

**Regular Town Board Meeting**

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

DRAFT

**February 9, 2010**

PRESENT: Councilman Anthony Capozzi  
Councilman Richard Larsen  
Councilman Patrick Riley  
Councilman George Smith  
Attorney for the Town Jeff Graff

ABSENT: Supervisor Mary E. Luckern

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; Charlie Bracko, Water & Sewer Superintendent; Melissa Nault, Planning Board Chair; John Russo, Zoning Board Chair; Twelve residents and no Reporter for the Finger Lakes Times.

1) **CALL TO ORDER:** The meeting was called to order, at 7:00 p.m. by Deputy Supervisor Capozzi. The meeting was opened with the Pledge of Allegiance.

2) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the Minutes of the Organizational Meeting January 5, 2010, Regular Meeting January 5, 2010 and the Special Meeting January 11, 2010 be approved and accepted. Motion made by Councilman Larsen, second by Councilman Smith.

**Discussion:** None  
Motion unanimously approved.

3) **RECEPTIONIST'S JANUARY 2010 REPORT:** (REFER TO ADDENDUM # 1)  
Motion to accept and approve made by Councilman Larsen, second by Councilman Capozzi.

**Discussion:** None  
Motion unanimously approved.

4) **TOWN CLERK'S JANUARY 2010 REPORT:** (REFER TO ADDENDUM # 2)  
Motion to accept and approve made by Councilman Larsen, second by Councilman Riley.

**Discussion:** Councilman Riley discussed that the Budgetary Transfer of funds from the Receptionists account to the Deputy Clerk account should be for the amount of \$24,878.40.  
Motion unanimously approved.

4A) **DEPARTMENT HEADS APPROVAL FOR DIRECT COMMUNICATION AND ACCESS:**  
Motion to approve that the three department heads, Town Clerk (Lorrie Naegele), Highway Superintendent (David Achilles) and Water & Sewer Superintendent (Charlie Bracko), have the authority to contact the Town Attorney and Intergraded Services directly and to have access to the Staples credit card when needed so they can operate their departments efficiently. Motion made by Councilman Larsen, second by Councilman Riley.

**Discussion:** Councilman Riley stated that the Town Clerk has certain items within her budget to run her office. For Example, she needs to buy a new copier, she doesn't need approval from the Board or Supervisor as long as she stays within her budget. Councilman Larsen stated everyone has to follow the Procurement Policy.

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 February 9, 2010, by the following vote:

VOTE:	<u>Aye</u>	<u>Nay</u>
Councilman Anthony Capozzi		<u>X</u>
Councilman Richard Larsen	<u>X</u>	
Councilman Pat Riley	<u>X</u>	
Councilman George Smith	<u>X</u>	
Motion carried		_____ Lorrie S. Naegele

**5) CODE ENFORCEMENT OFFICER’S JANUARY 2010 REPORT:** Motion to TABLE until March made by Councilman Riley, second by Councilman Smith.

**Discussion:** Councilman Riley stated that there were two items for the Code Enforcement Officer to look into. They were: (1.) If the property comes out of the Empire Zone, does it have to be replaced? (2). Is there a financial hardship that the Town may endure because we are pulling out of the Empire Zone? Councilman Riley didn’t see any reference to the answers in the CEO report and the Board is still waiting for answers to the questions.

Motion unanimously approved to TABLE.

**6) AUTHORIZE TO APPROVE BILLS:** RESOLVED, that the bills are presented for payment on Abstract 02-2010 from voucher # 050 through # 173.

FUND	VOUCHER #	TOTALS
A General Fund	(131-168,170 &173)	\$ 56,434.81
DA Highway	(090-114)	\$ 31,884.13
SS Sewer District	(115-120, 169,171)	\$ 2,981.32
SWD Water Storage & District	(121-130,172)	\$ 8,097.31
<b>TOTAL</b>		<b>\$ 99,397.57</b>
<b>TOTALS</b>		
ABSTRACT: 2 –2010; FEBRUARY 2010 voucher # 090 to 173		\$ 99,397.57
PRE-PAID –January, voucher # 050 to 089		\$ 88,410.40
<b>February – TOTAL</b>		<b>\$ 187,807.97</b>

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

**Discussion:** Councilman Larsen stated that there is a tax bill for \$6.78 for a gravel pit the Town owned and has not been used in fifty years. This property is a liability to the Town and Councilman Larsen asked the Board if the Attorney could do some research into maybe selling the property or transferring it to someone that would want it.

