

**AGENDA
TOWN OF GENEVA
REGULAR TOWN BOARD MEETING**

December 8, 2020

DUE TO THE PANDEMIC, THIS MEETING WILL BE BY VIDEO AND AUDIO ONLY

Join Zoom Meeting

<https://us02web.zoom.us/j/86300606826>

Meeting ID: 863 0060 6826

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Meeting ID: 863 0060 6826

1. **Informal Discussion** – 5:30 p.m. Informal discussion with Town Board, department heads and public.
2. **Call to order**: 6:00 pm. the Regular Meeting of the Town Board. Flag salute/opening led by supervisor Venuti; Mark's pledge: I pledge to do my best to represent the people of the Town of Geneva, to keep an open mind during this meeting, to treat others with courtesy and respect, and to make decisions for the highest good of all concerned.
3. **Privilege of the floor**.
4. **Gratitudes**.
5. **Approval of the minutes**: Approval of minutes of the Public Hearing for Local Law No. 5 of the year **2020**. A proposed local law "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and Penalty Provisions Applicable Thereto," November 10, 2020.

Motion _____ Second _____

6. **Approval of the minutes**: Approval of the minutes of the Regular Meeting of the Town Board of November 10, 2020.

Motion _____ Second _____

7. **Town Clerk's report**: Questions, comments.
The Board acknowledges receipt.
8. **Code Enforcement Officer's report**: Questions, comments.
The Board acknowledges receipt.
9. **Highway Superintendent's Report**: Questions, comments.
The Board acknowledges receipt.
10. **Water & Sewer Superintendent's Report**: Questions, comments.
The Board acknowledges receipt.
11. **Supervisor's report** of finances for the previous month: Questions, comments.
The Board acknowledges receipt.
12. **RESOLUTION NO. 92-2020** – Approving Abstracts, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 92 -2020**

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, 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.

13. **RESOLUTION NO. 93 -2020** - Adoption of Local Law 5 of 2020, a Local Law Amending Chapter 165 (Zoning) of the codes of the Town of Geneva and Penalty Provisions Applicable Thereto. Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
AUTHORIZING ADOPTION OF LOCAL LAW NO. 5 OF 2020
RESOLUTION NO. 93-2020**

**RESOLUTION AUTHORIZING ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 165 (ZONING) OF THE CODE OF THE TOWN OF GENEVA
AND PENALTY PROVISIONS APPLICABLE THERETO**

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 10, 2020, 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 chapter 165 (Zoning) of the Town of Geneva and penalty provisions applicable thereto; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on October 31, 2020 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 November 10, 2020, at 6:00 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. 5 of 2020, entitled, "A Local Law Amending Chapter 165 (Zoning) of the Town of Geneva and Penalty Provisions Applicable Thereto", 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 December 8, 2020 by the following vote:

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

Dated: _____, 2020

Lorrie S. Naegele, Town Clerk

2020 LOCAL LAW 5-2020

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
City
Town of Geneva
Village
Local Law No. 5 of the year **2020**.

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

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

Section 1. Paragraph A of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby repealed and a new Paragraph A is hereby inserted in its place to read as follows:

- A. Purpose and Authority. It is the policy of the Town of Geneva to encourage stable residential neighborhoods for the health and well-being of all Town residents, businesses and guests. The Town permits short-term rentals under conditions that foster neighborhood cohesion and that attempt to keep property values affordable for owner-occupancy.

The Town of Geneva adopts these Short-Term Rental Regulations pursuant to its police powers provided to it pursuant to Section 130 of New York State Town Law and, specifically, the powers set forth therein in paragraph 3-a (to adopt housing code regulations), paragraph 11 (to adopt regulations preserving the peace, good order and safety), paragraph 15 (to adopt regulations promoting the public health, safety, morals and general welfare, including the protection and preservation of the property of the town and of its inhabitants) and paragraph 19 (to adopt regulations prohibiting trespass and preserving peace and good order).

