

VILLAGE OF GENESEO  
BOARD OF TRUSTEES

February 27, 2012

PRESENT:

Richard B. Hatheway, Mayor  
Sandra F. Brennan, Trustee  
Margaret Duff, Trustee  
Thomas J. LaGrou, Trustee

Marsha B. Merrick, Village Clerk/Treasurer

PUBLIC PRESENT:

Howard Appell  
Jeff Rose

Ben Gajewski  
Erik Fix

Becky McKeown

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 5:00PM. The minutes of the February 6, 2012 regular meeting were reviewed. Trustee Brennan moved to approve the minutes as presented with second from Trustee Duff. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion carried.

The minutes of the February 9, 2012 joint meeting with the Town were reviewed. Trustee Duff moved to approve the minutes as presented with second from Trustee Brennan. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion carried.

2. FINANCING PLANS:

Mayor Hatheway stated that he, Clerk Merrick, Chuck Bastian (BPD, Inc), Pat Nicoletta (MRB), and Bill Reemtsen (LaBella) have been working on squaring up the financing for the II Project and the Highland Park Project.

In terms of the Park, there will need to be a revised bond resolution. The reason for that is budget-wise approximately \$250,000 over what we adopted in the original bond resolution of November 2, 2009 should have been included in the project. The amount was for the total project cost of \$728,118. The initial budget, for reasons unknown, did not contain the DPW piece as part of the project. The value of the former DPW land and the *force labor* (meaning our DPW crews and our equipment "costs") amount to approximately \$250,000 more than that original project amount of \$728,118. No actual cash was transferred for the additional \$250,000, but the value of those items must be included in the total project budget. According to bond counsel (Attorney Tim McGill) and Municipal Finance (Chuck Bastian), a revised bond resolution must be considered by the Board in order to close out the project and prepare for permanent financing.

In addition, \$200,000 will be used towards the project from the Village's Land & Buildings Reserve Fund. That resolution was approved by the Board on March 21, 2011 subject to permissive referendum.

The bond resolution being considered tonight is necessary from the standpoint of closing out the Highland Park Project, as well as for including the Highland Park piece with the permanent financing for the Infrastructure Improvement Project. Financing for these two projects will be coordinated in order to include the total debt service in the Village's 2011-12 budget. There are time constraints due to the revised bond resolution for Highland Park. Further complicating the picture has been the delay in receiving the grant funding from the State of NY for the Park Project. In addition, the Attorney General's office still has not given clear title for the former DPW property, and the contract with the State is set to expire in March. An extension will need to be granted, not a result of

Village-related issues, but issues at the State level. Following discussion, Trustee Brennan moved to adopt the following supplemental bond resolution for the Highland Park Project:

SUPPLEMENTAL BOND RESOLUTION DATED FEBRUARY 27, 2012 OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE LAND ACQUISITION AND PARK IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, EXPENDITURES FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond resolution dated November 2, 2009 (the "Original Bond Resolution") the Board of Trustees of the Village of Geneseo, New York (hereinafter referred to as the "Village") approved expenditures for, and the issuance and sale of, up to \$728,118 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the land acquisition and improvements at Highland Park;

WHEREAS, actual project costs have proved to be approximately \$239,858 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on June 16, 2008, has heretofore duly issued a negative declaration with respect to the action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts and no further action is required under SEQRA; now therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, NEW YORK, by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Geneseo shall undertake the acquisition of land, or rights in land, to include approximately 4.041 acres located adjacent to Highland Park, in the Village of Geneseo, New York, and capital improvements to Highland Park, and other incidental improvements that may be required in connection therewith for such Village use, as set forth in the Original Bond Resolution (hereinafter referred to as "purpose"), at an additional cost not to exceed \$239,858, and additional general obligation serial bonds in an aggregate principal amount not to exceed \$239,858 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are now hereby authorized to be issued to finance such additional costs of said purpose.

Section 2. The aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be

\$967,976 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide up to \$728,118 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution and to provide (i) up to \$200,000 to be appropriated from the existing Land & Buildings Reserve Fund and (ii) the balance of such maximum cost, up to \$767,976, by the issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 19-c and 21 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) 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 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. Such bonds and notes shall be payable from a levy

on real property in such district benefitted or user charges therefor in the manner provided by law, but if not paid from such source, all the taxable real property within said Village shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. 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. After compliance with Section 9 hereof, this resolution, or a summary hereof, 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.

Trustee LaGrou seconded the motion to adopt the resolution and the vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye.

Mayor Hatheway added that there is also some issue with the II Project. Those expenses are being summarized in anticipation of permanent financing. The project is within budget; however, MRB's Pat Nicoletta has met with us twice to make sure everything is in place and accounted for to close it out. There will be costs associated with the permanent financing of the project on the order of \$30,000. The project has been allocated to general, water and sewer funds for approximately 1/3 each and each of those funds will be responsible for repaying the debt associated to the project. The general fund budget for the current year has approximately \$90,000 in it for debt service and that amount will stay in the next year's budget to cover the bond payment.

