genesee Valley Pennysaver for camp counselors and recreation supervisors.

Along those lines, the question was posed to Erik about expanding the program for this coming season. With the expansion of Highland Park, there could be more opportunity for youngsters in the area. Mayor Hatheway suggested that this might be an opportune time to offer participants an expanded program (4 hours/day increased to 6) and perhaps charging fees for it. In addition, we are facing the prospect of reduced or even non-existent funding (currently on the order of \$6,500) from NY State for youth programs. Discussion followed. Deputy Mayor Fox will convey the discussion points to the Y and see what can be worked out.

Trustee LaGrou left the meeting.

9. ISO BCEGS RESULTS:

Insurance Services Office is planning to implement the Building Code Effectiveness Grading Schedule (BCEGS) classification (how effectively the code is written and enforced) for Geneseo as a Class 4 for one and two family residential property and a Class 4 for commercial and industrial property, according to a letter received March 16th from ISO. The revised BCEGS classification will apply to new buildings receiving a Certificate of Occupancy during or after the year 2010. ISO reviews a community's classification approximately every five years. Mayor Hatheway reviewed the documentation provided with the letter and deduced that the rating of Class 4 is a fairly good rating and is better than most other communities in the State and nation.

10. MISCELLANEOUS CORRESPONDENCE:

- Wal-Mart: Mayor Hatheway met with store manager Sam Koschera and the district manager to discuss the store and its impact on the community as a whole. As a possible improvement, Dick mentioned the trash that accumulates in the parking lot and surrounding area; they will make an effort to address that concern. They also discussed the possibility of contributions or fund-raising assistance to area organizations. The Mayor brought to their attention the corporate-led initiative contesting their assessment. Their original assessment was \$80 per square foot and it was reduced to \$75 per square foot. They are now assessed at \$15.5 million and paid approximately \$70,000 last year in property taxes to the village. In terms of Village services provided to Wal-Mart, in calendar year 2010 GPD was called to the store 310 times to assist with shop lifting investigations, vehicle lock-outs, etc. In summary, it was an interesting and valuable discussion; the representatives stated that the Geneseo Wal-Mart does well for a rural store and that they are planning an interior renovation in 2012 as the stores are generally upgraded on a seven year cycle.
- County Planning Department: Notification has been received that the County obtained the UPWP grant to study a transportation connectivity plan.
- Keuka College: Chief Osganian has been attending Keuka College in a master's program and was notified that he has been named one of Rochester area colleges outstanding adult students. Eric and Mayor Hatheway will be attending a celebration event at the Woodcliff for that honor.
- Chamber of Commerce: The Chamber will be unveiling their new look on Friday April 1 at 8AM.
- Kurt Cylke: Kurt wrote a note that the bell is not ringing in the Village clock. It will cost a couple hundred dollars to fix and Jason Frazier will contact the service provider for that repair.
- Landmark Society: The Annual Preservation Conference is scheduled for Saturday, April 30 at Dansville Middle School. Trustee Brennan has attended in the past and feels that it is a worthwhile event for anyone interested.

11. PUBLIC SAFETY:

Deputy Mayor Fox reported that the ladder truck was inspected for certification and it did not pass. It is still in operation but the cables for the ladder need to be replaced and it will cost between \$11,000 and \$13,000 to repair. Also, on April 9 there will be an open house at the firehouse from 11AM until 2PM. The event is a State-wide initiative called *Volunteer NY*, which is an opportunity to learn more about the volunteer fire service in the local community. There will be a sign out front of the building and it will also be advertised in the media.

Elections are this coming month for FD officers. Andrew will run again for chief and there could be a new assistant chief.

12. PUBLIC WORKS:

Trustee Duff reported the following for Supt. Frazier:

1. A new Village sign was installed at the corner of Court St and Route 63.
2. The crew cleared the fence line along Avon Rd. from the courthouse driveway to the school walking path.
3. A new overhead electric line was installed from our feeder pole to the Depot to the pole that feeds the pavilion, in order to have adequate power for our new bathroom/concession building.
4. The new street sweeper has arrived and personnel have been trained to operate this newly designed sweeper. The sweeper will be put into service next month.

5. Two catch basins were rebuilt on Court Street, before the contractors start on the project of milling and overlay of the pavement surface.
6. Approximately 420 tons of salt were used this year. There only remains about 30 or 40 tons left in the storage shed. This is a record year for salt usage.
7. The crews have started to grind 20-22 stumps left from removals by Terry Tree and Village forces this year.
8. The crews are always out cold patching street potholes. It's been a normal year for potholes; the streets are on a five-year cycle to be patched and sealed, so they stay in good shape and don't have to be fully milled and repaved.
9. The crew has power scrubbed, polished and sealed all floors at the DPW complex, Depot and bathrooms.