Section 2. Paragraph F. of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby amended as follows:

1. Subparagraph (5) is hereby repealed;
2. Subparagraphs (6), (7) and (8) are hereby re-numbered to become subparagraphs (7), (8) and (9), respectively; and
3. New subparagraphs (5) and (6) are hereby added to read as follows:
 - (5) In addition to any other action this section permits the Town Code Enforcement Officer to take upon finding a violation of the permit or of this section, if the Town Code Enforcement Officer finds three (3) or more violations of the permit or of this section within 30 days of each other, the Code Enforcement Officer shall revoke the short-term rental permit.
 - (6) Should a permit be revoked:
 - (a) None of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation; and
 - (b) Any future application for a short-term rental permit for the same property shall be in compliance with all regulations of this section in effect at the time such application is submitted.

Section 3. Section 165-117 (Penalties for offenses) of the Zoning Code of the Town of Geneva is hereby amended as follows:

1. Paragraph A. is hereby repealed and a new Paragraph A is hereby inserted in its place to read as follows:
 - A. A violation of this chapter is an offense, and, except for a violation of Section 165-39 (Short-Term Rental Regulations) of this chapter, is punishable as provided in Chapter 1, General Provisions, Article III. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed violations, and for such purpose only, all provisions of law relating to violations shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.
2. Paragraphs B and C are hereby re-lettered to become paragraphs C and D, respectively; and
3. A new paragraph B is hereby added to read as follows:
 - B. A violation of Section 165-39 (Short-Term Rental Regulations) is an offense and is punishable as follows:
 1. For a first violation, by a fine of \$500.
 2. For a second violation pertaining to the same short-term rental permit that is committed within 60 days of the first violation, by a fine of \$1,000.
 3. For a third or subsequent violation pertaining to the same short-term rental permit, all of which occur within a period of 60 days of the first violation, by a fine of \$1,500 for each of such third or subsequent violations.
 4. Each day's continued violation shall constitute a separate, additional violation.

Section 4. Paragraphs A and B of Section 1-16 (Penalties for offenses) of Chapter 1 (General Provisions) of the Code of the Town of Geneva are hereby repealed and new Paragraphs A and B are hereby inserted in their place to read as follows:

A. 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 shall be deemed an offense against such law, ordinance, rule, regulation or provision thereof, punishable by a fine not to exceed \$250.

B. Each day any such violation shall continue, shall constitute a separate offense.

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.

14. RESOLUTION NO. 94-2020: -Approving Appointments to the Town Planning Board.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 94 -2020**

Whereas the terms of Planning Board members Robert Gringeri and Kenneth Nardozzi expire on December 31, 2020, 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, Robert Gringeri and Kenneth Nardozzi are appointed to five-year terms as Planning Board Members, their terms being from January 1, 2020 through December 31, 2025.

15. RESOLUTION NO. 95 -2020 – Approving a Park and Recreation Fund.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 95-2020**

Whereas the town has a Park and Recreation fee that is charged for construction of dwelling units in the town to support the creation and maintenance of town parks and recreation areas; and

Whereas the town has committed to supporting as its latest recreation amenity a box field on town hall property, and wishes to set aside funds for this and other projects from fees that are collected and appropriations in town budgets approved for this purpose; now therefore, it is

RESOLVED a Park and Recreation Fund is authorized for holding Park and Recreation fees and future budget appropriations to support the creation and maintenance of town parks and recreation areas; and it is further

RESOLVED that \$20,000.00 shall be placed in this fund for the box field project.

16. RESOLUTION NO. 96 -2020 – Approving a Storm-Water Control and Water Pollution Prevention Fund.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 96-2020**

Whereas the town recognizes the importance of storm-water control and water pollution prevention; and

Whereas the town received \$25,000.00 from Joule Community Power for the success of the town's Geneva Community Power project, which resulted in over 400 area residents subscribing to a solar farm for their electricity supply; and

Whereas the town agreed to use the \$25,000.00 grant for storm-water control and water pollution prevention projects; now therefore, it is

RESOLVED a Storm-Water and Water Pollution Prevention fund is authorized for holding the \$25,000.00 grant from Joule Community Power and future budget appropriations to support projects that control storm-water and reduce water pollution; and it is further

RESOLVED that \$25,000.00 shall be placed in this fund for future projects.