Motion unanimously approved.

**7) LEGISLATION FOR THE NEXT CODE UPDATE:** (REFER TO ADDENDUM # 4) Motion to accept and approve the following Code update not to exceed \$865.00 (plus 2% for the shipping and handling) made by Councilman Riley, second by Councilman Larsen.

**Discussion:** None

Motion unanimously approved.

**8) BIDS FOR DEMOLITION OF FINK'S GARAGE:** Motion to direct Code Enforcement Officer Bill McAdoo to advertise for bids for the demolition of Fink's Garage. Motion made by Councilman Larsen, second by Councilman Riley.

**Discussion:** Councilman Larsen asked if MRB was going to write the specification out for the bids. Jeff Graff, Attorney for the Town stated that DEC also has some stipulations for who ever will be demolishing the building. Councilman Larsen stated that the Town would be paying for the demolition and then the County would reimburse the Town.

Motion unanimously approved.

**9) BUDGETARY TRANSFER OF FUNDS:** Motion to transfer 14 thousand dollars (\$14,000) from Line #A1620.1 (Receptionist) to budget line A1410.11 (Deputy Town Clerk). Motion made by Councilman Riley, second by Councilman Larsen.

**Discussion:** Councilman Riley asked the board ,instead of transferring \$14,000 from line #A1620.1, to transfer all of the remaining balance of \$24,878.40 to budget line A1410.11 (Deputy Town Clerk).

**AMMENDED BUDGETARY TRANSFER OF FUNDS:** (REFER TO ADDENDUM # 5) Amendment instead of transferring \$14,000 from line #A1620.1 to transfer the remaining balance of \$24,878.40 to budget line A1410.11 (Deputy Town Clerk). Motion made by Councilman Riley, second by Councilman Larsen.

**Discussion:** Councilman Larsen stated the proposal by Town Clerk Lorrie Naegele to incorporate the current receptionist duties into the clerk's duties,she could save approximately \$10,000. Councilman Larsen said, "I think by the end of the year the savings would be there but for now we should transfer the remaining balance to the Deputy Clerk account".

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 February 9, 2010, by the following vote:

VOTE:	<u>Aye</u>	<u>Nay</u>
Councilman Anthony Capozzi	<u>          </u>	<u>  X  </u>
Councilman Richard Larsen	<u>  X  </u>	
Councilman Pat Riley	<u>  X  </u>	
Councilman George Smith	<u>  X  </u>	
Motion carried		_____ Lorrie S. Naegele

**TRANSFER OF FUNDS:** Motion to do a Budgetary Transfer of funds from Budget Line #A1620.1 (Part-time Typist/Receptionist) line balance remaining \$24,878.40 to budget line A1410.11 Deputy Town Clerk. Motion made by Councilman Riley, second by Councilman Larsen.

**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 February 9, 2010, by the following vote:

VOTE:	<u>Aye</u>	<u>Nay</u>
Councilman Anthony Capozzi	<u>          </u>	<u>  X  </u>
Councilman Richard Larsen	<u>  X  </u>	
Councilman Pat Riley	<u>  X  </u>	
Councilman George Smith	<u>  X  </u>	
Motion carried		_____ Lorrie S. Naegele

**9A) EXECUTIVE MEETING:** Councilman Capozzi set a Special Executive Meeting for Monday, February 15, 2010 at 5:00P.M. Discussing litigation on the City of Geneva's lawsuit. Motion made by Councilman Larsen, second by Councilman Riley.

Motion unanimously approved.

**10) ADDEMDUM-2010 NEW HOLLAND TRACTOR:** Motion to authorize Highway Superintendent, David Achilles, to purchase a 2010 New Holland T5040 2WD tractor with a side mount and rear flail mower, contract # PC62723SB in the amount of \$65,523.00. Motion made by Councilman Larsen, second by Councilman Capozzi.

**Discussion:** David Achilles stated that the amount on the addendum was incorrect and the correct amount was \$62,523.00 approved.

