

**Minutes**  
 Town of Geneva  
 Regular Town Board Meeting  
 June 14, 2016

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham  
 Councilmember Robert McCarthy Councilmember Melissa Nault  
 Councilmember Mark Palmieri

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

Others Present: Charlie Bracko, Water & Sewer Superintendent; David Achilles, Highway Superintendent; Bill McAdoo, Code Enforcement Officer; forty three residents and Mike Hibbard reporter from the Finger Lakes Times.

1. Informal Discussion- 6:30 pm. Informal discussion of Town Board, department heads and public.
2. Call to order the Public Hearing: 7:00 p.m. on the Proposed Local Law "A Local Law to Change the Zoning Classification of a Parcel and to amend a Portion of the Town of Geneva Zoning Map."  
 Public Comments- Eight people spoke against the project. Twelve spoke in favor of the project.  
 Written Comments- Petition to reject against the project was submitted.  
 Close Public Hearing- 8:30 pm.
3. Call to order the Regular Meeting of the Town Board. 8:40 pm.
4. Privilege of the floor. Bev Young, Billsboro Rd.; asked each Board member what their view was on the City/Town consolidation. Their response was it is unrealistic and no. The Town will continue to work with the City in helping where we can, just as we have for years.
5. Approval of the minutes of the Regular Meeting of the Town Board of May 10, 2016. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved.
6. Town Clerk’s report.  
 Questions, comments.  
 The Board acknowledges receipt.
7. Code Enforcement Officer’s report.  
 Questions, comments.  
 The Board acknowledges receipt.
8. Supervisor’s report of finances for the previous month, and budget comparisons.  
 Questions, comments.  
 The Board acknowledges receipt.
9. Highway Superintendent’s Report: The Board acknowledges receipt.
10. Water & Sewer Superintendent’s Report: The Board acknowledges receipt.
11. RESOLUTION NO. 60-2016 - Approving Abstracts and Bills.

**TOWN OF GENEVA, NEW YORK  
 RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 60-2016**

Whereas certain bills for services and goods received or to be received by the town have been presented for payment, and  
 Whereas those 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, now, therefore, it is

RESOLVED that the supervisor is authorized to pay these bills.  
 Abstract 6-2016 June, all voucher # 493 to 608

FUND		VOUCHER #	TOTALS	
DA	Highway	(512- 536)	\$	54,329.08
SWD	Water Storage & District	(537-547)	\$	18,630.00
SS	Sewer District	(548-564)	\$	31,689.14
A	General Funds	(565--606)	\$	78,259.41
	Town Street Lighting	(607)	\$	1,650.73
	Kashong Lighting	(608)	\$	219.98
	<b>Total</b>		\$	<b>184,778.34</b>

ABSTRACT: 6- 2016; June Voucher 512 to 608  
PRE-PAID –paid during June, voucher 493 to 511

\$ 184,778.34  
\$ 15,055.46

**June– TOTAL**

**\$ 199,833.80**

Motion to approve bills made by Councilmember Nault, second by Councilmember Palmieri.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

\_\_\_\_\_  
Lorrie S. Naegele, Town Clerk

12. RESOLUTION NO.61- 2016 –. Authorizing Adoption of Local Law 3- 2016 A Local Law to change the Zoning District Classification of a parcel Tax Map No. 119.00-1-30.210 with an address of 463 Snell Road from R-1 to PUD (Planned Unit Development District) and to amend a portion of the Town of Geneva Zoning Map to show such change. Motion to approve made by Councilmember Palmieri, second by Councilmember Nault.

Discussion: Supervisor Venuti pointed out this was the fifth town board meeting in a row the project was reviewed, including two public hearings, and it has also been reviewed by the town and county planning boards, with the county planning board approving it with the recommendation a full build-out of the parcel be prepared by the owner, which was done. At both public hearings those speaking in favor of the project outnumbered those against. The objectors submitted petitions against, but the board's experience has been that people signing petitions often do so without the full facts about a project and because they are asked by a neighbor. The objections that have been raised mostly concern traffic and that would be worse if the property were developed as detached housing. Council member Nault pointed out that 2-family units are allowed in the R-1 zone, confirmed by the code enforcement officer, and that over a hundred detached homes could be built on the parcel as it is currently zoned. Council member Dunham pointed out that the project still has to go through site plan review by the town planning board and then be approved by the town board, so the process still had a long way to go, and urged the board to take a hard look at the project and make it the best possible. All board members made comments, sympathetic with the objectors but ultimately in favor of going forward with the project.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 61-2016**

**Resolution Authorizing Adoption by the Town of Geneva of A Local Law to change the  
Zoning District Classification of a parcel and to amend a portion of the Town of Geneva Zoning Map**

**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 May 10, 2016, at 7:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law to Change the Zoning District Classification of a Parcel and to Amend a Portion of the Town of Geneva Zoning Map; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on June 5, 2016 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 June 14, 2016, at 7:00 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 SEQRA; 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. 3 of 2016, entitled, "A Local Law to Change the Zoning District Classification of a Parcel and to Amend a Portion of the Town of Geneva Zoning Map", 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 June 14, 2016 by the following vote:

**Aye**

**Nay**

Mark Venuti  
Jeffrey Dunham  
Robert McCarthy  
Melissa Nault  
Mark Palmieri

  X   \_\_\_\_\_  
  X   \_\_\_\_\_  
  X   \_\_\_\_\_  
  X   \_\_\_\_\_  
  X   \_\_\_\_\_

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
Lorrie S. Naegele, Town Clerk

**LOCAL LAW FILING**

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Ave  
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 Ontario  
**Town of Geneva**

Local Law No. 3 of the year **2016**.

