

**MINUTES
TOWN OF GENEVA
REGULAR TOWN BOARD MONTHLY MEETING
June 13, 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: Code Enforcement Officer Floyd Kofahl, & eight Town 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. Carmen Guereri, Carter Road; would like speed limit signs on Wallace's road and the lawn next to his house looked into. Charlie Pitifer, Carter Road; asked about the storm water control around his area. He also wants the drainage checked because water is coming from Wallace's and Jensen's property down the road and not going into the drains. Vincent Aliperti, West Lake Road; He is in opposition of the height and duration that Seneca Meadows Land Fill is seeking to increase. He agrees with Resolution 43-2023 that the Town Board has on the agenda.

3. Gratitude's: Councilmember McCarthy thanked Amy Naegele on the Town Times she is very competent. The Supervisor thanked Jen Grant, Jacob Fox and the 15-20 volunteers for doing a great job working the Free Stuff and Fix it Clinic day.

4. Approval of the minutes: Approval of the minutes of the Regular Meeting of the Town Board on May 9, 2023. 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 report of finances for the previous month
Questions, comments.
The Board acknowledges receipt.

10. 2023 RESOLUTION NO. 41-2023 - Approving Abstract-006, June 2023, Bills for Payment, and Prepaid Bills. 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. 41-2023**

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-06 June 2023, vouchers 0480-580 total \$165,940.48 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 June 13, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. 2023 RESOLUTION NO. 42-2023 – Approving Grant Application for Carter Road Watershed Improvement and Educational Park Project. Motion to approve made by Councilmember Wilber, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 42-2023**

WHEREAS the Seneca-Keuka Watershed Nine Element Plan (9E) indicates that the Castle Creek sub-watershed, in which both the Town and City of Geneva are predominately located, is highly sensitive to intense rainfall events that result in frequent flooding and pollution runoff; and

WHEREAS Marsh Creek is located within the Castle Creek sub-watershed and drains the northern portions of both the Town and City of Geneva; and

WHEREAS the Town of Geneva recently acquired a 22-acre parcel located on Carter Road in the headwaters of Marsh Creek; and

WHEREAS the 9E prioritizes both the upland retention of stormwater and the restoration of floodplains to reduce downstream flooding and improve water quality within Seneca Lake; and

WHEREAS Seneca Watershed Steward Ian Smith (SWS) has conceptualized a means of developing the acquired parcel in such a manner to reduce flooding and improve water quality in accordance with 9E priorities while also providing educational and recreational benefits; and

WHEREAS an initial phase to complete all design and engineering work is budgeted at \$105,000 and is needed to proceed to implementation; and

WHEREAS the New York State Department of State has funding available for such projects that will cover 75% of the total project cost; and

WHEREAS the remaining 25% local match can be provided as *In-Kind* time provided by SWS, Town of Geneva staff and local volunteers, as well as \$15,750 in local funds provided by Town of Geneva; and

WHEREAS a municipality needs to be the applicant for such a grant, and the Town of Geneva, through the supervisor and the supervisor's assistant/bookkeeper, has the capacity to administer the grant if awarded; now therefore, it is

RESOLVED the Town of Geneva agrees to provide the aforementioned local cash match of \$15,750 and may be the applicant for grant funding for this project, and the supervisor is authorized to sign the application and all other documents in furtherance of it and, if awarded, provide grant administration.

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 June 13, 2023.

Lorrie S. Naegele

Lorrie S. Naegele, Town Clerk

12. 2023 RESOLUTION NO. 43-2023 – Opposing an Increase in Height and Duration of the Seneca Meadows Landfill. 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. 43-2023**

WHEREAS Seneca Meadows, Inc. (SMI) is seeking to increase the life of its existing landfill ("Landfill") located at 1786 Salcman Road in the Towns of Seneca Falls and Waterloo, Seneca County, New York, and

WHEREAS the project would add approximately 47 million cubic yards of air space used for the disposal of residential, commercial, institutional, and industrial wastes in the proposed SMI Valley Infill Area (Valley Infill"), and

WHEREAS The Valley Infill will involve the construction of approximately 47 acres of newly lined landfill area, as well as overfilling above approximately 191 acres of currently permitted landfill area, and

