

Regular Geneva Town Board Meeting
3750 County Road #6
Geneva, NY 14456
August 10, 2010

Draft

PRESENT: Supervisor Mary E. Luckern Councilman Patrick Riley
 Councilman Anthony Capozzi Councilman George Smith
 Councilman Richard Larsen 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: Ryan Colvin, MRB Engineer; David Achilles, Highway Superintendent; Melissa Nault, Planning Board Chair; John Russo, Zoning Board Chair; Bill McAdoo, Code Enforcement Officer; Shelly Marquart, Deputy Town Clerk; Lorie Peck, Assessor, Deputy Town Clerk; eleven 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 Supervisor Luckern. The meeting was opened with the Pledge of Allegiance.
- 2) **ACCEPTANCE OF THE MINUTES:** RESOLVED, that the minutes of the Public Hearing on Local Law 2-2010 and Regular Board Meeting July 13, 2010, be approved and accepted. Motion made by Councilman Capozzi, second by Councilman Smith.
Discussion: None
Motion unanimously approved.
- 3) **TOWN'S INSURANCE:** Motion to change the property deductible from \$1000 to \$2500 made by Councilman Capozzi, second by Councilman Larsen.
Discussion: None
Motion unanimously approved.
- 4) **2009 /2010 AUDIT:** Motion to have Paul Wagner Municipal Financial Consultant bring to the Town Board two proposal for financial records audit for the years 2009 and 2010. Motion to approve, made by Councilman Larsen, second by Councilman Riley.
Discussion: Councilman Larsen asked that this audit be on financial records and not just procedures. Paul stated that it would be on both and it would be on all the Financial Officers records. Councilman Capozzi asked Paul if in January 2011 he could do an audit for the years 2009 and 2010? Paul replied that he could.
Motion unanimously approved.
- 5) **RECOGNIZE ROLAND PENTA AND BOB QUADE:** Motion to recognize Roland Penta, President of Phelps Sungas in Geneva, NY as he assumes Chairmanship of the National Propane Gas Association, which represents approximately 3500 companies. Also, Bob Quade on the great job that he does at the Transfer Station. Motion to accept made by Councilman Capozzi, second by Councilman Larsen.
Discussion: None
Motion unanimously approved.
- 5A) **APPOINT SOLE ASSESSOR:** Motion to appoint Lorie Peck to the remainder of the six (6) year term for Sole Appointed Assessor. The remaining appointment is for three (3) years until September 30, 2013 effective August 1, 2010. Motion made by Councilman Capozzi, second by Councilman Riley.
Discussion: None

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on August 10, 2010, by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

6) TOWN CLERK'S JULY 2010 REPORT: (REFER TO ADDENDUM # 1)

Motion to accept and approve made by Councilman Larsen, second by Councilman Riley.

Discussion: None

Motion unanimously approved.

7) CODE ENFORCEMENT OFFICER'S JULY 2010 REPORT: (REFER TO ADDENDUM # 2) Motion to accept and approve made by Councilman Larsen, second by Councilman Smith.

Discussion: CEO, Bill McAdoo, stated that the property owner responded today to a letter that the CEO sent to remove the tractor-trailers off the property on State Rte 14. The owner informed Mr. McAdoo that the property is under a purchase contract. Mr. McAdoo advised the owner that his order to remove the trailers should be shared with the Lawyers. Walmart will have their Grand Opening August 18th 2010 at 7:00 a.m.

Councilman Larsen asked about the property on State Rte.14 South that was cited and did not show up for court because the owner was out of the country. He asked if the owner was back in the country and have they gone to court? Mr. McAdoo stated that the owner was supposed to be back August 11, 2010 and the court date is August 23, 2010.

Motion unanimously approved.

8) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 08-2010 from voucher # 693 through # 789.

FUND		VOUCHER #	TOTALS
DA	Highway	(721 to 737))	\$ 5,537.01
SS	Sewer District	(738 to 746)	\$ 6,769.49
SWD	Water Storage & District	(747 to 763)	\$ 24,226.74
A	General Funds	(764 to 789)	\$ 35,058.63
TOTAL			\$ 71,591.87
TOTALS			
ABSTRACT: 08 –2010; AUGUST 2010 voucher # 721 - 789			\$ 71,591.87
PRE-PAID –July & August, voucher # 693 - 720			\$ 99,646.96
August – TOTAL			\$ 171,238.83

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

Discussion: None

Motion unanimously approved.

