

**Minutes of the Geneseo Town Board Meeting  
May 8, 2024**

**Members Present:**

William Wadsworth, Town Supervisor  
Matthew Griffo, Deputy Town Supervisor  
Ronald Maxwell, Town Councilmember  
Robert Deming, Town Councilmember  
Ellen M Zapf RMC, Town Clerk

**Others Present:**

Larry Levey, Highway/Water Superintendent  
Ericka Elliott, Attorney  
James Coniglio, Attorney

**Excused:**

Gary Mix, Town Councilmember

**Meeting Opening:**

Supervisor Wadsworth called the meeting to order at 4:30 PM and Councilmember Maxwell 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 and for Councilmember Gary Mix and his family.

**Approval of Minutes:**

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to approve the April 10, 2024, meeting minutes as presented. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-absent, and Griffo-aye. Nays: None.

**Approval of Abstract #4 of 2024:**

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to approve Abstract #4 of 2024 and vouchers 228 through 273 as they stand.

| FUND                                            | AMOUNT      |
|-------------------------------------------------|-------------|
| GENERAL A VOUCHERS                              | \$48,533.85 |
| GENERAL B VOUCHERS                              | \$9,274.32  |
| HIGHWAY DA VOUCHERS                             | \$6,179.46  |
| HIGHWAY DB VOUCHERS                             | \$3,767.51  |
| SW6 CAPITAL FUNDS                               | \$0.00      |
| SPECIAL LIGHTING DISTRICT VOUCHER (SL)          | \$0.00      |
| SEWER DISTRICT #1 (SS1)                         | \$1,047.43  |
| WATER OPERATING & MAINTENANCE<br>VOUCHERS (SW0) | \$2,543.19  |
| SPECIAL ITEMS (H2)                              | \$0.00      |
| FIRE CONTRACTS (SF)                             | \$0.00      |
| ENGINEERING (SW1)                               | \$0.00      |
| BOOHER HILL RD WATER DISTRICT (SW5)             | \$0.00      |
| TOTAL                                           | \$71,345.76 |

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

**Accept the Town Clerk's Monthly Report – April 2024:**

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to accept the Town Clerk's Monthly Report for April 2024.

|                                                      |                    |
|------------------------------------------------------|--------------------|
| <u>Supervisor for General Fund</u>                   | <u>\$ 5,820.50</u> |
| <u>Supervisor for Part Town Fund</u>                 | <u>\$ 1,402.00</u> |
| <u>Livingston County Treasurer for Dog Licenses</u>  | <u>\$ 108.50</u>   |
| <u>NYS Ag. &amp; Markets for spay/neuter program</u> | <u>\$ 41.00</u>    |
| <u>New York State Department of Health</u>           | <u>\$ 180.00</u>   |
| <u>TOTAL</u>                                         | <u>\$ 7,857.20</u> |

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

**Surplus Code Clerk's Old PC:**

Councilmember Maxwell moved, and Deputy Supervisor Griffo seconded the motion to surplus the Code Clerk's old PC (Lenovo ThinkCentre #M720s model #00106S) and destroy. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-absent, and Griffo-aye. Nays: None.

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A customer has requested a water hook up at 4577 Morgan View Drive and is looking for board approval. This request should go to the planning board, so no action was taken.

Supervisor Wadsworth spoke about the sales tax that is collected by the county. Every dollar that comes in should get split between all of the towns and villages in the county based on demographics. The county has been keeping all of the sales tax and Supervisor Wadsworth was told that the money pays for disability insurance.

Our Town would receive around \$100,000.00 if this money was dispersed among all of the towns and villages.

Our accountant Paula Parker spoke with the county and discovered that the money is kept by the county to offset the county tax levy to our taxpayers. If we decide to receive this money the county's tax levy would increase but the town's tax levy would decrease. We could use the money to offset the deficiency in our B fund. The town can pass a resolution stating that we would like to retain our sales tax. The county would then tax our local residents the difference in their tax levy. Supervisor Wadsworth will look into the matter and find out what needs to be done.

**Update - New Town Property:**

The board passed a resolution in January to approve the acquisition of the property located at 4362 Lakeville Rd. Supervisor Wadsworth suggested that we rescind the resolution to approve the acquisition because it did not include the cost of improvements that will need to be made to the building and the new addition. One resolution covering the cost of the building and improvements would be a better choice than having several resolutions.

