

MINUTES
TOWN OF GENEVA
REGULAR TOWN BOARD MEETING
January 11, 2022

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

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham Councilmember Kimberly Aliperti
 Councilmember Robert McCarthy 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: Floyd Kofahl, Code Enforcement Officer and Four residents.

1. **Call to order:** 6:00p.m., The Regular Town Board Meeting.
2. **Privilege of the floor.** Jacob Fox introduced to the Board a proposal for consideration of a mixed use Planned Unit Development (PUD) on a 59 acre lot located on St Rt. 14 in the Town of Geneva west of Big aLiCe Brewery. Public Hearing will be held February 8, 2022 at 6:00 pm at the Town Hall 3750 County Road 6, Geneva, NY 14456
3. **Gratitudes.** The supervisor was grateful that Councilmember Robert McCarthy agreed to be the Deputy Supervisor, and town crews have kept our roads clear of snow and ice.
4. **Approval of the minutes:** Approval of the minutes of the Special year end Town Board meeting of December 20, 2021. 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. CEO told the board the yearend report will be given to them at the February meeting.
The Board acknowledges receipt.
7. **Highway Superintendent's Report:**
Questions, comments. Discussed New Loader for 2022 the board agreed on a 2019 to order and be in the year 2022 budget.
The Board acknowledges receipt.
8. **Water & Sewer Superintendent's Report:**
Questions, comments.
The Board acknowledges receipt.
9. **Supervisor's report of finances for the previous month**
Questions, comments.
The Board acknowledges receipt.
10. **2022 RESOLUTION NO. 16-2022-** Approving Abstracts, Bills for Payment and Prepaid Bills for November and December. 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 -2022

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-001, January 2022, vouchers 0001-0091, \$393,011.57 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on January 11, 2022. Unanimously approved.

Date: January 11, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

11. **2022 RESOLUTION NO. 17-2022** – Resolution introducing a Local Law and calling a Public Hearing: for a **proposed Local Law No. 1 of 2022 Entitled, "A Local Law to override the tax levy limit established in General Municipal Law § 3-c."** Motion to approve made by Councilmember Wilber, second by Councilmember Aliperti.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 17 -2022**

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 8, 2022, 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 11, 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>

Date: January 11, 2022

Lorrie S. Naegele
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
City
Town of Geneva
Village

Local Law No. 1 of the year 2022

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 2023 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 2023 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 8th day of February, 2022, 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 2023 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

12. 2022 RESOLUTION NO. 18-2022- Approving Audit Services by Allied CPAs, PC. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 18 -2022**

Whereas Allied CPAs, PC has for the past few years 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 2022 at the about same rate as in 2021 (maximum total \$5,750), which amount is covered in the town budget (\$6,000 budgeted); now therefore, it is

RESOLVED the supervisor may sign the December 20, 2021 engagement letters for audit and review services by Allied CPAs, PC.

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 11, 2022. Unanimously approved.

Date: January 11, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

13. 2022 RESOLUTION NO. 19-2022- Approving Proposal for Community Development Block Grant Administrative Services. Motion to approve made by Councilmember Dunham, second by Councilmember McCarthy.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 19 -2022**

Whereas the Town of Geneva is the recipient of a Community Development Block Grant (CDBG), to assist with the move of Real Eats America, Inc. to the Town, under an agreement with the Housing Trust Fund Corporation, facilitated by the Office of Community Renewal; and

Whereas the award includes \$16,000.00 for program delivery and grant administration; and

Whereas the Town desires assistance with program delivery and grant administration, and duly advertised for proposals for assistance, with a deadline of December 30, 2021 for proposals to be submitted to the Town; and

Whereas the Town received three proposals, from H. Sicherman & Company, Inc. (Sicherman), MRB Group, and AK Strategies; and

