

**Minutes of the Geneseo Town Board Meeting
July 12, 2023**

Members Present:

Matthew Griffo, Deputy Town Supervisor
Ron Maxwell, Councilmember
Gary Mix, Councilmember
Robert Deming, Councilmember
Ellen M Zapf, RMC, Town Clerk

Also Present:

Veronica Devries, Town Attorney
Larry Levey, Highway Superintendent

Excused

William Wadsworth, Town Supervisor

Visitors

Joanne & Bob Harris, Ken Book, Eddie Lee, Patricia Logan-Green, Jason Foote from CLP Engineering.

Meeting Opening:

Deputy Supervisor Griffo called the meeting to order at 4:30 PM and led the group in the pledge to the flag. Deputy Supervisor Griffo requested a moment of silence to be held for service men and women serving around the world. He also spoke of the many years of dedicated service that recently deceased Historian David Parish had given to the Town of Geneseo.

New Business:

Approval of Minutes:

Councilmember Deming moved, and Councilmember Mix seconded the motion to approve the June 14, 2023, meeting minutes as presented. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Approval of Vouchers:

Councilmember Mix moved, and Councilmember Deming seconded the motion to approve Abstract #7 and vouchers 1086 through 1124 as they stand.

FUND	AMOUNT
GENERAL A VOUCHERS	\$39,182.58
GENERAL B VOUCHERS	\$1,183.85
HIGHWAY DA VOUCHERS	\$15,732.52
HIGHWAY DB VOUCHERS	\$6,061.01
SW6 CAPITAL FUNDS	\$120,087.58
SPECIAL LIGHTING DISTRICT VOUCHER (SL)	0.00
SEWER DISTRICT #1 (SS1)	\$108.76
WATER OPERATING & MAINTENANCE VOUCHERS (SW0)	\$3,558.40
SPECIAL ITEMS (H6)	0.00
FIRE CONTRACTS (SF)	0.00
ENGINEERING (SW1)	0.00
TOTAL	\$185,914.70

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

Cancel Public Hearing for bond Resolution:

Deputy Supervisor Griffio stated that the public hearing scheduled at the last Board meeting for acceptance of a bond resolution is cancelled.

Accept SEQR Type II Determination – Legacy Water Main Project:

Jason Foote, Project Manager from CPL Engineering spoke to the Board regarding the Legacy Water Main Project. He provided the Board with an agenda on the proposed project and cost estimates which include estimated water rate increases.

Deputy Supervisor Griffio asked the Board to consider adopting the SEQR Type II Determination Resolution for the Legacy Water Main Replacement Project presented by Project Manager Jason Foote, P.E. of CPL Engineering. The Board took the following action:

Accept SEQR Type II Determination – Legacy Water Main Project:

Councilmember Mix Moved, and Councilmember Deming seconded the motion to accept the SEQR Type II Determination for the Legacy Water Main Replacement Project. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffio-aye. Nays: None.

Bond Resolution – Legacy Water Main Project:

Councilmember Deming Moved, and Councilmember Maxwell seconded the motion to approve the Following:

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF GENESEO, LIVINGSTON COUNTY, NEW YORK, TO FINANCE THE REPLACEMENT OF THE WATER MAIN AND RELATED APPURTENANCES ALONG PORTIONS OF LAKEVILLE ROAD, CROSSETT ROAD, MT. MORRIS-GENESEO ROAD, AND AVON-GENESEO ROAD AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF.

WHEREAS the TOWN OF GENESEO, by its Town Council, has determined that replacement of the water main and related appurtenances along portions of Lakeville Road, Crossett Road, Mt. Morris/Geneseo Road, and Avon/ Geneseo Road (the “Project”) is necessary for public health and safety reasons;

WHEREAS, the total estimated cost of the Project is \$3,600,000.00 which is to be financed by the issuance of general obligation serial bonds of the Town (“the Bonds”) in an amount not less than \$3,600,000; provide, however, a portion of the Project may be funded in part by grant funding provided by the New York State Environmental Facilities Corporation (“ECF Grant”), in part by grant funding provided by the United States Department of Agriculture (the “USDA Grant”), and in party by grant funding provided by the New York State Homes and Community Renewal (the “HCR Grant”) as more specifically hereinafter described.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Geneseo, Livingston County, New York, as follows:

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Section 1. The financing of the Project (the “specific object or purpose”) is hereby authorized at a maximum estimated cost of \$3,600,000.00. Any funds received or to be received from the ECF Grant, USDA Grant, HCR Grant, or any other funding entity, other than the Bonds, shall be applied toward the cost of the Project or the redemption of any bonds issued therefor.

