

Regular Town Board Meeting

Geneva Town Board
3750 County Road #6
Geneva, NY 14456

NOVEMBER 10, 2009

PRESENT: Supervisor Mary E. Luckern
Councilman Anthony Capozzi
Councilman Richard Larsen
Councilman Edward Smaldone
Councilman Michael Vassello
Attorney for the Town: Jeff Graff

Recording Secretary: Lorrie S. Naegele, Geneva Town Clerk.

Others Present: David Achilles, Highway Superintendent; Pat Mahoney, Planning Board Member; Mike Guyon, MRB Engineer; Charlie Bracko, Water & Sewer Superintendent; Twelve residents and Craig Fox Reporter for the Finger Lakes Times.

1) **CALL TO ORDER:** Supervisor Luckern called the meeting to order at 7:02 P.M. The meeting was opened with the Pledge of Allegiance. Supervisor Luckern asked for a moment of silence in observance of Veterans Day and to keep in our minds all the veterans and all service men and women serving in the danger zones for our country.

2) **KASHONG CONSERVATION AREA PRESENTATION:** Presentation by Chairman Ken Perry of the Kashong Conservation Area. The Kashong Conservation Area sign was designed by Bill Whitwell and should be completed soon at a cost of around \$300-\$350 for the woodworking. The parking area is being worked on with the help of the Town Highway department. The Finger Lakes Land Trust has requested to restore and clear the meadow area that has become overgrown with invasive plants not from the area; volunteers will do most of the work on weekends.

Discussion: Councilman Larsen asked, was the meadow area in the Spedding Trust to be left as a meadow? Ken explained that it always was a meadow but it has just been overgrown for the last fifty years. Councilman Larsen suggested that Ken get in contact with Dave Achilles or Charlie Bracko because they have a chipper to use to help clear the meadow. Councilman Larsen also asked if there was going to be one or two signs. Ken explained, that there would be one sign at the entrance of the conservation area and then small signs throughout with all the regulations for the area. He also added that the signs would be put in place within the next week.

3) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the Minutes of the Regular Meeting October 13, 2009 and the Special Town Board Meeting October 26, 2009, Budget Workshop for 2010 Budget and the Highway Budget for 2009 be approved and accepted. Motion made by Councilman Smaldone second by Councilman Larsen.

Discussion: Supervisor Luckern asked to have changes made on the October 13, 2009 Regular Town Board Meeting minutes; item #9 September 30, 2009 should be October 1, 2009 the correction was made. Motion unanimously approved.

4) **RECEPTIONIST'S OCTOBER 2009 REPORT:** (REFER TO ADDENDUM # 1)
Motion to accept and approve made by Councilman Larsen second by Councilman Vassello.

Discussion: None
Motion unanimously approved.

5) **TOWN CLERK'S OCTOBER 2009 REPORT:** (REFER TO ADDENDUM # 2)
Motion to accept and approve made by Councilman Capozzi second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

6) CODE ENFORCEMENT OFFICER'S OCTOBER 2009 REPORT : (REFER TO ADDENDUM # 3)

Motion to accept and approve made by Councilman Smaldone second by Councilman Larsen.

Discussion: Wal-mart expansion is well under way and the construction is mostly in the back of the building. There will be 60 additional employees on Black Friday trained to help with crowd control.

Councilman Larsen stated that he understands that the Planning Board & Zoning Boards have a new secretary; Supervisor Luckern stated that she is a substitute. Councilman Larsen asked the Town Clerk if the substitute had the equipment to do the job properly. Lorrie Naegele, Town Clerk replied, "Not at home, but she could come in and use the receptionist's or the Code Enforcement Officer's computer to listen to the flash card to record the minutes." Councilman Larsen stated that he is not complaining about Mrs. Hart at all because he knows she agreed to help on short notice. Councilman Larsen stated that no discussions have been recorded in the minutes of the Planning Board and it was quite a full agenda that night of Tuesday, October 20, 2009 and the Town should let her use the equipment so more details could be in the minutes.

Motion unanimously approved.

7) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 011-2009 from voucher # 999 through # 1115.

FUND	VOUCHER #	TOTALS
A General Fund	(1075-1114)	\$ 33,437.66
DA Highway	(1027-1047)	\$ 4,739.17
SS Sewer District	(1048-1059 & 1115)	\$ 5,187.25
SWD Water Storage & District	(1060-1074)	\$ 9,622.00
TOTAL		\$ 52,986.08
TOTALS		
ABSTRACT: 11 –2009; NOVEMBER 2009 voucher # 1027 to 1115		\$ 52,986.08
PRE-PAID –October & November, voucher # 999 to 1026		\$ 223,780.30
NOVEMBER - TOTAL		\$ 276,766.38

Motion to approve bills made by Councilman Capozzi second by Councilman Larsen.

