

Regular Geneva Town Board Meeting
 3750 County Road #6
 Geneva, NY 14456
November 9, 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: Pat Nicoletta, MRB Engineer; Charlie Bracko, Water & Sewer Superintendent; David Achilles, Highway Superintendent; Bill McAdoo, Code Enforcement Officer; fifty eight residents and Amada Folts reporter for the Finger Lakes Times.

1) CALL TO ORDER: Supervisor Luckern called the meeting to order at 7:01 p.m. The meeting was opened with the Pledge of Allegiance.

2) ACCEPTANCE OF THE MINUTES: RESOLVED, that the minutes of the Special Meeting on September 10, 2010, the Public Hearings for Local Law 4-2010, Local Law 5-2010, proposed Local Law for Property Maintenance and Regular Board Meeting October 12, 2010, be approved and accepted. Motion made by Councilman Capozzi, second by Councilman Riley.
Discussion: None
 Motion unanimously approved.

3) TOWN CLERK'S OCTOBER 2010 REPORT: (REFER TO ADDENDUM # 1)
 Motion to accept and approve made by Councilman Capozzi, second by Councilman Smith.
Discussion: None
 Motion unanimously approved.

4) CODE ENFORCEMENT OFFICER'S OCTOBER 2010 REPORT: (REFER TO ADDENDUM # 2) Motion to accept and approve made by Councilman Smith, second by Councilman Larsen.
Discussion: Red Jacket Orchard has cleaned up the property facing Berry Fields Road. Storm water issues are being addressed on Carter Road, Brian Drive, Lomar Drive and Pre-Emption & Lenox Road.
 Motion unanimously approved.

5) AUTHORIZE TO APPROVE BILLS: RESOLVED, that the bills are presented for payment on Abstract 11-2010 from voucher # 1006 through # 1135

FUND	VOUCHER #	TOTALS
DA Highway	(1029 to 1044)	\$ 6,276.63
SS Sewer District	(1045 to 1055, 1120 and 1128)	\$ 28,171.43
SWD Water Storage & District	(1056 to 1067, 1112 – 1119 and 1126,1127)	\$ 48,918.48
A General Funds	(1068 to 1111 and 1129 - 1134)	\$ 47,014.53
MODIFY WD DIST 12	(1121,1122,and 1125)	\$ 5,362.50
FINKS GAS STATION	(1123 and 1124 and 1135)	\$ 17,333.80
TOTAL		\$ 153,077.37
ABSTRACT: 11 –2010; NOVEMBER 2010 voucher # 1029 - 1135		\$ 153,077.37
PRE-PAID –October & November, voucher # 1006 - 1028		\$ 59,877.16
NOVEMBER – TOTAL		\$ 212,954.53

Motion to approve bills made by Councilman Larsen, second by Councilman Smith.
Discussion: None
 Motion unanimously approved.

6. 2011 FIRE CONTRACTS: Motion to authorize the Town Attorney to prepare the draft of the 2011 Fire Contracts made by Councilman Larsen, second by Councilman Capozzi.
Discussion: None
 Motion unanimously approved.

7. AMENDMENTS TO THE 2011 PRELIMINARY TOWN BUDGET: Motion to amend the 2011 Preliminary Town Budget Line item **A7020.1** Director of Recreation from \$30,000 to \$15,000 Motion made by Councilman Riley, second by Councilman Smith.

Discussion: Councilman Riley asked the board to lower the Director of Receptions amount from \$30,000 to \$15,000.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva on November 9, 2010, adopted the aforementioned resolution, 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> </u>	<u>X</u>
Patrick Riley	<u>X</u>	<u> </u>
George Smith	<u>X</u>	<u> </u>

Dated: November 9, 2010

Lorrie S. Naegele, Town Clerk

8. 2011 ANNUAL BUDGET: Resolution to accept the 2011 Preliminary Town Budget with the amendments as the 2011 Annual Budget. Motion to accept and approve made by Councilman Larsen, second by Councilman Riley.

