

RESOLUTION NO. 96-2019

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF LOCAL LAW NO. 5 OF 2019 ENTITLED "A LOCAL LAW AMENDING CHAPTER 150 (VEHICLES, ABANDONED, AND PROPERTY AND SIDEWALK MAINTENANCE) OF THE CODE OF THE TOWN OF GENEVA"

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 November 12, 2019, at 6:30 p.m. at Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance) 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 November 29, 2019 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 10, 2019, at 6:30 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, 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. 5 of 2019, entitled "A Local Law Amending Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance) of the Code of the Town of Geneva" a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Geneva and to give due notice of the adoption of this local law to the Secretary of State of New York

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 December 10, 2019 by the following vote:

| | <u>Aye</u> | <u>Nay</u> |
|-------------------|------------|------------|
| Mark Venuti | _____ | _____ |
| Jeffrey Dunham | _____ | _____ |
| Robert McCarthy | _____ | _____ |
| Mark Palmieri | _____ | _____ |
| Kimberly Aliperti | _____ | _____ |

Dated: December 10, 2019

Lorrie S. Naegele, Town Clerk

FILING LOCAL LAW

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County Ontario
Town of Geneva

Local Law No. 5 of the year **2019**.

A local law of Geneva" **"Amending Chapter 150 (Vehicles, Abandoned, and Property and Sidewalk Maintenance) of the Code of the Town of Geneva"**

(Insert Title)

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

County
City
Town of **Geneva** as follows:
Village

Section 1. §§150-6, 150-7 and 150-8 of Article III of Chapter 150 of the Code of the Town of Geneva are hereby renumbered to be §§150-8, 150-9 and 150-10 respectively.

Section 2. §§150-9, 150-10, 150-11, 150-12, 150-13, 150-14, 150-15, 150-16 and 150-17 of Article IV of Chapter 150 of the Code of the Town of Geneva are hereby renumbered to be §§150-11, 150-12 and 150-13, 150-14, 150-15, 150-16, 150-17, 150-18 and 150-19 respectively.

Section 3. Article II of Chapter 150 of the Code of the Town of Geneva is hereby amended with the addition of new §§150-6 and 150-7, which shall read as follows:

§150-6 Definitions

For purposes of this Chapter, the following words shall have the following definitions:

Weeds: All grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.

Yard: The area on all sides of every structure on a property; for each such structure, said area shall be equal to the setbacks of the zoning district as measured from the sides of each structure, but in no case shall any said area be less than 25 feet on all sides of the structure or to the property line, whichever is less.

§150-7 Yard Maintenance

All yards on a property shall be maintained free of weeds and noxious plant growth in excess of 10 inches.

Section 4. Paragraph A of §150-14 of Article IV of Chapter 150 of the Code of the Town of Geneva is hereby amended by changing the reference to “§ 150-11” therein to “§ 150-13”

Section 5. The heading and Paragraphs A and B of §150-15 of Article IV of Chapter 150 of the Code of the Town of Geneva are hereby amended by changing the references to “§ 150-7” and “§ 150-8” therein to “§ 150-9” and “§ 150-10” respectively.

Section 6. 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 7. This local law shall take effect immediately upon filing with the Secretary of State.

14. **2019 RESOLUTION NO. 97-2019**: – Approving Appointments to the Town Planning Board.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 97 -2019**

Whereas the terms of Planning Board members Teresa A. Ilacqua, Gary Johnson and Eric Reuscher expire on December 31, 2019, they have ably served and fulfilled the duties of the position, and they have been contacted and are willing to serve another term; now therefore, it is

RESOLVED, Teresa A. Ilacqua, Gary Johnson and Eric Reuscher are appointed to five-year terms as Planning Board Members, their terms being from January 1, 2020 through December 31, 2024.

Motion _____ Second _____

15. **2019 RESOLUTION NO. 98-2019**: – Approving Appointments to the Town Zoning Board of Appeals.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 98 -2019**

Whereas the terms of Zoning Board of Appeals members John Wilson and James Smith, and Alternate Robert Rose expire on December 31, 2019, they have ably served and fulfilled the duties of the position, and they have been contacted and are willing to serve another term; now therefore, it is

RESOLVED, John Wilson, James Smith and Alternate Robert Rose are appointed to five-year terms as Zoning Board of Appeals members, their terms being from January 1, 2020 through December 31, 2024.

Motion _____ Second _____

16. **2019 RESOLUTION NO. 99-2019**: – Approving Appointments to the Town Agricultural Advisory Committee.

TOWN OF GENEVA, NEW YORK

RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 99 -2019

Whereas the terms of Town Agricultural Advisory Committee members Beth Kinne, Ron Deboover and Ken Nardozzi expire on December 31, 2019, they have ably served and fulfilled the duties of the position, and they have been contacted and are willing to serve another term; now therefore, it is

RESOLVED, Beth Kinne, Ron Deboover and Ken Nardozzi are appointed to five year terms as Town Agricultural Advisory Committee members, their terms being from January 1, 2020 through December 31, 2024.

