

MINUTES
TOWN OF GENEVA
August 8, 2023

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham Councilmember Robert McCarthy
 Councilmember Mitchell Wilber Councilmember Kimberly Aliperti

Recording Secretary: Lorrie S. Naegele, Geneva Town Clerk. The actions described below are not necessarily listed in order of occurrence.

Others Present: Water and Sewer Superintendent Howard Bailey and six Town Residents.

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

1. **Call to order**- The Regular Town Board Meeting. Time: 6:00 p.m.

2. **Privilege of the floor**. Jennifer Grant and Jacob Fox on the Neighbor Notification Law. Carol Higgins, Snell Road inquired about the vegetation buffer that Ardennes was supposed to put up and why it wasn't in place yet. The Supervisor explained they are not having events so they do not have to have a buffer.

3. **Gratitude's**: Grateful for all the residents that were at the meeting. Bernie Peck and his crew for expanding the driveway out back so the farm equipment could get through. Howard Bailey and his guys helping at the Kashong Conservation Area.

4. **Approval of the minutes**: The Public Hearing Proposed Local Law: "Amending Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning)" on July 11, 2023. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

Approval of the minutes: The Regular Meeting of the Town Board on July 11, 2023. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. 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 for the previous month**

Questions, comments.

The Board acknowledges receipt.

10. **2023 RESOLUTION NO. 52-2023**- Approving Abstract-008, August 2023, 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. 52-2023

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 Abstract-08 August 2023, vouchers 674-773 total \$187,831.55 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 August 8, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. **2023 RESOLUTION NO. 53-2023** - Authorizing Adoption of Local Law 2-2023 "Amending Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning)." Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
ADOPTION of LOCAL LAW NO. 2 OF 2023
RESOLUTION NO. 53-2023**

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 June 13, 2023, 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 Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning) of the Code of the Town of Geneva; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on July 1, 2023 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 11, 2023, at 5:00 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 2 of 2023, entitled, "A Local Law Amending Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning) of the Code of the Town of Geneva", 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, 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 August 8, 2023, by the following vote:

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

Dated: August 8, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

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

Local Law No. 2 of the year **2023**.

A local law "Amending Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 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 4 of §123.7 (Short-term rental permit application requirements) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new paragraph 4 is hereby inserted in its place to read as follows:

4. be accompanied by a copy of the current vesting deed showing how title to the subject property is then held and, if applicable, a copy of the current deed, easement or other document that has been recorded in the Ontario County Clerk's Office relative to a second parcel that has conferred permanent rights to the same owners as the subject parcel to use such second parcel to meet the parking requirements for the subject parcel to be used as a short-term rental pursuant to this Chapter.

Section 2. Paragraph c. of subparagraph i. of subsection D. (Application certifications) of paragraph 6. of §123.7 (Short-term rental permit application requirements) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new paragraph c. is hereby inserted in its place to read as follows:

c. The number and location of parking spaces that meet the standards set forth in this chapter.

Section 2. Paragraph 2. of §123.8 (Short-term rental standards) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new paragraph 2. is hereby inserted in its place to read as follows:

2. There must be sufficient off-street parking spaces, in compliance with the requirements of Article VI (Off-Street Parking and Loading) of the Zoning Code of the Town of Geneva, to accommodate the maximum occupancy of the dwelling unit as a short-term rental.

Section 3. Subsection A. of paragraph 1. of §123.9 (Procedure upon filing application) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new subsection A. is hereby inserted in its place to read as follows:

A. Conduct an inspection of the short-term rental and the lot or parcel of which the short-term rental is a part, and, if applicable, any other lot used to meet parking requirements as permitted by Article VI (Off-Street Parking and Loading) of the Zoning Code of the Town of Geneva, to verify compliance with the Zoning Code of the Town of Geneva and this chapter, to verify compliance with New York State laws, codes and regulations, to verify the number of sleeping rooms within the short-term rental, as defined in this chapter, to verify the number of parking spaces that meet the standards set forth in this chapter and to verify that the short-term rental complies with the following standards:

Section 4. Subsection B. of paragraph 2. of §123.10 (Conformity and display of permit) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new subsection B. is hereby inserted in its place to read as follows:

B. A copy of the current short term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property and, if applicable, of any second parcel to be used to meet the parking requirements of this Chapter (whether on the same side of the road, across the street or behind the subject property and, if applicable, the second parcel). A statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Town Code Enforcement Officer.