Discussion: The Supervisor opened the floor to the residents for discussion:

Erica Cooney-Connor, Castle Road: Erica asked if the funding for the position Director of Recreation would increase in the future. She also questioned the necessity of the position. Councilman Riley clarified that this program is not to be a duplication of what the Community Center or the Geneva Recreation Center is offering. We are hoping the program will encompass the senior citizens, baby boomers all the way down to the school age children. Also encompass the Kashong Conservation Area for Cross Country Skiing, Hunter Safety Courses and other safety courses. Councilman Riley stated, "The Town of Geneva is not in any danger of having a Town Tax."

Mel Thomas, Slosson Lane: Mel stated, he would like the Board to send a survey to the town residents to see how many of them use the Community Center. Councilman Riley stated that the Geneva Community Center usage figures for the year September 2009 to August 2010 are:

46 separate groups utilize the GCC, 70% were paying customers 11K total, individual visits to the GCC=14,208, average per week high March=430, average per week low December =103. This did not track usage of GCC grounds, this would add to the total usage figure. The community center has offered the use of their facility free of charge to the Town of Geneva. They have offered us office space that does not mean that the director will reside there. This position will be a Civil Service job through the County.

Beverly Young, Billsboro Road: Beverly received nineteen phone calls and five subjects were repeated to her. 1. Back room deal to help the boys and girls club due to financial reasons. 2. Eventually the City and Town would financially support the Community Center. 3. The Community Center is trying to take over the City Recreation Program to receive City funds. 4. The Community Center needed more numbers of attendees to receive grant funds. 5. The Community Center needed the Town to pay for recreation worker to help them out with staffing.

Councilman Larsen: stated that in the 2011 Budget there is a projected \$77,000 saving now. The Town of Geneva has very exceptional employees. Their jobs are to maintain the roads, sewer distributions systems, water distributions systems and water treatment plants. Their Civil Service job description is maintenance-equipment operators only not construction workers. These employees, to save the residents money completed the following: County Rd 4, Water replacement; new water mains on Gambee, Carter, North Kashong, Turk, Snell, Route 14A, White Springs Lane, Pre-Emption Road and Washington Street. Water main extensions on Dwyer Drive, Reed Rd and Genesee Street. Sewer main extensions on Route 5 + 20 and Pre-Emption Road. These projects would have never been completed because of the construction cost being too high. If these projects were not completed the Town would have lost some of our commercial projects to other communities. Microtel Hotel is one, Tractor Supply and Lieberg Car Wash and many more. Now County Road 4 Project is being done in house saving \$25,000 per year for water customers. The Town employees worked on the New Town Hall to keep the construction cost down. Our Town employees do all maintenance at the Town Hall. Other Towns do not have the cooperation with all Town employees like the Town of Geneva; without this cooperation the Town would not have \$2,000,000 in the bank if the employees did not do these projects. I urge this Board to approve this budget.

Councilman Smith: Commented on the Geneva City School District is receiving Sept 2008 to June 2009 – 3.9%, Sept. 2009 to June 2010-4.0%, Sept. 2010 to June 2011-4.0%. School Teachers: 2007 to 2010 Contract average across the board is 3.9% per year. City of Geneva Fire Department – 3.5% for 4 years, DPW- 3.65% for 3 years 3.0% for the 4th year, DPW's average raise for 4 years -3.45% and Police Department contract – 3.5% for 3 years. Out of 16 Towns in Ontario County the Town of

Geneva Employees are number 8 on the Ontario County Town Salary Survey. We are saving approximately \$50,000 on Health Insurance along with other savings in this 2011 Budget.

Councilman Riley: At the last meeting Mr. Acquilano said that the property value in the Town of Geneva was dropping. New York State Real Property Service and the state numbers for the Town of Geneva's residential properties saw an appreciation rate of 1.27%. Social Security has received an average annual increase of 4.18% over 36 years.

