

**MINUTES**  
TOWN OF GENEVA  
REGULAR TOWN BOARD MEETING  
September 10, 2024

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

**1. Call to order** the Town Board Meeting. Pledge of Allegiance/Opening – led by Town Board Member Robert McCarthy.

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

Others present: Code Enforcement Officer Floyd Kofahl; David Hanley, Licensed Surveyor, and two town residents.

Recording Secretary: Shelly Marquart, First Deputy Town Clerk

**2. Privilege of the floor:** David Hanley spoke on behalf of The Lake Room, LLC, 226 Turk Rd. in regard to changing the Planned Unit Development designation to General Business for the part of the parcel with the restaurant and creating 6 residential building lots on most of the rest of the property. He presented a proposal subdivision map that was reviewed. The property owners were also present. The board agreed to pursue the change.

Kyle Bunce, new hire for the Building Department, introduced himself to the Board.

**3. Gratitudes:** Jacob Fox and HWS students for work on their Day of Service at the bike park on August 21. Eric Reuscher, the Town's Occupational Safety Officer, for his work correcting safety issues identified during a state inspection.

**4. Approval of the minutes:** Approval of the minutes of the Regular Meeting of the Town Board of August 13, 2024. . Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. 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 report of finances**  
Questions, comments-Mark informed the board he submitted the 2025 tentative budget to the Town Clerks Office.  
The Board acknowledges receipt.

**10. 2024 RESOLUTION NO. 72** Approving Abstract 9, September 2024, Bills for Payment and Prepaid Bills. 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. 72-2024**

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 9, September 2024, vouchers 773-840 total \$753,881.29 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, Shelly Marquart, 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 September 10, 2024.

Shelly Marquart  
Shelly Marquart, First Deputy Town Clerk

**11. 2024 RESOLUTION NO. 73** Establishing an Equipment Reserve. 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. 73 -2024**

Whereas in 2026 the Town will need to replace its large plow truck at a cost of several hundred thousand dollars; and

Whereas the Town can establish an equipment reserve fund it can annually contribute to in order to spread large expenses over more than one year; now therefore, it is

RESOLVED the supervisor/budget officer is authorized to establish an equipment reserve fund and place \$100,000.00 in it from the 2025 town budget.

I, Shelly Marquart, 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 September 10, 2024.

Shelly Marquart  
Shelly Marquart, First Deputy Town Clerk

**12. 2024 RESOLUTION NO. 74** Authorizing Scheduling a Public Hearing on Proposed Local Law No. 5. 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. 74 -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 a proposed Local Law Amending a Planned Unit Development Regulation in Chapter 165 (Zoning) of the Code of the Town of Geneva, attached 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, IT IS RESOLVED** that the Town Clerk is directed to schedule a public hearing to be held on October 8, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and it is further

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

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

I, Shelly Marquart, First Deputy Town Clerk of the Town of Geneva, do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on September 10, 2024 by the following vote:

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

Dated: September 10, 2024

Shelly Marquart  
Shelly Marquart, First Deputy Town Clerk

SEAL

**13. 2024 RESOLUTION NO. 75** Authorizing Scheduling a Public Hearing on Proposed Local Law No. 6. 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. 75 -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 a proposed Local Law Requiring Written Notification of Defective or Dangerous Conditions, attached as Exhibit 3; 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, IT IS RESOLVED** that the Town Clerk is directed to schedule a public hearing to be held on October 8, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and it is further

**RESOLVED**, that the Town Clerk is authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached as Exhibit 4; and be it further

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

I, Shelly Marquart, First Deputy Town Clerk of the Town of Geneva, do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on September 10, 2024 by the following vote:

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

Dated: September 10, 2024

Shelly Marquart  
Shelly Marquart, First Deputy Town Clerk

SEAL

**14. 2024 RESOLUTION NO. 76** Adopting a Workplace Violence Policy. 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. 76 -2024**

Whereas the Town of Geneva is committed to providing a workplace that is free from threats and violence; and

Whereas the Town is required by law to have a Workplace Violence Policy that covers violence prevention standards and techniques, training for employees, and a reporting mechanism, among other things; and

Whereas the Town's Occupational Safety Officer, using examples provided by the State, has prepared a Workplace Violence Safety and Health Policy and Procedure for the Town of Geneva, which

will assist the Town in providing a workplace that is free from threats and violence, and is attached to this agenda; now therefore, it is

RESOLVED the attached Workplace Violence Safety and Health Policy and Procedure is adopted for the Town of Geneva.

