MEETING, TOWN BOARD OF GENOA ORGANIZATIONAL MEETING

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 11, 2012

Present Lorie Fessenden, Supervisor Cheryl Shields, Board Member Dale Sellen, Board Member Brandon White, Board Member Al Armstrong, Board Member Sue Moss, Clerk

Mick Piechuta, Code Enforcement Kim Bennett, Town Justice Frank Sellen, Highway Super Matt Rejman Ron Smith Joe Philip Scott Thomas Kim Bennett, Town Justice

The Organizational meeting was called to order at 6:00 p.m. by Supervisor Lorie Fessenden with the Pledge of Allegiance to the Flag.

The first order of business was the swearing in of Supervisor Lorraine S. Fessenden, Town Council Person Cheryl M. Shields, Town Council Person Brandon White, and Town Clerk/Collector Susan B. Moss by Deputy Supervisor Richard D. Sellen.

The Organizational Meeting began at 6:15 p.m.

1. Officers and Employees:

a) Resolution 1-2012 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 2012.

b) Resolution 2-2012 Be it resolved that the Genoa Town Board approves the Appointments found at Attachment A.

c) Resolution 3-2012 Be it resolved that the Genoa Town Board approves the Schedule of Salaries for elected and appointed officials and employees for 2012 found in Attachment B.

d) Resolution 4-2012 Be it resolved that the Genoa Town Board approves the Payroll Schedule identified as Attachment C.

e) Resolution 5-2012 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 51 cents per mile, pending approval by the Town of Genoa Board. A trip log may be required at any time.

f) Resolution 6-2012 Be it resolved that the Genoa Town Board approves the Holiday Calendar identified as Attachment D.

The Supervisor stated that Attachment B, item (d) has been changed to a 6-month appointment. Also item (r) has been changed to Marilyn Mann as Hans Pecher was elected to the Cayuga County Legislature. Marilyn and the supervisor agreed that the salary for the historian should be half of what it stated in previous years as many

volunteers will be helping with her job. The amount reduced from her salary should be added into the contractual budget line.

2. Town Board

- a) Resolution 7-2012 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 8-2012 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 9-2012 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 10-2012 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.

3. New York State & Local Government Retirement System

Resolution 11-2012 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.

4. Fiscal Matters

a) Resolution 12-2012 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 13-2012 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, 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 14-2012 Be it resolved that the Genoa Town Board establishes a Town Clerk Petty Cash fund of \$125.00.

d) Resolution 15-2012 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 16-2012 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 17-2012 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 18-2012 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 19-2012 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 20-2012 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.

5. General Matters

a) Resolution 21-2012 Be it resolved that the Genoa Town Board will appoint someone, if appropriate, to serve as delegate to the 2012 New York State Association of Towns Annual Meeting in New York City.

a) Resolution 22-2012 Be it resolved that the Genoa Town Board adopts the Code of Ethics as in Attachment F.

Resolution 23-2012APPROVAL RESOLUTIONS 1-2011 THROUGH 6-2012On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution wasADOPTEDAyesAyes5Sellen, Shields, Underwood, Fessenden, WhiteNays0

Resolved to accept Resolutions 1-2012 through 6-2012

Resolution 24-2012APPROVAL RESOLUTIONS 7-2012 THROUGH 10-2011On a motion of Board Member Shields, seconded by Board Member White, the following resolution wasADOPTEDAyesAyes5Fessenden, Sellen, Shields, White, ArmstrongNays0

Resolved to accept Resolutions 7-2012 through 10-2012

Resolution 25-2012 APPROVAL RESOLUTION 11-2012

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, White, Armstrong Nays 0

Resolved to accept Resolution 11-2012

Resolution 26-2012 APPROVAL RESOLUTIONS 12-2012 THROUGH 20-2012

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, White, Armstrong

Nays 0

Resolved to accept Resolutions 12-2012 through 20-2012

Resolution 27-2012APPROVAL RESOLUTIONS 21-2012 THROUGH 22-2012On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution wasADOPTEDAyesAyes5Fessenden, Sellen, Shields, White, ArmstrongNays0

