

**REGULAR MEETING
TOWN OF CONESUS
MARCH 1, 2022**

A regular meeting of the Town Board of the Town of Conesus, County of Livingston and the State of New York was held at the Town Hall, 6210 South Livonia Road, Conesus, New York on the 1st day of March 2022.

PRESENT: Donald Wester ----- Supervisor
Richard Corrigan ----- Councilman/Deputy Supervisor
John Fama ----- Councilman
Gary Sparks ----- Councilman
Annette McNinch ----- Clerk
Dan Marusiak ----- Highway Superintendent

ABSENT: Anita Martucio ----- Councilwoman

OTHERS PRESENT: Ron Maxwell, Code Enforcement Officer; Dan Marusiak, Highway Superintendent; and members of the community.

Supervisor Wester called the meeting to order at 7:00 PM
Councilman Sparks led the Pledge to the Flag.

PRIVILEGE OF THE FLOOR: Ms. Erin Ebersold, Commissioner and Livonia Ambulance Operations Officer.

- She provided a brief overview of the district’s activities and needs.
- The district responded to over 1200 calls in 2021.
- An ambulance is dispatched with all fire calls.
- The ambulance also transports patients from the hospital.
- They have a close relationship with the Conesus Fire District and appreciate the combined efforts in responding to emergencies.
- COVID has been a challenge and the cost of PPE has increased.
- The equipment is aging and in need of replacement, particularly stretchers and the oxygen system.
- The Commissioners have managed to keep up with the purchase of ambulances.
- Livonia has received Giving America Relief funds and it was used to purchase 3 new stretchers and new chair stairs as well as a cardiac monitor.
- The next large need is an oxygen generator system.
- They have no full-time employees but do offer an incentive program for responders that is funded from the monies that were paid to Ed Sparks to manage the department. The fire commissioners have taken on the duties previously performed by Mr. Sparks.
- Mrs. Ebersold thanked the Town of Conesus for its continued support of the Ambulance District. Supervisor Wester thanked them for all they do for the community.

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ANNOUNCEMENTS AND COMMUNICATIONS

1. Next Town Board Tuesday March 15, 2022, 7PM

REPORTS OF TOWN OFFICIALS:

Supervisor – *Don Wester*: No Report

Town Clerk – *Annette McNinch*: No Report

Highway Superintendent – *Dan Marusiak*:

- The totaled truck has been purchased back at a cost of \$5,100 and currently procuring the necessary parts to repair it. Quotes are being solicited for a new truck to replace it.

Code Officer Report – *Ron Maxwell*

- Nothing out of the ordinary to report. Permits, inspections and follow-up on complaints.

Assessor - *Andy Mohr*

- Received, reviewed, and entered exemption information.
- Reviewed and entered Real Property Transfer Reports.
- Responded to inquiries from taxpayers.
- Performed field review of new construction and acquired photos.
- Completed Review of Assessment for 2022 Revaluation Project.
- Inspect property inventories from public right of way, acquire photos when possible and enter updated data into NYS Real Property System (RPS)
- Submitted the Conesus Assessment files to NYS ORPTS for market analysis.
- Picked up Assessment Disclosure Notices from Livingston County RPTS.
- Stuffed envelopes with Disclosure Notices and mailed.

UPDATES ON KEY ISSUES:

Conesus Lake: Councilman Fama

- Watershed Education Center is offering the following programs-Pre-Register at the CLA Website: www.conesuslake.org
 - On March 17, 2022 at 6:30 PM ZOOM and in person report on SUNY Geneseo/Maritime Sediment Core Analysis.

Conesus and Livingston County Planning Board: Reports: Councilwoman Martucio

- County Planning Board
 - Councilwoman Martucio was absent from the meeting
- Town Planning Board:
 - Councilwoman Martucio was absent from the meeting

ZBA Reports: Councilman Corrigan

- No ZBA Meeting

Town Facilities Maintenance Report: Councilman Corrigan

- Councilmen Corrigan and Sparks have inspected the dugout structures at the Ricky Greene Park Ball field and have deemed unsalvageable. Plans will be mad for removal.

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Livingston County/Town Report: Supervisor Wester

- Met with Empire representative, the main vendor for the Broadband Project. They are considering placing a fiber hut in Conesus. The structure size would be approximately 10 x 10. The estimated cost to a user would be \$50/month. The time frame is 1 to 2 years before it will be up and running. Lease between the vendor and the Town will be produced in the future.
- 9 Conesus Youth will be presented with the annual Teen Recognition Award at the upcoming ceremony.

UNFINISHED BUSINESS:

Fence Law – Attorney Young and Brad Francis

- The Law has been updated from previous suggestions. The Board will review, and it will be sent to County Planning for their review and suggestions. A public hearing will be scheduled for May 3, 2022.

Codification Project – Councilwoman Martucio

- It was the opinion of Councilwoman Martucio and Attorney Young that the project was ready for ratification.

