

PRESENT:

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

Marsha B. Merrick, Village Clerk/Treasurer

ALSO PRESENT:

David Woods  
Matt Gaynor

Kurt Cylke

Rick Vattimo

Mary Kay Yanik

1. MEETING OPENED:

Mayor Hatheway opened the meeting at 5:00PM. The minutes of the February 23, 2015 meeting 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 Duff-Aye, Trustee Gajewski-Aye, Trustee Wilcox-Aye, and Mayor Hatheway-Aye.

2. PARK USE REQUESTS:

Kurt Cylke first spoke about the Save the Wall project, now with three years of work completed. In addition to rebuilding a wall, the project is also helping to build a community. Kurt distributed an overview of the project to the Board members. Total cash contributed to the project is \$53,000 along with 2,566 volunteer hours with most of those hours from the student participation. 84% of the cash goes to the two masons, John White and his son at a cost of about \$60 per linear foot. APOG estimates it will take three more years to finish the wall. The initial part of the project has been repairing/rebuilding a 'wet' wall, in which the stones have been cemented in place; that type of wall transitions to a dry stacked wall that will be given attention this year. The challenge will be how to move those large boulders, Kurt added. Fundraising has not yet kicked off in earnest yet this season, but enough money has already been raised to start season four. The wall rebuilding is an APOG endorsed project managed much like other major APOG projects has recently undertaken in the Village, including emplacement of the Wadsworth statue in front of the Courthouse, restoration of the fountain and repairing the Village clock.

- ❖ APOG Chicken Wing Festival: Kurt noted that this was not a huge fundraiser last year but it did make some money for the organization. Community feedback was positive with lots of suggestions for improving the event, which is scheduled for September 26 this year (SUNY Family weekend) if permission is granted by the Village Board. Kurt reported that the experience with alcohol in the park was flawless with no issues whatsoever. Kurt would like to start lining up volunteers etc. for this year's event, but didn't want to do that without getting the go ahead from the Board. Trustee Duff spoke up as the naysayer. She questioned the wisdom of selling alcohol in the Village Park or allowing alcohol in the Village Park. She expressed her concern and although the chicken wing fest is an adult event, she is not in favor of opening that door (serving/selling alcohol) so wide. Kurt responded that they would like to do the festival with or without beer. Discussion followed and flowed into the next request by Rotary.

- ❖ Rotary Summer Festival: David Woods gave an overview of the festival and introduced Mary Kay Yanik and Matt Gaynor as fellow Rotarians. They felt that *responsible alcohol use* can work. Since the last time David discussed this at the Board meeting, Rotary members met with Rick Vattimo, proprietor of the Village Tavern and the Village Café and Catering. A written proposal on how they might handle beer and wine sales during the Summer Festival was prepared and distributed to the Board members. There would be a separate wine and beer tent with sales from 3-7PM on Friday and noon-8PM on Saturday. That would be after the conclusion of the Teddy Bear parade. Placement of the tent would be to the south or southwest of the log cabin.

Rather than Rotary handling the alcohol sales themselves, with all of the aspects involved in the process, they enlisted the help of Rick and his catering manager Lindsey. Rick has a consultant that worked for the ABC (Alcohol and Beverage Control) Board. Mary Kay Yanik stated that she has been an attorney for thirty years and can attest to the fact that Rick and his people are trained in the legality of the sale of alcohol and how it should be handled. Rick walked the Board through a diagram he had prepared. The first objective is to make the sale of alcohol consistent with the event. Sales will begin after the Teddy Bear parade and end when the Skycoaster concert begins. Wine from local wineries will be used including Deer Run as well as breweries that are local. The sale would be consistent with other upstate NY small village festivals and will be modeled similar to the event in Naples. There will be a fenced in tent as was illustrated in the plan. The servers will be *Safe Serve trained*. The reason to end sales when the Skycoaster concert starts is because control could be lost. If a person were to consume on their own, then go to the tent and consume more, some of the liability could be transferred to the establishment. Rick wants to avoid that potential liability.

