

MINUTES
TOWN OF GENEVA
PUBLIC HEARING 2021 BUDGET
REGULAR TOWN BOARD MEETING
OCTOBER 13, 2020

PRESENT: Supervisor Mark Venuti Councilmember Kimberly Aliperti
Councilmember Robert McCarthy Councilmember Mark Palmieri
ABSENT: Councilmember Jeffery Dunham

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 and Sewer Superintendent; two residents.

1. Informal Discussion – 5:30 p.m. Informal discussion with Town Board, department heads and public.
2. Call to order: 6:00 pm. Public Hearing for the 2021 Preliminary Budget and Local Fire Contracts.
Public Comments- None
Written Comments- None
Close Public Hearing- Time 6:02 pm
3. Call to Order: 6:02 pm. the Regular Meeting of the Town Board. Flag salute/opening led by Councilperson Kimberly Aliperti
4. Privilege of the floor. None
5. Gratitudes. Amy Naegele for the Newsletter and Web site; Bike Park volunteers, Jeff Ilacqua, Howard Bailey, Bernie Peck. Also Bagel & cakes for free lunches and Red Jacket for the juice for the workers, Bejo seed for tilling and clearing the soil and Dan Roman for the photographs taken for the news letter.
6. Approval of the minutes: Approval of minutes of the Public Hearing on Local Law 4-2020, PUD for 3635 Berry Fields Road, held on September 8, 2020. Motion made by Councilmember McCarthy, second by Councilmember Palmieri. Unanimously approved
7. Approval of the minutes: Approval of the minutes of the Regular Meeting of the Town Board of September 8, 2020. Motion made by Councilmember Aliperti, second by Councilmember Palmieri. Unanimously approved
8. Approval of the minutes: Approval of the minutes of the Special Meeting for a Budget Workshop of the Town Board of September 21, 2020. Motion made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved
9. Town Clerk's report: Questions, comments.
The Board acknowledges receipt.
10. Code Enforcement Officer's report: Questions, comments.
The Board acknowledges receipt.
11. Highway Superintendent's Report: Questions, comments.
The Board acknowledges receipt.
12. Water & Sewer Superintendent's Report: Questions, comments.
The Board acknowledges receipt.
13. Supervisor's report of finances for the previous month: Questions, comments.
The Board acknowledges receipt.
14. **2020 RESOLUTION NO. 75-2020** – Approving Abstracts, Bills for Payment and Prepaid Bills. Motion made by Councilmember Palmieri, second by Councilmember Aliperti. Unanimously approved

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 75 -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 Abstract # 10 total \$166,838.47; vouchers1080-1209, 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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

15. **2020 RESOLUTION NO. 76- 2020**- Adoption of the Retention and Disposition Schedule (LGS-1). Motion made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 76 - 2020**

WHEREAS New York State has established a new Retention and Disposition Scheduled for local government records that must be adopted by the town; now therefore it is

RESOLVED that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and it is

FURTHER RESOLVED, THAT IN ACCORDANCE WITH Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met a minimum retention period described therein; and
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

16. **2020 RESOLUTION NO. 77-2020**: – Authorizing Renewal of Bond Anticipation Note for Water District 1, Extension 4. Motion made by Councilmember Palmieri, second by Councilmember Aliperti. Unanimously approved

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 77-2020**

Whereas a bond resolution of the Town of Geneva for improvements to Water District 1, Extension 4 was adopted by the Town Board on April 14, 1992, which resulted in a Bond Anticipation Note with Five Star Bank, now with Wayne Bank, last renewed October 18, 2019 in the amount of \$17,500.00, coming due October 18, 2020, together with interest at the rate of 2.40%; 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; and

Whereas a payment against principal of \$3,500.00, and the anticipated interest due, has been budgeted; now therefore, it is

RESOLVED the Supervisor of the Town is authorized to pay \$3,500.00 toward principal, and the interest due, on or before October 18, 2020, and to sign a new Bond Anticipation Note for a year with Wayne Bank binding the Town of Geneva for the balance due of \$10,500.00, plus interest.

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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

17. **2020 RESOLUTION NO. 78-2020**: Appointing Sandra Ansley for a New Term on the Board of Assessment Review. Motion made by Councilmember Aliperti, second by Councilmember Palmieri. Unanimously approved

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 78-2020**

Whereas Sandra Ansley has been ably serving on the Town's Board of Assessment Review but her term expired on September 30, 2020; and

Whereas she is willing to serve for another five-year term; now therefore, it is

RESOLVED that Sandra Ansley is appointed to the Board of Assessment Review of the Town of Geneva for a term that begins on October 1, 2020 and expires on September 30, 2025.

