

A Regular and Organizational 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 January 12, 2011

Present	Lorie Fessenden, Supervisor	Mick Piechuta, Code Enforcement
	Cheryl Shields, Board Member	Kim Bennett, Town Justice
	Dale Sellen, Board Member	George Signor
	Stuart Underwood, Board Member	
	Al Armstrong, Board Member - absent	
	Sue Moss, Clerk	

The Organizational and Regular meeting were called to order at 7:00 p.m. by Supervisor Lorie Fessenden with the Pledge of Allegiance to the Flag.

RESOLUTION 1-2011 APPROVAL OF YEAR-END MINUTES

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood

Nays 0

Resolved that the year-end minutes of December 27, 2010 be approved.

Supervisor Fessenden introduced Stuart Underwood as the Town's newly appointed Board Member.

George Signor spoke to the Board about his ongoing situation with the metal stakes in his yard being knocked down by the TOG snow plow last year. "If I have been done wrong, I want to know why." He said he thought the situation had been settled in May. He told the Board that former Supervisor Bradley had called him immediately following the February 2010 meeting and said she had changed her mind; the Town was not paying for his stakes. He also said that he still thinks the snowplow driver and wing man plowed over the stakes on purpose. The first time, they took down one; the next time it was two, then three and then four. Mr. Signor referred to the Town Highway employees as "barn rats". He said he met with Frank Sellen, Highway Superintendent, about the stakes and Frank said he'd take care of it. Later, Mr. Signor said he was told not to go to the Highway barn again or he would be arrested. "I know who said that," was Mr. Signor's response.

He told the Board that former Supervisor Bradley lied and continued to lie to him. "I don't believe a word that comes out of her mouth." He said he wanted to sue her specifically, not the Town Board, for punitive damages. He said that it was okay that he could only sue for the cost of the stakes - \$21 – because "It's the principle of the thing." His court date was moved to the end of November 2010 and he was to appear before Judge Rafferty in the Town of Ledyard. Judge Bennett had recused himself. Judge Rafferty dismissed the case. Mr. Signor didn't know why the Town Attorney was involved; he was suing Ms. Bradley, not the Town.

He wanted to know why the State can put up signs in the right-of-way but he can't. He said he had talked with one of the highway employees and was told that the wing had gone six feet into Mr. Signor's yard. He referred to former Supervisor Bradley as "sneaky" because first she said yes to the payment for the stakes, then she said no.

Supervisor Fessenden explained to Mr. Signor that it isn't the Supervisor's responsibility to okay the paying of a bill, it is the Board's responsibility to make that decision. Former Supervisor Bradley was told that this couldn't be done – only the Board can do this. That was why she had called him after the February meeting to tell him that she had made a mistake and the bill wouldn't be paid. This had been a Board decision.

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Mr. Signor said the only reason Ms. Bradley had run for the Supervisor position was so that she could spend money. Some of the Board members apologized to Mr. Signor that Ms. Bradley had misspoken. Mr. Signor said that he was upset because of the constant lies and that is why he sued her.

Supervisor Fessenden wanted to bring an end to this stake situation and put it to rest. The letter sent to Mr. Signor by the Town Attorney was to inform him that these stakes must be taken out because they are in the ground illegally, or he will be arrested. Mr. Signor said there was only one stake in the ground and it was frozen so he couldn't get it out.

Another concern he had was a sluice pipe that creates a pond in his yard when he gets a heavy rain. Board member Underwood said he would look into it.

Mr. Signor informed the Board that the Board minutes "need a lot of work". "If the Town is ever audited, there will be many questions."

Supervisor Fessenden explained that the minutes, by law, only need to state the time the meeting is called to order, the resolution made for paying the bills and the time the meeting is adjourned.

Justice Bennett presented his Review of Justice Court Records. He went over each item with the Board. The completed report will be sent into the State by Supervisor Fessenden.

REPORTS

SUPERVISOR'S REPORT

Supervisor Fessenden

RESOLUTION 2-2011 **APPROVAL OF SUPERVISOR'S REPORT**

On a motion of Board Member Shields, seconded by Board Member Underwood, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood

Nays 0

Resolved that the December Supervisor's Report be approved

Supervisor Fessenden informed the Board that there were two problems:

In the 2011 Budget, a figure was accidentally put SW1-1001 2011 column (Water Fund Revenue – Property Taxes). This should have been left at zero. The unappropriated fund balance column on the Summary page should read \$37,650 not \$10,000.

