

**MINUTES**  
**TOWN OF GENEVA**  
**TOWN BOARD SPECIAL MEETING**

Intermunicipal Agreement with the City of Geneva, Town of Geneva and Town of Waterloo, concerning shared services and expenses of the  
City's Waste Water Treatment Plant expansion project  
**Monday, August 29, 2022**

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

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

Others Present: Patrick Nicoletta; MRB Engineering and three residents from Seneca County.

**1. 6:35 pm Call to order** Special Meeting of the Town Board. Public Notice posted August 18, in the Finger Lakes Times, Sign Board and on the Town Website.

**2. Flag salute** led by Councilperson Kim Aliperti.

**3. 2022 RESOLUTION NO. 66-2022:** Approving Intermunicipal Agreement between the Town of Geneva, City of Geneva and Town of Waterloo. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK**  
**RESOLUTION OF THE TOWN BOARD**  
**RESOLUTION NO. 66 -2022**

**WHEREAS**, the City of Geneva owns and operates a wastewater treatment plant (WWTP) located at 45 Doran Avenue in the City of Geneva; and

**WHEREAS**, the Town of Geneva has an existing agreement authorized by General Municipal Law by which the City of Geneva provides wastewater treatment services to the Town for agreed upon consideration; and

**WHEREAS** the City of Geneva's WWTP handles sludge with its Autothermal Thermophilic Aerobic Digester (ATAD) system, a state-of-the-art treatment system that results in Class A Biosolids suitable for farmland use, and it is currently in such use; and

**WHEREAS** the City of Geneva and the Town of Geneva have development proposals and existing projects for new housing and commercial enterprises that are critical to the growth and economic success of the region, that require municipal sewer service to be viable; and

**WHEREAS** the City of Geneva's waste water treatment system and WWTP were analyzed to gauge the capacity of the system by MRB Group, which resulted in a report issued in January 2020 titled "Sanitary Sewer and Wastewater Treatment Plant Capacity Analysis." The report found the lines for waste water were adequate for current and additional loads, but the Marsh Creek Pump Station and ATAD were close to capacity and would have to be expanded in order for the City to safely accept the loads required for the scheduled and anticipated new development in the City of Geneva and Town of Geneva; and

**WHEREAS** the Town and City understand and acknowledge that the most cost-effective option for additional area municipal sewer capacity is to expand the City of Geneva's WWTP rather than the Town of Geneva constructing its own waste water treatment plant elsewhere and re-directing flows to a new plant; and

**WHEREAS** the Marsh Creek Pump Station at this time primarily serves a section of the Town of Geneva that has development proposals and potential in need of municipal sewer service, and the Town and City have moved ahead to overhaul this pump station, sharing the cost on a 50-50 basis using American Rescue Plan Act and other funds, to solve this part of the capacity problem, leaving the ATAD as the remaining limiting factor for the immediate and long-term economic health of the region; and

**WHEREAS** a second ATAD can be constructed at the City of Geneva's WWTP to essentially double the capacity to handle sludge and open the region to the opportunities for additional housing and commercial enterprises that are needed and seeking to locate in the Finger Lakes Geneva region; and

**WHEREAS** without this expansion these enterprises will go elsewhere, and the long-term viability of this area will be stymied; and

**WHEREAS** so that existing and future projects can be developed in the City of Geneva and Town of Geneva with access to hook-up to the WWTP, the City and Town wish to cooperate and share the cost of this needed expansion according to their use of the system, and to jointly apply for grants to aid in paying for the expansion; and

**WHEREAS** the City and Town do not have the funds available to pay the cost of the expansion, so the City, as owner of the WWTP, will use bond funding to pay for the expansion; and

**WHEREAS** an Intermunicipal Agreement among the City of Geneva, Town of Geneva and Town of Waterloo (which also uses the City's WWTP) has been prepared, and it establishes that the parties will share in the cost of the bond purchased by the City to fund the project according to their proportional use of the City's waste water treatment system, measured by waste water flows on an annual basis, which agreement has been reviewed and approved by the attorney for the Town of Geneva, and others; now therefore, it is

**RESOLVED** the City of Geneva, Town of Geneva and Town of Waterloo will jointly and as appropriate individually apply for grant funding to assist with paying the costs of the ATAD expansion project, will cooperate with each other and the professionals assisting with all applications, and the Town of Geneva Supervisor is authorized to sign and otherwise support such grant applications; and it is further

**RESOLVED** the Intermunicipal Agreement among the City of Geneva, Town of Geneva and Town of Waterloo relative to shared services and expenses of the City's Waste Water Treatment Plant Expansion Project is approved and may be signed by the Supervisor and the other members of the Town Board.