Discussion:

Motion unanimously approved.

8) TOWN HALL CLOSING: Motion to close the Geneva Town Hall at 12:00 Noon on Wednesday, November 25th 2009 the day before Thanksgiving. Motion made by Councilman Larsen second by Supervisor Luckern.

Discussion: None

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution, was adopted by the Town Board of the Town of Geneva on November 10, 2009, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u>X</u>	_____
Edward Smaldone	<u>X</u>	_____
Michael Vassello	<u>X</u>	_____
Richard Larsen	<u>X</u>	_____
Anthony Capozzi	_____	<u>X</u>

Dated: November 10, 2009

Lorrie S. Naegele, Town Clerk

9) 2010 FIRE DISTRICT CONTRACTS: Motion to authorize the Town Attorney to prepare the draft of the 2010 Local Fire District Contracts. Motion made by Councilman Larsen second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

10) 2010 PRELIMINARY TOWN BUDGET AMENDMENTS: Consideration of any amendments to the 2010 Preliminary Town Budget. Councilman Capozzi made a motion to increase the Assessor’s budget line A1355.1 by \$3219.00 and add an additional day per week so the assessor will be at the Town Hall three days each week. Motion made by Councilman Capozzi second by Councilman Smaldone.

Discussion: Councilman Larsen stated that it was his understanding that Mr. Lynch resigned. Supervisor Luckern replied, "Yes." Councilman Larsen stated Mr. Lynch wanted a \$4000 raise and at the October 26, 2009 Budget Workshop Meeting Councilman Capozzi stated that the 3.5% raise increase was sufficient and the Town Board turned down the \$4000 raise, so he resigned. "Now he has come back and said he would do a re-evaluation and data collection if we give him \$4000" said Larsen. Supervisor Luckern stated that it does not work that way. The Supervisor explained that Mr. Lynch submitted his letter of resignation and she went down and talked to Mr. Lynch and said to him you are already in here and already doing data collecting and we are way behind in the data collecting. The Supervisor also talked to Robin Johnson, Chairman of the Real Property Tax, and she said it would take until after December to find someone else and it would cost the Town a lot more than what he was asking. The Supervisor asked Mr. Lynch to reconsider and he did. Councilman Larsen asked why the data collecting was so far behind. "The Assessor has been here for two years and this should have been done and we shouldn't be in such a bind." Supervisor Luckern explained that the Town had things that had to be caught up.

Councilman Larsen asked, "why is there \$8,000 in the Assessor’s clerical account for next year, since this year there is \$7,620 in the clerical budget and only used \$872.82 has been used?" Councilman Larsen went back to previous budgets and they only had about \$500 to \$700 in the clerical account. "All of a sudden we have \$8,000 for clerical and \$30,000 personal." Supervisor Luckern stated that if the money isn't going to be used that it would go back into General Fund.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution, was adopted by the Town Board of the Town of Geneva on November 10, 2009, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u>X</u>	_____
Edward Smaldone	<u>X</u>	_____
Michael Vassello	<u>X</u>	_____
Richard Larsen	_____	<u>X</u>
Anthony Capozzi	<u>X</u>	_____

Dated: November 10, 2009

Lorrie S. Naegele, Town Clerk

11) RESOLUTION NO. 27-2009 ADOPTING ANNUAL TOWN BUDGET FOR 2010: Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: None

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 27 –2009
RESOLUTION ADOPTING ANNUAL TOWN BUDGET FOR 2010**

WHEREAS, this Town Board having, on November 9, 2009, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2010, including the special district budgets for 2010, and having heard all persons desiring to be heard in the matter, and the matter of the budget for this Town for such fiscal year having been fully discussed and considered; and

WHEREAS, following the aforesaid public hearing, this Town Board made one change to the 2010 preliminary budget, that change being an increase in the annual salary of the Town of Geneva Assessor for 2010 to \$30,000.

NOW THEREFORE, BE IT RESOLVED, that said preliminary budget approved and filed as aforesaid, including the special district budgets for 2010, along with the aforesaid amendment, is hereby adopted and established as the annual budget for this Town for the fiscal year beginning January 1, 2010 and that such annual budget as so adopted is detailed in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify as provided by law, duplicate copies of the said annual budget hereby adopted, and deliver such copies to the Supervisor of the Town within five days thereof, and that the Town Supervisor shall present such copies to the Board of Supervisors of the County within ten days after receipt thereof from the Town Clerk, as required by law.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution, was adopted by the Town Board of the Town of Geneva on November 10, 2009, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u>X</u>	_____
Edward Smaldone	<u>X</u>	_____
Michael Vassello	<u>X</u>	_____
Richard Larsen	_____	<u>X</u>
Anthony Capozzi	<u>X</u>	_____

Dated: November 10, 2009

Lorrie S. Naegele, Town Clerk

SEAL

12) CONTRACT WITH THOMA DEVELOPMENT CONSULTANT: (REFER TO ADDENDUM # 4)

Motion to approve a contract between Thoma Development Consultant and the Town of Geneva for assistance in the development of the Town's Agricultural Protection Plan for an amount not to exceed \$7000.00. Motion made by Councilman Smaldone second by Councilman Larsen.

