

**Minutes of the Geneseo Town Board Meeting
October 9, 2024**

Members Present:

William Wadsworth, Town Supervisor
Matthew Griffo, Deputy Town Supervisor
Ronald Maxwell, Town Councilmember
Robert Deming, Town Councilmember
Gary Mix, Town Councilmember
Ellen M. Zapf RMC, Town Clerk

Others Present:

Larry Levey, Highway/Water Superintendent
Erica Elliott, Attorney

Visitors:

Brian Harris, Nathan Walz, and August Anderegg-Durwood

Meeting Opening:

Supervisor Wadsworth called the meeting to order at 4:30 PM and Deputy Supervisor Griffo led the group in the pledge to the flag. Supervisor Wadsworth requested a moment of silence for service men and women serving around the world.

Approval of Minutes:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to approve the September 25, 2024, meeting minutes as presented. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Approval of Abstract #10 of 2024:

Councilmember Deming moved, and Councilmember Maxwell seconded the motion to approve Abstract #10 of 2024 and vouchers 511 through 565 as presented.

FUND	AMOUNT
GENERAL A VOUCHERS	\$36,981.55
GENERAL B VOUCHERS	\$28,554.60
HIGHWAY DA VOUCHERS	\$6,459.81
HIGHWAY DB VOUCHERS	\$51,332.14
CAPITAL PROJECT FUND (H1)	\$8,222.24
SW6 CAPITAL PROJECT FUNDS (H6)	\$19.23
SPECIAL LIGHTING DISTRICT VOUCHER (SL)	\$11.20
SEWER DISTRICT #1 (SS1)	\$1,354.11
WATER OPERATING & MAINTENANCE VOUCHERS (SW0)	\$4,597.16
FIRE CONTRACTS (SF)	\$0.00
ENGINEERING (SW1)	\$0.00
BOOHER HILL RD WATER DISTRICT (SW5)	\$0.00
WATER DISTRICT 6- LIMA RD (SW6)	\$0.00
TOTAL	\$137,532.04

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Accept the Town Clerk's Monthly Report – September 2024:

Councilmember Mix moved, and Deputy Supervisor Griffo seconded the motion to accept the Town Clerk's Monthly Report for September 2024.

<u>Supervisor for General Fund</u>	<u>\$ 4,790.50</u>
<u>Supervisor for Part Town Fund</u>	<u>\$ 1,250.00</u>
<u>Livingston County Treasurer for Dog Licenses</u>	<u>\$ 91.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$ 26.00</u>
<u>New York State Department of Health</u>	<u>\$ 202.50</u>
<u>TOTAL</u>	<u>\$ 6,360.00</u>

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Supervisor Wadsworth welcomed Brian Harris, owner of Geneseo Mini Storage, and gave him the privilege of the floor:

**Minutes of the Geneseo Town Board Meeting
October 9, 2024**

Mr. Harris told the Board that he was approached about putting a cannabis dispensary on his property at 4550 Genesee Street. Discussion included the following:

- The Town opted out of having Cannabis dispensaries Within the town limits.
- There would be no smoking or growing on-site.
- May need a variance or special use permit.
- Average income is 2 to 3 million per year.
- Need to check how far the dispensary would be from the church.

Supervisor Wadsworth welcomed Nahan Walz and August Anderegg-Durwood from the Geneseo Crew Club. There was a discussion regarding the agreement between the Town of Geneseo and the Crew Club for the use of the Boathouse located at Long Point Park.

Allow Supervisor Wadsworth to Sign the Boathouse Agreement:

Councilmember Deming moved, and Councilmember Mix seconded the motion to Allow Supervisor Wadsworth to sign the 2024-2025 Agreement for the use of the Boathouse located at Long Point Park between the Town of Geneseo and the Geneseo Crew Club. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

Surplus Highway Equipment:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to surplus the following Highway Equipment:

2014 Volvo Dump Truck (VIN #4V5KC9EH6EN160929)

Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

Supervisor Wadsworth stated that he had received a letter from Beth Mills who lives on Long Point Road Extension and would like to have the water extended to her son's property at 4021 Long Point Road Extension. There was discussion regarding:

- Where the water was coming from.
- How big a line would be needed.,
- Potential residential growth in the area.
- How much-surrounding property is in the conservancy?
- How much would it cost to extend the water?
- An easement would be needed.

Open Public Hearing for Local Law #2 of 2024

Supervisor Wadsworth opened the public hearing for proposed Local Law No. 1 for 2024. A Local Law to add a new Article to Chapter 96 "Taxation" to the Code of the Town of Geneseo, providing a Partial Exemption from Real Property Taxes to Certain Volunteer Firefighters and Volunteer Ambulance Workers and asked for public comment.

Open Public Hearing for Local Law #3 of 2024:

Supervisor Wadsworth opened the public hearing for Local Law No.3 of 2024 entitled "Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c:". He welcomed any comments from the public at that time.

Set Public Hearing to Use Reserve Funds to Purchase a New Plow Truck:

Councilmember Deming moved, and Councilmember Mix seconded the motion to set the public hearing for the use of \$135,000.00 from reserve funds to purchase a new plow truck for Wednesday, October 23, 2024, at 4:45 PM, to be held at the Geneseo Town Hall located at 4630 Millennium Drive, Geneseo, NY. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

**Minutes of the Geneseo Town Board Meeting
October 9, 2024**

Discussion – Budget

Supervisor Wadsworth presented the members of the Town Board with copies of the 2025 Preliminary Budget. He stated that there would be a 4.5 percent salary increase across the board and that we stayed under the tax cap.