All in all, we have lots going on! Mayor Hatheway thanked the Board for their patience and consideration as this is all ironed out.

### 3. WATER ISSUES:

Water quality issues have developed, largely at Quality Inn according to proprietor Marty Estruch. According to water Supt. McTarnaghan, the water line that feeds the Quality Inn is a dead end, terminating at a hydrant immediately after the service feed. As a result of higher occupancy, the more water that is used, the more the water gets riled up leading to turbidity issues. Steve is flushing the line regularly to alleviate the problem on a short-term basis. One possible long-term solution would be to tie this line into the line that feeds the County property, thereby creating a loop. MRB's Ryan Colvin and Mayor Hatheway will be meeting tomorrow to discuss other possible solutions.

In the Town, there have been elevated THM's (a byproduct of chlorination), due in part perhaps to the design of the Village water tank, which can have a build-up of stagnant water. In order to alleviate this situation, coordination of line flushing has been taking place between the Village/York and Geneseo. However the Town of Geneseo is the only entity having unacceptable THM's, meaning

the water quality issues are between the tank and the Town distribution system. There has been a coordinated effort to solve these problems involving the County and State Departments of Health and the water personnel for all users (Towns and Village).

#### 4. FAÇADE PROGRAM:

With regard to the County Façade grant program, Trustee Brennan and Tom Wilson are meeting tomorrow with other committee members from five communities that applied for grant funding. The information on the applicants has been distributed. The Village of Geneseo had only one application, that for the Wadsworth Homestead property. The grants will be awarded tomorrow evening. The maximum grant award for any one project is \$5,000.

#### 5. SPIRIT OF COMMUNITY AWARD:

An award has been given to Shane Carman for being one of the Top Youth Volunteers in New York State. The Prudential Spirit of Community Awards is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP). Shane Carman, 16, a junior at Geneseo Central School partnered with his county youth group to open a youth community center that offers concerts, game nights and activities twice monthly. Shane, who does not participate in sports, wanted to create a place where youth from different backgrounds and different schools could come together for the common interest of fun. The youth center is located in the ABVI Goodwill store in Livingston Plaza. Congratulations Shane!

#### 6. EVENTS:

The ARC Ramon Rocha Walk/Run has now been rescheduled to Saturday, September 29<sup>th</sup> rather than October 6. The Board was supportive.

The Genesee Valley Conservancy Oak Tree Half Marathon is scheduled for Sunday, September 2<sup>nd</sup> beginning at 8:30AM. In 2011 600 individuals participated according to Benjamin Gajewski, Stewardship Director. The event will need the assistance of Geneseo Police Department as in past years and the Conservancy is prepared for that. Trustee Brennan moved to approve the request of the Genesee Valley Conservancy to hold the 8<sup>th</sup> annual Oak Tree Half Marathon and 5K in Geneseo on Sunday, September 2<sup>nd</sup>, 2012. Trustee Duff seconded the motion and all were in favor.

#### 7. FRANCHISE FEE RESPONSE:

Mayor Hatheway stated that back in 2009 a firm by the name of Computel and a gentleman by the name of Michael Caton (a partner in the firm) offered to review the Village's franchise agreement with Time Warner Cable. Through the review, Computel was able to determine that the Village has been shorted some gross revenues for the time period January 2004 through December 2009. The shortage would come about from the calculation of revenues generated that did not include certain taxes. Computel filed a complaint with the Public Service Commission in April 2010. The amount of the shortage was estimated to be \$21,565.

Notification was received this past week from the Public Service Commission that the claim was denied. Through a lengthy explanation, Time Warner was exonerated from having to pay any additional franchise fees to the Village. Since Computel was retained by the Village on a sharing-in-the-recovery-basis, no fees were involved.

As Mayor Hatheway stated, "nothing ventured, nothing gained".

8. MISCELLANEOUS CORRESPONDENCE:

Mayor Hatheway mentioned that through the courtesy of Senator Gallivan, we have learned that the NYS Department of Transportation will be performing a paving project between Route 390 exits 7 and 8 beginning in June and lasting until the fall.

9. SCENE – WINTER 2012:

Mayor Hatheway showed the Board the winter edition of SUNY Geneseo's Scene magazine featuring volunteer firefighters from the Geneseo Fire Department. Several members of the department are SUNY students. It is a well-done article; the issue also contained an article on Main Street business owners who are SUNY graduates.

10. SUMMER RECREATION PROGRAM – ERIK FIX & JEFF ROSE:

Trustee Duff and Trustee Brennan met with Erik and Jeff individually and jointly after the last Village Board meeting to discuss ways the Village summer program could be built upon the strengths of each. Recognizing the business structure of the Y and yet offering a program like the one Jeff proposed could be the best of both worlds for the children and youth in the community. The plan would be to award the program to the YMCA based on their proposal (with a couple of modifications explained below) and to have Jeff work with Erik on programming.

