

**MEETING, TOWN BOARD OF GENOA**

**October 8, 2008**

A Regular Meeting of the Town Board of Genoa, Cayuga County, State of New York was held at the Town Hall, 1000 Bartnick Road, Genoa NY on October 8, 2008

Present:	Stuart Underwood, Supervisor	Hans Pecher
	Peggy Bradley, Council Member	Marilyn Ramsden
	Cheryl Shields, Council Member	Frank Sellen
	Lorie Fessenden, Council Member	Brenda Tyrrell
	Sue Moss, Town Clerk	

The meeting was called to order at 7:40 p.m. by S. Underwood with the Pledge of Allegiance to the Flag.

Brenda asked the Supervisor if there would be heat in the basement for Election Day. She will be meeting with him to discuss the situation.

**CLERK’S REPORT**

Report on Revenues from Clerk’s Office for September 2008

Building Permits:	\$ 672.00
Decals	\$ 12.38
Dog Licenses:	
Total received:	\$ 83.00
Supervisor:	\$34.45
CC Treasurer:	30.55
Ag & Mkts:	18.00
Marriage Licenses:	\$ 17.50

**Disbursements for September:**

Pd to Supervisor:	\$ 736.33
Pd to CC Treasurer for dog licenses	\$ 30.55
Pd to Ag & Mkts for dog licenses	\$ 18.00
Pd to NYS Health Dept for	
Marriage Licenses	\$ 22.50
Pd to DEC – Hunting Licenses	\$ 212.62

RESOLUTION: ACCEPT September CLERK’S REPORT

On a motion by Fessenden, seconded by Shields, the above resolution was ADOPTED

Ayes: 4: Bradley, Shields, Underwood, Fessenden

Nays: 0

Resolved: To accept Clerk’s Report for September

**APPROVAL OF MINUTES:**

RESOLUTION: APPROVE September 10 REGULAR MEETING MINUTES  
On a motion by Fessenden, seconded by Bradley, the above resolution was  
ADOPTED

Ayes: 4: Bradley, Underwood, Fessenden, Shields

Nays: 0

Resolved: To accept September 10, 2008 minutes

RESOLUTION: APPROVE September 17 BUDGET PLANNING MINUTES  
On a motion by Bradley, seconded by Shields, the above resolution was  
ADOPTED

Ayes: 4: Bradley, Underwood, Fessenden, Shields

Nays: 0

Resolved: To accept September 17, 2008 minutes

**REPORT OF TOWN OFFICIALS**

*The Supervisor noted that there would be a Budget Work Session following tonight's regular Board Meeting.*

**WATER REPORT**

Shields, Cheryl

The new micro flex meter reader is in.

July water usage was 1,842,800 gallons, average daily usage 59,400.

August water usage was 1,865,400 gallons, average daily usage 60,100.

September water usage was 1,961,500 gallons, average daily usage 65,300.

Mark ordered a new pump with tank for the Town Hall. The bladder in the old tank has a leak.

**WATER COMMITTEE REPORT**

Shields, Cheryl

The Water Committee met on October 6. Present: Cheryl Shields, Tom Hamilton, Michael Piechuta, Don Potter, Peggy Bradley and Steve Whitehead.

Discussion opened with Cheryl's conversation with the Town Attorney, Guy Krogh, regarding some old laws of the water district. He needed to be brought up to speed on any and all water district matters and the best way to do this was to compile everything that needed to be addressed and present it to him for evaluation.

We will be gathering maps, laws, old contracts, tax map information, water fund information (Income & Expense), etc. as well as a list of questions that the Committee may have come up.

We are at a stand still at this point and need some guidance from the Town Attorney.

**BUILDINGS AND GROUNDS**

None

**HISTORIAN**

None

Dennis Eldred would like to close the short road off State Route 34 and East Genoa Road. Lorie will look at previous Town Board minutes to see who is responsible for that road.

## **PROGRAMS AND GRANTS**

Fessenden, Lorie

It has been suggested that the Towns be charged based on participation in the summer swim program.

## **CODE ENFORCEMENT REPORT**

Underwood, Stuart

Wayne's new office hours are: Mondays from 8 to 10 a.m.

Six building permits were issued during the month of September.

Ten building inspections were conducted during the month of September.

A variance was requested by Dana Tyrrell for road frontage.

A variance was requested by Robert Dalton on separation distance.

## **HIGHWAY REPORT**

Underwood, Stuart

The Town had trees on Maple Street go down with the high winds we had. Lampman's Tree Service downed what was left and the men cleaned up everything by the Herstein, Servais and St.Clair homes. The men also cleaned up trees and limbs from all of our Town roads.

