

**Town of Genesee  
 Little Genesee, NY 14754  
 Regular Board Meeting  
 November 19, 2019**

**ATTENDANCE:** Supervisor Alex Smith; Councilpersons Joshua Bluhm, Alyn Holcomb, Howard Cornwall, Highway Superintendent Ben Reynolds; Town Clerk Bonita Brunner  
 Absent: Councilperson Michael Cannon

**VISITORS:** Peggy Cowell, Drew Keim, Scott Fuller, Gail Shaw

This meeting was brought to order by Supervisor Smith at 7 pm.

**FLOOR PERMISSION:**

Town resident Andrew Keim asked to be updated on his complaint regarding the “car sales” lot on Route 417 that he filed in March. He states that there are still cars there and, any cars that the owner moved when he mowed were simply moved to the back of the lot. The Board was under the impression, from a previous report from the Code Enforcement Officer, that some of the cars had been taken from the property. According to Mr. Keim this is not the case. Mr. Keim has also left messages for Mr. Barnes and has not received any reply back from him. Supervisor Smith told Mr. Keim that he would be in contact with Mr. Barnes and insist that he get back in touch with him about this issue.

Town resident Gail Shaw requested information on the addition that will be added to the highway barns. Supervisor Smith advised her that the Town had received a grant through DOT for \$125,000 that will be used for a generator, addition to the highway barns, and a salt barn. She had heard that the addition to the barns will be used for an emergency shelter. The Board advised that the construction will allow for a shelter in the event of a disaster. It will be handicapped accessible and could be used in the event of a flood, fire or power outage for an extended period.

**BID OPENING  
 On November 19, 2019  
 for Mowing/Maintenance Contract**

<b>Bid Number</b>	<b>Vendor</b>	<b>Bid Amount</b>
1	Fuller's Odd N Ends Jobs 7521 Miller Hollow Road Little Genesee, NY 14754	\$15,000 per year plus \$25 per hour for additional work (weeding/landscaping, etc)
2		
3		

Motion made by Supervisor Smith, 2<sup>nd</sup> by CP Holcomb, that this bid be accepted. Ayes all. Motion approved. A full resolution will be prepared for the December meeting accepting this bid from Mr. Fuller.

## **REPORTS:**

- Supervisor's Report for October 2019 was reviewed by the Board.

Town Clerk presented the following reports:

- Clerk's Report for October 2019 indicated total monies collected of \$519.00. Of this, \$408.50 was paid to the Supervisor for the General Fund, \$44.00 to NYS Ag and Markets for dog licenses, and \$66.50 to Allegany Co DPW for landfill tickets sold.
- Petty Cash Report was presented for the month of October. There is currently \$100.00 available. No monies were used during October.
- Minutes from the October Board Meeting were previously e-mailed to all Board Members.

Town Justice Report:

- Review of Court Fines collected during October totaled \$1,380.00. Clerk advised that there were 4 cases in Court for unlicensed dogs. The \$100 in fines collected are all town money and will be credited to the Dog Fines revenue line.

Code Enforcement Officer Report:

- Code Enforcement Officer Barnes was not able to attend the meeting but emailed his report. The report updated on 4 permits. He also listed 5 properties that he is continuing to monitor.
- CP Holcomb asked about the problem on Keller Road. At last month's meeting he stated that he would be sending a certified letter to the owner. Has that been done? Supervisor Smith will contact Mr. Barnes and request information on that property and also request that on his reports he include addresses for the various building permits.

Motion made by CP Holcomb and 2<sup>nd</sup> by CP Cornwall to accept all reports as submitted. Ayes all. Motion carried.

## **COMMITTEE ASSIGNMENTS & REPORTS**

Buildings & Repairs – Holcomb and Cannon

Superintendent Reynolds advised that the top plate around the highway building is in need of repair and may have to be replaced. Supervisor Smith advised that the Genesee Library has installed an ADA compliant door with a slot for returning books.

