

**AGENDA**  
**TOWN OF GENEVA**  
**PUBLIC HEARING for a proposed Local Law 1-2022 to override the tax levy limit established in General Municipal Law §3-c."**  
**REGULAR TOWN BOARD MONTHLY MEETING**  
**February 14, 2023**

Informal Discussion – 5:30 p.m. Informal discussion with Town Board, department heads and public.

1. **Call to order**- 6:00 pm. The Public Hearing Proposed Local Law: " A Local Law to override the tax levy limit established in General Municipal Law §3-c." Legal Notice was published in the Finger Lakes Times on February 1, 2023.

Public Comments-  
Written Comments: None  
Close Public Hearing-                      Time:\_\_\_\_\_ p.m.

2. **Call to order**: The Regular Town Board Meeting. Pledge of Allegiance/Opening – Councilmember Jeff Dunham

3. **Privilege of the floor**:

4. **Gratitudes**:

5. **Approval of the minutes**: Approval of the minutes of the Organizational Meeting of the Town Board on January 10, 2023.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**Approval of the minutes**: Approval of the minutes of the Regular Meeting of the Town Board on January10, 2023.

Motion \_\_\_\_\_ Second \_\_\_\_\_

6. **Town Clerk’s report**.

Questions, comments.  
The Board acknowledges receipt.

7. **Code Enforcement Officer’s report**.

Questions, comments.  
The Board acknowledges receipt.

8. **Highway Superintendent’s Report**:

Questions, comments.  
The Board acknowledges receipt.

9. **Water & Sewer Superintendent’s Report**:

Questions, comments.  
The Board acknowledges receipt.

10. **Supervisor’s report of finances**

Questions, comments.  
The Board acknowledges receipt.

- 11 **RESOLUTION NO. 25-2023**- Approving Abstract-002 February 2023 Bills for Payment and Prepaid Bills.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA, NEW YORK**  
**RESOLUTION OF THE TOWN BOARD**  
**RESOLUTION NO. 25-2023**

Whereas certain abstracts and bills for services and goods received or to be received by the town have been presented for payment or necessarily paid and

Whereas those abstracts and 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 or approval, now therefore, it is

RESOLVED the pre-paid bills that are presented are approved and the supervisor is authorized to pay the unpaid bills

12. **RESOLUTION NO. 26-2023** – Authorizing adoption of Local Law 1-2023 to override the tax levy limit. Motion to approve made by

Councilmember \_\_\_\_\_, second by Councilmember \_\_\_\_\_.

**TOWN OF GENEVA, NEW YORK**  
**RESOLUTION OF THE TOWN BOARD**  
**RESOLUTION NO. 26-2023**

WHEREAS, a resolution was duly adopted January 10, 2023 by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on February 14, 2023, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law to 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 February 1, 2023, 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 14, 2023, at 6:00 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 2023, 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 14, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	_____	_____
Mitch Wilber	_____	_____
Mark Venuti	_____	_____
Robert McCarthy	_____	_____
Jeffrey Dunham	_____	_____

Dated: \_\_\_\_\_, 2023

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

**13. RESOLUTION NO. 27-2023-** Approving tax levy limit override for special districts and/or fire protection districts

Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 27 -2023**

**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 2023 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 2024 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 14, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	_____	_____
Mitch Wilber	_____	_____
Mark Venuti	_____	_____
Robert McCarthy	_____	_____
Jeffrey Dunham	_____	_____

Dated: \_\_\_\_\_, 2023

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

**14. RESOLUTION NO. 28-2022** – Authorizing Training for members of the Planning Board and Zoning Board of Appeals.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**TOWN OF GENEVA  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 28-2022**

**WHEREAS** the Town of Geneva has primary responsibility to regulate private land use through its Planning Board and Zoning Board of Appeals, and their actions can have substantial impacts on land use policies and individual land owners; and

**WHEREAS** New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning officials each year; and

**WHEREAS** this law applies to all Planning Board and Zoning Board of Appeals members as well as alternates; and

**WHEREAS** the SmarterLocalGov/Hancock Estabrook Municipal Bootcamp provides essential training for Planning Board and Zoning Board of Appeals members; now therefore it is

**RESOLVED** SmarterLocalGov/Hancock Estabrook Municipal Bootcamp is approved by the Town of Geneva as acceptable training for members of the Town Planning Board and Zoning Board of Appeals; and it is further

**RESOLVED** that each member of the Planning Board and Zoning Board of Appeals obtain four hours of training each year related to their service by attending and completing those educational courses, seminars, workshops and the like which have been approved by the Town; and it is further

**RESOLVED** that other training activities may be approved on a case-by-case basis by the Town upon the request of a Planning Board or Zoning Board of Appeals member; and it is further

**RESOLVED** that any new member appointed to fill the last six months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with this training policy; and it is further

**RESOLVED** that training received by a Planning Board or Zoning Board of Appeals member in excess of four hours in any one year may be carried over by the member into the next year but not further.