**"A Local Law to Change the Zoning District Classification of a Parcel and to Amend a Portion of the Town of Geneva Zoning Map"**

(Insert Title)

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

County

City

**Town of Geneva**

as follows:

Village

The intent of this local law is to change the zoning district classification of a parcel in the Town of Geneva, which parcel is situated on the south side of Snell Road, has an address of 463 Snell Road and is identified as Tax Map No. 119.00-1-30.210, and to amend a portion of the Town of Geneva Zoning Map to show the change in zoning classification of this parcel.

Section 1. In accordance with Section 116-10 of the Code of the Town of Geneva, and subject to the conditions in Section 3 of this Local Law, the zoning district classification of the parcel of land in the Town of Geneva identified as Tax Map No. 119.00-1-30.210 with an address of 463 Snell Road is hereby changed from R-1 (Residence District) to PUD (Planned Unit Development District).

Section 2. The Zoning Map of the Town of Geneva is hereby ordered amended to change the zoning district classification of Tax Map No. 119.00-1-30.210, which is situated along the south side of Snell Road and has an address of 463 Snell Road, from Residence District (R-1) to Planned Unit Development District (PUD).

Section 3. 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 4. This local law shall take effect immediately upon filing with the Secretary of State.

**PLEASE TAKE NOTICE** that the Town Board of the Town of Geneva approved Local Law No. 3 of 2016 on June 14, 2016 which approved the changing of the zoning district classification of a parcel of land in the Town of Geneva identified as Tax Map No. 119.00-1-30.210 with an address of 463 Snell Road from R-1 (Residence District) to PUD (Planned Unit Development District) and ordered the amendment of the Official Town Zoning Map to show such change.

DATED: June 14, 2016.

By Order of the Town Board of the Town of Geneva.

Lorrie S. Naegele  
Town Clerk

13. **RESOLUTION NO. 62-2016** – Accepting Review of Town Clerk’s Records for 2015. Motion to approve made by Councilmember Nault, second by Councilmember Dunham.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 62-2016**

Whereas auditor Paul Wagner has reviewed the financial data and records of the Town Clerk for the period January 1 through December 31, 2015 and found the transactions tested were in substantial compliance and no matters of non-compliance came to his attention; now therefore it is

RESOLVED the May 23, 2016 report of auditor Paul Wagner on the 2015 financial data and records of the Town Clerk is accepted, and no further action by the town board is required.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

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Lorrie S. Naegele, Town Clerk

14. RESOLUTION NO. 63-2016 – Accepting Settlement of Assessment Challenge Action on 785-795 Routes 5 & 20. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 63-2016**

Whereas the former owner of 785-795 Routes 5 & 20, Bre-Non Core 2 Owner A LLC, filed an action challenging the 2015 property tax assessment, which was \$7,347,400.00, maintaining the proper value was \$2 million, and on March 9, 2016 it sold the property to Lake Geneva Center LLC for \$2 million, and the assessment challenge was assumed by the new owner; and

Whereas the town assessor, supervisor and attorney representing the town on the challenge, and the attorney representing the current owner of the property, have been engaged in settlement negotiations and have determined it is appropriate to reduce the assessment to \$2 million; now therefore it is

RESOLVED the action challenging the 2015 assessment may be settled by reducing the assessed value of tax parcel 104.000-1-3.100, known as 785-795 Routes 5 & 20, to \$2 million, as set forth on a stipulation of settlement approved by the attorney representing the town.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

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Lorrie S. Naegele, Town Clerk

15. RESOLUTION NO. 64-2016 – Authorizing Renewal of Bond Anticipation Note. Motion to approve made by Councilmember McCarthy, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 64-2016**

Whereas the Bond Anticipation Note, originally dated June 21, 2009, with Five Star Bank, now with Bank of the Finger Lakes, for the financing of the installation of the main lateral water system pipe in Extension 1 to Water District 2, is due on June 19, 2016, at which time \$12,402.00, plus interest, is due; 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, last year at the rate of 1.60% per year; now therefore it is

RESOLVED the supervisor of the Town is authorized to pay \$2,500.00 toward principal, and the interest due, and to sign a new Bond Anticipation Note with the Bank of the Finger Lakes binding the Town of Geneva for the balance due of \$9,902.00, plus interest, dated June 20, 2016 and due June 19, 2017.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

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Lorrie S. Naegele, Town Clerk

