

**MINUTES
TOWN OF GENEVA
REGULAR TOWN BOARD MONTHLY MEETING**

2nd Public Hearing on implementation of the CCMI, Inc. and Real Eats America, Inc., projects that received Community Development Block Grant (CDBG) funding.

January 10, 2023

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham
 Councilmember Robert McCarthy Councilmember Kimberly Aliperti

ABSENT: Councilmember Mitchell Wilber

Recording Secretary: Lorrie S. Naegele, Geneva Town Clerk
The actions described below are not necessarily listed in order of occurrence.

Others Present: Bernie Peck, Highway Superintendent; Floyd Kofahl, Code Enforcement Officer; and three residents.

Call to order- 6:08 pm. directly following the Organizational Town Board Meeting. The **2nd Public Hearing** to discuss the implementation of the CCMI, Inc., and Real Eats America, Inc., projects that received Community Development Block Grant (CDBG) funding from the New York State Office of Community Renewal (Project Nos. 449ED982-21 and 449ED995-21). The purpose of the hearing is to obtain citizen views regarding any aspect of the project's implementation including, but not limited to, any construction, financing, and employment opportunities resulting from the project. **Legal notices** were published in the Finger Lakes Times on December 30, 2022, Sign Board and on the Town Website.

Public Comments- None
Written Comments- None
Close Public Hearing-

Time: 6:09 p.m.

1. **Call to order** – 6:10 p.m.

2. **Privilege of the floor**: None

3. **Gratitudes**: The Supervisor thanked the Town Board and Town Staff for all they do and how well they work together to get things done.

4. **Approval of the minutes**: Approval of the minutes of the Special year end Town Board meeting of December 28, 2022. Motion to approve made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved.

5. **Town Clerk's report**.
Questions, comments.
The Board acknowledges receipt.

6. **Code Enforcement Officer's report**.
Questions, comments.
The Board acknowledges receipt.

7. **Highway Superintendent's Report**:
Questions, comments.
The Board acknowledges receipt.

8. **Water & Sewer Superintendent's Report**:
Questions, comments.
The Board acknowledges receipt.

9. **Supervisor's report of finances**
Questions, comments.
The Board acknowledges receipt.

10. **2023 RESOLUTION NO. 16-2023** – Approving Abstract-01, January 2023, Bills for Payment and Prepaid Bills. 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. 16 -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, Abstract-01 January 2023, vouchers 0001-0089 total \$284,018.74 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.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. RESOLUTION NO. 17-2023– Resolution introducing a Local Law and calling a Public Hearing: Tax Levy Limit. Motion to approve made by Councilmember Aliperti, second by Councilmember Dunham.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 17 -2023**

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 a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" 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 14, 2023, at 6:00 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, 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 January 10, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	<u> X </u>	<u> </u>
Mitchell Wilber ABSENT	<u> </u>	<u> </u>
Mark Venuti	<u> X </u>	<u> </u>
Robert McCarthy	<u> X </u>	<u> </u>
Jeff Dunham	<u> X </u>	<u> </u>

Dated: January 10, 2023

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

12. 2023 RESOLUTION NO. 18-2023 – Approving Audit Services by Allied CPAs, PC. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 18 -2023**

Whereas Allied CPAs, PC has for the past few years timely and ably performed the review of the town court and town clerk financial records, and assisted with the preparation of the supervisor’s annual financial report to the NYS Comptroller, and is offering to perform the same services in 2023 at the about same rate as in 2022 (maximum total \$6,000), which amount is covered in the town budget; now therefore, it is

RESOLVED the December 31, 2022 engagement letters for audit and review services by Allied CPAs, PC are approved.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

13. 2023 RESOLUTION NO. 19-2023: Approving NYCLASS Municipal Cooperation Agreement and Key Contact. Motion to approve made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 19-2023**

Whereas New York General Municipal Law, Article 5-G, Section 119-o, empowers municipal corporations such as towns to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; and