Trustee Duff noted the proposed location of the tent is close to where the CASA (Council on Alcohol & Substance Abuse) Dime Carnival takes place and wonders if the can be relocated and perhaps move the time away from the beginning of that event. Margaret wonders why alcohol sales are even being requested; David Woods responded that Rotary is considering it as an opportunity to recoup some of the revenue that was considerably diminished last year. The revenue stream has to improve in order to raise sufficient funds to continue to help organizations and families in the area. David thought the festival meeting held last week was a step in the right direction, and some good ideas came out of it but that marketing the Festival is one area that needs to improve. Gene Scherline is the current Kiwanis president. There has been some talk with Rotary about Kiwanis taking over organization of the events on Main Street. Mary Kay added that the festival meeting was a good meeting to have, but nothing specifically was mentioned that addressed how Rotary can increase their revenue in order to help more people in the community.

Deputy Mayor Brennan wondered if the Naples festival was held in a public park. Other festivals were discussed such as the Avon Corn Festival and the Fairport Canal Days. Trustee Gajewski said that the open container law in the Code reads that open containers can be allowed in permitted spaces. However, he still thinks that specific guidelines need to be written. Rick Vattimo spoke to the licensing procedure and permits for off-premises sales. Steps include obtaining land owner authorization, submitting a layout (as he has done tonight) including outlines of security and where the sales are specifically going to take place. It also includes details such as where the restrooms are located etc. There has to be control. For example at the Riviera, for a private event there are limitations to what he can do to sell to the public and they are pretty particular. Liability on the part of the seller will include the additional insured status for the Rotary Club as well as the Village.

David Woods said that they would be willing to work with the Village Board to come up with some policies and procedures for this purpose. Rotary wants to do it right and have a festival that is still family oriented and successful. Mary Kay said that policies and procedures should be written for the Village as a whole, not just the parks. Trustee Duff stated that she really isn't interested in having groups that have a vested interest being involved to help propose the guidelines. Trustee Wilcox said that he thinks the Board needs to offer the folks that are here tonight a consensus of our position, and then develop guidelines by bringing in personnel with expertise in this arena to assist us in developing those. David Woods said that Rotary didn't expect approval at this meeting, but perhaps not too long in the future, perhaps a couple weeks or a month so that plans can continue. It was noted that Chief Osganian and Street Supt. Frazier sent a memo to the Board about the Bank Street proposal and expressed reservations about alcohol sales at 'sidewalk cafes', but seemed supportive about the possibility of alcohol sales in the park. Mayor Hatheway stated that it does not seem as though alcohol sales at other area events are detrimental to the event. Trustee Duff said that she was hoping that if we move in this direction that it is done properly and consistently for everyone. Mayor Hatheway concluded the discussion by stating that the next step would be to propose some guidelines for alcohol use in public areas, and ask for Rick's assistance in doing that. Kurt Cylke asked if the Chicken Wing fest was a go for September 26; the consensus of the Board was affirmative, although the question of allowing alcohol sales is not part of that permission. Trustees Wilcox and Gajewski agreed to work on a subcommittee to draft the guidelines and hope to have a preliminary draft by the next Village Board meeting. Thanks all around to Rotary and APOG and they thanked the Board for their consideration.

### 3. MAIN STREET PROJECT UPDATE:

Jon Heerkens from LaBella Associates has met with MRB to integrate the soil mitigation into the bid documents. Dave Willard from MRB has prepared a bid timetable. Plans are to advertise that bid packages are available by March 25<sup>th</sup>, have the bids due and opened on April 21<sup>st</sup> and hopefully award the project at the May 2<sup>nd</sup> Board meeting. The remediation could add \$100,000 to the total project cost already estimated at around \$1 million dollars. The \$100,000 is based on the Village crew being able to mitigate the soil contamination at the DPW location. The evaluation showed the greatest concentration of contaminated soil is under the sidewalk and fairly close to the buildings in the vicinity of 57 Main where the pumps used to be.