**AMEND:** Motion to amend the amount and change the incorrect amount from \$65,523.00 to \$62,523.00 made by Councilman Riley, second by Councilman Larsen.  
Motion unanimously approved.

**PURCHASE OF 2010 NEW HOLLAND TRACTOR:** Motion to authorize Highway Superintendent, David Achilles, to purchase a 2010 New Holland T5040 2WD tractor with a side mount and rear flail mower, contract # PC62723SB in the amount of \$62,523.00. Motion made by Councilman Larsen, second by Councilman Capozzi.

Motion unanimously approved.

**11) CORRESPONDENCE:**

1. Lt. Gallagher's report
2. Letters From NY State Department of Transportation of determination that a reduction of the speed limits on Armstrong Road and Billsboro Road is not warranted at this time.

**12) OLD BUSINESS:** Councilman Capozzi stated that the State Route 14 zoning is still being looked into and hopefully by March they will have more information.

Councilman Larsen asked about the speed limit on State Route 14 South and stated that Supervisor Luckern was going to contact Mike Nozzolio but that we have not been informed of a response.

**REDUCE SPEED LIMIT ON ROUTE 14 SOUTH:** Motion for the Town Clerk to send a letter to NY State Department of Transportation to request a speed limit reduction study to 45 mph on State Route 14 South starting at the North Town of Geneva Line on State Route 14 South going South to Turk Road since the roadway characteristics have changed. There are now eight new curb cuts and there have been numerous accidents. Motion made by Councilman Larsen, second by Councilman Capozzi.

Motion unanimously approved.

Councilman Larsen thanked Jeff Ilacqua and Bernie Peck and all the town workers for the work they did on the Town Clerks Office they did a great job.

**Sex Offenders:** Councilman Riley informed the Board that he had received a packet from Jeff Graff, the Attorney for the Town with information on sex offenders to review. He also spoke with Phil Povero, Phil and a State Parole Officer will be at the March meeting to discuss the issue of sex offenders. The Board agreed to let Councilman Riley work with some of the residents of the Town to set up some draft perimeters for sex offenders to bring back at the March Meeting.

**Carter Road Safety:** Councilman Riley also discussed the safety issues on Carter Road with no sidewalks he spoke to the Highway Superintendent about the possibility of doing a stabilizing shoulder. Further discussion on a "Safe Routes To School" grant was discussed the board will have MRB Group look into the cost and possible funding of the program. Bill McAdoo, Code Enforcement Officer was going to discuss the safety issue with the contractors of Woodlands at Northside. David Achilles stated that he had received two estimates and the cost would approximately be \$35,000 per side.

**13) NEW BUSINESS:**

**Water Rates:** Councilman Larsen spoke with Water & Sewer Superintendent Charlie Bracko and he has informed the Board that there has been an 11.5% increase in the water rates that the Town buys from the

City of Geneva. The water contract that the Town signed with the Town of Seneca is 20% higher. Due to the two increases Charlie is researching the Towns water rates and will have to raise them. Councilman Larsen stated that the Town has not raised rates in 8 to 10 years. Councilman Larsen asked the Water & Sewer Superintendent Charlie Bracko to look into how much the rates should be raised and to come back to the board in March with a sample summary to review.

**Fire Departments:** Councilman Larsen asked about having a Town Board member meet with all the Town Fire Chiefs to discuss the coverage for the Town. Councilman Larsen suggested Councilman Smith be chosen for this because of his years of experience with the fire departments. Councilman Smith said, “The fire companies need to work together”. Councilman Capozzi stated that the Supervisor requested an update from each of the fire departments regarding their membership, training and schooling. The Town has received the information from West Lake Road and White Springs to date.

**Town Code Timeline:** Councilman Riley was asked by Supervisor Luckern to review the Comprehensive Plan. Councilman Riley would like to add a time line for the Planning Board into the Town Code. For example, if the Planning Board was to approve a project and nothing was done for six months or one year on that project it would have to go back to the Board to be reviewed. This is because many changes can occur around the project area in a year’s time. All the original criteria that were looked at when a plan is approved may be null and void. (For example the storm runoff, the development around the plan and many other issues could change.) Also a completion date was suggested. Councilman Riley will discuss this issue with the Planning Board Chair and then hand it over to the Planning Board so they may write up a draft to bring back to the Town Board.