Whereas the Town of Geneva wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and

Whereas the Town of Geneva wishes to satisfy the safety and liquidity needs of its funds; now therefore, it is

RESOLVED that Town of Geneva Supervisor Mark A. Venuti is authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

14. 2023 RESOLUTION NO. 20- 2023 – Authorizing Investment of Town Reserves. Motion to approve made by Councilmember Dunham, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 20-2023**

Whereas the Town of Geneva has had reserves invested in Certificates of Deposit in Wayne Bank, d/b/a Bank of the Finger Lakes, earning 0.40% interest; and

Whereas opportunities for greater returns and flexibility now exist at the Bank of the Finger Lakes and NYCLASS; now therefore, it is

RESOLVED the General Fund Certificate of Deposit at the Bank of the Finger Lakes valued at approximately \$502,000.00 may be renewed for one year at the 4.5% interest rate that has been offered; and it is further

RESOLVED the Sewer Fund Certificate of Deposit at the Bank of the Finger Lakes valued at approximately \$585,817.00 may be renewed for one year at the 4.5% interest rate that has been offered; and it is further

RESOLVED the Sewer Fund Certificate of Deposit at the Bank of the Finger Lakes valued at approximately \$958,417.00 may be closed and the sum invested with NYCLASS at its prevailing interest rate, which exceeds 4%; and it is further

RESOLVED the General Fund Certificate of Deposit at the Bank of the Finger Lakes valued at approximately \$1,072,332.00 may be closed and the sum, along with \$800,000.00 from the General Fund checking account, invested with NYCLASS at its prevailing interest rate, which exceeds 4%.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

15. 2023 RESOLUTION NO. 21-2023- Awarding Contract for Kashong Water Plant Improvements. Motion made by Councilmember McCarthy, Seconded by Councilmember Dunham. Unanimously approved.

Town of Geneva
Water Improvement Project
Kashong Point Water Treatment Plant & Well House #4
Awarding Contract for Kashong Water Plant Improvements.
RESOLUTION NO. 21-2023

WHEREAS, the Town of Geneva with an Intermunicipal Agreement with the Town of Seneca is intending to install Well House Number 4 with appropriate equipment over a new well installed by BEM Systems and upgrades to the Water Treatment Plant, and this project is undertaken to provide adequate capacity to serve current demands and needs into the future; and

WHEREAS, the bid documents were prepared in accordance with NYS State Bidding and EFC requirements, and the project received partial funding from the Environmental Facilities Corporation through the DWSRF (EFC Project Number 18619) in the form of a grants; and;

WHEREAS, on December 21, 2022, three bids were received for general construction; the bids cost ranged from \$833,370 to \$926,624.00, which includes an allowance amount of \$50,000.00; the low bidder was C.P. Ward, Inc., located in Scottsville, New York; MRB Group has spoken with the contractor and the contractor is comfortable with its bid and the scope of work; the contractor is also aware of MBE/WBE requirements and will make a good faith effort to incorporate such companies in its scope of work; and MRB has worked with the contractor previously and found its work satisfactory; now therefore, it is

RESOLVED the Town Board authorizes acceptance of the bids, awards the project to C.P. Ward, Inc. in the amount of \$833,370.00, and authorizes the Supervisor to sign the Notice of Award and execute all contract documents associated with this contract.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

16. 2023 RESOLUTION NO. 22- 2023- Awarding Contract for Kashong Water Plant Electrical Improvements. Motion made by Councilmember Aliperti, Seconded by Councilmember Dunham. Unanimously approved.