17. RESOLUTION NO. 97-2020: – Approving Agreement for Expenditure of Highway Moneys.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 97-2020**

Whereas the 2021 budget of the Town of Geneva includes the sum of \$348,351.00 for Highway Department general repairs;
and

Whereas as part of those general repairs the Town Board approved the expenditure of \$198,473.00 for road work during 2021;
and

Whereas the Town Superintendent of Highways has prepared an Agreement for the Expenditure of Highway Moneys pursuant to Section 284 of the Highway Law of the State of New York, proposing to expend certain sums on certain Town highways as presented to and approved by the Town Board during the process of adopting the 2021 Town budget; now therefore, it is

RESOLVED the Town Board approves the Agreement for the Expenditure of Highway Moneys in 2021, and the members of the Board will sign the Agreement, as well as the Highway Superintendent, and it will be submitted to the Superintendent of Highways of Ontario County for signature, completing the execution of the Agreement.

18. RESOLUTION NO. 98-2020: – Approving Agreement for Dog Control Services.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 98-2020**

Whereas the town is required by law to provide for the control of dogs in the town; and

Whereas for many years the town has contracted with Ontario County for dog control services, which subcontracts with the Ontario County Humane Society, Inc. to provide the services provided in the Agreement for Dog Control Services with the town, which services include operating the Happy Tails Animal Shelter and providing a dog control officer to perform routine enforcement of licensing requirements; and

Whereas the county has submitted an Agreement that requires the town to pay \$5,689.00 for services, and the town has budgeted \$6,200.00 for it; now therefore, it is

RESOLVED the supervisor may sign the Agreement with Ontario County for Dog Control Services obligating the town to pay \$5,689.00 for those services.

19. RESOLUTION NO. 99-2020: – Authorizing Renewal of a Bond Anticipation Note for Water District 13.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 99-2020**

Whereas a bond resolution of the Town of Geneva for installation of water main and other facilities for 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 a Bond Anticipation Note dated December 16, 2019 with the Bank of the Finger Lakes in the amount of \$156,000.00 was entered into, coming due on or about December 16, 2020, together with interest at the rate of 2.35%; 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 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 \$3,750.00 toward principal, and the interest due, on or about December 16, 2020, 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 \$152,250.00, plus interest.

20. RESOLUTION NO. 100-2020: – Approving Data Hosting Agreement with Integrated Systems.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 100-2020**

Whereas Integrated Systems has satisfactorily provided data hosting and other computer services to the town for several years; and

Whereas Integrated Systems has advised the town it needs to move the town's data to another cloud server system and has submitted a new hosting agreement for three years, which agreement can be terminated early for breach of contract or if Integrated Systems proposes an increase in fees the town declines to pay; and

Whereas there will be no charge for migrating the town's data to the new hosting center; and

Whereas hosting contract provides the town will pay monthly fees totaling \$574.10, which is an increase of \$69.64 over the current monthly charge, with Integrated Systems accounting for \$25 of the increase and the rest from Microsoft increases Integrated has no control over; and

Whereas the town sought proposals from other providers that provide similar services to other towns in Ontario County, and received one proposal that advised the town maintain its data on a server at the town hall, which would require the purchase of a new server, which the town declined to do when it decided to move to cloud hosting with Integrated Systems, and the hourly rate for IT services in this third-party proposal was significantly higher than the rate charged by Integrated Systems; and

Whereas other towns in the county use Integrated Systems, like the Town of Geneva; now therefore, it is

RESOLVED the Hosting Agreement with Integrated Systems is approved and may be signed by the supervisor.

21. RESOLUTION NO. 101-2020: – Approving Purchase of Water Department Truck.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 101-2020**

Whereas, under the Water and Sewer Department vehicle replacement and maintenance program the 2016 Ford Pick-up Truck for which maintenance costs will begin rising is in need of replacement: and

Whereas, the Town Water and Sewer Department Superintendent can purchase a 2021 Ford Pick-up Truck from Van Bortel Ford for \$35,040.75 on state bid contract which is below the normal market price, and

Whereas, the replacement of this truck has been provided for in the 2021 town budget; now therefore it is

RESOLVED that the Water and Sewer Superintendent is authorized to purchase the 2021 Ford-Pick-up Truck from Van Bortel Ford for \$35,040.75 and to consign to Auction International the 2016 Ford Pick-Up Truck for sale.

