

Regular Town Board Meeting

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

DRAFT

April 13, 2010

PRESENT: Supervisor Mary E. Luckern
Councilman Anthony Capozzi
Councilman Richard Larsen
Councilman Patrick Riley
Councilman George Smith
Attorney for the Town Jeff Graff

Recording Secretary: Lorrie S. Naegele, Geneva Town Clerk
The actions described below are not necessarily listed in order of occurrence.

Others Present: David Achilles, Highway Superintendent; Ryan Colvin, MRB Engineer; Charlie Bracko, Water & Sewer Superintendent; Melissa Nault, Planning Board Chair; Bill McAdoo, Code Enforcement Officer; Shelly Marquart, Deputy Town Clerk; Thirty residents and no reporter for the Finger Lakes Times.

1) **CALL TO ORDER:** The meeting was called to order, at 7:17 p.m. by Supervisor Luckern. The meeting was opened with the Pledge of Allegiance.

2) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the minutes of the Regular Meeting March 9, 2010 and the Special Meeting March 29, 2010 be approved and accepted. Motion made by Councilman Riley, second by Councilman Larsen.

Discussion: None
Motion unanimously approved.

3) **TOWN CLERK'S MARCH 2010 REPORT:** (REFER TO ADDENDUM # 1)
Motion to accept and approve made by Councilman Larsen, second by Councilman Smith.

Discussion: None
Motion unanimously approved.

4) **CODE ENFORCEMENT OFFICER'S MARCH 2010 REPORT:** (REFER TO ADDENDUM # 2)
Motion to accept and approve made by Councilman Capozzi, second by Councilman Smith.

CEO Bill McAdoo discussed that Wal-Mart will be putting in the turning lane next week and also to call this phone number 866-872-6868 if you did not receive a 2010 Census form.

Discussion: Councilman Riley had received a couple of complaints:
●205 Carter Road: (junk and debris) Councilman Riley stated that the cleanup is moving very slow. CEO Bill McAdoo stated that he has met with the property owner and has given him 30 days which will be May 14th 2010 to complete the clean up.
●235 Lyons Road: (dirt pile) Councilman Riley stated the wind is blowing the dirt across the road onto houses and cars. CEO Bill McAdoo stated that the property owner has moved the pile so that it is not in the pathway of the houses across the street. Supervisor Luckern stated that she understood that the pile of dirt was to be removed, not just moved. Supervisor Luckern also stated that this property owner has received notices yearly and she would really like this taken care of now. Bill will meet with the property owner and will write up a list and go over it with the property owner and have the Town Attorney review the issues also.
Motion unanimously approved.

5) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 04-2010 from voucher # 260 through # 383.

FUND	VOUCHER #	TOTALS
A	General Fund (336 to 383)	\$ 59,326.79
DA	Highway (281 to 304)	\$ 6,293.82
SS	Sewer District (305 to 318)	\$ 8,680.39
SWD	Water Storage & District (319 to 335)	\$ 12,460.23
TOTAL		\$ 86,761.23
TOTALS		
ABSTRACT: 4 –2010; APRIL 2010 voucher # 281 to 383		\$ 86,761.23
PRE-PAID –March & April, voucher # 260to 280		\$ 26,538.75
April – TOTAL		\$ 113,299.98

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

Discussion: None

Motion unanimously approved.

6) LOCAL LAW APPOINTING ALTERNATES FOR PLANNING AND ZONING BOARDS:

Motion to have the Town Attorney look into drafting up a Town Law to appoint alternates for the Planning and Zoning Boards made by Councilman Larsen, second by Councilman Riley.

Motion unanimously approved.

6a) LOCAL LAW ON ATENDENCE FOR PLANNING AND ZONING BOARDS:

Motion to have the Town Attorney look into drafting up a Town Law on Attendance for the Planning and Zoning Boards made by Councilman Larsen, second by Councilman Riley.

Motion unanimously approved.

Discussion: Councilman Riley stated that they have had attendance issue on the Planning and Zoning Board. A committee consists of Councilman Riley, Planning Board Chair Melissa Nault and Zoning Board Chair John Russo has discussed an attendance policy. One option would be to appear before the Town Board if they missed 25% of the meetings and another option would be having alternates for the two Boards. Nault and Russo are not in favor of the alternates, however Riley is. Supervisor Luckern explained that the Town Attorney would put together the laws and work with Councilman Riley and the Town Board about the details. Motion unanimously approved.

