

**MINUTES**  
**TOWN OF GENEVA**  
**PUBLIC HEARING AND REGULAR TOWN BOARD MEETING**  
**July 9, 2024**

Informal discussion – 5:30 p.m. Informal discussion with Town Board, department heads and public.

**PUBLIC HEARING for proposed Local Law 4 of 2024** “Amending Local Law 4 of 2020, Entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD (Planned Unit Development) and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval.

**1. Call to order-6:00 PM.** Legal Notice was published in the Finger Lakes Times on June 28, 2024, and notices were posted on the town’s website and sign board.

Public Comments- None  
Written Comments: None  
Close Public Hearing-

Time: 6:03 p.m.

**2. Call to order** the Regular Town Board Meeting. Pledge of Allegiance/Opening – Led by Town Board Member Kim Aliperti.

**PRESENT:** Supervisor Mark Venuti; Councilmember Kimberly Aliperti; Councilmember Gordy Baxter; Councilmember Robert McCarthy and Councilmember Mitchell Wilber.

Others Present: Code Enforcement Officer Floyd Kofahl; Highway Superintendent Bernie Peck and three town residents.

Recording Secretary: Lorie Peck, First Deputy Town Clerk  
The actions described below are not necessarily listed in order of occurrence.

**3. Privilege of the floor:** Discussion on the safety of all railroad crossings, Floyd Kofahl, Code Enforcement Officer will contact the railroad to see if any additional safety measures can be taken, and Councilmember Bob McCarthy will raise the issue at the next railway corridor study meeting.

**4. Gratuities:** Gordy Baxter for the Summer Kick Off.

**5. Approval of the minutes:** Approval of the minutes of the Public Hearing for Local Law 3-2024 of the Town Board of June 11, 2024. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**6. Approval of the minutes:** Approval of the minutes of the Regular Meeting of the Town Board of June 11, 2024. Motion to approve made by Councilmember Baxter, second by Councilmember McCarthy. Unanimously approved.

**7. Town Clerk’s report.**  
Questions, comments.  
The Board acknowledges receipt.

**8. Code Enforcement Officer’s report.**  
Questions, comments.  
The Board acknowledges receipt.

**8. Highway Superintendent’s Report:-** Due to injury will be submitted later  
Questions, comments.

**9. Water & Sewer Superintendent’s Report:**  
Questions, comments.  
The Board acknowledges receipt.

**10. Supervisor’s report of finances**  
Questions, comments.  
The Board acknowledges receipt.

**11. 2024 RESOLUTION NO. 64-2024-** Approving Abstract 7, July 2024, Bills for Payment and Prepaid Bills. Voucher #641 in the amount of \$633.64 was corrected to \$623.64. Motion to approve made by Councilmember Wilber, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK**  
**RESOLUTION OF THE TOWN BOARD**  
**RESOLUTION NO. 64-2024**

Whereas certain abstracts and bills for services and goods received or to be received by the town have been presented for payment or necessarily paid, as described in Abstract 7, July 2024, vouchers 557-653 total \$103,226.52 and

Whereas those abstracts and bills have been reviewed by the town bookkeeper, the supervisor, and other members of the town board, and are in proper order for payment or approval, now therefore, it is

RESOLVED the pre-paid bills that are presented are approved and the supervisor is authorized to pay the unpaid bills.

I, Lorie L. Peck, First Deputy Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on July 9, 2024.

Lorie L. Peck

Lorie L. Peck, First Deputy Town Clerk

**12. 2024 RESOLUTION NO. 65-2024**- Appointing Lorie Peck Town Clerk and Registrar, and Shelly Marquart First Deputy Town Clerk and Deputy Registrar. Motion to approve made by Councilmember McCarthy, second by Councilmember Baxter. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 65-2024**

Whereas Town Clerk Lorrie Naegele resigned as Town Clerk effective July 4, 2024; and

Whereas an election for Town Clerk will be held on November 5, 2024 to complete the term of Lorrie Naegele, to serve for calendar year 2025, when an election for a full term will be held; and

Whereas the Town needs a Town Clerk to serve until December 31, 2024; and

Whereas Lorie Peck has served as a Deputy Town Clerk since 2010, and has held various positions with the Town for twenty-three years, including water and sewer clerk and nine years as town assessor, was appointed First Deputy Town Clerk on June 11, 2024 by resolution 55-2024, and is willing and able to serve as Town Clerk until the end of the year; and

Whereas Lorrie Naegele as town clerk also served as Registrar of the Town of Geneva, and with her resignation the Town is in need of a Registrar, a Deputy Registrar to serve when the Registrar is absent, and a new First Deputy Town Clerk; and

Whereas Shelly Marquart has served the town in various capacities for eighteen years, including as a Deputy Town Clerk, and is willing and able to serve as First Deputy Town Clerk and Deputy Registrar; now therefore, it is

RESOLVED Lorie L. Peck is appointed Geneva Town Clerk, to serve until December 31, 2024, at an annual salary of \$52,000.00, and Registrar to the end of the year at an annual stipend of \$1,500.00; and it is further

RESOLVED Shelly Marquart is appointed First Deputy Town Clerk and Deputy Registrar.