Discussion: There is \$10,000 in grant money in the budget for this.

Motion unanimously approved.

13) RESOLUTION OF UNPAID WATER & SEWER BILLS: (REFER TO ADDENDUM #5)

Resolution to authorize and direct the Water and Sewer Departments to prepare a list of all unpaid Water and Sewer Bills, as of November 1, 2009 and submit such list to the Town Board and Ontario County Real Property Tax Department for inclusion in the 2010 Tax Roll.

Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

14) PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR HIGH ACRES: (REFER TO ADDENDUM #6) The Town of Geneva Planning Board has approved the site plan for High Acres at Seneca Lake. Motion for the Town Board to approve the final Planned Unit Development (PUD) site plan for High Acres at Seneca Lake.

Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: Carole Higgins, Snell Road had the following concerns:

1. "Has the Board seen the actual proposed project?" Answer by Town Attorney: "They did when the new application was submitted in the Local Law 2-2009 on July of 2009."
2. "Will the driveway, specifically, the second entrance be graded so that the run-off is not onto Snell Road?" Answer by Mike Guyon: "Referring to the minutes of the Planning Board March 18, 2008 item #31 the driveways will be graded and will not flow onto her property."
3. "Can the Board assure her the construction fencing will be constructed before any digging or any other procedures of any kind begin?" Answer by Mike Guyon: "That would be one of the stipulations at the pre-construction meetings. The fence will cover all the area that will be disturbed."
4. "Can Finger Lakes Health ever change the criteria for senior resident living at High Acres?" Answer by Peter Vars, BME Associate: "It is stipulated for senior citizens housing only. The State Attorney General issues a certificate of need which guarantees that and it is issued before anyone can even market anything."

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution, was adopted by the Town Board of the Town of Geneva on November 10, 2009, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u>X</u>	_____
Edward Smaldone	<u>X</u>	_____
Michael Vassello	<u>X</u>	_____
Richard Larsen	_____	<u>X</u>
Anthony Capozzi	_____	<u>X</u>

Dated: November 10, 2009

Lorrie S. Naegele, Town Clerk

15) ADDENDUM: Motion to transfer budgetary appropriations made by Councilman Smaldone second by Councilman Capozzi.

1. From Account A1990.4- Special Items- Contingent account; To Account A1440.4-Engineer Contractual in the amount of \$1,000.00.
2. From Account A1990.4- Special Items- Contingent account; To Account A1620.409-Buildings-Contractual Expense-Town Hall in the amount of \$11,123.00.
3. From Account A1620.408-Buildings- Contractual Expense-Water & Sewer/Hwy; To Account # A1620.409-Buildings-Contractual Expense-Town Hall in the amount of \$13,616.00.

Discussion: The transfers are for the highway garage roof, painting for the Town Hall parking lot and Stu Brown for the work on the modified water District # 12.

Motion unanimously approved.

16) SUPERVISORS REPORT: Motion to accept made by Councilman Larsen second by Councilman Smaldone.

Discussion: The Cold War exemption passed. The County worked with the Town Highway Superintendent, David Achilles to complete paving of the Town Hall parking lot. The 2010 census, when completed, will

recalculate how the Board of Supervisors vote because voting is weighted based on the population of the Towns and Cities. The Government Operations Committee's Resolution urges the State that if there is a budget problem that the budget be reduced and not to shift the State expenditures to the County or the municipalities.

Motion unanimously approved.

17) CORRESPONDENCE:

1. Lt Gallagher's Report

18) OLD BUSINESS: The County is working on the dry hydrant issue at Braewood Lane.

Councilman Larsen asked about the Kennel Law and where the Planning Board was on the issue. Supervisor Luckern said the Planning Board needs to look at this at their next meeting and if they are having trouble with language they should discuss it with the Town Attorney.

19) NEW BUSINESS: Supervisor Luckern Congratulated Councilman Patrick Riley, Councilman George Smith, Highway Superintendent David Achilles and Town Clerk Lorrie Naegele on winning the election and she is looking forward to working with everyone. Followed by a round of applause.

20) PRIVILEGE OF THE FLOOR: None

21) ADJOURN: Motion to adjourn made by Councilman Smaldone second by Councilman Vassello.

Discussion: None

Motion unanimously approved.

8:00 P.M.

RESPECTFULLY SUBMITTED