Whereas the three proposals were reviewed and scored by supervisor Mark Venuti and town board member Robert McCarthy, with the result being the proposal of Sicherman was the most highly scored and is recommended for approval on the basis that Sicherman (1) has the skills necessary for administration of the grant; (2) has significant experience delivering the services needed, including experience with CDBGs and the OCR; (3) has provided a schedule of costs, including hourly rates for labor and a method for calculating all other costs; (4) has provided background information on the firm and client listings and references; (5) has identified the persons who will provide services and provided their resumes; and (6) has committed that it's bill will not exceed the amount awarded for those services (unlike the other proposals); and

Whereas the Sicherman proposal received 21 out of a possible 21 points on the Request for Proposals grading sheet based on the above-cited criteria (higher than the other applicants); and

Whereas Sicherman is assisting the town with such services for the CDBG in support of CCMI, Inc.'s move to the town; and

Whereas Sicherman will submit an Agreement between it and the Town of Geneva consistent with its acceptable proposal; now therefore, it is

RESOLVED the proposal of H. Sicherman & Company, Inc. is selected as the winning proposal; and it is further

RESOLVED an agreement between the Town of Geneva and H. Sicherman & Company, Inc., for assisting the Town with the administration of the Community Development Block Grant for the benefit of Real Eats America, Inc., through the Office of Community Renewal, consistent with its proposal and its existing agreement with the town, may be signed by the Supervisor.

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 11, 2022. Unanimously approved.

Date: January 11, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

14. 2022 RESOLUTION NO. 20-2022 - Approving Amendments to the Town's Fee Schedule. Motion to approve made by Councilmember Wilber, second by Councilmember Aliperti.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 20-2022**

Whereas the Town Board has authority to establish fees and amend the fee schedule under Chapters 55 (Animals), 63 (Building Construction and Fire Prevention), 132 (Solid Waste), 161 (Water), 165 (Zoning) and A170 (Fees), by resolution of the Town Board; and Whereas the town board last amended the fee schedule by Resolution 111-2021 on December 20, 2021, but subsequently the town's Code Enforcement Officer found a few other technical errors on the schedule in need of amending; now therefore, it is

RESOLVED the Fee schedule of the Town of Geneva is amended as follows and as shown on the schedule attached and incorporated into this resolution:

102, Manufactured Home

ss 103-13C, Permit for visiting manufacture home – delete

123, Site Plan Review, change to 165-73, Site Plan Review

ss 123-6C, site plan review application, change to ss 165-75

165, Zoning

ss 165-25H, excavation permit, change to 165-29
ss 165-70B, appeal to Board of Appeals, change to 165-104
ss 165-71B, variance application, change to 165-105
ss 165-72B, special use permit application, change to 165-106
ss 165-74, amendment by petition, change to 165-111.

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 11, 2022. Unanimously approved.

Date: January 11, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

15. 2022 RESOLUTION NO. 21--2022 – Approving a Complete Streets Policy. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 21-2022**

Whereas the Town of Geneva is a Climate Smart community with a Climate Smart coordinator, and has been taking actions over the past several years that have earned the town points toward being officially certified by the New York State as a Climate Smart community, and during this time has been awarded state grants for its achievements; and

Whereas the town's 2015 Comprehensive Plan and 2017 Active Transportation Plan endorse the concept known as "complete streets," which are streets that provide a safe and attractive environment for all ages and abilities and for all forms of transportation, including auto, public transit, pedestrian and bicycle; and

Whereas the town's Sustainability Committee supports adoption of a Complete Streets policy; and

Whereas Complete Streets features vary according to the area and may not be appropriate or feasible for all streets and roads, but can include sidewalks, paved shoulders suitable for cycling, lane striping, bike lanes, share-the-road signage, crosswalks, pedestrian control signals, more vegetation to provide shade and a buffer from traffic, and green infrastructure to better manage stormwater; and

Whereas as stated in the New York State Complete Streets Act of 2011, "Complete Streets will contribute to a cleaner, greener transportation system" and "more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and auto related air pollution will be reduced;" and

Whereas stated in the New York State Complete Streets Act of 2011, "Complete Streets will contribute to a cleaner, greener transportation system" and "more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and auto related air pollutions will be reduced;" and