22. RESOLUTION NO. 102-2020: – Approving Purchase of a Sewer Department Truck.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 102-2020**

Whereas, under the Water and Sewer Department vehicle replacement and maintenance program the 2016 Ford Pick-up Truck for which maintenance costs will begin rising is in need of replacement: and

Whereas, the Town Water and Sewer Department Superintendent can purchase a 2021 Ford Pick-up Truck from Van Bortel Ford for \$35,040.75 on state bid contract which is below the normal market price, and

Whereas, the replacement of this truck has been provided for in the 2021 town budget; now therefore it is

RESOLVED that the Water and Sewer Superintendent is authorized to purchase the 2021 Ford-Pick-up Truck from Van Bortel Ford for \$35,040.75 and to consign to Auction International the 2016 Ford Pick-Up Truck for sale.

23. RESOLUTION NO. 103-2020: – Approving Purchase of a Highway Department Truck.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 103-2020**

Whereas, under the Town Highway Department vehicle replacement and maintenance program the 2017 Ford F-150 Pick-up Truck for which maintenance costs will begin rising is in need of replacement; and

Whereas, the Town Highway Department Superintendent can purchase a 2021 Ford F-150 Pick-up Truck from Van Bortel Ford for \$35,040.75 on state bid contract which is below the normal market price; and

Whereas, the replacement of this truck has been provided for in the 2021 town budget; now therefore it is

RESOLVED that the Highway Superintendent is authorized to purchase a 2021 Ford F-150 Pick-up Truck from Van Bortel Ford for \$35,040.75 and to consign to Auction International the 2017 Ford F-150 Pick-Up Truck for sale.

24. RESOLUTION NO. 104-2020: – Approving Purchase of a Highway Department Truck.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 104-2020**

Whereas, under the Town Highway Department vehicle replacement and maintenance program the 2016 Ford F-250 Pick-Up Truck for which maintenance costs will begin rising is in need of replacement; and

Whereas, the Town Highway Department Superintendent can purchase a 2021 F-250 Truck with Snowplow from Van Bortel Ford for \$36,212.84 on state bid contract which is below the normal market price; and

Whereas, the replacement of this truck has been provided for in the 2021 town budget; now therefore it is

RESOLVED that the Highway Superintendent is authorized to purchase a 2021 F-250 Truck with Snowplow from Van Bortel Ford for \$36,212.84 and to consign to Auction International the 2016 F-250 Ford Pick-Up Truck for sale.

25. Reports of Standing Committees

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Parks and Recreation – Town Bike Park is closed for the winter; sensitive areas will be covered by tarps until reopening in the spring.

Agricultural Enhancement –

26. Supervisor's Report

We need to set the date for the second December meeting of the town board where we adjust accounts and take up any year-end business that is needed. Suggested dates: Monday, Dec. 21, Wednesday, Dec. 23

Negotiations are continuing with the City of Geneva on what the town will pay for wastewater treatment at the city plant in 2021.

Slate Rock Road is closed for the winter; the Highway Superintendent has advised 911 and taken the appropriate steps.

Selected Meetings and Events

November 11 – meeting with CCMI officials about building in the town

November 12 – County Dept. of Sustainability and Solid Waste Management strategic plan committee meeting

County Public Safety Committee meeting

County Board of Supervisors meeting

November 13 – Meeting with Seneca Watershed Steward and Finger Lakes Institute director

November 18 - County Dept. of Sustainability and Solid Waste Management strategic plan committee meeting

County Shared Services meeting

County Soil and Water Conservation District board meeting

Town Economic Development Committee meeting

November 19 – Geneva 2030 executive board meeting

November 20 – Ted Baker radio show on town topics

Meeting with CCMI and County Economic Development Dept. officials on grant possibilities for CCMI's town project

November 23 – County Planning and Environmental Quality Committee meeting

November 24 – County Public Safety Committee meeting

December 3 – Meeting of the executive committee of the Seneca-Keuka 9-Element Watershed Plan

County Board of Supervisors meeting

December 7 – County Planning and Environmental Quality Committee meeting

27. Old Business.

28. New Business.

29. Privilege of the floor.

30. Adjourn: Time _____

Motion _____

Second _____