I, Shelly Marquart, 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 September 10<sup>th</sup>, 2024.

Shelly Marquart,  
Shelly Marquart, First Deputy Town Clerk

**15. The Tentative 2025 Town Budget**, including water districts, has been prepared by the supervisor, filed with the Town Clerk on September 10<sup>th</sup>, 2024, and presented to Town Board members.

**16. Slate Rock Road bridge** – Repair or replacement estimates are being sought; the two owners with property on Slate Rock Road were called and stated, although having the road open is preferable, they could live with it being closed to vehicle traffic.

**17. A Special Town Board meeting** was scheduled to review the Tentative 2025 Town Budget. A special meeting was set for Wednesday, October 2, 2024 at 7:00. The Town Clerk was directed to publish a notice of the special meeting in the Town's official newspaper.

**18.** The project the town is supporting to convert the old tennis courts at Geneva High School to **pickleball courts** is finished except for a sign and storage shed, and should be available to the public soon when not in use by the school district. There will be 8 courts. Volunteers have raised funds for 3 nets. The town board approved using Park & Recreation funds available in the budget to purchase the others, not to exceed \$3,000.00.

#### **19. Reports of Standing Committees**

Economic Development – Nothing to report.

Sustainability – Free Stuff Day and Fix-it Clinic Sunday, September 29 with rain date of October 6 – volunteers needed; contact chair Jennifer Grant or the supervisor if you'd like to help.

Kashong Conservation Area Nothing to report.

Communication – The next Town Times will be out early October. Please submit articles and notices to Amy or Mark by September 27.

Parks and Recreation – Nothing to report.

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

**A Grant for Railroad Crossing safety** is not feasible for the town. The funder is looking for million-dollar projects in large cities or metro areas. MRB Group and LaBella Associates checked and that is the conclusion. West Lake Road fire chief has been communicating with the concerned resident on Whites Point.

**An Ontario County Landfill** future prospects public meeting will be held at the Geneva Town Hall on September 24 from 5-7 p.m.

The Town supervisor will be on a panel discussion about the **Ontario County landfill** being held in the Town of Manchester on September 19 at 7:00 p.m. at the Manchester Town Hall.

**Building Inspector new hire Kyle Bunce** will start September 23 at a starting salary of \$58,000 with a review and possible raise to \$62,000 in six months.

As discussed and approved at previous meetings, working with consultants at Three Plus 1, the Town placed some of its reserves with Modern Banking Group for one year earning 5.25%. The Town also placed some reserves in a Certificate of Deposit with the Bank of the Finger Lakes for 9 months.

The school property tax rate for the Town of Geneva went down slightly in the recent bill from \$16.68 to \$16.41.

The contract with NYSERDA for the \$175,000.00 grant being used for a solar panel installation at the Town Hall has been signed.

The state safety inspector who issued a Notice of Violation and Order to Comply revisited the Town Hall and Occupational Safety Officer Eric Reuscher showed her the new wash station, safety manual and other actions taken in response, and she was satisfied. A few more items are needed to complete what was ordered.

Assessor Vinnie Fischer and the supervisor met with attorney Sheila Chalifoux, who represents the Town in litigation matters, and discussed the assessment challenges that have been filed by commercial property owners. We are applying to the county to join us and help pay for the defense of two of the claims that have county-wide implications.