Motion _____

Second _____

17. 2019 RESOLUTION NO. 100-2019 – RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED

“A LOCAL LAW AMENDING THE PROVISIONS OF CHAPTER 146 OF THE CODE OF THE TOWN OF GENEVA RELATIVE TO THE SENIOR CITIZENS TAX EXEMPTION”

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 entitled “A Local Law Amending the Provisions of Chapter 146 of the Code of the Town of Geneva Relative to the Senior Citizens Tax Exemption”; 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 December 26, 2019, at 9:00 a.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 newspaper 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.

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 December 10, 2019, by the following vote:

| | <u>Aye</u> | <u>Nay</u> |
|-------------------|------------|------------|
| Mark Venuti | _____ | _____ |
| Jeffrey Dunham | _____ | _____ |
| Robert McCarthy | _____ | _____ |
| Mark Palmieri | _____ | _____ |
| Kimberly Aliperti | _____ | _____ |

Dated: _____, 2019

Lorrie S. Naegele, Town Clerk

SEAL

Motion _____

Second _____

Exhibit 1

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

(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
City
Town of Geneva
Village

Local Law No. 6 of the year 2019.

A local law "Amending the Provisions of Chapter 146 of the Code of the Town of Geneva Relative to the Senior Citizens Tax Exemption"
(Insert Title)

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

County
City
Town of Geneva as follows:
Village

SECTION 1. §146-2 of Chapter 146 of the Code of the Town of Geneva is hereby repealed and a new §146-2 is inserted in its place to read as follows:

§146-2. Maximum income level

The maximum income level for the fifty-percent exemption is established as follows:

| <u>Annual Income</u> | | | <u>Percentage Assessed Valuation Exemption From Taxation</u> |
|----------------------|----|----------|----------------------------------------------------------------------|
| \$15,500 | or | Less | 50% |
| \$15,501 | to | \$16,500 | 45% |
| \$16,501 | to | \$17,500 | 40% |
| \$17,501 | to | \$18,500 | 35% |
| \$18,501 | to | \$19,400 | 30% |
| \$19,401 | to | \$20,300 | 25% |
| \$20,301 | to | \$21,200 | 20% |
| \$21,201 | to | More | 0% |

SECTION 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 3. This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

**TOWN OF GENEVA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Geneva on the 26th day of December, 2019, at 9:00 a.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law of the Town of Geneva for the year 2019, entitled "A Local Law Amending the Provisions of Chapter 146 of the Code of the Town of Geneva Relative to the Senior Citizens Tax Exemption". This local law would amend the real property tax exemption provisions relative to real property owned by persons aged sixty-five years or older.

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

18. 2019 RESOLUTION NO. 101-2019: – Repealing Resolution 92-2019 and Authorizing Renewal of Bond Anticipation Note for Water District 12.

Whereas Resolution 92-2019 authorized renewal of the Bond Anticipation Note for Water District 12 but mistakenly stated the balance due after payment would be \$63,000.00, when it will be \$64,000.00; and

Whereas a bond resolution of the Town of Geneva for improvements to Water District 12 was adopted by the Town Board on November 9, 2004, which resulted in a Bond Anticipation Note last renewed with the Bank of the Finger Lakes December 2, 2018 in the amount of \$67,500.00, coming due on or about December 2, 2019, together with interest at the rate of 2.79%; 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 Resolution 92-2019 is repealed and vacated; and it is further

RESOLVED the Supervisor of the Town is authorized to pay \$3,500.00 toward principal, and the interest due, on or about December 10, 2019, 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 \$64,000.00, plus interest.

Motion _____ Second _____

19. 2019 RESOLUTION NO. 102-2019 – Approving Hire of Amy Naegele as Assistant to the Code Enforcement Officer.

Whereas the Town Board authorized hiring a part-time assistant to the Code Enforcement Officer on August 13, 2019 by Resolution 63-2019, and created the civil service position of Typist, Part-Time on October 9, 2019 by Resolution 82-2019; and

Whereas the position was advertised in the Finger Lakes Times, on the on-line site Indeed, and posted at the town hall, many people applied, and several were interviewed by phone and in-person; and

Whereas the Code Enforcement Officer determined that Amy Naegele was the most qualified applicant and offered her the position, beginning November 4, 2019; now therefore, it is

RESOLVED the hire of Amy Naegele as Typist Part-Time and assistant to the Code Enforcement Officer, according to Resolutions 63-2019 and 82-2019, is approved.

Motion _____ Second _____

20. 2019 RESOLUTION NO. 103-2019: – Authorizing a Bond Anticipation Note for Water District 13.