9) ESTABLISHING A NEW SEWER RATE CATEGORY COMMUNITY CENTER/RECREATIONAL COMPLEX:

Motion to establish a new Sewer Rate Category to include Community Centers / Recreation Complexes with a rate of \$70.00 per \$115,200 of assessed value. To qualify for the category Community Centers / Recreation Complexes sewer rate the applicant must follow these stipulations: Must be open to all ages, gender and race. Must run continual recreational, educational and entertainment programs for all ages in order to qualify. Retroactive as of August 1, 2010. Motion to accept made by Councilman Riley, second by Councilman Larsen.

Discussion: The Town now has the following sewer rate categories- Residential, Commercial, Industrial, Apartments and Community Centers/Recreation Complexes.

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 August 10, 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: August 10, 2010

Lorrie S. Naegele, Town Clerk

10) **LOCAL LAW 3 - 2010:** Motion to accept **Local Law 3 - 2010** "Amending the Code of the Town of Geneva by Adopting Regulations Regarding Dog and Cat Breeding Facilities and Amending the Penalty Provisions Affecting the Code" and set a Public Hearing. Motion to accept made by Councilman Riley, second by Councilman Capozzi.

Discussion: None

**TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 21-2010
OF THE TOWN BOARD**

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF GENEVA BY ADOPTING REGULATIONS REGARDING DOG AND CAT BREEDING FACILITIES AND AMENDING THE PENALTY PROVISIONS AFFECTING THE CODE

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 proposed Local Law Amending the Code of the Town of Geneva by Adopting Regulations Regarding Dog and Cat Breeding Facilities and Amending the Penalty Provisions Affecting the Code; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Geneva to proceed in accordance with the Code of the Town of Geneva and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 21, 2010, 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 hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Geneva sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Geneva for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

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 August 10, 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: August 10, 2010

Lorrie S. Naegele, Town Clerk

11) **LOCAL LAW 3 - 2010 SEQR:** RESOLUTION NO. 25-2010 Motion to review and conduct the assessment of the SEQR for Local Law 3- 2010 made by Councilman Riley, second by Councilman Larsen.

**TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 25 -2010 OF THE TOWN BOARD**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA,

**ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2010**

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 3 of 2010 to be a Type I 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 Full Environmental Assessment Form, Parts 1 and 2, prepared for this action, 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 August 10, 2010 by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

12) WATER MAIN AND UTILITY EASEMENTS: RESOLUTION NO. 23-2010 Motion to accept Water Main and Utility Easements over portions of property listed in attached resolution for Modified Water District 12. Motion made by Councilman Capozzi, second by Councilman Larsen.

**TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 23 - 2010 OF THE TOWN BOARD**

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS

WHEREAS, the Town of Geneva, by its officers or representatives, has engaged in discussions with **Carol Arkins and Joseph Arkins, James Hogan and Jennifer Hogan and White Springs Fire Association, Inc.** regarding the Town's obtaining water main and utility easements over portions of their property, as shown on maps attached to said easements, located in the Town of Geneva with **John H. Fordon and Beverly D. Fordon** regarding the Town's obtaining a temporary construction easement over a portion of their property, as shown on a map attached to said easement (the Arkins, Hogans, Fordons and White Springs Fire Association collectively being referred to herein as "Owners"); and

WHEREAS, Town of Geneva officials have recommended to the Town Board that said Owners grant to the Town these easements over said lands of said Owners; and

WHEREAS, said easements have been offered by the Owners to the Town of Geneva; and

WHEREAS, the Town Board of the Town of Geneva is desirous of accepting said offered easements on behalf of said Town; and

WHEREAS, the Town Board of the Town of Geneva has examined said instruments and finds the consideration described therein to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Geneva does hereby accept the Easements attached hereto as Exhibit 1 from Owners in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Town, on behalf of the Modified Water District No. 12, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the interests referenced herein.