Our CHIPS project on Center Road is about complete. The magnesium chloride was applied for stabilization and dust control. Twelve inches of gravel, screen and crushed, was laid over geotextile fabric. There are still a couple of driveways that need additions and an intersection left to complete. The CHIPS application has been filled out and sent in for reimbursement.

The new Town pickup is at Marietta Diesel for fitting the box and plow equipment and will then go to Stone Well Bodies for the tool box.

Frank has been working with Cover-All Buildings to get a response on the cover that's thin and giving up. The cover is warranted for 15 years and will be pro-rated if it is accepted.

Frank has ordered 300 ton of salt for mixing and the men have been hauling cinders from AES Cayuga. The heavy ice we had in January and February has made it impossible to stay within the snow removal budget.

The Highway Department has had complaints on Atwater Road (by the lake) about the heavy riprap stone that Jim Kirkwood has placed on the edge of the road. Frank has spoken with Jim and the rocks will be moved for the safety of the School bus and the garbage truck that now go to the bottom of the road.

## **SUPERVISOR'S REPORT**

Underwood, Stuart

The August report was distributed.

### **RESOLUTION: ACCEPT SUPERVISOR'S REPORT**

On a motion by Fessenden, seconded by Bradley, the following resolution was  
ADOPTED

Ayes: 4: Underwood, Fessenden, Shields, Bradley

Nays: 0

Resolved: To accept the August Supervisor's Report

## **BILLS**

### **RESOLUTION: ACCEPT September BILLS**

On a motion by Fessenden, seconded by Bradley, the above resolution was  
ADOPTED

Ayes: 4: Bradley, Underwood, Fessenden, Shields

Nays: 0

Resolved: To accept above mentioned bills

## ASSESSOR'S UPDATE

Underwood, Stuart

REVALUATION: My primary focus has been on the 2009 revaluation project. Cayuga County printed the data mailers for the Town's 1200+ parcels. Kay assisted with the folding, stuffing and mailing of the documents. I inadvertently had the due date of 9/30/08 printed on the forms; my intent was to give property owners approximately a month to return the reports. So far, I have had a great response and many have already been returned.

CONTINUING EDUCATION: I attended the New York State Assessors' Association Annual Conference 9/21-9/24. The classes were very informative. I found the course on Real Property Tax Law especially beneficial. I also picked up a few great new tips on exemption administration which I look forward to trying out this year.

OFFICE HOURS: I have begun the new office hours. I have posted information on the front hall bulletin board and in the outside cabinet by the back entrance. I will be here the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month from 3 – 5 p.m.

If you have any questions or concerns, please call me at home: 947-5132 or my cell: 806-5500.

Respectfully submitted,

Heather Garner

## COMPREHENSIVE PLAN UPDATE

Bradley, Peggy

Peggy read the following minutes submitted by the Comprehensive Plan Chair, Dan DalCais

Mtg. convened 7:10pm

Members present: Dan DalCais, Ralph Nettleton, Steve Eicker, Glen Miller, John Berry, and Town Board Liaison, Peggy Bradley

Visitors: John Gloss, Bub Delap

Chairman summed up Committee efforts thus far for visitors.

- **Members then reviewed Town Board Mtg. Minutes from Feb '08 which included specific recommendations by County Planners and Board members to contact various agencies for input & advice on town planning. In addition to those recommended points of contact, R. Nettleton suggested Dave Gusemeyer of the Farm Viability Institute and J. Berry mentioned inviting reps from the Farm Bureau, he offered to call Judy Wright re: grant writing relative to Comp.Plan issues when appropriate. Glen Miller says he's spoken with Matt Brauer regarding same.**
- **There was brief discussion of how to process data collected in Tribune survey. Chair indicated intention to call upon Drake Bassett's expertise in that area.**
- **Peggy Bradley offered to request Board's help obtaining a planning grant and she recommends inviting Lori Fessenden as a well-qualified grant writer.**
- **Bub Delap spoke about water quality issues. Chair explained Committee's role in identifying such issues and assessing residents' level of concern for them and if appropriate forming plans to address them.**

Attendees then briefly discussed the status of the Genoa school building, basically just sharing what they knew about it and their thoughts on its future disposition.

G. Miller asked about how an assessment is or can be made about the equitability (fairness) of property taxation. S. Eicker responded that market values and equalization rates are applied IAW state directives, i.e. land is worth so much and house is worth so much and an assessment is made which a property owner may then contest if desired.

Next Comp. Planning Committee meeting was then tentatively set for 7pm, Tues. 14 Oct.  
Meeting adjourned approximately 8:30 pm.

*(The next meeting is now scheduled for Tuesday, October 21 at 7 p.m.)*

**DOG REPORT**

None

**OLD BUSINESS**

Stuart read a thank you note from the Office of the Aging with regard to monies sent from the Town for “Meals on Wheels”.

