

Regular Town Board Meeting

Geneva Town Board
3750 County Road #6
Geneva, NY 14456
DECEMBER 8, 2009

DRAFT

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

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

Others Present: David Achilles, Highway Superintendent; Mike Guyon, MRB Engineer; Eight residents and Craig Fox Reporter for the Finger Lakes Times.

1. CALL TO ORDER: Supervisor Luckern called the meeting to order at 7:00 P.M. The meeting was opened with the Pledge of Allegiance. Supervisor Luckern Congratulated Judge Dox on winning the election and she is looking forward to working with him. Followed by a round of applause.

2. ACCEPTANCE OF THE MINUTES: RESOLVED, that the Minutes of the Public Hearing on the 2010 Preliminary Budget and Local Fire District Contracts, November 9, 2009; Public Hearing on Dissolution of Water District #12 and Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, November 10, 2009 and Regular Town Board Meeting November 10, 2009 be approved and accepted. Motion made by Councilman Smaldone, second by Councilman Larsen.

Discussion: None
Motion unanimously approved.

3. RECEPTIONIST’S NOVEMBER 2009 REPORT: (REFER TO ADDENDUM # 1)
Motion to accept and approve made by Councilman Smaldone, second by Councilman Capozzi.

Discussion: None
Motion unanimously approved.

4. TOWN CLERK’S NOVEMBER 2009 REPORT: (REFER TO ADDENDUM # 2)
Motion to accept and approve made by Councilman Smaldone, second by Councilman Larsen.

Discussion: None
Motion unanimously approved.

5. CODE ENFORCEMENT OFFICER’S NOVEMBER 2009 REPORT :(REFER TO ADDENDUM # 3)
Motion to accept and approve made by Councilman Capozzi, second by Councilman Larsen.

Discussion: Code Enforcement Officer Bill McAdoo informed the Board that Black Friday went smoothly. The yearly Public Assembly Inspections have been completed and the 2010 Census is moving along. Councilman Smaldone asked when Wal-Mart would be completed. Bill replied, “approximately June 2010.” Supervisor Luckern said Councilman Capozzi had some concerns about how the Code Enforcement Officer’s report was being done and asked if more information could be added to the report for the Board.
Motion unanimously approved.

Supervisor Luckern diverted from the agenda to ITEM # 10

6. AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 012-2009 from voucher # 1116 through # 1237.

FUND

VOUCHER #

TOTALS

A	General Fund	(1196-1237)	\$ 41,009.66
DA	Highway	(1143-1167)	\$ 7,539.59
SS	Sewer District	(1168-1179)	\$ 3,402.52
SWD	Water Storage & District	(1180-1195)	\$ 10,901.67
TOTAL			\$ 62,853.44

TOTALS

ABSTRACT: 12 –2009; DECEMBER 2009 voucher # 1143 to 1237	\$ 52,986.08
PRE-PAID –November & December, voucher # 1116 to 1142	\$ 217,293.80
DECEMBER - TOTAL	\$ 280,147.24

Motion to approve bills made by Councilman Smaldone, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

7. RESOLUTION TO DISSOLVE AND DISCONTINUE WATER DISTRICT # 12: Motion for the adoption of Resolution No. 28-2009 made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 28-2009**

ORDER DISSOLVING WATER DISTRICT #12

At a regular meeting of the Town Board of the Town of Geneva, in the County of Ontario, New York, held at the Town Hall in the Town of Geneva on December 8, 2009.