I, Lorie L. Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on July 9, 2024.

Lorie L. Peck

Lorie L. Peck, Town Clerk

**13.** Review of Short Environmental Assessment Form Parts 1, 2 and 3 for Local Law 4-2024, revising Local Law 4 of 2020, establishing the Planned Unit Development designation and conditions for 3635 Berry Fields Road.

**14. 2024 RESOLUTION NO. 66-2024** – Determination of Significance of Proposed Local Law 4-2024. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA, ONTARIO COUNTY, NEW YORK,  
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 4 OF 2024  
RESOLUTION NO.66--2024**

**WHEREAS**, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined **Local Law No. 4 of 2024** to be a Type 1 action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the short Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Lorie Peck, Town Clerk of the Town of Geneva, do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on July 9, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	<u>  X  </u>	<u>      </u>
Mitch Wilber	<u>  X  </u>	<u>      </u>
Mark Venuti	<u>  X  </u>	<u>      </u>
Robert McCarthy	<u>  X  </u>	<u>      </u>
Gordy Baxter	<u>  X  </u>	<u>      </u>

Dated:   July 9  , 2024   Lorie L. Peck    
Lorie L. Peck, Town Clerk

**15. 2024 RESOLUTION NO. 67-2024.**- Approving Local Law No. 4 of 2024, amending Local Law 4 of 2020. Motion to approve made by Councilmember McCarthy, second by Councilmember Baxter.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 67-2024**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on July 9, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law Amending Local Law 4 of 2020, Entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD, Planned Unit Development, and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on June 28, 2024 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on July 9, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

**WHEREAS**, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law; and

**WHEREAS** no substantive adverse comments were received or anticipated from the Town Planning Board or Ontario County Planning Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Geneva hereby adopts Local Law No. 4 of 2024, entitled, "A Local Law Amending Local Law 4 of 2020, Entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval", a copy of which is attached hereto and made a part hereof, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Geneva sign board.

I, Lorie L. Peck, Town Clerk of the Town of Geneva, do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on July 9, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	<u>  X  </u>	<u>      </u>
Mitch Wilber	<u>  X  </u>	<u>      </u>
Mark Venuti	<u>  X  </u>	<u>      </u>
Robert McCarthy	<u>  X  </u>	<u>      </u>
Gordy Baxter	<u>  X  </u>	<u>      </u>

Dated:   July 9  , 2024   Lorie L. Peck

16. **2024 RESOLUTION NO. 68-2024** – Amending Town Investment Policy. Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 68-2024**

Whereas the Town of Geneva Investment Policy is annually approved at the Town Board’s organizational meeting which this year occurred on January 9, 2024; and

Whereas upon review with representatives of Three Plus One, the Town’s investment consultants, changes should be made to clarify an item and allow for investments recommended by Three Plus One; now therefore, it is

RESOLVED that New York Cooperative Liquid Assets Securities System, d/b/a NYCLASS, is moved from section VII, Designation of Depositories, to section X, Permitted Investments; and it is further

RESOLVED that the following will be added to section X, Permitted Investments: Through a Deposit Placement Program, certificates of deposit in one or more “banking institutions” as defined in Banking Law section 9-r.

I, Lorie L. Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on July 9, 2024.

Lorie L. Peck  
Lorie L. Peck, Town Clerk

17. **2024 RESOLUTION NO. 69-2024** – Amending Town Personnel Manual. Motion to approve made by Councilmember Wilber, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 69-2024**

Whereas upon review certain sections of the Personnel Manual of the Town of Geneva are in need of revision; now therefore, it is

RESOLVED the following shall be added to the section, Separation from Employment, Final Paycheck: Employees are not entitled to pay for unused vacation; and it is further

RESOLVED the following shall be added to the section, Vacation Benefits: Employees will be allowed to carry over no more than one week of vacation time at the end of the year. Employees who elect to carry over vacation time must use that time within six months of the first of the year or that time will be lost; and it is further

RESOLVED the following shall be added to the section, Vacation Benefits: Vacation is earned each year at the rate proportional to the amount of vacation the employee is eligible for in that year. For example, an employee eligible for three weeks of vacation earns vacation days from the start of the year at a rate of 0.288 days per week (15 days divided by 52 weeks). Employees may take vacation in advance of the amount earned to the date of a planned vacation with the approval of the employee’s supervisor; and it is further

RESOLVED the following shall be added to the section, Town Property: Computers, Cell Phones; and it is further

RESOLVED the following shall be added and substituted to the section, Sick Leave Benefits: In the event of voluntary resignation, full pay up to 60 days, or 30 days for employees hired on or after January 1, 2016, for unused sick leave shall be paid to the employee at his/her normal hourly rate.

