

Regular Meeting
Geneva Town Board
3750 County Road #6
Geneva, NY 14456
April 14, 2009

DRAFT

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: Twenty town residents; Charlie Bracko, Water & Sewer Superintendent; Howard Bailey, Assistant Water & Sewer Department and Craig Fox, Finger Lakes Times Reporter.

1) **CALL TO ORDER:** Supervisor Luckern called the meeting to order at 7:04 P.M. The meeting was opened with the Pledge of Allegiance.

2) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the Minutes of the Public Hearing March 10, 2009 and the Regular Meeting March 10, 2009 be approved and accepted. Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

3) **RECEPTIONIST'S MARCH 2009 REPORT:** (REFER TO ADDENDUM # 1)

Motion to accept made by Councilman Smaldone second by Councilman Vassello.

Discussion: None

Motion unanimously approved.

4) **TOWN CLERK'S MARCH 2009 REPORT:** (REFER TO ADDENDUM # 2)

Motion to accept made by Councilman Capozzi second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

5) **CODE ENFORCEMENT OFFICER'S MARCH 2009 REPORT :**(REFER TO ADDENDUM # 3)

Motion to TABLE the CEO report until the May meeting. Motion made by Councilman Smaldone second by Councilman Vassello.

Discussion: Councilman Capozzi had questions about the Planning Board minutes. Councilman Capozzi also asked if the CEO report could include the addresses of where the permits were issued.

Motion unanimously approved to table the report.

6) **AUTHORIZE TO APPROVE BILLS:** RESOLVED, that the bills are presented for payment on Abstract 004-2009 from voucher # 275 through # 374.

FUND		TOTALS
A	General Fund	\$ 20,086.85
DA	Highway	\$ 5,553.83

SS	Sewer District	\$ 10,949.78
SWD	Water Storage & District	\$ 8,342.73
TOTAL		\$ 44,933.19

TOTALS		
ABSTRACT: 04 –2009; April 2009 voucher # 295 to 374		\$ 44,933.19
PRE-PAID –March. and April voucher # 275 to 294		\$ 56,367.61
APRIL - TOTAL		\$ 101,300.80

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

Discussion: None

Motion unanimously approved.

7.) PROTEST PETITION AGAINST PROPOSED LOCAL LAW 2-2009 LR ZONING DISTRICT:

(REFER TO ADDENDUM # 4) Jim Dennis- Whites Point: presented to the Town Board a Formal Protest Petition Against Zone change of the proposed Local Law 2-2009 “Amending the Code of the Town of Geneva Relative to a New Lake Residential Zoning District.” The petition consists of 14 pages and 138 signatures.

Supervisor Luckern stated that the survey showed that the residents overwhelmingly opposed the change.

8.) DEFEATED PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF GENEVA RELATIVE TO A NEW LAKE RESIDENTIAL ZONING DISTRICT:

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO: 5 - 2009

RESOLUTION AUTHORIZING ADOPTION BY THE GENEVA TOWN BOARD OF THE TOWN OF GENEVA OF LOCAL LAW NO. 2 OF 2009 WHICH WILL AMEND THE CODE OF THE TOWN OF GENEVA RELATIVE TO A NEW LAKE RESIDENTIAL ZONING DISTRICT

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on March 10, 2009, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law Amending the Code of the Town of Geneva Relative to a New Lake Residential Zoning District; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on February 24, 2009 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 10, 2009, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 2 of 2009, entitled, "A Local Law Amending the Code of the Town of Geneva Relative to a New Lake Residential Zoning District", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Lorrie Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva defeated the aforementioned resolution on April 14, 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: April 14, 2009

Lorrie S. Naegele, Town Clerk

9.) INTERMUNICIPAL COOPERATION AGREEMENT FOR LAW ENFORCEMENT

SERVICES: (REFER TO ADDENDUM # 5) Motion to approve a contract between Ontario County Sheriff's Department and the Town of Geneva for enhanced law enforcement services. The contract includes 16 additional hours of service from the Sheriff's Department at a cost not to exceed \$27,000.00. Motion to approve the contract made by Councilman Smaldone second by Councilman Larsen

Discussion: None

Motion unanimously approved.

10.) SUPERVISOR'S REPORT : Motion to accept the Supervisors report made by Councilman Smaldone second by Councilman Larsen.

- Town of Brighton is discussing Consolidated Services.
- Agreement with the Bonadio Group for Provisions of Financial Services for Casella.
- Modification of Payment Schedule for Casella.
- Authorization to Contract for Environmental Assessment Services for Casella.

Supervisor Luckern feels that the County should not pay for any of the above services for Casella. Motion unanimously approved.

11.) CORRESPONDENCE:

- a. Lt. Gallagher's Report (REFER TO ADDENDUM # 6)
- b. Communication from Town Clerk to the Department of Transportation. Notice of Action: The 50 mph signs on Kashong Road has been posted. (REFER TO ADDENDUM # 7)
- c. Letter from Ontario County Public Works. (REFER TO ADDENDUM # 8)

12.) **OLD BUSINESS**: Supervisor Luckern stated that the Town Attorney, County Attorney and DEC have begun the first steps towards cleaning up the Finks property.
Councilman Capozzi stated that the Noise Ordinance is in draft form.

13.) **NEW BUSINESS**: None

14.) **PRIVILEGE OF THE FLOOR**: None

15.) **ADJOURN**: Motion to adjourn the regular meeting was made by Councilman Smaldone and seconded by Councilman Capozzi.
Motion unanimously approved. Time: 7:24 P.M.

16.) **EXECUTIVE SESSION**: Motion to go into Executive session to discuss Town Hall personnel.
Motion made by Councilman Smaldone second by Councilman Capozzi.
Motion unanimously approved.

MEETING WAS ADJOURNED AT 7:24 P.M.

RESPECTFULLY SUBMITTED