

Regular Town Board Meeting

Geneva Town Board
3750 County Road #6
Geneva, NY 14456
October 13, 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; Eleven 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.

2) **SENECA TERRACE'S 10TH ANNIVERSARY**: Motion to recognize Seneca Terrace's 10th Anniversary made by Councilman Smaldone second by Councilman Larsen.

Discussion: Supervisor Luckern mentioned how impressed she was with the layout.

Motion unanimously approved.

Supervisor Luckern also thanked the Town Board for their support financially, and also thanked Beverly Young, Chairperson, and the committee that work extremely hard for the Harvest Festival. The town employees, Highway Department and Water & Sewer Department all worked together to make the Harvest Festival such a success as well.

3) **ACCEPTANCE OF THE MINUTES**: RESOLVED, that the Minutes of the Public Hearing September 8, 2009 for adopting of a Farm Protection Plan, Public Hearing September 8, 2009 for the Demolition of Finks Garage, the Regular Meeting September 8, 2009 and the Special Town Board Meeting September 28, 2009 be approved and accepted. Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: Supervisor Luckern asked to have changes made on the September 8, Regular Town Board Meeting minutes; item #11 remove "and that the Town would no longer have its own assessor" she mis-spoke. The Town will always have its own assessor. Item # 21 to add "Supervisor Luckern had already spoke to Carole Higgins about the letter of concerns that she had".

Motion unanimously approved.

4) **RECEPTIONIST'S SEPTEMBER 2009 REPORT**: (REFER TO ADDENDUM # 1)

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

Discussion: None

Motion unanimously approved.

5) **TOWN CLERK'S SEPTEMBER 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 SEPTEMBER 2009 REPORT : (REFER TO ADDENDUM # 3)

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

Discussion: None

Motion unanimously approved.

7) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 010-2009 from voucher # 881 through # 998.

FUND	VOUCHER #	TOTALS
A	General Fund (967-998)	\$ 24,069.48
DA	Highway (915-934)	\$ 9,075.85
SS	Sewer District (935-949)	\$ 5,214.69
SWD	Water Storage & District (950-966)	\$ 25,934.56
TOTAL		\$ 64,294.58
TOTALS		
ABSTRACT: 10 -2009; OCTOBER 2009 voucher # 915 to 998		\$ 64,294.58
PRE-PAID -September & October voucher # 881 to 914		\$ 31,349.97
OCTOBER - TOTAL		\$ 95,644.55

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

Discussion: Councilman Larsen asked to remove Voucher # 970 for Finger Lakes Tech Group Inc. for the amount of \$791.25. Supervisor Luckern agreed because she did not agree with the amount charged for fixing the phones.

Motion unanimously approved.

8) BERNIE REED'S RESIGNATION AS SECRETARY TO PLANNING & ZONING BOARDS: Motion to accept with regret Bernie Reed's resignation as Secretary to the Planning and Zoning Boards. Motion made by Councilman Smaldone second by Councilman Capozzi.

Discussion: Supervisor Luckern stated that Bernie had worked for the Town for 10 years in that position.

Motion unanimously approved.

9) APPOINT RALPH CHESTER TO BOARD OF ASSESSMENT REVIEW: Motion to Appoint Ralph Chester to a 5-year term on the Board of Assessment Review from October 1, 2009 – September 30, 2014.

Motion made by Councilman Smaldone second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

10) RESOLUTION NO. 22-2009: Motion Authorizing scheduling a Public Hearing for dissolution of Water District #12 made by Councilman Vassello second by Councilman Smaldone.

Discussion: Councilman Larsen asked about the houses on Hastings Road past Braewood Lane if they would be included in the modified water district. Mike Guyon, engineer from MRB will look into it and report back.