Supervisor Luckern: stated that you couldn't find a better group of workers. But from the beginning she has stated a 3% raise and the Director of Recreation position should be explained more but basically it is a good position and hope people like Erica that is involved in this type of work would be involved in it. She urge that a survey be done to see what people want out of the program.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva on November 9, 2010, adopted the aforementioned resolution, 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: November 9, 2010

Lorrie S. Naegele, Town Clerk

9. EXPENDITURES FOR THE DEMOLITION OF FINKS: RESOLUTION, Whereas to authorize and direct the Town of Geneva Bookkeeper to prepare a list of any expenditures for the demolition of Fink's Garage as of November 1, 2010 and submit such list to the Town Board and Ontario County Real Property Tax Department for inclusion in the 2011 Tax Roll. Motion to accept and approve made by Councilman Capozzi, second by Councilman Riley.

Discussion: None
Motion unanimously approved.

10. HEALTH INSURANCE FOR TOWN JUSTICE: Motion to remove Judge Liberatore name from the resolution because Health Insurance is not being offered to him.

Motion to accept and approve 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 Town Board of the Town of Geneva on November 9, 2010 adopted the aforementioned resolution, 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: November 9, 2010

Lorrie S. Naegele, Town Clerk

10A. HEALTH INSURANCE FOR TOWN JUSTICE DOX: Motion to offer the Town's Health Insurance Plan to the Town of Geneva Justice Dox with the Town paying the premiums. Motion to accept and approve 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 Town Board of the Town of Geneva on November 9, 2010 adopted the aforementioned resolution, 2010 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mary Luckern	<u> X </u>	_____

Richard Larsen
Anthony Capozzi
Patrick Riley
George Smith

<u> X </u>	<u> </u>
<u> </u>	<u> X </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>

Dated: November 9, 2010

Lorrie S. Naegele, Town Clerk

11A. RESOLUTION NO. 36A-2010 DETERMINATION OF SIGNIFICANCE OF LOCAL LAW NO. 4-2010: Motion to accept and approve made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA,
ONTARIO COUNTY, NEW YORK,**

RESOLUTION NO. 36A - 2010

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 4 OF 2010

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined **Local Law No. 4 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 November 9, 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: November 9, 2010

Lorrie S. Naegele, Town Clerk

11. RESOLUTION NO. 36-2010 ACCEPTING LOCAL LAW NO. 4-2010: Motion to accept and approve made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA,
ONTARIO COUNTY, NEW YORK,**

RESOLUTION NO. 36 - 2010

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF LOCAL LAW NO. 4 OF 2010 WHICH WILL AMEND THE ZONING CODE OF THE TOWN OF GENEVA

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 September 21, 2010, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law Amending the Zoning Code of the Town of Geneva; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on September 30, 2010 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on October 12, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; 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. 4 of 2010**, entitled, "A Local Law Amending Chapter 165 (Zoning) of the Code of the Town of Geneva", a copy of which is attached hereto and made a part hereof, 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, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Geneva sign board.

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 November 9, 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: November 9, 2010

Lorrie S. Naegele, Town Clerk

FILING LOCAL LAW

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Geneva
Village

Local Law No. 4 of the year 2010.

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva"**
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Geneva as follows:
Village

Section 1. Section 165-3 of Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended with the insertion of a new definition for "Automobile storage, repair salvaging or dismantling" to read as follows:

AUTOMOBILE STORAGE, REPAIR, SALVAGING OR DISMANTLING – Premises devoted to one or more of the following activities:

1. the short-term or seasonal storage of operable motor vehicles;
2. the performance of motor vehicle cleaning, routine servicing and repairs;
3. the dismantling, salvaging or disassembling of motor vehicles or trailers;
4. the storage or sale of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

All storage, cleaning, servicing, repairs, dismantling, salvaging, disassembling and sales activities must take place and be fully contained within a structure that is approved by the Town of Geneva Planning Board as part of a site plan review process.