I, Lorie L. Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on July 9, 2024.

Lorie L. Peck  
Lorie L. Peck, Town Clerk

18. Discussion of hiring a full-time second or deputy code enforcement officer or building inspector at a salary of \$46,000 to \$64,000 depending on experience and qualifications, along with the other standard benefits offered by the Town. It was discussed that the position is non-competitive and a position will need to be created in the County as Building Inspector. All agreed to advertise for the job.

**19. Reports of Standing Committees**

Economic Development –Robert McCarthy reported they had a meeting on June 26th, and discussed the Code Enforcement Officer position and hiring an assistant or building inspector in hopes that it would free Floyd up so he could work more on marketing. Next meeting is August 28, 7:00PM at the Geneva Town Hall.

Sustainability – None

Kashong Conservation Area – Discussed the letter received from NYSDOT in regard to moving the Kashong Conservation Park sign located at the end of State Route 14 and Kashong Road. Floyd will follow up with NYSDOT to see if we can obtain permission for the sign.

Communication – Kim Aliperti discussed the new system for signing up for notices and info from the town and that it's really not ready to go public yet.

Parks and Recreation – Gordy Baxter discussed the Summer Kick Off and putting lights on the box field.

## **20. Supervisor's Report:**

The Supervisor attended a full-day workshop on June 28 for the Ontario County Board of Supervisors on the future of solid waste management and the Ontario County Landfill. The lease with Casella expires at the end of 2028, and the county is investigating potential paths forward, from continuing in the garbage importing business by extending the life of the landfill at the current rate by going higher or wider, to reducing flow to county generated waste, to closing the landfill down completely, to operating a transfer station and recycling facility at the current site. The supervisor continues to advocate for getting out of the garbage importing business when the lease with Casella expires and to implement waste reduction measures to blunt the anticipated increase in waste disposal costs anticipated when the county landfill closes.

## **Selected Meetings and Events**

June 12 – Meeting of Ontario County Traffic Safety Board.

County Ways & Means Committee meeting

June 18 – Ted Baker radio show on town topics

June 19 – Meeting of Board of Directors of Geneva Community Projects, Inc. regarding sponsoring Geneva Reuse until it achieves charitable status.

Meeting of Ontario County Soil & Water Conservation District board of directors.

June 20 – Geneva Reuse Business Plan Work Group meeting.

Meeting with Ontario County ARC.

Ontario County Board of Supervisors meeting.

June 25 – Geneva Reuse Steering Committee meeting.

Geneva Reuse Business Plan Work Group meeting.

Meeting with Finger Lakes Partners rep re town insurance.

June 28 – Board of Supervisors landfill and solid waste management workshop.

July 1 – County Planning and Environmental Quality Committee meeting.

July 3 – Geneva Reuse Business Plan work group meeting

County Ways & Means Committee meeting.

July 8 – Meeting with GreenSpark Solar reps re town solar installation.

Meeting re County Rail Corridor plan.

July 9 – Geneva Reuse Steering Committee meeting.

**21. Old Business.** Robert McCarthy reported the Deer Impact survey is out and if anyone would like copies to take to neighbors to let him know.

**22. New Business. None**

**23. Privilege of the floor. None**

**26. Adjourn:** Motion to adjourn Regular Meeting made by Councilmember Baxter, second by Councilmember Aliperti. Unanimously approved. Time 6:40 pm.

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Respectfully, Lorie L. Peck, Town Clerk



(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County **Ontario**  
City  
**Town of Geneva**  
Village

Local Law No. 4 of the year **2024**

A local law **Amending Local Law 4 of 2020, Entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval"**

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County  
City  
**Town of Geneva** as follows:  
Village

Section 1: Local Law 4 of 2020, entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval", rezoned Tax Account No. 103.00-3-45.200, with an address of 3635 Berry Fields Road, to PUD, Planned Unit Development District, subject to eleven (11) conditions and this local law hereby repeals conditions numbered 9 and 11 contained in Local Law 4 of 2020 and hereby adopts new conditions 9 and 11 to insert in their places to read as follows:

- 9. Only the uses and layout, including, but not limited to, setbacks and acreage of open space, set forth on the Plans of Smart Design Architecture dated March 19, 2024, and any later revisions accepted by the Town, that are on file with the Town, shall be part of any final site plan approval.
- 11. Prior to construction of the proposed new structures and/or improvements, the owner will apply for Site Plan review and obtain the approval of the Town of Geneva Planning Board.

Section 2: If any clause, sentence, paragraph, section or part of this local law 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 or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.