Whereas Water District 13 was completed in 2019, and the cost that was not covered by grants, \$156,000.00, was advanced from the Town's general fund and must be repaid by the property owners in the District; and

Whereas a bond resolution of the Town of Geneva for installation of water main and other facilities for new Water District 13 was adopted by the Town Board on December 27, 2018, Resolution No. 109-2018, authorizing the Town of Geneva to issue bonds and notes, including Bond Anticipation Notes, to finance these improvements; and

Whereas the Bank of the Finger Lakes has offered to loan the Town the \$156,000.00, at an interest rate of 2.35%, in return for the Town providing a Bond Anticipation Note due December 16, 2020; and

Whereas the 2020 Town Budget provides for a principal payment of \$3,750.00 plus interest, paid by the property owners of Water District 13, so the amount due on December 16, 2020 can be paid, and likely a new Bond Anticipation Note entered into for the following and successive years until the loan is paid in full, or the Town will otherwise finance the debt past the December 16, 2020 due date; now therefore, it is

RESOLVED the Supervisor of the Town is authorized to enter into a Bond Anticipation Note dated December 16, 2019 with the Bank of the Finger Lakes for \$156,000.00, accruing interest of 2.35%, due on December 16, 2020, binding the Town of Geneva according to its terms.

Motion _____ Second _____

21. 2019 RESOLUTION NO. 104-2019: – Requiring Training for Members of the Planning Board and Zoning Board of Appeals.

WHEREAS the Town of Geneva is responsible for regulating land use primarily through its citizen Planning Board and Zoning Boards of Appeals, and their actions impact local land use policies and individual land owners; and

WHEREAS effective January 1, 2007, New York State law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning officials each year, including alternates; and

WHEREAS the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices: Association of Towns of NYS, County Planning Departments, Genesee-Finger Lakes Regional Planning Council, Lake George Park Commission, New York Planning Federation, NYS Adirondack Park Agency, NYS Department of Environmental Conservation, NYS Department of State, NYS Tug Hill Commission, Pace University and Land Use Law Center, as well as other organizations and individuals that provide training acceptable to the Town Board, to be approved on a case-by-case basis; now therefore, it is

RESOLVED, that it is the policy of the Town of Geneva that each member and alternate member of the Planning Board and Zoning Board of Appeals obtain at least four hours per year of training related to their Board service, by attending and completing those educational courses, seminars, workshops, and the like, which have been approved by the Town Board or its designee, the Code Enforcement Officer; and it is further

RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board or Code Enforcement Officer upon the request of a Planning Board or Zoning Board of Appeals member; and it is further

RESOLVED, that any new member appointed to fill four months or less of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with this municipal training policy; and it is further

RESOLVED, that up to two hours of training received by a Planning Board member or Zoning Board of Appeals member in excess of four hours in any one year may be carried over by the member into the succeeding year; and it is further

RESOLVED, that the Code Enforcement Officer shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Motion _____

Second _____

22. 2019 RESOLUTION NO. 105-2019: Allowing Certain Town Bills be Paid by Credit and Debit Cards On-Site.

Whereas the Town Board previously authorized the Town Clerk to allow payment of certain bills by credit and debit card, Resolution 105-2014, but the practice was discontinued; and

Whereas the Town Clerk has investigated a new process being successfully used by other municipalities for allowing certain town bills to be paid by credit and debit cards at the town hall and has determined it can be safely done at no cost to the Town using the services of GovPayNet, while providing a benefit to Town residents; and

Whereas a service fee of 2.65%, minimum \$1.00, will be charged to the user of the service by GovPayNet so the Town receives payment in full; now therefore it is

RESOLVED the Town Clerk may set up the proper procedures to allow town residents, business and property owners to pay certain bills owed the Town by credit and debit cards using GovPayNet at the town hall.

Motion _____

Second _____

23. Reports of Standing Committees

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Town Hall Park and Playground –

Agricultural Enhancement –

24. Supervisor's Report:

The town board will have a special meeting to adjust accounts and take up other business on Thursday, December 26, at 9:00 a.m.

The Town received a \$20,000 payment from Everest Infrastructure Partners, Inc. for entering into a lease and easement for the land the cell tower behind the town hall is on, and it will continue to receive payments from the current tenant, along with yearly payments from Everest's client, until the current lease expires in 2033, after which the new company will pay the town approximately twice what the Town was being paid under the current lease.

Selected Meetings and Events

November 14 – Geneva 2030 Executive Board meeting.

Ontario County Board of Supervisors meeting.

November 15 – Ted Baker radio show on Town topics.

November 20 – Shared Services panel of the Board of Supervisors meeting.

Ontario County Soil & Water Conservation District board meeting.

November 25 – County Planning and Environmental Quality Committee meeting.

November 27 – County Public Safety Committee meeting.

December 4 – Town Economic Development Committee meeting.

December 5 – Board of Supervisors meeting,

December 9 – County Planning and Environmental Quality Committee meeting.

December 10 – Breakfast meeting with department heads and MRB Group rep.

25. Old Business.

26. New Business.

27. Privilege of the floor.

28. Adjourn: Time _____

Motion _____

Second _____