7) SEQR FOR MODIFIED WATER DISTRICT NO. 12. (REFER TO ADDENDUM # 3) Motion to declare the Town Board as lead Agency and to review SEQR for Modified Water District #12 made by Councilman Capozzi, second by Councilman Larsen.

Discussion: SEQR for Modified Water District #12 was reviewed

Motion unanimously approved.

8) DETERMINATION OF SIGNIFICANCE: Motion determination of significance made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

RESOLUTION NO. 04-2010

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE
MODIFIED WATER DISTRICT NO. 12**

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the MRB Group map, plan and report last dated January 2010; the Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 April 13, 2010 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u> X </u>	<u> </u>
Richard Larsen	<u> X </u>	<u> </u>
Anthony Capozzi	<u> X </u>	<u> </u>
Patrick Riley	<u> X </u>	<u> </u>
George Smith	<u> X </u>	<u> </u>

Dated: April 13, 2010

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

9) KASHONG CONSERVATION AREA REPORT: Report from Chairman Ken Perry. The sign was approved and will be put up as soon as it is completed. The driveway is completed; Hobart & William Smith students were doing independent studies on the property; Jim Engell spoke about invasive plants and the next meeting is April 15, 2010 at 7:00 p.m. Supervisor Luckern thanked Councilman George Smith for taking the time to be liaison for the Board she also thanked all the volunteers for all their time and energy. Councilman Riley asked about the spring boxes, stating that they have eight-foot walls and eight feet of water in them. Ken Perry stated that he had broken the wall out and they are no longer a hazard. Councilman Smith explained that they were fresh water springs used for the old Kashong Inn water source.

10) PA SYSTEM: Motion to purchase a new wireless PA system from Rossi Music at the cost of \$4,964.95 made by Councilman Capozzi, second by Councilman Larsen.

Discussion: The Town Board received three quotes they were: Rossi Music-\$4,964.95, DCI Sound-\$8,200 and Finger Lakes Communication Co., Inc- \$8,697.60. The Town Board thanked the Town Clerk for all the work that she had done collecting all the information.

Motion unanimously approved.

11) COUNTY WATER & SOIL COMMITTEE INFORMATION: Tad Gerace from Ontario County Soil and Water will perform the duties of Water Shed Inspector for the Town of Geneva.

12) TELEPHONE SYSTEM REPORT: Supervisor Luckern, Councilman Capozzi and Town Clerk Lorrie S. Naegele will review the four proposals on the phone system.

13) PURCHASE 2011 FORD F450 TRUCK: Motion to authorize Water and Sewer Superintendent Charles Bracko to purchase a 2011 Ford F450 truck with dump body per State bid contract of \$40,351.16 made by Councilman Larsen, second by Councilman Smith.

Discussion: None

Motion unanimously approved.

14) SUPERVISOR'S REPORT: Motion to accept the Supervisor's report made by Councilman Larsen, second by Councilman Riley.

Discussion: At the last Supervisors Meeting, residents discussed using rifles for hunting south of Route 5 & 20 and discussing demolishing the old Geneva High School and building the FLCC campus. Supervisor Luckern is in favor of keeping FLCC in the Geneva area.

Motion unanimously approved.

15) CORRESPONDENCE:

1. Lt. Gallagher's report
2. DOT letter concerning Route 14 South- Assemblyman Kolb

16) OLD BUSINESS:

Farm Protection Plan: Supervisor Luckern stated the Town Board has received a report from the Attorney that has been working on the Farm Protection Plan. Supervisor Luckern suggested the Agricultural Committee should review the plan and make its recommendations to the Town Board.

Finks Gas Station: Motion to have MRB Group and CEO Bill McAdoo proceed with the demolition bid process for Finks Gas station, including the probable cost of construction for building demolition, Memorandum

dated October 27, 2008 from MRB Group Project No. 07100 made by Councilman Larsen, second by Supervisor Luckern.

Discussion: Councilman Larsen brought to the attention of the board a Memorandum from MRB dated October 27, 2008 on the cost of construction for building demolition and asked MRB to honor the Memorandum from that date and not the new one dated March 25, 2010. Ryan Colvin, MRB Engineer stated that they would honor the original one.

Motion unanimously approved.