Also, various Towns are upset because they will now be contributing more for retirement. The NYS Retirement System has increased the amount the towns will be paying. The TOG will see a change in December 2011 from \$20,519 to \$32,188. This was not budgeted for as it was just decided by the State because the State does not have the money. Because of past Supervisors' handling of Town money, there are funds available for this increase. This matter will be tabled until the February meeting. The State has given Towns the option to amortize at 5% interest.

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CLERK'S REPORT

Report on Revenues from Clerk's Office for December 2010

Certified Copies	\$110.00
Building Permits	268.00
Dog Licenses	72.50

Disbursements for December

Pd to Supervisor	\$ 450.50
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RESOLUTION 3-2011 **CLERK'S REPORT**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood

Nays 0

Resolved that the December 2010 Clerk's Report be accepted

HIGHWAY REPORT

Dale Sellen

Because of the weather, the men have been busy plowing the roads so a report was not presented to the Board.

REPORT OF TOWN OFFICIALS

ASSESSOR'S UPDATE

Stuart Underwood

Board Member Underwood had talked with the Assessor. The agriculture exemptions are coming into the office. Many errors have been found dating back to the 1980's.

Farmers are upset because they have to reach out to their land renters for the needed information. It is to the farmers' advantage to do this paperwork with regard to the exemptions.

CODE ENFORCEMENT REPORT

Mick Piechuta

Date: 12/8/10 – 1/12/11	Hours: 23.0
	Miles: 67

PERMITS ISSUED:

10 – 38	R. Osterhoudt	Rt. 90	Garage
10 – 39	A. Grillo	Rt. 34B	Riding Arena

INSPECTIONS:

T. Meyers	Atwater Rd.	R. Osterhoudt	Rt. 90
J. Underwood	Rt. 34	J. Relyea	Rt. 34
L. Sheils	Rt. 34	J. Zebarth	Powers Rd.
J. Gans	FL #7		

CERTIFICATE OF OCCUPANCY:

L. Sheils	Rt. 34	Mobile Home
R. Osterhoudt	Rt. 90	New House
J. Underwood	Rt. 34	Apartment
J. Gans	813 Clearview FL#7	Renovations

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COMMENTS/QUESTIONS/CONCERNS:

- Continue researching Mobile Home Park in Little Hollow
- Plan review of Riding Arena for A. Grillo Rt. 34B
- Met with Jon Gans, 813 FL#7, regarding a C of O that he did not receive in 2007 for a renovation he did to his home.
- Met with Ms. Quinn regarding a new mobile or modular home on Goose St.
- Answered questions from a resident regarding what construction documents that are required for a new home.
- Helped a contractor fill out application for a permit for solar panels on a home on Powers Road

WATER COMMITTEE REPORT

Cheryl Shields

No meeting this month. Still waiting for info from Mr. Buhl

WATER REPORT

No report

Resolution 4-2011 APPROVAL OF BILLS

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood

Nays 0

Resolved to accept presented bills.

DOG CONTROL REPORT

None

BUILDINGS AND GROUNDS

None

HISTORIAN

None

OLD BUSINESS

With regard to the Town signs, the Town will be paying the remaining money. The person who had indicated a desire to contribute to these signs has decided not to contribute. The money will come from the Historical contractual account.

The dog control contract with the Finger Lakes Dog Protection Agency was signed for 2011.

Right now, the health savings account is paid quarterly. At the March meeting, this will be revisited after investigation into paying monthly.

NEW BUSINESS

The Genoa Historical Association has emailed Supervisor Fessenden with regard to having paper purchased by the TOG for the GHA. Also they would like a new front screen door as the present one leaks and they would like to have a storage shed installed on the property.

It was recommended by the Town Attorney that a new resolution be passed in 2011 for Local Law #1 of 2011.

Resolution 5-2011 **APPROVAL OF LOCAL LAW #1 OF 2011**

Board member Shields moved to accept Local Law #1 of 2011 seconded by Board Member Sellen

ADOPTED	Supervisor Fessenden	Aye
	Board Member Sellen	Aye
	Board Member Shields	Aye
	Board Member Underwood	Aye

ACCEPTED Ayes 4 Nays 0

Resolved to accept Local Law #1 of 2011 - Town of Genoa Unsafe Buildings Local Law

With no further business, on a motion of Board Member Shields, seconded by Board Member Sellen, the regular meeting was adjourned at 8:50 p.m. Carried unanimously

The Organizational Meeting began at 8:50 p.m.