Highway Department – Holcomb and Bluhm

Parks – Cannon and Cornwall

Cemeteries – Holcomb and Cornwall

Scott Fuller advised that, while researching a grave-site at the Bowler Cemetery, he discovered that there is a problem with the back right corner. There are trees and dirt piles that will need to be removed in order to allow for graves that are shown on the map. He feels that this is his responsibility because, when he began mowing for the Town, he only continued mowing where the previous individual mowed. He did not actually walk the cemetery and check all the boundaries. He will be working to clear out this section as soon as he can but it will be at his expense. He also advised that the trees on the left side of the cemetery definitely need to come down. He recommends that the town contact Matt Faulkner to do this as he has the machinery necessary to cut down these trees. Clerk advised that she would check her minutes and verify that Mr. Torrey had previously given his permission to simply drop these trees in the gully beside the cemetery.

Grants – Smith and Cornwall  
Code Enforcement – Cannon and Holcomb  
Audit Committee – Holcomb and Cannon

## **OLD BUSINESS**

### **Doxey and Shaw Properties**

The Doxey property was addressed in the Code Enforcement Officer's report. The Coliseum property is in the hands of the Town Attorney for necessary paperwork to return the owners to Court.

### **Septic System at Town Barns**

Highway Superintendent Reynolds advised that this project will be finished, possibly this week.

### **Highway Department Grant - Generator**

The signed reimbursement request was forwarded for the generator. The request totals \$10,146.53. This leaves a balance on the grant of \$114,853.47. Board was also given a copy of the formal request from DOT in Hornell to Albany for payment back to the town for this project.

### **Search for New Highway Truck**

Superintendent Reynolds advised that he is working on another state bid and will have it available at next month's meeting. Supervisor Smith asked if the specs previously provided could be used if the town decided to go to bids instead of using the State bid price. Superintendent Reynolds agreed that they could be used. Supervisor Smith feels that we might get a better price, and a newer model, for our money if we requested bids.

### **Contract for Change of Street Lights to LED**

Board was given a copy of the signed contract sent to RG&E regarding the change to LED lights. It is expected that the change will occur after the first of the year.

### **Decision on Cyber Insurance coverage**

Request received from Richardson & Stout regarding adding the cyber insurance to our policy. After discussion it was decided not to add this coverage to our policy.

## **NEW BUSINESS**

**Resolution #2019-15** was presented to the Board as follows:

### **CREATION OF STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS FOR THE NYS RETIREMENT SYSTEM**

NYS regulations under Title 2NYCRR Part 315.4 requires employers to submit a Standard Workday and Reporting Resolution for all paid elected and appointed officials who are members of the NYS and Local Retirement System and are in a term of office or appointment that began on or after August 12, 2009.

BE IT RESOLVED, that the Town of Genesee, Local Code 30805, hereby establishes the following standard work days for these titles and will report the officials to the NY State and Local Retirement System based on their records of activities as follows:

Title	Standard Work Day	Name	SS# (last 4 digits)	NYS Registration #	Current Term	ROA Result
<b>(Elected)</b> Highway Superintendent	8.0	Benjamin Reynolds	7655	42783696	1/1/2016-12/31/2019	22.50

Motion made by Supervisor Smith, seconded by CP Cornwall, that this resolution be adopted.

Roll call vote taken as follows:

CP Bluhm	Aye
CP Cornwall	Aye
CP Holcomb	Aye
Supervisor Smith	Aye

Resolution 2019-15 approved.

Clerk will post this resolution for 30 days before forwarding it to the Retirement System.

**Resolution 2019-16** was presented to the Board as follows:

**RESOLUTION APPROVING THE 2020 AGREEMENT  
BETWEEN THE PORTVILLE  
FIRE DISTRICT AND THE TOWN OF GENESEE**

WHEREAS, the Town of Genesee’s fire protection is partially covered by the Portville Fire District and

WHEREAS, the Town Board of the Town of Genesee hereby approves the agreement between the Town of Genesee and the Portville Fire Protection District for the year 2020, furnishing the necessary fire protection for their portion of the Town of Genesee;

WHEREAS, included in the Town of Genesee Approved 2020 Budget are sufficient funds as requested to pay the Portville Fire District \$37,147.55 for the year 2020;

RESOLVED, that the Town Board approves the Town Supervisor Alexander Smith execute the necessary paperwork for this agreement.