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 August 10, 2010 by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

13) SANITARY SEWER AND UTILITY EASEMENT: RESOLUTION NO. 24-2010 Motion to accept Assignment of Sanitary Sewer Easements and Utility Easements over a portion of Susan A. Manning’s Property. Motion made by Councilman Larsen, second by Councilman Smith.

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT AND ASSIGNMENT OF EASEMENT
RESOLUTION NO. 24- 2010**

WHEREAS, the Town of Geneva, by its officers or representatives, has engaged in discussions with Susan A. Manning, ("Owner") regarding the Town’s obtaining a sanitary sewer and utility easement over portions of the Owner’s property, as shown on a map filed in the Ontario County Clerk’s Office, located in the Town of Geneva; and

WHEREAS, the Town of Geneva, by its officers or representatives, has further engaged in discussions with Owner regarding the Town’s obtaining of an assignment of a sanitary sewer and utility easement given to Owner over portions of the property owned by Timothy L. McMichael (“McMichael”), located east of and contiguous to Lots 1 and 4 of the Manning Subdivision, as shown on a map filed in the Ontario County Clerk’s Office, located in the Town of Geneva; and

WHEREAS, Town of Geneva officials have recommended to the Town Board that said Owner grant to the Town this sewer easement over said lands of said Owner and the assignment of easement over lands of McMichael; and

WHEREAS, said easement and assignment have been offered by the Owner to the Town of Geneva; and

WHEREAS, the Town Board of the Town of Geneva is desirous of accepting said offered easement and assignment on behalf of said Town; and

WHEREAS, the Town Board of the Town of Geneva has examined said instruments and finds the consideration described therein to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Geneva does hereby accept the Easement attached hereto as Exhibit 1 and the Assignment attached hereto as Exhibit 2 from Owner in accordance with

the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the interests referenced herein.

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 August 10, 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: August 10, 2010

Lorrie S. Naegele, Town Clerk

14) ACCEPT LOCAL LAW 2- 2010: Motion to accept Local Law 2 of 2010 made by Councilman Riley, second by Councilman Smith.

TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 26 - 2010 OF THE TOWN BOARD

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF
LOCAL LAW NO. 2 OF 2010 ENTITLED
“AMENDING CHAPTER 165 (ZONING) OF THE CODE OF THE TOWN OF GENEVA RELATIVE TO
THE TOWN ZONING BOARD OF APPEALS AND TOWN PLANNING BOARD”**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on June 8, 2010, at 7:00 p.m. at Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law entitled, “A Local Law Amending Chapter 165 (Zoning) of the Code of the Town of Geneva Relative to the Town Zoning Board of Appeals and Town Planning Board”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on July 1, 2010 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on July 13, 2010, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 2 of 2010, entitled “A Local Law Amending Chapter 165 (Zoning) of the Code of the Town of Geneva Relative to the Town Zoning Board of Appeals and Town Planning Board”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, and to give due notice of the adoption of said local law to the Secretary of State of New York.

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 August 10, 2010 by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

15) APPROPRIATE SURPLUS IN THE WATER: . Motion made by Councilman Capozzi, second by Councilman Larsen.

TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 27 - 2010 OF THE TOWN BOARD

RESOLUTION to appropriate surplus in the SWD Water accounts and,

WHERE AS, there is a desire to appropriate surplus in the SWD Water account and,

WHERE AS, the required budgeted revenues required in the original SWD Water Budget were \$587,527 and, **WHERE AS**, it has been determined that to fund these revenues, the unreserved/unappropriated fund balance at December 31, 2009 was \$490,350. Plus revenues received to date of \$167,230, giving a total of \$657,580 in moneys to fund \$578,527 and,

WHERE AS, the revenues available to fund the SWD Water budget now exceed the amount budgeted by \$79,053 and

THEREFORE, be it resolved that additional surplus is to be appropriated in appropriation accounts SWD1420.4 in the amount of \$25 and SWD1440.4 in the amount of \$27,820.50.

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 August 10, 2010 by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

16) ADVERTISE FOR BIDS FOR CONSTRUCTION OF MOD WATER DISTRICT # 12: Motion to authorize MRB to advertise for bids for construction of Modified Water District 12. Motion made by Councilman Capozzi, second by Councilman Larsen.