Section 2. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by changing the Type of Use of "Automobile storage or repair" under the "Business Uses" heading to read "Automobile storage, repair, salvaging or dismantling".

Section 3. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by making "Automobile storage, repair, salvaging or dismantling", as listed under the "Business Uses" heading, a permitted use in the B-2 zone column such that the letter "P" shall appear in this location of the Schedule.

Section 4. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by making "Manufacture, fabrication, extraction, assembly, warehousing and other handling of material in compliance with §§165-18 and 165-24, excluding prohibited uses listed below", as listed under the "Light Industrial Uses" heading, a permitted use in the B-2 zone column such that the letter "P" shall appear in this location of the Schedule.

Section 5. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.

12. 11. RESOLUTION NO. 37-2010 ACCEPTING LOCAL LAW NO. 5-2010: Motion to accept and approve made by Councilman Capozzi, second by Councilman Larsen.

Discussion: None

TOWN OF GENEVA, NEW YORK

RESOLUTION NO. 37 - 2010

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF A LOCAL LAW NO. 5-2010 "ADOPT A RIGHT TO FARM LAW"

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 September 21, 2010, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed **Local Law No. 5-2010** Adopting a Right to Farm Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on September 30, 2010 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on October 12, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; 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 **Local Law No. 5 of 2010**, entitled, "A Local Law Adopting a Right to Farm Law", 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 Town Board of the Town of Geneva on November 9, 2010 adopted the aforementioned resolution, 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: November 9, 2010

Lorrie S. Naegele, Town Clerk



FILING LOCAL LAW

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Geneva

Local Law No. 5 of the year 2010.

A local law "**Adopting a Right to Farm Law**"
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

Town of Geneva as follows:

Section 1. The Code of the Town of Geneva is hereby amended with the adoption of a Right to Farm Law which law shall be added to the Code as Chapter 117 and read as follows:

**CHAPTER 117
RIGHT TO FARM**

Section 117.1. TITLE

This chapter shall be known as the "Right to Farm Law of the Town of Geneva."

Section 117.2. PURPOSE

- A. It is hereby found and declared by the Town Board of the Town of Geneva that agriculture lands are irreplaceable assets. To that end, the Town Board affirms that farming is an essential activity. Farming, as defined in the Right to Farm Law, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, it is emphasized to residents that this municipality encourages its agriculture and requests its residents to understand the necessary day-to-day operations associated with agricultural land use.
- B. It is the general purpose and intent of this local law to maintain and preserve the rural tradition and character of the Town of Geneva, to permit the continuation of agriculture practices and the business of farming, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business of farming, it is the specific purpose and intent of this chapter to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions.
- C. The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town of Geneva, and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby declares that it shall be the policy of the Town of Geneva to provide reasonable notice to prospective landowners that farming activities will occur on neighboring lands.

Section 117.3. DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable and effective application.
- B. As used in this chapter, the following terms shall have the meaning indicated:

AGRICULTURAL FARM OPERATIONS - Any person, organization, entity, association, partnership or corporation engaged in the business of agriculture or farming or agriculture practices whether for profit or otherwise.

AGRICULTURAL LAND - Any single or multiple, contiguous or noncontiguous parcel or parcels, that together represent all that real property within the boundaries of the Town of Geneva currently used for agricultural farm operations or upon which agriculture practices are being utilized or upon which agriculture farm operations or agriculture practices may in the future be established or utilized.

AGRICULTURE PRACTICES - Any activity, including the cultivation of land, the raising of crops, the raising of livestock, dairy, poultry, horticulture, timber; the production, whether for sale to others or home use or consumption, of plants and animals, fruit, vegetable and field crops; plantations, orchards, nurseries, greenhouses, or other similar agricultural practices used primarily for the raising, marketing, or sales of on-premises-produced agricultural or horticultural value-added commodities. Further, agriculture practices shall include any activity now permitted by law, any activity recommended by the Cornell Cooperative Extension or by Soil and Water Conservation or any activity engaged in by or on behalf of a farmer in connection with and furtherance of the business of agriculture or farming and shall include without limitation, the collection, transportation, distribution and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, pesticides and fungicides, all in accordance with local, state, and federal law and regulation and in accordance with the manufacturer's instructions and warnings; the generation of noise; construction of farm structures and facilities as permitted by local and state building code regulation; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related

pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to the agriculture practices.

