

**Regular Town Board Meeting
After the Organizational Meeting**

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

DRAFT

January 5, 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: Judge Walter Gage; William McAdoo, Code Enforcement Officer; David Achilles, Highway Superintendent; Charlie Bracko, Water & Sewer Superintendent; Howard Bailey, Water/Sewer Assistant; Thirty residents and Craig Fox, Reporter for the Finger Lakes Times.

- 1) **CALL TO ORDER:** The meeting was called to order, at 6:40 p.m. by Supervisor Luckern.
- 2) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the Minutes of the Regular Meeting December 8, 2009 and the Special Meeting December 28, 2009 be approved and accepted. Motion made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

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

Motion to accept and approve made by Councilman Capozzi, second by Councilman Smith.

Discussion: None

Motion unanimously approved.

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

Motion to accept and approve made by Councilman Capozzi, second by Councilman Smith.

Discussion: Notice signed by the Town Board that the Town Clerk 2009 Books and Records are ready for audit. Councilman Larsen asked about the Town of Geneva eCode360 Proposal Provided by General Code to have the Town Code on the Towns Web Site. Supervisor Luckern thought it was a good idea but still had concerns because there is only \$2000 in the General Code Budget Line. Further discussion on the eCode360 followed. Councilman Larsen asked about the NYSERS Reporting for Elected and Appointed Officials.

Supervisor Luckern advised the Board that the County and Wanda are working on it.

Motion unanimously approved.

- 4A) **GENERAL CODE PROPOSAL FOR ECODE360:** (REFER TO ADDENDUM # 2A) Motion to accept the Proposal from General Code for new online code services (eCode360) for the Annual Maintenance fee of \$1,195.00. Motion made by Councilman Larsen, second by Councilman Smith.

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 January 5, 2010, by the following vote:

VOTE:	<u>Aye</u>	<u>Nay</u>
Supervisor Mary E. Luckern		<u>X</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		

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

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

Discussion: CEO, Bill McAdoo informed the Board that his monthly reports would have addresses added. Wal-Mart addition continues. Microtel was near completion. 2010 Census has been completed. Councilman Larsen asked about the Finks property on Route 5&20 and where the Town stands. Bill McAdoo replied that January 14, 2010 would be the 90-day deadline for demolition. The Town Attorney explained the procedures and the other options the Town has if the demolition is not completed. If the Town has to do the demolition the cost will be levied against the property owners tax bill. Councilman Larsen asked about the Ag. Enhancement Farm Protection Plan and if anything new was going on. There will be a meeting with Meira Hertzberg on Monday at 2:00P.M.with Supervisor Luckern and CEO, Bill McAdoo; they will be working on the provisions. Supervisor Luckern stated that once they have something concrete, it would then be brought to the committee.

Motion unanimously approved.

6) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 01-2010 from voucher # 001 through # 049.

FUND		VOUCHER #	TOTALS
A	General Fund	(024 to 043, 045)	\$ 15,683.77
DA	Highway	(006 to 012, 046, 047 & 048)	\$ 3,573.76
SS	Sewer District	(013 to 016)	\$ 1,264.77
SWD	Water Storage & District	(017 to 023, 049)	\$ 5,691.49
TOTAL			\$ 26,213.79
TOTALS			
ABSTRACT: 1 -2010; JANUARY 2010 voucher # 006 to 049			\$ 26,213.79
PRE-PAID -January, voucher # 001 to 005			\$ 1,703.28
JANUARY - TOTAL			\$ 27,917.07

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

Discussion: None

Motion unanimously approved.

7) APPOINTMENTS: Motion to accept and approve the following appointments made by Councilman Larsen second by Councilman Smith.

Planning Board:

Appoint Melissa Nault to replace Ralph Poole, term ending 2013.

Appoint Melissa Nault as Chairman of the Planning Board.

Reappoint Eric Reuscher for a 5-year term, ending in 2014.

Zoning Board:

Reappoint James Smith for a 5-year Term, ending in 2014.

Discussion: None

Motion unanimously approved.

8) CONTRACT WITH PAUL WAGNER: Motion to approve a contract with Paul Wagner, Municipal Financial Consultant for the 2010 year at a cost of \$65 per hour (same as 2009). Motion made by Councilman Larsen, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

9) PETITION TO CHANGE ZONING OF LYONS ROAD ROUTE 14 NORTH: (REFER TO ADDENDUM # 4) Motion **TABLED** to change the zoning of Lyons Road Route 14 North, from Forge Avenue to Gambee Road on the East Side. Motion made by Councilman Capozzi, second by Councilman Riley.

Discussion: Councilman Capozzi suggested that the zoning needs to go back to the Southern Town/City Line, which start at the south of the Rollerdrome property to Gambee Road, on the East side of State Route 14N. It is zoned (I) Industrial now, however the petition states they want to change it to (B1) Business. Councilman Riley questioned if it was in the Empire Zone. Supervisor Luckern stated, "Yes". Further discussion followed. Councilman Riley suggested since the Board doesn't have the proper information to make a decision, that they table the proposal. Supervisor Luckern agreed and stated that they need to talk to the City about the Empire Zone and extending it to the Southern Town/City Line. Councilman Larsen asked if the Board really wants to take the I-Industrial Zone and put it into B1-Buisness because the Town doesn't have much Industrial Zoning in the Town of Geneva. Councilman Riley asked Bill McAdoo to look into two things. (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? Supervisor Luckern stated that the Board would look into all of the questions and concerns.