WHEREAS an increase in the existing maximum permitted Landfill height by about 70 feet, and

WHEREAS the type of waste being received at the facility (Municipal Solid Waste) and the approved design capacity of the Landfill, which is 6,000 tons per day, would not change, however, Landfill operation would be extended approximately 15 years, depending on the waste volume received in a given year; and

WHEREAS the impacts of the Landfill are felt by Town of Geneva businesses, visitors and residents due to the proximity of waste/ garbage truck traffic and PFAS-laden leachate being shipped around our community, with negative impact on our agri-tourism based community character and the negative climate impacts of methane emissions and other environmental impacts of the Landfill; and

WHEREAS the project sponsor must obtain the following approvals from the New York State Department of Environmental Conservation ("NYSDEC"): modification of its existing Solid Waste Facility permit under NYCRR Parts 360 and 363; a Change-of-use approval for the Tantalio Landfill Class 4 Superfund Site; and coverage under the SPDES Multi-Sector General Permit for Stormwater

Discharges from Industrial Activities (GP-0-17-004). SMI must also obtain approval from the town boards of Seneca Falls and Waterloo ("Town Boards") for the Site Plan for the Valley Infill project Landfill. In addition, the site will require Site Plan Approval from each Town's Planning Board, and the Project will also require Special Use Permit approvals from Seneca Falls Zoning Board of Appeals and the Town of Waterloo. In addition, the project sponsor must also undergo an obstruction review by the Federal Aviation Authority ("FAA"); and

WHEREAS traffic to and from the existing Landfill impacts the Finger Lakes community beyond the Towns of Seneca Falls and Waterloo, presents visual blight upon entering the Finger Lakes region from the NYS Thruway, thereby being incompatible with the community character of the region, together with noxious odors emanating from the Landfill and negative impacts on regional roads and air quality and environmental conditions in the immediate area and beyond; and

WHEREAS the Town of Geneva is not currently named as an interested party, however the residents of the Town of Geneva will be directly affected by the award of approval or by failure for SMI to receive approval; and

WHEREAS the impact of a landfill decreases the value of properties, increases greenhouse gases, violates New York's climate law and guidelines as proposed by the Climate Action Council, and provides the potential for additional toxins to impact the region; now therefore, it is

RESOLVED the Town of Geneva opposes any increase in the existing maximum permitted Landfill height by about 70 feet, as well as the extension of the life of the landfill by approximately 15 years, without due consideration of its impact on adjacent communities; and it is further

RESOLVED the Town of Geneva seeks to be named an interested party due to the impacts on our community and therefore requests an enhanced public participation process for this proposed expansion; and it is further

RESOLVED the Town Clerk is directed to forward a copy of this resolution to the NYSDEC, the Town Boards of Seneca Falls and Waterloo, the Seneca Falls Zoning Board of Appeals, the Planning Boards of the Towns of Waterloo and Seneca Falls, and the Seneca County Board of Supervisors.

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 June 13, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

13. 2023 RESOLUTION NO. 44-2023 – Approving Professional Services Agreement with MRB Group in Conjunction with the Town of Phelps. 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. 44-2023**

WHEREAS the Geneva Town Board is interested in joining with the Town of Phelps regarding the sanitary sewer extension along NYS Route 14 from the intersection of NYS Route 318 to Gambee Road. The Town of Geneva portion is from the municipal boundary of Phelps and Geneva to Gambee Road; and

WHEREAS, Due to time constraints MRB Group will be unable to complete a grant application meeting the requirements the state Economic Facilities Corporation (EFC) and Department of Environmental Conservation have in place; however, one requirement that can be completed now is preparation of the Preliminary Engineering Report (PER) to place the project on the Intended Use Plan (IUP). The PER will be developed in accordance with EFC's requirements for applying for future funding and will serve as a basis for a future grant application. The PER is to be completed and listed on the IUP by June 16, 2023; and

WHEREAS the Town of Phelps will take the lead on the project and has authorized MRB Group to proceed with the PER and listed on the IUP for an estimated fee of \$15,000. Based on the length of the improvement the Town of Geneva is approximately 25% of the total length. Breaking that down into the fee the estimated cost is \$3,500 for the Town of Geneva's portion; now therefore, it is

RESOLVED that MRB Group is authorized to include the Town of Geneva in the sanitary sewer PER and the IUP as a joint project with the Town of Phelps at a cost to the Town of Geneva of \$3,500.00, and the supervisor is authorized to sign any documents required in support of this resolution.

