

**Minutes of the Geneseo Town Board Meeting
January 24, 2024**

Members Present:

William Wadsworth, Town Supervisor
Matthew Griffo, Town Councilmember
Robert Deming, Town Councilmember
Gary Mix, Town Councilmember
Ellen M Zapf RMC, Town Clerk

Also Present:

Larry Levey, Highway Superintendent
Edmund Russell, Attorney

Excused:

Ronald Maxwell, Town Councilmember

Visitors:

Temple Hill Cemetery Representatives Chris Lynch and Gretchen Crane, Eddie Lee, and Kim Levey

Meeting Opening:

Supervisor Wadsworth called the meeting to order at 4:30 PM and Councilmember Mix led the group in the pledge to the flag. Supervisor Wadsworth requested a moment of silence to be held for service men and women serving around the world.

Approval of Minutes:

Deputy Supervisor Griffo moved, and Councilmember Mix seconded the motion to approve the December 28, 2023, meeting minutes as presented. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Approval of Minutes:

Councilmember Deming moved, and Councilmember Mix seconded the motion to approve the January 3, 2024, meeting minutes as presented. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Supervisor Wadsworth welcomed Temple Hill Cemetery Representatives Chris Lynch and Gretchen Crane and gave them the Privilege of the floor:

The Tempel Hill Cemetery Association is asking the Town Board for financial help for the cemetery this year. The following was discussed:

- A financial summary for the 2023 year was distributed to board members.
- Utilization of the Highway department for work on the cemetery grounds.
- Fund drive was down, and burials are down.
- Donation from the Saunders Foundation was used to purchase a zero-turn mower.
- Applied for a Hazardous Stone Grant.
- Added garbage pickup this past year.
- Will be requesting around \$7,200.00 to pay for insurance.

Supervisor Wadsworth would like to appoint Debra Streeter as the Planning Board Clerk. She would add this position to her other duties as Code Clerk and ZBA Clerk. She is requesting a five dollar and hour raise and feels with the added duties she would only need to add five hours a week to her scheduled hours. The board took the following action:

Accept the Resignation of Debra Streeter as the Code and Zoning Board of Appeals Clerk, and Appoint Debra Streeter as the Code, Zoning Board of Appeals, and Planning Board Clerk:

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to accept the resignation of Debra Streeter as the Code Enforcement and Zoning Board of Appeals Clerk, and appoint Debra Streeter as the Code Enforcement, Zoning Board of Appeals, and Planning Board Clerk at a rate of \$25.64 an hour and transferring all accrued benefits effective January 14, 2024. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

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Accept the Resignation of Planning Clerk Diane McMullan:

Deputy Supervisor Griffo moved, and Councilmember Mix seconded the motion to accept the resignation of Planning Board Clerk Diane McMullan effective December 28, 2023, with regret. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Accept the Standard Workday and Reporting Resolution for Planning Board Members:

Councilmember Deming moved, and Deputy Supervisor Griffo seconded the motion to approve the Standard Day and Reporting Resolution for Supervisor William Wadsworth and Highway/Water Superintendent Larry Levey. The resolution is to be posted for 30 days then sent to NYS retirement. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Adopt the Official Blanket Undertaking:

Councilmember Mix moved, and Deputy Supervisor Griffo seconded the motion to adopt the Town of Geneseo Official Undertaking as follows:

WHEREAS section 11 of the Public Officers Law authorizes the governing body of a municipality to procure a blanket undertaking to cover officers, clerks and employees of the municipality who would otherwise be required to post an individual undertaking; and **WHEREAS** such blanket undertaking must indemnify against losses through the failure of officers, clerks, or employees to faithfully perform their duties or account for moneys or property received by virtue of their position or employment and through fraudulent or dishonest acts committed by officials, clerks or employees covered there-under, now, therefore, be it;

RESOLVED, that the Geneseo Town Board consents and approves a blanket undertaking to cover all officers, clerks and employees required by law to post an undertaking which undertaking shall be provided by the following policies:

- Current Crime Coverage is with Travelers and is effective March 28, 2023.
- Faithful Performance is included on for all Municipality Employees except for individuals in Law Enforcement
- There is Excess Coverage for the following Positions:
 - Town Supervisor: \$270,000
 - Deputy Supervisor: \$64,000
 - Town Clerk/Tax Collector: \$270,000
 - Deputy Town Clerk: \$270,000
 - Court Clerk: \$100,000
 - Asst. to Court Clerk: \$100,000

Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-absent, and Mix-aye. Nays: None.