Section 2. The Project is an object or purpose described in Section 11 of the New York State Local Finance Law (“LFL”).

Section 3. In connection with the Project, the Town Council, acting as Lead Agency under the SEQRA regulations of the State of New York, has, pursuant to a separate resolution, determined the Project to a TYPE II Action that does not necessitate further SEQRA review.

Section 4. In addition to the use of funds from the ECF Grant, USDA Grant, and HCR Grants the plan for the financing of the maximum estimated cost of the project is by the issuance of the Bonds in an aggregate principal amount of not less than \$3,600,000.00, which Bonds are hereby authorized to be issued therefor pursuant to the LFL.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 6. It is hereby determined that the weighted average period of probable usefulness of the improvements to be constructed in connection with the Project is Forty (40) years, pursuant to subparagraph 1 of Section 11.00.a. of the Local Finance Law.

Section 7. Annual assessments shall be levied against benefitted properties within the Town, which, along with the faith and credit of the Town of Geneseo, Livingston County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same shall respectively become due and payable. An annual appropriation from funds of the Town shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 9. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

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Section 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 13. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised, or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 and Section 4 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2 and any other provision of the Internal Revenue Code or Internal Revenue Service Regulations relating to the qualification for reimbursement of costs related to the Project. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This resolution shall take effect immediately.

Section 15. This resolution or a summary hereof shall be published in full in the official legal newspaper of the Town for such purposes, together with a notice from the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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Open Public Hearing for Local Law #2 of 2023:

Deputy Supervisor Griffo opened the public hearing for Local Law #2 of 2023 entitled “Geneseo Short-Term Rental Law” at 4:45 PM. He welcomed any comments from the public at that time.

Support Letter for New Your Main Street Application:

Livingston County Development Corporation asked if the Town Board would be willing to provide a letter of support for their New York Main Street Application. The Board took the following action:

Support Letter for New York Main Street Application:

Councilmember Mix Moved, and Councilmember Deming seconded the motion to allow Deputy Supervisor Griffo to sign a letter of support for Livingston County Development Corporation’s New York Main Street Application. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Public Comment:

There was no public comment.

Close Public Hearing:

Councilmember Mix Moved, and Councilmember Deming seconded the motion to close the public hearing. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Adopt Local Law #2 of 2023 entitled “Geneseo Short-term Rental Law”:

Councilmember Deming Moved, and Councilmember Mix the motion to adopt Local Law #2 of 2023.

**LOCAL LAW NO. 2 OF THE YEAR 2023
OF THE TOWN OF GENESEO**

Article I General Provisions

Be it enacted by the town board of the town of Geneseo as follows:

1. Title.

This chapter will be known as the “Geneseo Short-Term Rental Law” and will be referred to as such in this chapter.

2. Findings and purpose.

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety, and well-being within the Town.

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The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income for Town residents. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This chapter is adopted pursuant to New York Municipal Home Rule Law.

3. Effect on other laws.

This chapter supplements and/or incorporates the requirements contained in the State Building Code, the State Property Maintenance Code, and the State Multiple Residence Law. In the event of a conflict between the aforementioned codes and this chapter, the most restrictive requirements shall prevail to the extent permitted under applicable law. This chapter is intended to supplement rather than supersede existing state law.

4. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

RENTAL — Granting use or possession of a dwelling unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL — A dwelling unit that is rented, in whole for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, rooming house, campground or bed-and-breakfast.

SHORT-TERM RENTAL GUEST — Any person that uses a short-term rental in a way that they sleep, shower, cook, or have their luggage in it.

SHORT-TERM RENTAL OWNER — The legal title holder of a dwelling unit which is used as a short-term rental.

