

VILLAGE OF GENESEO
BOARD OF TRUSTEES

October 15, 2012

PRESENT:

Richard B. Hatheway, Mayor
Sandra F. Brennan, Deputy Mayor
Benjamin W. Gajewski, Trustee
Bob Wilcox, Trustee

Marsha B. Merrick, Village Clerk/Treasurer
David Woods, Planning Board Chair

ALSO PRESENT:

Becky McKeown, Genesee Sun
Andy & Dick Doerflinger

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 5:00PM. The minutes of the October 1, 2012 regular meeting were reviewed. Trustee Wilcox moved to approve the minutes as presented with second from Deputy Mayor Brennan. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Wilcox-Aye, Mayor Hatheway-Aye and Trustee Gajewski-Abstain. The motion carried.

The minutes of the October 1, 2012 public hearing were reviewed. Deputy Mayor Brennan moved to approve the minutes as presented with second from Trustee Wilcox. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Wilcox-Aye, Mayor Hatheway-Aye and Trustee Gajewski-Abstain. The motion carried.

2. COLLEGE PROPOSAL:

Mayor Hatheway reported that the College is applying for a special grant of 21 million dollars from SUNY and NYS to build a Center of Inquiry, Discovery and Development. The building will also house a small business center and expand opportunities for musical arts and technology. The College provost requested a letter of support for the application from the Village; Mayor Hatheway was happy to oblige as it will benefit the citizens of the community at large.

3. HIGHLAND PARK UPDATE:

Supt. Frazier found an article on Highland Park from Sanders Newspapers circa 1971 when renovations were made. Author Doug McWilliams, a sophomore at Gettysburg College was a member of the DPW during the summer prior. The opening sentence reads: *Community planning, beautification, ecology – these timely topics represent the basis of the village crew's latest project.* Renovations in 1971 amounted to installing drainage in the swampy marshland that was filled with cattails. The article goes on to say that *Due to the marshy conditions and soil strata, spring fed water collected, in some areas, on the surface. It is the purpose of the tile to drain this excess. In the near future, the cattails must be plowed up and eventually the area will be seeded. Also, trees and shrubs will be planted. Facilities for drinking fountains and restrooms will be added.* It was the consensus of the Board that the Park has come a long way since then and with the recent expansion project is a sight to behold and a wonderful facility for all members of the community including the dogs!! The dog park construction is progressing and looks great so far!

4. 457 PLAN RESOLUTION:

Following consideration by the Board, Deputy Mayor Brennan 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 August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless

the Committee selects a different minimum, and sets a maximum annual number of partial distributions.

- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

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 August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A. Trustee Wilcox seconded the motion and the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye. The resolution was adopted and Clerk Merrick will submit the resolution and the forms necessary to restate the Plan.

5. COMMUNITY DEVELOPMENT LOAN:

Jay Phillips has written to Kathy Dear at Stu Brown's office asking if the terms of the loan could be modified to account for the fact that he is no longer in business in the Village. The next step

would be to wait for Kathy Dear's review and then the matter would be under consideration by the Board.

6. PROPOSED CODE CHANGES:

The County Planning Board reviewed the amendments to the Village Code at their meeting on October 11. The Board discussed the one recommendation made concerning *Section 2(D) of the proposed food vendor regulations that the Geneseo Farmer's Market is specifically exempted from these food vendor recommendations*. Farmer's Market organizer Cate Concannon had a concern about the section and corresponded to the Board about it. The Board members acknowledged the concern but felt that the wording in the section covered the issue as it states: *The provisions of this chapter shall not apply to food vending when done in conjunction with an event or festival approved by or sponsored by the Village Board of Trustees*. The Farmer's Market is such an event.

Following discussion, Deputy Mayor Brennan moved to adopt the proposed changes to the Village Code affecting the following as presented at the public hearing for Local Law #2 on October 1, 2012:

- Chapter 33: Alcoholic Beverages
- Chapter 77: Noise
- Chapter 90: Public property, Damage to
- Chapter 105: Streets and Sidewalks
- Chapter 112: Swimming Pools
- Chapter 123: Vehicles & Traffic
- Chapter 130: Zoning & Subdivision of Land

With Trustee Wilcox seconding the motion, the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye and Mayor Hatheway-Aye.

Mayor Hatheway and the Board commended Deputy Mayor Brennan and all the committee members who participated in the two year process. Special thanks went to David Woods for his participation and to Clerk Mack for keeping everything together, organized and on track.

