

MINUTES
TOWN OF GENEVA
REGULAR TOWN BOARD MONTHLY MEETING
May 10, 2022

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

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

Others Present: Floyd Kofahl, Code Enforcement Officer; Charlie Bracko, Water & Sewer Superintendent, Bernie Peck, Highway Superintendent and seventeen 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. Pledge of Allegiance/Opening
2. **Privilege of the floor:** Carol Higgins, Snell Road; Petition with 111 signatures requesting the board vote against Local Law 3-2022 also she had two questions for the board. #1 General Municipal Law 239-m is if a Town Board is considering the adoption or amendment of a local law it must submit the proposed change to the County Planning Board and then give the board 30 days to review and report its recommendations. Regarding the proposed change to Ag Commerce and Ag Tourism: Why in this case, is 15 days enough for the County Planning Board? Doesn't that fail to comply with 239-m? The Supervisor replied, they will comply with the law. #2. If the the Town Board approve the proposed Ag Commerce Law change on May 26, will Ardennes Brewery have to apply for new site plan approval through the Town Planning Board to have its current restrictions removed? Is it true that until Ardennes goes through a new site plan approval process, the current restrictions will remain in place? The Code Enforcement Officer said, "Yes restrictions remain in place until they apply for a planning board site plan modification".
Derek Edinger, Snell Road; He stated that the Local Law 4-2022 needs more clarification on what is an event, the limit of number of events and buffers.
Tom Higgins, Snell Road, He remembered what Councilmember Wilber said at a previous meeting that we can't stand still. Tom said, "I understand that, but hopefully the board will listen to the people that voted you into your positions."
3. **Gratitudes:** Rob Poole for tilling the garden; the volunteers at the Fix-it Clinic and Free Stuff Day. Also the Town employees that endlessly work on the Town Box Field.
4. **Approval of the minutes:** Approval of the minutes of the Public Hearing for proposed Local Law 2 of 2022, Planned Unit Development at State Route 14S. Tax map # 133.00-1-17.110 and 133.00-1-18.112; on April 12, 2022. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

Approval of the minutes: Approval of the minutes of the Public Hearing for Local Law 3 of 2022, a proposal for "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva". Definition of Agricultural Commerce, on April 12, 2022. Motion to approve made by Councilmember Wilber, second by Councilmember Dunham. Unanimously approved.

Approval of the minutes: Approval of the minutes of the Regular Town Board Meeting of April 12, 2022. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

Approval of the minutes: Approval of the minutes of the Special Town Board Meeting of April 20, 2022. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved.

5. **Town Clerk's report.**
Questions, comments. Entered into the minutes a Petition with 111 signatures requesting the board vote against Local Law 3-2022. A letter from the Town of Geneva Zoning Board of Appeals on Special Use Permit (SUP).
The Board acknowledges receipt.
6. **Code Enforcement Officer's report.**
Questions, comments. April Commercial permits Construction cost totaled over \$4,000,000.00
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.
The Board acknowledges receipt.

10. **2022 RESOLUTION NO. 42-2022**, Adopting Local Law No. 3, amending the definition of Agricultural Commerce, will be considered at the May 26 special town board meeting.

11. 2022 RESOLUTION NO. 43-2022- Approving Abstract-005 May 2022, Bills for Payment and Prepaid Bills. 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. 43-2022**

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-005 May 2022, vouchers 0504- 0592, \$149,827.11 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on May 10., 2022. Unanimously approved.

Date: May 10, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

12. 2022 RESOLUTION NO. 44-2022- Approving Professional Services Agreement with Integrated Systems. 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. 44 -2022**

Whereas Integrated Systems has provided computer network and system troubleshooting, programming and user technical support to the Town of Geneva for several years under a Professional Services Agreement whereby the town purchases and prepays for a block of 100 hours of time for \$8500, which results in a lower rate and a savings estimated at \$8000; and

Whereas the town's current bank of time is about to expire, and Integrated Systems has presented a new Professional Services Agreement with the same terms as in the past; and

Whereas the town needs such services and is satisfied with the service of Integrated Systems, whose personnel are familiar with the town's computer system, personnel and policies regarding computer service; now therefore, it is

RESOLVED, the supervisor may sign a new Professional Services Agreement with Integrated Systems for a block of 100 hours at a cost of \$8500.

