

TOWN OF GENEVA
MINUTES
REGULAR MONTHLY BOARD MEETING
February 9, 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; seven residents and no 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 Public Hearing for Local Law 1-2016, Local Law to override the tax levy limit established in General Municipal Law 3-c. 7:00 p.m. Public Comments-None. Written Comments-None. Close Public Hearing at 7:02 P.M.
3. Call to order the Regular Meeting of the Town Board. 7:02 pm.
4. Privilege of the floor. Mitchell Wilber; Treasurer for the Smith Center for the Arts thanked the Town for the \$7000 donation of funds for the Smith Opera House. Matthew Newcomb from Passero Associates, Engineering Architecture; informal presentation about a senior living housing on Snell Road across from White springs Road on the 51 acre parcel they will be asking for a zone change for a PUD. For 84 to 85 unit single and 2 bedroom condos and a 10,000 sq. foot Club house. Owner Mr. Missick, held a meeting for neighbors and about 30 people attended and most were positive.
5. Approval of the minutes of the Organizational Meeting of the Town Board of January 12, 2016. Motion to approve made by Councilmember Nault, second by Councilmember McCarthy. Unanimously approved.
6. Approval of the minutes of the Regular Meeting of the Town Board of January 12, 2016. Motion to approve made by Councilmember Palmieri, second by Councilmember Nault. Unanimously approved.
7. Town Clerk's report.
Questions, comments.
The Board acknowledges receipt.
8. Code Enforcement Officer's report.
Questions, comments.
The Board acknowledges receipt.
9. Supervisor's report of finances for the previous month, and budget comparisons.
Questions, comments.
The Board acknowledges receipt.
10. **RESOLUTION NO. 26-2016** - Approving Bills.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 26-2016**

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 2-2016 from voucher # 067 to 186

FUND		VOUCHER #	TOTALS	
DA	Highway	(110- 128)	\$	15,271.20
SWD	Water Storage & District	(129-140)	\$	5,781.90
SS	Sewer District	(141-152)	\$	2,000.61
A	General Funds	(153-186)	\$	31,276.35
Total			\$	54,330.06
ABSTRACT: 2- 2016; February Voucher 110 to 186			\$	54,330.06
PRE-PAID –paid during February, voucher 067 to 109			\$	526,557.37
February– TOTAL			\$	580,887.43

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

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

11. **RESOLUTION NO. 27-2016** – Authorizing the adoption of Local Law No. 1-2016. Motion to approve made by Councilmember Nault, second by Councilmember Palmieri.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 27-2016**

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 January 12, 2016, at 7:00 p.m. at Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on January 27, 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 February 9, 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, 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. 1 of 2016, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", 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 minutes of this meeting and in the Local Law Book of the Town of Geneva, and to give due notice of the adoption of said 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on February 9, 2016, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Jeffery Dunham	X	_____
Robert McCarthy	X	_____
Melissa Nault	X	_____
Mark Palmieri	X	_____

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

SEAL

12. **RESOLUTION NO. 28-2015** – Tax Levy Limit Override for Special Districts and/or Fire Protection Districts. Motion to approve made by Councilmember Nault, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 28-2016**

WHEREAS, the Town Board of the Town of Geneva is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Geneva, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Geneva, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2017 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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 February 9, 2016, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u> X </u>	<u> </u>
Jeffery Dunham	<u> X </u>	<u> </u>
Robert McCarthy	<u> X </u>	<u> </u>
Melissa Nault	<u> X </u>	<u> </u>
Mark Palmieri	<u> X </u>	<u> </u>

Dated: _____, 2016

Lorrie S. Naegele, Town Clerk

SEAL

13. **RESOLUTION NO. 29-2016** – Authorizing Scheduling of a Public Hearing for a Proposed Local Law “Amending Chapter 165 (Zoning) of the Code of the Town of Geneva to add regulations Pertaining to Short Term Rentals.” Motion to approve made by Councilmember Palmieri, second by Councilmember Dunham.

**RESOLUTION AUTHORIZING SCHEDULING OF A PUBLIC HEARING
FOR A PROPOSED 2016 LOCAL LAW
RESOLUTION NO. 29-2016**

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 the proposed Local Law attached hereto 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 February 29, 2016, at 7:15 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on February 9, 2016 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u> X </u>	<u> </u>
Jeffery Dunham	<u> X </u>	<u> </u>
Robert McCarthy	<u> X </u>	<u> </u>
Melissa Nault	<u> X </u>	<u> </u>
Mark Palmieri	<u> X </u>	<u> </u>

Dated: February 9, 2016

Lorrie S. Naegele, Town Clerk

SEAL

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

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. 2 of the year **2016**.