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING
DISSOLVING WATER DIST. #12**

WHEREAS, at least three (3) years have elapsed since the date of establishment of Water District #12 (“District”) in the Town of Geneva; and

WHEREAS, no improvement has been constructed or service provided for the District at any time since the establishment thereof; and

WHEREAS, there is no indebtedness outstanding and unpaid incurred to accomplish any of the purposes of the District; and

WHEREAS, there are no contracts to accomplish the purpose of the District in force and effect; and

WHEREAS, the District boundaries are set forth in Schedule A, attached hereto; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposal to dissolve the District; now, therefore, be it

RESOLVED that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to hear all persons interested in the possible dissolution of the District, to be held on the 10th day of November, 2009, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and, be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Geneva sign board; and, be it further

RESOLVED that the town clerk be, and she hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "1".

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 October 13, 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: October 13, 2009

Lorrie S. Naegele, Town Clerk

Schedule A

Legal Description of the Boundaries of Water District No. 12

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Geneva, County of Ontario, State of New York, as shown on a map prepared by MRB group, P.C. dated July 2004, entitled "Water District No. 12", and being more particularly described as follows:

Beginning at a point in the existing centerline of Pre-emption Road at its intersection with the westerly extension of the existing common division line between Tax Map Parcel (TMP) 119.00-1-15.121 with TMP 119.00-1-13.12; thence,

- 1.) Easterly, along the last mentioned westerly extension, and along the southerly bounds of an existing Water District Extension No. 5 to Water District No. 3, a total distance of 916± feet to a point; thence,
- 2.) Southerly, through lands of TMP 119.00-1-15.121, crossing Barracks Road, and through lands of TMP 119.00-1-40.11, TMP 119.00-1-41.112 and TMP 133.00-1-8.1, a distance of 8,469± feet to a point at its intersection with the existing southerly line of TMP 133.00-1-8.1 and the existing common division line between TMP 13.00-1-4.2 with TMP 133.00-1-4.1; thence,
- 3.) Continuing southerly, along the existing common division line between TMP 133.00-1-4.2 with TMP 133.00-1-4.1, and its southerly extension thereof, a distance of 1,334± feet to a point at its intersection with the existing centerline of Snell Road; thence,
- 4.) Westerly, along the last mentioned existing centerline of Snell Road, a distance of 221± feet to a point its intersection with the northerly extension of the existing common division line between TMP 133.00-1-69 with TMP 133.00-1-71.1; thence,
- 5.) Southerly, along the last mentioned northerly extension, through lands of TMP 133.00-1-71.1, and also along the existing common division line between TMP 133.00-1-69 with TMP 133.00-1-71.1, a distance of 605± feet to a point; thence,
- 6.) Southerly, through lands of TMP 133.00-1-69, a distance of 1,456± feet to a point at its intersection with the existing common division line between TMP 133.00-1-69 with TMP 133.00-1-68; thence,
- 7.) Southerly, along the last mentioned existing common division line, and along the existing common division line between TMP 133.00-1-69 with TMP 133.00-1-67.1, and its southerly extension, a distance of 631± feet to a point at its intersection with the existing centerline of Billsboro Road; thence,
- 8.) Westerly, along the last mentioned existing centerline of Billsboro Road, a distance of 220± feet to a point at its intersection with the northerly extension of the existing common division line between TMP 133.00-1-61 with TMP 133.00-1-60; thence,
- 9.) Southerly, along the last mentioned northerly extension, a distance of 519± feet to a point at its intersection with the existing common division line between TMP 133.00-1-60 with TMP 147.00-1-1.121; thence,
- 10.) Easterly, along the last mentioned existing common division line, a distance of 940± feet, to a point; thence,
- 11.) Southerly, through lands of TMP 147.00-1-1.121, a distance of 1,255± feet to a point at its intersection with the southerly line of TMP 147.00-1-1.121 and the existing common division line between TMP