ADVERTISEMENT TO BID

Town of Geneva
3750 County Road No. 6
Geneva, New York 14456

TO ALL PROSPECTIVE BIDDERS:

The Town of Geneva, Ontario County, New York (in accordance with Section 103 of Article 5-A of the General Municipal Law) hereby invites the submission of sealed bids for:

**Modified Water District No. 12
Contract #1: General**

The Work is generally described as:

Furnishing and installing approximately 11,000 LF of 12", 4,000 LF of 8" and 1,650 LF of 6" water main, valves and hydrants along Pre-Emption Road, Hastings Road, Braewood Lane and across Town property from Pre-Emption Road to NYS Route 14A with a road boring under the State Highway. In addition, approximately 900 LF of a 2" PE water piping is proposed on Healey Road.

A Pre-Bid Conference will be held on August 25, 2010 at 2:00 PM local time at 3750 County Road 6, Geneva New York. Representatives of Owner and Engineer will be present to discuss the Project. Bidders are encouraged to attend and participate in the conference.

Sealed bids for Modified Water District No. 12 will be received until 10:00 AM Prevailing Time, September 3, 2010 at the Town of Geneva, 3750 County Road No. 6, Geneva, New York 14456 at which time they will be publicly opened and read.

Contract Documents as prepared by MRB Group, Engineering, Architecture and Surveying, P.C., may be examined at the following locations:

1. Office of MRB Group, P.C., 2480 Browncroft Boulevard, Rochester, New York 14625
2. Office of the Town of Geneva Clerk, 3750 County Road No. 6, Geneva, New York 14456
3. Dataflow-McGraw-Hill, 320 N. Goodman Street, S-S200, Rochester, NY 14607
4. Builder's Exchange of Rochester, 100 Linden Oaks, Rochester, NY 14625

Copies of the Contract Documents may be obtained after August 13, 2010 from the offices of MRB Group, P.C. upon payment of \$100.00 for each set, payable to Town of Geneva. The full deposit will be refunded for documents returned promptly (within 10 days of bid date) and in good condition. A non-reimbursable charge of \$20.00 payable to MRB Group, P.C. per set shall be made for plans and specifications mailed parcel post to prospective bidders. In lieu of the shipping charge, prospective bidders may pick up Contract Documents themselves at MRB Group, P.C., or they may ask to have the documents shipped on their own account number. When requesting Contract Documents, prospective bidders must include a letter stating their name, firm's name, shipping address (no P.O. Box numbers), telephone number, fax number (if any), name of project for which they are requesting Contract Documents, amount of money enclosed, and, if applicable, check numbers. Prospective bidders having Contract Documents shipped on their own account number must also include their account number, desired method of shipping (overnight, next afternoon, etc.) and a statement permitting MRB Group, P.C., to use their account number to ship documents to them. Requests for Contract Documents that are not accompanied by the required letter will be returned.

The Town of Geneva, Ontario County, New York, reserves the right to reject any or all bids, or to waive any informalities, or to make an award to other than the low bidder. It further reserves the right to limit the amount of the award.

Attention of the bidders is particularly directed to the requirements of the conditions of employment to be observed and minimum State Wage Rates to be paid under the Contract.

Bidders are required to take affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are used when possible as specified in Sections 31-36(e)(2)(I through V) of the Federal Contract Provisions.

Each proposal must be accompanied by a certified check for an amount not less than five (5) percent of the amount bid payable to the order of the Town of Geneva, or a bond with sufficient sureties to be approved by Town of Geneva, in a penal sum of not less than five percent of the amount bid. If after the Owner's acceptance of a bid, the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, then the Bid Security and/or the money standing to the credit of the same shall be forfeited to the Owner.

Any contract or contracts awarded under this invitation for bids are expected to be funded in part by an Appropriations Act grant from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments,

agencies, or employees is or will be a party to this invitation for bids for any resulting contract. The procurement will be subject to regulations contained in 40 CFR Part 31.

This project is funded in part with assistance under the Financial Assistance to Business Program, as administered by the NYS Environmental Facilities Corporation. As a condition on receiving this funding, the Town, its authorized representatives, and all contractors and subcontractors providing services for the Project shall comply with all Federal and State laws and regulations applicable to the Project regarding affirmative action, equal employment opportunity and small, minority and women's enterprises.