He asked each board member to review the document and requested a public hearing be held on Wednesday, October 23, 2024. The Board took the following action:

Set Public Hearing for the 2025 Preliminary budget:

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to set the public hearing for the 2025 preliminary budget for Wednesday, October 23, 2024, at 4:40 PM, to be held at the Geneseo Town Hall located at 4630 Millennium Drive, Geneseo, NY. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

Close Public Hearing for Local Law #2 of 2024:

Deputy Supervisor Griffo Moved and Councilmember Deming seconded the motion to close the public hearing on Local Law #2 of 2024. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Adopt Local Law #2 of 2024 - Partial Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers:

Councilmember Mix moved, and Councilmember Deming seconded the motion to adopt Local Law #2 of 2024 as follows:

LOCAL LAW NO. 2 OF 2024

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 96, ARTICLE VII, OF THE TOWN CODE OF THE TOWN OF GENESEO TO AUTHORIZE A PARTIAL TAX EXEMPTION FROM REAL PROPERTY TAXES TO CERTAIN ELIGIBLE VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW SECTION 466-a

Be it enacted by the Town Board of the Town of Geneseo as follows:

ADD new Article VII, entitled “Partial Tax Exemptions for Volunteer Firefighters and Ambulance Workers.”

Section 1. ADD new §96-21 entitled “Purpose and Intent.” The intent of this Local Law is to adopt a real property tax exemption for certain qualifying volunteer firefighters and volunteer ambulance workers in the Town of Geneseo in accordance with New York State Real Property Tax Law §466-a.

Section 2. ADD new §96-22 entitled “Extent of Exemption.” Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Town of Geneseo shall be exempt from taxation to the extent of 10% of the assessed valuation for Town purposes provided the owner(s) meet the qualifications set forth in Section 3 below.

Section 3. ADD new §96-23 entitled “Exemption Granted.”

A. To be eligible for the exemption authorized by Real Property Tax §466-a and implemented by this Local Law, the real property must be owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Town of Geneseo subject to the following additional requirements: (a) the enrolled member resides in the town which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; (b) the property is the primary residence of the enrolled member; (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the enrolled member’s residence but is used for

**Minutes of the Geneseo Town Board Meeting
October 9, 2024**

other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and (d) the enrolled member has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service for at least two (2) years.

B. Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Town of Geneseo who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, who also meets all the requirements set forth in Section 3, shall be granted the 10% exemption as described above for the remainder of his or her life as long as his or her primary resident is located within the Town of Geneseo.

C. An un-remarried spouse of volunteer firefighter or volunteer ambulance worker killed in the line of duty shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member; and (b) such deceased volunteer had been an enrolled member for at least five (5) years; and (c) such deceased volunteer had been receiving the exemption prior to his or her death.

D. An un-remarried spouse of a deceased volunteer firefighter or volunteer ambulance worker shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member; and (b) such deceased volunteer had been an enrolled member for at least twenty (20) years, and (c) such deceased volunteer and un-remarried spouse had been receiving the exemption prior to the death of such volunteer.

Section 4. ADD new §96-24 entitled “Severability.” If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. ADD new §96-25 entitled “Effective Date.” This local law shall take effect immediately upon filing with the Secretary of State.

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Close Public Hearing for Local Law #3 of 2024:

Deputy Supervisor Griffo moved, and Councilmember Deming seconded the motion to close the public hearing on Local Law #3 of 2024. Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Adopt Local Law #3 of 2024 – Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to adopt Local Law #3 of 2024 as follows.

**LOCAL LAW NO. 3 OF THE YEAR 2024
OF THE TOWN OF GENESEO**

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

**Minutes of the Geneseo Town Board Meeting
October 9, 2024**

Be it enacted by the Town Board of the Town of Geneseo as follows:

Section 1. Legislative Intent It is the intent of this local law to allow the Town of Geneseo to adopt a budget for the fiscal year commencing January 1, 2025, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override the Town Board of the Town of Geneseo, in the County of Livingston, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date This local law shall take effect immediately upon filing with the Secretary of State.

Motion carried with Wadsworth-aye, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Update on the Sidewalk District:

Attorney Elliott spoke to the Board regarding research on creating a sidewalk district which included the following:

- Not sure if fees leading up to the creation of a sidewalk district can be included.
- The Town can pass a local law that would allow it to shift the cost of maintaining the sidewalks to the current owners. This is recommended.
- The Town can pass a local law to create a sidewalk district. This is also recommended.

Executive Session:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to enter executive session at 6:05 PM to discuss the employment history of a certain individual inviting Attorney Elliott. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

Close Executive Session:

Deputy Supervisor Griffo moved, and Councilmember Maxwell seconded the motion to close the executive session at 6:20 PM with no action taken. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye, Maxwell-aye, and Mix-aye. Nays: None.

Adjournment:

Councilmember Mix moved, and Councilmember Maxwell seconded the motion to adjourn the meeting at 6:25 PM. Motion carried with Wadsworth-aye, Deming-aye, Griffo-aye Maxwell-aye, and Mix-aye. Nays: None.

Ellen M. Zapf, RMC
Town Clerk