- 12.) 147.00-1-1.27.1 with TMP 147.00-1-28; thence along said existing common division line the following four (4) described courses and distances,
- 13.) Southerly, a distance of 391± feet to an angle point; thence,
- 14.) Southerly, a distance of 482± feet to an angle point; thence,
- 15.) Easterly, a distance of 324± feet to an angle point; thence,
- 16.) Southerly, a distance of 749± feet to a point at its intersection with the existing northerly right of way line of Armstrong Road; thence,
- 17.) Southerly, crossing Armstrong Road, a distance of 61± feet to a point in the existing southerly right of way line at its intersection with the existing common division line between TMP 147.00-1-27.1 with TMP 147.00-1-29; thence,
- 18.) Southerly, along the last mentioned existing common division line, and along the existing common division line between TMP 147.00-1-29 with TMP 147.00-1-31, a distance of 1,668± feet to a point at its intersection with the existing common division line between TMP 147.00-1-30 with TMP 147.00-1-29; thence,
- 19.) Easterly, along the last mentioned existing common division line, a distance of 1,694± feet to a point; thence,
- 20.) Southerly, continuing along the existing common division line between TMP 147.00-1-30 with TMP 147.00-1-29, and also along the existing common division line between TMP 147.00-1-17.1 with TMP 147.00-1-4.1, a portion also being the westerly bounds of an existing West Lake Road Water District, a distance of 2,018± feet to a point at its intersection with the existing common division line between TMP 147.00-1-17.1 with TMP 147.00-1-18.1; thence,
- 21.) Westerly, along the last mentioned existing common division line, a distance of 1,668± feet to a point at its intersection with the northerly extension of the existing common division line between TMP 147.00-1-19 with TMP 161.00-1-2; thence,
- 22.) Southerly, through lands of TMP 147.00-1-18.1, and along the last mentioned northerly extension, crossing Reed Road, and along the existing common division line between TMP 147.00-1-19 with TMP 161.00-1-2, a distance of 2,512± feet to a point at its intersection with the existing common division line between TMP 161.00-1-48.1 with TMP 161.00-1-2; thence,
- 23.) Easterly, along the last mentioned existing common division line a distance of 1,736± feet to a point at its intersection with the existing common division line between TMP 161.00-1-48.1 with TMP 161.00-1-4.1; thence continuing along the existing common division line the following two (2) described courses and distances,
- 24.) Southerly, a distance of 103± feet to a point; thence,
- 25.) Easterly, a distance of 124± feet to a point at its intersection with the existing common division line between TMP 161.00-1-48.1 with TMP 161.00-1-49.1; thence,

- 26.) Southerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-49.1, and the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-50, a distance of 3,090± feet to a point; thence,
- 27.) Westerly, continuing along the last mentioned existing common division line, a distance of 335± feet to a point; thence,
- 28.) Southerly, continuing along the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-50, and also along the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-51.11, a distance of 1,585± feet to a point at its intersection with the northerly bounds of an existing West Lake Road Water District; thence along said water district extension boundary the following eight (8) described courses and distances,
- 29.) Westerly, along the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-51.11, a distance of 559± feet to a point at its intersection with the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-62; thence,
- 30.) Northerly, along the existing last mentioned common division line, a distance of 1,550± feet to a point; thence,
- 31.) Westerly, continuing along the existing common division line, a distance of 2,229± feet to a point at its intersection with the existing common division line between TMP 161.00-1-66.11 with TMP 161.00-1-65; thence,
- 32.) Southerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 161.00-1-64 with TMP 161.00-1-62 , a distance of 598± feet to a point at its intersection with the existing common division line between TMP 161.00-1-64 with TMP 161.00-1-63; thence,
- 33.) Westerly, along the last mentioned existing common division line, and its westerly extension, a distance of 886± feet to a point at its intersection with the existing centerline of the Pre-emption Road; thence,
- 34.) Southwesterly, along the existing centerline of Pre-emption Road, a distance of 1,609± feet to its intersection with the existing centerline of Kashong Road; thence,
- 35.) Southwesterly, a distance of 65± feet to a point in the existing westerly right of way line of Kashong Road at its intersection with the existing common division line between TMP 161.00-1-43 and TMP 161.00-1-41.1; thence,
- 36.) Westerly, along the last mentioned existing common division line between TMP 161.00-1-43 and TMP 161.00-1-41.1, a distance of 1,711± feet to a point at its intersection with the existing municipal boundary between the Town of Geneva on the east and the Town of Seneca on the west; thence,
- 37.) Northerly, along the last mentioned municipal boundary, a distance of 9,581± feet to a point at its intersection with the existing common division line between TMP 147.00-1-21.13 and 147.00-1-24; thence along said existing common division line the following five (5) described courses and distances,
- 38.) Easterly, a distance of 34± feet to a point; thence,
- 39.) Northerly, a distance of 208± feet to a point; thence,

