

AGENDA
TOWN OF GENEVA
PUBLIC HEARING for LOCAL LAW 1-2021 TAX LEVEY
REGULAR TOWN BOARD MEETING
February 9, 2021

Join Zoom Meeting
<https://us02web.zoom.us/j/83837210191>

Meeting ID: 838 3721 0191
One tap mobile
+16465588656,,83837210191# US (New York)

Dial by your location
+1 646 558 8656 US (New York)
Meeting ID: 838 3721 0191

Find your local number: <https://us02web.zoom.us/j/83837210191>

1. **Call to order-** 6:00 pm the Public Hearing Proposed Local Law: A local law "**Introducing a Local Law to override the tax levy limit established in General Municipal Law §3-c.**"

Public Comments-
Written Comments
Close Public Hearing-

Time: _____ p.m.

2. **Call to order:** The Regular Town Board Meeting. Flag salute/opening led by Councilmember Bob McCarthy

3. **Privilege of the floor.**

4. **Gratitudes.**

5. **Approval of the minutes:** Approval of the minutes of the Public Hearing on Submitting a Community Development Block Grant Application of the Town Board of January 12, 2021.

Motion _____ Second _____

6. **Approval of the minutes:** Approval of the minutes of the Organizational Meeting of the Town Board of January 12, 2021.

Motion _____ Second _____

7. **Approval of the minutes:** Approval of the Regular Meeting of the Town Board of January 12, 2021.

Motion _____ Second _____

8. **Town Clerk's report.**

Questions, comments.
The Board acknowledges receipt.

9. **Code Enforcement Officer's report.**

Questions, comments.
The Board acknowledges receipt.

10. **Highway Superintendent's Report:**

Questions, comments.
The Board acknowledges receipt.

11. **Water & Sewer Superintendent's Report:**

Questions, comments.
The Board acknowledges receipt.

12. **Supervisor's report of finances for the previous month**

Questions, comments.
The Board acknowledges receipt.

13. **RESOLUTION NO. 26-2021-** Approving Abstracts, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 26 -2021**

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.

14. RESOLUTION NO. 27-2021 – Authorizing adoption of Local Law 1-2021 to override the tax levy limit.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 27 -2021**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD
OF THE TOWN OF GENEVA OF LOCAL LAW NO. 1 OF 2021**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on February 9, 2021, at 6:00 p.m. by the interactive Zoom program, the supervisor 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 January 29th, 2021, 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 9th, 2021, at 6:00 p.m. by the interactive Zoom program, the supervisor 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 2021, 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 9, 2021, by the following vote:

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

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

SEAL

SEAL

15. RESOLUTION NO. 28-2021- Approving the special districts and/or fire protection districts set forth in the Schedule

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD**

RESOLUTION NO. 28 -2021

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 2022 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 2022 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 9, 2021, by the following vote:

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

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

16. RESOLUTION NO. 29-2021- Approving Renewal of a Bond Anticipation Note.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 29-2021**

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, 2021, at which time \$36,656.91, 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 \$4,545.00 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, \$32,111.91, plus interest, due in one year.

17. RESOLUTION NO. 30-2021- Establishing Intent to Continue Community Choice Aggregation Program, and Incorporating Opt-Out Community Distributed Generation.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 30 -2021**

WHEREAS the Town of Geneva wishes to maintain control of sourcing electricity supply, reduce electricity costs, access 100% renewable sources of electricity and catalyze the development of renewable power plants in New York; and

WHEREAS on August 8, 2017 the Town of Geneva enacted Local No. 2 of 2017, "To Establish a Community Choice Aggregation Program in the Town of Geneva", enabling a Community Choice Aggregation Program (CCA); and

WHEREAS on September 12, 2017, the Town engaged the services of Joule Assets, Inc. (“**Joule**”) as CCA Program Administrator for the Municipal Program; and

WHEREAS the Town entered into an Electricity Supply Agreement to provide 100% renewable electricity supply to eligible residents and small businesses who did not opt-out from July 1, 2019 through July 1, 2021; and

WHEREAS the Town intends to continue the CCA Program and access additional benefits for eligible residents and small businesses by continuing to offer electricity supply and in addition incorporating an Opt-out Community Distributed Generation (“**Opt-out CDG**”) offering; and

WHEREAS Opt-out CDG offers guaranteed savings on electricity bills and supports the local development of solar projects through an agreement with a CDG project developer/owner (“**CDG Sponsor**”); and

WHEREAS a CCA Program incorporating electricity supply and Opt-out CDG will maximize the financial and environmental benefits to participating residents and small businesses; and

WHEREAS the Town seeks to obtain competitive bids from electricity suppliers (each a “**Supplier**”) pursuant to a request for proposal (the “**Supply RFP**”), that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Town and Joule that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Municipal Program; and

WHEREAS the Electricity Supply Agreement (in the form attached hereto), has been reviewed and approved for form by the Town Attorney, and has been deemed to provide benefits, adequate protections, and minimize risk to the Town; now therefore, be it

RESOLVED that the Town Board authorizes Joule to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and term parameters, and Supplier’s acceptance of all material terms of the Electricity Supply Agreement; and be it further

RESOLVED that the Town Board approves the Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit A, such form to be included in the Supply RFP; and be it further

RESOLVED that Joule in its role as Administrator for the CCA Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town; provided however, that the Town will, through the Supervisor, make the final award decision; and be it further