The Town of Geneva does not discriminate on the basis of handicapped status in admission or access to, or treatment or employment in, its programs and activities.

Lorrie Naegele, Town Clerk
Town of Geneva

Dated: August 10, 2010

Discussion: None

Motion unanimously approved.

17) ACCEPT BID FOR DEMOLITION OF FINK'S GARAGE: Motion to accept the bid from Geiter Done of WNY Inc. in the amount of \$72,000 for the demolition of Fink's Garage. Motion made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

Motion unanimously approved.

18) CAPITAL FUND H4 : Motion to establish Capital Fund H4, and the budget for known appropriations to date for the recording of the financial transactions involving the demolition of Fink's Garage. Made by Councilman Capozzi, second by Councilman Larsen.

Known budget to date is as follows:

- A) Debit H4.1570 charges for demolition of unsafe buildings (revenue) \$82,000
- B) Credit H4.1440.4 Engineering (expense) \$10,000
- C) Credit H4.3650.4 Demolition of unsafe buildings (expense) \$72,000

Discussion: Supervisor Luckern stated that the total cost of the demolition would go onto the County Tax bill.

Motion unanimously approved.

19) LOCAL LAW -PROPERTY MAINTENANCE: Motion to accept and to send the draft law to the Town Attorney for changes on Local Law "Enacting a Property Maintenance Law". Motion made by Councilman Capozzi, second by Councilman Smith.

Motion to change item #4 Prohibited Actions: to change "junk vehicles for a period of no more than four (4) weeks" change to *two (2) weeks*. Motion made by Supervisor Luckern, second by Councilman Larsen.

Discussion: Councilman Riley asked if a dealership existed and had a repair facility if they were exempt from this? Attorney Jeff Graff read from item # 4 B: The provisions of Subsection (A) of this section shall not apply to new or used car sales dealers at their place of business or to motor vehicle repair garages. Town Attorney stated if the Town Board wanted, this could be Chapter 150 in the Town Code and he would go through and check the wording. CEO William McAdoo and Councilman Larsen stated, that a definition of an improved lot should be included into this law. The definition has to be very clear as to what an improved lot is.

Motion unanimously approved.

20) LOCAL LAW- RIGHT TO FARM LAW: Motion to accept a Local Law "Right to Farm" made by Councilman Capozzi, second by Councilman Larsen. Motion to send the draft law to the Town Attorney for changes made by Councilman Capozzi, second by Councilman Larsen.

Discussion: Councilman Larsen stated that he likes the law but still has concerns on the animal waste issue. Again this week manure spilled into a creek and then into Owasco Lake, which supplies drinking water to the City of Auburn. Councilman Larsen asked that the Planning Board draft some revisions on animal waste. Councilman Larsen asked when this issue on manure would be addressed? Councilman Riley stated the planning part would not happen overnight and how important this law will be for the Planning and Zoning Boards to protect the Town with this law. Supervisor Luckern questioned Section 117.8 Agricultural Advisory Committee: having a Board member on the committee may be a conflict of interest. A change was made to have, *three (3) agriculture business owners, two (2) non-agricultural residents and two (2) members of the Planning Board of the Town of Geneva.*

Section 117.9 Resolution of Disputes: (Item **B**)- add- *within five (5) business days.* (Item **D**)- add- *fourteen (14) days to hold a meeting to consider the merits of the matter and within ten (10) days of the meeting render a written decision to the parties.*

Motion unanimously approved.

ADDENDUM:

21) AUTHORIZE TO ADVERTISE FOR BID A HEAVY DUTY TRUCK: Motion to authorize Superintendent of Highway, David Achilles, to advertise for bid for a 2010 Heavy Duty Truck, Cab and Chassis. Motion made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None
Motion unanimously approved.

22) MODIFIED WATER DISTRICT NO. 12 RESOLUTION No 28 - 2010 TO CORRECT BOND AUTHORIZATION:

**TOWN OF GENEVA, NEW YORK
RESOLUTION NO. 28 -2010 OF THE TOWN BOARD**

TOWN OF GENEVA ADOPTING AMENDING BOND RESOLUTION

At a meeting of the Town Board of the Town of Geneva, Ontario County, New York, duly held at 3750 County Road 6, in Geneva, New York, on the 10th day of August 2010 at 7:00 p.m.

