

Minutes
Town of Geneva
Regular Town Board Meeting
October 11, 2016

PRESENT: Supervisor Mark Venuti Councilmember Robert McCarthy
 Councilmember Melissa Nault Councilmember Mark Palmieri

ABSENT: Councilmember Jeffery Dunham

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

Others Present: Bernie Peck, Interim Highway Superintendent; Bill McAdoo, Code Enforcement Officer; ten residents and Mike Hibbard from the Finger Lakes Times.

1. **Informal Discussion**- 6:30 pm. Informal discussion of Town Board, department heads and public.
2. **7:00 pm Call to order the Public Hearing**: for the 2017 Preliminary Budget and Local Fire Contracts
Public Comments- None
Written Comments- None
Close Public Hearing- 7:02 pm.
3. **Call to order**: the Regular Meeting of the Town Board. 7:02 pm.
4. **Privilege of the floor**: Charlie Pitifer, Carter Road: discussed the speed limit on Carter Road and the trash trucks collecting before 7:00 am. The Supervisor explained that the town has made many requests to the DOT to have the speed limit lowered unfortunately they do not agree with the town. The town is working on updating the Town Codes and the trash truck collecting is being looked into.
5. **Approval of the minutes**: Approval of the minutes of the Regular Meeting of the Town Board on September 14, 2016. Motion to approve made by Councilmember Nault, second by Councilmember Palmieri. Approval of the minutes of the Special meeting of the Town Board on October 4, 2016. Motion to approve made by Councilmember Palmieri, second by Councilmember McCarthy. Unanimously approved.
6. **Town Clerk's report**.
Questions, comments.
The Board acknowledges receipt.
7. **Code Enforcement Officer's report**.
Questions, comments. The CEO will produce a summary of activities under the Short Term Rental Law for the next meeting. 2015 International Code became mandatory October 4, 2016. With (AHJ) Authority having jurisdiction-Code Enforcement Officer.
The Board acknowledges receipt.
8. **Supervisor's report**: of finances for the previous month, and budget comparisons.
Questions, comments.
The Board acknowledges receipt.
9. **Highway Superintendent's Report**: The Board acknowledges receipt.
10. **Water & Sewer Superintendent's Report**: The Board acknowledges receipt.
11. **RESOLUTION NO. 85-2016** - Approving Abstracts and Bills.

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 85-2016

Whereas certain bills for services and goods received or to be received by the town have been presented for payment, and

Whereas those bills have been reviewed by the supervisor's bookkeeper, the supervisor and other members of the town board, and are in proper order for payment, now, therefore, it is

RESOLVED that the supervisor is authorized to pay these bills.
Abstract 10-2016 October, all voucher # 931 to 1042

FUND	VOUCHER #	TOTALS
DA	Highway (963- 982)	\$ 10,038.53
SWD	Water Storage & District (983-995)	\$ 5,016.61
SS	Sewer District (996-1003)	\$ 981.45
A	General Funds (1004--1042)	\$ 29,836.99
	Town Street Lighting	\$.00

Kashong Lighting

Total \$.00
\$ 45,873.58

ABSTRACT: 10- 2016; October Voucher 963 to 1042 \$ 45,873.58
PRE-PAID –paid during October, voucher 931 to 962 \$ 135,046.84
October– TOTAL \$ 180,920.42

Motion to approve bills made by Councilmember McCarthy, second by Councilmember Palmieri.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

12. **RESOLUTION NO. 86- 2016** – Approval of Seneca Springs Townhomes Planned Unit Development. Motion to approve made by Councilmember Nault, second by Councilmember Palmieri.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 86-2016**

Whereas, following town planning board and Ontario County planning board reviews and approvals, and two public hearings, the town board approved the application of Gregory Missick, to amend the zoning code to establish a Planned Unit Development district at 463 Snell Road, on June 14, 2016, per Resolution 61-2016, adopting Local Law 3-2016; and