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 May 10., 2022. Unanimously approved.

Date: May 10, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

13. 2022 RESOLUTION NO. 45-2022 – Introducing a Local Law 4-2022 and calling a Public Hearing for a proposed Local Law "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165." Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 45 -2022**

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 Chapter 165 (Zoning) of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165; 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 May 26, 2022, 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 May 10, 2022 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>	_____
Mitchell Wilber	<u>X</u>	_____
Kimberly Aliperti	<u>X</u>	_____

Dated: May 10, 2022

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. 4 of the year 2022.

A local law "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165"
(Insert Title)

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

County of Ontario
City
Town of Geneva as follows:
Village

Section 1. Subsections (1) and (2) of paragraph D. of section 165-15 of the Zoning Code of the Town of Geneva are hereby amended to read as follows:

- (1) Agricultural commerce in compliance with §165-15 I;
- (2) Agricultural tourism in compliance with §165-15 I;

Section 2. Section 165-15 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new paragraph I to read as follows:

Additional requirements for Agricultural Commerce and Agricultural Tourism

- (1) The hours of operation for Agricultural Commerce and Agricultural Tourism events shall be between 7:00 a.m. and 10:00 p.m. and shall be strictly controlled, i.e., not open to customers between the hours of 10:00 p.m. and 7:00 a.m., which shall be referred to herein as "hours of prohibited operation." The business may be open for preparation and cleanup during the hours of prohibited operation.
- (2) Events shall be operated in a manner that maintains a reasonable noise level. Any noise levels exceeding 75 decibels, including traffic-related noises or electronically amplified live music or electronically reproduced noise, that project beyond the property line are prohibited.
- (3) Where the property on which Agricultural Commerce or Agricultural Tourism events will take place abuts a residential parcel or a residence, there shall be a vegetated buffer area conforming to the standards set forth in section 165-40, not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel or residence.
- (4) No more than three events per week are allowed if the event is outside or the attendance is expected to or does exceed the interior permitted occupancy of the building or buildings housing the event.

(5) Where the business holding the event is regulated by the New York State Liquor Authority, attendance shall be limited to the occupancy permitted under the New York State Uniform Fire Prevention and Building Code for the areas, including any outside areas, permitted under the license issued by the State Liquor Authority for serving alcoholic beverages.

Section 3. Section 165-85 of the Zoning Code of the Town of Geneva is hereby repealed and a new section 165-85 is hereby inserted in its place to read as follows:

§165-85 Penalties for offenses.

The failure to comply with the requirements of this article or the conditions of site plan approval imposed by the Town Planning Board shall be considered a violation of Town Law for each day that the property owner or owners remain in noncompliance and shall be punishable, upon conviction, as provided in Chapter 1, General Provisions, Article III.

Section 4. Paragraph A. of section 1-16 (Penalties for offenses) of Article III (General Penalty) of Chapter 1 (General Provisions) of the Code of the Town of Geneva is hereby repealed and a new paragraph A is hereby inserted in its place to read as follows:

Unless otherwise specifically provided, the violation of any law, ordinance, rule, regulation or any specific provision or provisions thereof adopted by the Town Board as a part of this Code, or a violation of any condition imposed by the Town Planning Board or Town Zoning Board of Appeals under this Code, shall be deemed an offense against such law, ordinance, rule, regulation or provision thereof, punishable by a fine not to exceed \$500.

Section 5. 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 6. This local law shall take effect immediately upon filing with the Secretary of State.

EXHIBIT #2

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Geneva on the ____ day of _____, 2022, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law 4-2022 which would amend the Zoning Code of the Town of Geneva by adding requirements for Agricultural Commerce and Agricultural Tourism events and by amending the regulation dealing with penalties for offenses and which would also amend the General Provisions of the Code of the Town of Geneva to amend the regulations dealing with penalties for offenses.