1. Officers and Employees

a) Resolution 6-2011 Be it resolved that in lieu of individual undertakings as required by Section 25 of the Town Law, the Genoa Town Board authorizes a blanket undertaking permitted by Section 11(2) of the Public Officers Law covering officers, clerks and employees of the town. This blanket undertaking indemnifies the Town against losses caused by the failure of officers and all other employees to faithfully perform their duties or by their fraudulent or dishonest acts for the year 2010.

b) Resolution 7-2011 Be it resolved that the Genoa Town Board approves the Appointments found at Attachment A.

c) Resolution 8-2011 Be it resolved that the Genoa Town Board approves the Schedule of Salaries for elected and appointed officials and employees for 2010 found in Attachment B.

d) Resolution 9-2011 Be it resolved that the Genoa Town Board approves the Payroll Schedule identified as Attachment C.

e) Resolution 10-2011 Be it resolved that any elected or appointed town official and town employee who uses a private vehicle in performing official duties for the Town of Genoa may be reimbursed at the rate of 50 cents per mile, pending approval by the Town of Genoa Board. A trip log may be required.

f) Resolution 11-2011 Be it resolved that the Genoa Town Board approves the Holiday Calendar identified as Attachment D.

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Resolution 12-2011 **APPROVAL RESOLUTIONS 5-2011 THROUGH 10-2011**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 3 Sellen, Shields, Underwood

Nays 0

Abstain 1 Fessenden

Resolved to accept Resolutions 6-2011 through 11-2011

2. Town Board

a) Resolution 13-2011 Be it resolved that the following committees are set forth by the Supervisor:

(1) Water Committee, liaised by Councilwoman Shields

(2) Comprehensive Planning Committee, liaised by Councilman Armstrong

b) Resolution 14-2011 Be it resolved that the Genoa Town Board will continue with the practice of using the rules as outlined in the 2006 Town Law Manual until such time as the majority of the board feels that more specific rules are needed.

c) Resolution 15-2011 Be it resolved that the Genoa Town Board shall convene for purposes of a regular Town Board Meeting on the second Wednesday of each month at 7:00 p.m at the Genoa Town Hall, 1000 Bartnick Road, Genoa, New York.

d) Resolution 16-2011 Be it resolved that the Auburn Citizen and/or the Moravia Republican Register shall be designated as the official newspaper of the Town of Genoa for all legal notices. The Moravia Scotsman Pennysaver may be used for non-legal announcements.

Resolution 17-2011 **APPROVAL RESOLUTIONS 13-2011 THROUGH 17-2011**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood

Nays 0

Resolved to accept Resolutions 13-2011 through 16-2011

3. New York State & Local Government Retirement System

Resolution 18-2011 Be it resolved that a Standard Work Day and Reporting Procedure is established for Town of Genoa employees participating in the New York State and Local Government Retirement System as described at Attachment E.

This Resolution has been tabled until the February 2011 meeting

4. Fiscal Matters

a) Resolution 19-2011 Be it resolved that the official repository for the Town of Genoa Supervisor, Town Clerk/Collector and Water Department Clerk shall be the Cayuga Lake National Bank.

b) Resolution 20-2011 Be it resolved that the Genoa Town Board authorizes the Supervisor to pay for public utility services such as gas, electric, water, sewer, fuel oil and telephone service as well as for postage,

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freight and express charges in advance of audit of claims. Claims for these payments shall be presented at the next regular meeting for audit

c) Resolution 21-2011 Be it resolved that the Genoa Town Board establishes a Town Clerk Petty Cash fund of \$125.00.

d) Resolution 22-2011 Be it resolved that the Supervisor is authorized to invest any available funds, consistent with Town obligations, on a timely basis in such manner that funds accrue the largest return for the Town and still comply with the requirements of New York State.

e) Resolution 23-2011 Be it resolved that the Superintendent of Highways is authorized to spend up to \$6,000.00 in aggregate from the Highway Department budget without prior approval of the Board.

f) Resolution 24-2011 Be it resolved that any purchase by Town Officials or other Town employees other than the Superintendent of Highways in excess of \$1,200 must receive Town Board approval. Emergency purchases in excess of \$1,200 may be authorized by the Supervisor or the Deputy Supervisor.

g) Resolution 25-2011 Be it resolved that any check rendered to the Town of Genoa and returned for any reason may be charged a \$20.00 redemption fee.

h) Resolution 26-2011 Be it resolved that the Deputy Supervisor be empowered to sign checks in the absence of and/or at the request of the Supervisor.

i) Resolution 27-2011 Be it resolved that the Supervisor shall file with the Town Clerk within 60 days after closing of the fiscal year, a copy of the Annual Update Document to the state comptroller. Be it further resolved that the Town Clerk shall publish in the official newspaper, within 10 days, notice that said report is on file for public inspection in the Clerk's office.

