

MINUTES
TOWN OF GENEVA
Regular Town Board Monthly Meeting
March 12, 2024

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

Recording Secretary: Deputy Town Clerk Nancy Wallace-Novick. Lorrie S. Naegele, Geneva Town Clerk typed the minutes.
The actions described below are not necessarily listed in order of occurrence.

Others Present: Code Enforcement Officer Floyd Kofahl; Highway Superintendent Bernie Peck; Water and Sewer Superintendent Howard Bailey; and six residents.

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

1. **Call to order** - 6:00 p.m.: The Regular Town Board Meeting.
2. **Privilege of the floor**. Chester Burkholder; Waterloo NY, request change of Zoning. David Naegele, Turk Road; voiced concerns on delaying in getting zoning changes for Burkholder so he can get his crops planted .
3. **Gratitude's**. Councilmember Mitch Wilber was recently honored at a Smith Opera House event for his 13 years of service on the Smith board and his service on other community groups and organizations over many years. Eric Reuscher, supervisor's assistant, and bookkeeper, for getting the annual financial report for 2023 submitted to the State Comptroller ahead of schedule and getting the books closed for January and February, which were held up until that annual report was submitted. Councilmember Wilber thanked the board for supporting the Smith with an annual appreciation..
4. **Approval of the minutes**: Approval of the minutes of the Public Hearing for Local Law 1-2024 on February 13, 2024. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

Approval of the minutes: Approval of the minutes of the Regular Meeting of the Town Board on February 14, 2024. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.
5. **Town Clerk's report**.
Questions, comments.
The Board acknowledges receipt.
6. **Code Enforcement Officer's report**.
Questions, comments.
The Board acknowledges receipt.
7. **Highway Superintendent's Report**:
Questions, comments.
The Board acknowledges receipt.
8. **Water & Sewer Superintendent's Report**:
Questions, comments.
The Board acknowledges receipt.
9. **Supervisor's reports on finances for February and March**.
Questions, comments.
The Board acknowledges receipt.
10. **2024 RESOLUTION NO. 30-2024**- Approving Abstract-003, March 20244, Bills for Payment, and Prepaid Bills. 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. 30-2024

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 and

Whereas those abstracts and bills have been reviewed by the supervisor's 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, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. **2024 RESOLUTION NO. 31-2024**—Clarifying Holidays and Approving Amendment to Union Agreement. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 31-2024**

Whereas the Town Board approved sixteen paid holidays for all full-time employees at its January 9, 2024, Organizational Meeting; and

Whereas the Town’s Personnel Manual has not been updated in some time and only lists twelve of these holidays; and

Whereas the Agreement between the Town of Geneva and its employees represented by Employees Unit #7856-00, Ontario County Local 835, CSEA, Local 1000 AFSCME, AFL-CIO, provides for fifteen of these holidays, omitting the relatively new federal and state Juneteenth Day holiday (June 19); now therefore, it is

RESOLVED those paid holidays for full-time employees approved by the Town Board on January 9, 2024, and not listed as holidays in the Personnel Manual shall be added; and it is further

RESOLVED the supervisor is authorized to approve an amendment to the Agreement with the union representing certain town employees that adds the Juneteenth Day holiday to Article VI of that Agreement, upon approval by the union.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

12. **2024 RESOLUTION NO. 32-2024**- Consenting to the Dedication of a Portion of Bay View Terrace and Two Portions of Lakeview Way. 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. 32-2024**

WHEREAS, upon reading the dedication of a 0.471-acre portion of Bay View Terrace in Glass Factory Bay Heights Phase IIIA, dated the 13th day of February 2024 and the Release related thereto dated the 13th day of February 2024, wherein the owner of lands described therein have released the same to the Town of Geneva and its Highway Superintendent for highway purposes; and

WHEREAS, upon reading the dedication of a 0.287-acre portion of Lakeview Way in Glass Factory Bay Heights Phase IIIA, dated the 13th day of February 2024 and the Release related thereto dated the 13th day of February 2024, wherein the owner of lands described therein have released the same to the Town of Geneva and its Highway Superintendent for highway purposes; and

