

**MEETING, TOWN BOARD OF GENOA  
PUBLIC HEARING**

**November 13, 2013**

A Regular meeting and a Public Hearing 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 9, 2013

|         |                              |                                         |
|---------|------------------------------|-----------------------------------------|
| Present | Lorie Fessenden, Supervisor  | Mick Piechuta, Code Enforcement Officer |
|         | Cheryl Shields, Board member | Frank Sellen, Highway Superintendent    |
|         | Dale Sellen, Board member    | Don Slocum                              |
|         | Brandon White, Board member  | Eric Reeves                             |
|         | Al Armstrong, Board member   | Mark Conner                             |
|         | Sue Moss, Clerk              | Joe Ardai                               |

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

The Clerk read the notice placed in the Citizen regarding the Public Hearing. This law is the same as Local Law number 4 of 2011 - to override the tax levy limit established in General Municipal Law §3-c. Specific line items with significant increases are:

**Health Insurance Coverage for full-time employees**

**Workman Compensation Insurance**

**ERS-Pension Contribution**

**Utilities**

**Fuel oil, propane, gasoline and diesel fuel**

**RESOLUTION 93-2013 APPROVAL OF October 9, November 4 and 6 MEETING MINUTES**

On a motion of Board member Shields, seconded by Board member Armstrong, the following resolution was

ADOPTED   Ayes    5   Fessenden, Shields, Sellen, Armstrong, White  
              Nays     0  
              Abstain 1   White (November 6 minutes)

Resolved that the October 9, November 4 and 6, 2013 meeting minutes be approved with noted correction on November 6 minutes. Board member White was absent from that meeting.

**SUPERVISOR'S REPORT**

Lorie Fessenden

The report was put on hold until the end of the meeting after the Board members had a chance to review it.

Lorie reported that the third quarter sales tax check had been received

The 2014 Town of Genoa preliminary budget was discussed. With the 1.5% salary increase for the highway employees, some changes were needed i.e. FICA, retirement, etc. Further discussion will take place at the end of the meeting.

**CLERK'S REPORT**

Report on Revenues from Clerk's Office for October 2013

|                   |                                  |
|-------------------|----------------------------------|
| Marriage Licenses | \$ 52.50                         |
| Dog Licenses      | 165.00                           |
| Building Permits  | 995.50                           |
| Miscellaneous     | 50.00 (1 demolition application) |
| Certified Copies  | 60.00                            |

**Disbursements for October**

|                        |           |
|------------------------|-----------|
| Pd to Supervisor       | \$1323.00 |
| Pd to NYS Ag & Markets | 24.00     |
| Pd to NYS Health Dept  | 67.50     |

RESOLUTION 94-2013 **CLERK'S REPORT**

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 that the October 2013 Clerk's Report be accepted

**REPORTS**

**HIGHWAY REPORT**

Dale Sellen

The men have been ditching and picking up brush on Hill Road. Eric has been cutting the bigger limbs to size for loading into the ten-wheeler. Most of our right-of-way has been cleared. Eric finished welding the box on #9. The box is still a little rusty but is usable for hauling.

The contracts were completed for Cayuga Operating Company. The southern towns hauled over 3000 tons of cinders in three days. There is only about half of the amount normally in storage but it should be enough if we aren't maintaining State highways.

Jeff has been out with the mower, mowing some of the backsides of the ditches.

Mark has been taking more of his vacation time and the rest of his comp time, getting it used before winter sets in completely.

Frank purged the wells at the landfill in preparation for testing by JLI Labs. Everything went well; the water table was high with plenty of water.

The Supervisor met with Frank to go over the budget and deduct the revenue that we would normally get from the State DOT. The first year or two should give a better idea on how much to budget in the future.

It appears that the County is taking over the State roads in our Town. After much debate, we are still not sure who is plowing what.

Frank drafted a letter to Carl Ford from the DOT letting him know that we would not be completing the final design portion of the bridge project and that we are requesting reimbursement for the Federal and Marchelli payments that have been made to Fisher Associates for work done in 2012 and 2013.

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The Cayuga County plow contract has been revised and should be ready to sign at tonight's meeting. The biggest change to the contract is a voucher for the two-thirds payment. Additional paperwork recording the routes and times of each run must also be completed.

