

AGENDA
TOWN OF GENEVA
REGULAR TOWN BOARD MEETING
March 9, 2021
6:00 p.m.

Join Zoom Meeting
<https://us02web.zoom.us/j/87852443951>

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1. **Call to order:** The Regular Town Board Meeting. Flag salute/opening led by Councilmember Mark Palmieri

2. **Privilege of the floor.**

3. **Gratitudes.**

4. **Approval of the minutes:** Approval of the minutes of 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."

Motion _____ Second _____

5. **Approval of the minutes:** Approval of the Regular Meeting of the Town Board of February 9, 2021.

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 for the previous month**

Questions, comments.
The Board acknowledges receipt.

11. **RESOLUTION NO. 33-2021-** Approving Abstracts, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 33 -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.

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

**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 in 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.

13. RESOLUTION NO. 34-2021- Accepting Review of Town Justices Records for 2020

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 34-2021**

Whereas the Town's independent accountants, Allied CPAs, PC, have reviewed the financial data and records of the Town Justices for the period January 1, 2020 through December 31, 2020, and have submitted a report to the Town dated January 22, 2021; now therefore it is

RESOLVED the January 22, 2021 report of Allied CPAs, PC of the financial data and records of the Town Justices for the period January 1, 2020 through December 31, 2020 is accepted, and the Justices are advised to address the items noted in the report as exceptions to the agreed-upon procedures.

14. RESOLUTION NO. 35-2021- Accepting Review of Town Clerk's Records for 2020.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 35 -2021**

Whereas the Town's independent accountants, Allied CPAs, PC, have reviewed the financial data and records of the Town Clerk for the period January 1, 2020 through December 31, 2020, and have submitted a report to the Town dated January 22, 2021; now therefore it is

RESOLVED the January 22, 2021 report of Allied CPAs, PC, of the financial data and records of the Town Clerk for the period January 1, 2020 through December 31, 2020 is accepted.

15. RESOLUTION NO. 36-2021- Accepting Review of Town Records for 2020 for Submission of Annual Update Document.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 36 -2021**

Whereas the Town's independent accountants, Allied CPAs, PC, have reviewed the financial data and records of the Town for the period January 1, 2020 through December 31, 2020 as part of assisting the Town in filing its Annual Financial Report Update Document with the NYS Comptroller, and have submitted a report to the Town dated February 3, 2021; now therefore it is

RESOLVED the February 3, 2021 report of Allied CPAs, PC, of the financial data and records of the Town for the period January 1, 2020 through December 31, 2020 is accepted.

16. RESOLUTION NO. 37--2021: – Approving Public Health Emergency Pandemic Plan.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 37-2021**

Whereas under New York State law, S8617B/A10832, the Town of Geneva is required to establish and approve a Public Health Emergency Pandemic Plan; and

Whereas a Plan has been prepared, led by Council Member Mark Palmieri, and reviewed and approved by the union representing certain town employees, Town of Geneva Employees Unit #7856-00, Ontario County Local 835, CSEA, Local 1000 AFSCME, AFL-CIO, which is attached to this agenda; now therefore, it is

RESOLVED, the Town of Geneva Public Health Emergency Pandemic Plan is approved and may be signed by the Supervisor.

17. RESOLUTION NO. 38-2021- Approving Agreement for Commercial Properties Valuation with Larry Fitts.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 38-2021**

Whereas the Town of Geneva is conducting a revaluation of property in 2021 for the 2022 tax roll; and

Whereas the Town Assessor needs the assistance of an appraiser qualified to value commercial properties, and recommends Larry Fitts, d/b/a Fitts Appraisal Company, of Homer, NY, as qualified and willing to provide this assistance; and

Whereas Larry Fitts has submitted a Municipal Appraisal Agreement to the Town that provides he will complete a valuation review of all commercial properties in the Town for a base fee of \$10,000.00, which is only \$500.00 more than the fee charged by the commercial appraiser used by the town in 2018; now therefore, it is

RESOLVED, the Municipal Appraisal Agreement with Larry Fitts is approved and may be signed by the Supervisor.

18. RESOLUTION NO. 39-2021- Authorizing Conservation Kick Program of the Great Lakes Commission.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 39-2021**

Whereas the Town of Geneva supports town farmers in implementing best management practices that control storm-water runoff through efforts of its Agricultural Enhancement Committee and as a member of the Seneca Watershed Intermunicipal Organization; and

Whereas the Town established a dedicated fund for storm-water control and water pollution prevention by Resolution 96 of 2020; and

Whereas the Great Lakes Commission has established a program called Conservation Kick in which it will work with municipalities and other entities to establish contracts with farmers that compensate the farmer for implementing specific best management practices that reduce nitrogen run-off, which is a nutrient that likely contributes to harmful algal blooms and other negative impacts on Seneca Lake; and

Whereas the Great Lakes Commission will contribute \$10,000.00 to the first five entities that participate in the program, that must be matched by \$10,000.00 from the participating entity; and

Whereas the Town has in its dedicated fund more than the \$10,000.00 match that would be needed if the town qualifies as one of the first five in the program; now therefore, it is

RESOLVED, the Town is interested in participating in the Conservation Kick program of the Great Lakes Commission and the supervisor is authorized to pursue Town involvement.