Resolved to accept Resolutions 21-2012 through 22-2012

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 12/31/2012
- 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, reappointment 10/1/2012 9/30/2017
 - (3) Kenton Patchen term 01/11/2012 1/10/2017
- d. Cleaner (Part-time): Donald Brown 6 mo. term appointment 1/1/2012 expiring 7/1/2012, revisit 6/15/12
- e. Clerk to the Water District (Part-time): Brenda Tyrrell- one-year term expiring 12/31/2012
- f. Code Enforcement Officer: Michael Piechuta one-year term expiring 12/31/2012
- g. Court Clerk: Brenda Tyrrell- term coincides with term of Justice
- h. Deputy Highway Superintendent: Vacant
- i. Deputy Registrar of Vital Statistics: Lorraine Fessenden two-year term expiring 12/31/2013
- j. Deputy Supervisor: Dale Sellen one-year term expiring 12/31/2012
- k. Dog Control Officer: Carl Collier yearly contract expiring 12/31/2012
- 1. Dog Enumerator: Vacant one-year term expiring 12/31/2012
- m. Registrar of Vital Statistics: Susan Moss two-year term expiring 12/31/2013
- n. Records Management Clerk: Lorie Fessenden one-year term expiring 12/31/2012
- o. Secretary to Town Supervisor: Bonnie Johnson one-year term expiring 12/31/2012
- p. Superintendent of Highways: Frank Sellen two-year term expiring 12/31/2013
- q. Town Budget Director: Lorie Fessenden one-year term expiring 12/31/2012
- r. Town Historian: Marilyn Mann one-year term expiring 12/31/2012
- s. Town Payroll Officer: Bonnie Johnson one-year term expiring 12/31/2012

<u>Attachment B</u> SCHEDULE OF SALARIES FOR 2012

- a. Assessor: \$17,732 annual salary prorated monthly.
- b. Attorney to the Town: Per current contract at hourly rate.
- 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): \$4,100 annual salary prorated monthly.
- f. Code Enforcement Officer: \$9,000– annual salary prorated monthly.
- g. Court Clerk: \$6,000– annual salary prorated monthly.
- h. Deputy Registrar of Vital Statistics \$10 per service as received by the Supervisor.
- i. Dog Control Officer: \$3,600.00 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: \$15.84/hour for a 40 hour week with time and a half.
- 1. 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.

TOWN BOARD and ORGANIZATIONAL MEETING

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- o. Secretary to Town Supervisor: \$7,800 annual salary prorated monthly.
- p. Superintendent of Highways: \$48,500 annual salary prorated to be paid on the 15th and last day of each month and family health insurance benefits.
- q. Town Budget Director: \$900 annual salary paid last payroll of the year
- r. Town Budget Director Assistant: \$300
- s. Town Clerk/Tax Collector: \$10,400 annual salary prorated monthly.
- t. Town Council Member: \$3,000 annual salary paid in lump sum on the 15th day of December.
- u. Town Historian: \$600 annual salary prorated monthly.
- v. Town Justice: \$7,500 annual salary prorated monthly.
- w. Town Supervisor: \$10,000 annual salary prorated monthly.
- x. Water Maintenance Worker: \$16.34/hour with time and a half over 40 hours.

Attachment C

Employee Pay Schedule for 2011 Town of Genoa

FROM – TO

06/26/12 thru 07/09/12

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

07/10/12 thru 07/23/12 15 - 07/26/12 07/24/12 thru 08/06/12 16 - 08/09/12 08/07/12 thru 08/20/12 17 - 08/23/12 08/21/12 thru 09/03/12 18 - 09/06/12 09/04/12 thru 09/17/12 19 - 09/20/12 09/18/12 thru 10/01/12 20 - 10/04/12 10/02/12 thru 10/15/12 21 - 10/18/12 10/16/12 thru 10/29/12 22 - 11/01/12 10/30/12 thru 11/12/12 23 - 11/15/12 11/13/12 thru 11/26/12 24 - 11/29/12 11/27/12 thru 12/10/12 25 - 12/13/12 12/11/12 thru 12/24/12 26 - 12/27/12

PAY DATE

14 - 07/14/12

Attachment D

2012 Town Holiday Schedule

New Year's Day Presidents' Day Memorial Day Independence Day Labor Day Columbus Day Election Day Veterans' Day Thanksgiving Day Christmas 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.