There was further discussion regarding how much money we would need to borrow, what we have in reserves and ARPA funds, and how we can reduce the cost. The Board took the following action:

**Rescind the Original Resolution Passed on January 3, 2024, for the Acquisition by Purchase of Real Property and Improvements Located at 4263 Lakeville Road:**

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to rescind the resolution passed on January 3, 2024, for the acquisition by purchase of real property and improvements located at 4263 Lakeville Road. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-absent, and Griffo-aye. Nays: None

**Authorize the Acquisition by Purchase of Real Property and Improvements Located at 4263 Lakeville Road:**

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to AUTHORIZE THE ACQUISITION BY PURCHASE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 4263 LAKEVILLE ROAD, TOWN OF GENESEO, COUNTY OF LIVINGSTON, STATE OF NEW YORK (THE "PROPERTY") THE CONSTRUCTION OF IMPROVEMENTS OF AND RENOVATIONS TO THE PROPERTY AS HEREINAFTER DESCRIBED AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF AND THE USE OF RESERVE FUNDS TO FINANCE THE COSTS THEREOF.

**WHEREAS**, the TOWN OF GENESEO (the "**Town**"), by its Town Council, has determined it necessary for the Town to purchase real property and improvements including an existing office building (the "**Building**") located at 4263 Lakeville Road, Town of Geneseo, County of Livingston, State of New York (the "**Property Purchase**") and to design and construct certain improvements to the Property and to otherwise renovate, convert and equip the Property (the "**Construction and Renovations**") in order to allow the Property to be used as office space for the Town Hall for the Town (the "Property Purchase" and the Construction and Renovations jointly referred to as the "**Project**");

**WHEREAS**, the contractual purchase price for the Property Purchase is \$410,000;

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**WHEREAS**, the Construction and Renovations are to be made to the Building and include, but are not limited to, replacing the existing roof; the installation of restrooms on the first and second floors of the Building; construction of a two-story addition to the north end of the Building with walk-in access to the second floor from the east and the first floor on the west; installation of a lift system between floors; establishing a sanitary sewer connection; various driveway improvements and the design of all of the foregoing at an estimated cost of \$1,420,000;

**WHEREAS**, the total estimated cost of the project is not greater than \$1,830,000 which is to be financed by the issuance of general obligation serial bonds of the Town ("the **Bonds**"), and bond anticipation notes (the "**Notes**") in anticipation thereof in an amount not greater than \$1,290,000 (the Notes and together with the Bonds, jointly herein referred to as the "**Obligations**") the application of Building Reserve funds in an amount not less than \$340,000 (the "Reserve Funds"); and American Rescue Plan Act ("ARPA") funds not greater than \$200,000.00

**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 Project (the "**Specific Object or Purpose**") is hereby authorized at a maximum estimated aggregate cost of \$1,830,000.

Section 2. The plan for financing the costs of the Project consists of the issuance of serial bonds issued pursuant to this Resolution or bond anticipation notes issued in anticipation of said bonds; the use of the Reserve Funds in an amount not less than \$340,000; and the use American Rescue Plan Act funds ("**ARPA Funds**") in an amount not greater than \$200,000.00.

Section 3. Serial bonds and/or bond anticipation notes in an amount not greater than \$1,290,000 issued in anticipation of such bonds are hereby authorized.

Section 4. The expenditure of Reserve Funds, in an amount not more than \$340,000, and the expenditure of ARPA funds in the amount of \$200,000 for the costs of the Project are hereby authorized.

Section 5. 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**").

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 further 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.

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Section 8. 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 9. 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 10. 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 11. 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 Section 51.00 of the LFL, as the Town Supervisor shall determine consistent with the provisions of the LFL.

Section 12. 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 13. 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 14. 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.

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**Section 15.** 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 16.** This resolution is subject to permissive referendum and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum.

**Section 17.** 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 18.** Upon the effective date as provided in Section 17 of 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-aye, Mix-absent, and Griffo-aye.  
Nays: None.

**Budget Transfers:**

The Highway Department needs to transfer funds to purchase a new excavator. We will receive \$17,000 by selling our old excavator to the Town of York and then we will need \$131,000 which will come from CHIPS money. We just need to move money from one account to another. The board took the following action:

**Approve Highway Budget Transfers:**

Councilmember Deming moved, and Deputy Supervisor Griffo seconded the motion to approve the following highway budget transfers:



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| Budget Transfers & Appropriations for Highway Funds |                     | Increases will be financed by the following changes |                      |          |               |                                         |
|-----------------------------------------------------|---------------------|-----------------------------------------------------|----------------------|----------|---------------|-----------------------------------------|
| MAY 8, 2024                                         | Increase            | Decrease                                            | Increase             | Decrease | Appropriated  |                                         |
|                                                     | Expenditure         | Expenditure                                         | Revenue              | Revenue  | Fund Balance  | Explanation                             |
|                                                     |                     |                                                     |                      |          |               |                                         |
|                                                     |                     |                                                     |                      |          |               |                                         |
| <b>Town Highway Department DA</b>                   |                     |                                                     |                      |          |               |                                         |
| <i>Expense Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DA5130.220 Machinery Equipment                      | \$148,000.00        |                                                     |                      |          |               | Purchase of new excavator               |
|                                                     |                     |                                                     |                      |          |               | via Sourcewell Bid                      |
| <i>Revenue Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DA2665 Sale of Equipments                           |                     |                                                     | \$17,000.00          |          |               | Sale of old excavator to Town/Yord      |
| DA3501 Consolidated Highway Aid                     |                     |                                                     | \$131,000.00         |          |               | Move CHIPS Aid from DB Fund             |
|                                                     |                     |                                                     |                      |          |               |                                         |
|                                                     |                     |                                                     |                      |          |               |                                         |
| <b>Totals in Highway DA</b>                         | <b>\$148,000.00</b> | <b>\$0.00</b>                                       | <b>\$148,000.00</b>  |          | <b>\$0.00</b> |                                         |
|                                                     |                     |                                                     |                      |          |               |                                         |
| <b>Town Highway Department DB</b>                   |                     |                                                     |                      |          |               |                                         |
| <i>Expense Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DB5112.220 Improvements/Roads                       |                     | -\$131,000.00                                       |                      |          |               | Reduce road work account                |
|                                                     |                     |                                                     |                      |          |               |                                         |
| <i>Revenue Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DB3501 Consolidated Highway Aid                     |                     |                                                     | -\$131,000.00        |          |               | Move CHIPS Aid to DA Fund               |
|                                                     |                     |                                                     |                      |          |               |                                         |
| Appropriate ERW, PAVENY & POP Aid                   |                     |                                                     |                      |          |               |                                         |
| <i>Expense Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DB5112.220 Improvements/Roads                       |                     |                                                     |                      |          |               | To increase road work account for total |
|                                                     |                     |                                                     |                      |          |               | allocation of PAVE NY; ERW & POP        |
| <i>Revenue Accounts</i>                             |                     |                                                     |                      |          |               |                                         |
| DB3501 Consol Highway Aid PAVE NY                   |                     |                                                     |                      |          |               | Increase by PAVE NY Aid                 |
| DB3501 Consol Highway Aid ERW                       |                     |                                                     |                      |          |               | Increase by ERW Aid                     |
| DB3501 Consol Highway Aid POP                       |                     |                                                     |                      |          |               | Increase by POP Aid                     |
|                                                     |                     |                                                     |                      |          |               |                                         |
|                                                     |                     |                                                     |                      |          |               |                                         |
| <b>Totals in Highway DB</b>                         | <b>\$0.00</b>       | <b>-\$131,000.00</b>                                | <b>-\$131,000.00</b> |          | <b>\$0.00</b> |                                         |
|                                                     |                     |                                                     |                      |          |               |                                         |

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

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Supervisor Wadsworth received a call from Jennifer Lake from Goodwill, and she stated that their project to build a new building will be on hold for the next five to seven years due to lack of funds. She also wanted to know if the town could use the property until then. The town is not interested due to liability reasons.

**Update – New Website:**

Councilmember Deming passed out a couple of screenshots of the new website but not much has been accomplished thus far. There was discussion about the wording in the contract as to receiving a discount if the work is not done in a timely manner. Councilmember Deming will go over the contract.

Councilmember Deming also handed out information regarding Cloud Permit Software Solutions that Code Enforcement Officer Radesi is interested in using for his code software program. CEO Radesi plans to attend a future board meeting to discuss this option with the board.

There was discussion regarding the Methodist Church which is a polling site for the Town of Geneseo at election time. They would like to have a contract with the Town for the use of their building. It was stated that the County was in charge of the polling sites and the church would need to contact them.

Deputy Supervisor Griffo would like to congratulate Charlie Becker who received the Senior Citizen of the Year award representing the Town of Geneseo. The rest of the board also congratulated Charlie for his recognition.

**Informational Items:**

- Code Office Report

**Executive Session:**

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to enter executive session at 5:45 PM to discuss the employment history of a particular person, inviting Town Clerk Zapf (left at 6:00 PM) and Attorney Ericka Elliott. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-absent. Nays: None.

**Close Executive Session:**

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to close executive session at 7:03 PM with no action taken. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-absent. Nays: None.

**Adjournment:**

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to adjourn the meeting at 7:04 PM. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye Maxwell-aye, and Mix-absent. Nays: None.

Ellen M Zapf, RMC  
Town Clerk