19. RESOLUTION NO. 40-2021- Authorizing Grant Application to Study a Phosphorous Removal Technology.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 40-2021**

Whereas phosphorous is implicated as a cause or factor in the proliferation of harmful algal blooms in Seneca Lake; and

Whereas many Town and area farms use tile drainage, and capturing storm-water flows, containing phosphorous, among other things, and reducing phosphorous run-off is difficult using standard best management practices; and

Whereas the Seneca Watershed Steward, Ian Smith, has prepared an application for a \$23,000.00 grant to the Great Lakes Research Center that will be used to study the efficacy of biochar as an agent for removing phosphorous from water run-off; and

Whereas Ian Smith, as staff of the Seneca Watershed Intermunicipal Organization (SWIO), which the Town of Geneva is a member of and supervisor Mark Venuti chairs, will be the lead investigator, assisted by the Finger Lakes Institute and others, but SWIO is not an incorporated entity, so a sponsor like the Town is needed; and

Whereas there will be no cost to the Town of sponsoring the application, no local matching funds are required, and there is no monetary obligation for the Town in the study; now therefore, it is

RESOLVED the Town of Geneva may sponsor the application for a grant from the Great Lakes Research Center to study a phosphorous removal technology, and the supervisor may sign the application and provide other assistance during the course of the study if the grant is awarded.

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

Motion _____ Second _____

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

Whereas at its February 9, 2021 town board meeting the town board approved the renewal of the Bond Anticipation Note originally dated March 3, 2005 with Five Star Bank, now with Bank of the Finger Lakes, for financing improvements to the Kashong Point Water

Supply Facility, but the resolution erroneously stated the outstanding balance was \$36,656.91, when it was \$41,201.91, making this revised resolution necessary, as follows:

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 \$41,201.91, 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, \$36,656.91, plus interest, due in one year.

21. RESOLUTION NO. 41-2021- Authorizing North Side Fire Co., Inc. to Provide Emergency Medical Services.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 41-2021**

Whereas the agreements between the Town of Geneva and the independent corporations that provide fire protection and emergency services to the Town require these companies to provide emergency services in case of accidents or other emergencies; and

Whereas White Springs Fire Association, Inc., and West Lake Road Fire Association, Inc. have been authorized by the Town to provide emergency medical services, and have qualified members who provide them when possible and appropriate; and

Whereas North Side Fire Co., Inc. has not been so authorized but wishes to be, and has trained members qualified to provide such services, and the necessary equipment, but the Town must submit a letter to the NYS Department of Health authorizing this; and

Whereas the Town's liability insurance agent has been consulted and advises this will not expose the Town to any additional liability; now therefore, it is

RESOLVED North Side Fire Co., Inc. is granted operational authority to provide emergency medical care through trained and qualified members, and with appropriate equipment, and the supervisor is authorized to send the required letter to the Department of Health.

22. RESOLUTION NO. 42-2021- Authorizing Contract with Cornell for the Seneca Lake Watershed Nine-Element Plan.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 42-2021**

Whereas the Town of Geneva is the sponsoring agency with a grant from the NYS Department of State (DOS) for the preparation of the Seneca Lake Watershed Nine-Element Plan; and

Whereas one part of the plan is a survey of the codes of the municipalities in the watershed as they affect water quality, and a Cornell University professor has proposed to prepare this part of the plan at a cost of \$3,370.19, using students from one of his classes; and

Whereas this cost will be funded by the DOS grant, not by Town funds; now therefore, it is

RESOLVED, the Professional Services Contract between the Town of Geneva and Cornell University for the municipal codes survey for the Seneca Lake Watershed Nine-Element Plan, covered by the DOS grant, is approved and may be signed by the supervisor.

23. Reports of Standing Committees

- Economic Development –
- Sustainability –
- Kashong Conservation Area -
- Communication –
- Parks and Recreation –
- Agricultural Enhancement –

24. Supervisor's Report:

Sunday, August 8, 8:00 am to 11:00 am, the county will hold a tire recycling event at the town Recycling and Disposal Station. We need a couple of volunteers to assist that morning - let the supervisor know if you are able to help.

The strategic plan for the County Department of Sustainability and Solid Waste Management has been prepared and we hope will lead us over the next several years to reducing what is landfilled in preparation for closing the landfill at the end of 2028.

The Ontario County Sheriff's Office with the assistance of many others has prepared its police reinvention plan as required by NYS.

Selected Meetings and Events

February 10 – County Public Safety Committee meeting

February 11 – Meeting with representatives of North Side Fire Co.

February 15 – Meeting of Town Agricultural Enhancement Committee

February 16 – Meeting of Friends of Castle Creek Greenway

February 17 – Meeting of Seneca Watershed Intermunicipal Organization funding group

Ontario County Soil and Water Conservation District board meeting

February 18 – Geneva 2030 executive board meeting

Ontario County Board of Supervisors meeting

February 19 – Great Lakes Commission meeting re Conservation Kick program

March 1 – County Planning and Environmental Quality Committee meeting

March 3 – County Public Safety Committee meeting

March 4 – Seneca Watershed Nine-Element Plan executive group meeting

Town Sustainability Committee meeting

March 9 – Seneca Watershed Intermunicipal Organization funding meeting

25. Old Business.

26. New Business.

27. Privilege of the floor.

28. Adjourn: Time _____