**14) TIMETLINE & CONSTRAINTS:** Motion to have the Planning Board look into timelines and constraints on multiple phase developments to be install into the Geneva Town Code. Motion made by Councilman Riley second by Councilman Larsen.

**Discussion:** None

Motion unanimously approved.

**15) FORMAL STATEMENT TO VOICE OUR CONCERNS:** Motion to approve Supervisor Luckern to write to the NYS and Ontario County Legislature to inform them of the Geneva Town Board’s opposition of the disposal of the waste from hydrofracking drilling within the Seneca Lake Watershed area. Motion made by Councilman Riley second by Councilman Smith.

**Discussion:** Councilman Riley is concerned that the disposing of hundreds of millions of gallons of hazardous waste water from the hydrofracking process poses a very high environmental risk to the Finger Lakes area. Councilman Riley would like a formal statement made for the Town of Geneva Board to NYS and Ontario County Legislature.

Motion unanimously approved.

**Revalue 2011:**Councilman Riley asked if the Town was involved in a revalue. Councilman Capozzi stated not until 2011. Councilman Riley asked, “Is the assessor going to use the State office of Real Property Tax?” “We need to find that out because if he is going to use that office, he needs to file with them by April 1, 2010. (If the assessor doesn’t the Town will not qualify for their program and the program if it is used will give the town back up to \$5.00 per parcel if the new legislation passes it will give us up to \$5.00 plus \$2.00 per parcel next year.) Councilman Larsen stated that Mr. Lynch was going to work three days. Councilman Capozzi stated that he works Tuesday and Thursday 9:00am to 3:00pm and Wednesday he is out in the field collecting data. Councilman Capozzi said he would look into the issue of using the State Real Property Tax office.

**Modified Water District #12:** There is an informational meeting February 10, 2010 and a Petition will be available at the meeting to be signed there will also be petitions at the Town Clerks office Monday – Friday 8:00am to 4:00pm.

**16) PRIVILEGE OF THE FLOOR:**

Gil Coutlee, Turk Road- Expressed concerns that the Town Hall speaker system is inadequate and the residents cannot hear the Town Board at the meetings. The Town Clerk is working with DCI Sound and is looking into a new system.

John Russo, Carter Road- Concerned with putting a stabilizing shoulder only on one side of Carter Road would cause the children to walk with their backs to the traffic. To do both sides of Carter Road it would cost around \$64,000 and then have to go out for bid. John said, “The Town shouldn’t be responsible for the cost, the developer should be responsible for the cost because they are the ones that created the mess, along with the incompetent previous Planning Board.” Councilman Capozzi stated that they will have the Code Enforcement Officer look into discussing the issue with the developer.

Ken Livermore-Pre-Emption Road- Asked if there was a time line for the Farm Plan Bill. Ken was concerned that it may slip through the cracks. Ken suggested the Board look at the Ontario County Soil & Water January News Letter there is an article everyone should read.

Mark Venuti, White Springs Road- Asked about the sewer for the Geneva Community Center, which is owned and operated by the Boys & Girls Club a not for profit organization. He suggested that the board investigate into different billing categories so the billing would be more fair. Councilman Capozzi stated that the Town has several not for profit organizations in the Town, more than he realized. The Town is working on the sewer rates now and hopefully by July they will have more information on both residential and commercial rates.

Councilman Larsen explained that the City of Geneva has raised the Towns Sewer rates by 300% over the past 2 years and, because of this, the Town rates will have to be raised for everyone. “We had the same rate for 20 – 30 years for sure the rates will go up due to the City raising our rates.” Councilman Capozzi stated that since 2008 & 2009 the town has paid \$1.5 million more than what they used to pay but have not passed that expense on to any one. The Town is looking into their own Waste Water Sewer Plant.

Howard Meaker, Slosson Lane- Asked if the Board followed up on the sex offender issue. Councilman Riley explained he spoke to Phil Povero and he explained that there are three levels in the State Registry Program of sex offenders. Level 1 does not have to register at all. A level 2 & 3 are obligated to register. The one that they heard was living in the town is in fact is not living in the town.

**17) ADJOURN:** Motion to adjourn made by Councilman Larsen second by Councilman Smith. Motion unanimously approved.

**8:35 P.M.**

**RESPECTFULLY SUBMITTED**

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