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva to Add Regulations Pertaining to Short-Term Rentals"**

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

County
City
Town of Geneva as follows:
Village

Section 1. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new definition for "Short-Term Rental" to read as follows:

SHORT-TERM RENTAL – A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights, and is not regulated by any other section of the Code of the Town of Geneva. "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

Section 2. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by adding "Short-term rental in compliance with section 165-28.6" under the Residential Uses heading and making such Use a permitted use by right in the A, R-1 and R-2 District columns such that the letter "P" shall appear in these locations of the Schedule.

Section 3. Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended with the insertion of a new Section 165-28.6 to read as follows:

§ 165-28.6. Short-Term Rental Regulations.

- A. Permit Required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.
- (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
 - (2) A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
 - (3) The short-term rental permit is transferable to a new owner, so long as the owner registers with the Town, updates the short-term rental permit application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
 - (4) If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner subject to the penalties of Chapter 1, section 1-16 of the Code of the Town of Geneva, and the penalties set forth below.
- B. Short-Term Rental Permit Application Requirements. An application for (or renewal of) a short-term rental permit shall be submitted to the Town Code Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a permit fee, to be determined by the Town Board, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on the form provided by the Town, and shall provide the following information:
- (1) A list of all of the property owners of the short-term rental including names, addresses, telephone numbers and email addresses.
 - (2) Completion of a signed and notarized affidavit by the property owners certifying the following:
 - (a) Compliance with the following standards:
 - (i) There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector.

- (ii) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - (iii) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - (iv) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - (v) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
- (b) The number of sleeping rooms within the short-term rental, as defined in this section.
 - (c) The number of parking spaces on the property that meet the standards set forth below.
 - (d) Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the Town Code Enforcement Officer has reason to believe an inspection is warranted, at which point the Code Enforcement Officer shall obtain a search warrant to conduct such inspection unless an owner of the property voluntarily consents to permit the Code Enforcement Officer onto the property and into the short term rental for purposes of conducting such inspection. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.
- (3) A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need not be prepared by a professional.
 - (4) If the property is served by a private septic system, a septic inspection report issued pursuant to Chapter 159 of the Code of the Town of Geneva, dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with Chapter 159, and the maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A system failure will require a new passing inspection report. The Town Code Enforcement Officer may allow occupancy in excess of these regulations and standards if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further, periodic inspection by the Town Code Enforcement Officer or designee.
 - (5) The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
 - (6) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

C. Short-Term Rental Standards. All short-term rentals shall meet the following standards:

- (1) The maximum occupancy for each short-term rental unit shall be the smaller of:
 - (a) the maximum number of people allowed based on the septic inspection report, if applicable; or
 - (b) the number of people calculated on the basis of 2 persons per sleeping room (unless the room size is below 100 square feet), plus an additional 2 persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (2) The property must have sufficient off-street parking spaces, in compliance with the requirements of Article VI (Off-Street Parking and Loading) of this Chapter, to accommodate the maximum occupancy.
- (3) Tenants and guests shall park in the off-street parking spaces required by Article VI (Off-Street Parking and Loading) of this Chapter and shall not park on any part of the lawn of the property nor on the street.
- (4) A house number visible from the street or road shall be maintained.
- (5) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pick-up time.

- (6) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

D. Procedure upon filing application.

- (1) Upon the filing with the Town Code Enforcement Officer of the permit application, permit fee, and all documents and information required by this Chapter, the Town Code Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Code Enforcement Officer.
- (2) In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, he may petition a court of competent jurisdiction for a search warrant to conduct an inspection of the short term rental property for purposes of ensuring compliance with this section. Alternatively, the Town Code Enforcement Officer may request permission from an owner of the short term rental to come onto the property and to conduct an inspection of the short term rental property for purposes of ensuring compliance with this section, which permission the owners of the short term rental are under no obligation to give. If an inspection authorized herein is conducted, the Town Code Enforcement Officer shall use the results of such inspection in determining whether to issue the permit, with or without conditions, or to not issue the permit.
- (3) In issuing a short-term rental permit, the Town Code Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of the Town Zoning Law and the On-Site Individual Wastewater Treatment System Law of the Town of Geneva and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community.
- (3) The Town Code Enforcement Officer may decline an application for any of the following reasons:
 - (a) If the application is incomplete, the documentation required by this Chapter was not included with the application or the full permit fee, in payment form acceptable to the Town Clerk, was not included with the application.
 - (b) If the Town of Geneva issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
 - (c) If the affidavit from the owners or, if conducted, an inspection conducted by the Town Code Enforcement Officer as authorized in this section does not evidence that the subject property is in compliance with this Chapter or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.
 - (d) If the site plan required to be submitted with the application does not comport with the requirements of this section.
 - (e) If a private septic inspection report is required to be submitted with the application and if such report does not comport with the requirements of this section or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.
- (4) Short-term rental permits issued pursuant to this section shall state the following:
 - (a) The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
 - (b) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (c) Identification of the number of and location of parking spaces available;
 - (d) A statement that littering is illegal;
 - (e) A statement that all fires must be attended;
 - (f) A statement that guests must comply with the Noise ordinance of the Town of Geneva, as set forth in Chapter 106 of the Town Code, which sets strict limits on noise levels between 10:00 p.m. and 7:00 a.m., which ordinance will be enforced by the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
 - (g) A statement that the short-term rental permit may be revoked for violations; and
 - (h) Any conditions imposed by the Town Code Enforcement Officer.