WHEREAS, upon reading the dedication of a 0.837-acre portion of Lakeview Way that would connect the above 0.287 portion of Lakeview Way with Turk Road, dated the 13th day of February 2024 and the Release related thereto dated the 13th day of February 2024, wherein the owner of lands described therein have released the same to the Town of Geneva and its Highway Superintendent for highway purposes; now, therefore, be it

RESOLVED, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Geneva to make an order laying out the lands described in the aforesaid three dedications, each dated the 13th day of February 2024, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on March 12, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Kimberly Aliperti	X	_____
Mitchell Wilber	X	_____
Robert McCarthy	X	_____
Gordon Baxter	X	_____

Dated: March 12, 2024

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

13. **2024 RESOLUTION NO. 33-2024**- Approving Proposal to Assist the Town in Being Certified as a NY Pro-Housing Community. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 33-2024**

Whereas New York State has a Pro Housing Communities Program to promote the development of new housing projects in the state, and municipalities certified as a Pro Housing Community receive prioritization for grant applications for state programs; and

Whereas to be a Pro Housing Community a municipality must show they have grown by at least 1% over three years or that they commit to enabling housing development to meet that goal; and

Whereas the Town of Geneva has likely grown in housing units by at least 1%, or will be able to show that its zoning regulations support growth and make the necessary commitment by a board resolution, increasing its prospects to be awarded state grants; and

Whereas MRB Group and LaBella have submitted proposals to assist the Town in preparing the necessary documentation and applying for this designation, with MRB's estimate being \$4,200.00, and LaBella's being \$2,500.00; now therefore, it is

RESOLVED, the LaBella proposal is approved and may be accepted by the supervisor.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

14. ~~2024 RESOLUTION NO. 34-2024~~- Approving Additional Engineering Fees for Water System Improvement Project. 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. 34-2024**

Whereas MRB Group is the engineering firm handling the Town of Geneva's Water System Improvement Project, which includes a new well at the town's well field, new pumps and other equipment at the town's water treatment plant, a new holding tank in the Town of Seneca, and refurbishing the existing tank in the Town of Seneca; and

Whereas a state grant is covering about 50% of the cost, the Town of Geneva is responsible for 34% of the balance, and the Town of Seneca is responsible for 66% of the balance; and

Whereas due to the COVID-19 pandemic and other reasons the project was delayed, and the cost has increased; and

Whereas MRB Group has estimated it may have additional fees totaling \$61,850.00 as outlined in a February 27 memorandum to the supervisor; and

Whereas other cost estimates of the project may be overestimated and be able to absorb these additional engineering fees, that outcome is not certain and it is necessary to approve the additional engineering fees so the project can proceed; now therefore, it is

RESOLVED, additional engineering fees in the Town's Water System Improvement Project for MRB Group totaling \$61,850.00, if and as actually incurred, are approved.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

15. ~~2024 RESOLUTION NO. 35-2024~~ - Approving Water Rate Increase for the Town of Seneca. Motion to approve made by Councilmember Wilber, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 35-2024**

Whereas the rate per thousand gallons (0.986) being charged the Town of Seneca by the Town of Geneva has been unchanged for many years, but treatment and other allowable costs under the 2009 Intermunicipal Agreement between the towns have increased; and

Whereas the current costs have been provided to the Town of Seneca and justification for an increase to \$1.24 per thousand gallons, and it has been accepted by the Town of Seneca; now therefore, it is

RESOLVED the rate per thousand gallons of water charged to the Town of Seneca will be \$1.24 commencing with the next bill.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele

16. 2024 RESOLUTION NO. 36-2024- Accepting Review of the Records of the Town Justices for 2023. Motion to approve made by Councilmember Baxter, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 36-2024**

Whereas the Town's independent accountants, Allied CPAs, PC, have reviewed the financial data and records of the Town Justices for the period January 1, 2023, through December 31, 2023, and have submitted a report to the Town dated February 7, 2024; now therefore it is

RESOLVED the February 7, 2024, report of Allied CPAs, PC of the financial data and records of the Town Justices for the period January 1, 2023, through December 31, 2023 is accepted, and the Justices are advised to address any items noted in the report as exceptions to the agreed-upon procedures.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele,
Lorrie S. Naegele, Town Clerk