- Easements: Three easements are necessary for the project to go forward: two water line easements, one on the Homestead property and one on County land; and a sewer line easement across property owned by Dominic Friscia. The only easement left to be signed is the one with the County.

### 4. GTC WALKABILITY IMPROVEMENT PROGRAM:

A representative from the Genesee Transportation Council contacted the office and spoke with Mayor Hatheway. They asked that the Village submit the name of a point person for the next round of walkability studies including an audit of our community. Dick thought of Ben Gajewski and David Woods, who have agreed to represent the Village. The first step includes a webinar to be held on April 23<sup>rd</sup> followed by a windshield survey and a meeting being arranged to include a diverse cross section of the community. Dick thanked Ben and David for getting involved.

### 5. SUMMER FESTIVAL:

A worthwhile meeting was held on March 4 and many good ideas were expressed.

## 6. GMA PLANS:

The Merchants are planning a May Day wine stroll on May 1. Deputy Mayor Brennan has been attending the meetings when she is available. Trustee Gajewski will be attending the meeting this Wednesday.

## 7. BANK STREET PROPOSAL:

With regard to the proposal to construct an outside dining area on Bank Street, Trustee Gajewski continues to work on wording for the Code to allow for this type of activity. One major issue has been that Attorney Tom Reynolds has been away. Now that he has returned, the next step is to get a group together to talk about the wording. A question for Attorney Reynolds is whether or wording in the Code needs to be changed to allow for alcohol sales at the outside dining area.

The Village Board looked for Planning Board input and the project was discussed at a recent meeting. However, Planning Board Chair Woods was concerned about a motion that was adopted at the January 26, 2015 Village Board meeting. *The Board was impressed with the design and felt that use of the space would enhance Bank Street, as well as the business district. Trustee Gajewski moved approval of this design plan schematic conceptually subject to the Planning Board's final review and approval. Trustee Wilcox seconded the motion and all were in favor.* David wondered if that gave the Planning Board the authorization to act on the sidewalk plans, but does the Planning Board really have legal jurisdiction over the sidewalk? If the Planning Board does not have that jurisdiction, there are a couple of items that need to be addressed, David continued. Assuming the Planning Board does not have jurisdiction right now, and if the Village Board would want them to have that jurisdiction under site plan review, they would need a Zoning Code revision and a local law for that purpose. Site plan review is laid out in great detail in State law and in the Code.

David continued that if the Village Board was just looking for Planning Board review, a request of that nature is covered in NYS Village Law, Section 7-718.14.a. *The village board of trustees may by resolution provide for the reference of any matter or class of matters, other than those referred to in subdivision ten of this section, to the planning board before final action is taken thereon by the village board of trustees or other officer or officer of said village having final authority over said matter. The village board of trustees may further stipulate that final action thereon shall not be taken until the planning board has submitted its report thereon, or has had a reasonable time, to be fixed by the village board of trustees in said resolution, to submit the report.* This would not be a formal approval, and would not invoke the site plan review process, but it would be the basis of the Planning Board reviewing the proposals for Bank Street and making a report back to the Board of Trustees.

Deputy Mayor Brennan is more interested in the legality of the allowance of consuming alcohol on a public sidewalk. She stated that the Village Board would want to be protected and be prepared for each and every new request for this type of use. Allowing for this is going to change the way the streetscape is laid out. David Woods said that this should be a change to the Village Code and the basic sidewalk permit does not address this use. Simply having chairs and tables outside an establishment during the summer months is not the same as permitting sale of alcohol. Trustee Wilcox added that serving food is acceptable; the change is allowing alcohol consumption and the need for a delineated space. The difference is the use of the public space.

Following further discussion, Trustee Gajewski hopes to set up a meeting later this week or early next week to find out how to proceed. David Woods suggested keeping legal issues and policy issues separate. It was noted that architect David Matthews has reviewed the plans with the Planning Board but it was not a formal site plan review process.