- (i) That the permit shall expire on December 31 of the third year for which it is effective.

E. Conformity and Display of Permit.

- (1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- (2) Prior to any tenants coming onto the short-term rental property:
 - (a) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
 - (b) A copy of the current short-term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property). A statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Town Code Enforcement Officer.
- (3) The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Officer immediately upon any information contained on the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property).

F. Compliance, Hearings and Penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Geneva, Ontario County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this Chapter.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- (1) The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.
- (2) The contact person shall, within two (2) hours of receiving the complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
- (3) If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.
- (4) If the Town Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstances:
 - (a) Attach reasonable conditions to the existing short-term rental permit;
 - (b) Suspend the short-term rental permit; and
 - (c) Revoke the short-term rental permit.
- (5) Should a permit be revoked, 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.
- (6) The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint.
- (7) Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant to a tribunal, appointed by the Town Board, consisting of one Town Board member, one town resident who holds a short-term rental permit, and one town resident who does not hold a short-term rental permit. The appealing owner or complainant shall make a written request for a hearing to the Town Clerk, and the tribunal shall hear the appeal within 15 days of the request, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing the tribunal shall accept evidence offered by the property owner, the complaining party, the Code Enforcement Officer and any other witness with relevant evidence. The tribunal shall make its decision within 10 days of the hearing, and may uphold the Code Enforcement Officer's decision, reject it, or modify it.

- (8) Any property owner found in willful violation of the provisions of this ordinance shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

Section 4. Required off-street automobile parking spaces in Section 165-38 of the Zoning Code of the Town of Geneva is hereby amended by adding "Short-term rental" under the "Residential Uses" heading and making the "Number of Spaces Required" for "Short-term rentals" "1 for every 2 permitted occupants".

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 29TH day of February, 2016, at 7:15 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 adopting new regulations permitting properties to be used for short term rentals subject to obtaining a permit and subject to such newly created regulations.

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 14456.

This by Resolution of the Town Board of the Town of Geneva.

Lorrie S. Naegele, Town Clerk

14. **RESOLUTION NO. 30-2016** – Authorizing Scheduling of a Public Hearing on Water District 6 Main Replacement Project. Motion to approve made by Councilmember McCarthy, second by Councilmember Nault. Unanimously approved.

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING
TO CONSIDER PROPOSED IMPROVEMENTS TO WATER DISTRICT NO. 6
RESOLUTION NO. 30-2016**

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 proposed improvements to Water District No. 6 pursuant to Section 202-b of the NYS Town Law; and

WHEREAS, the Town Engineer has prepared a map and plan showing the proposed improvements being the installation of approximately 9,200 linear feet of 8-inch PVC water main, along with valves and hydrants, to replace the existing water main, valves and hydrants, along County Road 6 extending from County Road 4 to the municipal line of the Town of Geneva and the Town of Phelps. These improvements will replace the deteriorating and failing water main thereby providing a reliable source of water to the District.

WHEREAS, the plan shows the estimated costs of these improvements to be \$542,690.00, such estimated costs to be the responsibility of Water District No. 6. Approximately \$144,705.15 of this amount will be paid for from an EPA Grant and approximately \$279,590.00 of this amount will be paid for from a grant from the Office of Community Renewal, leaving an estimated \$118,395.00 to be financed and repaid by the owners of property within Water District No. 6.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to be held on February 29, 2016, at 7:00 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, directed 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 "1", such notice to be published not less than ten nor more than twenty days before the day set herein for the public hearing; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Geneva sign board, not less than ten nor more than twenty days before the day set herein for the public hearing.