SHORT-TERM RENTAL AGENT — A designated agent for the receipt of, and response to, complaint, notice, legal process, or other service.

SHORT-TERM RENTAL PROPERTY — The entire area which is under the ownership or control of the short-term rental owner, including, as applicable, the parcel of land on which a short-term rental is located, together with the dwelling in which it is located and any other structures on the parcel.

5. Zoning districts.

Short-term rentals are allowed in all zoning districts within the Town of Geneseo upon issuance of a valid rental permit and subject to compliance with this chapter.

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Article II Administration

6. Rental permit required.

No owner shall rent, let, lease, or otherwise allow the occupancy of any short-term rental unless that owner holds a valid rental permit.

7. Information required from owner.

Owners of residential short-term rental property that is located in the Town shall complete and sign a registration permit form provided by the Code Enforcement Office. The permittee shall be responsible for timely updating of information in the event that changed circumstances would render the information in the registration permit form inaccurate.

8. Contents of rental permit.

The rental permit issued under this chapter shall contain the following information:

- A. Address of the short-term rental property.
- B. Name and permanent physical address of the owner.
- C. Name and permanent physical address of the agent (if applicable).
- D. Daytime and evening telephone numbers of the owner and agent (if applicable).
- E. Mailing address for receipt of notices.
- F. Number of bedrooms.
- G. Number of parking spaces.
- H. A statement indicating that the property adheres to the Property Maintenance Code of New York State.
- I. A statement indicating that the property is registered for the Livingston County Guest Room Occupancy Tax.
- J. A statement indicating that the property maintains at least \$1M in liability insurance covering short-term renters (either through a hosting platform or an individual policy).
- K. A statement indicating that the property maintains written rules and regulations for short-term renters.
- L. A statement indicating that all owners of property adjacent to the short-term rental have been provided with the short-term rental owner's or short-term rental agent's contact information.
- M. The maximum number of guests.
- N. The date of issuance.
- O. The date of expiration.
- P.

9. Fees; duration of permits; issuance of permits.

- A. Rental permits will be issued for the current calendar year and shall be valid for such periods unless invalidated or revoked as provided in this chapter.
- B. Permits are not transferable, and fees are not pro-rated.

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- C. Permits expire on December 31st of the current calendar year and are not automatically renewed for the subsequent calendar year; Owners are required to submit a registration permit form annually.
- D. Permits will be issued when all requirements of this chapter have been met.
- E. Rental registration fees will be charged in the amount set forth in the Schedule of Fees adopted by the Town Board by resolution and on the Application for Permit.

Article III Standards

10. Short-term rentals shall comply with the following standards and requirements:

- A. All short-term rentals are required to register with the Town.
- B. Short-term rentals shall comply with all local, state, and federal laws and regulations.
- C. Properties shall adhere to the Property Maintenance Code of New York State, including, but not limited to the following:
 - i. House numbers.
 - ii. Smoke detectors.
 - iii. Carbon monoxide detectors.
 - iv. Exterior doors.
 - v. Electrical systems.
 - vi. Garbage containers.
 - vii. Sleeping rooms.
- D. Properties shall adhere to the 2021 Docks and Moorings Law of the Town of Geneseo, where applicable.
- E. Properties shall register for the Livingston County Guest Room Occupancy Tax.
- F. Properties shall maintain at least \$1M in liability insurance covering short-term renters (either through a hosting platform or an individual policy).
- G. The number guests permitted overnight at the short-term rental property is limited to two guests per bedroom plus two guests. The Town of Geneseo's assessment records shall be the final determination on the number of bedrooms.
- H. The number of vehicles permitted at the short-term rental property is limited to the number of designated parking spaces on the property. Designated parking spaces shall be on an improved surface, on the rental property, not part of a shared driveway or other shared access easement, and adhere to the minimum size of parking spaces, and other applicable requirements in Article 41 of the Town Code. On-street parking is strictly forbidden on town roads.
- I. Short-term rental owners shall establish written rules and regulations for short-term rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety, and general welfare by promoting a clean, wholesome, and attractive environment for the owner's property, adjacent property owners and the neighborhood. This document shall also list the penalties for violation of such rules or regulations.