17. 2024 RESOLUTION NO. 37-2024- Accepting Review of the Records of the Town Clerk for 2023. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 37 -2024**

Whereas the Town's independent accountants, Allied CPAs, PC, have reviewed the financial data and records of the Town Clerk for the period January 1, 2023, through December 31, 2023, and have submitted a report to the Town dated February 6, 2024; now therefore it is

RESOLVED the February 6, 2024, report of Allied CPAs, PC of the financial data and records of the Town Clerk for the period January 1, 2023, through December 31, 2023, is accepted.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele,
Lorrie S. Naegele, Town Clerk

18. 2024 RESOLUTION NO. 38-2024- Approving Purchase of truck for Water and Sewer Department. Motion to approve made by Councilmember Baxter, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 38 -2024**

Whereas the Town's 2024 budget provided \$50,000.00 for the purchase of pick-up truck for the sewer department, and sale of the existing truck at \$25,000.00, for a net cost of \$25,000.00; and

Whereas the Water & Sewer Superintendent secured a pick-up truck for \$47,205.00, and a trade allowance for the existing truck of \$28,00.00, with, after fees, a net cost to the town of \$19,404.43; now therefore it is

RESOLVED the purchase of the 2024 Chevrolet Silverado 1500 from Bill Cram Chevrolet for \$47,205.00, and the trade of the town's 2020 Ford F-150 for \$28,000.00, is approved.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on March 12, 2024.

Lorrie S. Naegele,
Lorrie S. Naegele, Town Clerk

19. 2024 RESOLUTION NO. 39-2024- Scheduling a Public Hearing for a Proposed Local Law 2-2024. Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 39 -2024**

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon the proposed Local Law attached hereto as Exhibit 1; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of Geneva to proceed in accordance with the Code of the Town of Geneva and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 9, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Geneva sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Geneva for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on March 12, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Robert McCarthy	X	_____
Kimberly Aliperti	X	_____
Mitchell Wilber	X	_____
Gordon Baxter	X	_____

Dated: March 12, 2024

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

Exhibit 1

FILING LOCAL LAW

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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. 2 of the year 2024

A local law **"Amending a Previously Approved Planned Unit Development District by Rezoning a Parcel of Land Included in the PUD and by Amending the Conditions of the PUD Relative to the Remaining Parcels in the PUD"**

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

County Ontario
City
Town of Geneva as follows:
Village

Section 1: Local Law 3 of 2019 approved the rezoning of Tax Map No. 133.00-1-020.000, containing a total of 151.425 acres of land (including the Turk Road right of way), to a PUD Planned Unit Development District subject to 18 enumerated conditions. Subsequent to Local Law 3 of 2019 taking effect, the Town of Geneva Planning Board approved the subdivision of Tax Map No. 133.00-1-020.000 into three separate parcels, which are now designated as Tax Map Nos. 133.00-1-020.100, 133.00-1-020.200 and 133.00-1-020.300. The Town Board hereby amends the Planned Unit Development District it approved pursuant to Local Law 3 of 2019 as follows:

A. The Official Zoning Map of the Town of Geneva, adopted pursuant to Section 165-5 of the Zoning Law of the Town of Geneva, is hereby amended by changing the zoning district classification of Tax Map No. 133.00-1-020.300, from PUD Planned Unit Development District to AG Agricultural District.

B. The conditions of PUD approval, set forth in Section 1 of Local Law 3 of 2019, shall be of no further effect on Tax Map No. 133.00-1-020.300.

C. The conditions of PUD approval, set forth in Section 1 of Local Law 3 of 2019, shall continue to be binding on Tax Map Nos. 133.00-1-020.100 and 133.00-1-020.200, except that Conditions numbered 4, 9, 10, 11 and 15 are hereby declared null and void and shall be of no further effect on either parcel.

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.

Exhibit 2

TOWN OF GENEVA NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Geneva on April 9, 2024, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would amend the Planned Unit Development District previously approved by Local Law 3 of 2019 by rezoning Tax Map No. 133.00-1-020.300 from PUD Planned Unit Development District to AG Agricultural District, by removing the conditions of PUD approval established by Local Law 3 of 2019 from Tax Map No. 133.00-1-020.300 and by amending the conditions of the PUD relative to the remaining parcels in the PUD.