Later in this meeting, Andy and Dick Doerflinger appeared before the Board to discuss the food vendor provisions contained within the Code amendments. Andy operates the Cheesed & Confused food vendor vehicle that sells sandwiches in front of the Idle Hour on weekends. He obtained permission to operate the business last spring, but didn't start selling sandwiches until this fall. According to the new regulations for Outdoor Food Vendors, *an indemnity bond will be required in an amount established by resolution of the Village Board to indemnify and save harmless the Village of Geneseo, its agents, officers and employees from all claims, suits or actions of every name or description brought against the Village etc*. Andy was concerned that he would be required to obtain such a bond immediately and perhaps even be shut down until he did that. He plans to vend during the Autumn in the Village event this Saturday. Deputy Mayor Brennan explained that the committee has been working on the Code amendments for two years and researched regulations for this type of business. The intent of the regulations is not to discourage business, but rather to cover all the bases in terms of fairness to permanent business owners and the needs of the Village in terms of liability etc. Regulations were compared from other municipalities to come up with ones that would work for the Village of Geneseo. Andy does plan to vend from the Harris property on the corner of Court and Wadsworth Street and that will not be as much of an issue as it will be on private property that is zoned commercial. Sandy further explained that the local law was adopted this evening, but then will go to the NYS Department of State and until filing happens at that level, the provisions are not actually in effect. She anticipates that perhaps January 1 would be a good time to begin the process of permitting the businesses and requiring the indemnity bond. Andy thanked the Board for the clarification and

offered to be of assistance should there be any changes with the regulations in the future. He is familiar with what is done in other municipalities.

7. INTERNET USAGE:

According to the recommendations made by the Village's insurance carrier, NYMIR, *The municipality is not monitoring their Internet logs on a regular basis. Internet logs should be checked periodically to ensure this service is not being abused and web sites visited are appropriate.* Mayor Hatheway has inquired at Frontier as to whether or not the Internet Service provider does this routinely; the answer was no. There would need to be software installed on the computers to perform such a task. The Police Department has used such software on a trial basis but found that it restricts use of the computer severely. Discussion of the firewall software currently being used on Village computers took place and suggestions were made on how to accomplish the task. More research will be done and Integrated Systems, our computer provider will be consulted as well.

8. COLLEGE-VILLAGE COMPACT:

Mayor Hatheway stated that a committee, representing various segments of the college and community, was formed last spring to discuss matters of mutual concern. Following that, a report was generated that Dick distributed to the Board members. No action has been taken since the report was generated. SUNY President Dahl would like to perhaps discuss the compact at the next Village/College meeting scheduled for early November.

9. MISCELLANEOUS CORRESPONDENCE:

Tracy Rollins stopped by the Village office to ask permission to hold the Geneseo Youth Recreation Basketball League for 2-6th grade boys and girls during the winter season. This program was coached by Ted Saunders in the past. Tracy will be supplying a program application complete with the names of the assistant coaches, a roster of children planning to attend and a budget but wanted to obtain preliminary permission so that the program planning might begin. This is one of the very few programs that falls under the auspices of Geneseo Youth Recreation. Discussion followed. Following discussion, preliminary approval was given by the Board for the winter basketball league, contingent on submission of the appropriate paperwork..

Notification was received from Time Warner Cable that they are undergoing some internal restructuring.

MRB Group has reviewed the Hammocks at Geneseo subdivision for the Town of Geneseo. One of their items of concern is the sanitary sewage from the development that will supposedly be treated at the Village Wastewater Treatment plant. In spite of a letter from the Mayor to the Town Planning Board last winter, and in spite of repeated suggestions from the Code Office, no representative from the development has contacted the Village. Because there are capacity issues at the plant, which the Village has been addressing for the last three years, Mayor Hatheway and the Board question when the developers will be contacting the Village to discuss the impact this development will have.

There were positive articles in the Genesee Sun (online) and also in the Lamron (College newspaper) about APOG's cleanup and reconstruction project on the Wadsworth wall.

The VFW has asked for financial assistance from the Village in terms of replacing some of the flags displayed on Main Street on several occasions throughout the year. The group also purchases small flags to place at the gravesite of all known veterans in Geneseo and Groveland on Memorial Day. Dick Platt, VFW representative, will submit a voucher for assistance with those purchases.

10. PUBLIC SAFETY:

Deputy Mayor Brennan reported that Deb Yamonaco, part-time clerk in the Police Office resigned her position effective October 2, 2012. Deb has been with the Village of Geneseo for 12 years. Chief Osganian plans to draft a job description for the position.

Chief Osganian's report of activity was received by the Board members. It was noted that the quality of life incidences have declined during the past few weeks, suggesting our extra efforts are paying off..

Deputy Mayor Brennan noted that she met with a group of three individuals who are concerned with traffic speeds on Center Street. Following that meeting Chief Osganian performed traffic surveillance on the street and wrote eight tickets during the course of a day, three of which were for speeding. Approximately 200 cars passed during that timeframe. The folks plan on doing more research into the situation and come back to the Village Board with a recommendation.

Chief Osganian has secured funding from Senator Gallivan for a computer server that was purchased last March. Mayor Hatheway signed a letter stating that the item had been purchased and the funds will be forthcoming.

As for the Fire Department, Trustee Wilcox moved to accept the resignations of the following members: Zain Habib, Jill Sperrazza and Kyle Blum, and to accept the decision to terminate the following members: Matthew Nanos, George Wishiewski, Zoe VanOrden, Amy Tran, Sanhyup Kwok, Kristin Kopunek, Alona Huber and Franklin Hernandez. Deputy Mayor Brennan seconded the motion and all were in favor.