Whereas the applicant submitted final plans for the development, called Seneca Springs Townhomes and designed for persons 55 years of age and older, to the town code enforcement officer, the town planning board, the town’s engineers (MRB Group), and the Ontario County planning board, revisions were made, a public hearing by the town planning board was held August 16, 2016, and the final plans approved by all of these bodies and officials, with the town planning board voting to approve the final plans at its September 20, 2016 meeting; now therefore it is

RESOLVED the final plans for the Seneca Springs Townhomes Planned Unit Development, dated July 2016 but last revised September 16, 2016, are approved pursuant to Chapter 116 of the Geneva Town Code.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

13. **RESOLUTION NO. 87- 2016** – Authorizing Renewal of Bond Anticipation Note for Water District 1, Extension 4. Motion to approve made by Councilmember Nault, second by Councilmember Palmieri.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 87-2016**

Whereas a bond resolution of the Town of Geneva for improvements to Water District 1, Extension 4 was adopted by the Town Board on April 14, 1992, which resulted in a Bond Anticipation Note with Five Star Bank, now with Bank of the Finger Lakes, last renewed October 19, 2015 in the amount of \$28,000.00, coming due October 18, 2016, together with interest at the rate of 1.60%; and

Whereas the full amount due cannot be paid without significant cost to property owners, and it need not be paid in full and may be and has been renewed annually with a payment against principal and the interest due; and

Whereas a payment against principal of \$3,500.00 has been budgeted; now therefore, it is

RESOLVED the Supervisor of the Town is authorized to pay \$3,500.00 toward principal, and the interest due, on or before October 18, 2016, and to sign a new Bond Anticipation Note for a year with the Bank of the Finger Lakes binding the Town of Geneva for the balance due of \$24,500.00, plus interest.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

14. **RESOLUTION NO. 88-2016** – Approve Payment to Rizzo Construction of \$39,208.35 for Water District 6 Project. Motion to approve made by Councilmember Palmieri, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 88-2016**

Whereas F. Rizzo Construction, Inc. is installing the new water main and related components for Water District 6 and has completed the installation of the main, connections to users, and restoration; and

Whereas Rizzo has made an application for payment against its approved contract of \$463,569.00, in the amount of \$41,271.95, which, less retainage of \$2,063.60, has been approved by the town's engineers, MRB Group, for a net amount due of \$39,208.35; now therefore it is

RESOLVED the Application for Payment No. 4 of F. Rizzo Construction, Inc., which has been approved by MRB Group in the amount of \$39,208.35, is approved, and \$39,208.35 may be paid.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

15. **RESOLUTION NO. 89-2016** – Sale of Surplus Property in Phelps to Kenneth Horst. Motion to approve made by Councilmember McCarthy, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 89-2016**

WHEREAS, the Town Board of the Town of Geneva has determined that premises owned by the Town of Geneva located on County Road 6 in the Town of Phelps and identified as tax map # 49.00-1-70.000 (the "Premises"), which said Premises is 54.78 feet by 795.20 feet and located between two properties owned by Kenneth S. Horst, is surplus and no longer needed for any Town purpose; and

WHEREAS, the Town is required to carry liability coverage on the Premises so long as it remains the owner of it and the Town has liability concerns so long as it owns the Premises because there are pools of water from excavation years ago and there appears to be discarded materials on the Premises, all of which could result in persons being drawn onto the Premises and, possibly, being injured and thereby increasing the likelihood of claims being brought against the Town and/or causing the Town's liability insurance premiums to increase; and

WHEREAS, the Premises currently is nominally assessed at \$800.00; and

WHEREAS, Mr. Horst has offered the Town of Geneva \$500.00 in consideration for the Premises, has agreed to pay all of the recording fees to the Ontario County Clerk to effectuate this deed transfer (including the amount the Town would typically be responsible for paying of approximately \$67.00) and has further agreed to pay the Town half of the Town's attorney's fees incurred in effectuating this transfer (such half estimated to be approximately \$150.00); and

WHEREAS, Mr. Horst is not requiring the Town to provide either an abstract of title or a survey as part of this transfer thus saving the Town further costs that it might otherwise incur selling this property to another buyer.