17) NEW BUSINESS:

Special Meeting: Motion to set a Special Meeting on Tuesday, April 20, 2010 at 5:00 P.M. to discuss sewer rates and Modified Water District #12 made by Councilman Larsen, second by Councilman Riley.

Discussion: Supervisor Luckern: "The way Mike Roulan spoke tonight we need to act on the Modified Water District #12 so that we do not drag it out until May because if we are going to make a change we should make it right away." Councilman Riley to Attorney Jeff Graff: "If the Board went to another petition process, would that push the project out thirty days or more?" Jeff Graff: "It would push it out more. You would do the petition process again, hold a Public Hearing and then vote on it in July or August." Councilman Larsen: "There are a couple of problems with time. After the approval, we would give MRB Group an approval to prepare the construction bids, which takes approximately another 60-90 days, which brings us to winter time. Another issue is that gas and oil prices will be rising again which causes the plastic pipe prices to rise, which is a problem that arose the last time. We were held up over a year and the prices went out of site and we lost the whole project because the bids went well over the estimate we had." Councilman Larsen: Went on to say "I hope none of the public thinks we are trying to keep water from this family. You have to understand that back in 2004 when we were starting Water District 12, Mr. & Mrs. Nicholas passed a petition against the project and they wanted nothing to do with the water what so ever. The Town had to vote in the district and that cost the Town money and four or five months. So when the Town went to the Modified Water District #12 they left them out because they fought so hard against water back then that the Town was sure they would not want the water now." "That's where we are today, now all of a sudden they want water after we have done all this work for the last six months." Councilman Smith stated that Mr. Nicholas did not sign the petition for the water at the Informational Meeting February 10, 2010 and Mr. Nicholas has property in the Modified Water District #12. Councilman Larsen stated that back in 2004 there was no cost to them to have water and they were still very much against the water. Attorney Jeff Graff stated that in any water district you have to draw the line somewhere and there is always someone on the other side of the line.

Motion unanimously approved.

No Parking Signs: Motion to send a request to Greg Trost at NY State DOT to request the State to install No-Parking signs on the east side of State Route 14 between the Town of Geneva line and Forge Avenue made by Councilman Riley, second by Councilman Larsen.

Discussion: Councilman Riley discussed a concern a resident was having on Rt 14N between the Geneva Town Line and Forge Avenue when trying to get out of their driveway when vehicles are parked along the side of the road which occurs three or four times per year because of an auction at the old bus garage.

Motion unanimously approved.

Appoint Planning and Zoning Board Secretary: Motion to appoint Teresa A. Ilacqua as the Planning and Zoning Board Secretary effective immediately made by Councilman Riley, second by Councilman Larsen.

Discussion: Councilman Riley stated that there has been an opening for a Secretary for the Planning and Zoning Board for over a month. There was an ad put in the paper and they have received only one application. Three Board members have reviewed the application and the person is highly qualified. Supervisor Luckern stated that she would like the Chairs of the Planning and Zoning Board to talk to the applicant.

Motion unanimously approved.

Amend a section of the Lakeview District-165-28: Motion to have the Town Attorney amend a section under special use permit in the Lake View District Overlay regulations 165-28 made by Supervisor Luckern, second by Councilman Larsen.

Discussion: Melissa Nault, Planning Board Chairperson explained there is a flaw within the Town Code relating to issuing a special use permit under the Lake View District Overlay regulations that needs to be corrected. The way it is written now states that a special use permit would go to the Planning Board. It should be amended to say a special use permit has to go to the Zoning Board of Appeals.

Motion unanimously approved.

Windmills: Motion to draft a letter to the City of Geneva supporting the concerns of the Town Residents on Pre-Emption Street regarding Zotos' Windmill Project made by Supervisor Luckern, second by Councilman Larsen.

Discussion: Supervisor Luckern stated the City of Geneva declared themselves Lead Agency in the SEQR for the Windmills. A letter to the City of Geneva states the concerns that the Town of Geneva has regarding Zotos Windmill Project includes: 1. Visual Impact. 2. Sound Impact. 3. Fall Zone. 4. Ice. 5. Vibration. Residents that voiced their concerns were Mr. Andrew Flynn and Ms. Kathy Bauer from Pre-Emption Street.

Motion unanimously approved.

18) PRIVILEGE OF THE FLOOR: None

19) ADJOURN: Motion to adjourn made by Councilman Larsen, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

9:38 P.M.

RESPECTFULLY SUBMITTED