NEW BUSINESS

- Accept Justice Mahoney’s resignation as of March 1st, 2022

APPROVAL OF MINUTES - Tabled

RESOLUTION #21.22

SET PUBLIC HEARING REGARDING LOCAL LAW NO. 2 OF 2022 TO REVISE THE CONESUS TOWN CODE TO ADDRESS FENCES

On a motion of Councilman Corrigan and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	4	Wester, Corrigan, Fama, Sparks
	Nays	0	
	Absent	1	Martucio

Whereas, the Conesus Town Board finds that its current Code does not sufficiently address fencing and thus is in need of updating and revisions in order to address fencing; and

Whereas, the Conesus Town Board will be considering a draft Local Law to Revise the Conesus Town Code to Address Fences; now, therefore, be it

Resolved that a public hearing shall be had on May 3, 2022 at 7:00PM for the purpose of considering the adoption of Local Law No. 2-2022 to Revise the Conesus Town Code to address fences and, be it further

Resolved that the draft Local Law shall be referred to the Livingston County Planning Board pursuant to NY GML 239-m; and be it further

Resolved, the Town Clerk advertise for said public hearing in a manner consistent with law.

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RESOLUTION #22.22

ACCEPT RESIGNATION FROM JUSTICE RAYMOND MAHONEY

On a motion of Councilman Sparks and seconded by Councilman Corrigan the following resolution was

ADOPTED BY ROLL CALL VOTE

AYE	Councilman Corrigan
AYE	Councilman Fama
ABSENT	Councilwoman Martucio
AYE	Councilman Sparks
AYE	Supervisor Wester

Resolved that the Town of Conesus Town Board on the 1st day of March 2022 reviewed and accepts the resignation from Justice Raymond Mahoney effective March 1, 2022 from the position of Town Justice

RESOLUTION #23.22

ADOPT LOCAL LAW NO.1 OF 2022 TO AMEND AND RECODIFY THE CONESUS TOWN CODE

On a motion of Councilman Corrigan and seconded by Councilman Sparks the following resolution was **ADOPTED BY ROLL CALL VOTE**

AYE	Councilman Corrigan
AYE	Councilman Fama
ABSENT	Councilwoman Martucio
AYE	Councilman Sparks
AYE	Supervisor Wester

WHEREAS, a public hearing was duly advertised, and held on December 21, 2021, on the proposed Local Law – 2021 to Amend and Recodify the Conesus Town Code; and

WHEREAS, the Conesus Town Board has previously referred the Local Law to the County of Livingston Planning Board and has reviewed and considered any comments received in response thereto; and

WHEREAS, the Conesus Town Board has duly considered this action in accordance with the State Environmental Quality Review Act (“SEQR”); now, therefore, be it

RESOLVED, that, in accordance with SEQR, the Town Board has completed its review of parts 1 and 2 of EAF related to this action and hereby approves the parts 1 and 2 of the EAF; and be it further

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RESOLVED, that in accordance with Parts 1 and 2 of the subject EAF, the Town of Conesus hereby finds that adoption of this Local Law to recodify the Code of the Town of Conesus will have no significant adverse environmental impacts; and be it further

RESOLVED, that the Town Board hereby approves Part 3 of the EAF, issuing a Negative Declaration, and further directs that a copy of the Negative Declaration be filed with the Town Clerk and that Notice of the Negative Declaration be published in the ENB; and be it further

RESOLVED, that the Conesus Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and be it further

RESOLVED, by the Conesus Town Board, that said Local Law – 2021 to Amend and Recodify the Conesus Town Code is hereby approved and adopted, said Local Law being attached hereto and made a part hereof; and, be it further

RESOLVED, that the Conesus Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York

ARTICLE I

Adoption of Code

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Conesus, as codified by General Code, and consisting of Chapters 1 through 155, together with an Appendix, shall be known collectively as the “Code of the Town of Conesus,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Conesus” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the 2003 Code and the local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued

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in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Conesus, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repealer.

Repeal of inconsistent enactments. Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Conesus which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Conesus prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Conesus or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Conesus.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Conesus.
- E. Any local law or ordinance of the Town of Conesus providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Conesus or any portion thereof.

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- F. Any local law or ordinance of the Town of Conesus appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Conesus or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to August 8, 2017.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Conesus and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Conesus by impressing thereon the Seal of the Town of Conesus, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

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§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Town of Conesus” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up to date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Conesus required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Conesus in any manner whatsoever which will cause the legislation of the Town of Conesus to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

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§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Conesus, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)
- C. Nomenclature. Throughout the Code, the following terms are updated as indicated:
 - (1) “Soil Conservation Service” is changed to “Natural Resources Conservation Service.”

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Conesus, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

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RESOLUTION #24.22

AUDIT OF HIGHWAY FUND CLAIMS

On a motion of Councilman Corrigan and seconded by Councilman Sparks the following resolution was

On a motion of Councilman Corrigan and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	4	Wester, Corrigan, Fama, Sparks
	Nays	0	
	Absent	1	Martucio

Resolved that Highway Fund Vouchers #35- #44 as set forth in Abstract No. 5 of 2022 in the amount of \$24,841.25 are approved.

RESOLUTION #25.22

AUDIT OF GENERAL FUND CLAIMS

On a motion of Councilman Sparks and seconded by Councilman Fama the following resolution was

On a motion of Councilman Corrigan and seconded by Councilman Fama the following resolution was

ADOPTED	Ayes	4	Wester, Corrigan, Fama, Sparks
	Nays	0	
	Absent	1	Martucio

Resolved that General Fund Vouchers #75-#86 as set forth in Abstract No. 5 of 2022 in the amount of \$16,605.52 are approved.

Resolved that the Town Board closes the Executive Session and returns to Regular Session at 08.38PM

With no further business, on a motion of Councilman Fama and seconded by Councilman Sparks, the meeting was adjourned at 8:07 PM. Carried unanimously.

Respectfully submitted,

Annette M. McNinch

Annette M. McNinch
Town Clerk