NOW THEREFORE, BE IT RESOLVED, that, because the Premises has only a nominal assessment and, because the location of the Premises creates hardly any market for the Premises and, because a conveyance of the Premises to Mr. Horst would return the Premises to the tax rolls and, because a conveyance of the Premises to Mr. Horst would eliminate the Town's liability for matters involving the Premises and further eliminate the need for the Town to maintain the Premises on the Town's insurance coverage and, because Mr. Horst is paying all recording fees and half of the Town's attorney's fees involved in conveying the Premises and, because Mr. Horst is not requiring the Town to provide him an updated abstract of title or a survey for the Premises, the Town Board has determined that the offer by Mr. Horst represents fair and adequate consideration for the Premises; and

BE IT FURTHER RESOLVED, that, because the Premises is surplus and no longer needed for any Town purpose and because Mr. Horst has offered fair and adequate consideration for the Premises, the Town Board accepts Mr. Horst's offer to purchase the Premises; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute a quit claim deed conveying the Premises from the Town to Kenneth S. Horst; and

BE IT FURTHER RESOLVED, that upon Mr. Horst paying the Town the sum of \$500.00 and half of all of the Town's attorney fees

incurred in conveying the Premises, the Supervisor is authorized and directed to deliver said deed to Mr. Horst for recording; and

BE IT FURTHER RESOLVED, that this Resolution is subject to a permissive referendum and that the Town Clerk shall publish a notice thereof.

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 October 11, 2016 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Jeffrey Dunham - ABSENT	_____	_____
Robert McCarthy	X	_____
Melissa Nault	X	_____
Mark Palmieri	X	_____

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

SEAL

LEGAL NOTICE

NOTICE IS HEREBY GIVEN: The Town Board of the Town of Geneva, County of Ontario, New York, at a regular meeting thereof held on the 11th day of October, 2016, duly adopted a Resolution authorizing the sale of Town-owned land located on County Road 6 in the Town of Phelps and identified as tax map # 49.00-1-70.000; and that such Resolution is **SUBJECT TO A PERMISSIVE REFERENDUM PURSUANT TO ARTICLE 7 OF THE TOWN LAW OF THE STATE OF NEW YORK.**

By Order of the Town Board of the Town of Geneva, New York.

Lorrie S. Naegele
Town Clerk

ADDENDUM

15-A. RESOLUTION NO. 90-2016 – Appointing Bernard Peck Highway Superintendent. Motion to approve made by Councilmember Palmieri, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 90-2016**

Whereas Bernard Peck has been managing the town highway department since the retirement of David Achilles at the end of August; and

Whereas in the upcoming election for Highway Superintendent to complete the unexpired term of David Achilles, Bernard Peck will be the only candidate on the ballot; now therefore, it is

RESOLVED, Bernard Peck is appointed Town Highway Superintendent effective immediately, and he will be paid at the 2016 salary level for Highway Superintendent for the balance of this year starting with the next pay period.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

15-B. The Board approved hiring a person for the highway department to fill the vacancy caused by the retirement of David Achilles, and the commitment to purchase a new mowing tractor.

15-C. RESOLUTION NO. 91-2016 – Authorizing Contract with Ontario County to Provide Snow Removal from County Roads. Motion to approve made by Councilmember Nault, second by Councilmember Palmieri.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 91-2016**

Whereas the Town has provided snow and ice control services during the winter on certain portions of county roads in the town and is compensated by the county for those services; and

Whereas the county has submitted a new contract for those services to the town for October 1, 2016 through September 30, 2017, at \$5,500.00 per mile, a 3% increase over the last year, plus an additional one-time payment of \$12,322.20 as a partial reimbursement of the town's expenses over the amount paid for providing this service from 2010-2014, and the contract calling for the town to service 10.87 miles of road; and