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 by Resolution of the Town Board of the Town of Geneva.
Lorrie S. Naegele, Town Clerk

14. 2022 RESOLUTION NO. 46-2022 – Introducing a Local Law and calling a Public Hearing for **proposed Local Law No. 5 of 2022. A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings.** Motion to approve made by Councilmember Wilber, second by Councilmember Dunham.

TOWN OF GENEVA, NEW YORK RESOLUTION OF THE TOWN BOARD RESOLUTION NO. 46-2022

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 authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" 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 June 14, 2022, 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

forementioned resolution on May 10, 2022 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>

Dated: May 10, 2022

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. 5 of the year 2022

A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings

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

County of Ontario
City
Town of Geneva

as follows:

Section 1. Legislative Intent

It is the intent of this local law to give the town board and the town's other public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town's videoconferencing policy and the authority granted in Public Officers Law §103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town board and the town's other public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions, as may be set by resolution of the Town Board, are met.

Section 3. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of New York State Town Law requires, in part, that "All meetings of the town board shall be held within the town". To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to so participate from locations that are not within the town.

Section 4. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance, the Town Board of the Town of Geneva hereby authorizes members of the town board and all members of the town's other public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town's videoconferencing policy, which shall be adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present.

Section 5: Severability

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 6: Effective date

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 14, day of June 2022, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of Local Law 5-2022 which would authorize the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings as permitted by section 103-a of the Open Meetings Law.

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.

This by Resolution of the Town Board of the Town of Geneva.
Lorrie S. Naegele, Town Clerk

15. Reports of Standing Committee

Economic Development – June 22 next meeting

Sustainability – Held the Fit-it Clinic and Free Stuff Day.

Kashong Conservation Area – Town employees have been working on the area.

Communication –June 6 next meeting

Parks and Recreation –We are open! Bike Park and Box field are all open and the residents are enjoying them both.

Agricultural Enhancement – Met with Ontario County Soil & Water discussed improvement for drainage on the north side of town.

20. Supervisor's Report; Selected Meetings and Events are listed on the Town Agenda.

MRB Group has completed a General and Water System Cybersecurity Policy for the town, and it has been sent to the NYS Department of Health for review. Once we hear back from the Department of Health and make any recommended changes, it will be presented to the town board for approval.

MRB Group has also been working on revisions to the town's Design Standards in the area of the type and spacing of trees in road right of ways that will be presented to the town board when completed.

A proposed contract with Delaware River Solar will be coming for opt-out solar that will save people who do not opt out from 5 to 10% of the electric charge on their NYSEG bill.

Town sustainability volunteers had a busy and successful weekend April 30-May 1. The **Fix-it Clinic** was held on Saturday, April 30, at the Geneva Community Center as part of Mission Zero, the Earth Day celebration organized by the city Green Committee and the town Sustainability Committee. Volunteers repaired lamps, furniture, clothes, a toaster, and even a lawn mower, among other things. Those bringing items that were broken but they wanted to keep were thrilled to have them put back in action at no cost. Thanks to our crack team of volunteer fixers, most of whom were new to the event. **Free Stuff Day** followed on Sunday, May 1, at 32 White Springs Road, where volunteers took in used items in good condition between 10 and noon, and people came between noon and 2 to take items they could use from the bounty. Lots of toys and items for children went in and out; furniture, tools, kitchen appliances, games, and more filled the tables and lawn in the first two hours and then disappeared over the last two. Very little had to be discarded or was left over. People on both sides of the exchange were grateful. Thanks to Sustainability chair Jen Grant's family, Climate Smart Coordinator Jacob Fox, and many other volunteers who made it a successful event.

17. Old Business. None

18. New Business: Councilmember Dunham had a resident that wanted to know what the procedure is for Ardennes sampling of water before it goes to the waste water treatment plant. The 325 gallons a day is being pre-treated. The City of Geneva is responsible for how they want the sampling done before it goes into the City of Geneva's waste water plant.

19. Privilege of the floor.

20. Adjourn Motion to adjourn made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved. Time 6:30 pm.

Respectfully, Lorrie S. Naegele, Town Clerk