Any person shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Geneva Town Hall, 3750 County Road 6, Geneva, New York 14532.

This is by Resolution of the Town Board of the Town of Geneva.

Lorrie S. Naegele, Town Clerk

20. Discussion of suggested revisions to the town code. The Supervisor went over several proposed code changes he and the code enforcement officer felt were needed and the board supported proceeding with a couple of corrections.

21. Reports of Standing Committees

Economic Development – No meeting

Sustainability – A public meeting on establishing ReUse facilities in the Geneva area was held at the Geneva Community Center on February 26 and was attended by about 60 people. A presentation was made by the executive director of Finger Lakes ReUse of Tompkins County, followed by a question and answer session with the public. People shared thoughts and ideas and many signed up to assist with the project. The consulting agreement with Finger Lakes ReUse is being funded by Ontario County and county officials were in attendance. The steering committee, made up of town and city residents and officials, is meeting March 14 to discuss next steps, which will include establishing working groups that will look at possible sites, administration, and outreach.

The mattress and box spring collection for recycling will be at 32 White Springs Road, in front of the town's Recycling and Disposal Station, on April 13, from 9-noon. Volunteers are needed and will be treated to lunch after the event. Let the supervisor know if you can help.

Mission Zero, a joint project of the City's Green Committee and the Town's Sustainability Committee, is being held on Saturday, April 27 at the city's recreation complex (ice rink) on South Exchange Street. The town will be providing a Fix-It Clinic as part of the activities that day. We're looking for handy people to be volunteer fixers; let the supervisor know if you'd like to help for a few hours.

On May 30 town staff will assist Senior Citizens who have usable items they need help removing from their homes. People should call the town hall to sign up; we will only be able to handle the first 5-6 who call.

The next Free Stuff Day will be June 2 with a rain date of June 9.

Kashong Conservation Area – No meeting

Communication – We've been advised for security and other reasons to change our web site to a .gov address and are working on it.

Pieces for the next Town Times are due to Amy Naegele or the supervisor by March 20.

Parks and Recreation – Gordy Baxter is looking to have a meeting around March 21.

22. Supervisor's Report: Selected Meetings and Events on the Agenda

The Town of Phelps is applying for a grant to install a sewer line to the city's waste water treatment plant. It would go through the Town of Geneva, so the application includes the part through our Town. If the grant is awarded the Town of Geneva would participate and be included. We brought public water to this area a few years ago. Sewer would complete what is needed for it to be available for commercial development as envisioned in the town's Comprehensive Plan and zoning map.

Monday, April 8, is the day our area will experience a total eclipse of the sun by the moon, occurring in stages from about 2-4 pm. A large influx of visitors is expected, and schools and many businesses are closing for the day or the afternoon. I'd like to close the town's offices and let people leave at noon.

Town computer users have been assigned a series of training courses on preventing hackers from infiltrating our system – free from our insurance agent, NYMIR.

The Annual Financial Report of the town's 2023 budget, income and expenditures has been filed with the Office of the State Comptroller.

The Ontario County Soil and Water Conservation District obtained a \$500,000.00 state grant and will be working with county DPW on the Wilson Creek culvert and stream as it passes under County Road 6 in the town. The project will stabilize streambanks, improve drainage, and ensure stability of the culvert and roadway.

The town's Recycling and Disposal Station is accepting the hard plastic can carriers used for 4-packs of beer and other beverages in a special receptacle. They are reusable and will be given to area breweries who have agreed to take them, including in the town, Brewery Ardennes, and Big Alice Brewery.

23. Old Business. None

24. New Business. None

25. Privilege of the floor. Carol Higgins, Snell Rd; asked for clarification on if the land south of Turk Road goes back to Agricultural will it be farmed? That's the buyer's plan.

26. Adjourn: Motion to adjourn Regular Meeting made by Councilmember Wilber, second by Councilmember Baxter. Unanimously approved. Time 7:08 pm.

Respectfully, Lorrie S. Naegele, Town Clerk