Section 5. Paragraph 3. of §123.10 (Conformity and display of permit) of the Town of Geneva Short-Term Rental Law is hereby repealed and a new paragraph 3. is hereby inserted in its place to read as follows:

3. The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Officer immediately upon any information contained on the permit or in the application changing. If, based on such changes, the Code Enforcement Officers issues an amended or a new short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended or new permit and must immediately provide a copy of the amended or new permit to every adjacent property owner and to every property owner within 150 feet of the short-term rental property and, if applicable, of any second parcel to be used to meet the parking requirements of this Chapter (whether on the same side of the road, across the street or behind the subject property and, if applicable, the second parcel).

Section 6. Subsection (1) of Paragraph D. (Location of parking required spaces) of Section 165-55 (Off-street parking spaces) of the Zoning Code of the Town of Geneva is hereby repealed and a new subsection (1) is hereby inserted in its place to read as follows:

(1) In any residential district, required automobile parking spaces shall be provided on the buildable portion of the same lot outside any required yard setback areas or, for any lot that is unable to provide such required automobile parking spaces on the same lot, required automobile parking spaces may be provided on one other lot, over which the same owner or owners have a written, legal right to use as parking for such lot and provided that such other lot is located no more than 200 feet from the lot requiring the parking.

Section 7. 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 8. This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE that the Town Board of the Town of Geneva approved Local Law No. 2 of 2023 on August 8, 2023, which amended regulations dealing with parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning) of the Code of the Town of Geneva so that, in any residential district, if required automobile parking spaces cannot be provided on the same lot, required automobile parking spaces may be provided on one other lot, over which the same owner or owners have a written, legal right to use as parking for such lot and provided that such other lot is located no more than 200 feet from the lot requiring the parking..

DATED: August 8, 2023.

By Order of the Town Board of the Town of Geneva.

Lorrie S. Naegele
Town Clerk

12. 2023 RESOLUTION NO. 54-2023 – Approving Supporting Application of The Smith Center for the Arts. 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. 54-2023**

Whereas the Ontario County Board of Supervisors has made funding received through the federal American Rescue Plan Act (ARPA) available to fund projects that support the development and expansion of arts, cultural, and recreational opportunities from non-profits, private entities, and municipalities that have been negatively impacted by COVID-19. The County is soliciting grant applications for projects that (i) respond to the negative impacts of COVID-19, (ii) involve investment in the arts, cultural activities, or the creation or enhancement of active or passive recreational opportunities, and (iii) support the recovery and economic resilience and/or quality of life in Ontario County and

Whereas The Smith Center for the Arts, having weathered the deleterious effects of the COVID 19 pandemic and its impact on theatrical venues, seeks funding to support the costs of promoting and delivering artistic programming by contracting with well-known artists promoting performances beyond county lines, attracting visitors to the area to enjoy the show and the dining, shopping and lodging establishments in local communities; now therefore, it is

RESOLVED the Geneva Town Board supports the application of The Smith Center for the Arts to Ontario County for ARPA funding to support The Smith's important endeavors to enrich Ontario County residents and attract visitors to Ontario County with its programs.

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 August 8, 2023.