- 40.) Easterly, a distance of 505± feet to a point; thence,
- 41.) Northerly, a distance of 31± feet to a point; thence,
- 42.) Easterly, a distance of 352± feet to a point; thence,
- 43.) Northerly, continuing along the existing common division line between TMP 147.00-1-21.13 with TMP 147.00-1-24, and also along the existing common division line between TMP 147.00-1-22 with TMP 147.00-1-24, the existing common division line between TMP 147.00-1-22 with TMP 147.00-1-23 and its northerly extension, crossing Ansley Road, a distance of 1,134± feet to a point at its intersection with the existing northerly right of way line of said Ansley Road, also being the southerly bounds of an existing Water District No. 11; thence along said existing water district boundary the following two (2) described courses and distances,
- 44.) Easterly, along the last mentioned existing northerly right of way line of Ashley Road, a distance of 726 feet to a point at its intersection with the existing common division line between TMP 147.00-1-27.1 with TMP 147.00-1-26; thence,
- 45.) Northerly, along the last mentioned existing common division line, a distance of 1,323± feet to a point; thence,
- 46.) Continuing northerly, through lands of TMP 147.00-1-1.121, crossing Billsboro Road, and through lands of TMP 147.00-1-1.121, a distance of 4,288± feet to a point at its intersection with the existing common division line between TMP 147.00-1-1.121 with TMP 133.00-1-73; thence,
- 47.) Continuing northerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 147.00-1-1.121 with TMP 133.00-1-3.21, a distance of 1,093± feet to a point; thence,
- 48.) Continuing northerly, through lands of TMP 133.00-1-3.21, a distance of 439± feet to a point at its intersection with the existing common division line between TMP 133.00-1-3.21 with TMP 133.00-1-3.1; thence,
- 49.) Continuing northerly, along the last mentioned existing common division line and its northerly extension, a distance of 1,235± feet to a point at its intersection with the existing common division line between TMP 133.00-1-3.21 with TMP 133.00-1-1.1; thence,
- 50.) Easterly, along the last mentioned existing common division line, a distance of 1,082± feet to a point at its intersection with the southerly extension of the existing common division line between TMP 133.00-1-1.1 with TMP 133.00-1-2; thence,
- 51.) Northerly, through lands of TMP 133.00-1-1.1, and along the last mentioned southerly extension, and the existing common division line between TMP 133.00-1-1.1 with TMP 133.00-1-2, crossing Haley Road, and through lands of TMP 119.00-1-46.121, a distance of 3,079± feet to a point at its intersection with the existing common division line between TMP 119.00-1-46.121 with TMP 119.00-1-70.11; thence,
- 52.) Westerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 119.00-1-46.121 with TMP 119.00-1-48.1, a distance of 933± feet to a point