**15. RESOLUTION NO. 29-2023**- Re-Approval of Seneca Springs Townhomes for a Planned Unit Development

Motion \_\_\_\_\_

Second \_\_\_\_\_

**TOWN OF GENEVA, NEW YORK,  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 29-2023**

Whereas the Town Board approved a Planned Unit Development for a townhome housing project off Snell Road, former tax map number 119.00-1-30.210, now 119.00-1-30.211 and 119.00-1-30.212, and by Local Law 3 of 2016 changed the zoning classification from R-1, Residential District, to PUD, Planned Unit Development District, and so amended the official Town zoning map; and

Whereas the project went through site plan approval by the Town Planning Board and was approved to proceed; and

Whereas the project did not proceed, and by the passage of time the approvals of the Planning Board and the Town Board were voided, although the amendment of the zoning map to PUD for the parcel has not been changed; and

Whereas the owner now wishes to proceed with the project as initially designed and has presented plans to the Town's Code Enforcement Officer that are acceptable and show the project as essentially the same as originally approved; and

Whereas this type of housing development is still lacking and needed in the Town, and there are no substantial changes in the area of the project that would counsel against its development; now therefore, it is

**RESOLVED** the development plan for the Seneca Springs Townhomes, as presented to the Town Code Enforcement Officer, is approved, but the project must again be presented to the Town Planning Board for site plan review and approval before proceeding further.

**16. RESOLUTION NO. 30- 2023** – Approving Renewal of a Bond Anticipation Note.

Motion \_\_\_\_\_

Second \_\_\_\_\_

**TOWN OF GENEVA  
RESOLUTION OF THE TOWN BOARD**

**RESOLUTION NO. 30-2023**

Whereas the Bond Anticipation Note, originally dated March 3, 2005 with Five Star Bank, now with Bank of the Finger Lakes, for the financing of the improvements to the Kashong Point Water Supply Facility, is due on March 1, 2023, at which time \$32,111.91, plus interest, is due; and

Whereas the full amount due cannot be paid without significant cost to property owners, and it need not be paid in full and may be and has been renewed annually with a payment against principal and the interest due; now therefore, it is

RESOLVED the Supervisor of the Town of Geneva is authorized to pay \$5,000.00 toward principal, and the interest due, and to sign a new Bond Anticipation Note with the Bank of the Finger Lakes binding the Town of Geneva for the new balance due, \$27,111.91, plus interest, due in one year.

**17. RESOLUTION NO. 31- 2023** – Approving Purchase of Compactor for Town Recycling and Disposal Station.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 31-2023**

Whereas one of the compactors at the Town’s Recycling and Disposal Station was purchased in 2010 and is starting to fail; and

Whereas the purchase of a new compactor was provided for in the 2023 town budget at \$28,000.00; and

Whereas the Water and Sewer Superintendent has obtained a quote from Rudco Products, Inc., which has provided the existing compactors, for a new compactor and all needed accessories for \$27,464.00; purchasing the same type compactor will allow for easier repair and maintenance; and the price is comparable to compactors provided by other companies; now therefore, it is

RESOLVED the Rudco Products, Inc. compactor quote of \$27,464.00 may be accepted, and the Water and Sewer Superintendent will sell or otherwise dispose of the existing unit in a manner that will bring the highest return to the Town.

**18. RESOLUTION NO. 32- 2023** – Approving Purchase of Outdoor Musical Instruments for the Town Hall park area.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 32-2023**

Whereas the Parks and Recreation Committee of the Town is in favor of adding an area with outdoor musical instruments in a space between the bike park and box field behind the town hall to enhance and diversify what is available for visitors, especially young children; and

Whereas the supervisor has contacted two companies who provide such instruments and found them to be comparable in price, but has received high recommendations for Freenotes and better service from the company that supplies them; and

Whereas the company Park & Play Structures supplies Freenotes instruments, including installation instructions, and they can easily be installed by Town employees and/or volunteers; and

Whereas the Freenotes Deluxe Emsemble consists of four instruments that will provide an enriching experience for visitors; and

Whereas Park and Play Structures has provided a quote for a Freenotes Deluxe Recycled Inground Ensemble Collection at \$21,359.00, which includes shipping and a NY State Contract Discount of \$1,067.95; and

Whereas there is more than enough money in the dedicated Parks and Recreation account to pay that cost; now therefore it is

RESOLVED the quote from Park & Play Structures of \$21,359.00 for the Freenotes Deluxe Recycled Inground Ensemble Collection may be accepted.

**19. RESOLUTION NO. 33- 2023** – Approving Amendment to 2023 Town Budget.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**TOWN OF GENEVA  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 33-2023**

Whereas the Town collects a Park and Recreation fee for new dwelling units and a Drainage and Stormwater Management fee for new impervious surface constructed, and has dedicated accounts for those fees to support expenditures; and

Whereas the Town's 2023 budget inadvertently omitted expenditures for those lines; and

Whereas there are projects in those areas planned or anticipated for 2023, and the unexpended fund balances in those accounts exceed the expected cost of those projects; now therefore, it is

RESOLVED the 2023 general fund budget of the Town of Geneva is amended to include under expenditures \$40,000.00 for Parks and Recreation, and \$20,000.00 for Drainage and Stormwater Management, to be funded from the balances in the dedicated accounts or otherwise from the Town's unexpended fund balance.