1. The following examples are intended to be illustrative of common “agricultural practices” covered within this definition, but are not inclusive:
 - a) Providing for the wholesale and retail marketing, including U-pick marketing, and sales of the agricultural output of the farm and value-added related products that contribute to farm income, including the sale at the owner’s farm stand of agricultural products of the farm.
 - b) Replenishing soil nutrients, including but not limited to the spreading of manure and applying approved inorganic and organic fertilizers.
 - c) Using federally approved products, in accordance with label instructions, as recommended by the Cornell Cooperative Extension, the United States Environmental Protection Agency, and the New York Department of Environmental Conservation for the control of pests, predators, varmints, diseases affecting plants and livestock, and for the control of weed infestation.
 - d) Transporting large, slow-moving equipment over roads within the Town of Geneva, in accordance with local, state, and federal law and regulation. Occasional traffic and travel inconveniences due to weather conditions (e.g. extreme heat, rain, mud) are to be expected on highways in the Town of Geneva.
 - e) Clearing of woodlands using accepted techniques and installing and maintaining vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control.
2. The foregoing uses, activities and rights when reasonable and necessary for agricultural or horticultural production and when conducted in accordance with generally accepted agricultural practices may occur on holidays, Sundays and weekends, by day or night.

FARM – The land, buildings and equipment contributing to the production, preparation and/or marketing of agricultural products.

FARMER – Any person, organization, entity, association, partnership or corporation engaged in an agricultural farm operation or agricultural practices as defined herein.

FARMING – The act of engaging in an agricultural farm operation and/or agricultural practices as defined herein.

FARM OPERATION – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

SOUND AGRICULTURAL PRACTICE – Any agricultural practice, or appurtenances thereto, conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies within the educational aspects of farmers and agricultural practices, herein and hereafter referred to as accepted customs and standards.

Section 117.4. RIGHT TO FARM

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices or an agricultural farm operation within the Town of Geneva at any and all such times and at all such locations as are reasonably necessary to carry on an agricultural farm or agricultural value-added operation or agricultural practice. In determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs, procedures and sound agricultural practices in the agricultural industry as well as to advances resulting from increased knowledge or improved technologies.

Section 117.5. NUISANCE

No agricultural practice or appurtenances thereto, conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies within the educational aspects of farmers and agricultural practices, herein and hereafter referred to as accepted customs and standards, shall be or become either a public or private nuisance.

Section 117.6. INTERFERENCE PROHIBITED

No person, group, entity, association, partnership, or corporation shall engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly, and/or deliberately interfere with, prevent, or in any way deter the practice of farming within the Town of Geneva.

Section 117.7. PENALTIES

- A. Non-compliance with any provision of this chapter shall not affect title to real property, nor prevent the recording of any document. Violation of any provision of this local law may constitute an offense punishable by law with a fine of not less than Twenty-five and No/100 Dollars (\$25.00) nor more than One Hundred Fifty and No/100 Dollars (\$150.00) for each day's violation or continuation of the violation.
- B. In addition, an action to restrain or enjoin any violation of this local law may be brought in a court of competent jurisdiction by any aggrieved entity and/or the Town of Geneva.

Section 117.8. AGRICULTURAL ADVISORY COMMITTEE

The Town Board shall create an Agricultural Advisory Committee (AAC). The purpose of the committee is to advise the Town on any and all agricultural matters including but not limited to questions from Town residents regarding agricultural practices, location of drainage lines, and farmland protection techniques. The committee shall be composed of seven (7) members which should be composed of three (3) agriculture business owners, two (2) non-agricultural residential owners and two (2) members of the Planning Board of the Town of Geneva.