Councilman Larsen presented the following resolution and duly moved that it be adopted and was seconded by Councilman Riley.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENEVA, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, the Bond Resolution, dated June 29, 2010, is hereby amended as follows:

Section 1. The estimated aggregate maximum cost to the Town of Geneva of the water improvements for the Town of Geneva Modified Water District No. 12, authorized by the Town by a Bond Resolution, dated June 29, 2010, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,121,787.05, and the amount of bonds and bond anticipation notes authorized under such Bond Resolution shall be an amount not to exceed \$1,121,787.05

Section 2. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

23) CONTRACT WITH UNDERBERG AND KESSLER LAW FIRM: Motion to approve a contract with Underberg and Kessler Law Firm to represent the Town in a lawsuit with Verizon at a cost between \$225.00 - \$330.00 per hour. Motion made by Councilman Larsen, second by Councilman Riley.

Discussion: Assessor Lorie Peck stated that she will look into the issue further and would get back to the Board about her findings.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on August 10, 2010 by the following vote:

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

Dated: August 10, 2010

Lorrie S. Naegele, Town Clerk

24) CONTRACT WITH WOLFORD LAW FIRM: Motion to approve a contract with Wolford Law Firm to represent the Town in a lawsuit with Walgreen’s and to continue to represent the Town in a lawsuit with Rob Co at \$160.00 per hour. Motion made by Councilman Capozzi, second by Supervisor Luckern.

Discussion: Councilman Larsen asked, “Has the Town used Wolford Law Firm for Assessment law suits before?” Supervisor Luckern replied, “Yes.” Councilman Larsen asked, “Does Wolford Law Firm have as much experience as Underberg and Kessler Law Firm? The Supervisor replied, “Yes.”
Motion unanimously approved.

25) SUPERVISOR’S REPORT: Motion to accept the Supervisor’s Report made by Councilman Riley, second by Councilman Larsen.

Discussion: • The County passed a resolution to implement the first part of Leander’s Law not the second part. Supervisor Luckern is on the Search Committee for a new County Administrator.
Motion unanimously approved.

26) CORRESPONDENCE:

1. Lt. Gallagher’s Report

27) OLD BUISINESS: Nate Martin has accepted the appointment as Vice- Chairman of the Kashong Conservation Area Committee. There was no new information on the No-Parking signs for State Rte. 14N.

28) NEW BUSINESS: The new compactor is in place at the transfer station.

29) PRIVILEGE OF THE FLOOR: John Russo, Carter Road: Asked about Local Law 2-2010 “Amending Chapter 165(Zoning) of the Code of the Town of Geneva Relative to the Zoning Board of Appeals and the Town Planning Board”, Section 3 item 2. John was concerned that the alternate members may not have the information needed at the Zoning Board meeting. The Town Attorney explained that these alternates would be at all the meetings and would receive packets for the meetings and have the same role as the Planning and Zoning Board members.

Ken Livermore, County Road 6:Ken had concerns on the Property Maintenance Law about Section 5 Item B. The Town Attorney explained they would look that over again. The Town Attorney referred Ken to Section 9. The provisions of this local law shall be subject to and subordinate to the provisions of the New York State Agriculture and Markets Law.

Allen Nester, Kashong Point: Asked if there had been a Public Hearing on the Property Maintenance Law. The Town Attorney explained that this Law would be more restrictive than the State Code and they have not set a date for the public hearing yet.

Marilyn Macdonald, Billsboro Road: Stated she disagrees with having someone tell you that you have to mow your lawn. This Property Maintenance Law is like living in a gated community. Supervisor Luckern stated that they have a lot of complaints on residential properties of high grass. Councilman Larsen explained most of the complaints are in subdivisions with nice houses that have an empty unsold lot next to them and the grass is three feet high with weeds and rats and other vermin, that is really what this law is for.

30) EXECUTIVE SESSION: Motion to go into Executive Session to discuss Town Hall Personnel made by Councilman Capozzi, second by Councilman Larsen.
Motion unanimously approved.

9:10 - P.M.

RESPECTFULLY SUBMITTED