Motion unanimously **TABLED**.

10) 2010 INTERMUNICIPAL COOPERATION AGREEMENT: (REFER TO ADDENDUM # 5) Motion to approve the Intermunicipal Agreement for Law Enforcement Services between the County of Ontario and the Town of Geneva. Motion made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

11) 2010 FIRE CONTRACTS: Motion to approve the fire contracts for the year 2010 made by Councilman Smith, second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

12) MODIFIED WATER DISTRICT # 12. Motion to direct the Attorney for the Town to prepare a petition to create Modified Water District #12. Motion made by Councilman Larsen, second by Councilman Capozzi.

Discussion: Jeff Graff, Attorney for the Town, stated that once the petition is signed it would go to the Town Assessor and the signatures will be compared to the actual ownership data and account reference that the Town has and then certify the petition. A Public Hearing will then be ordered. Councilman Larsen suggested an Informational Meeting for the residents to receive more information and have the petition there to sign at the end of the meeting. Councilman Larsen asked if they should change the name of the water district so there would be no confusion in the future since Water District #12 was dissolved in December. Supervisor Luckern said that could be done at a later date. **Informational Meeting: February 10, 2010 at 7:00P.M. for the Modified Water District #12 at the Town Hall.**

Motion unanimously approved.

13) SUPERVISOR'S REPORT:

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

Discussion: The County has one Public Defender now. Public Health has been busy with administering the Swine Flu shots. Supervisor Luckern will again Chair the Government Operations and Improved Methods Committee.

Motion unanimously approved.

ADDENDUM:

1. RESIGNATION FROM JOHN DAVIE: Motion to accept with regret John Davie's resignation from the Planning Board made by Councilman Capozzi, second by Councilman Riley.

Discussion: None

Motion unanimously approved.

2. APPOINTMENTS TO THE PLANNING BOARD: Motion to approve the following appointments to the Planning Board made by Councilman Capozzi, second by Councilman Larsen.

Wayne Hansen replacing John Davie-term ending December 31, 2010

Kenneth Nardoizzi replacing Mitchell Wilber-Term ending December 31, 2011

Discussion: None

Motion unanimously approved.

3. APPOINTMENT TO LIAISON TO THE COUNTY PLANNING BOARD: Motion to appoint Howard Meaker as Liaison to the County Planning Board for a 5- year term. Motion made by Councilman Larsen, second by Councilman Smith.

Discussion: None

Motion unanimously approved.

14) CORRESPONDENCE:

1) Lt. Gallagher's report

15) OLD BUSINESS: None

16) NEW BUSINESS:

1. Meeting on Zotos Windmills, Tuesday, January 14, 2010 at 7:00 P.M. at the Sons of Italy.

2. Special Meeting –Monday January 11, 2010 at 7:30 P.M. with Accountant Tom Laufter report at the Town Hall.

3. PROPOSAL TO ENCOMPASS THE RECEPTIONIST DUTIES WITHIN THE TOWN

CLERK OFFICE: Motion to approve the last day for the Receptionist is Friday January 29, 2010 and the Town Clerk will take over February 1, 2010 made by Councilman Larsen, second by Councilman Riley.

Discussion: Proposal to encompass the receptionist duties within the Town Clerks Office. Supervisor Luckern stated the request was made October 14, 2008 however no action was taken so it was withdrawn October 2009. The proposal was brought back up January 1, 2010. Supervisor Luckern stated, "Economically it is a good move and we will save money. Four years ago we did do some consolidation and reduced a 40-hour job to 20 hours and another 40-hour job to 35 hours and saved the Town a considerable amount of money." Supervisor Luckern asked Charlie Bracko, Water & Sewer Superintendent if his men and David Achilles, Highway Superintendents men could remove the wall by February when the Town Hall was closed. Charlie said, "It wouldn't be a problem." Supervisor Luckern stated the Town Highway and Water & Sewer workers, work with the Town Clerk to remove the wall to make the transition go smoothly.

Councilman Larsen stated that there would be times when there will be two people in the Clerks office. The transfer of money will be done in February.

Motion unanimously approved.

4. Councilman Riley asked to set up a workshop where all three boards get together and go over procedural issues. **Tuesday, February 16, 2010 at 5:00** at Town Hall with Planning/Zoning Chairs, Code

Enforcement Officer Bill McAdoo, Councilman Riley and Supervisor Luckern. Special Meeting with the Three Boards, Tuesday, March 2, 2010 at 7:00 P.M. at the Town Hall.

5. Councilman Riley asked if the Town Attorney could look into drafting a Sexual Predator Law for the Town of Geneva for the safety of our residents. Supervisor Luckern said that she would have the Attorney look into it and also talk to Phil Povero.

6. Councilman Riley is really concerned with the traffic and the kids walking in the road and he is afraid that someone is going to get hurt especially with the blowing snow. A lengthy discussion followed. Councilman Larsen asked to have the Sheriffs patrol Carter Road more. Supervisor Luckern asked CEO, Bill McAdoo if he could ask Conifer to talk about the safety of the people on Carter Road.

17) **PRIVILEGE OF THE FLOOR:** None

18) **EXECUTIVE SESSION:** To discuss a personnel issue at the Town Hall. Motion to go into Executive session made by Councilman Larsen, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

8:04 P.M.

RESPECTFULLY SUBMITTED