Section 117.9. RESOLUTION OF DISPUTES

- A. Should any controversy arise, which cannot be settled by direct negotiation between the parties involved, regarding any inconveniences or discomfort occasioned by any agricultural operations or agricultural practices, as defined in Section 3 of this chapter, including but not limited to noises, odors, fumes, dust, the operation of machinery of any kind during any hour of the day or night, the storage and disposal of manure, and the application by spraying or otherwise of organic or inorganic fertilizers, soil amendments, herbicides and/or pesticides, the parties will submit the controversy to the Town of Geneva Agricultural Advisory Committee (AAC) thru the Code Enforcement Office as set forth below in an attempt to resolve the matter prior to the filing of any court action.
- B. Any controversy between the parties will be submitted to the Agricultural Advisory Committee (AAC), whose decision shall be advisory only, within five (5) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.
- C. The effectiveness of the Agricultural Advisory Committee (AAC) as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- D. The controversy shall be presented to the Agricultural Advisory Committee (AAC) by written consent of one of the parties within the time specified herein. Thereafter, the Committee may investigate the facts of the controversy, but must, within fourteen (14) days, 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. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts.
- E. The decision of the Agricultural Advisory Committee (AAC) shall not be binding. If one of the parties is not satisfied with the Committee's decision, either party may submit the matter to the Town Board according to the procedures set forth as follows:
 - 1. The controversy between the parties shall be submitted to the Town Board upon written request of either party.
 - 2. The Town Board shall review the controversy with a report from the proceedings of the Agricultural Advisory Committee (AAC). Within (30) days of the written request, the Town Board shall render a written decision to the parties.

Section 117.10. NOTICE TO PROSPECTIVE NEIGHBORS/NOTICE OF FARM USE

- A. **AGRICULTURAL DATA STATEMENT:** The Town of Geneva will require and support the requirement for agricultural data statements as prescribed in NYS Agriculture and Markets Law Article 25AA Sec. 305(a).

B. AGRICULTURAL DISCLOSURE FOR NEW RESIDENTIAL DEVELOPMENT:

1. For the purpose of giving due notice of nearby farming uses to proposed new residential areas within 500 feet of any agricultural farm operation, the Planning Board shall require any applicant for a major or minor subdivision that is within 500' of any agricultural farm operation, as a condition of approval of such application, to include in each and every deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land.

"The grantee hereby acknowledges notice that agricultural operations exist throughout the Town of Geneva and that there are presently or may in the future be farm uses adjacent or in close proximity to the described premises. The grantee acknowledges that farmers have the right to undertake farm practices which may generate dust, odor, fumes, noise, vibrations, and temporary traffic inconveniences associated with agricultural practices, and that these practices are permitted under the Town of Geneva Right to Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities.

The above notice shall also be included on building permits and on plats and subdivisions submitted for approval pursuant to New York State Town Law and/or the Code of the Town of Geneva.

The risk of any impact of these agricultural uses on the purchase of property is specifically to be borne by the purchaser of that property.

- C. AGRICULTURAL DISCLOSURE AT TIME OF PROPERTY TRANSFER: The Town of Geneva encourages the County of Ontario to foster and support the agriculture disclosure requirement as prescribed in NYS Agriculture and Markets Law Article 25AA, Sec. 310.

Section 117.11. SUPERSESSON CLAUSE

Insofar as the provisions of this chapter are inconsistent with the provisions of any other chapter, local law, rule or ordinance, the provisions of this local law shall supersede those found inconsistent and prevail.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

13. PROPOSED LOCAL LAW ENACTING A PROPERTY MAINTENANCE LAW: Motion to TABLE Proposed Local Law Enacting a Property Maintenance Law. Motion made by Councilman Larsen, second by Councilman Capozzi.

Discussion: Councilman Larsen asked to table the law. Supervisor Luckern stated when they were making this law it was to protect people when the law was written it wasn't what the board wanted. The Board will have workshops for the residents and have the Planning and Zoning Boards involved in it also.