- 53.) at its intersection with the existing common division line between TMP 119.00-1-48.1 with TMP 119.00-1-47; thence along said existing common division line the following two (2) courses and distances,
- 54.) Northerly, a distance of 384± feet to a point; thence,
- 55.) Westerly, a distance of 953± feet to its intersection with the existing common division line between TMP 119.00-1-48.1 with TMP 119.00-1-59.11; thence along said existing common division line the following two (2) courses and distances; thence,
- 56.) Northerly, a distance of 462± feet to a point; thence,
- 57.) Easterly, a distance of 815± feet to a point at its intersection with the existing common division line between TMP 119.00-1-59.11 with TMP 119.00-1-59.2; thence,
- 58.) Northerly, along the last mentioned existing common division line, a distance of 270± feet to a point; thence,
- 59.) Northerly, through lands of TMP 119.00-1-59.11, a distance of 40± feet to a point at its intersection with the existing common division line between TMP 119.00-1-59.11 with TMP 119.00-1-59.12; thence,
- 60.) Northerly, along the last mentioned existing common division line, a distance of 347± feet to a point at its intersection with the existing common division line between TMP 119.00-1-59.12 with TMP 119.00-1-60.1; thence,
- 61.) Easterly, along the last mentioned existing common division line, and also along the existing common division line between TMP 119.00-1-60.1 with TMP 119.00-1-57.1, a distance of 277± feet to a point; thence,
- 62.) Northerly, continuing along the last mentioned existing common division line, and also along the existing common division line between TMP 119.00-1-60.1 with TMP 119.00-1-56, and its northerly extension, a distance of 1,771± feet to a point at its intersection with the existing centerline of Hastings Road; thence,
- 63.) Westerly, along the last mentioned existing centerline of Hastings Road, a distance of 227± feet to a point at its intersection with the southerly extension of the existing common division line between TMP 119.00-1-70.5 with TMP 119.00-1-62; thence,
- 64.) Northerly, along the last mentioned southerly extension, and also along the existing common division line between TMP 119.00-1-70.5 with TMP 119.00-1-62, a distance of 949± feet to a point at its intersection with the existing common division line between TMP 119.00-1-70.5 with TMP 119.00-1-6; thence,
- 65.) Easterly, along the last mentioned existing common division line, a distance of 641± feet to a point at its intersection with the existing common division line between TMP 119.00-1-10.1 with TMP 119.00-1-6; thence,

- 66.) Northwesterly, along the last mentioned existing common division line, a distance of 1,756± feet to a point at its intersection with the existing common division line between TMP 119.00-1-10.1 with TMP 119.00-1-9.1; thence,
- 67.) Westerly, along the last mentioned existing common division line, a distance of 29± feet to a point at its intersection with the existing common division line between TMP 119.00-1-9.1 with TMP 119.00-1-8, also being the southerly bounds of an existing Water District No. 10; thence,
- 68.) Northeasterly, along the last mentioned existing common division line and existing water district boundary, a distance of 656± feet to a point at its intersection with the existing common division line between TMP 119.00-1-9.1 with TMP 119.00-1-9.2; thence,
- 69.) Easterly, along the last mentioned existing common division line, a distance of 1,136± feet to a point at its intersection with the westerly bounds of an existing Water District Extension No. 5 to Water District No. 3; thence along said existing water district extension boundary the following three (3) described courses and distances,
- 70.) Southerly, through lands of TMP 119.00-1-9.1, and along the existing common division line between TMP 119.00-1-10.1 with and TMP 119.00-1-12.1, a distance of 864± feet to a point; thence,
- 71.) Easterly, continuing along the last mentioned existing common division line between TMP 119.00-1-10.1 with and TMP 119.00-1-12, and its easterly extension, a distance of 430± feet to a point at its intersection with the existing centerline of the Pre-emption Road; thence,
- 72.) Southerly, along the last mentioned existing centerline, a distance of 471± feet to the Point and Place of Beginning, containing 101,517,271± square feet or 2,330± acres of land, more or less.

11) RESOLUTION NO. 23-2009: Motion to direct the owners of the property at 836 Route 5 & 20 to demolish and remove the former garage building on such property within 90 days made by Councilman Smaldone second by Councilman Larsen.

Discussion: None

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 23 -2009**

WHEREAS, Town Code Enforcement Officer, William N. McAdoo, prepared a written report to this Town Board dated June 12, 2009 (hereafter referred to as the “Report”) which Report detailed his recommendation based on an inspection of the property located at 836 Route 5 and 20, Town of Geneva and the building located thereon consisting of a former garage (which property and building are hereinafter referred to as the “Property”), which inspection was conducted on May 12, 2009 by Floyd O. Herrick, Jr., P.E., CEO McAdoo and Mike Guyon of MRB Group, (said inspection hereinafter referred to as the “Inspection”) for purposes of complying with Chapter 68 of the Code of the Town of Geneva – Unsafe Buildings; and

WHEREAS, based on his personal observations during the Inspection, Mr. Herrick had formed the following opinions:

- a. The building on the Property is in “an obvious state of collapse and presents a dangerous situation for anyone who is working around it or in it.” and
- b. Because the extent of damage to the structure encompasses such a large percentage of the building, repair and restoration does not appear to be a viable solution; and

WHEREAS, CEO McAdoo recommended to the Town Board, pursuant to Section 68-3 of the Town Code, that, due to the extent of structural damage that is detailed in the Herrick report, demolition of the building appears to be the only option; and

WHEREAS, this Town Board had fully considered the Report, the opinions and recommendation of CEO McAdoo contained in his Report and the Inspection Report prepared by Mr. Herrick; and

WHEREAS, by resolution of the Town Board adopted on July 17, 2009 and identified as Resolution No. 15-2009, this Board concurred with CEO McAdoo’s recommendation in his Report and the findings and opinions set forth in the Inspection Report prepared by Mr. Herrick, found that the former garage building on the Property is dangerous to the health and safety of the public and ordered that the former garage building on the Property be demolished and removed from the Property; and

WHEREAS, by that same resolution, the Town Board scheduled a hearing before this Town Board on September 8, 2009 at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Town of Geneva, in relation to such dangerous and unsafe building; and

WHEREAS, all notices required by law were properly served upon the persons and in the manner provided in Chapter 68 of the Code of the Town of Geneva – Unsafe Buildings, properly filed and otherwise properly given according to law; and

WHEREAS, the Town Board held the aforesaid hearing on September 8, 2009 at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Town of Geneva and neither the owners of the aforesaid Property nor any representative of the owners spoke, offered any testimony nor offered any evidence in relation to this matter.

NOW THEREFORE, BE IT RESOLVED, that the Resolution of the Town Board, made in Resolution No. 23 – 2009 on October 13, 2009, finding that the former garage building on the Property is dangerous to the health and safety of the public and ordering that the former garage building on the Property be demolished and removed from the Property, is hereby continued; and be it further

RESOLVED, that the owners of the Property are hereby directed to demolish and remove the former garage building on the Property within 90 days of the adoption of this Resolution; and be it further

RESOLVED, that a copy of this resolution shall be sent to the owners of the Property immediately following its adoption.

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 October 13, 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
Anthony Capozzi

 X _____
 X _____

Dated: October 13, 2009

Lorrie S. Naegele, Town Clerk

12) RESOLUTION NO. 24-2009-PEOPLE’S CONVENTION OF REFORM OF THE NEW YORK

ACT: (ADDENDUM # 5) Motion made by Councilman Capozzi second by Councilman Smaldone.

Discussion: Supervisor Luckern explained that this is to hold a “People’s Convention” to reform State government. Councilman Larsen stated that the cost would be around \$12 to \$15 million, including delegate and support staff salaries, travel and lodging expenses, facility costs and printing expenses (assuming the convention is approximately 22 weeks long).

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 24 –2009**

**RESOLUTION SUPPORTING THE PEOPLE’S CONVENTION OF REFORM OF THE NEW YORK
ACT**

Whereas, tough economic times and New York State’s tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by questions of gubernatorial succession, leadership fighting and political dysfunction; and

Whereas, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

Whereas, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative actions; and

Whereas, our state, our nation and the world have changed dramatically in the past forty-two years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

Whereas, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected officials have exposed flaws and weaknesses in our current constitution on these issues; and

Whereas, families and business have been forced to cut back, while New York state government continues to spend beyond its means and force unfounded mandates on already overburdened local governments and taxpayers; and

Whereas, in the face of the most challenging economic environment since the Great Depression, the people of New York have little confidence that the state government, as currently structured, is responsive to their wants, needs, of principal concerns; and

Whereas, the people of New York have expressed their desire to hold a “People’s Convention” to reform State government, as evidenced by recent Quinnipiac University and Siena college research polls, showing more than 60 percent of voters supporting a People’s Convention to Reform New York; and

Whereas, the people must act now to thwart the dysfunction in Albany, and convene a People’s convention to take New York State government back; and