Whereas many studies show when roads are better designed for bicycling, walking and transit use, more people do so and reap the benefits; and

Whereas Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association, the American Public Health Association, the State of New York and many other transportation, planning and public health officials; and

Whereas by adopting a Complete Streets policy the town will continue to move toward being certified a Climate Smart community and will qualify for additional state grants that can be used toward Complete Streets projects and other initiatives that foster sustainable living in the town; now therefore, be it

RESOLVED the Town of Geneva adopts a Complete Streets policy to be implemented on existing town streets and roads and new developments where feasible and warranted; and it is further

RESOLVED, consistent with this policy, the design and construction of new and existing roads in the Town of Geneva should anticipate demand for biking, walking and other alternative modes of transportation; and it is further

RESOLVED the Town of Geneva will explore the creation, and maintenance and enhancement of existing, pedestrian, bicycle and trail connections in the town; and it is further

RESOLVED the Town of Geneva will, to the extent reasonable and affordable, view all transportation improvements as opportunities to improve safety, access and mobility for all travelers in the Town of Geneva and recognize bicycle, pedestrian and transit modes as integral elements of its transportation system; and it is further

RESOLVED the Town Board urges and expects the Town Planning Board to incorporate this Complete Streets policy into its work to the extent feasible and appropriate; and it is further

RESOLVED the Town of Geneva will measure the success of this Complete Streets policy every November at the conclusion of the road construction season, working with the Town Highway Superintendent, to review the progress of implementing Complete Streets amenities, including, but not limited to, the addition of bicycle lanes, shoulder improvements, sidewalks and intersection improvements, and plans for future such improvements.

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 11, 2022. Unanimously approved.

Date: January 11, 2022

Lorrie S. Naegele
Lorrie S. Naegele, Town Clerk

16. Shall the town board sign on to a letter to Governor Hochul urging the Seneca Meadows landfill be closed in 2025 as the current Seneca Falls local law provides (it may be repealed by the new town board)? The Board agreed and the Supervisor will sign the letter to Governor Hochul on behalf of the town board.

17. Shall the town become a member of the Cayuga Lake Watershed Intermunicipal Organization and pay dues for 2022 of \$28.00? The Board agreed to become members of the organization.

18. Discuss the issue of the City of Geneva charging town customers significantly more than city customers. The Supervisor is looking into the situation further.

19. Reports of Standing Committees

Economic Development –Next meeting January 26th

Sustainability – Meeting was January 6. Wrote a letter of support for Closed Loop Systems to get a permit to haul waste materials to the City of Geneva using small trucks. Wrote a letter to DEC opposing landfill permit request with the Greenidge Bitcoin mining operation. Discussed Complete Streets Policy.

Kashong Conservation Area – No meeting

Communication –Next meeting February 1st

Parks and Recreation – winter resting period.

Agricultural Enhancement – No meeting

20. Supervisor's Report; Special meetings and events are posted on the agenda

The town is obtaining bids for a fast-charge electric vehicle charging station for the town hall parking lot and will be looking to purchase an electric vehicle for the code enforcement officer this year – it has been budgeted for.

We have placed \$500,000.00 in another one-year Certificate of Deposit in the Bank of the Finger Lakes that will earn 0.4% interest, which is not much but more than the zero it earns in the town's checking account.

21. Old Business. Councilmember McCarthy asked about the Rail Road Law suit against the town of Geneva and a few others.. The RR failed to apply for its exemption so they lost it for one year. They have since applied and are now getting the exemption again, but have appealed the lost year.

22. New Business. Code Enforcement Officer reported the Boys and Girls Club at the Geneva Community Center has passed their yearly safety inspection in good shape.

23. Privilege of the floor. Carol Higgins asked if the board could use microphones because it is hard to hear what the board is saying because of the masks they are wearing. The board will use the microphones from now on.

24. Adjourn: Motion to adjourn made by Councilmember Dunham, second by Councilmember Aliperti. Unanimously approved.
Time 6:56 p.m.

Respectfully, Lorrie S. Naegele, Town Clerk