Motion unanimously approved.

14. TOWN HALL CLOSING: Motion to close Geneva Town Hall at noon on November 24th the Wednesday before Thanksgiving. Motion made by Councilman Capozzi, second by Councilman Smith.

Discussion: None

Motion unanimously approved.

15. ADDENDUM: 1. ACCEPT BID FOR MULTI PURPOSE DUMP BODY WITH PLOW EQUIPMENT: Motion to accept a bid from Henderson Truck Equipment for a 15 ft. Multi Purpose Dump Body with Plow Equipment in the amount of \$78,401.00. Motion made by Councilman Capozzi, second by Councilman Riley.

Discussion: Highway Superintendent Dave Achilles stated that they received two bids one was not to specification.

Motion unanimously approved.

2. PAYMENT TO F. RIZZO CONSTRUCTION INC. FOR MATERIALS: Motion not to exceed \$111,000 for materials for Modified Water District 12 to F. Rizzo Construction Inc. on the advice of Pat Nicoletta, MRB Engineer. Motion made by Councilman Capozzi, second by Councilman Larsen.

Discussion: Councilman Smith asked if Rizzo Construction would get the Fire Companies involved as to the position of the fire hydrants to have them more accessible for the fire departments. Pat Nicoletta, MRB Engineer stated that they follow NYS standards and the Health Department standards. Councilman Larsen asked about the progress of the project. Pat Nicoletta informed the Board they have made a tap on 14A and County Road 6, the first hydrant is in place. Motion unanimously approved.

16. SUPERVISOR'S REPORT: Motion to accept and approve made by Councilman Riley, second by Councilman Larsen.

Discussion: Supervisor Luckern stated that she was on the committee for the new County Administrators job and at the Board of Supervisors November meeting they are going to make a recommendation. Motion unanimously approved.

17. CORRESPONDENCE: Lt. Bill Gallagher Report: Motion to accept made by Councilman Larsen, second by Councilman Capozzi.

Discussion: None

Motion unanimously approved.

18. OLD BUSINESS: Councilman Larsen stated that he has heard a lot of concerns on the Town Tax Rate because of this budget. He wanted to reassure the residents that anything in this budget would not create a Town Tax Rate. There is a Supervisors report that is presented to the Board every month and it shows the Town cash and savings for the month. Anyone can ask for a copy of this report. Supervisor Luckern stated that the Town has been very fortunate it receives sales tax four times a year, January, April, July and October we average \$330,000 every quarter. The Supervisor agreed with Councilman Larsen and sees no problem financially for the Town of Geneva currently we have a savings of two million dollars.

19. NEW BUSINESS: Councilman Riley suggested because the Town has such a large fund balance he would like the Board to look into taking money to offset the County Tax bill it would lower the tax rate that is being paid by Town residents. There are pros and cons to this so the board would be collecting information at this point.

Sewer Treatment Plant: Supervisor Luckern stated the Town is going to build a Sewer Treatment Plant however they are waiting for the plans to be drawn up. Councilman Larsen and Water and Sewer Superintendent Charlie Bracko with their expertise they will help guide the Town with Financial and legal assistance. Councilman Riley replied that the Town could no longer sit back and be held hostage by the City every year with a 35% sewer rate increase.

20. PRIVILEGE OF THE FLOOR: Dick Goldstone, Whites Point: asked if the speed limit on State Route 14S could be reduced or have no passing all the way to the south Town Line due to the winery traffic. The Supervisor informed the Residents that they have requested a speed limit change seventeen times to the Department Of Transportation and the Town was turned down ever time. Dicks other concern was if Whites Point could be a dedicated road. Highway Superintendent stated they have to follow the State regulations and specifications to dedicate a road and Whites Point does not fall into the State specifications.

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

Motion unanimously approved.

8:24 - P.M.
RESPECTFULLY SUBMITTED