Whereas, Members of the state Legislature have introduced “The People’s Convention to Reform New York Act” which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests influence over delegates, and requires state or local elected officials or officers or party officials to vacate their post upon being elected delegate; and

Whereas, While the Constitution empowers the elected delegates to set the convention agenda for “The People’s Convention to Reform New York”, we ask that the delegates consider government reforms such as a state spending cap and property tax cap, restrictions on unfounded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession of the governorship and lieutenant governorship and elections to fill elected state office vacancies; and now, **therefore, be it**

Resolved, That this Legislative Body pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the “People’s Convention to Reform New York Act”, which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and **be it further**

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to the Minority Leaders of the Assembly and Senate.

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 October 13, 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: October 13, 2009

Lorrie S. Naegele, Town Clerk

13) SANITARY SEWER EXTENTION ON BRIAN DRIVE: (ADDENDUM # 6) Motion that the Town of Geneva accept the sanitary sewer extension on Brian Drive made by Councilman Larsen second by Councilman Smaldone.

Discussion: Since the sanitary sewer extension has been completed, they are requesting that the system be accepted by the Town for dedication. The sanitary sewer easements upon lands of McMichael and Manning will be assigned to the Town upon acceptance of the system.

Motion unanimously approved.

14) PUBLIC HEARING FOR ONTARIO COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN:

Motion to set a Public Hearing for 7:00 PM on November 10, 2009 at 3750 County Road # 6, Geneva, New York, made by Councilman Vassello second By Councilman Smaldone.

Discussion: None

Motion unanimously approved.

15) PLANNED UNIT DEVELOPMENT (PUD)

Motion to TABLE the recommended approval by the Planning Board; they have reviewed the (PUD) for High Acres at Seneca Lake. Motion made by Councilman Capozzi second by Councilman Larsen.

Discussion: Jeff Graff, Town Attorney explained the PUD Law and Code specifies that the Planning Board have to formally approve it, not just give a recommendation. Councilman Capozzi stated that he wants to see the conditions in writing from the Planning Board to review.

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 October 13, 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: October 13, 2009

Lorrie S. Naegele, Town Clerk

16) SUPERVISOR’S REPORT:

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

Discussion: Board of Supervisors voted on the General Efficiency Grant and it passed. The Board of Supervisor Chairman’s term is for one year, and the recommendation was to change it to two years, which was voted down. The County has approved to add more personnel to the Sheriffs Department. The County Public Safety Committee is concerned with the people in violation of state probation and put into the County Jail. The previous procedure was the state would pay to house them there. The new regulations state that they do not have to pay for them. The County is still looking into the Cold War Veterans and trying to get tax cuts for them.

Motion unanimously approved.

17) CORRESPONDENCE:

1. Lt Gallagher’s Report (ADDENDUM # 7)
2. Information on Public Water Supply from the D.O.H. Supply

18) OLD BUSINESS:

1. Report on Farm Protection Plan: The Town is working with the State on this plan.
2. Dry Hydrant on Braewood Lane: Ontario County Water & Soil Department is looking into dredging out the pond in November for fire protection.

19) NEW BUSINESS:

1. Special Meetings

HIGHWAY 2009 BUDGET INCREASE & BUDGET WORKSHOP- Monday, October 26, 2009 at 7:00 PM

2. PUBLIC HEARING ON 2010 BUDGET- Monday, November 9, 2009 at 7:00 PM

20) PRIVILEGE OF THE FLOOR:

Sophie Elkin West Lake Rd: Spoke about concerns with her tax bill and her assessment. Supervisor Luckern directed her to call the Assessor and he could answer all of her questions. Sophie agreed to speak with John Lynch the Assessor.

Robert Gringeri, West Lake Road: Concerned with the speed limit on State Route 14 South by Bay View Terrace and believes it needs to be lowered. Supervisor Luckern said she would write letters to Senator Michael F. Nozzolio and Assemblyman Brian M. Kolb and make a resolution.

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

Discussion: None

Motion unanimously approved.

7:50 P.M.
RESPECTFULLY SUBMITTED