Another change this year would be to have Trustee Duff serve as Village Board liaison to the program.

Following discussion, Trustee Duff moved to approve the proposal from the GLOW YMCA to provide a six-week summer recreation program (beginning on July 9) to youths entering first grade to run Monday through Friday from 9AM to 1PM at Highland Park with an optional drop-off time of 8AM for a \$1 extra charge, and a general participant fee of \$10 per week and to include Jeff Rose in a programming capacity as discussed. Trustee LaGrou seconded the motion and the vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye and Mayor Hatheway-Aye.

The Board thanked Jeff and Erik for doing what they think is right for the kids. Erik Fix thanked the Board for allowing them to get started earlier in the spring for program planning purposes. He has been in contact with Supt. Hayes with regard to the GCS pool availability (the school is undergoing further renovations). In the event that the pool is not available, other options are being explored.

11. PUBLIC SAFETY:

Trustee Brennan moved to approve the following new members to the Fire Department: Kay Leigh Wood, Paige Wesolowski, Cynthia Nguyen, Joe Teresi, John David Acevedo, John Nagel, Nicholas Stefano, Frederick Kavanagh, Jamie Albucher, Daniel Bartholf; and the following resignations: Justin Curley and Samantha Flaum. Trustee Duff seconded the motion and all were in favor.

Board members received Police updates from Chief Osganian.

12. PUBLIC WORKS:

Items were reported from Supt. Frazier:

- Brush pickup day was February 6.
- Fort DeBadts at Highland Park has been dismantled. There will be topsoil applied and the area will be seeded in the spring.
- The ditches and sluice pipes on North Street have been cleaned out.
- Tub grinding of the brush pile has taken place and there is mulch available at the Riverside location.

- Areas of Jaycox Creek have been cleaned near the culverts and attempts have been made to open up the flow a little more.
- The crews have been applying patch material to potholes that have formed.
- Some fire hydrants have been replaced during the month.
- The crew has had to run a few salt runs this month and has been servicing equipment when it is not being used.

Mayor Hatheway noted that there is an availability of trees through the 2012 Conservation Tree & Shrub Seedling Program and perhaps some of them can be used at Highland Park. Trustee Brennan stated that she will talk to Jason about applying for the DEC Urban Forestry Tree Planting Grant again this year. The Village's grant application was not funded in 2011.

Trustee LaGrou reported items for Supt. McTarnaghan. Also noted was the need for signage at the Riverside mulch site. Apparently items are being dumped there at off hours that are not acceptable and as a result, the tub grinding of the pile can become costly. There will be hours posted that coincide with hours at the Wastewater Treatment Plant with some availability on weekends as well.

### 13. TRUSTEES:

Trustee Brennan: Sandy asked about the availability of the AFLAC Insurance and it was explained that the supplemental insurance has been made available as an offering to the employees by an outside agent. Some employees have purchased the coverage and the premiums will be payroll deducted mostly on a pre-tax basis.

Trustee Duff: Margaret has had calls from folks that are frustrated with trash on the sidewalks, namely cigarette butts. Hopefully as the nicer spring weather comes, merchants will be more likely to sweep the walks in front of their establishments. It was noted that there are receptacles for disposing of the waste along Main Street.

Trustee LaGrou: A request has been received from Pete Robinson, coach for the Geneseo Devil Dogs Baseball Team (Monroe County Baseball Region) to play baseball at Highland Park when there are *home* games and for practice. The team will use the field from March – July when Little League is not using the fields. This is a travel baseball league and has used Highland Park in the past. Following discussion Trustee LaGrou moved to allow the Geneseo Devil Dogs Baseball Team permission to use Highland Park from March to July, 2012. They will provide a roster of participants as the season approaches. Trustee Brennan seconded the motion and all were in favor.

Trustee LaGrou left the meeting at 6:29PM.

### 14. CLERK/TREASURER:

Following review by Trustee Duff voucher numbers 744-836 (for general, water, and sewer funds) were presented for approval. After discussion, Trustee Duff moved and Trustee Brennan seconded the motion to approve general fund vouchers in the amount of \$94,018.67. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, and Mayor Hatheway-Aye.

After discussion Trustee Brennan moved and Trustee Duff seconded the motion to approve water fund vouchers in the amount of \$50,415.84. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, and Mayor Hatheway-Aye.

After discussion, Trustee Duff moved and Trustee Brennan seconded the motion to approve sewer fund vouchers in the amount of \$10,975.21. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, and Mayor Hatheway-Aye.

After discussion, Trustee Brennan moved to approve an Infrastructure Improvements Project voucher in the amount of \$1,012.50. Trustee Duff seconded the motion and all were in favor.

15. OLD BUSINESS:

Board members discussed meeting with the Town Board in the near future with regard to the Geneseo Building project.

16. MEETING CLOSE:

With no further business to discuss, Trustee Brennan moved and Trustee Duff seconded the motion to adjourn. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 6:37PM.

Marsha B. Merrick, Village Clerk