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 February 9, 2016 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Jeffrey Dunham	X	_____
Melissa Nault	X	_____
Robert McCarthy	X	_____
Mark Palmieri	X	_____
Mark Venuti	X	_____

Dated: February 9, 2016

Lorrie S. Naegele, Town Clerk

15. **RESOLUTION NO. 31-2016** – Approving Proposal of Bond Counsel Timothy R. McGill for WD 6 Project. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 31-2016**

WHEREAS the cost of the Water District 6 water main replacement project is budgeted at \$542,690, but the town has obtained grant money from the federal and state governments covering all but \$118,395 of the cost, which must be paid by the property owners in the district based on the assessed value of their properties; and

WHEREAS in order to make the project affordable the district's share can be paid over time by issuing bonds and notes, which requires the services of an attorney with expertise in this area, and attorney Timothy R. McGill is a recognized bond counsel and has represented the town in this regard in the past; and

WHEREAS attorney McGill has submitted a proposal to be paid for his services at a discounted rate of \$750.00 plus disbursements; now therefore, it is

RESOLVED the proposal of attorney Timothy R. McGill to serve as the town's bond counsel for the Water District 6 water main replacement project is approved and the supervisor may accept it on behalf of 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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

16. **RESOLUTION NO. 32-2016** – Authorizing Soliciting Bids for Construction of Water District 6 New Water Main.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 32-2016**

WHEREAS, the Town of Geneva (hereinafter referred to as Town Board) has determined to construct a new water main on the west side of County Road 6 within existing Water District No. 6 to replace the deteriorating water main located on the east side of County Road 6.

WHEREAS, the existing water main has had many failures over the past few years and has been a problem for the Town to supply adequate water to property owners and fire protection to the area at various times. The water improvements include the construction of approximately 8,800 lineal feet of 8" water main (PVC SDR 18 and HDPE DR-11), new valves, new hydrants and new services from the new main to connect to existing services.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes MRB Group to finalize the Contract Documents and solicit bids of behalf of the Town Board from Contractors to construct the water improvements and abandon the existing main in place.

NOW, BE IT FURTHER RESOLVED, that the Town Board authorizes advertisement of the project in the official newspaper of the Town of Geneva. Advertisement shall not occur prior to all respective agencies granting project and funding approvals.

Motion made by Councilmember Nault : Seconded by Councilmember Palmieri.

The above Resolution was duly adopted on February 9, 2016, by the Town of Geneva Town Board.

Mark Venuti, Supervisor, Town of Geneva

17. **RESOLUTION NO. 33-2016** – Approving Purchase of Pick-up Truck with Plow for Highway Department. Motion to approve made by Councilmember Palmieri, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 33-2016**

WHEREAS the 2016 budget that was approved for the Highway Department included \$30,000 for the purchase of a pick-up truck with a plow; and

WHEREAS the Highway Superintendent has obtained a price of \$31,320.39 for a state bid 2016 Ford F-250 XL, regular cab, 4 wheel drive, 8-foot box with an 8-foot plow, on the Chautauqua Bid, 2015 Group 5, Item 3, Vehicle 1, which, although higher than estimated for the budget is still below the normal retail cost; and

WHEREAS the Highway Department will sell its existing 2012 F-250 with plow at the Teitsworth Municipal Auction in May for approximately \$18,000.00; now therefore, it is

RESOLVED Highway Superintendent David Achilles is authorized to purchase for \$31,320.39 the 2016 Ford F-250 XL, regular cab, 4 wheel drive, 8-foot box with an 8-foot plow, on the Chautauqua Bid, 2015 Group 5, Item 3, Vehicle 1.

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

18. **RESOLUTION NO. 34-2016** – Approving Purchase of a Plow Truck for Highway Department. Motion to approve made by Councilmember McCarthy, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 34-2016**

WHEREAS the 2016 budget that was approved for the Highway Department included \$160,000 for the purchase of a Plow Truck; and

WHEREAS the Highway Superintendent has obtained a price of \$162,219.93 for a state bid 2017 International 7400, single axle plow truck with Viking plow equipment, on Onondaga County contract #7823, which, although higher than estimated for the budget is still below the normal retail cost; and

WHEREAS the Highway Department will sell its existing 2007 International with plow equipment at the Teitsworth Municipal Auction in May for approximately \$35,000.00; now therefore, it is

RESOLVED Highway Superintendent David Achilles is authorized to purchase for \$162,219.93 the 2017 International 7400, single axle plow truck with Viking plow equipment, on Onondaga County contract #7823.