RESOLVED that subject to the conditions that the awarded Supplier has been prequalified as required by Joule and that the awarded bid meets the specifications established in the Supply RFP, the Supervisor is authorized to execute an Electricity Supply Agreement on behalf of the Town in substantially the form attached hereto with the awarded Supplier and Joule in a timely fashion; provided, however, that the Town is under no obligation to award the Supply RFP for any bid that fails to meet the specifications established in the Supply RFP, and the Town is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement are not met; and be it further

RESOLVED that the Town authorizes Joule to prepare and include the Town of Geneva in an Opt-out CDG Implementation Plan for submission to and approval from the New York State Department of Public Service; and be it further

RESOLVED that the Town authorizes Joule to enter into negotiations on the Town’s behalf with Utility and CDG Sponsor(s) for incorporation of Opt-out CDG into the existing CCA Program; and be it further

RESOLVED that the Supervisor is authorized to enter into agreements on behalf of the Town in relation to Opt-out CDG consistent with this resolution.

18. RESOLUTION NO. 31--2021: --Closing Completed Capital Project Accounts.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 31-2021**

Whereas accounts were established for certain capital and other projects that have been completed and can be closed, and, where applicable, remaining funds transferred to other accounts; now therefore, it is

RESOLVED the accounts entitled “Farmland Protection,” “Modify District 12,” “Kashong Water Supply Improvement,” “Water District 12 Transmission,” “Salt Storage Shed,” and “Water District 6” may be closed and terminated; and it is further

RESOLVED the \$1,744.47 in the Farmland Protection account may be transferred to Storm Water, Water Pollution Prevention account, and the \$1,407.36 in Modify District 12 shall be added to the amount paid this year against the Bond Anticipation Note for payment of the improvements for that project.

19. 2021 RESOLUTION NO. 32-2021- Supporting Town of Seneca Falls in Local Law Prohibiting Landfilling after 2025.

Motion _____

Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 32-2021**

Whereas the Town of Seneca Falls, where the Seneca Meadows landfill, the largest in the state, is located, passed Local Law 3 on October 28, 2018, prohibiting active landfill activities in the town after 2025; and

Whereas the Town of Geneva is negatively impacted by the Seneca Meadows landfill, by trash trucks that come through the town to and from the landfill, and by gas and offensive odors from the landfill that at times reach the town; and

Whereas it is the policy of the Town of Geneva to support and encourage reuse, recycling and reduction practices that reduce the need for waste disposal, and expanding area landfills is contrary to that policy; and

Whereas the Ontario County landfill is scheduled to close at the end of 2028, which the Town of Geneva supports as consistent with its policies and long-term health; and

Whereas, despite landfilling after 2025 being prohibited by local law after 2025, the owner of the Seneca Meadows landfill applied to the NYS Department of Environmental Conservation (DEC) in 2020 for a permit to expand its landfill area to allow for landfilling for fifteen years past 2025; now therefore it is

RESOLVED the Town Board of the Town of Geneva expresses its support for local control of land use regarding landfilling and waste that comes from outside of the area, expresses its support for the Town Board of the Town of Seneca Falls in implementing and enforcing Local Law 3 of 2018, and calls on the DEC to deny the permit request of Seneca Meadows, Inc. for any expansion or landfilling activities beyond the time allowed by Local Law 3 of 2018.

20. Reports of Standing Committees

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Parks and Recreation –

Agricultural Enhancement –

21. Supervisor’s Report:

Department heads, committee chairs, submit articles for the next Town Times to Amy by March 1.

A study is underway to investigate the suitability and feasibility of creating the Finger Lakes National Heritage Area that would encompass the Town and surrounding counties. Having a national heritage area designation makes the area qualified for federal funding and other benefits. The Erie Canal, Niagara Falls, the Hudson River basin are existing areas in NYS. There will be presentations on this in the coming months.

The town and the city have reached tentative terms on the cost for 2021 of waste water treatment from the town in the city plant, subject to a written agreement with additional terms still being worked on. Below shows the percentages the town has paid of city sewer budget items and the new tentative agreement:

	<u>2020</u>	<u>2021</u>
Sewer Maintenance Costs:	7%	9%
Wastewater Treatment Costs	12.5%	14%
Debt Service	15%	14%
Other Associated Costs	12.5%	14%

The increases are based on evidence the town’s flow to the treatment plant in 2019 was approximately 14% of the total flow.

Selected Meetings and Events

January 15 – Ted Baker radio show on town topics.

January 19 – County Planning and Environmental Quality Committee meeting

January 20 – County Public Safety Committee meeting

County Soil and Water Conservation District Board of Directors meeting

January 21 – Conference with city officials on town agreement for waste water treatment

Town Safety and Fire Protection Committee meeting

January 22 – Geneva 2030 Executive Board meeting

January 25 – Funding options from County landfill payments meeting

January 26 – Community Choice Aggregation and Community Distributed Generation programs for electric supply meeting

January 27 – Town water plant improvement project meeting

Town Economic Development committee meeting

January 28 – County Planning and Environmental Quality Committee meeting

County Board of Supervisors meeting

Seneca Watershed Intermunicipal Organization meeting

January 29 – Seneca Watershed Intermunicipal Organization committee on funding meeting

February 2 – Town Communication committee meeting

February 4 – Nine Element Watershed Plan executive committee meeting

February 8 – County Planning and Environmental Quality Committee meeting

February 9 – Meeting with school Superintendent and city manager

22. Old Business.

23. New Business.

24. Privilege of the floor.

25. Adjourn: Time _____

Motion _____ Second _____