**NEW BUSINESS**

A letter was received by Stuart from Paul Burhans requesting to be considered for the Town’s Dog Control Officer for 2009. His charge would be approximately \$625 per month.

AmeriGas stopped into the Town Hall to ask Stuart if the Town would like to switch from Community Propane.

Because the County is entering into a contract with the NYS Municipal Workers’ Compensation Alliance and terminating its group policy with the State Insurance Fund, each Town is required to pass the following resolutions:

WHEREAS there has been proposed a “NEW YORK STATE MUNICIPAL WORKERS’ COMPENSATION ALLIANCE PLAN DOCUMENT” pursuant to Section 50 3-a of the Workers’ Compensation Law (hereinafter “the Plan”); and

WHEREAS the Town of Genoa is eligible for membership in the Plan; and

WHEREAS the Town of Genoa has made an independent investigation of the Plan and reviewed the plan document, and has concluded that it would be in the interests of the Town of Genoa to participate therein; now, therefore, be it

RESOLVED, that Stuart Underwood be and hereby is authorized and instructed to execute the Plan’s charter document on behalf of the Town of Genoa; and be it further

RESOLVED, that custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

A MOTION was made by Lorie Fessenden and seconded by Cheryl Shields to adopt the above resolution by the Town Board of the Town of Genoa at its October 8 meeting.

Roll was called by the Clerk

Underwood	Aye
Shields	Aye
Fessenden	Aye
Bradley	Aye

“A MOTION was made by Lorie Fessenden and seconded by Cheryl Shields to adopt the following resolution:

“RESOLVED, that the Town of Genoa, hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers’ Compensation Law, to become a self-insurer as to Workers’ Compensation claims against this Municipality; and be it further

“RESOLVED, that pursuant to Section 50 Subdivision 3-a of said Workers’ Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers’ Compensation Board, Self-Insurance Section; and be it further

“RESOLVED, that this election shall become effective on October 8, 2008.

“MOTION carried.”

Roll was called by the Clerk

Underwood	Aye
Shields	Aye
Fessenden	Aye
Bradley	Aye

The total cost of the insurance will be \$17,964.84. The Fire Departments (Genoa & King Ferry) will be reimbursing the Town for their portion (\$5000).

Legislation was approved by Governor Paterson and became effective August 7, 2008 regarding changes to the Freedom of Information Law (FOIL) that generally address advances in information technology (IT) and the decisions and opinions rendered under FOIL interpreting its ambiguous provisions. Mr. Krogh, Town Attorney, suggested that the Town pass a resolution adopting these changes.

FOIL Procedure for Town of Genoa  
October 8, 2008

Town personnel shall furnish to the public, the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

The Town designates the Town Clerk and the Code Enforcement Officer as the Town’s records access officers (each herein as “RAO”)

The RAO is responsible for insuring appropriate agency response to public requests for access to records. The RAO shall insure that Town personnel:

1. maintain an up-to-date subject matter list
2. assist the requester in identifying requested records, if necessary
3. upon locating the records, take one of the following actions:
  - i – make records available for inspection
  - ii – deny access to the records and explain in writing the reasons

Upon receipt of request for copies of records, the RAO shall make copies available upon payment as follows:

1. copies not exceeding 9 by 14 inches -- \$.25 per page
2. copies larger than 9 by 14 inches -- \$1.00 per page

There is no charge for inspection or search of said records.

Written requests for records are required. A response will be given within 5 business days of receipt of request. If the RAO does not provide or deny access to the record sought within 5 business days of receipt of request, the RAO shall, within said 5 days, furnish a written acknowledgment of receipt of the request and a statement of date when the request will be granted or denied. This date shall not be more than 25 days from the date of the FOIL request.

Each denial of access to records shall be in writing and shall state the reason for such denial.

The Town Supervisor is hereby designated as the person who shall determine appeals regarding denial of access to records under the Freedom of Information Law.

**RESOLUTION: ADOPT CHANGES TO FOIL**

On a motion by Fessenden, seconded by Shields, the following resolution was ADOPTED

Ayes: 4: Underwood, Fessenden, Shields, Bradley

Nays: 0

Resolved: To adopt FOIL changes

Cheryl had been asked about the speed limit signs on the side roads in Genoa. Frank said there should be 30 mps signs on these roads. It was suggested that temporary speed bumps be put down but this cannot be done on public roads.

With no further business:

On a motion by Bradley, seconded by Shields, the meeting was adjourned at 8:55 p.m.

Ayes: 4: Underwood, Fessenden, Bradley, Shields

Nays: 0