Trustee Wilcox moved to approve the following for membership: Haylee Adelman, Nicholas Izzo, Yvonne Li, Matthew Morse, and Jackie Nocita. Deputy Mayor Brennan seconded the motion and all were in favor.

11. PUBLIC WORKS:

Trustee Gajewski reported that the computer system at the water plant has been having problems but is fixed for now. The system panel currently in place is not compatible with new computers; consequently both the computer and the panel will need to be replaced. Supt. McTarnaghan is researching the availability and cost of replacements.

The inspection of the water treatment plant performed annually by the Department of Health went well. The annual sludge removal at the wastewater treatment plant will take place tomorrow. The crew is reading meters this month and they are looking at placing a new meter pit at the Homestead. Steve will meet with Will Wadsworth tomorrow. Along those same lines, Steve had another meeting with the College today with regard to the issues with the new master meters.

Following the annual review of the sewer unit charges for commercial properties and taking into consideration the grievances made for those charges, Trustee Gajewski moved to recommend the sewer unit changes as listed in the memorandum compiled by Clerk Mack dated today with special consideration given to allow 75 Center Street (account E0600) to remain at four units, allow 4218 Lakeville Road (account A0220) to remain at one unit, and to allow 9 Hillside Drive (account I0501) to remain at 13 units. Trustee Wilcox seconded the motion and the vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye.

Mayor Hatheway recently met with Supervisor Wadsworth. One item discussed was the private water line that extends from the Doty building out to Sweetbriar. It was privately installed by a contractor many years ago, does not meet Village specifications, serves only users in the Town, and will never be used to supply water to any Village properties. Consequently, there is no interest on the part of the Village in taking that formerly private line over. The line runs approximately ½ mile through the Village before it crosses the Village-Town boundary. Supt. Mctarnaghan has installed a new meter at the Doty site, which will continue to be the basis for billing the Town for water supplied.

Supt. Frazier has been working on an ongoing drainage problem in front of the Sugar Creek store at the corner of Main and South Streets. Storm water flows from the property to Main Street and then freezes in cold weather. The issue stems from the storage tanks having been replaced a few years ago at the service station. Pea stone was used to fill around the tanks; storm water collects underground in the gravel and then seeps slowly for several days onto the street in front of the station following a precipitation event. Jason plans to install a new drop inlet (catch basin) south of the driveway and then pipe storm water north to Park Street, where it will intersect another catch basin. Jason has written a letter to seek a partnership arrangement with the Village. We are asking the owners to pay for materials, which will cost approximately \$1,200, while the Village will provide the labor. In anticipation of their cooperation, the street surface has been cut so that the work can be done before the winter season.

Supt. Frazier has been approached by Dick Gallivan to consider driveway and sidewalk improvements at Temple Hill Cemetery.

12. TRUSTEES:

Deputy Mayor Brennan: Sandy mentioned an article on Homeland Security that was in the report furnished by Chief Osganian.

The Board discussed the training opportunity offered by the DEC coming up in Elmira (the Western Finger Lakes ReLeaf workshop) and discussed applying for the DEC grant for trees as has been done in the past.

Trustee Gajewski: Ben mentioned that this will be the last week of the season for the Farmer's Market.

The Main Street Grant projects are underway. Ben asked that when projects are completed, the Board is made aware and grant administrator Julie Marshall said that wouldn't be a problem.

Trustee Gajewski and the Board discussed the possibility of wine and beer tasting during the Autumn Festival that is planned for this Saturday, the 20th. It was decided that on advice of counsel and our insurance agent that the consumption of alcohol on the street or sidewalks will not be permitted as in compliance with the Village's open container law and NYS liquor laws.

Trustee Wilcox: Bob noted that tourism member Arleen Somerville is leaving for the winter on January 1 and the committee would like to discuss the Village funding of the program for fiscal year 2013-2014 as the Village budget formation process begins in February. The Board invited the tourism committee to be on the November 19th meeting agenda and Bob will let them know.

13. CLERK/TREASURER:

Following review by Trustee Wilcox, voucher numbers 382-469 (for general, water, and sewer funds) were presented for approval. After discussion Trustee Wilcox moved and Trustee Gajewski seconded the motion to approve general fund vouchers in the amount of \$115,074.25. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye.

After discussion Trustee Wilcox moved and Deputy Mayor Brennan seconded the motion to approve water fund vouchers in the amount of \$24,809.08. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye.

After discussion, Deputy Mayor Brennan moved and Trustee Wilcox seconded the motion to approve sewer fund vouchers in the amount of \$44,711.52. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye.

14. MEETING CLOSE:

With no further business to discuss, Trustee Wilcox moved and Deputy Mayor Brennan seconded the motion to adjourn. The vote was as follows: Deputy Mayor Brennan-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye. The motion passed and the meeting adjourned at 7:40PM.

Marsha B. Merrick, Village Clerk