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 August 29, 2022, by the following vote:

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

Dated: August 29 2022

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk

**INTERMUNICIPAL AGREEMENT  
AMONG THE CITY OF GENEVA, NEW YORK,  
THE TOWN OF GENEVA, NEW YORK, AND  
THE TOWN OF WATERLOO, NEW YORK  
RELATIVE TO SHARED SERVICES AND EXPENSES  
OF THE CITY'S WASTE WATER TREATMENT PLANT EXPANSION PROJECT**

**THIS AGREEMENT**, made effective this 8th day of September 2022, among:

1. The CITY OF GENEVA, a Municipal Corporation, chartered under the laws of the State of New York, located in the County of Ontario and State of New York, with the principal place of business at 47 Castle Street, Geneva, NY, 14456, hereinafter sometimes referred to as the "City".
2. The TOWN OF GENEVA, a Municipal Corporation, established under the laws of the State of New York, located in the County of Ontario and State of New York, with the principal place of business at 3750 County Road 6, Geneva, NY 14456, on behalf of its Town Sewer District #1, a special district created pursuant to New York Town Law.
3. The TOWN OF WATERLOO, a Municipal Corporation established under the laws of the State of New York, located in the County of Seneca and State of New York, with offices located at 66 Virginia Street, Waterloo, New York 13165, on behalf of its Town Sewer District #1, a special district created pursuant to New York Town Law,

**WITNESSETH**

**WHEREAS**, this agreement is made in accordance with Article 5-G of the New York State General Municipal Law; and

**WHEREAS**, the City of Geneva owns and operates a wastewater treatment plant hereinafter referred to as the "WWTP," located a 45 Doran Avenue in the City of Geneva; and

**WHEREAS**, the parties have existing agreements authorized by General Municipal Law by which the City of Geneva provides wastewater treatment services to the Town and Waterloo for agreed upon consideration;

**WHEREAS** the City of Geneva's WWTP handles sludge with its Autothermal Thermophilic Aerobic Digester (ATAD) system, a state of the art treatment system that results in Class A Biosolids suitable for farmland use, and it is currently in such use; and

**WHEREAS** the City of Geneva and the Towns of Geneva and Waterloo have development proposals and existing projects for new housing and commercial enterprises, that are critical to the growth and economic success of the region, that require municipal sewer service to be viable; and

**WHEREAS** the City of Geneva's waste water treatment system and WWTP were analyzed to gauge the capacity of the system by MRB Group, which resulted in a report issued in January 2020 titled "Sanitary Sewer and Wastewater Treatment Plant Capacity Analysis." The report found the lines for waste water were adequate for current and additional loads, but the Marsh Creek Pump Station and ATAD were close to capacity and would have to be expanded in order for the City to safely accept the loads required for the scheduled and anticipated new development in the City of Geneva and Towns of Geneva and Waterloo; and

**WHEREAS** the parties understand and acknowledge that the most cost-effective option for additional area municipal sewer capacity is to expand the City of Geneva's WWTP rather than the Towns of Geneva or Waterloo constructing their own waste water treatment plant elsewhere and re-directing flows to a new plant; and

**WHEREAS** the Marsh Creek Pump Station at this time primarily serves a section of the Town of Geneva that has development proposals and potential in need of municipal sewer service, and the Town and City have moved ahead to overhaul this pump station, sharing the cost

on a 50-50 basis using American Rescue Plan Act and other funds, to solve this part of the capacity problem, leaving the ATAD as the remaining limiting factor for the immediate and long-term economic health of the region; and

**WHEREAS** a second ATAD can be constructed at the City of Geneva's WWTP to essentially double the capacity to handle sludge and open the region to the opportunities for additional housing and commercial enterprises that are needed and seeking to locate in the Finger Lakes Geneva region; and

**WHEREAS** without this expansion these enterprises will go elsewhere, and the long-term viability of this area will be stymied; and

**WHEREAS** so that existing and future projects can be developed in the City of Geneva and in the Towns of Geneva and Waterloo with access to hook-up to the WWTP, the parties to this agreement wish to cooperate and share the cost of this needed expansion according to their use of the system, and to jointly apply for grants to aid in paying for the expansion; and

**WHEREAS** the parties do not have the funds available to pay the cost of the expansion, so the City, as owner of the WWTP, will use bond funding to pay for the expansion;