Motion made by CP Bluhm, seconded by CP Holcomb, that this resolution be adopted.

Roll call vote taken as follows: CP Bluhm Aye  
CP Cornwall Aye  
CP Holcomb Aye  
Supervisor Smith Aye

Resolution 2019-16 approved. Clerk will prepare contract for signatures and return to the Portville Fire Department.

**Trail Cam for Dog Kennel**

A recommended trail cam was presented by Supervisor Smith. The Board agreed and asked the Clerk to talk with Gary Wagner. If he feels this would be sufficient, we can order it for when the dog kennel is in use.

**Tax Exemption for Persons Over 65 w/Limited Incomes**

Request from Real Property Tax Department requesting the Town's decision on the amount for the tax exemption for persons over 65 years old with limited incomes. The Board decided to leave the amount of \$19,500 the same as in previous years.

**Assessor's Exemption Impact Reporting**

Board given a copy of the Assessor's Report regarding the number of exemptions, total value of exemptions, and percent of value exempted based on the 2019 tax roll.

**Request Regarding Little Rhode Island Cemetery**

Clerk received a request from a Lindy Cummings, a member of the 1970 graduating class from Bolivar High School. In 2020 they are looking for community projects as part of their 50<sup>th</sup> class reunion. She is asking if the Board would approve them making the Little Rhode Island cemetery a class project. They would like to repair some of the older stones, possibly place name and date markers by each grave and generally update the cemetery. After discussion it was decided to approve this. Clerk will contact Ms. Cummings regarding this approval.

**Insurance Claim – Nauvoo Road**

Clerk advised that a complaint has been received from a town resident regarding an insurance claim. On October 28, the Highway Department was working on clearing the ditches on Nauvoo Road. They had placed "Road Work" signs on both ends of their work zone. The resident left her driveway and had to drive over a partial pile of dirt and, in the process, hit a mailbox and scratched her pickup. The residents are now asking that the town pay for the repairs to the truck. NYMIR was contacted and are asking for additional information. Clerk spoke with the highway employee who was on the scene and to the Highway Superintendent. They verified that the signs were placed at both ends of the work and they were placed after the residents' driveway. After discussion, the Board requested that the Clerk provide this information to NYMIR for their decision.

**Local Law Prosecution**

Town Attorney Brautigam has contacted Supervisor Smith regarding this matter. In the past the District Attorney has been the office to prosecute any action before a local Court. For some time the DA has approved that local town attorneys can prosecute matters in local Court. Mr. Brautigam has now requested a Van Sickle letter from DA Slep as a blanket approval for this procedure. At the same time Mr. Brautigam feels that a new local law should be put in place. Local Law #3 of 2007 to enforce the State Uniform Fire Prevention & Building Code is presently on the books. Apparently there are some issues with this law which need to be updated. Attorney Brautigam provided a suggested updated local law. Supervisor Smith requested that the Board members review this information and the matter will be put on the agenda for the December meeting.

**Deputy Town Clerk Request**

Clerk advised that she has an interview tomorrow with a possible candidate for the Deputy Town Clerk position. The Board advised that, if she decides she would like to fill this position, the matter can be placed on the agenda for December and the board can appoint him/her at that time.

**PAYING OF BILLS:**

Abstracts totaling \$77,014.94 were reviewed for paying the Town bills as follows:

<b>Abstract</b>	<b>Voucher Nos.</b>	<b>Abstract Amount</b>
General Fund	191 - 207	\$ 31,162.93
Highway Fund	130 - 146	\$ 45,852.01

Supervisor Smith made a motion to pay the above bills, 2<sup>nd</sup> by CP Holcomb. Ayes all. Motion passed.

**EXECUTIVE SESSION**

CP Bluhm made a motion, seconded by CP Holcomb, to go into Executive Session to discuss the legal status of the Code Enforcement situation (Coliseum).

**Return to Regular Session**

CP Cornwall made a motion, seconded by CP Holcomb, to return to the Regular Board meeting.

Motion to adjourn the meeting was made by CP Cornwall, 2<sup>nd</sup> by CP Bluhm. Meeting was adjourned at 9:15 p.m.

Bonita Brunner  
Town Clerk  
Dated: November 20, 2019