#### 8. SUNY INITIATIVES:

- Community Advocates: Mayor Hatheway stated that years ago Debby Hill and John Linfoot were involved in an initiative to organize a closer connection between college and community. Lisa Burns has now become involved in re-instituting that initiative. At a meeting on February 26 the community was represented by a more widespread group, including representatives from the Council on the Arts, Letchworth Park, Town/Village Tourism Committee, and County Economic Development.
- President elect visit: A breakfast for the incoming SUNY President Denise Battles will be held tomorrow as well as a dinner in Rochester in the evening. Trustee Wilcox will be attending the breakfast and Mayor Hatheway has been invited to the dinner.

#### 9. LIPPITT PLANS:

David Lippitt, the Village's long standing attorney for personnel and union issues, is planning to retire. He will be turning over the work to two people in his office. A meeting will be set up in the future to meet the new attorneys. David has done an awesome job advising the Village for the past twenty plus years.

#### 10. NOISE PERMIT REQUEST:

Jesse Strickler, organizer for the Geneseo Nature Walk Club has requested permission to hold a barbeque in the Village Park on April 18<sup>th</sup> from noon to 4PM. During the event they would like to have amplified music on small iPod speakers. The Board was supportive.

#### 11. EXEMPTION REPORT:

Joseph Pukos, Director of Livingston County Real Property Tax Services sent an *Exemption Impact Report* that must be included with our annual budget document. The total value of property exempt from taxes within the Village jurisdiction is \$228,041,567. That amount represents 49.12% of the total assessed value of property within the Village.

#### 12. THE Arc EVENT:

The Arc of Livingston-Wyoming Counties invites community leaders and media to *Developmental Disabilities Awareness Day* to be held March 23. Events will begin at Hilltop Industries on 3 East State Street in Mt. Morris and include an Official County Proclamation, a tour of Agency Sites including Hilltop Industries, Senior Day Program, Geneseo Residential Home on Center Street in Geneseo and the KidStart Building at Hampton Corners in Groveland. Lunch will be catered by Questa Lasagna.

#### 13. CORRESPONDENCE:

Notification has been received that Coast Professionals (collection agency in the Town on Volunteer Road) was recently advised by the U.S. Dept. of Education that their contract will be phased out. This will result in approximately 172 layoffs at the Geneseo location and more in their Henrietta location. As the notification states, *this action is expected to be permanent. There are no bumping rights and the affected employees are not represented by a union.*

A Second Street resident was reimbursed for expenses incurred during a sewer main backup that occurred in January. The resident sent a letter thanking the Board for the gesture of good will.

Tracy Gagnier, Assistant Director of SUNY Alumni Relations sent a letter requesting several tents on Center Street for their June 6 Alumni event. A map of the tent placement was included. The information will be turned over to the Code Office for review. The Board was supportive as long as all Code requirements are met.

The Mayor's Day of Recognition will take place on April 7, 2015 with the goal to *highlight the impact of Senior Corps and AmeriCorps in tackling local problems and managing volunteers for greater impact, and to thank national service members for their commitment.* Participation includes registering online as a participant, group photos, proclamations and using social media to thank those who serve.

A meeting has been planned for next week with Mayor Hatheway, Supt. Frazier, David Woods and the County to discuss proposed routes connecting Route 20A with Veteran Drive. The Village Planning Board has reviewed the three proposed routes as has Supt. Frazier.

Jay Phillips sent an email to the Board explaining his delay in repaying the Business Development Loan. Mayor Hatheway will respond.

#### 14. PUBLIC SAFETY:

Chief Osganian's report was distributed via email.

It was reported by Trustee Wilcox that the Annual Fire Department Banquet was well done, as usual. Mayor Hatheway, and Trustees Gajewski and Wilcox attended.

Mayor Hatheway reported that Chief Manzo via email asked the Board to consider awarding the bid for the new air packs. However, the Board felt it did not have enough information to do that. There is a thirty day limit to approve the bid that was submitted by Churchville Fire Equipment (only one bid received). Considering the bid at the next meeting, March 23, will fall within that timeframe.