Town of Geneva
Water Improvement Project
Kashong Water Plant Electrical Improvements
RESOLUTION NO. 22-2023

WHEREAS, the Town of Geneva with an Intermunicipal Agreement with the Town of Seneca is intending to install Well House Number 4 with appropriate equipment over a new well installed by BEM Systems and upgrades to the Water Treatment Plant, and this project is undertaken to provide adequate capacity to serve current demands and needs into the future; and

WHEREAS, the bid documents were prepared in accordance with NYS State Bidding and EFC requirements, and the project received partial funding from the Environmental Facilities Corporation through the DWSRF (EFC Project Number 18619) in the form of a grant; and;

WHEREAS, on December 21, 2022, four bids were received for electrical construction; the bids cost ranged from \$378,000.00 to \$457,914.00, which includes an allowance amount of \$20,000.00; the low bidder was Erie Electrical Corporation located in Rochester, New York; MRB Group has spoken with the contractor and the contractor is comfortable with their bid and the scope of work; the contractor is also aware of MBE/WBE requirements and will make a good faith effort to incorporate such companies in its scope of work; and MRB has worked with the contractor previously and found the work satisfactory; now therefore, it is

RESOLVED the Town Board authorizes acceptance of the bids and awards the project to Erie Electrical Corporation in the amount of \$378,000.00, and authorizes the Supervisor to sign the Notice of Award and execute all contract documents associated with this contract.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on January 10, 2023.

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

17. 2023 RESOLUTION NO. 23-2023- Awarding Contract for Olson Road Water Storage Tank. Motion made by Councilmember Dunham Seconded by Councilmember Aliperti.

Town of Geneva
Water Improvement Project
New Gorham (Olsen Road) Water Storage Tank
RESOLUTION NO. 23-2023

WHEREAS, the Town of Geneva with an Intermunicipal Agreement with the Town of Seneca is intending to install a new 1.5 million gallon water storage tank on Olson Road in the Town of Seneca with new water main and an enclosure housing a PRV on Kashong Switch Road, and this project is undertaken to provide adequate capacity to serve current demands and needs into the future.

WHEREAS, the bid documents were prepared in accordance with NYS State Bidding and EFC requirements, and the project received partial funding from the Environmental Facilities Corporation through the DWSRF (EFC Project Number 18619) in the form of a grant; and;

WHEREAS, on December 21, 2022, two bids were received for general construction; the bids cost ranged from \$2,217,000.00 to \$2,588,700.00, which includes an allowance amount of \$35,000.00; the alternate deduct of \$4,800.00 for both projects was not accepted; the low bidder was Preload LLC, located in Louisville, Kentucky; MRB Group has spoken with the contractor and the contractor is comfortable with its bid and the scope of work; the contractor is also aware of MBE/WBE requirements and will make a good faith effort to incorporate such companies in the scope of work; and MRB has worked with the contractor previously and found the work satisfactory; now therefore, it is

RESOLVED the Town Board authorizes acceptance of the bids and awards the project to Preload, LLC in the amount of \$2,217,000.00, and authorizes the Supervisor to sign the Notice of Award and execute all contract documents associated with this contract.

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 January 10, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	X	_____
Mitchell Wilber ABSENT	_____	_____
Mark Venuti	X	_____
Robert McCarthy	X	_____
Jeff Dunham	X	_____

Dated: January 10, 2023

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

18. **2023 RESOLUTION NO. 24-2023** – Comment on Draft Scoping Document of Seneca Meadows, Inc. Motion to approve made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 24-2023**

Whereas Seneca Meadows, Inc. operates the Seneca Meadows Landfill in the nearby Towns of Waterloo and Seneca Falls, and the landfill negatively impacts the Town of Geneva by increasing garbage truck traffic through the Town, by garbage and sulfur dioxide and other foul odors that reach the Town, by sickening air-borne particulate matter that reaches the Town, and by causing potential residents and visitors to the Town to avoid the Town due to its proximity to this landfill; and

Whereas under the current intake of garbage the Seneca Meadows Landfill will reach permitted capacity by the end of 2025, and, consistent with this fact, the Town of Seneca Falls passed Local Law 3 prohibiting landfill operations in the town after the year 2025; and

