

**Minutes of the Geneseo Town Board Meeting
September 10, 2025**

Members Present:

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

Also Present:

Larry Levey, Highway/Water Superintendent
Daniel Levey, Dpt. Hwy/Wtr Superintendent

Excused:

Matthew Griffo, Deputy Supervisor

Visitors:

Justin Merkel, Nathan Waltz, Meg Reitz, Brendan Fuhr, and Eddie Lee

Meeting Opening:

Supervisor Wadsworth convened the meeting at 4:30 p.m., with Councilmember Mix leading the group in the Pledge of Allegiance. Supervisor Wadsworth then requested a moment of silence to honor the men and women serving around the world.

Approval of Minutes:

Councilmember Mix proposed the motion, which was seconded by Councilmember Maxwell, to approve the minutes of the meeting held on August 13, 2025. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Approval of Minutes:

Councilmember Deming proposed the motion, which was seconded by Councilmember Maxwell, to approve the minutes of the meeting held on September 3, 2025. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Approval of Abstract #9 of 2025:

Councilmember Maxwell proposed the motion, which was seconded by Councilmember Mix, to approve Abstract #9 of 2025 and vouchers 402 through 460 as they stand.

FUND	AMOUNT
GENERAL A VOUCHERS	\$48,662.68
GENERAL B VOUCHERS	\$21,162.02
HIGHWAY DA VOUCHERS	\$11,681.77
HIGHWAY DB VOUCHERS	\$141,555.09
SW6 CAPITAL FUNDS	\$0.00
CAPITAL PROJECT FUND (H1)	\$0.00
SPECIAL LIGHTING DISTRICT VOUCHER (SL)	\$225.91
SEWER DISTRICT #1 (SS1)	\$931.04
WATER OPERATING & MAINTENANCE VOUCHERS (SW0)	\$8,249.17
SPECIAL ITEMS (H2) (SW5)	\$0.00
FIRE CONTRACTS (SF)	\$0.00
ENGINEERING (SW1)	\$0.00
TOTAL	\$232,467.68

The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Accept the Town Clerk's Monthly Report –August 2025:

Councilmember Mix proposed the motion, which was seconded by Councilmember Deming, to accept the Town Clerk's Monthly Report for August 2025.

Supervisor for General Fund	\$ 6,375.00
Supervisor for Part Town Fund	\$ 1,822.00
Livingston County Treasurer for Dog Licenses	\$ 59.50
NYS Ag. & Markets for spay/neuter program	\$ 17.00
New York State Department of Health	\$ 112.50
TOTAL	\$ 8,386.00

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The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffio - absent. No nays were recorded.

AUTHORIZATION OF PLACEMENT OF LATERAL RESTRICTIONS - CONDITIONS ON FUTURE SERVICE WITHIN THE AVON TRIPHAMMER WATERMAIN REPLACEMENT PROJECT:

Councilmember Deming proposed the motion, which was seconded by Councilmember Maxwell:

WHEREAS, the Town of Geneseo Town Board (hereinafter referred to as “Town Board”) in coordination with the Village of Avon has proposed to create the Avon Triphammer Watermain Replacement Project for the express purpose of providing public water supply to residents along the right-of-way for **Pole Bridge Road, Triphammer Road, NYS Route 39, Elm Road, and North Road** included within the Triphammer Watermain Replacement Project; and

WHEREAS, part of the land area within the Avon Triphammer Watermain Replacement Project is located within Livingston County Agricultural District No. 2; and

WHEREAS, the Village of Avon is filing a Notice of Intent to Undertake an Action Within an Agricultural District and to evaluate the impact of providing a source of public water supply within this area of lands within Livingston County Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about potential adverse impact that said public water supply is likely to have on agriculture uses within said Agricultural District; and

NOW, THEREFORE BE IT RESOLVED by the Town Board of the **Town of Geneseo, Livingston County, NY** imposes the following conditions, on the management of water/sewer lines located along **Pole Bridge Road, Triphammer Road, NYS Route 39, Elm Road, and North Road** within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.”

Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

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- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffio - absent. No nays were recorded.

Supervisor Wadsworth welcomed Justin Merkel of Flawless Cannabis Company and gave him the floor:

Mr. Merkel spoke to the board about the following:

Who We Are

- **Family-owned, licensed New York State microbusiness.**
- **Began in the hemp sector, now fully compliant under MATA & OCM.**
- **Dedicated to safe, high-quality, regulated cannabis products.**

Our Proposal

- **Operate a retail cannabis store at 4400 Lakeville Rd in Geneseo.**
- **On tonight's Town Board agenda to answer questions.**
- **All local and state requirements are already met for this site.**

Benefits to Geneseo

- **Jobs & Training: Create good local jobs with advancement opportunities.**
- **Economic Impact: Renovate and maintain a commercial property, increase tax revenue.**
- **Consumer Safety: Offer regulated products and reduce unlicensed market activity.**
- **Community Partnership: Collaborate with local organizations and service providers.**

Safety & Compliance

- **Working closely with the Fire Marshal and departments to meet all safety standards.**
- **Currently, only updated fire extinguishers are anticipated; sprinklers are not required unless determined after initial inspection.**

Supervisor Wadsworth thanked Mr. Merkel for addressing the board and stated that the option for the town to opt in to have cannabis retail operations in the Town of Geneseo is under consideration.

Appointing New Deputy Town Clerk/Deputy Registrar of Vital Statistics:

Councilmember Deming proposed the motion, which was seconded by Councilmember Mix, to appoint Chelsey Aten as the Deputy Town Clerk/Deputy Registrar of Vital Statistics with a rate of pay of \$20.00 an hour, with her term to expire on December 31, 2027. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffio - absent. No nays were recorded.

Appointing Daniel Levey as the Designation of Water Operator in Responsible Charge:

Councilmember Maxwell proposed the motion, which was seconded by Councilmember Mix, to approve the appointment of Daniel Levey as the Designation of Water Operator in Responsible Charge. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffio - absent. No nays were recorded.

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Set the Public Hearing for Local Law No. 2 of 2025 – Exceed the Tax Cap:

Councilmember Maxwell proposed the motion, which was seconded by Councilmember Mix, to set the public hearing for Local Law No. 2 of 2025.

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

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, 2026, 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, 2026, 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.

The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Enter into Executive Session:

Councilmember Maxwell proposed the motion, which was seconded by Councilmember Deming, to enter into executive session to discuss the employment history of particular people at 5:06 PM, inviting Highway/Water Superintendent Larry Levey (left at 5:22 pm). The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Exit Executive Session:

Councilmember Deming proposed the motion, which was seconded by Councilmember Maxwell, to exit executive session with no action taken at 5:49 pm. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Adjournment:

Councilmember Deming proposed the motion, which was seconded by Councilmember Mix, to adjourn the meeting at 5:50 pm. The motion was adopted with the following votes: Wadsworth - aye, Deming - aye, Maxwell - aye, Mix - aye, and Griffo - absent. No nays were recorded.

Ellen M. Zapf, RMC
Town Clerk