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 June 13, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

14. 2023 RESOLUTION NO. 45-2023 – Approving Sewer Discharge from the Town of Phelps. 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. 45-2023**

WHEREAS the Geneva Town Board is interested in joining the Town of Phelps in extending the sanitary sewer along NYS Route 14 from the intersection of NYS Route 318 to Gambee Road. The Town of Geneva portion is from the municipal boundary of Phelps and Geneva to Gambee Road; and

WHEREAS this would be a joint project with the Town of Phelps; the sewer discharge from the Town of Phelps will need to go through the Town of Geneva and connect to the sanitary sewer system near Gambee Road on its way to the City of Geneva's waste-water treatment plant; the sewer will be low pressure and will include a force main to transfer the waste to the connection; and, if this line is built, the Town of Geneva will have businesses and residents that will have access to the public sewer system from the municipal boundary to Gambee Road; now therefore, it is

RESOLVED if this project is approved and proceeds, the Town of Geneva will permit the Town of Phelps to discharge sanitary sewer flow to and through the Town of Geneva's sewer system, provided the City of Geneva agrees to accept this waste stream into its sanitary sewer system and waste-water treatment plant.

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 June 13, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

15. 2023 RESOLUTION NO. 46-2023 – Approving Agreements to Fulfill USDA Grant. 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. 46-2023**

Whereas the Town of Geneva has been awarded a grant from the U.S. Department of Agriculture to work with the City of Geneva and Hobart & William Smith Colleges to increase composting and divert food waste from the trash; and

Whereas as part of the Statement of Work for the grant the non-profit BluePrint Geneva, Inc. will provide coordination, outreach and education services for a sum set forth in the Statement and provided by grant funds, and the company Growing Cycle LLC will provide collection buckets, totes and household curbside food waste pick-up services for a sum set forth in the Statement and provided by grant funds; and

Whereas Service Agreements have been prepared to cover these services and payments that need to be executed on behalf of the Town of Geneva and these providers, copies of which are included with this agenda; now therefore, it is

RESOLVED the supervisor is authorized to sign the Service Agreements on behalf of the Town of Geneva.

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 June 13, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

The Supervisor asked if the July 11 town board meeting could be moved up to 5:00 p.m., The board agreed to the time change.

16. 2023 RESOLUTION NO. 47-2023 – Authorizing a Public Hearing for a Local Law Amending Parking Requirements. Motion to approve made by Councilmember McCarthy, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 47-2023**

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 Regulations Dealing with Parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning) of the Code of the Town of Geneva; 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 July 11th, 2023, at 5:00 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 13, 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>
Mitchell Wilber	<u>X</u>	<u> </u>
Kimberly Aliperti	<u>X</u>	<u> </u>

Date: June 13, 2023

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 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.

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 11 day of July, 2023, at 5:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would amend 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.

Any resident of the Town of Geneva 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

17. Reports of Standing Committees

Economic Development – June 28, at 7 p.m. next meeting.

Sustainability – Free stuff and Fix it clinic went well.

Kashong Conservation Area – working on putting up walking bridges in the wet areas.

Communication – No meeting.

Parks and Recreation – No meeting. The screens are up in the Box Field.

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

The Seneca Watershed Intermunicipal Organization has passed a resolution supporting the application for grant funding that will be made for the Carter Road Watershed Improvement and Educational Park Project that will be submitted in July on behalf of the Town.

John Manion, a former town resident who has expertise in marketing and strategic website design, has volunteered to assist the Seneca Watershed Intermunicipal Organization with community outreach and a redesign of its website.

19. Old Business: The Supervisor is looking into portable radar speed signs.

20. New Business: Lawnhurst Farms owner Don Jensen will be awarded as a Lake Friendly Farm in August.

21. Privilege of the floor. None

22. Adjourn: Motion to adjourn made by Councilmember Dunham. Second by Councilmember Wilber. Time 6:35 pm

Respectfully, Lorrie S. Naegele, Town Clerk