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 Sellen, the 2012 Organizational meeting was adjourned at 6:40 p.m. Carried unanimously.

The regular Town Board meeting was called to order at 7:00 p.m. by Supervisor Lorie Fessenden with the Pledge of Allegiance to the Flag.

Frank Sellen informed the Board that he had received resumes from five engineering firms with regard to the Creek Road bridge project. He needs to have a decision made on which firm the Town wishes to employ and he also needs an evaluation form signed so that he can send it in to the State. He told the Board that he recommends hiring Fisher and Associates. The Committee members from the Town are Frank, Dale Sellen and Brandon White.

He also told the Board that Mick Reeves had asked in the Town was going to sell the crusher and set of jaws. Also, if the Town could salt the entrance to the gravel pit. Frank said this can't be done.

Ron Smith informed the board that he had five pages of signatures from Town residents. The concern is the four corners of Route 90 and Indian Field Road and lack of adequate vision. Lorie will be sending a letter to the DOT and will share this with Ron.

Scott Thomas asked if there had been any new developments since the December 28 Variance meeting. He was told that an emailed FOIL request had been received by the Supervisor and Clerk and the Town Attorney is looking into it. He also asked if the Board would be discussing fracking at the Board meeting. He wasn't able to attend the meeting at the Town Hall on January 9. Lorie informed him that the Town attorney is very well versed in the issues around hydrofracking. He made clear that it isn't his job to recommend town representatives to support hydrofracking or to ban it. His role is to inform and to provide the town with options to prepare the Town of Genoa for when the Board makes a decision in regards to hydrofracking.

Justice Bennett presented his <u>Review of Justice Court Records</u>. He went over each item with the Board. The completed report will be sent to the Comptroller and OCA by Supervisor Fessenden.

RESOLUTION 28-2012 APPROVAL OF JUSTICE BENNETT'S AUDIT

On a motion of Board Member White, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White Navs 0

Resolved that Judge Bennett's year-end audit be approved.

REPORTS

SUPERVISOR'S REPORT

Supervisor Fessenden

RESOLUTION 29-2012 <u>APPROVAL OF SUPERVISOR'S REPORT</u> On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White Nays 0

Resolved that the January - December 2011 Supervisor's Report be approved

The FOIL request is ongoing.

CLERK'S REPORT

Report on Revenues from Clerk's Office for December 2011Marriage License\$ 17.50Dog Licenses111.00

Disbursements for December

Pd to Supervisor	\$ 128.50
Pd to NYS Ag & Markets	24.00
Pd to NYS Health Department	22.50

RESOLUTION 30-2012 CLERK'S REPORT

On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White

Nays 0

Resolved that the December 2011 Clerk's Report be accepted

HIGHWAY REPORT

Dale Sellen

The men have been fixing and repairing equipment in the shop. They finished up installing the plow equipment on old #9 and the grader.

They have been sanding some and plowing a little on the high ground a few times. The lack of snow has saved us a lot of fuel, cinders and plow parts.

The men have been cutting brush and trees from the road sides, using the chipper and the ditcher to assist them.

The 5 engineering firms have submitted their profile folders for the replacement of the bridge over little Salmon Creek. After the Town's selection committee reviews them, a final selection will be made to allow the advancement of the project. The master agreement has been completed by Evan Shimel of the NYSDOT and has been sent to Albany for project approval of payments.

ASSESSOR'S UPDATE

Lorie Fessenden

None

Lorie will check with Heather regarding knowledge of assessments/values when properties have hydrofracking occurring on their property or near other property owners.