The Supervisor gave Frank a copy of the check stub for the check sent to Fisher Associates. She also told the Board that she will be pursuing the reimbursement of \$49,913 for bridge work that was cancelled.

Lori has asked the Assessor for further explanation of the Veterans' Exemption mentioned in last month's minutes. Residents may need to prove their military service for this exemption. Lori will draft something to be placed in a local publication if necessary.

**CODE ENFORCEMENT REPORT (October 2013)**

Hours: 19.5  
(Training) 36.0  
Miles: 67.0  
(Training) 90.0

**PERMITS ISSUED:**

|             |                  |                      |                |
|-------------|------------------|----------------------|----------------|
| 13 – 46     | Chris Wilbur     | FL#6                 | Shed           |
| 13 – 47     | John Nelson      | FL#6                 | Shed           |
| 13 – 48 (D) | Mike Rose        | 1821 Atwater Rd.     | Demolish House |
| 13 – 49     | Tim Driscoll     | 735 Indian Field Rd. | In-Ground Pool |
| 13 – 50     | Stacy Lippincott | 8766 Rt. 90          | Roof           |

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**INSPECTIONS:**

|                         |             |                    |            |
|-------------------------|-------------|--------------------|------------|
| R. Carlton              | Powers Rd.  | T. Rejman          | Rt. 34B    |
| B. Davis                | Sills Rd.   | J. Jones (C of C)  | Rt. 34B    |
| M. Rose (Site Visit)    | Atwater Rd. | R. Brisson         | Powers Rd. |
| J. Binns                | Rt.90       | C. Turo            | Maple St.  |
| Chris Wilbur (C of C)   | FL#6        | J. Nelson (C of C) | FL#6       |
| Betsey Leonard (C of C) | Cowan Rd.   |                    |            |

**COMMENTS/QUESTIONS/CONCERNS:**

- Letter to Judge Bennett concerning asbestos removal from 975 South Street owned by Mark Johnson. Demolition Permit has been issued.
- Order to remedy sent to Resident at 10135 Rt. 90 for violations of the Property Maintenance Code.
- Inspected Chimney after a fire at 576 Indian Field Rd. Old removed and new installed. OK to use.
- Attended yearly training at NYS State Fire Academy Oct. 22<sup>nd</sup> until Oct. 25
- Followed up on paper work to make sure all chimney fires last winter were repaired or replaced for the upcoming heating season.
- Continue to work with residents on future projects and bring outstanding permits up to date.

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Mick explained that during his training at the NYS Fire Academy, he learned about photovoltaic cells and panels, which are used to collect solar power and make a building energy self-sufficient. He learned that the use of these is not regulated by the State yet and can be very dangerous.

### **WATER REPORT**

Sue Moss

October total - 2,359,800 gallons

Daily average - 76,100 gallons

Mark reported that an inspection had been done and everything is ok. He had a slight "hiccup" when the time changed. The readings he had done before the change were erased from the reader after the time change and had to be redone.

### **DOG CONTROL REPORT**

Lorie Fessenden

The Dog Control Officer was in the area last month to issue tickets for non-licensed dogs. Many people were not home and one ticket was issued.

### **WATER COMMITTEE REPORT**

Cheryl Shields

Letters have been received by those on the water line pertaining to the rate increase.

### **BUILDINGS AND GROUNDS COMMITTEE**

None

### **PROGRAMS AND GRANTS**

None

### RESOLUTION 95-2013 **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, White, Armstrong  
Nays 0

Resolved to accept the bills as presented.

### **HISTORIAN**

None

### **OLD BUSINESS**

The Towns involved in the Broadband project along with Clarity Connect are still waiting for the necessary papers to be signed by the County. Also, a report was received that had to be completed and returned within 24 hours.

There was nothing new to report on the Caitlin Julia Enterprises LLC mining permit nor on repairs to Lake Road.

Judge Bennett has bond coverage in three areas so he is well covered. Lorie checked with the Sheriff's Department with regard to names of retired law enforcement individuals who may be

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willing to work for the Town Court. The Sheriff's Department does not give out that information. She also said that it is up to the Town if the person who is running the magnetometer is armed. The Association of Towns will investigate and get back to her about the need for an armed individual in Court. She also informed the Board that the Clerk discovered that the Judge is responsible for reporting his oath and bond to the County.