PRESENT:

Mary Luckern, Supervisor
Edward Smaldone, Councilperson
Michael Vassello, Councilperson
Richard Larsen, Councilperson
Anthony Capozzi, Councilperson

X

In the Matter :

ORDER DISSOLVING
WATER DISTRICT #12

of the :

Dissolution of Water District # 12,
in the Town of Geneva,
County of Ontario, New York :

X

WHEREAS, the Town Board duly adopted on the 13th day of October, 2009, a resolution reciting that at least three (3) years have elapsed since the date of establishment of Water District #12 in the Town of Geneva, that no improvement has been constructed or service provided for Water District #12 at any time since the establishment thereof, that there is no indebtedness outstanding and unpaid incurred to accomplish any of the purposes of Water District #12 and that there are no contracts to accomplish the purpose of Water District #12 in force and effect, specifying the name and boundaries of Water District #12 and providing that said Town Board shall meet at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, on the 10th day of November, 2009, at 7:00 o'clock P.M., to hold a public hearing to consider said dissolution and hear all persons interested in the subject thereof concerning the same, and

WHEREAS, notice of said public hearing was duly published and posted as prescribed by law, and said Town Board has, at the time and place specified in said resolution, duly met and considered the matter of such dissolution and discontinuance, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same.

NOW, THEREFORE, BE IT ORDERED, that the Town Board does hereby determine that it is in the public interest to dissolve and discontinue Water District #12; and

BE IT FURTHERED ORDERED, that the Town Board does hereby dissolve and discontinue Water District #12 of the Town of the Geneva, effective immediately.

Dated: December 8, 2009

Mary Luckern, Supervisor

Edward Smaldone, Councilperson

Michael Vassello, Councilperson

Richard Larsen, Councilperson

Anthony Capozzi, Councilperson

8. RESOLUTION NO. 29-2009 ADOPTION OF THE ONTARIO COUNTY-JURISDICIONAL ALL HAZARD MITIGATION PLAN: Motion for the adoption of Resolution No. 29-2009 made by Councilman Smaldone, second by Councilman Larsen.

Discussion: None

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION: 29- 2009**

Adoption of the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan

WHEREAS, Town of Geneva, in coordination with Ontario County Municipalities, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help communities:

- Protect life, safety, and property by reducing the potential for future damages and economic losses resulting from natural hazards;
- Qualify for additional pre-disaster and post-disaster grant funding;
- Facilitate recovery and redevelopment following future disaster events;
- Demonstrate a commitment to hazard mitigation principles; and
- Comply with New York State and Federal legislative requirements; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Plan was financed in part by a Pre-Disaster Mitigation Grant through the Federal Emergency Management Agency and the New York State Emergency Management Office. The Ontario County Planning Department and participating municipalities provided the required grant match through in-kind service; and

WHEREAS, In March 2009, the Federal Emergency Management Agency granted approval of the plan pending adoption by each of the participating municipalities; and

WHEREAS, Town of Geneva is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Town of Geneva has reviewed the Plan and commits to review and update the Plan as required; now, therefore, be it

RESOLVED by the Town of Geneva Board that Town of Geneva adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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 December 8, 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: December 8, 2009

Lorrie S. Naegele, Town Clerk

9. TOWN OF SENECA/TOWN OF GENEVA WATER AGREEMENT: (REFER TO ADDENDUM # 4)

Motion to approve the Town of Seneca/Town of Geneva Water Agreement made by Councilman Capozzi, second by Councilman Smaldone.

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 December 8, 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: December 8, 2009

Lorrie S. Naegele, Town Clerk

10. DRAFT A LOCAL LAW TO AMEND THE TOWN OF GENEVA CODE FOR KENNELS:

Motion to direct the Attorney for the Town to draft a Local Law to amend the Town of Geneva Code for the Kennel Code Modifications. Motion to **TABLE** and send back to the Planning Board made by Supervisor Luckern, second by Councilman Larsen.

Discussion: Councilman Larsen stated that there were no guidelines for the Zoning Board to go by.

Supervisor Luckern agreed and thought that the code was incomplete. After a lengthy discussion the Board felt the code should be sent back to the Planning Board for more in-depth study.

Motion unanimously approved to **TABLE**.

Supervisor Luckern diverted from the agenda to ITEM # 6

11. RESOLUTION NO. 30-2009 AUTHORIZING "PERMISSION TO LAND USE": Motion for the adoption of Resolution No. 30-2009 made by Councilman Capozzi, second by Supervisor Luckern.