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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

18. 2020 RESOLUTION NO. 79-2020: – Approving 2021 Annual Budget of the Town of Geneva, Including Fire Contracts and Special Districts. Motion made by Councilmember McCarthy, second by Councilmember Palmieri. Unanimously approved

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 79-2020**

Whereas the Tentative 2021 Town Budget, including Fire Contracts and Special Districts, was filed with the Town Clerk and presented to the Town Board on or about September 8, 2020; and

Whereas the Town Board held a public work session on the Tentative 2020 Town Budget on September 21, 2020, making adjustments and approving the Preliminary 2021 Town Budget; and

Whereas the Preliminary 2021 Town Budget was filed with the Town Clerk on September 25, 2019, and a public hearing on this budget was scheduled for October 13, 2020; and

Whereas the public hearing was held on October 13, 2020; now therefore it is

RESOLVED the Preliminary 2021 Town Budget, and any non-substantive amendments, is adopted as the 2021 Budget of the Town of Geneva, including Fire Contracts and Special Districts.

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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

19. 2020 RESOLUTION NO. 80-2020: – PULL until next month we have not received the signed contract. Authorizing Contract with Ontario County to Provide Snow Removal from County Roads.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 80-2020**

Whereas the Town has provided snow and ice control services during the winter on certain portions of Ontario County roads in the town and is compensated by the county for those services; and

Whereas the county has submitted a new contract for those services to the town for October 1, 2020 through September 30, 2021, at \$5,800.00 per mile (same as last year), and the contract calls for the town to service 10.87 miles of road (the same as last year); and

Whereas the town superintendent of highways is capable and willing to perform those services at the proposed rate; now therefore, it is

RESOLVED, county's proposed contract for snow and ice control services on parts of county roads in the town for the period October 1, 2020 through September 30, 2021 is accepted and may be signed by the supervisor.

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 _____, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

20. 2020 RESOLUTION NO. 81-2020: – Scheduling a Public Hearing for a Proposed Local Law. Motion made by Councilmember Aliperti, second by Councilmember Palmieri. Unanimously approved

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 81-2020**

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 penalty provisions applicable thereto, attached as Exhibit 1; 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 November 10, 2020, 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 October 13, 2020 by the following vote:

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

Dated: _____, 2020

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
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)

County
City
Town of Geneva as follows:
Village

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.

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 10th day of November, 2020, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would amend the Zoning Code of the Town of Geneva by amending the purpose statement of the short-term rental regulations, by amending the regulations pertaining to short-term rentals dealing with revocation of permits and penalties and offenses and by amending the penalty provisions applicable to the Zoning Code generally contained in the General Provisions (Chapter 1) of the Code of the Town of Geneva.

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

21. 2020 RESOLUTION NO. 82-2020: – Authorizing Purchase of a 2020 International Plow Truck. Motion made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 82-2020**

Whereas the 2020 town budget includes \$235,000.00 for the purchase of a 2020 plow truck on state bid, and \$70,000 in revenue for the sale of the 2011 Kenworth Plow Truck being replaced; and

Whereas the 2020 International HX620 10-wheel dump truck with Viking one-way snow plow is ready to be delivered, and the price is \$215,865.35, and the sale of the 2011 Kenworth Plow Truck at Auctions International brought \$80,000.00, leaving the town about \$29,000.00 ahead over the budget; now therefore, it is

RESOLVED the purchase of the 2020 International HX620 10-wheel dump truck with Viking snow plow for \$215,865.35, from Regional International in Rochester, NY off a NYS contract, is approved and the invoice may be paid.

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 October 13, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

22. Reports of Standing Committees

Economic Development –Nov 11th is the next meeting, discussed how businesses were doing due to covid-19 about 1/3 not doing well.

Sustainability – No meeting

Kashong Conservation Area – visit to Riker property suggests a walking/bike path with bridges on the east & west of the property.

Communication – working on website, welcome letter, newsletter and means for push notifications to town residents.

Parks and Recreation – Construction of the bike park behind town hall is nearly complete. It's been kid-tested, and adult-tested and people love it. A final work period for volunteers is scheduled for this Saturday and Sunday, October 17-18. Volunteers needed and welcome. Email supervisor@townofgeneva.com if you'd like to help.

Agricultural Enhancement –

23. Supervisor's Report- On the Agenda Selected Meetings and Events

2021 Town Budget. Because of the revenue shortfall this year due to the loss of sales tax revenue from the coronavirus pandemic, and the expected shortfall next year, spending for the general fund in the 2021 budget has been reduced by \$107,730.00, or about 9%, and in the highway fund by \$143,837.00, or about 16%. The Town will continue to provide reliable services to its residents, visitors and businesses.

The State Comptroller has reviewed the town's financial report for 2019 and given the town the best possible scores, concluding the Town of Geneva was not facing fiscal or environmental stress.

Early in-person voting may be done at 41 Lewis Street in Geneva from October 24 through November 1; times vary – check the town's website or the county's website for times.

24. Old Business. Councilmember Robert McCarthy will start a committee on fire safety.

25. New Business. A Letter of support for a grant will be sent to Tom Harvey Ontario County Planning for a study of the rail corridor to Geneva.

26. Privilege of the floor. None

27. Adjourn: Motion to adjourn made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved, Time: 7:45 pm.