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The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request from law enforcement officers or the Town Code Enforcement Officer. The rules and regulations shall be enforced by the short-term rental owner. As a minimum, the rules and regulations shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, abusive or obscene language or gestures in public, exceeding the maximum number of guests, exceeding the maximum number of vehicles, parking on the street, and violations of the noise limits set in Article 46 of the Town Code, including unreasonable or excessive noise outside of the quiet hours of 10:00 p.m. and 7:00 a.m.

- J. The short-term rental owner must provide all owners of property adjacent to the short-term rental, as well as any non-adjacent property that shares a driveway or other shared access easement with the rental property, with their name, address, and telephone number.

Article IV Complaint process

- A. Official complaints will be made to the Code Enforcement Officer. The Code Enforcement Officer will investigate complaints and contact the owner or agent at their discretion.
- B. The owner or agent must be able to respond to any complaint received within one hour of receiving the complaint.
- C. The owner or agent must be able to resolve any complaint within 24 hours of receiving the complaint.

Article V Enforcement and penalties

- 11. Any individual, partnership, corporation, or other firm owning, operating, occupying, or maintaining short-term rental property or a short-term rental shall comply with all the provisions of this chapter and all orders, notices, rules, regulations, or determinations issued in connection therewith.
 - A. The Code Enforcement Officer or designee shall be granted access upon reasonable request to the short-term rental property for the purpose of enforcement of compliance with short-term rental regulations.
 - B. Whenever it is found that there has been a violation of this chapter or any rule or regulation adopted pursuant to this chapter, a violation notices and/or appearance ticket or summons and complaint may be issued to the person, individual, partnership or corporation owning, operating, or maintaining the short-term rental or short-term rental property in which such violation has been noted.

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- C. The Code Enforcement Officer or designee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this chapter.
- D. Penalties. Any person who shall violate any provision of this chapter, any order made hereunder, or any rules or regulations adopted pursuant to this chapter in addition to other penalties provided for in this chapter shall be guilty of an offense punishable in the following manner: a minimum fine of at least \$500 for each offense. Two offenses in a single calendar year permit period, or three offenses in over the course two consecutive calendar year permit periods, will result in the revocation of the current calendar year rental permit and the inability to reapply for a new rental permit in the following calendar year.
- E. A civil action or proceeding in the name of the Town of Geneseo, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter or any rule or regulation adopted pursuant hereto. Such a remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.
- F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, or in any other applicable law. Any remedy or penalty specified in this chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this chapter. The Town may initiate enforcement proceedings under this chapter at any time following receipt of a complaint or if the Code Enforcement Officer determines that a violation has occurred.

EFFECTIVE DATE.

This Local Law shall be effective January 1, 2024.

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

Old Business:

Traffic & Pedestrian Safety Committee Update:

Councilmember Mix gave an update on the committee's activities.

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Request from the Geneseo Garden Club for Water at Gateway Corner Park:

There was discussion regarding the letter received by the Geneseo Garden Club asking that water be put in at Gateway Corner Park to make watering the flowers and plants easier. The Board requested that Highway/Water Superintendent Levey give the board a quote as to how much it would cost.

Informational Items:

Code Office Report

Town Clerk Monthly report – April

Executive Session:

Councilmember Maxwell moved, and Councilmember Deming seconded the motion to enter executive session to discuss personnel matters inviting Attorney Devries and Town Clerk Zapf at 5:18 PM. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Close Executive Session:

Councilmember Maxwell moved, and Councilmember Mix seconded the motion to close executive session with no action taken at 5:47 PM. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Salary Discussion:

Deputy Supervisor Griffo spoke with the board regarding the request to raise a particular employee's salary. After a lengthy discussion no action was taken.

Adjournment:

Councilmember Mix moved, and Councilmember Maxwell seconded the motion to adjourn the meeting at 6:08 PM. Motion carried with Wadsworth-absent, Deming-aye, Maxwell-aye, Mix-aye, and Griffo-aye. Nays: None.

Ellen M Zapf, RMC

Town Clerk