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

19. **RESOLUTION NO. 35-2016** – Approving Sewer and Water Dept. Dump Truck Replacement. Motion to approve made by Councilmember Nault, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 35-2016**

WHEREAS under the vehicle replacement and maintenance practice of the Water and Sewer Departments the 2010 Ford F450 Dump Truck for which maintenance costs will begin rising is in need of replacement; and

WHEREAS the town Water and Sewer Superintendent can purchase a 2016 Ford 450 Dump Truck from VanBortel Ford for \$53,504.78 on a state bid contract, which is below the normal market price and below the amount set aside for it in the 2016 town budget, which is \$54,000.00; now therefore, it is

RESOLVED town Water and Sewer Superintendent Charles Bracko is authorized to purchase a 2016 Ford 450 Dump Truck from VanBrotel Ford for \$53,504.78, and to consign the Teitsworth Auction Company the 2010 Ford F450 Dump Truck.

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

20. **RESOLUTION NO. 36-2016** – Approving Sewer and Water Dept. Pick-up Truck Replacement. Motion to approve made by Councilmember Dunham, second by Councilmember Palmieri. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 36-2016**

WHEREAS under the vehicle replacement and maintenance practice of the Water and Sewer Departments the 2011 Ford Pick-up Truck for which maintenance costs will begin rising is in need of replacement; and

WHEREAS the town Water and Sewer Superintendent can purchase a 2016 Ford Pick-up Truck from VanBrotel Ford for \$28,493.70 on a state bid contract, which is below the normal market price although above the amount set aside for it in the 2016 town budget, which is \$27,000.00, but the additional amount can be covered from other sources in the budget; now therefore, it is

RESOLVED town Water and Sewer Superintendent Charles Bracko is authorized to purchase a 2016 Ford Pick-up Truck from VanBrotel Ford for \$28,493.70 and to consign the Teitworth Auction Company the 2011 Ford Pick-up Truck.

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

21. **RESOLUTION NO. 37-2016** – Forming Town Hall Park and Playground Committee. Motion to approve made by Councilmember Nault, second by Councilmember Dunham. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 37-2016**

WHEREAS the town's Comprehensive Plan recommends building a park on town hall property for town residents; and

WHEREAS town residents have expressed an interest in building a playground and/or park on town hall property, and would assist in funding and construction; now therefore it is

RESOLVED a special committee called the Town Hall Park and Playground Committee is established for the purpose of exploring creating a playground and/or park on town hall property and making recommendations on this to the town board; and it is further

RESOLVED the initial members of the committee will be Bob McCarthy, Jeff Dunham, Melissa Nault and Mark Venuti, with other members as appointed by the town 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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

22. **RESOLUTION NO. 38-2016** – Approving Proposal of Financial Consultant for WD 6 Project. Motion to approve made by Councilmember Nault, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 38-2016**

WHEREAS in connection with the Water District 6 water main replacement project, in addition to bond counsel, it is recommended the town retain the services of a municipal finance consultant to assist the town in placing notes and bonds needed to finance the project; and

WHEREAS Bernard P. Donegan, Inc. is a recognized municipal finance consultant that has worked with the town on past projects, has been recommended to the town for this project, and has submitted a February 5, 2016 proposal that has been discounted from its customary fees to \$2,675 plus out-of-pocket expenses for the bond anticipated for the project; now therefore, it is

RESOLVED the supervisor is authorized to accept the February 5, 2016 proposal of Bernard P. Donegan, Inc. to provide financial consulting services for financing the Water District 6 water main replacement project.

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 February 9, 2016 unanimously approved.

Lorrie S. Naegele, Town Clerk

23. Discussion of the term for financing district's share of the cost of the WD 6 project. \$118,395: 10 years \$1.91/\$1000 or \$191/year for \$100,000 property; 15 years \$1.39 or \$139; 20 years \$1.13 or \$113; 30 years \$0.89 or \$89.

24. Discussion of Extending the Stay in the Garretson case. The Board agreed to extend the Stay to April or May. The Garretson Attorney will do the paperwork to extend the Stay.

25. Reports of Committees.

Kashong Conservation Area-redefine the trails and level off low spots, construct a covered pavilion, Osprey Nest and Spring Fling date April 24th.

Economic Development – met January 27; next meeting February 24

Sustainability- No meeting

Comprehensive Plan – met February 4

Communications- First meeting February 23 at 7:00 pm

26. Supervisor's Report: Discussed Selected Meetings and Activities

27. Old Business - None

28. New Business- Barb Lamb Town Historian will copy, restore and frame a town map that dates back to 1860 for the Town Hall.

29. Privilege of the floor -None

30. Adjourn. Motion to adjourn made by Councilmember McCarthy, second by Councilmember Dunham. Unanimously approved. 7:55 p.m.

Respectfully Submitted