Resolution 28-2011 **APPROVAL RESOLUTIONS 19-2011 THROUGH 27-2011**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was
ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood
Nays 0

Resolved to accept Resolutions 19-2011 through 27-2011

5. General Matters

a) Resolution 29-2011 Be it resolved that the Genoa Town Board adopts the Code of Ethics as in Attachment F.

Resolution 30-2011 **APPROVAL RESOLUTION 29-2011**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was
ADOPTED Ayes 4 Fessenden, Sellen, Shields, Underwood
Nays 0

Resolved to accept Resolution 29-2011

Attachment A

APPOINTMENTS

- a. Assessor: Heather Garner – six-year term expiring 12/31/2013
- b. Attorney to Town: Thaler & Thaler (Guy Krogh) – one-year term expiring 12/31/2011
- c. Board of Assessment Review: Five-year terms
 - (1) George Nettleton – term 9/30/2008- 9/30/2013
 - (2) Carol Robinson – term 10/1/2007- 9/30/2012
 - (3) Kenton Patchen – term 10/1/2006-9/30/2011
- d. Cleaner (Part-time): Donald Brown – one year term expiring 12/31/2011
- e. Clerk to the Water District (Part-time): Brenda Tyrrell– one-year term expiring 12/31/2011
- f. Code Enforcement Officer: Michael Piechuta – one-year term expiring 12/31/2011
- g. Court Clerk: Brenda Tyrrell– term coincides with term of Justice
- h. Deputy Highway Superintendent: Vacant
- i. Deputy Registrar of Vital Statistics: Lorraine Fessenden – fill term expiring 12/31/2011(regular 2 yr term)
- j. Deputy Supervisor: Dale Sellen – one year term expiring 12/31/2011
- k. Dog Control Officer: Carl Collier – yearly contract expiring 12/31/2011
- l. Dog Enumerator: Vacant – one-year term expiring 12/31/2010
- m. Registrar of Vital Statistics: Susan Moss – two-year term expiring 12/31/2011
- n. Records Management Clerk: Lorie Fessenden – one year term expiring 12/31/2011
- o. Secretary to Town Supervisor: Bonnie Johnson – one-year term expiring 12/31/2011
- p. Superintendent of Highways: Frank Sellen – two year term expiring 12/31/2011
- q. Town Budget Director: Lorie Fessenden – one-year term expiring 12/31/2011
- r. Town Historian: Hans Pecher – one year term expiring 12/31/2011
- s. Town Payroll Officer: Bonnie Johnson– one-year term expiring 12/31/2011

Attachment B

SCHEDULE OF SALARIES FOR 2011

- a. Assessor: \$13,630 annual salary prorated monthly 1,363 parcels @ \$10.00 per/parcel.
- b. Attorney to the Town: Per current contract.
- c. Board of Assessment Review Member: \$200.00 annual salary paid 14th payroll of year.
- d. Cleaner (Part-time): \$15.00/hour.
- e. Clerk to the Water District (Part-time): \$4,000 – annual salary prorated monthly.
- f. Code Enforcement Officer: \$9,000– annual salary prorated monthly.
- g. Court Clerk: \$5,000– annual salary prorated monthly.
- h. Deputy Registrar of Vital Statistics \$10 per service as received by the Supervisor.
- i. Dog Control Officer: \$3,800.00 year or per current contract accepted, paid monthly.
- j. Dog Enumerator: \$2.00/dog plus mileage at the town's reimbursement rate.
- k. Motor Equipment Operator: \$15.50/hour for a 40 hour week with time and a half.
- l. Motor Equipment Operator Part-time: \$13.00/hour with time and a half over 40/hours.
- m. Registrar of Vital Statistics: \$10 per service as received by the Supervisor.
- n. Records Management Clerk: \$20.00 per hour not to exceed line item of budget.
- o. Secretary to Town Supervisor: \$7900 annual salary prorated monthly.
- p. Superintendent of Highways: \$47,000 annual salary prorated to be paid on the 15 and last day of each month, plus w/family health insurance benefit.
- q. Town Budget Director: \$800 annual salary paid last payroll of the year
- r. Town Clerk/Tax Collector: \$10,000 annual salary prorated monthly.
- s. Town Council Member: \$3,000 annual salary paid in lump sum on the 15th day of December.
- t. Town Historian: \$1200 – annual salary prorated monthly.