## **20. Reports of Standing Committees**

### Economic Development –

Sustainability – Met January 12. Had a presentation on the Heat Smart Program the town and city have approved from Brett Peters, who will send us some sample information pieces as we consider rolling out the program in Geneva.

Set Sunday, June 4, with Sunday, June 11 as the rain date, for the Fix-it Clinic (9 to noon) and Free Stuff Day (10-noon drop off, noon-2 take away).

Discussed upcoming work with Cornell's Design Connect team on the design of a Resource Recover Park for the area.

Discussed lessons from the trip to Monroe County's EcoPark.

Discussed the City Green Committee's plans for its expo called Mission Zero, which the town participated in last year, and came up with alternate ideas Jacob will present to them.

Discussed the report of the joint town-city Materials and Waste Management Working Group that was issued in December, and decided it would be best to add a section or addendum after the work of Design Connect that sets forth a path forward for the town and city, with specifics on what programs and initiatives we want to undertake in the future.

Discussed and saw the Instagram page put together by Allison Waldron and talked about getting the town's page going again and linking between the two.

The Town will host another mattress and box spring collection event sponsored by the County on Saturday, August 26.

The town will also host another pumpkin collection event sponsored by the County on Saturdays November 4 and 11.

Kashong Conservation Area – Mitch Wilber is taking over as committee chair from Mark Palmieri.

### Communication –

Parks and Recreation – Last year approved ordering heavier duty netting for the goal areas of the box field because the existing netting in those areas will not stop a hard missed shot.

## **21. Supervisor's Report:**

The supervisor, town assessor, code enforcement officer, water and sewer superintendent, climate smart coordinator, and economic development committee chair had a second zoom meeting with NYSERDA representatives to discuss implementation of the state law that mandates the phasing out of fossil fuel use in buildings by 2050. They are taking our feedback and that of several other municipalities and stakeholders to work on a plan for financing building retrofits over the next 27 years.

The town attorney, with the approval of the town assessor and supervisor, has recommended a settlement of the assessment challenge pending in State Supreme Court of Foley Family LLC, owner of 3615 Berry Fields Road, site of the former Dollar General store, at an amount and period of time the town assessor is comfortable with and with no refunds.

On February 8 and 9 independent auditors the town hired did the annual review of the records of the town court and town clerk, and the records of the town/supervisor for completing the annual financial report that is sent to and reviewed by the NYS Comptroller (called the AUD). The town will receive the auditor's reports in a few weeks, and they will be presented to the town board for acceptance. The state comptroller uses the AUD to determine whether the town is susceptible to fiscal or environmental stress, and issues his report later in the year.

The town's contract with the Wallace Farms solar farm for solar energy credits against the town's electric bill with NYSEG was covering the town hall and buildings at 32 White Springs Road, but we've found we have enough energy from the panels to add the town's water plant on Kashong Point, which is the town's largest energy user, and a sewer pump station, so we will soon receive credits on the bills for those facilities, too, under a NYS Standardized Contract for Interconnection of New Distributed Generation Units signed by the supervisor.

The town's fund balances have been invested in CDs at the Bank of the Finger Lakes and with NYCLASS per Town Board resolution 20-2023 and are now earning over 4% interest.

The town was a participating partner organization along with BluePrint Geneva on an application of the City of Geneva to the NYS Department of Transportation for a Thriving Communities Program grant that would bring assistance to projects that enhance transportation, like adding sidewalks to Carter Road, and County Road 6 and West Washington Street in the area of the Townside at Pre-Emption housing development. The city has been notified it is a finalist, which doesn't mean it's gotten the grant, but it is moving on in the process. The town has submitted a required letter of commitment as a participating organization stating the town will participate in the program if the grant is awarded.

Selected Meetings and Events

January 11 – Ted Baker blog on town topics

January 12 – Ontario County Soil and Water Conservation District board of directors meeting.

Ontario County parks master plan meeting

Town Sustainability Committee meeting

January 17 – County Planning and Environmental Quality Committee meeting

January 18 – County Public Safety Committee meeting

January 20 – Meeting by zoom with NYSERDA officials on implementing state law transitioning to renewable energy

January 26 – Ontario County Board of Supervisors meeting

January 30 – Meeting with Cornell's Design Connect team and Jacob Fox by zoom to discuss town's resource recovery park project

January 31 – Seneca Watershed Intermunicipal Organization meeting

February 1 – 9 Element Watershed Plan executive board meeting

Meeting with Geneva City School District superintendent and others regarding Geneva Greenway

February 6 – County Planning and Environmental Quality Committee meeting

**22. Old Business.**

**23. New Business.**

**24. Privilege of the floor.**

**25. Adjourn:** Motion \_\_\_\_\_ Second \_\_\_\_\_ Time \_\_\_\_\_

Town of Geneva

Local Law No. 1 of the year 2023

A local law to override the tax levy limit established in General Municipal Law §3-c

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

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Geneva, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of Geneva to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2024 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 the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Geneva, County of Ontario, is hereby authorized to adopt a budget or budgets for the fiscal year 2024 that require a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged 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, section, 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.