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

13. 2023 RESOLUTION NO. 55-2023 – Appointing Geoffrey Marshall to Another Term on the Board of Assessment Review. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 55-2023**

Whereas town resident Geoffrey Marshall and ably served as a member of the Town's Board of Assessment Review since 2011, and his current five-year term is set to expire on September 30, 2023; and

Whereas Geoffrey Marshall is willing and able to continue serving in this role; now therefore, it is

RESOLVED Geoffrey Marshall is appointed to a five-year term on the Board of Assessment Review, beginning October 1, 2023 and expiring September 30, 2028.

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 August 8, 2023.

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

14. 2023 RESOLUTION NO. 56-2023 – Authorizing Renewal of Bond Anticipation Note for improvements to Water District 12. 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. 56-2023**

Whereas a bond resolution of the Town of Geneva for improvements to Water District 12 was adopted by the Town Board on June 29, 2010, and amended August 10, 2010, which has resulted in a series of annual Bond Anticipation Notes, now with the Bank of the Finger Lakes, last renewed September 6, 2022, in the amount of \$35,657.59, coming due September 6, 2023, together with interest at the rate of 1.19%; and

Whereas the full amount due cannot be paid without significant cost to property owners, and it need not be paid in full and may be and has been renewed annually with a payment against principal and the interest due; now therefore, it is

RESOLVED the Supervisor of the Town is authorized to pay \$3,500.00 toward principal, and the interest due, on or about September 6, 2023, and to sign a new Bond Anticipation Note for a year with the Bank of the Finger Lakes binding the Town of Geneva for the balance due of \$32,157.59, plus interest.

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 August 8, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

15. 2023 RESOLUTION NO. 57-2023 – Approving Proposal of MRB Group for Professional Services. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 57-2023**

Whereas the Town's West Lake Road Sanitary Pump Station is in need of improvements to maintain current operations without interruption and to serve additional users that will be connecting to the sewer line in the future; and

Whereas the construction cost for the project, although it cannot be estimated with precision yet, is not expected to exceed \$500,000.00; and

Whereas the Town's engineering firm, MRB Group, has submitted a Proposal for Professional Services dated July 12, 2023, which includes a survey, base mapping and evaluation phase; design plans and specifications; bidding; and construction services, totaling, as amended, \$71,150.00, which total has been reduced from the original proposal and is reasonable; now therefore, it is

RESOLVED the 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 August 8, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

16. 2023 RESOLUTION NO. 58-2023. AUTHORIZING ACCEPTANCE OF EASEMENTS. 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. 58-2023**

WHEREAS, the Town of Geneva, by its officers or representatives, has engaged in discussions with Glass Factory Bay Heights LLC, a New York Limited Liability Company, ("Owner") regarding the Town's obtaining a water and utility easement and a sanitary sewer and utility easement over portions of the Owner's property, as shown on a map attached to said easements, located in the Town of Geneva; and

WHEREAS Town of Geneva officials have recommended to the Town Board that said Owner grant to the Town these easements over said lands of said Owner; and

WHEREAS, said easements have been offered by the Owner to the Town of Geneva; and

WHEREAS the Town Board of the Town of Geneva is desirous of accepting said offered easements on behalf of the Town; and

WHEREAS, the Town Board of the Town of Geneva has examined said instruments and finds the consideration described therein to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Geneva does hereby accept the Easements attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments subject to the following conditions:

1. The easements and corresponding bill of sale to be signed by the Owner and notarized;
2. The original, fully executed easements and bill of sale to be delivered to the Town Supervisor;
3. The attorney for the Owner to provide a letter to the Town certifying that the Owner giving the easements is the owner of the property on which the easement areas are located, stating how the Owner came into title (which must match the deed information on the easements), stating whether there are any liens or encumbrances that would prevent the Owner from giving the easements and attaching the easement legal descriptions to certify that such easement areas are part of the property being certified;
4. The Owner providing to the Town the following LLC documents:
 - i. a copy of the LLC's Articles of Organization,
 - ii. Filing Receipt with the New York State Department of State,
 - iii. Certificate of Good Standing/Status,
 - iv. Franchise Tax Report,
 - v. LLC's Operating Agreement and
 - vi. Resolution of the LLC's Members authorizing the transfer of the easements and authorizing the officer who will be signing the documents to sign them;