Councilmember Mix requested that the Town Board accept the Strategic Priorities Matrix received from the standing Pedestrian and Traffic Safety Committee in January 2024.

Accept the Strategic Priority Matrix:

Councilmember Mix moved and Councilmember Deming seconded the motion to accept the strategic Priorities Matrix as a significant guidance document for planning and developing specific projects to enhance the community's safety and quality of life. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Highway/Water Superintendent Levey has requested that the Town Board Surplus the following equipment: 1998 Heil Tank Trailer. The Board took the following action:

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Surplus Highway Equipment:

Councilmember Deming moved, and Councilmember Mix seconded the motion to Surplus the following equipment:

1998 Heil Tank Trailer

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye.
Nays: None.

Accept the Town Clerk’s Monthly Report – December 2023:

Councilmember Mix moved, and Councilmember Deming seconded the motion to the Town Clerk’s Monthly Report for December 2023.

<u>Supervisor for General Fund</u>	<u>\$ 7,114.50</u>
<u>Supervisor for Part Town Fund</u>	<u>\$ 2,957.00</u>
<u>Livingston County Treasurer for Dog Licenses</u>	<u>\$ 42.00</u>
<u>New York State Department of Health</u>	<u>\$ 22.50</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$ 16.00</u>
<u>TOTAL</u>	<u>\$10,152.00</u>

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye.
Nays: None.

Rescind the Resolution to Authorize the Acquisition and Financing for the Acquisition of Property:

Deputy supervisor Griffo moved, and Councilmember Mix seconded the motion to rescind the resolution adopted at the January 3, 2024, board meeting to authorize the purchase of real property and improvements located at 4263 Lakeville Road, Town of Geneseo, County of Livingston, State of New York at a cost not to exceed \$500,000 (the “Property”). Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Resolution to Authorize the Acquisition and Financing for the Acquisition of Property:

Deputy supervisor Griffo moved, and Councilmember Deming seconded the motion to authorize the acquisition and financing for the acquisition of property:

WHEREAS, the TOWN OF GENESEO (the “Town”), by its Town Council, has determined it necessary for the Town to purchase real property and improvements located at 4263 Lakeville Road, Town of Geneseo, County of Livingston, State of New York (the “Property”) to be used as office space for the Town (the “Project”);

WHEREAS, the total estimated cost of the Project is \$500,000, which is to be financed by the issuance of general obligation serial bonds of the Town (“the Bonds”), and bond anticipation notes in anticipation thereof (the “Notes”) and together with the Bonds, (the “Obligations”) in an amount not less than \$500,000; provided, however, a portion of the Project may be funded in part by the Town through the use of Capital or Building Reserve funds (the “Reserve Funds”) as provided hereinafter.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Geneseo, County of Livingston, State of New York, as follows:

Section 1. The acquisition of the Property, which may include furniture, fixtures and equipment and the financing of the Project (the “Specific Object or Purpose”), is hereby authorized at a maximum estimated aggregate cost of \$500,000. Any funds received or to be received from the Reserve Funds, other than the Obligations, shall be applied toward the cost of the Project or the redemption of any bonds issued therefor.

Section 2. The Specific Object or Purpose of the Project are objects or purposes described in Section 11 of the New York State Local Finance Law (“LFL”).

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Section 3. The Town declares itself as the “lead agency” and has determined that the actions authorized by this resolution and the adoption thereof collectively constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and that no further action under SEQRA need to be taken by the Town as a condition precedent to the adoption of this resolution.

Section 4. The plan for the financing of the maximum estimated cost of the Project is by the issuance of the Obligations in an aggregate principal amount of up to \$500,000.00, which Obligations are hereby authorized to be issued therefore pursuant to the LFL. To the extent that Reserve Funds are applied to the costs of the Project then the maximum amount of the Obligations authorized hereby shall be reduced by an amount equal to the amount of Reserve Funds applied to the cost of the project.

Section 5. The expenditure of Reserve Funds, in an amount not more than \$341,000, for the costs of the Project, is hereby authorized.

Section 6. It is hereby determined that the proposed maturity of the Bonds authorized by this resolution will be in excess of five years.