Whereas the town superintendent of highways is capable and willing to perform those services at the proposed rate; now therefore, it is

RESOLVED, county's proposed contract for snow and ice control services on parts of county roads in the town for the period October 1, 2016 through September 30, 2017 is accepted and may be signed by the supervisor.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

15-D. RESOLUTION NO.92- 2016 – Approve Final Payment to Rizzo Construction of \$22,724.14 for Water District 6 Project. Motion to approve made by Councilmember Palmieri, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 92-2016**

Whereas F. Rizzo Construction, Inc. has completed the installation of the new water main and related components for Water District 6, including restoration; and

Whereas Rizzo has made an application for a final payment against its approved contract of \$463,569.00, now reduced to \$407,058.66, which has been approved by the town's engineers, MRB Group, for an amount due of \$22,724.14; now therefore it is

RESOLVED the Application for Payment No. 5 of F. Rizzo Construction, Inc., which has been approved by MRB Group in the amount of \$22,724.14, is approved and may be paid.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

15-E. RESOLUTION NO.93- 2016 – Amend Preliminary Budget to Add Debt Service for Water District 6. Motion to approve made by Councilmember McCarthy, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO.93-2016**

Whereas the water main replacement project for Water District 6 has been completed, and there is approximately \$118,000.00 of the approximately \$543,000.00 project not covered by grants that must be paid by District property owners; and

Whereas the 2017 Preliminary Town Budget inadvertently omitted the debt service needed for 2017 for the District; now therefore it is

RESOLVED the budget for Water District 6, page two, is amended to add under debt service, Principal, SW6-9710.6, \$3,000.00, and Interest, SW6-9710.7, \$2,360.00, for a total of \$5,360.00, and under Real Property Taxes, SW6-1001, \$5,360.00.

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 October 11, 2016 unanimously approved.

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

16. Reports of Standing Committees

Kashong Conservation Area – no meeting

Comprehensive Plan –met 10-3-16 and reviewed new definitions and zoning district criteria; next meeting November 7 at 7:00 p.m.

Economic Development – Next meeting Oct 26, 2016 at 7:00 pm.

Sustainability – Next meeting Oct 27, 2016 at 7:00 pm.

Communication – working on web site enhancement; next meeting October 19 at 7:00 pm.

Town Hall Park and Playground – waiting for bike park designs.

Agricultural Enhancement and Stormwater Control – met September 29; next meeting October 27 at 7:00 p.m.

17. Supervisor's Report and see agenda for Selected Meetings and Activities of the Supervisor: Ontario County is sponsoring a Solid Waste Symposium on Thursday, October 13, 9:00 a.m. to noon at FLCC, Student Services Building Auditorium. Ways to reduce waste going to the landfill will be discussed.

On the Water District 6 main replacement project, MRB has approved the supervisor signing the Certificate of Substantial Completion of the job by F. Rizzo Construction, Inc., and there is also a change order reducing the contract price for Rizzo by \$33,786.20. This will not be a net saving because of the increase in cost of materials, supervision by MRB, and legal, but the project should still be on budget.

The Comptroller of the State's review of the town's 2015 fiscal records has led to the town being designated as neither in nor susceptible to fiscal stress, with excellent scores in all categories.

18. Old Business: none

19. New Business: The Supervisor received a letter from a Town resident asking to approve having 2 to 4 laying hens in an R-1 Zone. They will send it over to the Comprehensive Plan Committee and the Planning Board. Troy & Banks utility telecommunication consultants that audit utility bills to make sure the Town is not being overcharged has approached the Town. It will not cost the Town anything to sign a contract with them. So we will proceed. Town resident Sarah Mantell inquired about purchasing the old Town Hall building on White Springs Road. The Board discussed and has ideas for use of the building and is not interested in selling it.

20. Privilege of the floor: none

21. Adjourn: Motion to adjourn made by Councilmember Palmieri, second by Councilmember McCarthy. Unanimously approved. 7:43 p.m.

Respectfully Submitted