

Special Town Board Meeting

Geneva Town Board
3750 County Road #6
Geneva, NY 14456
June 24, 2010

PRESENT: Supervisor Mary E. Luckern
Councilman Anthony Capozzi
Councilman Richard Larsen
Councilman Patrick Riley
Councilman George Smith

Others present: Ryan Colvin, MRB Engineer; Charlie Bracko, Water & Sewer Superintendent; John Russo, Zoning Board Chairman and Bill McAdoo, Code Enforcement Officer.

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

1) **CALL TO ORDER:** The meeting was called to order, at 8:00 a.m. by Supervisor Luckern.

2) **DISCUSSION ON CARTER ROAD:** Supervisor Luckern received a memo from Sheriff Philip Povero about the situation on Carter Road and has instructed the two Deputies and road patrols pay special attention to Carter Road. Also a letter went out to the Residents of Carter Road and Rosewood Drive discussing the situations in the area.

CEO, Bill McAdoo spoke to Alanna Rider from Conifer Corporate and she informed Bill that the manager is no longer working for them. Bill also will be inspecting North Side Fire House to make sure the building is up to code and they are not exceeding the Occupant Load. Bill will also be inspecting West Lake Road Fire Company he has completed the inspection of White Springs Road Fire House. Councilman Capozzi said, "The Fire House should be liable." Councilman Riley asked that the Board have the Town Attorney look into vicarious Liability and inform the Fire Department that they are indeed liable. Councilman Larsen has received a complaint from Frank Acquilano about the fence that Conifer put up to keep people from trespassing on his property someone removed the thicket and they now have a path through his property. CEO Bill McAdoo will go over and check that out today.

3) **ARCHAEOLOGY STUDY FOR MODIFIED WD # 12:** (ADDENDUM #1) Motion to accept a proposal from Deuel Archaeology to complete a study of approximately 3650 ft. in Modified Water District # 12. Motion made by Councilman Larsen second by Councilman Capozzi.

Discussion: None
Motion unanimously approved.

4) **SEQR FORM FOR MODIFIED WATER DISTRICT #12:** (ADDENDUM #2) Review and conduct the assessment under Part I and Part II of the SEQR Environmental Assessment Form for Modified Water District #12 regarding the construction of improvements for such water district and consider a resolution to make a determination of no significance relative to such SEQR assessment. Motion made by Councilman Capozzi second by Councilman Riley.

Discussion: None
Motion unanimously approved.

4A) **SEQR RESOLUTION- NEGATIVE DECLARATION:** (ADDENDUM #3)
Modified Water District #12 **RESOLUTION NO. 13-2010:** TOWN OF GENEVA

RESOLUTION NO. 13-2010
SEQR RESOLUTION - NEGATIVE DECLARATION
TOWN OF GENEVA MODIFIED WATER DISTRICT NO. 12

At a meeting of the Town Board of the Town of Geneva held on the 24th day of June, 2010, at the Town Hall in said Town, Councilman Capozzi moved adoption of the following resolution; Councilman Riley seconded the motion:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Geneva announced its intent to serve as Lead Agency on May 11, 2010, to conduct an environmental review of the extension of public water facilities to serve Modified Water District No. 12. The project will improve the quality and quantity of water available to area residents.
2. The Town Board has determined that, as a portion of the project area is within an Ontario County Agricultural District, the proposed action is a Type I action as defined under SEQR.
3. The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On May 18, 2010, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form. Comments received from these agencies are addressed in the Negative Declaration.
5. The Town will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
6. The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Geneva declares that it will serve as Lead Agency for the extension of public water supply facilities to Modified Water District No. 12; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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 June 24th, 2010 by the following vote:

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

Dated: June 24th, 2010

Lorrie S. Naegele, Town Clerk

5) LATERAL RESTRICTIONS FOR MODIFIED WATER DISTRICT #12: RESOLUTION NO. 14-

2010: At a meeting of the Town Board of the Town of Geneva held on the 24th day of June, 2010, at the Town Hall in said Town, Councilman Larsen moved adoption of the following resolution; Councilman Capozzi seconded the motion:

RESOLUTION NO. 14-2010

**TOWN OF GENEVA
MODIFIED WATER DISTRICT NO. 12**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Geneva has created Modified Water District No. 12 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Pre-Emption Road, Hastings Road, Braewood Lane and Healey Road; and

WHEREAS, part of the land area within Modified Water District No. 12 is also within Ontario County Agricultural District No. 6; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 6; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Geneva imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions Pre-Emption Road, Hastings Road, Braewood Lane and Healey Road included in Modified Water District No. 12, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It

is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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 June 24th, 2010 by the following vote:

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

Dated: June 24th, 2010

Lorrie S. Naegele, Town Clerk

6) TRANSFER STATION SUBSTITUTE: Motion to approve Joseph Bucklin for the position as a substitute for the Transfer Station. Motion made by Councilman Capozzi second by Councilman Smith.

Discussion: Water & Sewer Superintendent Charlie Bracko interviewed four applicants and recommended Mr. Joseph Bucklin.
Motion unanimously approved.

6A) SUBSTITUTE LABORER FOR THE TRANSFER STATION: Motion to approve to have the person in the Substitute position be able to do other assigned tasks for the Town. Motion made by Councilman Capozzi second by Councilman Larsen.

Discussion: None
Motion unanimously approved.

7) ADJOURN: Motion to adjourn made by Councilman Capozzi second by Councilman Smith.

Discussion: None
Motion unanimously approved.

Supervisor Luckern adjourned the meeting at 8:35 a.m.

RESPECTFULLY SUBMITTED