16. RESOLUTION NO. 65-2016 – Authorization to Accept New Electricity Rate Contract for 2017-2020. Motion to approve made by Councilmember Palmieri, second by Councilmember Dunham.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 65-2016**

Whereas the Town of Geneva is a member of a Municipal Energy Program and signed a contract locking in an electricity rate of \$0.05985/kWh supplied by the company Constellation New Energy that expires in March 2017; and

Whereas the broker for the Municipal Energy Program recently sought new bids for electricity and found Constellation continued to provide the best prices, i.e., starting in April 2017: 12 month = \$0.05924/kWh; 24 month = \$0.05847/kWh; 36 month = \$0.05736/kWh; and

Whereas at the 36-month rate the Town's savings would be about \$2,000 per year over the current rate, now therefore it is

RESOLVED the supervisor is authorized to accept a contract with Constellation New Energy for 36 months, beginning at the expiration of the current contract, at the rate of \$0.05985/kWh.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

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Lorrie S. Naegele, Town Clerk

17. RESOLUTION NO. 66-2016 – Approving MRB Proposal for Income Survey for Route 14 North Sewer Extension. Motion to approve made by Councilmember McCarthy, second by Councilmember Nault.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 66-2016**

Whereas the Town of Geneva will be bringing public water to the properties along Route 14 from Gambee Road north to the Town of Phelps line in 2017; and

Whereas the area does not have public sewer services which would also be advantageous for development; and

Whereas the town's engineering firm, MRB Group, is looking into funding sources for adding a sewer line to the area, and the most likely source requires an income study of the parcel owners in the area, and MRB has proposed to assist the town with an income study for \$400.00; now therefore it is

RESOLVED MRB Group's proposal to assist the town with an income study of the property owners on Route 14 from Gambee Road to the Town of Phelps line, dated June 2, 2016, is approved, and the supervisor is authorized to accept it.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on June 14, 2016 unanimously approved.

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Lorrie S. Naegele, Town Clerk

18. The roof on the northwest building at 32 White Springs Road was leaking and needed replacement. The town received two bids for the job, Proctor Enterprises gave 2 options, \$14,800 and \$16,000, and D.E. Miller Co. bid \$11,870. Both have done satisfactory work for the town in the past. Because the leak was causing damage and needed to be addressed right away, the town board was polled by email and agreed to accept the low bid of D.E. Miller. The work was completed the week of May 30.

19. The town is working with the city on an Active Transportation Plan, and a survey asking about people's walking and bicycling habits and wishes, among other things, has been posted on the town's web site, and the town clerk has paper copies. Please take a few minutes to complete the survey so the views of town residents are included.

20. Discussion of the request for permission from a Cornell University graduate student to place 4 bumble bee colonies in the Kashong Conservation Area for 6-8 weeks this summer as part of a pollination study. The colonies will be monitored at least twice a week and removed at the end of the study period. The Board agreed to the study.

21. The Musselman Triathlon is July 8-10 and part of the run goes through part of the Town of Geneva.

22. The WD 13 project, bringing public water to Route 14 from Gambee Road north to the Phelps Town line, in cooperation with 4 other municipalities, is proceeding. Our attorney, Jeff Graff, has drafted an Intermunicipal agreement to cover the project that we are reviewing. Construction is expected to take place in 2017.

23. Property revaluation by town assessor Lori Peck has been completed. We received notice from NYS that our equalization rate is being increased back to 100%. Assessor Lorie Peck thanked Shelly Marquart for all of her hard work and thanked all the Board of Assessment Review and the Town employees for their assistance. The 2016 Revaluation Project Report is copied into the minute book.

24. Reports of Standing Committees

Kashong Conservation Area – June 12 was the Spring Fling 2 dozen people attended. New trail markers have been placed on the trails.

Comprehensive Plan – met June 6 and did review of proposed zoning for town center area; next meeting August 1 at 7:00 p.m. at the town hall.

Economic Development – meets on June 22 at 7:00 p.m. at the Town Hall

Sustainability – Working on the solid waste plan

Communication – Surveys are coming in nicely.

25. Supervisor's Report and see agenda for Selected Meetings and Activities of the Supervisor The supervisor, code enforcement officer and some members of the Zoning Board of Appeals attended the 2016 Spring Regional Local Government Workshop on May 19 in Pittsford. The supervisor has shared with the town board and department heads his notes from the seminar on Implementation of Green Infrastructure; if anyone else wishes a copy, contact the supervisor.

The supervisor met with town engineer Pat Nicoletta and Phelps Supervisor Norm Teed to discuss applying for funding for installing sewer in the Route 14 corridor from Gambie Road to thruway exit 42, to encourage commercial development in that area.

26. Old Business: Cell phone and internet service

27. New Business: None

28. Privilege of the floor: Bev Young asked about the water shed issue on 14. The Board is working on that with farmers to help slow down the water that comes from County Road 6 down the hill.

29. Adjourn: Motion to adjourn made by Councilmember Nault, second by Councilmember Palmieri. Unanimously approved. 9:48 p.m.

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Respectfully Submitted