CODE ENFORCEMENT REPORT

Mick Piechuta

Date:	12/14/11 - 1/11/12	Hours: Miles:	

PERMITS ISSUED:

11 – 38	S. Marshall	959 Creek Rd.	Double Wide
<u>C of O:</u>	R. DiSanto	8589 Rt. 90	Addition/Deck

INSPECTIONS:

D. Dean	Powers Rd.	M. Miller	Rt. 34
J. Posner	FL# 7	C. Tavelli	840 FL#6
D. Bosworth	FL#6	R. DiSanto	8589 Rt. 90
D. Mahanger	FL#1	S. Marshall	Creek Rd.
C. Ramciel	Bartnick Rd.	M. Quinn	Goose St.
S. Morse	Oberon Dr.	C. Ellwyn	Oberon Dr.

COMMENTS/QUESTIONS/CONCERNS:

- Sent out notices regarding expiring permits.
- Responded to a chimney fire on Bartnick Rd. (Charles Ramciel)
- Worked on year end reports.
- Talked to the DEC regarding outdoor boilers and 6-NYCRR Part 247
- Responded to house fire at 610 Cowan Rd. Issued a Demolition Permit (John Swartwood)
- Answered resident's questions regarding permits, local laws and demolition permits.

WATER REPORT

Mark Conner December 2011 Total – 1,705,100 Average – 55,000

The well cleaning will be taking place soon. The company is on another job.

WATER COMMITTEE REPORT

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

COMPREHENSIVE PLAN

Lorie Fessenden Dave Stilwell has sent a draft to Lorie and she has sent it on to the Town Attorney

Resolution 31-2012 APPROVAL OF BILLS

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White Nays 0

Resolved to accept presented bills.

DOG CONTROL REPORT

None

BUILDINGS AND GROUNDS

None

HISTORIAN

None

NEW BUSINESS

The Genoa Fire Department is interested in the blue building located in front of the King Ferry water tower if we no longer have a need for it. No price was offered by the Fire Department to purchase it but Lorie will look into the legality of gifting this to the GFD. Mick said it could be purchased for \$1.

The Cayuga County Board of Election sent a letter to the Supervisor regarding combining the 2 voting districts (King Ferry and Genoa) in the Town.

With regard to the January 9, 2012 meeting with the Town Attorney, Guy indicated that if the Town is considering a Moratorium on hydrofracking, the Board should appoint a committee of volunteers to review the steps in preparing for a moratorium. A Town Board member should be a liaison to and from that committee.

Resolution 32-2012**RESOLVE TO FORM COMMITTEE TO REVIEW MORATORIUM PROCESS**On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution wasADOPTEDAyesAyes5Fessenden, Sellen, Shields, Armstrong, WhiteNays0

Resolved to form a committee to review moratorium process

Resolution 33-2012 APPROVAL OF YEAR-END MINUTES

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White Nays 0

Resolved that the year-end minutes of December 27, 2011 be approved and an addition be made to the December 14 minutes. "The Town of Genoa Supervisor has advertised numerous times for another member to be added to the Variance Board for the Town. Stuart Underwood has agreed to take this position when his term as Town Board member ends on December 31, 2011."

Resolution 34-2012APPROVAL OF STUART UNDERWOOD AS VARIANCE BOARD MEMBEROn a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution wasADOPTEDAyesAyes5Fessenden, Sellen, Shields, Armstrong, WhiteNays0

Resolved that Stuart Underwood join the Variance Board for the Town of Genoa.

It was suggested that a shield be put over the air conditioning unit to protect it from the snow.

The Board agreed to send a letter to the Department of Transportation per Ron Smith's request.

At this time, the Board went into Executive Session.

With no further business, on a motion of Board Member Shields, seconded by Board Member Sellen, the regular meeting and executive session were adjourned at 8:20 p.m. Carried unanimously

Susan B. Moss, Town Clerk