Whereas, despite Local Law 3, Seneca Meadows, Inc. seeks to expand the landfill, including increasing its height by 70 feet, from 774 feet, a mountain that can now be seen from the Town of Geneva, to 843.5 feet, which will increase its operational capacity by fifteen years, in complete disregard of the law; and

Whereas Seneca Meadows, Inc., as part of its expansion plan, has filed with the state Department of Environmental Conservation (DEC) a Draft Scoping Document for a Draft Environmental Impact Statement, which is subject to public comment; now therefore it is

RESOLVED, The Geneva Town Board makes the following comments on the Draft Scoping Document, to be submitted to the DEC:

1. No expansion plan should be considered while Local Law 3 is in force;
2. Sections 3.5.3 and 3.5.4 on the gas collection and odor management system are insufficient and show a lack of appreciation for the gas and odor that consistently leave the site and contaminate a wide area, often miles away to the Town of Geneva;
3. Section 3.6.1.3 purports to discuss Local Law 3 and its *consistency* with the project, an impossibility that reveals the hubris and bad faith of the proponent;
4. Section 4.6, on the project's compatibility with the Climate Leadership and Community Protection Act and the Community Risk and Resiliency Act, by its insufficient and cursory treatment of the subject, shows it is another strained claim and the subject will not be taken seriously.
5. Section 8.0 is on the alternatives to the proposed action. The no-action alternative will dwell on the need for this landfill, the expansion of which will be a self-fulfilling prophesy; since there is landfill space, why push reduce, reuse and recycle. The state's policy is landfilling is the last resort. The Draft Scoping Document should seek to prove the people of this state could not, with sufficient resources devoted to alternatives, carry on well without expanding the Seneca Meadows Landfill.

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 January 10, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	X	_____
Mitchell Wilber ABSENT	_____	_____
Mark Venuti	X	_____
Robert McCarthy	X	_____
Jeff Dunham	X	_____

Dated: January 10, 2023

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

19. **Reports of Standing Committees**

Economic Development –Next meeting Feb 22, Presentation by Tim Stackus and Miranda Odell with the Geneva Area Chamber of Commerce. The committee is happy with the working relationship the chamber has with the town businesses. The Supervisor described the December meeting with City and Town officials regarding town projects being approved for hook-up to the city's sewer treatment plant and plans to expand the plant over the next two years.

Sustainability – meeting January 12, 2023 at 7:00 pm.

Kashong Conservation Area – no meeting

Communication –Town Times needs the information by February for the next print in March. Next meeting Friday March 10, at 9 am.

Parks and Recreation – no meeting

20. **Supervisor's Report; Selected Meetings and Events can be found on the agenda**

The supervisor, along with the town assessor, code enforcement officer, water and sewer superintendent, climate smart coordinator, and economic development committee chair met by zoom with NYSERDA representatives to discuss implementation of state law which mandates the phasing out of fossil fuel use in buildings by 2050. They are seeking feedback from the town to inform their plans to accomplish this ambitious task.

The supervisor along with the highway superintendent and code enforcement officer met with the Soil and Water Conservation District manager and technician to discuss flooding and storm-water problems at an area of Carter Road and potential projects to remediate them.

21. **Old Business.** None

22. **New Business.** None

23. **Privilege of the floor.** None

24. **Adjourn:** Motion to adjourn made by Councilmember Aliperti, second by Councilmember Dunham. Unanimously approved.
Time 6:42 pm.

Respectfully, Lorrie S. Naegele, Town Clerk

Exhibit 1

LOCAL LAW FILING

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

(Use this form to file a local law with the Secretary of State)

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 of Ontario
City
Town of Geneva
Village

Local Law No. 1 of the year 2023

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

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

County of Ontario
City
Town of Geneva as follows:
Village

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 for the fiscal year 2024 that requires 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.

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 14^h day of February, 2023, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2024 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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.

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

Lorrie S. Naegele, Town Clerk

January 10, 2023