Seneca Watershed Steward Ian Smith is applying for funds for tree planting in conjunction with storm water control on municipal property and toured the town hall property with the supervisor to discuss where plantings could be made and drainage improved.

#### Selected Meetings and Events

August 14 – Traffic Safety Board meeting

County Ways & Means Committee meeting

August 15 – Geneva Reuse Business Plan and Fundraising workgroup meeting

Interview building inspector applicants

August 20 – Breakfast meeting with engineer and department heads

August 21 - Meeting of Ontario County Soil & Water Conservation District board of directors.

August 22 - Geneva Reuse Board of Directors meeting.

Meeting of Ontario County Board of Supervisors

September 3 - County Planning and Environmental Quality Committee meeting.

September 4 - County Ways & Means Committee meeting

September 6 – Meeting with attorney and assessor to discuss commercial property assessment challenges

September 10 – Meeting with city officials on progress of USDA grant for food waste diversion

**21. Old Business** – Bids – October RFP 18 month rate.

22. **New Business** – Bob McCarthy reported to the board they received 68 responses from the deer survey. The next step will be to meet with DEC.

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

24. **Adjourn**: Motion to adjourn Regular Meeting made by Councilmember Wilber, second by Councilmember Baxter. Unanimously approved. Time 6:53 pm.

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Respectfully Submitted, Shelly Marquart, First Deputy 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

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**(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 of Ontario**  
City  
**Town of Geneva**  
Village

Local Law No. 5 of the year **2024**.

A local law "**Amending a Planned Unit Development Regulation in Chapter 165 (Zoning) of the Code of the Town of Geneva**"

(Insert Title)

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

**County of Ontario**

City

**Town of Geneva**  
Village

as follows:

Section 1. Paragraph A. of Section 165-45 (Area requirements) of Article V (Planned Unit Development) of the Zoning Code of the Town of Geneva is hereby repealed and a new paragraph A is hereby adopted and inserted in its place to read as follows:

A. No PUD district shall be established having an area of less than three contiguous acres.

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.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.),**

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



\_\_\_\_\_  
Town Clerk

(Seal)

Date: \_\_\_\_\_

**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 the 8th day of October, 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 a planned unit development regulation in Chapter 165 (Zoning) of the Code of the Town of Geneva to reduce the minimum area for a PUD district from five acres to three acres.

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 14456.

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

Lorie Peck, Town Clerk

**Exhibit 3**

**LOCAL LAW FILING**

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

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**(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 of Ontario**

City

**Town of Geneva**

Village

Local Law No. 6 of the year **2024**

**A Local Law Requiring Written Notification of Defective or Dangerous Conditions**

(Insert Title)

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

**County of Ontario**

City

**Town of Geneva**

Village

as follows:

Section 1. No civil action shall be maintained against the Town of Geneva or the Town of Geneva Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received by the superintendent of highways pursuant to this local law and section 65-a of the New York State Town Law. The town clerk shall cause all written notices received pursuant to this local law and section 65-a of the Town Law to be presented to the town board within ten days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

Section 3. This local law shall supersede, in its application to the Town of Geneva, Subdivision 1 of Section 65-a of the New York State Town Law. Nothing herein contained shall be construed to relieve a claimant of any obligation created by Subdivision 2 of Section 65-a of the New York State Town Law. Nothing herein contained shall be construed to relieve a claimant of the obligation to serve a notice of claim on the Town of Geneva as provided in Section 50-e of the New York State General Municipal Law.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged 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, section 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.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.),**

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Town Clerk

(Seal)

Date: \_\_\_\_\_

**Exhibit 4**

**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 October 8<sup>th</sup>, 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 require written notification to the town clerk or town superintendent of highways of any highway, bridge, street, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed or because of the existence of snow or ice thereupon before a civil action can be maintained against the Town of Geneva or the Town of Geneva Superintendent of Highways for damages or injuries to person or property caused as a result therefrom.

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 14456.

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

Lorie Peck, Town Clerk