Discussion: Highway Superintendent David Achilles explained to the Board that the County is going to be doing the work. Councilman Larsen had concerns with this resolution in that the Town would be held accountable and liable and not the County. Attorney Jeff Graff stated that the County wanted something in writing since it's on a Town Road and Town Property. David Achilles explained that it is all private property and private road.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD**

RESOLUTION NO. 30 –2009

WHEREAS, the properties along Braewood Lane in the Town of Geneva are not served by public water; and

WHEREAS, the property owners located at 4086 Braewood Lane have allowed a dry hydrant to be installed on their property for purposes of aiding in fire protection of the properties located on Braewood Lane; and

WHEREAS, this dry hydrant is fed by a pond located on this property; and

WHEREAS, the Town of Geneva recognizes that use of the pond and the dry hydrant on this private property for purposes of fire protection provides for the general welfare and safety of the public; and

WHEREAS, the Town of Geneva has determined that this pond needs to be dredged for proper and efficient functioning of the dry hydrant; and

WHEREAS, the County of Ontario intends to provide assistance in the dredging of this pond.

NOW THEREFORE, BE IT RESOLVED, that the Town of Geneva approves the use of Town employees and equipment for purposes of dredging the pond located at 4086 Braewood Lane in the Town of Geneva; and be it further

RESOLVED, that the Town Board agrees to the terms contained in the "Permission to Use Land" agreement, attached hereto and made a part of this resolution, authorizing the Town to go onto this property for purposes of dredging the pond and authorizes the Town Supervisor to sign this agreement

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 December 8, 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: December 8, 2009

Lorrie S. Naegele, Town Clerk

12. 2010 DOG CONTROL SERVICES BETWEEN THE TOWN OF GENEVA AND ONTARIO COUNTY: (REFER TO ADDENDUM # 5) Motion to approve an agreement for the 2010 Dog Control Services between the Town of Geneva and Ontario County made by Councilman Smaldone, second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

12A. SUPERVISOR'S REPORT:

1. Property sales tax rate of 6.25% per thousand.
2. County Clerk received a grant to process deeds from 1789 – 1972 onto a database for easy access.
3. FLCC- Victor Campus is ahead of schedule, the facility will be ready for the spring 2010 semester.

Main Campus project is organized in two phases. Construction bids should be presented to the Board of Supervisors for approval early in 2010. Geneva Campus Project: JMZ Architects developed 4 design and cost options and there have been no decisions made at this time.

Motion to accept the Supervisors report made by Councilman Smaldone, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

13. CORRESPONDENCE:

- 1) Lt. Gallagher's report

14. OLD BUSINESS: None

15. NEW BUSINESS: **Special Meeting Monday December 28, 2009 at 12:00 noon**, to take care of final business and close out 2009 books. **Organizational Meeting** Tuesday January 5, 2010 at 6:00 p.m. followed by the **Regular Meeting**.

16. TOWN CLOSING: All Town of Geneva Offices will be closed on Thursday, December 24, 2009 Motion to close the Town Hall at noon on December 31, 2009 made by Councilman Larsen, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

Supervisor Luckern recognized the following people:

Mike Guyon has taken a position in the Town of Brighton and was employed by MRB and worked for the Town for many years. The Board thanked Mike for his faithful service to the Town of Geneva and he will be missed.

Councilman Mike Vassello has done an outstanding job and worked very hard for the Town and he will be missed and the Board wishes him well.

Councilman Edward Smaldone has been on the Town Board for 32 years and Deputy Supervisor for the last ten years. He has used his knowledge and expertise to aid the Town Board and the Town. The Board wishes him well.

17. PRIVILEGE OF THE FLOOR: None

18. EXECUTIVE SESSION: Motion to adjourn made by Councilman Smaldone, second by Councilman Vassello.

Discussion: None

Motion unanimously approved.

7:50 P.M.

RESPECTFULLY SUBMITTED