#### 15. PUBLIC WORKS:

Trustee Duff reported that the water main leak at the south end of Second Street has been repaired. She received no further report from Supt. Frazier.

Trustee Gajewski reported that the water/sewer crews have taken care of two water service lines that were frozen. They had to be excavated and thawed. Two water main breaks were repaired including the one on Second Street. Steve has been working on the 2015-16 budget and the Annual Water Quality report.

Mayor Hatheway reported that the 911 Director has requested that the two driveways into the Ambassador Apartment complex be named, because all of the residents there have the same address, 28 Court Street. Code Officer Dean O'Keefe worked with property owner Frank Csapo to come up with Envoy Drive for the driveway opposite Wadsworth Street and Ambassador Drive for the one to the west of that. It was noted that these are not dedicated streets, but have been designated with names for E911 purposes only.

#### 16. TRUSTEE REPORTS:

Deputy Mayor Brennan: Sandy reported that she will be working with Clerk Mack on the Code changes after Aprile returns from vacation.

Deputy Mayor Brennan also mentioned that Code Officer O'Keefe is now working for the Town of Leicester on Thursdays.

Deputy Mayor Brennan left to attend another meeting.

Trustee Duff: Margaret mentioned that there is a link to the Long Point Park Committee on the Town/Village website at [www.geneseony.org](http://www.geneseony.org).

Trustee Gajewski: Ben stated that the Farmer's Market would like to request use of Center Street for the market. He will leave paperwork for Clerk Lund outlining the specifics. The Market will run from June 25 to October 22, an 18 week season. Organizers would like to close Center Street from 2-7PM. The Market will open at 3PM and then close at 6:30PM. Insurance certificates will come from the vendors as in the past. Following discussion, Trustee Duff moved to approve the closure of Center Street from the Municipal Lot entrance to the intersection with Main Street for the Farmer's Market from June 25 to October 22 from 2-7PM. Trustee Wilcox seconded the motion and the vote was as follows: Trustee Duff-Aye, Trustee Wilcox-Aye and Mayor Hatheway-Aye. Trustee Gajewski recused himself as he is on the committee.

Trustee Wilcox: Bob reminded everyone that a discussion of the *social host law* will take place at the March 23<sup>rd</sup> meeting. A good meeting on the topic was held at the Government Center last week. The topic was discussed again today at the Healthy Campus Coalition meeting. The law is backed by the Sheriff's Department and the District Attorney's office.

#### 17. CLERK/TREASURER'S REPORT:

Clerk Merrick distributed the February Treasurer's Report to the Board including the third quarter reports. Mayor Hatheway stated that overall the budget lines look to be in good shape with three quarters of the fiscal year completed.

Clerk Merrick filed the Tax Cap calculation with the State Comptroller's Office. Mayor Hatheway reported that effectively the levy can increase by approximately \$40,000. Unfortunately, that will be used just for increases in salary lines per contractual agreements. Salary/personnel costs in the General Fund amount to approximately \$1 million dollars.

The budget committee will meet this Wednesday, March 11 at 9AM. The budget presentation to the Board will take place at the next meeting, March 23<sup>rd</sup> at 5:30PM following the social host legislation discussion.

#### 18. OLD/NEW BUSINESS:

Bonnie Kreutter, on behalf of the Geneseo United Methodist Church, sent an invitation to Mayor Hatheway to attend a roundtable discussion with other community leaders from the area. The topic for discussion will be needs of the communities surrounding the Church. It was noted that the Church started the Parish Outreach Center to serve the medical and dental needs of uninsured folks in the area several years ago and the Center has been very successful. They would now like to do something more.

#### 19. ADJOURN:

With no further business to discuss, Trustee Wilcox moved to adjourn the meeting with second from Trustee Duff. The motion carried and the meeting adjourned at 7:11PM.

Marsha B. Merrick, Village Clerk