**NOW THEREFORE**, it is mutually agreed as follows:

1. The parties will jointly and as appropriate individually apply for grant funding to assist with paying the costs of the ATAD expansion project, and will cooperate with each other and the professionals assisting with all applications.
2. The cost of the expansion not covered by grants will be paid by bond funding obtained by the City. The cost includes all customary expenses related to the expansion project, including, but not limited to, professional fees, advertising and bidding expenses, and bond expenses, but not including staff time incurred by any party.
3. The Towns of Geneva and Waterloo will annually pay the City their proportional shares of the City's bond payment based on the volume of their flows to the City's WWTP compared to the total flow volume to the City's WWTP. The percentages will be determined each year based on flow data from the previous year. Payments to the City by the Towns of Geneva and Waterloo will be made in time for the City to timely make bond payments.
4. The City will make bond payment information and WWTP flow data readily and reasonably available to the Towns of Geneva and Waterloo.
5. The parties agree the City is authorized to advertise for all bids for any material or service needed for the project. The City agrees to reasonably share information and consult with the Towns of Geneva and Waterloo prior to accepting a bid, but the City shall have the exclusive authority to accept a bid consistent with applicable law and City policy.
6. The Towns of Geneva and Waterloo agree in principle to enter into modified agreements with the City, authorized by General Municipal Law, by which the City will agree to provide wastewater treatment services to the Towns of Geneva and Waterloo for agreed upon consideration in a format similar to the existing agreement between the City and the Town of Geneva.
7. The parties agree in principle to take any reasonable action consistent with the spirit of this agreement and necessary to apply for grant or bond funding and to conform with grant or bond funding.
8. Once the ATAD expansion is completed, the City agrees to approve new, modified, altered or expanded development in the Towns of Geneva and Waterloo based on the new capacity limits so long as capacity is not an issue and so long as any applicant meets the City's (and, if necessary, the Towns') requirements for hook-up as set forth in the existing agreement between the City and Town of Geneva.
9. The term of this agreement will be from the above-stated effective date to the date of the City's final bond payment for payment of the ATAD expansion.
10. All notices required by or given pursuant to this agreement shall be in writing. All notices and payments required by or given pursuant to this agreement shall be delivered to the address of the applicable party set forth in this agreement, or such other address as a party shall have provided in writing to the other parties, either in person or by mailing such notice or payment by regular mail.
11. This agreement constitutes the complete understanding of the parties. No modification of any provisions shall be valid unless in writing and signed by all parties.
12. The laws of the State of New York shall govern this agreement.
13. The parties agree to cooperate in good faith to accomplish the goals of this agreement and in the functioning of this regional waste water treatment system.
14. The parties agree that any controversy, claim or cause of action arising out of or relating to this agreement, or the breach of this agreement, may be submitted to and decided by arbitration conducted in Ontario County and administered by the American Arbitration Association (or otherwise as the parties agree). If the parties agree to arbitration, the decision of the arbitrator shall be final, non-appealable and binding on the parties (unless otherwise agreed to by the parties).
15. This agreement may be executed in one or more counterparts, all of which shall be considered one and the same agreement, and shall become a binding agreement when one or more counterparts have been signed by each party and delivered to the other parties.

4. Discussion and approval of attendant and substitute attendant for the Town's Recycling and Disposal Station.

**2022 RESOLUTION NO. 67-2022:** Approving Hiring Transfer Station Attendant and Substitute. Motion to approve made by Councilmember McCarthy, second by Councilmember Dunham.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 67 -2022**

Whereas due to transfer station attendant George Smith passing; and

Whereas town resident Phillip Ilacqua was the substitute attendant and has been serving as the attendant for the past few months and is doing a fine job; and

Whereas town resident Phillip Ilacqua has applied to work as substitute attendant;

Now therefore it is resolved that Phillip Ilacqua is appointed transfer station attendant, and Phillip Wilkie is appointed substitute attendant, at the same rate in effect for the position, and the supervisor of the transfer station, Charles Bracko, is authorized, when needed, to assign other qualified persons to the transfer station if Phillip Ilacqua and Phillip Wilkie are unavailable.

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 August 29, 2022 unanimously approved.

Dated: August 29, 2022

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk

Privilege of the floor: Jeffrey Trout, Town of Fayette Supervisor; Congratulated the Town in the Intermunicipal Agreement with the City of Geneva and the Town of Waterloo on shared services and expenses of the City Waste Water Treatment Plant Expansion Project. The Town of Fayette is working on connecting to the Waterloo Sewer Treatment Plant and would be interested in joining Seneca County and working together for future agreements for Grants and projects between counties and towns. Supervisor Venuti agreed we should be open to such opportunities.

5. Adjourn: Motion to adjourn made by Councilmember Wilber, second by Councilmember Aliperti. Unanimously approved. Time 6:50 pm.

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Respectfully, Lorrie S. Naegele, Town Clerk