**NEW BUSINESS**

The Supervisor has requested permission to purchase a new computer. Gary Debele has offered to build one for her and transfer all information from her old computer to the new one. He will also warranty it for three years. The total cost would be \$2535. Lorie has enough in her budget to cover the expense.

RESOLUTION 96-2013 **APPROVAL OF COMPUTER PURCHASE**

On a motion of Board member Shields, seconded by Board member Armstrong, the following resolution was

ADOPTED Ayes 5 Fessenden, Armstrong, Sellen, White, Shields  
Nays 0

Resolved that the Supervisor purchase a new computer

As stated earlier, the third quarter sales tax revenue was received by the Town. The total received thus far is an increase from last year at this time.

With regard to the consolidation of the Cayuga County Ag District #5, a map has been received from the County and will be available in the Clerk's office. Lorie was asked to share it with the Town and Planning Boards.

Keith Severson from the Cooperative Extension left a phone message requesting to hold a meeting on December 17 with local dairy farmers regarding farm labor. This is a Town Court night so Lorie will contact him to reschedule the meeting.

RESOLUTION 97-2013 **APPROVAL OF SUPERVISOR'S REPORT**

On a motion of Board member Shields, seconded by Board member White, the following resolution was

ADOPTED Ayes 5 Sellen, Shields, White, Fessenden, Armstrong  
Nays 0

Resolved that the October 2013 Supervisor's Report be approved.

Cheryl is going to get estimates for installing the new lights at the Highway garage.

GHA would like to have a shed placed on the property east of the pioneer barn. Mick mentioned there may not be enough room and will check into this.

RESOLUTION 98-2013 **APPROVAL OF LOCAL LAW #2 OF 2013**

On a motion of Board member Shields, seconded by Board member White, the following resolution was

ADOPTED Ayes 5 Fessenden, Sellen, Shields, Armstrong, White  
Nays 0

Resolved to accept Local Law #2 of 2013 – Override the tax levy limit established in General Municipal Law §3-c

**A local law to override the tax levy limit established in General Municipal Law §3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the **Town of Genoa**, County of Cayuga, pursuant to General Municipal Law § 3-c, and to allow the **Town of Genoa**, County of Cayuga, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year **2014** that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**The Town of Genoa** is dependent upon the real property tax to fund town services and we do not have the authority to raise sales taxes, occupancy taxes, gross receipts taxes, or income taxes. Non property tax revenues, sales taxes and State AIM payments are subject to market fluctuations and the ability of federal, state, and county governments to share revenue with the **Town of Genoa**. The cost to provide town services and to fund town operations continues to increase for 2014. Specific line items with significant increases are:

**Heath Insurance Coverage for full-time employees**

**Workman Compensation Insurance**

**ERS-Pension Contribution**

**Utilities**

**Fuel oil, propane, gasoline and diesel fuel**

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of **Genoa**, County of Cayuga is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

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

With no further business, on a motion of Board member Shields, seconded by Board member Armstrong, the Public Hearing was adjourned at 8:00p.m. Carried unanimously.

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Further discussion took place on the 2014 Town Budget. Lorie told the Board that eventually, the employees will have to partially pay for their health insurance.

Mick asked why we needed to pass the tax levy limit override law when the tax increase is 1.26%. Lorie explained that this involves projected increases such as workers' comp and insurance.

Don Slocum asked for permission to attend the newly-elected town official training in Rochester in January. The Board agreed.

With no public comment:

RESOLUTION 99-2013 **APPROVAL OF 2014 FINAL PRELIMINARY BUDGET**

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

|         |                        |     |
|---------|------------------------|-----|
| ADOPTED | Supervisor Fessenden   | Aye |
|         | Board Member Sellen    | Aye |
|         | Board Member Shields   | Aye |
|         | Board Member Armstrong | Aye |
|         | Board Member White     | Aye |
| Ayes    | 5                      |     |
| Nays    | 0                      |     |

**Resolved** to approve 2014 Final Preliminary Budget as 2014 Adopted Budget.

Lorie received permission to sign the County snow plowing contract

With no further business, on a motion of Board member Shields, seconded by Board member Armstrong, the meeting was adjourned at 8:05p.m. Carried unanimously.

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Susan B. Moss, Town Clerk