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- u. Town Justice: \$7,500 – annual salary prorated monthly.
- v. Town Supervisor: \$10,000 annual salary prorated monthly.
- w. Water Maintenance Worker: \$16.00/hour with time and a half over 40 hrs.

Attachment C

**Employee Pay Schedule for 2011
Town of Genoa**

From – To				Pay Date
1	12/28/10	thru	01/10/11	01/13/11
2	01/11/11	thru	01/24/11	01/27/11
3	01/25/11	thru	02/07/11	02/10/11
4	02/08/11	thru	02/21/11	02/24/11
5	02/22/11	thru	03/07/11	03/10/11
6	03/08/11	thru	03/21/11	03/24/11
7	03/22/11	thru	04/04/11	04/07/11
8	04/05/11	thru	04/18/11	04/21/11
9	04/19/11	thru	05/02/11	05/05/11
10	05/03/11	thru	05/16/11	05/19/11
11	05/17/11	thru	05/30/11	06/02/11
12	05/31/11	thru	06/13/11	06/16/11
13	06/14/11	thru	06/27/11	06/30/11
14	06/28/11	thru	07/11/11	07/14/11
15	07/12/11	thru	07/25/11	07/28/11
16	07/26/11	thru	08/08/11	08/11/11
17	08/09/11	thru	08/22/11	08/25/11
18	08/23/11	thru	09/05/11	09/08/11
19	09/06/11	thru	09/19/11	09/22/11
20	09/20/11	thru	10/03/11	10/06/11
21	10/04/11	thru	10/17/11	10/20/11
22	10/18/11	thru	10/31/11	11/03/11
23	11/01/11	thru	11/14/11	11/17/11
24	11/15/11	thru	11/28/11	12/01/11
25	11/29/11	thru	12/12/11	12/15/11
26	12/13/11	thru	12/26/11	12/29/11

Attachment D

HOLIDAY SCHEDULE

Monday, February 21	Presidents Day
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Monday, October 10	Columbus Day
Tuesday, November 1	Election Day
Friday, November 11	Veterans' Day
Thursday, November 24	Thanksgiving Day

Attachment F

CODE OF ETHICS - TOWN OF GENOA

1. Definition. The term "Town Agency" shall mean any department or office of the Town of Genoa, New York. The term "Board" shall mean Town Board of the Town of Genoa, New York.

2. Rule with respect to conflicts of interest. No officer or employee of a Town Agency or member of the Board should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of duties in the public interest.

3. Standards.

a. No such officer or employee or member of the Board should accept other employment which will impair independence of judgment in the exercise of official duties.

b. No such officer or employee or member of the Board should accept employment or engage in any business or professional activity which will require disclosure of confidential information gained by reason of official position or authority.

c. No such officer or employee or member of the Board should disclose confidential information acquired in the course of official duties nor use such information to further personal interests.

d. No such officer or employee or member of the Board should use or attempt to use an official position to secure unwarranted privileges or exemption(s) for anyone.

e. No such officer or employee or member of the Board shall engage in any transaction as representative or agent of the Town of Genoa, New York, with any business entity in which the individual has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of official duties.

f. An officer or employee or member of the Board should not by his conduct give reasonable basis for the impression that any person can improperly influence his or unduly enjoy his favor in the performance of official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

g. An officer or employee or member of the Board should abstain from making personal investments in enterprises which he has reason to believe they may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between duty in the public interest and private interest.

h. An officer or employee or member of the Board should endeavor to pursue a course of conduct which will not raise suspicion among the public that the individual is likely to be engage in acts that are in violation of the public interest.

i. No such officer or employee or member of the Board employed on a full-time basis nor any firm or association of which such officer or employee or member of the Board is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee or member of the Board should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town Agency in which such officer or employee or member of the Board serves or is employed.

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j. If any such officer or employee or member of the Board shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a town regulatory agency, a written statement must be filed with the Town Clerk attesting to such a financial interest in such activity, which statement shall be open to public inspection.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.

With no further business, on a motion of Board member Shields, seconded by Board member Underwood, the 2011 Organizational meeting was adjourned at 9:07 p.m. Carried unanimously.

Susan B. Moss, Town Clerk