Clerk Merrick conveyed items from Supt. McTarnaghan:

- The crew has been performing lawn care at the water and wastewater treatment plants including picking up sticks, pinecones and garbage accumulation over the winter.
- Meetings have been held between Jason, Steve, Deputy Mayor Fox and Attorney Reynolds about various issues.
- Plumbing work has been done for the new chemical transfer pump at the water treatment plant.
- Repairs were made to the chlorine analyzer at the water treatment plant.
- The regulator pits have been pumped out.
- Routine items including a stake out, checking on complaints, sampling, reports and maintenance.

13. TRUSTEES:

Trustee Brennan: Sandy attended a Planning Board work session this past week to discuss how the Code needs to be changed to make things clearer for the Planning Board. Other items have come to the attention of Clerk Mack and will need to be addressed. The next step would be to compile a list of the changes with the committee that was appointed last fall.

Trustee Duff: Margaret wonders if the Village and Town could think about renting a large shredder at the recycling center once a year for folks to shred items that come in the mail. She will explore that idea further.

Deputy Mayor Fox: John put forth a recommendation about cell phones used by Village employees. Currently there are ten cell phones that are owned by the Village and there are 4 that we reimburse the employee for use during their work hours. Right now it is costing \$905 a year for the PD, \$2,450 for the DPW per year, \$2,400 for the water/sewer department and \$356 per year for Code. John proposes that the department heads are provided phones but the rest of the employees use their own phones and are reimbursed \$25 per month per employee through their payroll account. The proposal is meant to get the Village out of the phone business. John will put the recommendation into a formal plan and present it to the Board.

Mayor Hatheway: Currently there is a vacancy on the Zoning Board of Appeals created when Ron Palmer moved out of the Village. Dick has been in contact with Bruce Teall from Seneca Avenue and finds that he would be interested in serving in this capacity. His resume was shared with the Board. Therefore, upon recommendation of Mayor Hatheway and concurrence of the Board, Bruce Teall was appointed to the ZBA to fill the vacant position through April 2013.

14. CLERK/TREASURER:

Following review by Mayor Hatheway, voucher numbers 844-924 (for general, water and sewer funds) were presented for approval. After discussion, Deputy Mayor Fox moved and Trustee

Brennan seconded the motion to approve general fund vouchers in the amount of \$190,677.71. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, and Mayor Hatheway-Aye.

After discussion Deputy Mayor Fox moved and Trustee Duff seconded the motion to approve water fund vouchers in the amount of \$47,095.34. The vote was as follows: Deputy Mayor Fox-Aye, Trustee Brennan-Aye, Trustee Duff-Aye, Trustee, and Mayor Hatheway-Aye.

After discussion, Deputy Mayor Fox moved and Trustee Duff seconded the motion to approve sewer fund vouchers in the amount of \$10,967.39. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Deputy Mayor Fox-Aye, and Mayor Hatheway-Aye.

After discussion Trustee Brennan moved to approve Highland Park Project vouchers in the amount of \$385.51. Trustee Duff seconded the motion and all were in favor.

After discussion, Trustee Brennan moved to approve Infrastructure Improvements Project vouchers in the amount of \$27,040.51. Trustee Duff seconded the motion and all were in favor.

The tentative budget for 2011-12 was distributed to the Board members for their review. The Board discussed the increase of rates for both water and sewer. The tentative budget shows an increase in water rates but not in sewer rates this year. Budget Officer/Mayor Hatheway would like to stagger the rate increases for the two funds and the sewer rates were increased last year. Discussion followed and the Board decided to meet for a budget workshop on Wednesday, March 30 at 5PM. Clerk Merrick will notify the local news media of that meeting.

15. PERSONNEL ISSUES/NEGOTIATIONS:

Deputy Mayor Fox moved to enter into executive session to discuss negotiations with the DPW and Police unions. Trustee Duff seconded the motion and following a unanimous vote the session began at 7:40PM.

Trustee Brennan moved to come out of executive session at 8:00PM. Trustee Duff seconded the motion and all were in favor. No formal action was taken during the session.

16. MEETING CLOSE:

With no further business to discuss, Deputy Mayor Fox moved and Trustee Duff seconded the motion to adjourn. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Deputy Mayor Fox-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 8:01PM.

Marsha B. Merrick, Village Clerk