Section 7. It is hereby determined that the weighted average period of probable usefulness of the improvements to be constructed in connection with the Project is thirty (30) years, pursuant to Section 11.00(a)(21) of the LFL. It is hereby further determined that (a) the proposed maximum maturity of the Bonds authorized by this resolution will be in excess of five years to be measured from the date of the bonds or the date of the first bond anticipation note issued in anticipation of the sale of the Bonds, whichever date is earlier, (b) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of the Obligations, (c) the Notes shall mature within one (1) year from the date of their issuance, or as otherwise permitted by law, (d) the Notes are not issued in anticipation of bonds for an assessable improvement, and (e) prior to the issue of the Obligations, there will be provided the appropriate amount of current funds required by Section 107.00 of the LFL, if any.

Section 8. The faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same shall respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the LFL, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the LFL, the powers and duties of the Town Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the LFL.

Section 10. All other matters except as provided herein relating to the Obligations including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town. The Obligations shall contain substantially the recital of validity clause provided for in Section 52.00 of the LFL and shall otherwise be in such form and contain such recitals, in addition to those required by

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Section 51.00 of the LFL, as the Town Supervisor shall determine consistent with the provisions of the LFL.

Section 11. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Obligations authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Obligations authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Obligations authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of the Obligations may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised, or otherwise created, is hereby authorized pursuant to Section 165.10 of the LFL, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the Obligations authorized by Section 1 and Section 4 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2 and any other provision of the Internal Revenue Code or Internal Revenue Service Regulations relating to the qualification for reimbursement of costs related to the Project. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution is subject to permissive referendum. Any petition requesting a permissive referendum must be filed within thirty (30) days of the date that notice of the adoption of this resolution ("Notice of Resolution") has been published.

Section 16. This resolution shall immediately take effect upon the expiration of thirty (30) days from the date the Notice of Adoption has been published if no valid petition for a permissive referendum has been timely filed. In the event that a valid and timely petition for permissive referendum has been filed, then this resolution shall become effective immediately after it has been approved by a majority of qualified voters voting in any such referendum.

Section 17. This resolution or a summary hereof shall be published in full in the official legal newspaper of the Town for such purposes, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the LFL.

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye.
Nays: None.

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Attorney Russell will be leaving Underberg and Kessler and will no longer represent the Town of Geneseo. Supervisor Wadsworth spoke with both Jamse Coniglio and George Van Nest who will be overseeing work being done for the town. Veronica Devries and Ericka Elliott will be available to assist the town with our legal needs.

Attorney Russell stated that if the town would like to continue with his services, we can contract with his new law firm.

The County Akzo Water Committee has been working for years on how to get a hold of the \$20,000,000.00 that Akzo left behind. A conclusion has been reached as to how to spend these funds. We received a letter from the village regarding a new water contract with the county that we need to consider and because the town and village use the same law firm there could be a conflict of interest. Supervisor Wadsworth will sign the letter stating that we understand that there could be a conflict of interest.

There was discussion regarding a water user on the lake who has experienced excess water loss. The homeowner has asked that we use our water loss policy to help alleviate his high-water bill. The policy would take the rate of water plus twenty percent.

The initial bill is \$8,308.44 with the twenty percent it would be \$6,240.65.

Apply the Water Loss Policy to the Property Located at 5375 West Lake Road:

Councilmember Deming moved, and Councilmember Mix seconded the motion to apply the Water Loss Policy to the property located at 5375 West Lake Road which would reduce the amount for water loss from \$8,308.44 to \$6,240.65. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-absent, and Mix-aye. Nays: None.

Councilmember Mix gave an update on the Traffic and Pedestrian Safety Committee. At their last meeting, a letter was composed providing what the priority needs matrix is and will be sent to local and state officials. It was also suggested that the priority needs matrix be sent to the local zoning boards.

He also talked about sidewalk connectivity and how it could be paid for possibly using ARPA funds.

Executive Session:

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to enter executive session at 6:00 PM to discuss the employment history of a certain individual inviting Attorney Russell and Highway/Water Superintendent Levey. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-absent, and Mix-aye. Nays: None.

Close Executive Session:

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to close the executive session at 6:25 PM with no action taken. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-absent, and Mix-aye. Nays: None.

Highway/Water Superintendent Levey stated that he will be meeting with someone from TAB Design next week regarding the new building plans.

Adjournment:

Councilmember Mix moved, and Councilmember Deming seconded the motion to adjourn the meeting at 6:27 PM. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-absent, Mix-aye, and Griffo-aye. Nays: None.

Ellen M Zapf, RMC
Town Clerk