5. Review and acceptance by the Attorney to the Town of all of the above documents and confirming to the Town Supervisor that all of the same are acceptable;
6. Final review and acceptance of as built/record maps by MRB and Water/Sewer Superintendent;
7. That all utility improvements (water and sanitary) installed are to be accepted by the Water and Sewer Superintendent; and be it further

RESOLVED, that upon all of the aforesaid conditions being fulfilled, the easements shall be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner, and the bill of sale to be filed with the Town Clerk; and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the interests referenced herein.

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 August 8,, 2023 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u> X </u>	<u> </u>
Jeffrey Dunham	<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>

Dated: August 8, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

17. Reports of Standing Committees

Economic Development – No Meeting

Sustainability –Neighbor Notification Law, ReUse Center, Transfer Station, Mattress recycling, composting and other programs.

Kashong Conservation Area – Control invasive species. Water & Sewer employees worked out at Kashong conservation Area.

Communication – Time to start working on the next issue of the Town Times. Articles due to Mark or Amy by August 31.

Parks and Recreation – Waiting to meet with possible people that are willing to donate to the Box Field.

18. Supervisor’s Report: Selected Meetings and Events can be found on the agenda.

The town has received three assessment challenge court actions thus far, by the owners of Walgreens, Walmart, and the development off Routes 5&20 with the two hotels and Kindred Fare restaurant. They have been forwarded to attorney Sheila Chalifoux to represent the town in defense of the assessments. Two town residents have filed small claim reviews of their assessments, which will be defended by the town assessor.

Because the \$70,000 NYSERDA grant for the town’s Climate Smart actions will not cover insulation of the highway garage, we applied and expanded the work that can be covered to include the Electric Vehicle charging station going in at the town hall parking lot. Insulation and other work at the old town hall and other work at the highway garage remain eligible for grant funds. Installation of the EV charging station at the town hall is scheduled to begin on August 9.

The supervisor has received an “Intent to Negotiate” letter from the CSEA Labor Relations Specialist representing the Town’s Employees Unit, #7856, that they wish to commence negotiations for a new contract. The current contract expires at the end of the year. The supervisor and deputy supervisor will negotiate on behalf of the town and bring any proposed agreement to the town board for approval.

A Geneva Walking Trail License agreement with Cornell University has been finalized. It was reviewed by the town attorney and is ready for signature. Instead of an easement, Cornell was only willing to grant a 4-year license to use the trail, which will be renewable as the parties agree. This part of the proposed trail needs very little work and will not be opened until agreements are reached with owners to the east because it is in the middle of the trail and an entry point is needed. The town’s insurance carrier was previously advised of the trail and determined that liability coverage can be provided at no additional cost to the town.

The City of Geneva is finalizing an agreement with MRB Group to provide engineering services for the expansion of the wastewater treatment plant’s solid handling capacity. The cost of MRB’s proposed services totals almost \$1.2 million. The proposal was shared with the supervisor for comment. The city was awarded a \$2.3 million grant to assist in the expense of the project, which is expected to cost in the range of \$8 million. As agreed, the town will be participating in the expense based on it’s proportionate use of the plant.

It’s time to start work on the 2024 town budget, and the supervisor has requested proposals from department heads and committee chairs by August 18; the goal is to have a Tentative 2024 town budget for the town board at the September 12 meeting and to schedule a work session on the budget for later that month or early October.

19. Old Business. None

20. **New Business.** Working on the 2024 Town Budget

21. **Privilege of the floor.** Carol Higgins Snell Rd. asked if the Board decided what the description of an event was.

22. **Adjourn:** Motion to adjourn made by Councilmember Wilber. Second by Councilmember Aliperti. Time 6:55 p.m.

Respectfully, Lorrie S. Naegele, Town Clerk